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OF THE

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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, SECOND SESSION.

SENATE.

TUESDAY, *January 9, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee, who art the author and source of truth. We have found from Divine revelation that truth takes no rise from outward things, but lies in fullness within us. Yet only Thy grace can refine and purify the spirit to know the sources of truth, to measure its force, and to give it application to the affairs and circumstance of life. We come before Thee that Thou wilt touch us, refining our spirit, that we may know the course that Thou wouldst lead us, the way that Thou wouldst guide, that in all the affairs of our lives we may be governed by Thine unerring counsel, and that the outcome of our deliberations and of our action may redound to the glory of Thy name and the betterment of mankind. For Christ's sake. Amen.

ROBERT F. BROUSSARD, a Senator from the State of Louisiana, and HENRY L. MYERS, a Senator from the State of Montana, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

ELECTORAL VOTES.

The PRESIDENT pro tempore. The Chair lays before the Senate communications from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of the final ascertainment of electors for President and Vice President of the United States chosen at the election on the 7th day of November, 1916, in the States of Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida and corrections, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin and correction. The communications and accompanying papers will be placed on the files of the Senate.

IMPORTATION OF CONVICT-MADE GOODS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting in response to a resolution of May 23, 1914, certain information concerning commodities the importation of which would be affected by the enactment of legislation to regulate the interstate commerce of convict-made goods. The communication and accompanying papers will be referred to the Committee on Printing for action.

SECOND PAN AMERICAN FINANCIAL CONFERENCE (S. DOC. NO. 671).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation of $50,000, for inclusion in the Diplomatic and Consular appropriation bill, authorizing the President to extend to the Governments of Central and South America an invitation to be represented by their ministers of finance and leading bankers in the Second Pan American Financial Conference in the city of Washington, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SIOUX INDIAN SCHOOLS (S. DOC. NO. 670).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the investigation directed by the Secretary of the Interior as to the probable cost of providing on the various Sioux Indian Reservations adequate school facilities for the children of the Sioux Tribes who are now without Government or public-school facilities, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. E. Taylor, jr., one of its clerks, announced that the House insists upon its amendments to the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress.

SENATOR FROM NEBRASKA.

Mr. NORRIS. I present the certificate of election of my colleague [Mr. HITCHCOCK] to this body and ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The credentials were read and ordered to be placed on file as follows:

EXECUTIVE OFFICE,
LINCOLN, NEBR.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, GILBERT M. HITCHCOCK was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States, for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, Keith Neville, and our seal hereto affixed at Lincoln, this 4th day of January in the year of our Lord 1917.

By the governor:
[SEAL.]

KEITH NEVILLE,
Governor.

Attest:

CHARLES W. POOL,
Secretary of State.

SENATOR FROM NORTH DAKOTA.

Mr. GRONNA. I present the credentials of my colleague [Mr. MCCUMBER] and ask that they be read and placed on the files of the Senate.

The PRESIDENT pro tempore. That action will be taken. The Secretary will read the credentials.

The Secretary read as follows:

CERTIFICATE OF ELECTION.

STATE OF NORTH DAKOTA, BISMARCK.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, A. D. 1916, PORTER J. MCCUMBER was duly chosen by the qualified electors of the State of North Dakota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, Louis B. Hanna, and our seal hereto affixed at Bismarck, N. Dak., this 5th day of December, in the year of our Lord 1916.

[SEAL.]

L. B. HANNA,
Governor.

THOMAS HALL,
Secretary of State.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Northeastern Saengerbund of Washington, D. C., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. LODGE. I present a petition signed by a large number of employees of the customs district of Massachusetts praying for an increase in their salaries and also for the enactment of legislation providing an equitable system of retirement. The petition is very brief and I ask that it be printed in the RECORD without the signatures and referred to the Committee on Appropriations.

There being no objection, the petition was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

We, the undersigned employees of the customs district of Massachusetts, do respectfully petition your honorable body to enact into law an equitable system of retirement, and to grant an increase of salary in accordance with the following graduated scale:

Employees receiving salaries of less than $1,000 per annum, an increase of 33⅓ per cent.

Employees receiving salaries of $1,000 or more, but less than $1,500 per annum, an increase of 25 per cent.

Employees receiving salaries of $1,500 or more, but less than $2,000 per annum, an increase of 20 per cent.

Employees receiving salaries of $2,000 or more, but less than $2,500 per annum, an increase of 15 per cent.

Employees receiving salaries of $2,500 or more, an increase of 10 per cent.

We are moved to make this petition because of the constantly increasing cost of the necessities of life, and the fact that there has been no general advance in the pay of the Government employees for many years.

Employees in commercial life have bountifully received of the extraordinary prosperity with which our country has been blessed during the present administration. Increases in wages of from 5 per cent to 30 per cent and equitable pension systems for aged employees are a matter of daily record in the newspapers.

To the great body of Government employees the purchasing power of whose salaries has been gradually diminishing, it has been a period of hardship rather than of good times.

Worry incidental to the inadequacy of salaries to meet living expenses and to provide for sickness and old age impairs efficiency; therefore your petitioners firmly believe that it is not only an act of justice but sound economic policy to pay adequate salaries and make reasonable provisions for the pensioning of aged employees.

Recognizing it not only as an act of justice, but considering it to be for their own best interest, practically all the nations of the civilized world are pensioning their aged employees. Is it too much, therefore, to expect that the United States, the richest and most advanced among the nations, should adopt some adequate system of retirement for superannuated employees?

Mr. PENROSE presented a petition of Captain Charles D. Gridley Garrison, No. 4, Army and Navy Union, of Erie, Pa., praying for the enactment of legislation for the relief of the survivors of McLean's Pennsylvania regiment and their widows and children, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented a memorial of Local Union No. 40, International Union of United Brewery Workmen, of Bridgeport, Conn., and a memorial of Cigarmakers' Local Union, of Ansonia, Conn., remonstrating against national prohibition, which were ordered to lie on the table.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the enactment of legislation to prohibit the transmission of liquor advertisements through the mails, which was ordered to lie on the table.

Mr. ASHURST. I present a petition of the Tucson Luncheon and Advertising Club, of Arizona, praying for the enactment of a universal compulsory military training law. I ask that the petition be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas the public declarations of the Chief of Staff of the Army of the United States of America have indicated the failure of our present system of voluntary military training and the necessity for a system of universal military education; and

Whereas his utterances have the indorsement of his associates on the General Staff of the Army; and

Whereas it is the opinion of the members of this club that the recommendations of these experts should be given full effect by the Congress of the United States, and that in a democracy such as ours equal rights should impose equal obligations: Therefore be it

Resolved, That this organization indorse the plan of universal compulsory military education and training and respectfully request its Congressmen to do all in their power to secure the passage of such measure or measures as will put this system in force, and that this organization further request its Congressmen to inform it of their attitude toward this question.

TUCSON LUNCHEON AND ADVERTISING CLUB,
By L. H. HOFMEISTER, *President*.
H. R. HEIGHTON, *Secretary*.

Adopted December 29, 1916.

Mr. PHELAN presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the proposed repeal of the national bankruptcy act, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Chamber of Commerce of Sacramento, Cal., praying for the enactment of legislation to provide 1-cent letter postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

NAVAL OIL SUPPLY.

Mr. THOMAS. Mr. President, on Sunday morning an article appeared in the Washington Post referring to a letter written by the Secretary of the Navy to the chairman of the Senate Naval Committee urging that committee to defeat the so-called compromise legislation designed to give claimants a small percentage of the naval petroleum reserve in California and Wyoming.

Mr. GALLINGER. Mr. President, I trust there may be order, so that the Senator from Colorado may be heard.

The PRESIDENT pro tempore. The Senator will suspend for a moment. The Senate will be in order.

Mr. GALLINGER. This is an important matter, and we would like to hear it.

The PRESIDENT pro tempore. The occupants of the galleries must preserve order. The Senator from Colorado will proceed.

Mr. THOMAS. From the standpoint of the Secretary the letter was justified and of course will receive full consideration at the hands of the distinguished chairman of that committee. I had no intention at the time the article appeared of discussing the subject matter of this letter except in connection with the leasing bill when that measure was taken up for consideration. But the World of this morning contains a summary of an address delivered last evening by Mr. Gifford Pinchot before the New York Republican Club in which he is reported to have said that—

Congress is also proposing through the oil-land provisions of the Phelan amendment to turn into private hands the petroleum reserves set aside by presidential proclamation for the use of the Navy. Modern warships burn oil. As to this bill the Secretary of the Navy said that it would take away from the Government that which in time of peril might change the tide of war.

He then asked if national folly could go further.

In view of the fact that this speech is a general attack upon and an assertion of the vicious nature of certain proposed legislation now upon the Senate calendar I have determined to refer briefly to the subject at this time.

Mr. President, a prevalent notion among a great portion of the people and particularly those in the Eastern States, is that every citizen in the West who seeks to avail himself of the laws of the United States by acquiring an interest in the public domain is a law breaker, an adventurer, or a thief. Prima facie he is regarded with severe suspicion, and his actions are regarded as those of a malefactor until he is able, which is an extremely difficult thing to do in these days, to convince the powers that be to the contrary.

Now, Mr. President, the Navy of the United States and its needs is and should be a subject of prime concern to the legislator, but the rights of the private citizen and the need of extending justice and protection to him in the due exercise of them is a far greater one and one of far more pressing moment at this time.

Mr. President, I am opposed to the effort now making to convert this Government into a great landlord with our citizenship as its tenantry.

I am not in favor of the leasing bill which will soon be called up for discussion. I regard it with extreme disfavor. Ordinarily I would vote against it, but inasmuch as the very financial existence of a great many citizens who have in good faith, and in accordance with the law as they have been advised, gone upon the public domain and sought to develop its resources is in the balance, I feel constrained to cast my vote for the bill when it is finally considered. So much do I feel that the great bulk of these people have been harshly and unjustly dealt with that they need the helping hand of this Government for their protection, to the extent to which it may be grudgingly given, that they can not be reproached with lack of good faith or any desire to violate the law in the letter or in the spirit, that I do not hesitate to assert that one of the supreme requirements of the hour is to extend relief to them before the present Congress expires. So believing, I feel impelled to say that if the naval program is to become effective through legislation by this session—and I speak in my own behalf, although I believe I reflect the opinion of some of my associates—it will encounter very serious and perhaps insuperable difficulties if the right of these people to relief is not respected. This right shall not, if I can help it, be sacrificed to what I consider a subject of less importance.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. Yes; I yield.

Mr. GALLINGER. Mr. President, some of us who reside in the far East and who have not very accurate knowledge concerning these matters that our western friends are greatly interested in feel a great deal of doubt as to the great questions that are to come before the Senate. I will venture to ask my learned friend from Colorado if all efforts have been exerted

to bring about a compromise understanding between the Navy Department and the citizen as to the questions that will be involved in this bill?

Mr. THOMAS. Yes; Mr. President, I think that all possible efforts have been resorted to and have been exhausted.

Mr. GALLINGER. And have failed?

Mr. THOMAS. And have failed with that department. It remains obdurate, and so we shall have to be.

Now, let me say, Mr. President, that this entire subject is within the jurisdiction of the Department of the Interior. The Department of the Interior is satisfied, not entirely so but as a compromise is satisfied, with the amendments which the Committee on Public Lands considered and which were recently reported by the Senator from California [Mr. PHELAN]. In fact, they are much more satisfactory to that department than they are to some members of the committee, myself included.

Indeed, Mr. President, a remarkable anomaly in public administration is presented by this unnatural situation. The Navy Department intruded itself into the land administration, and the resulting confusion was inevitable.

Mr. WORKS. Mr. President——

Mr. THOMAS. I will yield in just a moment. I have the right to complain of it. Doubtless the purpose of it is legitimate, and I know that the intentions of the Secretary of the Navy are of the best. He seeks to discharge his duties and his obligations as he sees them and as he is advised by the Attorney General. But that does not help the situation. Let me state an instance which indicates what injustice flows from the action of the Navy Department with regard to this proposition. I may say in passing that there is plenty of oil in the country for the Navy and for those who are entitled to the oil they have discovered, to which they have a lawful right of possession, which they have sought to obtain by proper and legitimate location. The Honolulu Oil Co. has expended millions of dollars in the perfectly legitimate exploitation of some of this land. It made application for a patent. Its papers have been subjected to the most rigid scrutiny. The Interior Department went over them microscopically, and after a long, exhaustive, and complete investigation of its claims passed the papers for patent; whereupon, at the request of the Attorney General and the Secretary of the Navy, the patents were held up, and since that time these two great departments of the Government have interfered successfully to prevent this company from securing its lawful property. Consequently, although these people are entitled to their patents, having complied with every possible requirement of the law, having satisfied the one department of the country which has and ought to have sole jurisdiction of the subject, are even more helpless and more distantly removed from their title than when they made application. And there are other instances. These things appeal to us, Mr. President, and we believe that justice, fairness, and common decency require us to assert and apply the existing law for the benefit of those who have acted under it and are paramount to every other consideration just now. Beside it even the Navy bill is of secondary importance.

Mr. Pinchot goes on——

Mr. SMOOT. Before the Senator proceeds with that I should like to ask him a question. Is it because of the relief provision that is in the bill the Senator is going to vote for the bill on its final passage?

Mr. THOMAS. Entirely. Were it not for that I would vote against it.

Mr. SMOOT. I was very much surprised to hear the Senator say that he is going to vote for the bill.

Mr. THOMAS. I shall vote for the bill only as a dernier ressort. I want to vote for these amendments independently of the bill, and hope I may be able to do so.

Mr. SMOOT. The Senator, then, does not wish the Senate to understand that he is in favor of the leasing system?

Mr. THOMAS. By no means.

Mr. SMOOT. The only reason he will vote for the bill is because of the relief provision in it?

Mr. THOMAS. The sole reason, because in the discharge of my duty as a Senator I believe I should do justice to these suffering people, and this bill is the only possible measure of relief.

Mr. SMOOT. I wish to say, as far as I am concerned, that I have great sympathy for the few people asking relief, but I think there would be more harm done to the citizens of the United States by ingrafting in our laws a provision that would make the Government of the United States a landlord and a leaser of the public domain, instead of the people owning the lands themselves and the people developing them, than if we failed at the present time to grant the relief provided for it in the bill, because I believe that relief should come by special legislation rather than to have it pass upon that bill.

Mr. THOMAS. I share very largely in the view of the Senator, as he knows. But in discussing this and other bills designed for the relief of the western people Mr. Pinchot last night said:

For the second time within five years the Old Guard has cost the Republican Party a national election.

Mr. President, that may be true. I am not within the inner councils of the Republican Party; consequently I am not able either to affirm or disaffirm that statement; but I think I know something of the effect upon the western electorate of Mr. Pinchot's support of the Republican ticket, where he surely, albeit unintentionally, was the Old Guard's accessory before the fact. Mr. Pinchot is a most excellent gentleman; he is a man of high character, of earnestness and sincerity, but with conservation he is obsessed. Although repudiated by his society, he seems to regard it as the summum bonum of all things; but it is not so regarded in the West. When Mr. Pinchot announced his support of the Republican nominee, and when the Republican committee permitted him to circulate his letter giving his reasons therefor, with his picture at the top or in the center of it, the heart of western Democracy beat high with joy. The conviction in my section of the country at once arose that, in the event of the success of Mr. Hughes, who was supported by Mr. Roosevelt, Mr. Pinchot or Mr. Garfield would probably be called to administer the affairs of the Interior or Agricultural Department or both. As Democrats we utilized that situation to the best of our ability; and I want here to say that it gave us thousands of votes in the State of Colorado, and, I think, in other public-land States which otherwise might have gone elsewhere.

There were other elements supporting the Republican ticket which were equally beneficial to us. The Senate knows what I mean. I shall not refer to them specifically now. I may do so on some other occasion; but if it be true that the Old Guard for the second time within five years cost the Republican Party a national election, it is equally true that Mr. Pinchot and his prominence as a supporter of the ticket of the Old Guard contributed most powerfully and beneficially to that most fortunate result.

I mention this, Mr. President, merely to emphasize what I am contending for, that the public sentiment in the Rocky Mountain region upon this vital subject is stronger than partisanship, a fact which my party must recognize and heed if it is wise. That section believes itself to be the stepchild of the Nation, and that the largess of the Government, extended to all the land in times gone by, contributing to population, citizenship, and progress, has been denied us; that it has been transformed into an agency of repression; and those who support it, even seemingly, can not appeal with much confidence to western public opinion for its support. I know that the generous provisions of the laws under which citizens were permitted to locate and acquire public lands have in the past been abused, and largely by administrative connivance. I know that the rights of the people must be safeguarded against the repetition of these abuses. But a great government can not afford to punish and proscribe honest men because of the crimes of others for which they can not be responsible, which they could not prevent, and which they have always denounced.

Mr. President, perhaps I have occupied too much time in discussing this matter; but in view of the Secretary's letter I felt it to be my duty to impress upon the Senate the earnestness with which some of us propose to assert the rights of these people to their lands, notwithstanding the opposition which we may encounter and which may make the discharge of our duty both unwelcome and unpleasant, for if the Nation demands big navies and armies her people demand justice as well to the humblest citizen.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. UNDERWOOD. Mr. President, I desire to present to the Senate a petition that is signed by 47,000 residents of the city of Washington, asking for a referendum on the prohibition question. The petition is at the Secretary's desk and, although I do not ask that the 47,000 names be read, I ask that the language of the petition may be read to the Senate.

The PRESIDENT pro tempore. Without objection, the Secretary will read the petition.

Mr. GALLINGER. Mr. President, before the petition is read I will ask my friend from Alabama whether the signers are adults or whether the names were gathered up without any reference to age?

Mr. UNDERWOOD. I can not state that, because I am not informed. The petition is on the roll below the Secretary's desk. I ask the Secretary to place the petition on the desk in order that the Senator from New Hampshire may see it.

Mr. GALLINGER. I am afraid, Mr. President, that time is too precious to examine the petition carefully.

Mr. UNDERWOOD. I can not say as to the sex or age of those petitioners, but it is a bona fide petition in favor of the referendum in the District of Columbia, and I am told by those who got it up, reputable men, that it contains the names of 47,000 persons. I ask that the language of the petition be read.

Mr. GALLINGER. I will call the attention of the Senator from Alabama to the fact that the entire list of names on the page of the petition that is now before me seems to be in the handwriting of the same person. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. The Chair desires to say that the rules of the Senate prohibit demonstrations in the galleries; and if such a demonstration occurs again the Chair will not hesitate to order the galleries cleared.

Mr. UNDERWOOD. I now ask that the language of the petition be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

REFERENDUM PETITION.

We, the undersigned residents of the District of Columbia, protest to the Senate and House of Representatives in Congress assembled against the enactment of a District prohibition bill, and we petition Congress before passing a prohibition law to provide for a referendum in this District on the question.

Do not sign unless you are a resident of the District and 21 years of age.

Do not sign more than one petition.

Sign this petition if you wish the people of the District to settle the prohibition question themselves.

Mr. UNDERWOOD. Mr. President——

Mr. GALLINGER. Mr. President, if the Senator will permit me a word, some of the Senators who have examined the petition think that I was mistaken in saying that the writing was that of a single individual. I am still persuaded that the writing is of such a nature as to indicate that most of the names were written by the same individual, but in that I may be mistaken. I submit it for the consideration of Senators, who may examine the petition.

Mr. UNDERWOOD. Well, a number of Senators, since the Senator from New Hampshire made the statement, have examined the petition, and they state to me that the names are not signed in the same handwriting; but it is possible that here and there a petition may sometimes be signed in the same handwriting. But, Mr. President, I wish to assure the Senate that, no matter what reflections may be made on the petition, it is a bona fide petition, containing the names of residents of this District who have honestly signed it, expressing the wish of the people of this District against sumptuary legislation being enacted without their consent or without their having an opportunity for a voice in the matter.

I wish in this connection, Mr. President, to have read a resolution which has been passed by a mass meeting of citizens of the District of Columbia on this question, and in connection with it to have printed in the RECORD four editorials of the four leading newspapers of Washington favoring a referendum on this subject. I will not ask to have the editorials read, but I will ask that they be printed in the RECORD. I ask, however, that the resolution may be read.

Mr. VARDAMAN. Mr. President, will the Senator from Alabama yield to me to ask him what meeting it is to which he refers?

Mr. UNDERWOOD. It was a mass meeting called for the purpose of passing on the question as to whether the people of Washington were in favor of a referendum. It was held at Poli's Theater. There was a crowded house; and I say that from my own knowledge, because I was there.

Mr. VARDAMAN. I will inquire whether the resolution was passed after or preceding the eloquent and persuasive speech of the Senator from Alabama?

Mr. UNDERWOOD. The resolution was passed after I had made a speech; but I think that the audience was in favor of a referendum before I made the speech. I do not think my speech affected the situation.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. Yes.

Mr. SMOOT. I understood the Senator to request that certain editorials be printed in the RECORD.

Mr. UNDERWOOD. Yes.

Mr. SMOOT. I desire to suggest to the Senator that some time ago we agreed that no more newspaper editorials should be printed in the RECORD. I have not time now to go into the details of the matter——

Mr. UNDERWOOD. Well, I will ask then that the Secretary read the editorials in my time.

Mr. SMOOT. Of course, I have no objection to that; but I was going to say to the Senator that if they were printed in the RECORD without reading they would do no good as affecting the vote of the Senate to-day. I will not object, of course, if the Senator desires the Secretary to read them, and then, of course, they will be printed in the RECORD.

Mr. UNDERWOOD. I ask, Mr. President, that the Secretary may read the resolution and the editorials in my time.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON NEWSPAPERS AND THE WASHINGTON PUBLIC UNANIMOUSLY FOR A REFERENDUM.

To the Congress of the United States:

Whereas legislation has been brought forward and will continue affecting the welfare of the citizens of the District of Columbia; and

Whereas legislation is now pending in the Congress of the United States affecting the question of prohibition for the District of Columbia and a referendum thereunder: Therefore, be it

Resolved, That we, citizens of the District of Columbia, assembled in mass meeting at Poli's Theater, Washington, D. C., this 7th day of January, 1917, do hereby appeal to the Congress of the United States to adopt the referendum amendment proposed by Senator OSCAR W. UNDERWOOD, of Aalabama, in order that the citizenship of this community be given an opportunity to express its desires through a referendum vote legally and formally arranged for by the Congress of the United States. It is further submitted that to deny this right to the citizenship of the District of Columbia is un-American in principle and subversive of the tenets laid down in the foundation of this Republic. We submit to Congress that our Americanism should not be subverted, and that it is unworthy to us as American citizens to deny us the right to speak in this and other matters of paramount interest to the community.

The above was adopted as set forth.

WM. F. GUDE, *Chairman.*
CHAS. J. COLUMBUS,
Secretary District of Columbia Referendum Association.

[Editorial in the Star.]

THE DISTRICT REFERENDUM ISSUE.

The fight over the District referendum issue should be so conducted that whatever the result Washington will not suffer injury.

If the referendum is denied in order that the saloons may be eliminated more speedily from the District, this denial should carry with it no imputation of lack of power in Congress to grant such a referendum, and no slur upon the fitness of this community to express at the polls concerning any vital local issue an honest and sound opinion that is worthy to be heeded as advice by Congress. If for special reasons Congress shall decide that a referendum on this particular issue is inopportune at this particular time, its denial of the referendum should be based unmistakably upon this decision alone. The power of Congress in the premises should be avowed, the right of the District in equity to be thus consulted as to its legislative affairs should be recognized and conceded, and the local community should not be slandered as corruptible, degraded, and unfit to exercise this right. In short, if this referendum is not granted, it should not be denied permanently on its merits, but merely for special reasons be postponed.

If, on the other hand, Congress should decide that not only in the abstract is the District equitably entitled to be consulted concerning important local legislation through an advisory referendum, but also that it is worthy to exercise and should exercise this right at once and on the antisaloon issue that decision should be so formulated that it will mean a victory for the referendum principle in Washington—merely postponing the elimination of the saloons—and not a victory solely for the saloons, in substance defeating the effort to abolish them. To this end, if a referendum is granted, Congress should through this medium secure the honest opinion and advice of all bona fide residents of the District, including women as well as men, and including all Government employees, irrespective of their retention of legal residence in the States. All the safeguards that Congress can supply to assure that the vote shall be intelligently and honestly cast will be welcomed. The abolition of the saloon should not be proposed in terms calculated to create unnecessary antagonisms and to invite its defeat. The issue should be stated in the clearest, simplest form, so as to assure a maximum of consideration as a moral issue in the homes and in the churches, and so as to involve a minimum of destruction of Washington's industries, confining that destruction strictly to the factories making alcoholic beverages, whose existence is inconsistent with prohibition.

A referendum vote on the antisaloon issue would stir profoundly every home, however humble, in the District. It would arouse the interest of business Washington. It would develop the full and, the Star is convinced, the honest vote of one of the most intelligent communities in the United States. Washingtonians would be on trial as to their fitness, not merely to be consulted as to local affairs by Congress through the referendum, but to be represented in that Congress and in the Electoral College like other Americans.

If a referendum is granted and Washington meets this test, the way will be cleared for the 360,000 Americans of the District, a population exceeding that of six of the States, to be in important respects Americanized, and to be transferred by constitutional amendment from the status of political aliens to that of citizens of a State for the purpose at least of representation in Congress and the Electoral College.

If, on the other hand, the District is denied the referendum on the insulting ground that its voting constituency is venal and unworthy, or if the referendum is granted and Washington fails to meet the test, the Americanization of Washington will be indefinitely postponed, to the Capital community's lasting injury and shame.

[Editorial in the Post.]

LEAVE IT TO THE PEOPLE.

The Senate is expected to vote to-morrow on the question whether the issue of prohibition in the District of Columbia shall be submitted to the people.

This is such a purely local question and touches the habits of the people so closely that it can very properly be submitted to them. Congress can ascertain from the people themselves what is best to be done.

Unless the question is submitted it will be impossible to determine whether a majority of the people favor or are opposed to prohibition.

No one questions the power of Congress to enact a prohibition law without consulting the people. But it is equally clear that Congress has the power to refer the question to the people if it chooses to do so.

Congress has power to dispose of and make rules respecting the territory of the United States. It has submitted the question of statehood to populations much smaller than the population of the District of Columbia. Few, if any, States have been admitted with a larger population than is now contained in this District. Yet the people in each case were permitted to pass upon the question and to draw up their constitutions.

Some Members of Congress may be reluctant to refer any question to popular vote in this District for fear that a precedent may be established and the way paved for suffrage. But this is wholly in the hands of Congress, and the prohibition referendum will not serve as a precedent calling for future referendums unless Congress so determines. If the vote on prohibition should be disappointing to Congress for any reason whatever it could be held up as a warning against granting suffrage. The argument as to establishing a precedent cuts both ways.

The instinctive impulse of Americans is to submit such questions as this to the people and to abide by the decision of the majority. There is no other way of satisfying the people. All of them are perfectly willing to accept the verdict rendered by most of them. They are habituated to this method of settling public affairs.

The Senate and House will not go wrong if they refer to the people the question of prohibition in this District. No one knows what the decision would be, and it does not matter—it would be a righteous decision, binding upon the people who made it. A decision by Congress might be right or wrong, but a decision by the people could not be wrong.

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[Editorial in the Times.]

WASHINGTON'S VOICE IN WASHINGTON'S AFFAIRS.

People who are in favor of a dry Washington, and who believe that end is so important that it should not be jeopardized even in order to give the local community a chance to express its sentiments of the subject, will, in the opinion of the Times, do an injustice to the community and to the cause of popular government here. If it is fair that Congress, representing home sentiments which have no relations to Washington problems, actuated largely by political considerations foreign to the Capital, may fairly impose a rule upon this community without listening to the expression of Washington opinion, then the same procedure must be equally fair in any other case. If Washington shall demonstrate that a considerable and highly respectable proportion of its people actually fear to assume a voice in their government, then there is no argument for local participation in other governmental affairs.

From the standpoint of the prohibitionists, it would be better business to have the saloon abolished with the acquiescence of the community, than to have Congress alone take the action. Their cause would be strengthened with future Congresses if there had been a referendum which indorsed the dry law; while, on the other hand, if it were defeated, there would be always the chance to fight again another day.

Washington is entitled to part in determining the great questions of local policy. A referendum on one question would be an opening wedge in the direction of wider participation in government. It would establish a precedent of the utmost value. The beginning would have been made toward representation of the District in Congress, and toward some measure of popular partnership in the great affair of building a nation's and a world's city here. That is a consummation not ever to be attained rightly under the present system. As well graft a rule of Prussian landed military aristocracy on Switzerland, as to try, here in the midst of democratic America, to create a true American Capital under the institutions of a royal duchy. The thing is not going ultimately to succeed; and yet to the extent that Washington develops a sentiment hostile to participation in its own government it breaks down the argument, now beginning to get ear and understanding, for an emancipation of this public.

Mr. SMOOT. Mr. President, there is considerable morning business yet to attend to before the hour of 1 o'clock arrives, at which time the unanimous-consent agreement to take up the so-called prohibition bill goes into effect. As three of the editorials have been read, and there is but one more, I shall withdraw objection to having the other editorial printed in the RECORD without reading, so that we may take up morning business.

The PRESIDENT pro tempore. Without objection, the consent asked by the Senator from Utah is granted.

The remaining editorial is as follows:

[Editorial in the Herald.]

THE WASHINGTON HERALD ECHOES A PROTEST.

In the Senate of the United States to-morrow the citizens of the Capital City of the United States will either be granted the heritage of their fathers to pass upon their own rules of moral conduct or they will be denied that right by a majority of Senators who will be voting bids for political preferment in their home States.

The occasion will be the final vote on the Sheppard prohibition bill and the amendment offered to it by Senator OSCAR UNDERWOOD, of Alabama, providing for a referendum of this distinctly local question to the residents of the District of Columbia.

The point has been raised that it will be unconstitutional for the District of Columbia to hold an election. This is too silly to discuss. Not so many years ago the District of Columbia had a Territorial governor and legislature. It made practically all of the organic laws we now have on the local statute books. Congress merely ratified them.

Mr. UNDERWOOD'S referendum is the fairest ever devised for any community. It places the responsibility for drafting the rules of election with the District Commissioners. An amendment to it by the Democratic leader, Mr. KERN, of Indiana, provides heavy penalties for repeating, bribery, and conspiracy.

We know the District Commissioners; they are fellow townsmen and they are neighbors. The hint that they would permit a corrupt election is base calumny.

They would no more countenance bribery and kindred election crimes than they would sanction murder.

The Underwood amendment gives every resident of the District the right to vote if he or she has lived here a year. It does not even bar from voting the man or woman who makes a home in another State and is employed here.

Here in the seat of Government of the United States the woman is to have her voice on a moral question. Here also the much-desired literacy test is to be applied. No person who can not read and write is to be permitted to cast a ballot.

What more does Congress want? Does it not believe in the rule of the people? Does it believe that we are moral degenerates; that we are corrupt citizens; that we do not have down in our hearts the same love for our children and the same anxiety to keep their morals clean as the citizens of Texas, of Topeka, Kans., or Atlanta, Ga.?

We maintain that we have.

We maintain that we have the most highly developed body of intellectuals in any city in America. We maintain that our citizens have made a beautiful city here; we maintain that we are giving the Government of the United States a rare setting for its Capitol.

Aside from the moral question involved, the city of Washington and many of its residents have a material interest. One large manufacturing concern here spends $500,000 in wages to Washington workingmen each year. One of its by-products is alcohol. This pure grain alcohol is sent out of the District of Columbia for pharmaceutical uses.

Not a drop of it is used as a beverage. Yet this firm will be driven out of business by one amendment to the Sheppard bill which prohibits the shipment of alcohol from the District. Yet the same bill carries a provision admitting alcohol from outside the District for the same uses.

We do not ask the Senate to give us the vote. We demand as a right that basic stone on which the American Government is builded—the right to be represented if we are taxed.

Abraham Lincoln considered that the citizens had the right to vote on their morality. As a Member of Congress he introduced a bill submitting the slavery question to the citizens of the District.

If Lincoln was right then, why is not UNDERWOOD right now?

The Senate will decide to-morrow. Yesterday a great throng of citizens joined in a town meeting in Poli's Theater and demanded the right to vote on this purely local matter.

The Herald echoes their demand.

Mr. UNDERWOOD. Mr. President, just one word before I yield the floor.

My friend from New Hampshire [Mr. GALLINGER] has challenged the petition that I presented here. I had not carefully examined the petition before I presented it, because it came to me from reputable gentlemen. Upon walking to the desk I find that I know personally at least half the men whose names appear on this page which was examined by the Senator from New Hampshire. The petition gives their residence addresses. They are men of high class, men of high standing in business and official life in Washington. Their names and addresses are given; and, so far as I can see, and every other Senator who has examined this paper, there is no similarity whatever in the signatures.

I simply want the RECORD to show that. I have examined other petitions here and find them the same way.

Mr. GALLINGER. Mr. President, just one word further in reference to this matter.

I have seen thousands of petitions signed by numerous parties, but I never in my life saw a petition that was signed as this is, where the writing in every case was heavy and apparently written by the same pen. For that reason it engaged my attention, and I made the observation that I did. If any Senator will pass a petition around Washington and have it signed by individuals and bring it in here, he will find that the writing will be so different, so far as the use of the pen and ink is concerned, that there can be no doubt as to the matter.

This petition may be a genuine petition, and very likely it is. Nevertheless, I submit that upon first examination of the page that I looked at it would impress anybody that the same pen and the same ink had been used, and that the same kind of chirography was noticeable in every signature on the page.

Mr. CHAMBERLAIN and Mr. VARDAMAN addressed the Chair.

Mr. UNDERWOOD. Mr. President, I believe I have the floor. I just wish to say that there is a good deal of similarity in the ink on the one page the Senator examined. That is probably because it has only about 20 or 25 names on it, and they were probably signed with the same fountain pen. But if the Senator will take the roll and examine it further, he will see that the ink changes; and not only that, but the next page has the petition signed in pencil.

Mr. GALLINGER. I spoke of the page I examined.

Mr. UNDERWOOD. Of course; but that does not refer to the balance of the petition.

Mr. VARDAMAN. Mr. President, I do not think there need be any controversy about the desire of the citizens of Washington. I think 40,000 signatures could be obtained to such a petition without any trouble. That is the one serious and hopeless phase of the question with which the Senate is called upon to deal.

I am going to send to the desk, and ask permission to have read, a telegram from the representatives of three-quarters of a million of white people in Mississippi, who are just as much interested in the proper government of Washington and under the law have just as much voice in the government of the city of Washington as the 40,000 who signed the petition presented by the able Senator from Alabama [Mr. UNDERWOOD].

I will ask to have read also and printed in the RECORD the resolutions adopted at a citizens' mass meeting in the city of Washington, held in the National Theater Sunday afternoon, about the same time that other citizens in Poli's Theater were adopting resolutions under the mesmeric influence of the eloquence of the junior Senator from Alabama.

The PRESIDENT pro tempore. Without objection, the papers referred to will be read.

The Secretary read as follows:

JACKSON, MISS., *January 8, 1917.*

HON. JAMES K. VARDAMAN,
Washington, D. C.

DEAR SIR: We have noted with much interest the progress of the bill introduced by Senator SHEPPARD which provided for prohibition for the District of Columbia, and we have felt deep concern over the character of the vote thereon. With every feeling of respect and confidence we most earnestly request your vote and influence in support of this bill. We submit that the business of selling liquor is a privilege and not a matter of right. We protest against the granting of this privilege in a Government-controlled political unit where the inevitable result is to aid in the interaction of liquor laws of near-by dry States. The crowned heads and Governments of Europe, without warning or consultation with their people, have taken determined stands against the use of intoxicating liquors on the ground that it is good for men physically, intellectually, and morally to abstain from such liquors and that temperance add to the economic forces of the Government and the efficiency of their armed forces. Our great industries, insurance companies, railroads, and athletes have all placed their ban upon such liquors. We regard it as a travesty upon the acts of a majority of our people who dwell in dry territory to have that part of our country which is solely controlled by our Government in the hands of the liquor forces. We feel that we are entitled to the votes of 50 Senators who represent 25 dry States, and we are entitled to the votes of others whose States are mainly dry. Permit us to remind you that the legislature of our State in 1908 passed a State-wide prohibitory act. Every legislature since then has strengthened these laws, and at no time has a referendum been had. We most earnestly request that you will not submit this great moral and economic question to an electorate which in part is similar to one which we have solemnly declared is not prepared to pass upon such measures in our own State. We ask you not to sacrifice on the grounds of "personal liberty" a question which no one claims improves man, but to regard the personal liberty of those who are taxed for jails, courthouses, hospitals, asylums, and orphanages, and to relieve them from the burdens placed upon them by those whom a partnership of the Government permits to lower themselves. We submit that we fail to see why this question of all others should be submitted to the electorate of the District of Columbia.

Yours, very sincerely,

Oscar Newton, R. E. Kennington, T. M. Hederman, Ross Collins, Lee M. Russell, E. A. Howell, W. A. Henry, W. Calvin Wells, W. F. Bond, J. G. Langston, J. D. Smythe, D. A. McIntosh, R. F. Ward, G. W. Todd, T. M. Evans, W. H. Watkins, H. V. Watkins, J. M. Hartfield, Walter J. Scott, J. C. Cavett, T. Brady, jr., M. S. Enochs, L. Brame, Paul B. Johnson, A. C. Anderson, B. W. Griffiths, J. R. Bingham, T. K. Boggan, C. D. Mitchell.

Mr. VARDAMAN. Mr. President, before reading the resolutions adopted at the National Theater I want the letter accompanying the resolutions to be read.

The PRESIDENT pro tempore. Without objection, the letter will be read.

Mr. VARDAMAN. I will ask the Senator, please, to pay attention to that letter. It shows the difference between the two meetings.

The Secretary read as follows:

ANTISALOON LEAGUE OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 8, 1917.

DEAR SENATOR: Please find inclosed herewith copy of resolution adopted unanimously at a mass meeting held at the National Theater and the overflow meeting at Grand Army of the Republic Hall yesterday at 3 p. m. The theater was filled and the police prevented others from entering five minutes before time for the meeting to open; the overflow filled the Grand Army of the Republic Hall and at 3.20 p. m. the police refused further admissions there; and then an overflow outdoor meeting was organized attended by approximately 1,600 persons. Those in attendance represented the vast majority of the residents of the District of Columbia and are enthusiastically in favor of the Sheppard prohibition bill and against the Underwood amendment. These meetings were held under the auspices of the Anti-Saloon League of the District of Columbia and the allied temperance forces.

Some persons in favor of the position above taken went to the partly filled Poli's Theater where a meeting was being held in favor of the Underwood amendment.

It is to be noted that the inclosed resolutions were unanimously adopted while the resolutions presented at Poli's Theater in favor of the Underwood amendment were adopted by a divided vote. This gives an idea of the popular feeling in the District of Columbia.

ANDREW WILSON, *President.*
A. E. SHOEMAKER, *Executive Secretary.*

Mr. UNDERWOOD. Mr. President, of course, I would not want an untruth to pass unchallenged.

Mr. VARDAMAN. Mr. President, I will ask the Senator to wait until the resolution is read, and then I will yield to him. I have the floor.

Mr. UNDERWOOD. I am sure the Senator will not deny me the courtesy, since my name is mentioned in that letter, of making a statement, and a very short one.

Mr. VARDAMAN. Very well; go ahead.

Mr. UNDERWOOD. I was at the meeting to which that letter refers. I heard the vote and saw the vote. There was a very emphatic vote in favor of the resolution. There was one woman in the gallery who voted against it. Now, I heard that myself; and the balance of that statement is an absolute, unqualified untruth.

Mr. VARDAMAN. I ask to have the resolution read.

The PRESIDENT pro tempore. The Secretary will read the resolution, in the absence of objection.

The Secretary read as follows:

Resolutions adopted at the mass meetings held Sunday afternoon, January 7, 1917, to protest against adding a referendum to the Sheppard District of Columbia prohibition bill.

As the citizens of the District of Columbia in mass meeting assembled at the National Theater and G. A. R. Hall, we hereby protest against the so-called referendum amendment to the District of Columbia prohibition bill, because it is of doubtful validity, and if prohibition were secured by this method it would probably be set aside by the courts.

It is impracticable, because there is no election machinery and no standards of qualification for voting. It would jeopardize the rights of Government employees in the District of Columbia to vote at such an election if they still claimed their voting citizenship in the State from which they came, as no citizen has the right to vote in two places.

It is unprecedented, as Congress has never referred any other question affecting the property, taxes, or moral welfare of the District to a vote of the people. We can see no good reason why the saloon is more sacred than other interests that are controlled directly by Congress without a referendum. The proposed referendum carries scarcely any of the safeguards against fraud, bribery, and corrupt practices which are found in State laws, and a vote under such a law would be unfair to the people of the District, and retard any effort in the future to secure an amendment to the Constitution under which people of the District might exercise the franchise legally.

A saloonless Capital means decreased drunkenness and crime, increased happiness and wealth. It means that we shall no longer license one set of men to make another set of men drunk, and then arrest those who buy the licensed liquor. It means that the Nation's Capital is keeping step with advancing civilization and the 62 per cent of the population of the United States who have declared the saloon a national nuisance.

Mr. VARDAMAN. Mr. President, of course I can not vouch for the truthfulness of the statements made in this letter. It is signed, however, by gentlemen of unimpeachable character. Of course I would not be a party to anything that would misrepresent the Senator from Alabama. If he says that it is false, I am not prepared to say that he states that which is not true.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him, of course the statement is absolutely untrue.

Mr. VARDAMAN. What statement is untrue?

Mr. UNDERWOOD. The statement that these men make about the vote in Poli's Theater.

Mr. VARDAMAN. Here is what they say:

It is to be noted that the inclosed resolutions were unanimously adopted, while the resolutions presented at the Poli's Theater in favor of the Underwood amendment were adopted by a divided vote.

Now, the Senator says one brave little woman objected.

Mr. UNDERWOOD. One; I do not know whether she was brave or not.

Mr. VARDAMAN. I think she was if she made the objection in presence of that crowd and she was alone.

Mr. UNDERWOOD. There was one vote; and, of course, that letter is intended by the men who wrote it to go into this RECORD simply to make a misleading statement. Of course it was not unanimous if there was one vote against it; but I am prepared—it is not necessary, so far as the Senator is concerned, I know—but as to the men who wrote that letter, I am prepared to bring dozens of witnesses to confirm what I say, that there was one distinct vote against the resolution, and every other vote in that theater was for it.

Of course, the mere statement that it was a divided vote could be sustained on its face by the one vote against it; but the Senator knows, as well as I know, that the purpose of the men who wrote that letter was to put a misleading statement in the RECORD, unless possibly they had been misinformed themselves. To be charitable, that may be true.

Mr. VARDAMAN. I, of course, realize that a majority of the men and women who went to Poli's Theater went there for the purpose of creating a sentiment in favor of the amendment proposed by the Senator from Alabama.

Mr. UNDERWOOD. Certainly, just as the men and women who went to the National Theater went there for the purpose of creating a sentiment on the other side.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, under the unanimous-consent agreement the Chair lays before the Senate Senate bill 1082. The Secretary will read the unanimous-consent agreement.

The SECRETARY. The unanimous-consent agreement entered into December 20, 1916, reads as follows:

It is agreed by unanimous consent that at 1 o'clock p. m., on Tuesday, January 9, 1917, the Senate will proceed to the consideration of S. 1082, a bill to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, and during that calendar day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m., on said day, January 9, 1917, no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than three minutes upon any amendment offered thereto.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is that of the Senator from Missouri [Mr. REED].

Mr. McCUMBER obtained the floor.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. THOMAS. I merely wish to ask unanimous consent to submit a report from a committee.

Mr. McCUMBER. I do not think that can be done under the unanimous-consent agreement.

Mr. THOMAS. If the Senator objects, of course I will not make the request.

Mr. McCUMBER. If it could be done under the rule, I would be glad to yield for that purpose.

Mr. President, having taken no part in the debate upon the merits of this bill, for which I intend to vote, I feel that I should express myself briefly in opposition to the proposed amendment for referendum. Even if there had been any merit in the proposition to submit this question to the people of the District, already disfranchised on every other question, the accepted modifications of the proposed amendment, which authorizes from forty to forty-five thousand nonresidents to vote down the will of the people of the District, to my mind is so obnoxious to the principle of local government that I could not vote for the amendment if otherwise meritorious. It is but fair to say, however, that I am opposed to the submission of this question to a referendum or the popular vote of the District on principle.

My first reason is this: If the people of the District are entitled to vote on one question affecting their social and business life they are entitled to vote on all other questions. Viewing the matter from their standpoint, if they are entitled to exercise their right of suffrage on one proposition they are entitled to exercise it on all other governmental propositions. Viewing it from our standpoint, if we need an expression of their wishes to guide our judgment in this case we need a like expression in all other cases.

All of these people to-day stand disfranchised. No right of suffrage exists on any matter. We daily enact legislation affecting their most important interests. We levy their taxes, we fix their exemptions, we determine what improvements they shall have and what they shall not have. We do not ask that they pass judgment by popular vote as to whether these laws are satisfactory to them. On general principles, therefore, if we deny them the privilege of exercising their judgment upon these other matters, if we deny them the right to enact their own laws in reference to the buying and selling of their legitimate products of merchandise, the sale of which can injure no one, if it is not proper that they act upon these subjects, then what sane reason can be given for submitting to their judgment the question whether a business which we all recognize to be injurious and disastrous to many may or may not be allowed? What sane reason can we give for denying them the right to pass judgment upon a thing which can not be injurious to the morals or health of the people, and yet grant them the right to determine that a business may be continued which we know to be injurious to both? If they have the inherent right to determine whether intoxicating liquors shall be sold for consumption on the premises as freely as food articles, then why have they not the same inherent right to determine that there should be no license whatever, but absolute freedom in the traffic, without license or hindrance of any kind?

There is another reason why I am opposed to the submission of this question to a majority vote of the people of the District.

Mr. SUTHERLAND. Before the Senator passes from the first branch of his argument, I should like to propound an inquiry to him.

Mr. McCUMBER. Certainly.

Mr. SUTHERLAND. The Senator, I understand, claims that if a referendum were permitted upon this question it would constitute a discrimination, and the Senator argues that if we are to submit this question to a referendum we ought to submit all questions to a referendum of the people of the District.

Now, I ask him if what is proposed to be done here is not precisely what is done in a very large number of States of the Union, namely, that as a general thing the people are invited to act upon the question whether or not prohibition shall prevail in the State, and that as a general thing they are denied, if it can be called a denial, the right to vote upon other questions. In other words, the legislatures in the various States pass laws ordinarily without referring the question as to whether they are wise or unwise to the people, but upon this one particular matter is it not true that it is the general custom, or at any rate that it is a custom which prevails in many of the States of the Union, to submit to a vote of the people that one particular question?

Mr. McCUMBER. Mr. President, I would have answered that question in just one moment, but I will answer it now by saying that of late years the idea of a referendum has been a growing one. The Senator and I do not agree with the idea that every measure should first be sent to the people to see whether they desire to accept it. We believe that those who are sent to represent people should be persons who have judgment upon which the people can rely. They are entitled to our judgment as well as our service. After all, it is always the viewpoint from which we examine the whole liquor question that is to determine whether we should submit it to the people or exercise our own judgment. We do not submit the question to the people in any State whether theft should be forbidden. We exercise our own judgment as to what acts are of sufficient gravity to be penalized. Therefore it is a question of the view which each of us adopts toward the traffic in intoxicating liquors.

Whether this question should be submitted to a popular vote depends entirely on our view as to the character of the commodity which is made the subject of legislation. If we regard the use of intoxicating liquors as beneficial or even as harmless, then we have no moral right whatever to restrain their sale. If we regard their indiscriminate sale as injurious to the public, and therefore evil per se, then it is our duty to prohibit their sale or at least prohibit the public saloon.

In all movements of this kind we will find extremists on both sides. Many prohibitionists become so obsessed with the one idea that they can see no stopping place short of the complete prohibition of the manufacture of intoxicants. Mr. President, I am a prohibitionist, but my views are not so radical nor extreme. Most of the murders committed in this country are committed with firearms, but I would not prohibit the manufacture of explosives because of that fact. I admit that there is a just and proper economic demand for alcoholic products; that they have their legitimate uses in the world. I may even go so far as to admit that with our artificial life, humanity at times may need artificial stimulants, just as it needs opiates to ease pain or chloroform in surgery. The world needs all these opiates. Yet so pernicious, so dangerous is the indiscriminate use of these drugs that we are compelled to restrain their sale by the most rigid legislation. We do not submit the question of these restrictions to a vote of the people; we do not ask their advice as to whether they wish such a law. We simply say that we know their injurious effects upon many of our people, and to guard those we inconvenience the others, even though those others may be the vast majority.

So, Mr. President, recognizing their inherent dangers, we should govern, control, and restrict the sale of intoxicating liquors. We should abolish the saloons, the public bars. We should abolish them because of the injury and untold misery they inflict upon the people who acquire inebriate habits at these drinking and loafing places.

In our legislation we impose a penalty for the commission of very many acts where the line between the moral and the immoral effect of the act is not clearly seen, but we do not submit the question to a referendum, to the people, that they may determine whether they believe such act should be penalized. The public is not even asked its judgment in such cases. We exercise our own judgment, and that is what we should do now.

As I view the traffic in intoxicants by the licensed saloon as an evil per se, the question as to whether the evil should be continued is not a question of right to be determined by the majority, but should be penalized by legislative act. There is no more reason for submitting this question to a referendum than for the submission of any other act, evil per se, to the public for its judgment on the propriety of its continuance.

Mr. President, I can arrive at no other conclusion than that it is my duty to vote that a business which I know, and which everyone knows, to be injurious to the public, dangerous

to the strong, and disastrous to the weak, shall no longer be countenanced as a legitimate business, and hence I shall vote against the amendment for a referendum.

Mr. SMITH of Georgia. Mr. President, during the summer of 1907 the State of Georgia, which I represent here in part, adopted State-wide prohibition. There has been some effort to criticize the manner in which the law is enforced in Georgia. I do not claim that it is completely enforced and that the use of intoxicating drinks has been entirely suppressed in Georgia. I do not deny that any distinguished visitor to the city of Atlanta, stopping at any one of our leading hotels, with friends in the city, could find some friend who from his home could furnish all the intoxicating drinks desired.

But, Mr. President, having approved that law as governor of the State, I watched the effect of it in the city of Atlanta, my home and the largest city in the State. I can say that in many an humble home after its passage, and even with partial enforcement, there was more food and better clothing for the women and for the children, and in many a home there was gentleness and kindness instead of coarseness and brutality from an intoxicated husband and father.

Mr. President, I have the report of the chief of police of the city of Atlanta, a city of more than 225,000 inhabitants. He gives the relative effect of the open barroom in the city of Atlanta for six years before prohibition and for six years afterwards. The statistics which he furnishes show that the number of cases made for intoxication in proportion to the population was about one-half in the city after prohibition, as compared to the number before, and that the number of arrests for crime was at least one-third less in proportion to population after the adoption of prohibition than before.

My own observation throughout the State satisfies me that prohibition has been beneficial and helpful to the people of the State. I was a local optionist before the passage of the law, but promised in my campaign for governor that if the State passed State-wide prohibition I would approve it. To-day any influence I might have in the State would be thrown against *returning to local option and in favor of the maintenance of* State-wide prohibition. I would pursue this course as the result of the beneficial effect, in my judgment, of the legislation.

Mr. President, coming to the economic side of the question, I am sure that the general business of the city of Atlanta has prospered as a consequence of prohibition; that the legitimate business of the city has largely received the money that was before wasted on liquors in the saloons. There has been a rapid accumulation of deposits in the banks, not, of course, entirely due to this subject, but in part. There has been an improvement in the business of the general retail stores and the department stores of the city, in part, in my judgment, due to prohibition.

We have one city in Georgia which was very much opposed to prohibition, the second largest city in the State, and for a long time the enforcement of the law was resisted there. I refer to the city of Savannah; but, Mr. President, within the past 12 months the law has been enforced there; and I hold in my hand an editorial from the Savannah Morning News dealing with the business condition of that city during the Christmas holidays, in which the editor rejoices that the merchants have done the best business in the history of the city. The editor, though never, I believe, a prohibitionist, further attributes at least a part of that improved business to the fact that money was going into legitimate lines, instead of being wasted for intoxicating spirits.

I wish to see barrooms driven from the District of Columbia; I wish to see the sale of intoxicating liquors for beverage purposes stopped in the District of Columbia. I believe a majority of the Senate is in favor of stopping it. Shall we act or shall we wait, and submit it to a vote of the District?

The Constitution gives us the authority to act; the Constitution puts the responsibility upon us to determine whether we will act.

I do not contest the proposition that we could submit the question if we wanted to do so, but I deny that the people of the District have any right to claim a submission because they want it. The District of Columbia occupies a position entirely different from that of any other portion of the United States. It was set apart to be the seat of government of this country; it was established free from the control of any State, free from any local control; to be the home of the Chief Executive, of the Secretaries of the departments, of the Supreme Court of the United States, of the Senate and of the House of Representatives when in session, and of all the officials from the various States who here are to perform public duties. If they hold office, they must be here for at least a part of the time. It was the purpose of the framers of the Constitution that the seat of government should not be subject to local control or direction. Over 40,000 employees of the Government are here, according to a recent report of a congressional committee. The population here is changing; it is not a stable population. If you allow them to vote one year to fix a policy, next year it would probably apply largely to a different population.

But, above all, this District was meant for the seat of government, for the homes of those who here reside, representing the people back at home in the States. The Constitution provided that the Senate and the House of Representatives should legislate for this District; that it was to be carved out of States; that no State could control it; that no local power could control it. It was to respond in its government to the wishes of Senators and Members of the House of Representatives, they, in turn, responding to the wishes of the people at their respective home States.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. I do.

Mr. HITCHCOCK. I should like to ask the Senator whether the jurisdiction of a State legislature over the legislation for the State is not as complete as is the jurisdiction of Congress over the legislation for the District of Columbia?

Mr. SMITH of Georgia. Yes.

Mr. HITCHCOCK. And is it not a fact that this particular question of prohibition has been the one selected by almost all the States to submit to the vote of the people of the State rather than to have it passed upon by the legislature of the State?

Mr. SMITH of Georgia. Yes; but, Mr. President, I have just pointed out the entire difference between the District of Columbia and the States. The District of Columbia responds to the wishes of the people of the States; it is by necessity to be the residence of people who live in the States also; it is to be the enforced residence of 40,000 people. It was established for them, not for local citizen residents, but *for officeholders and* for their families. The people who have come in here to make the District their permanent residence without holding office have done so because they wish to do so. I deny their right to dictate the policy of local government to those of us who are here by reason of the law which compels us to be here.

The District of Columbia was made up apart from the States and put under the government of Congress in order that those of us who must necessarily be here, if we hold office, should be free from the dictation of local residents.

Suppose the local residents believed in the open gambling house; suppose the local residents desired to lead out in that line of conduct, would we permit it? I wish to stop the barrooms in this city and in the District of Columbia just as I would stop a gaming house in the city of Washington and the District of Columbia. I object to them; my constituents object to them, in my judgment. I wish my constituents, when they come to their National Capital, to see cut out of the city a line of conduct that they consider highly improper and objectionable.

To whom am I responsible—to the residents who moved in here and who live here or to the people at home in my own State who sent me here; to the people here from my State who must come here if they take office under the National Government or to resident citizens disconnected with governmental duties?

Mr. HITCHCOCK. Mr. President, I do not see that the Senator from Georgia reaches the vital part of my suggestion. In his own State the Senator has stated that, although the legislature and the governor had complete power, that legislature chose to submit the question of prohibition to the people who were affected rather than to themselves pass upon it. Now, as a parallel, why can not this Congress submit the question to the people who are affected? This proposed legislation is not for the benefit of the President, it is not for the benefit of Senators, it is not for the benefit of the Members of the House of Representatives who are temporarily here, but it is for the benefit of the people who live in the District of Columbia. Why should these people be denied the right which is exercised by the people who are constituents of the Senator in Georgia? Not simply people resident here, but, under the terms of the amendment offered by the Senator from Alabama [Mr. UNDERWOOD], all those living here are to be permitted to cast a ballot and to decide whether or not they want regulation or whether they prefer prohibition.

Mr. SMITH of Georgia. The Senator from Nebraska may not accept my argument as sound, but I am sure he understands it. This District was set apart for the officers of the United States and those connected with the Government of the United States temporarily living here, responding to their people at home;

and the Constitution provides that Congress shall regulate and legislate for the District of Columbia.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I do.

Mr. WORKS. I suggest to the Senator from Georgia that the great difference between the case presented by the Senator from Nebraska [Mr. HITCHCOCK] and the case before the Senate is that in the case of the legislature the submission is to all of the people interested in the question, while in this case it is proposed to submit it to only a part of them, and that a very small part.

Mr. SMITH of Georgia. In other words, the people of the United States are interested in the question, and not merely the people of this District; and the Government is charged with the duty to protect its employees here and to legislate for them. In my opinion, if a submission were made to the people of the District it should exclude the resident citizens and be limited to those in official positions. The objection to that is that the officials in office change rapidly; but if there is to be a submission at all, it should be to the people in the States at home, whose District it is, whose Capital it is, who send their people here to hold office.

Now, Mr. President, I desire to read——

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. If the Senator will permit me a suggestion, I think there is another difference between the situation here and that to which the Senator from Nebraska [Mr. HITCHCOCK] refers. That is the inherent difference in the two governments, the States being Commonwealths of unlimited power, except as limitations appear in their constitutions, and this government being one of delegated power and possessing no power whatever except that which is expressly delegated or carried by necessary implication.

Mr. SMITH of Georgia. Mr. President, I thank the Senator from Colorado. The more you consider it the more complete you find the difference to be.

Now, Mr. President, if I wanted to put barrooms in the District and saw I was whipped in the Senate and in the House, I would vote for the referendum; but, as I do not want them here, I will not vote for it.

I desire to read from a recent report of a joint select committee of the two Houses appointed pursuant to an act of Congress of March 3, 1915:

> The Constitution of the United States of America in clause 17 of section 8 gives Congress the power "to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."
>
> The expressed provision of "exclusive legislation" necessarily makes the control of this body of land known as the District of Columbia vest in the National Government and makes this highest national power the government of this Federal District.
>
> Bitter experience in the former capitals of the United States had caused the framers of our Constitution to place its central seat of government in a location where the national authority would be supreme, where its records and its representatives could be safe from attack and where under its own direction a structural plan for upbuilding and maintenance could be commenced and continued without interruption by any lesser or local authority.
>
> In fixing the Distict of Columbia as the National Capital and home of the Government, the Congress did not proceed by capture, condemnation, or any other arbitrary method. It acquired political dominion by cession from the States of Maryland and Virginia, and ownership of the land by private contract, and when all of this had been done by mutual understanding and definite written agreement and conveyances from the proprietors of the land, it laid out a National Capital and began its construction.
>
> Everyone who has purchased property within the District of Columbia since has done so with the knowledge and distinct understanding that the people of the United States had made the power of Congress over the territory exclusive. Everyone who has since adopted the city of Washington as his home has done so with notice that it was beyond even the power of Congress to escape the burden or evade the duty imposed by the Constitution, and when he became a resident of Washington, or acquired property in the District of Columbia, he put himself voluntarily within the Government reservation and subject to such control as the conveniences and necessities of Congress in administering the National Government and building the National Capital might render necessary.
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> Here, in addition to the Executive and his Cabinet, the Supreme Court and other Federal courts, and the Congress of the United States, are over 40,000 employees of the Federal Government. These persons, drawn from every State in the Union, with their families compose a large part of the population of the District.
>
> Here come every day almost thousands of visitors, young and old, to all of whom the lessons of patriotism resulting from a visit to the Nation's Capital result in a higher type of citizenship, and the pride of participation in the affairs of our Government grows stronger with the realization of its latent power and outward dignity and grandeur.

Let me stop a moment to say that as they come I want them to see that the National Congress at the National Capital has closed barrooms, has forbidden the sale of liquor, and I want them to go back from here with the inspiration of knowing that their national legislators are helping them in the fight which, pray God, will close such places everywhere, from ocean to ocean, and from the Lakes to the Gulf.

> The protection to life and property, the measures to secure health, happiness, and the benefits of education, as well as the measures for the care of the poor and the sick, are beneficial not alone to the actual residents of the District of Columbia, but to all the American people between the great oceans.

Mr. President, I insist that the District of Columbia is the District of the people from ocean to ocean and from the Lakes to the Gulf; that the Constitution provides that the Senators and Representatives from the States shall rule it and regulate it in the interest of all the people; and I am utterly unwilling to abrogate my responsibility and refer it back to the District. I wish to see the barrooms closed; I wish to see the sale of liquor for beverage purposes stopped here, and to my constituents at home I hold myself responsible, and I vote what I believe to be their wishes, accepting the responsibility myself and declining to refer it to anybody else.

Mr. GALLINGER and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. O'GORMAN in the chair). The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, as two Senators have spoken against the referendum, and I propose to occupy a few minutes along the same line, I think it but right that I should yield and permit any Senator on the other side now to occupy a little time, if any Senator desires to do so. Does the Senator from Missouri wish to speak on that side of the question?

Mr. REED. I desired to ask the Senator from Georgia just one question before he took his seat.

Mr. GALLINGER. I yield for that purpose.

Mr. REED. The Senator from Georgia states that he is opposed to and desires to close the barrooms. That, of course, is one question. Does the Senator think, under the terms of this bill, if, for instance, a Pan American Congress should be held here, to which representatives should come from South American countries and a banquet were held, that even so much as a glass of wine could be served at that banquet?

Mr. SMITH of Georgia. I am not sure, Mr. President; but I am willing to say that if they should come here and be given a banquet without a glass of wine, and sent home with the knowledge that that was the sentiment of the American people, I think it would do them good. I would not object to serving the glass of wine at the banquet; I want to be candid; but if the bill prevents it I do not think it will do any harm.

Mr. REED. I just wanted the Senator to understand, if he did not, that, of course, there is a very great difference between prohibiting the sale of liquor at saloons and prohibiting the use of liquor, a glass of wine, or something of that sort at a hotel, at a dinner, or at a banquet. The Senator recognizes that difference, because he has frankly stated it.

Mr. SMITH of Georgia. I do, frankly.

Mr. REED. Now, if we are to deny the right of a citizen or a hotel to serve a glass of wine, does the Senator believe that we ought to permit the existence in the District of Columbia of large alcohol distilleries and allow them to sell their liquor all over the United States?

Mr. SMITH of Georgia. I do not think it would be possible or proper for us to stop the manufacture of alcohol in the United States. I do not think that the suppression of the manufacture and use of spirituous liquors for beverage purposes should be carried to the extent of forbidding the use of alcohol in manufacturing, in the arts, and in other lines where it is necessary. It is the beverage feature of it that I am after, and, above all, what I am after is the barroom.

Mr. REED. But if the alcohol is manufactured in this District and shipped abroad, does the Senator know any way in which it can be prevented, under this bill, from being purchased and used by a distiller for use in the manufacture of whisky?

Mr. SMITH of Georgia. I have not investigated that question at all.

Mr. REED. Now, while we are purifying the District, why not stop making alcohol to send into other States to poison the people of other States?

Mr. SMITH of Georgia. I will answer the Senator. If he will prepare a bill to stop interstate commerce in all kinds of spirituous liquors, anywhere and everywhere, I will vote for it.

Mr. REED. We are dealing now with the question of the District of Columbia, not with the general question. As for

that suggestion of the Senator, I think the Supreme Court answered it yesterday, if the newspaper accounts of the opinion are correct. I have not read the opinion, but it seems to be to the effect that where a State has prohibited a citizen of a State from receiving liquor the law can be made effective, and is made effective. That is what the newspaper accounts of the opinion say. I do not want to be understood as saying that I am absolutely correct. I assume that I am. If that is true, every State of the Union has the power to-day to make that State absolutely bone-dry, as we say. Now, does the Senator think there is any such law as that in existence in any State except Arizona?

Mr. SMITH of Georgia. It is not in existence in Georgia. I hope they will make it bone-dry this next summer.

Mr. REED. Are not the citizens of the Senator's own State permitted to import liquor for their own use under the laws of the State?

Mr. SMITH of Georgia. That is true. The bill was passed, I think, under a misapprehension of the meaning of the Webb Act. They were of the opinion, so I was advised, that they could not absolutely prohibit it and remain within the Constitution; but I feel perfectly sure that this summer they will stop it. At least, I hope so. In other words, I am in favor of stopping men from using it, not simply playing with it. I want to say that to the Senator. I am in favor of trying to make it bone-dry.

Mr. REED. The Senator is taking a ground now that is very seldom taken, but which in my opinion is the only logical ground. It seems to me sheer nonsense to prohibit somebody from selling and not at the same time to prohibit an individual from buying. But that being the case, I can not understand the Senator, since he takes that ground, being willing to retain in the District of Columbia a distillery or distilleries which make large quantities of alcohol here and allow them to ship that material into the States, well knowing, as the Senator, of course, must know, and as we all know, that part of it may be used for mechanical purposes, part of it may be used for medicinal purposes, and part of it may be used for the purpose of manufacturing intoxicants. If we are going to get so good, if we are going to express our purity of heart and exaltation of soul particularly in the District of Columbia, why not stop the manufacture of alcohol within this District?

Mr. SMITH of Georgia. Mr. President, I profess no superior purity of heart or exaltation of soul above other people.

Mr. REED. I know the Senator does not. I am not referring to him.

Mr. SMITH of Georgia. With me opposition to the use of spirituous and intoxicating drink has been a gradual growth. When I leave myself free to think about it and realize the skeletons found in almost every home as a result of its use, I have reached the place where I am willing never to have it on my table any more, although I enjoy a glass of wine myself; and I am willing in my State and hope in my State this next summer to help make it absolutely dry, and I hope the people are really willing to do it. If they are not, then I do not think it is worth a great deal.

Mr. REED. I want to submit this to the Senator. I want to be understood. I stated the other day very clearly here on the floor that I held no brief to defend the liquor interests, and I did not. I asked the Senator from Kansas [Mr. THOMPSON] a few questions and discussed a few principles, and it seems to have been sent out all over the country that I had made a bitter speech in favor of wide-open saloons, or something of that sort. I will say to the gentlemen in the gallery, in all kindness, that I hope that will not be repeated to-day. But does the Senator know of a city in the United States the size of Washington where they have a law similar to this?

Mr. SMITH of Georgia. I really do not know. The largest one I know about is my own city of Atlanta, but I suppose there are larger ones.

Mr. REED. Is there any difficulty in enforcing it there?

Mr. GALLINGER. If the Senator will permit me, the State of Michigan, I think, by 70,000 majority has enacted a State prohibitory law. The city of Detroit is in that State, and it is a city twice as large as Washington.

Mr. REED. The law is not yet in effect, is it?

Mr. GALLINGER. No; but it has been passed upon by the people.

Mr. REED. I believe it is not in effect. Now, what I was coming to was this: Being a very ardent believer in temperance, and desiring as heartily as the Senator does to see the evil of intemperance eradicated, there yet arises the question of the best way to accomplish that.

The Senator himself states that he was for a long time an earnest believer in local option. The District of Columbia is 10 miles square. How long does the Senator think it will be until just outside of this District there will be every conceivable kind of doggery, and a probable wave of criminality, which usually follows those things? Is there not a real danger in that?

Mr. SMITH of Georgia. I will answer the Senator. Over on the Virginia side I do not think we will have it. Over on the Maryland side, if it starts, I believe those good people will suppress it.

Mr. REED. They have not suppressed it in their own State.

Mr. SMITH of Georgia. Not entirely, no; but I think they have local option now in the counties of Maryland.

Mr. REED. Not adjoining the District.

Mr. SMITH of Georgia. I do not think they have put it into effect, but I think they have the right to do it; and I believe that these doggeries of the kind the Senator has in view—his idea was places of a very low order, the very worst order?

Mr. REED. Yes; I am afraid of them.

Mr. SMITH of Georgia. I do not believe the people in those counties would tolerate them. I think they will run them out, and I think the "dry" territory will spread. I hope so.

Mr. REED. I simply wanted to get the Senator's views of it.

Mr. SMITH of Georgia. I simply wish to mention, in conclusion, the fact that this report from which I read is the report of the joint committee of which the Senator from West Virginia [Mr. CHILTON] was chairman.

Mr. GALLINGER. Mr. President, there are just 10 minutes remaining until 2 o'clock. I will say to my friend from Alabama [Mr. UNDERWOOD] that if he desires to occupy that time, or anyone else in favor of the referendum wishes the time, I shall be glad to yield and take 5 minutes after the hour of 2 o'clock has been reached.

Mr. UNDERWOOD. I thank the Senator for his courtesy; but I do not think there is anything that I desire to say that I will not have an opportunity to say under the five-minute rule.

Mr. GALLINGER. Mr. President, I will, then, take a few minutes in presenting my view of this matter.

We have before us a petition said to have been signed by 40,000 people in the District of Columbia. The Senator from Alabama does not know whether they are men, women, or children; neither do I, nor does any other Senator.

I challenged the first page of the petition upon first glance, saying that, in my judgment, the signatures were made by the same person. If anybody will take the Declaration of Independence and notice the signatures on that document and follow it down in every petition that ever has been presented to Congress from that day to this containing a large number of names and find the same, almost identical, chirography that there is on the page I looked at, I will say that I ought not to have made the observation I did. I do not insist now that the names are signed by the same person, but evidently the same pen and the same ink were used, and the same form of chirography runs down the entire page. It certainly looks suspicious. My attention has been called to subsequent pages. There the identity is not so striking. In some instances manifestly more than one name was signed by the same person, but, as a rule, I think they were signed by different persons. Those doubtless were the sheets that were hung up in the saloons of the District of Columbia, where the man who came in to get a drink was invited to append his signature to the document, which he promptly did. So that those doubtless were signed by different individuals in most instances.

Mr. President, as to a referendum in the District of Columbia, I have been here a long time, and for 22 years I was associated with the Committee on the District of Columbia in one capacity and another. For 10 or 12 years I was chairman of that committee, and I have some knowledge of this District. If there is any binding reason why this matter should be submitted to the people of the District of Columbia for their approval, I can not for the life of me understand why the same argument was not made when the Jones-Works bill was passed upon by the Senate regulating the excise laws of this District and driving out of business a very large number of saloons at that time. I can not see why the bill that was aimed at the "red-light" district ought not to have been submitted to the people of the District of Columbia just as well as this. Why should not the Borland amendment, which the people of the District of Columbia are proclaiming against and denouncing as unfair to the District, have been submitted to the people for their consideration and their approval or disapproval? Why should not the taxation of intangibles, which is now a burning subject in the minds of the people of this District, have been submitted to a referendum rather than to have Congress take the responsibility of passing that law and of imposing that burden, if it be a burden, upon the people without their consent? Why should not the half-and-half proposition, Mr. Presi-

dent, which has been the source of more eloquence perhaps, both in the Senate and outside, than any other proposition that was ever submitted to the Congress of the United States concerning the District of Columbia, have been submitted to the people for their approval or their disapproval? But Congress did not think it was necessary to do so. Congress in its sovereign right legislated on all those questions, and there is no reason why on all other questions concerning the people of this District Congress, in justice to itself, should not also legislate on these questions, including this bill, instead of referring it to a vote of the people.

Mr. SHAFROTH. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield to the Senator; yes.

Mr. SHAFROTH. Has there ever been any referendum of any question to the people of the District of Columbia?

Mr. GALLINGER. Not during the past 30 years, during my residence here. I am one of the oldest inhabitants now.

Mr. SHAFROTH. Does the Senator know of any instance where it ever was done, even in prior years?

Mr. GALLINGER. It never has been suggested in 30 years, and I do not now recall any instance in prior years.

Mr. HARDWICK. Mr. President, if the Senator will pardon me——

Mr. GALLINGER. There may have been some instances of the kind.

Mr. UNDERWOOD. Mr. President, will the Senator yield?

Mr. GALLINGER. I will yield after I explain. There was a time when they had a municipal government here, a time when they had a governor here, a time when they had a mayor and a common council here, and they may have had some referendum during those years. I do not know as to that. However, I do know that the form of government was changed because of conditions then existing.

Mr. UNDERWOOD. I just wish to correct the RECORD. The Senator from Colorado was sick when the debate occurred before, and therefore did not hear the debate; but if he will refer to the debate he will find that I stated in the RECORD at that time that there were instances of a referendum in the District, and I cited them. One of the most marked was a referendum on the question as to whether Alexandria County and Alexandria city should be ceded back to the State of Virginia, which was submitted to the people to determine.

Mr. GALLINGER. Mr. President, however that may be, there has not been any referendum since the organic act was passed which has governed this city for more than 30 years, and I see no reason why there should be an exception made in this instance.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, the organic law was the result of a referendum vote.

Mr. GALLINGER. Even if so it does not change my statement in the least.

Mr. President, I have had more or less knowlegde of six elections that have occurred in the District of Columbia since I have been in public life. Those six elections were when the people of this District elected, or tried to elect, delegates to the several national conventions of the political parties in this country, and if anybody wants to see another election of that kind in the District of Columbia I certainly do not. They were governed by regulations just as strict as the regulations in this bill, and yet those so-called elections were so notorious that the cry of fraud was raised from the first hour that they were balloting until the ballots closed, and they were so outrageously notorious that the Republican national committee refused to receive any delegates from the District of Columbia in their last national convention.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. I yield.

Mr. SUTHERLAND. I ask the Senator for information, because I do not know what the fact is. Were those elections governed by statutes of Congress?

Mr. GALLINGER. They were not, but they were governed by regulations on the part of the Commissioners of the District of Columbia, which were just as strict as any provision there is in this measure.

Mr. SUTHERLAND. Were they regulations that were enforceable as criminal statutes?

Mr. GALLINGER. I do not know as to that; very likely not. I do not know how far the regulations in this measure are enforceable as criminal statutes.

Mr. SUTHERLAND. Oh, yes; there are such provisions.

Mr. GALLINGER. However that may be, the regulations were just as strict as the provisions in this amendment, and there was provided a careful supervision of those elections by those in authority; and yet the ballot boxes were stuffed, repeating was notorious, and nobody believed that the men who were declared elected had been honestly elected by the men who voted.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I yield to the Senator.

Mr. BORAH. Is it not a fact that they finally cleaned up the situation by burning the ballot boxes?

Mr. GALLINGER. That was done on one occasion, and perhaps on more than one occasion. I think that was the proper way to do it on all those occasions. I went to the polling places and witnessed what was going on.

Mr. HARDWICK. I do not understand. Were they Republican primaries?

Mr. GALLINGER. They were Democratic primaries and Republican primaries likewise. One was as bad as the other, and both were as bad as they could be.

Now, Mr. President, to my judgment, with the knowledge I have of the District of Columbia and the character of the voting we would get under the provisions of this bill, I believe the whole scheme to be impracticable and unworkable, and I hope that the Senate will not commit itself to the proposition that a question of this momentous importance should be submitted to the people of the District of Columbia, when they have no proper machinery for elections, when they have been denied the right of suffrage on every other question that comes before them, this particular bill being singled out and made an exception to the rule.

I have believed for 20 years that the people of the District of Columbia ought to be given suffrage. I believe that they ought to be represented in the Congress of the United States; but most of the gentlemen who are arguing for a referendum on this question to-day, giving them the right of suffrage, would not agree with me in the proposition that I have just stated, any more than they would agree with me on the question of woman suffrage, which is in this bill.

Just a word more and I am done. The hour of 2 o'clock being reached, I will take my five minutes now to which I am entitled on the amendment.

The PRESIDENT pro tempore. It is three minutes. The Senate is proceeding now under the three-minute rule.

Mr. GALLINGER. Under the five-minute rule.

The PRESIDENT pro tempore. Five minutes on the bill and three minutes on any amendment.

Mr. GALLINGER. Does the Chair rule that the substitute is to be treated as an amendment under the agreement?

The PRESIDENT pro tempore. The pending amendment is the amendment of the Senator from Missouri [Mr. REED].

Mr. GALLINGER. I did not know there was an amendment of that kind pending.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KENYON. I should like to inquire while this amendment is pending if a Senator may speak five minutes on the bill or must he confine himself to three minutes on the amendment?

The PRESIDENT pro tempore. The Chair would rule, subject to being overruled by the Senate, that the five-minute rule is to be applied only while the bill is pending after the amendments have been disposed of.

Mr. KENYON. It can not be applied until all the amendments have been disposed of?

The PRESIDENT pro tempore. That would be the ruling of the Chair.

Mr. GALLINGER. I will take my three minutes now on the amendment. I say that in the matter of a referendum the friends of temperance would be tremendously handicapped in the District of Columbia. There are about 300 public saloons in this District and there are probably nearly 200 other places where alcoholic liquors are manufactured and sold. All these places would be actively at work against the proposed law. In addition, there are doubtless between four and five hundred owners of premises where the traffic is carried on, and all those people will be actively opposed to the law that is proposed by the Senator from Texas, because they have a personal interest in the matter. So I say if it should go to a referendum there will be a handicap upon the friends of temperance that very likely would defeat their wishes.

Mr. President, the so-called petitions, hanging as they did in every saloon in the District of Columbia, signed by men coming

into those saloons, are a suggestion to us that those men will use all the influence, all the power, and all the money necessary to defeat the bill if it is to be voted on by the people.

Therefore, I say, Mr. President, the friends of temperance in the Senate must beware and not submit a question of this kind largely to the very men who are engaged in the traffic, and whose money and influence will be exerted to perpetuate that traffic.

So, Mr. President, holding that view I propose to offer an amendment at the proper time which I will simply ask to have read now, and then I will take my seat. Let it be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After the word "voters," in line 21, page 2, of the proposed substitute, insert the following:

Provided, That all persons engaged in the manufacture or sale, wholesale or retail, of alcoholic liquors as defined in this act, and all persons owning or renting premises where alcoholic liquors are sold, wholesale or retail, are hereby disqualified from voting at said election.

[Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. The Chair requests the occupants of the galleries to observe order.

Mr. UNDERWOOD obtained the floor.

Mr. GALLINGER. I will ask that the pending amendment be stated. I have not heard it.

The PRESIDENT pro tempore. The Secretary will read the pending amendment.

The SECRETARY. The pending amendment was offered by the Senator from Missouri [Mr. REED] on December 19 last, as follows:

On page 2, lines 5, 6, and 7, strike out "for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes," and insert in lieu the following: "No alcoholic or other prohibited liquors shall be exported from the District of Columbia into any State or Territory of the United States."

Mr. UNDERWOOD. Mr. President, I did not at this time expect to say anything further on this bill, except that I think the statement made here this morning clearly points out the danger of the precedent that we are driving up against. I do not question the sincerity or purpose and the honesty of thought in the views expressed by the great Senator from New Hampshire [Mr. GALLINGER] and the distinguished Senator from Georgia [Mr. SMITH]; but both of them have expressed this morning the very thought which I believe is the crux of this situation. The Senator from Georgia said that, as far as he was concerned, if he had his way and intended to submit this question to a vote of anybody in the District, it would not be to the resident citizens; it would not be to those citizens of the United States who pay the taxes and raise the children, who respond to the call of the Nation when it is in danger, who live within this District—good people, true people. No; he would disfranchise them without a question; but if it were to be submitted at all he would submit it to the officeholding bureaucracy which compose a portion of the citizenship of this District, to the officeholders of this District, coming from far States, to determine a question that only on yesterday the Supreme Court of the United States said is a police power which belongs to the government of the States and not to the Federal Government.

Now, the distinguished Senator from New Hampshire offers an amendment. I will not say that he offered it for the purpose of prejudicing a case, because, unfortunately, men who are engaged in certain lines of business meet condemnation from certain quarters; but he would offer an amendment here because a few hundred votes in addition——

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENYON. Mr. President, I realize that it is impossible for me to say what I would like to in three minutes. I will, however, string along on the amendments at different times.

It has been inaccurate, I think, to confine this discussion merely to the relationship of the District of Columbia to this question. This is a part of a great national movement. It is inaccurate to say that prohibition is to become a great issue in this country, because it is a live, active, undodgable issue to-day; an unpleasant one, possibly, for politicians, but one they can not dodge.

One of the greatest leaders of the Democratic Party, three times its candidate for President, Secretary of State under this administration, has declared that he intends to do all he can to write a prohibition plank in the next national platform of the Democratic Party, and when Mr. Bryan, with his wonderful personality, his splendid manhood, his power of oratory, and his courage, with the audiences which he can attract in the American Republic, makes it his business for the next few years to hold up the saloon interests of this country to the gaze of the American people, those who have stock in saloons might as well commence selling it just as quickly as they can. And if he secures the adoption of his "dry" plank in the Democratic platform it will shatter party lines.

It is inconceivable to me why certain portions of our country do not seem able to comprehend the new spirit and movement of this country. I do not mean it in any partisan way, but this question of prohibition is coming up from the West and the Middle West as a great question of social justice and social righteousness. It is more than a moral question; it is likewise an economic one. Very few votes for prohibition will come into the Senate from the eastern section of the country. There are a few bright lights here and there, such as the distinguished Senator from New Hampshire [Mr. GALLINGER] and the junior Senator from Maine [Mr. FERNALD], but one thing we have been taught in the last election, which was not to my liking in its result, is that there is a West and a South and that we do not commence to celebrate or pay election debts when the returns are in from the State of New York. Almost a solid East will be recorded for this referendum. Is that because they are so intensely interested in popular government?

Mr. President, there are enough votes in the Senate Chamber representing the people of the United States who have just as much interest in this question——

The PRESIDENT pro tempore. The time of the Senator from Iowa has expired.

Mr. KENYON. I will continue on the next amendment. [Laughter.]

Mr. HUGHES. Mr. President, I suggest to my distinguished and amiable friend from New Hampshire that he modify his amendment so that nobody be permitted to vote on this question except duly qualified members of the Antisaloon League.

Mr. GALLINGER. I would not wish to discriminate against certain parties whom the Senator represents.

Mr. HUGHES. Will the Senator specify whom he says I represent?

Mr. GALLINGER. I mean to say the Senator represents their side of this controversy.

Mr. HUGHES. In the first place, the Senator might have had the courtesy—for he has been in the Senate long enough—to address the Presiding Officer before interrupting another Senator.

Mr. GALLINGER. The Senator sought an answer from me. The Senator had better not ask me a question unless he wants an answer.

Mr. HUGHES. I was compelled to seek an answer, after the discourtesy of the Senator from New Hampshire.

Mr. GALLINGER. Oh, no.

Mr. HUGHES. In any event, I know the Senator in his heart would be delighted if he could limit the referendum to the members of his party. The Senator is a partisan, if there is one on the floor of the Senate.

A great deal can be said with reference to the abolition of saloons. There is a great deal of heat. Much more heat than light is generated in this discussion, but it involves more than the abolition of the saloon. This legislation means that our Capital City is to be the only capital city in the civilized world where it will be impossible for foreigners, visitors, sojourners in our land, to eat and drink according to the customs of the countries from which they come. It will be impossible for a Frenchman and his family to drink a bottle of claret at their dinner. It will be impossible for a German with his family to drink a glass of lager beer with their meal in a public place. In other words, it means not only the abolition of the saloon, not only the destruction of the straw man which these gentlemen have laboriously built up in order that they might destroy him, but it means a vital interference with the intimate daily personal affairs of hundreds of thousands of citizens; and then we are treated to the spectacle of men who have gone up and down this country——

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. HUGHES. If permitted under the unanimous-consent agreement, I should like to speak for five minutes on the bill.

The PRESIDENT pro tempore. When the bill is under consideration, after the amendments have been disposed of, the Senator will be recognized, and he can then speak for five minutes.

Mr. HUGHES. I understood that the Senator from New Hampshire exercised that privilege.

The PRESIDENT pro tempore. No; that was not the case.

Mr. SHAFROTH. Mr. President, I am in favor of this bill, and I am opposed to the substitute presented. The sentiment which the Senator from Iowa [Mr. KENYON] has referred to as being so overwhelming is due to an evolution in the minds of

the people as they are enlightened as to the detrimental effect of the use of intoxicating liquors. There was a time when a man could manufacture his own whisky. There was a time when there was no internal-revenue tax laid upon the manufacture of it. There was a time when there were less restrictions and when there were no licenses, and then when licenses required only a small payment. But as each step has been taken the realization of the people has been that the greatest curse this country has ever had or the people of the world have ever had is the work of the saloon and the excessive use of intoxicating liquors. That is what has caused the sentiment and what has caused the change in the situation as to submission.

There was a time when legislators would not think of submitting the question of prohibition to the people of a State. Oh, no. You must take it to a community; you must take it to a county. There was a time when a city council could not submit it to the entire city, but would submit it simply to a ward of that city or to a precinct of that city. But as the evil has been shown, as the detrimental effect of the use of liquor has been demonstrated, as its effect upon civilization has been made clear there has been this enormous sentiment which the Senator from Iowa has so graphically described.

Mr. President, it is true that States now submit the question, but when they realize the fact of the pernicious effect will it not go in the same line with everything else that is of such a nature which is conceded to be of that character? We do not submit the question of the sale of opium to the people of the District, because universally it is conceded to be detrimental, and yet the use of opium is not as detrimental in the way it is used at the present time as the use of intoxicating liquors. We do not submit the question of gambling to the people, and yet some of the highest minded men in the world have gambled. There is no question of that, but it has been made clear that it is immoral to do it; that as a matter of fact its detrimental effects upon the people who handle the money produces embezzlement. If we do not submit such questions to the people of the District, why should we submit the question involved? The District of Columbia was created for the express purpose of having the Congress legislate for the city containing the Capital of the Nation. All citizens of the Republic have an interest in the good order of society here and they should have the right through their Representatives of determining whether saloons should exist at the National Capital which might extend their evil influence to the 40,000 employees of the Government here.

The PRESIDENT pro tempore. The time of the Senator from Colorado has expired.

Mr. SHEPPARD. Mr. President, I wish to express the hope that the amendment of the Senator from Missouri [Mr. REED] will be voted down. It was never intended by this bill to penalize or destroy a legitimate industry. It is entirely permissible to use alcohol for industrial and scientific purposes. If that use should not be permitted hospitals would be without the most beneficent agencies for the relief of pain, laboratories would be without the means of modern analysis and experimentation, pharmacists would be deprived of an indispensable agency for the preservation and compounding of drugs.

The evil consequences which the Senator pictures are entirely imaginary. If alcohol is shipped into territory governed by prohibitory laws they will take care of the situation. If it is shipped into territory already wet no law will be violated.

I trust the amendment will be rejected.

Mr. LANE. Mr. President, before the vote is taken I wish to explain to the Senate that I have a pair on this bill with the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senator from Wisconsin is absent on account of the illness of his wife and son. He and I look upon the measure differently. I am in favor of the Sheppard bill for prohibition. I am opposed to a referendum upon this item. I would favor a general referendum, perhaps, but not on an item singled out. The Senator from Wisconsin is in favor of it. Therefore there is no vote lost, and out of courtesy to the Senator from Wisconsin, for the second time since I have been a Member of the Senate, I am paired.

Mr. REED. Mr. President, I had not intended to say anything further with reference to this amendment and should not have done so except for the remarks of the Senator from Texas [Mr. SHEPPARD]. This bill, introduced by the Senator, is bottomed upon the idea that the use of intoxicating liquors is an unmixed evil and therefore Congress ought to prohibit the sale of all kinds of intoxicating liquors within the District, including alcohol, save that the sale of alcohol within the District is permitted for medicinal and mechanical purposes.

Yet the Senator and those associated with him who talk about wanting to make the Capitol of the Union a sort of holy of holies and an example to all the world, insist upon protecting the only large alcohol-producing factory in the District, a concern that has gone into the public press with display advertisements. I call attention to one in the Washington Post of January 6, on page 4.

Mr. SHEPPARD. Will the Senator read the uses of alcohol given there?

Mr. REED. I have not time to read it. I know that alcohol is used for many good purposes, but the trouble is when you allow it to be made in this city it can be shipped into any other territory and then used for bad purposes. Since we are engaged in the business of extermination, we ought not to make Washington the habitat of an institution of that kind. Everybody knows that it can be made here by tens of thousands of gallons and sold outside the District and be ultimately manufactured into whisky. Now, this is put forward as a moral question. Let it be so considered.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LEE of Maryland. Mr. President, I wish to call the attention of the Senate very briefly to a letter to Corby Bros., of the District of Columbia, from Nelson, Baker & Co., manufacturing chemists, Detroit, Mich, with offices at 930 Broadway, Kansas City, and ask that this letter be read. It is an illustration of the use of alcohol for medicinal purposes, as provided for by this bill, the application for the alcohol coming from a firm with an office in the Senator from Missouri's own State. This shows how unfortunate it would be to adopt his amendment, which would interfere so largely with the concededly legitimate and appropriate use of alcohol produced by this manufacturing concern in the District of Columbia.

The PRESIDENT pro tempore. Does the Senator request that the letter be printed in the RECORD or that it be read?

Mr. LEE of Maryland. I ask to have it read.

The PRESIDENT pro tempore. The Secretary will read the letter.

The Secretary read as follows:

DETROIT, MICH., *February 16, 1916.*

The CORBY CO.,
Washington, D. C.

GENTLEMEN: At a recent convention of the manufacturers of medicinal products in New York we were advised by some of the members that you were manufacturers of alcohol, but that you restricted your sales to manufacturers who used alcohol for medicinal purposes only, and that you accordingly made very attractive prices.

All the alcohol purchased by us is used only for the manufacture of medicinal products, and we would like to have you quote us in carload lots.

We inclose stamped self-addressed envelope and thank you in advance for a reply.

Yours, very truly,

NELSON, BAKER & CO.,
F. W. KEYSER.

Mr. GRONNA. Mr. President, in casting my vote against this amendment I do not wish it to be understood that I am opposed to the legislation if it were possible to pass the bill with it in this body and perhaps in the other House. I think it can be said with some truth that there is an inconsistency in protecting any manufacturer if we are going to have prohibition.

In my State, Mr. President, more than a quarter of a century ago when the question of prohibition was up for discussion we enacted legislation and placed it in the constitution of our State, and we eradicated not only the saloon but all those institutions where intoxicating liquor was being manufactured, and it has had no bad results. But I understand perfectly well, and I have been told by the friends of the measure, or, rather, by those who have the measure in charge, that it might endanger the passage of the bill to place the provision offered by the Senator from Missouri in the bill. For that reason, and for that reason only, I shall vote against it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri. [Putting the question.] The noes seem to have it.

Mr. MARTINE of New Jersey. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. GALLINGER. I have offered an amendment.

Mr. PHELAN. I offer an amendment.

The PRESIDENT pro tempore. The Chair is informed that the amendment was not agreed to in Committee of the Whole, and therefore an amendment to that amendment is not in order, but probably will be in the Senate.

Mr. GALLINGER. Let me understand that ruling. The amendment of the Senator from Alabama is before the Senate as in Committee of the Whole?

The PRESIDENT pro tempore. The amendment of the Senator from Alabama, the Senator will remember, was rejected as in Committee of the Whole.

Mr. GALLINGER. Oh, yes.

The PRESIDENT pro tempore. He has reserved——

Mr. GALLINGER. The right to present it in the Senate.

The PRESIDENT pro tempore. The right to present it in the Senate.

Mr. GALLINGER. That is correct.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from California [Mr. PHELAN].

The SECRETARY. On page 2, line 10, strike out the words "wine, ale, porter, beer," so that if amended it will read:

Wherever the term "alcoholic liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

Mr. PHELAN. Mr. President, it has just occurred to me during the course of the debate that, in as much as there is apparently wide divergence of opinion among the Senators, a compromise might be reached, whereby the good people of the District would not be denied those privileges which are enjoyed by the men and women of Europe to have at their meals, wherever they may take their meals, whether it be in residence, club, or hotel, light wines or light beers, which the experience of Europe teaches us are not, in practice, intoxicating. There are in Spain bodegas, where they sell nothing but wine and beer. There seems to be a very general sentiment, growing daily in this country, that the use of spirituous liquors highly charged with alcohol is detrimental to the public health and morals; but I do not think it is charged that light beers or wines have such effect. The light wine contains not more than 14 per cent alcohol, whereas whiskies, brandies, and cordials are all alcohol. Beer does not contain more than 4 per cent alcohol. Therefore, I submit, if there is a desire in this body to meet the objections of a very large number of good people who desire to continue the privilege in this free land of enjoying light wines and beers with their meals or on any other occasion, that Senators should support this amendment.

Mr. GALLINGER. Mr. President, I do not like the discrimination in the amendment proposed by the Senator from California. The Senator is proposing to take very good care of California, but he is allowing the hard cider of New England to remain within the prohibition of the bill. Why is that? [Laughter.]

Mr. PHELAN. I ask the Senator from New Hampshire what percentage of alcohol is contained in hard cider?

Mr. GALLINGER. I can not answer that. I never drank any of it in my life; but there is enough alcohol in hard cider to make it intoxicating, just as there is enough in ale and wine to make people who drink those beverages intoxicated.

Mr. PHELAN. I asked of the learned Senator from Texas [Mr. SHEPPARD] what percentage of alcohol there is in hard or fermented cider before I submitted this amendment, and he said there was no limit to it, whereas in wine, under the regulation of the Agricultural Department, there is a limit, as I stated.

Mr. GALLINGER. It is absurd to say that there is no limit to the percentage of alcohol in hard cider. There are different stages of fermentation, of course, and undoubtedly cider becomes an intoxicating beverage when it reaches a certain stage of fermentation. If, however, the Senator from California is going to exempt wine and beer and ale, in which he seems to be interested, to be consistent he ought also to exempt hard cider.

Mr. PHELAN. I will accept the Senator's assurance and suggestion. [Laughter.]

Mr. GALLINGER. Very well, Mr. President; that affords a stronger reason why I should vote against the Senator's amendment. [Laughter.]

Mr. JONES. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JONES. I have understood that the bill had been reported from the Committee of the Whole. If that is true, it seems to me the bill should have been perfected before the Underwood amendment was voted upon as a substitute. My recollection is that the bill has been reported to the Senate and is now in the Senate.

The PRESIDENT pro tempore. The Senator from Washington is mistaken in regard to that.

Mr. JONES. Of course, it is open to amendment.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole, and is open to amendment.

Mr. JONES. How does it happen, then, that we voted upon the substitute proposed by the Senator from Alabama before the bill was perfected?

The PRESIDENT pro tempore. The Underwood amendment was voted upon by the Senate as in Committee of the Whole. The bill still remained before the Senate as in Committee of the Whole after the Underwood amendment was defeated.

Mr. JONES. My recollection is that the RECORD shows differently; but I have not had time to look the matter up.

Mr. MARTINE of New Jersey. Mr. President, it seems to me that this bill is sure to pass this body, to the shame and the humiliation of the great Senate of the United States. If the bill is to pass, I urge that we pass it rightly. Let us make this Capital a model city, a real nice city, a city not only free from liquor, but also free from tobacco fumes, free from cigarettes, cigars, and pipes; a city free from the quids of tobacco and of expectorated tobacco juice. Millions of hard money are spent each year in this unfortunate habit. It pollutes God's free air; it is surely no benefit to man. The argument against the sale of liquor and against the use of liquor has been that it had no food value. God knows there is no food value in tobacco. Let us therefore abolish the use of it.

I have here an amendment, Mr. President, which I wish to offer at the proper place in this bill, as follows:

And be it further enacted, That on and after the passage of this act it shall be unlawful in the District of Columbia to offer for sale, to vend, barter, or give tobacco in any form whatever, and that to smoke, chew, or snuff on any street, alley, or highway, or in any public building in the District of Columbia shall be unlawful and shall be punished by a fine of $50, and for a second violation of this provision of this act the penalty shall be doubled, and so on ad infinitum.

I offer that amendment in all sincerity. [Applause in the galleries.]

Mr. President, I want to say——

The PRESIDENT pro tempore. The Senator will suspend. The Chair has already admonished occupants of the galleries that order must be preserved therein, and that the Chair must enforce the rules of the Senate. Upon further display of applause or an attempt to show the feelings of occupants of the galleries during this discussion the Chair will order the galleries or such part of them as he may designate cleared. The Chair will not again warn occupants of the galleries, but will act in the matter.

Mr. MARTINE of New Jersey. Mr. President, I trust the time occupied by the Chair will not be taken out of my time.

I want to say, Mr. President, that I feel that I am fortunate in the fact that my lips have never been polluted with tobacco in any form whatever. I can see no value in it. I realize that many of my fellow Senators—indeed, almost all of them—obtain infinite pleasure out of the habit of using tobacco. In God's name and in the interest of humanity, in the interest of God's free and sweet air, in the interest of thousands of weak and puny boys and men, sniffing and sucking on the end of a cheroot or of a little cigarette, I ask you to make the self-sacrifice, you from Georgia, you from South Carolina, and other parts of the country, who represent fortunes in money as well as the comfort physically of chewing the noxious weed.

Mr. JAMES. Mr. President, I make the point of order that the amendment offered by the Senator from New Jersey is out of order.

The PRESIDENT pro tempore. The Chair sustains the point of order. The question before the Senate now is on the amendment offered by the Senator from California [Mr. PHELAN].

The amendment was rejected.

Mr. MARTINE of New Jersey. Mr. President, may I ask when my amendment may be offered?

The PRESIDENT pro tempore. The Senator's amendment may now be offered.

Mr. MARTINE of New Jersey. Mr. President, I have presented the amendment in all seriousness. I am so utterly and absolutely opposed to this narrow thought of prohibition that I confess I am unable to find words adequately to express my feeling. I am willing to believe that many of my friends are conscientious in this matter. I say that this great loud cry for humanity, while it may in many instances be interpreted as for humanity, may also be interpreted as political ambition. I say that prohibition laws, as suggested by the Senator from Georgia [Mr. SMITH], do not prohibit. I say that advisedly, and I shall present some newspaper clippings showing that fact, which I shall ask to have inserted in the RECORD.

The Senator from Georgia says he is opposed to the open bar. I say substitute something better for the open bar before you abolish it. All mankind were not born alike nor are they blessed with like surroundings. I ask the Senator, in all seriousness, is an open room, in which men sit in a gilded palace and drink

whisky or beer or wine, any better than the open bar? And yet right within the Commonwealth of Georgia open rooms are maintained, where men sit and drink whisky and beer and everything else they desire.

I say that in Georgia, in Kansas, and in almost every other prohibition State there are more arrests for drunkenness than elsewhere, and your prohibition laws are futile and a failure.

I want to answer the remark made by the Senator from Mississippi [Mr. VARDAMAN] in relation to some young woman rising and asking a question at that meeting. The Senator said, "Oh, yes; she was a brave little woman"; that she must have been brave to have been in such a crowd as was there. Does the Senator know what he is talking about? I was there, and I say that the so-called crowd at Poli's Theater was as dignified, as conscientious, as upright, and as orderly a body as I ever saw. It would compare favorably with any body——

Mr. VARDAMAN. Mr. President——

Mr. MARTINE of New Jersey. One moment, sir. That it would compare favorably with any body that has ever been gathered together within the pale of Mississippi or of any other Commonwealth. There was an orderly set of men and women gathered there to plead and press for their rights as they saw them.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. VARDAMAN. I rise to a question of personal privilege. The Senator from New Jersey picks me out every time he gets up——

Mr. MARTINE of New Jersey. No; I do not yield to the Senator, if it is to be taken out of my time.

The PRESIDENT pro tempore. The Chair can not prevent interruptions being taken out of the Senator's time.

Mr. MARTINE of New Jersey. Then, I decline to yield further, if the interruption may not be deducted from my time. I do not think the Senator should take my time. I do not think the Senator should interrupt me. I think he is a very delightful, lovable gentleman, but——

The PRESIDENT pro tempore. The time of the Senator from New Jersey has expired.

Mr. GALLINGER. I desire to raise a point of order. My point of order is that there is no amendment pending; that no amendment has been stated from the desk.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. MARTINE] has offered an amendment, which the Secretary is awaiting an opportunity to read.

Mr. VARDAMAN. I rise to a question of personal privilege, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. VARDAMAN. I am perfectly willing to stand by what I say and pay the penalty of my act, but I must not be asked to suffer for that which I have not said or done. I made no uncomplimentary reference to the audience at Poli's Theater. I am sure it was a characteristic Washington audience. I do not know what the reporter recorded me as saying, but what I did say or intended to say was that she must have been a brave little women to have entered her protest in that particular audience.

Mr. MARTINE of New Jersey. The Senator said "in that crowd," if I am not mistaken. I will ask for a reading of the RECORD.

Mr. VARDAMAN. I decline to be interrupted by my amiable and kind-hearted and always interesting friend from New Jersey. What I meant to say was that the jury was evidently packed and their minds were made up before they went to the opera house, and anyone who had the courage to stand up and stem that tide of disfavor which she would inevitably encounter by protesting as she did, must have been a very brave and patriotic little woman.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Jersey.

Mr. GALLINGER. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. Insert in the bill at the proper place the following words:

And be it further enacted, That on and after the passage of this act it shall be unlawful in the District of Columbia to offer for sale, to vend, barter, or give tobacco in any form whatever, and that to smoke, chew, or snuff on any street, alley, or highway or in any public building in the District of Columbia shall be unlawful and shall be punished by fine of $50, and for a second violation of this provision of this act the penalty shall be doubled, and so on ad infinitum.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and still open to the amendment.

Mr. UNDERWOOD. Mr. President, I offer an amendment to the bill in the nature of a substitute, being the amendment proposed by me as in Committee of the Whole.

Mr. GALLINGER. Mr. President, I will ask unanimous consent that the reading of the proposed amendment be dispensed with. We have all read it, and it has been discussed.

Mr. UNDERWOOD. I will say to the Senate that the amendment is the same as that voted on as in Committee of the Whole, except that there are one or two verbal changes. Several sentences began without the word "that," and that word has been inserted. Also the sections of the amendment have been renumbered, so as to avoid saying "section a" or "section b." Outside of that the amendment is the same as proposed as in Committee of the Whole.

Mr. GALLINGER. If the Senator from Alabama will turn to page 2 of his proposed amendment, as I hold it in my hand, the last word, in line 16, "has," evidently ought to be "have."

Mr. UNDERWOOD. I do not find the word "has" there.

Mr. GALLINGER. The word "has" is in my draft of the amendment, although I do not know that I have the last copy.

Mr. UNDERWOOD. I will say to the Senator that that language was placed in the bill by an amendment offered on the floor by the Senator from Mississippi [Mr. WILLIAMS] amending the language of the bill. Of course, I did not change the language of the Senator's amendment.

Mr. GALLINGER. It manifestly ought to be "have," I will say to the Senator.

Mr. UNDERWOOD. I am inclined to think it ought to be "have"; and, unless there is objection, I will ask that that change be made.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 16, on page 2, it is proposed to change the verb "has" to "have."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. Now I ask unanimous consent that the reading of the proposed substitute be dispensed with.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the reading of the proposed substitute be dispensed with. Is there objection? The Chair hears none, and that course will be taken.

Mr. GALLINGER. Now I submit the amendment suggested by me a while ago.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment to the proposed substitute of the Senator from Alabama, which the Secretary will state.

The SECRETARY. After the word "voters," in line 21, page 2, it is proposed to amend by inserting the following:

Provided, That all persons engaged in the manufacture or sale, wholesale or retail, of alcoholic liquors as defined in this bill, and all persons owning or renting premises where alcoholic liquors are sold, wholesale or retail, are hereby disqualified from voting at said election.

Mr. GALLINGER. Mr. President, I do not care to discuss that amendment. The language is plain and unmistakable, and I think it ought to be agreed to.

Mr. UNDERWOOD. Mr. President, as I said a while ago, it is a sad day for the people of this country when we face conditions that prevail in darkest Russia. It has often been thrown in my face that I represent somebody or something on this question because I stand for what I think is right. I hold a brief for no man and have no man's dollar in my pocket in connection with this or any other matter and never have had, but I am surprised when I see a distinguished Senator like the Senator from New Hampshire, on a proposition to submit a question to citizens of the United States involving their property and their business, regardless of whether they are right or wrong in conducting that business, and regardless of the question whether that business is right or wrong, seeking to disqualify them. Men engaged in this business are not disfranchised under the law when it comes to an election of President of the United States. The Senator would not go to his own State and attempt to disfranchise every man in it from voting for governor of the State who has taken a drink of whisky, and the man who sells that whisky is no more reprehensible than the man who drinks it, if it is a moral question.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. UNDERWOOD. I have but three minutes, and I ask the Senator not to interrupt me.

The PRESIDENT pro tempore. The Senator from Alabama declines to yield.

Mr. GALLINGER. Very well.

Mr. UNDERWOOD. But I do say that for Senators of the United States, because they may think certain men in a certain business should not be approved in their business and that the business should not be approved, to stand here and put the brand of Cain on the brows of those men is a thing that is only worthy of the tyranny of a Russian Government.

Mr. VARDAMAN. Mr. President, it is not my purpose to speak to the merits of the bill at this time, but I rise simply to express the hope that the amendment offered by my good friend, the distinguished Senator from New Hampshire [Mr. GALLINGER], may not be adopted. I am not fighting the saloon keeper. I have none other than the kindliest feelings for him personally. In all the walks of life and in the bosom of his home I wish him well. As a matter of fact, I have had among that class of people some of the best friends and have known some of the truest men that ever blessed the life of man with their friendship. I knew a man once engaged in the saloon business who was a gallant soldier, a loving father, kind husband, and a friend whose loyalty was without variableness or shadow of turning.

I am reminded in this connection of the reply made by Tom Paine when asked to vote for the resolution to behead the King of France. "I did not come to France," said Paine, "to kill monarchs, but rather to destroy monarchy." That is the motive which inspires and moves me in this matter.

No; I am not fighting the saloon keeper, but I am fighting the pernicious traffic in which he is engaged. The saloon business, not alone in America but throughout the world, has been tried in the court of public opinion and convicted, the jury has rendered its verdict, and the court is now about to pronounce the sentence of extermination. If the amendment offered by the able Senator from Alabama [Mr. UNDERWOOD] shall be voted down and Senators brought face to face with the main question, that will be sufficient to insure the passage of this bill and close the saloons in this city of Washington without disqualifying for the higher privileges of citizenship or in any way putting odium upon the men who happened to be engaged in the saloon business. It is my purpose in opposing the so-called Underwood amendment and supporting this bill to help my fellow man and do no man an injury.

Mr. GALLINGER. Mr. President, in view of what has occurred, I withdraw the amendment. I think it has served its purpose.

Mr. SMITH of Michigan. Mr. President, of course no one could question the motives of the Senator from Alabama [Mr. UNDERWOOD], than whom there is not in the public service a more high-minded and a more patriotic man. Those of us who have had the honor of serving with him in the House of Representatives can bear testimony to his lofty purposes and high character. But, Mr. President, I am going to vote against this referendum, proposed by the Senator from Alabama, not because I doubt the intelligence or the patriotism of the people of the District of Columbia but because Congress is extending this privilege to the citizens of the District and all other citizens temporarily residing here merely as a courtesy, and the people of the District of Columbia have no power or authority to see that the referendum, when once expressed, is given force and effect. They have no means of knowing that their will at the polls will be respected by Congress and, whatever the verdict may be, the election framed to test public opinion would have no binding effect upon future Congresses, and, if the people of the District in the exercise of this special privilege should come into collision with the wishes of Congress the lawmaking body would brush aside their verdict as of no binding force or effect.

In a municipality the electorate determines its will by referendum or other method and has the constitutional power to enforce public sentiment. If the common council fails to heed the popular verdict at the polls, a new council will be chosen by the electorate in harmony with its wishes, and frequently when constituted municipal government fails to carry out the public will those in authority are recalled and new officers put in their places. If the legislature of a State sees fit to submit to the people a great public question by referendum and the people decide that question at the polls, the legislature must give effect to such a mandate without hesitation or delay, or the people will elect a new legislature which will obey the public will.

Mr. President, there is not a Senator upon this floor who will for one moment contend that this referendum proposed for the District of Columbia would bind the new Congress about to assume authority. A public expression can not be tested here until after this Congress has passed into history. If a referendum vote should now be taken the proponents of prohibition would press their cause with increased vigor, and the referendum would not be effective in establishing the ultimate will of Congress.

Upon the previous vote taken upon this question the amendment of the Senator from Alabama was defeated by a tie vote in the Senate, and even the author of that amendment was not satisfied and is to-day testing the Senate's attitude regarding his measure with the same force and vigor that was displayed when it failed of passage because of a tie a few weeks ago. If the vote in the District of Columbia should be close, and it might be close, the friends of temperance here and the friends of this measure throughout the country would not be satisfied with such a verdict as the expression of the national will. Therefore, Mr. President, to save a possible disagreement between Congress and the citizens of the District, I think the Senate should exercise its constitutional authority and pass such laws as seem to be wholesome and helpful to the people here, assuming all responsibility therefor. To delay means increased bitterness between the citizens of the District and the national authority, and I am ready to take my share of the responsibility for our action. It has frequently been said when the question of State and National prohibition has been under discussion that public sentiment must be practically unanimous or the law could not be enforced.

It has been argued again and again in different States that prohibition of the sale of intoxicating liquors meant practically unlimited license to use liquor, and in many States the division has been so sharp between the question of high license and prohibition that the police authority has been seriously hampered in the execution of the law. That, however, can not be said of the District of Columbia. The citizens of the District have no right to vote here. The police authority is under the sole jurisdiction of the Federal Government. There can be but one attitude toward this legislation, and that is that it will be given unqualified effect in this District, where the Federal arm is supreme. And why should not the Capital of the Nation exalt this principle of morality and good conduct? Why should not the National Government within that part of the public domain which it absolutely controls exalt every civic and moral virtue and make of this Federal city the highest ideal of our national hopes and aspirations? I am glad to be privileged to vote in favor of the passage of this bill and give my approval to the principles here involved. If the National Government, with absolute authority in this District, 10 miles square, is unable to enforce the law strictly and impartially, the sooner the country understands the weakness of our system of government the better it will be for our citizenship. Sir, I expect this law to pass; I expect it to be helpful to the cause of temperance everywhere, and I am glad to stand in my place as its advocate and defender.

The PRESIDENT pro tempore. The time of the Senator has expired. The question is on the amendment offered by the Senator from Alabama.

Mr. UNDERWOOD. On that I ask for the yeas and nays.

Mr. SHEPPARD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, Ariz.
Bankhead	Hardwick	Nelson	Smith, Ga.
Beckham	Hitchcock	Newlands	Smith, Md.
Borah	Hughes	Norris	Smith, Mich.
Brady	Husting	O'Gorman	Smith, S. C.
Brandegee	James	Oliver	Smoot
Bryan	Johnson, Me.	Overman	Sterling
Chamberlain	Johnson, S. Dak.	Owen	Stone
Chilton	Jones	Page	Sutherland
Clapp	Kenyon	Penrose	Swanson
Clark	Kern	Phelan	Thomas
Colt	Kirby	Pittman	Thompson
Culberson	Lane	Poindexter	Tillman
Cummins	Lea, Tenn.	Pomerene	Townsend
Curtis	Lee, Md.	Ransdell	Underwood
Dillingham	Lewis	Reed	Vardaman
du Pont	Lippitt	Robinson	Wadsworth
Fall	Lodge	Saulsbury	Walsh
Fernald	McCumber	Shafroth	Watson
Fletcher	McLean	Sheppard	Weeks
Gallinger	Martin, Va.	Sherman	Williams
Gronna	Martine, N. J.	Simmons	Works

Mr. VARDAMAN. I desire to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate because of illness.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness.

The PRESIDENT pro tempore. Eighty-eight Senators have answered to their names. There is a quorum present.

Mr. THOMAS. Mr. President, before this vote is taken I wish to state that I believe thoroughly in the principle of the referendum, and am anxious to see it recognized and applied wherever possible. Hence I shall vote against the substitute for the reason, and for the sole reason, that I do not believe that we have the constitutional power to confer that right upon the people of the District of Columbia.

Mr. CHAMBERLAIN. Mr. President, I have received from the secretary of state of the State of Oregon a resolution on this subject which has just been adopted by the Oregon Legislature. Before the vote is taken I desire to ask that it be read to the Senate.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read as follows:

SALEM, OREG., *January 8, 1917.*

Senator GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.:

The following is transmitted you by direction of the twenty-ninth legislative assembly, senate joint memorial No. 1, to the honorable the Senate and the House of Representatives of the United States of America in Congress assembled, your memorialists, the Legislative Assembly of the Senate of Oregon, respectively represent that—

"Whereas the District of Columbia is under the government and jurisdiction of the Congress of the United States, and the existence of the open saloon at the Capital of the Nation is a menace to the welfare of all the people, and especially to the inhabitants of said District, and an evil example to the Nation; and

"Whereas at least three-fourths of the population of the United States now live in territory where the liquor traffic is prohibited, and the growing convictions of mankind are strongly averse to such traffic and the various evils inseparably connected with it; and

"Whereas our National Capital should be kept free from contaminating influences, as far as possible, not only for the sake of the inhabitants thereof but as an object lesson to the Nation: Therefore be it

"*Resolved by the Senate of Oregon (the House of Representatives concurring)*, That the Congress of the United States be, and it hereby, memorialized speedily to enact such legislation as will abolish the traffic in intoxicating liquors within the District of Columbia."

Adopted January 8, 1917.

GUS C. MOSER,
President of the Senate.
R. S. STANFIELD,
Speaker of the House.

Please apprise Senator LANE.

BEN W. OLCOTT,
Secretary of State.

Mr. OLIVER. Mr. President, for many years I have been a strong and consistent advocate of allowing the various localities in my own State to decide, each one for itself, whether or not the sale of intoxicating liquors should be licensed in their midst, and I see no reason why I should wish to allow that privilege to the people of Pennsylvania and withhold it from the people who reside in the Nation's Capital.

The liquor question is one which comes home to every citizen, and I think it is one that should be decided by the citizens of the locality. For that reason I expect to vote for the amendment submitted by the Senator from Alabama. If that amendment is rejected, as I hope it will not be, I expect to vote for the measure as it has already passed in the Committee of the Whole; but I hope the amendment of the Senator from Alabama will prevail.

Mr. HARDWICK. Mr. President, I favor on this and all other questions the fundamental principle of local self-government. It is one of the fundamentals of English liberty, and there is no particular legislation on any question, in my opinion, of enough importance to authorize its sacrifice at the hands of the parliamentary body of an English-speaking people.

I am perfectly willing—yea, anxious—that the will of every Commonwealth in this Union on the liquor question shall be carried into legal effect, and it is my purpose to do all in my power, so far as the Federal Government has to do with that question, to accomplish that result in every State and community in the land. But, like the Senator from Pennsylvania, I do not see why this same principle does not apply to the District of Columbia as well as to every State or Territory of the Union on a question of this character.

Senators may argue that under existing law, and under law that has been in effect for more than 30 years, no question has been submitted to the District of Columbia. True; but the answer is that for the first 80 years of this Government, when the fathers who wrote the Constitution, who framed the very provision to which Senators are so fond of referring, were in life and were in control of the affairs of this Government, they thought it proper to commit to local authorities in the District of Columbia the control of its local and police questions.

Mr. President, such a referendum as is proposed here would be persuasive only upon Congress. The Senator from Michigan insisted that such a referendum would not be binding on a subsequent Congress. No; nor is any other law we pass on any subject whatever binding on a future Congress.

There is one other reason—a powerful, practical reason—why such questions ought to be submitted to the will of the electorate of each Commonwealth or of each community to be affected by laws of this character. It is because unless the men in the jury box are prepared to sustain and enforce those laws, it is useless and worse than useless to enact them. During all the history of this District the criminal and civil laws of the District of Columbia have been enforced by juries in this District, inhabitants here, who sit in the court rooms and mete out justice according to their views of law and evidence. I submit to this body that it would be useless—yea, more than useless—to pass laws on a question like this unless the men whose names are in those jury boxes in this District are prepared to enforce them. There has always been local law enforcement here; hence the necessity for knowing whether laws of this character can be enforced, or not, before we enact them.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired.

Mr. TOWNSEND. Mr. President, I feel that it is my duty to vote against the substitute offered by the Senator from Alabama [Mr. UNDERWOOD], first, because this is the Capital of our country, whose control and management is exclusively in the hands of Congress. The people live here largely because this is the Capital of the country. They exist because of the salaries that the General Government disburses out of the money belonging to the United States. It is not simply the home of those who happen to own property here; it is the seat of government, and to it are attracted as temporary residents people from every State in the Union. On every day in the year thousands of nonresidents of the city are here and they feel, as they have a right, that this is their city—their property. They have a right to demand that their representatives shall serve them in administering their interests in this Capital.

I submit that on questions affecting this District it is my duty to vote the same as I would vote on questions affecting my own State. The people of Michigan are interested. They also own, in part, the District; and it is for them, as well as for residents here, that I am commissioned to vote. I can not delegate that responsibility.

Therefore, I feel that I have no right to evade the clear duty of settling this prohibition question for the District of Columbia directly. I am denying no right to the people of Washington. I am simply performing a duty which the Constitution has placed upon me.

Mr. THOMPSON. Mr. President, I am opposed to the substitute offered by the distinguished Senator from Alabama. I believe in the principle of self-government, and in the initiative and referendum; and if this were a question of giving to the permanent residents of the District the right to vote upon every question I think I should favor that proposition. But to submit this important moral question only to the voters of the District is against the settled policy of the government of the District under present laws. The responsibility for the government of the District is on Congress and the people of each State are as much interested as the people of the District. The people of our respective States have sent us here to carry out their will on this question as well as all other matters affecting the District.

Under the Constitution and the laws of the United States under which we are acting here now Congress, and Congress alone, the representatives of the 100,000,000 people of the United States, are responsible for conditions in the District of Columbia and we can not rightfully shift that responsibility to a few of the voters here. I am opposed to this referendum particularly, because I do not believe that in a contest that would be waged of this character, with the elements that would enter into it, we could get a fair expression of the voters of the District. With the opportunity for fraud and corruption that would be presented in such an election in the Capital of the Nation affecting the life or death of the liquor business of the entire country we can not contemplate the horrible results which are most likely to follow, judging from our experience with the saloon element of the past. This matter has already been referred to by the distinguished Senator from New Hampshire [Mr. GALLINGER], when he spoke of the elections which were held here last spring. I have here an account of the Republican primary, published in the Washington Herald of March 6, 1916, of which I only have time to read the heading, and will ask that the whole article be printed as part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. THOMPSON. The heading reads:

Charges of ballot-box stuffing prevent counting of votes—Riots averted—Judge is assaulted—Crowd hoots at members of elections board—Police rescue ballot box—Voters taken to lock up—Hogan declares election gigantic fraud—Two thousand votes in box before poll open.

I send the article to the desk and ask that it be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

HOGAN TICKET BELIEVED TO BE IN LEAD—CHARGES OF BALLOT-BOX STUFFING PREVENT COUNTING OF VOTES—RIOTS AVERTED—JUDGE IS ASSAULTED—CROWD HOOTS AT MEMBERS OF ELECTIONS BOARD—POLICE RESCUE BALLOT BOX—VOTERS TAKEN TO LOCK UP—HOGAN DECLARES ELECTION GIGANTIC FRAUD—TWO THOUSAND VOTES IN BOX BEFORE POLLS OPEN.

Though the votes cast in yesterday's primary for delegates to the Republican National Convention will not be counted until early next week, the few ballot boxes opened and counted last evening indicated Frank J. Hogan and Dr. Edward Williston to be the leaders.

The decision to defer the counting of the ballots came after two hours of conference between the members of the returning board and representatives of the three tickets. Several of the boxes were opened and looked into by the conferees, but no attempt to tally the ballots was made.

After the last box had been deposited with Charles Gertman and Frederic Douglas, two members of the board, the room was ordered cleared. As Chairman Charles Linkins, of the election board, stepped from Mr. Gertman's office, in the Century Building, 412 Fifth Street NW., several alleged adherents of Mr. Hogan attacked him. Three policemen beat them back, and Mr. Linkins was escorted to a room, where he remained until after the crowded corridors were cleared, two hours later. The crowd also spoke ill feeling toward Jesse Foster, a member of the election board, but the policemen protected him.

CHARGES BALLOT STUFFING.

Following the short session of the returning board, its members, who previously had ruled that the candidates could not be present when the vote was counted, sent for them, and they were allowed to sit through the conference.

When the board adjourned, Mr. Hogan made a speech to his adherents who thronged the corridor, stating that yesterday's election was one of the greatest frauds ever committed in the District, but that he had agreed to meet with the returning board when the canvass is made in order to check up their returns with the figures he has received from his personal representatives at the polls yesterday.

Charges of ballot-box stuffing were made by Mr. Hogan, who asserted that in one precinct there were at least 2,000 votes in the box for one of the opposing tickets before 12 o'clock, when the polls were opened.

Mr. Hogan claimed that he should have won by approximately 20 to 1 over the Miller-Chase ticket and by 30 to 1 over the Bradshaw-Marshall ticket.

The Fort Stevens district box showed Hogan-Williston to have carried that section by an overwhelming vote, it standing 225 for them, 3 for Bradshaw-Marshall, and none for Miller-Chase, Hogan said.

RIOT NARROWLY AVERTED.

A riot was narrowly avoided between the Progressive and Old Guard elements in Hillsdale, near Anacostia, last night, when a dispute arose between Attorney Ricks, representing the Miller-Chase faction, and Whitefield McKinley, one of the Hogan ticket judges of election. According to the police, who interfered in time to preserve order and save the ballot box, a crowd had gathered in front of Douglas Hall, Nichols Avenue and Howard Road, when the polls closed, and as McKinley left the building bearing the sealed box, he was accosted by Ricks, who demanded the result of the vote. The police say McKinley wouldn't tell him and an exchange of words followed.

Sergt. Ready, who was standing near, grabbed the sealed box and carried it off, while the rest of the force restored order among the voters, who had gathered and were taking sides. Things were quieted and McKinley and Ricks and the ballot box were taken to the eleventh precinct together. Later the box was taken to the McGill Building, in G Street.

Mr. UNDERWOOD. Mr. President, I do not think it is fair to the people of the United States to allow statements such as have just been made to go in the RECORD without pointing out the fact that they do not apply to this case.

There is no law in the District of Columbia for the holding of a primary election. There is no regulation by law. It is merely a mutual affair of a number of citizens who want to send delegates to a national convention. Under this proposed referendum the machinery of law is applied. The penalties for the violation of the law are included. It has been amended by the Senate and perfected in that regard, and it is a reflection on the citizenship of this District—an intelligent, virtuous, law-abiding citizenship—to contend that under the restrictions of law they will not have as fair and honest an election as they would have in either the State of Kansas or the State of New Hampshire. I do not believe that any intelligent man will assert that to be the fact when he wipes aside the partisanship of the fight that is now taking place in the Senate and looks at the question calmly.

As to the citizenship that compose this District, represented in the gallery to-day, can a man sitting in this Senate look in the faces of these people, anxiously awaiting this verdict on either side, and say that they will indulge in riot and debauchery in exercising the privilege of American citizens, when their elections are properly protected by law, if we give them an opportunity to vote? I do not believe there is a man in the Senate who will look this gallery in the face and make that assertion.

Mr. President, this is not a question of temperance or intemperance. It is a question as to whether about local affairs the people of a portion of the United States shall have the right to exercise the freedom that has been guaranteed by the Constitution of the United States in every State in the Union.

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Mr. JONES. Mr. President, this is an amendment providing for a referendum to the people of the District of Columbia. It was proposed by the junior Senator from Alabama [Mr. UNDERWOOD]. He has often proclaimed on this floor his devotion to the principle of the referendum, and to the fundamental principle of the right of the people, especially in local matters, to decide for themselves how they shall be governed. He appeals to the audience in these galleries to-day. Yet when his proposition was presented it provided for excluding one-half of the people of this District from expressing themselves upon this proposition, and when the roll was called in the Senate the junior Senator from Alabama voted of record to exclude the women of this District from passing upon this proposition.

Mr. President, I do not question the devotion of the friends of this substitute to the principle of the right of the people to rule; but I say that the argument coming from them upon this proposition is very greatly weakened by the fact that they are not willing to let the people even of the District rule.

Mr. STERLING. Mr. President, I wish in a word to express my hearty approval of the original bill—the bill of the Senator from Texas [Mr. SHEPPARD]—as it has been amended in Committee of the Whole, and to express my opposition to the so-called referendum amendment.

I see no valid reason whatever for the adoption of this amendment. Under the power given by the Constitution, Congress has legislated in matters in which the people of the District of Columbia are most vitally interested. All matters relating to schools and education, all matters relating to taxation, have been legislated upon by Congress without any intervention or without any reference of the question, however vital and important, to to the people of the District. Further than that, Mr. President, Congress has legislated again and again in the making and creating of police regulations for the District of Columbia. It has limited the number of saloons; it has imposed licenses upon the liquor traffic in the District of Columbia. How came Congress, may I ask, so to legislate, so to enact this restrictive legislation, except that the sentiment of the people not only of the District of Columbia but of the United States demanded such regulatory legislation? And now, Mr. President, when we enact this bill in its original form, or as amended in Committee of the Whole and without the referendum amendment, considering the condition of the times, considering the growing sentiment in favor of prohibition throughout the United States, we are again, just as in the restrictive legislation we have heretofore adopted, following the growing sentiment of the people of the United States in favor of the prohibition of the liquor traffic.

Mr. President, when I look at the map and see that vast extent of dry or prohibition territory, and then think of this, as the National Capital, tolerating this the saloon evil, my inference is that Congress can not evade its responsibility. It should not fail, I think, to answer to this general sentiment of the American people.

The PRESIDENT pro tempore. The time of the Senator from South Dakota has expired.

Mr. KENYON. Mr. President, I shall vote against the referendum not only for legal reasons but for equitable reasons—the broad, equitable proposition that the people of this entire Nation are interested in the Capital just as much as the people who live here, and that if there is any referendum it should be to the people of the entire Nation.

Whenever the question of taxation arises here we discover that the people of the District of Columbia are not willing to pay all the taxes for carrying on the work of the District, and rightly so. The Nation should assume some part of that burden. If the people of this Nation have nothing to do with the management and control of the affairs of the Capital, then the people of the Capital ought to pay all the taxes of the Capital. That is the equitable principle.

The legal principle has been advanced here a number of times as to the delegation of power. I only want to add to that a proposition which has not as yet been discussed, although I had hoped it might be, and it is this: Outside of these other legal questions that have been presented the delegation of this power under the referendum is clearly unconstitutional, because if anyone will sit down and read this substitute he

will discover that it delegates to the people of the District the power to regulate interstate commerce. Admitting, for the sake of the argument, that we might delegate the power as to purely municipal affairs, the Supreme Court of the United States has said very clearly that in any event that is the extent of the power. I wish to place in the RECORD a reference to the case of Stoutenburgh against Hennick, which has not yet been discussed, in One hundred and twenty-ninth United States, page 141, which to my mind is a clear authority on the proposition that such a bill as this is a regulation of interstate commerce, and that power can not be delegated to the District or to any other body.

Mr. HARDWICK. Mr. President, will the Senator yield for a question? He has sufficient time left.

Mr. KENYON. I yield.

Mr. HARDWICK. What about the Webb-Kenyon bill, then? That has just been held to be constitutional.

Mr. KENYON. I have not time to discuss that, but that is a bill by Congress itself regulating the subject.

Mr. HARDWICK. It was delegated to the States.

Mr. KENYON. No; not at all. It was simply withdrawing from interstate commerce the protection of liquor shipped into "dry" territory to be used in violation of the State laws.

The PRESIDENT pro tempore. The time of the Senator from Iowa has expired.

Mr. KERN. I offer an amendment to the substitute amendment, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Indiana offers an amendment to the substitute, which will be stated.

The SECRETARY. It is proposed to amend section 4 of the substitute by striking out the period at the end of section 4, inserting a comma in its stead, and adding the following words:

But no person shall be appointed to act as manager, clerk, returning officer, or in any other official capacity relating to or connected with such election who is engaged, directly or indirectly, in the manufacture or sale of spirituous, vinous, or malt liquors.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Indiana [Mr. KERN] to the substitute of the Senator from Alabama [Mr. UNDERWOOD].

The amendment to the substitute was agreed to.

Mr. KIRBY. Mr. President, I desire to say a few words in opposition to the amendment of the Senator from Alabama, the so-called referendum amendment.

I favor the modern principle of the initiative and referendum in Government. I assisted in the adoption of a constitutional amendment of that kind in my State. In the recent election I opposed the adoption of an amendment extending the power because I thought it was misleading in its character and effect.

I would have had much more respect for the amendment here proposed if it were a real referendum amendment. It does not propose a referendum at all to the people of the District of Columbia. It only proposes that the people of this District may, if 25 per cent of them desire it, have a referendum upon this proposition. It certainly would have come with better grace, if it is insisted that this is a referendum, or a proposed one, that the Congress itself should say, "A referendum is hereby provided for," or "Within 30 days the District Commissioners shall call an election." That would have been a referendum submitting the amendment to the people of the District of Columbia.

I am glad the Senator from Alabama has called our attention to our constituents here in the gallery. I have looked over this assemblage and I am pleased to see them here. They seem to be well-behaved and good citizens of this District and of these United States; and so far as I am concerned, I congratulate myself that I represent them here as well as I do the people in my own State. But this amendment does not propose any referendum. It proposes nothing of the kind. It simply permits the people of this District, upon a petition of 25 per cent of them, to have a referendum or an election for this purpose if they desire it. I say it is ineffectual and comes with poor grace, and we certainly can not be said to have voted against the referendum principle here when none is proposed even in this amendment.

Mr. DU PONT. Mr. President, I am in favor of the amendment offered by the Senator from Alabama for the reasons which have been given by the Senator from Pennsylvania [Mr. OLIVER] and the Senator from Georgia [Mr. HARDWICK], to which I wholly agree, and which under the circumstances I do not think it is necessary to repeat. If that amendment prevails, I shall gladly vote for the bill. If it does not prevail, I shall be compelled to vote against the bill, not because I do not wholly approve and am earnestly in favor of the cause of temperance, but because I am unwilling to impose upon the people of the District of Columbia conditions which do not obtain in my own State.

Mr. LANE. Mr. President, I understand that in order to initiate this referendum only taxpayers are allowed to sign the petition; that the poor woman who bends over her washtub to make a living for her children on account of the unfortunate habits of her husband and all other nonproperty-holding citizens are denied the right to vote upon the measure which is granted to the man who is able to care for his family and himself in luxury and in comfort. It is not a fair proposition. It does not reach to the heart or the needs of the case. It is a provision seemingly slipped in to defeat the larger question.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Alabama [Mr. UNDERWOOD] as amended.

Mr. UNDERWOOD. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF]. If he were present, he would vote "yea" and I would vote "nay." In view of the pair, I withhold my vote.

Mr. VARDAMAN (when Mr. GORE's name was called). I have been requested to announce the unavoidable absence of the Senator from Oklahoma [Mr. GORE] on account of illness. He is paired with the Senator from New Hampshire [Mr. HOLLIS]. If the Senator from Oklahoma were present, he would vote "nay."

Mr. LANE (when his name was called). I wish to announce my pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If I were at liberty to vote, I would vote "nay."

Mr. OVERMAN (when his name was called). If permitted to vote, I would vote "nay." I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. If he were present, he would vote "yea" and I would vote "nay." I have been unable to secure a transfer, and I am therefore compelled to withhold my vote.

Mr. OWEN (when his name was called). If I were at liberty to vote, I would vote "nay."

Mr. CLARK (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the Senator from North Carolina [Mr. OVERMAN].

The roll call having been concluded, the result was announced—yeas 43, nays 43, as follows:

YEAS—43.

Bankhead	Hardwick	Martine, N. J.	Smith, Ariz.
Brandegee	Hitchcock	Newlands	Smith, Md
Broussard	Hughes	O'Gorman	Stone
Bryan	James	Oliver	Sutherland
Clark	Johnson, Me.	Page	Tillman
Colt	Kern	Penrose	Underwood
Culberson	Lee, Md.	Phelan	Wadsworth
Dillingham	Lewis	Pittman	Watson
du Pont	Lippitt	Pomerene	Weeks
Fall	Lodge	Reed	Williams
Harding	McLean	Saulsbury	

NAYS—43.

Ashurst	Gronna	Norris	Smith, S. C.
Beckham	Husting	Poindexter	Smoot
Borah	Johnson, S. Dak.	Ransdell	Sterling
Brady	Jones	Robinson	Swanson
Chamberlain	Kenyon	Shafroth	Thomas
Chilton	Kirby	Sheppard	Thompson
Clapp	Lea, Tenn.	Sherman	Townsend
Cummins	McCumber	Shields	Vardaman
Curtis	Martin, Va.	Simmons	Walsh
Fernald	Myers	Smith, Ga.	Works
Gallinger	Nelson	Smith, Mich.	

NOT VOTING—10.

Catron	Gore	Lane	Warren
Fletcher	Hollis	Overman	
Goff	La Follette	Owen	

So Mr. UNDERWOOD's amendment was rejected.

Mr. PHELAN. I offer an amendment to the bill. Permit me to explain it. As I understand the substitute offered by the Senator from Alabama [Mr. UNDERWOOD], which has just been rejected, it provides for a referendum to the voters of the District of Columbia of the bill proposed by the Senator from Texas, and that bill prohibits the sale of whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

The amendment which I now submit is in every respect the same as the amendment of the Senator from Alabama, with the elimination of the words "wine, ale, porter, and beer." Whereas the Senator from New Hampshire [Mr. GALLINGER] made the polite intimation that my interest in this legislation refers to the products of my own State, I desire to say whether it is from that environment or otherwise I am convinced that the use of

light wines and beers in moderation is not harmful, and that they are of universal use in civilized communities, and add perhaps much to the joy of living and the better understanding of things. Because California produces 90 per cent of all the wine produced in the United States is not the only reason therefore why I advocate the use of light wines and beers in the District of Columbia.

I suspect from what I hear that the bill which the Senator from Texas has in charge will be passed by this Chamber; that is the general intimation; and therefore by offering this amendment if I appeal to a sufficient number of well-disposed Members of this body we may save for the general use of the people of this District wine and ale, an object I think worthy of our thoughtful consideration.

The PRESIDENT pro tempore. The time of the Senator from California has expired.

Mr. VARDAMAN. Mr. President, I rise to a point of order. The amendment has already been rejected. The Senator from California offered the amendment to the Underwood amendment striking out beer and light wine, and he offers this amendment with that stricken out. The Senate has already acted upon the question.

Mr. PHELAN. In my previous amendment I accepted hard or fermented cider at the suggestion of the Senator from New Hampshire and I exclude that now. So it rests now simply on ale, wine, beer, and porter, and not hard or fermented cider—a substantial change.

Mr. STONE. Mr. President, I address myself to the Senator from California. I was called out when he was offering his amendment. The Senator, as I recall it, voted against the referendum. How did the Senator vote?

Mr. PHELAN. The Senator from California voted for the Underwood referendum amendment with the intention, had it prevailed, of offering this as an alternative, so that the people of the District might vote either for all liquors or simply for wines and beers. Now, the referendum amendment having failed, although my vote was cast for it, I offer independently, as a new referendum, the amendment on the desk. It is not the same as my original amendment either in form or substance.

Mr. VARDAMAN. I insist on my point of order.

The PRESIDENT pro tempore. The Chair understood the Senator from California to offer this as an amendment to the bill, being the whole Underwood amendment, with such changes as he has made in it.

Mr. PHELAN. That is correct, Mr. President. It is exactly in the same place as the Underwood amendment before it was rejected, so far as it relates to the original bill, with changes made in it.

The PRESIDENT pro tempore. The Chair understands the Senator from California offered this amendment, as in Committee of the Whole, to the Underwood amendment.

Mr. PHELAN. With the difference that I included hard and fermented cider, which I eliminate from the present substitute. Therefore it is a different substitute and in order.

Mr. GALLINGER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GALLINGER. Do I understand that the Senator from California offers the Underwood proposition modified to the extent of striking out two or three words?

The PRESIDENT pro tempore. That is the proposition, the Chair understands.

Mr. GALLINGER. It is evident that if that motion is entertained we will not get to a vote for a long time, if we can strike out one or two words and reintroduce the same substitute. However, I leave it to the Chair.

The PRESIDENT pro tempore. The Chair, subject to the right of appeal by the Senator from California, will rule that the amendment is out of order, as having been offered.

Mr. PHELAN. I appeal from the decision of the Chair on the question of order. I submit that what I have now submitted differs in substance from the original amendment.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes appear to have it. The ayes have it, and the decision of the Chair is sustained. If there is no further amendment to be proposed, the bill will be ordered to be engrossed for a third reading and read the third time.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it be passed?

Mr. LEA of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered, the Secretary proceeded to call the roll, and Mr. ASHURST responded in the affirmative.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. The roll call has been begun.

Mr. HARDWICK. I beg pardon, but the Senator from Georgia addressed the Chair before the name of the Senator from Arizona [Mr. ASHURST] was called, and he is entitled to recognition.

The PRESIDENT pro tempore. The Chair, of course, did not hear the Senator from Georgia.

Mr. THOMPSON. That does not change the rule. I call for the regular order.

The PRESIDENT pro tempore. The Chair was doubtless unfortunate in not recognizing the Senator from Georgia, but the roll call having been begun the rule requires that it shall be continued.

Mr. HARDWICK. Mr. President——

Mr. THOMPSON and Mr. GRONNA. Regular order!

The PRESIDENT pro tempore. The Secretary will proceed with the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. FLETCHER (when his name was called). I am paired with the Senator from West Virginia [Mr. GOFF]. If he were present, he would vote "nay" and I would vote "yea." I withhold my vote.

Mr. CHILTON (when Mr. GOFF's name was called). My colleague [Mr. GOFF] is absent on account of illness.

Mr. VARDAMAN (when Mr. GORE's name was called). I was requested to announce the absence of the Senator from Oklahoma [Mr. GORE] on account of illness. He is paired with the Senator from New Hampshire [Mr. HOLLIS]. If the Senator from Oklahoma were present, he would vote for the bill.

Mr. LANE (when his name was called). Again announcing my pair with the Senator from Wisconsin [Mr. LA FOLLETTE], I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], but on the passage of the bill I am permitted to vote. I vote "yea."

Mr. OWEN (when his name was called). I am paired with the Senator from New Mexico [Mr. CATRON]. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. MARTINE of New Jersey. I desire to state that the junior Senator from New Hampshire [Mr. HOLLIS] is absent and that he is paired with the Senator from Oklahoma [Mr. GORE]. If the junior Senator from New Hampshire were present, he would vote "nay."

The result was announced—yeas 55, nays 32, as follows:

YEAS—55.

Ashurst	Gallinger	Overman	Smith, S. C.
Beckham	Gronna	Page	Smoot
Borah	Johnson, S. Dak.	Pittman	Sterling
Brady	Jones	Poindexter	Sutherland
Bryan	Kenyon	Ransdell	Swanson
Chamberlain	Kern	Robinson	Thomas
Chilton	Kirby	Shafroth	Thompson
Clapp	Lea, Tenn.	Sheppard	Townsend
Clark	McCumber	Sherman	Vardaman
Cummins	Martin, Va.	Shields	Walsh
Curtis	Myers	Simmons	Watson
Dillingham	Nelson	Smith, Ga.	Williams
Fall	Norris	Smith, Md.	Works
Fernald	Oliver	Smith, Mich.	

NAYS—32.

Bankhead	Hitchcock	Lodge	Reed
Brandegee	Hughes	McLean	Saulsbury
Broussard	Husting	Martine, N. J.	Smith, Ariz.
Colt	James	Newlands	Stone
Culberson	Johnson, Me.	O'Gorman	Tillman
du Pont	Lee, Md.	Penrose	Underwood
Harding	Lewis	Phelan	Wadsworth
Hardwick	Lippitt	Pomerene	Weeks

NOT VOTING—9.

Catron	Gore	La Follette	Owen
Fletcher	Hollis	Lane	Warren
Goff			

So the bill was passed.

Mr. WALSH obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 190) to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to

interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee.

The message also announced that the House had passed a bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, was read twice by its title and referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. OVERMAN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, and I submit a report (No. 905) thereon. I give notice that to-morrow at the close of morning business I shall ask the Senate to consider the bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment, reported it without amendment and submitted a report (No. 908) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11685) for the relief of Ivy L. Merrill, reported it without amendment and submitted a report (No. 909) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 6854) to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915, reported it without amendment and submitted a report (No. 907) thereon.

Mr. WEEKS, from the Committee on Military Affairs, to which was referred the bill (S. 747) to remove the charge of desertion from the record of Wilbur F. Lawton, reported it with amendments and submitted a report (No. 906) thereon.

IMPORTATION OF SISAL AND MANILA HEMP.

Mr. RANSDELL. Pursuant to Senate resolution 94, authorizing and instructing the Committee on Agriculture and Forestry of the Senate to investigate what companies and corporations are engaged in the importation of sisal and manila hemp, I submit a report (No. 919) on the subject which I ask may be printed and lie on the table. It is a very interesting report, of very general interest to the Senate.

The PRESIDENT pro tempore. The report will be printed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7762) granting an increase of pension to Oliver P. Lane (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7763) prohibiting the issuance of special-tax stamps authorizing the sale of distilled spirits or other intoxicating liquors unless public notice by advertisement has been given, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 7764) granting an increase of pension to Rodney Wampole (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 7765) granting an increase of pension to Albert P. Sheldon (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox; to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 7767) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; and

A bill (S. 7768) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to E. D. Partridge; to the Committee on Public Lands.

A bill (S. 7769) granting an increase of pension to Margaret Liddle (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 7770) to amend the act to regulate commerce, approved February 4, 1887; to the Committee on Interstate Commerce.

By Mr. WATSON:

A bill (S. 7771) granting a pension to Joseph M. Donnohue;

A bill (S. 7772) granting an increase of pension to James Brooks;

A bill (S. 7773) granting an increase of pension to James K. Matox;

A bill (S. 7774) granting an increase of pension to James T. Bodkin;

A bill (S. 7775) granting an increase of pension to William H. Clark; and

A bill (S. 7776) granting an increase of pension to Hiram Peeler; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 7777) to provide for constructing a fish ladder in Salmon River, in Custer County, Idaho (with accompanying papers); to the Committee on Commerce.

By Mr. POINDEXTER:

A bill (S. 7778) amending Archives Building act; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to increase the salaries of all employees in the Department of Agriculture, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $531 to reimburse First Lieut. William C. Short, Sixteenth Infantry, of the School of Musketry, Fort Sill, Okla., for money expended in the purchase of two motorcycles for the use of the school, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $26,600 for librarians and clerks at minimum salaries, in the public schools of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to increase the appropriation for the investigation of diseases of forest and ornamental trees and shrubs, etc., from $85,915 to $585,915, and that $500,000 of this amount shall be used to meet the emergency caused by the infectious nature and continued spread of the destructive disease of pine trees, known as the white pine blister rust, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to increase the appropriation for the investigation of diseases of orchard and other fruits from $71,415 to $76,415 and that $5,000 of this amount shall be available for the investigation of diseases of the pecan, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CORRUPT PRACTICES.

Mr. WORKS. I submit an amendment intended to be proposed by me to the bill (H. R. 15842) "To revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States," and so forth, which I ask may be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WORKS to the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, viz: Amend the committee amendment by striking out all after the enacting clause and inserting the following:

"SECTION 1. That candidates for President and Vice President of the United States, United States Senators and Representatives in Congress

shall each appoint a committee of reputable qualified voters to act for and represent him in the campaign for election.

"SEC. 2. That before entering upon his campaign he shall file, in case of candidates for President and Vice President, with the Secretary of State of the United States; candidate for Senator, with the Secretary of the Senate; and candidate for Representative, with the Clerk of the House of Representatives, the names, addresses, and occupations of the members of the committee so appointed.

"SEC. 3. That the committee for candidates for President and Vice President on the same ticket, may consist of the same persons and shall consist of not exceeding one member from each State, and the committees for United States Senators and Representatives in Congress shall not exceed five in number, and one of their number shall be made treasurer of the committee.

"SEC. 4. That said campaign committee shall collect, receive, and disburse all moneys received and paid out for and in aid of the candidates they represent, respectively, keep accurate and detailed account of all moneys so received and expended in such election, and report the same within 30 days after the election, duly verified by their treasurer, in the case of candidates for President and Vice President to the Secretary of State, candidates for Senator to the Secretary of the Senate, and candidates for Representatives in Congress to the Clerk of the House of Representatives.

"SEC. 5. That the sum to be collected and disbursed by committees for candidates for President and Vice President, including both such candidates running on the same ticket, is hereby limited to $1,000,000, committees for candidates for United States Senators to $5,000 each, and committees for candidates for Representatives in Congress each to $2,500, and the collection, acceptance, receipt, expenditure, or disbursement of any greater sum than herein allowed shall be a misdemeanor, for which each and every member of such committee shall be liable.

"SEC. 6. That all moneys collected, received, or disbursed for on or behalf of any such candidate shall be paid to and disbursed by the committee so appointed by him, and not otherwise, and any person or corporation who shall contribute, pay out, or expend any money except to such committee to aid or assist in the election of any such candidate, or to control or influence his election, shall be guilty of a misdemeanor.

"SEC. 7. That no person shall contribute or pay to the committee for candidates for President and Vice President, directly or indirectly, any greater sum than $1,000, or to a committee of a candidate for Senator or Representative a greater sum than $100, and any person contributing or committee receiving any greater sum than herein allowed shall be guilty of a misdemeanor: *Provided*, That the candidate may contribute to his committee such sum as will, with other contributions, make up the full amount hereby allowed to be expended by such committee: *Provided further*, That no candidate shall expend any money for his election except the same be provided and accounted for by his committee and as a part of the amount herein allowed to be expended by such committee. No contribution shall be made by any corporation or received or expended by any such committee.

"SEC. 8. That no person or committee shall expend any money for or provide any automobiles, carriages, or other means of transportation for, or transport or carry any voter to the polls on election day, or pay or offer to pay any voter for his vote or for time spent by him in attending the election, or to control or influence him in casting his ballot.

"SEC. 9. That any qualified voter entitled to vote at any election for President of the United States, United States Senator or Representative in Congress, who shall, unless prevented by sickness or disease, absence from the State in which he resides, or other imperative and unavoidable circumstance, from so doing, fail or neglect to attend the election and cast his ballot at an election held to elect any such Federal officers, shall forfeit to the United States, to be paid to the collector of internal revenue, the sum of $25, and unless he shall pay the same or make affidavit showing his inability to do so as above provided, the collector of internal revenue of the district in which he resides shall collect the same as other revenues of the Government are collected.

"SEC. 10. That any candidate elected to either of the offices herein mentioned who has knowingly violated or allowed any of the provisions of this act to be violated in his interest, shall forfeit his right to such office and the same shall thereby become vacant.

"SEC. 11. Any person who shall print or publish or cause to be printed or published in any newspaper, magazine, pamphlet, circular, or any other publication, or who shall in any way make public or circulate, by word of mouth or otherwise, any false or misleading facts or representations in favor or in support of, or against or in opposition to, any such candidate shall be guilty of a misdemeanor.

"SEC. 12. That no State, county, or any other committee or organization shall contribute or expend any money in support of any candidate for President or Vice President, United States Senator or Representative in Congress, except that any such committee or other organization may contribute to the committee of such candidate as herein provided.

"SEC. 13. Any person who shall bet or wager any sum of money or other thing of value on the result of any election of any candidate for President or Vice President, Senator or Representative in Congress, shall be guilty of a misdemeanor and be fined in double the amount so bet or wagered.

"SEC. 14. The limitation of contributions and expenditures provided for herein shall include both the primary nomination and the final elections.

"SEC. 15. Any person violating any of the provisions of this act, where the penalty therefor is not specifically provided for herein, shall be guilty of a misdemeanor and be fined in any sum not less than $100 or more than $10,000 or be imprisoned for not less than one month or more than one year, or be both fined and imprisoned."

CHARLES F. WINTON V. JACK AMOS.

Mr. ASHURST submitted the following resolution (S. Res. 309), which was referred to the Committee on Indian Affairs:

Resolved, That the Court of Claims is hereby requested to report to the Senate what facts have been found in the case of Charles F. Winton et al. *v.* Jack Amos; what facts are still in controversy according to the contention of the parties, including all requests for finding of fact made or filed during the present term and the action of the court thereon.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. POMERENE submitted the following resolution (S. Res. 310), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Civil Service and Retrenchment be, and it is hereby, authorized to employ an additional clerk, at the rate of $100 per month, to be paid out of the contingent fund of the Senate, for a period of two months.

CONTROL OF FEDERAL JUDGES.

Mr. OWEN. Mr. President, I desire to give notice that on Monday, the 15th instant, at 2 o'clock p. m., I shall address the Senate on the joint resolution No. 193 introduced by me on yesterday forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor. I ask that the joint resolution may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution is as follows:

Joint resolution forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor.

Whereas the Constitution of the United States gives no authority to any judicial officer to declare unconstitutional an act which has been declared constitutional by a majority of the Members of the United States Senate and of the House of Representatives and by the President of the United States, who, on their several oaths, have declared the opinion in the passage of such act that it is constitutional; and

Whereas in the Constitutional Convention, in which the Constitution of the United States was framed, the motion was three times made to give to the Supreme Court, in some shit form, the right to express an opinion upon the constitutionality of acts of Congress, and was three times overwhelmingly rejected; and

Whereas such assumption of power by the Federal courts interferes with the reasonable exercise of the sovereignty of the people of the United States and diverts it from the hands of the representatives of the people in Congress assembled to a tribunal appointed for life and subject to no review and to no control by the people of the United States, and is therefore against a wise public policy; and

Whereas the declaration by any Federal court that the acts of Congress are unconstitutional constitutes an usurpation of power: Therefore be it

Resolved, etc., That from and after the passage of this act Federal judges are forbidden to declare any act of Congress unconstitutional.

Any Federal judge who declares any act passed by the Congress of the United States to be unconstitutional is hereby declared to be guilty of judicial usurpation and guilty of violating the constitutional requirement of "good behavior" upon which his tenure of office rests, and shall be held by such decision to have vacated his office.

SEC. 2. That the President of the United States is hereby authorized to nominate a successor to fill the position vacated by such judicial officer.

WATER-POWER DEVELOPMENT.

Mr. WALSH. I move that the Senate proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes; and desiring to have a full attendance, I ask for the yeas and nays on the motion.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. The yeas and nays have been asked for, the request being seconded by a sufficient number of Senators.

Mr. TOWNSEND. What is the matter before the Senate, Mr. President?

The PRESIDENT pro tempore. The motion of the Senator from Montana [Mr. WALSH] to take up House bill 408, being Order of Business 49 on the calendar.

Mr. TOWNSEND. Mr. President, I believe that motion is debatable.

The PRESIDENT pro tempore. It is.

Mr. TOWNSEND. As soon as I can have order I should like to proceed.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. For what purpose does the Senator from Missouri rise? Does the Senator from Michigan yield to the Senator from Missouri?

Mr. REED. Do I understand that the roll call had been started?

The PRESIDENT pro tempore. It had not been. The yeas and nays were asked for, but before the Chair could say that the roll should be called, the Senator from Michigan [Mr. TOWNSEND] had addressed the Chair.

Mr. TOWNSEND. Mr. President, I was unable to be in the Senate yesterday afternoon, but I understand there was then a motion made to take up the volunteer officers' bill after it had been supplanted by a motion to consider the immigration conference report. I also saw in the CONGRESSIONAL RECORD that the Senator from Montana [Mr. WALSH] insisted that the measure which he was advocating had equal or superior precedence to the bill which I was advocating by reason of its position on the calendar.

I have no doubt that the bill which the Senator from Montana has moved to consider now was introduced by him early, but it was not reported nor was it introduced so early as Senate bill No. 392. That bill was first introduced by me when I was a Member of the other House, and was there reported. It was at the same time introduced in the Senate before I became a Member of this body. When I did become a Member six years ago I introduced the bill here. I have received favorable consideration for it from the hands of the Committee on Military Affairs several times. It was reported favorably, placed upon the calendar in the last Congress, as I recall it, and an arrangement was made whereby it should be considered in connection with another bill, which was known as the southern claims bill. I was then less familiar with the ways of Senators than I now am, and I gladly consented to that arrangement. I was myself in favor of the southern-claims bill, and had been on the committee that had helped report a similar measure. When, however, I asked for consideration for the volunteer officers' bill my request was answered by a filibuster. I was compelled to wait until the very last day of the session, when it was known from the very nature of things the bill could not be considered by the other House.

I reintroduced the bill at the beginning of this Congress, as the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs, stated yesterday, and that committee reported it favorably, the Senator from Oregon himself making the report. Full hearings were had upon the bill, and have been had upon it in both Houses of Congress. Full consideration has been given to it by committees. I have called it up in the Senate or have endeavored to call it up many times, and have succeeded once or twice when there was no other business of consequence pressing for consideration in the Senate. I have at all times attempted to make such arrangements as would not interfere with what might be considered the more important matters of Congress and have never asked anything more than an opportunity to get a vote upon the bill. I have been willing to accommodate this measure to the convenience of the Senate. I have had assurances from several Senators on the other side that this bill should be considered, and be considered early in this session. If it has seemed that I have attempted to delay the consideration of any other bill, it has been because it has seemed absolutely necessary of late that those tactics, which have been employed against the measure, should be legitimately used in its defense.

Personally, in spite of all of the statements that have been made—and misstatements, as it seemed to me—as to the cost of the bill and as to its provisions, I have been very anxious that the debate should go on legitimately in order that the Senate might understand what it is.

As I have said, on yesterday while I was away a motion was made to take up the bill, and a vote was prevented by opposition Senators debating it before it was laid before the Senate and by the discussion of other matters until the adjournment of the Senate last evening. So Senators can not in justice or fairness say that I have asked or that the friends of the bill have asked anything improper, unreasonable, or unbecoming in connection with the measure.

I understand that a caucus of the majority Members of this body was held last evening, and that it was determined that this bill should not be considered. I think that is unfair, and I can not imagine that the friends of the measure on the other side of the aisle are going to be coerced into stultifying themselves by assisting to prevent the consideration of a measure as wise, as it seems to me, as just, as it seems to me, as is this bill.

Now, Mr. President, I am going to move to table the motion submitted by the Senator from Montana, not that I am so much opposed to it, but because I feel that Senate bill 392 should be considered first. Although I am not in favor of it in its present form, yet I am perfectly willing that his bill shall come up for consideration, and do not offer the objections which I shall offer and the objective tactics which I shall employ because of anything in the bill itself or because the Senator proposes it. I propose, however, to use the same tactics which have been used against this bill of mine, in order that I may determine whether or not the majority of this Senate is going to be controlled by a caucus or whether a few members of the majority are going to be controlled by the caucus against what they believe to be their just duty.

Mr. President, in order that I may, in the first instance, test the sentiment of those Senators who have expressed friendship for the bill for which I ask consideration, I move to table the motion made by the Senator from Montana, and before my motion is voted upon I suggest the absence of a quorum.

Mr. WALSH. Mr. President——

Mr. TOWNSEND. I withhold the request for the present.

Mr. WALSH. I think the Senator from Michigan ought to withhold the motion. He has set forth some reasons in the course of his discussion why his bill ought to be taken up in preference to the one which I urge be taken up. I should think the Senator would be quite willing to give an opportunity to present the reason why the bill which I move to be taken up be taken up rather than his bill.

Mr. TOWNSEND. Mr. President, I shall have to proceed in my own way in reference to this matter, because it is the only course that has been left for me to follow. I therefore first suggest the absence of a quorum, pending my motion to table.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Nelson	Smith, Ariz.
Bankhead	Hitchcock	Newlands	Smith, Mich.
Beckham	Hughes	Norris	Smoot
Brady	Husting	Oliver	Sterling
Bryan	James	Overman	Sutherland
Chamberlain	Johnson, S. Dak.	Owen	Swanson
Chilton	Jones	Page	Thomas
Clapp	Kenyon	Phelan	Thompson
Clark	Kern	Pittman	Tillman
Colt	Kirby	Poindexter	Townsend
Cummins	Lane	Pomerene	Underwood
Curtis	Lea, Tenn.	Ransdell	Vardaman
Dillingham	Lee, Md.	Robinson	Wadsworth
du Pont	Lewis	Saulsbury	Walsh
Fall	Lippitt	Shafroth	Watson
Gallinger	McCumber	Sheppard	Weeks
Gronna	McLean	Sherman	
Harding	Myers	Shields	

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

Mr. TOWNSEND. I now demand the yeas and nays on my motion to lay on the table the motion of the Senator from Montana.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan, on which he demands the yeas and nays.

Mr. ASHURST. Mr. President, what is the question?

The PRESIDING OFFICER. The Senator from Michigan [Mr. TOWNSEND] moves to lay on the table the motion of the Senator from Montana [Mr. WALSH], and upon that he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. VARDAMAN. What is the question to be laid on the table?

The PRESIDING OFFICER. The Senator from Montana has moved that the Senate proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes. The Senator from Michigan moves to lay that motion on the table, and the question is on that motion, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Observing his absence, I transfer that pair to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. OVERMAN (when his name was called). I announce my pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. WADSWORTH (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. HOLLIS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of illness in his family. If present, he would vote "nay."

Mr. OWEN. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. DILLINGHAM. I withhold my vote, having a general pair with the senior Senator from Maryland [Mr. SMITH], who is not present.

Mr. STERLING. I transfer my pair to the Senator from Idaho [Mr. BORAH] and vote "yea."

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. GRONNA. I have a general pair with that Senator, which I transfer to the junior Senator from Maine [Mr. FERNALD] and will let my vote stand.

The result was announced—yeas 36, nays 40, as follows:

YEAS—36.

Brady	Gallinger	McCumber	Sherman
Brandegee	Gronna	McLean	Smith, Mich.
Clapp	Harding	Martine, N. J.	Smoot
Clark	Husting	Nelson	Sterling
Colt	Jones	Norris	Sutherland
Cummins	Kenyon	Oliver	Thompson
Curtis	Lane	Page	Townsend
du Pont	Lippitt	Penrose	Watson
Fall	Lodge	Poindexter	Weeks

NAYS—40.

Ashurst	Hughes	Owen	Shields
Bankhead	James	Phelan	Smith, Ariz.
Beckham	Johnson, S. Dak.	Pittman	Smith, Ga.
Broussard	Kirby	Pomerene	Stone
Bryan	Lea, Tenn.	Ransdell	Swanson
Chamberlain	Lee, Md.	Reed	Thomas
Chilton	Lewis	Robinson	Underwood
Fletcher	Myers	Saulsbury	Vardaman
Hardwick	Newlands	Shafroth	Walsh
Hitchcock	Overman	Sheppard	Williams

NOT VOTING—20.

Borah	Goff	La Follette	Smith, S. C.
Catron	Gore	Martin, Va.	Tillman
Culberson	Hollis	O'Gorman	Wadsworth
Dillingham	Johnson, Me.	Simmons	Warren
Fernald	Kern	Smith, Md.	Works

So the Senate refused to lay on the table the motion of Mr. WALSH to proceed to the consideration of House bill 408.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Montana [Mr. WALSH] that the Senate proceed to the consideration of House bill 408.

Mr. JONES. Mr. President, I desire to say just a word or two with reference to that motion.

On yesterday, in the absence of the Senator from Michigan [Mr. TOWNSEND], after the conference report on the immigration bill had been disposed of, I moved to take up the volunteer officers' retired list bill. On that motion the Senator from Montana made some remarks, setting out the importance of the bill that he expected to take up, and which he has now moved to take up—the water-power bill. With much, if not all, of what the Senator from Montana said with reference to that bill I am in hearty accord. I think it is a very important measure, not only to the western part of the country but to all of the country. I think it ought to be disposed of in some way. I do not care to say that I am heartily in favor of the bill as it now stands; but if it can not be made better, if it is amended as I understand the committee has recommended, I shall vote for the bill, as I think I stated on the floor during the consideration of another bill. It is a very important measure and it ought to be disposed of.

I did not make the motion that I made yesterday because I was opposed to that bill or opposed to taking up the measure, and I have not voted to lay it on the table to-day because I was opposed to it; but it has seemed to me that the measure which the Senator from Michigan [Mr. TOWNSEND] has been trying to get the Senate to dispose of has not been treated fairly by the Senate. I am not going to recount the action of the Senate, the different steps that have been taken, and the different votes that have been taken with reference to it. Suffice it to say that on several occasions the vote has shown that a very considerable majority of the Senate is in favor of the passage of that measure. In my judgment if the bill had not been displaced it would have been passed long since. I am satisfied that if it were continued before the Senate now for one or two days more it would be passed.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. I do.

Mr. WALSH. I should like to ask the Senator from Washington if he thinks that House bill 408 has been treated quite fairly?

Mr. JONES. Well, Mr. President, I do not know of any action that occurs to me now as being unfair to it.

Mr. WALSH. The Senator knows that it stands in exactly the same situation as the other bill; namely, it was at one time the unfinished business and was displaced by the Senate.

Mr. JONES. It was not displaced by filibustering tactics. It was displaced by the action of that side of the Chamber.

Mr. WALSH. It was displaced just the same as was the bill the Senator is advocating.

Mr. JONES. That is true; but it was displaced by action largely on that side of the Chamber; not by filibustering tactics at all.

Mr. WALSH. This bill has been displaced very largely by action on the other side of the Chamber.

Mr. JONES. The bill to which I refer has been displaced by filibustering tactics. Yesterday when the motion was presented the whole afternoon was taken up in discussion, a great part of which was plainly designed simply to delay action upon the motion so as to prevent its coming to a vote upon yesterday.

Without taking the time of the Senate now to go into these matters—because I do not desire to delay action upon the motion of the Senator from Montana—I shall vote against taking up the bill on his motion simply for the reason that I do not think the Senate has acted fairly toward the bill that the Senator from Michigan has been trying to take up. I recognize that according to the newspaper reports, at any rate, the majority of the Chamber met in caucus last night and decided to take up the water-power bill. They have probably in a way coerced those who are in favor of this measure, and will compel them to vote against their sentiments with reference to it, and possibly in that way prevent action upon the measure favored by the Senator from Michigan. At any rate I am going to vote against the motion to take up the water-power bill now. If, however, the bill is taken up I hope it will be passed if amended in such a way that I can give it my support.

Mr. TOWNSEND. Mr. President, I do not think I am oversensitive. I recognize the right of Senators to hold an opinion upon any measure that comes before the Senate, and I never quarrel with a Senator because of his conscientious convictions on matters of legislation.

I have been led by Senators on the other side to believe that they were as anxious as I to secure a vote upon the bill which I am advocating. They have told me so unreservedly. They have said it repeatedly, and I have presented the matter to the Senate relying upon the belief that a majority of the Senate desired to consider it. I repeat that I have had all kinds of assurances to that effect. I would not have pressed the matter if I had believed that a majority of the Senate were not favorable to it. I certainly would not use dilatory tactics for the purpose of forcing Senators to vote for a measure which they otherwise would not have supported.

Now, it appears that a vote has just been taken when it was known by every friend of the volunteer officers' bill that my object in moving to table the motion of the Senator from Montana was to get consideration for the volunteer officers' bill. There could be no other reason for my moving to lay that motion on the table except to take up this other bill, as was done yesterday; but with the exception of two Senators on the other side, as I recall, no one of the Senators who has favored the bill on that side has had the courage to vote his convictions against the directions of a caucus held last night.

If that is the true situation; if Democratic Senators are not going to vote for the bill; if they do not want it pressed; if they admit their insincerity and say by their vote: "We never intended and do not now intend to vote for your bill," I do not desire to hold it before the Senate as a block to other measures. That it has not been treated fairly there is not a Senator here who will deny. The most indirect methods have been employed to defeat it. Not in the open has it been fought, but by indirection.

I am not prepared at this moment to meet the surprise which has been given me by Senators whom I had believed and trusted. If I am to take the vote just had as being the decision of certain alleged friends of the bill that they will not support it, it would seem useless for me to hold its real friends to a course which involves the stubborn opposition of other bills. I do not care to engage in a fight just for the sake of fighting. I never have done that, and I do not care to do it now. Until I have consulted with some of the other friends of the bill, I shall not feel this afternoon like interposing any dilatory tactics against the will of the Democratic caucus as expressed by the last vote.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Montana [Mr. WALSH] that the Senate proceed to the consideration of House bill 408.

Mr. SMITH of Michigan. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. OWEN (when his name was called). Announcing the same pair and transfer, I vote "yea."

Mr. STERLING (when his name was called). Announcing my pair as before, I withhold my vote.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I withhold my vote, as I am paired with that Senator.

Mr. WALSH (when his name was called). I inquire if the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. He has not.

Mr. WALSH. I have a general pair with that Senator. I am unable to get a transfer and accordingly withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. JOHNSON of Maine. I inquire whether the junior Senator from North Dakota [Mr. GRONNA] has voted?

The PRESIDING OFFICER. He has not.

Mr. JOHNSON of Maine. I have a general pair with that Senator, and therefore withhold my vote.

Mr. WADSWORTH (after having voted in the negative). The junior Senator from New Hampshire [Mr. HOLLIS], with whom I have a pair, is absent. I therefore withdraw my vote, having voted under a misapprehension.

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN] who is absent. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. WALSH. I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. STERLING. I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the senior Senator from California [Mr. WORKS] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 41, nays 29—as follows:

YEAS—41.

Ashurst	James	Pittman	Stone
Bankhead	Kern	Ransdell	Swanson
Beckham	Kirby	Reed	Thomas
Broussard	Lea, Tenn.	Robinson	Thompson
Bryan	Lee, Md.	Saulsbury	Underwood
Chamberlain	Lewis	Shafroth	Vardaman
Chilton	Myers	Sheppard	Walsh
Fletcher	Newlands	Shields	Williams
Hardwick	Overman	Simmons	
Hitchcock	Owen	Smith, Ariz.	
Hughes	Phelan	Smith, Ga.	

NAYS—29.

Borah	Fall	McLean	Sterling
Brady	Gallinger	Nelson	Sutherland
Brandegee	Harding	Norris	Townsend
Clapp	Husting	Page	Watson
Clark	Jones	Penrose	Weeks
Cummins	Kenyon	Sherman	
Curtis	Lane	Smith, Mich.	
du Pont	Lodge	Smoot	

NOT VOTING—26.

Catron	Gronna	Martin, Va.	Smith, S. C.
Colt	Hollis	Martine, N. J.	Tillman
Culberson	Johnson, Me.	O'Gorman	Wadsworth
Dillingham	Johnson, S. Dak.	Oliver	Warren
Fernald	La Follette	Poindexter	Works
Goff	Lippitt	Pomerene	
Gore	McCumber	Smith, Md.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water-power and the use of public lands in relation thereto, and for other purposes.

Mr. WALSH. I now ask for the reading of the bill for the information of the Senate.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. SUTHERLAND. Mr. President, the Senate has been in session now for five hours and has had a rather strenuous day. I move that the Senate adjourn.

Mr. STONE. Mr. President, I ask the Senator not to press that motion.

Mr. PENROSE. The motion is not debatable.

Mr. STONE. It is not debatable, I know; but I ask the Senator to withdraw it.

Mr. SUTHERLAND. I will withhold it for a moment, if the Senator desires.

Mr. STONE. I will say to the Senator that I desire to move an executive session of a very few moments.

EXECUTIVE SESSION.

Mr. SUTHERLAND. I withdraw my motion that the Senate adjourn and move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 10, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 9, 1917.

POSTMASTERS.

INDIANA.

Frank L. Allen, Clayton.
Andy E. Smith, Wolcott.
Marquis D. Yotter, Silverlake.

MAINE.

John L. Donohue, Rockland.
Thomas M. Nichols, Jackman.

NORTH CAROLINA.

C. G. Conner, Rich Square.
J. Lawrence Harrington, Aulander.

PENNSYLVANIA.

George L. Anderson, Avondale.
Nettie Beatty, Beatty.
Isaac P. Boogar, Oaks.
George F. Carr, McAdoo.
Jacob H. Gallmoyer, Topton.
Ezekiel S. McElhatten, Shippensville.
Miles L. Ritter, Newport.
Margaret E. Taylor, Orbisonia.
Alvin L. Wenzel, Webster.

VERMONT.

Antonio Bonazzi, Plainfield.
Riley W. Densmore, West Burke.

WEST VIRGINIA.

Edward H. Shanklin, Union.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 9, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, let Thy blessing descend upon us that we may be prepared to meet the duties of life as they unfold themselves in accordance with our highest conceptions of right and truth and justice; that we may thus use the powers of mind and soul with which Thou hast endowed us to the good of mankind, and enjoy the full fruition of a well rounded out life, worthy of all emulation; in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 703, the vocational education bill, and pending that I ask unanimous consent that Members may have five legislative days within which to extend their remarks in the RECORD upon this bill.

The SPEAKER. The gentleman asks unanimous consent that Members may have five legislative days within which to extend their remarks in the RECORD upon this bill. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the vocational education bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 703, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That there is hereby authorized to be appropriated to the Federal board for vocational education a sum not exceeding $200,000 annually, to be available from and after the passage of this act, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of this act, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem necessary to the execution and administration of this act. The Federal board for vocational

education may allot any part of said appropriation to any United States department or bureau for the purpose of making any study or investigation, or part thereof, under the provisions of this act.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of inquiring the purpose of the authorization as carried in the last sentence of this section, deputing to the Federal board the authority to allot part of the appropriation to any bureau or department of the Government for study or investigation.

Mr. HUGHES. Mr. Chairman, it is necessary that the board should have a certain amount appropriated for the administration of their labors, and this was carefully considered by the committee.

Mr. STAFFORD. There is no disputing that fact. I am trying to ascertain the reason why the committee vests authority in this board to apportion some of this money to other bureaus and departments of the Government.

Mr. FESS. Mr. Chairman, will the gentleman from Georgia yield?

Mr. HUGHES. Certainly.

Mr. FESS. I will say to the gentleman from Wisconsin that one of the purposes of the Federal board was to make studies and investigations covering the entire field of vocational education, including agriculture, and in order to make those studies the question came up at once, Shall they be made through special commissions or shall they be made through the departments already created? And one object was to connect the operation of the Federal board with the departments now in existence under the control of the Cabinet departments.

Mr. MANN. As set out in section 6?

Mr. FESS. Yes; as set out in section 6; and these last four lines in section 7 were intended to make it possible for the Federal board to carry on this investigation through the respective Cabinet departments with their army of investigators already created. That is the object of it.

Mr. STAFFORD. The gentleman realizes the policy of Congress to hold the activities of the respective bureaus to the work and to the extent that Congress has appropriated. This authority as carried in this paragraph would take away the supervisory control of Congress over the activities of the various bureaus, so far as the amount the board can expend is concerned, and to that extent Congress would lose control over the activities of the respective bureaus of the Government.

In the legislative appropriation bill, for instance, we provide considerable amounts for various activities of the Bureau of Education. I assume this item has more application to the activities of the Bureau of Education than any other activity of the Government. Yet the legislation restricts, and properly restricts, their activities to the amount that the committee determined should be utilized for those respective activities, and under this authority Congress would lose control. We would vote this board some $200,000 every year, and they, without any control at all, would say, "Well, we will launch into this activity or that activity; we will have this bureau magnify itself to the extent of doubling or trebling or quadrupling its activities by extending the appropriation $25,000, $50,000, or $100,000 a year," when Congress does not intend they should go to that extent.

Mr. FESS. Mr. Chairman, what the gentleman says is true, I think, without a doubt; but in this particular provision the Federal board has control of the $200,000, and this law gives them the latitude, if the board wants to exercise it, to do this investigation set out in section 6 through these other departments without creating new ones, and in that way the Congress has not lost any control that it already has not delegated to this Federal board.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. What is the need of vesting in this board this broad power to allot the appropriation? Why should not Congress have the right to determine how much money should be expended by the various bureaus and divisions of those bureaus?

Mr. FESS. I think that would not do at all.

Mr. STAFFORD. Of course, from the viewpoint of the educator it would not, and that is confirmed by the Chief of the Bureau of Education; it is confirmed by the head of every bureau in every department. They do not wish to be hamstrung or limited at all by Congress. They want to have lump-sum appropriations so that they can carry on their activities without restriction whatsoever, but experience has shown that it is well for the Government that Congress should place limitations upon their activities. We can become enthusiasts in these matters, and yet it is proper for Congress to keep control of the activities of these various boards and bureaus.

Mr. FESS. The question I wanted to ask is this: There is $200,000 provided for the administration under the control of this board——

Mr. STAFFORD. Not exceeding $200,000.

Mr. FESS. Not exceeding $200,000. That $200,000 may be utilized either by direct expenditure through appointment of various investigators or by delegating whatever it sees fit in amount to some investigators already in existence. In the latter case there is no more loss of Congress's control over the fund than the former, and I can not understand why the gentleman insists upon that.

Mr. STAFFORD. Because the gentleman fails to realize that when this item of appropriation is considered by the Committee on Appropriations it will not be able to determine how much money is being used for the various activities. The board will say they need so much money, and there will be no accounting whatsoever, as far as the administration of that fund is concerned, the bookkeeping end, to determine whether the money is being expended in this line or in that line.

Mr. FESS. This board has to make report to Congress once every year as to every expenditure of that $200,000.

Mr. STAFFORD. Oh, it makes a report, but we have no control over the allotment. Mr. Chairman, I think it is a bad practice to lose control of the purse strings of Congress in this way, so that we can not control the activities of the respective bureaus of the Government.

Mr. TOWNER. Mr. Chairman, I am in entire sympathy with the general view of the gentleman from Wisconsin [Mr. STAFFORD]. I hardly think, however, that this particular provision is subject to the criticism he makes, at least to the extent he makes it. The gentleman will notice that in the last part of section 6, at the bottom of page 9, we have these provisions made:

Such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, shall, as far as practicable, be made in cooperation with or through the Department of Agriculture——

Mr. MANN. "Through"?

Mr. TOWNER. "With or through." Then the next provision is—

Such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, shall, so far as practicable, be made in cooperation with or through the Department of Labor—

And so on, with the other several objects that are set out in the bill.

Now, the object of those provisions was primarily for economy. I recognize the fact that the gentleman belongs to the Committee on Appropriations, upon whom a special responsibility lies. I know he is working very ably and well in the interest of economy, and that the House is indebted to him and the people of the country are indebted to him for the care with which he challenges these various items of expenditure, and it is for that very reason to obtain economy in the operation of this bill that these provisions have been made. Now, it would be utterly impossible, I will say to the gentleman, for us to specify with particularity how much could be used or should be used in this method of assisting the various departments in their particular work in so far as it may be of assistance to us. It may be that nothing will be required from this $200,000 for any one of these particular departments; in others a large part may be required. For instance, a special investigation that might be of considerable importance to the commission might not be so important to the Agricultural Department, and for that reason the commission might be willing to bear a large proportion of the expense in that particular matter. In other cases, in regard to other investigations, the department might bear a much larger part of it. So that I say the matter is very wisely left to the discretion of the commission and the department.

We have also, as is suggested by the gentleman from Ohio [Mr. FESS], tried to make it so that the Committee on Appropriations will be able to determine, or anybody will be able to determine, just what amount of money is and has been used and for what purpose it is used, because a report to Congress must be made annually as to what particular expenditures have been made, so that Congress can see whether or not they have been made wisely. It is in that view of the case the committee has acted in the premises and, I hope, wisely.

Mr. FESS. Mr. Chairman, section 6 refers to the investigations we are to make, and these last four lines refer to having it done through the department already created, and I ask

unanimous consent to insert in the RECORD at this time the field of investigation as set out by the President's vocational commission.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to insert in the RECORD the statement indicated. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

1. A study of the movement for vocational education in other countries which will, with constant reference to the similarities or differences between their conditions and our own, furnish this country with an authoritative estimate of the causes lying behind the movement, the progress and tendencies of the work, the efficiency of different types of schools and their adaptation to American conditions and needs, and the educational, social, and economic results.

2. A study of the different types of vocational schools of all kinds which are in operation in this country, interpreting their courses of study and methods of instruction, in terms of their adaptation to the aim of the school, and the conditions to which they are to be adjusted.

3. A study of the efficiency, not only of the different types of schools but of all the vocational schools of the country, as measured by the success of their students.

4. Full information each year as to the progress of vocational education in this country, bringing up to date the statistics concerning schools already established, and calling attention to changes and tendencies, while at the same time laying particular emphasis upon new schools and new experiments and devices.

5. Information concerning such things as buildings, equipment, cost of instruction, supplies, and courses and methods of instruction, which will furnish first-hand knowledge to those desiring to establish new schools.

Information for agricultural education: The Government has already done much to promote agricultural education through the Department of Agriculture. Large appropriations have been given, which the department has applied in making studies, investigations, and experiments concerning agriculture and agricultural processes, and the resulting information has not only been of use to the farmer but also to the agricultural schools in their courses of study.

Knowledge of agriculture is much more widely disseminated than knowledge of other vocational processes. On some phases of agriculture exhaustive work has been done. These studies and investigations should be continued, to furnish materials for a more scientific agriculture, and their scope should be broadened to meet the needs of a wider range of persons in farm life.

Much of the work already done has been of a highly scientific character. This work should not be neglected, but it should be supplemented by studies of the simpler processes applicable to the more common and everyday problems of the farmer.

It is highly important that, from the great mass of data at hand and from data to be collected from further studies, more direct application be made to the use of the material in giving instruction in agriculture.

Information for home economics education: Several of the Federal departments and bureaus have already made numerous valuable studies affording information useful in the development of home economics education. A large part of this study has been along the line of foods—their preparation, composition, and nutritive values; and along the line of the construction, sanitation, and equipment of the farm home.

These studies have not only been of use in the country districts, but they have been of wide value to schools and colleges for their courses of instruction in home economics. The results have been productive of so much good that the work should be enlarged and extended with a view to placing training for the maintenance and care of the home on a scientific basis. Aside from studies which directly benefit the individual home maker there is great need of larger and more detailed information regarding vocations which are based on a knowledge of home economics—callings such as those of the dietician, the institutional manager, the matron, the lunch-room or tea-room manager, the professional cook, and other similar occupations.

The problem of home economics training for the great mass of girls who spend their early years as wage earners in stores, shops, and factories is also one for serious consideration and investigation, and one that has as yet hardly been touched, although it is perhaps more important and far-reaching than any other. Especially needed are such studies as those relating to the purchase and care of clothing, the conservation of health and the maintenance of efficiency through proper food and exercise, the planning of personal and household budgets, the proper sanitation and ventilation of home and workroom surroundings. Such studies as these and many others will be greatly needed in the development of part-time education for girls who are already at work, and would also be highly valuable in developing courses in home economics for young housekeepers who have not had the opportunity for such training in our schools.

While approving of every possible means of extending the more scientific studies and research for the development of home economics, the commission feels that the particular need at the present time is for material which will reach down to the average girl, who goes neither to high school nor to college, but upon whose training for the care of a home and family the future welfare of society will largely depend.

Information for commercial education: What has been said before of the need of wider knowledge for agriculture and for industries is equally true in general as to commerce for the purposes of commercial education. Among the many questions concerning which the country should have information for use in the training of commercial workers the following have been suggested:

Supply and demand for trained commercial workers.

Distribution of commercial workers.

Selection and placement of commercial workers.

Descriptive analysis of the world of commercial pursuits in the broad lines of employment, such as banking, accounting, business management, executive service, salesmanship, and ordinary clerical work.

Descriptive analysis of each one of these lines of employment into specific occupations and of each occupation into such important factors as source of supply of commercial workers, prevailing salaries, demands upon the worker as to general and commercial education, opportunities offered for training for higher responsibility, next position in regular order, how far previous experience prepares for the next position, the additional school training necessary as proper preparation for advancement.

The changing conditions of commerce, which bring changing requirements upon the commercial workers in any line of commercial employment.

The requirements upon commercial workers in dealing with foreign commerce.

The number and classes of foreign commercial schools of different types.

Information for trade and industrial education: We now furnish a large amount of information to aid the farmer in meeting his problems. It is just as necessary that the Government should supply knowledge for the better preparation of human labor in industry as that it should furnish information concerning soil fertility, fertilizers, pests, insects, and the best methods of farm organization for the farmer.

There is a great and pressing need for an analysis of our industries as the first step in forwarding an intelligent program for the training of industrial workers. We need an intensive study of the requirements upon wage earners in the specific occupations into which each industry is divided. Not until this is done will it be possible to know in an accurate and comprehensive way the particular kinds of training which any group of workers should have or how that training can best be given.

Among other helps for industrial education we need such things as the following:

To analyze the industries into their branches or occupations.

To ascertain what the worker in each of these occupations needs in skill and knowledge.

To learn how far this skill and knowledge can be obtained in regular work in the occupation.

To know what use is made of apprenticeship, cooperative, and trade agreement plans for the training of workers in any industry.

To know what the industry fails to give in the way of skill and knowledge that the worker needs for thorough efficiency.

To learn what the school can do in this connection.

To make careful reports from time to time, showing the progress, present conditions, problems, and tendencies throughout the country of the movement for industrial education.

To secure timely knowledge of pronounced changes in industrial processes, materials, and organizations, which affect the proper education of workers to meet trade requirements.

There are many other questions that should be answered, of which the following are examples:

What is the preferred age for beginners in any given industry in this country?

What are the upper and lower limits as to the age of the efficient worker in any given occupation?

What are the upper and lower limits as to the wage received?

What are the sources of supply for workers in a given occupation?

What are the physical requirements upon the worker in a given occupation, such as strength, endurance, quickness, deftness, fineness of sight, accuracy?

How long does it usually take to train a worker for a given occupation?

What are the occupations within an industry to which a worker may advance?

How far does the work of his present occupation prepare the worker to meet the requirements of the new one?

What is the supply and demand for workers in the various industries and occupations?

In which industries and occupations is there the greatest opportunity at the present, or any given time, for desirable employment?

Only with such knowledge will it be possible to place industrial education in this country upon an intelligent basis. Only when we have learned these things will we be able to standardize the requirements for teachers, develop proper courses of study and correct methods of teaching, and measure the efficiency of the schools in terms of what their students are able to achieve. Some agency able to cope with the problem must assist the States in this task.

The need is as great for information concerning trade and industry for use in preparing workers to manufacture goods as it is for information concerning agriculture for use in the training of farmers. The high degree of specialization in industry, the complex character of both our manufacturing processes and industrial organization, and the rapid and pronounced changes in our manufacturing life make the need for such a survey particularly urgent. In a nation-wide attempt to educate our wage earners such intensive surveys of all kinds of occupations present a field for national service by Government agencies as large and important as it is indispensable and difficult.

It is not possible to rely upon individual employers for the information necessary for a program of industrial education national in its scope. Individual employers have had little or no experience in dealing with such problems in the large, and they would, of course, be inclined to look at it only from the standpoint of their own limited interest and outlook. Furthermore, to attempt the work in this way would result only in a piecemeal job. Each manufacturer would naturally find out things which might be of general use, but would employ them only for his own benefit. This would obviously result in a large duplication of effort. Even if the investigations of individual manufacturers were well made, there would be no opportunity for comparing results. Furthermore, there could not be the widespread publicity necessary to make such results available to everybody having the same questions to face.

Neither could the task be adequately accomplished through national organizations of employers. Such organizations have had little, if any, experience in doing this work. There are, comparatively speaking, few great national organizations of employers which are equipped to undertake such a task. The present interests of such organizations would not induce them to take the time or money necessary. There are, moreover, certain grave differences between employers and employees regarding certain matters in industrial training, and these differences might easily prove a handicap to either national labor organizations or national associations of employers if either attempted to handle this matter.

This method of getting information through special interests would require a long time, even if it could be successfully accomplished in the end. It would mean piecemeal and irregular studies with disconnected results and the absence not only of a country-wide and unbiased point of view and method of approach but also of the publicity which would be of the greatest benefit to all concerned.

The States can not deal individually with this matter: No State is adequately equipped to handle it; no State has had any considerable experience, at least, with this kind of investigation; no State has even made a beginning in such work, nor could any State possibly have the necessary nation-wide point of view. Furthermore, a study

of this kind by the States acting separately would be open to practically all the objections given above.

The work must be done by the National Government. The training of our workers is a national question. It requires a national outlook to approach it properly. The National Government is the one unbiased agency for the task, and the only one capable of making comprehensive studies which will be useful everywhere. Both States and individuals would have confidence in the work performed and the information disseminated by the Federal Government.

National grants for vocational schools create a greater need of assistance from Federal agencies in securing information for use in these schools. If the States should support unaided their own vocational schools this service by the Federal Government would be valuable, but with Federal grants for these schools the argument for larger Federal investments in expert information and advice has added force.

Vocational schools and classes will be successful in proportion as their organization, courses of study, and methods of instruction meet continuously the changing needs and conditions of the vocations for which they give preparation. If the schools are to fit properly for vocations, all those in charge of them must have an opportunity to secure such progressive knowledge, and this can best be furnished through a Federal agency that will give such studies a nation-wide point of view.

Should the Government establish a partnership or contract of any kind with the States for the benefit of any kind of vocational education, every consideration requires that the moneys expended in the venture should be accompanied by all the helpful knowledge which the Federal Government has gleaned or can glean from its studies. In order that every wage earner may be made an "all-round workman," the training which he receives either at the State or National expense should endeavor to prepare him as far as possible to meet successfully the varied demands of his occupation as it is practiced throughout the country. This requires an interchange of trade information such as only a Federal agency can give.

The Clerk read as follows:

SEC. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade, home economics, and industrial subjects the State board of any State shall provide in its plan for trade, home economics, and industrial education that such education shall be given in schools or classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over 14 years of age or who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement in such State for education for any given trade or industrial pursuit; that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than 9 months per year and not less than 30 hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade, home economics, and industrial subjects shall, if expended, be applied to part-time schools or classes for workers over 14 years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over 14 and less than 18 years of age; that such part-time schools or classes shall provide for not less than 144 hours of classroom instruction per year; that evening industrial schools shall fix the age of 16 years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal board for vocational education: *Provided*, That for cities and towns of less than 25,000 population, according to the last preceding United States census, the State board, with the approval of the Federal board of vocational education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment in order to meet the particular needs of such cities and towns.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, lines 3, 4, and 5, after the word "requirement," insert a comma and strike out the words "and shall confine instruction to that which is supplemental to the daily employment."

Mr. MOORE of Pennsylvania. Mr. Chairman, I am hopeful that the committee may accept this amendment. The propriety of it was brought to my attention by a Member of the House who is engaged on committee work this morning. The amendment proposes to strike out the limitation as to night classes, requiring that the instruction shall be confined to that which is supplemental to daily employment. If there is one thing that a boy is to be commended for it is that having labored during the day he takes advantage of such educational facilities as may be afforded him at night.

Now, it may be that some boy who desires to obtain a vocational training may be obliged to labor very industriously during the daytime at some occupation which he desires to equip himself in by his studies in the evening, and if there be such a boy he probably would be the most deserving of all boys seeking an education. He would be of that type which we commonly regard as self-made in that he would be earning his own livelihood during the day for the purpose of maintaining himself and others, possibly, with a view of taking up some special line of instruction in the evening. It may be that such a boy seeking to learn the vocation of a metallurgist or of a machinery worker might be employed in an entirely different vocation during the day, and if the training here provided for is to be confined to the instruction that is carried on in the daytime this deserving boy may be thrown out altogether.

I leave it up to the experts of the committee who have studied this question. It presents to me one of the real humanitarian features of this bill. If we want to encourage anybody on earth to learn a useful occupation we want to encourage that boy who is striving as hard as he can all day long to take care of himself and those who may be dependent upon him, and who yet in the evening may not want to be confined to the particular line of education he has been acquiring, of necessity, during the day.

I am raising the question. The committee may have some explanation that may be satisfactory, but it has seemed to me, as it seemed to the Member who brought the matter to my attention, that by placing this limitation upon the night-school service you may be wiping out the lifelong ambition of a boy who is perhaps the most deserving of any who would apply for this kind of education.

Mr. FESS. Mr. Chairman, the observation made by the gentleman from Pennsylvania [Mr. MOORE] is not only an appealing observation to most Members of the House but would seem on its face to be a justifiable amendment that ought to be made. But I hope the membership of the House will see the real meaning of it and not allow their desire to help the boy who is on the street and who wants to get out of that work into something else, to aid him to get into this particular sort of school, however laudable that desire is.

There are two classes of evening schools now in nearly all of our big cities. One is the evening preparatory school to enter some avenue of activity or some industry; that is, to prepare to get into something different from what he now is engaged in. Nearly all the cities of the country have the evening school for that purpose now existing. Then there is another evening school that is more prominent than that one, and that is where the adult has gone into work and has reached the age now beyond the school age, where he can not go to school, except to the evening school, and who had gone into work before he had a general education. He sees the need of having a general education now since he has gone out into the active world to work, and he wants to go where he can study, not the thing he is working at but the subjects of general education in order to enlarge his fund of information and increase his cultural qualities. That school, of course, is not the preparatory school that I spoke of before. The two are clearly defined, discriminated easily, and every city has both of them, as a rule.

Now, this provision is that the Federal money to be applied to evening schools shall be applied to the evening extension school, to extend the work of the boy who is now at work. It is strictly vocational. It is not to be applied to some one who is wanting to get out of the work he is doing into some other field. If it is preparatory, that school now exists, supported by the city. It is not to study something of a general cultural value that is not connected at all with his work. That is already provided in the city. But it is to simply enlarge upon his ability to do the work he is now doing. If you spread this out to include the preparatory school and also the cultural school, you are going to dissipate the fund in the evening extension school until it will be of no particular value at all.

Then, another consideration in the discussion of this subject before the President's commission was this: The evening school is now very prominent. It will not be in the years to come. The evening school is going to grow less from day to day, because our compulsory system of education is going to enlarge the day school and make less the importance of the evening school; and it will not be, in my judgment, 20 years until the evening school will be largely a thing of the past, while the continuation school will grow more prominent and important. And that is another reason the commission confines its work to the extension school in the evening rather than the preparatory school.

Mr. REILLY. The gentleman does not claim that his vocational school is going to be a cultural school, does he?

Mr. FESS. He is aiming to avoid that.

Mr. REILLY. How would the boy who has some line of work in the daytime, who does not like the work he might take in school, going to take up cultural work if he goes to your vocational school in the evening?

Mr. FESS. The vocational school in the evening that is provided by this bill is purely a vocational school, but the school

that is preparatory may be cultural or may be both vocational and general.

Mr. REILLY. Very true, then. How will the boy who comes from the street pursue a general course in any vocational school that you object to?

Mr. FESS. There will be vocational courses in the evening school in the city. My objection to this is that it should be confined to the extension school and not to the preparatory school, as my friend from Pennsylvania wants, or to the other school that I mentioned, but which he did not mention.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. As I regard this as one of the most important features of the bill I would like to ask the gentleman one or two questions. If we consider this bill without regard to terms as to preparatory or extension courses, where is the boy on the street, who is striving the best he knows how to be an honorable boy and to make a decent living, to get his vocational education under this system?

Mr. FESS. He will get it where he gets it now, at the evening school.

Mr. MOORE of Pennsylvania. Yes; but if he is not pursuing the same line of study in the daytime——

Mr. FESS. He is not excluded now from the evening school.

Mr. MOORE of Pennsylvania. I think the bill as it reads now does exclude him.

Mr. FESS. This bill confines it; but the evening schools now existing will admit him. This bill will not preclude those schools.

Mr. MOORE of Pennsylvania. The gentleman means the existing schools, aside from this bill?

Mr. FESS. Yes.

Mr. MOORE of Pennsylvania. I do not want to see this—which is a general vocational education bill—bar out any boy in the city or in the country, whether there happens to be a school in his vicinity at the present time or not. He certainly is as much entitled to the benefits of this bill as the boy who lives some place where there is no vocational school.

Mr. FESS. The only difference is this: Why should we widen the scope of the evening school under this provision so as to let anybody come into it, whether he is extending the work he is now doing or taking something that he is not now working at? That is the point.

Mr. MOORE of Pennsylvania. I want this law made general, so as to help the boy who is deserving and who is doing the best he can in the daytime against untoward circumstances of living—I want that boy to have an equal chance with any other boy to take advantage of this bill. But I observe—and I fear that what the gentleman has already explained rather justifies the thought—that, apart from what we have been discussing, there is provision here which limits certain privileges to towns of 25,000 population.

Mr. FESS. No; towns of less than 25,000 population are not covered.

Mr. MOORE of Pennsylvania. What is the theory?

Mr. FESS. The theory is that the difference in the towns would be so wide that the general law will not cover them. We leave it to the State board to make one rule for one town and another rule for another town, always by the approval of the Federal board.

Mr. MOORE of Pennsylvania. In other words, a town exceeding 25,000 inhabitants which pays for itself is to get nothing and we are to give it all to towns of less than 25,000 inhabitants.

Mr. FESS. Oh, you are talking about evening schools?

Mr. MOORE of Pennsylvania. Yes; I am talking about the evening schools provided in this bill.

Mr. FESS. This proviso does not cover the evening school. This covers the general bill.

Mr. MOORE of Pennsylvania. No; beginning on line 2 of page 16 the language is:

> That evening industrial schools shall fix the age of 16 years as the minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment.

Now, I am trying to strike out——

Mr. FESS. That is daily employment.

Mr. MOORE of Pennsylvania. I am trying to strike out that limitation as to the boy or girl attending the evening school. But, as I understand the gentleman now, he thinks the provision ought to remain in, because perchance it may be that in the city of New York they already have industrial schools and night schools.

Mr. FESS. They do.

Mr. MOORE of Pennsylvania. And therefore the Government ought not to extend its general educational system to the city of New York, although it pays part of the taxes. That does not seem fair.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. FESS. Gladly.

Mr. MANN. To see if I understand the theory of this bill. It is not expected, as I understand, that the money appropriated in this bill is to furnish education for all people who may desire it, but within the limits provided in the bill to endeavor to furnish vocational education?

Mr. FESS. Yes.

Mr. MANN. And not intending to furnish, out of the provisions of this bill, education to everybody, it is proposed to confine it to vocational education, and in doing that to give assistance to those who are now in some vocation?

Mr. FESS. That is the whole purpose.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. REILLY. Mr. Chairman, I move to strike out the last word.

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more, to make a statement.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FESS. The bill provides for three kinds of schools—the all-day school, the part-time school, and the evening school. The all-day school requires a limitation in age. The pupil must not be less than 14 years of age. The evening school makes the limitation 16 years. In the all-day school there is a provision that the work shall be extension work, one-half of the time be spent in the classroom and one-half in the shop or field. The part-time school is where the individual has gone to work for pay, and the limitation in time, in hours of recitation, is fixed by law 144 hours per year. In the evening school, however, we do not limit the time, but we say that the limitation must be confined to those who are studying in the evening the industry that they are working at during the day. I do not believe that it would be wise to take the fund out of the three types, to disseminate it without limitation in the evening school that is not going to be continuous. Anyone can see that the evening school is going to lessen from year to year if the all-day and part-time schools will be inaugurated. It will not do to dissipate this fund, to extend to all classes who might want to go into the evening school, and thus popularize the evening school at the expense of the part-time and all-day schools. I sincerely hope that the fund will not be thus dissipated, but will be confined to the extension work in the evening school while the evening school lasts.

Mr. HUGHES. Mr. Chairman, I ask unanimous consent that all discussion on this section and amendments thereto conclude in 20 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all discussion on this section and amendments thereto conclude in 20 minutes. Is there objection?

There was no objection.

Mr. REILLY. Mr. Chairman, I rise to support the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The explanation of the gentleman from Ohio [Mr. FESS] that there are three grades of schools does not, as I see the situation, change it at all, as all three schools are vocational schools.

Mr. FESS. They can not utilize this fund unless they are.

Mr. REILLY. Then all of these vocational schools should be open to every boy in the community, of the proper age who desires to attend them, regardless as to whether or not the boy desires to receive instructions along the lines of his daily employment; at least discretionary power should be left with the local authorities to permit such boy to attend one of these vocational schools.

Night schools are not at the present time established in all parts of the country. They are comparatively new institutions and besides they provide for a general education and not for vocational instruction.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Texas?

Mr. REILLY. The gentleman from Texas will kindly excuse me; my time is limited.

The CHAIRMAN. The gentleman declines to yield.

Mr. REILLY. It would seem that if a boy who is engaged during the daytime, not in walking the streets, but in a line of work which he is obliged to follow for want of a job to his liking, should not be debarred from the opportunity to attend a vocational night school located in his home town simply because he desires vocational training to qualify him for a line of industrial work other than he is engaged in at that time, but that he intends to take up as the means of making a living.

Mr. FESS. Mr. Chairman, will the gentleman allow me to interrupt?

Mr. REILLY. Yes.

Mr. FESS. This is precisely what this bill is trying to prevent. If the boy is educated to be a farmer, and wants to be a better farmer, he would not go to the school in order to get out of farming into something else. We want his skill and efficiency to be applied to the thing which he is doing. That is the purpose of it.

Mr. REILLY. Does the gentleman maintain that a boy who wants to quit the farm should be kept on the farm and denied an opportunity to get vocational training along some other line?

Mr. FESS. Not at all, but if he is going to quit he should not get the provisions of this bill that pertain to the farm.

Mr. REILLY. If a boy wants to quit the farm, he should be given an opportunity to take up some other line of vocational education, and the mere fact that he is a boy from the farm should not debar him from attending a vocational night school to get training in some industrial line.

Mr. FESS. Let me ask the gentleman a question. Is it not true that in the gentleman's State boys who come up from the farm to the university, intending after their education to go back to the farm, go into cultural work—the professions—at least a large percentage of them, and never return to the farm? This is the thing we are trying to avoid.

Mr. REILLY. My observation is that only a very few boys have entered the University of Wisconsin with the intention of returning to the farm again. There are a few cases where boys have entered the agricultural college, and later switched their course from the special line of agriculture to a general college course.

Mr. FESS. That is what I mean.

Mr. REILLY. But assuming these facts to be true, that does not justify shutting the door of a vocational school to any boy in the community who desires to secure vocational training, no matter in what line, or no matter whether the boy is from the farm or the city.

Mr. FESS. We do not close the door, but we say to him, "If you want this particular training, you can get it in this school, but if you want some other training, not supplemental to your work, go to some other school to get it."

Mr. REILLY. But the other school is not a vocational school. There is no use trying to drive boys back to the farm or keep them there against their will. The boy who works on the farm in the daytime and is looking forward to a career as a mechanic should be permitted to attend an evening vocational school to prepare himself for the line of work that he intends to follow.

I am very much in favor of the pending measure and I hope that it will become a law before the present session of Congress adjourns, thereby adding one more constructive piece of legislation to the long and creditable record of the present administration.

Many of the leading educators of to-day, men and women who have given deep thought and study to the educational problem, are convinced that our present educational system is top-heavy, that it does not offer sufficient facilities for the efficient education of the great mass of boys and girls of to-day who will be men and women of to-morrow.

Under the existing educational conditions in this country, too much time and money is devoted to the higher education of the few and too little time and money to the education in the practical ways of life of the many. In round numbers there are 30,000,000 children in this country between the ages of 6 and 20 years, inclusive, of which number about 50 per cent reside in the country and 50 per cent in our cities and villages.

It is stated that 85 per cent of the children of the country leave school before they reach 16 years of age; that not over 8 per cent of the school boys and girls ever go through high school; and that only about 3 per cent of those who graduate from high school go on to the higher schools and colleges. More than a million of the boys and girls of our country are added each year to the army of industrial and agricultural workers of the land, most of them without any practical training designed to make successful and efficient breadwinners.

There can be no doubt at all but that our present educational system is not meeting the real needs and requirements of this day and age as far as the practical preparation for life's battle of the industrial and agricultural doers upon whom our future as a Nation largely depends.

Our educational system to-day is too theoretical, not enough practical; too extensive, not enough intensive. The training that the large majority of the boys and girls receive is not of the character to prepare them for the practical work of life.

Unfortunately, our educational system has been hampered by so-called educational fads. Every little while some ambitious mortal desiring to reform the world offers a new educational theory which is guaranteed to be a panacea for all human ills and the result is the curriculum of the lower grades has become crowded with a lot of new-fangled, half-baited educational ideas, none of them bearing upon the practical education of the child.

If part of the money being spent to-day in our higher educational institutions could be diverted to the work of training our future citizens, the 85 per cent that never go beyond the high school, much better results would be obtained from the enormous expenditures, over $600,000,000, in this country every year for educational purposes.

Friends of the vocational educational movement believe that something should be done in the way of training vocationally the 85 per cent of our school population who under the present conditions are turned out into the world to begin life's battle handicapped for want of knowledge of how to do, and they hope that this bill when it becomes a law will mark the beginning of an educational movement in this country that will make it possible for every boy and girl to go out into the world equipped with practical training for life's work.

This bill provides for three lines of vocational education—agricultural, trades and industry, and home economics.

The initial appropriation on the part of the National Government for the first year of the operation of this bill is only $1,500,000, but the appropriation is to be increased annually until at the end of the tenth year the annual contribution of the National Government will be $7,000,000 a year. In order to secure such appropriations from the National Government, the various State governments are required to put up at least an equal amount, so that at the end of the 10 years, if all the States of the Union take advantage of the national aid provided for in this bill, there will be expended annually in this country at least $14,000,000 a year in the upbuilding and maintenance of a vocational educational system.

When the full limit of the national appropriation at the end of 10 years is reached, $3,000,000 of said appropriation is to be devoted to agricultural vocational training, to be apportioned to the States in the proportion that the agricultural population of the various States holds to the agricultural population of the Nation; $3,000,000 to vocational training in trades, industries, and home economics, the apportionment being based on the ratio that the industrial and trade population of the various States holds to the industrial and trades population of the Nation, all of said sum to be used in paying part of the salaries of the teachers in these three lines of vocational education; and $1,000,000 to be devoted to the training of teachers in the three fields of agriculture, trade and industry, and home economics, making in all a total sum of Federal aid of $7,000,000, which will be of the national appropriation for the year 1927 and thereafter.

It is to be hoped that this measure will fully meet the expectations of its friends and well-wishers; that it will mark the beginning of larger expenditures in this country for the practical preparation for life of our future citizens.

Our country is far behind other countries in the world in the important work of preparing our youths to become efficient workers in agriculture and industry.

Germany has long been a leader in the practical education of her youths. Much of Germany's efficiency is due to the fact that education in Germany is more practical and less theoretical than in other countries.

The Kingdom of Bavaria, a territory having a population about the size of New York, has more trade schools than there are to be found in all the States in this Union. It has been said that there are more economic workers being trained at public expense to-day in the city of Munich than in all the cities of the United States. The aim of the German educational system is to prepare Germany's citizens not theoretically but practically, through her great vocational educational system,

to become efficient workers in whatever field of activity they may adopt as their life's work.

A country is great when the masses of its citizens are contented and happy. There can be no contentment and happiness among our industrial and agricultural workers unless there is efficiency, and if we are going to produce in this country an army of efficient workers in all fields of human activity, the cultural side of education, so long emphasized in this country, must claim less attention of the time and revenues of the Government, in order that the more practical education in the training of how to do may receive its due emphasis.

Mr. MOORE of Pennsylvania. Mr. Chairman, the more the gentleman from Ohio explains this proposition the more I am inclined to believe the amendment is right. I sympathize with him in his suggestion that we ought to keep the boy on the farm by educating him to be a farmer, and that there are large inducements for the boy who started on the farm to leave the farm and go into the city; but the gentleman entirely overlooks the great industrial situation, and I regret to say that there are very few spokesmen here who take up that side of the educational question. It may not be known to the gentleman from Ohio, or to the majority of this House, but the industrial trades to-day, particularly the building trades, are sorely in need of skilled mechanics, the supply of whom is growing less and less day by day. It may be due to certain labor conditions which I do not care to discuss at this time, but the fact is that in a great city like Philadelphia we do not have the men skilled in the building trade to keep up with the demand for them. Now, granted that you are endeavoring to keep the boy on the farm—which I approve—what about that boy in the city with the widowed mother, weak and sickly, and who is her sole support? Through the aid of friends she obtains for him a position as a boy tending a door in a broker's office. Is that the business that he is to follow at night when he takes advantage of this vocational education bill to secure an education? Or he becomes an errand boy in a law office. Is that what you want him to learn, when we are seeking boys at high wages to follow industrial lines? Suppose he becomes a "washer-out" in a beer saloon. Is that the business in which you desire to have him taught, and is that the vocation you wish him to follow in the study that he takes up at night? What is to become of this boy who is not a farmer's boy, but who is just as worthy of consideration, or who may become just as dangerous a member of the community as any man against whom you now inveigh, if when he knocks at the door for an opportunity to learn at night, to be a bricklayer or to be a tinsmith, or a carpenter, you say, "No." Because he is earning a few dollars per week in a bank, because he is running errands, because he is an office boy, or because he works in a factory, therefore in order to obtain the advantages of this vocational education bill, must he follow the errand-boy trade at night? Must he study being a doorkeeper's boy at night, or must he study the ticker at night in order to be admitted to these night schools?

Gentlemen, I hope you will give this matter serious consideration, and bear in mind that while the purpose to keep the farmer's boy on the farm may be commendable, and I believe it is, you must not bar from an honorable and honest education the boys in the city who will have no place to go except the street after their day's work is done if you refuse them admission to this national-school advantage, provided for by the money of all the people of the land. [Applause.]

Mr. SNYDER. Mr. Chairman, I believe this bill is one of the most important measures which will come before Congress. Every business man outside, perhaps, of the professions, is aware that the trend of the young men to-day is away from vocations of the hand and favoring the vocations of the brain. I contend that both are necessary and that both should be more or less attained by every student, especially those who will be compelled sooner or later to look to their own industry for support. There are innumerable instances all over the country where the services of young men are needed for mechanical and other positions of trust at excellent remuneration which it is hardly possible to fill. An advertisement in a paper for a person to fill a clerical position at $15 a week will bring a sheaf of answers, but an advertisement for a young, intelligent man to learn a trade and develop executive ability along this line remains unanswered in many instances. Therefore, Mr. Chairman, I favor this measure and I hope it will be enacted into law. Nothing will more benefit the country at large than the stimulation and direction of the ideas of the young to broaden their field of endeavor and to realize that mechanical and business development is as valuable if not more valuable than the development merely of their mental powers along professional lines. [Applause.]

Mr. MADDEN. Mr. Chairman, I think it would be unfortunate if the amendment of my friend from Pennsylvania [Mr. MOORE] should be adopted. I want to illustrate from a little personal experience. I left home when I was 10 years old. I went to work. The first job I had was carrying water to a lot of men. I got 50 cents a day. I had no education, of course. I found as I went along in the effort to learn a trade, which would eventually enable me to embark in business, that I would have to have some education. I knew that I would not have time to get a general education and so I conceived the thought that it would be wise to go to school at night, notwithstanding the fact that I worked hard all day. When I went to school at night I determined that I would learn things that had to do with the business on which I embarked. I did the things that would make me more proficient in business, make me more valuable to the man who employed me, and more valuable to myself. It soon occurred to me that I was going to learn the business and remain in it for a livelihood. I knew the line of work I would have to do, and so I concluded the kind of education I must have. I learned mechanical drawing, as well as the things that had to do with the work I was called upon to do. I learned to be a draftsman, and then I learned engineering, and learned just exactly the things that applied to the work that I was engaged in, and the things that would render me fit to take hold of the technical things connected with the business. Out of the small compensation I received from time to time I paid for the little education I was able to obtain. The result was that because of the training connected with the work I was enabled to do things that other boys were unable to do, and the result was that when opportunity for promotion came I had the opportunity given to me. And so it was I was able to succeed.

Now, I believe that if you are going to use the night schools for training, that training ought to be along the work which the pupils who attend them are engaged. If the amendment of the gentleman from Pennsylvania [Mr. MOORE] is adopted it will cut out the very things which this bill provides. I hope, basing my statement on my own experience, that this bill if enacted, as I hope it will be, will contain the provision in lines 3, 4, and 5, page 16, the language of which I quote—

and shall confine instruction to that which is supplemental to the daily employment.

Nothing could be more important, in my judgment, than training the mind of the boy that is willing to go to school at night along the line that he is employed in during the day.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MOORE of Pennsylvania. The gentleman has made a success in life, and it constitutes a very interesting chapter in the lives of Members of Congress. The gentleman states that he began by carrying water. Of course, that was not the occupation he studied at the night school. I ask the gentleman if he had begun by being an errand boy in an office, or by washing out a saloon, whether he would like to have been obliged to follow studies on similar lines at night?

Mr. MADDEN. Fortunately the educational institutions of the United States do not to-day provide for education in the best methods of operating a saloon [applause], and it might be also fortunate if less schools provided a better method of training many lawyers. If we put them into useful employment, where they would develop the wealth of the country, instead of befogging the conditions after the wealth is developed, we would have better conditions in the United States. [Laughter.]

Mr. REILLY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. REILLY. Does the gentleman want to deny the education to these boys which they prefer?

Mr. MADDEN. I am sorry that I can not agree with the gentleman from Wisconsin. In my reading of the clause in this bill it leads me unalterably to the conclusion because of the course I adopted for myself when I had the privilege of making the selection.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COOPER of Ohio. Suppose a young man, very poor, goes to work in a telegraph office and learns telegraphy, but he has a greater ambition and would like to get into something better than that, does the gentleman think it would be right to compel that young man to go to this institution and study telegraphy?

Mr. MADDEN. One word in reply to the gentleman. I recall one fact: That Will Gardner lived in the little town of Lamont, Ill., where I was brought up. He was a telegraph operator at a side station. He afterwards became secretary to

the president of the Northwestern Railroad, and later became president of that road. The present president of the Chicago & Milwaukee Road was an obscure operator. He is now president of the St. Paul and a genius in his line. I pay a man that I picked up as a telegraph operator in a freight yard $15,000 a year now because he had the genius, and the fact that a man is a telegraph operator does not prevent him from becoming a great man. [Applause.]

Mr. MANN. Mr. Chairman, I think this is a very important proposition. The natural sympathy is on one side, but it seems to me that common sense is on the other side. In the United States there are hundreds of millions of dollars every year expended for education, not out of the Federal Treasury but from the local treasuries. We are proposing now to expend a very small amount of money, as compared with the total, for the purpose of vocational education. It is not designed to pay out of the General Treasury money for the education of boys whether they have ambition or not. That is not the purpose of this bill. We are not undertaking to give an education out of the General Treasury to all of the boys and girls in the country, but the purpose of this bill is to give boys a vocational education. If you undertake to spread it all around, you will not give anybody a vocational education.

Now, the first thing to do is to give the boy a supplementary education; that is where you get the most benefit for the boy who does the work, whether on the farm or in the shop. Any boy in the city or on the farm in the country can get a supplementary education at night which will be of great value to him. You want to encourage these boys to go into the night school and study in reference to the work that they are doing in the expectation that you will make them permanent in their particular line of work. This bill is not for the purpose of aiding boys through ambition to change their occupation, but to give to the carpenter who is busy with his work as apprentice in the daytime supplementary education at night, to give the boy in the machine shop supplementary education at night, and if you undertake to give to everyone education at night, you will not give anybody the education he ought to have. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 8, noes 45.

So the amendment was rejected.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to return for a moment to section 10 of the bill, for the purpose of getting some information?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY. Mr. Chairman, I desire to return to section 10 for the purpose of getting some information as to the view of the chairman of the effect of lines 8, 9, and 10 upon a certain class of agricultural schools we have in the State of Michigan. On page 14, in lines 8, 9, and 10, the following language occurs:

That such schools shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm, for at least six months per year.

We have in our State a number of agricultural schools maintained partly by the State and partly by the district in which the school is located.

Mr. HUGHES. That is the common school, is it?

Mr. KELLEY. Yes; they are agricultural schools connected with high schools. The agricultural college trains the teacher, and the State pays part of the expense. As a rule, those schools are coextensive, as to time, with the village or city school where the class is organized, and that, as a rule, is 10 months. What I would like to know is how young men who are taking those agricultural courses can get six months of supervised practice?

Mr. HUGHES. Under this vocational education bill they would go to school for a certain length of time, but it is specified they must have practical experience in the field for six months.

Mr. KELLEY. Suppose these young men, during the 10 months of the school year, give a certain portion of the time to studying soil, dairying, horticulture, and all that kind of thing, by actual practice on the farms of the surrounding neighborhood, and carry on that work systematically a certain portion of the time each week during the school year, in connection with their classes in the high school, would that be a compliance with this provision?

Mr. HUGHES. I am inclined to think that it would.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. FESS. There was some question as to whether that ought to be six months or four and a half months, making one-half of the school year of nine months, but taking into consideration the winter months that might be used for stock grading, milk testing, and seed testing, they claim there might be some of the time in the winter while the pupil is in school part of the time when he could do this practical work that is not really out in the field, but is still agricultural work, and so they decided on making it six months in the year, thinking that the practice work was more important than the theoretical.

Mr. KELLEY. If they are required to spend six months out of the nine in supervised work, that would mean that two-thirds of their time would have to be spent in the practical work in the field?

Mr. FESS. Yes.

Mr. TOWNER. Two-thirds of the time only that they devote to agriculture.

Mr. FESS. Of course, that is the whole year.

Mr. KELLEY. I am heartily in accord with the general purpose of this provision, and yet I wanted to be sure that these young men who are studying agriculture in Michigan and are doing a certain amount of practical work in the field during the regular school year would have such time counted on these six months?

Mr. FESS. They would, and they would not need to be even working in the soil. It can be in the winter months in Michigan, where they are doing some work on the farm. This does not mean that all the time of each month, or week, or even day, must be spent on the farm. It might be a part of the day, or week, or month, throughout the year. That will satisfy the requirements of the law.

Mr. KELLEY. That is all I wanted to know.

The Clerk read as follows:

SEC. 16. That the Federal board of vocational education shall withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this act.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 19, after line 8, insert a new paragraph, as follows:

"SEC. 17. That no allotment of moneys under this act shall be made to any State which does not require of the teachers, supervisors, or directors of public education an obligation to support and defend the Constitution of the United States or which continues in employment teachers, supervisors, or directors of education who instill into the minds of their pupils theories or opinions subversive of the Constitution or the Government of the United States."

Mr. MOORE of Pennsylvania. Mr. Chairman, I have introduced this amendment with a view of ascertaining whether the committee will accept it. The bill provides for a very large number of teachers, supervisors, and directors of education. While I am in favor of the purpose of the bill and expect to vote for it, I do not intend to let the opportunity pass to say a word about one phase of our present day civilization. We are adding very largely to the expenses of the Government in the employment of a new array of persons who will not be directly under our authority, but to whose support we contribute. Many of these persons will be in control of the education of the youth of the country and will be responsible for the quality of citizenship that develops from that youth.

I have no particular college to point out nor any particular educational institution, but it is patent to anyone who reads the newspapers of to-day, and particularly the strictures upon our form of government which occasionally emanate from some of the learned professors and teachers of the country, that we will in due course, in these educational matters, have a great problem to solve. I think I am not going far astray in saying that there are some college professors who are misleading the young with respect to the purposes and principles of the Government of the United States, very much to the shame of the great mass of educators of this country who are patriotic and well meaning and whose efforts in the direction of education are well bestowed. But the time will come, if it has not already come, when it may be advisable for members of State legislatures, as well as for Members of Congress, to say to certain men and women in control of the education of our children that the expression of their personal opinions with regard to politics, with regard to political economy, with regard to theories of government, sometimes in derogation of the Government itself, must be regulated and that they must attend to the business for which they are paid, to properly educate the youth of this country within proper lines of citizenship and patriotism.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield.

Mr. FESS. What about the feasibility of creating a board of censorship?

Mr. MOORE of Pennsylvania. Well, I take it we have had enough boards of censorship recently, but we can, if the gentleman wants it, create a new board and add to the difficulties of the present administration. But we have been advised upon political topics from school-teachers high and low, and some of the people of the country have been misled by professors of high degree. Their opinions have not always been patriotic, and the question arises whether, when we expend the public money for the purposes of public education, we should tell our employees to confine themselves to the purposes of their employment rather than to lead the children of the country into economic and political error.

Mr. KELLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. KELLEY. What does the gentleman think of a school-teacher who when he gets into politics changes his mind on all these matters?

Mr. MOORE of Pennsylvania. I think a professor who gets into politics, runs for governor or a higher office, is a man to be watched if he is still to influence the school children of the country. His opinions on questions like the tariff might change.

Mr. BARKLEY. Will the gentleman yield for a serious question?

Mr. MOORE of Pennsylvania. The gentleman is always serious, and I will endeavor to be as serious in answering him.

Mr. BARKLEY. Is there any more harm in a learned professor undertaking to inculcate in the minds of his pupils his own individual opinion than simply to repeat the individual opinion of some other professor who has written a textbook on the subject?

Mr. MOORE of Pennsylvania. I think there is danger in an individual teacher endeavoring to inculcate his individual views on public questions into the minds of children. If the gentleman wants me to proceed any further, I would say it is a very unwise proposition to take a professor from a great college who has only one opinion in regard to a great question like the tariff and put him in charge of a tariff board to control the tariff destinies of this country. It is not always best to put a one-sided, one-minded theorist in control of the tariff of the country.

Mr. BARKLEY. Will the gentleman elucidate for the benefit of the committee some process by which any school-teacher may be able to comment on textbooks on any subject without giving expression to his personal opinion?

Mr. MOORE of Pennsylvania. "The shoemaker should stick to his last." It is on that theory this bill has been framed, in view of the amendment defeated a few moments ago. The preacher who goes into politics is entering upon dangerous ground, and I am inclined to think the school-teacher should keep out. He can not be a good school-teacher and a political partisan at one and the same time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES. Mr. Chairman, I ask that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the debate on this section and all amendments thereto be now closed. Is there objection?

Mr. SLAYDEN. Mr. Chairman, I would like to have the privilege of speaking for not more than five minutes. I do not think I have opened my mouth on this bill up to this time.

Mr. HUGHES. In view of the gentleman's request, I will ask that all debate close in five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I thank the gentleman from Georgia [Mr. HUGHES] for his courtesy. I have refrained from prolonging the debate on the bill, although it is not a policy of legislation with which I am in sympathy. I am in sympathy, permit me to say—and now I suppose I am making a futile effort to have my opposition to this bill understood both in the country at large and among many of my constituents—I am in sympathy with the idea of training the young of this country in all ways of making an honest living and doing useful work for society at large. I am in favor of training them in the art of the smith, of the carpenter, and in every other direction in which their minds and hands may be made skillful for the benefit of society at large and in order that they may get an honest living for themselves and their families; but, Mr. Chairman, I can not but regard this sort of legislation as an assault upon the prerogatives and the high duties of the States. We have always believed, most of us at least, that the duty of educating the youth of the country was particularly and peculiarly that of the family and of the State, and a number of years ago, so many years ago I do not now remember with any degree of clearness or accuracy, time, and particularities, there was considered in the Congress of the United States a bill known, I believe, as the Blair bill—I ask the gentleman from Illinois if that is not what it was called? It was opposed by many distinguished people of the South as an assault on the rights of the States and by a great many eminent and distinguished people in the North as an effort to control the schools of the States by the Federal Government. Now, this is somewhat in the same line of legislation and it is, in my judgment, an assault upon the States and upon their duties and their privileges. Coupled as these assaults are with an appropriation, it is made acceptable to many palates that would otherwise reject it. I venture to make this brief speech, Mr. Chairman, because my position has not been understood by some and has been and will again be misrepresented. If you do not agree with any proposal in toto and if you do not agree with the methods with which that proposition is advanced, you are at once denounced as being opposed to such measures in their purpose. Such is the fashion of speech of the times, such the prevailing intolerance of the day.

As a matter of fact, I am just as much in favor of developing our schools in the States and by the States to the highest degree of efficiency, both in the academic and in the vocational lines, as any man can be. I have my views about how it should be done, and they do not happen to accord with the views of the author of this bill.

Mr. FESS. Will the gentleman yield?

Mr. SLAYDEN. If the gentleman will be brief. I have only two or three minutes.

Mr. FESS. The Blair educational bill had the power with it to apply the money by the Federal authorities, but this bill does not do that.

Mr. SLAYDEN. Oh, no.

Mr. FESS. This bill provides for the cooperation of the State, and the State does not need to receive it if it does not wish to.

Mr. SLAYDEN. Of course not; and if we had the frank and brutal proposition of the Blair bill, my friend from Georgia [Mr. HUGHES], a man whose character is so lovable and whose intentions are so honest that anyone who has come in contact with him must love and respect him, would have rejected it at once. But, Mr. Chairman, I will say to the gentleman from Ohio [Mr. FESS] that this is but the beginning. It is an insidious attack, sugar-coated, as I said a few moments ago, with an appropriation. I believe as sincerely, sir, as I believe anything in this world—and I have some faiths that I do believe in and stand by—that this is a beginning of the destruction of the State system of public schools. What is to prevent some Member in the future——

Mr. BARKLEY. Will the gentleman yield there?

Mr. SLAYDEN. I have only five minutes allotted, and then the debate closes.

What is the ultimate purpose of some gentlemen who advocate this sort of thing? What is to prevent them from coming forward with another measure next year, advancing a little bit further toward that result and tempting us with a larger appropriation? That is how it is done, Mr. Chairman, and it will go on and people who pay an indirect tax to the Government, thus failing to appreciate the amount of their contribution to the support of an almost criminally extravagant Government, will consent to these appropriation-carrying schemes because they seem not to appreciate the fact that the same people who will pay this appropriation also pay the direct contributions to the State schools. The same people pay the bills, but instead of paying them directly and after the least expensive method this bill will compel them to follow the most expensive way.

The contribution to the States is contemptible in amount, in derogation of the dignity of the States, and hurtful to the system of public schools within the States, in that it will teach the taxpayers more and more to rely upon Federal appropriations, but it suffices to tempt gentlemen from the traditions and principles of their party, the party of Thomas Jefferson.

A distinguished Member said to me a few minutes ago that the State lines are dim now and growing dimmer. I asked him if this measure, which he supports, is not an assault on the autonomy of the States and helping to make them less and less important in our political scheme. Being an honest man, as well as a Republican, he answered frankly that it did. I invited him to make that statement to the House, which he would not do; but I beg my Democratic brethren from the South to reflect on his observations.

The CHAIRMAN. The time of the gentleman has expired. By unanimous consent, all debate on this section and amendments thereto is closed.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college.

Mr. DALLINGER. Mr. Chairman, I am so much interested in this bill that I had hoped that it might be unanimously passed by this House. I have heard in private conversation a number of objections that have apparently been in the minds of some Members against this legislation. Some of them have somewhat felt that it was a "pork-barrel" proposition. I want to say, Mr. Chairman, that there is not anything in this bill that savors of "pork." There is no provision in this bill for the erection of buildings or for the maintenance of schools in any State. The bill simply provides for Federal encouragement to a certain particular kind of education.

And not only is there no savor of "pork-barrel" legislation in this bill, but it is not sectional. Many of us opposed the Shackleford roads bill because we believed it contained an unfair discrimination in favor of certain States at the expense of other States. Under the provisions of that bill States in the North of small area and large population would be obliged to bear an undue burden of taxation for the purpose of constructing roads purely local in character in other States without any comprehensive plan for a system of roads connecting the several States that would be really national in its scope.

On the other hand this bill is absolutely fair. Half of the appropriation goes to States for agricultural education in proportion to their rural population, while an equal sum goes to the great industrial States of the North for technical education in proportion to their urban population. It is the fairest bill involving a Federal appropriation for the encouragement of State activities which are of national concern that has ever been introduced in the Congress of the United States.

Now a number of Members have raised the question of the constitutionality of this bill and I observe that my friend from Texas [Mr. SLAYDEN] is worried about the encroachment of the Federal Government upon the rights of the States. Away back at the beginning of this Government when that great Secretary of the Treasury, Alexander Hamilton, in his famous Report on the Public Credit recommended legislation incorporating the first bank of the United States, the same question was raised. And Mr. Madison, in charge of the bank bill, was challenged to show any power in the Constitution giving Congress the right to charter any such institution. And then and there was invoked the doctrine of implied powers. It was shown that, while there was no direct power granted to Congress in the Constitution to charter a bank and that while apparently the chartering of banking corporations was a State matter, that power could be implied from the power to borrow money; could be implied from the power to raise and support armies; and could be implied from the power to provide and maintain a Navy.

And, Mr. Chairman, in this bill the power of Congress to encourage and aid the States in agricultural and technical education can be implied plainly from those same two clauses in the Constitution, because to-day one of the greatest factors in preparedness, in raising and supporting an Army and in providing and maintaining a Navy, is the question of an adequate food supply for this country in any emergency that may arise. Moreover, one of the greatest factors in raising and supporting an Army and providing and maintaining a Navy is the existence of a sufficient number of men trained in the industrial arts, and in that particular we in this country are sorely lacking. Mr. Chairman, if there ever was a bill whose constitutionality in this critical period, when we are talking so much about national preparedness, can be maintained, it is this bill. I trust it will receive the vote of every Member of this House. [Applause.]

Mr. HUGHES. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 12 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this paragraph and amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, the Committee on Education, of which the distinguished gentleman from Georgia, the Hon. DUDLEY M. HUGHES, is chairman, has unanimously reported this bill to the House and recommended its passage. It provides for vocational education, and vocational education as defined in this bill refers to that kind of practical education which is designed to prepare girls and boys for useful employment and occupation. It is further designed to prepare workers for the more common occupations in which the great masses of our people find useful employment. As here used, it means that form of education whose controlling purpose is to give training of a secondary grade to persons over 14 years of age, for increased efficiency in useful employment in the trades and industries in agriculture, in commerce, and commercial pursuits, and in callings based upon a knowledge of home economics.

This proposed legislation is based upon the theory that every occupation may be so filled as to reflect intelligent guidance. It provides for the training of teachers of agricultural, trade, and industrial and home economic subjects, for the paying of part of the salaries of teachers, supervisors, and directors of agricultural subjects, and of teachers of trade and industrial subjects. The great necessity for this legislation is shown in the fact that there are 12,659,203 boys and girls in the United States engaged in agriculture, who will be directly benefited by this bill. There are also engaged in manufacturing, economic, and allied industries 14,261,376 boys and girls who will also be greatly benefited.

While vocational education has already been inaugurated in many localities, the American people have hardly begun the work of providing for the practical education of these millions of our wageworkers. In this whole country there are fewer trade schools than are to be found in the little German Kingdom of Bavaria, with a population not much greater than that of New York City. There are more workers being trained at public expense in the city of Munich alone than in all the larger cities of the United States, representing a population of more than 12,000,000. It is substantially true that practically every German citizen who could profit by it may receive vocational training for his life work in the schools and classes supported out of the public treasury, and this accounts largely for the efficiency and progress of the German people.

This bill proposes Federal aid in two spheres—first, payment of salaries of teachers of agricultural subjects and all teachers of trade and industrial subjects, and, second, preparation for training of teachers of the foregoing subjects. The importance of the training of teachers and the great necessity for it at the present time is demonstrated in the following facts in reference to the teachers in this country published by the Bureau of Education:

BETTER TEACHERS FOR THE RURAL SCHOOLS.

The rural schools of the United States are in sore need of better qualified teachers. At least one-third of the rural teachers for the country at large have no professional training. The average scholarship of this class of untrained teachers is little more than an eighth-grade education. There are 212,000 one-teacher rural schools in the United States. It is conservative, therefore, to say that there are 70,000 rural teachers in this country with only an elementary education and no professional training. There is one State in the Union that has over 4,000 teachers with only a seventh-grade education and no professional training in charge of its rural schools this year. There are several States that number their rural teachers in this class by the thousands, and there are many States that count their rural teachers in this class by the hundred.

Another third of the rural teachers of the United States have only a limited amount of professional training, and on an average their scholarship is not above the tenth grade; that is, a two-year high-school education beyond the eighth grade. There are at least 70,000 teachers in this class.

A majority of the remaining one-third of the rural teachers of our country have on the average only a four-year high-school education, which includes from one to two years' attendance at a State normal school or the professional work given in the junior and senior years in teacher-training high schools or several summer terms at summer schools for teachers.

These are the conditions that face us in the qualifications of our rural teachers. The problem that confronts us is how to improve these conditions. It is the purpose of the Bureau of Education to issue a series of talks in an effort to show the country how to solve this most important problem in American education to-day. The fact that we have over 150,000 teachers without adequate preparation for their work is enough to arouse the public mind on this question to such a degree that within the next decade we shall have a sufficient number of teachers with adequate training for every rural school in the United States.

I know nothing personally as to the correctness of these figures, but they are authentic and I presume correct, and therefore I have quoted them.

The teachers throughout the land will have an opportunity to avail themselves of the benefits of this bill, which will redound not only to their good but to the permanent and great benefit of the boys and girls whom they will have the oppor-

tunity to teach in their schools. There is no greater calling in this country, except it be the minister of the gospel, than that of the school-teacher. I believe the two most important and far-reaching affairs of life are the cultivation of the mind and the salvation of the soul. [Applause.] The teacher cultivates the mind; the minister is instrumental in securing the salvation of the soul. One scatters sunshine and happiness during the lives of those taught by cultivating their minds, the other brings happiness, contentment, and joy in time and throughout eternity by being instrumental in bringing about the salvation of the soul; and both the teacher and the minister engage in a glorious work upon which the great God of the Universe showers His blessing and approves the instrumentalities used to bring about these glorious results. [Applause.] In my judgment, this is one of the most important measures before Congress, and so important was it that our great President of the United States, the greatest in my judgment since the days of Jefferson [applause], specifically urged the passage of this bill in his annual message delivered before Congress in December.

I congratulate the distinguished gentleman from Georgia [Mr. HUGHES] upon his faithful, efficient, and conscientious work in bringing before the House of Representatives this great measure for our consideration and approval. On the 4th of March next he will go out of this House and retire to private life, to the regret, I am sure, of each and every Member on this floor on both sides of this Chamber. He is a most excellent and distinguished gentleman, one of the most faithful and efficient Members of this House, and one who enjoys the greatest respect and the largest confidence of the entire membership of the House of Representatives. [Applause.] He is in every sense of the word a "southern gentleman," in the truest and fullest sense of that term, and that means that he has the highest conception of integrity, chivalry, and honor, and is devoted to this great Government and the fundamental doctrines and principles upon which it was founded by the fathers of the Republic. In his devotion to it he has brought to bear his splendid talents, his energy, and his industry in working out this great bill, which will be a blessing to humanity. [Applause.] While he will leave here on the 4th of March, he will never be forgotten by the membership of this House, and he will not be forgotten by the boys and girls of this great country, for he will by this bill erect to himself a monument more imperishable and enduring than any monument of brass or of marble. By being instrumental in securing the passage of this bill and putting it upon the statute book as a law of the land, he will have a monument in the minds and in the hearts of the present generation and generations yet to come. May God bless him, and make his days of the future the best of his life, as he will be able as they pass by to contemplate with great satisfaction and genuine pleasure the imperishable and indestructible work he has performed in the interest of the whole country during his service in the House of Representatives. A nobler, more generous, or chivalrous man never served in this House or went out after faithful and efficient service from it to the private walks of life.

Long live our good friend, the chivalrous gentleman and our faithful coworker, Hon. DUDLEY M. HUGHES, of the grand old State of Georgia, which State he greatly honors. [Great applause.]

Mr. MANN. Mr. Chairman, I sometimes almost think that as a people we are overeducated mentally along cultural lines. Of course, I do not really think that we are overeducated in the broad sense or even up to the standard yet. For years we have been going on the principle of teaching a few things to train the mind in the primary schools, in the higher grades, and to a large extent in the colleges and the universities, and for the ordinary day labor we have relied upon immigration. Ever since I was a boy there has been a great work in looking after the railroads, digging the ditches, constructing sewers; and a large share of the manual labor, what we call the cheaper labor, has been performed by people who have recently come over from the other side. To a very large extent it is true that the children of those men do not follow the same occupations.

But we can not rely upon immigration for ordinary labor forever. What I say has reference particularly to labor in the North. We can not rely upon immigrant labor forever, and in order to get the American citizen, born and reared in this country, to do this class of labor, you have got to fix it so that he can do more work and get more pay. And it is along lines like these that we have got to look in the future to perform the necessary work in our Nation.

This is a step in that direction, designed to encourage young men, especially, to do the labor of occupational work or industrial work, and aid them, while they are learning with their arms to work, to know how to do the work better and more economically and more profitably for the country and for themselves, through teaching them in the mind how to better handle their hands.

Primarily, it is not the duty of the Government to do this. But we will have to prepare for these things because it is our duty to look into the long-distance future. We will have to prepare to-day for what will happen to our children and our grandchildren and our great grandchildren if we are to maintain the things that this Government and our Nation ought and do stand for. While it is not primarily the duty of the Government, we have adopted in reecnt years the policy of having the General Government encourage the local governments to do those things which primarily belong to the local governments, and of course one reason for that—and it may be a good reason—is that in the collection of taxes it is easier to raise money from the great centers of wealth when the expenditure of money in these directions is just as necessary in those localities where wealth does not center.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask to extend the time for five minutes more.

Mr. HUGHES. I ask unanimous consent, Mr. Chairman, that the gentleman be allowed five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Illinois be allowed to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. Now, I am through with that line. It became my duty, Mr. Chairman, commissioned by the Republicans of the House, to suggest members of the various committees, including the Committee on Education. The Committee on Education has existed in the House for many years. Shortly after I came here, I think it was, or perhaps before I came, it was presided over by that distinguished patriot, that great citizen, Galusha A. Grow, of Pennsylvania, who was Speaker of this House at the time of the Civil War. But I think the committee was not treated too seriously at that time, just as various other committees are not treated in this House. It was one committee that was then known as "the lonesome-road committee," which to have a meeting would be to break a precedent. But when I named in three Congresses the Republican Members to go on the Committee on Education I realized the importance of the work that might come before that committee, and exercised as much care in selecting the Republican membership of that committee as I would exercise in selecting the membership of the Committee on Appropriations or the Committee on Ways and Means, or any others of the so-called ranking committees of the House. I picked out—I will not say the best material in the House, because it would be impossible to put all the best material in the House on one committee—but I picked out among the very best men in the House on our side to go on the Committee on Education. The proof of it would be in naming the men who are on the committee. They have done exceedingly good work. I am proud of the men on the committee and of our men on the committee. [Applause.]

I wish to congratulate, in his closing days in this House, the distinguished gentleman from Georgia. [Applause.] Anything that I say good about him now might not harm him, and I hope that the few words I have said about him before did not harm him in his district, though I am somewhat doubtful whether the words of the Republican leader of the House would be of benefit to a Democrat in a benighted district in Georgia, and I am sure his district was benighted. It was not when he was elected to Congress, but it surely was when it declined to return him. [Applause.]

He has the respect, the admiration, and the love of every Member of this House, and we all extend that feeling to him when he goes out from our midst. [Applause.]

Mr. SLOAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Nebraska is recognized to proceed for two minutes.

Mr. SLOAN. I ask leave to proceed for five minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Chairman, an enforced absence prevented my being here when this bill was up for consideration heretofore. At this stage of its consideration I do not desire to take up much time. I want to say that I am now, and have been for years, in favor of this kind of education. I do not harbor the fears entertained by the gentleman from Texas [Mr. SLAYDEN], because I believe there is nothing materially new in what we

are doing. The State is suffering less encroachment by the General Government in this than in many other measures favored by the section whence the gentleman hails. What we are doing now is simply coordinating that line of education which American citizens have been working out for themselves individually for a great many years.

If I had been opposed to this legislation, I should probably have been won to it by the statement of the romantic life and success of one of our leading Members, the gentleman from Illinois [Mr. MADDEN]. The story of his life is almost as interesting as the magic story of Aladdin. It certainly will compare favorably with the story of Dick Whittington, who, pressed by poverty and oppressed by unkind employers, was leaving the world's metropolis, when the "Bow bells" spoke in a language which seemed to say, "Return, Dick Whittington, future lord mayor of London." Or like Ben Franklin who, penniless, walked those rough streets of Philadelphia, but which, under his genius, industry, and tact, smoothed and widened, led him to Congress halls, constitutional conventions, and finally into the presence of kings. Or still more modern, like Garfield, whose bare feet upon the towpath made it the highway to the Presidency. Our colleague, Mr. MADDEN, like each of these, utilized the best opportunities he had to discipline the mind and train the hand, which, when driven by unflagging industry, passed him through the gates denied the crowd to the position of power and a seat among the mighty. The 50 cents a day water carrier at 10, the night student at 27, became the capitalist and statesman at 50. That is a tribute at once to him for his achievement and to the Nation for its opportunity furnished now, as never before, for the young man or woman who will learn and do. [Applause.]

The gentleman from Illinois started as a carrier of water, and noting the great importance of his vocation and its possibilities gave wings to his imagination and his ambiton. He went to night school, as he stated, for the purpose of developing the vocation in which he was interested and along the lines of his ambition. I am glad that he attained the zenith of a typically successful water carrier's career. In its development we now have the climax. Instead of carrying water he has become a statesman. I am told that a statesman's most delicate and important accomplishment is the carrying water properly, which means on both shoulders. [Laughter and applause.] In that I do not believe that my distinguished colleague has made as shining a success as some others have done. But he has made a success in his profession and vocation, and is now one of the statesmen of America. [Applause.]

If I had time to discuss this question, I should take distinctive issue with what was said on the floor to the effect that the boys of this country are leaving agriculture and going into the professions. The lawyers of this country are decreasing relatively year by year, as are the demands for their services. So are the other professions decreasing relatively year by year. But every year in this country, by leaps and bounds, the cultured, educated young men of the country are passing by law, medicine, and the ministry and entering into agriculture, and are making a success of it. I would like to say to the young men of the United States that not in law or medicine or any of the other professions are they most liable to find success in the next 25 years, but in agriculture throughout the United States. In our own State university young men are avoiding the law and the other so-called learned professions and year by year there is an increase of agricultural students. [Applause.]

This educational plan is based upon the desire of the Government, not to usurp the function of the State which would educate its own but to assist those States which are weak and in the places of their weakness. It is to the interest of the Federal Government to have, in so far as it can, an intelligent and homogeneous people. To this end the Government offers by this measure to cooperate with the States which will develop agriculture, trade, and industry, and home economics learning in a practical way. What the schools of the State are already successfully doing is not to be interfered with. The students who are being successfully dealt with are not to be disturbed. The efforts are to be directed toward those who need special opportunities.

The following are some of the facts that call for this cooperation between Nation and State: Eighty-five per cent of the children entering our public schools leave before they are 16 years of age; less than 8 per cent of our students entering the high school graduate therefrom. Few young men or women learn a trade. In fact, learning a trade through the old course of apprenticeship is seldom followed. And yet coordination of skilled hand and disciplined brain is more imperatively demanded now than ever before. The individual needs it for his own physical and intellectual development. The Nation needs it that its citizenship may be effective in the arts of peace and the methods of war. Intricate machinery, involving principles of mechanics, pneumatics, hydrostatics, and electricity are so numerously placed about us that handcraft and mental activity have abundant opportunity to profitably mingle.

This plan of education is for the youth above 14 years—for him or her denied of opportunity, or who have neglected opportunity. In either case the demands upon them to seek a livelihood, or their reluctance to study with those much younger than they, will often necessitate this night or part-day school provided for in this measure.

It gives me pleasure upon the passage of this measure to turn to a speech delivered on this floor April 22, 1912, in favor of the then Page-Wilson bill, of which the measure under consideration is a substantial reproduction.

I said, in part, on that occasion:

"The general purpose of this bill is to place the college of agriculture and mechanic arts at the head of a unified system of education relating to agriculture, the trades and industries, and home economics, extending through practically all the schools of the State, including bureaus of demonstration and extension work in each county. Further, while the present bill will set to work practical men as teachers of less practical men, the Page-Wilson bill will direct State colleges and normal schools in providing sufficient well-equipped teachers in the three great departments of practical learning. In short, while the present bill will reach but one great branch of vocational education, the Page-Wilson bill will comprehensively grasp our entire school system and make it useful to all the people who toil.

"The work sought to be done through this bill is not entirely new, nor will it be sporadic. In small and independent ways it is being attempted and wrought out in many different communities through private enterprises or municipal or State plan and aid. To do a thing in America our leaders in thought have but to see the need. Our enterprising men and women seek out, experimentally, the way and then the public, duly advised, places behind it its sanction and support, and within the lapse of reasonable time it is accomplished. Formerly we were a Nation hampered by overproduction, but that period is passed. Consumption, fast speeding on its way, is overtaking production, and our economists of all schools and parties agree that if America would feed itself its depleted soil must be restored. Its swamps and wastes must be reclaimed and the efficiency of its producers enhanced. If America would construct for times of peace and war the things which America needs, the strong hand must be taught to move obedient to a clear and active well-trained brain. So that our youths who will mingle our substances, shape our tools, and form our implements must bring about that mingling of hand and brain which comes only from proper training in the formative periods of life. [Applause.]

"There have been in times past vast sums spent in schools to train men to fight, schools to prepare them for business, schools to fit them for teaching, preaching, thinking, and the alleviation of suffering and the saving of life; but for the establishment and care of that bit of heaven here on earth, the home, where women and children's time is mostly spent and more of the husband and father's time should be, has been left to guess and haphazard. It was allowed to be wrought out from the doubtful experiences of too often antagonistic mothers-in-law who would fain perpetuate their own peculiar system of disorder upon the family constituted by the son of one and the daughter of the other. [Applause.]

"The young woman on the farm, coming from the sources of the foodstuffs and textile materials, has a better opportunity in our colleges and public schools, where domestic science shall be taught, to develop into intelligent educational conductors or superintendents of homes than are those reared in city life or factory shadow. As such, in the years to come, there will be a demand at an increased scale of salary. All reputable labor is honorable, and conduct of a home as wife or employee would be more desirable than toiling in factory; wearying at bargain counters, patiently withstanding, without rebuke, the sneers of haggling customers; or even enduring the strains incident to the teacher's life. And where the best women are, there men are usually found to linger, and many arrange to stay for life. With the poultry and dairy, the two best money-making departments of the farm, women are scoring financial success.

"As time goes on woman's activities in other farm departments will, with our improved facilities, take the lead and reap the benefits of farming's financial opportunities. Parlors and drawing-rooms are negligible apartments. Comfort and happiness lie in the sanitary kitchen, orderly dining room, and well-ventilated bedchamber. These three can always be had in the country. They constitute the best balm for family friction and the most potent antidote for divorce. [Applause.]

"There may be inspiration in tariff changes, in battleship construction, in transportation enterprise, in canal building, and many other activities of our Government, but I know of none entitled to more consideration than the Government seeking to aid the upbuilding of intelligent, well-ordered, sanitary, and happy homes, where the children are to be born who will appreciate and defend the Nation which took an interest in them and theirs. [Applause.]

"It is a matter of congratulation that the school forces of our country, the agricultural forces, and the labor forces are practically united upon this measure, and some day it will be a proud fact, to be recalled by every Member of this body, that he assisted, in whatever capacity, to crystallize into law the proposed measure.

"We are all disappointed in that our census figures show a strong current of our young life moving from the farm to the cities. Philosophers may think, economists may reason, and politicians debate, but one of the large reasons for the high cost of living is this selfsame drift. Upon the ocean currents move that mighty swelling force as if they would submerge the nearing continent, but neighboring and countering currents in due time set in, and the great balance is reestablished and maintained. So should our currents moving from farm to city, from city to village, and from village to farm not be a vast movement, but a nice balancing of currents, which will show the intelligent choice, based upon comfort and opportunity and all callings to become respectable, honorable, and desirable.

"I leave the discussion of the trade schools to Members from the large cities. Of them I am not well informed. I think, in a measure, I do know the farm and home, and whatever can be done to better them will better the generations to come and strengthen our Nation. This must be done if we would retain our leadership in the arts and industries. This must be done if the American race is ultimately to be built up as the distinctive leading race, to see the way, to lead the way, and to hold our rights for the enlightenment and betterment of all mankind." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, am I correct in understanding that general leave has been granted to extend remarks?

The CHAIRMAN. General leave has been granted for five days.

The Clerk read as follows:

SEC. 18. That the Federal board for vocational education shall make an annual report to Congress, on or before December 1, on the administration of this act, and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

Mr. TOWNER. Mr. Chairman, I wish to express something of the sentiment of the Committee on Education with regard to its chairman. I am very glad that the Hughes-Smith bill will be known hereafter, whenever it shall be referred to through the centuries to come—because it never will be repealed—as the Hughes-Smith law. I am very glad indeed that inseparably connected with this great law, which is now to be placed on our statute books, will be the name of its joint author, the man whom we so much love and respect here in this House—Mr. HUGHES. [Applause.] I am very glad also that throughout the entire progress of the inception and development of this bill he has been able to give it the benefit of his wisdom and sound judgment down to the present time. From the time when it was introduced and considered by the commission of which he was fortunately a member, throughout the deliberations of the committee and now on the floor of the House, we have had the benefit of his advice and assistance. If this law shall be considered as of great value, as I know it will be in the years to come, if thousands of young men shall look upon it as the primary incentive and the great opportunity that has made their lives a success, I know they will think of him in connection with this bill; and so, I assure him, a great blessing will come to him because of the association of his efforts and his name with this act.

I can not refrain from also voicing at this time the deep regret which I know every Member of the House feels that we are so soon to lose him, both from the committee and from the House. I know every Member of the House who has known him at all personally has learned to love him. They could not help but do so. One of my associates, speaking to-day in private conversation, said to me, "He is the highest type of a southern gentleman." I said to him, "I would amend that by making this statement, that he is the highest type of an American gentleman." [Applause.] Because I would not have it limited to a section, when it comes to the consideration of qualities like those he possesses in such an eminent degree. We are sorry to lose him from this House. We are sorry to lose him from the deliberations of this committee, and I sincerely hope he will realize that he takes with him the affectionate interest and love of every Member of the House throughout all the years to come.

And now, as we shall end our consideration of this bill, I sincerely hope that there will be such a unanimous approval of this legislation as will carry with it an added compliment to him, an added glory to the renown that will be his because of his having been the joint author of this great piece of constructive legislation. [Applause.]

Mr. BARKLEY. Mr. Chairman, I have no desire to trespass upon the patience of this committee, but I do not like to let the opportunity pass without expressing a word with respect to my approval of this legislation. I have been a school-teacher. I never rose to the dignity of a schoolmaster, or a professor, or a doctor of any sort, but as a school-teacher and as a man who has observed the problems of education, I have been impressed with the necessity for the establishment of some institution where special training might be obtained at public expense. I am somewhat of an old-fashioned man. I believe that every man who is born into the world is born with special qualifications for some occupation, and the problem which may determine success or failure is the problem of seeking to find out that occupation for which a man is most suitably fitted. In our common schools and even in our universities there is no special method by which a teacher may give particular attention to any individual pupil. The school-teacher who has charge of 50, 60, or 70 pupils can not have the time, in the very nature of things, to devote special attention to any one pupil or to any given line of thought or occupation, which is designed in the legislation now under consideration; and I am glad, Mr. Chairman, of the opportunity to vote for this bill, not only because it has been fathered by the distinguished and lovable gentleman from Georgia [Mr. HUGHES], but because it provides a means whereby the United States Government shall to some small extent come to the relief and assistance of the boys and girls in this Nation who are seeking to unravel that mysterious skein which we call life, at whose heart, after all, lies the mystery and secret of success.

I do not share, I am glad to say, the fears of my distinguished friend from Texas. I do not look upon our Government as a monster, because the whole can be no worse than its component parts, and the whole of this Nation is made up of 48 States that compose it. I do not believe that our Federal Government is such a monster as to create in my mind any fear because it is cooperating with or assisting the States in things that mean the success and achievement of men who have come up like the distinguished gentleman from Illinois [Mr. MADDEN] and dozens of others who sit on the floor of this House. I do not believe that the exercise of that power will be detrimental to our success and achievement, but, on the contrary, I consider it as one of the primal duties of the Federal Government to cooperate in the education and training of the boys and girls of this Nation. [Applause.]

[Mr. RAGSDALE addressed the committee. See Appendix.]

Mr. HUGHES. Mr. Speaker, I ask the House to bear with me just a moment. There is no Member of this House that can possibly appreciate the kind words so tenderly expressed more than I do. These words will be handed down as a legacy to my children and children's children, and, whatever may be the decree of the fates and whensoever a cloud may surround me, these words will be a beacon light. My countrymen, my beloved countrymen, my heart is too full for utterance, but it is all yours. [Applause.]

Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 703, the vocational education bill, and had reported the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HUGHES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HUGHES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I gave notice that I would call up the conference report on the immigration bill (H. R. 10384) on Thursday next, immediately after reading the Journal. I desire now to change that to Friday next.

The SPEAKER. The gentleman from Alabama gives notice that on Friday next, after the reading of the Journal and the cleaning up of business on the Speaker's table, he will call up the conference report on the immigration bill.

EXTENSION OF REMARKS.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a memorial from the Legislature of Oregon.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. SNYDER, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies the papers in the case of Catherine Beard, Sixty-fourth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. WEBB, by unanimous consent, was given leave of absence for one week on account of serious illness in his family.

THE NEWLANDS COMMISSION.

Mr. HENRY. Mr. Speaker, I offer the following privileged report (No. 1268) from the Committee on Rules.

The Clerk read as follows:

House resolution 437.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of S. J. Res. 190, reported by the House Committee on Interstate and Foreign Commerce. The first reading of the resolution shall be dispensed with, there shall be general debate not exceeding one hour, to be equally divided between those favoring and those opposing the resolution. During the general debate any Member may be recognized by the Chair to offer germane amendments to the resolution. At the end of said general debate the previous question shall be considered as ordered on the resolution and all amendments to final passage without any intervening motion except one motion to recommit.

Mr. HENRY. Mr. Speaker, I will ask how much time gentlemen on the other side would like to have on the rule.

Mr. CAMPBELL. Fifteen minutes on this side.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the discussion on the rule be confined to 30 minutes, 15 minutes to be controlled by myself and 15 minutes by the gentleman from Kansas [Mr. CAMPBELL], and at the close of that time the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this resolution be confined to 15 minutes on a side, one half to be controlled by himself and the other half by the gentleman from Kansas [Mr. CAMPBELL], and at the end of 30 minutes' debate the previous question on the resolution shall be considered as ordered. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, this is substantially the same rule that was presented to the House a few days ago for the purpose of bringing up the Newlands resolution and continuing the commission now investigating the transportation facilities of the United States. I have not carefully analyzed all of the provisions of the resolution that the rule brings up for consideration, but my information from those entitled to know, and who do know, is that a provision which provided for the continuation in office of a Representative in Congress after his term expires is eliminated, and that the increased appropriation is eliminated. At present I only desire to state that the joint resolution has been referred to the Committee on Interstate and Foreign Commerce. That committee has acted on the same and reported it to the House, and this rule brings up that joint resolution as reported by that committee. Mr. Speaker, I think that the report of the committee is practically unanimous, and therefore there is nothing else that I can add at this time that would enlighten the House. I reserve the remainder of my time.

Mr. CAMPBELL. Mr. Speaker, notwithstanding the eliminations that have been made in the resolution, I am still opposed to it for reasons given on a prior day when the matter was under consideration in the House. I do not care to add at this time to the objections I then made to the resolution, and will now yield 10 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I do not like to fight, and I never do unless I have to or unless I am performing a public service. I dislike very much to disagree with the majority, or with the members of the committee of which I am a member, but I feel called upon to do it in this instance, and also to vote against the special committee of the House or a majority of that committee from my side of the House. It is true that this resolution has been amended a little. They tried here the other day to lead in this Trojan horse in its worst form. The House refused to even consider the resolution as it was reported by the Committee on Rules, and introduced into this House by the chairman of the Committee on Interstate and Foreign Commerce. They have taken this Trojan horse out, and they think they have sheared him until they have disguised him, and now they try to lead him into the city from another angle; but I want to say to the Members of this House that it is the same proposition to-day that it was when it was originally introduced into this House, and I want to say to some of you Democrats who stood up and voted your convictions here the other day and voted against this rule, who have for one reason or another allowed yourselves to be picked off, and who are going to vote to-day to adopt this rule, which means that this resolution will be adopted, that this fight has just begun. When you vote to report this Newlands resolution, when you vote to give that committee further life—a committee that has been in operation for more than seven months, which has examined one witness fully and three partially—you are voting for a proposition that the men who are behind it, the men who are the prime movers of this thing, admit is nothing less than an effort to take the control of transportation facilities entirely out of the hands of the States.

I want some of you gentlemen who have been howling around here about State rights to hear this. The very object of the Newlands committee, acknowledged by the men who are behind it, who are the fathers of it, is to destroy every right that the State now has and has ever had in the transportation question in this country. Who is behind it? Who has been up here calling out Members of this House and asking them to change their votes on this proposition and to adopt this rule? One eminent gentleman, able lawyer, general counsel for the Southern Railway, general counsel for the railway managers of the country, and when he speaks he speaks for 82 per cent of the mileage, called a Member of this House out, and made the statement before the Committee on Interstate and Foreign Commerce which I shall relate. This gentleman asked, in substance, "What is your object in wanting this resolution adopted and this committee continued?" He replied, in substance, "My object is that I believe I can take my experts before that committee, that I can make that committee believe—perhaps not some other committee—but I can make that committee believe and recommend the absolute destruction of the rights of the States to control in transportation matters in this country." That is his object. He has shown a greater zeal in this matter than anyone else. It is said by those who advocate this measure that they have stricken one Member off this committee who will not be a Member of the next Congress, and that for that reason it is a great and good resolution. Mr. Speaker, I had as soon Judge CULLOP would help enact this farce as anyone. Let us see what this resolution contains. This committee has been in operation now for seven months, almost. This committee was to report back here the 8th of January. Nobody has seen any report, they have nothing to report. It is a do-nothing resolution, and its purpose is to kill legislation in this House that will be remedial. That is the object of the prime movers of this legislation, and there can be no question about that. They have had seven months in which to investigate the subject, and they have examined one witness fully and two or three more partially, and yet they want more time in which to investigate, and what have they got to investigate? Under the resolution they are—

To investigate the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce.

That is a part of what they have to investigate within 30 days. Also—

The subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, express companies, and railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership of such utilities and as to the comparative worth and efficiency of Government regulation and control as compared with Government ownership and operation.

They have to investigate all this within 30 or 40 days, and they are to have authority to sit during the recess of Congress. They have examined one witness in seven months, yet they claim they can investigate all of the acts to regulate commerce and everything in connection with interstate transportation, and Government ownership of every transportation facility as compared with private ownership. This resolution, I say to you to-day, has been held up in the Committee on Interstate and Foreign Commerce; it has been held up on the floor every time a Member has tried to get up anything that would amend the interstate-commerce act. They have not investigated one subject named in the resolution in seven months, and they will not if you will give the railroads and some members of the committee all the time they want. They will not complete this investigation in seven years, and this resolution to extend this committee does not stop this thing. When Congress meets next December, they will be in here again wanting to extend this committee. The Interstate Commerce Commission down here, a body of patriotic men trying to perform a great public service, come into this Congress each year with recommendations and say, "We can not perform our functions as public officials and as servants of the people unless you give us added law"; but when you introduce a bill—when you want to give the Interstate Commerce Commission the power they did not have in connection with the Louisville & Nashville case, to go into the records of that railroad prior to the effective date of the Hepburn Act, which was 1910—when you want to go into the correspondence of that railroad company, which the railroad company says you can not go into because it is not authorized by law, and when you attempt to cure that evil, as I have done, and try to get it up on the floor of the House, or when I try to pass it through the committee, I am met with the assertion that nothing ought to be done until this Newlands thing reports. When will it report? Will it be next week, or will it be next year, or will it be when we are bound hand and foot by the railroad corporations of this country? That is when it will be. But they say that I have introduced the bill and that I am talking about State regulation and State control when I have introduced a bill and had it reported from the committee that would give the Interstate Commerce Commission the power of veto over new issue of stocks and bonds, and take that away from the States. It is proper that the Interstate Commerce Commission should have that power. I am not fighting the State commissions when I advocate that.

The National Association of State Railroad Commissions in their last annual convention made nine recommendations to this Congress, and the only one of the nine recommendations upon which they united was that Congress should pass a law giving the Interstate Commerce Commission power to regulate the issuance of stocks and bonds of this country. They themselves did not believe that that would be an invasion of their rights. Simply because my State and a great many other States have effective laws for the regulation of these issues of stocks and bonds by the railroads of that State, and my State has a clean railroad system that is causing every railroad that comes through the State to reincorporate within the State and to come before the commission, before they can burden themselves and the public with new issues of stocks and bonds, and other States do not have them, the railroad corporations of my State, clean and well managed, are mulcted of their substance for the benefit of railroads in other States where they can charge a rate that is unreasonable. And yet they come in here and say they intend to report this back in 30 or 40 days, and everybody knows it is one of the most tremendous and most far-reaching questions ever considered by any Congress, and they have not considered one case in seven months. I said here in December that the Newlands resolution was "chloroform." I repeat that statement. I do not mean to charge that the chairman of this committee, for whom I have the highest regard and the greatest affection, as being a party to that intentionally, but he has been used that way, I am sorry to say. You can pass this thing if you want to. This is progressive legislation, progressing backward several years, because every man who wants to do anything in this Congress or out of it with respect or in reference to the railroads of this country is told to wait, wait, wait until this Newlands committee shall report. I hope and I trust the Members on this side of the House who stood up the other day and voted their convictions will not be terrorized to-day, and if they do vote their convictions to-day this thing will meet the same fate it met last week. [Applause.]

Mr. HENRY. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, it is easily judged from the remarks of the distinguished gentleman from Texas [Mr. RAYBURN], who has just addressed the House, that he is against this proposition [laughter], and being against it, his inventive genius can supply him with many suggestions, sound and unsound. The truth is that the President of the United States came before this body at the beginning of this Congress and recommended a general investigation of the conditions of transportation. Both Houses of Congress agreed to his proposition. Before the Committee on Interstate and Foreign Commerce reported the resolution, however, we had the railroad advocates to come before us and show their hands and in our printed hearings disclose what their proposition was. We went to work as soon as Congress adjourned, but Congress did not adjourn as soon as we expected. We had hoped that it would adjourn early in the summer and permit us to investigate those propositions. It adjourned, however, so late and the election came so early that we could not get to work until the 20th of November. We heard the railroads' case and we have not completed the cross-examination by which we hope to bring—I think the majority of the committee does—the same confusion to the railroads' case that the gentleman from Texas himself is advocating. Not all of the 10 members of that joint committee are servitors of the corporations. They are representatives of the people and they are trying to find out and present to the people evidence of what the truth is. We could write our individual reports right now, but we would like to complete the testimony, let both sides be heard, and let the people read the evidence on both sides and judge whether the railroads' claims ought to be adopted or whether we ought to go on as we have been doing, trying to improve the present system under which we have proceeded for years——

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. DAVIS of Texas. Will the gentleman give for my information, and I suppose others, some idea as to when it will be possible for the gentleman's committee to make a report?

Mr. ADAMSON. We could make a report right now, but we would like to finish the cross-examination of witnesses who have testified direct, only four of them, not one as the gentleman stated, but four very important witnesses.

Mr. DAVIS of Texas. I will say, with all due respect to the gentleman, that that is entirely an evasion.

Mr. ADAMSON. Not at all.

Mr. DAVIS of Texas. Certainly the chairman has some idea as to when his committee will report.

Mr. ADAMSON. I have stated in this House twice that, in my opinion, 40 days' work will complete it. Now, Mr. Speaker, when Congress met, the 10 members of that joint committee found themselves not only active Members of the two Houses, but active members of committees, and it was impossible for them to do two things at once and do justice to either. Therefore, contrary to the opinion of the gentleman from Texas, we made a formal report to Congress, as required in the original resolution, stated the facts, and requested an extension of time. We have worked as hard as we could, but we were not able to do justice to the subject by reason of the limited time and we ask for further time. We do not ask for an additional appropriation, we do not ask for anything except to extend the time in which we may complete the examination and make our report.

We have eliminated the proposition objectionable to some gentlemen the other day, of continuing the services of men on the committee after they had ceased to be Members of Congress. So the sole proposition in the resolution that has come here from the Senate and been reported back by the Committee on Interstate and Foreign Commerce is to permit us to finish the job which it was impossible for us to complete without neglecting our important duties during the session of Congress. We have set until the 1st day of next December, but we will not expend any more money. We will do the work within the limits prescribed. We are avoiding all unnecessary expense. We are doing our best to verify our opinions with the evidence of some people; people who know something about it or profess to know something about it. We can write our own opinions and say that we know all about it now, but that is not what we were appointed to do. We can give our opinions as Members of the House. We are appointed to hear the people who profess to know something about it, and, after hearing and investigating, then report what we find from the facts.

And I think, Mr. Speaker, it was unnecessary to accuse anybody of being the servitors of corporations, because we are willing to turn the flood of daylight upon the whole matter. I am perfectly willing to risk the pushing of any centralization on me. I do not think the gentleman from Texas [Mr. RAYBURN] can teach me anything about the rights of local self-government and honest government in this country. I think there are men on that committee able to bring out the contrary

of anything that is wrong that anybody can bring out. And I will say to the gentlemen here, while there are three or four men there who have foolish ideas of national incorporation as a remedy for all things and certain things for breaking down State lines and local self-government, I think a great majority of us feel we are called to combat that proposition, and when there are any witnesses there to tell the truth, we will bring it out, and those who want good regulation I do not think need fear the efforts of that committee. I do not think the committee will ever recommend turning over the States bottom upward. We are in favor of maintaining the Government and maintaining the transportation systems and taking care of the shipper, and doing everything right, and we want to hear and report the truth to this House. [Applause.]

Mr. HENRY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seven minutes.

Mr. HENRY. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. ESCH].

The SPEAKER. The gentleman from Wisconsin [Mr. ESCH] is recognized for four minutes.

Mr. ESCH. Mr. Speaker, the original Newlands resolution was inspired by the President's message delivered to the joint Houses in December, 1915. As a result of that message that resolution was introduced and was adopted and became a law in July last year. The interval between its adoption and the beginning of this session was too short for the subcommittee appointed under its provisions to make more than a preliminary survey. So far, therefore, as the other side of this Chamber is concerned, they can justify the adoption of this rule and resolution based upon the message of the President of December, 1915. This side of the Chamber has concern in this proposition by reason of a plank inserted in the Republican platform at Chicago last June, which reads as follows, and I read it because so few of the membership on this side of the House remember that such a plank was adopted. It says:

> Interstate and intrastate transportation have become so interwoven that the attempt to apply two and often several sets of laws to its regulation has produced conflicts of authority, embarrassment in operation, and inconvenience and expense to the public.
>
> The entire transportation system of the country has become essentially national. We, therefore, favor such action by legislation or, if necessary, through an amendment to the Constitution of the United States as will result in placing it under complete Federal control.

That plank presents a proposition which has never been considered by a committee of Congress. And it is of sufficient importance to warrant a serious and careful investigation. I do not at this time express my views thereon. I will open-mindedly and willingly receive any testimony that may enlighten me, and that ought to be the attitude of the subcommittee, and it ought to be the attitude of Congress.

I have no sympathy with the self-sufficiency which characterizes some of the Members of this House when they say that we can not be enlightened upon these complicated questions of interstate traffic; that if we need information we can get it from governmental authorities. I am one who believes there are many men in this country who can give valuable information under the Newlands resolution if we will only hear them. This will not be an expensive proposition. We modestly ask for $24,000 to investigate the whole subject of transportation, to cover a field broader than has ever been intrusted for investigation to any committee of Congress, and we are to-day, under this resolution, to report at the first meeting in December next. Other commissions have been appointed, committees of inquiry that have cost hundreds of thousands of dollars, and their field of inquiry was comparatively small and narrow compared with the field of inquiry to which this committee has been asked to direct its attention.

I have some sympathy with the gentleman from Texas [Mr. RAYBURN] because of this resolution. He has been disappointed in failing to get consideration of his stock-and-bond bill. I helped him get it through the last Congress, I helped him report it out in this Congress, and I am ready to vote for it whenever an opportunity is presented. And let me remind him that whenever it was brought up on the Unanimous Consent Calendar no member of the Committee on Interstate and Foreign Commerce opposed or objected to its consideration. It is not the membership of this committee to which has been intrusted the duty of making this investigation that stands as a buffer to the stock-and-bond bill. There are some other gentlemen in this House that have offered opposition. The gentleman from Texas ought not be disappointed in his failure to get action on his stock-and-bond bill. The longer he serves in this House the more of such disappointments he will have. Why, I remember bringing legislative children into this House for adoption only to find that they were soon absolutely kidnaped and appeared under the name of a foster parent in a subsequent Congress. [Laughter and applause.] Yet that does not deter me from continuing to support any legislation or investigation that will give to this country a better transportation system.

The gentleman from Texas is grieved possibly because of the Shreveport decision which was issued by the commission and sustained by the United States Supreme Court. And let me say to this House that the Shreveport decision is one that will give ever-increasing trouble and difficulty to the Interstate Commerce Commission unless we can find some way of settling these controversies. I am for a committee that will investigate these subjects. [Applause.]

Mr. HENRY. Mr. Speaker, there are only three points to which I wish to address myself. In the first place, I desire to say that fundamentally I agree with the gentleman from Texas [Mr. RAYBURN].

The SPEAKER. The Chair will say to the gentleman that he has the right to close. Does the gentleman from Kansas want any time?

Mr. HENRY. I beg the gentleman's pardon. I thought it had been used.

Mr. CAMPBELL. How much time have I, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. CAMPBELL. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, with reference to the quotation from the Republican platform that my colleague [Mr. ESCH] has just made, I want to say that any Member who considers that plank as binding upon him should know it can not in any way affect the question now before the House, because any Member who does consider it binding upon him does not need any investigation by any committee to enable him to determine whether there shall be complete Federal control over the railroads; and as to any Member on this side of the House who does not consider that plank binding upon him, it of course has no bearing whatever upon this question.

Now, the distinguished chairman of the committee has corroborated the statement that I made when this resolution—or practically this resolution—was before the House the other day. I stated then that the members of this subcommittee were better qualified to make recommendations to this House and pass upon this question than any witness that had been called before that committee or any witness that would likely be called before that committee. The gentleman from Georgia [Mr. ADAMSON], the chairman of the committee, has just stated to the House that that committee was now ready and prepared to write their report to this House, which meant, if it meant anything, that that committee did not need any further information; and he stated that the only purpose of continuing this committee was for the purpose of enabling that committee to cross-examine the representatives of the railroads who had appeared before them and confuse and confound them.

Mr. ADAMSON. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. I will yield for a question.

Mr. ADAMSON. The only difficult is that, while we members of the committee admit the truth of the gentleman's compliment, the balance of the people who pass on the fight may not agree with us.

Mr. LENROOT. I was just coming to that; and I submit this, that every Member of this House who has had any experience with those investigations will bear me out in the assertion that in the case of investigations of this character, involving many volumes of testimony, if it is not for the benefit of the members of the committee having the matter in charge it is not for the benefit of anybody else, because the percentage of Members of this House who read these volumes of testimony, outside of the members of the committee, is so small that it would have to be indicated by decimal figures.

Now, Mr. Speaker, I expect that this resolution will be adopted, not upon its merits, because upon the principal part of it the merits of it are the same to-day as they were last week; but it is expected that it will be adopted because the executive officers of this Government have been busy since this resolution was defeated last week and have importuned Members of Congress to change their votes; and it is expected that they will do so.

Not only that, Mr. Speaker, but the representatives of the great railroads of this country have been busy with Members of this House—not illegitimately, of course—but they have been

busy with the Members of this House since this resolution was defeated last week, and it is expected that their influence will be sufficient to change enough votes to-day to adopt this resolution now.

And I say here and now if this resolution is adopted to-day it will be not upon its merits, but it will be because of the importunities of the administrative officers of this Government and the importunities of the representatives of the great railroads of this country, who well know their purposes in continuing this committee, and their purposes are not in the public interest.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. If I have any time.

Mr. BORLAND. I do not know that the gentleman stated, but is he in favor of national control of railroads?

Mr. LENROOT. That question is not before us now. I want to say with reference to that does the gentleman mean exclusive national control?

Mr. BORLAND. Yes; exclusive national control.

Mr. LENROOT. I will meet that question when it is before the House.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HENRY. Mr. Speaker, there are three phases of this question to which I wish to address myself. In the first place, I desire to say that fundamentally I agree with the gentleman from Texas [Mr. RAYBURN]. I am not in favor of the exclusive Federal control or Federal chartering of the transportation facilities of this country. For one I believe in the integrity and in the powers of the various State railroad commissions, and I hope that they will be preserved by Congress as well as by the respective States.

It is not inappropriate for me to say here—and I hope I speak it with proper authority—that the President believed that he had good reasons when he asked Congress to continue this commission for a while longer. I know nothing about the railroad presidents who have been importuning Members of Congress. They have not importuned me. But, Mr. Speaker, here is the President of the United States endeavoring to deal with a great transportation problem, and I believe we will all concede that he is striving to do it in an honest and upright way. He asks Congress for a little further time in aiding him to make this investigation.

Now, some gentlemen on this side objected to this resolution, because it had within its provisions a clause that would continue in office a Member who had not been reelected to Congress. That clause is stricken out; that objection no longer obtains, and I think those gentlemen who voted against the resolution on that ground will concede, upon reflection, that they ought to comply with this request of the President of the United States. I think the gentlemen on that side will agree to that. We are all trying to arrive at a correct conclusion about this great problem, which must be settled by the Congress of the United States and the various States of the Union.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. HENRY. I have not time.

Mr. HUDDLESTON. I wanted to ask how the President made this request?

Mr. HENRY. I am glad to answer that. I think it is proper for me to state that the President made a personal request of me, as the chairman of the Committee on Rules, to lay this matter before the House after the committee had taken action, if they acceded to his views, and he has made the request in a message, as I understand; but I think it has been done in polite and respectful terms, and for one I always respect a request like that. It has not been my privilege always to agree with the President, and I do not know that I will agree with him about this question. I prefer to stand for the same thing that my friend and colleague from Texas [Mr. RAYBURN] stands for in regard to the power and life of the railroad commissions of the States being maintained as they are. But I have not arrived at that stage of my reasoning where I am willing to say to a committee that has taken only part of the testimony that now they shall not take the other part and develop the very proposition in which the gentleman from Texas [Mr. RAYBURN] and myself are vitally interested. I believe this case should be completed, and therefore I urge the adoption of the rule and the passage of the resolution.

The SPEAKER. The question is on agreeing to the rule.

The question being taken, on a division (demanded by Mr. HENRY) there were—ayes 83, noes 59.

Mr. HILLIARD. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Colorado demands the yeas and nays.

Mr. HUDDLESTON. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point that there is no quorum present, and evidently there is not, but the Chair will count. [After counting.] One hundred and seventy-nine Members, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 219, nays 126, answered "present" 3, not voting 85, as follows:

YEAS—219.

Abercrombie	Dupré	Keating	Rogers
Adair	Eagan	Kettner	Rouse
Adamson	Eagle	Key, Ohio	Rubey
Alexander	Edmonds	King	Rucker
Allen	Esch	Kitchin	Russell, Mo.
Almon	Evans	Lazaro	Sabath
Ashbrook	Farley	Lee	Saunders
Aswell	Farr	Lesher	Sears
Barkley	Ferris	Lever	Shackleford
Barnhart	Fess	Lewis	Shallenberger
Bell	Fields	Lindbergh	Sherley
Black	Flood	Linthicum	Sherwood
Blackmon	Foster	Littlepage	Shouse
Booher	Freeman	Lloyd	Sims
Borland	Gallagher	London	Sinnott
Browne	Gallivan	McAndrews	Sisson
Bruckner	Gandy	McClintic	Small
Buchanan, Tex.	Gard	McDermott	Smith, Idaho
Burgess	Garner	McGillicuddy	Smith, N. Y.
Burke	Garrett	McKellar	Smith, Tex.
Burnett	Gillett	McKinley	Steagall
Butler	Glass	McLemore	Stedman
Byrnes, S. C.	Glynn	Maher	Steele, Iowa
Byrns, Tenn.	Godwin, N. C.	Martin	Stephens, Miss.
Caldwell	Good	Mays	Stephens, Nebr.
Candler, Miss.	Goodwin, Ark.	Miller, Pa.	Stephens, Tex.
Cantrill	Gordon	Montague	Sterling
Caraway	Gray, Ala.	Moon	Stone
Carlin	Green, Iowa	Moore, Pa.	Stout
Carter, Okla.	Gregg	Morgan, Okla.	Sumners
Church	Hamilton, Mich.	Morrison	Taggart
Clark, Fla.	Hamlin	Moss	Tague
Coady	Hardy	Murray	Talbott
Coleman	Harrison, Miss.	Neely	Tavenner
Collier	Harrison, Va.	Nelson	Taylor, Ark.
Connelly	Hastings	Nicholls, S. C.	Temple
Conry	Hayden	Nichols, Mich.	Thomas
Cooper, Ohio	Heflin	Oakey	Thompson
Cooper, Wis.	Helgesen	Oglesby	Tillman
Costello	Helm	Oliver	Tilson
Cox	Helvering	Olney	Towner
Crago	Henry	O'Shaunessy	Van Dyke
Crisp	Hensley	Overmyer	Vare
Crosser	Holland	Padgett	Venable
Darrow	Hollingsworth	Paige, Mass.	Vinson
Davis, Tex.	Hood	Park	Walker
Decker	Howard	Phelan	Watkins
Dent	Hughes	Price	Watson, Va.
Dickinson	Hulbert	Quin	Whaley
Dill	Hull, Tenn.	Rainey	Williams, W. E.
Dixon	Humphreys, Miss.	Raker	Wilson, La.
Dooling	Igoe	Ramseyer	Winslow
Doolittle	Jacoway	Randall	Wise
Doremus	Johnson, Ky.	Rauch	Young, Tex.
Doughton	Jones	Reilly	

NAYS—126.

Anderson	Fuller	Kincheloe	Roberts, Nev.
Austin	Gardner	Kinkaid	Rowe
Bacharach	Garland	La Follette	Scott, Mich.
Bailey	Gould	Langley	Sells
Benedict	Gray, Ind.	Lehlbach	Slayden
Britt	Gray, N. J.	Lenroot	Sloan
Britten	Greene, Mass.	Longworth	Smith, Mich.
Browning	Greene, Vt.	Loud	Snell
Buchanan, Ill.	Griest	McArthur	Snyder
Cannon	Hadley	McKenzie	Stafford
Capstick	Haskell	McLaughlin	Steenerson
Carter, Mass.	Haugen	Madden	Stiness
Chandler, N. Y.	Hawley	Magee	Sulloway
Chiperfield	Hayes	Mann	Sweet
Cooper, W. Va.	Heaton	Mapes	Switzer
Cramton	Hicks	Matthews	Taylor, Colo.
Curry	Hilliard	Meeker	Timberlake
Dale, Vt.	Hinds	Miller, Del.	Tinkham
Dallinger	Hopwood	Mondell	Treadway
Danforth	Huddleston	Moores, Ind.	Volstead
Dempsey	Hull, Iowa	Morin	Walsh
Denison	Humphrey, Wash.	Mott	Ward
Dillon	Hutchinson	Mudd	Wason
Dowell	James	Nolan	Wheeler
Drukker	Johnson, S. Dak.	North	Williams, Ohio
Dunn	Johnson, Wash.	Page, N. C.	Wingo
Dyer	Kahn	Parker, N. J.	Wood, Ind.
Ellsworth	Kearns	Platt	Woods, Iowa
Elston	Keister	Powers	Woodyard
Emerson	Kelley	Rayburn	Young, N. Dak.
Focht	Kennedy, Iowa	Reavis	
Frear	Kennedy, R. I.	Ricketts	

ANSWERED "PRESENT"—3.

Bennet	Campbell	Cline

NOT VOTING—85.

Aiken	Bowers	Charles	Dewalt
Anthony	Brumbaugh	Copley	Dies
Ayres	Callaway	Cullop	Driscoll
Barchfeld	Carew	Dale, N. Y.	Edwards
Beakes	Cary	Davenport	Estopinal
Beales	Casey	Davis, Minn.	Fairchild

Finley	Kent	Oldfield	Scully
Fitzgerald	Kiess, Pa.	Parker, N. Y.	Siegel
Flynn	Konop	Patten	Slemp
Fordney	Kreider	Peters	Smith, Minn.
Foss	Lafean	Porter	Sparkman
Graham	Lieb	Pou	Steele, Pa.
Griffin	Liebel	Pratt	Sutherland
Guernsey	Lobeck	Ragsdale	Swift
Hamill	Loft	Riordan	Watson, Pa.
Hamilton, N. Y.	McCracken	Roberts, Mass.	Webb
Hart	McCulloch	Rodenberg	Williams, T. S.
Hernandez	McFadden	Rowland	Wilson, Fla.
Hill	Miller, Minn.	Russell, Ohio	Wilson, Ill.
Houston	Mooney	Sanford	
Howell	Morgan, La.	Schall	
Husted	Norton	Scott, Pa.	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. DEWALT with Mr. FORDNEY.

Mr. AYRES with Mr. MCCULLOCH.

Mr. POU with Mr. LAFEAN.

Mr. LOFT with Mr. MCCRACKEN.

Mr. WEBB with Mr. BARCHFELD.

Mr. WILSON of Florida with Mr. SUTHERLAND.

Mr. LIEBEL with Mr. PARKER of New York.

Mr. AIKEN with Mr. COPLEY.

Mr. STEELE of Pennsylvania with Mr. WILSON of Illinois.

Mr. LOBECK with Mr. PETERS.

Mr. OLDFIELD with Mr. RODENBERG.

Mr. SCULLY with Mr. ROWLAND.

Mr. MORGAN of Louisiana with Mr. PRATT.

Mr. BRUMBAUGH with Mr. CARY.

Mr. LIEB with Mr. MILLER of Minnesota.

Mr. HOUSTON with Mr. KREIDER.

Mr. FLYNN with Mr. HILL.

Mr. EDWARDS with Mr. GRAHAM.

Mr. DAVENPORT with Mr. FOSS.

Mr. CULLOP with Mr. BOWERS.

Mr. SPARKMAN with Mr. WATSON of Pennsylvania.

Mr. RIORDAN with Mr. THOMAS S. WILLIAMS.

Mr. RAGSDALE with Mr. PORTER.

Mr. BEAKES with Mr. SANFORD.

Mr. ESTOPINAL with Mr. SCOTT of Pennsylvania.

Mr. FITZGERALD with Mr. SLEMP.

Mr. GRIFFIN with Mr. SIEGEL.

Mr. KONOP with Mr. SWIFT.

Mr. DRISCOLL with Mr. SCHALL.

Mr. CALLAWAY with Mr. ANTHONY.

Mr. CAREW with Mr. DAVIS of Minnesota.

Mr. HAMILL with Mr. KIESS of Pennsylvania.

Mr. HART with Mr. MCFADDEN.

Mr. DIES with Mr. HUSTED.

Mr. FINLEY with Mr. GUERNSEY.

Mr. DALE of New York with Mr. HAMILTON of New York.

Mr. CASEY with Mr. FAIRCHILD.

On this vote:

Mr. PATTEN (for) with Mr. BENNET (against).

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. ADAMSON. Mr. Speaker, when this resolution (S. J. Res. 190; H. Rept. 1269) is laid before the House and read I shall ask that general debate be dispensed with and that a vote be taken. I think it has been discussed by all Members who wish to discuss it.

The SPEAKER. The rule provides that the first reading of the bill shall be dispensed with.

Mr. ADAMSON. I ask unanimous consent that general debate be dispensed with.

The SPEAKER. The gentleman from Georgia asks unanimous consent that all general debate be dispensed with. The Chair would like to inquire who has the engrossed copy of the bill? The Chair supposed that the one the Clerk had was the engrossed copy, but it seems that it is not.

Mr. MANN. Of course, we can not proceed without the engrossed copy.

Mr. BLACK. Mr. Speaker, I would like to ask if the request of the gentleman from Georgia will affect the right to offer amendments?

The SPEAKER. The rule says that amendments shall be offered during general debate.

Mr. BLACK. I shall have to object to the gentleman's request if it does.

Mr. ADAMSON. I have no objection to the gentleman offering his amendment now.

Mr. BLACK. Then I will offer an amendment.

Mr. ADAMSON. The only purport of my request is to dispense with general debate.

The SPEAKER. The Chair thinks that if general debate is dispensed with the bill ought to be read for amendment.

Mr. MANN. But under the rule, Mr. Speaker, the bill can not be read for amendment. It is a foolish, useless, unnecessary, and almost criminal provision that amendments can be offered only in general debate.

Mr. ADAMSON. I made my request plain enough, and I do not object to amendments being offered now and disposed of.

The SPEAKER. The trouble is that the rule provides that there shall be an hour of general debate, or not exceeding one hour, and that during this general debate amendments may be offered.

Mr. ADAMSON. My request for unanimous consent is to dispense with the debate, and gentlemen may be recognized to offer amendments in any way they choose.

The SPEAKER. The gentleman from Georgia asks unanimous consent that general debate be dispensed with and that anybody who wishes to offer an amendment may do so.

Mr. BLACK. I shall have to object, Mr. Speaker, unless I have the right to discuss my amendment.

Mr. BURNETT. Mr. Speaker, does not the rule provide for offering amendments?

The SPEAKER. It provides that amendments may be offered during general debate.

Mr. ADAMSON. Unless we can reach some agreement, Mr. Speaker, I shall have to withdraw my request.

Mr. BORLAND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I rise to ask the chairman whether it would not suit his purpose to ask unanimous consent that the general debate provided for by the rule be dispensed with and that the resolution be read for amendment under the five-minute rule.

Mr. MANN. I should object to that. Nobody is required to talk on the resolution if he does not wish to.

Mr. BLACK. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 10, after the word "seventeen," insert the following:

"*Provided*, That so much of said S. J. Res. 60 (Public Res. No. 25, 64th Cong.), approved July 20, 1916, as authorizes and empowers said joint subcommittee to investigate the subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, express companies, or railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership of such utilities, be, and the same is hereby, repealed."

Mr. MANN. Will the gentleman yield?

Mr. BLACK. I will.

Mr. MANN. I want to ask the chairman of the committee a question. We do not have the Senate resolution in print, so far as I know. Is it the same as the substitute reported by the committee to the House?

Mr. ADAMSON. Yes; it is identical. I thought it was printed. It was referred to our committee and reported back.

Mr. MANN. It may be printed, but I have not seen it.

Mr. BLACK. Mr. Speaker, on last Thursday we had a rule before the House somewhat similar to the one we have voted on this afternoon, except that the rule we were then called upon to adopt made in order a resolution which would have continued as a member of this subcommittee a Member of Congress whose term of office will expire March 4, 1917, and provided an additional appropriation. The resolution which we now have before us and to which I have offered the amendment just read does not do that. If this resolution that we now have before us is adopted, it will authorize the continuance of the life of the Newlands-Adamson subcommittee. That committee, as we have already understood from the discussion on the floor of the House, consists of five Members of the Senate who are members of the Senate Committee on Interstate Commerce and five Members of the House who are members of the House Committee on Interstate and Foreign Commerce. This subcommittee is proceeding under a resolution adopted July 20, 1916, part of which I will take the time to read in order that Members who have not read the resolution may be familiar with its contents.

That resolution is as follows:

Resolved, etc., That the Interstate Commerce Committee of the Senate and the Committee of the House of Representatives on Interstate and Foreign Commerce, through a joint subcommittee to consist of five Senators and five Representatives, who shall be selected by said committees, respectively, be, and they hereby are, appointed to investigate the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce, also the subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, express companies, and railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership of such utilities and as to the comparative worth and efficiency of Government regulation and control as compared

with Government ownership and operation, with authority to sit during the recess of Congress and with power to summon witnesses, to administer oaths, and to require the various departments, commissions, and other Government agencies of the United States to furnish such information and render such assistance as may, in the judgment of the joint subcommittee, be deemed desirable, to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject and report to Congress on or before the second Monday in January, 1917; that the sum of $24,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said subcommittee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such subcommittee.

Approved, July 20, 1916.

Now, Mr. Speaker, the effect of the amendment which I have offered, and which I hope will be adopted by this House, is to repeal that provision of the resolution which gives this committee authority and empowers it to investigate the subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, and express companies, and railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership of such utilities. Mr. Speaker, as one Democrat who I hope still entertains some allegiance to the time-honored doctrines of our party, I am opposed to the Government ownership of railroads, telegraph and telephone lines, and other doctrine of that kind. [Applause.] I am opposed to this Democratic House of Representatives deliberately authorizing the committee to encumber the records of this House with an investigation on those subjects. [Applause.]

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BLACK. Yes.

Mr. DAVIS of Texas. Will the gentleman just spend a few minutes of his time in rehearsing some of those time-honored principles which he is talking about?

Mr. BLACK. Mr. Speaker, I have never known the gentleman from Texas [Mr. DAVIS] to be an exponent of very many of them. [Applause and laughter.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Speaker, I ask unanimous consent to continue for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker, I have the kindest personal regard for my colleague, the gentleman from Texas, but I can remember when, as a champion of the Populist Party in the days gone by, he was preaching this doctrine of Government ownership of railroads throughout the district which I have the honor to represent. As a Democrat I was against such doctrine then, and I am still against it. Mr. Speaker, the situation which confronts this country is not the question of Government ownership of these public utilities, but it is the question as to how they ought to be regulated and controlled and made to serve the people's interest, and I believe that ought to be the investigation task of this committee.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. BLACK. Yes.

Mr. GORDON. Is the gentleman afraid that this committee will make him change his views? [Laughter.]

Mr. BLACK. I am not; but I do not wish the Democratic Party to be placed in the attitude of giving sanction to the socialistic doctrine of general Government ownership of railroads, and so forth. [Applause.]

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. BLACK. Mr. Speaker, there is a growing disposition in this country, every time anything goes wrong in any private enterprise, for some men to forthwith rise up and say, "Let the Government buy it and run it." I have never seen anything which leads me to believe that the Federal Government has demonstrated any conspicuous business ability in the conduct of its affairs. My observation leads me to quite a contrary belief. Now, I yield to the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, does not the gentleman think there is quite a distinction between giving sanction to a thing in advance and hearing a discussion about it?

Mr. BLACK. I will say in answer to the gentleman that I do not think we ought to fritter away the time of this committee in a useless investigation of that kind. I believe that the task of this committee ought to be to investigate such questions as the incorporation or control of the incorporation of carriers, the efficiency of the existing system in protecting the rights of shippers and carriers, and in promoting the public interest, and all proposed changes in the organization of the Interstate Commerce Commission. These, I think, are the kind of subjects that this committee should be directed by this House to investigate, and not waste any of its time investigating the question of Government ownership of railroads, express companies, telegraph and telephone lines, and so forth. The country needs and ought to have some such relief as would be provided by the bill that my friend from Texas, Mr. RAYBURN, has introduced, which, in substance, gives the Federal Government the control of the issuance of the stocks and bonds and other securities of these railroads. [Applause.] I believe that the time has come when the people are entitled to a square deal in this matter, and they are not receiving it so long as the public are paying freight on fictitious valuations and watered stock. The stockholders of these corporations are not receiving a square deal so long as stock is sold them which does not represent honest value, and it is time that the American Congress set to work and devoted its attention to the real task at hand of correcting some of these known evils, instead of chasing off after some will-'o-the-wisp, and I hope that this amendment which I have offered will be adopted. [Applause.]

Mr. DAVIS of Texas rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. DAVIS of Texas. To discuss this amendment.

The SPEAKER. Is the gentleman opposed to it?

Mr. DAVIS of Texas. Yes.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What authority has the Speaker to say that the gentleman is recognized for five minutes?

The SPEAKER. Because the rule says that amendments shall be debated for five minutes on a side.

Mr. MANN. The rule says that?

The SPEAKER. The Chair thinks so.

Mr. MANN. I think not. The rule says that there shall be an hour of debate, 30 minutes on a side.

The SPEAKER. The Chair is aware that the special rule says that.

Mr. MANN. This is all general debate.

The SPEAKER. General debate for an hour.

Mr. MANN. Thirty minutes on a side.

The SPEAKER. That is correct.

Mr. MANN. I do not think the Speaker has any right to limit the time. I call attention to it simply to show how foolish the rule is.

The SPEAKER. The Chair is not passing upon the wisdom of the rule. The Chair was talking about general debate. This rule provides for an hour of general debate, 30 minutes to be allotted to those who favor it and 30 minutes to be allotted to those who are against it. From which side is the time of the gentleman from Texas [Mr. DAVIS] to be taken?

Mr. MANN. He has to determine that. I do not know. God forbid that I should speak for him. [Laughter.]

The SPEAKER. The language is apparent that he can not speak over 30 minutes. The Chair was wrong about the 5 minutes.

Mr. OGLESBY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OGLESBY. My question is on this point: Is not, as a matter of fact, this gentleman speaking to the amendment and not on the proposition?

The SPEAKER. Of course, the special rule provided that amendments should be offered during general debate, but it does not provide they should be offered at any other time.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is the gentleman from Texas recognized for 30 minutes or such part as he desires to use?

Mr. MANN. He must be if nobody else wants to be recognized.

The SPEAKER. Well, it seems to the Chair that that suggestion is correct. Whether anybody else wants to debate or not, the Chair does not know.

Mr. NEELY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NEELY. It is perfectly clear we could stop the gentleman at the end of 30 minutes, is it not?

The SPEAKER. The gentleman can not speak on one side more than 30 minutes. [Laughter and applause.] The gentleman from Texas is recognized.

Mr. DAVIS of Texas. Mr. Speaker, I have stood all this time like a lamb dumb before the shearer. Now, I certainly see no objection to inquiring into all the whys and wherefores involved in the proper regulation, control, and management of the great

railroad lines of this country, and I am simply standing by the resolution that passed the Senate and was brought over to this body by recommendation of our President, and I voted for the resolution with the understanding that we were to go into every element involved in the case, and I have no objection to having the entire facts. We have it in the sworn records of this company that a man by the name of Mellen stood and paid out something like $70,000,000 in one day to persons he did not know, had never seen, and for something he had no idea of its value, and under similar process charged stupendous sums against one of the great railroads of this country to be levied upon the industry of even the unborn generations by the railroad managers of this country. We have in the sworn records that men in the management of railroad systems have builded feeders and subsidiary lines up into the millions of dollars' worth, doubled and trebled the stock and bonds of those subsidiary lines, sold to themselves at two and a half and up to five times the cost of production and charged it up to the parent company, put the millions of cash in their pockets, and levied that tribute upon the commerce of this country, a fixed charge against traffic for the next 50 to 75 years. I could go on for two hours and give you the history of these matters, but it is not necessary. This is an administration measure. The scope of this resolution is to investigate all these problems. I had it thrown into my face when I was in the campaign by at least a dozen Republicans where I spoke that we had acted hastily when we passed the eight-hour law, and they asked why we did not wait and investigate. I looked them in the face and said that we felt like the house was on fire, and we had to put out the fire first and investigate later as to who started the fire. [Applause.] I told them the President was willing to investigate, to spend plenty of time investigating——

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Texas. I yielded a good deal of time when I stood in silence, I am talking now.

The SPEAKER. The gentleman declines to yield.

Mr. DAVIS of Texas. Will the gentleman from Missouri pocket his smile and sit quiet awhile? I said I was perfectly willing to continue the investigation. Why? To see if there is any decent method on God Almighty's earth to explain why they let men literally rob the New Haven & Hartford Railroad, like robbing a bee gum, and pocket millions. I said I was perfectly willing to have them explain how Mr. Gould's system could pay $5,000,000 for a man to stand by the side of one female member of his family in Europe and become her husband and charge it up to the Missouri Pacific line and run it into bankruptcy, and then pay $3,000,000 to get loose from him and charge that up to another Pacific system and run it into bankruptcy. [Applause.] I am perfectly willing for all these matters to be explained. I could go on for an hour and ask for explanations of all these lines that have been filched. I am speaking for the unborn. [Applause.] Now, I just want to look at my very excellent young friend over here, Mr. BLACK, who taunted me with the statement that he had never known me to stand for many of the time-honored doctrines of Democracy. I took nine volumes of Thomas Jefferson (congressional edition), went all over this Republic defending those doctrines, and I helped to write the first national demand for an income-tax law ever put into a national platform in the United States, and the gentleman was in knee breeches then. [Applause.] I helped write the first national platform that was ever made demanding the direct election of United States Senators, and advocated these all over this country with Bryan and other glorious Democrats.

I helped to write into a national platform in the State of Oregon the first demand for the initiative, referendum, and recall, and volunteered my services and went back there and made 60 speeches when we adopted it in that State, and we worked that principle of Democracy so well that we made a Republican legislature send a good Democratic Senator to the United States Senate, thank God! [Applause on the Democratic side.] And the gentleman from my district was living in ease and luxuriance, quietly rusticating, and now taunts me with the statement that I never stood for many of the time-honored principles. I challenge him to point out one plank in the Democratic platform I did not stand for 25 years ago. I volunteered my services, and when Mr. Bryan was nominated in 1900 I was commissioned by J. G. Johnson, of Kansas; "Jim" Jones, of Arkansas; and Marion Butler, of North Carolina, the three national chairmen, for five months to organize the Silver Republicans, Populists, and Bryan Democrats into clubs. I made 300 speeches and traveled 46,000 miles by rail. What was the gentleman from my district doing? He was sucking his thumb, perhaps, and wondering if he would ever get to Congress. [Laughter.] I have been called by telegram into a hundred Democratic campaigns. Mr. Burleson, knowing my devotion to Jeffersonian Democracy, sent for me in the last campaign—wired to national headquarters that I was one of the best campaigners in the United States representing the Democracy of Jefferson, Wilson, and Bryan. [Applause and laughter.] I had nothing to do with it, except to thank him and accept their request and campaign a large part of the West. I have been called often by telegram in every national campaign for 25 years, and if I had devoted my time in staying at home to practice law like he did I could have had plenty of money, plenty of it; but I gave my time to the public. I wore the backs off of nine volumes of Thomas Jefferson, traveling largely at my own expense, and had them rebound. [Laughter.]

I am very much obliged, my friends. I just wanted to give you a little history that perhaps you were not acquainted with. I thank you. I want the resolution to cover a thorough investigation, as pledged by President Wilson when we passed the eight-hour law. [Applause.]

Mr. SIMS and Mr. SHERLEY rose.

The SPEAKER. Is the gentleman from Tennessee [Mr. SIMS] a member of this committee?

Mr. SIMS. Not a member of the Rules Committee, but a member of the Committee on Interstate and Foreign Commerce.

The SPEAKER. For what purpose does the gentleman from Kentucky [Mr. SHERLEY] rise?

Mr. SHERLEY. I rise to state my opposition to the amendment that has been offered.

Mr. SIMS. I want to speak in opposition to the amendment offered by the gentleman from Texas, because I think it will have the effect to defeat any legislation at all.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. How much time was used by the gentleman from Texas [Mr. DAVIS] in favor of the resolution?

Mr. SIMS. If the gentleman from Kentucky [Mr. SHERLEY] wants to address himself to that subject, I will gladly yield to him, if I have anything to yield.

Mr. WINGO. A parliamentary inquiry. There was 1 hour's time, 30 minutes to be used by those in favor of the resolution and 30 minutes by those who oppose it. Each of the gentlemen who have spoken are in favor of the resolution, although they have not confined their remarks to it. Now, who is going to determine the control of the time of those opposed to the resolution?

Mr. ADAMSON. I can not understand to save my life that the gentleman from Texas favored this resolution, because he tried to take all the meat out by the amendment.

The SPEAKER. The Chair, as far as his opinion as to whom this time ought to be charged up to is concerned, will state that the first gentleman from Texas [Mr. BLACK] was against the resolution and the second gentleman from Texas [Mr. DAVIS] in favor of the resolution.

Mr. ADAMSON. I recognized that, I thought.

The SPEAKER. Under this rule nobody controls the time, and the duty of the Chair is, when a gentleman rises, to ask him which side of this resolution he is on. It leaves 25 minutes to a side. Now, on which side is the gentleman from Kentucky [Mr. SHERLEY]?

Mr. SHERLEY. I am in favor of the resolution and opposed to the amendment that has been offered.

The SPEAKER. The gentleman from Kentucky is recognized in favor of the resolution.

Mr. SHERLEY. Mr. Speaker, I need not say to those who have known me here for some years that I am not now an advocate of Government ownership of railroads. But the amendment that was offered by the gentleman from Texas [Mr. BLACK] serves to go very much further than to eliminate that particular subject from the inquiry. I am not one of those who expect great results from inquiries of this kind, but inasmuch as we are to have the inquiry I think it would be very unwise to adopt the amendment that was offered. The amendment would eliminate from consideration not only the question of Government ownership of railroads but the question of Government ownership of telegraph, telephone, and wireless communication.

Now, especially in regard to the latter, there may be peculiar reasons outside of economic ones why the Government should take control of wireless communication.

Mr. BLACK. Will the gentleman yield for a minute?

Mr. SHERLEY. In a moment. There are reasons which would apply to telegraph and telephone communication that would not apply to railroads. These subjects are all distinct, and I do not believe that the House commits itself to the adoption of any policy simply when it authorizes an inquiry touching a given matter.

Now I yield to the gentleman from Texas.

Mr. BLACK. I will just say to the gentleman from Kentucky that I will offer an amendment to the amendment to eliminate the limitation that they have put on wireless apparatus, because I can see good reasons why the Government in a military sense and for military purposes should control this wireless apparatus. The point I meant to speak to was the public-utility feature.

Mr. SHERLEY. To that extent the gentleman has improved his amendment. I am not prepared now to say that we ought to exclude any inquiry as to telephone and telegraph.

Mr. BLACK. Does the gentleman think this committee has any jurisdiction over wireless?

Mr. SHERLEY. I am not prepared to say it has, but I am not particularly concerned when the committee is engaged in an inquiry as broad as this and when its power is simply to report as to whether one of the subject matters comes within the ordinary jurisdiction of that committee.

I simply wanted to suggest to the House that if you are going to have the inquiry there is no value in eliminating all of these subject matters. They will not be exhausted by the inquiry made by this committee, and doubtless some of them will not even be touched before the time arrives for them to make a report But for us to just offhand curtail any inquiry of that kind that the committee might develop in the hearing in some way, and which might be valuable as throwing light on the main subject, would be to my mind unwise, and I do not desire that that phase of the question should be overlooked. [Applause.]

The SPEAKER. The question is on agreeing to the amendment.

Mr. BLACK. Mr. Speaker, I would like to amend the amendment by striking out the word "wireless."

The SPEAKER. The gentleman from Texas moves to amend his amendment by striking out the word "wireless"?

Mr. BLACK. Yes; I ask unanimous consent to do that.

The SPEAKER. The gentleman moves to modify his amendment by striking out the word "wireless." Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, I have only a word to say.

The SPEAKER. Which side does the gentleman speak for?

Mr. COOPER of Wisconsin. I am against the amendment. I am in favor of the resolution.

The SPEAKER. The gentleman will proceed.

Mr. COOPER of Wisconsin. Mr. Speaker, I agree cordially with what the gentleman from Kentucky [Mr. SHERLEY] has just said. I do not know that I can add anything to that statement further than to say that this investigation is simply, as I understand, to make an inquiry with a view to presenting the testimony of witnesses and possibly the conclusions of the committee upon facts that are of very great importance to the people of the United States to consider.

As the gentleman from Kentucky said, by the adoption of this resolution we do not commit ourselves to the adoption of anything that the committee may recommend, or to the adoption of Government ownership or anything else; but facts and a knowledge of facts can not injure any man whose mind has any strength at all. This is nothing but to acquaint us with facts and add to the sum, possibly, of knowledge in the House of Representatives, although that seems a somewhat difficult task; but I think it can be accomplished [laughter] if we tell this committee to go on, as the gentleman from Kentucky said, and investigate this important subject and report the facts which they find.

The SPEAKER. The question is on agreeing to the Black amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BLACK. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Texas asks for a division. Those in favor on a division will rise and stand until they are counted. [After counting.] Forty-eight gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Ninety-nine gentlemen have arisen in the negative. On this question the ayes are 48 and the noes are 99.

Mr. BLACK. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair will count.

Mr. BLACK. Mr. Speaker, I will withdraw the point of no quorum.

The SPEAKER. The gentleman from Texas withdraws the point of no quorum. On this vote the ayes are 48 and the noes are 99, and the amendment is not agreed to.

Mr. ADAMSON rose.

The SPEAKER. The gentleman from Georgia.

Mr. ADAMSON. Under the rule the previous question was ordered, and the resolution and the amendments are to be voted on.

The SPEAKER. The rule provides for an hour's debate.

Mr. ADAMSON. For not exceeding an hour's debate.

The SPEAKER. Yes; for not exceeding an hour's debate.

Mr. ADAMSON. If there is no other amendment, we are ready for a vote.

The SPEAKER. Maybe somebody wants to discuss the question. If nobody wants to speak, the Chair will put the question on agreeing to the joint resolution.

Mr. PLATT. Mr. Speaker, is the time all exhausted? If not, I would like to be recognized as against the resolution for a few minutes.

The SPEAKER. The Chair will recognize the gentleman. There is no trouble about that. The trouble is the bother with the rule.

Mr. PLATT. Mr. Speaker, it seems to me that this subject has been investigated all the way from here to the Union Station. [Laughter.] It does not make any difference how much investigating you do; you can not get any more knowledge on it than is available for everybody already.

What I wanted to say chiefly, however, was to correct what seemed to be a general misapprehension of the economics of railroad rates. The gentleman from Texas [Mr. DAVIS] expressed it. The general supposition seems to be that the capitalization of the railroads has something to do with the rates charged for transportation. The idea is that if the railroad is capitalized high its rates must be high, that the high capitalization is charged up to the public. There is not a scintilla of evidence showing that that is true.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. PLATT. No; I can not yield at present.

Mr. GORDON. I can show you that you are mistaken.

Mr. PLATT. I know of two railroads in the State of New York which illustrate the situation. One has a high capitalization, and the other a low one, but their rates are the same practically. The road with the higher capitalization could not charge more if it wanted to, without losing its business. It is a matter of economics. Before the Interstate Commerce Commission and other regulating bodies interfered, the railroads used to charge what they could get, or, as railroad men say, "What the traffic would bear," and the railroad having a high capitalization could not get any more than the railroad having a low capitalization. Now, the Interstate Commerce Commission regulates the matter, but within lines fixed by economic law.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman yield?

Mr. PLATT. Yes; I yield to the chairman of the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. I do not deny the gentleman's statement that we all know about this already. The trouble is that we know it in different ways. Some of us know it one way and others know it another way. What we want to do is to clarify the situation and make it plain to all.

Mr. PLATT. I do not believe that the committee can clarify a situation which has been cleared up by the president of Yale University and many others who have written books about it.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. LEWIS. The point that has just been made was as to the effect of overcapitalization, that it would not affect railroad rates. That is the opinion of very many railway economists.

Mr. PLATT. Yes; and they are right.

Mr. LEWIS. Now another question.

Mr. PLATT. Very well.

Mr. LEWIS. First in the case of a railroad that is already overcapitalized by one hundred millions. There are such cases.

Mr. PLATT. Possibly.

Mr. LEWIS. Upon which $100,000,000 dividends are paid to the extent of $5,000,000 a year. Is it not a fact that in such case the $5,000,000 that goes to pay dividends, instead of making a reserve and surplus, determines the ability of that railroad to finance new projects and finance betterments and earnings devoted to paying dividends on watered stock directly curtail the railway in its necessary financing? Now, answer that question.

Mr. PLATT. If the gentleman has finished, I will say that I believe that is true to a certain extent. That is, overcapitalization does do something to cripple the finances of a railroad, and it ought to be stopped, and I believe in some such measure as the gentleman from Texas [Mr. RAYBURN] has advocated, a plan to regulate the issue of stocks and bonds. We do that in the State of New York through our public-service commission, and we do it there very effectively; but when I say that I do not say that the capitalization of a railroad has any effect on the rates which it may charge. It has no effect. There is no evidence whatever that that makes any difference. Take the New York, New Haven & Hartford Railroad Co., which was so woefully mismanaged, to say the least, where millions of money were spent foolishly——

Mr. HAMILTON of Michigan. Looted.

Mr. PLATT. Looted, if you please to say so. I will not greatly object to the use of that term. But the New York, New Haven & Hartford Railroad has not raised its rates since then, and can not. It could not raise them, even if the Interstate Commerce Commission were abolished, to any considerable extent. Rates have nothing to do with capitalization and have never had anything to do with it.

Mr. TOWNER. Will the gentleman from New York yield?

Mr. PLATT. Yes.

Mr. TOWNER. Of course, the capitalization of a railroad has this effect: That railroad companies which are overcapitalized seek to fix their charges upon their capitalization. But the courts have held in every case, both the Supreme Court of the United States and the courts of the States, that they would not allow an overcapitalization to influence the determination of the question as to whether a rate was confiscatory, but that has to be determined upon the value of the property, regardless of what the artificial capitalization is. If in any case the question should come up whether a rate fixed was confiscatory, it would not be determined upon the capitalization, but it would be determined upon the value of the property. In that sense the gentleman is entirely right.

Mr. PLATT. I agree with the gentleman on that, though he is talking about law and I am talking about economics. Of course, when the rates of a railroad are attacked and when the Interstate Commerce Commission or any other body seeks to lower those rates the railroad sets up the claim that if its rates are lowered it will not be able to pay its fixed charges, interest, dividends, and so forth. It is natural that a railroad should set up that claim, but that does not prove by any means that capitalization has anything to do with rates. The rates as they were formerly fixed, and as they are fixed to-day, are substantially according to the value of the service, or what the traffic will bear, as railroad men say, and the capitalization has nothing to do with it. Many cases might be cited to show that capitalization has nothing whatever to do with rates.

Mr. DOWELL. When rates are fixed by the Interstate Commerce Commission, is not capitalization taken into consideration in fixing or in raising those rates?

Mr. PLATT. I do not think it is taken into consideration at all, except as a matter of law. The railroads, of course, set up the claim that their charges must be considered.

Mr. DOWELL. Is not that set up each time as a reason why the rates should be raised, because it is said the railroads are not receiving sufficient revenue to pay dividends on the capitalization?

Mr. PLATT. They will set it up as a claim, but that is not the economic reason for the fixing of rates and never has been and never will be.

Mr. DOWELL. Is not that one of the reasons that they urge—that they are not receiving a sufficient return on the investment?

Mr. PLATT. Of course, that is one reason that they urge. They have their capitalization, their stock and bonds already issued and in the hands of the public, and they are more or less bound to protect their investors; but that does not make the rates.

Mr. DOWELL. Would there be any harm in making an investigation to determine whether the railroads are overcapitalized?

Mr. PLATT. Those facts are already secured and published in a thousand volumes that you can get in the Congressional Library to-day, and if the committee spent a hundred thousand years in taking testimony they could not add anything to what has already been published on that subject. [Applause.]

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Which side is the gentleman on?

Mr. MURRAY. I am for the resolution.

The SPEAKER. The gentleman is recognized.

Mr. MURRAY. How much time is left, Mr. Speaker?

The SPEAKER. Fifteen minutes on the affirmative side.

[Mr. MURRAY addressed the House. See Appendix.]

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. To ask for recognition. I wish to reply to the statement of the gentleman from New York [Mr. PLATT] on his proposition.

The SPEAKER. Is the gentleman for the resolution?

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from New York [Mr. PLATT] will agree that he was mistaken as to whether the amount of stock and bonds can be taken into consideration in fixing the rate. That question has been definitely decided for the people of the United States in the unanimous opinion of the Supreme Court, volume 169, Smyth against Ames, in an opinion rendered by Justice Harlan. I call the gentleman's attention to what the court said on page 546:

> We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses are all matters for consideration and are to be given such weight as may be just and right in each case.

Therefore it is a matter which enters into the determination of what is a just rate for the railroad to charge. That is, I mean the matter of the amount of value of its bonds and stocks. One element which affects the reasonableness of the rates to determine whether they are confiscatory——

Mr. BARNHART. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. BARNHART. Does the gentleman argue that the rate should be fixed upon the amount of stock and bonds and not on the value of the property?

Mr. COOPER of Wisconsin. I do not contend anything but what the Supreme Court said. The gentleman from Indiana did not understand the purport of the decision. I will read that portion of the opinion again which answers his question.

Mr. BARNHART. I understood the gentleman to say that it was value of the stock and bonds and not the value of the property.

Mr. COOPER of Wisconsin. Oh, no; the court says:

> We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value, the original cost of construction, the amount expended in permanent improvements, the amount and maket value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses are all matters for consideration, and are to be given such weight as may be just and right in each case.

Mr. FESS. Mr. Speaker, I voted for this rule, and I am going to vote for the resolution; but I have heard from those about me the suggestions that those who were in favor of the resolution are in favor of Government ownership of railroads. I want to make myself understood on that point. I have taken occasion at another time in this Congress to point out the trend toward paternalism in the administration now in power with such criticism as I could make. I think it is serious. I am not in favor of Government ownership. I have many reasons why I think I should be opposed to it, and I believe that knowledge and information is the surest way to prove that the Government can not afford to go into a project of Government ownership. [Applause.]

I think that when we act without information we are acting with a good deal of prejudice, and when we act with prejudice we never act sanely or safely. I do not believe that we should undertake to suppress public opinion, but I do think that we ought to direct public opinion, and we can not direct it unless we have information. As an opponent of Government ownership of railroads I am going to vote for the plan to secure the information that I think will enable our people to see why we ought not to have Government ownership, but to keep it under private control, with Government regulations.

Mr. BARNHART. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. BARNHART. I want to ask the gentleman when he makes his speech on the trend toward paternalism if he will

not be fair enough to go back two or three previous administrations to get the foundation there.

Mr. FESS. I think my friend from Indiana is justified in saying that there has been a paternalistic trend before this administration, but I never have seen anything equal to the present administration, and I think my friend is going headlong where he does not want the Government to go. It is simply appalling to me. In the last session the amount of money we have spent in governmental functions that ought to be retained in private enterprise is simply appalling to me, and I do not want to be recorded in voting for this resolution as being in favor of Government ownership, for I will fight it when it comes on the floor.

Mr. DOWELL. Mr. Speaker——

The SPEAKER. The gentleman from Iowa is recognized for two minutes, which is all that remains on that side.

Mr. DOWELL. Mr. Speaker, I shall vote for this resolution. I favor the most thorough investigation of this subject matter. I propounded the question to the gentleman from New York [Mr. PLATT] with reference to the manner in which the rates are now fixed for transportation. This inquiry was fully answered by the gentleman from Wisconsin presenting his authority that in fixing the freight rates the stock and the valuation of the stock is one of the things considered in fixing the rates.

I voted against the amendment presented by the gentleman from Texas [Mr. BLACK], because I favor the adoption of the original resolution, and a full investigation of the entire subject matter. I think this investigation should be made for the purpose of presenting all of these facts before Congress in order that we may know what legislation is necessary.

Mr. PLATT rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. PLATT. I rise to oppose the resolution.

The SPEAKER. The gentleman has made one speech, and the rule is that he can make but one.

Mr. PLATT. But the gentleman from Wisconsin has made two.

The SPEAKER. That was an oversight on the part of the Speaker. [Laughter.]

[Mr. WINGO addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman has expired; all time has expired.

The joint resolution was ordered to be read the third time, was read the third time.

The SEAKER. The question is, Shall the joint resolution pass?

The question was taken and the Speaker announced the ayes seemed to have it.

Mr. WINGO. A division, Mr. Speaker.

Mr. DOWELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Iowa demands the yeas and nays. [After counting.] Twenty-five gentlemen have arisen; not a sufficient number and the resolution is passed.

Mr. WINGO. No; Mr. Speaker, the House was in the act of dividing.

The SPEAKER. The Chair did not understand the gentleman.

Mr. WINGO. The House was in the act of dividing when the demand was made. We are entitled to a division, because that was never had.

The House divided; and there were—ayes 146, noes 61.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum and the Chair will count. [After counting.] Two hundred and fifty-eight Members are present; a quorum.

So the joint resolution was passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19410) making appropriation for the services of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, and pending that motion I ask unanimous consent that the general debate on this bill be limited to six hours, three hours of that time to be controlled by the chairman and three hours by the gentleman from Minnesota [Mr. STEENERSON], the ranking minority member of the committee.

Mr. TAGUE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAGUE. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAGUE. Mr. Speaker, I would like to know whether or not all the time of the minority is to be controlled by one member who has filed one minority report as against five other members who have also filed a minority report and whether or not we are entitled to a portion of that time.

The SPEAKER. The Chair will answer the gentleman from Massachusetts that the gentleman from Tennessee [Mr. MOON] asks unanimous consent that the time for general debate be limited to not more than six hours, and that he control one half and the gentleman from Minnesota [Mr. STEENERSON] the other half. He is asking unanimous consent.

Mr. TAGUE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Minnesota [Mr. STEENERSON] whether or not we can arrange for a division of the time, the other minority members having a part of the time.

Mr. STEENERSON. I think I will be fair in allotting time to those who are entitled to it, but I do not want to make an agreement to waive the portion of the time that the chairman proposes on my side of the question. I understand the gentleman from Massachusetts [Mr. TAGUE] is opposed to certain features of the bill, and I will be disposed to yield him time in case I can without curtailing others.

The SPEAKER. What does the gentleman from Massachusetts [Mr. TAGUE] say to that?

Mr. TAGUE. I think, Mr. Speaker, we ought to have some agreement as to time. I think the members of the committee who have filed a minority report, five of them, are entitled to at least a fair portion of the time. Now, Mr. Speaker, there are very many Members in this House, living in cities affected by some of the legislation now on this bill, who have asked for time, and I think, Mr. Speaker, we should be entitled to at least half of the time controlled by the minority. And I will ask, Mr. Speaker, that we be allowed one hour and a half of the three hours to be controlled by the gentleman from Minnesota [Mr. STEENERSON].

Mr. MANN. That is not a fair request.

Mr. STEENERSON. Mr. Speaker, the item to which the gentleman is opposed is only a small part of the bill. It is only one item out of several hundred. The only point in which the gentleman from Massachusetts is interested is one item of appropriation amounting to $400,000 and some odd, which he wants to raise to $800,000, and there are $300,000,000 carried in the bill. Therefore I do not think that that item to which he is opposed ought to take half of the time of the whole bill. I can not agree to that. I have told the gentleman that if I have time to spare that is not spoken for by members of the committee, or those entitled to speak, I will grant it. The gentleman knows I am opposed to the provision. I have made a minority report against the provision of which the gentleman speaks, and he made an additional minority report several days after the minority report was filed. So we are on the same side as to that item. It does not seem to me they ought to control half of the time on this bill because they are interested in one item, on which I am with them.

Mr. MANN. Mr. Speaker, the time upon appropriation bills is usually divided by the center aisle, the Democratic side having half of the time and the Republican side half of the time. I should suppose that the gentleman from Massachusetts [Mr. TAGUE] might be able to get some time from this side of the House, but he ought to get most of his time, I should think, from his own side of the House.

Mr. COX. Mr. Speaker, I make this suggestion, reserving the right to object, that if the gentleman from Tennessee [Mr. MOON] yields to the gentleman from Massachusetts [Mr. TAGUE] 45 minutes and the gentleman from Minnesota [Mr. STEENERSON] likewise yields to him 45 minutes, it would make him an hour and a half——

Mr. MANN. Why should we give the same amount of time from this side to the gentleman from Massachusetts? He is not the only pebble on the beach.

Mr. COX. I quite agree with the gentleman from Illinois that that is true; but, as I understand, the minority on this Committee on the Post Office and Post Roads is with the gentleman from Massachusetts.

Mr. MANN. Then they ought not to try to hold us up. I will never consent in the House by unanimous consent to the Democratic side deliberately holding up the Republican side of the House in reference to debate, inasmuch as we never attempt to do that to the Democratic side.

Mr. MOON. Mr. Speaker, there is no disposition on my part at all to control any of the time. It is utterly immaterial to me. I am entirely willing for the Speaker to control it. I do not care anything about this debate one way or the other. I do not

think there is anything in the contention of the gentleman from Massachusetts [Mr. TAGUE], but if it will do him any good at all, I will give to him and his side one hour that comes to me and any other Republican one-half an hour.

The SPEAKER. The Chair did not understand the gentleman.

Mr. MOON. I said of the time to be allotted to the majority on the bill I am willing to give one hour of it to the Democrats and Republicans that oppose the bill. I know there is nothing in the position these gentlemen have taken, I do not care how much they debate.

The SPEAKER. The Chair did not hear the last part of it.

Mr. MOON. I would give the majority of the House two hours and give the other four hours to the other gentlemen.

The SPEAKER. The Chair will restate the request of the gentleman from Tennessee. His request is that general debate be limited to not exceed six hours; that he control one-half, and will yield to the gentleman from Massachusetts [Mr. TAGUE] and others opposed to the bill one hour of that time, and the gentleman from Minnesota is to control three hours. Is that stated right?

Mr. TAGUE. Mr. Speaker, I have no desire, as the gentleman on the other side says, to hold up the business of the House, but I contend I have no right, Mr. Speaker, to go to the majority party or the majority of the committee and ask for time on a bill that I am opposing. My time must come out of the side at least——

Mr. MANN. The gentleman is mistaken about the practice of the House. For 20 years it has been the practice of the House on appropriation bills, as a rule, to divide the time equally between the two political sides of the House, and invariably over here gentlemen who have charge of the bill have recognized those both for and against the proposition, yielding them time.

The SPEAKER. Is there objection?

Mr. TAGUE. Mr. Speaker, I would like to ask the gentleman from Minnesota if he is willing to yield one-half hour of his time to the minority Members who have reported against this bill with me?

The SPEAKER. What does the gentleman from Minnesota say?

Mr. STEENERSON. I do not want to make any agreement in advance, but I will bear it in mind.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, I think the request of the gentleman from Massachusetts is fair. I understand that about four or five members of the committee have joined in a minority report with the gentleman from Massachusetts [Mr. TAGUE] opposed to certain provisions in the bill. And, consequently, they would be entitled to the time from the gentleman on the other side.

Mr. STEENERSON. The gentleman is entirely mistaken. I will say, with his permission, that the minority report on that item was made by myself, and I am in entire harmony with these dissenting Democrats, but I do not want to have them think that because I am their friend they can curtail my privileges in the control of the time allotted to the minority.

Mr. SABATH. Why don't you show your friendship by yielding to them such amount of time as they need?

Mr. STEENERSON. The gentleman from Illinois was not on the floor and the gentleman from Massachusetts [Mr. TAGUE] seems to doubt that I would be fair with them.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I withdraw the request.

The SPEAKER. The question is on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, with Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

OFFICE OF THE POSTMASTER GENERAL.

For gas, electric power and light, and the repair of machinery, United States Post Office Department equipment shops building, $4,500.

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 30 inspectors, at $2,400 each; 20 inspectors, at $2,250 each; 32 inspectors, at $2,100 each (an increase of 2 submitted in lieu of 2 assistant superintendents, Railway Mail Service, at $2,350 each; to be transferred from the office of the Second Assistant): 20 inspectors, at $2,000 each; 30 inspectors, at $1,900 each; 90 inspectors, at $1,800 each; 60 inspectors, at $1,700 each; 60 inspectors, at $1,600 each; and 65 inspectors, at $1,500 each; in all, $783,700.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The chairman of the committee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. COX. Mr. Chairman, the gentleman from Tennessee has not asked for recognition.

Mr. MOON. No; I did not ask for recognition.

Mr. TAGUE rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. TAGUE. Mr. Chairman, I would like to ask the Chairman how much time I have?

The CHAIRMAN. The gentleman has one hour under the rules of the House.

Mr. TAGUE. Mr. Chairman, I yield to the gentleman from New York [Mr. CONRY] 30 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. MOON. Mr. Chairman, has the gentleman the disposition of that hour?

The CHAIRMAN. He has. Under the general rules of the House, when a Member is recognized, he is entitled to one hour, and under the rules of the House under general debate he has the right to use it or yield it as he sees fit.

Mr. MOON. All right.

The CHAIRMAN. The gentleman from New York [Mr. CONRY] is recognized for 30 minutes.

Mr. CONRY. Mr. Chairman, the report issued by the Postmaster General, under date of December 9, 1916, sets forth that the pneumatic-tube service in New York City is to be curtailed by the discontinuance of that service between the general post office in Brooklyn and the postal station located at the railroad terminal of the Long Island division of the Pennsylvania Railroad at Atlantic Avenue and Fourth Avenue, a distance of 1.35 miles. That report also contains a recommendation that the pneumatic-tube service from all stations in Manhattan located south of Forty-fifth Street and Lexington Avenue, on the east side of the town, and at Thirty-ninth Street near Eighth Avenue, on the west side of the town, shall be accorded this service, while stations both east and west to the north of these points will be accorded this service only on condition that the contractor is willing to operate this section of the system at a greatly reduced rental to the Government.

This report also states that no contracts will be entered into by the Postmaster General unless they contain a clause giving him the right to discontinue any and all service upon six months' notice. He undoubtedly expected that his recommendations would excite powerful protests from the business interests of Greater New York when he expressed the view that an insidious lobby might become active, enlisting as "its spokesmen well-meaning but ill-informed citizens, who, believing that they are acting in the interests of better postal service, will bring directly or indirectly every influence possible to perpetuate this incubus."

As a Representative from the city of New York, it seems very strange to me that the Postmaster General should attempt by a remark of this kind to stifle the expression of public opinion whether in indorsement of his views or in refutation of the contention which he embodies in his recommendation.

Citizens of New York City, business men of the largest and most progressive city in the world, have emphatically expressed their resentment of these recommendations in a manner which is both forceful and effective. Their activity proves conclusively that they are not misinformed upon this subject; that they know what they want, and how they shall go about the accomplishment of their purpose; that they are fully alive to, and have an intelligent conception of, the importance of the postal

service in New York, and this is evidenced by the fact that upon two days' notice representative business men from nearly every commercial organization in the city appeared before the Committee on the Post Office and Post Roads in protest against the proposed curtailment of the postal facilities of their city. And since the day of that hearing, December 14 last, these business men, awake to the dangers confronting them, have through the medium of their business organizations analyzed the postal conditions of the city and found good reason for indorsing their postmaster in his urgent recommendation that there be no discontinuance of the pneumatic-tube service at any point, but, on the contrary, that the service should be extended to include other sections of the rapidly growing and industrial community.

These business men realize that the congested condition in the traffic of New York City renders surface transportation almost impossible at the present time, even though $400,000,000 have been expended by the city of New York in the construction of subways for the transportation of the people in all the boroughs except that of Richmond, located in the lower harbor of New York.

And I would like to state, in this connection, that of the business men who have taken an interest in this proposition over 95 per cent are automobile owners and operators, and they have learned by their experience in the working of these machines the great difficulties which the congested streets of New York, from the Battery to One hundred and sixty-third Street, force upon any surface method of transportation; and as a result of this experience, and with a knowledge of the transportation facilities that obtain in our city, both above and beneath the ground, these men realize that the pneumatic-tube service must not be curtailed. They realize further that there is no comparison between the working of the pneumatic tube in the transportation of the mails and the proposed system of transportation of first-class mail matter on the surface of the street by vehicular agencies. They understand, as a result of an experience of almost 20 years, that because of the presence of the pneumatic-tube service within the postal districts of New York and Brooklyn that their mails from the country merchants and the country banker are expedited from the terminals to their respective offices. And when we take into consideration that 383 trains containing mail matter arrive at the numerous railway terminals serving the city of New York daily we can readily understand the great difficulties and the manifold delays which will tend to encumber and to interfere with the dispatch of the ordinary business of the city in case the pneumatic service is curtailed. It is not surprising, then, that they should protest against the proposed policy of curtailment recommended by the postal authorities, and their protest is as much in the interests of the country merchant and the country banker, with whom they are in constant communication through the agencies of the Postal Service, as in the interests of the city merchant and the city banker. Their protest is supported by official authority, by the contention of no less distinguished authority than Hon. Charles Emory Smith, who, as Postmaster General of the United States in discussing the merits of the pneumatic-tube service in 1901, said:

> In the great cities pneumatic-tube service is too important and vital an agency of postal expedition to be abandoned. It is an instrumentality which, within reasonable limitations, has come to stay as a part of the modern system of communication. It can no more be discarded than the fast mail trains. To strain every nerve to save a half hour or one hour on the railroad and then to waste a half hour which might easily be saved at the point of departure or destination would be incongruous and unwise. The fast mail train is employed only where the conditions justify it. I say that the pneumatic-tube service is to be used only where in sound reason the importance and value of the return warrant it.

And the business men of New York, in their wise judgment and experience, believe that any improved method for the handling of mail matter is justifiable, is warrantable, and in the end pays for itself by increasing the earnings of the Post Office Department. These business men in dealing with increased demands of business necessitating rapid intercommunication know that in the mail issued from their respective places of business for delivery within the city pneumatic mail-tube service affords them a speedy and thoroughly efficient means of transportation, which insures replies to their communications within three or, at the outside, four hours of their initial mailing.

Mr. MOON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CONRY. I do.

Mr. MOON. Does the gentleman know what proportion of the whole mail is carried through the pneumatic-tube service?

Mr. CONRY. I could not say what proportion.

Mr. MOON. Does the gentleman know what class is carried?

Mr. CONRY. First class.

Mr. MOON. Yes. What proportion of the first class goes through the tubes?

Mr. CONRY. I can not say the exact proportion.

Mr. MOON. Is it not a fact that it is about 12 per cent?

Mr. CONRY. I could not say the exact amount. I am perfectly candid with the gentleman. I am simply discussing the salient features of this proposition. If I had more time I would go into it more fully.

Mr. MOON. Does the gentleman know how much it costs per mile to carry the mail?

Mr. CONRY. No; but I do know that the Post Office Department, through the transportation of the first-class mail, says there is an earning of many million a year, an earning of $20,000 a day, and that income produced by the transportation of first-class mail is, in the estimation of business men, sufficient to justify the perpetuation of this system.

Mr. MOON. Well, the gentleman is not informed on the question I asked him about. Is it $17,000 a mile?

Mr. CONRY. Yes.

Mr. MOON. Now, in New York the mail can be carried a little quicker through the pneumatic tubes than it can be carried by automobile, owing to the congested state of the streets, can it not?

Mr. CONRY. A little quicker, yes; a great deal.

Mr. MOON. Therefore the committee has not reported against the continuation of the tube in New York.

Mr. CONRY. But the Postmaster General has recommended in his report a curtailment of an integral part of that service.

Mr. MOON. Yes.

Mr. CONRY. The abolition of which would interfere with the efficacy of the entire service. And if the gentleman will permit me to proceed, I will discuss the financial phases of the situation.

Mr. MOON. There is nothing in the bill to do that. I will ask the gentleman this much: Is there any other appropriation in the bill that would be applicable to New York City?

Mr. CONRY. There is a specific impairment recommended by the Postmaster General, against which I am protesting in my speech, and against which the business community in New York City is very forcibly protesting. According to the records of the Post Office Department about 1,000,000 first-class letters are mailed within the postal district of New York for delivery within that district daily. This enormous dispatch of first-class mail produces a revenue of $20,000 per day, and from that revenue it is only fair and reasonable that an expeditious service should be maintained to serve and advance the business of such a progressive community. Commenting upon the cost of this service, the Postmaster General of the United States, in a communication addressed to the Speaker of this House, dated February 4, 1901, said:

> While the cost is great—

The rate in New York City at that time was $48,000 per mile per annum for the service then in operation—

> the demonstratable advantage is proportionately greater. Besides, there are good reasons for believing that its maintenance and moderate extension in the large cities will stimulate an increased business and will pay for its cost.

Business men who control the manufacturing establishments of the country and who have adopted every modern device for the promotion of increased efficiency, and looking to the increased output of production would not, in my opinion, deem it wise or profitable to return to the service or method of production based upon principles of industry that obtained 20 years ago. Such would not be good business policy and would not be consistent with good business judgment. Neither would it pay nor lead to the development of improved marketable conditions. It therefore does not seem good business judgment in the view of the business men of New York City to discontinue the pneumatic-tube service, which is rendered so necessary by existing business conditions, and to return to the surface method for the transportation of mail matter.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. CONRY. Yes; I will.

Mr. GALLAGHER. What do you say as to the statement of the postmaster at Chicago, who says that these pneumatic tubes are "no good"?

Mr. CONRY. Well, I would not like to characterize a statement of that character coming from a gentleman occupying such a distinguished position.

Mr. GALLAGHER. That was the statement made before the committee.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. CONRY. Yes.

Mr. DYER. I would like to say that the postmaster at St. Louis, where we have these pneumatic tubes, has written a

letter in which he says that they are very valuable and that there will be nothing found that can take their place and give the service that we now have.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. CONRY. Yes.

Mr. HULBERT. Did not the postmaster at New York, who has been in the service of the United States Post Office Department for about 45 years, unqualifiedly indorse the pneumatic-tube service in New York and emphasize its necessity?

Mr. CONRY. Yes. It would be like discontinuing the fast trains and return to the method of transportation in vogue when the prairie was an undiscovered field and the oxen and prairie schooner were the commodious, though inconvenient, method of passing from one outpost of civilization to another. The pneumatic-tube service in its entirety in New York City is just as essential to the success of the business men of New York City and the Post Office Department of the United States as are the fast-moving trains connecting the Metropolis with the seaports on the Pacific coast.

The Postmaster General says that this service is expensive. Is it? Has he stopped to analyze its cost? Has he considered for a moment the method by which he is comparing the pneumatic-tube service with the automobile service. He says that it is purely a matter of expense, whereas the business people of New York say that it is a matter of service, not expense. To assume that his premise is correct, what does this pneumatic-tube service cost? Let us see. When the service was first installed in the city of New York, connecting the Produce Exchange with the general post office, and the general post office with stations D, Madison Square, F, and H (now called the Grand Central Terminal), 4.2 miles, the Post Office Department paid the contractors $158,000 per annum, or at the rate of $38,000 per mile per annum. The service then was worth every penny paid for it. The streets of New York, even then as now, were very congested, and the sections of the city served by the pneumatic tube were densely populated and so heavily encumbered with factories and other productive enterprises that the revenue of the Post Office Department from that district alone was increased within the period of four years approximately 40 per cent.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. CONRY. Yes.

Mr. MOON. What time was the gentleman speaking of?

Mr. CONRY. The time of the establishment of the system—in 1897.

Mr. MOON. That was the one that was abolished afterwards?

Mr. CONRY. Yes.

Mr. MOON. You recollect the history of the fraud that abolished that?

Mr. CONRY. No; I have no recollection of it, but I do recollect the history of the frauds connected with the operation of the automobile system, and the condition of transportation that occurred in the city of New York three years ago, in consequence of which certain gentlemen connected with those frauds were imprisoned, and certain people connected with the frauds were fined, I believe, $50,000.

Mr. MOON. That was a very proper thing to do. May I ask the gentleman if he recollects that other transaction?

Mr. CONRY. No; I do not recollect that.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. CONRY. Yes.

Mr. HULBERT. Has the gentleman information of what fines were imposed on the pneumatic-tube people by reason of the thefts that were committed in that service?

Mr. CONRY. No; I have not. I am not discussing that situation. I am simply discussing the economic efficiency of this instrumentality for the transmission of the mails.

On April 21, 1902, Congress enacted a law covering the issuance of contracts for service of this character and provided that—

> No contract shall be made in any city providing for 3 miles or more of double line of tubes which shall involve an expenditure in cost of $17,000 per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

This price was not imposed upon the Government by the contractor, but upon the contractor by the Government, and under the terms of the act of 1902 the contractor has increased the service by direction of the Postmaster General from 4.2 to approximately 27 miles in New York City, and now he is told that the system constructed by direction of the Post Office Department must be cut in two, and that he must take less money for one half than he can secure from the Post Office Department for the other half.

This is a stern condition. Taking the most charitable view of such a burden imposed by the Government, to say the least, it lacks the elements of equity and possesses for the contractor a stern necessity which he is compelled to assume or deliberately abandon his business. The existing rate of pay under the contract is $17,000 per mile per annum, $45.48 per mile per day, or $2.32 per mile per hour; and, as it is possible to transmit or dispatch a carrier on 10 seconds' headway in both directions, because the line is of double construction in New York City, the Post Office Department may secure 720 carrier dispatches per hour, and the rate per carrier dispatch is about three-tenths of a cent per hour. That does not seem extravagantly expensive in comparison with the cost of automobile service. Its availability, its continuity of service, the fact that it is accessible for use every moment of every period of the day, takes it out of the realm of comparison with the surface transportation scheme and proves conclusively that the automobile is scarcely its competitor. Under the present contract for mail transportation by means of motor vehicles in the city of New York the Post Office Department is paying approximately 60 cents per mile. Now, the automobile operating on a schedule of 30 minutes' headway is only available twice in an hour. Two automobiles are there required, we will say, for a mile circuit. That means four automobiles per hour, or $2.40 per hour for a vehicular service only available four times every 60 minutes, when the conditions of street congestion do not interrupt its adherence to schedule.

And the Post Office Department contends that automobile service will meet the requirements of the New York postal district in the rapid handling of mail; would have us to believe and to be credulous enough to consider that they can do with automobiles what we know it has been able to do through the instrumentality of the present pneumatic-tube service.

The Postmaster General in his report states that the interruptions to pneumatic-tube service are frequent. He, however, has not told us in his report, nor does it appear in the report of the departmental commission appointed by him, how much money has been exacted as fines from the contractor for the pneumatic-tube service during the past two years. I have been informed by reliable authority that in the two or three years last past, the pneumatic-tube contractor has been fined approximately $100 for failure in service, and these failures cover a wide range, viz, delays, interruptions, soiling of mail matter, and delinquencies on the part of the employees of the contractor. The department, which bears the burden and which under the law has the right to exact fines from any earnings accruing to the contractor, has only imposed fines upon him in the sum of approximately $50 per year. Under the terms of the contract the contractor earns about $500,000 per year, and is fined only $50 out of that possible earning capacity. Under this showing there can not be any substantial weight given to the contention that this service has inflicted injury upon the Government by reason of interruptions of service, but, on the contrary, it was stated by the postmaster at New York, who appeared before the committee, that "the number of train connections missed and consequent delay to the mails during December, 1915, January, February, and March, 1916, due to irregularities in mail-wagon—auto—service occasioned by snowstorms and resultant congested and slippery streets was 209," or an average of more than 50 trains missed per month, notwithstanding the fact that the mails closed 30 minutes earlier in order to allow that additional leeway.

During the nearly two decades of the existence of the tube service in New York City the postal business of the city has increased from $8,154,000 to $33,518,250. This growth and development has been largely due to the improvement of the system which it is now proposed to curtail. The postal business of New York City to-day nets a surplus revenue of $20,000,000 to the Post Office Department, which should justify a policy based upon sound business principles of extension rather than curtailment of such an efficient system.

Business expediency alone, if no other consideration were involved, should dictate the advisability of continuing pneumatic mail tube contracts as they apply to Greater New York, on a scope of service no less restricted than is found in existing facilities, and on such terms as may insure to this highly concentrated postal district the best available instrumentalities for the reduction of congestion, maintaining speed of transmission, and continuing the capacity of the New York post office to render satisfactory service to the business interests of the community.

The congestion of New York to-day has reached the utmost limit of the capacity of its thoroughfares for business transportation. Vehicular traffic in motor cars alone has increased from 102,000 in the year of 1915 to 140,000 in the year of 1916,

an increase of 38,000 in one year. This enormous increase has exacted an appalling toll of one human life every 14 hours, and the maiming and injury of one unfortunate every 23 minutes of the 24 hours of every day in the year. This condition is startling in its significance.

We have to-day the most efficient traffic squad and the most perfect traffic regulations of any city in the world, and yet in spite of improved methods of traffic regulation, as population and business increases, the streets of New York are becoming more and more steadily congested. In view of the difficulty in enforcing traffic regulation as to motor trucks carrying United States mails, which has been testified to by the chief of the traffic squad at the hearing before the committee, it would be most unfortunate if a considerable number of mail trucks not now required for the postal service of New York, because of existing tubes, were added to the large number that already encumber our streets. Every consideration of business expediency, every wise precaution for human safety, every element of wisdom involved in the establishment of a sound business policy, demands that the present pneumatic-tube system of the city of Greater New York be continued and perpetuated in its present condition of proved efficiency. [Applause.]

Mr. TAGUE. Mr. Chairman, the full Committee on the Post Office and Post Roads held open sessions on December 11, 12, 13, and 14, at which a full opportunity was offered to all who desired to be heard in reference to the pneumatic-tube mail service. At those hearings a number of gentlemen representing various business organizations in the several cities where the pneumatic tubes are now in use appeared and made statements, as did officers of the tube companies, and the First Assistant Postmaster General, who was a member of the commission upon whose report the recommendation of the Postmaster General was based.

The two questions upon which the committee desired and sought information were:

First. Do the tubes materially expedite the delivery of the mails? and

Second. Does the better service of the tubes justify its larger cost?

That the tubes do expedite the mail we do not consider any longer an open question. In the beginning many intelligent men doubted the feasibility of those tubes, and to determine that question the act of June 2, 1900, directed the appointment of a commission. In a report to Congress made under date of January 4, 1901, the Postmaster General said:

The reports of these several local and general committees are herewith submitted to Congress, and they are commended to consideration as embracing a large volume of valuable information for the guidance of the legislative branch of the Government in acting on this subject. Attention is specially directed to the report of the second and final general committee, which was selected with great care with a view of securing an efficient representation of the best business, mechanical, and professional knowledge and experience. The chairman, Mr. Theodore C. Search, has for many years been president of the National Association of Manufacturers of the United States. Prof. Robert H. Thurston is director of Sibley College, Cornell University, first assistant engineer, United States Navy, and formerly professor of mechanical engineering of Stevens Institute of Technology. Mr. S. Cristy Mead is assistant secretary of the Merchants' Association of New York, and especially recommended by that body. Mr. Alfred Brooks Fry is chief engineer and superintendent of repairs of United States public buildings, and Messrs. William T. Manning, Frederick A. Halsey, and Lyman E. Cooley are widely known as eminent consulting and mechanical engineers.

The report of this committee presents an intelligent and comprehensive answer to the inquiries embodied in the provision of Congress for the investigation. It reviews the exhibits and conclusions of the joint local committees and the first general committee representing the department, and subjects their recommendations to the best tests of reasonable conditions and requirements which experience and practical wisdom can apply. It considers the feasibility and utility of the pneumatic-tube service as a permanent feature of the Postal System, the conditions which should govern its maintenance and extension, the proper relation of cost to postal receipts, the ratio of expenditure which would be disproportionate to the benefits, the principles which should govern rental from private companies, the advantages of Government ownership and the conditions under which it would be admissible and expedient.

RECOMMENDATIONS OF THE COMMISSION OF 1900.

(1) This committee finds the pneumatic method of mail transportation a novel, a valuable, and a mechanically successful system, ingeniously elaborated, and practically adapted in an admirable manner to the purposes of the Post Office Department.

(2) The committee finds the system of immense advantage to the business interests of the country in its facilitation of mail transmission, both locally and generally, throughout the United States.

(3) The cost of this advance in postal methods is found to be necessarily large, but yet to be productive of more than proportional advantage in the large cities.

(4) The Government, through its responsible officials, should be the final judge of the extent of ultimate adoption.

(5) The committee advises the retention of all existing plants, and would recommend extensions in a limited number of cases, as specified in the body of this report.

(6) The cost of the pneumatic service is believed to be capable of some reduction, and of very considerable reduction with the further progress of improvement.

(7) It is recommended that the contracts hereafter made should be based upon proposals including exact specifications in detail with all required maps and plans, and capable of precise verification by the expert advisers of the Government.

(8) Ownership by the Government is considered desirable whenever the systems adopted have passed the experimental stage.

(9) A correct system of estimation of a proper rental is advised, and an illustration of such a method is given.

(10) Leasing is admissible under special conditions, described in a general way in the body of this report.

(11) Systems adopted should be as far as practicable standardized, and in operation interchangeability of mail packages therein should be secured.

(12) The system of rental on the basis of a stated percentage of construction cost is condemned.

(13) The Post Office Department should be given precedence in assignment of space in the United States public building where post offices are located, when such space is needed for essential machinery and apparatus and their accessories.

(14) Certain general principles, as specified in this report, should be adopted and adhered to in the decision of questions bearing upon the introduction of such improvements as are here discussed, and in extension and further improvements.

A second commission was appointed in 1905, and its recommendations to the Postmaster General were as follows:

It is not to be expected that a tube in any city can be employed at its full capacity the entire contract time. If the amount of mail to be handled occupied as much as 10 per cent of the capacity of the tube during the dull hours of the day, say, up to 3 p. m., the tube could not, under general conditions, handle all the mail during the "rush" hours of the business day. It is believed that when the amount of first-class mail to be handled would require more than one-half of an hour to transmit at full capacity of tube, being more than 81,000 letters to be transmitted, the transmission of such an amount, together with special-delivery letters, registered mail, and second, third, and fourth class matter, would employ the tube a reasonable per cent of the time. Where there is any such quantity of mail to be transmitted and the frequency of deliveries and collections, the number of trains, and the saving of time in transit by tube, each dispatch indicates advance to such a considerable quantity of mail, the expenditure on account of tube service is thought to be justifiable and advisable. At that rate the cost for each piece transmitted would be less than seven-tenths of a mill a mile.

In the cities of the largest class the pneumatic-tube service can not be considered as an overexpensive service in the light of its capacity to carry a large quantity of mail and the saving of time in transit and general advance in delivery of incoming and outgoing mails. Its advantages are not confined to the people of the cities wherein it is installed in the way of advanced delivery of their mail, but are shared by the people of the whole country in the earlier receipt of mail from the great business centers of the country. A system that advances mail by an earlier train than it could otherwise be dispatched by secures to addressees the benefit of its receipt several hours or, in some cases, days earlier than by other methods. The business of the whole country is interested in and benefited by the speedy, safe, and uninterrupted transportation of mail in the great business centers of the country. Pneumatic-tube service in the largest cities can not be considered a local service, since its benefits are directly or indirectly shared by the whole country.

J. M. MASTEN.
J. H. CREW.
F. W. VAILLE.

WASHINGTON, D. C., *October 4, 1905.*

A third commission was authorized by the act of May 27, 1908, and its report to the Postmaster General, which was transmitted by him to Congress, under date of December 15, 1908, with his approval, announced the following conclusions:

(1) The pneumatic-tube service is a very important auxiliary for the rapid transportation of first-class mail in the most important cities, and performs a function not at present obtainable by other means.

(2) Its constant availability makes it particularly appropriate for special-delivery mail; for all first-class mail of local origin for local delivery; for supplementary closings of first-class mail for dispatch by train; and for advance dispatches of first-class mail from trains for city delivery.

(3) When established, it should also be employed, as far as possible and economically, for the transportation of other mail.

(4) Registered mail should be sent by tube whenever security and celerity can be combined in practice.

(5) Mechanically the tube service appears to be still in an experimental condition, although considerable progress has been made toward the development of a fixed standard of machinery.

(6) With the above reservation, the regularity and efficiency of the tube service is commendable.

(7) As the present contracts call for the installation of 64⅓ miles of tube lines and as only 42½ miles are at present in operation, the tube companies should be required to complete their contracts without undue delay, in order that the effect of full and complete systems toward increasing the special-delivery and other first-class mail may be ascertained by the department from actual experience.

(8) The present contracts under which the tube companies are performing mail service will not expire until June 30, 1916—almost eight years hence. During that period there should be ample opportunity for the companies to perfect the systems and for the Post Office Department to observe the effect upon the Postal Service. Further, during that period it is possible that other methods of transportation will be developed or improved so as to change entirely the outlook as it now appears. Five or six years hence, we believe, it will be advisable to renew the consideration of the question of Government ownership.

(9) In view of the foregoing we consider it appropriate to advise you that, in our opinion, it is not feasible and desirable at the present time for the Government to purchase, to install, or to operate the pneumatic tubes, and this is our unanimous judgment.

The committee of 1900 described the pneumatic-tube service as an expensive service, and it appears to be so unless one bears in mind the great frequency of tube-carrier trips, which are made 4 per minute, or 240 per hour (as a minimum). Remembering that the service costs $17,000 per mile per annum, or $8,500 one way, the rate per day per mile is about $25. We must bear in mind, however, that the hours of service are in most cases 20 hours per day thus providing 4,800 carriers' trips through the tube. This represents a cost of only one-half cent per carrier per mile, or one-half cent in transmitting about 450 letters 1 mile. Even on sections of the tube where the service is used for only a small percentage of its capacity, as between stations J and C in Philadelphia, the cost is nevertheless slight. For example, on this section, where only 392 carriers are dispatched both ways daily, with an average of 200 pieces for each carrier, the cost would be 12 cents per carrier mile, or a charge of only about one-half a mill per letter per mile. The constant availability of the tube service for dispatches of mail at any time is a very valuable factor toward maintaining an even circulation of mail and as assisting toward the even employment of the working force. This desirable advantage could hardly be secured by any other method.

The extreme expectations in regard to the capacity of tube service for transmitting first-class mail have not been realized. In this respect the operating companies have also learned by experience that safety of operation requires a greater headway or interval between successive carriers through the tube than was at first thought necessary. In 1897 the interval between carriers was assumed to be 6 seconds, whereas to-day it varies from 13 to 15 seconds. It is said by the American Pneumatic Service Co. that by improved methods a system could be built by which carriers could be dispatched on a headway of from four and one-half to seven seconds, or approximately twice as fast as the present service. To do this, however, would require a different type of terminal apparatus, larger power plants, and considerable more labor. In early calculations the capacity of the tube carrier was rated as 600 letters. It is possible to place 600 letters in one of the tube carriers, but in actual practice this committee has deemed it best to fix the maximum at 450 pieces, thus approving the ratio accepted by the departmental committee of 1905 in making pneumatic-tube investigation. As a result of these several modifications our estimate of the tube capacity one way per hour is now 108,000 pieces instead of 360,000 pieces as was predicted in 1897.

PNEUMATIC TUBE COMMISSION.

(Daniel A. Campbell, postmaster, Chicago, Ill.; George H. Roberts, postmaster, Brooklyn, N. Y.; E. C. Mansfield, postmaster, Boston, Mass.; Frank Wyman, postmaster, St. Louis, Mo.; Joseph Stewart, Second Assistant Postmaster General; V. J. Bradley, Superintendent Railway Mail Service; E. M. Norris, assistant superintendent; J. M. Masten, Assistant Superintendent Railway Mail Service.)

It will be observed that the foregoing report declares that "the extreme expectations in regard to the pneumatic-tube service for transmitting first-class mail have not been realized," and states that while it was assumed in 1897 that the interval between carriers would be 6 seconds, it then varied from 13 to 15 seconds. We take it for granted that it was from this report that the commission, whose recommendations we now have under consideration, took its statement that the tube containers can only be dispatched at the rate of one every 15 seconds. That report also states, however, that the tube company then claimed that by certain changes in the type of the terminal apparatus and an enlargement of the power plant the containers could be dispatched very much more rapidly.

The improvements which the tube company then claimed could be made have been made, and the containers can now be dispatched at the rate of more than 7 per minute, as was demonstrated by an actual test made very recently in Boston. In Philadelphia, Pa., on December 27, a committee of business men from different organizations visited the post-office stations on an inspection of the tube service, accompanied by Congressmen J. HAMPTON MOORE, GEORGE W. EDMONDS, and GEORGE P. DARROW and two post-office superintendents. At North Philadelphia station these visitors witnessed the arrival of 10 carriers with mail in 83 seconds, an average of one every 8.3 seconds, or more than 7 per minute, and the carriers contained an average of more than 8 pounds, or over 400 letters each, which means that 61 pounds of mail per minute, or 183,000 letters per hour, were carried by the tubes.

These several reports so completely established the value of these tubes as a method of expediting the mail that Congress then took up the question of their purchase and operation by the Government. The act of August 24, 1912, provided for the appointment of a "commission consisting of two members of the Committee on Post Offices and Post Roads, United States Senate, and two members of the Committee on the Post Office and Post Roads, House of Representatives, to be appointed by the chairmen of the respective committees, and the Second Assistant Postmaster General." That commission was "authorized to investigate the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities in which such service is now installed, together with rights to operate and extend equipment in such cities and elsewhere, and to ascertain the cost at which such purchase may be made."

After a patient and thorough investigation the chairman of that committee, Senator HOKE SMITH, of Georgia, and the Second Assistant Postmaster General, Hon. Joseph Stewart, made a report to Congress, in which they stated the following conclusions:

In view of the testimony and reports submitted and set forth in the hearings before the joint commission to investigate the pneumatic-tube postal system and the foregoing recited facts we reach the following conclusions:

The pneumatic-tube service for the transmission of mails in the cities in which such service is now installed is a valuable adjunct to the mail transportation service for handling first class, registered, and special-delivery mails not furnished by other means of transportation, and is justified by the advantages of availability, expedition, security, and reliability.

The Postal Service and the patrons of the mails have become adjusted to this mail facility through use during the contract periods, and its considerable withdrawal or discontinuance would be regarded as an inadvisable curtailment of facilities. The present contracts expire June 30, 1916.

The tubes as now used have been for the most part laid under contracts with the Government solely for postal purposes, and if the mail service by them were discontinued there is little use to which they could be put for commercial purposes, and that only by extensive changes of terminals and relocation of supplemental lines and the terminal machinery.

Under Government ownership and operation of the tubes and equipment important advantages would accrue. The necessity for financing an enterprise attended with a certain amount of risk with the consequent cost for the hazard—ultimately paid by the Government in the contract price of service—would be obviated. Difficulties in obtaining franchises would not exist. Extensions of lines where justified would be possible at reduced cost and depending only upon the judgment of the officers of the Post Office Department and the action of Congress. The location of postal stations and the maintenance or construction of tube lines to supply them would be coordinated, thus resulting in fewer changes in line locations and abandonment of constructed lines and consequent loss. The Government would maintain and operate the tubes at a annual cost much less than it is paying under contracts for the service because it would be relieved of interest at commercial rates on bonded debts, insurance charges, taxes, dividends on stock or return on investment, and certain other expenses, such as salaries, rent, light, heat, and legal services, now obligations upon the contracting companies. The contract cost of the service for the fiscal year 1912 was $929,460.30. It is estimated that under Government ownership and operation the cost would be approximately $462,596.02 per annum, a saving of $466,864.28 per annum, which would repay the first cost in 10.87 years if purchase be made at the estimated minimum value of $5,078,560.21. If 2½ per cent be allowed upon such purchase value the first cost would be repaid in about 12.95 years.

HOKE SMITH (*Chairman*).
JOSEPH STEWART.

The Hon. FREDERICK L. BLACKMON, of the House, filed what has been denominated a minority report, though he does not assert anywhere in it that the tubes do not expedite the mail. He opposes the Government's purchase and operation of the tubes, and indicates his opinion that $17,000 is an excessive annual rental for their use. Inasmuch, however, as Mr. BLACKMON'S report is brief, we reproduce it in order that each Member of the House may interpret it for himself. It is as follows:

Mr. BLACKMON, of Alabama, one of the members of the Pneumatic Tube Commission appointed under the authority conferred on the chairman of the Committee on Post Office and Post Roads of the House of Representatives, approved August 24, 1912, submits the following as his conclusions as derived from the testimony, hearing, and investigations of the pneumatic-tube system which is now being leased by the Federal Government and operated in the cities of New York, Philadelphia, Boston, Chicago, and St. Louis:

I agree that the testimony taken and the figures submitted by the engineers and auditors employed by the commission are correctly reported in the report, but I can not agree to recommend to Congress a purchase of these tubes. My reasons are these:

First. I do not believe that the Government can operate a pneumatic-tube system as cheaply as can private individuals.

Secondly. I am not convinced that there exists a necessity for the operation of fifty-odd miles of 8-inch pneumatic tubes.

Third. If the necessity exists for the use of pneumatic tubes, the present tubes have not the capacity to keep pace with the increase in mail matter that is bound to come from a perfection of our parcel-post system.

Fourth. A careful examination of all the testimony and facts submitted leads me to believe that the Government can take care of this class of mail by contract, using screen wagons and automobiles, more cheaply than it can be handled by any system of pneumatic tubes.

I am not prepared to say that the $17,000 per mile paid for the service now being handled by the use of the pneumatic-tube system is excessive, but I am convinced that there is not sufficient mail handled through these tubes to warrant the Government in paying $17,000 per mile for the service.

In view of the foregoing conclusions reached by me, I can not join in recommending to Congress a purchase of these tubes.

Respectfully submitted.

FRED L. BLACKMON.

Mr. Murdock, of Kansas, the other member of the commission representing the House, filed his views, which, while opposing the governmental purchase of the tubes, admit the value of their service and favors their discontinuance only where their use, as he understands it, is not equal to a fair percentage of their capacity. Mr. Murdock concludes his views as follows:

The actual advantage of the tubes is the acceleration of dispatch of a certain portion of the mails. There can be added to this advantage, warrantably, the fact that the tubes are available at all times and are not subject to the delays from weather conditions which occasionally block surface transportation.

The pneumatic-tube service therefore, in my view, is a defensible auxiliary for the rapid transportation of mails in those areas of mail receipt and dispatch where the volume of mail utilizes a considerable

capacity of the tubes, and it is not defensible as an auxiliary for that purpose in areas of mail where the volume of mail utilizes an inconsiderable capacity of the tubes.

In those areas of heavy mails where it is defensible the tube service is still in an experimental condition and is, in my opinion, only in the earlier stages of capacity development.

CONCLUSIONS.

In view of these facts I have reached the following conclusions:

It is not desirable that the Government purchase and operate the equipment for pneumatic-tube postal service which is now installed in various cities.

It is desirable, as it would be just and economical administration, to refuse to renew all contracts for service where less than 10 per cent of the capacity of the tube is utilized.

VICTOR MURDOCK.

Thus this question stood when, on the 17th day of July, 1915, the Postmaster General, without being specially authorized by any law to do so, except so far as new service was to be passed upon, appointed certain officers and employees of the Post Office Department to investigate and report as to the needs and practicability of the pneumatic-tube service, and so forth.

Ordinarily we would be disposed to receive the report of any commission appointed by a Cabinet officer of this Government as entitled to the greatest weight, but the bias of this particular commission is made so manifest in its report, and was likewise made so manifest by the statements of the First Assistant Postmaster General before the committee, that we can not consider it as other than an intensely partisan presentation of the question. That commission entered upon its work either under instruction or else with a determination in its own mind to report in favor of abolishing the tube service; and we base this opinion upon the fact that immediately following the announcement of its personnel the Philadelphia Inquirer printed a story from its Washington correspondent accurately forecasting the report of the commission. Besides the circumstance to which we have just alluded, the First Assistant Postmaster General, when asked before the committee whether he would have made the same report if he had known that some of his statements of fact were erroneous, refused to make a direct answer to the question, thus impressing upon our minds a belief that, though the facts were not as the commission reported them, its recommendations would nevertheless have been the same.

THE COMMISSION'S REPORT.

That report states 12 "principal limitations and disadvantages of pneumatic tubes for the transportation of mail," of which only the first 2 are controlling; and we respectfully submit that they are both based upon a gross misapprehension of the facts, as will appear from the following statement.

The report of the commission states that the capacity of the containers is limited to 5 pounds of mail and that the containers can only be dispatched through the tubes at the rate of four per minute. Upon this statement as to the capacity and dispatch of the containers the entire report of the commission must stand or fall. In refutation of the statement that the capacity of the containers is limited to 5 pounds of mail the officers of the tube companies produced before the committee one of the containers, which they filled with letters of the usual size and, after filling it, took out the contents and weighed it in the presence of the full committee. That operation demonstrated that the capacity of the containers, so far from being limited to 5 pounds, is 15 pounds. The 15 pounds, however, required a container to be closely packed, and we think it fair to consider the contents at 10 pounds, for it was obvious to every man who witnessed the demonstration that the container would carry 10 pounds without the slightest effort to pack it. That estimate, too, corresponds with the report made by the commission of 1908.

There was, of course, no opportunity to demonstrate in the open session of the committee how frequently the containers could be dispatched through the tube, but I took it upon myself to go to the city of Boston and satisfied myself on that question by a test conducted by the post office there through its superintendent of the mails. In the presence of a large number of newspaper reporters we had the matter thoroughly tested, with the result that six containers were easily dispatched every minute, and the official demonstration made for a committee of Philadelphia business men, to which we have already referred, confirms the claim that more than six containers can be dispatched every minute.

It is therefore absolutely certain that in estimating the capacity of the containers at 5 pounds and the dispatch of the containers at four per minute the postal commission subtracted 66⅔ per cent from the actual capacity of the tubes. The postal commission estimates that four containers, each containing 5 pounds of mail, can be dispatched every minute, which limits the capacity of the tubes to 20 pounds of mail per minute, while the physical demonstration shows that six containers, each carrying 10 pounds of mail, can be sent every minute, thus exhibiting a capacity of 60 pounds of mail to the minute, or three times as much as was estimated by the commission.

Having minimized the capacity of the tubes to the extent of 66⅔ per cent, it is not remarkable that the commission would then report that automobiles could deliver the mail as expeditiously as the tubes. It is, however, remarkable that the report in which a discontinuance of the tubes is advised upon the ground that they do not materially expedite the delivery of the mail should be accompanied by tables which show that on a test instituted by the commission itself the tubes expedited on that one day 4,645,771 pieces of mail. It is little short of an insult to the intelligence of Congress for that commission to tell us that the tubes do not expedite the mail, and then attach to their report containing that statement data which show that the tubes delivered over four and a half million letters more promptly than they could have been delivered by any other service.

The statements of the commission with respect to the congestion, and the consequent impediment to automobile service, were contradicted in every instance by Representatives in Congress from the cities having the tube service. We select the city of St. Louis as the smallest of those where the tubes have been installed; and it is fair to suppose that the commission found the least difficulty in ascertaining the facts in regard to that city. The commission states that there is little or no surface congestion in St. Louis, its exact language being:

There is little or no surface congestion in St. Louis, and an automobile or other conveyance is able to travel rapidly.

Against that statement of the commission, the Representatives in the House from the city of St. Louis oppose their most positive statements to the contrary; and Representative DYER declared to the committee that the travel by vehicle is so tedious on account of the congestion that he often walks from his office to the courthouse, even when his automobile is at hand.

Referring again to that part of the commission's report which covers St. Louis, we call attention to this statement:

The committee, however, believe that no material advantage results from the use of the pneumatic-tube service in St. Louis.

And that statement is made in the face of a letter addressed to the commission by the postmaster at St. Louis, in which he says:

Approximately 75 per cent of the mails now forwarded via pneumatic tubes could probably be handled by screen motor wagons without additional cost to the department and with no delay in dispatch or delivery, but the other 25 per cent, which includes important eastern mails for delivery particularly in the down-town sections, as well as dispatches of similar mail made on close connections after deposit in territory adjacent to the tube service, would be very seriously delayed.

Similar statements and contradictions could be cited until this report would be extended to a tedious length, and we therefore forbear to say more in that respect.

Leaving aside what the officers of the tube companies have said as springing from their personal or financial interest, and leaving aside what the postal commission have said as due to their partisan bias, we think that great importance should be attached to what was said by the intelligent and reputable business men who appeared before the committee, representing practically every business organization in the several cities from which they came. Those gentlemen testified that the business men in their respective cities are absolutely unanimous in their demand for a continuance, and even for an extension, of the tube service. We do not think that business men are entitled to any privileges under this Government not extended to all other citizens, but we do think that when these business men assert that a certain service is of great advantage to them, and they are willing to pay all and even much more than it costs the Government to perform that service, they are fairly entitled to have it. Since the Government renders postal service for pay, it ought to give the very best service for which those who patronize its post offices are willing to pay.

The testimony before the committee and the reports of the Post Office Department all show that while the first-class mail—the kind transported through these tubes—constitutes approximately 25 per cent of the entire mail according to weight, it yields approximately 75 per cent of the entire postal revenues. When we consider that this first-class mail not only pays the entire cost of handling it but contributes a very large sum toward paying the cost of all other classes, it would seem too plain for argument that every facility for its dispatch and delivery ought to be provided by the Government; and the cost of expediting it can not fairly be considered an objection so long as it constitutes approximately one-fourth of our mail matter and produces approximately three-fourths of our postal receipts. It is a great mistake to suppose that the only people who are benefited by the expedition of these mails are those who live in the

cities where the tubes are in use, because the correspondence of those city merchants, bankers, and manufacturers is in large part with the people of the smaller towns and cities, who thus have their own mail expedited.

But even if these business men who have been using these tubes for years, and who must, therefore, fully understand whether they are an advantage or a disadvantage, are all mistaken in what they have said, and even if we conclude, against the judgment of all who have spoken on the question except the last commission, that the tubes do not expedite the mail, we would still insist that the tube service should not be discontinued in the cities where it has been installed so long as the mail it carries pays the entire expense of handling it, including the rental of the tubes. We say this because we know it is utterly indefensible for the Government of the United States to aggravate the present traffic congestion in these cities by adding the new automobiles which would be required to substitute these tubes. It will not answer us to say that the additional automobiles will be but a very small percentage of those now using the streets, because when the streets are once crowded the addition of a single vehicle may be the means of a serious accident, involving the loss of life or limb. You might add 50 vehicles where only 5 were already employed, and though the increase would be 1,000 per cent it might not result in the slightest congestion. On the other hand, to add 50 vehicles where there were already 5,000, would add only 1 per cent, and yet that 1 per cent might grievously aggravate the congestion.

It is not necessary to argue to those who live in cities or to those who visit our great cities that the wisdom of traffic control lies in a constant diminution of surface traffic. This truth is so palpable that the cities of this country are to-day spending millions and hundreds of millions constructing subways, so that they may take persons from the surface and transport them underground. What shall be thought of its wisdom and its justice if in these same cities which are taking people off of the surface and putting them under the ground, the Federal Government takes articles from underground to transport them on the surface?

Mr. GALLAGHER. Is it not a fact that the postmaster at Boston said the pneumatic tubes were no good, generally speaking?

Mr. TAGUE. No; the postmaster at Boston said he was opposed to the tubes as they are at present constituted and arranged. He did say, however, that he would be in favor of the tube system to the city of Cambridge, which is close to the city of Boston.

Mr. STAFFORD. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. STAFFORD. So far as the local conditions between the Boston post office and Cambridge were concerned 25 years ago, when it was my good fortune to be at Cambridge, there was no congestion of traffic between Boston proper and Cambridge. Have conditions so changed that there is a congestion of traffic? I should think there would be no difficulty in having expeditious traffic by automobile service from Boston out Commonwealth Avenue, across the Harvard Bridge, and out Massachusetts Avenue to Cambridge Station proper.

Mr. TAGUE. Mr. Chairman, in the last 25 years the city of Cambridge has enlarged and developed greatly, as have the adjacent towns and cities. They are all part of the general postal system of the city of Boston. In other words, they are all substations of the city of Boston, and the amount of mail going in that direction is far greater than the gentleman would imagine, unless he has seen the conditions in later years.

Mr. STAFFORD. I am addressing my inquiry specifically as to the congested condition of traffic on the thoroughfares leading from the Boston post office to the Cambridge station post office.

Mr. TAGUE. The congestion in the city of Boston from the general post office to the bridge leading to Cambridge is just as great as in any other part of the city. It is impossible to drive an automobile through that part of the city at any greater speed than in any other part of the heart of the city of Boston.

Mr. STAFFORD. Of course as to the other proposition which the gentleman advances, that the increase of mail makes it necessary to continue the pneumatic-tube service, I take issue with him, because it is a fundamental proposition that all the mail matter which goes from the Boston post office to the Cambridge Station post office can not be carried by pneumatic tube. Some of it must be carried by automobile cars. With the increase of mail traffic naturally more mail will have to be sent by automobile cars, and to have the supplementary means of pneumatic-tube service does not relieve the situation, does not expedite the delivery of the mail, except just a fraction of it.

Mr. TAGUE. Mr. Chairman, in answer to the gentleman I will say that I am not advocating any pneumatic-tube service to the city of Cambridge.

Mr. STAFFORD. I thought the gentleman said the postmaster of Boston was in favor of a pneumatic-tube system to Cambridge.

Mr. TAGUE. In a letter sent to the postmaster of Boston by the mayor of the city of Cambridge and by the business men of the city of Cambridge, which letter is in the record, he was asked to put in operation the pneumatic-tube system to the city of Cambridge, and in a letter to the city government of Cambridge he told them he was in favor of a pneumatic tube to the city of Cambridge. I stated that in answer to the question of the gentleman from Wisconsin [Mr. STAFFORD] as to whether the postmaster was opposed to pneumatic tubes.

Mr. STAFFORD. I understand that the present postmaster of Boston is only in favor of pneumatic tubes for long-distance service. It is conceded by anyone who knows anything about it that they are not serviceable for short circuits—a quarter of a mile or a half mile. If they have any advantage at all, it is for dispatching mail for long distances—4, 5, or 10 miles. The advantage of sending these bullets through the pneumatic tube for short distances is no gain at all.

Mr. TAGUE. I do not agree with the gentleman as to that, and I think that before we are through we will prove that that is not the fact.

Mr. MOORE of Pennsylvania. Is not the very merit of the pneumatic-tube service that it passes through short distances where the travel is very congested?

Mr. TAGUE. Yes.

Mr. MOORE of Pennsylvania. Nobody contends that it ought to be established between New York and Chicago, but through such districts where the vehicular traffic is so great as to increase the danger of injury and loss of life.

Mr. TAGUE. Yes.

Mr. GALLAGHER. Is it not a fact that the postmaster of Boston said in a general way that these tubes were no good, but that they might be of advantage between the post office and Cambridge?

Mr. TAGUE. I do not remember any declaration of the postmaster of Boston to that effect.

Mr. GORDON. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. GORDON. Something has been said about the charges of the pneumatic-tube company being extortionate and out of all proportion to the value of the service. Does the gentleman know what it cost to install and operate these tubes?

Mr. TAGUE. I will say to the gentleman that I am not here to argue what it is going to cost or what it cost the companies to install them.

Mr. GORDON. Does not the gentleman want to know something about it before he forces it on the Government?

Mr. TAGUE. If the gentleman will be calm, we will not force anything on him. I do not imagine anyone here is going to force anything on the Government. We are arguing the question and placing it fairly and squarely before the House.

Mr. GORDON. Is it not a fair part of the argument to tell us what the service is worth before we buy it?

Mr. TAGUE. Mr. Chairman, every Congress that has investigated this matter, every commission that has investigated the matter, has reported in favor of the tubes; and the price as set by the commission that has investigated it was $17,000 a mile. That has been continued, and I am not in favor of making any appropriation set by any corporation. Mr. Chairman, I may say further that I do not believe those who own these tubes or operate these tubes are ready or willing to foist anything on the Government at exorbitant rates. On the contrary, they have been willing and have already placed their books at the disposal of the commissions that have been representing the Government. They have placed everything at the disposal of the commission and told them everything that is to be told. They go further than that and say that they are ready now to submit the cost of the tubes and the cost of the operation of the tubes to any commission that is appointed that will treat with them fairly, and they are ready to stand or fall upon the decision of that commission.

Mr. MOON. What right has the gentleman to demand that the Government shall pay for these tubes?

Mr. TAGUE. Mr. Chairman, I am not demanding that the Government pay for the tubes. If it is for the efficiency of the department, if the people who are the Government are to be governed by that expenditure, they have the right, through their representatives, to come to this Congress and ask for any appropriation, no matter how great it is.

Mr. MOON. Yes; you have the right to come and ask for what you want, but when the facts show that the service is not good for the Government, that it can be carried by automobile one-third cheaper, and that the postmaster of Boston says that it is no good, you ought not to ask the Government to buy it.

Mr. IGOE. Is any of this money going for aeroplanes?

Mr. TAGUE. Yes; the automobiles and the aeroplanes have taken the money. Mr. Chairman, I do not agree with the chairman of the committee or the postmaster of Boston as to their opinion of the tubes. I have lived in Boston and am doing business in Boston at the present time. Every business concern, every business organization, and every business man in Boston are protesting against the abolition of these tubes. We made tests just the same as the commission appointed by the Postmaster General, who went about their work determined to do away with the tubes. We made our test fairly in the presence of newspaper men, in the presence of men interested, and the test was made by representatives of the Post Office Department.

Mr. GARNER. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. GARNER. The question I would like to have answered is, Which is the most efficient method of delivering the mail, in the city of Boston say, by pneumatic tube or by automobile?

Mr. TAGUE. Mr. Chairman, there is no question in my mind, from what I have seen in the dispatch of first-class mail, and that is the reason for these tubes—there is no question in my mind but what the pneumatic tubes are far superior to the automobile.

Mr. GARNER. The gentleman from Tennessee [Mr. MOON], the chairman of the committee, made the statement, if I caught it correctly, that these tubes were worthless.

Mr. GREENE of Massachusetts. He said that the postmaster said so.

Mr. MOON. That is the practical effect of what he said. The fact is that there are four or five stoppages in these tubes, on account of the crooked route, and it is claimed that in Boston the automobile can carry the mail more quickly to the depot than can be done through the tubes. A commission of five post-office officials were appointed by the Postmaster General to investigate this question, and they have undertaken to make experiments, and those five gentlemen recommended that the tubes in Boston be discontinued, because it is not to the advantage of the Government to keep them.

Mr. GARNER. I do not live in a city, and have had no experience or observation with respect to the tubes, but I desire to vote for the most efficient system the Post Office Department can conceive to deliver the mails either in the city or in the country.

Mr. TAGUE. If the gentleman will permit me, I want to quote to him what I consider a fair test and a fair answer to his question.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. IGOE. Is the principal controversy over the efficiency of it or the cost of it?

Mr. GALLAGHER. Both.

Mr. TAGUE. It seems to be more the cost than anything else.

Mr. GORDON. Is not that a proper thing to consider?

Mr. TAGUE. No; it is not a proper thing to consider when efficiency is at stake, when the question of delivery is at stake.

Mr. GALLAGHER. Would not the postmaster at Boston ordinarily be considered good authority upon the subject of this matter?

Mr. TAGUE. Mr. Chairman, on Saturday, December 30, upon the permission of the postmaster of Boston, I went to the South Station tube room in my district, and that is the station that is in controversy all through the report of this commission. The postmaster of Boston sent as his representatives to make the test the superintendent of mails, the assistant superintendent of mails, one of his roundsmen, and the superintendent of the South Station. I went to the South Station tube room to find out if the report of this commission was correct. No one in any other station knew that we were there. First of all, I wanted to find out for myself, as a member of this committee, whether the statement that these tubes could only be run at intervals of 15 seconds was true. Under a stop watch, held by the superintendent of mails, the representative of the Post Office Department, these tubes came into the South Station loaded with mail at intervals of less than 10 seconds. At least more than six came in every minute. Then we wanted to find out whether the statement of this commission that the capacity of these tubes was under 5 pounds was correct. We weighed the mail taken from the tubes as it came into the South Station, and with the exception of one tube, which contained a special-delivery letter, in every tube we weighed we found more than 8 pounds of mail, and then we tested the tube as to its capacity and found that the tube would carry 15 pounds. We went further. In the report of this commission they say that it took four minutes and a half for a carrier to go from the South Station to the general office. We took a cylinder and put in that cylinder a letter signed by the superintendent of mails, and that tube was dispatched to the general office with the word to return this tube at once, and the time taken for the round trip of that tube from the South Station to the general post office was 3 minutes and 17 seconds. In the committee I asked the postmaster of my city if he was ready to stand upon the statement that it took four minutes and a half for that tube to go from the South Station to the general office, and he agreed with me that he could walk from the South Station to his own office in that time.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. MANN. Did that involve the opening of the tube at the general office and the closing of it again?

Mr. TAGUE. Mr. Chairman, the tube was sent from the South Station. It was opened, and the letter was read to see what was to be done with the tube. The letter was then put back into the tube in the carrier and the carrier was sealed and the carrier sent back again to the South Station.

Mr. MANN. And all that operation was completed in 3 minutes and 17 seconds?

Mr. TAGUE. Yes.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. MOON. What proportion of all of the mail is letters?

Mr. TAGUE. I should judge from the evidence submitted to the committee it was from 12 to 15 per cent.

Mr. MOON. Say 12 per cent. What proportion of that 12 per cent is carried by the tubes?

Mr. TAGUE. Mr. Chairman, I will state that I can not tell just what the proportion is, but I will insert in the RECORD those figures.

Mr. MOON. Is it not about from 55 to 60 per cent?

Mr. TAGUE. I do not know exactly, but I can find out; but I do know this, that according to the report of this commission in the city of New York the number of pieces of mail carried per day are 1,034,678; in the city of Brooklyn, 9,488; in the city of Boston, 327,364; in Chicago, 319,884; in the city of St. Louis, 339,829; and all of this mail originated and delivered in these cities. None of this mail comes from outside. None of this mail comes on the railroad, but it is mail that is collected in the city and sent to the several stations by tube. This is a very small proportion of the general first-class mail carried daily in the pneumatic tubes. Now, it costs the Government $2,673.77 per day, and they get in return for that from these cities $40,624.94, showing a net profit on the mail collected and delivered in these cities alone, that is handled by pneumatic mail tubes, of $37,950.87. Mr. Chairman, I have taken this from the statistics filed by this commission——

Mr. MOON. Now, let us get down to facts a little bit. I know the gentleman wants to continue that tube very badly, but let us see whether that ought to be done. Now, 12 per cent of the mail that goes to the gentleman's city is letter mail. Sixty per cent of that is carried by the tubes. Now, does not that proof show very clearly in this case, owing to the stoppages of the tubes and the fact that they destroy the mail entirely frequently, that it can be expedited better by automobiles than it can by the other methods? Is not that the report of five disinterested Government officials who under the law have investigated and reported upon that question?

Mr. TAGUE. Why, Mr. Chairman, no.

Mr. MOON. That is the proof in this record.

Mr. TAGUE. I want to say frankly I do not believe the gentlemen who investigated were disinterested. The evidence submitted to the committee by the First Assistant Postmaster General, when we asked him whether or not he would have sent in a different report if he had found these figures were incorrect, was that he would have made the same report, showing to me at least that they went into this thing determined to do away with the pneumatic-tube service.

Mr MEEKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MEEKER. Just a moment to say that when the committee reached St. Louis the business men of St. Louis were given the munificent time of 30 minutes to get ready for it.

Mr. TAGUE. That is better than was accorded in Boston, because they were not given any consideration. Mr. Chairman, again to carry out the question of the gentleman from Texas [Mr. GARNER], the committee reported that it took 17 minutes

and 50 seconds to send mail out to the Uphams Corner post office; the superintendent of mails again made a test, and the mail was sent to Uphams Corner post office, was opened by the clerks there, and returned to the South Station post office in 16 minutes by his own watch. Then, Mr. Chairman, we made a further test. We made a test from the South Station to Essex Street, round trip, and it only took 2 minutes and 28 seconds. Then, upon the request of the superintendent of mails we made a test as against the automobile from the South Station post office to the general post office, and the Post Office Department supplied the machine and they supplied the driver and they supplied his assistant, and he took a sack of mail from the post office at South Station and with all the speed that he could make, running up the stairs of the post office with the bag on his back, it took him six minutes to deliver that bag of mail intact.

Mr. MOON. Why did you not have some of that proof before the committee?

Mr. TAGUE. Just a minute. Then the superintendent of mails took a sack of mail with approximately the same amount of mail, and he took three clerks, and the moment the automobile left the station he started to fill the carriers. He filled 12 carriers with the mail, and from the time the carriers were first opened, without any mail in them, up to the time that they were filled and the carriers delivered and emptied at the general post office, it was 3 minutes and 20 seconds, or 2½ minutes faster than the automobile went. I made that test, Mr. Chairman, to see whether or not it took 44 minutes to send 77 carriers to the general office, and 12 carriers by their own hands were sent in 3 minutes, proving to me that they were not fair in the report to the people of the city. Now, if the rest of that report is written on the same figures and can not be substantiated better than they have substantiated it in Boston—and I have seen the records as they have been sent from the city of Philadelphia——

Mr. MOON. You are talking about some stuff you have gotten up since this report was made.

Mr. TAGUE. Mr. Chairman, it is all right to talk about getting up stuff since reports are made; I am herewith making a reply to such reports after a real test.

Mr. MOON. Is it not a fact that what you are talking about has been written up since this report?

Mr. TAGUE. Mr. Chairman, that is the only way I have of proving my case. I was obliged to make my test, and no one in Boston knew the test was being made.

Mr. MOORE of Pennsylvania. Is it not a fact that the pneumatic-tube report was in your hands at the time?

Mr. TAGUE. That was so. I was a member of the committee and I was handed this report on Wednesday, and I was told that it was not to be submitted to the public until Saturday.

Mr. MOORE of Pennsylvania. What is the date of that report?

Mr. TAGUE. I do not know what the date is. It was made to me on Wednesday, December 6, with the instruction it was not be given to the public until Saturday, December 9.

Mr. MOORE of Pennsylvania. It is on October 13, showing that from October 13 up to the time of the hearing there was no opportunity to make these tests.

Mr. TAGUE. I am sure I knew nothing about the test nor knew nothing about the report, but I was asked in the committee to vote the judgment of the Postmaster General and his assistants whom he had appointed to send this line of business to destruction. I am not ready as a member of this committee to vote to confiscate, as this does, the property of people in my district who have put their money into it, a venture that has had the indorsement of every commission since it was inaugurated until this one; and I am not ready to rest my case in the hands of a biased commission that was sent there for no other purpose. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I would like to be recognized. I am not desiring to make a speech at this moment. I would suggest the absence of a quorum unless somebody desires to use some of my time.

The CHAIRMAN. The Chair did not understand. Is the gentleman making a motion?

Mr. MANN. No. I am occupying the floor, Mr. Chairman, consuming a part of the hour to which I am entitled.

Mr. MOON. Does the gentleman want to consume the time?

Mr. MANN. I think, unless some one wants to consume part of the time——

Mr. MOON. Does the gentleman want to continue when we meet again?

Mr. MANN. Oh, no; I do not desire to do that. I hope you will be able to agree upon a division of time when we meet again. I think we had better rise, though.

Mr. MOON. I suppose the gentleman wants to adjourn. If so, I have no objection to move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Not yet.

EXTENSION OF REMARKS.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the National Guard on the border.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of the National Guard on the border. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 10, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Pass Manchac, La. (H. Doc. No. 1900); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting report as to the rents received from properties located on sites of proposed public buildings purchased by the United States Government in this city (H. Doc. No. 1901); to the Committee on Expenditures on Public Buildings and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 16407) for the relief of J. L. Bonner, reported the same with amendment, accompanied by a report (No. 1270), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 19879) authorizing the Secretary of War to donate to the Grand Army post of Columbia, Pa., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CALDWELL: A bill (H. R. 19880) regulating proceedings before special committees of the House of Representatives; to the Committee on the Judiciary.

By Mr. GOULD: A bill (H. R. 19881) authorizing the Secretary of War to donate condemned cannons and balls; to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 19882) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORIN: A bill (H. R. 19883) to coordinate, unify, and consolidate the financial system of the United States by creating and establishing a Federal exchange, amending the postal savings act, and amending the Federal reserve act; to the Committee on Banking and Currency.

By Mr. SMITH of Idaho: A bill (H. R. 19884) to provide for the construction of the King Hill project, Idaho; to the Committee on Irrigation of Arid Lands.

By Mr. MARTIN: A bill (H. R. 19885) to amend the act of October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes"; to the Committee on Ways and Means.

Also, a bill (H. R. 19886) to amend the act of October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes"; to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19887) granting a pension to James F. Lingafelter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19888) granting an increase of pension to Dorothy Swihart; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 19889) granting an increase of pension to Rufus F. Gibbs; to the Committee on Pensions.

Also, a bill (H. R. 19890) granting an increase of pension to John C. Carroll; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19891) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 19892) granting a pension to George L. Bomberger, Doctor of Medicine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19893) granting a pension to Stocton Sponseller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19894) granting a pension to A. J. Cline; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 19895) granting a pension to Mary Stultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19896) for the relief of the J. Ph. Binzel Co.; to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 19897) granting an increase of pension to John D. Storey; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 19898) granting an increase of pension to Howard A. Littlejohn; to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 19899) for the relief of Mrs. Mie Uratake; to the Committee on Foreign Affairs.

By Mr. FOCHT: A bill (H. R. 19900) granting an increase of pension to Daniel Gossert; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 19901) to grant authority of the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frederick B. Wells* to *Otto M. Reiss*; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19902) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frank H. Peavey* to *William A. Reiss*; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19903) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *George W. Peavey* to *Richard J. Reiss;* to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19904) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frank T. Heffelfinger* to *Clemens A. Reiss;* to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAY of Indiana: A bill (H. R. 19905) granting an increase of pension to Robert O. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19906) granting an increase of pension to William F. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19907) granting an increase of pension to James L. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19908) granting an increase of pension to William H. Stout; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 19909) granting a pension to Elizabeth P. Bickhart; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19910) granting a pension to Maria C. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19911) granting an increase of pension to Alphonso G. Andrews; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19912) granting an increase of pension to Margaret Lee; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 19913) granting an increase of pension to Marshall Barnes; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 19914) granting a pension to John T. Rogers; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 19915) granting an increase of pension to Frank Nouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19916) granting an increase of pension to Isaac B. Hawke; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19917) granting an increase of pension to Ellen K. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19918) granting a pension to William M. Snyder; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 19919) granting an increase of pension to Joseph D. Fulmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19920) granting an increase of pension to B. W. Brittain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19921) granting an increase of pension to Abraham Kulp; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 19922) granting an increase of pension to Belle Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19923) granting an increase of pension to John Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19924) granting an increase of pension to Thomas J. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19925) granting an increase of pension to Charles C. Twyford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19926) granting a pension to John B. Martin; to the Committee on Pensions.

By Mr. MORIN: A bill (H. R. 19927) granting an increase of pension to John J. McKenna; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 19928) granting a pension to Bird Nieman, widow of Edward Nieman; to the Committee on Pensions.

Also, a bill (H. R. 19929) granting a pension to Henry Turcott; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 19930) granting an increase of pension to Ezra Stevens; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 19931) granting an increase of pension to Lafayette Murry; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 19932) granting an increase of pension to William Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19933) granting an increase of pension to William R. Waddell; to the Committee on Invalid Pensions.

By Mr. WILSON of Florida: A bill (H. R. 19934) granting a pension to Emory Davis; to the Committee on Pensions.

Also, a bill (H. R. 19935) granting a pension to L. L. Stewart; to the Committee on Pensions.

Also, a bill (H. R. 19936) correcting the military record of J. C. Glass; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of German-American Alliance of Pennsylvania, asking embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. Bunton, William Hallment, Evan Townsend, Mike White, James M. Patterson, Josie Jones, Edward Ford, Frank Battisch, George Bourdess, Thomas Bourdess, W. M. Wills, James Chambers, Albert Shope, Thomas Hobson, Thomas Carroll, J. N. George, William Phillips, William Fox, David J. Weaver, John Tulowtzki, Amos Davis, George S. Wilson, James J. Finan, Joseph Plows, E. F. Stahl, John Walker, M. E. Yoder, Michael Shannon, R. Dryden Peel, Joseph Childon, W. J. Claar, John A. Flynn, J. C. Custer, W. J. Postlewait, R. V. Clemence, Harry Johnson, John Buchanan, Henry Kelley, Frank Podboy, A. J. Oaks, A. Garland, Ward McElwee, John Demko, Russell Yost, John J. Kinney, John Hayes, Ralph Jackson, Arthur Hand, and J. W. Cawthern, all of South Fork, and Richard Stafford, of Ehrenfeld, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: Petition of sundry citizens of Chicago, Ill., against prohibition bills; to the Committee on the Judiciary.

By Mr. BRUCKNER: Memorial of National Association of Life Underwriters in reference to bill for incorporation; to the Committee on the Judiciary.

Also, petition of Enoch Halley and 85 other citizens of New York for peace; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, relative to pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of American Federation of Teachers, for increase in pay of employees of public schools of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the American Architect, Everyday Mechanic's Magazine, and publishing house of the Methodist Episcopal Church South, against increase in rates of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Brooklyn, N. Y., against all prohibition bills; to the Committee on the Judiciary.

Also, petition of Federal Civil Service Society of the State of New York, for increase in pay of Government employees; to the Committee on Appropriations.

Also, petition of National Temperance Council, for passage of prohibition bills; to the Committee on the Judiciary.

By Mr. BURNETT: Petition of sundry citizens of the State of Alabama, relative to eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, petition of railway mail clerks and others, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petitions of New York State Federation of Labor and the Woman's Benefit Association of Maccabees, opposing increases in second-class rates; to the Committee on the Post Office and Post Roads.

Also, petition of Berton Brady, in re increased postal rates; to the Committee on the Post Office and Post Roads.

Also, memorial of Wisconsin Dairymen's Association, in re certain legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of International Typographical Union and Bonfort's Wine and Spirit Circular (Inc.), in re postal rates; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Empire State Society, Sons of the American Revolution, favoring House bill 269, for purchase of Monticello; to the Committee on Public Buildings and Grounds.

By Mr. EAGAN: Petition of sundry citizens of the State of New Jersey, favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of New Jersey, against prohibition bills; to the Committee on the Judiciary.

By Mr. ESCH: Petition of sundry citizens of the State of Wisconsin, against prohibition bills; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of 1,100 citizens of the United States, favoring embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Evidence in support of House bill 6585, for the relief of John E. Pierce; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10435, for the relief of Charles H. Birley; to the Committee on Pensions.

Also, evidence in support of House bill 7707, for the relief of Nathaniel S. Agnew; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 19638, for the relief of Calvin M. Skinner; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7083, for the relief of William E. Beistline; to the Committee on Invalid Pensions.

By Mr. FULLER: Memorial of Legislative Assembly of Porto Rico, protesting against prohibitory legislation for Porto Rico; to the Committee on Insular Affairs.

Also, petition of Loyal Legion of Illinois, favoring bill for a volunteer officers' retired list; to the Committee on Military Affairs.

Also, petition of Carson, Pirie, Scott & Co., of Chicago, Ill., concerning proposed amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of 50 citizens of Morris, Ill., against prohibition bills; to the Committee on the Judiciary.

Also, petition of International Brotherhood of Electrical Workers, of Rockford, Ill., against passage of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of committee of editors, relative to increase in second-class mail rates; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Philadelphia, Pa., relative to retaining pneumatic tubes; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of members of Washington Camp, No. 537, Patriotic Order Sons of America, of Lancaster, Pa., against manipulation of food prices, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Presbytery of Blairsville, Pa., favoring Jones Sunday-rest bill; to the Committee on the District of Columbia.

Also, memorial of Hagar & Bro., of Lancaster, Pa., against Stevens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of 59 citizens of Lancaster County, Pa., favoring a Christian amendment; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of local union of A. F. G. W. U., Bellaire, Ohio, against mailing privilege; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of American Institute of Architects, urging appointment of expert commission to frame a public-building policy for the United States; to the Committee on Public Buildings and Grounds.

By Mr. MEEKER: Petitions of Stove Mounters' Union, Local 96; Typographical Union No. 8; St. Louis Star; and James A. Rogers, all of St. Louis, Mo., protesting against the passage of Senate bill No. 4429 and House bill No. 18986; to the Committee on the Post Office and Post Roads.

Also, petitions of Local 279, of United Brewery Workmen, and Bakery and Confectionery Workers, both of St. Louis, Mo., protesting against prohibition for the District of Columbia, and also against national prohibition; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany House bill 16903, for the relief of William H. Travis; to the Committee on Military Affairs.

By Mr. NORTH: Petition of Rev. William J. Small and 28 other citizens of Reynoldsville, praying for the passage of the bill now pending in Congress to exclude liquor advertising and solicitation from the mails and express; to the Committee on the Post Office and Post Roads.

Also, petition of C. R. McAdoo, of Indiana, Pa., and 52 other citizens of the twenty-seventh congressional district, praying for the passage of the national-prohibition amendment; to the Committee on the Judiciary.

Also, petition of Mrs. Susan B. Hilty, of Apollo, Pa., and 64 other citizens of the twenty-seventh congressional district, praying for the passage of the Federal motion-picture censorship bill; to the Committee on Education.

By Mr. OAKEY: Petition of citizens of Hartford, Conn., protesting against the passage of mail-exclusion and national-prohibition acts; to the Committee on the Judiciary.

By Mr. PARKER of New York: Memorial of voters of Saratoga Springs, favoring national prohibition; to the Committee on the Judiciary.

By Mr. REILLY: Petitions opposing House bill 18966, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, by Mr. HOWARD, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of the State of Massachusetts, against prohibition bill; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Albert E. Burr Co., of New York, relative to pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petitions of the Christian Herald and New York Photo-Engravers' Union, No. 1, against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of National Marine Engineers' Beneficial Association, favoring passage of the Nolan minimum wage bill; to the Committee on Labor.

By Mr. ROWLAND: Petition of sundry citizens of the State of Pennsylvania, against prohibition bills; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of sundry citizens of thirty-third New York district, favoring Anthony amendment; to the Committee on the Judiciary.

By Mr. TINKHAM: Petitions of sundry citizens of Massachusetts, in favor of and opposing prohibition measures; to the Committee on the Judiciary.

By Mr. WASON: Petition of C. N. Eames, F. E. Adams, H. C. Davison, M. E. S. Jones, J. E. Donovan, M. W. Brown, Ira O. Willard, Winfield S. Aldrich, Earl H. Barrett, E. M. Osborne,

Harry Murphy, John F. Reilly, W. S. Lyon, G. R. Estee, George F. Ball, J. W. Villemaire, W. C. Read, Richard Collins, H. N. Burbank, F. H. Follansbee, C. H. Wright, and A. W. Flanders, railway postal clerks in New Hampshire, favoring an increase of salary of postal clerks and in support of House bill 18895; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *January 10, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lend Thine aid to these Thy servants in this honorable Senate, that all their work, begun, continued, and ended in Thee, may redound to the honor and glory of Thy name and the advancement of the cause of truth and righteousness among men. We ask for Christ's sake. Amen.

The PRESIDENT pro tempore. The Secretary will read the Journal of the proceedings of the previous day.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martine, N. J.	Smith, S. C.
Beckham	Gallinger	Nelson	Smoot
Brady	Gronna	Norris	Sterling
Brandegee	Husting	Oliver	Sutherland
Bryan	James	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Thomas
Chilton	Jones	Pittman	Tillman
Clapp	Kenyon	Ransdell	Wadsworth
Clark	Kern	Robinson	Walsh
Colt	Kirby	Saulsbury	Watson
Culberson	Lane	Shafroth	Williams
Curtis	Lea, Tenn.	Sheppard	Works
Dillingham	Lodge	Sherman	
Fernald	McLean	Smith, Ga.	

Mr. WALSH. I have been requested to announce that the Senator from Maryland [Mr. LEE] is detained from the Senate on account of illness.

Mr. CHILTON. My colleague, the Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] on account of illness, and to state that the Senator from California [Mr. PHELAN] is absent on official business.

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN] from the city. I will let this announcement stand for the day.

Mr. NORRIS. I wish to announce that the Senator from Michigan [Mr. TOWNSEND] is detained from the Senate on account of sickness in his family.

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum is present. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Socialist Lodge of Pine Bluff, Ark., remonstrating against the enactment of legislation to change the postage rate on second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Patriotic League of Porto Rican Students, of San Juan, Porto Rico, praying for the establishment of a civil government for the island of Porto Rica, which was ordered to lie on the table.

He also presented a petition of the board of education of Lincoln, Nebr., praying that surplus fees received from naturalization sources be used for the education of immigrants, which was ordered to lie on the table.

He also presented a petition of the American Association of State Highway Officials, of St. Louis, Mo., praying for the completion of the topographic map of the United States, which was referred to the Committee on Expenditures in the Interior Department.

He also presented a petition of the board of temperance, prohibition, and public morals of the Methodist Episcopal Church of Washington, D. C., praying for the enactment of legislation to prohibit the transmission of liquor advertisements through the mails, which was ordered to lie on the table.

Mr. HUSTING presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit the transmission of liquor advertisements through the mails, which were ordered to lie on the table.

Mr. MYERS presented petitions of sundry citizens of Montana, praying for the enactment of legislation to provide for the sinking of artesian wells on the public domain, which were ordered to lie on the table.

Mr. STONE presented memorials of sundry citizens of Missouri, remonstrating against the enactment of legislation to prohibit the transmission of liquor advertisements through the mails, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Worcester, Provincetown, Concord, Boston, Amherst, and New Bedford, all in the State of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. OLIVER presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to prohibit the transmission of liquor advertisements through the mails, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Somerset County, Pa., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. BORAH presented petitions of sundry citizens of Idaho, praying that Government aid be given the so-called Dubois reclamation project, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. POINDEXTER presented the petition of Robert J. Clendenin and sundry citizens of Colfax, Wash., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a memorial of the students and faculty of the Dickinson County High School, of Chapman, Kans., remonstrating against any increase in rate of postage on letters and newspapers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Seventh Kansas Congressional District Rural Letter Carriers' Association, of Pratt, Kans., praying for the enactment of legislation to place the compensation of rural carriers on a more equitable basis, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Paola, Kans., praying for the enactment of legislation to grant pensions to the widows and minor children of Spanish War Veterans, which was ordered to lie on the table.

He also presented a petition of Sunflower Council, No. 31, United Commercial Travelers, of Salina, Kans., praying for a revision of postal rates, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Sacramento (Cal.) Branch of the Railway Mail Association, praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. NORRIS. I present resolutions adopted at the last annual meeting of the Nebraska State Irrigation Association, held at Bridgeport, Nebr., in December, 1916. I ask that they be printed in the RECORD and be referred to the Committee on Public Lands.

There being no objection, the resolutions were referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Nebraska State Irrigation Association at its December, 1916, annual meeting, held in Bridgeport, Nebr.

Whereas it has become an open secret that the Government has taken over the extra carrying capacity of the Tri-State Canal for the purpose of extending said canal to cover the territory lying under the original Government survey of the North Platte project and east of the present terminus of both the Tri-State and the Government Canals; and

Whereas many homesteaders continue to occupy their holdings in patient anticipation of the coming of the water, not a few of whom have reached an age when the loss of a year is absolutely irretrievable: Therefore, be it

Resolved, That it is the sense of this association that the Reclamation Service should push the construction of the project to speedy completion; and be it further

Resolved, That we urgently request our Senators and Representatives in Congress to use their best endeavors to have included in the next appropriation bill the estimated amount required for the construction of the proposed extension of said canal.

Resolutions adopted by the Nebraska State Irrigation Association at its December, 1916, annual meeting, held in Bridgeport, Nebr.

Whereas the North Platte Valley is the heart of the largest irrigated territory of Nebraska, and is one of the richest agricultural regions of the United States; and

Whereas there is now established in the upper stretches of the valley a United States experimental farm under the joint control of the Federal Government and the regents of the University of Nebraska; and

Whereas there is no agricultural school in the United States where practical irrigation is taught, nor is there a school of agriculture and mechanic arts in western Nebraska: Therefore, be it

Resolved by the Nebraska State Irrigation Association, That we most respectfully and earnestly request the members of the legislature at its session in 1917 to appropriate a sum sufficient for and to establish in conjunction with the United States experimental farm located in Scottsbluff County a school of agriculture, irrigation, and mechanic arts; and be it further

Resolved, That we urge upon our Representatives in Congress to secure the aid of the Reclamation Service in the establishment and conduct of such a school.

—

Resolution adopted by the Nebraska State Irrigation Association at its December, 1916, annual meeting, held in Bridgeport, Nebr.

Whereas a contract has been made between the United States Reclamation Service and the water users under the North Platte project, whereby storage rights may be purchased from the Pathfinder Reservoir and paid for in 20 annual installments; and

Whereas certain other ditches in the North Platte Valley have purchased water under contract from the Pathfinder Reservoir to be paid for in 10 annual installments: Now, therefore, be it

Resolved, That it is the sense of this association that the Reclamation Service should permit those ditches which have thus purchased, as well as such other ditches as may wish to purchase water in a similar manner, to pay for the same on the same terms and time as has been given to the users under the North Platte project.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. SMITH of Georgia. I desire to present an explanation by the Chief of the Finance Division, Bureau of Pensions, of the Interior Department, dated January 6, 1917, of the manner in which he made up a statement as to the cost incident to the volunteer officers' retired-list bill, together with a letter of the Secretary of the Interior giving the data. I ask that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, January 6, 1917.

Mr. COMMISSIONER: I have before me a copy of the CONGRESSIONAL RECORD of Tuesday, January 2, 1917.

In view of the statements reported therein as made on the floor of the United States Senate in debate on the bill (S. 392) to create a "Civil War volunteer officers' retired list," affecting the estimate on the cost of said bill prepared in this division having charge of the pension roll, and communicated to Hon. James Hay, chairman of the Military Affairs Committee of the House of Representatives, by Secretary's letter dated March 30, 1916, I deem it pertinent to call your attention to the actual measures taken to ascertain the facts and figures presented in said estimate.

Several months prior to its preparation it was determined, in anticipation of the further consideration of measures for the retirement of Civil War volunteer officers, to prepare a separate roll of all of such officers borne on the pension roll. The consolidation of the roll in the bureau greatly facilitated this undertaking, and it was deemed necessary from the fact that estimates theretofore furnished for some time had as their basis only the reports that had been furnished a number of years previously by the pension agents—then in charge of the pension roll—when bills of like tenor were first introduced.

Furthermore, it was known that the act of May 11, 1912, granting pensions for age and length of service had greatly increased the number of officers on the roll by bringing to light many cases of subsequent service under officers' commissions by pensioners theretofore borne on the roll as privates or noncommissioned officers, it being the practice in allowance under the general laws to specify only the rank held at time of incurrence of the pensioned disability. The separate roll of officers so prepared consists of a card for each officer, containing all essential information as to rank, length of service, age, rate of pension, etc., and has been kept current by withdrawal of the cards of deceased officers as the deaths are reported and by addition of data affecting retirement cost as given in new allowances of pension to such officers from time to time.

The so-called estimate of March 30, 1916, is therefore entitled to consideration as a tabulation on the basis of the actual relevant conditions shown on the pension roll at the close of the month of February, 1916.

It is further to be noted that the separate officers' roll thus kept current carried on November 30, 1916, a total of 12,489 officers of all ranks, Army and Navy, who had served six months and over, and 582 officers who had served for periods of less than six months. On that date the total of survivors of the Civil War, officers and men, was 350,648, showing 1 officer in every 28.8 survivors, or a ratio of 1 officer to 27.8 enlisted men, not counting the 582 officers who served for periods of less than six months. On the same date the total of pensioners of all classes on the roll was 736,283, which yields a ratio of 1 officer to be benefited by the proposed retirement legislation to every 58 pensioners, including widows etc.

I find no record of information given Col. C. R. E. Koch, or other person, from an inspection of several thousand pension certificates or cases drawn promiscuously from the bureau files or otherwise, to show that out of every 55 pensioners on the roll 1 was an officer. However that may be, there can be no question as to the conclusiveness of the figures above given, as they represent the actual condition of the entire roll of pensioners living on the date specified, and not a mere haphazard percentage thereof. They show, furthermore, that the stated ratio of 1 officer to 54 privates is more nearly applicable to pensioners of all classes of all wars and the Regular Establishment than to the number of survivors of the Civil War.

The discussion over the departmental estimates given upon the Sherwood dollar-a-day bill, which did not become a law, and the Senate substitute proposition, which became a law on May 11, 1912, appears to have left the impression that the cost of the act of May 11, 1912, for the first year was $20,800,000, as compared with a departmental estimate of $22,000,000.

I invite your attention, in this connection, to an estimate prepared here on the basis of actual expenditures, and which was embodied in your statement before a subcommittee of the House Committee on Appropriations on January 26, 1914, giving the cost of the act of May 11, 1912, for the first fiscal year after its passage as $27,000,000. The excess in this amount over the estimated cost is largely accounted for by the employment of some 300 temporary clerks for a large part of the year to expedite the allowance of the claims presented under said act.

A copy of the Secretary's letter of March 30, 1916, to Hon. James Hay, chairman of the House Committee on Military Affairs, referred to in the debate, is furnished herewith.

Very respectfully,

W. N. CAMPBELL,
Chief of Finance Division.

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DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1916.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. HAY: I beg to submit herewith, pursuant to your request, a tabulated statement prepared from data supplied by the pension roll, showing the number of officers and the annual cost involved in legislation as proposed by bill H. R. 386, to create a Civil War volunteer officers' retired list, as follows:

OFFICERS WHO SERVED 2 YEARS AND OVER.

Rank.	Number.	Active pay.	Proposed retired pay.	Total annual retired pay.	Annual pension to be relinquished.
Brigadier general	7	$6,000.00	$1,800.00	$12,600.00	$2,880.00
Colonel	76	4,000.00	1,800.00	136,800.00	30,408.00
Lieutenant colonel	209	3,500.00	1,750.00	365,750.00	76,128.00
Major	424	3,000.00	1,500.00	636,000.00	151,632.00
Captain	2,872	2,400.00	1,200.00	3,446,400.00	995,940.00
First lieutenant	3,977	2,000.00	1,000.00	3,977,000.00	1,345,812.00
Second lieutenant	2,415	1,700.00	850.00	2,052,750.00	804,821.00

OFFICERS WHO SERVED 1 YEAR AND LESS THAN 2 YEARS.

Colonel	13	$4,000.00	$900.00	$11,700.00	$4,332.00
Lieutenant colonel	33	3,500.00	875.00	28,875.00	12,396.00
Major	66	3,000.00	750.00	49,500.00	20,298.00
Captain	519	2,400.00	600.00	311,400.00	157,596.00
First lieutenant	822	2,000.00	500.00	411,000.00	239,979.00
Second lieutenant	797	1,700.00	425.00	338,725.00	227,289.00

OFFICERS WHO SERVED 6 MONTHS AND LESS THAN 1 YEAR.

Colonel	5	$4,000.00	$450.00	$2,250.00	$1,290.00
Lieutenant colonel	10	3,500.00	437.50	4,375.00	2,700.00
Major	29	3,000.00	375.00	10,875.00	7,827.00
Captain	212	2,400.00	300.00	63,600.00	54,480.00
First lieutenant	106	2,000.00	250.00	26,500.00	23,712.00
Second lieutenant	6	1,700.00	212.50	1,275.00	1,008.00

Total number of officers	12,598
Total annual retired pay	$11,887,375
Total pension to be relinquished	$4,164,528
Annual cost of retirement as proposed by the bill	$7,722,847

Naval officers are included in the above tabulation by relative rank.

There were on the pension roll on February 29, 1916, a total of 13,534 Regular and volunteer officers who served six months or longer in the Civil War. The difference of 936 between that number and the number given in the table represents those who are in receipt of pension in excess of what they might obtain as retired pay under the provisions of the bill.

No estimate can be given of the additional cost involved by the provision for maximum retired pay, regardless of length of service, to officers who lost an eye, an arm, or a leg, or were discharged by reason of wounds, etc., without a tabulation by disabilities as shown in their claims, which has not been undertaken because of the time and labor that would be involved.

The letter of Hon. JOHN E. RAKER addressed to you under date of the 20th instant and copy of bill received therewith, on which is indorsed the request for the above information, are herewith returned.

Very truly, yours,

ANDRIEUS A. JONES,
Acting Secretary.

REPORTS OF COMMITTEES.

Mr. LANE, from the Committee on Fisheries, to which was referred the bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama; California; Louisiana; Florida; Georgia, South Carolina, or North Carolina; Maryland or Virginia; Oregon or Washington; Texas; Oklahoma; Illinois; Washington; Arizona; New Mexico; Michigan; Idaho; Missouri; Pennsylvania, Delaware, or New Jersey; and Minnesota, reported it with amendments and submitted a report (No. 911) thereon.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 6251) to remove the charge of desertion from the military record of John F. Kelly, reported it with amendments and submitted a report (No. 912) thereon.

WINTON AGAINST AMOS.

Mr. ASHURST. I report back favorably without amendment from the Committee on Indian Affairs Senate resolution 309. I

submit a report (No. 916) thereon. I ask for the immediate consideration of the resolution. First let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Court of Claims is hereby requested to report to the Senate what facts have been found in the case of Charles F. Winton and others against Jack Amos, what facts are still in controversy according to the contention of the parties, including all requests for finding of fact made or filed during the present term, and the action of the court thereon.

Mr. CLARK. Let the report be read.

The PRESIDENT pro tempore. The reading of the report is called for, and it will be read.

The Secretary read the report this day submitted by Mr. ASHURST, as follows:

The Committee on Indian Affairs, to whom was referred the Senate resolution 309, having investigated the same, report it favorably without amendment and recommend its passage.

The case of Winton *v.* Amos was sent to the Court of Claims in 1906, and it is desirable for the Committee on Indian Affairs to know its present status with a view to some disposition that will bring the subject matter to a conclusion, as there is a lien pending by the act of Congress of 1908 on the Indian land, which affects injuriously the selling price of the land. It is desirable that this lien be terminated without delay. The findings appear to have been made and printed and various appeals perfected, so that the records of matters desired are all easily available.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CLARK. I should like to ask the Senator from Arizona if this case has as yet been concluded as far as the Court of Claims is concerned?

Mr. ASHURST. My information is that it has not.

Mr. CLARK. Does the Senator think we ought to ask for a report on a partial hearing or determination of the case?

Mr. ASHURST. I do not hear the Senator clearly.

Mr. CLARK. I understand from the Senator that this is a case pending before the Court of Claims in which that court has not arrived at any conclusion. I asked the Senator if he thought it wise to ask the Court of Claims to report to us on a partial hearing or determination of the case.

Mr. ASHURST. There are two views in the committee.

Mr. CLARK. It is nothing that I am concerned in, of course, except in the orderly transaction of business.

Mr. ASHURST. One view is that the case has been concluded and the other view is that it has not been concluded. The committee wants the information as to what are the facts and it can then form its own judgment as to the situation.

The resolution was considered by unanimous consent and agreed to.

TORRENS SYSTEM OF LAND TITLES (S. DOC. NO. 675).

Mr. CHILTON. I report favorably from the Committee on Printing a resolution (S. Res. 311). I desire to explain that it simply authorizes the printing of the manuscript of what is known as the Torrens system of land-title registration. It has been fully considered by the Committee on Printing and I ask unanimous consent for the immediate consideration of the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Virginia [Mr. MARTIN] on December 18, 1916, entitled "Uniform land registration act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association," be printed as a Senate document.

FEDERAL FARM-LOAN ACT (S. DOC. NO. 500).

Mr. FLETCHER. I report favorably from the Committee on Printing a resolution (S. Res. 308).

The resolution was agreed to, as follows:

Resolved, That there be printed 13,500 additional copies of Senate document No. 500, Sixty-fourth Congress, first session, entitled "Federal farm-loan act," for the use of the Senate document room.

JAMES ANDERSON.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 1093) for the relief of James Anderson and I submit a report (No. 914) thereon. I call the attention of the Senator from Kansas [Mr. CURTIS] to it.

Mr. CURTIS. I ask unanimous consent for the consideration of the bill. A similar bill passed the Senate last March. When it reached the House it was referred to the committee, and in the meantime the House passed a similar bill which had been reported from the House committee without taking action upon the Senate bill. Action on this bill is desired, so that a bill which has passed both the House and the Senate may become a law. It is to correct the military record of a man who served three years and was severely wounded in August, 1863, and failed to complete his service because of wounds received in the line of duty.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMITH of Georgia. What is the request?

The PRESIDENT pro tempore. The Senator from Kansas requests the immediate consideration of a bill which the Secretary will read.

The Secretary read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws James Anderson, who was a private in Company A, Cass County Regiment Missouri Home Guards, and Company A, Second Battalion Missouri State Military Cavalry, and Company F, Fourteenth Regiment Kansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the last-mentioned company and regiment on the 19th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARY LINE, SALMON BAY, WASH.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 6807) fixing and establishing a boundary line between the property of the United States of America, on Salmon Bay, State of Washington, and the property of Betterton-Morgan Co. (Incorporated), a corporation, giving authority and providing for the conveyance of property in connection therewith, and for other purposes, and I submit a report (No. 915) thereon.

Mr. JONES. Mr. President, the bill reported by the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN] is one of purely local character and is of some urgency. We are very anxious to get the bill passed, and I therefore ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Military Affairs with amendments.

The first amendment of the Committee on Military Affairs was, on page 2, line 2, after the name "Company," to strike out "(Incorporated)" and insert "Inc.," so as to read:

There there be, and there hereby is, fixed and established a boundary line between lots 1 to 5, both inclusive, in block 6 of Seattle tidelands, Seattle, King County, Wash., the property of the United States of America, and that part of Government lot 6 in section 11, township 25 north, of range 3 east, Willamette meridian, King County, State of Washington, adjacent to and abutting upon said tideland lots and owned by the Betterton-Morgan Co., Inc.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 20, after the word "Company," to insert "Inc.," so as to read:

SEC. 2. That for the purpose of preserving and maintaining the superficial area of said tideland lots, and as one of the conditions upon which said boundary line is fixed and established, the Betterton-Morgan Co., Inc., be, and it is hereby, required to convey to the United States of America, by warranty deed, the following-described tract or parcel of real estate situated in said Government lot 6, Seattle, King County, Wash.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "feet," to insert a comma and the words "more or less," so as to read:

Beginning at a point 160.315 feet south from the harbor line in Salmon Bay, King County, State of Washington, and 14.26 feet east of the west line of Government lot 6 in section 11, township 25 north of range 3 east, Willamette meridian, which is the true point of beginning; thence running easterly 160.315 feet from and parallel to the harbor line in Salmon Bay, King County, Wash., as established by the State of Washington, a distance of 178.48 feet to Salmon Bay; thence westerly along the south line of Salmon Bay to the west line of lot 1 in block 6, Seattle tidelands; thence south along said west line of said lot 1 produced a distance of 20.315 feet to the point of beginning; said parcel of land containing an area of 2,777 square feet, more or less.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 18, after the word "That," to insert "upon the release and discharge of the United States by the Betterton-Morgan Co., Inc., of all claims of any kind or character whatsoever which have arisen or may hereafter arise against the United States because of damage or injury to property of said Betterton-Morgan Co., Inc., contiguous to block 6 Seattle tidelands, Seattle, King County, Wash., occasioned by improvements made by the United States in the Salmon Bay waterway."

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 22, after the word "Company," to strike out "(Incorporated)" and insert "Inc.," so as to read:

SEC. 3. That the Secretary of War be, and he hereby is, authorized and directed, for and on behalf of the United States of America, and in connection with the establishment of said boundary line, to convey by quitclaim deed to said Betterton-Morgan Co., Inc., the following-described tract or parcel of land situated in the county of King, State of Washington.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 18, after the word "less," to insert:

Provided, That all expenses connected with the conveyance of the within described tracts or parcels of land, including the recordation of the necessary instruments, shall be defrayed by the Betterton-Morgan Co., Inc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill fixing and establishing a boundary line between the property of the United States of America, on Salmon Bay, State of Washington, and the property of the Betterton-Morgan Co., Inc., a corporation, giving authority and providing for the conveyance of property in connection therewith, and for other purposes."

WILLIAM H. WOODS.

Mr. OWEN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (H. R. 10007) for the relief of William H. Woods, and I submit a report (No. 913) thereon. The bill provides for the payment to the beneficiary of the sum of $152.21 out of the Choctaw and Chickasaw funds. The bill has already passed the House, and I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. VARDAMAN. Mr. President, will the Senator from Oklahoma explain the purport of the bill?

Mr. OWEN. The bill provides that $152.21 shall be taken out of the Choctaw and Chickasaw funds to pay one of the assistant attorneys in Oklahoma for expenses incurred. It is recommended by the Secretary of the Interior. The bill has passed the House of Representatives and has been favorably reported by the Committee on Indian Affairs of the Senate this morning.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANGE OF REFERENCE.

Mr. FLETCHER. Mr. President, the bill (S. 7777) to provide for constructing a fish ladder in Salmon River, in Custer County, Idaho, was introduced yesterday by the Senator from Idaho [Mr. BORAH] and referred to the Committee on Commerce. The bill pertains to fishery matters and should properly go to the Committee on Fisheries. I therefore ask that the Committee on Commerce be discharged from the further consideration of the bill, and that it be referred to the Committee on Fisheries.

The PRESIDENT pro tempore. If there be no objection to the request, it is so ordered. The Chair hears none.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 7779) to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss* (with accompanying paper);

A bill (S. 7780) to authorize the change of name of the steamer *Frank T. Heffelfinger* to *Clemens A. Reiss* (with accompanying paper);

A bill (S. 7781) to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss* (with accompanying paper); and

A bill (S. 7782) to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss* (with accompanying paper); to the Committee on Commerce.

By Mr. ROBINSON:

A bill (S. 7783) granting a pension to Philip S. Herron; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7784) granting a pension to Rufus H. Hopkins with accompanying papers); to the Committee on Pensions.

By Mr. BECKHAM:

A bill (S. 7785) granting a pension to James G. Rollins; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7786) granting an increase of pension to Simeon L. Coen (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 7787) granting an increase of pension to James P. Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7788) granting a pension to Abbie L. Lockwood (with accompanying papers); and

A bill (S. 7789) granting an increase of pension to Delia Stuart (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 7790) granting a pension to Emma E. Barrett (with accompanying papers);

A bill (S. 7791) granting a pension to Mary E. Finson (with accompanying papers);

A bill (S. 7792) granting an increase of pension to James H. Drown (with accompanying papers);

A bill (S. 7793) granting an increase of pension to Charles F. Wellman (with accompanying papers); and

A bill (S. 7794) granting an increase of pension to John L. Bradford (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 7795) to amend and revise the laws relating to printing and binding and the distribution of publications for Congress; to the Committee on Printing.

By Mr. WALSH:

A bill (S. 7796) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes; to the Committee on Public Lands.

By Mr. JOHNSON of South Dakota:

A bill (S. 7797) granting an increase of pension to George M. Jaco (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 7798) for the relief of J. G. Swinney; to the Committee on Claims.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. STONE. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 194) providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur on March 1, 1917, by reason of the expiration of the term of Mr. John B. Henderson, of the city of Washington, be filled by the reappointment of the said John B. Henderson for the ensuing term.

Mr. STONE. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. LANE submitted an amendment proposing to appropriate $1,500 to aid the Columbia Polytechnic Institute for the Blind, located in Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

SOUTH CAROLINA BOLL WEEVIL COMMISSION.

Mr. TILLMAN. I offer the following resolution which I send to the desk and ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 312) was read as follows:

Resolved, That the manuscript entitled "Report of the South Carolina Boll Weevil Commission, Bulletin No. 30 of Clemson Agricultural College of South Carolina," be printed as a Senate document, and that 100,000 additional copies be printed, of which 50,000 copies shall be

for the use of the Senate Document Room and 50,000 for the use of the House Document Room.

Mr. TILLMAN. Mr. President, it is well known that the boll weevil has wrought immense damage to the southern cotton growers. Entering this country 25 years ago, it has steadily marched eastward along isothermal lines, until now it is in the middle of Georgia, rapidly approaching the South Carolina border.

The necessity for teaching the farmers the right steps to be taken to meet this invasion induced the friends of our agricultural college in conjunction with the National Government to send a commission to Louisiana, Mississippi, Alabama, and other States which have been devastated in the past. That commission has made a report, which is published by Clemson College as Bulletin No. 20. This bulletin was prepared by Dr. Riggs, president of that college, and merits very wide circulation, even in those States which have already been devastated, because it contains information and suggestions for those engaged in agriculture which are very valuable anywhere in the South. I have offered this resolution, which I ask to have referred to the Committee on Printing, as the law requires.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

TENNIE A. ANDERSON.

Mr. CHILTON. I ask unanimous consent to call up Order of Business 780, being the bill (H. R. 6267) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money orders and postage stamps stolen. This bill has been passed by the House and has been favorably reported by the Senate Committee on Post Offices and Post Roads. It simply proposes to appropriate $152.16 for payment to a poor woman, which amount the Government justly owes her on account of some post-office matters.

Mr. SMOOT. Mr. President, I did not hear the request of the Senator from West Virginia.

Mr. CHILTON. It is to take up Order of Business 780, being House bill 6267.

Mr. SMOOT. Mr. President, I believe there is a disposition on the part of most Senators to have the Diplomatic and Consular appropriation bill passed this morning before we go into executive session.

Mr. CHILTON. This bill is one of several such bills.

Mr. SMOOT. There will be other requests to take similar bills from the calendar, and I shall object to their consideration in the morning hour.

Mr. CHILTON. I appeal to the Senator not to object to this bill. It is a bill which has already passed the other House and involves only $152.16.

Mr. SMOOT. It is not a question of the amount involved, and it is not a question of the bill itself; but I object to the consideration of the bill now.

The PRESIDENT pro tempore. Objection is made.

ORDER OF BUSINESS.

Mr. POMERENE. Mr. President, I was about to ask the Senate to take up the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use within the District of Columbia of the flag of the United States of America; and I hope the Senator from Utah [Mr. SMOOT] will not object to that.

Mr. OVERMAN. I am obliged to object to any bills being taken up from the calendar. I want to get through with the Diplomatic and Consular appropriation bill during the morning hour.

Mr. CHILTON. We can object to that, can we not?

Mr. OVERMAN. Any Senator can object to the consideration of an appropriation bill who desires to do so; but I now ask unanimous consent for the present consideration of House bill 19300, being the Diplomatic and Consular appropriation bill.

The PRESIDENT pro tempore. The Senator from North Carolina requests unanimous consent for the present consideration of the Diplomatic and Consular appropriation bill.

Mr. OVERMAN. During the morning hour.

Mr. ASHURST. Mr. President, of course I do not wish to object to that request. I hope the appropriation bill will be taken up, and I think it ought to pass this morning; but the Senate can not, I think, be oblivious to the fact that a large number of us here have bills which we desire to get up during the morning hour. This is, I believe, the fifth time that I have attempted to get up for consideration House bill 12426, authorizing the Indians to mine on their own reservations and authorizing other persons to make leases.

Mr. OVERMAN. I want to say to the Senator——

Mr. ASHURST. I am not going to object to the request of the Senator from North Carolina.

Mr. OVERMAN. I want to say to the Senator from Arizona that I have never objected——

Mr. ASHURST. I know the Senator has not.

Mr. OVERMAN. The Senate will bear me out in the statement that I have never objected to the consideration of bills, except in a case like the present, when, unless under unanimous consent I get this bill through during the morning hour, it will have to go over.

Mr. CHILTON. Would it not be well to finish the morning business before the bill is brought up?

Mr. THOMAS. Regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from North Carolina requests unanimous consent for the present consideration of the Diplomatic and Consular appropriation bill. Is there objection?

Mr. ASHURST. Mr. President, of course I wish to finish my short statement, if I am in order. I do not wish, as I have stated, to object to the request of the Senator from North Carolina. I think the bill to which he refers should pass, and that it should pass this morning; but I now give notice that at the earliest opportunity when I may do so in order I shall ask the Senate to consider House bill 12426.

Mr. GALLINGER and Mr. SHAFROTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I have sat quietly in my seat and allowed unanimous consent for the passage of certain bills this morning. I now wish to suggest, however, that there are more than a hundred private bills on the calendar involving small sums of money. Some of those bills have passed the House of Representatives. I think, instead of taking up these bills one at a time in the morning hour, we ought to be sensible enough to go to the calendar and to pass uncontested cases on the calendar. I am always loath to object to a request made by a Senator for the consideration of a bill, but I think I shall do so until the calendar is regularly considered.

The PRESIDENT pro tempore. Does the Senator object to the request of the Senator from North Carolina?

Mr. GALLINGER. Oh, no, Mr. President; I do not object to the consideration of the appropriation bill.

Mr. SHAFROTH. Mr. President, I do not wish to object, but I desire to give notice, while notices are being given, that I am going to call up at every possible opportunity the Porto Rican government bill, and I expect to avail myself of the morning hour to do so.

Mr. McCUMBER. I do wish to object until we get through with the routine morning business.

Mr. OVERMAN. Perhaps the Senator does not understand the reason for my request.

Mr. McCUMBER. We have not gotten through with the routine morning business as yet.

Mr. OVERMAN. We are about through with it; but I desire to say to the Senator that the reason I made the motion was that we have a unanimous-consent agreement that when we get through with the morning business we shall go into executive session, and unless I can get the appropriation bill up at this time I do not know when I can get it up again.

Mr. McCUMBER. It probably will not take five minutes to get through with the routine morning business.

Mr. OVERMAN. And when we have gotten through with it I can not get up the bill.

Mr. McCUMBER. With that explanation of the Senator, I will not object.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

Mr. HUGHES. I have no objection to the request of the Senator from North Carolina so long as it is understood that it does not interfere with the unanimous-consent agreement already entered into whereby at the close of the routine morning business of the day we are to go into executive session. So long as that is understood and nobody makes the point, I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

Mr. JONES. Mr. President, the appropriation bill will probably create discussion that may go on all afternoon, so that the routine morning business could not be closed until about five minutes to 5 o'clock, and then we would not have sufficient opportunity to consider matters in executive session.

Mr. OVERMAN. I will suggest to the Senator that the morning hour will expire at 2 o'clock.

Mr. JONES. Does the Senator from North Carolina think that if this bill is considered now there will be plenty of time for the discussion of matters in executive session?

Mr. OVERMAN. I think we can get through with this bill in an hour and a half.

Mr. JONES. I am only anxious that there shall be plenty of time to consider matters in executive session. I shall not object to the request of the Senator from North Carolina.

After the transaction of routine business, which appears under its appropriate heading,

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I hope that my request for unanimous consent for the consideration of the Diplomatic and Consular appropriation bill may now be granted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, which had been reported from the Committee on Appropriations with amendments.

Mr. OVERMAN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments reported by the committee be first considered.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered. Without objection, that course will be pursued.

The Secretary proceeded to read the bill, and read to line 22, on page 2.

Mr. OVERMAN. I desire to move, on behalf of the committee, an amendment changing the total and also an amendment, in line 12, which will effect a saving of $2,700 in the appropriation.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 12, after the word "Honduras," it is proposed to strike out "Morocco"; in line 14 to strike out "$240,000" and to insert in lieu thereof "$230,000"; after line 17 insert "Agent and consul general at Tangier, $7,500"; and in line 22 to correct the total so as to read "$534,500."

Mr. OVERMAN. I desire to say that this amendment has been recommended by the State Department, and I ask to have printed in the RECORD a letter and memorandum from the department in order that the conferees may have it before them when they come to consider amendments to the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and memorandum referred to are as follows:

DEPARTMENT OF STATE,
Washington, January 9, 1917.

Hon. LEE S. OVERMAN,
United States Senate.

MY DEAR SENATOR OVERMAN: By direction of the Secretary I am inclosing for your consideration a memorandum of the reasons why the department feels that it is important to change the grade of its diplomatic establishment in Morocco from that of minister plenipotentiary to that of diplomatic agent and consul general. In view of the arrangement just reached with the French Government, it is most desirable that the change be made in the pending Diplomatic and Consular appropriation bill.

The Secretary would, therefore, greatly appreciate any favorable action that the committee may take in regard to this matter.

I am, my dear Senator,
Very sincerely, yours,

WILBUR J. CARR,
Director of the Consular Service.

MEMORANDUM.

On the 30th of March, 1912, a treaty was ratified by France and Morocco providing for a form of government under the protectorate of France. The various European powers at various times within the last three years have recognized the French protectorate and changed the grade of their missions at Tangier to diplomatic agencies and consulates general. The Governments represented in Morocco are Great Britain, United States, France, Spain, Portugal, and Belgium. Germany and Austria have no representatives in Morocco at the present time on account of the war, and their interests are being cared for by the representative of the United States.

The United States is the only Government having a representative in Morocco which has not recognized the French protectorate in that country and suppressed its diplomatic mission and substituted therefor a diplomatic agency. The delay of the United States in recognizing a protectorate has been due to a number of reasons, but an understanding has just been reached with the French Government under which the United States can now extend the recognition already accorded by the other Governments. Hence it becomes necessary to give the representative of the United States in Morocco the grade of diplomatic agent instead of minister plenipotentiary, as at present. The continuance of a full diplomatic mission in Tangier would place the United States in an anomalous position and be contrary to the wishes of the Government of France and, on the other hand, the functions to be performed could not be intrusted to the consul general in Tangier, because the act of Algeciras provides that certain measures therein described relating to the Government of Morocco shall be carried out by the diplomatic corps at Tangier, of which, naturally, the consul general can not be a member.

It is therefore urged that in the Diplomatic and Consular bill now before Congress the appropriation for an envoy extraordinary and minister plenipotentiary to Morocco at $10,000 be omitted and that there be substituted a provision as follows: "Agent and consul general at Tangier, $7,500."

It is highly desirable that the salary of the diplomatic agent and consul general be not less than $7,500, because of the fact that the diplomatic agency is intended to supersede a full diplomatic mission and, therefore, should not be impaired in prestige by too great a change in the salary attached to the office. A smaller salary would not permit the agent to maintain a standard of living under the peculiar circumstances which would be consistent with the agent's greatest usefulness.

JANUARY 9, 1917.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Salaries of secretaries in the Diplomatic Service," on page 3, line 6, after "$186,000," to strike out:

Provided, however, That no secretary who as chargé d'affaires at any time during 1916 refused any privilege to any American citizen because such citizen criticized the President of the United States shall be paid any salary from this appropriation.

Mr. KENYON. Mr. President, I should like to ask the Senator having this bill in charge if this is the proviso that relates to the incident of Charles Edward Russell at Paris?

Mr. OVERMAN. Yes.

Mr. KENYON. Mr. President, I think that this proposition presents a somewhat fundamental question that ought to receive some consideration. As I understand, the reason why this provision was inserted in the House was this: Mr. Charles Edward Russell had criticized the President of the United States, and when he presented himself at the American Embassy in Paris was denied a passport or other privilege because of that criticism, as stated to him by the secretary of the embassy. This provision is inserted in the bill, I imagine, as a sort of punishment to the secretary and an enunciation of doctrine.

Outside of the question of the propriety of criticizing the President of the United States, which may be a very delicate matter, especially when the criticism of the President is made abroad, the fundamental question is whether an American citizen has the same right when abroad that he has at home, and whether he shall be denied the ordinary rights of an American citizen or usual courtesies because he may have criticized the President of the United States. Furthermore, if he should do so, who is to determine the question of whether he should be denied the rights of an American citizen because of that fact, and who is to determine the fact whether or not he did criticize the President of the United States? Is that to be turned over to a clerk or a secretary of some of our embassies? Though speaking only for myself, and not defending in any way anybody who may criticize the President of the United States abroad—that may be an indelicate thing to do—I am simply insisting that an American citizen has the right to criticize the President of the United States, if he so desires, and if he does he should not be denied the rights of an American citizen either at home or abroad. On this provision I simply wish to ask for a yea-and-nay vote.

Mr. OVERMAN. Mr. President, this man, it seems, was denied no rights, but rather a mere courtesy, although one usually extended to an American citizen. He had gone abroad, and it was there, in a foreign country, while the war was going on, that he had denounced the President in the public press, and this official refused to extend to him the usual courtesies ordinarily extended to American citizens. Before the vote is taken I should like to have read a letter from the Secretary of State in regard to this matter.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, December 29, 1916.

Hon. THOMAS S. MARTIN,
United States Senate.

MY DEAR SENATOR MARTIN: It appears that the Diplomatic and Consular bill, H. R. 19300, passed the House with an amendment on page 3, line 6, after the end of line 6, as follows:

"*Provided, however*, That no secretary who as chargé d'affaires at any time during 1916 refused any privilege to any American citizen because such citizen criticized the President of the United States shall be paid any salary from this appropriation."

The explanation of the amendment is contained in certain correspondence introduced by Representative BENNET, of New York, between Mr. Robert W. Bliss, then chargé d'affaires of the American embassy in Paris, and Mr. Charles Edward Russell, an American citizen. It appears that Mr. Russell wrote a letter to the Paris edition of the New York Herald, dated August 28, in which he makes certain criticisms of the President of the United States.

It also appears that on the next day, August 29, Mr. Russell called upon Mr. Bliss with a view to obtaining certain privileges from the Belgian Government, and that Mr. Bliss on the same day informed him by letter that in view of his criticism of the President as contained in the letter above referred to he did not feel justified in giving him a letter of recommendation to the Belgian legation.

While public criticism of the President of the United States by American citizens in the United States is not a matter in which this department can concern itself, the criticism of the President by Americans in the press of foreign countries bears directly upon the international relations of the United States. It is my opinion, therefore, that an American citizen who avails himself of an opportunity to discredit the standing of the President of the United States through the press of a foreign country can not expect that the diplomatic representatives of the United States shall seek to secure special privileges for him from foreign governments, privileges which he can not ask as a matter of right but which are wisely left to the discretion of our representatives.

In these circumstances I have no hesitancy in pointing out that the action of Mr. Bliss in declining to give Mr. Russell a letter of recommendation to the Belgian legation was proper and fully justified. I have no doubt, my dear Senator, that you will share these views, and that you will be glad to take such steps as may be necessary to remove from the Diplomatic and Consular appropriation bill the amendment in question.

I am, my dear Senator MARTIN,
Sincerely, yours, ROBERT LANSING.

Mr. LODGE. Mr. President, when my attention was first called to this matter, as it was at the time of the debate in the House, it seemed to me that it was a very dangerous precedent to establish that our representatives abroad could undertake to refuse recognition to reasonable requests of American citizens because they had made political criticisms of the President or political criticisms of any kind. I thought it was a very dangerous precedent to make. In the eyes of our representatives abroad Americans who apply to them for protection or for any other service must be regarded simply as Americans. They can not be regarded otherwise than as citizens of the United States, and our representatives abroad have no right to inquire into their politics.

But examining further into this particular case I found in the first place that the request was not in the nature of a right. It was not a request for a passport. It was a request for a personal letter of introduction—a courtesy usually extended as I understand to newspaper correspondents by our embassies; but it was a courtesy purely. There was no right involved.

In the second place, I found what is stated by the Secretary of State—that this criticism of the President was not a criticism made in the United States, where any citizen has a right to make respectful criticisms on the President or anybody else in public life. It was made in Paris, in a paper published in Paris, and in time of war. I will not trouble the Senate by reading the letter. It criticized the President because he had written the usual felicitations or congratulations under such circumstances to the Emperor of Austria on his accession to the throne. It may be an absurd formula, as Mr. Russell described it, but it is usual to make those formal felicitations; and the President was criticized rather severely for this by Mr. Russell in a letter published in the Paris edition of the New York Herald.

I think that puts a very different complexion on this case. Further, Mr. President, I think we ought to remember that if there is misconduct on the part of any representative of the United States abroad this is not the way to deal with it—to take away the salary from the office in an appropriation bill. It is the duty of others to deal with it. If we wish to call attention to it it is our duty and our right to bring to the attention of the executive authority the fact that the person in question has been guilty of improper conduct. I do no like this way of getting at it, assuming that what Mr. Bliss did was improper. But under the circumstances—the place where the attack was published and the fact that only a courtesy was asked in the way of a letter of introduction—it seems to me that it is hardly fitting for us to take such action as the House provision proposes.

Mr. WALSH. Mr. President, all of us in this body, I think, have learned to respect and admire the high-minded stand which the junior Senator from Iowa [Mr. KENYON] usually takes upon public matters. I should like to inquire of him now, in view of the report made on this matter by the accredited representatives of the Government, and the supplementary statement made by the Senator from Massachusetts [Mr. LODGE], whether he does not really think that instead of a reprimand our subordinate officer in the Paris Embassy is entitled rather to the commendation of his country for thus expressing his disapprobation of the conduct of American citizens who go abroad and in the very midst of the most delicate international complications venture to criticize the President of the United States in such a way as to embarrass the pending delicate negotiations?

Mr. BORAH. Mr. President, may I ask the Senator from Montana a question?

Mr. WALSH. Yes.

Mr. BORAH. What was the nature of this criticism? Was there anything of substance to it?

Mr. LODGE. If the Senator from Montana will allow me, I have just handed the senior Senator from Iowa [Mr. CUMMINS] the letter in question, published in the Paris edition of the New York Herald. Perhaps it would be well to have it read from the desk.

Mr. CUMMINS. I ask that it be read.

Mr. WALSH. We gathered from the public press, as now stated by the Senator from Massachusetts, that the President extended the ordinary felicitations to the Emperor of Austria upon his accession to the throne; and the bare fact that the President had thus extended the usual and customary felicitations becomes the occasion for some severe criticism of the President of the United States through a newspaper published in the capital of one of the countries at war with the Empire of Austria.

The PRESIDENT pro tempore. The Senator from Iowa requests the reading of the letter referred to, published abroad. In the absence of objection, the Secretary will read as requested.

The SECRETARY. The letter is found copied on page 771 of the CONGRESSIONAL RECORD of December 22, 1916, and reads as follows:

To the EDITOR OF THE HERALD:

SIR: I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person represents the antipodes of everything for which America is supposed to stand. He has not one ideal that is capable of being squared with ours. At a time like this, when the fundamentals of our faith are under desperate attacks from him and his allies, it is most deplorable to compromise about an issue that transcends everything else in the world. Courtesy is all very well, but if you really believe what you profess can you be courteous to a power that is aiming its guns straight at the heart of democracy. A country is not certain outlines on a map. It is an idea. If the idea of America and the idea of the Austrian Monarchy are compatible, then the Republic must be something very different from our protensions about it.

CHARLES EDWARD RUSSELL.

HOTEL DE FRANCE ET CHOISEUL,
Paris, August 28, 1916.

Mr. BORAH. Mr. President, as I understand, there is only one reference there to the President; that is, what the writer considers the grotesque proposition of offering these felicitations. All the balance of this discussion with reference to an individual is with regard to another person. Is that correct? That is my understanding of it, at least. If I had been in the place of Mr. Russell, or the party who wrote the letter, I certainly should not have written it.

Mr. WALSH. Mr. President, let me inquire of the Senator if he would have gone to the American Embassy the next day to get the courtesy of a letter commending him to anybody in Europe, if he had written the letter? Would the Senator have done that under the circumstances?

Mr. BORAH. Mr. President, I should not have written the letter. But an entirely different proposition is submitted to us here, it seems to me. I do not consider that there is anything serious about that. It certainly did not, in all probability, impeach the standing of the President of the United States in the mind of anyone in Europe. It did not have the effect of impeaching him in any respect among those with whom he desired to stand well, under those conditions; and it is making a mountain out of a molehill to bring it into legislation here.

Mr. OVERMAN. Mr. President, does the Senator think this is the proper place to remove a diplomatic and consular officer or attaché?

Mr. SMITH of Michigan. No. He ought to be left out of this legislation.

Mr. OVERMAN. Does the Senator think that a provision should be inserted in the Diplomatic and Consular appropriation bill providing that a man appointed by the President, confirmed by the Senate, and accredited to a foreign country shall have no salary?

Mr. BORAH. Mr. President, of course I am not indorsing that proposition.

Mr. OVERMAN. That is really the issue here.

Mr. BORAH. I do not see why so small and inconsequential an affair should be brought into legislation at all.

Mr. OVERMAN. It was brought in in the House.

Mr. SMITH of Georgia. We are striking it out.

Mr. BORAH. I understand that.

The PRESIDING OFFICER. Senators will address the Chair, one at a time.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH. Perhaps the Senator did not understand that that is just the point. Somebody introduced an amendment to the bill which provides that this subordinate officer of the embassy shall not receive his salary by reason of this alleged offense that he committed.

Mr. BORAH. As I understand, his offense consisted of the mere withholding of a letter of introduction.

Mr. WALSH. Exactly.

Mr. LODGE. That is all.

Mr. WALSH. The question is, Shall we agree to that?

Mr. BORAH. It is a tempest in a teapot.

Mr. LODGE. Of course it is.

Mr. SMITH of Michigan and Mr. HUGHES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, if I understand this matter correctly, the limitation upon the right of our representatives abroad was placed in the bill in the House. As it comes here, the provision is stricken out. Am I correct about that?

Mr. SHAFROTH. It was stricken out by the Senate committee and reported here.

Mr. SMITH of Michigan. And we are now called upon to ratify the committee's course in that regard?

Mr. SHAFROTH. Yes, sir. That is the state of affairs.

Mr. SMITH of Michigan. So that the matter is entirely eliminated from the appropriation bill, and it is left where it properly belongs—with the Department of State.

Mr. SHAFROTH. But the Senator will bear in mind that the position which the Senator from Iowa [Mr. KENYON] took was that the House provision should not be stricken out, but should remain in the bill, and he said he would ask for the yeas and nays upon it. I agree with the Senator that it is not a subject for legislation upon an appropriation bill under any circumstances; and even if there had been fault here, to punish the officer by saying that he shall not have his salary, it seems to me, is a very poor way of bringing about results. Men act upon their judgment. If they are mistaken in their judgment, they should not be punished in that way.

Mr. SMITH of Michigan. Mr. President, limiting the right of an American citizen abroad to express his opinion about the President of the United States, even to the extent that this provision would be effective, would not be wholesome legislation. An American citizen abroad who offends against the proprieties of his citizenship is answerable to public opinion, and no criticism could be more severe than the criticism which would fall on him by reason of any indiscreet words or acts upon his part. I think it would be a very strange innovation in our legislation to place such a limitation as that on an appropriation bill. I am sorry the House of Representatives thought it necessary to go so far, and I desire to commend the Committee on Appropriations for this exercise of their discretion and sound judgment in striking out that provision. I should dislike very much to see it reinstated or to see the principle recognized by our Government.

Mr. KENYON. Mr. President, I will not ask for the yeas and nays on this question. My protest was based on the thought that an American citizen had the same rights abroad that he had here.

Mr. SMITH of Michigan. He has.

Mr. KENYON. And that he had the right to criticize the President of the United States abroad, even though it might not be a wise or discreet thing to do, just as well as he would have that right here; and that no secretary of a legation had the right to refuse him the same kind of treatment that he accorded others simply because he had criticized the President of the United States, which I understand was the situation here. I understand that a number of parties went to the embassy at the same time, under the same circumstances, and Mr. Russell was the only one to be denied the favor, if it be called a favor, at the hands of the embassy. I doubt, however, upon reflection, as to this being the proper way to raise the question.

Mr. SMITH of Michigan. Mr. President, if the Senator from Iowa will permit me, I should like to suggest that if those American citizens who have been unfortunate enough to be obliged to remain in the Republic of Mexico during the last four years without any assistance whatever from their own Government, again and again assaulted and crimes unnamable inflicted upon them, could not in their anguish cry out against the officers of their Government who have neglected them, I would think, indeed, that the rights of American citizens were fast disappearing as a part of our national curriculum. A man should exercise discretion; but even Senators on both sides of the Chamber fail to do that always while speaking of officers of their Government, and their words have much more potency and meaning among foreigners than the words of travelers abroad.

I sympathize very much with the idea that the Senator from Iowa has at heart, but I think this matter could best be regulated by the Department of State,

Mr. HUGHES. Mr. President, it seems to me one aspect of the case has been overlooked, and that is the conduct of the gentleman in question in using the language he used toward the head of one of the Governments of Europe. Regardless of the criticism of the President of the United States, which in certain quarters is very common and is justified by people privately who do not justify it publicly, leaving that aside, assuming for the sake of argument that it is the right of American citizens abroad to criticize the President of the United States and abuse him, that it is their right to refuse to speak the language of their own Nation in order to show the various countries in which they happen to be that they are more French than the French, more German than the Germans, and more English than the English, yet we have to consider the effect caused by this man's assault upon a reigning sovereign of Europe in connection with his request that he be given a letter of introduction, indorsement, and approval by our representative in another country to enable him to pursue his journey throughout the Continent of Europe.

It seems to me that the secretary at our embassy acted not only within his discretion but that he exercised a wise discretion when he refused to give a letter under the circumstances, and rather than have his salary taken away from him I should like to see a proposition to increase his salary; that is, if we are to decide these questions in this way on appropriation bills. Rather than take his salary away from him his salary should be increased. I am glad that he had the courage to do what it was his bounden duty to do under the circumstances, to say to this gentleman, while he could not in any way prevent him from exercising his privilege as a native-born American of abusing his own Government and the representatives thereof he had no right, residing in a foreign country and desiring to operate under the approval and indorsement of a letter from the representatives of America in a foreign country, to abuse the representatives of those countries.

Mr. NORRIS. May I ask the Senator a question? I should like to inquire what was the nature of the letter of recommendation or favor, if it were a favor, that this gentleman requested?

Mr. HUGHES. I do not suppose anyone knows. I presume it was the ordinary letter of introduction and approval such as the Senator and myself are in the habit of giving to people whom we think worthy of them.

Mr. OVERMAN. He just wanted an indorsement of the American Embassy.

Mr. NORRIS. It seems to me as to whether our representative declined to comply with the request would depend altogether upon what the request was.

Mr. LODGE. The request was for a personal letter to get certain privileges from the Belgian Government as a newspaper correspondent.

Mr. NORRIS. And they refused to give it to him because he had criticized the President.

Mr. LODGE. Because of the publication of this letter.

Mr. NORRIS. Mr. President, while I favor the amendment of the committee, and it seems to me this provision ought to be stricken out of the bill, I do not want my vote in favor of striking it out to be construed as an approval necessarily of the conduct of the American representative. It does not seem to me that he ought to have declined to give this man a letter that would assist him in his investigation as a newspaper correspondent unless he had evidence to show that he was going to take advantage of or abuse the privilege this favor would extend to him. Based on the ground that he had criticized the President, it seems to me, it was entirely erroneous; but even though the official were guilty of misconduct, or a very great lack of good judgment in declining for the reason that he had criticized the President to give him this letter, it is not a sufficent reason why he should not draw his salary. No matter how much we may disagree with him as to his action, I think we would have to concede that he had a right to decline, even though his reasons were not satisfactory to us, and his salary ought not to be taken away from him because he did decline.

Mr. CHILTON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. CHILTON. How would the Senator enforce the House provision? The Senator will observe that it is confined to the year 1916. It makes the broad statement that in a given state of facts a certain official shall not receive a salary. Who would decide the existence of those facts? There is no provision here for a reference even to a commission to determine the facts. One Government official might think the facts were one way and another might think they were another way. In other words, the House provision is on its face an unenforceable one; there is no machinery provided for determining the facts.

Mr. NORRIS. I think what the Senator says has a great deal of weight. I presume if it is left in the law the official

who would pay him or give him his warrant would take notice of the law and enforce it. However, I do not want the Senator from West Virginia to get the idea that I favor this language.

Mr. CHILTON. I do not so understand.

Mr. NORRIS. I am in favor of striking it out. I think it would be a sad mistake to leave the language in, and I would not have said anything about it if it had not been that I understood the roll was to be called and other Senators said we ought to increase the salary of this secretary for this act. I did not want any action of mine to be construed as an approval of the American official who declined to give the letter.

Mr. JAMES. Will the Senator yield for a question?

Mr. NORRIS. I will.

Mr. JAMES. Would the Senator, on the other hand, want his vote to be construed as an approval of the conduct of an American citizen on foreign soil abusing the President of his own country?

Mr. NORRIS. I do not think this vote would be construed as such an approval. There might be a great deal of evidence that ought to be taken into consideration when we pass on such a law. From what I have heard here it does not seem to me that he ought to have declined to grant him a letter, if he was of the opinion that the privilege the letter would have given would not be abused, even though he had criticized the President of the United States. It does not seem to me that that is alone a sufficient reason. There might have been other reasons. I have not heard of any.

Mr. JAMES. Does not the Senator think if this American citizen wanted to abuse the President of his own country it would have been more becoming in him to withhold his abuse and criticism until he returned home rather than to indulge in it upon foreign soil and then seek the protection of the very Government whose President be is abusing?

Mr. NORRIS. I do not believe that a citizen of the United States who criticizes the President of the United States, however severely, necessarily on account of that conduct surrenders any right he may have to protection as a citizen of the United States. I would be sorry to see an American citizen go abroad and criticize the President unnecessarily; I would be sorry to see it done here; but at the same time we disagree about those things; and we can not lay down a rule, it seems to me, that a man shall not be allowed to criticize a President of the United States here or abroad. That is going too far.

Mr. JAMES. It is not a question of protection; it is merely a question of courtesy. He asked the courtesy of a letter, in no way as a matter of protection to an American citizen.

Mr. NORRIS. I think it is more than a courtesy, I will say to the Senator.

Mr. JAMES. A man who seeks a courtesy must do so in a courteous manner.

Mr. SMITH of Michigan. The language in the proviso is "any privilege."

Mr. NORRIS. But even though it were just a courtesy, I do not believe any official of our Government ought to set up a rule, even though he can say this is a courtesy that I can grant or refuse as I please. Conceding that for argument's sake—I do not believe it, but conceding it all for argument's sake—an official ought not even to deny a courtesy because the man who asks the courtesy did not agree with him or had expressed an opinion in regard to the efficiency of any official, whether it be the President or anybody else. As long as the request he was making had nothing to do with that, and he was only asking the protection that he wanted to get as an American citizen, I think he ought to have gotten it, even though he had done wrong in criticizing the President of the United States. But upon that I express no opinion; I do not know anything about whether he did wrong or not.

Mr. SMOOT. Mr. President, the Committee on Appropriations of the Senate were unanimous in agreeing to strike the proviso from the bill. There were but two points considered. One was that the provision stricken out by the committee or similar provisions have no place upon an appropriation bill; that it is out of place and out of order to try to legislate on an appropriation bill on matters of this kind.

Again, all the members of the Committee on Appropriations took the ground, as I understand it, that the party affected had not been denied any right as an American citizen. He simply asked for a letter of introduction or a letter of commendation, and the secretary in charge thought that because of the criticism of the President it was his place to deny the letter, which he had a perfect right to do.

That being the case, Mr. President, the committee were unanimous in deciding that an appropriation bill is no place for legislation of this character, and I believe every Senator will agree to that, now that the facts in the case are known.

Mr. SMITH of Georgia. Mr. President, I desire to join in thanking the Appropriations Committee for striking this provision from the bill. I do not believe in this kind of legislation on an appropriation bill. They were right to strike it out, even if generally they might have approved it.

But, in the next place, what would it do? It says that the pay of the secretary is to be cut off if he refused any privilege to any American citizen—not a right, a privilege—who criticized the President of the United States.

I agree with the Senator from New Jersey [Mr. HUGHES]. I do not think the criticism of the President amounted in this case to a great deal, although clearly improper. The abusive language by a citizen of the United States published in a foreign newspaper, directed at the governing power of one of the governing powers of a great European country was more serious.

Mr. THOMAS. May I suggest to the Senator that if the letter of Mr. Russell had assailed the administration for something it said or declined to say affecting the ruler or the Government where Mr. Russell then was, a letter of recommendation from the Secretary to him might well subject the embassy to the suspicion of indorsing the writer's view, which might prove embarrassing. Yet if he must under the actual circumstances give the desired letter or be punished by deprivation of salary, he must also give it under the circumstances suggested. But the impropriety, even the danger, of doing so is obvious.

Mr. SMITH of Georgia. Mr. President, of course I agree with the Senator from Colorado that it is in very bad taste for American citizens to go abroad and publish letters criticizing their own Chief Executive. What I meant was that this particular criticism was rather trivial compared to the balance of the letter which assaulted one of the ruling powers of Europe. Our citizens show very poor taste and very little sense when they go abroad and write letters of this character.

I agree with the Senator from New Jersey [Mr. HUGHES]. If I were doing anything I would express my approbation of the conduct of the embassy in declining to give a letter of introduction to this kind of an American citizen. But no matter what the facts are, this bill is no place to deal with the subject; and I again say that I shall not only vote to support the report of the Committee on Appropriations in striking out the proviso, but I thank them for doing it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued to page 9, line 1.

Mr. OVERMAN. At that point the committee offers an amendment reducing the appropriation, in line 22, page 8, from $200,000 to $150,000.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, line 22, strike out "$200,000" and insert in lieu thereof "$150,000," so as to make the paragraph read:

> To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $150,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1917, which is hereby reappropriated and made available for this purpose.

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. President, I wish to ask the Senator a question. I notice here an item for ground rent at Tokyo. I had an impression that our Government owned the embassy there.

Mr. OVERMAN. We own the building, but we could not buy the land. We have a lease. The plot was leased to us for a nominal sum as ground rent. That language has occurred in this bill for years and years.

Mr. SMITH of Michigan. It is a mere matter of form?

Mr. OVERMAN. They declined to give us a fee, but I think our lease is for 99 years.

Mr. SHAFROTH. I will say to the Senator that that ground rent is exceedingly low. The grounds are very large; they are quite extensive.

Mr. SMITH of Michigan. I understand the ground rent is very reasonable.

Mr. SHAFROTH. It is exceedingly so. The ground is located almost within the heart of the city, and it occupies perhaps the space of an acre or an acre and a half.

Mr. SMITH of Michigan. I understood that this land was to be conveyed to our Government; that it was made as an evidence of

friendship and good will on the part of Japan; and that for years we have been occupying it as our own. If, however, because of any technical objection to taking the absolute title, we are holding it under a leasehold estate, this provision of course would be necessary and perfectly proper.

Mr. SHAFROTH. Evidently the Tokyo Government and the Washington Government agreed to this rental of $250 per annum, for this item has been in every diplomatic and consular bill for years.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead, "Emergencies arising in the Diplomatic and Consular Service," on page 9, line 1, after the word "purpose," to insert:

Provided, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law—

So as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $200,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1917, which is hereby reappropriated and made available for this purpose: *Provided*, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

Mr. LODGE. Mr. President, I am very anxious to see this bill go through, and I do not care to delay it by discussion. Therefore I make the point of order against this proviso that it is clearly general legislation and that it repeals existing law.

Mr. OVERMAN. Mr. President, this is a limitation on the appropriation and provides how the money shall be spent. If it is a violation of existing law or any change of existing law, I will admit that the Senator from Massachusetts is correct and that his point of order is well taken.

Mr. LODGE. The proviso reads, "Notwithstanding the provisions of any existing law."

Mr. OVERMAN. I know those words are there, and if the Senator can show me that there is any such existing law I will agree that his point is correct.

Mr. LODGE. I could show the Senator, but I do not want to take the time to do so.

Mr. OVERMAN. I do not wish the Senator to take the time.

Mr. LODGE. This provision for $200,000 is for money to be used in the Diplomatic and Consular Service and for "the necessary expenses attendant upon the execution of the neutrality act." It is purely a secret-service fund. It is the only money of which I know appropriated under this Government which can be spent on the voucher of the Secretary of State and where there is a particular exemption from any itemized return. This is a proposition to permit this money to be spent in any way that the Executive chooses, without regard to that statute. It is wholly new legislation, because this is a special fund.

Mr. OVERMAN. If the Senator will permit me, the only provision I can find in the existing law on the subject is the following:

No money appropriated in any other act shall be used during the fiscal year 1917 for the payment of personal services in the departments at Washington.

But that was only the existing law, as I understand, so far as the appropriation bill for 1917 was concerned.

Mr. LODGE. Mr. President, the President of the United States could not spend this money. If he could spend it now under existing law, there would be no need of this proviso.

Mr. SMOOT. Mr. President, I think the Senator from Massachusetts has reference to the general law passed in relation to the spending of money appropriated for purposes outside of the District of Columbia being expended in the District, but this provision says "to be expended pursuant to the requirement of section 291 of the Revised Statutes." I think clearly the Senator from Massachusetts is right in his contention that the amendment is a change of existing law, and that his point of order is well taken.

I desire to say to the Senator that I am bitterly opposed to any such provision as this on appropriation bills generally. I was opposed to this provision in the committee and voted against it, but there is a reason for this provision on this particular appropriation bill. I will say to the Senator—though I suppose it would hardly be proper to refer to particular cases that were called to the attention of the committee by the State Department——

Mr. LODGE. I know what those purposes are.

Mr. SMOOT. But even in the case of the commission appointed for the consideration of the Mexican situation——

Mr. LODGE. Let them ask for appropriations for it in the proper way.

Mr. SMOOT. I perfectly agree with the Senator from Massachusetts. I do not like this kind of legislation on any bill, I do not care what that bill may be. The point of order, in my opinion, is well taken.

Mr. LODGE. Mr. President, as to the change of existing law, of course, the bill shows on its face that the provision is made to avoid existing law, which is stated in the paragraph itself. I only wanted to call attention to the peculiar nature of the appropriation.

Mr. OVERMAN. I do not propose now to discuss the merits of the matter, because, if the Senator is correct in his contention, the amendment is in violation of the rules; but I can not understand where it is in violation of any existing law.

Mr. LODGE. It is in violation of the law stated in this bill.

Mr. OVERMAN. I want to read the statute.

Mr. LODGE. I do not refer to that section. That is the section which provides how the money shall be spent; the law is to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service; that is the law to-day, and it has been the law for years, including "the necessary expenses attendant upon the execution of the neutrality act."

Mr. OVERMAN. There is nothing in the law that prevents the President from expending the money in the District of Columbia.

Mr. LODGE. Very well. If there is nothing in the law to prevent such expenditure, then there is no necessity for the proviso.

Mr. OVERMAN. Yes; but there has been time and time again put into the law a proviso that certain appropriations should not be expended in the District of Columbia.

Mr. LODGE. The purpose of this provision is to put a great sum of money—the only sum of money that can be spent merely on vouchers—in the hands of the Executive to spend on vouchers.

Mr. OVERMAN. Yes; he wants to spend it in the District of Columbia.

Mr. LODGE. Exactly; without making an itemized return.

Mr. OVERMAN. It is a secret fund.

Mr. LODGE. Exactly; and he wants to spend the Secret Service fund in the District of Columbia for personal services.

Mr. OVERMAN. Some part of it, he does, to aid him in carrying out the execution of the laws.

Mr. LODGE. There is nothing to prevent his spending it.

Mr. OVERMAN. I am not going into the discussion of the merits of the case. I simply wish to call the attention of the Presiding Officer to section 291 of the Revised Statutes, page 49, of which this proviso is amendatory, which section reads:

SEC. 291. Whenever any sum of money has been or shall be issued from the Treasury for the purposes of intercourse or treaty with foreign nations in pursuance of any law the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury by causing the same to be accounted for, specifically, if the expenditure may in his judgment be made public, and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

There is nothing in the language as to where the money shall be expended, whether in the District of Columbia or outside of the District. So I contend there is no change in existing law, but if the Senator can cite me to any change in existing law I will agree with him at once as to his point of order.

Mr. LODGE. Mr. President, if I gave the impression that the amendment was a change of section 291 of the Revised Statutes, I did not so intend. I referred to section 291 as showing the peculiar character of the law. Now, for every purpose of the Secret Service, whether in the District of Columbia or elsewhere, or for diplomatic emergencies, this money can be spent in the District of Columbia or anywhere else; but——

Mr. SMITH of Georgia. Mr. President——

Mr. LODGE. One moment. It can not, however, be spent under existing law to pay the salaries of commissioners, and we ought to know what appropriations are made for matters which should go through the regular course. This proviso is to get rid of the laws protecting the expenditure of the public appropriations; that is the purpose; and it changes the law in regard to this peculiar Secret Service fund.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. Can the Senator point me to the law to which he refers?

Mr. LODGE. The law is in this statute right before us.

Mr. SMITH of Georgia. What statute? This act?

Mr. LODGE. It is written in this appropriation bill. That is the law to-day.

Mr. SMITH of Georgia. It is not the law until we pass it.

Mr. LODGE. No; but it is the law under the last diplomatic appropriation act.

Mr. SMITH of Georgia. The last act applied to the then appropriation, and we are not proposing to change it under this bill.

Mr. LODGE. The last act—and I should think the Senator would know it—is the law until the 30th of June next.

Mr. SMITH of Georgia. Precisely.

Mr. LODGE. Very well. It is the law of the country to-day. This is an effort to get hold of the secret-service fund and spend it for purposes which ought to be returned in due course. I have no objection to voting money to pay the Mexican Commission, but I object to having it done out of the secret-service fund.

Mr. SMITH of Georgia. I do not desire to be misunderstood. I am not expressing my approval of this provision. I will not vote to appropriate $200,000, to be spent by anybody in the District of Columbia, without the requirement of a report and without knowing how it is to be spent. I entirely disapprove this proviso, and shall not support it; but what I meant was this: I think the Senator from Massachusetts goes too far when he undertakes to say that the appropriation——

Mr. LODGE. Mr. President——

Mr. SMITH of Georgia. One moment, let me finish—that the appropriation act of last year appropriating $200,000, and specifying the way in which that money should be expended, becomes a part of the general law of the land. The limitation on our appropriation bills is that where a general statute is in force fixing the rule of law as one of general conduct, we can not change it on an appropriation bill.

Mr. LODGE. Very well, Mr. President. Now, if the Senator will allow me, what we are changing by this provision is not only existing law as contained in the last Diplomatic and Consular appropriation bill, but we are changing all the laws which require accounting. It is proposed that the money here appropriated shall not be subject to the laws which require itemized accounting for all appropriations. The proviso would not be there if it were not necessary.

Mr. SMITH of Georgia. If the Senator can call my attention to the statute which provides that, with the exception of this kind of an appropriation, all expenditures shall be accounted for in a certain way, then I will agree that is a general law and this amendment would be subject to the point of order.

Mr. LODGE. The laws providing for accounting, the laws against exceeding the amount appropriated, the laws in relation to auditing, and the laws for submitting questions to the comptrollers go back in our general legislation to the foundation of the Government.

Mr. SMITH of Georgia. Yes.

Mr. LODGE. They cover the whole system of governmental accounting. This item proposes that this money shall not be subject to the general system of governmental accounting.

Mr. SMITH of Georgia. Is there a provision of law limiting the expenditure of this $200,000 to places outside of the District of Columbia?

Mr. LODGE. It is limited by section 291, which the Senator from North Carolina [Mr. OVERMAN] has read. That is what gives this particular appropriation its peculiar character. It is the fund that was known in our early history as the "Mediterranean fund," which was used to buy from the Barbary pirates safety for our ships in the Mediterranean. The Secretary of State has always necessarily had to have a fund at his disposition that did not have to be accounted for under the general laws requiring itemized accounting and submission to the auditors. The statute books abound with those laws.

Mr. SMITH of Georgia. I am not in favor of extending the privilege of spending this $200,000 in the District of Columbia without an accounting.

Mr. LODGE. The amendment bears on its face the evidence that it is general legislation, because the money is to be accounted for by voucher, not by itemized statement. All the Secretary of State has to do is to sign a voucher that the money has been spent by him. He does not have to give the purpose of its expenditure; he does not have to give any name. It is a secret-service fund, and the object is to have this secret-service fund so that it can be spent for objects which ought to be accounted for and as to which there is no reason why an accounting should not be made.

Mr. SMITH of Georgia. I agree with the view of the Senator from Massachusetts that the privilege of spending this $200,000 in the District ought not to be given except according to the general rules provided for domestic expenditures.

Mr. LODGE. How can the proposed amendment fail to be otherwise than general legislation when it says "notwithstanding the provisions of any existing law"? It appears on its face that it is existing law.

Mr. SMITH of Georgia. It might say, "that being the general law which is hereby superseded," but if there were not a general law that would not be true.

Mr. LODGE. Ah, Mr. President, those words are never used without a purpose.

Mr. FALL. Mr. President, just let me ask the Senator from Georgia, who is a lawyer, a legal question. I will ask him what is the necessity for this provision if it is not to avoid the requirement of some existing law? If it does not do so, then the amendment is not needed and the $200,000 can be used as desired without it.

Mr. SMITH of Georgia. No; the provision itself designates the way in which it is to be used.

Mr. FALL. Let us have it read.

Mr. SMITH of Georgia. I will read it. It is as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $200,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1917, which is hereby reappropriated and made available for this purpose.

I should like to hear read section 291 of the Revised Statutes.

Mr. OVERMAN. I read that a few moments ago.

Mr. FALL. But in the meantime, in answer to my question, will not the Senator from Georgia proceed with the reading of this proviso?

Mr. SMITH of Georgia. Certainly. The proviso reads:

Provided, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

I think the presumption would be from the language used that the writer thought there was an existing law in the way, and that the object of that proviso was to get rid of existing law.

Mr. FALL. Very well.

Mr. SMITH of Georgia. What I did was to ask the Senator from Massachusetts if he would call my attention to the existing law.

Mr. FALL. And what I did was to ask the Senator, as a lawyer, if he does not think, then, that this amendment is subject to the objection made by the Senator from Massachusetts?

Mr. SMITH of Georgia. Not necessarily from its own language; but actually and certainly objectionable if it does change existing law.

Mr. NORRIS. Mr. President——

Mr. LODGE. Pardon me. If the Senator will turn to Chapter IV, in which section 291 occurs——

Mr. SMITH of Georgia. Will the Senator read it?

Mr. LODGE. It is a long chapter and contains many sections prescribing the powers of the auditors; but section 291 was incorporated in that chapter in order to take this particular fund out of the jurisdiction of the auditor, as all other public money has to pass through the hands of the auditor. That is the law that this provision is to avoid, among others; and there are many others.

Mr. NORRIS. Mr. President——

Mr. OVERMAN. According to that, the Senator would strike out the whole section and not appropriate anything.

Mr. LODGE. Oh, no.

Mr. OVERMAN. If the accounts go to the auditor, the Secretary of State will not be able to spend a cent under the appropriation. The whole paragraph, without the proviso, will allow him to spend it outside of Washington without going before the auditor.

Mr. LODGE. Not at all. The section of the appropriation bill brings the matter specifically within section 291; and the purpose of this amendment is to take that money, which is specificially for that purpose under section 291, and use it for other purposes, which ought to be accounted for under the ordinary laws of accounting.

Mr. OVERMAN. Mr. President, the words "notwithstanding the provisions of existing law" are usual words, but they really have no place here.

Mr. LODGE. Then, drop them.

Mr. OVERMAN. The words are:

Provided, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

I do not know of any existing law——

Mr. LODGE. Then, drop the proviso out.

Mr. OVERMAN. I am willing to strike out the words "notwithstanding the provisions of any existing law."

Mr. FALL. Let me ask the Senator a question.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Just one moment, please. The Senator from Massachusetts has the floor. To whom does the Senator yield?

Mr. NORRIS. I thought the Senator had yielded the floor.

Mr. LODGE. I have concluded, Mr. President.

Mr. FALL. Then, let me ask the Senator from North Carolina, who has charge of the bill, a question.

Mr. OVERMAN. Yes.

Mr. FALL. Can the President, under existing law, use any part of the $200,000 for the purposes expressed in the proviso?

Mr. OVERMAN. That is the very point I make. Now, if the Senator or anybody else can show me any statute——

Mr. FALL. The Senator is asking a question now. I am asking the Senator a question.

Mr. OVERMAN. I know of no such law; and I say that if the Senator who makes the point of order can show any law I will yield at once, because it would be subject to a point of order.

Mr. LODGE. I have shown pages of law—endless pages of law.

Mr. OVERMAN. Well, let us take a ruling on it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I think everybody has been talking without recognition, and I will proceed now. I am very thankful to get it. I think I should have received it before.

I want to call attention to the fact that even though this does change existing law it is not subject to a point of order, as I understand it, because there is not any rule of the Senate that I know of——

Mr. LODGE. It is general legislation.

Mr. NORRIS. But the Senator has not made the point that it is general legislation.

Mr. LODGE. I made that precise point. The Chair will bear me out in that statement.

Mr. NORRIS. All right, then; if the Senator makes it on that ground he is mistaken. It is not general legislation. This particular change, while I think the man who wrote it intended that it should and believed that it would change existing law, does not provide for general legislation. The Vice President has very frequently decided that a change of law that does not amount to general legislation is not such a change under our rules as will make the provision subject to a point of order.

Mr. LODGE. Mr. President, if the Senator will allow me——

Mr. NORRIS. In just a moment I will. The rule provides:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant—

And so forth. The law this particular provision changes is the provision contained in the part of the bill making this appropriation of $200,000. It is limited to this particular appropriation, and to the fiscal year for which the appropriation is made. It seems to me, therefore, that in no sense could it be considered general legislation. It applies only to this appropriation. It is limited to this.

Now I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I am, of course, aware that the House rule is "changing existing law" and ours is "general legislation." I cited the change of existing law simply because it is a characteristic of general legislation to repeal a general law. The laws which this repeals pro tanto are all legislation of the most general character.

Mr. NORRIS. Yes; but this does not repeal them.

Mr. LODGE. I insist that it does.

Mr. NORRIS. Only to the extent of this appropriation, and only for the fiscal year for which the appropriation is made. From what little I know about the matter I am rather in sympathy with what has been said against the amendment; but it does not seem to me, notwithstanding that, that it is subject to the point of order that is made against it.

Mr. WALSH. Mr. President, I assume that this discussion, since it arises upon a point of order, is addressed to the Chair rather than to the Senate; but I should like some information about this matter from either the Senator having the bill in charge or the Senator from Massachusetts, who seems to be unusually well informed upon this subject.

As I read this provision, it simply contemplates the expenditure of some of this money in the District of Columbia. Were it not for the provision, I assume that there would be some obstacle in law to the expenditure of any portion of it in the District of Columbia.

Mr. LODGE. Mr. President——

Mr. OVERMAN. Mr. President, I can settle this thing at once.

The PRESIDING OFFICER. Does the Senator from Montana yield, and to whom?

Mr. OVERMAN. If the Senator will yield, I find the statute that I asked the Senator to show me. I was rather inclined to think that there was not such a statute; but I find that the act of August 5, 1882, provides:

That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the 1st day of October next be employed in any of the executive departments or subordinate bureaus or offices thereof at the seat of government except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation.

Therefore I say it is against the rule, and I will let it go out.

The PRESIDING OFFICER. The Chair sustains the point of order. The Secretary will proceed with the reading of the bill.

Mr. SMITH of Michigan. Mr. President, I do not want to let the opportunity pass to say that according to my observation there has been no more consistent advocate of the very rule he has just applied than the Senator from North Carolina [Mr. OVERMAN]. He has insisted from first to last that there should be no general legislation on appropriation bills. His motion to strike out this limitation is in harmony with his record, and is very gratifying.

Mr. SMITH of Georgia. Mr. President, I wish to say one thing more with reference to this matter while we are on it. The privilege of putting in the appropriation bill that part of the act contained from line 16 down through the balance of the page grows out of section 291, which limits the use of the money to the purposes of intercourse or treaty with foreign nations. It authorizes the appropriation for that purpose, and when used for that purpose allows the Secretary of State to make a certificate of the amount of such expenditure, and takes it out of the general rule subjecting all appropriations to audit and detailed control. When the use of the funds passes beyond intercourse or treaty with a foreign nation, then the exception ceases, and it falls within the general provision of the law applicable to all appropriations of Congress. It is therefore clear that the general law, not the appropriation bill, subjects all expenditures to detailed audit except in the cases covered by section 291, and this only extends the use to "purposes of intercourse or treaty with foreign nations." The proviso clearly seeks to extend the use beyond that permitted by the general law, and I do not doubt the point of order should be sustained.

Mr. LODGE. I may say that merely striking out the words "notwithstanding existing law" does not affect the point of order.

The PRESIDING OFFICER. The Chair has sustained the point of order. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 13, after line 8, to insert:

SECOND PAN AMERICAN FINANCIAL CONFERENCE.

The President is authorized to extend to the Governments of Central and South America an invitation to be represented by their ministers of finance and leading bankers, not exceeding three in number in each case, to attend the Second Pan American Financial Conference in the city of Washington, at such date as shall be determined by the President, with a view to carrying on the work initiated at the First Pan American Financial Conference and establishing closer and more satisfactory financial relations between their countries and the United States of America, and authority is given to the Secretary of the Treasury to invite, in his discretion, representative citizens of the United States to participate in the said conference, and for the purpose of meeting such actual and necessary expenses as may be incidental to the meeting of said conference and for the entertainment of the foreign delegates during the conference, to be expended under the direction of the Secretary of the Treasury, to be immediately available and to remain available until expended, $50,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to strike out:

NINETEENTH CONFERENCE INTERPARLIAMENTARY UNION.

The appropriation of $10,000 "For the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the Interparliamentary Union to be held in Washington in 1915, to be expended uder such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and extended and made available for the calendar years 1916 and 1917 by the Diplomatic and Consular act approved July 1, 1916, is hereby extended

and made available for the calendar year 1918: *Provided*, That said sum may, in the discretion of the Secretary of State, be expended within the United States, but not elsewhere: *Provided further*, That an itemized account of all expenditures shall be reported to Congress.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to strike out:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States: *Provided*, That an itemized account of all expenditures shall be reported to Congress.

The amendment was agreed to.

The next amendment was, under the subhead "Post allowances to consular and diplomatic officers," on page 24, line 24, after the word "officers," to insert "in belligerent countries and countries contiguous thereto," so as to make the clause read:

To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers in belligerent countries and countries contiguous thereto in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $200,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 21, to strike out:

ACQUISITION OF LEGATION PREMISES AT MANAGUA, NICARAGUA.

For the purchase of the grounds and buildings known as Quinta Nina at the city of Managua, Nicaragua, and for such alteration, repair, and furnishing of the same as may be necessary for the use of the legation to Nicaragua, both as a residence of the minister and for the office of the legation, and for the erection on the premises of suitable quarters for the legation guard, $80,000.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. If no further amendment is proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. The morning business is closed.

EXECUTIVE SESSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 30 minutes spent in executive session the doors were reopened.

NOMINATION OF WINTHROP M. DANIELS.

During the consideration of executive business,

On motion of Mr. HUGHES, and by unanimous consent, the injunction of secrecy was removed from Miscellaneous Executive Document No. 2 and Miscellaneous Executive Document No. 3, and they were ordered to be printed as Senate documents and also in the RECORD, as follows:

[Senate executive session, Misc. Ex. Doc. No. 2, 64th Cong., 2d sess.]

[S. Doc. No. 673.]

WINTHROP M. DANIELS.

AN ADDRESS DELIVERED BEFORE THE SENATE OF THE UNITED STATES ON JANUARY 3 AND 6, 1917, IN OPPOSITION TO THE CONFIRMATION OF THE NOMINATION OF WINTHROP MORE DANIELS, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION, BY HON. ALBERT B. CUMMINS, UNITED STATES SENATOR FROM IOWA.

Mr. President, I am opposed to the confirmation of Winthrop M. Daniels as a member of the Interstate Commerce Commission. My opposition is entirely impersonal. I am not acquainted with the nominee and know nothing whatsoever about him, except as his views and tendencies are disclosed in his record; first, as a member of the Board of Public Utilities of New Jersey; and second, as a member of the Interstate Commerce Commission. I do not question his intellectual strength and accomplishments. I have no reason to doubt his general integrity. My objection is based wholly upon his unfitness for the particular office which he has filled for the last two years and a half, and to which he is now nominated for the full term of seven years. Before I have finished I will state specifically the reasons which, in my judgment, disqualify him for the work of the Interstate Commerce Commission; but at the very outset I desire to express my opinion respecting the supreme importance attaching to the action of the Senate upon his nomination.

I believe that we have reached the parting of the ways. I believe that our system of the control and regulation of common carriers is on final trial, and that if the commission is to be made up of men of Mr. Daniel's trend of mind the system must be abandoned. For one, I have no hesitation in declaring that if his views are to prevail I am for absolute and immediate Government ownership and operation of our transportation facilities. If the charges for service rendered by our public carriers are to increase year after year in the rapid ratio which the principles he advocates will not only authorize but require, the burden, now heavy, will become insupportable. If his economic opinions are to become the settled law on the subject, there is no relief save through the abolition of private ownership. To insist that he honestly holds these opinions simply emphasizes and intensifies the wrong and converts what might be a temporary evil into a permanent injustice. If the Senate confirms the nomination of this man it will be notice to the people that we approve the course he has marked out for the regulation of public utilities, and we may be altogether certain that it is a course which will be condemned by an overwhelming majority of those whose interests are deliberately ignored.

The duty I am about to perform is not an agreeable one, and I am perfectly conscious that it is not an easy one. It will be said in every variety of phrase that I am assailing the nominee simply because I do not agree with his decisions, and that it is unfair and ungenerous to object to a confirmation because of such differences of opinion. It will be asserted, I know, that every officer of the Government who acts in a judicial or quasi judicial capacity should be independent and express in his decisions his honest convictions. I agree that every man in such a position should be sincere and record his conscience in every judgment; but that does not touch the point. If his mind is so warped that he is incapable of administering the law in an unprejudiced way, he ought not to be given the opportunity to pervert the principles which underlie the subject or to destroy the policy which the common justice of mankind has established.

For instance, I have great admiration for Theodore Roosevelt, but it could hardly be said that he would be acceptable as an arbitrator between Germany and Great Britain. There is no man in the Senate in whose honor and integrity I have more implicit confidence than the senior Senator from New Jersey, but I would hesitate a long time before I could bring myself to put the administration of a prohibition law in his hands. These illustrations could be multiplied indefinitely, and they teach us that there are some men who, by their training and trend of thought, have wholly disqualified themselves for certain offices. This is the category in which I put Mr. Daniels, and while the Senate may try to take him out of it, the effort in the end will be a dismal failure.

In the exercise of those prophetic powers which every man of common sense enjoys I predict that before long we will either have an Interstate Commerce Commission made up of men who look upon the subject intrusted to them from a different standpoint than the one occupied by Mr. Daniels, or the commission will be abolished.

It is worth while to recall just what authority Congress has conferred upon the Interstate Commerce Commission, and what its duties, broadly speaking, are.

Section 1 provides:

"All charges made for any service rendered or to be rendered in the transportation of passengers or property, and for the transmission of messages by telegraph, telephone, or cable, as aforesaid or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof, is prohibited and declared to be unlawful."

Section 3 provides:

"That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic to any undue or any unreasonable prejudice or disadvantage in any respect whatsoever."

These are the generic rules to be enforced by the commission, and the entire act and all its amendments, comprising something like 60 printed pages, gathers round these fundamental declarations.

The commission is organized and exists for the purpose of compelling each such common carrier to exact for its service just and reasonable compensation, and to render its service without unreasonable preference or advantage as between localities, kinds of traffic, and persons. The details of the law adopted to carry into effect these vital commands and prohibitions are not material to the present inquiry. There is, however, one amendment intended to aid in the ascertainment of just and reasonable charges which should be borne in mind. I refer to the act approved March 1, 1913, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof by providing for the valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities."

This amendment was for the purpose of furnishing certain information respecting the value of property of common carriers. It authorizes and requires the commission, first, to make an inventory of all the property of every common carrier subject to the provisions of the interstate commerce act, and show the value thereof, and to classify the physical property in accordance with established rules. Second, with respect to each piece of property owned and used for common carrier purposes, the original cost to date, the cost of reproduction, less depreciation, and an analysis of the methods by which these several costs are obtained and the reason for their differences, if any. In like manner to ascertain and report separately their values and elements of value, if any, of the property, and an analysis of the methods of valuation employed, and of the reasons for any difference between such value, and each of the foregoing cost values.

Much other information is required, but it is not necessary to recite the further provisions of the amendment.

The effect of the work of the commission under the amendment is thus stated:

"All physical valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the findings thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as 'An act to regulate commerce' and the various acts amendatory thereof, and in all judicial proceedings brought to annul, set aside, or suspend in whole or in part any order of the Interstate Commerce Commission."

The ultimate purpose of the amendment was to give the commission and the courts authority to fix the standard by which rates, whether published by the carriers or promulgated by the commission, could be measured; that is to say, a value by which the adequacy or inadequacy of rates to provide a fair return could be at least in part determined.

When it is remembered that the carriers claim the aggregate value of the property to be considerably more than $20,000,000,000, the overshadowing importance of the power here conferred upon the commission becomes so apparent that no comment is necessary.

It may be well, however, to mention one phase of our system of regulation which may have escaped the present attention of Senators. The carriers have the constitutional right, and it is fully recognized and provided for in the interstate commerce act, to appeal to the courts if any order of the commission reduces their compensation below the constitutional limit or otherwise infringes their constitutional privileges. The public—that is to say, those who receive the service and pay the compensation—have no such right, and they must abide by the judgment of the commission. For them the commission is the tribunal of final resort, and if injustice be inflicted they must suffer without a remedy.

I am not criticizing the act in this, because it is necessary. We can not give the shipper the right to assail orders of the commission without imposing upon the courts the duty of determining reasonable rates for the future; in other words, without attempting to confer jurisdiction to try a case de novo upon its merits. In my opinion it would be unwise to transfer to the courts this jurisdiction, even if we could do so; but it is quite clear that we can not, under the Constitution, confer upon the courts the authority to perform what is essentially a legislative act.

I mention this in order to emphasize the degree of care we ought to exercise in selecting members of the commission and to fasten upon the minds of Senators a due sense of the tremendous responsibility which they must bear when they pass upon the qualifications of persons who are to rule in such a domain.

One further thought and I shall have concluded these preliminary observations.

I have already mentioned the magnitude of the property used in transportation, and it must have occurred to you that a very small percentage of unjust advance in this vast sum will impose a heavy burden upon the people during all the years to come, for upon any such advance the public must pay a yearly return of 6, 8, or 10 per cent. I now remind you that the Interstate Commerce Commission has just issued a statement indicating that the gross operating revenue of this property for the last calendar year amounts to more than $3,500,000,000. I hope you will not forget as I proceed that an increase of 5 per cent in the charges for transportation will take from the public the staggering sum of $175,000,000 annually. I allude to these things because we are dealing with a subject so big that it demands the most alert intellect to fully comprehend its proportions.

Having pointed out, with commendable brevity I hope, the gravity of the question before us, and outlined the character and extent of the powers and duties of the Interstate Commerce Commission, I turn now to the men to whom we are asked to commit these powers and upon whom we are asked to impose these duties.

He was at one time a member of the Board of Public Utilities Commissioners of the State of New Jersey, and he has been for something like two years and a half a member of the Interstate Commerce Commission. He was a dominating force on the New Jersey board, and has been, I think, the controlling influence on the Federal tribunal. His activity in both positions has been conspicuous, and his prominence in the decisions of these governmental bodies is easily seen.

It is not my purpose to review more than two cases for the result of which he is partly or wholly responsible. I select these cases because they deal with the fundamentals of regulation, and announce with the utmost emphasis the principles which must underlie all efforts to restrain charges for public services within reasonable limits. If they are sound and correct principles the mere failure to properly apply them to the facts of a given case would not disturb me at all, for I was too long at the bar to be surprised or discouraged with the wide differences of opinion in that field.

The first case to be examined is "*In the Matter of the Hearing as to Whether the Existing Schedule of Rates of the Public Service Gas Co. for Gas is Just and Reasonable.*" (Third Annual Report of the Board of Public Utility Commissioners of the State of New Jersey, pp. 246–310.)

The investigation was made by the Public Utility Commissioners of New Jersey, and related to what is known as the Passaic division of the gas company. The decision is most elaborate, occupying 64 printed pages, and is so well composed and so very lucid that it is impossible to mistake its import or effect. Considered simply as a decision of a particular case it is of little importance, but looked upon as a disclosure of Mr. Daniels's convictions upon the subject of reasonable rates for a public service, and his closely reasoned opinion with regard to the value of property rendering a public service, it is conclusive as to his utter unfitness to assume the power of fixing rates of transportation in the United States.

It may be recalled that when Mr. Daniels's nomination was originally before the Senate I earnestly opposed its confirmation, and the decision in the New Jersey Gas Co. case was the basis of my opposition. Upon this occasion I will try to deal with it upon the assumption that many Senators will remember the argument then made, but knowing that other great subjects have engrossed the Senate in the last two and a half years, and knowing also how easy it is to forget in the midst of our rushing duties, I intend to recall this decision in sufficient detail to be sure that its meaning is firmly in your minds.

Lest I may be accused of concealing an important thing, I say in the very beginning of the review that the Public Service Gas Co. had established a rate of $1.10 per thousand cubic feet of gas, with a rebate or deduction of 10 cents per thousand for prompt payment. Upon the inquiry the rate was reduced to 90 cents per thousand cubic feet, but whether any deduction for prompt payment was permitted is not entirely clear, although as I construe the order it established a flat rate.

It was believed by the commissioners that this rate would yield an annual return of 8 per cent upon the value of the property as fixed by the commissioners. I have heard, though not authentically enough to submit it as a fact, that the return in the years that have elapsed since the decision has been very much larger than 8 per cent. However that may be I do not look upon it as at all material.

The 64 pages upon which the decision is published are almost wholly devoted to the ascertainment of the value of the property and the announcement of the rules governing investigations of that character. Roughly speaking, the tangible property could be divided into two classes: First, the real estate; second, the structures of various kinds built upon the real estate, or upon or in the streets and public places of the several municipalities. The value adopted for the real estate was $111,160, and while I am not ready to concede the correctness of the rule laid down, the item is of minor importance. The structures upon and in the ground were then considered. I do not care to detain the Senate with an analysis of the rather curious process adopted to reach the result as to the value of these structures as such. I note only that the cost of reproduction seems to be the guiding rule.

The point I desire to make, and it is here that a fatal departure from sound principles was first made, is that after ascertaining the value of all structures as such there was added 17.6 per cent for indefinite expenditures called "overhead charges." This addition amounted in the aggregate to $542,774.46, which in this small enterprise was forever imposed upon these communities as a public debt. It is only fair that the reasoning of the commissioners upon this item be stated. I quote from page 263 of the Third Annual Report of the Board of Public Utility Commissioners of the State of New Jersey:

"To the estimate of bare cost there must be added certain allowances for expenditures generally called overhead charges. Forstall's appraisal included a total allowance of 15.54 per cent; Randolph allowed 20 per cent; Stone & Webster, 20.5 per cent; Humphrey & Miller allowed approximately 21.7 per cent. Forstall had, however, stated that an additional 2 per cent ought to be added to the allowance. This is best explained by quoting from the letter transmitting his proposal to the board. It runs as follows: 'In these charges we cover only engineering and supervision, commissions, contingencies, and interest during construction. We have taken engineering and supervision at 5 per cent. Omissions, in view of the careful inventory, at only 2 per cent, and contingencies at 2 per cent. The allowance for interest is based upon a period for and a progress of construction that would call for an average payment of interest at the rate of 6 per cent for one year on the total amount expended. It will be seen that the overhead charges applied do not include any organization expenses, liability for accidents, and damages during construction, nor taxes during construction. Without the value of the land and the uncertainty as to the extent of the liability for accident under the existing laws, we have not felt able to fix a definite percentage for the omitted items, but think that they should amount to at least 2 per cent of the total before any overhead charges are applied.'

"Eleven per cent should, therefore, be added before computing the interest at 6 per cent, this making a total of 17.6 per cent.

"After due consideration we accept this figure as the fairest estimate for these allowances, and apply it in connection with each class of property."

This was said and the thing was done, notwithstanding the fact that not a word of testimony had been introduced showing that the company had ever made any such expenditures or that any such capital remained idle during any such period.

This was said and the thing was done, notwithstanding the perfectly obvious truth that the company or its predecessors had been making and selling gas for many years, had been charging exorbitant prices for it, and that whatever expenditures had been made or whatever idle capital to be rewarded the earnings of the company had been ample to cover, and had covered all such items.

Under such circumstances the addition of 17.6 per cent to the actual value of the property; to require the people of these communities to pay for all time 8 per cent upon the imaginary value of $542,774 was so flagrantly wrong that I for one am not willing to give Mr. Daniels the power which will enable him to apply the rule to the property of the carriers of the country. In these days $542,764 does not seem to be a very large sum of money; but suppose Mr. Daniels is permitted to add under similar circumstances 17.6 per cent on account of these fugitive overhead charges to all the structures, improvements, equipment, and facilities of the railway companies. Instead of a half million wrongfully added to the value of the gas property we will have billions wrongfully added to the value of the railway property, and it will not be long until that very question will be presented to Mr. Daniels for decision if he continues to be a member of the commission.

I will not dwell longer upon the addition of an intangible 17.6 per cent to the real value of structures lest the impression be created that this addition is the chief mistake of the decision. It is bad enough, but it is only the beginning. It simply opens the door into a broader field of error. The utility commissioners found that the value of the real estate and the structures with the 17.6 per cent added was $3,737,980. They then added $250,000 for working capital, although there was no showing that in actual experience any such amount was in fact used. I make no complaint of the allowance, however, for the mistake shrinks into insignificance when we come to consider the next step. The aggregate of all these items of property, including real estate, working capital, and the 17.6 per cent overhead charges, was found to be $3,987,980. It would seem that the gas company ought to have been content with this swollen valuation; but not so. It presented another item classified as "Other intangible gas capital," and under this head the commissioners considered the subject of "Going value" or "Going concern value." The discussion of this item, long and labored, stands alone in all the literature of rate regulation. It fills 12 pages of the opinion (278–289, inclusive). The outcome of the reasoning was an allowance of $1,025,000 for "Going value," substantially 30 per cent of the structural value with the 17.6 per cent added. This extraordinary process brought the valuation up to $5,012,980, which sum, after a deduction of $62,000 for expenditures after the date of the examination and $200,980 for depreciation, left $4,750,000 as the value for the determination of a yearly return.

In order to show just what was accomplished in this performance I recapitulate: The value of the property, including real estate and working capital, but excluding the intangible 17.6 per cent and the intangible $1,025,000, was $3,182,326, as against $4,750,000 which the commissioners made the basis for return. That is to say, the gas company was allowed rates that would exact a yearly return upon $1,567,774 in this small affair in excess of the actual worth of the property and in excess of any independent investment in it. I shall presently consider the reasonableness of the rate of return, which was 8 per cent, but at this moment I content myself by calling attention to the fact that assuming the rate fixed would yield no more than 8 per cent per annum, this intangible allowance has cost, and will continue to cost for all time, the people of those communities $125,411 per year.

I go back now to a brief examination of the reasons given by the commissioners for the extraordinary allowance of $1,025,000 as "Going value." They quote first the definition of the terms proposed by counsel for the gas company, viz, "Value of the plant and business as a whole in excess of the value of the special franchise and cost of the tangible plant" (p. 278). They quote the definition of a witness, Mr. Forstall, viz, "Development value, the cost of getting the business and development charge * * * the excess of a gas property in operation as over a similar gas property with the same or similar structures, but without consumers attached" (p. 278). And they finally say, "This is the value a utility property has or may have over and above the value of its tangible belongings" (p. 278). Again (p. 279), "the 'Going-concern value' will then be largely represented by the cost of

developing the business as distinct from the cost of securing the physical structure."

After these somewhat vague suggestions and definitions the commissioners proceed to the allowance of the substantial average of the opinions of a series of the witnesses whose estimates are absolutely arbitrary and seem to grow out of the experiences of the industrial enterprises from which they came. They made no inquiry whatever into the expenditures actually made by the gas company in securing or developing the business it then had, although they assume that these expenditures had been made as a part of the operating cost of the plant as it gradually grew.

I do not intend to discuss at length the soundness of admitting any intangible item in the valuation of public utility property, although my personal opinion is unalterably against it. I recognize that in the beginning and throughout the whole career of a public service corporation there are expenditures which must be met in order to develop the business which can not be made a part of the value of any particular physical structure. I recognize that for these expenditures the corporation must be reimbursed, either from a capital fund or from the fund for operation and maintenance. They properly belong to the latter and are usually made good from it. If they are taken from independent capital, I agree that they should enter the basis on which a return is to be computed. They have, however, nothing whatever to do with the value of the property, and before any allowance is made for them it must be shown that they were in fact made; and it must be further shown that they were not, as they should be, part of the cost of operation and maintenance. It is assumed in the decision of the New Jersey commissioners that the cost of developing the business was paid from the revenue of the company, but nevertheless such cost was not only treated as capital but was made a part of the value of the physical structures. The reasoning of the commissioners upon this point deserves attention. I quote from page 279, et seq.:

"The second query raised asks whether such 'Going concern value' should be included in the basis on which public utilities are entitled to a fair return in case the costs involved in developing such 'Going concern value' have been made out of rates exacted from consumers To this our answer also is in the affirmative, so far as it does not appear that the rates exacted from the consumers were legally challenged. If in the past this gas company out of the rates exacted from consumers had made its operating expenses and depreciation, and in addition thereto had obtained enough to pay returns to investors and to build an actual structure used in the business, would this structure aforesaid be a lawful property of the company? The answer it seems to us must be in the affirmative. If the company had paid out, in addition to other payments to investors, dividends equal to the cost of building this structure, and then had issued additional stock in value equal to the cost of this structure in order to repossess itself of the money required to build it, there can be no doubt that the structure built out of the proceeds of the additional securities thus sold would be the lawful property of the company. It would be none the less the company's lawful property if built out of current earnings without the issue of additional securities."

This is the technical analysis resorted to by the commissioners to justify their action. It is utterly unsound; but even if it were approved it would not follow that money paid out for advertising, solicitation, and the like would be properly chargeable to the same account as money paid out for the construction of a new building. To me it is monstrous to assert that the customary expenditures of a public-service company, made in the effort to enlarge its business from a fund created by its ordinary operating revenues where revenues are sufficient after paying all these expenses to reward capital with a due return, are to be made the basis of a "going value" of practically one-third the value of all tangible property. I repudiate the whole theory. It is vicious from every standpoint. It is the corner stone of the overcapitalization which now menaces all of our attempts in the regulation of common carriers. The speculators who ruined the Chicago & Alton Railroad had just the same idea of public-utility economics when they substantially trebled the capitalization of the railroad company, adding but a few millions to the actual property. They examined the books which recorded a long and honorable business and capitalized the sums which had been paid out of revenues in the betterment of the railroad, and in a few months a road which had been highly successful for more than a quarter of a century was absolutely insolvent.

If Mr. Daniels, in his place as a member of the Interstate Commerce Commission, should be able to apply the rule which he tried to defend in the Gas Co. case, the consequences would be more than disastrous; they would be terrifying. Imagine, if you can, what would happen if there should be added to the value of the physical property of the railways, first, an arbitrary overhead charge of 17.8 per cent, and then crown his work by superimposing upon the whole mammoth sum a "going value" of 30 per cent. We know that a large part of the present capitalization of the railway corporations was issued without consideration, but if Mr. Daniels's plan for valuation should be adopted I venture to predict that the basis for rate making would exceed the existing capitalization by more than $6,000,000,000. Those who become responsible for giving a man, however talented, an opportunity to work out in railway valuation these strange and extravagant opinions will never forgive themselves for the grievous error they are about to commit. As for myself, I refuse to participate in any such blunder.

I pass now to that part of the New Jersey decision which fixes the charge per thousand cubic feet which the commissioners established. I quote the last paragraph of the decision (p. 309):

"In our judgment, based on all of the evidence and consideration of all the facts, a rate of 90 cents per thousand cubic feet will furnish a fair return at not less than 8 per cent on the value of the property used and useful in supplying the customers of the Public Service Gas Co. in the Passaic division."

Mr. Daniels seems to have been of the opinion that a minimum return of 8 per cent upon the swollen and exaggerated value which I have been discussing would be just and reasonable. As I have once suggested, the rate fixed has yielded, as I am informed, greatly more than 8 per cent. But I am quite willing to judge Mr. Daniels by the standard which he had in mind. What does 8 per cent per annum upon the value as found by the commissioners mean? It sufficiently appears from the decision that one-half or more of the capitalization of this value was represented by bonds bearing interest at the rate of not more than 5 per cent per annum. If I assume that the other half was represented by capital stock, the result is a yearly dividend of 11 per cent, or a dividend of 9 per cent with 2 per cent for surplus. This goes far beyond even the claims of public-utility companies, and if Mr. Daniels finally succeeds in adjusting railway rates upon this basis, he will impose a burden upon the people of the country so heavy and unjust that instant rebellion would be the result.

I do not review the decisions of either courts or commissions respecting the proper rate of return upon capital stock, for all of you are familiar, in a general way, with them. I content myself with saying that hitherto no other tribunal has ventured to the extreme point which the New Jersey commissioners reached so easily.

With this record behind him, Mr. Daniels became, in the spring of 1914, a member of the Interstate Commerce Commission, and I propose to examine two vitally important cases in which he was the leading figure, and in which his views finally prevailed. In doing so I find it necessary to consider four great cases, epochal in their character, and which mark the beginning, progress, and end of a successful effort on the part of the railway companies to overthrow the interstate-commerce law, and to convert the commission into an instrument for the maintenance of the stock markets of the country and of fictitious values upon worthless securities.

I regret that this work has not fallen into hands more competent than mine, but, inasmuch as it is certain that it ought to be done, I intend to do it with such thoroughness as I can command and, I hope, with the utmost candor and fairness.

These cases are known in the reports of the Interstate Commerce Commission as follows:

"In re Investigation of Advances in Rates by Carriers in Official Classification Territory—Eastern case. (20 I. C. C. R., 243.)

"In re Investigation of Advances in Rates by Carriers in Western Trunk Lines, Trans-Missouri and Illinois Freight Committee Territory—Western case. (20 I. C. C. R., 307.)

"In re Rates Increased in Official Classification Territory—The Five Per Cent case. (31 I. C. C. R., 351.) The rehearing of the same case. (32 I. C. C. R., 325.)

"In Western Classification Territory—Western Rate Advance case. (35 I. C. C. R., 497.)

These cases are closely connected with each other. They are chapters of an interesting although not encouraging history. A general glance toward their origin and development will be helpful in securing an understanding of their purpose and import.

In 1909 the railroads initiated a definite campaign against the Federal regulation which was originally established in 1887, and which had been materially strengthened in 1904 and 1906. The general claim was that the system was one of repression and correction, and lacked every element of sympathy or aid; that the outcome up to that time had been to deny the railroads the revenues to which they were justly entitled, to disparage and depreciate their securities in the markets of the country, and to disincline investors to embark their capital in railway enterprises. And this notwithstanding the fact that the railroads everywhere were receiving more for like service than they had received prior to the enactment of the interstate-commerce law or prior to the amendment which put an end to rebates and discriminations; that their net revenues were greater in proportion to either their capitalization or property accounts than ever before, and despite the fact that their securities had risen steadily in the markets and then commanded a much higher place than when the Government adopted its first measure of regulation.

The campaign was conducted with the greatest energy through magazines, newspapers, pamphlets, speeches, boards of trade, and all sorts of organizations. It was stimulated in a degree, no doubt, by the knowledge that Congress was about to undertake a somewhat comprehensive revision of the interstate-commerce law. That it had a profound effect upon the form of the bill which the then chairman of the Interstate Commerce Committee of the Senate introduced, and which was reported to the Senate, I have no doubt. Fortunately, however, the bill was so amended on the floor of the Senate that some of its most objectionable features were eliminated, and some very effective provisions added.

It will be remembered that under the law railway companies initiated their rates by filing with the Interstate Commerce Commission their tariffs. Until 1910 the only way of attacking rates was through a proceeding challenging their reasonableness, but one of the amendments of 1910 gave the commission the power to suspend new tariffs and to try them before they became effective, and in case of increased rates put the burden of proof upon the railways to establish their reasonableness.

In the spring and summer of 1910 substantially all the railway companies of the country came together and agreed that they would file similar tariffs for a general advance, and this was done. It seemed to be rather plain that this sort of action was in violation of the antitrust law, and the Attorney General instituted suits to enjoin further offenses against the law. The railroads postponed their proposed tariffs, and in the meantime the act of June 18, 1910, was passed, and under it the Interstate Commerce Commission originated an inquiry into the reasonableness of the increased rates. The investigation was divided into two cases: First, the rates in official classification territory, known as "Advances in rates"—eastern case; second, the "Advances in rates in western trunk-line, trans-Missouri, and Illinois freight committee territories," known as the western case. After exhaustive hearings and arguments both cases were decided February 22, 1911. Mr. Prouty delivered the opinion in the eastern case and Mr. Lane in the western case, and both were emphatically against the increases in rates.

The campaign, however, continued with still greater energy, and when it was believed that public sentiment had been sufficiently aroused the railway companies again attempted to accomplish the same general purpose. In 1913 the carriers in official classification territory filed tariffs proposing a general increase in freight rates ranging from 3 to 50 per cent. It was estimated that the increase in gross revenue would be substantially 5 per cent, and therefore the case is known as "The Five Per Cent case." The tariffs were suspended, and again the whole subject was examined. It was decided July 29, 1914. Lane and Prouty, who had so valiantly resisted the first attack, had ceased to be members of the commission, and Mr. Daniels had taken the place of one of them. Nevertheless, five members of the commission remained firm, and, with some proper exceptions, denied the claim of the railroads, although they opened the gate to the Trojan Horse. Here Mr. Daniels first appears. He dissented from the decision of the majority in an opinion which I shall examine later on—I am treating the matter historically just now.

The campaign proceeded until it seemed to bring under its influence all the forces of the Government. Just what effect these appeals, suggestions, and assaults from the outside had on the commission I do not know; but at any rate, the commission, led, as I believe, by Mr. Daniels, in October of the same year granted a rehearing. It was resubmitted and again decided on December 16, 1914. Three of the five members

who had denied the increases in July gave way, and, following Mr. Daniels, the dissenting opinion of July became the decision of the commission in December. The increases, with some exceptions, were approved.

The first battle was won, but the campaign was still on, for the western country had still to be captured. The struggle in western classification territory continued with undiminished vigor. The case was submitted June 26, 1915, and was decided July 30, 1915.

This concludes the story of the most notable contest ever carried on in the United States. The outcome has been not only to add fifty, seventy-five, or a hundred million dollars annually to the revenues of the railway companies, but to set up a new standard for the measurement of charges for a public service; a standard not only unwarranted by the law, but directly contrary to the law—a standard which, if perpetuated, will wreck the whole system of regulation. If the outcome in the contest had been to increase railway revenues because the higher rates proposed were just and reasonable, I might differ from the commission respecting the weight of the evidence submitted, but I would not think of challenging the result. It is because Mr. Daniels, leading the commission, has ignored the law and exercised an authority which never has been and never will be conferred upon any commission, and it is because I know the fatal consequences which must follow the exercise of the authority that I am constrained to say that the man who usurped such authority ought not to be continued on the commission.

I proceed now with an analysis of these cases. I am sorry to detain the Senate for so long a time, but I can only promise that I will be as brief as is consistent with the duty I have undertaken.

Generally, let me say that for the purposes of this argument I accept every fact stated in these five decisions, in so far as it relates to the property, capitalization, earnings, and expenditures of the railway corporations under consideration, for I am judging Mr. Daniels by the record and not upon my own opinion respecting the matters I have just mentioned. Fortunately, I will have occasion to refer to but few of the statements of fact with which the decisions are crowded.

I take up, first, the Eastern case of 1910. It involved the rates in official classification territory, which, roughly speaking, is bounded on the north by Canada, on the east by the Atlantic, on the south by the Potomac and Ohio Rivers, and on the west by the Mississippi River. In this territory there are three divisions mentioned in the case, viz, New England Freight Association territory, lying east of New York; Trunk Line Association territory, lying between Buffalo, Pittsburgh, and New York; Central Freight Association territory, lying between the Mississippi River, Chicago, and Pittsburgh. The general claim of the railroads was thus stated in the opinion (p. 247):

"These advances are justified by the defendants upon the ground that the cost of operation has so increased that, although gross operating income has continued to grow, the net operating income has become and is insufficient. * * * The justification presented by the carriers is one of additional revenue, and the question presented to us is, Are these defendants justified in laying this additional transportation burden upon the public for the purpose of obtaining greater net revenue?"

The first comment, made by Commissioner Prouty, upon this contention is as follows:

"Strictly speaking, this commission has no jurisdiction to hear and determine that question. We have no authority as such to say what amount these carriers shall earn, nor to establish a schedule of rates which will permit them to earn that amount. Our authority is limited to inquire into the reasonableness of a particular rate or rates and establishing that rate or practice which is found lawful in place of the one condemned as unlawful."

After further explanation of the point, the opinion says (p. 248):

"When, as here, there is involved the propriety of advances which affect the entire rate fabric within this territory, embracing one-half the tonnage and one-half the freight revenues of this whole country, and when that advance is justified mainly upon the ground, not of commercial conditions, but by lack of adequate revenue upon the present rate basis, this commission must determine the fundamental question.

"It might not follow, even though we were of the opinion that these carriers were entitled to additional revenue, that they ought to obtain it from an advance of these particular rates. We might be of the opinion that only a portion of these advances should have been made or that other articles altogether should have been selected. It might be true that even though there were no need of additional revenue some or all of these rates could be properly advanced, but as this case is presented and as preliminary to the consideration of these further questions we must dispose of the basic question: Are these defendants justified at this time in demanding additional revenues from the public for the services which they are rendering?"

The commission, after thus stating the general question involved, reviews the whole history of railway construction, capitalization, and financing. It dwells upon the fact that neither the property account kept by the railroad companies nor the capitalization is at all reliable in determining the value of the property upon which a return is to be allowed. It points out the great difference in the dividend-paying capacity of the 35 systems which comprise substantially the railroads operating in the territory under consideration. For instance, it suggests that the Delaware, Lackawanna & Western had a corporate income for the year 1910 amounting to 49.77 per cent upon its outstanding capital stock, having grown to that figure from 16.63 per cent in 1901; also, that the Lake Shore & Michigan Southern Railway Co. not only paid a dividend of 18 per cent upon its stock in 1910, but added $5,000,000 to its surplus.

These observations brought it to a consideration of this question: Should the condition of the very strong or the very weak railroads be taken as the basis for the ascertainment of an adequate revenue? It reached the conclusion in accordance with the holding in the Spokane case (15 I. C. C. Rep., 376) and the Kindel case (15 I. C. C. Rep., 555) that a medium course should be pursued. It therefore segregated three systems, viz, the Pennsylvania, the New York Central, and the Baltimore & Ohio, remarking (p. 274):

"We do not mean that other lines should not be considered, but that these systems may be taken as typical. Under rates reasonable for these three systems there may be lines whose earnings will be extravagant, but this is their good fortune. There may be lines which can not make sufficient earnings, but this is their misfortune. We ought not to impose upon this territory for the purpose of allowing these defendants additional revenues higher rates than are adequate to these three systems considered as a whole."

The Baltimore & Ohio was first examined. Its property investment account in 1909 was $406,000,000, its capitalization in 1910 $565,000,000. From the earnings of 1910, and after an allowance for an increase of wages, which was imminent, it was found that it could pay cost of operation and maintenance, taxes, interest upon all its bonds, dividends upon its preferred stock, a dividend of 6 per cent upon the common stock, and carry to surplus $2,776,000. This, in view of the fact that it was perfectly well known that the capitalization vastly exceeded the investment, was thought to be quite sufficient. The commission then turned to the Pennsylvania system, which is all interwoven owning and holding companies. It is composed of about an hundred railroads. It is generally supposed that this is the one system decently capitalized, and it is unquestionably true that in recent years its stock has been issued for full consideration. But in the combination there was as much water in the stock as can be found in any capitalization. The report of the system is a complicated one, and I will not enter it. It is sufficient to say that its dividends have always been good, the market value of its stock high, and that a very large part of its extensions and betterments for the last 30 years have been paid for out of earnings. The commission had no difficulty in reaching the conclusion that no increase in rates was necessary in order to enable it to adequately reward its owners. The same conclusion was reached with respect to the New York Central. And the commission held unhesitatingly that the railway companies had not sustained the burden of proof which the law imposes upon them—that is to say, had not shown that the proposed increased rates were just and reasonable—and it therefore denied the increases.

The principles of law announced in this decision are: First, that when a group of railroads, acting evidently in concert, propose general increases in rates it is lawful to inquire whether the aggregate earnings are adequate to yield a fair return upon the value of the property rendering the service; second, that in making the inquiry types may be selected as fairly representative of the entire group; third, that if it were found that the earnings, so considered, are not adequate it would still be necessary for additional proof showing that the increased rates are just and reasonable.

The conclusion of the decision is that the earnings of this group of roads, to and including 1910, were adequate. It became unnecessary, therefore, to enter the further inquiry. The standing of the securities in the stock markets of the country at any given time was expressly repudiated as an element for consideration in determining the reasonableness of the proposed rates.

Passing on to the Western case, decided at the same time, it will be sufficient to say that it covered proposed increases upon some 200 commodities and involved more than 200 railroads operating in the States of Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Montana. The opinion was delivered by Mr. Lane, and, together with the opinion of Mr. Prouty in the Eastern case, constitutes the most luminous and instructive exposition of the law of rate fixing, the mutual rights of common carriers and the public, which can be found in the literature of this or any other country. Not only so, but they furnish the most reliable and satisfactory information respecting the history and operation of the railroads within my knowledge.

I can not reproduce Mr. Lane's unanswerable argument, but if anyone desires to know how far Mr. Daniels has departed from both the law and the morals of the subject, he ought to read with care the brilliant and uncontrovertible reasoning of Commissioner Lane. Adopting the principle of the Eastern case, he also selected types for the western group, namely, the Chicago & North Western; the Chicago, Milwaukee & St. Paul; the Chicago, Rock Island & Pacific; and the Chicago & Alton. He found that the earnings were adequate, and I only wish that I dared to consume the time to pass through his analysis of the property investment accounts and the capitalization of these companies. The opinion is especially important in that, for the first time, the claim made by the railroads that the betterments and extensions made from surplus earnings are to be considered as though made from independent capital is squarely met and emphatically overthrown. For the first time, also, the alleged increase in the value of the rights of way is dealt with courageously; and for the first time the relation of rates to great and expensive terminals which do not add to the economy or volume of business is given serious consideration.

The cry that became the watchword in 1913, "We need the money," was heard in this proceeding, and Commissioner Lane's response is a classic. The principles laid down are exactly the same as those announced in the Eastern case, and the ruling is identical.

Remember that these two cases adjudicated the situation up to the year 1911. In 1913 the Five Per Cent case (31 I. C. C. R., 351) was brought forward. It involved the same railroads, the same territory that were considered in the Eastern case, which I have examined at length, and covered many additional rates. The initial question was the same, namely, "Do the present rates of transportation yield to common carriers by railroad operating in official classification territory adequate revenue?" (p. 355).

The only evidence additional to that produced in 1910 consisted of the reports and accounts of the railroads for the years 1911, 1912, 1913, and to July 1, 1914. The comparisons shown in the tables, which are made a part of the opinion, are mainly based upon the property investment accounts, simply because there was no other showing with regard to the value of the railway properties. It had been declared over and over again by the commission that these accounts as kept by the railway companies were exceedingly unreliable, and it is, I think, recognized that with respect to most railroads the account far exceeds the value of the property.

Just as an illustration it may be interesting to note that the valuation division appointed by the Interstate Commerce Commission has completed its work with respect to four small railway systems, and I am able to compare the result of the work with the property investment accounts and capitalization of each of these roads.

First, the Kansas City Southern Railway Co.:	
Its capitalization is	$99,052,000
Its property investment account is	47,278,760
Its cost of reproduction, less depreciation, including value of land, is	25,257,880
The Atlanta, Birmingham & Atlantic Railroad Co.:	
Its capitalization is	$54,561,000
Its property investment account is, including nearly $3,000,000 expended by receivers	53,326,000
Its cost of reproduction, less depreciation, including the value of land	21,700,223

The New Orleans, Texas & Mexico Railroad Co.:	
Capitalization	$40,936,000
Property investment account	32,174,000
Cost of reproduction, less depreciation, including the value of land	7,714,000
The Texas Midland Railroad Co.:	
Capitalization	$2,112,000
Property investment account	3,474,000
Cost of reproduction, less depreciation, and including value of land	2,763,000

It needs but a moment's consideration of these figures to demonstrate that whatever may be the value of railroad properties, their property investment accounts are greatly in excess of their true value, unless an extravagant allowance is made for the increasing value of the rights of way.

I have always believed that under the amendment of 1910 it was incumbent upon a railway company desiring to increase its rates, the increases having been suspended, to prove by some kind of competent evidence the value of its property. None of the railway companies concerned in the 1910 proceeding attempted to make any proof of this character. The commission, for want of anything better, really accepted for the time being the property investment accounts. It must be obvious, however, that in so doing it should not have required a high ratio of net operating income in order to reach the conclusion that the returns were adequate. The whole case was really judged by the table found on page 367, the last column of which gives the ratio of net operating income to property investment account. The table covers the entire period from 1899 to 1914. I do not concede the correctness of the plan through which the averages were ascertained; but, adopting it for the moment, it will be seen that the percentage of return for 1911 was 5.23 per cent, for 1912, 5.19 per cent, and for 1913, 5.36 per cent. These are the three years which had intervened since the former decision, and there is no such inadequacy in these returns as to warrant a reversal of the former opinion. The average ratio of the years 1908, 1909, and 1910 was 5.69 per cent; the average of the three following years was 5.26 per cent, the difference being only forty-three one-hundredths of 1 per cent.

I mention these facts not for the purpose of criticizing the final conclusion of the commission, but to show the exceedingly slight basis for it. With many of the roads, and this is markedly true of the larger systems, the ratio of net corporate income to the capitalization, excessive as that may be, is large enough to satisfy the demands of the most exacting. But I do not intend to complicate this argument by extensive tabulation. I must, however, call attention to this fact: That when it is remembered that nearly two-thirds of the capital of all the railroads is represented in bonds which bear less than 4½ per cent interest, a ratio of 3.36 per cent (that of 1913) upon the whole capital means more than 7 per cent upon the stock capital. I am therefore compelled to believe that if the finding in the 1910 case, to the effect that the revenues were adequate, is sound, the finding in the 1913 case, that they were not adequate, is unsound. This phase of the matter, however, is not so important to the entire consideration, and I mention it only to show the gradual yielding of the commission to the tremendous pressure brought to bear upon it. Notwithstanding the finding that the net operating income of these roads was insufficient in the broad sense, it was declared (p. 404):

"We find that the financial condition of the trunk line carriers does not warrant a general increase of freight rates, and shall also show that the needs of the New England lines are being cared for locally. The carriers failed to prove either that the existing rates in trunk line or New England territories are too low or that the increased rates proposed for those territories would be just and reasonable rates. Nor have they proved that the existing interterritorial rates in official classification territory are too low or that the proposed increases in those rates would be just and reasonable. The carriers will be required, therefore, to cancel all the tariffs in which these rates are proposed."

It will be recalled that the commission found that sufficient evidence had been offered that certain rates in Central Freight Association territory should be increased; not, however, as the result of the investigation as to adequacy of revenues. I have always regretted the inconsistency between the finding in the 1910 case and the finding in the 1913 case. But the matter was plainly within the jurisdiction of the commission, and I have never criticized its judgment in this regard. I have never criticized it, because the five members of the commission who joined in the latter decision proceeded according to law, and whether they were mistaken in their conclusion or not they respected the authority under which they acted. Mr. Daniels, however, dissented, and the reasons for his dissent furnish one of my objections to his confirmation. He reverses all previous decisions of the commission when he says (p. 435):

"The testimony offered by the carriers deals mainly with insufficiency of return. Such testimony is germane and proper. Evidence establishing general inadequacy of return impeaches the general reasonableness of rates which result in such inadequate return. It is not conclusive evidence that rates are unduly low, but it creates a reasonable presumption to that effect, and it suffices to meet the burden of proof cast by the law upon the carriers which propose rate advances."

This, in my judgment, was a fundamental error, but it was only an error. It was not usurpation. I will not attempt to point out what I regard as the fallacies of his averages or the mistakes in his statistical conclusions, for they shrink into insignificance in the light of his startling views as to the tests in rate making. I quote again (p. 453):

"Expected earnings constitute in the last analysis the bid which the carriers must make for new capital for needed improvements, extensions, new rolling stock, and similar purposes. It is not necessary to say that on such a showing the investing public will hardly be eager to intrust its funds to transportation enterprises. Where well-secured, long-time bonds bearing 4½ per cent interest command little over par only on the prospect of a much higher rate of return, it is clear that the carriers must make a better showing of net revenue before they can as a whole enlist large additional supplies of capital."

The meaning of this, as I gather it, is that no matter how exaggerated the basis of value may be, the rates must be such as will keep the stocks of railway corporations favorites in the market; that is to say, the people must pay for all the financial mistakes, crimes, and mismanagement of a half century of conscienceless promotion.

I can not bring myself to believe that one who looks at the railway problem from any such standpoint should be intrusted with the authority conferred upon the Interstate Commerce Commission.

If this were all that Mr. Daniels has said, it might not be enough to warrant the rejection of his nomination; but, unfortunately, this is not all.

A supplemental hearing of the case was ordered, and it was again submitted October 30, 1914, and the decision upon the rehearing was rendered December 16, 1914. The opinion is "By the commission." I do not know who wrote it, but inasmuch as it carries into effect the views which Mr. Daniels expressed in his dissent, I assume that it is his production, directly or indirectly. The order for the further hearing contains this provision (32 I. C. C. Rep., 326):

"Said hearing to be limited to presentation of facts disclosed and occurrences originating subsequently to the date upon which the records previously made in these cases were closed."

The "facts disclosed and occurrences originating" subsequent to the former decision are, first, the reports of the railway companies from the 1st of June, 1914, to the 1st of October, 1914.

As to these facts, all that need be said is that 1914 was a bad year for all kinds of business, and was recognized by everybody as abnormal.

Second, the war in Europe, with the probability that railroad securities held abroad would be dumped upon the American markets, and that this would force down the price of such securities and result in a disturbance to insurance, banking, and industrial enterprises. Ridding the opinion of all its pretense, it is perfectly obvious that the thing really considered on the rehearing as sufficient to reverse the former order was the effect which an increase of rates would have upon the general business of the country. I quote (pp. 329–330):

"The war in Europe will doubtless create an unusual demand upon the world's loan fund of free capital, and may be expected to check the flow of foreign investment funds to American railroads. It appears that our railroads represent the bulk of European investment in this country. The rate of interest—the hire of capital—has risen during the last decade and may rise still further. It is computed that in the years 1915, 1916, and 1917 the carriers in official classification territory must arrange for the payment or refunding of securities aggregating over $500,000,000. True, the representations of the carriers in the 1910 cases, that without the increases then sought their credit must totally vanish, proved strangely at variance with their subsequent experience in the borrowing of many hundreds of millions. But we do not doubt that the financial problems of the carriers have been made much more acute by reason of the war, and if we are to set rates that will afford reasonable remuneration to these carriers, we must give consideration to the increased hire of capital as well as to other increased costs. * * * While we differ as to the relative importance to be attached to the various considerations presented, we agree in the conclusion that, by virtue of the conditions obtaining at present, it is necessary that the carriers' revenues be supplemented by increases throughout official classification territory. Whatever the consequences of the war may prove to be, we must recognize the fact that it exists, the fact that it is a calamity without precedent, and the fact that by it the commerce of the world has been disarranged and thrown into confusion. The means of transportation are fundamental and indispensable agencies in our industrial life and for the common weal should be kept abreast of public requirements."

Thereupon, the original decision was reversed, and the increases, with some exceptions, were allowed. When the volume and profits of the railway business for the two years which immediately followed this decision are considered, it makes one shudder to reflect upon the frailties of government. The point is, however, that the decision upon rehearing, made by five members of the commission, is an arbitrary, unauthorized act of power. It is a clear usurpation. It, and another decision which shortly followed, have imposed upon the people of this country during the last two years an unjust burden of anywhere from fifty to a hundred and fifty millions of dollars; and the injustice will repeat itself every year until a remedy is applied. Two members of the commission, Mr. Harlan and Mr. Clements, dissented. Commissioner Clements said (p. 337):

"In my view the foregoing report and decision constitute a new and radical departure and a most serious and portentious step, in that by this step the commission is shown to deem itself justified in sanctioning these increased rates in the latter territory upon consideration of general financial and operating results, without resorting to other ordinary tests or factors heretofore deemed pertinent and necessary to the determination of the reasonableness of rates. I am not aware of any prior case in which this commission or any court has held that the need by a carrier of money was of itself proof of the reasonableness of a specific rate or body of rates increased to meet such need."

Again (p. 337):

"If the basis of the conclusions of the majority of the commission sanctioning these rates in trunk-line territory is sound, and points to the rule of action for the future, the burden placed by the law upon the carriers to justify increases in rates is, indeed, made light and easy to carry, especially when by concerted action a group of carriers, some strong and some weak, simultaneously propose to increase the great body of their rates."

And again (p. 338):

"If the legislative authority of the commission is as broad and unrestricted as this, then I must confess that I have gravely misunderstood the limitations upon our statutory authority as well as the constitutional power of Congress to delegate its legislative power."

Again (p. 340):

"If, now, to strengthen and maintain the credit of the carriers, regardless of the causes of its exhaustion or impairment, and without the application of the usual tests of reasonableness, these increases are jutified, then it seems to me that we are only at the beginning of what I fear will be a train of demoralizing results, disappointing and embarrassing to all concerned. It is by no means certain that it would not, in the long run, be cheaper to the public to guarantee the bonds of the weak roads unable to meet their obligations, rather than to try to take care of them by increased rates, which inure to the strong roads as well as the weak."

I now raise the curtain on the last act of this five-year tragedy. It is the opinion and ruling of the commission in the Western Rate Advance case. (35 I. C. C. R., 497.) It involved the proposed increase upon about 200 commodities in a territory which is substantially, but not accurately, described as lying between Chicago on the east and a line running north and south through the United States through Denver.

There are a great many railroads operating in this region, but, as everybody knows, a very large part of the business is done by comparatively few systems, the names of which are familiar to every Senator.

The opinion was delivered "by the commission." I do not know who prepared it, but it reflects in part the views which Mr. Daniels expressed in his dissent in the Eastern case of 1913, views which are really the logical sequence of the doctrines held by the utilities commissioners of New Jersey. The opinion disturbs me because it goes much beyond the safe limits of sound regulation, as I shall presently point out. Mr. Daniels not only concurred in the increases allowed in the opinion, but he dissented because greater increases were not permitted.

Here, again, the principal inquiry related to the sufficiency of the aggregate net operating income to meet the needs of all these railroads, and again we have presented a bewildering, intangible series of tables with their erroneous and misleading statements. It is to be said, however, that the case did not call for the extraordinary and unlawful assumption of jurisdiction disclosed in the rehearing of the Eastern case, and my chief criticism of the decision is that after discrediting the property investment accounts and the outstanding capitalization of the railways by pointed references to their known unreliability, the commission finally accepted these values in part at least.

There are some things about the case which stand out with especial prominence, and I venture to mention two or three of them.

First. It is made quite clear that, in the judgment of the commission, rates for transportation must constantly increase as the country develops, as population and traffic become more dense, and as the volume of commerce expands. This is a shock to a good many of us who had been hoping that the general rules of industry would prevail in this field and that rates for transportation could be gradually reduced.

Second. The opinion seems to proceed upon the hypothesis that competent management, honest administration, favorable location, and considering a railroad as a means of carriage instead of an opportunity on the stock exchange, are no longer factors in the great problem of regulation. Or, if factors at all, they have become negligible in the present civilization. This also is a severe blow to those of us who have held firmly to the now obsolete principle that the rewards of life should go to those who deserve them.

Third. For the first time it was suggested that if intrastate rates, and apparently whether fixed by the States or the railroads themselves, are higher than interstate rates this may be accepted as proof that the interstate rates are too low. This is so involved a proposition that I can not ask Senators to take my word for it, and I quote a single sentence from page 589:

"For these reasons we believe that the level of State and interstate rates, which has been so forcefully pressed upon our attention in this case, becomes a material factor in judging of the propriety of the proposed increase of rates."

As authority for such a position there is cited the somewhat famous Shreveport case. (23 I. C. C. R., 32.) I venture to say that the Shreveport opinion, instead of sustaining this new idea, is diametrically opposed to it.

Fourth. There is another thought in the opinion which I have not been able to fully comprehend. Speaking of the comparison between intrastate and interstate rates, it is said (p. 589):

"What this just proportion of the transportation burden should be is a matter which may not be disposed of on the record in this proceeding, but it has been brought to our attention, and can not be ignored in a proceeding involving the propriety of increased interstate rates. 'Propriety' is a broader and more inclusive term than 'reasonableness.'"

If this is to be understood as establishing the rule that rates are to be approved or disapproved according to their "propriety" instead of their "reasonableness," we have indeed lost all the landmarks of the law.

It would be impossible for me upon this occasion to comment upon all the tables and authorities which enter into the opinion; much less can I examine all the statistics with which it overflows; but there is one table so far removed from the mysteries so attractive to experts that I must be permitted to mention it. It is one of the things in the opinion that can be understood by the common mind. It is found on page 559. It gives the dividends actually paid on the common stock of 14 of the railway systems concerned in the investigation; also the percentage on the common stock carried to surplus for sinking funds, additions to property, and the like, the average of both items during a period of 20 years, and the sum of both items for the year 1914.

The average dividend paid on the common stock of the Great Northern—

	Per cent.
For 10 years (1890–1899) was	4.60
For the years 1905–1914	7.00
The dividend paid for 1914 was	7.00
The average surplus for 10 years, 1890–1899	4.825
And for 1905–1914	2.694
For the year 1914	1.80
The average net income for surplus on both, 1890–1899, was	9.425
For 1905–1914	9.694
For the year 1914	8.80

The figures for the Northern Pacific, arranged in the same way, are: 0.20, 7.00, 7.00, 0.839, 3.170, 1.02, 0.639, 10.170, and 8.02 per cent.

The Chicago & North Western are: 5.40, 7.00, 7.00, 3.451, 4.718, 1.06, 8.851, 11.718, and 8.06 per cent.

The figures for the Chicago, Milwaukee & St. Paul are: 2.85, 6.50, 5.00, 2.708, 3.243, 1.31, 5.558, and 6.31 per cent.

The Chicago, Burlington & Quincy: 4.65, 8.30, 8.00, 0.500, 5.373, 8.04, 5.150, 13.673, and 16.04 per cent.

The Union Pacific: 0.00, 9.15, 9.00, 1.571, 7.048, 4.35, 1.571, 16.198, and 13.35 per cent.

Atchison, Topeka & Santa Fe: 0.00, 5.40, 6.00, 1.207, 2.596, 1.41, 1.207, 7.996, and 7.41 per cent.

Southern Pacific: 0.00, 0.00, 0.00, 0.209, 2.127, −4.21, 0.209, 2.127, and −4.21 per cent.

Chicago, Rock Island & Pacific: 3.30, 5.125, 2.50, 0.758, 1.476, −1.17, 4.058, 6.601, and 1.33 per cent.

Missouri Pacific: 0.90, 2, 0.00, −0.877, 0.003, −1.18, 0.023, 2.003, and −1.18 per cent.

St. Louis, Iron Mountain & Southwestern: 0.90, 6.10, 4, −0.097, 1.281, 2.37, 0.803, 7.381, and 6.37 per cent.

St. Louis & San Francisco: 0.00, 0.00, 0.00, 0.209, 2.127, −4.227, 0.209, 2.127, and −4.21 per cent.

Missouri, Kansas & Texas: 0.00, 0.00, 0.00, 0.90, 2.036, 0.44, 0.090, 2.036, and 0.44 per cent.

Texas & Pacific: 0.00, 0.00, 0.00, 1.172, 3.168, 3.83, 1.172, 3.168, and 3.83 per cent.

If you will allow these facts to sink into your minds you will conclude, I am sure, that the Great Northern; Northern Pacific; Chicago & Northwestern; Chicago, Milwaukee & St. Paul; Chicago, Burlington & Quincy; Union Pacific; Atchison, Topeka & Santa Fe; and Southern Pacific have been munificently rewarded, for do not forget that these dividends and percentages of surplus are upon the par of the capital stock. You will easily recall why it is that the Chicago, Rock Island & Pacific does not made an equally good showing. Its startling record in the issuance and manipulation of capitalization is too well known to need any explanation. You know also what territory is covered by these great systems, and you have a general idea of the volume of business which they do as compared with the five other roads. The Missouri Pacific, incompetently managed and indecently exploited; the St. Louis & San Francisco, the victim of pirates; the Missouri, Kansas & Texas, which suffers every misfortune which can fall upon a railway property; and the Texas Pacific, have not prospered, it is true; but to me the wrong of fastening upon the people who are served by 10 amply rewarded railroads the burden of higher rates in order to alleviate the disasters of these 4 unfortunates is unspeakable. It would be manifestly better and fairer if we were to appropriate from the National Treasury the sums required to pay a return upon the actual value of these cripples in the army of transportation.

Objectionable as the decision is in some of its phases and expressions, Mr. Daniels again led the way toward larger revenues by filing a dissenting opinion. He succeeded in making his dissenting opinion in the Eastern case the judgment of the commission after the lapse of a little time, and my fear is that he will ultimately induce the commission to follow him in the western territory.

I quote from the opening paragraph of the dissent (p. 654):

"In the essential outcome of the majority's report I am unable to concur, believing that on the record the carriers have in general sustained the burden of proof cast upon them by the statute and are of right entitled to increases in rates productive of revenue far in excess of what they are accorded by this decision. The reasons for my concurrence or nonconcurrence in particular findings will be stated later in some detail, but my inability to acquiesce in the general tenor of the report is due to a fundamental divergence from the views of the majority, as I understand them, with reference to certain important considerations which should control in the determination of a case of this character."

I will not review his long analysis of the evidence, but I hope that Senators will examine the entire opinion. Whatever else may be said of Mr. Daniels, he can not be accused of inconsistency, and he carries into this so-called dissenting opinion the extreme views with respect to railway revenues which I have heretofore attempted to point out.

I have said enough to reveal the general situation and the part which Mr. Daniels has played in creating it. Some ignorant or malicious persons will insist that I have a desire to refuse to the railway corporations adequate revenues. It is not so. I believe I am willing to come up to the standard of every fair-minded man who has ever explored the subject. I insist, however, that the present revenues meet these standards, and that they will, if honestly administered, provide a basis for the remuneration of all the property now rendering a public service, and for all additional capital that may be required for extensions and improvements. I refuse to be misled by false alarms or to be deceived by skillfully devised reports, tables, and ratios.

I feel the deepest interest in maintaining the Interstate Commerce Commission high in the confidence of the country. My view of the work of Mr. Daniels in public office has convinced me, and I think it ought to convince everybody, that his retention upon the commission will impair the standing of the tribunal, and that his firmly fixed convictions upon the subject of regulation will ultimately destroy our system of regulation and control.

There are a great many important and honorable offices in the United States which he could fill, I have no doubt, with distinction for himself and with much advantage to the people, and if he were nominated for one of these I would gladly vote for his confirmation; but he has disqualified himself for the Interstate Commerce Commission, and with the full consciousness of the seriousness of the question before me I shall vote against confirmation.

[Senate executive session, Misc. Ex. Doc. No. 3, 64th Cong., 2d sess.]

[S. Doc. No. 672.]

WINTHROP M. DANIELS.

MEMORANDUM SUBMITTED TO THE SENATE OF THE UNITED STATES ON JANUARY 9, 1917, IN SUPPORT OF THE CONFIRMATION OF THE NOMINATION OF WINTHROP MORE DANIELS TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION BY HON. FRANCIS G. NEWLANDS, UNITED STATES SENATOR FROM NEVADA.

The opposition to the confirmation of Mr. Daniels as Interstate Commerce Commissioner is based upon two distinct grounds: (1) The principles enunciated by him as a member of the New Jersey Public Utility Commission in the Paterson-Passaic Gas case, and the danger of applying these principles to the Federal valuation of railroads; and (2) upon Mr. Daniels's deliverances and influence as Interstate Commerce Commissioner in the Five Per Cent case of 1914 and the Western Rate Advance case of 1915. Mr. Daniels became a member of the Interstate Commerce Commission in April, 1914.

THE PATERSON-PASSAIC GAS CASE.

This was an investigation by the Public Utility Commission of New Jersey, upon its own motion, into the reasonableness and justice of rates charged for gas by the Public Service Gas Co.

The territory covered included the cities of Paterson and Passaic, N. J., and 13 adjacent municipalities, mostly suburban.

THE DECISION ORDERED A REDUCTION IN RATES TO THE CONSUMER.

Before discussing the principles upon which the valuation for rate making purposes in this case was made by the New Jersey commission, we direct attention first of all to the fact that *the outcome of the case was a reduction in the price of gas to the consumers.*

The rate charged by the company had been $1.10 per thousand cubic feet, with a discount of 10 cents for prompt payment. This was reduced by order of the New Jersey commission to a rate per thousand cubic feet of 90 cents flat. The reduction thus required by order in the Paterson-Passaic district was extended, as the New Jersey commission had recommended, to five other large districts served by the Public Gas Co. The resultant annual reduction of charges to consumers of gas in the entire State of New Jersey amounted to over $1,000,000 a year.

THE DECISION FIXED A VALUATION WHICH IN AMOUNT WAS ABOUT ONE-HALF OF THE FACE VALUE OF THE SECURITIES.

Again, before entering upon an analysis of the valuation principles upon which the New Jersey commission proceeded, attention should be directed to the fact that *while the outstanding obligations of the gas company in this district were $9,100,000, par value, consisting of $5,000,000 stock and $4,100,000 bonds, the base, or valuation, on which the New Jersey commission permitted the company to earn was fixed at $4,750,000, or about one-half of the par value of the securities outstanding.*

Whatever of error may be alleged to inhere in the principles followed by the New Jersey commission in this case their application resulted in a reduction in rates to consumers, and in exempting the community from any pretense which the Public Service Gas Co. could thereafter urge that it was entitled to earn on the face value of its securities.

It may be said by way of anticipation that the effects characterized as "more than disastrous" if the principles applied in this gas case were applied to railroads signally failed to materialize in the particular case in question. The prediction that if these principles of valuation of the New Jersey commission were applied to railroads their valuation "would exceed the existing capitalization by more than $600,000,000" was not only not realized in the Paterson-Passaic Gas case, but instead practically one-half of the face value of the securities was by inference pronounced invalid as evidencing any claim for earnings that could be made by the company upon the consumers of gas.

For fear of misapprehension, it should be repeated and reemphasized that the basis on which the company was pronounced entitled to a fair return from rates was fixed wholly without reference to the company's securities and at a figure but slightly in excess of the company's bonds outstanding, or, to be exact, in excess of the par value of the bonds by an amount equal to exactly 13 per cent of the face value of the stock.

The securities outstanding of the Public Service Gas Co. in the Paterson-Passaic district amounted to $9,100,000, composed of $5,000,000 stock and $4,100,000 bonds. Instead of setting a return upon the par value of the securities the New Jersey commission fixed a return based on the value of the property and the business attached of approximately 50 per cent of that sum, to wit, $4,750,000. The basis upon which the 8 per cent return was allowed has been misapprehended. The contention is in the following words:

"What does this 8 per cent per annum upon the value as found by the commissioners mean? It sufficiently appears from the decision that one-half or more of the capitalization of this value was represented by bonds bearing interest at the rate of not more than 5 per cent per annum. If I assume that the other half was represented by general stock, the result is a yearly dividend of 11 per cent, or a dividend of 9 per cent, with 2 per cent for surplus."

This misapprehension seems to be founded on the erroneous assumption that the New Jersey commission allowed 8 per cent on the face value of the securities. The 8 per cent return was allowed, *not upon the value of the securities*, but upon about half of that amount, represented by the valuation of $4,750,000, found by the New Jersey commission to be the value of the property and the business attached. Eight per cent upon this valuation amounts to $380,000. If out of this sum 5 per cent were paid on the bonds, the bondholders would receive $205,000. The permitted total earnings of $380,000 less $205,000 (or 5 per cent on the bonds) would leave $175,000 to pay dividends on $5,000,000 of stock. This would be exactly 3½ per cent, instead of 11 per cent, as erroneously estimated under the misapprehension referred to.

VALUATION PRINCIPLES INVOLVED IN THE GAS CASE.

There are two principles followed by the New Jersey Public Utility Commission in the Paterson-Passaic Gas case which are alluded to as erroneous. These are, first, making an allowance for what are termed "overhead charges," the allowance being added to the estimated value or cost of the physical structures to obtain the aggregate valuation of the tangible property. The second principle alleged to be erroneous is the allowance which the New Jersey Public Utility Commission made for "going concern value" or "going value," or what might be appropriately termed the business or patronage acquired by the company, and which is ordinarily quite distinct from the tangible property owned by a gas company.

It is contended that these are the two essential principles of valuation which are erroneous.

These two matters will be treated in their order.

THE PROPRIETY OF AN ALLOWANCE FOR OVERHEAD CHARGES.

In order to understand the items that are in whole or in part generally included under the head of "Overhead charges," the following list, taken from Whitten, Valuation of Public Service Corporations (p. 210, sec. 240), is cited as illustrative. The items covered in overhead charges embrace—

1. Engineering and superintendence.
2. Contingencies.
3. Contractor's profit.
4. Interest during construction.
5. Legal and general expense, company organization, taxes, and insurance.
6. Promotion.

It should be clearly understood that the allowance for these charges is made to obtain the value of physical structures. They are not to be confused with allowances for intangible values of any kind. Perhaps the simplest illustration of overhead charges arises in connection with the building of a dwelling house. A complete inventory and valuation of material in place, such as walls, timbers, roof, etc., inevitably falls short of the cost of such a building. There are, in addition, the architect's bill, insurance during the building process, interest foregone on such sums as are held in readiness for serial payments to contractors, contingencies, etc. To obtain the entire cost of the structure these costs must be added to the cost of actual material in place.

In making valuations of the plant of public-service corporations similar allowances are regularly made to obtain a complete valuation of the physical property. These allowances are now being regularly allowed by the valuation bureau of the Interstate Commerce Commission, with the approval of the advisory board of that bureau, and not by the requirement or instruction of the Interstate Commerce Commission.

These allowances are regularly made by practically all competent and intelligent engineers. They have received court approval, and particularly in the following cases: Des Moines (Iowa) Water Rate case of 1910, where Judge McPherson granted an injunction based upon the master's findings involving two estimates of the property, in one of which the allowance for the overhead charges was 16 per cent and in the other 28.5 per cent. (Authority, Des Moines Water Co. *v.* City of Des Moines, No. 2468, in equity, United States Circuit Court, Southern District of Iowa; also summarized on pp. 221–222 of Whitten on Valuation.)

Other instances of allowances for "overhead" are the following:

In the appraisal of the Chicago city railways in 1906, which was used as the basis of the franchise settlement ordinances, February 11, 1907, where the allowance for the total of overhead charges was fixed at 17.21 per cent of the value of structures. (Authority, Whitten, Valuation, 213–215.)

In the Cleveland street railway appraisal of 1909 Judge Robert W. Taylor, acting as arbiter, allowed, in addition to the total inventory value, a percentage of 10 per cent to cover overhead charges. (Authority, Whitten, Valuation, p. 219.)

In the Minnesota State railroad appraisal of 1908 the total overhead charges allowed were 17.7 per cent. (Authority, Whitten, Valuation, p. 228.)

In the Oklahoma Telephone Rate case the State supreme court approved an allowance for overhead charges covering engineering and supervision of 10 per cent. (Authority, 118 Pac., 354.)

In the Wisconsin State railroad appraisal of 1903 total overhead charges were allowed of 13.2 per cent. (Authority, Whitten, Valuation, p. 237.)

In valuation made by the Wisconsin Railroad Commission for water, gas, and electric-light plants the general rule has been to allow 12 per cent for overhead expenses. (Authority, 5 Wis. R. R. Comm. Repts., 113, decided Mar. 28, 1910; 8 Wis. R. R. Comm. Repts., 138–157, Nov. 17, 1911.)

In practically all cases public-service commissions, courts, and intelligent and fair-minded engineers have made an allowance for overhead expenses in addition to the value of physical structures. It is therefore submitted that it is erroneous to hold that such an allowance in addition to the inventory of physical structures is a "fatal departure from sound principles."

The allowance of 17.6 per cent for overhead charges by the New Jersey commission is thus unfavorably characterized:

"This was said and the thing was done, notwithstanding the fact that not a word of testimony had been introduced showing that the company had ever made any such expenditures, or that any such capital remained idle during any such period.

"This was said and the thing was done, notwithstanding the perfectly obvious truth that the company, or its predecessors, had been making and selling gas for many years, had been charging exorbitant prices for it, and that whatever expenditures had been made or whatever idle capital to be rewarded the earnings of the company had been ample to cover and had covered all such items."

The statement cited above seems to disclose a misapprehension of the situation. There had been made by the New Jersey commission a complete inventory and appraisal of the physical property, gas houses, holders, mains, etc. Some of these had been constructed many years ago, and there were no complete accounts, and in many cases no books of account at all, of the various concerns that had been merged and consolidated, both legally and physically, into the existing plant of the Public Service Gas Co. It was self-evident that overhead expenses had been incurred when these properties were constructed. In default of actual record of costs a number of competent and expert engineers were called to testify as to the per cent allowance appropriate for overhead charges. On consideration of their testimony the estimate of 17.6 per cent of the value of the existing structures was found by the New Jersey commission as the fair allowance for these costs, and that amount was added to the structural value to obtain the aggregate physical valuation. It should be added that this allowance for overhead charges was practically not seriously contested when an appeal was taken from the order of the New Jersey commission to the courts.

It is therefore submitted with confidence that the allowance for "overhead charges" which Senator CUMMINS contends was erroneously made by the New Jersey commission has in its support not only its prima facie reasonableness and propriety, but also the practically universal approval of engineers, public-service commissions, and courts.

THE ALLOWANCE FOR "GOING VALUE" OR "GOING CONCERN VALUE."

It is contended that the action of the New Jersey commission in making an allowance for "going value" or "going concern value," approximately 30 per cent of the cost of the physical structures, and of adding this allowance to the cost of the physical structures to obtain a base upon which to predicate reasonable earnings from rates charged consumers was and is erroneous.

"Going value" or "going concern value" in the case of a gas company is best described as the value of the business attached, as distinguished from the physical property of the gas company. There is apparently no denial of the fact that a gas plant with consumers connected to the mains is worth more as a revenue producer and a public-service agency than the same plant without the consumers attached. If consumers, when gas mains are first extended to their neighborhood, always promptly and generally had their dwellings piped for gas, had gas cooking and heating appliances introduced into their homes and shops, and voluntarily and at their own expense connected with the street mains, this item of "going concern" in the case of a gas company might possibly be disregarded.

But the testimony in this Paterson-Passaic case showed convincingly that custom or patronage are not and were not thus promptly and without expense acquired by the gas company or the constituent companies which had been merged therein. The securing of business by a gas company involved and involves free installations, free exhibitions, the solicitation of patronage, and various other items of expense for which, as Senator CUMMINS apparently admits, the company is entitled to reimbursement. He apparently contends that these items should normally be paid out of current revenue. It should, however, be observed that at the very time these expenses are incurred the current revenue is presumably less ample than it will thereafter become when the additional patronage and consumption has been secured. Moreover, these expenses are incurred once for all like capital expenses generally, and are not regularly recurrent like coal or labor bills. It has therefore in notable instances been determined, where a public appraisal or valuation has been made, to capitalize the cost of acquiring patronage or custom and to allow for these costs separate and apart from the physical plant under the head of "going value."

This fact of the separate cost of building up the business as distinct from the cost of building the physical structures was treated by the Wisconsin Railroad Commission in a case decided August 3, 1909 (Hill v. Antigo Water Co., 3 Wis. R. R. Com. Rpts., 623). That commission says (at p. 706):

"But new plants are seldom paying at the start. Several years are usually required before they obtain a sufficient amount of business or earnings to cover operating expenses, including depreciation and a reasonable rate of interest upon the investment. The amount by which the earnings fail to meet these requirements may thus be regarded as deficits from the operation. These deficits constitute the cost of building up the business of the plant. They are as much a part of the cost of building up the business as loss of interest during the construction of the plant is a part of the cost of its construction. They are taken into account by those who enter upon such undertakings, and if they can not be recovered in some way the plant fails by that much to yield reasonable returns upon the amount that has been expended upon it and its business. Such deficits may be covered either by being regarded as a part of the investment and included in the capital upon which interest is allowed, or they may be carried until they can be written off when the earnings have so grown as to leave a surplus above a reasonable return on the investment that is large enough to permit it. When capitalized they become a permanent charge on the consumers. * * * Whether they should go into the capital account, or whether they should be written off, as indicated, are questions that largely depend on the circumstances in each particular case."

Another Wisconsin case in which clear recognition is made of "going value" is Payne et al. v. Wisconsin, August 3, 1909. In the report of that case (vol. 4, Wis. R. R. Com. Rpts., p. 61) it is said:

"* * * If property is devoted to the public use, and reasonable care has been exercised in all the phases of its management, but the owners have not received a fair return during the earlier years of the operation of the plant in which the property is used for the convenience of the public, the deficit thus incurred must be made up out of later earnings, in so far as this is commercially possible and expedient. In other words, every effort honestly put forth, every dollar properly expended, and every obligation legitimately incurred in the establishment of an efficient public-utility business must be taken into consideration in the making of rates for such business. *Collectively the elements just referred to may be designated by the term going value, and in this sense there can be no question regarding the propriety and justice of admitting going value as a consideration in the determination of rates.* Whether this going value should be made a part of the permanent capitalization of the plant, or provided for by means of a sinking or other fund, is a matter to be decided on the facts in each particular case."

Apart from the decisions of the Wisconsin Railroad Commission, valuations for rate making, including a separate appraisal for going value over and above the value of the physical structures, have received the approval of courts in the following instances: The Des Moines Water case, No. 2468 in equity, Circuit Court of the United States, Southern District of Iowa, Central Division, September 16, 1910; the Pioneer Telephone & Telegraph Co. v. Westenhaver, by the Supreme Court of Oklahoma (118 Pac., 354), decided January 10, 1911; the Urbana, Ohio, Water Rate case; C. H. Venner Co. v. Urbana Waterworks (174 Fed., 348), decided November 6, 1909.

THE INCLUSION OF GOING VALUE IN THIS CASE APPROVED BY THE SUPREME COURT OF NEW JERSEY AND THE COURT OF ERRORS AND APPEALS OF NEW JERSEY.

Whatever may be the difference of opinion with reference to the inclusion of going value in valuation for rate-making purposes, the inclusion of this item by the New Jersey commission in this case received the explicit approval of the courts of that State. The findings of the New Jersey commission with reference to going value was approved by the Supreme Court of New Jersey July 7, 1913. The court took particular pains to approve the inclusion of and the allowance for going value, saying:

"The controversy turns mainly on the allowance for going value and the refusal to allow anything for the value of the franchise. For going value or cost of developing the business, $1,025,000 was allowed. * * * The company insists that there should be allowed about twice as much, including preliminary expenses and cost of development.

"It is necessary, therefore, to determine first whether any allowance at all for going value is proper. We think both on weight of authority and on reason there should be such an allowance. (National Water Works v. Kansas City, 62 Fed., 853; 10 C. C. A., 653; 27 L. R. A., 827; Kennebec Water District v. Waterville, 97 Me., 185; 54 Atl., 6; 60 L. R. A., 856; Gloucester Water Supply Co. v. Gloucester, 179 Mass., 365; 60 N. E., 977; Town of Bristol v. Bristol & W. Water Works, 23 R. I., 274; 49 Atl., 974; Norwich Gas & Electric Co. v. City of Norwich, 76 Conn., 565; 57 Atl., 746; Omaha v. Omaha Water Co., 218 U. S., 180; 30 Sup. Ct., 614; 54 L. Ed., 991.) * * * The legal question is whether these items constitute a going value upon which the company is entitled to a return if the individual rate is to be just and reasonable. To this we answer yes. The argument addressed to us on the other side is that all the so-called going value appears in the valuation of the physical plant at the cost of reproduction; the suggestion is that unless there was going value the physical plant would be mere junk, and that the difference between the valuation of the physical plant at its cost of reproduction and its valuation as junk is the true going value. The argument seems to us specious rather than sound. * * *

"We think that upon the whole they reached a fair valuation. They took 30 per cent of the structural cost. This seems to be practically conceded to be fair; the difference arises from the fact that their estimate of structural cost was lower than the gas company thinks it should have been. No doubt fair-minded men may differ, but as the commissioners seem to have allowed the actual expenses proved and permitted the whole to be capitalized, even when paid out as current expenses from current rates, we think no injustice was done in this respect." (Public Service Gas Co. v. Board of Public Utility Commissioners, 87 Atl., 657 sq.)

The decision of the Supreme Court of New Jersey above cited was affirmed on appeal to the court of errors and appeals. (94 Atl., 634, and 95 Atl., 1079.)

It may be remarked in passing that it does not follow that the same measure of allowance, or necessarily any allowance at all, should be made for going value in the case of other utilities, including railroads. A gas company at its introduction must solicit and acquire the patronage of consumers by free installations, by free service, by exhibitions of the use of gas for cooking and heating purposes, whereas a trolley company, for example, would not apparently have to make similar expenses. Each particular case must be judged by the facts placed of record.

In short, the decision of the New Jersey commission in the Paterson-Passaic Gas case reduced the price to consumers, ignored the inflated face value of the securities, appraised the property with business attached at about half the amount claimed by the company, and has obtained specific approval by the highest courts of the State.

It should be stated in addition that the Paterson-Passaic Gas case is now pending before the Supreme Court of the United States on appeal. The gas company contends that the New Jersey commission made a wholly inadequate allowance for certain intangible values such as the company's franchise. The allowance of $1,025,000 by the New Jersey commission was an all-inclusive allowance for all intangible elements of value, and expressly excluded any allowance for franchise value except such actual outlay as might have been made in obtaining the franchises in question. No allowance at all was made for good will; and the measure of the allowance for all intangibles, including "going value," was based upon the evidence of a number of expert witnesses.

THE 5 PER CENT CASE AND THE WESTERN RATE ADVANCE CASE.

The opposition to Mr. Daniels's confirmation four cases decided by the Interstate Commerce Commission are reviewed. These four cases are the Eastern Rate Advance case of 1910, the Western Rate Advance case of 1910, the Five Per Cent case of 1914, and the Western Rate Advance case of 1915. (Ibid., p. 12.)

So far as the first two cases are concerned it should be stated that they were decided before Mr. Daniels became a member of the Interstate Commerce Commission. It is also significant that in his dissenting memorandum attached to the first opinion in the Five Per Cent case Mr. Daniels took occasion to indicate his approval of the denials of rate advances in both of the 1910 cases. He said:

"In 1910 the railroad carriers in official classification territory and the principal railroad carriers in western trunk line, trans-Missouri, and Illinois freight committee territories filed tariffs advancing rates upon some hundreds of commodities. In official classification territory the proposed advances covered all class rates and about one-half of the commodity rates. The commission suspended the tariffs containing the proposed advances and entered upon two inquiries concerning the propriety of the increased rates. As the outcome of each inquiry the proposed rates were not found reasonable and proper.

"Upon the evidence presented in these inquiries such finding and conclusion by the commission was amply warranted. The year 1910 coincided with an unusual volume of traffic moving over the carriers' lines, so that despite the carriers' showing of various increased costs the simultaneous increase in tonnage and gross receipts was more than sufficient to offset the rising costs and to leave net operating income unimpaired."

The first of the four cases reviewed in which Mr. Daniels participated was the Five Per Cent case. On July 29, 1914, the first decision in the Five Per Cent case was made. The majority of the commission found in their report:

"Upon the record, found that the net operating income of the carriers in official classification territory, considered as a whole, is smaller than is demanded in the public interest; but that no showing has been made warranting a general increase in trunk-line rates, in rail-and-lake rates, or in rates on traffic moving in official classification territory." (First headnote to Report, 31 I. C. C., p. 351.)

In the body of the report (31 I. C. C.), on page 384, the following findings are made:

"In view of a tendency toward a diminishing net operating income as shown by the facts described, we are of opinion that the net operating income of the railroads in official classification territory, taken as a whole, is smaller than is demanded in the interest of both the general public and the railroads."

The majority opinion conceded increased rates in central freight association territory—Ohio, Indiana, Illinois, and southern Michigan, Commissioner McChord and Mr. Daniels thought that the increase should extend to official classification territory covering the States east of Ohio to the seaboard north of the Potomac River.

It shoud be observed in passing that the decision was made public before the outbreak of the European war and before the possibility of that event was contemplated. It follows of necessity that Commissioner McChord and Mr. Daniels, who dissented in that case, could not have been in anywise influenced by the results or the apprehended results of the war.

In October of 1915 the commission ordered a supplemental hearing in the 5 per cent case, and as the result adopted the view of Commissioner McChord and Mr. Daniels and extended the increase throughout official classification territory. Two commissioners, namely, Commissioner Clements and Commissioner Harlan, dissented from the second decision, but the remaining five commissioners concurred in it.

Exception is taken to what is characterized as the "startling views" expressed by Mr. Daniels in his dissenting memorandum attached to the first decision in the 5 per cent case, and in confirmation of this is quoted the following from Mr. Daniels's dissenting memorandum:

"Expected earnings constitute in the last analysis the bid which the carriers must make for new capital for needed improvements, extensions, new rolling stock, and similar purposes. It is not necessary to say that on such a showing the investing public will hardly be eager to intrust its funds to transportation enterprises. Where well-secured, long-time bonds bearing 4½ per cent interest command little over par, *and where stock can be sold at par* (these words in italics are inadvertently omitted in the quotation) only on the prospect of a much higher rate of return, it is clear that the carriers must make a better showing of net revenue before they can as a whole enlist large additional supplies of capital."

This quotation is unfavorably commented on, as follows:

"The meaning of this * * * is that no matter how exaggerated the basis of value may be, the rates must be such as will keep the stocks of railway corporations favorites in the market; that is to say, the people must pay for all the financial mistakes, crimes, and mismanagement of a half a century of conscienceless promotion."

The inference above drawn is perhaps completely refuted by the conclusion of Mr. Daniels's dissenting memorandum, where Mr. Daniels says:

"A living wage is as necessary for a railroad as for an individual. A carrier without a sufficient return to cover costs and obtain in addition a margin of profit large enough to attract new capital for extensions and improvements can not permanently render service commensurate with the needs of the public. Eventually it may come about that railroads will be owned and operated by the Government. That is a matter of public policy which it is not the province of this commission to consider. But that such a departure from the present policy of private ownership and corporate operation should be materially

hastened by the reluctance of new capital to invest in these properties would seem to be a grave indictment of our present system of regulation and control."

It is a complete misapprehension of Mr. Daniels's memorandum to suppose that he advocated rates so high as to lift to par securities of carriers which, by reason of overcapitalization or questionable administration, were worth only a fraction of their face value. Mr. Daniels is speaking in general of *future investments*, and implies that if net earnings resulting from existing rates are unpromising there will be difficulty in future of securing the investment of additional capital commensurate with the needs of the shipping public.

In order to explain certain misapprehensions as to the Five Per Cent case it should be stated that the carriers in official classification territory asked what was in most cases a horizontal 5 per cent increase in rates. On some commodities where the rate was less than $1 per ton they asked an increase of 5 cents per ton. This was disallowed.

On certain commodities whose rates were then under separate advisement, such as anthracite coal and certain other commodities on which the carriers had not sustained the propriety of a 5 per cent increase, such as rail-lake-and-rail rates; rates on coal and coke, which had been increased in the not distant past; rates on iron ore; and rates held by unexpired orders of the commission, the increases were denied.

When, in the second report, increases were allowed, the carriers were required for a test period to ascertain by actual count the per cent of rate increase derived, it was ascertained to be slightly less than 3 per cent over what would have been realized if the rates had not been advanced.

Mr. Daniels, in his dissenting memorandum to the original report, said:

"In the conclusions of the majority report I am unable to concur. Except as hereafter indicated, the 5 per cent advance should have been granted in trunk-line territory no less than in Central Freight Association territory." (31 I. C. C., 434 sq.)

After reciting the evidence of record, including the rise in operating ratio since 1900 (pp. 441–445), there is a discussion of the burden of proof under the statute (pp. 448 sq.), where Mr. Daniels held:

"There exists a presumption in favor of interrelations in a rate fabric that have long continued undisturbed (p. 450). * * * With a demonstration of inadequate revenues, and with a presumption in favor of the propriety of the interrelation between rates long in effect, an advance moderate in amount, calculated to produce but a reasonable increment in earnings and affecting all traffic in the same degree, is the plain dictate of law and common sense in the premises" (pp. 450, 451).

Mr. Daniels also pointed out that this presumption had been rebutted in the case of lake-and-rail rates and in the case of coal and ore (p. 451).

Rehearing was had upon the case in October, 1914. The commission thereafter extended the relief asked, by according the horizontal increases, with certain exceptions, to official classification territory generally. Commissioners Harlan and Clements dissented, but the other commissioners approved the action substantially as suggested by commissioners McChord and Daniels in their original dissenting memoranda.

The grounds for the modification of the original report were as stated on page 327 to be the completed returns for the fiscal year ending June 30, 1914, and returns for succeeding months; the war in Europe; and the results of the original order. (32 I. C. C., 327.)

The second report found that—

"These figures serve to emphasize our previous finding of the need of carriers in official classification territory taken as a whole, for increased net revenue." (32 I. C. C., 327.)

The second report, after reciting various forecasts of a financial character likely to result from the war, said:

"With some of these considerations we have, as a commission, nothing to do. Our powers and functions are those, and only those, conferred by Congress." (32 I. C. C., 329.)

At a later place the second report says:

"While we differ as to the relative importance to be attached to the various considerations presented, we agree in the conclusion that, by virtue of the conditions obtaining at present, it is necessary that the carriers' revenues be supplemented by increases throughout official classification territory." (32 I. C. C., 330.)

Mr. Daniels in his original dissenting memorandum held that the carriers had justified increased rates, with certain exceptions, higher than the then existing rates, and that the horizontal increase should extend throughout official classification territory. The majority of the commission in its original report confined the increases to central freight association territory, but in December, 1914, modified its original opinion and order so as to agree substantially with the position taken originally by Commissioners McChord and Daniels in their dessenting opinions on the first decision.

The fourth case is the Western Rate Advance case of 1915, which is criticized as follows:

"It involved the proposed increase upon about 200 commodities in a territory which is substantially but not accurately described as lying between Chicago on the east and a line running north and south through the United States through Denver. There are a great many railroads operating in this region, but, as everybody knows, a very large part of the business is done by a comparatively few systems, the names of which are familiar to every Senator. The opinion was delivered 'By the Commission.' I do not know who prepared it, but inasmuch as it reflects the views which Mr. Daniels expressed in his dissent in the Eastern case of 1913—views which are really the logical sequence of the doctrines held by the Utility Commissioners of New Jersey—it is quite sure that, if he did not write the opinion, he is largely responsible for it, and in any event, whatever else may be true he concurred in it."

Referring to the conclusion of the decision (35 I. C. C., 654–680), it will be discovered that Mr. Daniels, *far from being responsible for the opinion in question, dissented from the opinion*, in which view he was upheld by Commissioner Harlan, who also dissented, the dissent of the latter being printed on pages 680–681 of volume 35, Interstate Commerce Commission Reports.

The entire outcome of the 1915 Western Rate Advance case is singularly mistaken in the above criticism. Instead of according the increases there sought, it will appear by the headnote on page 497 that they were for the most part denied upon the commodities where any considerable amount of revenue was involved. This finding has never been reversed, and it will be learned from an inquiry of those who are acquainted with the situation that the decision was generally regarded as almost a complete defeat for the carriers which proposed the increased rates.

The Daily Traffic World, of Chicago, on August 11, 1915, headlined its account of the decision: "Western rate case decided. Only a few increases allowed. Victory for the shippers and disappointment for the carriers." The Traffic World (weekly edition) of December 18, 1915, after the commission had denied a rehearing of the case, printed an editorial which indicates the above view was that of Hon. Clifford Thorne, then chairman of the Iowa State Railroad Commission. An excerpt from the editorial (p. 1242) says of an interview with Commissioner Thorne as to certain alleged criticisms of the Interstate Commerce Commission contained in the report of the Iowa State Railroad Commission:

"He says in that interview that conditions have materially changed since the comments in the report (i. e., of the Iowa commission) were written, for since that time the Interstate Commerce Commission has refused a lot of proposed freight advances in the West and denied the petition of the railroads for a rehearing. He naively remarks that he feels quite different toward the commission (i. e., the Interstate Commerce Commission) after this decision in the Western Freight case from the way he felt after the decision on the rehearing of the Eastern case."

There were involved in this 1915 Western Rate Advance case three principal items: (1) Grain and grain products; (2) live stock and its products—fresh meat and packing-house products; and (3) coal. As will be found from page 504 of the report, these above-mentioned commodities involved $7,166,000 out of a total expected increase in revenue of $7,604,247. (35 I. C. C., 504.) The minor articles involved were estimated to yield but $438,000 of increased revenue in the aggregate. All of the commissioners, with the exception of Commissioner Harlan, adjudged that the increase on the grain and grain products had not been justified, and in this denial of the proposed increase on grain and grain products Mr. Daniels concurred. As regards live stock and its products, five of the commissioners voted to deny the increases, whereas Commissioners Harlan and Daniels approved the proposed increases. As regards coal, all of the commissioners concurred in the increases, which in no case amounted to more than 10 cents a ton. The aggregate increase of revenue permitted by the majority report amounted to about $1,600,000, or less than one-fifth of what had been asked, and amounting to about one-fourth of 1 per cent of the total freight revenues of these carriers for 1914. See page 662 of the report. (35 I. C. C., 662.)

It is further suggested that the characteristics of the 1915 Western Rate Advance case which it is remarked in opposition to Mr. Daniels's confirmation "stand out with especial prominence" are for the most part based upon a complete misapprehension of the findings of the report.

These characteristics of the report are stated as follows:

"First. It is made quite clear that, in the judgment of the commission, rates for transportation must constantly increase as the country develops, as population and traffic become more dense, and as the volume of commerce expands. * * *

"Second. The opinion seems to proceed upon the hypothesis that competent management, honest administration, favorable location, and considering a railroad as a means of carriage instead of an opportunity on the stock exchange, are no longer factors in the great problem of regulation. * * *

"Third. For the first time it was suggested that if intrastate rates, and apparently whether fixed by the States or the railroads themselves, are higher than interstate rates, this may be accepted as proof that the interstate rates are too low. * * *

"Fourth. There is another thought in the opinion which I have not been able to fully understand. * * * If this is to be understood as establishing the rule that rates are to be approved according to their 'propriety' instead of their 'reasonableness,' we have indeed lost all the landmarks of the law."

No specific reference by page number of the commission's report is given to illustrate the first and second points, and it is confidently submitted that there is no finding in the report in the 1915 Western Rate Advance case which can be cited in substantiation of the first two averments. The majority report, after a very complete analysis of the financial condition of the carriers involved, says at pages 565, 566:

"Up to this point we have discussed evidence of a general character, chiefly financial. As the views of individual commissioners might vary with respect to particular features and different degrees of importance to be attached to the same fact, our comments have been primarily narrative; they have been interpretative only incidentally and within the range of financial facts of record. No attempt has been made on the record nor in our discussion of it to review the entire financial history of these carriers, nor to bring into relief other facts which have an important bearing upon their present financial condition. In other words, this preliminary discussion leaves uninterpreted many consequential facts. However, in our view a wider examination in this respect is not necessary for a proper disposition of the issues involved regarding proposed increased rates. We proceed to the consideration of the particular tariff schedules in which it is proposed to increase the rates."

The third point makes specific reference to page 589 of the report. It will be found on examination that the commission is there speaking not of higher State rates but of lower State rates. Exactly contrary to the statement of the third point, the commission here declined to increase interstate rates because of the prevalence of lower State rates. An examination of the report (35 I. C. C., p. 589) will demonstrate the fact insisted upon that the statement in the third point has completely inverted the finding of the commission.

The fourth point contains a reference to page 589 of the report as to the construction of the word "propriety" in the act to regulate commerce. In this one instance no extended discussion is necessary, as it will be found by an examination of pages 674 and 675 of Mr. Daniels's dissenting opinion in this case, which has been apparently overlooked, the views of the critic are quite in accord with those of Mr. Daniels.

In view of the fact that the Five Per Cent case netted the carriers less than 3 per cent increase in revenue, and that the advances accorded in the 1915 Western Rate Advance case amounted to about $1,600,000, or about one-fourth of 1 per cent of the revenues of the carriers involved; and in view of the fact that in this latter case the commission made no finding as to the financial conditions of the carriers, and predicated no rates thereon, it is submitted that the result of what is designated as the "most notable contest ever carried on in the United States" has been mistaken.

On request of Mr. CUMMINS, and by unanimous consent, the injunction of secrecy was removed from the vote of the Senate on the confirmation of the nomination of Mr. Daniels, and it was ordered to be printed in the RECORD, together with the pairs, as follows:

YEAS—42.

Bankhead	Fletcher	Myers	Sheppard
Brandegee	Gallinger	Newlands	Smith, Ariz.
Broussard	Harding	Oliver	Smith, Md.
Bryan	Hitchcock	Overman	Smith, S. C.
Chilton	Hughes	Page	Smoot
Clark	James	Phelan	Stone
Colt	Johnson, Me.	Pittman	Swanson
Dillingham	Johnson, S. Dak.	Pomerene	Tillman
du Pont	Kern	Ransdell	Williams
Fall	Lodge	Saulsbury	
Fernald	McLean	Shafroth	

NAYS—15.

Borah	Hollis	Lane	Sterling
Chamberlain	Husting	Lea, Tenn.	Watson
Cummins	Jones	Norris	Works
Gronna	Kenyon	Poindexter	

During the roll call the following pairs were announced:

The Senator from Oklahoma [Mr. OWEN] with the Senator from New Mexico [Mr. CATRON];

The Senator from Arizona [Mr. ASHURST] with the Senator from West Virginia [Mr. GOFF];

The Senator from Illinois [Mr. LEWIS] with the Senator from Wisconsin [Mr. LA FOLLETTE];

The Senator from Virginia [Mr. MARTIN] with the Senator from Wyoming [Mr. WARREN];

The Senator from Arkansas [Mr. KIRBY] with the Senator from Massachusetts [Mr. WEEKS];

The Senator from Georgia [Mr. HARDWICK] with the Senator from Kansas [Mr. CURTIS];

The Senator from Kansas [Mr. THOMPSON] with the Senator from Pennsylvania [Mr. PENROSE];

The Senator from New Jersey [Mr. MARTINE] with the Senator from Texas [Mr. CULBERSON];

The Senator from Tennessee [Mr. SHIELDS] with the Senator from Minnesota [Mr. NELSON];

The Senator from Mississippi [Mr. VARDAMAN] with the Senator from Idaho [Mr. BRADY];

The Senator from Montana [Mr. WALSH] with the Senator from Rhode Island [Mr. LIPPITT];

The Senator from New York [Mr. O'GORMAN] with the Senator from New York [Mr. WADSWORTH];

The Senator from Missouri [Mr. REED] with the Senator from Michigan [Mr. SMITH];

The Senator from North Carolina [Mr. SIMMONS] with the Senator from Minnesota [Mr. CLAPP]; and

The Senator from Colorado [Mr. THOMAS] with the Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of Georgia was, on his own request, excused from voting.

Mr. CLAPP announced that if at liberty to vote he would vote "nay."

Mr. MARTINE of New Jersey stated that if not paired he would vote "nay."

Mr. NORRIS announced that Mr. LA FOLLETTE was detained from the Senate on account of illness in his family and that if present he would vote "nay."

Mr. SMITH of Michigan announced that he would vote "nay" if permitted to vote.

Mr. HUSTING in announcing the pair of Mr. LA FOLLETTE with Mr. LEWIS stated that Mr. LEWIS if present would vote "yea" and Mr. LA FOLLETTE "nay."

Mr. WALSH in announcing his pair stated that if he were at liberty to vote he would vote "nay."

Mr. SMITH of Arizona stated that Mr. SHIELDS was detained from the Senate on account of illness.

ADJOURNMENT.

Mr. NEWLANDS. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 11, 1917, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 10, 1917.

CALIFORNIA DÉBRIS COMMISSION.

Col. Edward Burr, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Col. Thomas H. Rees, Corps of Engineers, United States Army.

SECRETARY OF THE TERRITORY OF HAWAII.

Curtis Piehu Iaukea, of Hawaii, to be secretary of the Territory of Hawaii, vice Wade Warren Thayer, resigned.

PUBLIC HEALTH SERVICE.

Dr. Robert Watson Hart to be assistant surgeon in the Public Health Service, to take effect from date of oath, to fill an original vacancy.

APPOINTMENT IN THE ARMY.

INSPECTOR GENERAL'S DEPARTMENT.

Col. John L. Chamberlain, Inspector General, to be Inspector General, with the rank of brigadier general, for the period of four years beginning February 21, 1917, vice Brig. Gen. Ernest A. Garlington, to be retired from active service by operation of law February 20, 1917.

APPOINTMENTS IN THE NAVY.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy, from the 29th day of December, 1916:

Julius C. Sosnowski, a citizen of South Carolina.
Ashton E. Neely, a citizen of Pennsylvania.
Rolland R. Gasser, a citizen of Idaho.
Ross T. McIntire, a citizen of Oregon.
William H. Fickel, a citizen of Wyoming.
Philip J. Murphy, a citizen of Illinois.
Benjamin V. McClanahan, a citizen of Illinois.
Erik G. Hakansson, a citizen of Illinois.
Karl L. Vehe, a citizen of Illinois.
Leon W. McGrath, a citizen of South Carolina.
William G. Bodie, a citizen of South Carolina.
Howard E. Gardner, a citizen of Massachusetts.
John R. White, a citizen of Massachusetts.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 18th day of November, 1916:

Benjamin T. Cripps, a citizen of Georgia.
Louis W. Whaley, a citizen of South Carolina.
John M. Arthur, a citizen of South Carolina.
James F. Jeffords, a citizen of South Carolina.
Jacob M. Pearce, jr., a citizen of Maryland.
Gordon Watt, a citizen of Louisiana.
Thomas P. Cheatham, a citizen of South Carolina.
Thomas E. Bourke, a citizen of Maryland.
William C. James, a citizen of South Carolina.

Daniel E. Campbell, a citizen of Maryland, to be a second lieutenant in the Marine Corps, for a probationary period of two years, from the 9th day of December, 1916.

ALABAMA.

James R. Horton to be postmaster at Altoona, Ala. Office became presidential October 1, 1916.

Annie M. Stevenson to be postmaster at Notasulga, Ala. Office became presidential October 1, 1916.

ARIZONA.

Webster H. Knight to be postmaster at Humboldt, Ariz. Office became presidential October 1, 1916.

Carmen Robles to be postmaster at Sonora, Ariz. Office became presidential October 1, 1916.

ARKANSAS.

William T. Beaver to be postmaster at Cotter, Ark., in place of P. N. Buchanan, resigned.

Albert S. Snowden to be postmaster at Paragould, Ark., in place of T. E. Haley, resigned.

CALIFORNIA.

George D. Dool to be postmaster at Calexico, Cal., in place of C. C. Cockley. Incumbent's commission expired June 5, 1916.

William Fox to be postmaster at Dorris, Cal. Office became presidential October 1, 1916.

CONNECTICUT.

Charles F. Farren to be postmaster at Woodmont, Conn. Office became presidential October 1, 1916.

William M. Logan to be postmaster at West Cheshire, Conn. Office became presidential October 1, 1916.

Rollin S. Paine to be postmaster at Stony Creek, Conn. Office became presidential October 1, 1916.

DELAWARE.

W. S. Alexander to be postmaster at Elsmere, Del., in place of J. T. Ratledge, resigned.

FLORIDA.

Jesse S. Collins to be postmaster at Webster, Fla. Office became presidential October 1, 1916.

Emma S. Fletcher to be postmaster at Havana, Fla. Office became presidential January 1, 1917.

Homer E. Hooks to be postmaster at Clermont, Fla. Office became presidential October 1, 1916.

Joseph M. Jones to be postmaster at Vero, Fla. Office became presidential October 1, 1916.

GEORGIA.

Nicholas L. Tankersley to be postmaster at Ellijay, Ga. Office became presidential October 1, 1914.

ILLINOIS.

Frank H. Conroy to be postmaster at Easton, Ill. Office became presidential October 1, 1916.

Walter Roy Donohoo to be postmaster at Pearl, Ill. Office became presidential October 1, 1916.

Winfield B. Jordan to be postmaster at Pana, Ill., in place of W. H. Alexander. Incumbent's commission expired August 22, 1916.

Claudius U. Stone to be postmaster at Peoria, Ill., in place of L. F. Meek, deceased.

INDIANA.

Lawrence H. Barkley to be postmaster at Moores Hill, Ind., in place of R. J. Barkley, resigned.

IOWA.

Amos K. Wilkins to be postmaster at Ute, Iowa. Office became presidential October 1, 1916.

KANSAS.

Anna Belle Lock to be postmaster at Norwich, Kans. Office became presidential October 1, 1916.

Roberta H. McBlain to be postmaster at Fort Riley, Kans., in place of Roberta H. McBlain. Incumbent's commission expired March 8, 1916.

KENTUCKY.

G. H. Bunger to be postmaster at West Point, Ky. Office became presidential October 1, 1916.

LOUISIANA.

Edward S. Hart to be postmaster at Elton, La. Office became presidential October 1, 1916.

Frank J. Maricelli to be postmaster at Campti, La. Office became presidential October 1, 1916.

Sallie D. Pitts to be postmaster at Oberlin, La. Office became presidential October 1, 1916.

MARYLAND.

John T. Culver to be postmaster at Forest Glen, Md., in place of G. M. Wolfe, resigned.

William W. Hopkins to be postmaster at Bel Air, Md., in place of C. A. Hollingsworth, deceased.

J. Frank Lednum to be postmaster at Preston, Md., in place of G. E. Williamson, deceased.

MICHIGAN.

Thomas P. Griffin to be postmaster at Carrollton, Mich. Office became presidential October 1, 1916.

Simon W. McDonald to be postmaster at Benzonia, Mich. Office became presidential October 1, 1916.

Frank D. Verran to be postmaster at Republic, Mich., in place of W. J. Irwin, resigned.

MINNESOTA.

J. A. Bloom to be postmaster at Chisago City, Minn. Office became presidential October 1, 1916.

Emily M. Drexler to be postmaster at Brandon, Minn. Office became presidential October 1, 1916.

Tillmon W. Grillson to be postmaster at Bellingham, Minn. Office became presidential October 1, 1916.

Kate Hostetler to be postmaster at Wykoff, Minn. Office became presidential October 1, 1916.

Margaret McC. Maher to be postmaster at Brewster, Minn., in place of Margaret I. McCall; name changed by marriage.

Thomas A. Torgerson to be postmaster at Greenbush, Minn. Office became presidential October 1, 1916.

Otto W. Peterson to be postmaster at Audubon, Minn. Office became presidential October 1, 1916.

Arthur J. Yackel to be postmaster at Comfrey, Minn. Office became presidential October 1, 1916.

MISSOURI.

Virgil L. Looney to be postmaster at Walnut Grove, Mo. Office became presidential October 1, 1916.

William F. Stevenson to be postmaster at South West City, Mo. Office became presidential October 1, 1916.

MONTANA.

Mary R. Burke to be postmaster at Scobey (late East Scobey), Mont. Office became presidential July 1, 1915.

NEBRASKA.

J. T. McIntosh to be postmaster at Sidney, Nebr., in place of L. G. Lowe, resigned.

John F. Mahoney to be postmaster at Palmyra, Nebr. Office became presidential October 1, 1916.

NEVADA.

Jeanann M. Fay to be postmaster at East Ely, Nev., in place of Lee M. Boyce, removed.

Mabel C. Heidenreich to be postmaster at Hazen, Nev. Office became presidential October 1, 1916.

NEW JERSEY.

John Matthews to be postmaster at Hudson Heights, N. J., in place of Richard W. Sloat. Incumbent's commission expired January 18, 1916.

Lorenzo B. Shivers to be postmaster at Anglesea, N. J. Office became presidential October 1, 1916.

NEW YORK.

Dennis Dillon to be postmaster at Raquette Lake, N. Y. Office became presidential October 1, 1916.

Ross N. Hudson to be postmaster at Sanborn, N. Y. Office became presidential October 1, 1916.

Clarence A. Lockwood to be postmaster at Schroon Lake, N. Y. Office became presidential October 1, 1916.

Herbert O'Hara to be postmaster at Haines Falls, N. Y. Office became presidential October 1, 1916.

Frank B. Peck to be postmaster at Big Moose, N. Y. Office became presidential October 1, 1916.

NORTH CAROLINA.

James M. Hall to be postmaster at Roseboro, N. C. Office became presidential October 1, 1916.

John A. MacRae to be postmaster at Badin, N. C. Office became presidential January 1, 1917.

NORTH CAROLINA.

Walter E. Barringer to be postmaster at Streeter, N. Dak. Office became presidential October 1, 1916.

John A. Knapp to be postmaster at Binford, N. Dak. Office became presidential October 1, 1916.

OHIO.

Riley E. Clark to be postmaster at Warsaw, Ohio. Office became presidential October 1, 1916.

Harry D. Collins to be postmaster at New Paris, Ohio, in place of C. H. Marshall, deceased.

Ernest C. Heaps to be postmaster at Worthington, Ohio. Office became presidential April 1, 1919.

Rollah E. Hite to be postmaster at Pleasantville, Ohio. Office became presidential October 1, 1916.

Charles E. Plummer to be postmaster at Seaman, Ohio. Office became presidential October 1, 1916.

Henry W. Reeder to be postmaster at Albany, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

Jesse W. Haydon to be postmaster at Calumet, Okla. Office became presidential January 1, 1917.

John M. Lloyd to be postmaster at Bennington, Okla., in place of James T. Ryan. Incumbent's commission expired May 1, 1916.

J. E. Strickland to be postmaster at Allen, Okla. Office became presidential January 1, 1917.

PENNSYLVANIA.

Ella T. Cronin to be postmaster at Centerville, Pa. Office became presidential October 1, 1916.

J. R. Henry to be postmaster at Dawson, Pa., in place of W. Fairchild, sr., deceased.

Charles V. Johnston to be postmaster at Woolrich, Pa. Office became presidential October 1, 1916.

RHODE ISLAND.

Peter J. Heffern to be postmaster at Pawtucket, R. I., in place of Joseph A. Hughes, resigned.

SOUTH CAROLINA.

R. A. Deason to be postmaster at Barnwell, S. C., in place of C. E. Falkenstein, resigned.

SOUTH DAKOTA.

Rowland F. Cadwell to be postmaster at Bruce, S. Dak. Office became presidential October 1, 1916.

John Michels to be postmaster at Mitchell, S. Dak., in place of Thomas J. Ball, deceased.

John H. Parrott to be postmaster at Pierpont, S. Dak. Office became presidential October 1, 1916.
James D. Snow to be postmaster at Midland, S. Dak. Office became presidential October 1, 1916.

TENNESSEE.

James W. Emison to be postmaster at Alamo, Tenn. Office became presidential October 1, 1916.

TEXAS.

H. C. Parker to be postmaster at Tenaha, Tex., in place of Giles Bowers, resigned.
Gustav R. Voigt to be postmaster at New Ulm, Tex. Office became presidential October 1, 1916.

UTAH.

Ida H. Merrill to be postmaster at Smithfield, Utah. Office became presidential October 1, 1916.

VIRGINIA.

William B. Dew to be postmaster at Sweet Briar, Va. Office became presidential October 1, 1916.

WEST VIRGINIA.

Scott Justice to be postmaster at Logan, W. Va., in place of James M. Moore, deceased.
Henry M. Walker to be postmaster at Madison, W. Va. Office became presidential January 1, 1917.

WISCONSIN.

Peter Cosgrove to be postmaster at Centuria, Wis. Office became presidential October 1, 1916.
Emma M. Du Frenne to be postmaster at Middleton, Wis. Office became presidential October 1, 1916.
George H. Hedquist to be postmaster at Goodman, Wis. Office became presidential October 1, 1916.
Hazel I. Hicks to be postmaster at Linden, Wis. Office became presidential October 1, 1916.
Arthur M. Howe to be postmaster at Elk Mound, Wis. Office became presidential October 1, 1916.
John Lindow to be postmaster at Manawa, Wis., in place of Herman Lindow, resigned.
William J. Neu to be postmaster at Three Lakes, Wis. Office became presidential October 1, 1916.

CONFIRMATION.

Executive nomination confirmed by the Senate January 10, 1917.

INTERSTATE COMMERCE COMMISSION.

Winthrop More Daniels to be a member of the Interstate Commerce Commission.

WITHDRAWAL.

Executive nomination withdrawn January 10, 1917.

First Lieut. William A. Copthorne, Coast Artillery Corps, detached officers' list, for appointment, by transfer, to be first lieutenant of Field Artillery.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 10, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art infinite in all Thine attributes, from whom all things proceed, help us to appreciate the dignity Thou hast conferred upon us as rational beings, that we may conform our ways to Thy ways, our will to Thy will, as revealed to the world amid the thunders of Sinai, emphasized in the Sermon on the Mount, by the parables which fell from the Master's lips, and in the example of His life; for Thine is the kingdom and the power and the glory. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1082. An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

The message also announced that the President had approved and signed bills of the following titles:

On December 27, 1916:

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912.

On December 30, 1916:

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

SETTLEMENT OF INDUSTRIAL DISPUTES.

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. Mr. Speaker, I rise to ask unanimous consent to print as a public document a work that has just been compiled by the Board of Mediation and Conciliation on railway strikes and lockouts. It comprises all of the legislation of this country and all of the legislation of all of the Governments of the world relating to the settlement of industrial disputes and as to the control of public-utility corporations.

The SPEAKER. The gentleman from Missouri asks to have printed as a public document a volume compiled by the Board of Mediation and Conciliation containing the laws upon this subject of every country under heaven. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, will the gentleman from Missouri agree to withdraw his request and introduce a resolution and let it go to the committee in the regular way? I do not like to object, but I may have to.

Mr. BORLAND. I think that is the proper course to take; that it ought to go to the Committee on Printing. I simply want to say at this time that this is a book that in the immediate future is going to be extremely valuable to Members of Congress. It is the only place where the information can be found.

EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of compulsory military service.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD on the subject of compulsory military service. Is there objection?

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal game law and regulations.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of the Federal game law and regulations. Is there objection?

Mr. MANN. Does the gentleman mean the migratory-bird law?

Mr. DOOLITTLE. Yes.

Mr. MANN. That is not the Federal game law.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ALEXANDER F. M'COLLAM.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have two days in which I may file a supplementary report on the bill (H. R. 17781) in behalf of Alexander F. McCollam. I filed the report (No. 1234, pt. 2), but there was some information left out of the report which came from the department and which did not get in, from some oversight, and I ask that I may have time to file a supplementary report, in order that it may be included.

The SPEAKER. The gentleman from California asks unanimous consent to have two days in which to file a supplementary report in the case of Alexander F. McCollam. Is there objection?

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The unfinished business is House bill 15914. The House automatically goes into Committee of the Whole House on the state of the Union, with the gentleman from California [Mr. RAKER] in the chair.

THE VIRUS, SERUM, AND TOXIN ACT.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the

treatment of domestic animals, and for other purposes, with Mr. RAKER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15914, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

Mr. RUBEY. Mr. Chairman, this bill, H. R. 15914, is a bill which revises the act of 1913 relating to the preparation of viruses, serums, toxins, and analogous products used in the treatment of domestic animals. The act of 1913 was brought about by the use of serums in the treatment of hog cholera, and it became evident that in order to secure potent and pure serums all of the establishments that had to do with the manufacturing of this serum should be under the control of the Government of the United States. When the appropriation bill was up in 1913 we put into it the provisions which have since been known as the serum and virus act.

At that time there were possibly less than a dozen establishments in the United States that were manufacturing serum for the treatment of hog cholera. Since then the number has increased to between 80 and 90. We have now between 80 and 90 establishments in the United States which are manufacturing this serum and which are licensed under the provisions of the act of 1913.

In 1914, at the time of the breaking out of the foot-and-mouth disease, there was at least one place in the United States where it was thought beyond any doubt that foot-and-mouth disease occurred because of the fact that the hog-cholera serum contained in it the germs of the foot-and-mouth disease. The Department of Agriculture began at once investigations seeking to avoid the recurrence of such an evil, and I am glad to say that the Department of Agriculture has found a method of treatment under which serum can be made absolutely pure and all of the germs of any disease can be killed. That treatment is simply by a heating method, heating the serum up to a certain point, when all germs of any disease which it may contain will be destroyed, and that, too, without affecting in any way the potency of the serum.

This called to the attention of the Department of Agriculture the necessity of having a more rigid supervision of the manufacturing of serum, and this bill is brought in here to accomplish that purpose. I do not believe that there is any serious objection to the bill. The gentleman from Iowa [Mr. STEELE] introduced this measure, and he has taken great interest in it.

I now yield to him such time as he may desire to discuss it, and reserve the balance of my time after the completion of his statement.

Mr. STEELE of Iowa. Mr. Speaker, the virus-serum-toxin act as embodied in House bill 15914 is intended primarily to enable the Secretary of Agriculture to control the manufacture of serums which are sold for the prevention and cure of hog cholera. The United States Department of Agriculture and other scientific institutions have spent vast sums of money in research to discover the germ that has caused the death of millions of hogs annually for more than 30 years. This disease has resulted in loss and financial ruin to many of the hog producers of this country and indirectly has served to increase the cost of living to the many millions of consumers the world over through the resulting reduction in the pork supply.

A few years ago Dr. Dorset, a scientist in the employ and now the Chief of the Biochemic Division of the Bureau of Animal Industry, Department of Agriculture, discovered a serum that, when injected in a small dose, would immunize the hog against this fatal disease. After thorough scientific investigation and following successful field experiments the United States Department of Agriculture gave the formula to the public. Many competent and trustworthy veterinarians in the department, seeing the many possibilities of this discovery, resigned their positions in the department and proceeded to build establishments for the manufacture of this serum, which they sold at a price which was very remunerative to them. The hog producers of the country, believing that the Department of Agriculture would not recommend this serum if it was not trustworthy, made a great demand upon the few commercial establishments engaged in the business, and those establishments made enormous profits.

Upon this showing many unscrupulous men who knew little of the methods necessary to make pure and potent serum went into the business, and as a result of the action of these men much harm was done, and in many cases hog cholera was produced instead of being prevented. The untrustworthy and unreliable serum which was thus placed on the market created a distrust of the serum among the hog producers of the country, and even caused some of them to condemn the Department of Agriculture for putting out a fake remedy, which not only caused the farmers to lose the money spent for the serum but also the hogs which the serum was supposed to save.

The Department of Agriculture seeing this condition of affairs, and knowing that their serum would immunize hogs if properly manufactured and applied, requested the Congress to pass a law regulating the manufacture and sale of viruses, serums, toxins, and analogous products used in the treatment of domestic animals in order that the Secretary of Agriculture might be empowered to stop these frauds upon the farmer, and thus aid him in making a successful fight against hog cholera. Such a bill was passed by Congress in 1913, but since that time the practical application of the law has shown that it is weak in certain particulars, where the Secretary of Agriculture should have absolute control. Probably the greatest fault in the present law is that the Secretary of Agriculture is empowered to issue licenses and thereby give prestige and standing to a manufacturing firm without actually being in a position at all times to know that the firm is conforming to the regulations and the law. As I have said, it is of first importance to be sure that the serum is potent. This can be determined only by testing it on pigs. The bill which we are now presenting provides authority for the Secretary to control this test completely from the time of its beginning until it has been fully completed.

Section 4 of bill H. R. 15914, to authorize the Secretary of Agriculture to license establishments for, and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, reads as follows, to wit:

SEC. 4. That no license shall be issued under the authority of this act to any establishment where viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, except upon condition that the licensee will conduct the establishment and will permit the inspection of such establishments and of such products and their preparation and the examination and testing of the same, and will furnish all necessary animals, materials, and facilities for making such inspections, examinations, and tests in compliance with the regulations prescribed by the Secretary of Agriculture.

The points which I wish to make clear are that the Congress has authorized the Secretary of Agriculture to issue licenses to plants for the manufacture of serum, but sufficient authority has not been given to the Secretary to enable him at all times to be certain that the products of inspected plants are potent and pure as the farmer expects them to be. There are still opportunities for unscrupulous men to evade the law. The present bill conforms entirely with the ideas which were in mind when the first bill was passed. It is simply a case of finding that the first bill did not serve to accomplish what was intended, and the bill which we are now offering merely corrects the defects in the original.

It is not necessary for me to show the necessity for a bill of this kind. The production of hogs is one of the greatest and most important industries of the American farmer, and the disease hog cholera has for years past caused greater money losses than any other single disease of live stock. It is said that these losses actually amount to from $25,000,000 to $75,000,000 a year, depending upon the prevalence of the disease. That progress is being made in the control of these losses is shown by the fact that on the 1st of January, 1916, according to the statistics of the Department of Agriculture, there were in the United States approximately 3,500,000 more hogs than ever before in the history of the country. It is also a fact that during the past several years hog cholera has been decreasing steadily, and there seems no doubt that much of this reduction in losses is due to the application of serum.

The Committee on Agriculture believes that the bill here presented will serve to further safeguard the production of this anti hog-cholera serum, and thus tend to a still greater reduction in the tremendous annual losses from cholera. [Applause.]

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. STEELE of Iowa. Yes.

Mr. KING. Has the gentleman provided in this bill any protection against anybody connected with the Bureau of Animal Industry or with the Government owning stock in serum factories?

Mr. STEELE of Iowa. I do not think that question came up before the committee.

Mr. KING. Does the gentleman remember that in the discussion of the agricultural appropriation bill at the last session, when an amendment of that kind was offered, a point of order was raised against it and it was suggested that it be placed in this bill, which it was proposed to bring to the attention of the House sooner or later? Does the gentleman recall that at that time he favored an amendment of that character?

Mr. STEELE of Iowa. I do not remember as to that.

Mr. KING. However, there is no such provision in this bill at the present time, is there?

Mr. RUBEY. There is no provision in this bill that prohibits absolutely anyone connected with the department from owning stock in a factory, but I am satisfied that the Secretary of Agriculture, in the appointment of these gentlemen who inspect under this law, will not appoint anyone who is connected with any factory.

Mr. KING. I do not believe he will either, knowingly; but would the gentleman object to such an amendment?

Mr. RUBEY. I will read section 13:

That any person, firm, or corporation, or any agent or employee thereof, who shall pay or offer, directly or indirectly, to any officer or employee of the Department of Agriculture, or of the United States, authorized to perform any of the duties prescribed by this act, or by the regulations made hereunder, any money or thing of value, with intent to influence such officer or employee in the discharge of any duty herein provided for, or which may be provided for by the regulations prescribed hereunder, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000.

Now, if anyone in the employ of the Department of Agriculture is a stockholder in one of these concerns, he is in effect violating that provision of this bill, because he is receiving money or things of value from the concern that manufactures that serum. I think that will cover it.

Mr. KING. Does the gentleman think that that clause is sufficiently broad to prevent an employee of the Government owning stock in a serum factory?

Mr. RUBEY. There is no objection to the gentleman's proposition. If section 13 will not prevent it, we are willing to accept something that will prevent it absolutely.

Mr. STAFFORD. Will the gentleman who has charge of the bill, or some other Member, explain the need of these various provisions which differ from the current law?

Mr. RUBEY. Would it not be better to take up these different matters paragraph by paragraph as they are reached under the five-minute rule?

Mr. STAFFORD. There should be an explanation at sometime or other. I notice in reading the bill that there are some very summary powers vested in the Secretary of Agriculture for the enforcement of this measure. Further, there is some machinery established which has not been created for the enforcement of any other measure. For instance, in section 6 there is a provision which imposes a burden, as I consider it, upon all interstate carriers to have a certificate presented with each shipment, certifying that the shipment conforms to the requirements of the Secretary of Agriculture, before the shipment can be made. While I am in sympathy with the objects and purposes of this bill, I want to have some explanation made by some one as to the necessity of creating that very burdensome machinery and imposing it upon the carriers of the country, now and in the future, when there is at the present time an embargo upon shipments of various commodities because the railroads are not now able to transport the heavy traffic. By providing this mechanism you are only adding to the burdens of the carriers. I wish to be informed by the chairman or some member of the committee as to whether it is necessary to have that character of burdensome regulation in order to get the result aimed at by the supporters of this measure?

Mr. RUBEY. I will say to the gentleman that there is no trouble about that. These forms are all prepared by the Department of Agriculture. They are submitted to the manufacturers. It is only a matter of a few minutes to comply with these regulations, and I will say to the gentleman that as we take up this bill under the five-minute rule we can consider each of these paragraphs.

Mr. STAFFORD. My inquiry was not directed at the burden on the manufacturers, but it was directed to the burden which you impose upon the railroad carriers.

Mr. RUBEY. I understand that.

Mr. STAFFORD. Here is a shipment of some of this virus or serum in interstate commerce. Before that can be sent in the ordinary channels of transportation it must be accompanied by a certificate that the conditions imposed by the Government have been complied with.

Mr. RUBEY. There is no burden about that. The shipper, when he brings his shipments, brings his certificate also.

Mr. STAFFORD. But if the carrier receives the shipment without the certificate, it is liable to prosecution for a misdemeanor.

Mr. RUBEY. If the carrier gets the certificate, then it is relieved of any liability.

Mr. MOSS. Suppose a farmer slaughters animals on his own farm and proposes to send the meat into interstate commerce. That meat can not be carried in interstate commerce, if slaughtered on the farmer's own farm, unless a certificate is provided.

Mr. STAFFORD. Ah, the gentleman is a great authority on everything pertaining to agriculture, but he fails to differentiate that in the case instanced by him there has been no examination, and no attempt at supervision of the slaughtering of cattle by the farmer, but in this case, of the manufacture of serum, the department exercises supervisory authority over all these plants in the first instance, and imposes a penalty in case they do not conform to the requirements of the department. It takes away the permit to continue in the business, and the shipment then is made a penal offense. You have added a heavier burden upon an outside party—to wit, the carrier—which is not necessary as I consider it, and which only further obstructs the channels of traffic.

Mr. MOSS. The gentleman is complaining about the burden laid on the carrier. The burden is the same as it is on the shipper, and both are designed to protect the consumer of the product.

Mr. STAFFORD. I am pointing out a fact which the gentleman does not appreciate, that under this law by other machinery you seek to regulate the manufacture of the product and make it a penal offense in case they do not conform to the law. Now, you are adding an additional burden, an unnecessary burden, on the carrier.

Mr. MOSS. It is precisely the same burden that is put on the carrier under the pure-food law.

Mr. RUBEY. Will the gentleman from Wisconsin state the burden that he is talking about and stay with that one proposition?

Mr. STAFFORD. Yes; as I read this bill I can not see any necessity for requiring a certificate to accompany the shipment.

Mr. RUBEY. What burden is that on the railroad?

Mr. STAFFORD. The carrier has to ascertain under the requirements here from a certificate that everything has been conformed to, and if the carrier fails to do that he is liable as a penal offense.

Mr. RUBEY. The gentleman is absolutely mistaken. If I make a shipment of serum, when I take it to the railroad I bring a certificate and deposit it with the railroad, and that is all that is required by this bill.

Mr. STAFFORD. Why do you require that a certificate shall accompany the shipment for the carrier to ascertain whether it has met with the requirements of the law?

Mr. RUBEY. He does not have to do that. The certificate is all that is required by the law.

Mr. STAFFORD. Is there any other instance of any shipment in interstate commerce, where the National Government takes supervisory authority over the plant, where it requires that a shipment shall be accompanied by a certificate?

Mr. RUBEY. Mr. Chairman, I reserve the balance of my time.

Mr. STAFFORD. I regret the gentleman does not see fit to answer the question.

Mr. ANDERSON. Mr. Chairman, I think everyone who has given consideration to the existing legislation relative to the sale and transportation of serum, virus, and analogous products for the treatment of domestic animals will agree that the existing provisions of the law are inadequate both for the protection of those whom the law is designed to protect, and from the standpoint of those who are charged with the administration of the law.

This bill does throw around the manufacture, sale, and transportation of this class of articles certain safeguards which are not in the present law, and to that extent I am in favor of its provisions. But, on the other hand, it contains what seems to me to be certain defects and certain injustices which ought to be remedied before the bill finally becomes a law.

The bill provides that before any person or corporation can manufacture or offer for transportation in interstate commerce any serum, virus, toxin, or other analogous products for the treatment of domestic animals the person or corporation must obtain a license to manufacture from the Secretary of Agriculture. As a condition of receiving the license he must consent to the inspection of his factory by the agents of the Secretary of Agriculture. He must permit the supervision of the process of manufacture in the establishment; he must permit a test of the product to determine its potency and its freedom from contamination by the agents of the Department of Agriculture, and all this must be done before he is permitted to remove the article from his establishment and put it into commerce between the States. In addition, under regulations prescribed by the Secretary of Agriculture, he must place on the carton or container of the article the date of its manufacture, the name of the product, and the label indicating its potency, dosage, and so forth.

Now, what I am getting at is this: That under this bill the Department of Agriculture supervises the manufacture of the product and passes in the last analysis upon the potency and freedom from contamination of the article so manufactured. Section 2 in this bill makes it unlawful—

for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia or in the Territories, or in any place under the exclusive jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia, or to or through any foreign country, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

In other words, although the Department of Agriculture has inspected the factory, supervised the process of manufacture, tested the product, passed upon its potency, and in passing upon it declared it to be potent and free from contamination, yet if any person sells that product and the product proves to be harmful or worthless, notwithstanding the inspection and test, he is guilty of an offense under this act.

My position is that if the Government undertakes to license the establishment, supervises the process of manufacture, tests the product for potency and freedom from contamination, and passes the product as potent and uncontaminated, it ought to be lawful for any person to sell the article or transport it anywhere. That is my proposition in brief. I shall later offer some amendments designed to carry out my ideas.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STAFFORD. The gentleman's position is that indicated by myself, that the supplementary provisions are merely burdens not necessary for the proper supervision of the operation of this bill?

Mr. ANDERSON. I do not know that I agree with the gentleman altogether—perhaps I do not understand his question. I will say that I do not think it ought to be an offense for a man who has no opportunity to examine the product and test its potency to sell that article in interstate commerce or transport it in interstate commerce after the Department of Agriculture has passed upon it and said that it was potent and uncontaminated.

Mr. MOSS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MOSS. Suppose the department has passed upon the serum and says that it is neither pure nor potent, and yet under the bill the department has not the power to destroy it, although it has the power to order it destroyed. Suppose, instead of destroying the product the firm sells it, does the gentleman think that that ought to constitute an offense?

Mr. ANDERSON. Yes; but this proposition goes far beyond that. Let me illustrate. Suppose the distinguished ranking member on the minority of the Committee on Agriculture, who lives at Northwood, Iowa, and who is a large farmer there, should send his hired man to Albert Lea, in the district I have the honor to represent, in the State of Minnesota, and this hired man should purchase of the druggist there certain serum which had been passed upon by the Department of Agriculture as potent and uncontaminated, should take it across the State line and use it there, and it should prove to be harmful or impotent, both the druggist who sold the article and the hired man who carried it across the line would be guilty of a crime under this act.

Mr. MOSS. Let me ask the gentleman the question, whether he does not seek to bring about the very condition that ought not to exist? We have in Indiana, and I presume they have in Iowa, many institutions that are manufacturing serum. So long as they do a purely State business they are not brought under the terms of this law. Suppose the conditions suggested by the gentleman exist. There is a druggist or other person who is selling serum which, under the terms which the gentleman states, could easily come across the State line. The serum has been manufactured in the State and is being manufactured and is sold for State consumption, and yet some one carries it across the line and offers it for sale. I would like to ask the gentleman if that man ought not to be brought under the law?

Mr. ANDERSON. Yes; I would say so. He would be guilty of an offense in selling in interstate commerce serum not prepared in a licensed establishment. I say it ought to be an offense for any man to sell or transport in interstate or foreign commerce, within the classes specified in this bill, serum which had not been inspected and passed by the Secretary of Agriculture; but when the serum has once been passed and inspected by the Secretary of Agriculture, then I say that it should be lawful to sell and transport it anywhere.

Mr. MOSS. Does the gentleman believe under the terms of this bill that where serum has been passed upon, inspected by the Secretary of Agriculture, and has been delivered for interstate shipment, and a certificate given regularly, and that particular shipment having complied with all of the conditions of the bill the sale of it would entail a penalty upon anyone?

Mr. ANDERSON. I say that under this law a man who sells serum which is worthless or contaminated is guilty of an offense, whether the serum has been inspected and passed or not. I do not say that he could be convicted of that offense, because I do not believe any jury would convict any person who sold an impotent serum if that serum had gone through the necessary processes and had been passed by the Secretary of Agriculture, or that any court would permit him to be convicted; but, notwithstanding, under the terms of the bill the man is guilty of a crime.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SLOAN. The gentleman is well versed in this bill, I see, and I note his objection, if correct, is quite important. Will the gentleman kindly point out in what section a penalty might be visited upon a man who purchased the serum in Albert Lea and brought it into Iowa and there used it, if, mayhap, it happened to be impotent, worthless, or poisonous?

Mr. ANDERSON. Section 6 provides that no carrier or other person, firm, or corporation shall transport or receive for transportation from one State or Territory or the District of Columbia, and so forth, any serum, and so forth, unless it is accompanied by a certificate showing that it has been prepared in compliance with the regulations prescribed by the Secretary of Agriculture. Here is a man who is transporting this serum or virus from Minnesota to Iowa, who has received no such certificate, and under section 6, technically, he would be guilty of an offense, assuming that the carrying of the article across the State line was commerce.

Mr. MOSS. If the gentleman were to strike out the provisions to which he objects, does he not believe he would take away all protection of the bill as to the conditions in which I speak?

Mr. ANDERSON. Not at all.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LEVER. The gentleman from Minnesota complains that the shipper must have a certificate.

Mr. ANDERSON. The carrier must have a certificate.

Mr. LEVER. The carrier must have a certificate that these products are pure and have been properly put up. I call the gentleman's attention to the act providing for the inspection of live cattle, hogs, carcasses, and products thereof, which are the subject of interstate commerce, and for other purposes, passed in 1891, where a certificate is required in all cases, and a vessel engaged in transporting these carcasses for export before it can get clearance even must have a certificate. Is not that an analogous proposition?

Mr. ANDERSON. I do not think it is. I think there might be very different reasons for requiring a certificate in case of foreign shipment than there would be in case of domestic shipment, so that I do not think the proposition which the gentleman from South Carolina raises is analogous at all.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. REAVIS. The position taken by the gentleman, as I understand it, is that a shipper in good faith, acting upon the security of the certificate of the department, could violate the provisions of this law?

Mr. ANDERSON. Absolutely.

Mr. REAVIS. That is, he would be held responsible for the mistake of another?

Mr. ANDERSON. Yes.

Mr. REAVIS. And the mistake being the mistake of the very Government that would prosecute him for violation?

Mr. ANDERSON. The gentleman states it much better than I have. I think, Mr. Chairman, that that is all I have to say directly with reference to the proposition, except that I expect when the bill gets under the five-minute rule to offer some amendments which I think effect the changes in the legislation which I think ought to be effected.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STAFFORD. What difficulty has the department encountered in operating under the law of 1913?

Mr. ANDERSON. Perhaps I can explain that best by pointing out the difference between this law and the other law. The principal and fundamental difference is this: Under the present law the Secretary of Agriculture has no authority to test the serum, virus, and so forth, to determine its potency or its freedom from contamination. Consequently the department can not

and does not undertake under the existing law to pass upon the potency or freedom from contamination of the article. The concern that manufactures it undertakes to make the tests. It undertakes to guarantee the potency and freedom from contamination of the article. It takes the chances, notwithstanding the supervision of the Government, that the article may not be potent nor free from contamination. Under the present proposed law the department itself makes the tests; it undertakes to guarantee or to say at least that it has passed upon the serum and that it is free from contamination and is potent.

Mr. STAFFORD. I assume the gentleman refers to the authority conferred under section 4 upon the department where the manufacturers are even obliged to furnish the animals, materials, and facilities for the making of such inspection.

Mr. ANDERSON. Yes.

Mr. STAFFORD. Is there any other similar Government authority which compels manufacturers to furnish the laboratory needs and to provide for this inspection?

Mr. ANDERSON. Not that I am aware of, although probably there is something similar in the meat-inspection law. I want to say this about that, however: When this proposition was before the committee I had very grave doubts about the wisdom of the requirements to which the gentleman refers. I thought that the proper way to do this thing was for the department itself to furnish the animals and equipment and to make a sufficient charge in the shape of a tax upon the product to cover the cost of making the tests, but the department through its proper officials represented to the committee that they believed that these tests could be made effectively and efficiently under the provision which is carried in the bill, so I did not question the proposition further, although I still have grave doubts about doing it in this particular way.

Mr. STAFFORD. What is proposed by the department in carrying out this law? Is it proposed to have a laboratory in each manufactory or merely an experimental laboratory there to see whether the regulations are being conformed with?

Mr. ANDERSON. Oh, no; the proposition, as I understand it, is to have an inspector at each one of these plants who supervises the process of manufacture. The tests made are actual tests upon actual animals, I believe, except a very simple one to determine contamination, and these tests, I believe, will be made at the factory. The original proposition presented by the Secretary of Agriculture involved the transmission of samples of these viruses to a general testing station located here in the city of Washington, where samples would be tested to determine their potency and freedom from contamination.

Mr. STAFFORD. Then these inspectors will be paid by the National Government?

Mr. ANDERSON. Yes.

Mr. STAFFORD. As I understand, there are some hundred or more of these at the present time?

Mr. ANDERSON. No; I think not as many as that.

Mr. STAFFORD. According to the report, which was dated last June, there are 90 regular licensed manufacturers, and they were increasing very fast, and I base my estimate upon that.

Mr. ANDERSON. If that is in the report, doubtless it is correct.

Mr. STAFFORD. What burden will be placed upon the National Government with an inspector at each one of these establishments?

Mr. ANDERSON. Of course, I am not authorized to speak for the Department of Agriculture, so I do not undertake to say how the department will administer this law and whether it will have one inspector at each factory or one inspector making periodical rounds. Perhaps the gentleman from Iowa [Mr. STEELE] can enlighten the gentleman, and I yield to him.

Mr. STEELE of Iowa. As I understand, this serum is going to be tested on pigs. Now, I will read a letter from Dr. Melville which will perhaps explain what the gentleman has in mind. The letter is as follows:

Referring to your telephonic request this morning, I am inclosing herewith circular letter dated November 20, 1916, which contains the information you desire. You will recall that the serum manufacturer furnishes his own hogs for the hog-cholera test, and under present conditions they are not under the control of the bureau.

In order that you may have an abstract of the principal points in the above-mentioned circular letter, I wish to submit the following summary of the routine testing of hog-cholera serum:

Eight nonimmune hogs are inoculated with a cubic centimeter of hog-cholera virus. Two of those are injected simultaneously with 15 cubic centimeters of serum, two simultaneously with 20 cubic centimenters of serum, and two simultaneously with 25 cubic centimeters of serum, the remaining two being left as controls. If all of the serum-treated pigs remain well, whereas the controls become promptly sick of hog cholera, the serum is permitted to be marketed in doses of 20 cubic centimeters per 100 pounds. If, however, either of the pigs which received 15 cubic centimeters become sick, while those receiving 20 and 25 cubic centimeter doses remain well, the serum is permitted to be marketed in doses of 30 cubic centimeters for 100 pounds or less. If either of the pigs receiving 20 or 25 cubic centimeters of serum become sick, the serum is not permitted to be marketed.

Now, the object of this bill in section 4 is to give the Government absolute control of the test pigs with a lock and key, making the manufacturer provide these places so that in observing these pigs from day to day, if some of them get sick, the manufacturer can not pass out the sick pig and put in a well one that never had had the serum injected into it and in that way destroy the potency of the serum. The absolute object of this bill is for the purpose of the Government having absolute control of each and every pig for the 21 days during which the test is being performed.

Mr. ANDERSON. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Twenty-two minutes.

Mr. ANDERSON. I yield to the gentleman from Wisconsin [Mr. STAFFORD], who desires to present an inquiry to the gentleman from Iowa.

Mr. STAFFORD. Permit me to direct this inquiry at the gentleman: I would like to inquire as to how often will these tests be made at the individual establishments?

Mr. STEELE of Iowa. Every time they have prepared a certain amount of serum they want tested in order to be placed upon the market.

Mr. STAFFORD. I understand it requires 21 days to determine whether it is efficient?

Mr. STEELE of Iowa. Yes, sir.

Mr. STAFFORD. Then if it is necessary to have an inspector there whenever serum is produced, I suppose there will be one inspector assigned to each establishment?

Mr. STEELE of Iowa. Practically so, and perhaps not. It does not seem to me that it would require an inspector at each of the plants. Say at my town there are six manufacturing institutions. Now, if this veterinary who has control of this test has the lock and key he can go over the manufacturers' premises and see that these hogs are properly fed each day and observe their actions during the test. I do not think it would be necessary to have an inspector there continuously and at all times.

Mr. STAFFORD. Oh, no; but considering the operation of the Government, that they do not look always to filling in and dovetailing in the time of their employees so that they can have economy of service, does not the gentleman think in the practical operation of this law that there will be one inspector for each establishment even though he may not be there all the time?

Mr. STEELE of Iowa. I should say I do not believe that would be true. I do not believe the Secretary of Agriculture or the Bureau of Animal Industry would permit the time to be wasted in that way if they could adjust it so that they could use him some place else.

Mr. STAFFORD. Has the gentleman any practical experience as to how often the average-size manufactory produces serum in the course of a year?

Mr. STEELE of Iowa. Really, I can not say, but I do know in the 80 or 85 manufactories it takes about 24,000 test pigs to test out the serum that is necessary to supply the market.

Mr. STAFFORD. Can the gentleman inform the committee as to how long after a certain product of serum is produced that it remains potent?

Mr. STEELE of Iowa. As I understand, up to one year.

Mr. ANDERSON. The gentleman is mistaken about that. I talked with Dr. Dorset the other day over the telephone and he told me they had tested serum that was six years old and that it was found to be potent, but he thought under proper conditions that serum would remain potent for two years at least. Of course, it does make a difference as to the temperature and conditions under which it is kept.

Mr. REAVIS. Will the gentleman yield to me?

Mr. STEELE of Iowa. Yes.

Mr. REAVIS. The question was asked a moment ago by the gentleman from Wisconsin as to whether it would not require a separate inspector for each establishment. Is it not true that a number of these serum establishments are located in Sioux City, Kansas City, and St. Joseph, adjacent to the stockyards?

Mr. ANDERSON. A great many of them are.

Mr. REAVIS. And would it require more than one inspector at each of these places?

Mr. ANDERSON. Probably more than one; yes.

Mr. REAVIS. Would not one inspector, say, in Kansas City, be able to inspect all of these serum establishments there?

Mr. ANDERSON. I hardly think so; not and maintain that supervision and control of the processes and of the tests which the departments seem to think is necessary.

Mr. REAVIS. Would it require a separate inspector for each serum establishment?

Mr. ANDERSON. Well, possibly not. Mr. Chairman, I reserve the balance of my time.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Moss].

Mr. MOSS. Mr. Chairman and gentlemen of the committee, I would not speak if it had not been for the particular question which the gentleman from Wisconsin [Mr. STAFFORD] asked in regard to the troubles at the present time in the operation of law which regulates and controls the manufacture and sale of serums. I would like the committee to remember that this serum remedy for hog cholera is based upon the theory that when a hog has had the cholera once and recovers it is immune the rest of its lifetime. It is to be remembered that the injection of serum into the system of a hog, unless it is first innoculated with cholera, does not grant immunity except for a comparatively short time. Therefore, with serum there is sold a virus, which is for the express purpose of innoculating the hog with cholera. The treatment seeks, first, to give the hog cholera by injecting virus and then to cure it by the use of serum. This treatment, when successful, bestows immunity to cholera during its lifetime. Now, necessarily, if the Government sends out instructions to farmers all over the United States to venture to innoculate their hogs with cholera, they will do so only when imbued with the confidence that they are to have a serum that will protect the hog by neutralizing the germs of cholera which have purposely been injected in the hog. Unless it is possible to give them pure serum, the department is playing with fire in advertising this remedy. And when it shall occur that the serum is not potent the farmer loses his hogs and a new center of infection is created. A whole neighborhood has been exposed to hazard because of a poor remedial agent. Science becomes destructive rather than helpful. This is precisely what happened in my district during the past year and under the operation of the present law.

One of my constituents, a large hog grower, sent out to the West—I shall not state as to what place, though I have seen the correspondence—and purchased virus and serum. He believed he was protected by the fact of governmental supervision of the plant making the serum. He inoculated his hogs. This occurred in Hendricks County, Ind., where the Government has an experiment station, Dr. Wickwire being in charge of it. These hogs took the cholera and died, the serum protecting none of them. The result was the farmer lost more than 75 hogs and introduced cholera into that neighborhood, though he had acted in good faith and was supposed to be following a scientific formula. He had knowingly inoculated them with cholera and given them serum which did not prove to be potent enough to protect his herd. This may happen any time impotent serum is used with the simultaneous method. He called it to the attention of Dr. Wickwire, who told him his hogs had the cholera, but that the Government was absolutely powerless to help him. I called this instance to the attention of the department and submitted the correspondence in the case; but the department could not call back his hogs to life nor reimburse him for his losses. That is one circumstance that has come under my observation during the time the law of 1913 has been on the statute books. Naturally we ask a more effective statute.

Now, if you are in earnest, and if Congress wants to make this remedy a success, it must be made possible for a farmer when he inoculates with deadly virus to feel that he has absolutely a remedial agent which will surely protect him. I want the Members, Mr. Chairman, to remember that the simultaneous treatment—the treatment which makes the hog immune during life—consists first in actually introducing the germs of cholera into the hog and at the same time injecting serum which has the power to protect the animal. Every time a hog is vaccinated with virus the farmer assumes the risk of bringing the cholera onto his own farm and into his herd. This is the reason why this bill presents an exceptional condition and why exceptional power should be given to the Department of Agriculture in order to make it possible for farmers to secure potent serum.

These facts must be borne in mind during the consideration of this bill. The serum is a harmless remedy. The serum itself does not introduce disease germs into the system of a hog, although it is supposed to give protection. But permanent protection can not be given to the hog by the administration of the serum until the animal has first been vaccinated or inoculated with the virus of hog cholera. The whole theory is that the vaccination or inoculation of the hog with the virus of cholera and the simultaneous application of serum makes the hog immune during its lifetime.

If you will hold that theory in your minds, gentlemen, you will understand this bill. The farmers of this country are asking that the Federal Government shall make it so that in the practical use of this remedy they can have a reasonable—no; not a reasonable, but an absolutely certain—protection against the constant hazard which it inherently carries; that if they introduce this deadly disease into their herds they will have a remedial and not a destructive agent at their service. That is the whole theory of this bill, and unless you are going to give that protection you had better prohibit absolutely the manufacture and sale of serums and viruses. We had better suffer from occasional invasion of hog cholera into our herds than to risk the very frequent outbreaks which may follow the use of impotent serums.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes; with pleasure.

Mr. HASTINGS. For how long is the hog immune if you give him the virus and the serum?

Mr. MOSS. For not more than three or four months. I am not sure that the serum will give ample protection for three months. I will repeat that in speaking of the virus you are speaking about a toxin that carries with it the disease of cholera itself, and that the serum is supposed to neutralize the cholera and give the hog protection. Necessarily a farmer only wants to do that once during the lifetime of his hog. Ordinarily the farmer takes a shote after it has been weaned, when it is of comparatively low value, and gives it the prescribed treatment—first inoculating it with the virus and then with the serum. If the operation is successful he has an immune hog; if it fails, he will have a hog stricken with cholera.

The current number of the Scientific American, one of the most carefully edited journals in the United States, in one of its leading articles, makes the statement that the farmers have lost from hog cholera on the average $40,000,000 a year in the last 40 years, and that in certain years the loss has reached the high total of $75,000,000.

I am proud of the fact that since I have been a Member of Congress the serum remedy has become publicly advertised and is being used to a large extent by the farmers of the United States. This result has been wholly due to the experimental field work which has been carried on in certain of our States. Until this very practical work was done, although it was well known that the remedy had been perfected by Dr. Dorsett, the public derived no practical advantage from his most valuable work. Fortunately it has passed to the point where vast numbers of farmers of the United States want to make practical use of this remedy, and their only hesitation is whether they can do so with safety to their herds. In this connection we should remember that there are at least 70,000,000 hogs in the United States, every one of which is liable under present conditions to have the cholera. The work before us is to make it possible for each and every hog to be vaccinated, and thereby stamp out this dread disease from every part and section of our Nation. This suggests the vast work of manufacture and supervision in order to develop a commercial remedy in which everyone will have confidence. Necessarily this result will call for very large activity on the part of the United States Government, and will demand a splendid administrative ability on the part of the Secretary of Agriculture.

This bill must be taken and viewed by the Congress of the United States in the light of the exceptional dangers that come with use of this remedy; that every hog treated must be subjected to a direct exposure to the dread disease we desire to control. Failure means not only a loss of the treated hogs but the spread of the disease. Either the serum must be supplied in ample quantity and of absolute potency or we should prohibit by law the exposure of hogs by inoculating them with cholera virus. Therefore I submit that the stringent provisions of this bill are amply justified and ought not to fall by reason of hypercritical objections on the part of gentlemen who are proceeding upon theory, and not on practical experience. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. OVERMYER].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. OVERMYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an article appearing in the Scientific American of December 30, 1916, relating to the inoculation of hogs by serum.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the article referred to:

INOCULATING THE MORTGAGE LIFTERS—HOW THE DISASTROUS HOG-CHOLERA EPIDEMIC IS BEING CONTROLLED.

[By C. H. Claudy.]

"Hog" is a term of derision or contempt for the man in the city. But the farmer calls his hogs "mortgage lifters," because the revenue derived from swine raising is responsible for much of farming prosperity, and because were it not for hogs and the profit they bring many a farm would go unimproved and undeveloped.

If one hog in a herd of a hundred dies, the farmer is sorry, but he doesn't tear his hair. But if the ninety-nine die the one that is left doesn't do him much good. A thousand, a hundred thousand, even a million dollars' worth of hogs might be exterminated yearly, and still there would be no great economic problem to face. But when, as happened in 1913, $75,000,000 worth of hogs die from a disease for which there is absolutely no cure—hog cholera—then, indeed, a wail goes up from the hog raisers.

At the present time there are 68,047,000 hogs in the United States. Their value is $571,890,000. The average loss annually due to hog cholera during the last 40 years is estimated at not less than $40,000,000. This is altogether too large a percentage to give up in one year to a disease which, while incurable, is preventable. And while the loss in direct dollars can be estimated the indirect loss, due to the discouragement of hog breeders, is without a price to set upon it, and no man can say what the public has had to pay because of the increased price of ham and bacon, which might have been saved were hogs freed from this, their greatest pestilence.

It was consideration of these things and realization of the urgent need for assistance to those whose greatest wealth was disappearing in dead hogs that made the Bureau of Animal Industry of the Department of Agriculture begin in the year of greatest loss (1913) a series of experiments looking to the eventual control of hog cholera by quarantine, sanitary measures, and preventive serum treatment. These experiments extended during 1914, 1915, and 1916 to 15 counties in Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Tennessee, Nebraska, Missouri, Oklahoma, and South Dakota.

The treatment of almost a quarter of a million hogs in infected herds has demonstrated the possibility of saving from 85 to 90 per cent of the animals. A determined effort on the part of the proper State officials and farmers cooperating with the bureau can undoubtedly control and eventually eradicate the disease.

Hog cholera is an acute febrile disease which affects only hogs. It is extremely contagious. While it is found practically all over the world, it is especially prevalent in the hog-raising districts of the United States. It first occurred in 1833 in Ohio, supposedly from imported hogs from European countries. The disease has gradually extended to all portions of the United States along lines of transportation.

Hog-cholera mortality is 100 per cent in some herds, while the average is probably from 70 to 80 per cent. Hogs which survive are usually worthless. There is no cure for hog cholera. But it is preventable, and by a method which will ring naturally in ears accustomed to hear of preventive serum for human diseases. Starting with the fact that hogs which recover are thereafter immune, the bureau discovered that an immune, injected with blood from a sick hog, can provide blood which will protect other hogs.

The process is scientific and exact and its results wonderful. A vigorous immune hog is treated with much blood from a hog-cholera patient. After a week or two blood is drawn from the immune by cutting off the end of the tail. The fluid portion of the blood is mixed with weak carbolic acid, forming the serum which protects from hog cholera. It is used either by simple or by simultaneous inoculation.

In the first method an injection of serum alone is made inside the hind leg. This protects from hog cholera for several weeks. If not exposed to hog cholera the immunity gradually lessens in degree and the hog may again become susceptible. If, however, the hog is exposed to hog cholera within a short time after the injection of the serum, the immunity becomes of lifelong duration. In simultaneous inoculation the same serum is used, but there is also injected a small quantity of blood taken from a hog-cholera patient. This confers a permanent immunity.

So much for the facts. Now for the results. We give the figures of the Bureau of Animal Industry. Of the sick members of infected herds treated by the bureau's agents during three years, 28.8 per cent died; of the well members the mortality was 4.5 per cent among those treated by serum alone and 3.7 per cent among those enjoying simultaneous treatment. These results are indeed marvelous.

Hog-cholera work is by no means confined to serum treatment. Close study of 738 cases showed that only 177 came from indefinite causes. The rest were directly traceable to some source, often preventable. One hundred and forty-five cases were traced to birds, 110 to visiting infected premises, 89 to exchanging work with infected farms, 52 to dogs, 50 to exposure of well hogs to sick ones in adjoining pens or pastures, 41 to infection harbored from previous sickness, 10 to polluted streams, 30 to purchase of new stock, and 4 to infection on cars.

From an examination of these and other causes of hog cholera a simple set of preventive rules has been evolved. Farmers in whose neighborhood hog cholera exists are advised to follow implicitly these rules, which consist in nothing else than the application of common-sense methods of preventing the operation of the causes enumerated and in the adoption of decent sanitation in the homes of the pigs. The latter requirement may well be emphasized, in view of the still wide prevalence of the good old-fashioned notion that a pig is a creature of filth anyhow and will flourish only in filth. Nothing could be further from the truth.

These methods, together with serum treatment, have greatly reduced the economic loss, but the ideal of the bureau is the complete eradication of the disease. To this end at the present time intensive hog-cholera work is being conducted in 130 counties in 13 States, with a view to the eradication of the disease in restricted areas.

The system is to select a definite territory in each State, assign competent bureau veterinarians to such territories, who cooperate with State authorities. Because the disease is so highly infectious and incurable, the important part of the work is one of prevention. Special stress is laid on the importance of sanitation, guarding against introduction of infection, and the better care of swine in general. The facilities of the bureau are available whenever hog cholera is prevalent.

Mr. OVERMYER. In this connection, Mr. Chairman, I want to say that the article brings out quite pointedly the matters mentioned by the gentleman from Indiana [Mr. MOSS], who has just concluded, and it brings out this further fact, which we must always bear in mind in connection with hog cholera, and that is that it is not a curable disease, and therefore all our efforts must be directed to preventive measures. When a hog once becomes inoculated with cholera that hog cholera is not curable unless you at the same time introduce the serum, as stated by the gentleman from Indiana. Hog cholera itself is not curable, and therefore our energies must be directed to preventive measures. This bill that we are now considering is along that line. It will insure to the farmers of the country purer and more potent hog-cholera serums.

The first appearance of hog cholera, I regret to say, in this country was in my native State of Ohio in 1833, and since that time it has caused losses in the United States aggregating as high as $75,000,000 in one year, and it is estimated that in the last 40 years it has caused a loss averaging $40,000,000 annually. Up until 1913 the Department of Agriculture did not pay particular attention to preventive measures in the matter of the sanitation of the premises and things of that kind. But since 1913 they have made studies along the line of preventing hog cholera by remedying the conditions and environment in which the animal is kept, and in conjunction with those measures and the use of cholera serums they have had very successful results.

In fact, this article to which I have referred states that the treatment of almost a quarter of a million hogs in infected herds has demonstrated the possibility of saving from 85 to 90 per cent of the animals. It seems to me that in these times when so much is said about the high cost of living, and when we are all cognizant of the fact that the price of meat, and especially of pork, is almost prohibitive, any measures that we might take to safeguard ourselves against this enormous loss of hogs are commendable, and any money that we may expend in that work is money well applied. I am heartily in favor of the bill that is being considered. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman from Ohio yields back the balance of his time. The Clerk will proceed with the reading of the bill, if there is no one who wishes to occupy time.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Did the gentleman from Minnesota yield?

Mr. MANN. I am asking for recognition. If the Chair can not see me, I can not help it.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. To be recognized. I do not have to explain to the Chair what I am going to do.

The CHAIRMAN. Is the gentleman in opposition to the bill?

Mr. MANN. That is not the business of the Chair, whether I am in opposition to the bill or not. I do not have to explain.

The CHAIRMAN. The gentleman can wait a moment. The gentleman from Minnesota [Mr. ANDERSON] is recognized for an hour in opposition to the bill, and the Chair was wondering whether or not anybody else could take his time.

Mr. MANN. If the gentleman from Minnesota wants the time, I will yield.

Mr. ANDERSON. Mr. Chairman, the gentleman asked to be recognized in his own right.

The CHAIRMAN. Does the gentleman from Illinois ask the gentleman from Minnesota for time?

Mr. MANN. No; I am not asking the gentleman from Minnesota for time.

The CHAIRMAN. Under the circumstances the gentleman from Illinois [Mr. MANN] is recognized for 32 minutes.

Mr. MANN. Not at all. I am recognized for one hour if I am recognized at all.

The CHAIRMAN. Then the gentleman will not be recognized.

Mr. MANN. Very well, I will wait until you read the bill, and then I think I will be recognized.

The CHAIRMAN. Under the rule for Calendar Wednesday the Chair understands that there are two hours' debate, an hour for and an hour against the bill. Now, the Chair assigned to the gentleman from Missouri [Mr. RUBEY] an hour for the bill and to the gentleman from Minnesota [Mr. ANDERSON] an hour against it.

Mr. MANN. The Chair is correct.

Mr. ANDERSON. I yield to the gentleman from Illinois the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 32 minutes.

Mr. MANN. Mr. Chairman, I am not opposed to the bill. I do not think the gentleman from Minnesota [Mr. ANDERSON], who has yielded me time, is opposed to the bill.

I have had some little experience in drafting legislation which came under the commerce clause of the Constitution. There are two methods, and perhaps more, by which Congress has control over commerce and manufacturing. One method is under the power of taxation, or licensing. One method is under the commerce clause of the Constitution, giving the right to regulate commerce among the States and with foreign powers. In the legislation which I have drafted I have endeavored to be very careful, and so far I think every piece of legislation which I have drafted has been upheld by the Supreme Court as constitutional. That is because the committee upon which I served was careful to come within the terms of the Constitution. This bill as it is written is not constitutional. Anybody can see that. That is, portions of the bill are unconstitutional.

I suppose it was drafted probably in the Department of Agriculture, a department which is wise in reference to agriculture, but never has known much about the Constitution, because nearly all the things done by that department are things not contemplated as within the power of the Federal Government under the Constitution. Nearly all of them are extraconstitutional. It is true that this bill in its last section endeavors, in a very sloppy method, which seems to have become popular lately, to save the constitutional provisions of the bill when the Supreme Court declares other provisions unconstitutional, because it says in the last section:

That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Of course the drafter of the bill, when he puts in that language, says to himself, "It does not make any difference whether I write a constitutional measure or not. I may by accident get something in it which is constitutional, and if by accident or design I get anything which is unconstitutional in it, that shall not affect the balance." I am inclined to think that when a provision like this reaches the Supreme Court and the Supreme Court says that the design of Congress was to accomplish a certain purpose, and that that purpose is unconstitutional, the court will say the act is unconstitutional, and will not merely confine it to saying that certain language in the act is unconstitutional.

There is no reason why a bill of this sort should not be drafted so as to be constitutional; not the slightest. There is no reason why an unconstitutional provision should be ingrafted in the bill. For instance, this bill provides properly that serums shall not be transported in interstate commerce unless they are manufactured in an establishment licensed by the Government. I think we have that authority. We have the right to say that when you want to ship anything in interstate commerce it shall be manufactured in a certain way, that it shall be labeled in a certain way, and shall come up to certain requirements of health. We have that right. But because we endeavor to regulate interstate commerce and to require these articles to be manufactured in a licensed establishment we have no right to say that that establishment shall not make anything for commerce wholly within the State. We have no control over that. We can not control the licensed establishment, except so far as it relates to interstate commerce, unless the establishment consents as a prerequisite to receiving the license. Now this bill provides——

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. HUMPHREYS of Mississippi. I should like to know just what the gentleman means by his last statement.

Mr. MANN. Very well. The gentleman asks what I mean by my last statement. We can say to an establishment, "We will not license you to manufacture articles for interstate commerce unless you consent to certain regulations." I think we have that power. But we can not punish them criminally. All we can do is to revoke the license, and then forbid the shipment of their articles in interstate commerce because they have no license. Now, that is not the theory of this bill. At least, it does not stop there. It proposes to punish as a misdemeanor, by fine and imprisonment, a licensed establishment which permits the removal from the establishment in the State, not in interstate commerce, of articles the shipment of which in interstate commerce is forbidden. We have not that power.

Mr. Chairman, I have a cold and I need a little serum myself. I have often wondered why these great scientists, who claim that they have discovered serums for everything on earth, have never yet been able to discover anything which will prevent or cure a thing that most of us suffer from and which all the world suffers from more than anything else—a cold. I once asked the head of the Public Health Service if he could tell me how to avoid catching a cold and he said he could. He said, "Never go where there is a crowd of other people." I said, "It would be much easier for me to jump out of this window, six stories high, for then I know I would never have a cold after that." We propose, however, here to prevent and cure hog cholera and other animal diseases by the application of serum.

In section 3 it is provided—

It is hereby made unlawful for any person, firm, or corporation to sell, barter, exchange, or ship or deliver for shipment as aforesaid, or, otherwise than in compliance with the regulations prescribed by the Secretary of Agriculture, to remove from any establishment licensed under this act any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, tested, and passed in compliance with the regulations prescribed by the Secretary of Agriculture.

We have no such authority. We have no right to say that a manufacturing establishment in Baltimore or Philadelphia shall not permit the removal of anything it makes within the limits of the State, except as we may invoke the penalty of revoking the license; but that is not the method prescribed in this bill. If these people permit the removal of this serum within the State which we can not control, the bill proposes to subject them to fine and imprisonment, and we do not have that authority. We have no control over intrastate commerce.

Now, it was easy to have prepared a bill which would cover the case, which would say and stop there: "You shall not transport any of these articles in interstate commerce which are not made in a licensed establishment, and no establishment shall retain its license which does not obey the regulations which we prescribe." But we have no authority to say what a manufacturing establishment in one of the States shall do in reference to selling its articles in the State, beyond possibly our authority to revoke the license.

Mr. LEVER. Will the gentleman yield?

Mr. MANN. I will.

Mr. LEVER. I have been following the gentleman's argument very closely and am much interested. What would be the difference in the authority of the Secretary of Agriculture to withdraw the license which would be in the nature of a penalty, and making it unlawful for them to do certain things which the gentleman has been describing? Does the gentleman think the latter proposition would be constitutional if the first is not?

Mr. MANN. We have the authority to prescribe that these articles shall not be transported in interstate commerce except under certain conditions—relating to health. We have a broader authority under the decisions of the court in matters relating to health than we would have in reference to ordinary articles of commerce. We have the authority to require them to be packed and to be labeled in a certain way, to come to certain requirements if they are to pass the State line, and I think we have the authority to say that they must be manufactured in an establishment selected or licensed by the Government. There our authority ends. We have no authority to go into a State and say to a manufacturing establishment in the State: "If you make something wholly for consumption within the State, we will put you in prison for it." That is what this act says. If we assume such jurisdiction as that, what is there left for the States at all? If the Government of the United States, under the theory of regulating commerce, can say that a store shall not sell anything unless the Government of the United States permits it, under the penalty of fine and imprisonment, what is there left for the State to do?

Mr. LEVER. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. LEVER. The language to which the gentleman is directing his remarks, page 3, section 3, says:

It is hereby made unlawful for any person, firm, or corporation to sell, barter, exchange, or ship or deliver for shipment as aforesaid, or, otherwise than in compliance with the regulations prescribed by the Secretary of Agriculture, to remove from any establishment licensed under this act any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, tested, and passed in compliance with the regulations prescribed by the Secretary of Agriculture.

Mr. MANN. Now, right there at that point.

Mr. LEVER. The part above that would fall within the power of Congress to legislate, and the gentleman's complaint is on the words "remove from any establishment licensed under this act." I was about to inquire if the court would not interpret the language to mean remove for interstate commerce rather than to remove for intrastate commerce.

Mr. MANN. You can not interpret it; that is what it says: "You shall not remove it." It is a very doubtful interpretation as to whether the sale above is confined to interstate commerce; it undertakes to say that you can not sell any of these articles, when the law is plain that under the law after an article passes

into interstate commerce and the original package is broken Congress has no jurisdiction over it.

Mr. LEVER. The gentleman knows that I make no pretension to being a lawyer, but, interpreting it as a layman, I thought the court might hold that the words "barter, exchange, or ship" meant barter, exchange, ship, or sell within the agencies of interstate commerce which are recognized by the Constitution as a matter over which Congress has authority, as well as the language to remove from the establishment, the court would hold that that meant to apply to the agencies of interstate commerce recognized by the Constitution. That was the thought that I had in my mind.

Mr. MANN. That is not what the act says. I do not know what the court would hold; it might strain the language or read something into it. Anyone reading the language would say that the manufacturer had no right to remove any of these serums from this plant—and he ought not to without having his license revoked.

Mr. LEVER. The gentleman has raised an interesting question, but it seems to me that any administrative officer interpreting this act would certainly not put an interpretation upon it that he knew was unconstitutional. In other words, he would not do that which he knew the Constitution forbade him to do.

Mr. MANN. He would not know anything about it; even the solicitor of the department who drew the bill did not know what the Constitution provided—probably had never read it. [Laughter.]

Mr. HELGESEN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HELGESEN. Would not the objection of the gentleman be removed by inserting, after the word "animals," line 17, "if transported in interstate commerce"?

Mr. MANN. The only way to obviate the objection is to redraft that provision in the bill. As far as construction is concerned, construction can do some things. For instance, section 2 provides—eliminating some language which is not essential to the point I am making—"no person, firm, or corporation shall prepare, sell, barter, exchange, or ship any virus until said virus, serum, toxin, or analogous product shall have been prepared," and so forth. Of course, that is open to construction, although the language says that it shall not be prepared until it has been prepared.

There are other defects in the bill which I desired to discuss along the constitutional line, but there is one that does not involve a constitutional question that I want to discuss. That is the provision putting a penalty on the carrier for carrying this serum that may not comply with the provisions of the act. Common carriers carry freight which is presented to them. That is their business. The less regulation we provide in the presentation of freight the cheaper are the freight rates. It is not the duty of the common carrier to ascertain the contents of every package which is presented to him. It would be a foolish provision to require every freight agent in the country when he receives an article of freight to have to examine an affidavit in connection with it and find out whether he was permitted to transport it.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GORDON. If this was transported by parcel post it might render public officials liable to criminal prosecution, might it not?

Mr MANN. Yes. The person to make amenable to prosecution for the transportation of articles illegally is the man who commits the violation. He is the man who makes the shipment, he is the man who sends the article. You might as well blame a conduit pipe for carrying water through it illegally instead of the man who pours the water in. Under this provision a man who came over from Iowa to Rock Island, Ill., and purchased some serum and carried it back across the Mississippi River without obtaining a certificate would be liable to a year's imprisonment and a thousand-dollar fine. Of course he would not get it, for nobody would convict him, but there is no occasion, there is no demand for putting such a burden, not merely upon the carrier, but upon the shipper, and the inevitable result would be that the freight rate upon serum, if this goes into effect, will have to be raised. Neither the pure-food law nor any of the other laws which we have passed on these lines have attempted to put the burden upon the carrier of determining whether the shipper is complying with the law. If the shipper does not comply with the law he is the one to be prosecuted. If the consignee does not comply with the law and he receives articles, he may be prosecuted, but as a matter of fact the Government has no difficulty in holding these people responsible. If that serum is received somewhere the Government gets this information without trouble, and it can bring the prosecution properly against the persons who consign it. As a matter of fact, also, if a bill like this goes into effect, and I think some legislation should be enacted, there probably will not be any shipments of serums across State lines except those made in manufacturing establishments. To add any further burden to the shipment is useless and inexpensive. Why should a shipper every time he wants to ship an article of this sort at his risk be required to submit to the railroad company an affidavit for the benefit of the railroad company and then why should we require the freight agent of the railroad company to examine the affidavit and then at his risk ascertain if the article is wholesome and legal under the provisions of the act? I think section 6 of this bill ought to be stricken out and that it can be stricken out without in any way whatever affecting or injuring the value of the regulation of viruses as provided by the other sections of the bill.

Mr. RUBEY. Mr. Chairman, does the gentleman from Minnesota desire to use any more of his time?

Mr. ANDERSON. I have no more requests for time.

Mr. RUBEY. How much time is left to each side?

The CHAIRMAN. The gentleman from Missouri has 27 minutes and the gentleman from Minnesota 3 minutes.

Mr. RUBEY. Mr. Chairman, I yield now to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, this bill was prepared by a subcommittee of the Agricultural Committee. I was not a member of the subcommittee. However, I am more or less familiar with its provisions, and more or less familiar with the theory upon which the bill is built. I have been much interested in the argument of the gentleman from Illinois [Mr. MANN]. I have so much confidence always in his judgment and fairness upon such propositions that I listened to him with more than ordinary interest. It seems to me, however, that if this bill is read as a whole and not by segregated sections the gentleman's fears may be met. The Secretary of Agriculture, under section 1 of the bill, is authorized to issue licenses to certain establishments for certain purposes. First, the Secretary is authorized to issue licenses in the Territories, in the District of Columbia, and in any place under the exclusive jurisdiction of the United States. That is the first proposition. The establishment must be located at a place within the exclusive jurisdiction of the United States. Second—and this is the point I am driving at—the establishment must be engaged in the manufacture of certain things for certain purposes. Those certain purposes are for shipment into interstate and foreign commerce. The gentleman from Illinois admits that Congress has the power to do that under the commerce clause of the Constitution. His objection is founded in the language on page 3, section 3, particularly that language which makes it a penal offense for any establishment to permit to be removed any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, and so forth. I want to call the gentleman's attention, however, to this language—"to remove from any establishment licensed under this act."

Mr. STAFFORD. Where is the gentleman reading?

Mr. LEVER. I am reading from line 15. The only establishment that may be licensed under this act is such an establishment at such a place or under such jurisdiction and engaged in such work as is described in section 1 of the bill, and section 1 of the bill is not a stretch of legislative authority. I take it, not as a lawyer, but as a layman, that a court would interpret the language just read and the language immediately above as conferring no authority except such authority as Congress has the power to delegate to one of the administrative officers of the Government.

I do not know whether that satisfies even my own mind, because I am not a lawyer; but I would say this: That I do have a very great respect for the Solicitor of the Department of Agriculture, who was this morning personally asked about the proposition as to the constitutionality of this bill, and he informed the gentleman from Missouri [Mr. RUBEY] that he had gone into that phase of the situation very carefully, and he does not find any provisions which he thinks are unconstitutional. Of course, that is a matter of judgment between good lawyers.

Mr. MANN. Mr. Chairman, if the gentleman will permit me, I remember several times through the plant quarantine act of other such instances, and really without any prejudice against them, if a first-year student in a law college could not have found it to be unconstitutional, I would think he was not qualified to study law. It was remodeled, and remodeled, and remodeled, and finally a constitutional measure was presented, but that department never thought it out. The gentleman said the objection that I made was to section 3. Take section 2, which is still more important. That was plain. The first part

of section 2 prohibits the sale within the District of Columbia or the Territories. That is plainly within our jurisdiction. The second part of section 2 provides that no person shall sell, barter, or exchange any of these serums.

Mr. LEVER. "As aforesaid." I take that language to mean in interstate and foreign commerce.

Mr. MANN. You have already had a prohibition upon the sale. This is a prohibition on the sale, barter, or exchange. The thing in interstate commerce is the transportation, not the sale.

Mr. LEVER. I take it the gentleman's objection would be cured by the repetition of the phrase "as aforesaid," and that phrase "as aforesaid" relates to the uses and instrumentalities of interstate commerce.

Mr. MANN. If the gentleman is correct, the sale as aforesaid refers as to what goes before. Then it only refers to sale in the District of Columbia and the Territories and is an idle——

Mr. LEVER. The gentleman is mistaken about that.

Mr. MANN. An idle and useless repetition.

Mr. LEVER. It says "or in any place under the exclusive jurisdiction of the United States." That is the phraseology.

Mr. MANN. That is, States and Territories and applies to the District of Columbia, Hawaii, and Alaska.

Mr. LEVER. All States or Territories or the District of Columbia or through any State or Territory or the District of Columbia. That is the usual language describing interstate commerce, as I understand.

Mr. MANN. Oh, that refers to the shipment. You do not sell through a State; that refers to the shipment. The effort is to say that you shall not sell these articles anywhere. We have not the power over that. After the package is broken we can not control it.

Mr. LEVER. That may be.

Mr. TILSON. Mr. Chairman——

Mr. LEVER. I yield to the gentleman for a question.

Mr. TILSON. If the gentleman has finished with his reply to the gentleman from Illinois, I would like to ask the gentleman two questions on another matter. First, what, in general, is the evil that is intended to be obviated by the passage of this particular bill?

Mr. LEVER. I was just about to come to that. Mr. Chairman and gentlemen of the committee, I repeat I am not very familiar with all the details of the bill, but I am familiar with the general purpose sought to be accomplished by the bill. We know that hog cholera is costing this country from $40,000,000 to $75,000,000 a year, sometimes more and sometimes less. We know that if we are going in any way to affect the price of food products we have to do something somehow to increase the amount of meat foodstuff to be put upon the market.

Mr. TILSON. Right there, my experience has been that the great difficulty has been to obtain the serum at all, and it seems to me this is aimed at something else.

Mr. LEVER. I am coming to that, if the gentleman will permit me. What we are trying to do in this bill primarily is to save to the producers and consumers of meat food products of this country a loss of from $40,000,000 to $75,000,000 a year in their hogs. We are trying to prevent that loss, a loss caused by the disease known as hog cholera. The scientists know that we can practically immunize all the hogs of this country from hog cholera if the viruses and the serums are both pure and potent, and what we are trying to do directly in this bill is to guarantee a pure and a potent treatment for hog cholera.

Mr. ANDERSON. Does the gentleman think we can accomplish that result by passing a law which is obviously unconstitutional and unenforceable in many particulars?

Mr. LEVER. The gentleman has asked me a very frank question and I will answer him frankly. A subcommittee was appointed by the chairman to consider this bill. On that committee we had some good lawyers. I am not so sure but that I would be no more willing to trust the judgment of the gentleman from Minnesota as to the constitutionality of this bill than to trust some of the lawyers on that committee, although I have a profound regard for the gentleman's legal ability.

Mr. ANDERSON. That subcommittee gave no consideration at all to that question.

Mr. LEVER. The gentlemen on the subcommittee can speak for themselves; they are here.

Mr. HELGESEN. Does not the gentleman think the last half of section 2, beginning with "No person, firm, or corporation shall prepare, sell, barter, exchange, or ship or deliver for shipment as aforesaid any virus, serum, toxin, or analogous products manufactured in the United States," and so forth, would interfere with interstate commerce?

Mr. LEVER. If the gentleman thinks so, it might be we can reach that when we come to consider the section under the five-minute rule. I now yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I just wanted to ask the gentleman from South Carolina whether this would not take away from the States the power through their properly constituted authorities to regulate the manufacture and preparation of serum, such as is provided in this bill?

Mr. LEVER. I think not. I do not think we can interfere with the States in the conduct of their business for intrastate commerce. If the bill undertakes to give that power, we might as well quit and——

Mr. MADDEN. The language of the section says "No person, firm, or corporation shall prepare, sell, barter, exchange, or ship or deliver for shipment as aforesaid any virus, serum, toxin, or analogous products manufactured within the United States for use in the treatment of domestic animals unless and until said virus, serum, toxin, or analogous products shall have been prepared under and in compliance with regulations prescribed by the Secretary of Agriculture at an establishment holding an unsuspended and unrevoked license, issued by the Secretary of Agriculture as hereinafter authorized."

Mr. LEVER. The language "hereinafter" relates to section 1 of the act, which fixes the kind of establishment that may be licensed at all, and only such establishments can be engaged in the manufacture and sale of these products as are for interstate commerce or foreign commerce. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Does not the gentleman think it would be perfectly easy to prepare a bill which would cover all that is necessary for the purposes sought and still have one as to which there would be no doubt of its constitutionality? I see no reason why we should go into these doubtful questions at all, assuming them to be doubtful. I entirely agree with the gentleman from Illinois in what he said and would go a little further with my doubts than he did.

Mr. LEVER. Well, I did not go into the constitutionality of this proposition myself. I will say to the gentleman I referred this matter to a subcommittee, and I have great confidence in the legal judgment of that subcommittee, and also that of the Solicitor of the department, and, while I do not know, I have faith in the constitutionality of this proposition.

Now, just one other feature, gentlemen, and then I am through. The gentleman from Wisconsin [Mr. STAFFORD] complained somewhat earlier in the day that we placed an unusual burden upon the railroad companies in that we required them to have a certificate from the shipper that his product, being offered for shipment, had been manufactured under proper conditions. The answer to that is the suggestion of the gentleman from Indiana [Mr. Moss] in his statement. We are dealing with an extraordinary situation here. Hog cholera is a highly infectious disease. Hog-cholera virus and serum can carry even other diseases than hog cholera itself. It is supposed, I think, that the recent outbreak of the foot-and-mouth disease was caused from impure hog-cholera serum; that is, it had the foot-and-mouth disease germs in it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. Seventeen minutes.

Mr. RUBEY. I yield five minutes more to the gentleman.

Mr. ANDERSON. It is not an offense under this act to deliver to the common carrier any of this virus or serum without presenting a certificate. Now, how is the railroad company going to know, if a package is not labeled, and it is not required to be labeled, whether it contains this virus or not?

Mr. LEVER. The railroad company, I will say to my friend, must put itself on guard in a situation of this kind and see that it is not going to violate the law.

Mr. ANDERSON. What is the necessity for it?

Mr. LEVER. The necessity for it is that unless you throw around this the most stringent safeguards somebody, somehow, is going to get into interstate commerce shipments that are either impure or impotent, which would cause the loss suggested by the gentleman from Indiana [Mr. Moss] in his own district, or you are going to get impure stuff or contaminated stuff, which may cause another outbreak of the foot-and-mouth disease. So I feel that we can go rather far in restrictive measures on a proposition involving that great danger.

Mr. STAFFORD. Every container in interstate commerce must contain the name of the manufacturer, the date of manufacture of this serum, and, if some of the serum happens to get into interstate commerce that has not been manufactured in an establishment that has a permit, why can not the department

then ferret out the manufacture and punish him under the penal provisions of this statute?

Mr. LEVER. Well, we want every agent on his tiptoes to see that nothing impure, contaminated, or impotent is going to get into interstate commerce.

Mr. STAFFORD. Are you not going too far? Would you put an undue hardship on the carriers when it is not necessary? You are taking supervisory control over these establishments. You are giving the department full power to determine the character of the establishment or the conditions prevailing in the establishment; and if they do not conform to the requirements laid down by the Secretary of Agriculture the manufacturer goes out of business without any appeal whatsoever. His establishment is closed up. I do not recall an instance where such great powers are vested in the Secretary of Agriculture for the enforcement of this act if they do not conform to the requirements as laid down by him.

Mr. LEVER. The gentleman is taking all my time.

Mr. STAFFORD. I do not want to do it; but it is a serious question.

Mr. LEVER. It is a serious question. I called the gentleman's attention a moment ago to the fact that the Secretary is now given authority under the act relating to the matter of exportation of these animals to prohibit the clearance of a ship unless the ship is furnished with a certificate of the health of the animals. We are not doing any more in this bill for our domestic commerce and the protection of it than we are doing now in the protection of foreign commerce for foreign countries. In addition to that, in the act of 1903 for the prevention of the spread of contagious diseases of live stock, and other purposes, the Secretary of Agriculture may require, and does require, a certificate of freedom from disease of the individual before he can move his cattle or hogs across a State line, and, as well, requires the same certificate of a shipper. So that this is not an unprecedented proposition at all.

Mr. MADDEN. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. MADDEN. The gentleman, I suppose, would be willing to concede that it would be easy to discover the disease in the animal before the shipment was made, and hence——

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. I will answer that question under the five-minute rule.

Mr. MADDEN. Mr. Chairman, I ask recognition in my own time.

The CHAIRMAN. The time is within the control of the committee.

Mr. STEELE of Iowa. I yield five minutes to the gentleman from South Carolina.

Mr. MADDEN. Hence the transportation company will be able to obtain the information as to whether the disease existed in the animals or not, but it can be well conceived how impossible of ascertainment that information would be in the case of a sealed package, for example. What right would the shipping company have to open a sealed package and make a chemical analysis of it?

Mr. LEVER. It would not have that right at all. All they would have to do would be to demand of the shipper, if they had suspicion that this was a package of serum, a certificate that it had been put up under the rules and regulations promulgated under this act.

Mr. MADDEN. There would not be anything, then, to prove it was not contaminated in some way?

Mr. LEVER. That relieves him. All he has to do is to have a certificate.

Mr. MADDEN. The gentleman stated a few minutes ago that cases had been discovered where serum had been shipped and used, and that foot-and-mouth disease had resulted from the use of the serum which was intended for another purpose.

Mr. LEVER. But this certificate is an absolute protection to the shipper. He is not held guilty if he can show he has received a proper certificate from the shipper. That is really a protection to the carrier.

Mr. TILSON. Will the gentleman yield for one more question.

Mr. LEVER. Yes.

Mr. TILSON. That is in regard to section 13. What is the terrible evil anticipated here that has caused this penalty for bribery to be put in—the penalty of $5,000 fine or two years' imprisonment, or both? Is there any danger in particular that is imminent requiring such severe penalties?

Mr. LEVER. No; not that I know of, except that we are trying to throw all of the extraordinary precautions around the manufacture of this serum and this virus that it is possible for us to conceive, because of the highly infectious nature, not only of the disease itself and of the virus which we are putting into interstate commerce, but because of the fact that it may carry other highly infectious diseases. We are trying to go to the very limit of restrictions here in its use in commerce.

Mr. TILSON. It seems to imply a lack of confidence in the officers of the Department of Agriculture. In fact, the provision for such penalties as are here imposed is somewhat unusual, especially where Government officials are concerned.

Mr. LEVER. It is unusual because we are dealing here with an unusual situation all the way through.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HELGESEN. Is there not an important thing in regard to the carrier that is overlooked? That is the fact that the serum will be handled by the drug trade. Now, suppose in a general drug shipment there will be some serum included without a certificate as to the serum. In that case they would be held unless there is that certificate.

Mr. LEVER. Well, the railroad company must be on its guard about that. It is up to the railroad company to keep its own skirts clean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. Mr. Chairman, how much time is left upon the other side?

The CHAIRMAN. Three minutes remain to the gentleman from Minnesota [Mr. ANDERSON].

Mr. RUBEY. Mr. Chairman, I want to say that in the beginning, in 1913, when the first bill was prepared, it was prepared in the Agricultural Department. It was based upon the act which was passed by Congress in 1902, which related to the serum and virus that were used for the treatment of the human family. That act has been upon the statute book since 1902. The act of 1913 was founded upon that act and followed it almost word for word in its language; many of the provisions contained in the bill which we now have before us for consideration, and to which some objections have been made as to their constitutionality, are in the same language, almost word for word, as is employed in the Adamson Act which was passed a few days ago and which referred to the serums, toxins, and analogous products which are used for the treatment of the human family.

Now, there are many of us on the Committee on Agriculture who are not lawyers. We must depend upon others for our information as to the constitutionality of any given provision. The subcommittee which had charge of this bill had upon it one or two prominent attorneys, who went into that matter carefully. Not only that, but the Solicitor of the Department of Agriculture, who is an eminent lawyer, has given this bill his very careful consideration. He has had it under consideration a number of times. We have consulted him upon this proposition and upon that proposition, and he has given it as his opinion that there is no question in the world as to the constitutionality of this bill.

Now, further I can not say, because I am not a lawyer, and I do not know. But as a layman, and looking at it from my standpoint as a layman and comparing it with other measures that have been passed by this body, and whose constitutionality, it seems, has never been questioned, it does seem to me that this measure is constitutional.

Mr. SLOAN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. RUBEY. Yes.

Mr. SLOAN. I would like to ask the gentleman whether he knows of any particular feature in this bill that is not embodied in the act of 1902 relating to toxins, serums, and so forth, used for the human family?

Mr. RUBEY. Well, there are some.

Mr. SLOAN. What are they?

Mr. RUBEY. There is one relating to the shipment and labeling, and some things of that sort.

Mr. SLOAN. Is it merely a matter of shipping?

Mr. RUBEY. The bill goes a little more into detail, and has in it some things that are not in the other bill.

Mr. SLOAN. I was directing my question to the purpose of simplifying the consideration, because I understood at the beginning that this bill as drafted intended to follow the act of 1902 relating to toxins, serums, drugs, and so forth, for use in the human family, and that it was not to seriously depart from that act.

Mr. RUBEY. I do not think there are any provisions in this bill whose constitutionality is questioned differing from the provisions of the other bill, except perhaps in one particular.

Mr. SLOAN. What was that?

Mr. RUBEY. I think it possibly related to the shipment. I am not sure.

Now, Mr. Chairman, I will ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] has three minutes. If he does not desire to use it, the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to issue licenses for the maintenance in the District of Columbia, the Territories, or any place under the exclusive jurisdiction of the United States, of establishments for the preparation of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals and for the maintenance in any State of establishments for the preparation of such viruses, serums, toxins, or analogous products for shipment from such State to or through any other State, or to or through any Territory or the District of Columbia, or to or through any foreign country.

Mr. MOORE of Pennsylvania. Mr. Chairman, can the gentleman in charge of the bill state how many licenses are likely to be used under this paragraph?

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To strike out the last word.

Mr. RUBEY. About 90 have been licensed under the old bill, and probably that many would be licensed under this act.

Mr. MOORE of Pennsylvania. Are they all manufacturers?

Mr. RUBEY. They are manufacturers, making this serum.

Mr. MOORE of Pennsylvania. Where are they located?

Mr. RUBEY. Principally in the live-stock centers—Kansas City, Omaha, Chicago, and other centers of that sort to which live stock is shipped, although there are serum plants in nearly every State.

Mr. MOORE of Pennsylvania. The terms are general here. They are made to apply only to the treatment of domestic animals. That might include cats and dogs as well as hogs and horses. I wanted to know if this would extend so far as to require a druggist dealing in these serums and toxins to take out a license?

Mr. RUBEY. Not unless he became a manufacturer.

Mr. MOORE of Pennsylvania. It might be that a druggist would prepare some of these things.

Mr. RUBEY. If a druggist prepared something and sold it as a serum, he would come under this act unquestionably. Instead of being a druggist, he would then become a manufacturer.

Mr. MOORE of Pennsylvania. "Analogous products" might be widely and liberally interpreted by a man who wanted to go into the business and did not come under the license contemplated in the law.

Mr. RUBEY. Under the act of 1913 we have had no trouble along that line.

Mr. MOORE of Pennsylvania. I mention it because in the antinarcotic law the effort was made to register everybody who dealt in the articles referred to, and there has been some complaint about the operation of that law.

The gentleman thinks it is entirely covered?

Mr. RUBEY. I think it is entirely covered.

Mr. MOORE of Pennsylvania. And it would not apply to druggists?

Mr. RUBEY. I think not at all.

Mr. SLOAN. It would apply to druggists if they dealt in interstate commerce.

Mr. RUBEY. If the druggist was a manufacturer of the article——

Mr. SLOAN. Or if he sold it in interstate commerce.

Mr. ANDERSON. If he delivered it for shipment in interstate commerce.

The Clerk read as follows:

SEC. 2. That it is hereby made unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia or in the Territories, or in any place under the exclusive jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia, or to or through any foreign country, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product, for use in the treatment of domestic animals. No person, firm, or corporation shall prepare, sell, barter, exchange, or ship or deliver for shipment as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States for use in the treatment of domestic animals unless and until said virus, serum, toxin, or analogous product shall have been prepared under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture, as hereinafter authorized.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: On page 2, line 11, strike out all after the word "country," in line 11, and lines 12, 13, 14, and 15, including the word "aforesaid," in line 15.

Mr. ANDERSON. Mr. Chairman, the amendment which I offer is directed to the specific defect to which I called attention in the general debate. The section under consideration makes it an offense for anyone to sell, or to deliver for shipment in interstate and foreign commerce, any virus, serum, and so forth, which may be harmful, contaminated, or impotent, regardless of whether the article has been inspected and passed by the Department of Agriculture. As I stated before, it seems to me that when the article has been inspected and passed by the department, and so declared to be potent and free from contamination, it ought to be lawful to sell it anywhere, or to transport it anywhere in the United States.

I think the amendment also cures, in part at least, the defect to which the gentleman from Illinois [Mr. MANN] directed the attention of the committee, because it does limit the effect of the section to the sale of an article in the District of Columbia or in the Territories, or its delivery for shipment in interstate commerce, or its transportation in interstate commerce.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. In connection with the gentleman's remarks I should like to inquire a little further with reference to a matter stated in the report. The report states that the outbreak of foot-and-mouth disease was connected with or brought about by reason of infected virus.

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. But it does not state whether this virus was shipped in interstate commerce by reason of the insufficiency of the present statute, or by reason of the failure to inspect the virus, through the insufficiency of the present statute. Can the gentleman give me any information on that point?

Mr. ANDERSON. I can not. I can say this, however, that since that outbreak the department has adopted a very simple process or test, which enables it to eliminate the possibility of the presence of the germs of foot-and-mouth disease in the serum.

Mr. GREEN of Iowa. Then to go further, seeing that the gentlemen who have charge of the bill have not stated it, so far as I am aware, is the gentleman able to give the committee any reason for all this elaborate machinery that is provided for in this bill, for this repetition of penalties in various forms, for this effort, as the gentleman from South Carolina stated, to throw around the manufacture of this serum every possible restriction that could be thought of. Those may not be his exact words, but that is substantially the idea.

Mr. ANDERSON. The reason is this, that under the present law it is possible that contaminated serum might find its way into commerce, because the department does not have absolute control over the tests. Under the present law the department does not make the test, and it can not be absolutely certain that the processes of manufacture will be such that the tests applied will be sufficient and that the animals used will be of such a character as to make it certain that the product when the serum enters into commerce will be free from contamination and will be potent; but it is expected under this bill, under which the department does make the tests, that the department will be able to say absolutely that the product is potent and free from contamination.

Mr. GREEN of Iowa. The gentleman is coming to the point which I desire to reach. Would it not be sufficient to add to the present law a provision providing for this test, in addition to the provisions of the present law, which require the factories to be licensed and to be under the control of the Government?

Mr. ANDERSON. I do not think it would be sufficient simply to ingraft on the present law the requirement that the department shall make the test. I think it is absolutely essential that there should be some requirement that the manufacturers be licensed.

Mr. GREEN of Iowa. That is in the present law, is it not?

Mr. ANDERSON. Under the present law they are licensed, but the license does not give the department the control which it will have under the proposed legislation.

Mr. PARKER of New Jersey. May I be permitted to ask a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Jersey.

Mr. PARKER of New Jersey. Is there any reason why this provision as to viruses, serums, and analogous products might not be extended to all medicines, so as to have medicines manufactured only in establishments licensed by the Government?

Mr. ANDERSON. The gentleman is leading me to a field into which I do not want to go.

Mr. PARKER of New Jersey. The field is not led into by me. It is led into by the bill. I will ask the gentleman whether the bill does not necessarily constitute a serum trust?

Mr. ANDERSON. My answer to that is that I do not think so.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ANDERSON. I should like to say just a word or two, but I will yield further.

Mr. MOORE of Pennsylvania. In line with the questions put by the gentleman from Iowa, does not the Secretary of Agriculture, in his letter dated June 7, answer as to why the Government does not enter upon these tests on its own account?

Mr. ANDERSON. The Government is entering on these tests on its own account through this bill.

Mr. MOORE of Pennsylvania. I will not take the time of the gentleman to read it, but on page 7 of the report will be found a statement by the Secretary of Agriculture saying that these test establishments should not be created, because of the expense.

Mr. ANDERSON. The gentleman has not been here during all the debate. If he had been he would have heard my statement that originally the Secretary recommended that test stations should be established, which would be under the full control of the Government, where samples of all the serums could be brought and tested, and the purity and potency of the serums definitely ascertained. In this bill it is provided that the tests may be conducted in the establishment where the products are manufactured, which was not at first proposed to be done.

Mr. MOORE of Pennsylvania. In the private establishment?

Mr. ANDERSON. Yes.

Mr. MOORE of Pennsylvania. In this letter of June 7, 1916, written by Secretary of Agriculture Houston, quoted on page 7 of the report, it is stated that—

> In view of these circumstances it is questionable whether the establishment of test stations at this time is advisable.

Mr. ANDERSON. I think the purpose is to make tests in the establishment, but not to establish an elaborate scheme of central test stations for the purpose of making the tests.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to read two or three sentences from the Secretary's letter?

Mr. ANDERSON. I will.

Mr. MOORE of Pennsylvania (reading)—

> In contemplation of the authorization of Government test stations, as recommended in the report, the department made careful estimates of the cost of establishing and maintaining a sufficient number of them adequately to carry out the purposes intended to be effected. It was found that the expense would be very large. The initial appropriation needed, it was estimated, would be several hundred thousand dollars, which would have to be supplemented by a considerable annual appropriation.
>
> In view of these circumstances it is questionable whether the establishment of test stations at this time is advisable.

Mr. ANDERSON. That is what I said. It is a question of the establishment of test stations.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. ANDERSON. Certainly.

Mr. SMITH of Michigan. Is it not true that the Government prepares some of these serums itself and has test stations?

Mr. ANDERSON. I think not; there are States that have commercial stations, but I think the Government has not.

Mr. SLOAN. The Government prepares some of this serum near Ames, Iowa, but not for commercial purposes.

Mr. RUBEY. Mr. Chairman, I hope that this amendment offered by the gentleman from Minnesota will not be agreed to. He proposes to strike out the words, in effect, "that no person, firm, or corporation shall prepare, sell, barter," and so forth. The very moment you allow the unrestricted sale of this serum you are taking away from the manufacturer the responsibility that should rest upon him. Whenever you have licensed a manufacturer all he has to do to get rid of responsibility under this amendment is to get it into somebody's hands who can sell it wherever he pleases and not be subject to the provisions of this act.

Mr. ANDERSON. Does the gentleman think it ought to be an offense for a man to sell an article which the Government that will prosecute him says is all right, potent and free from contamination? That is what this bill does.

Mr. RUBEY. The Government makes the test, but the article may go into the hands of unscrupulous purchasers who can sell where they please and not be subject to punishment under this act under the gentleman's amendment. The act of 1913 contains the identical language which this bill contains and which the gentleman wants to strike out. The act of 1902 contains in substance the same language that is in this act. There has been no criticism and no objection to those acts which contained this language.

Mr. MANN. Will the gentleman yield?

Mr. RUBEY. Yes.

Mr. MANN. If that bill the gentleman alludes to worked well, why do we need this bill?

Mr. RUBEY. Because we are giving additional authority to the Secretary of Agriculture for supervision at the factory.

Mr. MANN. That is the very thing. The bill to which the gentleman alludes has not worked well because it confines it practically to forbidding the sale of worthless serum. Here is a bill where you propose to make it work well by requiring that all shipments shall be tested before they go out of the manufacturer's establishment, and yet you say that no one shall sell worthless serum. What is the need of that? Are you going to put a man on notice when he buys a serum that is tested and approved by the Government that he is to make an examination of it and see whether it is worthless or not? If the inspector has not performed his duty, why should we hold the man who suffers from getting worthless serum criminally responsible?

Mr. RUBEY. My idea is that the moment you adopt this amendment you take away the responsibility of the manufacturer.

Mr. MANN. No; you put the responsibility on the manufacturer. You take it away from the dealer and make the manufacturer liable. Why should you hold the dealer responsible? The present theory of the law is to hold the dealer liable. That has not worked satisfactorily. You ought to let the dealer go free if he has a package tested and inspected by the Government. That is what you ought to do; but you still retain the provision against the dealer.

Mr. RUBEY. I think we ought to retain both and look after the dealer as well as the manufacturer.

Mr. MANN. Your bill does not even contain the provision which was put in the pure-food law, that the dealer can obtain a guaranty from the manufacturer and so trace it back. Here the dealer who takes the Government test and the Government certificate may be sent to jail because he believed the Government was attending to its duties. I do not think that is fair.

Mr. RUBEY. If an unscrupulous person gets hold of a serum that has been manufactured, he might dilute it or take the stamp off or counterfeit it, and you could not get at him in any way whatever.

Mr. MANN. That ought to be made an offense.

Mr. RUBEY. It will be an offense under this act.

Mr. MANN. Oh, not at all. It is no offense to do anything he pleases with it under this bill as it stands; otherwise it would be an offense to transport any serum in interstate commerce. We have no control over transportation in intrastate commerce. A man in Chicago who purchases this serum in Detroit can do what he pleases with it after it reaches Chicago. He can swindle all the people in the State of Illinois that he pleases and we could not reach him. That is the duty of the State of Illinois; but you undertake to punish the man who legitimately believes the Government has made a proper test.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I differ with the gentleman from Missouri, who has charge of the bill. I think he has not examined carefully the distinction which has been drawn by the gentleman from Minnesota, or he would not say that the present law contains the same provision in the same language. It does contain the same words, but those words are all in one sentence, which contains the words "unless and until said virus, serum, toxin," and so forth, "shall have been prepared under and in compliance with the regulations," and so forth.

Now, in the present bill there is a period and a new sentence before these words that I have last read. They certainly apply only to the words contained in the particular sentence. They do not reach back and apply to the words which are sought to be modified by the gentleman from Minnesota, and I am quite sure that the department, or whoever drew the former bill, never intended that that portion should be an absolute and complete regulation in and by itself, but only as used in connection with the language found in the last part of the sentence in the present law; that is, unless and until such serum was prepared and in accordance with the directions and regulations prescribed by the Secretary of Agriculture. As long as these two parts are separated in the present bill it seems to me quite clear that the amendment offered by the gentleman from Minnesota ought to prevail.

Mr. MOSS. Mr. Chairman, this is simply a question of common honesty and nothing more. There are two parties to every commercial transaction—the producer and the consumer. I am now looking after the interest of the man who consumes the

virus and serum. The pertinent question is, Why should any man be permitted to sell worthless or contaminated virus or serum to the farmers of the United States?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Not just now. And then, when you remember that this virus is carrying the germs of the most deadly disease that can be contracted by hogs, the question becomes doubly important. One of two things ought to happen. Either it ought to be made impossible for a man to sell impure virus and impotent serum or else Congress should prohibit the manufacture and sale of it altogether; otherwise it is that the very dependence on the remedy which will spread the disease. There is no question about that. This law is based upon the theory that it is possible by test to determine whether the virus is pure, and whether the serum is potent. That being true, the man who manufactures it ought to have placed upon him the responsibility of making that test, and he should be permitted to sell only a product which is pure and potent. But here comes a proposition that because it is proposed to license the manufacture of serum and give the power of supervision to the Government, that this action shall relieve the manufacturer of what ought to be an inherent obligation to deliver only that product which he advertises for sale, and that the only protection the purchaser may have will come from the supervision exercised by the Federal Government.

Mr. ANDERSON. The manufacturer does not make the test under this law. The Government does.

Mr. MOSS. The manufacturer ought to be compelled to satisfy himself that his product is a standard one. And that will be the result if it is made a crime to sell worthless serums. But if we permit a manufacturer to sell any product he can by hook or crook get released from his factory by a Federal inspector we will place a premium upon dishonesty, or at least encourage the sale of a low-standard product.

Mr. ANDERSON. Does the gentleman think that a serum, passed by the Government and pronounced to be potent, should constitute a liability on the part of the person who sells it because some other scientist convinces the court that it is not potent?

Mr. MOSS. It is a sufficient reply to say that a serum which will not protect a man's hogs ought not to be sold, and it ought not to be possible to sell it legally under the law.

Mr. GREEN of Iowa. Can you get any better authority than the Department of Agriculture?

Mr. MOSS. Yes; hold the manufacturer to his proper responsibility, and then superimpose the supervision of the Department of Agriculture. This double protection is superior to either one alone. We are in the first stages of regulation. In 1913 it was supposed that the question of regulation was going to assure to the farmers of the United States that they could depend upon the serum that came from licensed manufacturers. It has been proven that they can not depend upon it. The manufacturer has not hesitated to cheat and defraud the purchaser by selling impotent serums.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. In a moment. The theory proposed is that we shall depend upon regulation alone rather than the responsibility that ought to rest upon every manufacturer in addition to regulation. I want them both held responsible—the manufacturer and the Department of Agriculture.

Mr. REAVIS. Under the terms of this bill the Government makes the test of the serum and certifies both as to its potency and the lack of contamination, does it not?

Mr. MOSS. It is given the power to make the test.

Mr. REAVIS. The duty is imposed upon the Government to do it, is it not?

Mr. MOSS. I would assume so; but that does not relieve the manufacturer of his responsibility—to sell the quality of serum which he advertises for sale. No manufacturer could sell worthless serums if he advertised them as such.

Mr. REAVIS. If you are going to prosecute a dealer for selling in interstate commerce this product which the Government has certified to be pure, are you not going to make him liable upon the prosecution of the United States for a mistake which the United States itself made?

Mr. MOSS. The theory of the gentleman will not hold, because if the Government of the United States has inspected it, and the serum itself is potent, the man can not be prosecuted, because it will comply with the law and with his proper obligation to his customer. But if the serum is impotent or the virus is impure, the manufacturer has no right to sell it even if it has been inspected and passed by the Government. The condition we wish to destroy is where impure virus and impotent serums are being sold to farmers for use in their herds. I do not care whether the fault lies with the United States Department of Agriculture in its inspection, or whether it lies in the manufacturer. If, as a matter of fact, worthless, impure serum is sold, the damage to the purchaser is just the same, and I do not care to make it possible for them to be sold and no man held responsible for it. That is the objection that I have to this amendment.

Mr. REAVIS. Mr. Chairman, if this bill contained no provision requiring the Government to inspect and certify as to the purity and potency of the serum, the position taken by the chairman of the subcommittee and the gentleman from Indiana [Mr. Moss] would be entirely justified, but the burden of determining the lack of contamination or potency of the serum is placed upon the Government itself. Notwithstanding the fact that the Government certifies the purity and potency of the serum, in the absence of the amendment of the gentleman from Minnesota, the dealer is to be prosecuted by the United States and severely punished because of a mistake which the United States itself committed. If this bill carried a provision that the serum should be inspected by the dealer before entering it for shipment in interstate commerce, I could readily understand why he should be subjected to prosecution for shipping either impotent or contaminated serum, but when not only the authority but the duty is imposed upon the Government of inspecting the serum, of certifying as to its potency, and the dealer is lulled into the security by the certificate which the Government itself issues, then, because the Government itself makes a mistake in its examination, you by this measure visit the evil of that mistake upon the man who is nowise responsible. The Government becomes a plaintiff in a criminal prosecution against an innocent party because of a mistake which the Government itself has made. I think the amendment ought to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the Chairman announced the ayes appeared to have it.

Mr. RUBEY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 35, noes 24.

So the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 16, after the words "United States," insert the words "or imported therein."

Mr. RUBEY. Mr. Chairman, I would like to have that amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection.

The amendment was again reported.

Mr. TOWNER. Mr. Chairman, I call the attention of the gentleman who has this bill in charge to this fact which is the basis for this amendment. In line 16 the language is that the law shall apply to any serums, and so forth, manufactured within the United States. Now, if that shall be all, then all that will be necessary for any manufacturer of an impure or infected virus, if this bill passes, will be to move his establishment over to Mexico or the Canadian border and engage in the traffic there and ship the infected virus all over the United States.

Mr. RUBEY. We have a provision in this bill that applies to importations. We have a provision providing for the inspection of viruses and serums imported.

Mr. TOWNER. If that be the case that makes it doubly necessary to put that language in.

Mr. RUBEY. I do not see any particular objection to it.

Mr. LEVER. I call the gentleman's attention to line 10, page 4, section 5, prohibiting imports into the United States without a permit from the Secretary of Agriculture. I think that covers the gentleman's suggestion.

Mr. RUBEY. I did not understand the gentleman's amendment as at first reported. It would be impossible for us to go into a foreign country and inspect and license a manufactury in that country.

Mr. TOWNER. Even there you say it shall not be imported without a permit from the Secretary of Agriculture, and this is a provision by which somebody will make an investigation and examination.

Mr. RUBEY. I will say to the gentleman that there is very little importation of serums and practically no importation of hog cholera serum at all.

Mr. TOWNER. There might be a good deal if this bill passes. I will say to the gentleman, however, I do not desire

to insist upon that if the gentleman thinks that point has been entirely covered.

Mr. RUBEY. I do not think it will be practical for the Department of Agriculture to go into the inspection of factories in foreign countries. That could not be done.

Mr. SLOAN. Let me suggest that this serum is patented in Canada and other foreign countries.

Mr. RUBEY. All serum imported now under the provisions of this act are inspected and come in under a permit.

Mr. GREEN of Iowa. Section 5 provides for the inspection of the imported serum.

Mr. RUBEY. It does. I hope the amendment will not be agreed to and I hope the gentleman will not insist upon it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 2, line 19, after the word "been" insert "examined by and approved, or."

Mr. TOWNER. Mr. Chairman, that amendment is simply introduced for this reason: The language of the section is that viruses must be prepared under and in compliance with regulations prescribed by the Secretary of Agriculture. Now, if you prepare it under regulations and in compliance with regulations prescribed by the Secretary of Agriculture, that would imply that the Secretary of Agriculture should have knowledge of the serum before it was prepared. It seems to me that it would be better and make the bill more efficacious if you should have it in the alternative; that is, that the examination might be made or that it might be prepared under the direction. I submit that for the consideration of the gentlemen having in charge the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is hereby authorized to cause to be inspected and tested, under regulations prescribed by him, all such viruses, serums, toxins, or analogous products for use in the treatment of domestic animals, prepared or intended for sale, barter, exchange, or shipment as aforesaid by any establishment licensed under this act. If, as a result of such examination, inspection, or test, it shall appear that such virus, serum, toxin, or analogous product is worthless, contaminated, dangerous, or harmful, the same shall be destroyed by the owner or manufacturer thereof, or by any other person, firm, or corporation in possession of the same, in accordance with the regulations prescribed by the Secretary of Agriculture. It is hereby made unlawful for any person, firm, or corporation to sell, barter, exchange, or ship or deliver for shipment as aforesaid, or, otherwise than in compliance with the regulations prescribed by the Secretary of Agriculture, to remove from any establishment licensed under this act any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, tested, and passed in compliance with the regulations prescribed by the Secretary of Agriculture.

Mr. HELGESEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 15, after the word "animals" insert the words, "and for transportation in interstate commerce."

Mr. HELGESEN. Mr. Chairman, I think we will all agree that we have no authority to interfere with intrastate manufacture or sale, and while it is true any court in reading this bill might come to a fair conclusion as to what was intended by the man who drafted it or by the men who enacted it into law, yet it seems to me that by the insertion of these words it would remove the necessity for any such interpretation and make the meaning absolutely fair, and I therefore hope the amendment will be adopted.

Mr. RUBEY. Mr. Chairman, I do not object to the amendment. I think possibly it might be better put in this way. In line 14, after the word "remove" insert the words "for interstate shipment" from any establishment, and so forth. Would not that meet the gentleman's viewpoint and put it in a better place in the bill?

Mr. HELGESEN. All right, I will accept that.

Mr. RUBEY. If the gentleman will withdraw his amendment I will offer it.

Mr. HELGESEN. I will accept that as a part of my amendment. Mr. Chairman, I ask unanimous consent to withdraw my amendment in order to accept the other.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HELGESEN. I move to insert, after the word "remove," in line 14, the words "for interstate shipment."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 14, after the word "remove," insert the words "for interstate shipment."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That no license shall be issued under the authority of this act to any establishment where viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, except upon the conditions that the licensee will conduct the establishment and will permit the inspection of such establishment and of such products and their preparation, and the examination and testing of the same, and will furnish all necessary animals, materials, and facilities for making such inspections, examinations, and tests, in compliance with the regulations prescribed by the Secretary of Agriculture.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: On page 4, at the end of line 5, strike out the period and insert the words "and will keep such records as may be required by him."

Mr. ANDERSON. Mr. Chairman, section 14 of this act authorizes the Secretary of Agriculture, by regulation, to prescribe the records to be kept and reports to be made by establishments licensed under the act. I suppose that authority is sufficient, but it seemed to me that it might be desirable to make the keeping of these records one of the conditions prescribed in section 4. And I therefore submit the amendment for what it may be worth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That no carrier, or other person, firm, or corporation, shall transport or receive for transportation from one State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia, or to or through any foreign country, any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, unless and until the shipper or his agent shall make and deliver to such carrier, or other person, firm, or corporation, a written certificate, in form prescribed by the Secretary of Agriculture, signed by the shipper thereof or the agent of such shipper, stating that the same has been prepared under and in compliance with the regulations prescribed by the Secretary of Agriculture at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture under this act, or has been imported into the United States by an importer holding an unsuspended and unrevoked permit issued by the Secretary of Agriculture under this act, and stating the kind and amount of the product transported or offered for transportation, the license number of the establishment which prepared the same or the permit number of the importer who imported the same, that it is not at the time of shipment or delivery for shipment worthless, contaminated, dangerous, or harmful, and such other facts as the Secretary of Agriculture may require by regulations made pursuant to this act.

Mr. MANN. Mr. Chairman, I move to strike out the section, and I sincerely hope the gentleman will not ask to have the section remain in the bill. What is the situation? These viruses and serums are handled largely through drug stores, I take it. Is not that the case, may I ask the gentleman from Indiana [Mr. Moss], if he knows?

Mr. MOSS. I think, Mr. Chairman, that up to the present time they are sold almost entirely direct from the manufacturer to the consumer.

Mr. MANN. Well, I know that farmers in the part of the country with which I am familiar have been able to go to the drug store and get some of these viruses—the hog-cholera virus, and so forth. Now, there is no requirement in the bill that they shall be labeled. Here is a country drug store in a district where there is a threatened outbreak of cholera, or possibly an outbreak somewhere near there, and it is foolish to suppose that each one of the farmers would order a package of the virus from the manufacturer. The country drug store makes an order for drugs and not merely for viruses. They will be handled through the big drug-store manufacturing concerns, who are the manufacturers in the main. They are not labeled. When they are shipped they are not called viruses or serums, but called drugs.

Mr. RUBEY. Section 9, on page 7, says that containers of viruses, serums, toxins, or analogous products, and so forth, shall bear the name of the product.

Mr. MANN. Certainly. That is the container; that is the package the farmer receives.

Mr. RUBEY. The gentleman used the word "container."

Mr. MANN. I do not think I did. I said the package was not labeled, and it is not. The inside container is labeled, and properly, but when it is wrapped up the box is not labeled and the paper is not labeled. At least, there is no requirement that it be labeled; and it is shipped to the drug store and goes under the classification of drugs in the broad schedule, and it is called drugs. The railroad company does not know what it is. Even if it is shipped alone the railroad company will not know what it is. It may be 1 package in 50 small drug packages. The

railroad company has no knowledge of it. And yet gentlemen propose to put a knowledge on the railroad company, regardless of their knowledge, because the court has held that over these matters where we have the plenary power the man that does the act does it at his own risk, whether or not he knows anything about it. And, of course, if you said the railroad company had to know in order to be guilty, the provision would amount to nothing, because the railroad company would never know that a serum was contained in an article called drugs.

Now, there is no provision requiring the package to be labeled. We have a provision in reference to the transportation of explosives. There we required a package to be labeled. Now, it is sufficient to put the penalty against the shipper who violates the law by shipping. And it seems to me, with all due deference to the proposition in the bill, it is ridiculous to attempt to impose the penalty upon the carrier who does not and can not know what he is carrying, unless he is told by the shipper. Besides that, there is no occasion for this provision. It puts a burden upon everybody connected with the trade to have to file a certificate. Giving the license number and all information concerning it every time a shipment is made is unnecessary. You forbid any shipment, except it is made in a licensed establishment. That will prevent shipments in interstate trade of everything else except by people who want to defraud. They are reached otherwise. We have never carried in any of these bills relating to interstate commerce, for the purpose of controlling shipments from one State to another, penalties against a carrier who can not know what he is carrying, but we have directed the penalty against the consignor, who knows what he is shipping, or the consignee, who knows what he is receiving. They are the ones to be penalized.

Mr. TOWNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TOWNER. I would like to ask the gentleman if this would not act as a preventive to the shipment of toxins through the United States mails, and hence make the carriers liable for the act?

Mr. MANN. It would make the Postmaster General and probably everybody else connected with the matter liable, because they could not comply with this provision. I do not know, but that might help some.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RUBEY. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois [Mr. MANN] will not be agreed to.

Mr. MANN. You had best get a quorum here, then.

Mr. RUBEY. Section 5 provides that the Secretary of Agriculture shall make the regulation and that no carrier shall receive this for shipment without a certificate. It is a requirement that is not drastic. The shipper goes to the railroad company. He has his package, he has his certificate, possibly pasted on the package. He delivers it to the carrier, and that is all there is to it.

Mr. HELGESEN. Will the gentleman yield?

Mr. RUBEY. Yes.

Mr. HELGESEN. If this section is to be retained, do you think it would be a wise thing to so amend it as to have viruses packed or boxed by themselves and so marked that the carrier could know what he was receiving?

Mr. RUBEY. I do not think there will be any question but that the Secretary of Agriculture, in the regulation he is authorized to make under this provision, will prescribe those regulations which will meet the gentleman's suggestions.

Mr. HELGESEN. That might be true.

Mr. RUBEY. And I want to say this: The drug stores of the country do not, as a rule, handle this serum.

Mr. HELGESEN. They have handled it.

Mr. RUBEY. There is very little of it handled through the drug stores. Practically all of the serum that is handled is handled through veterinarians, and they get their serums direct from the manufacturers.

Mr. HELGESEN. Well, they have not so received them heretofore, and there is no impossibility of joining with that package other packages.

Mr. RUBEY. But that would be an exception to the general rule.

Mr. HELGESEN. I know; but you must provide for exceptions to the general rule.

Mr. RUBEY. There is no question but that the packages of virus and serum will be marked, and this particular product will be wrapped separately and shipped as a separate package.

Mr. HELGESEN. I will call the gentleman's attention to the fact that there are many post offices located near the line between one State and another, and if a farmer in the country lives near the dividing line the rural carrier delivering that package would not know sometimes what he is carrying, and the package ought to be so plainly labeled that the rural carrier will know what he is carrying.

Mr. REAVIS. I would like to ask the gentleman in charge of the bill a question. Did I understand him to say that the druggists do not handle it?

Mr. RUBEY. They do handle some of it, but comparatively little.

Mr. REAVIS. Does not the gentleman know that in his country and in mine it is handled almost exclusively by druggists, and that they keep special refrigerators for the purpose of retaining the potency of the serum?

Mr. RUBEY. That is not my information as it comes to me from the department.

Mr. REAVIS. And is it sold in a container, usually of a pint in capacity?

Mr. RUBEY. I understand so.

Mr. REAVIS. Do I understand the gentleman to say that there is nothing in this bill that requires the contents of the package to be certified or denoted in some way on the outside of the package?

Mr. RUBEY. There is such a provision in section 9.

Mr. REAVIS. That is the container of the serum itself. But is there anything in the bill requiring that the statement of contents shall be placed on the outside of the package containing it if the serum or virus is packed along with other medicines in a common package?

Mr. RUBEY. That would come up under the regulations of the Department of Agriculture in regard to shipment.

The CHAIRMAN. The question is on agreeing to the motion to strike out section 6.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Section 6 is stricken out. The Clerk will read.

The Clerk read as follows:

SEC. 9. That containers of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals which are sold, bartered, exchanged, shipped, or delivered for shipment as aforesaid shall bear the name of the product, and such devices, marks, or labels for the identification and indication of potency of the same as may be prescribed by the Secretary of Agriculture, in form and manner as required by the regulations made pursuant to this act, and shall not bear, contain, or be accompanied by any statement, design, or representation which is false or misleading in any particular.

With a committee amendment, as follows:

Page 7, line 17, after the word "products," insert the words "its date of manufacture."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Chairman, as to putting on the date of manufacture, as a matter of convenience are these viruses and serums manufactured from day to day?

Mr. RUBEY. Well, I judge they are manufactured in larger quantities than that would indicate. A certain amount of virus is manufactured at a time, and the date of manufacture will probably be every few weeks, possibly not every day, but every few days, or every week or two. I do not know as to that. I am just giving the gentleman my own idea, because I understand it is manufactured in large quantities, and the date on that quantity would be the same date, of course.

Mr. MANN. I take it that under the amendment the day of the month will have to be put on the label. Of course, that means it will have to be written on, not printed. You could not have a new label printed each day.

Mr. RUBEY. They manufacture about 80,000 cubic centimeters in each batch. How long that would last I do not know.

Mr. MANN. I did not know but that it would be practicable to put on the month of manufacture without undertaking to require that you must use a different kind of label or write the day different for each day of its manufacture. The labels in this case are manufactured by the millions and they are put on the packages by machinery. It becomes a very complicated proposition if any of the large drug manufacturing establishments is to be required to put on the label by hand and write the label by hand.

Mr. RUBEY. My understanding is that if they were to put on it the month it would be sufficiently accurate. I think that is a very wise suggestion that the gentleman makes. This is a committee amendment and I offered it here on the part of the committee.

Mr. MANN. I should think the Secretary of Agriculture would have authority under the regulations to require this.

Mr. RUBEY. I suppose so.

Mr. MANN. If we are to put this into the law, so far as I know, by using the word "date" you would have to put the day and the month.

Mr. STAFFORD. Usually when the dates are stamped on these labels they are either perforated or stamped with a rubber stamp. Nearly all the establishments have a rubber stamp for the day on which the business is current.

Mr. RUBEY. I do not think there would be any objection to putting on the label the month of manufacture.

Mr. LEVER. Would that be satisfactory to the gentleman from Illinois?

Mr. RUBEY. The month of manufacture?

Mr. MANN. Yes.

Mr. RUBEY. We want to put on the label the approximate date of manufacture so that anyone who buys it will have some notice of its age.

Mr. HELGESEN. The approximate date of manufacture is a mighty important thing, because if it gets into the trade—and it is handled by the drug trade—it may be potent when the druggist receives it, and he may hold it for five or six years, when it will be no good. I think both the month and the year ought to be included.

Mr. MANN. Of course it ought to cover the month and the year. I think the month carries with it the year.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to withdraw the first amendment and offer the following.

The CHAIRMAN. Without objection, the committee amendment is disagreed to.

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] offers a new amendment, which the Clerk will report.

Mr. RUBEY. Insert in line 17, page 7, after the word "products," a comma and the words "the month and year of manufacture."

The Clerk read as follows:

Amend, on page 7, line 17, by inserting, after the word "products," "the month and year of manufacture."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: On page 7, at the end of line 23, add the following:

"The Secretary of Agriculture shall also cause to be affixed to said containers a device, mark, label, or certificate indicating that the contents thereof have been inspected and passed by him before the same are removed from the place where prepared."

Mr. ANDERSON. It seems to me the purpose of this amendment ought to appeal to the committee——

Mr. RUBEY. I will accept the amendment offered by the gentleman.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. That any person, firm, or corporation, or any agent or employee thereof, who shall pay or offer, directly or indirectly, to any officer or employee of the Department of Agriculture, or of the United States, authorized to perform any of the duties prescribed by this act, or by the regulations made hereunder, any money or thing of value, with intent to influence such officer or employee in the discharge of any duty herein provided for, or which may be provided for by the regulations prescribed hereunder, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or by both; and any officer or employee of the Department of Agriculture, or of the United States, authorized to perform any of the duties prescribed by this act or the regulations made hereunder, who shall accept any money, gift, or thing of value from any person, firm, or corporation, or any officer, employee, or agent thereof, given with the intent to influence his official action, shall be deemed guilty of a felony, and shall, upon conviction thereof, be summarily discharged from his office or employment and shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or by both.

Mr. KING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KING: Amend section 13, in line 21, page 9, by adding after the words "official action," the following, to wit: "or shall own, either directly or indirectly, any stock or financial interest in any establishment or establishments sought to be licensed and regulated by this act."

Mr. KING. I understand the committee make no objection to the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That the Secretary of Agriculture shall make and promulgate, from time to time, such regulations as may be necessary to carry out the provisions of this act, including regulations to prevent the preparation, sale, barter, exchange, shipment, transportation, importation, or exportation, in violation of this act, of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and regulations prescribing the records to be kept and reports to be made by establishments licensed under this act and by importers holding permits issued under this act. All such regulations shall have the force of law.

Mr. MANN. Mr. Chairman, I move to strike out the words in lines 11 and 12, page 10, "All such regulations shall have the force of law."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 10, lines 11 and 12, strike out the words "All such regulations shall have the force of law."

Mr. RUBEY. I accept the amendment. I think it is a very good one.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This paragraph and others in the bill relate to the jurisdiction of the Secretary of Agriculture over imports and exports. That may trench somewhat upon the authority of another committee, and it may also interfere to a certain extent with what are known as Treasury regulations. May I ask whether the committee has considered this phase of the question, and whether it is complying with precedents in giving authority over imports and exports to the Secretary of Agriculture?

Mr. RUBEY. The Committee on Agriculture have taken jurisdiction of these matters in the past. It is a question of jurisdiction. When a bill is referred to a committee that committee has jurisdiction over it.

Mr. MOORE of Pennsylvania. To what extent are these serums and antitoxins imported?

Mr. RUBEY. A very small quantity of serums are imported.

Mr. MOORE of Pennsylvania. So far as imported serums, and so forth, are concerned, what are they used for in this country?

Mr. RUBEY. They import some serums for particular diseases of animals, such as, possibly, the blackleg, the serum for lockjaw, and things of that sort.

Mr. KING. Hydrophobia.

Mr. MOORE of Pennsylvania. In the event of some unusual discovery, or some scientific development on the other side, there might be any reason for admitting foreign serums, I was wondering whether——

Mr. RUBEY. They will be admitted, under the provisions of this bill.

Mr. MOORE of Pennsylvania. Have they any advantage over us now in foreign countries in this matter?

Mr. RUBEY. I do not think so. Only a very limited amount of serum is imported into this country. Practically all the serum used in this country is manufactured here.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the tariff on these manufactured serums?

Mr. RUBEY. I have not looked up that matter.

Mr. MOORE of Pennsylvania. Is it customary to give the Secretary of any department except the Treasury Department jurisdiction over exports and imports? The Secretary of the Treasury has charge of the customhouses.

Mr. MANN. If the gentleman will permit my butting in, I think everything of this sort in recent years has probably followed the provisions of the pure-food law, which I drafted. In working out the subject with the Department of Agriculture and the Secretary of the Treasury, or the officials in the Treasury Department who deal with the customs, under that law, under the pure-seed law, and under the law now in force on this subject, whenever anything of the sort is imported it is shown in the manifest. The customs officials turn over a specimen to the officials of the Department of Agriculture. Pending examination the shipments are held in warehouses or elsewhere, and when the Department of Agriculture certifies to the quality and purity of the articles, which certificates give them admission, they are admitted. If there are customs dues to be paid, they are paid. If the Secretary of Agriculture declares that they are impure, or that under the law, so far as he is concerned, they are of such quality that they are not subject to be imported, they are returned to the importer and required to be destroyed or sent abroad, unless the articles are such as can be cleaned or brought up to standard quality in this country. So these regulations have been worked out with the Treasury Department, and I may say to the gentleman that when the pure-food bill came up I consulted with the very distinguished gentlemen then constituting the Ways and Means Committee, whose antagonistic efforts I did not court, and having consulted with them, they did

not oppose what we put in the pure-food law, it having met their approval in advance.

Mr. MOORE of Pennsylvania. I assume if there was a duty on any of these imports the Secretary of the Treasury would collect them. Of course that would not be the duty of the Secretary of Agriculture.

Mr. MANN. The Secretary of Agriculture has no control over the importations except to examine them and report upon the quality of the articles.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Illinois, who is the author of the pure-food law, a very excellent law and which is constantly quoted and doing great service throughout the country, whether in his bill appears language such as appears on line 6, section 5?—

SEC. 5. That the Secretary of Agriculture is authorized to issue permits for the importation into the United States of viruses, serums, toxins, or analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful.

That would appear to be an invitation on the part of the Government, through the Secretary of Agriculture, for people to hunt these things up and bring them into the United States.

Mr. MANN. Of course there is no such provision in the pure-food law. This contemplates that there may be an inspector for the Government of the United States in Canada or in Mexico, and it might be an inspection of some new virus, perhaps some new virus in European countries. That is evidently what it contemplates.

Mr. MOORE of Pennsylvania. It reads as if the Secretary was to invite people to make these importations. I am satisfied with the statement that has been made by the gentleman on the question, but I want in my time to further inquire whether the committee insists on retaining the language found on page 7, line 3:

Pending investigation, a license or permit may be suspended temporarily by the Secretary of Agriculture, without affording the permittee or licensee an opportunity for a hearing.

I intended to raise this question when the paragraph was read, but I was called to the telephone at the time.

Mr. RUBEY. I want to say to the gentleman that it may become necessary to act under that provision.

Mr. MOORE of Pennsylvania. It is a very unusual provision, to take away one's rights without giving him an opportunity to be heard.

Mr. RUBEY. It is only on extreme occasions when that provision will be taken advantage of, but it may be very desirable and necessary to do it. When we passed the grain-standard act we gave the Secretary of Agriculture authority to appoint grain inspectors, and we gave him the authority also to discharge them on certain conditions, and to do so without a hearing.

Mr. MOORE of Pennsylvania. May I ask the gentleman this—I know the gentleman is trying to do the right thing, whether we agree on his bill or not? Suppose a large establishment manufacturing virus, and so forth, with large overhead charges and many men employed, should be complained against by some individual a thousand miles off, who insisted that the particular virus he had received from this manufacturer was impure, and a hostile Secretary of Agriculture should suddenly and without notice and without an opportunity for hearing recall that license and thus throw the establishment out of business. Does not the gentleman think that is giving the Secretary a great deal of latitude?

Mr. RUBEY. The gentleman from Pennsylvania is stating an extreme case. I do not think any Secretary of Agriculture would do a thing of that kind on the statement of a man a thousand miles away. I know that the Secretary of Agriculture could be depended upon to do the right thing. He is not going to suspend a license upon somebody's mere statement.

Mr. MOORE of Pennsylvania. I might have the same feeling, but the gentleman is an experienced legislator, and I question whether he wants to give arbitrary power to a Secretary to deprive a man of the right of hearing.

Mr. LEVER. There might be this situation. An establishment might find itself with a lot of contaminated stuff on its hands and desire surreptitiously to get rid of it. If the Secretary of Agriculture should find it out, he could suspend the license; but it is an extreme case. I think the Secretary ought to have the power temporarily to suspend the license.

Mr. MOORE of Pennsylvania. In that event the man should be arrested at once, and then he could have a hearing.

Mr. LEVER. We provide that the license shall not be taken away until after a hearing except in this extreme case.

Mr. MOORE of Pennsylvania. Is there any other act that the gentleman can mention where a license may be taken away from a man without giving him a hearing?

Mr. LEVER. Yes; in the grain-standard act.

Mr. KING. Mr. Chairman, for the purpose of getting as much light as possible, I want to state an incident where this section would be of very great benefit. In 1915 in a certain location in my district the foot-and-mouth disease broke out again. It was suspected that the serum manufactured by the Chicago Serum Co. contained the foot-and-mouth germs. It was not known, and it became necessary for the Secretary of Agriculture to investigate and to suspend the further sale of the serum until the investigation was made. Now these serum manufactories are not large institutions, as some gentlemen think. They are small, and a good many are located in the stockyards district in the city of Chicago.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. KING. Yes.

Mr. MOORE of Pennsylvania. Suppose it should happen in a case of that kind that it was not the serum of the Chicago company, but some substitute serum, would it not be unfortunate to have the Secretary of Agriculture stop the Chicago company by suspending the license?

Mr. KING. But would it not be better to stop the company than it would to spread the foot-and-mouth disease?

Mr. MOORE of Pennsylvania. I think the man complained against should be made to explain. May I ask the gentleman if they use a serum in the foot-and-mouth disease?

Mr. KING. Oh, no; I did not so state.

Mr. BORLAND. Mr. Chairman, I want to say to my friend from Pennsylvania [Mr. MOORE] that he has probably had no personal familiarity with hog-serum business.

Mr. MOORE of Pennsylvania. I have heard a great deal about it since I came to Congress.

Mr. BORLAND. His knowledge is theoretical and the objection that he raises is theoretical. There is no practical difficulty that will occur under the provision that the committee has put in the bill. The gentleman from Illinois [Mr. KING] has stated a case which would be proper for the exercise of this power in the Secretary of Agriculture to suspend the issuance of a license or to revoke a license where a contagious disease is epidemic and is prevalent, and it may become material to immediately stop the shipment of the serum. That has occurred in every big stock center in the country in recent years. It is a measure of safety not only to the agricultural interests, but to all men engaged in the serum business.

Mr. MOORE of Pennsylvania. Would not the Secretary of Agriculture have the power to do that thing in the way of stopping shipments? My point is you are stopping the business at the source by revoking the license; you are putting him to the tremendous inconvenience and expense without a chance to be heard as to whether he is responsible or not. I approve that the Secretary should have the right to stop shipments if bad serum is going to any locality; the shipments should be stopped immediately. I contend the Secretary has that power now, but to say that the Secretary shall immediately upon notice of this kind withdraw a man's permit, and thus close his establishment, would be working an unnecessary and a dangerous hardship.

Mr. BORLAND. That is the practical method of getting at it, and I want to say to the gentleman that it does not destroy his stock on hand.

Mr. MOORE of Pennsylvania. It costs the man a good deal if he employs a hundred hands, more or less, to shut down——

Mr. BORLAND. If the gentleman will listen to me and quit theorizing, I will explain that there is nothing to it. It is being done right along, and has been done ever since the serum business was put under the Government control. The serum is kept at a certain temperature in vaults under the earth. It does not deteriorate, but the order stops the man from shipping a serum into interstate commerce until the question of the danger is determined. The loss to him in the temporary stoppage of a shipment is so much smaller than the possible risk to others by his shipping the serum that there is no question at all in the choice. The Government must make the choice of either permitting him, pending the hearing, to continue what might be widespread danger or of stopping him temporarily. Speaking about a hostile Secretary of Agriculture, the Secretary of Agriculture would never be in a position where he would want to stop the supply of serum that was going to the farmers unless there was absolute necessity for it. It would not be a question of arbitrary action on his part, but it would be a question of the protection of the agricultural interests.

Mr. MOORE of Pennsylvania. I hope the gentleman is right as to the Secretary of Agriculture. I have no criticism to make as to any individual, but I will ask the gentleman now whether revocation of the permit, as is proposed here, without hearing, would not completely stop the entire business of the permittee?

Mr. BORLAND. Yes; but that has occurred before.

Mr. MOORE of Pennsylvania. Would it not go far beyond the purpose the gentleman has in mind, which is the stopping of a shipment?

Mr. BORLAND. No.

Mr. MOORE of Pennsylvania. That may cause much trouble and loss.

Mr. BORLAND. The gentleman is not correct about that. I have had before the Department of Agriculture a half dozen or more cases in my own State where permits had been withdrawn from companies manufacturing serum, and some of them proved to be cases where the permits could be safely issued, and after a hearing were safely issued; but pending the investigation of the matter the safety lies in the withdrawal of the permit.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk read as follows:

SEC. 15. That so much of this act as authorizes the making of regulations by the Secretary of Agriculture shall be effective immediately; all other parts of this act shall become and be effective on and after January 1, 1917.

Mr. RUBEY. Mr. Chairman, I move to amend by striking out the word "January," in line 16, page 10, and inserting in lieu thereof the word "July."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 16, strike out the word "January" and insert the word "July."

The Chairman. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, this bill if it becomes a law at all at this session will probably not receive the approval of the President prior to the 4th of March. Of course, most of these provisions are now the law.

Mr. RUBEY. A great many of them.

Mr. MANN. Will there be sufficient time between March 4 and July 1 in which to comply with the provisions of the law?

Mr. RUBEY. I think so.

Mr. MANN. Of course the Secretary will have to make regulations. My observation has been, where, before an act can go into effect, regulations have to be made by the department, that it generally takes several months to do it. They can not make regulations without giving notice—that is, they will not, and having hearings—and after they have had hearings they very often make some foolish provisions because of lack of knowledge. If the gentleman is satisfied that four months' time is sufficient, I have nothing against it.

Mr. RUBEY. The department itself thinks that they can get everything ready by the 1st of July and put the act into effect without any trouble at all.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That so much of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914," approved March 4, 1913 (37 Stats. L., pp 832, 833), as relates to the preparation, sale, barter, exchange, shipment, or importation of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals is hereby repealed, effective on and after the 1st day of January, 1917.

Mr. RUBEY. Mr. Chairman, I move to amend, on page 11, line 3, by striking out "January" and inserting "July."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 3, strike out the word "January" and insert the word "July."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 17. That all moneys appropriated for carrying out the provisions of so much of said act approved March 4, 1913, as relates to the preparation, sale, barter, exchange, shipment, or importation of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals, which shall remain unexpended on the 1st day of January, 1917, are hereby made available for carrying out the provisions of this act.

Mr. RUBEY. Mr. Chairman, I move to amend, on page 11, line 10, by striking out the word "January" and inserting the word "July."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 10, strike out the word "January" and insert the word "July."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman from Missouri indicate how much money there is unexpended under the act of March 4, 1913, that will be available for the purposes of this act?

Mr. RUBEY. There will not be any unexpended by the 1st of July, but the new appropriation for 1918 will be available on July 1.

Mr. MOORE of Pennsylvania. What is the gentleman's estimate of the amount that will then be available?

Mr. RUBEY. There is nothing asked for in this bill. The Agricultural appropriation carries an item of $172,240 for carrying into effect the act of 1913, and that amount is made available for this act if it should be passed and become a law.

Mr. MOORE of Pennsylvania. Can the gentleman say how many new employees will be employed to carry this into effect?

Mr. RUBEY. They have in the neighborhood of 60 inspectors now, and this act will probably require 15 or 20 more.

Mr. MOORE of Pennsylvania. What will be the entire cost of the operation of the act? Has that been estimated?

Mr. RUBEY. There will be no additional sum needed to that carried in the Agricultural appropriation bill—$172,240.

Mr. MOORE of Pennsylvania. How will these employees be employed?

Mr. RUBEY. They will be appointed, as they are now, under civil-service regulations, by the Secretary of Agriculture.

Mr. MOORE of Pennsylvania. There is no special provision in this bill that they shall come in under the civil-service law?

Mr. RUBEY. They are now appointed under the civil service, and the additional ones will be appointed in the same manner.

Mr. MOORE of Pennsylvania. The Secretary of Agriculture stated in his letter that it would cost several hundred thousand dollars to establish test stations for serum if the Government were to undertake to do this test work on its own account. Has that been taken into account in the estimate for carrying out this bill?

Mr. RUBEY. That is one reason why this plan has been selected. Another is that the department has discovered a method by which they are able to get rid of any contamination from any disease contained in the serum. By applying the heat tests to it they can kill the germs of the foot-and-mouth disease or any other disease contained in the serum without in any way affecting the serum itself.

Mr. MOORE of Pennsylvania. The Government itself is not actually going into the manufacture of viruses and serums?

Mr. RUBEY. It is not.

Mr. MOORE of Pennsylvania. It is not going into the business of establishing such stations?

Mr. RUBEY. It is not.

Mr. MOORE of Pennsylvania. But it is applying a new force to the investigation of serum and virus factories by sending its agents and inspectors into those factories for the purpose of making tests?

Mr. RUBEY. These tests will be made at the expense of the factory itself under the supervision of the Government.

Mr. MOORE of Pennsylvania. And this plan is cheaper for the Government?

Mr. RUBEY. Very much cheaper.

Mr. SMITH of Michigan. I would like to inquire whether there has been a virus found that will control or cure or prevent the foot-and-mouth disease?

Mr. RUBEY. No; I think not.

Mr. SMITH of Michigan. A good deal has been said about the use of virus for that purpose.

[Mr. SLOAN addressed the committee. See Appendix.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, and had directed him to report the same to the House with certain amendments, with the

recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. RUBEY. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUBEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. STEELE of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 190. Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee; and

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress.

COMMITTEE ON ACCOUNTS AD INTERIM.

The SPEAKER. The law requires the Speaker to appoint a temporary Committee on Accounts that will take charge of accounts after the Congress will have adjourned, and there are so many things in the rush of the last day or two of a session that it is likely to be forgotten. Therefore the Chair names the following committee now, to serve until the next Congress meets and to begin its duties on the 4th day of March next: Mr. PARK, Mr. JOHNSON of Kentucky, and Mr. SANFORD.

VETERINARY INSPECTORS AND LAY INSPECTORS.

The SPEAKER. The Clerk will call the committees.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Kansas [Mr. DOOLITTLE] to call up a bill by the direction of the Committee on Agriculture.

Mr. DOOLITTLE. Mr. Speaker, by direction of the Committee on Agriculture I call up the bill H. R. 16060.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16060, with Mr. ALLEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16060, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. COX. Mr. Chairman, I think the bill ought to be read.

The CHAIRMAN. Objection is heard, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after July 1, 1916, the Secretary of Agriculture shall classify the salaries of veterinary inspectors and lay inspectors (grades 1 and 2) as hereinafter provided.

SEC. 2. That the entrance salary of all veterinary inspectors within the classified service and actually employed as such in the Bureau of Animal Industry of the Department of Agriculture shall be $1,400 per annum; those of said veterinary inspectors who on and after the date of July 1, 1916, may be receiving a salary less than $2,400 per annum shall thereafter from said date receive an annual increase of $100 until their minimum salaries shall amount to $2,400 per annum; all other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

SEC. 3. That the entrance salary of all lay inspectors (grade 2) within the classified service and actually employed as such in the Bureau of Animal Industry of the Department of Agriculture shall be $1,000 per annum; those of said lay inspectors (grade 2) who, on and after the date of July 1, 1916, may be receiving a salary less than $1,800 per annum, shall thereafter from said date receive an annual increase of $100 until their minimum salaries shall amount to $1,800 per annum; all other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

SEC. 4. That the entrance salary of all lay inspectors (grade 1) within the classified service and actually employed as such in the Bureau of Animal Industry of the Department of Agriculture shall be $840 per annum; those of said lay inspectors (grade 1) who on and after the date of July 1, 1916, may be receiving a salary less than $1,600 per annum shall thereafter from said date receive an annual increase of $100 until their salaries shall amount to $1,540 per annum, and after an additional year's satisfactory service their minimum salaries shall be increased to $1,600 per annum; all other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

SEC. 5. That no promotion shall be made except upon evidence satisfactory to the Secretary of Agriculture of the efficiency and faithfulness of the employee during the preceding year.

SEC. 6. That there shall be appropriated annually in the Agricultural appropriation bill such additional sums to the $3,000,000 annual appropriation, provided for in the act approved June 30, 1906, found in the Thirty-fourth Federal Statutes, page 674, as may be necessary to carry into effect the provisions of this act.

SEC. 7. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed: *Provided, however*, That nothing in this act shall be construed to repeal any part of the meat-inspection law contained in the act of June 30, 1906 (34 Stat. L., p. 674), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," and in the act of March 4, 1907 (34 Stat. L., p. 1260), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908."

Mr. DOOLITTLE. Mr. Chairman, the chief purpose of the bill is to standardize the salaries of the veterinary inspectors and lay inspectors, grades 1 and 2, by providing a new form of compensation and a definite scale of promotion.

The Civil Service Commission and the Department of Agriculture announced to all who proposed to enter into this newly created branch of the service as veterinary inspectors with the entrance salary of $1,400, that promotion to $1,600 would be made after two years' satisfactory service, with promotion to $1,800 after satisfactory service for two years at $1,600 per annum. The above schedule was announced by the United States Civil Service Commission in several publications.

The first announcement of the salary schedule for inspector's assistants (now included in the group of employees designated as lay inspectors, grade 1) was contained in the notice issued by the Civil Service Commission for examination to be held on September 5, 1907 (Notice Form No. 1248), which stated the entrance salary as $840 per annum, promotion to $1,000 per annum to be made after three years' satisfactory service at $840, promotion to $1,200 to be made after three years' satisfactory service at $1,000.

The committee recognizes that the announcements of the Civil Service Commission are not binding on Congress, and these announcements are cited here only for the purpose of setting forth the circumstances.

The following public announcements regarding this matter were made by Dr. A. D. Melvin, Chief of the United States Bureau of Animal Industry:

[Service Announcements, No. 26, June 15, 1909, p. 50.]

PROMOTIONS DELAYED FOR LACK OF FUNDS.

On account of a considerable increase in the cost of inspection, due to the constantly increasing number of establishments under Federal inspection without a corresponding increase in the funds appropriated for carrying on the work, the bureau now finds it impossible to adhere to the schedule of promotions which have in the past been announced in connection with the positions of veterinary inspector, stock examiner, and inspector's assistant. As a result a number of employees have unfortunately failed to receive the promotions which they expected and which the bureau fully intended to make as planned. Nevertheless the bureau wishes to assure all faithful employees that their work is appreciated and that their cases will be considered just as rapidly as possible.

In view of this notice inquiries on this subject from bureau employees are being filed without reply.

Two similar announcements were later made.

At this point I desire to state briefly what each section of the bill provides for and is intended for. Section 1 prescribes the short title of the act. Section 2 specifies the salary schedule for veterinary inspectors as follows: The entrance salary shall be $1,400 per annum, and there will be promotions of $100 per annum until the salary of $2,400 per annum is attained.

The Civil Service Manual for the spring of 1916 contains the following statement on this question regarding the requirement and qualifications of these inspectors:

The applicant must show that he has graduated from a veterinary college of recognized standing or that he is a senior student in such an institution and expects to graduate within six months from the date of the examination.

The Civil Service Commission also announces the age limit as from 21 to 41 years. Beginning in the year 1917, the Civil Service Commission will require that all applicants for the position of veterinary inspector must be graduates of a school

with a course of four years, leading to a degree in veterinary medicine. In view of this fact, it is evident that the Bureau of Animal Industry will find it difficult to attract capable veterinarians to the service in the absence of an equitable salary schedule being established.

The new Army bill gives to the Army veterinarians rank and commissions up to major with pay and allowance of such office. The maximum pay of a major is $4,000 per annum. Hence the Army veterinarians will be advanced to $4,000, with quarters, fuel, and light free. It would appear that the salary provided for in this bill for veterinarians—$2,400—is reasonable, especially so since the veterinarians provided for in this bill do not have quarters, fuel, and light furnished free, as do the Army veterinarians.

Now, section 3 provides that the salary schedule for lay inspectors, grade 2, shall be as follows: Entrance salary, $1,000 per annum, with promotions of $100 per annum until a salary of $1,800 is attained. These of grade 2 are simply those lay inspectors who have been advanced by promotion from grade 1. Originally they were denominated differently. Grade 1 includes all skilled laborers who under the law formerly were called "taggers"; also inspectors' assistants, from $840 per annum to $1,100 per annum. All meat inspectors at $1,000, $1,100, $1,200, $1,320, $1,380, and $1,400 are designated as lay inspectors. They are of grade 2. Vessel inspectors at $1,200 to $1,600 per annum are designated as lay inspectors, and they are designated as of grade 2. All stock examiners, at $1,000, $1,100, $1,140, and $1,200 are now designated as lay inspectors of grade 2. All field stock examiners at $1,200 were designated as lay inspectors of grade 2. All meat inspectors at $1,500 were designated as lay inspectors of grade 2. That shows the dividing line between grade 1 and grade 2, as practiced now in the Department of Agriculture in the Bureau of Animal Industry.

Mr. COX. Mr. Chairman, would it disturb the gentleman's statement to ask him a question at this point?

The CHAIRMAN. Does the gentleman yield?

Mr. DOOLITTLE. I should prefer not to yield until I have finished this statement.

As I said, section 3 provides a salary schedule for lay inspectors, grade 2, as follows: Entrance salary, $1,000 per annum, and promotions of $100 per annum until a salary of $1,800 is attained. Those who entered this grade through examinations for the position of meat inspector held from March 6, 1908, to March 3, 1913, were required to have not less than five years' experience in curing, packing, or canning meats, and by reason of their experience in the canning room, dry-salt or sweet-pickle cellars, sausage, lard, oleo, butterine, or beef-extract departments, were competent to inspect meats and meat food products as to their soundness, healthfulness, and fitness for food. Grade 2 includes meat inspectors, stock examiners, field stock examiners, and vessel inspectors, and so forth, as I have previously stated, within the salary limit stated by me.

Section 4 of the bill specifies a salary schedule as follows for lay inspectors, grade 1: Entrance salary, $840 per annum; promotions of $100 per annum until a salary of $1,540 is attained, with promotion to $1,600 after an additional year's satisfactory service.

Now, the duties of this position are to assist both veterinary inspectors and lay inspectors of grade 2 at slaughterhouses and packing establishments in connection with their duties as inspectors of meat and meat-food products. Appointment in grade 2 positions will be made by promotion from grade 1. At least three years' experience in handling live meat-producing animals is a prerequisite for consideration for this position. Experience in handling meat alone will not be considered sufficient. Applicants must have reached their twentieth but not their thirty-fifth birthday on the date of the examination by the Civil Service Commission.

Section 5 provides that promotion shall be upon record of efficiency and faithfulness.

Section 6 provides that, in addition to the permanent annual appropriation of $3,000,000, there shall be appropriated annually sufficient sums to carry this bill into effect. It is estimated that the additional appropriation for the first year would be $309,420.

The author of this bill, the gentleman from Nebraska [Mr. LOBECK], is ill at a hospital recovering from a surgical operation, and I am not authorized to speak for him, but I feel safe in saying that he will favor an amendment to the bill providing that the recent 5 per cent and 10 per cent increase in salary and wages granted to the Department of Agriculture employees in the Agriculture appropriation bill passed last Monday shall not apply to veterinary inspectors and lay inspectors under this bill where this bill increases the 5 per cent or 10 per cent, as the case may be.

It is not possible to secure, so we are informed by the Bureau of Animal Industry, an estimate as to how much the additional amount for increased salary as provided by this bill will be in the years after the first year, because they say they have no way of telling how many there will be who will be entitled to advancement, or who will be advanced or promoted. The figures are based on the number of employees in the service June 1, 1916, that will be affected by the bill.

Mr. Chairman, will the Chair notify me when I have consumed 15 minutes?

The CHAIRMAN. Yes.

Mr. COX. This only takes care of the inspectors in the Bureau of Animal Industry?

Mr. DOOLITTLE. Yes; veterinary inspectors and lay inspectors.

Mr. COX. They are meat inspectors at the various slaughterhouses in the United States?

Mr. DOOLITTLE. They have a variety of work to perform.

Mr. WM. ELZA WILLIAMS. They include the live-stock inspectors, do they not?

Mr. DOOLITTLE. Yes. Among the duties to which the employees provided for in this bill may be assigned are the following: Meat inspection; tuberculin testing of cattle; control and eradication of hog cholera; eradication of dourine; interstate inspection of cattle and horses; eradication of glanders, sheep scab, cattle scab, horse mange, and Texas-fever ticks; handling of southern cattle outside of quarantine area; execution and administration of the 28-hour law; eradication of foot-and-mouth disease; inspection relative to existence of contagious diseases; supervision of import and export animals (quarantine of import animals and tuberculin testing of export animals); scientific investigations of animal diseases; control of importations and manufacture of viruses and serums, toxins, and other analogous products.

Mr. COX. Is it the same class of men who were accused of letting the foot-and-mouth disease get away from them about two years ago?

Mr. DOOLITTLE. I think some such charge was made that some inspector did not properly diagnose the disease.

Mr. COX. Which section of the bill applies to that class of inspectors that did let the foot-and-mouth disease get beyond their control?

Mr. DOOLITTLE. Section 2.

Mr. COX. That is the high-priced fellows, the $2,400 men; that is the class of men that was accused of letting the foot-and-mouth disease get beyond their control?

Mr. DOOLITTLE. I have heard it said that one individual let it get beyond his control; he was probably included in this class.

Mr. SABATH. There would be more efficiency, would there not, if this bill went into effect?

Mr. DOOLITTLE. It should tend to more efficiency.

Mr. COX. I want to call the gentleman's attention to the closing language in sections 2, 3, and 4—

> All other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

That is very plain and very satisfactory to me, but in that connection I want to call attention to section 5, where it says—

> That no promotion shall be made except upon evidence satisfactory to the Secretary of Agriculture of the efficiency and faithfulness of the employee during the preceding year.

Now, the language used in sections 2, 3, and 4 gives the Secretary of Agriculture discretionary power to increase salaries of all other employees, and section 5 requires him to be supplied with evidence before he can increase any salary.

Mr. DOOLITTLE. The Secretary of Agriculture would make a promotion if the evidence satisfied him however he might obtain it.

Mr. COX. Yes; then what is the necessity of carrying section 5 in the bill if you prohibit him from using discretion except upon evidence?

Mr. BORLAND. The reason is to prevent the promotions becoming automatic without regard to the record of the man who is performing the labor. Section 3 provides for annual promotions.

Mr. COX. Sections 2, 3, and 4 provide for automatic increases, but section 5 gives the power to the Secretary of Agriculture to increase only upon evidence.

Mr. BORLAND. The automatic salaries are in figures.

Mr. COX. Yes; fixed by figures; but the power it gives to the Secretary of Agriculture to increase salaries is not fixed in figures.

Mr. BORLAND. No. Sections 2, 3, and 4 fix the maximum salaries at $1,600, $1,800, and $2,400. Above that the Secre-

tary of Agriculture can make promotions in accordance with provisions in section 5.

Mr. COX. I want to get the gentleman's interpretation of section 5, which is to this effect: That the Secretary of Agriculture would still have the power to present the automatic promotions even though sections 2, 3, and 4 were enacted into law.

Mr. BORLAND. I think that was brought out at the hearings.

Mr. DOOLITTLE. I think the gentleman from Missouri has correctly interpreted the language.

Mr. COX. If these promotions are automatic, can the Secretary of Agriculture prevent it except by discharging the employee?

Mr. DOOLITTLE. He can, if the record is not efficient.

Mr. COX. It will finally depend on what view the Secretary of Agriculture may take of it?

Mr. BORLAND. No; I do not think it gives the Secretary an arbitrary power.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. DOOLITTLE. Certainly.

Mr. WM. ELZA WILLIAMS. I do not quite understand this provision along the line of what the gentleman from Indiana has been inquiring about. Section 4 has this language:

All other proportions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

It is first provided for the increase which it would appear was automatic, and that all other promotions shall be made at the discretion of the Secretary. Now, section 5 provides that no appointment shall be made except on evidence satisfactory to the Secretary of Agriculture. Does not there appear a conflict between those two provisions?

Mr. DOOLITTLE. No; I think the gentleman from Missouri [Mr. BORLAND] has explained that. The gentleman will notice that the language of the bill is that the employee shall receive an annual increase of $100 until the salary shall amount to $2,400 per annum. Now, when they attempt to advance above the salary of $2,400 it can only be made at the discretion of the Secretary of Agriculture.

Mr. WM. ELZA WILLIAMS. Do I understand that the language at the close of section 4 only applies to increases in excess of the maximum amount in the preceding sections?

Mr. DOOLITTLE. The way the bill reads their minimum salary shall eventually amount to $2,400.

Mr. WM. ELZA WILLIAMS. This speaks of lay inspectors of class 1 and 2. What is the distinction between the two classes?

Mr. DOOLITTLE. I gave the duties of these two grades of inspectors a moment ago. No. 2 grade is a sort of graduation from No. 1.

Mr. WM. ELZA WILLIAMS. Do the three classes here mentioned include all of the inspectors and examiners employed in the Union Stock Yards in Chicago?

Mr. DOOLITTLE. That is my understanding.

Mr. WM. ELZA WILLIAMS. Those who attend the scales and inspect the live stock as well as the meat inspectors?

Mr. DOOLITTLE. That includes everything.

Mr. WM. ELZA WILLIAMS. And they are all entitled to an increase under the operation of this bill if they are entitled on their merit to such increase in the discretion of the Secretary?

Mr. DOOLITTLE. That is right. I now yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I want to explain to the House briefly the present status of this meat-inspection service. Back in 1906 a great excitement broke out in this country about the wholesomeness of meat and the sanitary slaughtering of animals. It resulted in the passage through this House of the first post-mortem meat-inspection bill. Prior to that time we had had an ante-mortem inspection of cattle, an inspection on the hoof. That still continues, with some enlargement. This provided for an inspection of the carcass in the establishments from which the meat or its products were to be shipped in interstate commerce. A permanent annual appropriation of $3,000,000 accompanied that law, which still exists, but the service has grown beyond the $3,000,000 annual appropriation and now there is a $300,000 appropriation added in the Agricultural appropriation bill. Of course, when the service first began it was wholly experimental. Nobody knew exactly what inspection was needed or what force was needed or what classification of employees, or even what their qualifications ought to be. But now the service is no longer experimental. It has become a fixed part of the Government service, so fixed that I take it that nobody would favor or even suggest the repeal of the meat-inspection law. Every family in the United States now relies with certainty upon the rigid enforcement of that law, and the food products branded, inspected, and passed by the United States inspection service are found in every grocery store and market in the land. It includes the packed products as well as the fresh products.

There are, roughly speaking, two classes in this service. The veterinarians, who are scientific experts, graduates of veterinary schools, and the meat inspectors, who are the graduates of the school of experience, who are experienced meat inspectors. There are two classes of them. This bill further classifies the lay inspectors into grades 1 and 2. Grade 1 is what we used to call taggers. They are the skilled laboring men who are qualifying themselves by experience to be promoted to grade 2. Grade 2 may have been promoted from grade 1, but not necessarily so, because grade 2 was frequently made up of men who have been foremen for many years of large departments in the packing houses. The service gets the experienced men if possible.

The time has come when in justice to the service and in justice to the men and for the efficient carrying on of the business it is necessary they should be classified and a maximum and a minimum salary provided for them, a species of promotion for long service and good record. That is the primary purpose of this bill. This work, while it is centralized probably into some 40 or 50 or 75 packing centers in the country—it is not centered in a half dozen but something less than a hundred—involves 90 per cent, I will undertake to say, of the packed products and possibly 65 to 75 per cent of the fresh products of meat on the American table. It is almost universal in its operation, even though it is local in its work. The slaughtering is done in the great packing houses, beginning at an early hour after midnight, when there is a heavy run of stock, sometimes as early as 2 o'clock in the morning. The meat inspector must be on hand, because the minute the animal is slaughtered in the pit and the chain is put around his leg and he is hoisted to the conveying attachment, the meat inspector is there to inspect the animal. He takes out the viscera, begins to inspect them, the heart, the lungs, the liver, and so on, and he must do that rapidly and accurately. Very little leeway or indulgence is granted him in making a mistake. If he passes an infected part and some other man catches it and a report is made, after three such reports have been made the man is discharged. It is the most rigid, I think, of all the service of the United States in discharging men upon three complaints for inefficiency or lack of attention to their duties. As I say, these men work in the cold and wet, in the packing houses, and they work long hours, sometimes 4 or 5 hours on a stretch and sometimes 10 or 11.

The carcass passes from that across the table where every portion must be inspected. If there is a doubtful case it must go to a place at the upper end of the packing house where the chief inspectors, with an expert inspector in charge, are and is passed on as an appeal case. If the carcass is condemned it goes into a vat where a fluid is put in rendering it unwholesome for food and it is reduced to fertilizer or soap grease later. It is absolutely destroyed. A man who is inspector on the job can not leave until the steam is turned over and every condemned carcass is destroyed and made impossible for use for human food, so that his hours are sometimes long, dependent upon the run of stock. That is the class of work to be done. The scientific work of the veterinarians embraces not only live-stock inspection, spoken of here this afternoon, in the prevention of epidemics, but the inspection of carcasses, all parts, as they go through the operations of the packing house. Then comes the meat inspector who inspects the curing of hams and sides of bacon. These men can take a side of bacon out of the brine by sticking a knife or fork or pronged instrument into it and they can draw it across their noses and tell you whether that bacon is going to cure within a certain number of hours and be cured in a wholesome way so as to be preserved. They are experts. They inspect sausage, various canned products, corned beef, and so on. They can tell whether that has been properly cured and their judgment will be demonstrated. Gentlemen, if you take any canned goods and put it away for 2 weeks or 30 days you will find the can they condemned will spoil and the can they told you was good will not spoil. So their judgment is always subject to the practical test of accuracy. I just wanted to give an idea of the work that is being done by these men to show whether these salaries which are no higher in range than the ordinary clerical salary in the District of Columbia, are clear out of proportion on account of the work these men are performing. In my judgment they are not. In my judgment they are quite moderate and will not attract more than the necessary ability that the American people can rely on for this very important service. We could

not very well pay less for such a class of men provided in this bill. We tried to fix the lowest price to get the right kind of men, not to pay the highest price for their services.

Mr. SABATH. May I ask the gentleman a question?

Mr. BORLAND. I will yield to the gentleman.

Mr. SABATH. Is it not a fact 638 men resigned from their positions on account of the hardships they were obliged to endure and the exacting conditions demanded of them, over 20 per cent, last year, and is it not very hard for the department to secure efficient men for this service?

Mr. BORLAND. The gentleman is right about it. The veterinary inspector who is able to do this work is such a clear-headed, quick-witted, and skilled man that he can frequently obtain work elsewhere, especially in these times, and a man who is able to do this meat inspecting is able to secure a position as foreman or a department head, especially in the large packing houses, and they frequently go away from our service to establishments elsewhere. That has frequently been the case.

Mr. KING. Will the gentleman give us some information as to the duties of the inspection of the animals on foot?

Mr. BORLAND. As to the inspector of the animals on foot, when the live stock comes in and are driven into the pen the inspector inspects them for signs of lumpy jaw, tuberculosis, and scabies. If it is the case of a hog he picks out the hog that has a high temperature, which is liable to have hog cholera, and segregates it, and then he passes on the other stock.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I desire two minutes; I want to close this debate.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. He segregates them to see that he does not do any injustice to any man. After it has been examined and condemned it goes to the packing house, and if after post-mortem examination it appears to be diseased in any particular and unfit for human food the owner is paid on the basis of soap grease. If it proves good for human food, then he is paid on the basis of such.

Mr. KING. The gentleman has mentioned a number of diseases. What does he do when making an inspection for foot-and-mouth disease?

Mr. BORLAND. I could not tell you how they arrive at the inspection for foot-and-mouth disease. They usually quarantine a suspected case and watch it. I do not think they can classify or diagnose a case of foot-and-mouth disease by an instant inspection like they can lumpy jaw and some of these other common diseases. But I know about hog cholera. They can tell in 24 hours, because the temperature of the hog may be due to the fact that he is excited from his shipment over the country, and his temperature may be high because of that, and if you give him a chance to cool and rest, his temperature may drop to normal. Then he has not the hog cholera.

Mr. KING. Can you not tell it by the "smacking" of the animal?

Mr. BORLAND. I think so. The foot-and-mouth disease is not so prevalent that we are familiar with it there in the stockyards. Where a case occurs they instantly bring the experts to examine it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, it shall not be my purpose to detain the committee the full hour in opposition to this bill. In my opinion, the bill has not a single leg on which to stand. It is wholly and totally void of all merit, if not of all decency, for many reasons, a few of which I shall endeavor to call to the attention of this committee.

The bill is entitled "Providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture." In the very first place the bill is erroneously entitled. It should be entitled by its true and proper name, and that is "A raid upon the Treasury of the United States, backed by and supported by a salary grab to the extent of $309,000." That should be the title to this bill, because that is all there is in it, and that is all that is intended to be in it. There is no intention in this bill whatever to better the service. There is no intention in this bill to make the inspection more rigid and severe in their inspections. There is no intention in this bill whatever to detect frauds about to be perpetrated upon the people of the United States merely by and through an increase of salary of these employees.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. COX. For a question.

Mr. YOUNG of Texas. You speak of the increase of the salaries to the extent of $309,000. That is for the first year.

Mr. COX. That is true.

Mr. YOUNG of Texas. The gentleman loses sight of the fact that the increases go from year to year to the extent of $100 a year.

Mr. COX. That is true. I want to compliment the committee on reporting this bill out for getting away from the ground on which increase of salaries heretofore has been bottomed. Since Congress met we have been continually besieged to increase salaries because of the enormous increase in the cost of living, as urged by those favoring wholesale increase of salaries. That is the ground upon which all these increases have been sought which have gone on the various appropriation bills. I sincerely desire to compliment the committee in reporting this bill in getting away from that threadbare, worn-out argument. This committee seeks to justify the report on this bill not upon the increased cost of living, but because they say that this class of employee was misled by some kind or some sort of a statement given out by the Civil Service Commission some five or six years ago.

If the Civil Service Commission made any mistake or erroneously let a report go out which misled this class of employees, why, of course, Congress is not bound by that, and the committee concedes that Congress is not bound by such a statement made by the Civil Service Commission. But that is the ground, and it is the sole and only ground, on which this increase of salaries is sought to be bottomed, namely, because the Civil Service Commission made some sort or some kind of a promise some five or six years ago that if men would enter this kind and character of service they would start at a salary of $1,400 a year, with an increase of $100 per year thereafter until their minimum salary reached $2,400.

I want to call this committee's attention to the fact that this week, when the Agricultural appropriation bill passed this House, it increased the salary of these men from 5 to 10 per cent. I want to call this committee's attention to the fact—and if I am wrong I ask to be corrected by some member of the Agricultural Committee, who knows whether I am right or wrong about it—I want to call this committee's attention to the fact that within the last three or four years Congress increased the salary of this same class of men by increasing the appropriation, as I recall now, $250,000. Now, here is that increase of salary three or four years ago. I do not know just what it amounted to when it was spread out over the salaries of these men.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. COX. I will.

Mr. DOOLITTLE. I simply wish to inform the gentleman that those increases did not go in this increase of salary. The money was spent for other purposes.

Mr. COX. I recall distinctly that I reserved a point of order upon the increase of salaries, and my good and genial friend, for whom I have the profoundest respect, the gentleman from South Carolina [Mr. LEVER] begged me out of it, and I finally let it go in. When that amount was spread out to all of these employees, I do not know how much it increased their salaries; but this much I do know, and this much every member of this committee knows, that this week we put a provision upon the Agricultural appropriation bill increasing their salaries from 5 to 10 per cent, which means an additional increase of salaries of $900,000 per year, if it becomes a law, and I hope before it becomes a law that some way, somewhere, it will be defeated and this amount saved to the taxpayers of the Nation.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield just there?

Mr. COX. For a question.

Mr. WM. ELZA WILLIAMS. Is not this a fact, that the increases heretofore have been extended to only the veterinarians and that the grades 1 and 2 of lay inspectors had not received any increase, and that amongst the lay inspectors are men, from practical experience, the most efficient in the service?

Mr. COX. I do not know about that; but if that be true, the inspectors are getting a lion's share of this proposed increase in this bill, because they are the ones who get an annual increase of $100 per year from $1,400 per year until they reach a maximum salary of $2,400.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield for a question?

Mr. COX. Yes; I will yield for a question.

Mr. HEFLIN. The gentleman suggests that a provision for raising these salaries already had gone into another bill for an increase of 5 to 10 per cent.

Mr. COX. Yes.

Mr. HEFLIN. I want to call the gentleman's attention to the fact that at the time this bill was reported there was no provision for an increase in the salaries of these men, but the bill

that passed through the House this week does provide an increase of 5 to 10 per cent. I gather from the gentleman's argument that he thinks that that is a sufficient raise and that this is not necessary?

Mr. COX. I opposed the other increase as well as this. I think that neither of them should have been passed. I quite agree with the gentleman that when this bill was reported on the 8th day of June last the increase of 5 to 10 per cent we passed here the other day had not become a law; this high cost of living cry had not been invoked so strongly as it now is. I am not sure but if my genial friend from Kansas had to write this report again, he would bottom it upon the old stock argument of the increased cost of living. But at the time he prepared this report that argument was not as strong, as forceful, or as powerful as it is to-day.

Now, this bill takes care of 1,250 veterinary inspectors, 1,100 lay inspectors of grade 2, and 800 lay inspectors of grade 1, a total of 3,150 inspectors. Let me call the attention of this committee to a fact, and I ask you to seriously consider it, and that is this: If you pass this law, you are going to practically disorganize the entire force of the Department of Agriculture. Why? Because you are providing by this bill for the automatic promotion of these 3,100 men. You are making of these 3,100 men a favored class, the only class in all the fifteen or twenty thousand employees in the Department of Agriculture that will be given the right to an automatic increase in their salaries. And just as certain as you pass this bill, just so certain the day will come when you will have to classify all the other employees of these various bureaus down there, and automatically promote them and increase their salaries. If you are ready to pay the bill, all right. I am not.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield for a question.

Mr. BORLAND. The gentleman is a member of the Committee on the Post Office and Post Roads, and he knows that that is the rule in the Post Office Department.

Mr. COX. That was put in long before I came here. I never would have stood for it if I had been here.

Mr. BORLAND. The work requires experience. Experience is needed for a man to do that work in the Post Office Department.

Mr. COX. Oh, Mr. Chairman, it does not require much experience for a man simply to carry mail on his back in the various cities. That rule of promotion is wrong and never can be defended upon any ground whatever.

This bill has been floating around here for a number of years. I do not know just how long it has been around here. I recall that six years ago, I think it was, I was made chairman of the Committee on Expenditures in the Treasury Department, and for the life of me I am trying to find out how it got out of my committee. But it never got out of my committee when I was chairman of it. I was besieged practically from every source and corner of the United States to report this bill, but it never got out of there. And I have been besieged, as I am sure every other Member has been, from the four corners of the United States to support this bill, but I am not going to do it. Men in my own district, scores of men in my own State, have written me to support this bill. Our great State of Indiana last winter had the nerve and the temerity to ask me to support it. Well, we paid the penalty of it in Indiana in the last campaign for the increase of State salaries during the eight years we were in control there, and I am not going to pay the penalty any more if I can avoid it.

Now consider this section 2, gentlemen of the committee. That does not even provide for a maximum salary. This bill is cunningly prepared. A skillful draftsman wrote it, a man who knew what he was saying to catch Congress, like the man's coon dog—coming and going. They incorporate in it only the minimum salary. That is to be $2,400 a year for an inspector, and they incorporate in it another provision which will give to the Secretary of Agriculture power to increase the salary of inspectors beyond $2,400 a year, if the interpretation of sections 2, 3, and 4, as interpreted by the gentleman from Missouri [Mr. BORLAND] is correct, and I presume it is. Why was this language incorporated in this bill, "That all promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture"? They are automatically increased to $2,400 a year. That, then, becomes the minimum salary, and from that time on the Secretary of Agriculture is given the discretion, upon evidence presented to him, to increase the salary beyond $2,400 per year.

My Democratic friends, are you willing to pay the penalty? Are you willing to go upon record, in view of the fact of our platform at Baltimore in 1912, criticizing our Republican friends for the creation of new offices and the increase of salaries, and so forth? If you are, you are going to get a chance for a direct yea-and-nay vote on it. You can vote it. I refuse to do it.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield for a question.

Mr. WM. ELZA WILLIAMS. I want to hear the gentleman's view as to what effect both of these bills will have, the 5 to 10 per cent increase and this bill; whether they will conflict, or whether both increases will be allowed and accumulate?

Mr. COX. I think it would be a cumulative increase. I do not think there will be any question about the increases being cumulative. The 5 to 10 per cent will be added to the salaries of these employees, and if that does not bring them up to sections 2, 3, and 4 in this bill, then, of course, they will go on to the salaries fixed in these three sections.

Section 3 undertakes to take care of the lay inspectors of grade 2. It starts these gentlemen upon a salary of $1,000 per annum, increasing at the rate of $100 per year until a maximum salary is reached at $1,800. What is the reason for it? Has any friend of this bill yet got upon the floor and undertaken to explain to the committee that the increase of salary to the men occupying that grade would give any better service? Oh, no. Has any friend of this bill undertaken to say that if section 3 is agreed to, that meat would be any purer, that it would be any better inspected than it is? Oh, no. My friend from Missouri laments about the hardship that these employees undergo, the long length of hours they are required to work, the dangerous work in which they are engaged, and things like that. My friend from Illinois [Mr. SABATH] laments seriously, because, as he says, 638 of them resigned some time ago. If the statement made by the gentleman from Illinois [Mr. KING] is correct—and I listened attentively to him last year—he successfully established the fact, from which there has been no appeal, that these inspectors in the city of Chicago were directly responsible for letting the foot-and-mouth disease get from under their control. I do not recall that any man at that time or since has taken the floor of the House and undertaken to defend them against that charge. If that charge is true, then, although there have 638 resigned, not enough of them have resigned yet. [Laughter.]

Mr. RAINEY. Will the gentleman yield?

Mr. COX. Yes.

Mr. RAINEY. I want to call the gentleman's attention to the fact that if 638 did resign, their places were immediately filled, and 30 or 40 more appointed.

Mr. COX. That is correct; there is no question about that.

Mr. RAINEY. The report that they make shows it.

Mr. COX. There is no trouble and no difficulty in filling these places at the salaries they are now drawing. I undertake to say that if you consult the civil-service eligible list, you will find 100 on the waiting list anxious and ready to take these positions at the present salaries.

Mr. SABATH. There is only this difference: That those that resigned are experienced men, and those who have been appointed are new men who do not know the business as did those who resigned.

Mr. COX. Yes; I had some experience in that myself in my own district last year. A man with 12 years' experience resigned; he let his year go by with the civil service, but he finally came to the conclusion that he had been getting better wages in this line of work than he could get in any private employment. I went from the Civil Service Commission to the Agricultural Department, and even to the President of the United States, trying to get him to issue an Executive order turning him back into the service. I could not do it, because they had already filled his place.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. COX. Yes.

Mr. BUCHANAN of Illinois. Does not the gentleman know that there has never been a period of time when the laboring man since 1800 has made an effort for reduced hours of labor or increased pay, but that the argument is made that there are always men ready to take their places?

Mr. COX. I can not yield for a speech. As to what effect an automatic promotion is going to have in the Agricultural Department, what are you going to do with the Forestry Bureau? Why do not you automatically increase their salaries? I undertake to say that scores of men are working in much more dangerous places than are these inspectors mentioned here. I undertake to say that the records will show that by far a larger number of men working in the Forestry Bureau have lost their lives than have lost their lives working in this line. Why do you not automatically promote their salaries? Take the Bureau of

Markets, a great department doing a splendid work. As I recall now, we gave it something like a $500,000 appropriation. Why do not you provide for automatic increases of their salaries? Oh, you say, one reason why they ought to have the increase is because of the necessary transfer from one section of the country to another, and that their employment is such as to make it uncertain how long they will be occupied in the new assignment. How about the forestry employees? They are transferred all over the West from one place to another, and they can not tell from one day to another where they are going to be the next. How about the employees in the Bureau of Markets?

They can not tell from one day to the next where they are to be transferred. And how about the employees in the Bureau of Soils? They can not tell from one day to the next where they are going to be detailed for work. So, when you follow this argument that because of the uncertainty and tenure of their domicile their salaries ought to be increased—when you follow it to the last analysis—it has not a leg on which to stand. There is no merit in it. Now, the fathers of this bill I do not think are very numerous even on the Agriculture Committee. That is my candid judgment about it. They say they ought to have this increase because the new Army bill gives to the Army veterinarians rank and commission up to major, with pay and allowances of such office. The report goes on to say:

> The maximum pay of a major is $4,000 per annum; hence the Army veterinarian will be advanced to $4,000 per annum, with quarters, fuel, and light free. It would appear that the salary provided for in this bill for bureau veterinarians is reasonable, especially so since the veterinarians provided for in this bill do not have quarters, fuel, and light furnished free.

Because the veterinarian in the Army gets $4,000 a year, and because he gets fuel and light free—in my opinion too much, but that is the law—they say here that the veterinary inspector in the meat department ought to have $2,400 also. There is a loophole and a provision in the bill whereby, if they can bring the proper pressure to bear upon the Secretary of Agriculture later on, they may be able to go to $4,000 per year. Mr. Chairman, as I said, I do not want to appear to be too vehement against this bill, but I am constitutionally opposed to it. I am going to ask my Democratic friends whether or not they can vote for this bill, which will deliberately reach into the Treasury of the United States and take out of it $309,000 the first year? As my friend from Texas said, no one has undertaken to say what it is going to cost from that time on, and the committee was very modest in undertaking to explain away that point.

The committee says that it is impossible to secure an accurate estimate as to what it would cost for the second, third, and fourth years. I quite agree with them that it is impossible, and yet it does seem to me that the Agricultural Department, provided with all of its experts, with all of its men who know how to follow this legislation out to its last analysis, ought to be able to say to the committee how much it will cost the second year. It is believed that the additional appropriation annually would be approximately $300,000, they say. They say that these figures are based on the number of employees in the service on June 1, 1916, to be affected by this bill.

To repeat, no friend of this bill has undertaken to say, and I undertake to say no one will undertake to say later on, how much this bill is going to cost the second year, how much it will cost the third year or the fourth year; but we do know that the veterinary inspector's salary is increased from $1,400 to $2,400 per year at the rate of $100 per year, and that when they reach the salary of $2,400 per year they then have reached only the minimum salary. This much we do know, that the bill provides that the lay inspectors of grade 2 shall start at $1,000 per year, and that they shall be increased $100 per year until their minimum salary is reached, amounting to $1,800 per year. We do know that the lay inspectors of grade 1 start at a salary of $840 per year and increase at the rate of $100 per year until the minimum salary reaches $1,540 per year, and then the lay inspectors of grade 1 have been exceptionally cared for. They want to give them just a little bonus, and they have crowded an extra hundred dollars in if they are extra good men, because section 4 provides that after an additional year's satisfactory service the minimum salary shall be increased to $1,600 per annum. That is lay inspector No. 1. If he is a good boy down there and is obedient and stands in and has the right kind of a pull, he has a chance to get an additional $100 over and above his $1,540 per year. Where is this increase in salary going to stop?

I have observed floating around through the newspapers the last three weeks different proposals as to where we are going to get the money to pay these enormous appropriations. I have observed in the press that some men high in the councils of our party were possibly figuring on putting a duty on coffee, tea, and wool and things like that; but so sure as the night follows the day there will be absolutely no escape if we go on making these increased appropriations, increasing these salaries, from the fact that we will have to tax tea and wool and coffee or something else, because there is no escape from it, or be put in the ridiculous attitude, in the pitiable aspect, in time of peace with all the world, of the Government being compelled to issue bonds or certificates of indebtedness.

Mr. Chairman, all through my life economy has been a revenue producer. If I had not practiced economy I would have been in the poorhouse a long time ago, because I never was able to earn very much money. Every time I found that I was not earning enough to live on I began to cast about with a view of seeing whether or not I could not economize somewhere. I think that is a pretty safe principle for a legislative body, charged with the responsibility of collecting and disbursing the revenues of the Government, to act upon. You undertake to save a million dollars and you are met with the argument that it is bound to be expended and that the Government will be ruined if it is cut off. You undertake to save $100,000 and you are met with the argument again that it is too small to fool with and that there is no use in paying attention to it. I have heard men privately say, Members of the House, that because we are called upon to spend tremendous sums for the Army and the Navy they are in favor of letting the boys out in the country get some of the money; that they are perfectly willing, if we vote these appalling sums for the Army and Navy, to increase the salaries of the Government employees, so that they may get something out of it.

That argument is unsound; it has no basis on which to stand at all. If the increase in the Army and Navy is wrong, let us stand up and vote against it. If it is right, let us stand up and vote for it; but let us not undertake to justify our votes upon these increases of salaries, forsooth, because everything is going to the Army and Navy.

Now, Mr. Chairman, I have detained this committee longer than I anticipated. This bill ought not to pass. It has no merit in it. It can not be defended upon any ground whatever, except the bare ground that it is a salary grab pure and simple. When any Members of the House want to vote for this legislation, let them do it with their eyes wide open that it is a salary grab, because no Member of the House has yet and no member of the committee has yet undertaken to show where, if the bill becomes a law, any better service will be given to the people as a result of it. If you want to vote it as a voluntary gift out of the Treasury of the United States, do it; but do it on that ground, because that is the only ground on which it can be maintained. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield seven minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, in my judgment, this bill can be defended on the ground that its beneficiaries are not properly paid servants of the Government. As one Democrat to whom my good friend from Indiana [Mr. Cox] has appealed, I am not the least bit afraid of the future either as to myself individually or to my party. I believe that the Democratic Party not only wants a living wage for men in the Government service but it also wants men in the Government service to be properly compensated for their services. Now, I know nothing about the situation in Chicago when certain employees of this bureau were alleged to have been either incompetent or negligent when the foot-and-mouth disease broke loose in that city. Some one man, or some two or three men, may have been lax in their inspection, but for myself I am unwilling to smirch an entire service because of a laxity of one or two individuals. Let me briefly tell this committee how much work these men have done in a single year—the last year. Mr. Chairman, the American Journal of Veterinary Medicine, in its last issue, states that the United States Meat-Inspection Service certified to the wholesomeness of 11,220,948,000 pounds of meat from 61,826,324 animals during the fiscal year ending June 30, 1916. During that period this bureau condemned 380,945 animals and 738,361 parts of animals, equivalent, sir, to about 84,320,000 pounds of meat. Now, in my judgment, these figures show at a glance the far reaching and vast importance of this branch of the Federal service in conserving the health of the people of this country. I know that the department of animal industry in the Commonwealth of Massachusetts is on record as stating that it is dependent at all times on the cooperation and assistance of the veterinary inspectors in the service of the United States Department of Agriculture in the control and eradication of contagious diseases among animals, as was testified when we had in our State not so long ago an out-

break of the foot-and-mouth disease. And I want personally to take this opportunity to compliment the employees of the Federal Government on the wonderful work they did in Massachusetts in stamping out that dread disease.

Now, Mr. Chairman, the reorganization of the United States Bureau of Animal Industry in 1906 fixed the present salary rate in the bureau and had but small consideration for its phenomenal growth and the extension of its activities, and, despite what my good friend from Indiana has stated, so far as I have been able to find out no change has been made in the salary scale since it was originally adopted. Let me say to the gentleman that the Lobeck bill in its purpose does not intend to place in easy circumstances the men who come within its provisions in view of the high cost of living, but it is intended to pay these men only what they deserve and to remedy something wrong which has existed too long.

With a 10-year-old salary basis, such as obtains to-day, you will readily realize that men performing such tasks and under such conditions as do the employees of this bureau certainly deserve a better rate of compensation. Other men, with less preparation and ability, in other walks of life, with nowhere near similar responsibility, generally receive compensation far in excess of the maximum salaries paid to these inspectors. For instance, the wages of the men employees of the various packing houses have been increased from 30 to 50 per cent for a nine-hour day, with extra compensation for overtime; yet the Government inspectors in the same establishments actively engaged in the most arduous and revolting kind of work very often work 12 hours per day without extra remuneration. This applies also to holidays and Sundays, and, in my judgment, some relief from the present condition of affairs is absolutely imperative. Salary promotions to these men have been few and irregular, and resignations of experienced men who enter other employment at a higher compensation have been many and are increasing.

To my own knowledge the men of the Boston branch have been working long hours in the packing houses in order that the tax-paying public may have its wholesome meats. I believe that the vast importance of this inspection service in conserving the health of our people is hardly realized.

Mr. Chairman, the Paymaster General of the United States Navy is on record as stating that the work of these men has been consistently excellent and that through their efforts the quality of foods delivered to the Navy has been materially improved, resulting not only in the Government getting better value for its money but in the men getting better food. Let me say, Mr. Chairman, that it is universally conceded among those who ought to know that the spirit of avarice existing at all times is held in check by these inspectors, and unscrupulous contractors are prevented from foisting deteriorated food products on the personnel of our Army and Navy.

I can not conceive that the beneficiaries of this proposed legislation are about to wallow in wealth if granted these increases. In my judgment, they will still be compelled to curtail their living expenses, even if this bill should pass. I ask the Democrats in this House to stand up for these faithful, hard-working, long-suffering employees of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. COX. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Indiana has 25 minutes and the gentleman from Kansas [Mr. DOOLITTLE] has 21 minutes remaining.

Mr. COX. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I do not expect to use much time in discussing this measure, but I rise to oppose it. It seems to me to be quite clear that it ought not to pass at this time. I have no disposition to take anything at all from the praise which the gentleman from Massachusetts [Mr. GALLIVAN] has bestowed upon these employees of the Federal Government. I desire to say that they are rendering a very efficient and very useful service. But during this week in the agricultural appropriation bill, this House granted all of them who receive a salary of less than $1,200 a year an increase of 10 per cent, and all of them who receive over that up to $1,800 per year we granted an increase of 5 per cent. And here to-day we are presented with a measure that would give the veterinary inspectors an automatic increase in addition to this increase put on the Agricultural appropriation bill of $100 per year up to that point where they would be receiving $2,400 per year. And it seems to me that the Federal Treasury and the revenues in prospect for the next fiscal year are not in condition for such a display of generosity as that. I think that the membership of this House, both Democrats and Republicans, ought to show some tendency toward economy, and I do not think that a bill of this kind, taking into consideration the increases that have already been granted in the Agricultural appropriation bill, ought to be adopted by this House. As a Member of this body I have no criticism to direct at the employees of the Federal Government. I dare say that they, as a general rule, render efficient service and for the most part are earning the salaries which they receive. But I do sincerely believe that they are receiving on an average fully as much as the same grade of employment is receiving in others walks and avocations in this country. Yes, I will go further than that and will make bold to say that the statistics will show that in many cases they fare much better than the same class of employment in private life.

We are continually hearing the expression "Back to the farm." We are continually confronted with the question, "Why is it that our bright young men leave the farm and go to the towns and cities and enter industrial pursuits and mercantile pursuits and professional callings instead of agricultural vocations?" I noticed in a paper one day this week, under the head of "Things that we dislike to know," this little statement, that "the lure of the city to the farm boy is greater than the lure of the farm to the city boy." That is unmistakably true, and one reason for it is because the salaries and the remuneration in the mercantile pursuits, in the clerical pursuits, in the industrial pursuits, and in the professions, on an average, is much better than can be obtained on the farm. There is no use to try and dodge the facts. What I have said is so. And I say that it is time we were waking up to these conditions. But I will not prolong this discussion at this time. Mr. Chairman, I will say in closing that we owe these men mentioned in this bill fair and equitable consideration, and I believe that they are now receiving it and that now would not be an appropriate time to vote any additional increase in their salaries. [Applause.]

Mr. DOOLITTLE. Mr. Chairman, I believe we will have one more speech on this side before we finish.

Mr. COX. Then I yield the remainder of my time to the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. RAINEY. Mr. Chairman, for the first time I appear in opposition to a salary increase which has apparently been awarded by a committee after proper investigation. I have received, as all of you have received, so many communications from different sections of the United States calling my attention to this bill and to the necessity for its passage that I have at last become interested in it, and during the progress of the discussion this afternoon I have been making some calculations as to the effect of this measure upon the Treasury of the United States which the committee did not make.

We are advised in the reports filed here that there are 3,150 employees engaged in this particular work. They are known as lay inspectors, grade 1; lay inspectors, grade 2; and then the inspectors themselves, who belong to the highest grade. Promotions may be made, according to this scheme, from one of these grades to the other. These young men enter the various grades from our veterinary colleges, just as young men who are graduates of our medical colleges enter as internes our hospitals, and these young men who are graduates of our medical schools are willing to serve for a period of years almost for nothing in those hospitals in order to get the experience. And you are arranging in this bill for a graduated increase in salaries from year to year and for the ultimate promotion of all these 3,150 employees until every one of them is an inspector, drawing at least $2,400 a year?

Mr. BORLAND. Will the gentleman yield?

Mr. RAINEY. I yield.

Mr. BORLAND. I think the gentleman has overlooked this fact, that the veterinary inspectors must be graduates of a veterinary college or senior students in a veterinary college. There is no provision for promotion in the general way between lay inspectors and veterinary inspectors. It is possible a lay inspector might take the necessary scientific course and qualify himself, but he could not do so otherwise.

Mr. RAINEY. And if he did he would be entitled to these promotions which are contemplated.

Mr. BORLAND. And he should be.

Mr. RAINEY. Such a thing is possible.

Mr. BORLAND. Certainly. And possibly also he could take an examination in law or in any other science.

Mr. RAINEY. It is possible for every one of them under this bill to become inspectors, every one of these 3,150, within the next 10 years.

Mr. BORLAND. I hardly think so, because he would have to outside of his work take the scientific course, which is not——

Mr. RAINEY. Which involves studies in night schools, and there are five or six thousand young men here in Washington who are doing that very thing. I would be the last man in this House to oppose in any way the advancement of any young man. Every one of them, if he remains in the service, ought to try to advance. I am examining the effect on the Treasury of this remarkable bill in order to determine whether the Government can afford to embark on the particular enterprise outlined in the bill. A very simple analysis of this measure will show it to be the most outrageous and indefensible of all these salary grabs which are pushed here with so much enthusiasm. If this bill does not pass to-day, under the rules of this House it will not be a legislative possibility to pass it at all during the present session, and I intend to see that it does not pass to-day. By the time the next Congress convenes there may be such a sentiment aroused throughout the States against these salary grabs that a repetition of the exploits of this session will be impossible. An aroused public sentiment may even defeat in the Senate at this session the salary grabs which have already passed the House. If this result is not achieved at this session, I expect to renew the fight I am now making in the next Congress, and I may then have the assistance of Members who have heard from their constituents.

Now, assuming that these 3,150 are to be promoted to the grade of inspectors—of course, if they are pushed up, others will take their places in these lower grades—but assuming that none others do, and these 3,150 reach the grade of inspector, as the gentleman from Missouri [Mr. BORLAND] admits they may, that alone would mean a charge upon the Treasury of $7,560,000.

Now, let us assume that that is impossible. The statement is made here in the report that this bill means an increase in the first year of $300,000, and no more than that. We now appropriate for this service $3,000,000. But the report is strangely silent upon what the increase will be the second year in the charge upon the Treasury, and upon what the increase will be the third year and in future years.

Now, assuming that none of these inspectors are to be promoted from one grade to the other; assuming that there will always be in this service—and it is an impossible assumption—only 3,150 men, and that 1,250 of them will be veterinary inspectors, the exact number we have now and no more, this bill, then, in this grade of inspectors alone, assuming that there will be 1,250 and no more, until the maximum salary provided here in the second section of this bill of $2,400 takes effect, that will mean at that time an increase in the charge on the Treasury for veterinary inspectors alone of $1,250,000.

That is the ultimate maximum aimed at in this bill if no more inspectors or lay inspectors of either grade are appointed.

Now, suppose the lay inspectors of grade No. 2, 1,100 of them, stay on the job, their vacancies being filled as they resign, until they get the maximum which is promised them in this bill of $1,800 per year. We will start them in at $1,000. That is $800 more a year than they are now getting. When they get their maximum under this bill, there will be an additional charge on this account alone on the Treasury of $880,000. And the same method of computation applied to the lay inspectors of grade No. 2 reaches an equally astonishing result. The increase per annum in this grade will ultimately be $688,000. In other words, instead of an increase in the charge upon the Treasury of $300,000, if we have no more inspectors than we now have—and everybody knows we will have twice as many three or four years from now—if we have no more than we now have, when these maximum rates take effect, even if the Secretary of Agriculture does not make any of the additional promotions provided for in this bill, we will have an additional charge upon the Treasury each year on this account alone, not of $300,000 per year, but of $2,818,000. To this amount must be added the $300,000 estimated increase for the first year and the $3,000,000 we now appropriate, making a grand total for this service of at least $6,118,000.

Now, that is what this ill-considered bill means. But it is insisted that these gentlemen render a valuable service, and they do; and my friend from Massachusetts [Mr. GALLIVAN], for whom I have a high personal regard, and for whose judgment I also have great respect, called attention to the fact that these veterinary inspectors rendered most valuable service in his State in suppressing the foot-and-mouth disease. They rendered service in my State. A whole army of them quarantined the animal husbandry portion of that State and every county in it. They have never yet even discovered, any of them, singly or collectively, the germ of the foot-and-mouth disease. No animal has ever been cured that suffered from the foot-and-mouth disease, and no animal ever got well, because they killed every one of them.

Now, after quarantining the State of Illinois, and after these inspectors had finished their magnificent work in the State of Illinois, $4,000,000 worth of food animals had been killed and buried in quicklime. That is the remarkable work we got in Illinois from this branch of the pubic service. The State of Illinois paid half that expense, and the Federal Government was called upon to pay the other half of that enormous bill. They render a great service, a most valuable service; but the record they have made in the last two years does not entitle this branch of the Government service to the praise awarded to it so generously by my friend from Massachusetts.

Now, it is sought to sustain this bill upon the theory that the Civil Service Commission and the Chief of the Bureau of Animal Industry, one or both of them together, made certain promises to these young men when they entered this service; that they made certain promises to them of promotions and increases of salary. Now, let us see what those promises were and what we are doing to carry them out. According to the report filed here, an implied promise was given. But I do not admit the right of the Chief of the Bureau of Animal Industry to legislate; I do not admit the right of any bureau or commission of this Government to promise to give away the money in the Treasury. Great God! We are giving enough of it away ourselves. We do not need any help from the Civil Service Commission or Chiefs of the Bureau of Animal Industry. [Applause.] But, assuming that there is an implied promise here on the part of somebody connected with this Government to pay to these men some more money, let us see what that promise was.

Dr. Melvin states—and it is here in this report—that he promised these veterinary inspectors, if the funds appropriated for that purpose were sufficient, a maximum salary of $1,800. With that understanding he says they entered this service. He has apologized to them because he has not been able with the appropriation at his command to advance them to $1,800; at any rate, he had not so advanced them when his statement was made. But this bill not only makes good the extravagant promises of this bureau chief, but we go him $600 better. We give them in this bill, because the Chief of the Bureau of Animal Industry promised them $1,800, we make good on that promise and give them a maximum of $2,400. The Chief of the Bureau of Animal Industry promised the lay inspectors, according to this report, in grade 2, a maximum salary of $1,200 after they had served a period of years. We give them better than that, we give them in this bill not only what he says he promised them, but $600 more, making $1,800.

Mr. MADDEN. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. MADDEN. These are minimum salaries fixed in the bill.

Mr. RAINEY. The gentleman is right. I thank the gentleman. Instead of promising them $1,800, the amount they say the Chief of the Bureau of Animal Industry told them they would get ultimately, we give them a minimum of $2,400 and a maximum limited only by the blue sky itself. [Laughter.] We go through all these different grades the same way, promising them not maximums, as I stated, but minimum salaries of the amounts I have mentioned. There is nothing in this bill to limit the number of those employed in this service. No wonder they have a lobby here in Washington supporting the bill and trying to get it through. There is not a thing limiting their number and there is not a single thing limiting the salaries they will ultimately get. There is enough in the report to show what they want ultimately. They want ultimately the salary of a veterinary inspector, who ranks as a major in the United States Army—$4,000. That is the star to which they hitch their wagon. That is what they are reaching for. According to the present increase in the scope of this inspection business, the number engaged in it, by the time they get the minimum salary provided in this bill and before they get the maximum, will be many times the number now employed, and they will be formidable, indeed, in their demands on the National Treasury. When that happens we may as well assemble the representatives of all these various organizations of Government employees here in the National Capital and turn the Treasury over to them.

The alarming thing about the whole situation is the increase in the number of Government employees. It may be necessary at some time—I hope it will never be necessary—to take over the railroads of the United States and make the employees of

those railroads Government employees, with an opportunity to compel a timid Congress to increase their salaries. When that happens we might just as well turn the Government of the United States over to these salary grabbers who now collect in such alarming numbers around the Treasury of the United States.

There is a campaign being conducted throughout the United States to-day calling attention to "pork." "Cut it out; cut out the rivers and harbors; let our rivers and harbors fill up. Do not build public highways." We started on that project years and years ago before the days of the railroad. The great nations of the world have through all the centuries of the past been road-building nations; but in this country it is "pork." Do not build public buildings throughout this land. The great nations of antiquity built cathedrals and arches that did not pay a cent as they progressed in their careers, which have lasted for centuries. But this great Nation is to be denied that opportunity, because that is "pork." We must be satisfied here with the battleships that sail peaceful seas and rust out in 20 years of time. A ship costing $22,000,000 is ultimately and in a comparatively short time sold for old junk, and brings $2,000. That is not "pork." There is no "pork" in the amount you are paying industries that build these great ships for the Government. You do not even investigate that question.

But these other activities are "pork." When you go back home you can say to your constituents you are not to have a public building here to which you can point with some degree of pride, from which will float the Stars and Stripes, but we are going to increase the salaries of a couple of high-brow Government employees who live in this section; pin flags on them when they come home. That is the evidence of what this Government has done for you. We have increased their salary. Take that and be satisfied.

Now, I wish I could support these bills. It is easier at the present time when the public conscience seems deadened to support these bills than to oppose them. It is easier to vote for them than to have 100 men and more than that start out in your district announcing their opposition to you, because you have tried to protect all the taxpayers in your district. The real pork barrel to which I am trying to direct the attention of the country is this enormous salary grab participated in by 500,000 Government employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I suggest the absence of a quorum.

Mr. LEVER. Mr. Chairman, if the gentleman from Indiana will withhold that suggestion for a moment, it is now about 6 o'clock, and I do not see much prospect of getting this bill through to-day. I think the gentleman from Kansas would better move that the committee do now rise.

Mr. DOOLITTLE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALLEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. MOON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, there will be a continuance of general debate to-morrow?

Mr. MOON. Yes. I do not know for just how long the House will order it.

Mr. STAFFORD. There will be liberal debate?

Mr. MOON. Debate is unlimited now. I do not know whether the House will agree to limit debate or not. Either way is acceptable to me.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Thursday, January 11, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting copy of a letter from the Chief of Ordnance to The Adjutant General of the Army setting forth the need of the Ordnance Department for an earlier increase in the numbers of the commissioned personnel than is carried by the national-defense act of June 3, 1916 (S. Doc. No. 667); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a draft of legislation for the sale of three abandoned customs boarding stations at New Orleans, La., known as the "Jump," Southwest Pass, and Pass a Loutre, said properties being no longer required for the needs of this department (H. Doc. No. 1902); to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting report of investigations relative to school facilities for the children of the Sioux Tribes within the various Sioux Indian reservations of South Dakota and Standing Rock Reservation of North Dakota (S. Doc. No. 670); to the Committee on Indian Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, recommending legislation for the continuance of the Bureau of War Risk Insurance until September 2, 1918 (H. Doc. No. 1903); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Secretary of Commerce, recommending amendment of estimate of appropriations under the heading "Miscellaneous expenses, Bureau of Fisheries," for maintenance of vessels for the Bureau of Fisheries for the year ending June 30, 1918 (H. Doc. No. 1904); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, referring to a letter addressed to Congress under date of March 10 last, relative to the post office at Baltimore, Md. (H. Doc. No. 1905); to the Committee on Public Buildings and Grounds and ordered to be printed.

7. A letter from the Secretary of Labor, submitting report prepared in pursuance of section 10 of the act approved March 4, 1913, entitled "An act to create a department of labor (H. Doc. No. 1906); to the Committee on Labor and ordered to be printed.

8. A letter from the Secretary of the Treasury, recommending that authority be given to the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Cal., as said property is no longer required for the needs of the Government service (H. Doc. No. 1907); to the Committee on Public Buildings and Grounds and ordered to be printed.

9. A letter from the Secretary of the Treasury, referring to a letter addressed to Congress under date of April 17 last, wherein it was recommended that existing legislation relative to the new post office in New York City be supplemented by a provision authorizing the Secretary of the Treasury to accept a correctionary deed to the United States (H. Doc. No. 1908); to the Committee on Public Buildings and Grounds and ordered to be printed.

10. A letter from the Secretary of War, recommending that a proviso be inserted in the Army appropriation bill authorizing the construction of a machine-gun target range for the National Guard (H. Doc. No. 1909); to the Committee on Military Affairs and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of communication from the President of the Board of Commissioners of the District of Columbia submitting estimates of deficiencies in appropriations required by the District of Columbia for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1910); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy submitting estimate of appropriation for the erection in the city of Washington, D. C., of a suitable memorial to John Ericsson (H. Doc. No. 1911); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required by the War Department for the service of the fiscal year 1918 (H. Doc. No. 1912); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting additional estimates for the construction of two new

projects of the Reclamation Service for the service of the fiscal year 1918 (H. Doc. No. 1913); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy submitting a supplemental and additional estimate of appropriation for engineering, Bureau of Steam Engineering, for the fiscal year 1918 (H. Doc. No. 1914); to the Committee on Naval Affairs and ordered to be printed.

16. A letter from the Secretary of the Treasury, submitting amended and additional estimates of appropriations for Bureau of Engraving and Printing for the fiscal year 1918 (H. Doc. No. 1915); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19067) to authorize aids to navigation, and for other works in the Lighthouse Service, and for other purposes, reported the same with amendment, accompanied by a report (No. 1272), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 1273), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BLACKMON, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 318) authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the Third National Convention of the Young Men's Business Associations of America, reported the same without amendment, accompanied by a report (No. 1274), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 1271), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7120) granting a pension to Robert A. Imrie; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11903) granting an increase of pension to Charles B. Boyd; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15353) granting a pension to Louisa Donnelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17340) granting a pension to Margaret A. Weed; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17347) granting an increase of pension to William E. Meadows; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18092) granting an increase of pension to Eddie E. Sterrett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19488) granting an increase of pension to George Edward Blackmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19614) granting a pension to Nellie P. Kelliher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 4667) for the relief of James Duffy; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 19938) providing for the return of postal cards and post cards without payment of additional postage; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: A bill (H. R. 19939) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Wathena, Kans.; to the Committee on Military Affairs.

Also, a bill (H. R. 19940) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls to the city of Nortonville, Kans.; to the Committee on Military Affairs.

Also, a bill (H. R. 19941) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls to the city of Horton, Kans.; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 19942) to provide for the construction of a dam and reservoir in the North Platte River near Guernsey, Wyo.; to the Committee on Appropriations.

By Mr. HULBERT: A bill (H. R. 19943) to appropriate $510,000 for the improvement of Newton Creek, N. Y., including Dutch Kills, Maspeth Creek, and English Kills; to the Committee on Rivers and Harbors.

By Mr. BEALES: A bill (H. R. 19944) to authorize and direct the Secretary of War to acquire, by purchase, certain lands embraced within the battlefield of Gettysburg, and making appropriation therefor; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 19945) authorizing an exchange of lands between the United States and the heirs of S. G. Little; to the Committee on the Public Lands.

By Mr. BORLAND: Resolution (H. Res. 438) authorizing the printing as a House document the pamphlet entitled "Railway strikes and lockouts"; to the Committee on Printing.

By Mr. CARLIN: Joint resolution (H. J. Res. 336) extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19937) granting pensions and increases of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House on the state of the Union.

By Mr. ALLEN: A bill (H. R. 19946) granting a pension to Louis Brockman; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 19947) granting an increase of pension to George M. Burns; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 19948) granting an increase of pension to Albania D. Thornburgh; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 19949) granting an increase of pension to August Grantz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19950) granting an increase of pension to Albert J. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19951) granting a pension to Lewis S. Duckworth; to the Committee on Pensions.

Also, a bill (H. R. 19952) granting a pension to Keziah Zink; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 19953) granting an increase of pension to John Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19954) granting a pension to Benjamin F. Sweet; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19955) granting a pension to David N. Embrey; to the Committee on Pensions.

Also, a bill (H. R. 19956) granting an increase of pension to Alfred S. Mason; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19957) authorizing the appointment of George W. Brinck as second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. COLEMAN: A bill (H. R. 19958) granting a pension to M. R. Smith; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19959) granting an increase of pension to James W. Swartz; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 19960) granting an increase of pension to Lewis W. Carlisle; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 19961) for the relief of the heirs of Jacob Theiss; to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 19962) granting an increase of pension to Anna M. Moak; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 19963) granting a pension to Maud M. Smith; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 19964) granting a pension to Frank F. Randolph; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19965) granting an increase of pension to Martin L. Rex; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 19966) granting an increase of pension to Robert W. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19967) granting an increase of pension to Burton Gillaspie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19968) granting an increase of pension to Thomas F. Chafee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19969) granting a pension to Rosanna Raines; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 19970) granting an increase of pension to Elizabeth P. Bickhart; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 19971) granting an increase of pension to William A. Burns; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 19972) granting an increase of pension to James N. Davis; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 19973) granting an increase of pension to John L. Grimes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19974) granting a pension to Mrs. George E. McCartey; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 19975) granting a pension to George G., Werner L., and Josephine J. Hoffman; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 19976) granting a pension to Lester Longmire; to the Committee on Pensions.

Also, a bill (H. R. 19977) for the relief of the heirs of W. R. McGuire; to the Committee on War Claims.

By Mr. MAPES: A bill (H. R. 19978) for the relief of Janna Stoppels; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 19979) granting an increase of pension to Upton J. Hammond; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 19980) granting an increase of pension to Thomas W. George; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 19981) granting an increase of pension to Hiram Burroughs; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19982) granting an increase of pension to Effie A. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19983) granting an increase of pension to Orlin Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19984) granting an increase of pension to John A. Geiger, jr.; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 19985) granting a pension to Byron Pierce; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 19986) granting an increase of pension to Adam Gilfillan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19987) granting an increase of pension to Oliver Orn; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 19988) granting an increase of pension to Casander H. Bolen; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 19989) granting a pension to Frederick E. Ogle; to the Committee on Pensions.

Also, a bill (H. R. 19990) granting a pension to John C. Bell; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 19991) for the relief of Thomas Spurrier; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 19992) granting an increase of pension to Herman G. Weller; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 19993) for the relief of William J. Kerrigan; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 19994) granting an increase of pension to Benjamin B. Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19995) granting a pension to William Poland; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 19996) granting an increase of pension to Daniel M. Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19997) granting an increase of pension to John Toliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19998) granting an increase of pension to Ephraim J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19999) granting a pension to Julia A. Gardner, widow of James R. Gardner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of Evansville, Ind., against all prohibition bills; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of Annette M. Herbert and others, of Kansas City, Kans., asking for certain pension legislation; to the Committee on Pensions.

By Mr. ASHBROOK: Evidence to accompany House bill 19887, for relief of James F. Lingafelter; to the Committee on Invalid Pensions.

Also, petition of Frank Verheyen and 387 other citizens of Newark, Ohio, against House bill 1896, Senate bills 4428 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. AYRES: Petition of sundry citizens of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of John M. Evans, Alex Baxter, William Turnecliffe, John Truscott, D. J. Sproul, William Buzzer, George Jones, William Younkers, William Richards, William Voyce, Howard Williams, P. P. Cully, Charles Lees, S. Hulick, G. W. McCloskey, Nesbit Baxter, James T. Bray, David Hollabaugh, Charley Paul, B. C. Brown, Frank Lyson, John C. Fisher, John E. Fisher, Daniel Wagstaff, T. H. McCloskey, Joseph Moore, M. C. Lydic, W. L. Murphy, Peter Peden, Edward Charles, Thomas Lidwell, John Theys, Hugh Murphy, John Monavise, Alex Barbara, William Wilt, Frank Porch, Fred Jewitt, Thomas Stewart, L. C. Crum, G. Moond, Robert Horten, William Price, and John Parvic, all of South Fork; William Connelly and Thomas C. Cassidy, of Ehrenfeld; William Stewart and Charles Stuger, of Summerhill; David Baxter, of Portage; and Harold Kay, of Dunlo, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Conrod, John Yeckley, J. W. Schade, William Joop, S. J. P. Schellig, D. R. Lantz, J. F. Bircher, M. M. Blatt, H. F. Brangord, H. I. Keirn, S. E. Ross, C. H. Ulrick, F. F. Brunell, G. W. Shellenberger, J. L. Detwiler, G. L. Richardson, Ira M. Kantner, and S. J. Long, all of Juniata; W. H. Shellenberger, G. W. Heaton, O. E. Cump, and H. C. Graham, all of Altoona; and David Coughenour, of Greenwood, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of Daniel E. Lym, of Port Huron, Mich., in favor of special life-saving medal-of-honor bill; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens, heartily indorsing House bill 16060, the Lobeck bill; to the Committee on Agriculture.

Also, memorial of Bronx Ærie, No. 491, Fraternal Order of Eagles, in re increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of New York Building Managers' Association, of New York, in re coal shortage; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Man-Suffrage Association, opposed to political suffrage for women, of New York, in re woman suffrage; to the Committee on the Judiciary.

Also, memorial of Empire State Society of New York, indorsing House bill 269; to the Committee on Public Buildings and Grounds.

Also, petition of Frank C. Carder, of New York City, in favor of House bill 19423; to the Committee on Military Affairs.

By Mr. CARY: Petition of Green Bay Continuation School, relative to vocational-education bill; to the Committee on Education.

Also, petition of Yahr & Lange Drug Co., of Milwaukee, Wis., against Randall rider to Post Office bill; to the Committee on the Post Office and Post Roads.

Also, petition of sundry publishing companies, against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of American Federation of Teachers, relative to increase in pay of public-school employees of the District of Columbia; to the Committee on the District of Columbia.

By Mr. COADY: Petitions of citizens of Baltimore and Baltimore County, Md., against passage of prohibition bills; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of James H. Buchard and other residents of Kenosha, Wis., asking that the Government confiscate the railroads of the country; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Brooklyn Civic Club, against modified Jamaica Bay project; to the Committee on Rivers and Harbors.

By Mr. DALE of Vermont: Petition of letter carriers and clerks of Bellows Falls, Vt., for increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Texas: Petition of Queen Manufacturing Co., of Chillicothe, Tex., against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. DOWELL: Petition of 124 post-office employees, asking increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Des Moines Lodge of Danish Brotherhood of America, relative to naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petitions and memorial of sundry citizens and corporations, in reference to proposed increase in second-class postage and 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of John E. Conzelman, of St. Louis, in re conditions in foreign countries and suggesting method of relief; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Missouri, in favor of 1-cent "drop" postage; to the Committee on the Post Office and Post Roads.

Also, petitions and memorials of sundry citizens and organizations, against prohibition measures now before Congress; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of sundry citizens of the State of New Jersey, against prohibition bills; to the Committee on the Judiciary.

Also, petition of Commercial National Memorial Association, Flemington, N. J., favoring House bill 18721, relative to memorial to the Negro soldiers and sailors; to the Committee on the Library.

Also, memorial of the Philadelphia Committee, relative to pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of A. S. Wilson, of Woodbury, N. J., favoring suffrage; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of citizens of Alameda County, Cal., protesting against the Belgian deportations, etc.; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of James G. Mertlik and 23 others, of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FARR: Petition of John M. Wagner, William J. Sutton, and other members of Washington Camp, No. 333, Patriotic Order Sons of America, Scranton, Pa., favoring an equitable price on food products; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petitions of 2,750 citizens from the State of Michigan, favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Economy Printing Co., of Chicago, Ill., favoring House bill 18986 and Senate bill 4429, excluding certain advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of R. G. Jones, of Rockford, Ill., favoring vocational education; to the Committee on Education.

Also, petition of the Christian Herald and Ottawa (Ill.) Aerie, No. 798, Fraternal Order of Eagles, against increase in postage on fraternal magazines; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Boston Council of the F. O. I. F., in re foreign relations; to the Committee on Foreign Affairs.

Also, petitions of sundry publishing companies of the United States against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GRAY of New Jersey: Petitions of sundry citizens of New Jersey, opposing prohibition bill; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 19322, granting an increase of pension to Joseph McNeight; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of J. S. Berry, grand secretary Fraternal Order of Eagles, Kansas City, Mo., against increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: Petition of citizens of Clarkston, Mich., against passage of the Shields, Myers, and Phelan bills; to the Committee on the Public Lands.

By Mr. KING: Petition signed by Mr. W. W. Hiatt, president, and Mr. H. L. Ingersoll, secretary, of the Fraternal Order of Eagles of Galesburg, Ill., opposing section 10 of House bill 19410; to the Committee on the Post Office and Post Roads.

Also, petition signed by Mr. Bernard Deters and 350 members of Local No. 263, International Union of United Brewery Workmen, of Quincy, Ill., protesting against the passage of the following bills: House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition signed by J. W. Tutt, H. C. Harris, Charles H. Bauch, and John Folz, of Quincy, Ill., praying for legislation increasing salaries of custodian forces in Federal buildings; to the Committee on Appropriations.

Also, petition signed by Rev. William T. Beadles, Sergt. F. A. Hotchkiss, and Mrs. Gahllager, of the Soldiers' Home, Quincy, Ill., praying for prohibition; to the Committee on the Judiciary.

Also, petition of the Emmanual Church of Galesburg, Ill., by its pastor, praying for legislation prohibiting circulation of liquor advertising and solicitations through the United States mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of citizens of Galeton, Pa., against House bill 18986; to the Committee on the Judiciary.

By Mr. McLEMORE: Petition of citizens of the State of Texas, against passage of any prohibition bills, etc.; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petition of 42 citizens of Napoleon, Henry County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of St. Louis Typographical Union No. 8, National Druggist, R. W. Boisselier, and T. P. Kidd, of St. Louis; J. G. Boden of Pine Lawn; and the Fruit Grower, of St. Joseph, all in the State of Missouri; Smith & Lamar Publishing Agents, of Nashville, Tenn; The Christian Herald, Hardware Age, and The Packer, of New York City, protesting against the amendment to the Post Office appropriation bill providing for a zone system; to the Committee on the Post Office and Post Roads.

Also, petitions of St. Louis Times, Westliche Post, St. Louis Globe-Democrat, St. Louis Republic, St. Louis Post-Dispatch, and St. Louis Star, all of St. Louis, Mo., protesting against House bill 18986, the Randall mail-exclusion bill, and also to the rider to the Post Office appropriation bill providing for a zone system; to the Committee on the Post Office and Post Roads.

Also, petition of Coopers' International Union, Local 37, of St. Louis, Mo., against all prohibition bills; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of 644 citizens of Indianapolis, Ind., against passage of House bill 18986; to the Committee on the Judiciary.

By Mr. PATTEN: Petition of Retail Liquor Dealers' Association against prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of sundry citizens against prohibition bills now before Congress; to the Committee on the Judiciary.

By Mr. PRATT: Petition of 66 voters in the Methodist Church of Elmira, N. Y., by William Windnagle, president of the board of trustees, favoring prohibition in the District of Columbia and national constitutional prohibition; to the Committee on the District of Columbia.

Also, petition of Elmira (N. Y.) Printing Pressmen and Assistants' Union, No. 187, Joseph W. Mann, secretary, and Gus Bacon, president; also T. J. Wagstaff, of Pulteney, N. Y., protesting against the passage of House bill 18986 and Senate bill 4429 as vitally affecting the printing business; to the Committee on the Post Office and Post Roads.

Also, petition of Roy E. Bartholomew, F. L. Cary, and 58 other citizens of the town of Horseheads, county of Chemung, in New York State, protesting against the use of the United States mail by liquor interests for advertising purposes; to the Committee on the Post Office and Post Roads.

Also, petition of W. T. Henry, John Huff, Seth Winner, J. J. Fennell, L. Hoffman, and 41 other citizens and voters of Elmira, N. Y., re prohibition in the District of Columbia and national constitutional prohibition; to the Committee on the District of Columbia.

Also, petition of Riverside Methodist Episcopal Church, of Elmira, N. Y., with a membership of over 350, by Rev. George E. Hutchins, pastor, favoring prohibition in the District of Columbia, national constitutional prohibition, and legislation to exclude liquor advertisements and solicitations from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of 200 voters of the First Methodist Church of Elmira, N. Y., through Dewitt S. Hooker, favoring District of Columbia prohibition, national constitutional prohibition, and all other bills which would restrict the liquor traffic; to the Committee on the District of Columbia.

Also, petition of 125 voters of the Disciples' Church, of Elmira, N. Y., by A. L. Streeter, official board chairman, favoring prohibition in the District of Columbia and national constitutional prohibition; to the Committee on the District of Columbia.

By Mr. ROWE: Memorials of the City Club, of New York; Hogan & Son, of New York; the Rotary Club, of New York; and the Christian Intelligencer, of New York, in re changes in existing postal law; to the Committee on the Post Office and Post Roads.

Also, memorial of Cigar Makers' International Union of America, Local Union, No. 132, of Brooklyn, N. Y., opposing nation-wide prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Bexar County, Tex., protesting against certain prohibitory legislation; to the Committee on the Judiciary.

By Mr. STINESS: Petitions of Local Unions Nos. 245 and 166, United Brewery Workmen; Teamsters and Chauffeurs' Union, No. 180; and Bartenders' Union, No. 285, all of Providence, R. I., against prohibition bills; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of Sundry citizens of Berkshire, Mass., for suffrage amendment; to the Committee on the Judiciary.

Also, petition of citizens of Holyoke, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WM. ELZA WILLIAMS: Petition of citizens of Quincy, Ill., relative to prohibition bills; to the Committee on the Judiciary.

SENATE.

THURSDAY, *January 11, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that amidst the pressing cares that are constantly presented to us, taking our attention and our labor, Thou dost still keep alive within us a spark of life Divine. While much of our thought is held within the boundaries of space and time, there are yet aspirations and hopes that reach out toward God, and powers within us that reason of soul, and immortality, and freedom. We bless Thee that Thou dost lead us on; that Thy Spirit still abides with us. We pray that we may measure up to God's great object and purpose in our Government and in our individual life to establish righteousness among the people. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bryan	Clark	Fernald
Bankhead	Chamberlain	Culberson	Fletcher
Brady	Chilton	Curtis	Gallinger
Brandegee	Clapp	Dillingham	Gronna
Harding	Lodge	Robinson	Sutherland
Hitchcock	McCumber	Saulsbury	Swanson
Hollis	McLean	Shafroth	Thomas
Hughes	Martine, N. J.	Sheppard	Tillman
Husting	Myers	Sherman	Townsend
Johnson, Me.	Nelson	Simmons	Vardaman
Johnson, S. Dak.	Norris	Smith, Ariz.	Wadsworth
Jones	Oliver	Smith, Ga.	Walsh
Kenyon	Overman	Smith, Mich.	Watson
Kern	Page	Smith, S. C.	Williams
Kirby	Poindexter	Smoot	Works
Lane	Ransdell	Sterling	
Lea, Tenn.	Reed	Stone	

Mr. VARDAMAN. I have been requested to announce that the senior Senator from Tennessee [Mr. SHIELDS] is detained from the Senate on account of illness, and also that the junior Senator from Kentucky [Mr. BECKHAM] is detained on account of official business.

Mr. CHILTON. I wish to announce, and let the announcement stand for the day, that my colleague [Mr. GOFF] is absent on account of illness.

Mr. WALSH. The Senator from Maryland [Mr. LEE] is absent on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

NOMINATION OF WINTHROP M. DANIELS.

Mr. CLAPP. Mr. President, I desire to call attention to the fact that the RECORD of yesterday's proceedings does not state the announcement of the Senators who announced their pairs as to how they would vote if they were not paired. A number of Senators—and I was one of the number—announced how they would have voted had they been free to vote. I think the RECORD should be corrected to show those announcements.

The PRESIDENT pro tempore. The Chair thinks that any correction of the publication regarding the executive session should be made in executive session.

Mr. CLAPP. I make it in open session. Others may make it in executive session if they desire.

Mr. NORRIS. It was ordered that the roll call should be published in the RECORD. If the roll call as published is not right in the announcement of the pairs, the correction, I should think, ought to be made in open session, where it was ordered that the record should be published.

The PRESIDENT pro tempore. Is there objection to a correction of the RECORD as requested by the Senator from Minnesota?

Mr. MARTINE of New Jersey. I should like not only to correct the Senator's position, but I should like to correct my own.

Mr. CLAPP. I called attention to the entire matter and asked that the RECORD be corrected to show how each one stated he would vote if not paired.

The PRESIDENT pro tempore. The Chair thinks a matter of this sort should properly be discussed first in executive session. The Chair is informed that it is impossible for the clerks at the desk to take down in executive session the statements made by Senators of their position, because they are not prepared in executive session to do that.

Mr. CLAPP. Mr. President, then I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLAPP. I ask that the RECORD show that on the roll call referred to, on page 1248, proceedings of January 10, when my name was called, I announced that if at liberty to vote I would vote "nay." I make this statement because the Senate in executive session voted that the record be printed in the permanent RECORD of the Senate.

The PRESIDENT pro tempore. The Chair in justice to the clerks will state that the order as stated to the Chair was that the vote and the pairs be printed in the RECORD, and the RECORD seems to comply with the order.

Mr. CLAPP. I would not for a moment be understood as reflecting upon the action of the clerical force. I ask, as a matter of privilege, that the RECORD be corrected.

Mr. MARTINE of New Jersey. Mr. President, I ask that in my own case, similar to that referred to by the Senator from Minnesota, the RECORD may be corrected. I gave the reasons, and stated that if I had the opportunity I would vote "nay." I should like to have the RECORD corrected in my case. I have no doubt the clerks did all that they understood it was their duty to do at the time.

Mr. NORRIS. I should like to make the same correction, although I can not do it as a matter of personal privilege, because the announcement I made was for an absent Senator. I

stated why he was absent, and also how he would have voted if he had been here. I was authorized to make the announcement, but, of course, I did not make it regarding myself. I have no complaint to make, so far as I am individually concerned, but I should like to correct the RECORD by adding to the RECORD the following: "That the Senator from Wisconsin [Mr. LA FOLLETTE] was detained from the Senate on account of illness in his family, and that had he been present he would have voted 'nay.'"

Mr. BRYAN. It seems to me that the permanent RECORD ought to show that the vote on the confirmation of the nomination was placed in the RECORD by unanimous consent. The record of it now is that it was done upon motion of the Senator from Iowa [Mr. CUMMINS]. Of course, under the rule of the Senate it could not be done except by unanimous consent.

The PRESIDENT pro tempore. If there be no objection, the correction suggested by the Senator from Florida will be made in the permanent RECORD.

Mr. SMITH of Michigan. Mr. President, as the Chair will doubtless remember, I announced the transfer of my pair with the Senator from Missouri [Mr. REED] to my colleague [Mr. TOWNSEND], who was unavoidably absent. When I discovered that my colleague had voted "yea" on the previous vote I withdrew that pair, which, of course, indicated, as I stated then, that I should vote "nay" if permitted to vote. I should like to have the RECORD show that fact.

Mr. HUSTING. I was requested to announce the pair of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and I should like to have the RECORD show that I did so. I should like to have the RECORD also show that the statement was made by me yesterday that if the Senator from Illinois [Mr. LEWIS] were permitted to vote he would vote "yea" and the senior Senator from Wisconsin would vote "nay." In other words, the Senator from Illinois was paired in favor of the confirmation and the senior Senator from Wisconsin against the confirmation.

Mr. WALSH. I wish the RECORD likewise to show that I stated in announcing my pair that if I were at liberty to vote I would vote "nay."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. J. Res. 190. Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee.

PETITIONS AND MEMORIALS.

Mr. HITCHCOCK presented a petition of the Central Labor Union of Omaha, Nebr., praying for the enactment of legislation to provide for the use of all surplus moneys received from naturalization sources for the education of immigrants, which was ordered to lie on the table.

He also presented a petition of Local Branch, National Association of Bureau of Animal Industry Employees, of Omaha, Nebr., praying for the enactment of legislation to provide a reclassification of the salaries of employees in the Bureau of Animal Industry, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES. I present two telegrams in the nature of petitions, one signed by the president of the Federal Employees' Union of Spokane, Wash., and the other by the president of the Federal Employees Union of Tacoma, Wash. I ask that one of the telegrams be printed in the RECORD and that both telegrams be referred, I assume, to the Committee on Appropriations, although they should more properly go to the Democratic caucus.

The PRESIDENT pro tempore. Without objection, the request as to the printing of one telegram will be complied with and both telegrams will be referred to the Committee on Appropriations.

Mr. JONES. I ask that one of the telegrams be read.

The PRESIDENT pro tempore. Without objection, the telegram referred to will be read.

The Secretary read the telegram, as follows:

[Telegram.]

SPOKANE, WASH.

Senator WESLEY L. JONES,
Washington, D. C.:

Informed Democratic caucus has agreed to defeat increases of pay for Government employees; urgently request that you use every means to secure increase commensurate with increased cost of living; condition of custodian employees in this city is pitiable; salary $55 per month.

ARTHUR L'PERRIN,
President Federal Employees' Union.

The PRESIDENT pro tempore. The telegrams will be referred to the Committee on Appropriations.

Mr. JOHNSON of South Dakota. I present petitions signed by 178 citizens of Lawrence County, S. Dak., favoring national prohibition. The petitions also ask for legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia; to prohibit the shipment of intoxicating liquors by interstate commerce to States having prohibitory laws; and also to prohibit the use of the mails to solicit orders for intoxicating liquors, and to close the mails to liquor advertisements. I ask that the petitions be received and properly referred.

The PRESIDENT pro tempore. The petitions will lie on the table.

Mr. SHEPPARD presented memorials of sundry citizens of Waco, Tex., remonstrating against national prohibition, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Galveston, Tex., praying for national prohibition, which were ordered to lie on the table.

He also presented petitions of the congregations of the Douglass Memorial Methodist Episcopal Church, the Columbia Heights Christian Church, and the Eastern Presbyterian Church; of Minnehaha Lodge, No. 1, International Order of Good Templars; and of sundry citizens, all of Washington, D. C., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Sierra Club, of San Francisco, Cal., praying for the enactment of legislation providing for the improvement of the national parks, which was referred to the Committee on Public Lands.

Mr. KENYON presented a petition of sundry citizens of Mason City, Iowa, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Board of Education of Sioux City; of Local Lodge, Danish Brotherhood of America, of Des Moines; and of Local Chapter, Daughters of the American Revolution, of Council Bluffs, all in the State of Iowa, praying for the enactment of legislation to provide for the use of all surplus moneys received from naturalization sources for the education of immigrants, which were ordered to lie on the table.

He also presented a petition of the congregation of the Vermont Avenue Christian Church, of Washington, D. C., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Philomath, Oreg., praying for national prohibition, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of the Master Printers of Connecticut, of New Haven, Conn., and a memorial of Local Union No. 329, International Typographical Union, of Waterbury, Conn., remonstrating against an increase in postal rates, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 128, American Flint Glass Workers, of Norwich, Conn., remonstrating against the enactment of legislation to exclude liquor advertisements from the mails, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. LODGE presented a petition of Boston Council, Friends of Irish Freedom, of Massachusetts, praying for the adoption of a resolution approving the establishment of Ireland as an independent State, which was referred to the Committee on Foreign Relations.

PROHIBITION IN PORTO RICO (S. DOC. NO. 674).

Mr. LODGE. Mr. President, I should like to ask—the clerks at the desk will probably be able to inform me—whether a joint resolution from the legislative assembly of Porto Rico, with regard to the imposition of prohibition in the bill now pending in Congress has ever been received and printed?

The PRESIDENT pro tempore. The Chair is informed that the joint resolution referred to by the Senator from Massachusetts has not yet been presented.

Mr. LODGE. I present that resolution. It is a very brief one containing some important statistics. I ask that it be printed in the RECORD and also that it be printed as a Senate document. It will cost only a few dollars to print it; I think not exceeding $15.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the joint resolution will be referred to the Committee on Pacific Islands and Porto Rico.

The joint resolution is as follows:

Joint resolution requesting the Congress of the United States not to include in legislating for Porto Rico any prohibition whatever on the sale, importation, or manufacture of alcoholic beverages in Porto Rico.

Whereas the "International Reform Bureau" has submitted a statement to the committees of the United States Senate and House of Representatives, praying the Congress to prohibit the importation, manufacture, and sale of alcoholic beverages in Porto Rico;

Whereas certain averments contrary to facts are made in the aforesaid statement, giving a false idea of our conditions and making us appear before the world as a demoralized people;

Whereas in that statement the erroneous averment is made that $14,000,000 are consumed in alcohol in Porto Rico, while only $7,000,000 are spent in wheat flour, meaning thereby that this last article constitutes the sole or largest foodstuff of our people and thus establishing a very alarming difference between the figures just quoted;

Whereas the precise amount of alcoholic liquors consumed in Porto Rico, taken from data furnished by the treasury department of the insular government, a department entrusted with keeping such statistics for the purpose of levying the excise taxes of the Government, is as follows for the fiscal year 1914–15:

Total value of article, taking as basis its annual average price:

1,926,139	liters of distilled spirits	$1,251,990.35
1,394,657	liters of beer	264,933.00
483,638	liters of wine	91,824.00
1,421	liters of champagne	5,865.00
3,805,855	liters. Total	1,614,612.35

The above statement shows there is a difference of $12,385,387.65 between the exact value of the consumption of alcoholic beverages in Porto Rico and the estimated value of $14,000,000 as stated by the "International Reform Bureau";

Whereas the total value of foodstuffs shipped into Porto Rico, according to statistical reports of the United States customhouse, for the fiscal year of 1914–15 is shown as follows:

Rice	$4,857,807
Meat and meat products	3,428,984
Fish and fish products	1,229,176
Corn meal	289,106
Beans and dried peas	712,318
Dairy products	559,379
Potatoes	184,823
Chocolate	49,243
Fruits and nuts	147,377
Onions	76,611
Refined sugar	678,814
Bread and biscuits	325,131
Canned foodstuffs	139,351
Oats	148,689
Wheat flour	1,884,416
Other foodstuffs	159,381
Total value of imported foodstuffs for consumption	14,870,606

Whereas besides the articles enumerated, there are grown on the island many starch-food plants and cereals, such as yautías (a tropical tuber), sweet potatoes, yam, plantain, yuec, potatoes, onions, breadfruit, alligator pears, corn, beans, pumpkin, and other varieties of vegetables representing an amount greater than all the rice, flour, and other similar articles shipped into the island and in milk, fowls, fish, sugar, meat products, chocolates, and other products, an amount also greater than the value of similar articles imported, and therefore the excess per capita between the food and alcoholic consumption is far greater than what the "international reform bureau" endeavors to demonstrate;

Whereas Porto Rico, compared with the United States and other countries of the world in this respect, is per capita one of the most sober and temperate countries, as can be readily seen by the following comparative statement, in which the total consumption of alcohol in Porto Rico and in the United States during fiscal year 1914–15 is taken as a basis, according to data shown on page 267 of the World Almanac for 1916:

Consumption per capita.

	Alcohol.	Wine.	Beer.
	Liters.	*Liters.*	*Liters.*
United States	5.52	1.96	77.5
Porto Rico	2	.50	1.22

Whereas the statistical reports themselves show a constant decrease in the consumption of alcohol in Porto Rico, as can be seen by the following comparative statement for the fiscal years 1912–13 and 1914–15:

	1912–13	1914–15
	Liters.	*Liters.*
Distilled spirits	3,391,989	1,926,139
Beer	2,433,962	1,394,457
Wine	989,067	483,638
Champagne	18,049	1,421
Total	6,838,067	3,805,655

These totals representing a reduction in the consumption of alcoholic beverages for the year 1914–15 against 1912–13 of 3,027,412 liters, an amount equivalent, approximately, to a decrease of 45 per cent in two years only, which is principally due to the influence of our educational moral and sanitation system;

Whereas a prohibition measure of that character would reduce the insular government receipts more than $1,400,000; that is, 37 per cent of the total government income, amounting only to $3,760,798.79 during the fiscal year 1914–15;

Whereas a reduction of such magnitude in the government receipts could not be compensated by any other source of revenue at the present time, taking into consideration the actual financial condition of the island. Such reduction, therefore, would involve the stoppage of our progress, for we should then have to abandon many necessary public services, such as public health, road construction, and especially our public-school work, which is indispensable to the attainment of the goal of our desires in our constant endeavor to eradicate illiteracy, furnishing a primary education to 200,000 children who are still without school facilities on the island;

Whereas it seems to be fair and in accordance with democratic principles that legislation of a local nature should be left entirely to the discretion of the local legislative assembly: Now, therefore, be it

Resolved by the Legislative Assembly of Porto Rico, That the Congress of the United States be requested not to consider the aforesaid petition in legislating for Porto Rico, and that no prohibition whatever of the sale, importation, or manufacturing of alcoholic beverages in Porto Rico be included in such legislation, leaving the legislature of the island to adopt such measures as may be deemed advisable for that purpose.

Approved by the Governor of Porto Rico.

BRIDGE BILLS.

Mr. OLIVER. Mr. President, on Monday last the Senator from Texas [Mr. SHEPPARD] reported three bridge bills and asked for their immediate consideration. It is always customary to immediately consider such routine bills, but at that time the controversy with regard to the volunteer officers' retirement bill was going on, which prevented those bills being then considered. It is important that the work on the bridges involved be prosecuted in order to partially relieve the railroad congestion now existing in the northern and western parts of my State, and I ask for the present consideration of the bills.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Chair lays the first bridge bill referred to before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 7536) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. TOWNSEND. Mr. President, I shall not object to the passage of this bill, but I shall object to any other business during the morning hour, and shall ask for the regular order.

The PRESIDENT pro tempore. Having been read three times, the question is, Shall the bill pass?

The bill was passed.

The bill (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua

Townships, Warren County, Pa., was announced as next in order.

Mr. FLETCHER. Mr. President, at the time these bridge bills were reported and objected to there was a report made on the bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del. The consideration of that bill was first objected to and then the consideration of all the bridge bills which were subsequently reported was objected to. Now, it is but fair, if these other bridge bills are to be passed, that the bill which I have named should be acted on at the same time.

Mr. TOWNSEND. Mr. President, I made the announcement a moment ago that I should object to any other bills being considered until the morning business has been disposed of.

Mr. FLETCHER. I know very well what the Senator's announcement was.

Mr. TOWNSEND. My attention was diverted for a moment, or I should have objected to the consideration of these bills at the time the request was made. I think, however, we should dispose of the morning business, after which time I shall decide what my course of action shall be.

The PRESIDENT pro tempore. The Chair will ask the Senator from Pennsylvania [Mr. OLIVER] whether his request was for unanimous consent to include three bridge bills or only two of them? The understanding of the Chair was that his request included the consideration of the three bills.

Mr. OLIVER. My request was for unanimous consent for the consideration of the three bills to which I referred.

Mr. TOWNSEND. I stated that as to the matter which was under consideration at the time, I should not object; but that after that was disposed of I should object to the consideration of any other bill during the morning hour.

Mr. FLETCHER. If that is to be the program, I object to the consideration of any of these bills. I think the bill which I have named stands exactly on the same footing with the other three. I do not think it is fair to dispose of some of these bills and to leave the others unconsidered.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Pennsylvania?

Mr. FLETCHER. I do.

Mr. OLIVER. Mr. President, I simply wish to say to the Senator from Florida that two of the three bills have been passed and the third one will require but a minute. I appeal to the Senator not to interpose an objection to having this bill disposed of.

Mr. FLETCHER. I will withdraw the objection under the circumstances; but I repeat it is not fair, because the first bill reported the other day and objected to was the bill which I have named, which is now on the calendar.

Mr. TOWNSEND. Mr. President, I supposed the Senate had abandoned the thought of being fair in matters of legislation. Therefore I should have objected to the consideration of the other bills if I had understood the proposition in time, but unanimous consent had been given while my attention was temporarily attracted to something else. I stated, however, that after the pending bill was disposed of, for the consideration of which unanimous consent had been granted, I should object to the consideration of any other bill, and should insist upon the regular order.

Mr. FLETCHER. Mr. President, I can not say what the Senator from Michigan has abandoned, but I know that I have not abandoned, the thought of being fair; and if Senators can not be fair otherwise, they should be compelled to be so.

Mr. GALLINGER. I ask for the regular order.

The PRESIDENT pro tempore. As the Chair understands, the Senate, at the request of the Senator from Pennsylvania [Mr. OLIVER], gave unanimous consent for the consideration of the three bridge bills referred to by him. The third bill is now being considered.

Mr. FLETCHER. There is no objection raised as to the consideration of the third bridge bill which was reported, I will say to the Chair.

The PRESIDENT pro tempore. The Chair understands, then, that there is no objection to the present consideration of the third bridge bill named by the Senator from Pennsylvania, and its consideration will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to construct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. VARDAMAN, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 3894. An act for the relief of George H. Grace (Rept. No. 917); and

H. R. 3895. An act for the relief of F. W. Schultz (Rept. No. 918).

SPECIAL TAX ON DISTILLED SPIRITS.

Mr. CURTIS. On the 9th instant, I introduced the bill (S. 7763) prohibiting the issuance of special-tax stamps authorizing the sale of distilled spirits or other intoxicating liquors unless public notice by advertisement has been given, and for other purposes, and it was referred to the Committee on the Judiciary. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Finance.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

REVISION OF THE PRINTING LAWS.

Mr. CHILTON. From the Committee on Printing, I report back favorably without amendment the bill (S. 7795) to amend and revise the laws relating to printing and binding and the distribution of publications for Congress.

At the same time I submit a report (No. 910) from the committee responding to the resolution of the Senate passed December 15, 1916. It is but fair to say, Mr. President, that long before this resolution was offered the Committee on Printing had taken up the subject of economy in printing in all the departments and had reported a bill, which is on the calendar, being Senate bill 1107, Order of Business 168, designed to bring about the economies which, after the subsequent investigation, we find are so urgent upon the part of the Government. I make the report and ask that it be printed.

Mr. SMOOT. Mr. President, in connection with this report, I merely wish to add that I hope the Senate some morning will pass this bill——

Mr. GALLINGER. Or some afternoon.

Mr. SMOOT. I will say to the Senator that there is no objection to the provisions of this bill. They have been taken out of the regular printing bill, everything that was objected to in the previous bill having been eliminated. The bill, if passed, will save to the Government of the United States $436,000 every year, and no one will be hurt. On some other occasion, when we have more time at our disposal, we can pass the other part of the printing bill, which will save another $400,000. This bill has nothing in it to which anybody can object, and I certainly hope that it will at an early day pass the Senate in the morning hour.

Mr. FLETCHER obtained the floor.

Mr. SMITH of Michigan. I should like to ask the Senator from Utah a question.

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Michigan?

Mr. FLETCHER. I yield.

Mr. SMITH of Michigan. I should like to ask the Senator from Utah, who is very familiar with the financial condition of the Government, whether he can see in the scope of his vision some place to save something like $400,000,000, which the Government sadly needs at this time?

Mr. SMOOT. This is merely a beginning, Mr. President. It will be, I fear, absolutely impossible to save anything like the amount suggested by the Senator from Michigan.

Mr. SMITH of Michigan. It is a beginning at the end of the Congress.

Mr. FLETCHER. Mr. President, further, in connection with this report, I call attention to the fact that the Committee on Printing reported on February 25, 1916, a bill which is on the calendar, as the Senator from West Virginia [Mr. CHILTON] has stated. That bill included the economies to which the Senator from Utah [Mr. SMOOT] has referred, along with others. The total net economies provided for by that bill would have amounted to $798,013. That bill has been on the calendar ever since last February. We have made every effort we could to get it up, but we have not been able to secure its consideration. There were some features of it objected to, as the Senator from Utah has mentioned; but the bill now reported would seem to eliminate all those features; and I certainly join with other Senators in hoping that we will find time to act upon this bill

and effect the economies that are mentioned, particularly in view of the present financial situation of the Government.

The PRESIDENT pro tempore. The bill will go to the calendar.

ELLA M. JONES.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with an amendment, Senate resolution 302, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Ella M. Jones, widow of Frank G. Jones, late a private of the police force of the Senate Office Building, a sum equal to one year's salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. Let the amendment be stated.

The SECRETARY. The committee proposes to insert a preamble to read as follows:

Whereas the late Frank G. Jones has served continuously as an employee of the Senate for more than 40 years: Be it.

Mr. LEA of Tennessee. Mr. President, I will say that it is customary to appropriate six months' salary to the widow of a deceased employee; but as this man saw over 40 years' service in the employ of the Senate it is proposed to allow his widow one year's salary.

Mr. TOWNSEND. I shall not object to the consideration of that resolution.

Mr. GALLINGER. Mr. President, I will ask the Senator from Tennessee in all good conscience if this is not a dangerous principle for us now to establish, giving a year's salary to the widow of a deceased employee simply because of his long service?

Mr. LEA of Tennessee. We found that the precedent had already been established. There have been at least two such cases heretofore.

Mr. GALLINGER. There are two other precedents, I know.

Mr. LEA of Tennessee. As I was about to say, there have been at least two such cases where employees have had continuous service for more than 40 years, as had this man, where a full year's salary was allowed to his widow instead of the usual six months' salary. This is a peculiarly worthy case. The widow is absolutely destitute.

Mr. GALLINGER. Well, Mr. President, I will not object. I understand that the other side has gone on record against increasing the salaries of the poorly paid employees of the Government, and if they wish to depart from the usual amount given to the widows of deceased employees I will not object.

Mr. LEA of Tennessee. In this case we were merely following the precedent that had been established by the other side.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. OVERMAN. I object, Mr. President. I am willing to pay the usual sum, six months' salary, to the widow of this employee, the same as we have done in other cases; but I do not think this is a case that calls for the appropriation of a full year's salary.

The PRESIDENT pro tempore. Objection is made.

Mr. OVERMAN. I am willing to let the resolution pass with an amendment providing that the widow shall be paid six months' salary.

Mr. LEA of Tennessee. I did not understand the suggestion of the Senator from North Carolina.

Mr. OVERMAN. I say that if the Senator will agree to an amendment applying in this case the same rule which we have applied in other cases, I will not object to the resolution. I am very anxious to see it go through, but I will not agree that a whole year's salary shall be paid to the widow of this employee or any other employee.

Mr. LEA of Tennessee. As I have stated, that has been done where there has been service for a longer period than 40 years.

Mr. OVERMAN. It has been done; but this is a time when we want to retrench, to do all we can to reduce the enormous expenses of the Government, and it is not a time, in my opinion, to provide for the payment of a year's salary to the widow of a deceased employee. As I have said, however, I shall not object to the resolution if an amendment is made providing for the payment of six months' salary.

Mr. LEA of Tennessee. The Senator from Indiana [Mr. KERN] is the author of the resolution, and I can not agree to the amendment suggested without the consent of that Senator.

Mr. KERN. Mr. President, this is an extraordinary case; there has been no case like it before the Senate. This man had been employed here for over 40 years, he had reared a family, he had worked for a meager salary, he had performed his duties well, and he has left his family without means. It seems to me that, under these extraordinary circumstances, there ought not to be any hesitation about allowing a year's salary to his widow.

It is all well enough to talk about economy; I am very much in favor of economy myself; but I prefer to indulge in methods of economy in matters in which millions and scores of millions are involved, rather than in respect to a little compensation to the widow of a man who had served the Senate faithfully and well for over 40 years. The case is out of line with the usual cases of the kind that come before us, and I do not think there ought to be a moment's hesitation about granting this amount.

Mr. OVERMAN. Mr. President, it is not out of line with other cases. Even in cases where men have served here for 50 years the usual rule has been to give their widows six months' salary. This widow will receive $550 if six months' compensation is allowed, and I do not think the amount should be increased beyond that. I knew Mr. Jones; I was fond of him; he was a splendid man and an efficient officer. I do not want, however, to make an exception of this kind, and so I shall object to the consideration of the resolution unless it is amended so as to provide not more than six months' compensation to the widow.

The PRESIDENT pro tempore. Objection is made, and the resolution will go to the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUSTING:

A bill (S. 7799) granting an increase of pension to Charles Ellis;

A bill (S. 7800) granting an increase of pension to Henry D. Baxter; and

A bill (S. 7801) granting a pension to Julius Jensen; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 7802) to provide for the construction of the Black Canyon project, Idaho; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. WADSWORTH:

A bill (S. 7803) for the control, regulation, and use of the waters of the Niagara River below Niagara Falls, and for other purposes; to the Committee on Foreign Relations.

By Mr. REED:

A bill (S. 7804) granting an increase of pension to Ella R. Brown; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7805) granting an increase of pension to Joseph McG. Lunsford;

A bill (S. 7806) granting an increase of pension to John P. McCorkle;

A bill (S. 7807) granting an increase of pension to Benjamin W. Laybourn; and

A bill (S. 7808) granting an increase of pension to Andrew J. Bridges; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 7809) granting an increase of pension to George A. Cheney; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7810) granting a pension to James P. Merrifield (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 7811) for the relief of Robert B. Jennings; to the Committee on Military Affairs.

A bill (S. 7812) granting an increase of pension to Mary J. Welch;

A bill (S. 7813) granting an increase of pension to Charles A. Voorheis;

A bill (S. 7814) granting a pension to Homer R. Hutson;

A bill (S. 7815) granting an increase of pension to Matilda Paxton;

A bill (S. 7816) for the relief of Alonzo D. Cadwallader; and

A bill (S. 7817) granting an increase of pension to Rudolph Davis (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7818) granting an increase of pension to Leonard H. Bunker (with accompanying papers);

A bill (S. 7819) granting an increase of pension to George W. Cushman (with accompanying papers);

A bill (S. 7820) granting a pension to William J. Kelsey (with accompanying papers);

A bill (S. 7821) granting a pension to Charles E. Matthews (with accompanying papers);

A bill (S. 7822) granting an increase of pension to Coridon J. Emmons (with accompanying papers);

A bill (S. 7823) granting an increase of pension to Franklin B. Nutt (with accompanying papers); and

A bill (S. 7824) granting an increase of pension to Abraham Bachelder (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 195) forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $24,649.57 for paving streets in Sault Ste. Marie, Mich., fronting on Government property used in connection with the ship canal, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $5,000 for study of methods of clearing off logged-off lands, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. PHELAN submitted an amendment proposing to appropriate $35,000 for the purchase, preparation, and irrigation of not to exceed 150 acres of land in Chico, Butte County, Cal., etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to increase the number of levelers at $1,200 each in the Water Department, District of Columbia, from one to two, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $3,600 to grade and improve Wyoming Avenue NW., Washington, D. C., between Twenty-third and Twenty-fourth Streets, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

TERMINATION OF PRESENT SESSION.

Mr. WALSH submitted the following resolution (S. Res. 313), which was read and referred to the Committee on the Judiciary:

Resolved, That it is the sense of the Senate that the present session will, without any action on the part of this body and without action or concurrence of the House of Representatives, terminate at 12 o'clock meridian on March 4, 1917.

TARGET PRACTICE IN THE NAVY.

Mr. LODGE submitted the following resolution (S. Res. 314), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy, if not incompatible with the public interest, be directed to send to the Senate the scores made on the 30 by 90 foot screen target by the Atlantic Battleship Fleet in division and day individual battle practice in the seasons of 1914, 1915, and 1916, the figures to be given both as noted by Admiral Mayo and other umpires on the spot, and also as subsequently modified by the camera observations.

OIL-LEASING BILL.

Mr. PHELAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of the California delegation in support of the oil-leasing bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

WASHINGTON, D. C., *January 11, 1917.*

Wrong impressions concerning the oil situation in California, and particularly the remedial provisions contained in the leasing bill, have been created in many places, and we desire to make the following statement, which we hope may tend to remove the same and cause a better understanding of the situation:

Up to March 1, 1916, there had been withdrawn from entry in the Western States 48,393,197 acres of supposed coal lands, 5,603,295 acres of oil lands, and 2,581,339 acres of phosphate lands, most of which had been withdrawn for several years.

The West, to go forward and prosper, must have an opportunity to develop its natural resources. It needs, and the whole country needs, the use of its coal for fuel, its phosphate for fertilizing its farms, and its oil for gasoline, kerosene, lubricants, and the many other uses to which it is being put in the sciences and the arts.

Secretary Lane has ever been mindful of the necessity of enacting laws which will develop these great resources under proper restrictions and Government control, and has recommended a bill to Congress for that purpose, which bill has passed the House twice and is now pending in the Senate.

California is most vitally concerned in the development of its oil fields, which can not be accomplished until the leasing bill becomes a law. On September 27, 1909, President Taft issued an order withdrawing over 1,000,000 acres of land in California, a large portion of which is unpatented land, which embraces the oil fields located in the San Joaquin and Kern River districts. Although it was intended by this order, and so expressed, that valid existing claims were not to be disturbed, still the result has been to cast a doubt upon the validity of a great many claims. Suits have been commenced by the Government to cancel some, and other suits are threatened, with the result that the oil industry of California has been paralyzed and development work has practically stopped. The whole country suffers from this unhappy situation, as well as California, because of the diminishing of the oil production on the Pacific coast, which, in a great measure, affects the whole oil supply of the Nation, and which has resulted in an increase in the price of gasoline and all petroleum products, thereby affecting everyone who drives a machine, owns a combustion engine, lubricates machinery, or lights a home. It therefore will be seen that the question involved in the pending bill, with its relief provisions for the California oil producers, is not a local one, but one which affects the whole country.

When the order was made withdrawing this large tract of land more than 95 per cent of the California claimants had already entered upon it under the mining laws and initiated their claims, and many thousands of dollars had at that time been expended in development work. These entries were not only lawfully made, but were encouraged by the laws of the United States. They believed that the order of withdrawal did not interfere with their locations, but invited them to proceed with their work, because the order provided that all existing valid claims might proceed to entry in the usual manner. On December 12, 1912, more than three years after the order of withdrawal and after millions of dollars had been expended and valuable oil properties created, a naval reserve known as Naval Reserve No. 2 was ordered covering a portion of the land withdrawn.

The opposition to the oil-leasing bill is due principally to the Navy and its efforts to hold this reserve and appropriate for its use all the millions invested there long before the reserve was thought of. The remedial provisions in the bill recognize the equities of the oil companies and give them the right to relinquish their claims to the Government and receive a lease therefor upon paying a one-eighth royalty. It is also provided that the oil companies may pursue their rights for a patent for the land upon which oil had been discovered where the mining laws have been complied with.

The Navy justifies its demands upon the ground that it is necessary that it should have the oil for its use that is within this particular reserve. This reserve can not be used to store oil for the future use of the Navy, because there are already over 200 wells drilled within its limits. These wells, in the estimate of the Bureau of Mines, have already drained this reserve of fully one-third of its entire content. Fully two-thirds of this reserve is now in private ownership, patents therefor having been issued.

Through some technicality of the law the Navy hopes to be able to hold this property within Naval Reserve No. 2, but Congress, viewing the equities of the case and not wishing to do an injustice and a grievous wrong, can give relief by passing the leasing bill. This bill has passed the House twice and is now pending in the Senate, having been favorably reported by the Public Lands Committee of that body, and its passage is of great national importance.

The fears of the Navy are unfounded, because there is an abundance of oil which it can secure from publicly owned lands without taking the wells drilled and owned by private citizens and the oil therefrom, which is being used in the industries of the country. Naval Reserve No. 1 covers an area of 38,117 acres, and is estimated to contain 100,000,000 barrels. Naval Reserve No. 3 embraces 9,520 acres, with an estimate of 30,000,000 barrels, while Naval Reserve No. 4, created December 6, 1916, is estimated by the Geological Survey to contain 1,000,000,000 barrels. The Government also owns over 3,200,000 acres of withdrawn petroleum lands from which it can create other reserves containing many millions of barrels more.

JOHN D. WORKS,
United States Senator.
JAMES D. PHELAN,
United States Senator.
DENVER S. CHURCH,
Member of Congress, Seventh California District.
JULIUS KAHN,
Member of Congress, Fourth California District.
C. F. CURRY,
Member of Congress, Third California District.
WILLIAM KETTNER,
Member of Congress, Eleventh California District.
JOHN E. RAKER,
Member of Congress, Second California District.
E. A. HAYES,
Member of Congress, Eighth California District.
J. A. ELSTON,
Member of Congress.

OSAGE INDIAN SCHOOL.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, morning busines is closed.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of Senate bill 4420, to amend the postal laws.

Mr. CURTIS. Mr. President, will the Senator from Alabama withhold that motion to permit me to make a request that the Chair lay before the Senate a Senate bill which has been amended by the House? If the House amendments are not agreed to at this session, it will cause the closing of a school which is now attended by 140 Indian pupils. The measure will lead to no debate, and it is very important that the bill be enacted into law as soon as possible.

Mr. BANKHEAD. I yield for that purpose.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6864) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917, which were, on page 1, lines 7 and 8, to strike out "in the discretion of the Secretary of the Interior"; on page 1; line 10, strike out "not exceeding 10 years" and insert "one year"; on page 2, lines 1 and 2, strike out ", on the condition of establishing vocational instruction in such schools"; and to amend the title so as to read: "An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917."

Mr. CURTIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

House bill 15914, an act to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

IMPORTATION OF SISAL AND MANILA HEMP.

Mr. GRONNA. Mr. President, I ask permission to make the following report:

On February 7, 1916, a resolution, being Senate resolution 94, was submitted by the Senator from Louisiana [Mr. RANSDELL] and referred to the Committee on Agriculture and Forestry. It merely provided for the appointment of a committee to investigate the sisal and binding-twine condition. The committee has completed its report, but can not make that report to the Senate until this resolution has been adopted. I therefore ask unanimous consent to have the resolution considered at this time.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the immediate consideration of a resolution, which will be read.

The Secretary read Senate resolution 94 (S. Rept. No. 919), submitted by Mr. RANSDELL, February 7, 1916, as follows:

Whereas binding twine is one of the large items of expense in the production of grain; and

Whereas it has been alleged in the public press and by individuals that the present price thereof is exorbitant and is fixed and controlled by certain persons and corporations: Therefore be it

Resolved, That the Committee on Agriculture and Forestry of the Senate, or any subcommittee appointed by said committee, be, and is hereby, authorized and instructed to investigate and report to Congress what companies and corporations are engaged in the importation of said sisal and manila hemp and the production of binding twine, and to what extent, if any, they control the price thereof, and whether there are any combinations or agreements to fix and control the wholesale or retail prices of sisal and manila binding twine in the United States.

The committee is authorized to administer oaths, subpœna witnesses, and send for persons and papers in the prosecution of the said investigation.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. STONE. Mr. President, what is this resolution? Does it raise a committee to make an investigation?

Mr. GRONNA. I will say to the Senator from Missouri that the investigation has been made, but the committee is unable to make its report until the resolution has been adopted. The committee is ready to make its report.

Mr. STONE. How did the committee make the investigation in the first instance?

Mr. GRONNA. By authority of the Agricultural Committee.

Mr. STONE. By the act of the committee?

Mr. GRONNA. Yes.

Mr. STONE. Well, why can not the committee report?

Mr. RANSDELL. Mr. President, if I may be permitted, I will say to the Senator from Missouri that under the authority granted to this subcommittee by the Agricultural Committee we would have to report back to the Agricultural Committee, and we wanted to report directly to the Senate. This is a resolution that was offered some time ago that would permit us to report directly to the Senate. We should like to have that authority.

Mr. STONE. Does it involve an expenditure?

Mr. RANSDELL. None at all. All that has been undergone. It is just a formal matter.

Mr. CLARK. Mr. President, is this the report of a committee?

Mr. RANSDELL. It is the report of a subcommittee appointed by the Agricultural Committee to investigate the sisal and binding-twine situation.

Mr. CLARK. Exactly so; but the resolution authorizes the committee, or a subcommittee, to investigate and report, does it not?

Mr. RANSDELL. It authorizes a subcommittee, or the entire committee, to make the investigation; but we have already had authority from the full committee to make it. The report is a unanimous one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. McCUMBER. Mr. President, I should like to inquire what we are voting on. There is nothing on earth to prevent the committee from making the report, if it has made an investigation. It seems to me that the only object is to make the report responsive to some particular Senator's resolution, when as a matter of fact it is not responsive to that resolution. It is sought to adopt the resolution after the report has been completed, and then make the report as if it were in answer to that resolution, when, as I understand, it was not in response to that resolution, but was the independent action of the Committee on Agriculture and Forestry.

Mr. RANSDELL. I will state to the Senator that a resolution was offered and was referred to the Committee on Agriculture and Forestry. It was not reported back to the Senate by the Committee on Agriculture and Forestry; but the committee thought, and so decided, that it had ample power to make the investigation under its general authority. It thereupon appointed a subcommittee, composed of three Senators—the Senator from North Dakota [Mr. GRONNA], the Senator from New York [Mr. WADSWORTH], and myself—to make this investigation. We made the investigation, and I will say that we worked very hard upon it. Inadvertently we were of the opinion that we had a right to report back directly to the Senate, and we so reported to the Senate three days ago. When our report reached the officials of the Senate they saw that we were reporting to the Senate under a resolution which never had been adopted. There is no question about our authority to act under the resolution of the Agricultural Committee; but we were not acting under a formal resolution of the Senate itself, and we are simply asking now that this resolution, which was introduced nearly a year ago, be adopted in order that we may make our report to the Senate itself.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. RANSDELL. I shall be delighted to yield.

Mr. OVERMAN. Would it not be proper to ask the Senate to receive the report and have it printed without this resolution?

Mr. RANSDELL. That would be entirely satisfactory to the committee.

Mr. SMOOT. I will ask the Senator if the report was not printed in the RECORD? I remember the Senator making that request.

Mr. RANSDELL. It was not printed.

Mr. SMOOT. That is, the request was made for it?

Mr. RANSDELL. The request was made, and it was not granted.

Mr. SMOOT. It was not printed?

Mr. RANSDELL. It has not been printed. It was found that the resolution under which we sought to report had not been adopted.

Mr. McCUMBER. Mr. President, it is quite clear that the Committee on Agriculture and Forestry under their authority as a committee investigated this subject. I do not think they even needed to have a resolution to investigate it. They did investigate the subject, and after investigating the subject they made their report. Now, they desire to make that report responsive to some particular resolution that never was considered or adopted by the Senate. It seems to me to be almost an unheard-of proposition, and that there is nothing to prevent the committee making its report, as it already has done, and that report being accepted by the Senate and the matter disposed of.

Mr. RANSDELL. If the Senate is willing to accept the report, I will say to the Senator from North Dakota that is all we wish. We wish our report accepted by the Senate.

Mr. CLARK. The difficulty with that is that this is not the report of a committee. It is the report of a subcommittee.

Mr. BRANDEGEE. Mr. President, I will suggest to the Senator from Louisiana that if a subcommittee investigated the matter I should think the subcommittee would report to the committee that appointed it, and then let the committee adopt the report of the subcommittee and report it to the Senate, if the committee favors the report of the subcommittee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. McCUMBER. I object to the present consideration of the resolution.

The PRESIDENT pro tempore. Objection is made, and the resolution will go to the calendar.

MEMORIAL ADDRESSES.

Mr. KERN. Mr. President, I desire to give notice that on Saturday, the 17th day of February, 1917, immediately after the routine morning business, the Senate will be asked to consider resolutions in commemoration of the life, character, and public services of Senator BENJAMIN F. SHIVELY, of Indiana; of Senator EDWIN C. BURLEIGH, of Maine; and of Senator JAMES P. CLARKE, of Arkansas.

PROHIBITION OF LIQUOR ADVERTISEMENTS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of Senate bill 4429, to amend the postal laws.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of Senate bill 4429.

Mr. GALLINGER. Let the title be read.

The SECRETARY. A bill (S. 4429) to amend the postal laws.

Mr. STONE. I ask that the bill may be read in full.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

Whoever shall knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

SEC. 2. That whoever, being a postmaster or other person employed in the Postal Service, shall knowingly send by mail or deliver any letter, package, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of the said liquors or any of them mentioned in the first section of this act, or containing a solicitation of an order or orders for said liquors, or any of them, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively, shall be fined not more than $100 or imprisonment not more than one year, or both.

SEC. 3. That any advertisement for such liquors, or any of them, stating the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which said liquors, or any of them, may be obtained, or containing the picture of a brewery or distillery or bottles or other receptacles designed to serve as an advertisement of such liquors, or any of them, shall be within the inhibition of this act.

The PRESIDING OFFICER (Mr. BRYAN in the chair). The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] that the Senate proceed to the consideration of the bill which has been read by the Secretary.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BANKHEAD. Mr. President, I desire to make a very brief statement as to the purpose and object of the bill.

There are a number of States—the State of Alabama being one—in which whisky advertising is prohibited by State law; and this bill simply seeks to prevent the use of the mails for whisky advertising going into States where the State law itself prohibits such advertising. It does not apply to any other State. It does not apply to any State where a portion of its territory is dry and a portion of it permits the sale of spirituous liquor. It is simply an effort, in the case of States where legislation on this subject has been passed and is now in force, to enable the States to enforce their own laws with reference to prohibition. That is all the bill is intended to accomplish, and I can see no reason why there should be any objection to it.

Mr. GALLINGER. Mr. President——

Mr. BANKHEAD. I yield to the Senator.

Mr. GALLINGER. As I understand the matter, it simply puts the same ban upon newspapers out of a State that is put upon newspapers in a State. Is that it?

Mr. BANKHEAD. That is the idea exactly.

Mr. HITCHCOCK. Would the Senator have any objection to incorporating in the bill the names of the States having such laws?

Mr. BANKHEAD. I would have no objection, as far as I am concerned, but I am not advised as to the number of States. It is a general proposition.

Mr. HITCHCOCK. Let me present this example: How is a person, for instance, living in California to know when he mails a newspaper or a letter whether or not he is violating the law, if the Senator himself does not know? Should not the law which prohibits the sending of such matter in the mail state distinctly to the people what States have enforced these laws? Is it to be necessary, for instance, for a newspaper publisher who sends newspapers into every State in the Union through exchange to ask his lawyer to look up the law of 48 States? If he is to be penalized for violating the law, the law ought certainly to make it clear what acts are unlawful.

Mr. BANKHEAD. I apprehend that every liquor dealer in this country, I do not care whether he lives in California or where he may live, knows, or at least is supposed to know, where advertising of this character is prohibited.

Mr. HITCHCOCK. That is not the point. A man publishes a newspaper in a State. He sends those newspapers not only to subscribers who come into his business office without his knowledge but he sends them to exchange publications in perhaps 30 or perhaps 40 States in the Union. He is under an obligation to send a copy to every advertiser, wherever he is in the United States. He may send papers into 48 States. Must he inquire into the law of each of the 48 States to know whether he can send newspapers into a State or if he sends into such a State does he incurr the penalty involved in this proposed law? It seems to me the confession of the Senator himself that he does not know what States have such laws is a warrant for incorporating into the bill this information on the subject.

Mr. BANKHEAD. As far as I am individually concerned, I confess there is merit in the proposition. I would not object, as far as I am concerned, to exempting newspapers exclusively for exchange purposes or——

Mr. SHAFROTH. Let me make a suggestion.

Mr. HITCHCOCK. I will say to the Senator it does not affect me particularly, it does not affect many newspapers, because there is a gradual tendency of the newspapers to exclude liquor advertisements of every sort, but as a general principle it is wrong to pass a law and not have the law itself show exactly what the violation may be. If there is any information available as to what States have these laws that information ought to be incorporated in the bill.

Mr. SHAFROTH. Will the Senator yield for a suggestion there?

Mr. HITCHCOCK. The Senator from Alabama has the floor.

Mr. BANKHEAD. I yield to the Senator.

Mr. SHAFROTH. I wish to suggest that if you name the States you would have to have an act of Congress every year changing them, because the States change their own laws.

Mr. HITCHCOCK. That is a simple matter.

Mr. SHAFROTH. It is not a simple matter.

Mr. SMITH of Georgia. There is no trouble about finding out what they are——

The PRESIDING OFFICER. Does the Senator from Alabama yield? There are five Senators on the floor.

Mr. BANKHEAD. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I thought the Senator from Alabama had finished.

There is no trouble in finding out which States prohibit it. You can apply to any liquor dealer in the United States, to any large wholesaler, and he will furnish you a list. The newspapers of the country can easily know.

Mr. HITCHCOCK. It is a statute of the United States, and the thousands of newspaper publishers in the country ought to be able to read this law and know by reading the law what would be a violation of its criminal provision.

Mr. SMITH of Georgia. They do.

Mr. HITCHCOCK. Under the vague terms here it would be a criminal violation of the law to send a paper into a State that prohibited the circulation of liquor advertisements, when, as the Senator in charge of the bill himself says, he does not know what States have such laws; and I must confess I do not know. It makes it absolutely necessary for every publisher to watch the legislation of 48 States in order to keep track of it.

Mr. SMITH of Georgia. There is not a particle of trouble in any publisher finding out. The laws may change. To undertake to put in the act the name of the States now meeting the requirements of this bill and limit to them would be to exclude

from the benefits of the act the States which next year may adopt a prohibitory law. A State next year might repeal its law. It should apply in its terms to those States that have the law. There is not a bit of trouble in finding out which States they are. There is not a man who could not send a law clerk to the law library downstairs or upon inquiry at the Congressional Reference Bureau of the Library of Congress get in 15 minutes the list. They will all be published, and as changes are made they will be published. I do not suppose there is a newspaper office in the United States where there is not an employee who knows the list of States to which the bill will apply.

Mr. HITCHCOCK. The Senator is entirely mistaken.

Mr. SMITH of Georgia. If there is not, he can find out without the slightest difficulty from the list which will at once be published in all the leading papers as soon as this bill becomes a law.

Mr. HITCHCOCK. The Senator knows very well that there are 48 different jurisdictions in the United States. A man does very well if he can avoid violating the laws of his own State, let alone violating the laws of 47 other States. It is unfair to pass a drastic law of this kind; and yet I am in favor of the law. I believe in excluding liquor advertisements from the mails of the United States in those States where the local law prohibits it.

I will say that many newspapers, the best newspapers of the country, have already adopted the policy of excluding liquor advertisements; but I believe on the general principle it is not right to incorporate a criminal provision in a law and then say to a man in one State, "If you violate the law of 47 other States you are liable to a jail penalty."

Mr. SMITH of Georgia. To say to a newspaper you shall not send a paper into a State unless you find out whether the laws of the State forbid the advertisement of liquor in newspapers is not a severe tax. A newspaper ought not to be allowed to send it into a State unless it would take that trouble.

There are probably one-third of the States to-day who forbid it; I hope in a few months there will be one-third more; and as they are added I want these advertisements kept out. I do not think it would be a severe provision to say that the newspapers which carry liquor advertisements should not go through the mails at all. But we do not go that far. We simply say that if you send them into a State you shall take the burden of finding out that the law of the State permits liquor advertisements to be sent into the State. It is not a severe burden; it is easily found out.

Mr. HITCHCOCK. I challenge the Senator. I say he can not find out in an hour in what States a violation of this law would be involved.

Mr. SMITH of Georgia. If I had a newspaper I could find out before I had to mail it to-morrow morning. Just as soon as this bill passes a list is sure to be published giving the names of the States from which liquor advertisements will be excluded. These States will be at once universally known. With great respect for the Senator I must urge that he has suggested a difficulty without merit.

Mr. VARDAMAN and Mr. OLIVER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and if so, to whom?

Mr. BANKHEAD. I yield first to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I was about to observe that many of the States now have laws prohibiting the sale of newspapers containing liquor advertisements. This bill, if enacted into a law, would impose no greater hardships or make it more difficult for the newspapers to find out that liquor advertisements were not permitted in the States that have acted on this matter than the laws already upon the statute books of the States. The fact is, I do not see how any newspaper is going to be inconvenienced, led into a snare, or forced to do anything difficult of attainment by the enactment of the bill. It will, however, prevent the circulation of papers containing liquor advertisements, take from the newspaper publishers a few paltry dollars derived from that source, but the good which would result to the entire country by prohibiting circulation of these advertisements outweighs and overbalances all losses that the publishers might suffer. I think the better class of newspapers have about determined that whisky advertisements are not desirable business and very naturally respect for public sentiment has caused most of the publishers to refuse this class of business; all of which I wish to commend as presaging better things for the future.

Now, Mr. President, I take no stock whatever in the views expressed by some Senators when the prohibition or whisky question comes up for discussion that these laws are sumptuary in their nature and restrictive of the rights of the American citizen. In the first place, under our form of government, a Government which in theory at least derives all of its just powers from the consent of the governed, no citizen is vouchsafed a right the exercise of which involves infidelity to his family, disloyalty to his Government, and a flagitious crime against posterity. That to my mind is self-evident. The traffic in alcoholic stimulants has been outlawed by all the civilized nations of the earth and it is the consensus of the most enlightened opinion in the world that the excessive use of alcoholic stimulants causes more crimes, insanity, poverty, makes more orphans, widows, blights more lives—in a word causes more sorrow and suffering than all other agencies for evil combined. Anything that encourages the use of liquor is an enemy to the human race. It promotes lawlessness and foments strife, and therefore the traffic in it should be outlawed and prohibited by law. Governments are made for men rather than men for governments, and when the government ceases to serve mankind for the benefit of mankind its usefulness ceases. The argument has been advanced that if a State permits its citizen to buy even a limited quantity of liquor it ought to permit the newspapers or dealers in liquors to let the citizen know where he can get it. Now, I am not so much interested in keeping the fellow who wants to buy the liquor from reading newspaper advertisements as I am to prevent liquor dealers from finding out the whereabouts of the man down in Mississippi or Georgia to whom he would like to sell his poison. I want to keep the temptation out of the citizen's way. I realize that the best part of the Lord's prayer, the one that has served humanity best, is that which says, "Lead us not into temptation but deliver us from evil." There is much potency in mere suggestion, and for that reason, Mr. President, I am supporting this bill. I think it is the duty of the Congress of the United States to enact this bill into law and stop the circulation of newspapers containing whisky advertisements in the States that have legislated on the subject. I hope from the depths of my heart that the time is not far distant when every State in this Republic will have outlawed the whisky traffic and all men will avoid this enemy to health and happiness as they do a plague of cholera or any other deadly pestilence.

Mr. SMITH of Arizona and Mr. OLIVER addressed the Chair.

Mr. BANKHEAD. I yield to the Senator from Arizona.

Mr. OLIVER. It seems to me that the difficulty suggested by the Senator from Nebraska——

Mr. SMITH of Arizona. I thought I had the floor.

Mr. BANKHEAD. I yield to the Senator from Arizona. I will yield next to the Senator from Pennsylvania.

Mr. OLIVER. I beg the Senator's pardon.

Mr. SMITH of Arizona. I suggest to the Senator from Alabama that the bill should contain a provision not only for the States that now have these inhibition laws but for the States that shall hereafter prohibit the liquor traffic.

Mr. BANKHEAD. I accept that. I think it is an admirable suggestion.

Mr. SMITH of Arizona. That would cure the difficulty and avoid the necessity of future legislation in regard to it.

Mr. BANKHEAD. Let the clerks insert at the proper place "or hereafter."

Mr. OLIVER. Mr. President——

Mr. BANKHEAD. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I suggest that the objection raised by the Senator from Nebraska [Mr. HITCHCOCK] might be met by so amending the bill as to authorize or direct the Postmaster General from time to time to designate the States whose legislation prohibits the circulation of such publications and that would be notice to the public and enable everyone to be informed as to the States into which they can not send such publications.

Mr. BANKHEAD. I have no objection to that amendment.

Mr. OLIVER. I suggest to the Senator who reported the bill that such an amendment be incorporated in it.

Mr. BANKHEAD. I have no objection.

Mr. NORRIS. Will the Senator yield to me?

Mr. BANKHEAD. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to call the attention of the Senator to section 2 and to say that it is a part of the bill that is not at all necessary for its proper enforcement. I am satisfied that section would work a hardship on postmasters. It applies only to the postmasters, and makes it a crime for a postmaster or anyone employed in the office who shall knowingly send by mail or deliver any letter, package, and so forth, containing an advertisement for liquor, and makes him liable to a penalty of $100 fine and imprisonment for one year, or both.

While this section does provide that this must be done knowingly, I can see, I think, how there might be a vast amount of difficulty arise if the postmaster was honestly trying to enforce

the law as to whether he ought to send or deliver a newspaper or a package.

It seems to me that if we want to make it a crime for a publisher or other person to send such matter through the mail, he ought to be confined to that, and we should not put this hardship upon the employees of the Post Office Department. There might be quite a large post office with several hundred employees; an employee might have knowledge of a certain law in a certain State and in the ordinary routine of business he would handle some publication that went into that State. There would always be a question as to his knowledge, even though he did not have it, and a great deal of difficulty would arise in case he was prosecuted.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. SHAFROTH. Let me suggest to the Senator that it would be impossible to enforce this law if some such provision was not in it. It may be that it is not in the most perfect form, but there should be some provision of this kind as against those who handle the mail. It is not supposed that the postmaster opens the letters or reads even the postal cards, and I do not believe you could convict a person under this act without——

Mr. NORRIS. The difficulty, I think, would arise in handling newspapers more than anything else.

Mr. SHAFROTH. As a matter of fact, newspapers usually come in wrappers. He is not supposed to open those; he can not read all that is in a newspaper; but it seems to me if somebody would go to the postmaster and say, "Here is a violation of the law in this particular newspaper that is being circulated, and I call your attention to it," and there should come to the post office a newspaper of that kind it ought to be his duty to prevent the same from being circulated.

Mr. NORRIS. It would be the easiest thing in the world, it seems to me, to convict the publisher of a paper for sending it out; he knows what is in his paper, and there would be no difficulty in securing convictions under this law; but an employee in the post office who is to handle it might have read it in the morning, and in the course of that day he might be required to deliver this publication to the train or from the train to some other official. He ought not to be compelled, it seems to me, to stop in the performance of his official duty and say, "These papers can not be delivered." He might notify his superior officer probably that he had reason to believe that such a publication that was going through the post office contained liquor advertisements and addressed to some party in the State where perhaps there was a law against it. The publication of an advertisement is something easily proven; there is no difficulty attached to it. Why add this burden upon all the employees of the Post Office Department?

Mr. BANKHEAD. It is no burden at all on the post-office employees. If they do not know the paper contains the advertisement they are not responsible.

Mr. NORRIS. But they would——

Mr. BANKHEAD. I want to say the main purpose of this bill is not to reach newspapers, but it is to reach manufacturers and wholesalers of whisky, whose circulars go into towns direct with an advertisement of some kind relating to the sale of whisky, with all kinds of pictures, sent to every man in the community. They send them to schools; they send them wherever they suppose they can effect a sale. That is the main purpose of this bill.

Mr. NORRIS. Mr. President——

Mr. BANKHEAD. Wait a minute.

Mr. NORRIS. I am waiting.

Mr. BANKHEAD. When we get in behind the people who manufacture and sell whisky and stop them from advertising there will be no trouble at all with the postmasters in delivering the mail, because none of the matter forbidden will be sent; and if they should accidentally deliver one without knowledge they are not liable.

Mr. NORRIS. Now, if the Senator is through, I wish to take the floor in my own right.

Mr. BANKHEAD. I do not yield the floor. I yield to the Senator.

Mr. NORRIS. I will wait until the Senator finishes, then.

Mr. SUTHERLAND. While the Senator from Alabama still has the floor——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BANKHEAD. I yield.

Mr. SUTHERLAND. I should like to ask the Senator a question about the construction of section 2. The provision is, I understand, that whoever, being a postmaster or other person in the employment of the Postal Service, shall knowingly send by mail or deliver any of these letters or packages containing liquor advertisements into territory where, by law, circulation of such advertisements is forbidden, is guilty of an offense.

I ask the Senator whether or not the word "knowingly" would apply to the state of mind of the postmaster or other postal agent with reference to the existence of the law in the State or whether the knowledge is to be confined to the character of advertising.

In other words, to make myself entirely clear, suppose a newspaper is mailed to some particular office. That newspaper contains a liquor advertisement. The postmaster knows the existence of that advertisement, but he does not know that there is a law in the State to which it is to be sent which forbids the circulation of such advertisements, but it afterwards turns out that there is such a law. Would that constitute a violation of the section?

Mr. BANKHEAD. Mr. President, I suggest to the Senator that we have already amended the bill so as to provide that the Postmaster General from time to time shall publish a list of the States where this law is to be effective and operative. That, of course, gives notice to every postmaster, to every dealer, and to everybody else. In other words, as to the States where their legislatures have prohibited advertisements within the States, we have amended the bill so as to provide that the Postmaster General shall publish that list. If in the future a State should go into that list, the Postmaster General is to give notice through the Post Office Department. That, it seems to me, would answer the Senator's question.

Mr. SUTHERLAND. Mr. President, I want to say to the Senator from Alabama that I quite sympathize with the purpose of this act and I entirely agree with the provisions contained in section 1; but I am not at all sure that it is wise to impose a penalty, as provided in section 2, upon every postmaster of every crossroads post office of the country and upon every postal employee through whose hands forbidden advertising matter of this kind may pass.

I will ask the Senator from Alabama, who is more familiar with the subject than am I, a question. We have laws which forbid the circulation of obscene matter through the mail, which forbid the circulation of advertisements of lotteries, the circulation of matter which is of a fraudulent character. Now, can the Senator from Alabama tell us whether the law in all those cases penalizes the postmaster who may permit matter of that kind to be sent through the post office or to be delivered at the post office?

Mr. BANKHEAD. I think the law in that respect is about the same as is this proposed law.

Mr. SUTHERLAND. I was under the impression that it was not, but the Senator from Alabama may be right.

Mr. BANKHEAD. Well, I am not positive; I do not assert it as a fact; but, as I have said, the purpose of this bill is to prohibit the use of the mails in the carrying of whisky advertisements in the States where the laws of the States prohibit such advertisements. We propose to require the Postmaster General to publish from time to time a list of the States in the Union that will come within the provisions of this proposed law. That, of course, will put every postmaster on notice. If a postmaster should accidentally or otherwise permit a letter to pass through his hands containing such matter, without his knowledge, he would not, of course, be subject to the provisions of this act. That provision, to my mind, is only intended to apply at the point of delivery and not at the original mailing point.

Mr. SUTHERLAND. Mr. President, let me make this suggestion to the Senator from Alabama: The postmasters and the employees of the Post Office Department are, of course, all under the direction and control of the Postmaster General. If a postmaster is knowingly and willfully permitting a violation of any laws of this character, he can be reached and disciplined by the Post Office Department. Therefore is there any real need of penalizing him in addition to all that?

Mr. BANKHEAD. That might depend, Mr. President, upon whether the Post Office Department was desirous of very thoroughly enforcing the law. I think it had better be left to the communities where the injury is to result, if there is an injury, to see to the prosecution of the violators of the law.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BANKHEAD. I yield to the Senator from Washington.

Mr. POINDEXTER. I am in favor of the bill; it will undoubtedly do some good; but I should like to inquire of the Senator from Alabama what is the purpose of the friends of

the bill, and the object to be accomplished by it, in placing a limitation on the character of the liquor advertisements to be prohibited? Why pick out certain kinds of liquor advertisements and prohibit them and allow other kinds?

Mr. BANKHEAD. This includes all character of advertisements.

Mr. POINDEXTER. I beg the Senator's pardon.

Mr. BANKHEAD. What character of advertisement is not included?

Mr. POINDEXTER. There is only a special class of liquor advertisements prohibited. Those advertisements are set out and described in section 3, specifically mentioning certain kinds of liquor advertisements that are excluded from the mails. Of course, that would allow any liquor advertisements not described. This is the description of the particular kinds of liquor advertisements prohibited:

SEC. 3. That any advertisement for such liquors, or any of them, stating the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which said liquors, or any of them, may be obtained, or containing the picture of a brewery or distillery or bottles or other receptacles designed to serve as an advertisement of such liquors, or any of them * * *.

Under this bill any liquor advertisement that did not contain the name of the person from whom the liquor could be obtained, the place where it could be obtained, or which did not contain a picture of a brewery or of a bottle or of a receptacle of the liquor would not be excluded from the mails. Of course, this will be a criminal law, Mr. President, and, therefore, to be strictly construed. As the Senator is perfectly well aware, the general rule as to the construction of a penal statute is to that effect. An advertisement of a familiar brand of beer or whisky in the ordinary form in which such advertisements are placed does not go into detail as to the name of the person from whom they could be obtained or the place where they are to be sold or the name of the corporation, or contain a picture of the distillery or of the bottles in which the liquors are contained. It is a very rare thing that such advertisements contain any such information. The fact of the case is that they generally simply advertise the name of the whisky or the name of the beer, some well-known brand, which has a market value through the long years in which the business has been built up. That is the ordinary form in which such advertisements are placed, and none of them could be excluded by any court to whom this act was submitted.

Mr. BANKHEAD. Mr. President, all I have to say, in response to that, is that we believe that this bill, when it becomes a law, will make it much more difficult for people to get whisky than it is now; and that is one of the objects which we are trying to accomplish.

Mr. POINDEXTER. If that is the Senator's object, why does he not strike out the specific description and leave the section stand, that any advertisement of such liquors, or any of them, shall be within the provisions of this act? That would accomplish the purpose. Strike out of section 3, beginning in line 7, all after the word "them," and all of the section from that down to and including the word "them," in line 12. Then it would exclude all liquor advertisements, which, I understand, is the purpose of the Senator.

Mr. BANKHEAD. Does the Senator from Washington make a motion to strike that matter out of the bill?

Mr. POINDEXTER. That was not my purpose; but I will now make that motion.

Mr. BANKHEAD. I hope the Senator will not do so, or, if he does so, I hope his amendment will not be adopted, because I think it will absolutely destroy the purpose of the bill.

Mr. CHILTON. Mr. President, I wish to call the attention of the Senator from Washington [Mr. POINDEXTER], who has just spoken, to the fact that in section 1, line 4, of the bill the description is "any advertisement of spirituous, vinus, malted, fermented, or other intoxicating liquors of any kind." That is the general description of the offense. Section 3 simply selects some liquors, as mentioned by the Senator, and provides that they also shall come within the prohibitions of the act. The first section still contains the general description, and then there is a specific designation of well-known means that might be adopted to evade the act. I do not think the mentioning of those particular things in section 3 would nullify the general description in section 1. What does the Senator from Washington think about that?

Mr. POINDEXTER. Mr. President, I do not like to differ on a legal proposition with the distinguished Senator from West Virginia, but I am compelled to do so in this case. I think that the special provision governs the general provision. It always does so in a matter of statutory construction.

Mr. CHILTON. Now, merely let me suggest to the Senator, suppose——

Mr. POINDEXTER. But, furthermore—if the Senator will allow me to complete the answer to his question——

Mr. CHILTON. Certainly. I beg the Senator's pardon.

Mr. POINDEXTER. If, according to the Senator's own construction, section 1 excludes all such advertisements, what is the necessity for specifying certain particular kinds in section 3?

Mr. CHILTON. Now, let me call the attention of the Senator to this idea: In section 3, if he will turn to it, in line 12, where it says that certain things "shall be within the inhibition of this act," suppose we should say "shall also be within the inhibition of this act." Then, clearly that would show a legislative intent not to make the specific designation override the general description in the first section. Therefore, in order to make that clear, I move that the word "also" be inserted after the word "shall," in line 12.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. BANKHEAD. Mr. President, will the Senator repeat that suggestion?

Mr. CHILTON. In order to make the matter clear and to answer the criticism of the Senator from Washington, I move in section 3, page 3, line 12, to insert the word "also" between the word "shall" and the word "be," so as to read "shall also be within."

Mr. BANKHEAD. What is the purpose of that? What is the Senator going to accomplish by that?

Mr. CHILTON. I am simply endeavoring to answer the objection of the Senator from Washington [Mr. POINDEXTER] and to obviate the possible construction which he suggests might be put upon the bill.

Mr. SMITH of Georgia. Mr. President, this language in section 3 is intended to broaden the bill, and I think it does so. It says:

That any advertisement for such liquors, or any of them, stating the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which said liquors, or any of them, may be obtained—

I stop there. Anything, therefore, descriptive of the person from whom the liquor could be obtained, or stating how the liquor could be bought, or where it could be bought, shall be held to be an advertisement. Furthermore—

or containing the picture of a brewery or distillery or bottles or other receptacles designed to serve as an advertisement of such liquors, or any of them, shall be within the inhibition of this act.

The section is simply intended to go further, and say that if a man prints his name and address, and then under it puts simply the picture of a whisky bottle, it shall be treated as an advertisement of his business, or if he puts a picture of a beer bottle under it, it shall be treated as an advertisement of his business. The section has been prepared with a view to catching the different schemes which have been resorted to by way of advertisement.

Mr. POINDEXTER. All of those would be advertisements, would they not?

Mr. SMITH of Georgia. No.

Mr. CLAPP. Not necessarily. The section establishes a rule of evidence.

Mr. SMITH of Georgia. I think it fixes a rule of construction and designates these as advertisements. Now, I want to ask the Senator what kind of advertisement it occurs to him section 3 does not cover?

Mr. POINDEXTER. I have described the kind that it occurs to me the section does not cover, and that is the ordinary kind of whisky or beer advertisements which contain the name of the beer or whisky. That is not covered by that section.

Mr. SMITH of Georgia. I think it is.

Mr. POINDEXTER. I beg the Senator's pardon.

Mr. SMITH of Georgia. It uses the words, "stating the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which, said liquors or any of them may be obtained."

Mr. POINDEXTER. That does not include an advertisement which merely specifies the brand or name of the article. One of the commonest liquor advertisements that is known merely gives the name of the commodity and then says, "That's all."

Mr. SMITH of Georgia. Then, suppose we add the words "or containing the name of a liquor," in connection with the words now found in the section, "containing the picture of a brewery or distillery or bottles or other receptacles designed to serve as an advertisement of such liquors"?

Mr. POINDEXTER. That certainly would improve it; but there may be other classes of advertisements that still would not be included.

Mr. SMITH of Georgia. The object was to include the devices indicated, so that the judge must recognize them as advertisements.

Mr. STERLING. Mr. President, will the Senator yield to me for a moment?

Mr. SMITH of Georgia. I move, Mr. President, to amend by adding the words "or containing the name of a liquor."

The PRESIDING OFFICER. There is an amendment pending. The Senator's motion will be in order later.

Mr. STERLING. Mr. President, it occurs to me that the objection made by the Senator from Washington [Mr. POINDEXTER] is obviated by the first section of the bill, and that all kinds of liquor advertisements would be included in that first section. Section 3 was merely added as a matter of caution for the purpose of including in the prohibited advertising the particular kinds or forms of liquor advertisements indicated, and I think that they, together with section 1, would include every kind and form of liquor advertisement.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. CHILTON].

Mr. CHILTON. For the time being, I ask leave to withdraw the amendment.

Mr. POINDEXTER. Mr. President, I do not care to pursue this matter much further. I only made a suggestion intended to point out, as I thought I ought to point out before this matter was disposed of, what seemed to me to be so obvious; and I have only one more word to say in regard to it, in answer to the Senator from South Dakota [Mr. STERLING], which is, that instead of being an amplification of section 1 of the act it is rather a definition. That is what it would be construed by a court as being. When a law says that all liquor advertisements shall be excluded from the mails in certain territory, and then adds another section that liquor advertisements containing so and so and so and so shall be inhibited by this act, the last provision is a definition of the word "advertisement" used in the first section, and the first section will not apply to any other kind of advertisements except those in the definition.

Mr. NORRIS. Mr. President, I desire to speak again of section 2, and I do so because I am in favor of the legislation. I do not believe, however, that we ought to do anything that is unnecessary for its proper enforcement and that may bring hardship upon a good many innocent people.

In the first place, Mr. President, in prosecutions under this act it seems to me the facts would be very easily proven. The fact as to whether a newspaper contains an advertisement or not can be shown by the newspaper itself. It would be very easy to get a copy of the newspaper, and in the case of a pamphlet carried in a 1-cent unsealed envelope its nature can be very easily proven by a copy of the circular itself. In any case, whether it is against a postmaster or an employee or a man who has the liquor for sale, that evidence would perhaps be necessary to obtain a conviction, and it could be easily obtained. If the law were of such a nature that an employee of the Post Office Department might easily assist in covering it up or avoiding the law, then there might be some reason for coupling him up in the law and making him perform some duty that he otherwise, in the ordinary course of his employment, would not be called upon to perform. Section 2 provides:

> That whoever, being a postmaster or other person employed in the Postal Service, shall knowingly send by mail or deliver any letter, package, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of the said liquors * * * shall be fined—

And so forth. That would include the man who carried the mail from the post office to the train. It might be construed to include the man on the train who was distributing the mail. It would at least include every country postmaster in the United States. It would include every mail clerk in every post office in the United States. The Senator from Alabama said this was only intended to apply to the postmaster at the office where the advertising matter was delivered; but I want to call the attention of the Senate to the fact that it explicitly applies not only to him but to the postmaster at the office from which it is sent, or to any other employee having anything to do with it.

What is the necessity of doing that? We do not want to prosecute the postmaster. He is not the guilty man. The employees of the department are not guilty. We do not want to punish them. It is the fellow who sends out the advertisement that you want to get. You can get him easily, if he sends it out to any of these States, by getting a copy of the advertisement itself, which will be very easily secured without any difficulty whatever.

I can see a thousand ways in which a postmaster in some little town or a postmaster in a large city who has control of a whole lot of employees might get into difficulty. It is true the law says it must be done knowingly by him; but a whole lot of circumstances might arise in which one man would say that they did it knowingly when another man might say that they did it without knowledge. The postmaster himself, or some clerk who was conscientious and wanted to perform his duty, when he had newspapers to distribute around in the boxes, with the people all waiting on the outside to get their mail, their dailies perhaps, might see as he was distributing these newspapers some reading matter as to which he might not know positively whether it was an advertisement or whether it was not. Advertisements are often put in papers in such form that it is a matter of some difficulty to tell whether they are advertisements or not.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. In one moment I will yield. He must stop right then and there at his own peril, and still he is an innocent man. He has nothing to do with the circulation of this advertisement of the sale of the liquor illegally. Why jeopardize him? Why put him into this bill when without his being in it prosecutions can be so easily proven and the right parties prosecuted and convicted?

Now I yield to the Senator from Utah.

Mr. SUTHERLAND. I was going to suggest to the Senator that in all probability he is conceding rather too much when he says that under section 2 the act must be knowingly done.

Mr. NORRIS. That may be.

Mr. SUTHERLAND. The word "knowingly" applies to the first part of this section, namely, that the postmaster must know that the letter or package or postal card or newspaper contains the forbidden advertisements; that is, advertisements of intoxicating liquors. But is it not true that the postmaster under section 2 just as the person mailing the forbidden thing under section 1, is bound at his peril to know the law of the State into which it is sent?

Mr. NORRIS. Yes, sir; he must know the law.

Mr. SUTHERLAND. Now, think of the absurdity of compelling the thousands of post-office employees in the United States, every crossroads postmaster, to study the laws of these various States, and at his peril to ascertain every place where laws of that kind obtain. It is perfectly just that the newspaper owner, or the person who is instrumental in sending out the advertisement for his own benefit, should be compelled to know that.

Mr. NORRIS. Yes.

Mr. SUTHERLAND. But if the postmaster or the clerk permits one of these advertisements to go through his hands, in ignorance of the law of the State to which it is being sent, it seems to me he ought not to be penalized. I think it is going altogether too far to do that.

Mr. NORRIS. I agree with the Senator thoroughly. In addition to that, it is not at all necessary in order to get the guilty party.

Mr. SUTHERLAND. Not at all.

Mr. NORRIS. It does not assist in any way in getting the man who is really guilty; and I move, Mr. President, to strike out section 2.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Nebraska, which will be stated by the Secretary.

The SECRETARY. On page 2 it is proposed to strike out lines 17 to 25, both inclusive, and on page 3 it is proposed to strike out lines 1 to 5, both inclusive, being section 2 of the bill.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Alabama, who is in charge of the bill, whether it would not be a good idea, if possible, to incorporate in this bill a provision that would make it unlawful for a telegraph or telephone company to permit a message advertising or soliciting to go over its wires to a State where advertising or soliciting of the kind described is forbidden?

Mr. BANKHEAD. Oh, no. It does not affect telegrams.

Mr. STONE. I know it does not; but you might make it do so.

Mr. SMITH of Georgia. It is not necessary.

Mr. BANKHEAD. I do not see how it could be applied to telegrams under the provisions of this bill.

Mr. STONE. It could be treated as interstate commerce. Another thing that occurs to me, Mr. President, is that we ought to apply this prohibitive policy to the District of Columbia. I wish to send to the desk and have read an amendment which I suggest.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. After line 2, page 2, it is proposed to insert:

That after the passage and approval of this act it shall be unlawful to advertise or solicit orders for such liquors, or any of them, in the District of Columbia, and that all the provisions of this act shall apply to and be in force within said District.

Mr. STONE. Mr. President, the idea is, through this amendment, if accepted, to protect the unwary in this District from the dangers besetting them; and also that it might have a widely beneficial effect by keeping out of the city, and therefore from the eyes of these Congressmen who assemble here—transient innocents from abroad—what is printed in the New York, Boston, Philadelphia, Baltimore, Cincinnati, and St. Louis papers. To exclude these papers from the District because, forsooth, there might be some advertising in them bringing the publishers within the provisions of this proposed law would, I have no doubt, result in great benefit and have a most enlightening and uplifting effect not only on Members of Congress but upon this entire community.

These are the potent reasons that move me to suggest an amendment of the kind submitted.

Mr. FLETCHER. Mr. President, it seems to me the Senator from Nebraska [Mr. NORRIS] has raised a very important question in connection with section 2. It would seem to be going very far in this effort to regulate matters through the Post Office Department on the one hand and through the interstate-commerce feature of the Constitution and laws on the other, to police the whole country by making postmasters or other persons employed in the Postal Service—the mail carriers everywhere, and men on the trains who might handle a package or a letter that contained an order for liquors or contained an advertisement of liquors—violators of the law, and subject them to prosecution and fine and imprisonment for permitting the transmission through the mails of even a letter or a package or a postal card or a newspaper or a pamphlet or a publication of any kind that contained an advertisement or a solicitation of an order or orders for liquors, or any of them, when addressed to any person or firm in some State or some point in the United States in which it is, by law in force in the State or Territory at that time, unlawful to advertise or solicit orders for such liquors. Such postmaster or other person employed in the Postal Service sending by mail or delivering any such letter, package, postal card, circular, newspaper, or pamphlet containing any such advertisement or solicitation for order is liable to prosecution and punishment under that section.

It seems to me it is going too far, and is extreme, to subject these people to the possibility of this sort of criminal action in a matter when there might be a question whether they had knowledge or not; but that question would have to be thrashed out in the courts. They would be put to enormous expense and inconvenience, probably, and under the stain and strain of criminal charges, and practically the burden put upon them, possibly, to show that they did not have knowledge that some package or some letter which they handled, delivered, or put in the mails for delivery contained an order or a solicitation for an order or an advertisement prohibited under this law. It seems to me it is undertaking to reach out and extend this sort of legislation so as to affect injuriously people to whom it ought not to apply.

Mr. BANKHEAD. Mr. President, would the Senator from Florida and the Senator from Nebraska be satisfied if we struck out section 3 of the bill?

Mr. FLETCHER. Section 2 is the objectionable section. The motion made by the Senator from Nebraska, which is the pending question, is to strike out section 2; and I think that ought to be agreed to.

Mr. BANKHEAD. Then, Mr. President, if it is in order, I move to strike out sections 2 and 3 of the bill.

Mr. TOWNSEND. Mr. President, may I ask what the calendar number of this bill is, so that I can find it?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The calendar number of the bill is 798. The question is on the amendment offered by the Senator from Alabama.

Mr. BANKHEAD. I presume the Senator from Nebraska would be willing that that motion should be entertained, to strike out sections 2 and 3 of the bill.

Mr. NORRIS. I have no objection myself to section 3. I really do not think section 3 is necessary, but it seems to me it adds a little to the explanation of section 1. I would rather have the vote taken separately on the two sections.

Mr. BANKHEAD. Then, I move to strike out section 2.

Mr. NORRIS. That is the motion I have made; that is pending.

The PRESIDING OFFICER. The motion that is before the Senate is to strike out section 2 of the bill.

The motion was agreed to.

Mr. POINDEXTER. Now, I move to strike out section 3.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to.

Mr. POMERENE. Mr. President, I send to the desk an amendment to be inserted at the end of section 1.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 16, after the word "addressed" and before the period, it is proposed to insert a colon and the following words:

Provided, however, That this act shall not be so construed as to prevent the carrying by mail of a newspaper containing such advertisements when it is mailed for the purpose of serving process in legal proceedings.

Mr. POMERENE. It will occur to the Senator that it may often be necessary in litigation to insert advertisements for nonresident litigants, and under the phraseology of this law it might be improper to mail them if they contained some of this forbidden matter.

Mr. BANKHEAD. That is all right.

Mr. CHILTON. I should like to have the amendment read again, please.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. CHILTON. That would take the whole paper.

Mr. BANKHEAD. That is all right.

Mr. KIRBY. Mr. President, I should like to ask the author of the amendment if it would not permit the depositing in the mail at any time of any newspaper carrying any liquor advertisements?

Mr. POMERENE. Not at all.

Mr. KIRBY. Do not all newspapers carry these nonresident notices for service by publication?

Mr. POMERENE. It would simply permit mailing a copy of such a paper to, for instance, a nonresident defendant when the paper was mailed for the purpose of perfecting service.

Mr. KIRBY. My understanding about constructive service is that, under all the statutes with which I am familiar, when you publish this notice in your paper for a certain number of days in the jurisdiction in which the suit is brought your service is completed, and you do not need to send the paper outside of the State to serve it.

Mr. POMERENE. Mr. President, that may be true in the Senator's own State, but it is not true in my State of Ohio. We are obliged in these cases to mail them, and let the record show that a copy of the paper containing this advertisement has in fact been mailed to the certain address that is given, if the address is known.

Mr. KIRBY. If it is known; yes.

Mr. STERLING. Mr. President——

Mr. SHAFROTH. Mr. President, does the amendment offered by the Senator limit it to the one notice?

Mr. POMERENE. It does. It is limited to the newspaper when it is mailed for this purpose.

Mr. STERLING. Mr. President, I simply want to ask the Senator from Ohio if he will not amend his amendment so as to apply to the particular cases to which he refers—his own State, for example. Otherwise I think the whole matter would be rendered almost nugatory.

Mr. POMERENE. Oh, no. It is impossible to give it such a construction as that, and I am quite sure that the Senator will not place that construction upon it when he sees it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio. Those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.] The ayes have it.

Mr. STERLING and other Senators called for a division.

The PRESIDING OFFICER. A division is asked for.

Mr. LANE. I do not understand the amendment well enough to justify me in voting upon it. Is a newspaper containing a legal notice exempt?

Mr. POMERENE. I did not say so.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. BANKHEAD. I ask the Senator from Montana in charge of the unfinished business if he will be willing to let us

take a vote on this question. It will not require more than two minutes, I think.

Mr. WALSH. I think that we can dispose of this matter to-morrow morning.

Mr. BANKHEAD. I do not think it will take five minutes.

Mr. VARDAMAN. It will not take five minutes, I think.

Mr. BANKHEAD. Let us get it out of the way. I do not want to interfere with the unfinished business more than a few minutes.

Mr. WALSH. Of course, I would have to consult my friend the Senator from Michigan [Mr. TOWNSEND] about it.

Mr. SMITH of Georgia. It would require unanimous consent to temporarily lay the bill aside for the purpose of disposing of the measure which is before the Senate.

Mr. TOWNSEND. I will say to the Senator from Montana that I do not care to interfere with the consideration of Senate bill 4429. Postponing the consideration of the unfinished business would make no difference to me. I shall not object, as far as that is concerned, to that, because I propose to have something to do with that myself. So far as I am concerned, I shall not object to unanimous consent to lay the unfinished business aside.

Mr. SMITH of Georgia. To lay it temporarily aside.

Mr. BANKHEAD. I ask the Senator from Montana if he will not consent to have the bill laid aside temporarily until we can dispose of the pending bill.

Mr. WALSH. The Senator from Montana is willing that unanimous consent shall be given that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Unanimous consent is asked that the unfinished business may be temporarily laid aside.

Mr. CLARK. Mr. President, a parliamentary inquiry. I should like the ruling of the Chair as to the effect of unanimous consent upon temporarily laying aside the bill advocated by the Senator from Montana, which is now before the Senate. What would be the effect on the balance of the day's procedings? Would the bill then have to come up by motion?

Mr. SMITH of Georgia. Oh, no.

Mr. CLARK. I am asking the Chair.

Mr. SMITH of Georgia. I am certain what the ruling of the Chair will be when the point is made.

Mr. CLARK. I was curious in my own mind to know what the effect would be.

Mr. STERLING. I called for a division on the amendment of the Senator from Ohio [Mr. POMERENE].

The PRESIDING OFFICER. The request is that the unfinished business may be temporarily laid aside. It is laid aside, without objection.

Mr. STONE. Mr. President, I wish to suggest, to put this beyond all doubt, a request for unanimous consent that the bill constituting the unfinished business now before the Senate be temporarily laid aside for the consideration of the bill of which the Senator from Alabama is in charge, and that at the conclusion of that consideration the unfinished business be proceeded with.

The PRESIDING OFFICER. That, the Chair understands, is the proposition of the Senator from Montana.

Mr. WALSH. That is my understanding of the effect of the rule; but I recognize that the Senator from Wyoming [Mr. CLARK] has had long experience in this Chamber, and when he raises a question as to whether that is the correct view naturally my apprehensions are aroused and I must ask the Chair for information, to rule upon the point made by the Senator from Wyoming as to what the status of the matter will be when the pending postal bill is disposed of.

The PRESIDING OFFICER. The judgment of the Chair would be that temporarily laying aside the unfinished business, as suggested by the Senator from Montana, the bill in charge of the Senator from Alabama will be before the Senate.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Chair does not claim to be overversed in parliamentary methods, and if there is a question before the Senate as to the wisdom of the decision the Chair will have no hesitancy in having the Senate decide it.

Mr. SWANSON. It has been uniformly held, I think repeatedly, that where unanimous consent is given to temporarily lay a bill aside it does not lose its place as unfinished business, because we are proceeding by unanimous consent, and if any Senator objects to further proceeding with the bill that is temporarily before the Senate by unanimous consent, then the unfinished business comes up. It has been the ruling, I think, uniformly that only by unanimous consent can the unfinished business be temporarily laid aside, and on the objection of one Senator the unfinished business comes before the Senate.

Mr. SMOOT. Mr. President, I think the Senator from Virginia has gone too far in his statement. If the Senator had qualified his statement in this wise I would agree with him. Wherever a unanimous-consent agreement is asked to lay the unfinished business temporarily aside to consider a certain bill, and that is what I understand this request to be, at the conclusion of the consideration of the bill the unfinished business comes before the Senate. But if the unfinished business is temporarily laid aside and another bill is taken up by vote of the Senate and its consideration should not be concluded during that day, that bill becomes the unfinished business for the following day.

Mr. SWANSON. I understand the reverse, if it is done by unanimous consent; but if the Senate votes to take it up it displaces the unfinished business anyway. However, when we do business by unanimous consent temporarily it terminates at any time unanimous consent is withdrawn. If, for instance, the Senator from Montana should object to the further consideration of Senate bill 4429, then the unfinished business, I understand, would come before the Senate.

Mr. SMOOT. Oh, no.

Mr. GALLINGER. Mr. President, however that may be, it strikes me that in this case our course is plain. The request is that the bill be laid temporarily aside for the consideration of a certain bill. If that be done, when that certain bill has been disposed of unquestionably the unfinished business automatically comes before the Senate. There is no doubt about that.

The PRESIDING OFFICER. The Chair agrees with the Senator from New Hampshire.

Mr. WALSH. All the Senator from Montana desires is a ruling of the Chair. I do not want the judgment of the Chair on the matter; I want the ruling of the Chair on the point made by the Senator from Wyoming [Mr. CLARK] as to whether when the postal bill is disposed of the water-power bill will come before the Senate without further action.

The PRESIDING OFFICER. That would be the ruling of the Chair.

Mr. BANKHEAD. I offer the following amendment which has already been agreed to——

Mr. STERLING. Will the Senator from Alabama yield to me?

Mr. BANKHEAD. Let us adopt this amendment first.

Mr. STERLING. As I understand the situation, we have not disposed of the amendment of the Senator from Ohio. I asked for a division on the amendment and I think that is pending.

Mr. POMERENE. Before the vote is taken, I wish the Senate to understand the purpose of the amendment. It is offered for one purpose only, and that is this: Often it is necessary to obtain constructive service on nonresidents. The methods for constructive service in the different States vary. In my own State, for instance, it is necessary in order to obtain constructive service upon a nonresident of the State to insert the advertisement and to mail a copy of the paper containing that advertisement to the defendant at his last known place of residence if that place of residence is known. Otherwise the fact must be stated that it is not known.

Now, if there should be no paper printed in the jurisdiction in which the suit is brought which does not contain these forbidden advertisements, under the phraseology of the pending bill a litigant would be forbidden to mail a copy of the paper to some one in another State where the law of that State forbids the carrying of a newspaper containing the advertisement, and it might embarrass legal proceedings.

So it is having that thought in mind my amendment provides that this bill not be so construed as to prevent the mailing of a copy of a newspaper when it is done for the purpose of completing service of process.

Mr. LANE. I should like to ask the Senator if under its terms the advertising of a certain brand of liquor which was of any value might not be taken advantage of by bringing a bogus suit, a small suit of some sort, and then secure service in that way.

Mr. POMERENE. Of course, they could only be sent to the defendant in that case.

Mr. LANE. A small suit we will say might be instituted for the purpose of securing the opportunity to advertise in a large way. If it does not have that effect, it certaintly is a good provision.

Mr. POMERENE. It certainly does not have any such effect.

Mr. LANE. They could not go on under it.

Mr. POMERENE. No.

Mr. LANE. Very well.

The PRESIDING OFFICER. A division has been asked for. The question is on the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. OLIVER. I should like to have the amendment stated.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, on which a division was asked.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The Senator from Alabama [Mr. BANKHEAD] offers an amendment, which will be stated.

The SECRETARY. On page 2, line 16, after the word "addressed" and before the period, insert the following proviso:

Provided, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for any such liquors.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JONES. Mr. President, just one word. I was glad indeed to see this contemplated action by the Senate. It will be remembered that at the last session this proposition was pressed as an amendment on an appropriation bill, and I want to congratulate the Senator from Alabama in bringing it forward promptly and getting it before the Senate for action.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

IMPORTATION OF SISAL AND MANILA HEMP.

Mr. GRONNA. I am directed by the Committee on Agriculture and Forestry to submit a report of an investigation made by a subcommittee of that committee on the importation of sisal and manila hemp. I ask that the report may be received and printed.

The PRESIDENT pro tempore. The report will be printed.

The Chair lays before the Senate the unfinished business.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. TOWNSEND. Mr. President, I desire to submit a suggestion to the Senate, and I should like to have a quorum present. Therefore I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	McLean	Smith, Ga.
Beckham	Gronna	Martine, N. J.	Smith, Md.
Borah	Hardwick	Myers	Smith, Mich.
Brady	Hughes	Nelson	Smoot
Bryan	Husting	Norris	Sterling
Chamberlain	James	Oliver	Sutherland
Chilton	Johnson, S. Dak.	Overman	Thomas
Clapp	Jones	Page	Thompson
Clark	Kenyon	Poindexter	Townsend
Colt	Kern	Pomerene	Vardaman
Culberson	Kirby	Robinson	Wadsworth
Dillingham	Lane	Saulsbury	Walsh
du Pont	Lea, Tenn.	Sheppard	Williams
Fall	Lodge	Sherman	Works
Fletcher	McCumber	Simmons	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. TOWNSEND. Mr. President, as I understand it, the bill before the Senate now is what is commonly known as the Myers water-power bill. I think the public generally recognizes it by that name better than by any other. I think I am stating what is known to every Senator present when I say that there is probably as bitter opposition to this bill, as conscientious opposition to it in the Senate, as there is to the bill known as the Volunteer officers' retired list bill. I think there would be quite as much justification on the part of any Senator to oppose its consideration by every method known under the rules as there is for the opposition which has been manifested to Senate bill 392.

The Myers bill, I understand, was considered in the Democratic caucus lately and it was there decided to take that measure up as the next bill before the Senate. The Senators on the Democratic side who have expressed themselves as favorable to Senate bill 392 have told me that they felt in duty bound to abide by the instructions of the caucus.

I can not understand the attitude of any Senator who would allow himself to be bound by a caucus rule against his own conscientious conviction of what ought to be done. I have never allowed that rule to govern me, and I never expect to be governed in that manner. It, however, is a matter for the individual Senator to decide for himself as to whether he should be bound or not.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from California?

Mr. TOWNSEND. I yield.

Mr. WORKS. I wish to ask the Senator from Michigan whether he understands that the Democratic caucus bound its members to the support of this bill or only that the bill should be taken up?

Mr. TOWNSEND. My understanding is they were bound to take up the bill for consideration and hold it before the Senate until it was disposed of.

I know from conversation with Senators that a good many of them were opposed to the action. I know that a good many of them felt that it was not proper to displace the volunteer officers' retired list bill after it had had its position before the Senate, and especially after the treatment it had received at the hands of certain Senators.

Mr. President, I hesitate to oppose by dilatory tactics a measure that a majority of the Senate sincerely desire to consider, but the fact of the matter is that the bill which was displaced by the caucus action was displaced by a majority of a majority. The minority Members on that side who are not in favor of postponing it, together with those who are friendly to it on this side, constitute a majority of the Senate. So we have this peculiar condition: A minority of the Senate through the acquiescence of minority members of the majority have agreed that the majority of the Senate shall not have its way in reference to matters of legislation. Yet Senators rise in their seats and plead that the majority shall control the legislation of the Congress. The consideration of the power bill at this time is not the voluntary desire of a majority of Senators.

Now, Mr. President, I know that if the minority on that side who are favorable to the volunteer officers' retired list bill would refuse to be bound against their better judgment, their conscientious conviction, this situation could not maintain. Nevertheless it does maintain, as I am informed; and I am also told by Senators on the Democratic side who are favorable to Senate bill 392 that they have been bound only to the consideration of the Myers bill and at the close of that bill they will vote to take up Senate bill 392.

Mr. President, if I could, if it were in my power, I should like to get that question settled in order that I may know better how to govern my action, and that other Senators on this side may govern themselves as to what course they ought to take relative to the Myers bill.

I do not know that it would be possible under the rule to get a unanimous-consent proposition even if submitted, unless the bill in reference to which the request is made is before the Senate. I think it has been determined by the Chair that I can not call for a unanimous-consent agreement to consider Senate bill 392 unless it is before the Senate. I will ask the Chair if I am correct about that. Would it—in other words, would the Chair entertain a proposal for unanimous consent to consider Senate bill 392 at the close or determination of the so-called Myers bill?

The PRESIDENT pro tempore. The Chair is informed that such a ruling has been made and the Chair thinks it quite as important that there shall be uniformity in the rulings of the different persons who happen to preside here as that we should have rules at all. So the Chair will adhere to the ruling that the bill must be before the Senate when unanimous consent is asked.

Mr. TOWNSEND. I so understood. Before I proceed further in this matter I move that the Senate now proceed to the consideration of Senate bill 392 for the purpose of getting it before the Senate in order to make some kind of an arrangement for its determination at the close of the so-called Myers bill.

Mr. MYERS. Mr. President, I am very much surprised that the Senator from Michigan would make that motion at this time. I understood from the remarks of the Senator from Michigan the other day—I think it was about day before yesterday when his motion to take up the volunteer officers' bill was defeated—I understood from some rather extended remarks he made at that time that he indicated he would submit to the will of the Senate as expressed by a majority vote and would make no further effort——

Mr. TOWNSEND. I will say that the Senator misunderstood me. As the RECORD will disclose, I said that for that evening until I had an opportunity to discuss the matter with my colleagues I personally should not offer any further obstruction.

Mr. MYERS. It is entirely possible that I misunderstood the Senator.

Mr. TOWNSEND. The Senator certainly did, and the RECORD will disclose what I have stated to be the fact.

Mr. MYERS. It is not necessary for me to look at the RECORD. If the Senator from Michigan says I misunderstood him—he knows what he said and what he meant—that is sufficient for me. I, however, had been of the impression that he was not going to press the volunteer officers' retirement bill any further until at least this bill was gotten out of the way.

I attended the Democratic caucus to which the Senator refers, and while I do not know that it is proper to state what occurred in a caucus, and I shall not undertake to do so, I am under the impression that, when the present unfinished business of the Senate is disposed of, Senators on both sides of the Chamber—those on this side of the Chamber as well as those on the other side—will be at liberty to vote to take up any measure which they may wish to take up.

Mr. TOWNSEND. Unless in the meantime another caucus should intervene.

Mr. MYERS. I am speaking of the present status of affairs according to my individual understanding. I had very much hoped, basing my hopes on what I understood the Senator from Michigan to say the other day, that we should get a fair and square chance for the consideration of House bill 408, at least for two or three days. If at the end of that time it should appear that it is going to be impossible to bring the bill to a vote, I should not consider it unreasonable to pass on to some other business; but, I repeat, the bill which is now the unfinished business has never had a fair and square chance to be brought to a vote. It has been on the calendar for about one year, and I had certainly hoped that it would get a chance for a few days at this time. The bill has not been before the Senate nearly so often nor for nearly so long a time and it has not consumed nearly so much of the time of the Senate as has the volunteer officers' bill; but, of course, I realize the right of the Senator from Michigan to make his motion at any time; and I now move to lay that motion on the table.

Mr. TOWNSEND. Mr. President, I did not yield for that purpose; I had the floor, and I supposed that I was yielding for a question.

Mr. MYERS. The Senator did not yield at all. I rose and I was recognized.

The PRESIDENT pro tempore. A motion to lay on the table is not debatable.

Mr. TOWNSEND. A point of order, Mr. President. I had not yielded the floor for the Senator to make any such motion as that. I supposed he desired to ask me a question.

The PRESIDENT pro tempore. The Chair can not determine for what purpose a Senator yields the floor. The motion of the Senator from Montana is to lay upon the table the motion of the Senator from Michigan.

Mr. TOWNSEND. Mr. President, upon that I ask for the yeas and nays, and I give notice that there will be no haste made by that kind of a ruling or that kind of proceeding.

Mr. MYERS. I should merely like to say personally, if I may have the privilege, that I had no idea of taking the Senator from Michigan off the floor. I thought I had the floor in my own right.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Montana [Mr. MYERS] to lay on the table the motion of the Senator from Michigan [Mr. TOWNSEND], on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JAMES (when his name was called). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS], I vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], I vote "yea."

The roll call was concluded.

Mr. SMITH of Arizona. I have been requested to announce the absence of the Senator from Tennessee [Mr. SHIELDS] on account of temporary illness. I should like that announcement to stand for the day.

Mr. GRONNA. I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

Mr. DU PONT (after having voted in the negative). I have already voted, but I should like to inquire whether or not the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDENT pro tempore. He has not.

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky. In his absence, I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and will allow my vote to stand.

Mr. WALSH. I announce that the Senator from Maryland [Mr. LEE] is absent on account of illness. If present he would vote "yea."

The result was announced—yeas 32, nays 34, as follows:

YEAS—32.

Bankhead	James	Ransdell	Smith, Md.
Bryan	Lea, Tenn.	Robinson	Smith, S. C.
Chamberlain	Myers	Saulsbury	Stone
Chilton	Newlands	Shafroth	Swanson
Culberson	Overman	Sheppard	Thomas
Fletcher	Owen	Simmons	Tillman
Hollis	Phelan	Smith, Ariz.	Walsh
Hughes	Pittman	Smith, Ga.	Williams

NAYS—34.

Borah	du Pont	Martine, N. J.	Sterling
Brady	Fall	Nelson	Sutherland
Brandegee	Gronna	Norris	Thompson
Clapp	Husting	Oliver	Townsend
Clark	Kenyon	Page	Wadsworth
Colt	Lane	Poindexter	Watson
Cummins	Lodge	Sherman	Works
Curtis	McCumber	Smith, Mich.	
Dillingham	McLean	Smoot	

NOT VOTING—30.

Ashurst	Harding	La Follette	Reed
Beckham	Hardwick	Lee, Md.	Shields
Broussard	Hitchcock	Lewis	Underwood
Catron	Johnson, Me.	Lippitt	Vardaman
Fernald	Johnson, S. Dak.	Martin, Va.	Warren
Gallinger	Jones	O'Gorman	Weeks
Goff	Kern	Penrose	
Gore	Kirby	Pomerene	

So the motion of Mr. MYERS was rejected.

Mr. WALSH. Mr President, I think the Senator from Michigan [Mr. TOWNSEND] is exceedingly unfair and exceedingly unjust to those Members on this side of the Chamber who are with him in support of the measure upon which his heart is so deeply set. He has some friends on this side of the Chamber who are very earnestly desirous of seeing his bill enacted into law; they have on various occasions voted with him to secure the consideration of his bill by the Senate; but, Mr. President, those same Senators are likewise in favor of the bill now before the Senate as the unfinished business. It does not by any means follow, because they are in favor of the bill advocated by the Senator from Michigan, that they must at all times and under all circumstances insist upon the consideration of that bill in preference to any other measure which may in anywise come before the Senate for consideration; and when the Senator from Michigan charges upon the floor of the Senate that these friends of his measure have been coerced by any caucus action or that they are acting under any kind of duress by any caucus action or that they are in any sense guilty of any impropriety in considering that House bill 408 ought to be proceeded with before the Senate, I think the Senator ought to feel that he has not treated them quite fairly.

Mr. President, this is a Democratic Senate; the Democratic Party is responsible for the legislation which passes the Senate, and is responsible likewise for the failure of the Senate to pass any particular legislation, except in so far as it may be prevented from carrying out its will by obstructive tactics, to which the Senator from Michigan now seems determined to devote himself. It is no kind of a reflection upon the friends on this side of the Chamber of the measure advocated by the Senator from Michigan that they should express themselves as of the belief that House bill 408 ought now to be considered,

instead of the bill advocated by the Senator from Michigan; nor does it imply on their part any unfaithfulness to that measure.

Mr. President, House bill 408 is intended to carry out the recommendations made by the President of the United States, in repeated messages to the Congress of the United States, urging them to enact appropriate legislation, which will permit the development and utilization of the great water-power sites of this country. The bill which is now before the Senate was prepared by a conference of the chairmen of various committees of both the Senate and the House in conjunction with the Secretary of the Interior, who, under the law, is charged with the administration of the public lands.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I will very gladly yield to the Senator after I get through the statement I desire to make, if he will have the kindness to indulge me so far.

Mr. WORKS. Very well.

Mr. WALSH. Having been so prepared, Mr. President, the bill had the consideration of the House of Representatives; elaborate hearings were had upon it; and it was passed by that body. It came here. The Democratic majority believed that it was a question of great importance to this country; and in the month of August last at a caucus, or conference, as it is sometimes called, which was held, it was determined at the first opportunity upon the convening of this session to urge that bill upon the consideration of the Senate. A year ago it was the unfinished business of the Senate, but had to yield to some appropriation bill which was then clamoring for consideration. When the attention of the Democratic caucus the other evening was called to the fact that this bill had already been made a caucus measure and had been considered by the Democratic majority as of such transcendent importance that it ought to have consideration immediately upon the reconvening of the present session of Congress, Democratic Members who were also favorable to the bill of the Senator from Michigan recognized that they ought to join with their associates in securing recognition of the water-power bill; and I think the Senator from Michigan will, upon considering all the conditions, absolve them from many of the charges which he has, as I think inconsiderately, made against them. I now yield to the Senator from California.

Mr. WORKS. Mr. President, I wanted to ask the Senator whether the bill that is now before the Senate is the bill that came from the conference to which he has referred or whether it has not been changed in very material and important respects?

Mr. WALSH. The Senator is quite right that the bill as drafted by the conference was materially changed in the other House. It came here, and the Senate Committee on Public Lands has reported an entire substitute for it, I may say, preserving only the general aspects of the bill; and subsequently the Committee on Public Lands submitted some additional amendments to the bill. I am speaking of the history of the bill for the purpose of showing that it is an important measure, for the purpose of showing that it is identified with the efforts of the present administration to give appropriate legislation to the country, and that there is good reason why the Democratic Members in caucus assembled should have felt that they were not justified in putting upon the calendar for consideration, in preference to it, the measure advocated by a Senator on the other side; and I desire to submit that they are not open to very severe criticism, so far as I can see, for having reached that conclusion.

Mr. WORKS. Mr. President, I did not intend to criticize the course of the Senator in what he was saying with respect to the proprieties or improprieties of what may have taken place. I only wanted to call attention to the fact that the bill now before the Senate is not the one recommepded by the President of the United States; it is not the one recommended by the Secretary of the Interior, or by the commission to which the Senator refers; but it is altogether a different bill. Of course it involves the principle that was involved in the original bill—that I confess—but it is very materially different in many respects.

Mr. WALSH. The bill that is now before us is the bill which came from the House of Representatives. The Senate committee has recommended to this body a substitute bill, which differs, as the Senator from California has said, in many essential particulars from the bill which came to us from the House. I think I have quite accurately given the history of the bill, however.

Mr. WORKS. There is no doubt about that, except that the Senator made the statement that it is the bill recommended by the commission to which he has referred. It is not the bill which came from the House; it is entirely a substitute bill, and is altogether different in its terms and in its effect.

Mr. WALSH. Mr. President, there is no use in the Senator from California and myself bandying words about this matter. I have never said that the bill was recommended by the commission or the committees to which I have referred. I have said that the bill was originally drafted in that way. It went to the House and was materially changed there. It came to the Senate and went to the Senate Committee on Public Lands, which has reported a substitute different in many essential particulars from the original bill. The fact remains, as I have said, that we have been repeatedly memorialized by the President of the United States to pass legislation upon this subject, and thus, Mr. President, it has secured an importance among the measures that are now upon our calendar for consideration that entitles it to some special attention from the Democratic Senators upon this side, even those who are in favor of the measure so earnestly advocated by the Senator from Michigan.

I have said so much only in justification of the action of the Senators who are left in such situation from the remarks of the Senator from Michigan that one would believe that they had been disciplined and were acting under some kind of mental constraint or coercion in choosing at this time that House bill 408 should be considered rather than that the bill advocated by the Senator from Michigan should have consideration.

Mr. TOWNSEND. Mr. President, as I have already said, my object in making the motion to take up Senate bill 392 was to get it before the Senate in order that I might attempt to make some arrangements for considering it. Am I asking too much? But, in reference to what the Senator from Montana has stated, I desire to say that the peculiar condition grows out of the action of the caucus. What I have stated in reference to the feeling of some of the minority Members has been obtained from talking with them. I have not gone into the field of speculation in reference to this matter, but I am speaking from first-hand information. I say now, as I have said before, that I recognize that the majority has a perfect right to do what it can do properly toward enacting legislation; but when the Senator insists, as he has insisted on several occasions, that the volunteers officers' bill, Senate bill 392, has been treated fairly, he must be speaking from a thorough misunderstanding of the situation, and not at all from a familiarity with the record.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I think I had better, under the ruling of the Chair, refuse to yield to any Senator, and I decline to yield until I make my statement.

Mr. WALSH. I assume the Senator does not wish to make a misstatement.

The PRESIDENT pro tempore. The Senator from Michigan declines to yield.

Mr. TOWNSEND. The motion to table the motion that I made was entertained by the Chair under these conditions: I had the floor and was making a statement. I yielded to the Senator from Montana [Mr. MYERS] for a question, as I had supposed. I did not say that I yielded for a question, because it has been taken for granted that that is what a Senator yields for; but while I had the floor the Senator from Montana [Mr. MYERS] made a motion to table the motion I was discussing at that time. The Chair held that it was proper. Therefore, I say, while I would like to yield to the Senator from Montana, I do not wish to be put in a position where, by yielding, I surrender the floor for any purpose whatever.

I desire now to finish what I was stating. The Senator has said that this bill has been treated fairly. I understood him to say that.

Mr. WALSH. The Senator misunderstood me. I never made any such statement.

Mr. TOWNSEND. Well, what does the Senator hold as to the attitude of the majority in reference to this bill?

Mr. WALSH. I decline to make any answer to that question.

Mr. TOWNSEND. Well, I have maintained repeatedly that the bill has not been treated fairly. If it had been, it would have been out of the way long ago. The Senator from Georgia [Mr. SMITH], who is opposed to the bill, has repeatedly said that he was ready to vote when he made a speech upon it; that he did not believe it ought to be held up, but that there ought to be opportunity to vote on it. Other Senators have expressed themselves in the same way; but when we had it up before us for consideration for an hour or two, tactics would be employed to prevent the consideration of it, and the time of the Senate was wasted, apparently with malice aforethought. It was done for the purpose of enabling some other bill to be brought in;

and the same argument was made for it that the Senator made so eloquently just now—that it was an administration measure, and that it was therefore entitled to special consideration.

Those are the facts in reference to this bill. So, I say, I have made this motion, hoping that it may carry and that we may get consideration for it; but if the Members on the other side who favor this bill say that under no circumstances will they vote for the volunteer officers' bill or attempt to hold it before the Senate in order that a vote can be had on it in time to have it considered by the other House, then, in that case, I would not feel like unduly delaying action on the power bill, although I would be amply justified in doing so, following illustrious precedents of distinguished Democratic Senators. I am informed, however, that that is not the case; that there are Democratic Senators who are conscientiously in favor of Senate bill 392 and will vote for it if given an opportunity. Of course, that opportunity never can come if a caucus shall intervene and by it Senators shall be compelled, if they are to adhere to their party organization, to vote for some other measure.

I have not attempted to delay the deliberations of the Senate. I do not want to be put in that attitude; but I propose, under the policies that have been adopted, to use every legitimate means within my power to secure consideration of Senate bill 392. I say to you that there is no bill on the calendar against which the people would more thoroughly approve a filibuster than the bill which the Senator from Montana is now supporting. He speaks of indorsements and requests for its consideration. I, with other Senators, have received hundreds of petitions and letters protesting against its passage. But even that would not induce me to institute a filibuster to prevent a majority, after proper consideration, from voting on it. But all of these are sufficient for the majority to maintain a filibuster against the consideration of Senate bill 392 when no other matter has been pending before the Senate. The decks were cleared for it, so far as legislation was concerned; but we could not get a vote, nor could we get consideration of the bill for any considerable length of time. Something else would be interposed; and, yet, Senators rise in their places and say we ought to be fair toward these other measures; that we ought to deal justly with them.

Mr. President, we have dealt justly with them. I am prepared myself to deal justly with them now, and do not wish to interfere with the will of the majority, even if it is secured through what I regard the improper means of a secret caucus, which does, notwithstanding the statement of the Senator from Montana, coerce Senators into voting in a way differently from what they would have voted if all influence had been exerted in the open Senate. The Senator himself knows that if there had been no caucus action and the question had been here upon the floor as between House bill 408 and Senate bill 392 the latter would now be the unfinished business. It required the action of a secret caucus to induce the Democratic majority of the Senate to take up House bill 408 in preference to Senate bill 392. So the fine phrases and eloquent statements of the Senator have little weight with me.

I want the majority to rule in this body. I want it to rule uncoerced, and it would have done so had not a secret caucus intervened, and every Senator knows that to be the fact. Any time when we could have had a vote upon this bill unembarrassed by any untoward circumstances we could have carried it. I could not secure that vote. I think I have been fair, and I think I have been patient, relying upon the statement of the friends of the bill that we would have a vote upon it.

I submit, Mr. President, that a vote upon this bill during the very last days of the session would not be keeping faith with the real friends of the bill. If we are going to have a vote, we ought to have it now, or soon, so that the House can have time to consider it. That is all I have asked for.

So, Mr. President, this is why I have made the motion to take up for present consideration Senate bill 392, in order that we may determine, if it is possible, to fix a day for its consideration. I am willing, even though it is unfair and unjust to ask me to do it, if such an arrangement can be made, that it shall follow the consideration of the power bill, to which I am opposed, and to which I believe the country is opposed. Maybe the country does not understand it. Maybe I do not understand it. While I say I am opposed to it now, I still have an open mind, ready to be convinced. But as the matter stands at present I could do no more popular thing in the State of Michigan, if I were courting popularity, than to oppose this bill by a resort to filibustering tactics and prevent a vote being had upon it. I repeat, however, that that has not been the course I have followed in the Senate. I have felt that after proper discussion any question that had been properly considered by a committee was entitled to its day in court.

Senators have not been willing to agree that Senate bill 392 shall receive that treatment. Those who have opposed it ask me to be fair. I have been more than fair. So, Mr. President, I have made the motion to proceed to the consideration of Senate bill 392, and I trust that that motion will prevail.

Mr. MYERS. Mr. President, I contend that the Senator from Michigan [Mr. TOWNSEND] is entirely wrong in his statement of how I obtained the floor a while ago. The Senator had been speaking, and he came to a full stop and pause. I was under the impression that he had taken his seat, and I rose and addressed the Chair. I supposed, of course, he had finished his remarks. I did not ask the Senator if he would yield to me for a question, or if I might interrupt him, or if I might be heard, or ask a question, or anything of the kind.

Mr. TOWNSEND. Mr. President, will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MYERS. With pleasure.

Mr. TOWNSEND. While I was speaking, did not the Senator address his remarks to me?

Mr. MYERS. No.

Mr. TOWNSEND. The Senator is certainly mistaken about that. As all the Senators about me will understand, the Senator spoke to me, and I stopped to listen to what he might say. Then the Senator made the motion.

Mr. MYERS. The Senator said a while ago that I misunderstood him, and I credited him with full knowledge of what he said and what his intentions were; and now he has misunderstood me. I desire to make a little statement of the matter, if I may.

I say that I did not ask if the Senator from Michigan would yield to me, or if I might ask a question, or if I might interrupt him. I addressed no remark to him. If he thinks I did, he is mistaken. The Senator had come to a full pause, and stopped, and I think he took his seat. I may be mistaken about that. I was under the impression that he did.

Mr. TOWNSEND. I did not take my seat.

Mr. MYERS. Then I say that I thought the Senator did. The Senator came to a full pause, and stopped, in his address. I have the floor in my own right this time, and I prefer to proceed without interruption. I rose in my own right and addressed the Chair. The Chair recognized me. I proceeded to say that I was sorry the Senator from Michigan had made this motion, and gave my reasons for being sorry and for being surprised. The Chair did not ask the Senator from Michigan if he would yield to me. The Chair simply recognized me outright, without any qualification, in my own right. The Senator from Michigan imputes to me the act of rising and getting permission to interrupt him, and then taking advantage of that, having gotten the floor in that way, to move to lay his motion on the table.

If a Senator should get the floor in that way willfully, and get leave to interrupt another Senator, and, after having gotten that leave through his courtesy, should then intentionally move to table a motion, it would be a very grave act of discourtesy and of unfairness, and would be a trick to which I would not stoop nor be a party; and whatever the facts may be, I did not intend anything of the kind. I did not intend to take the Senator from the floor. I was under the impression that I had the floor in my own right, and that I was making an argument as to why we should go ahead with the consideration of House bill 408; and I was not guilty of any such act of discourtesy or unfairness or any such trick as the Senator would seem, apparently, to impute to me. I had no such intention whatever. I thought the Senator was through, and thought that I had the floor and was addressing the Chair in my own right; and I believe the RECORD will bear me out in that version of the matter.

I now ask, in order that I may be verified in that matter, that the reporter's notes of just what did transpire may be read to the Senate. I make that request. May it be granted?

The PRESIDENT pro tempore. The Chair has sent for the reporter who took down the proceedings at that time.

Mr. MYERS. There is a great deal of difference between a Senator rising and asking leave to interrupt another Senator and getting the floor by his courtesy and then moving to take him off the floor by tabling his motion and a Senator rising in his own right and being recognized directly by the Chair and making a motion. The latter is what I thought I was doing, what I intended to do, and what I claim that I did do. I certainly had no intention nor desire of proceeding in any other way, because to proceed in any other way would be a very grave act of discourtesy and unfairness, and something which I have no desire to indulge in toward the Senator from Michigan or any other Senator on either side of this Chamber.

I see that the reporter has come in, and I ask that the notes of what transpired may be read.

The PRESIDENT pro tempore. The Senator from Montana requests that the reporter read the report of what occurred just prior to the time the Senator from Montana rose before making the motion to lay on the table.

Mr. MYERS. Beginning with the last sentence of the Senator from Michigan, and then taking up what I said and what the Chair said.

The reporter read as follows:

Mr. TOWNSEND. I so understood. Before I proceed further in this matter I move that the Senate now proceed to the consideration of Senate bill 392 for the purpose of getting it before the Senate in order to make some kind of an arrangement for its determination at the close of the so-called Myers bill.

Mr. MYERS. Mr. President, I am very much surprised that the Senator from Michigan would make that motion at this time. I understood from the remarks of the Senator from Michigan the other day—I think it was about day before yesterday, when his motion to take up the volunter officers' bill was defeated—I understood from some rather extended remarks he made at that time that he indicated he would submit to the will of the Senate, as expressed by a majority vote, and would make no further effort——

The PRESIDENT pro tempore. The Chair thinks that is all the Senator desires.

Mr. KERN. Mr. President, I am very much in favor of the bill of the Senator from Michigan [Mr. TOWNSEND] and am pledged to its support. I am also in favor of and pledged to the support of other bills of equal merit and importance. The bill which it is now sought to displace occupies a rather peculiar situation, different from most other bills that will come before the Senate. As the last session approached a close extraordinary pressure was brought to bear to bring about the consideration of numerous bills. This bill, the water-power bill, was especially pressed for consideration; and it was unanimously agreed, I think, by the steering committee and by the Democratic conference that if that bill were permitted to go over until this session it would be taken up and considered and disposed of before the Christmas holidays. When the time came for its consideration the senior Senator from Montana [Mr. MYERS] was unable to attend on account of illness. He has now come here and has secured the placing of this bill upon the calendar as the unfinished business. So, as I said a moment ago, this bill occupies a little different status from that of any other bill, or at least from most other bills that will come before the Senate.

I will vote under proper circumstances to take up the bill of the Senator from Michigan, because I desire its disposition at the present session. I desire to be permitted to vote for it. But I will say to the Senator from Michigan that there is nothing in the Democratic caucus action that compels a Member to violate pledges that he has made to his constituents; and on that account I shall not feel myself bound, when the time comes when I may properly do so, to do otherwise than vote to take up his measure. I can not, however, vote to take it up to the displacement of the bill that is now before the Senate.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. KERN. I do.

Mr. TOWNSEND. I realize that the Senator has been friendly to the volunteer officers' bill. I have relied upon that friendship. Now, the Senator says he is in favor of it at the proper time. Does the Senator think it would be the proper time to take it up in time for consideration by the House of Representatives before Congress adjourns?

Mr. KERN. I should think so, of course. The proper time to take it up would be when effective action could be taken; but I can not say at this moment that I would vote to take it up as against some other bill that may come up immediately upon the conclusion of the consideration of this bill. I will, however, deal fairly by the bill; and whenever I may do so honorably, regardless of any action of the caucus, I will vote to take up the bill of the Senator. I can not be any more specific than that.

The PRESIDENT pro tempore. The motion before the Senate is that of the Senator from Michigan [Mr. TOWNSEND] to take up Senate bill 392, commonly known as the volunteer officers' retired-list bill.

Mr. HUGHES. I make the point that no quorum is present.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bryan	Fall	Husting	Kern
Clapp	Fletcher	James	Kirby
Culberson	Gallinger	Johnson, Me.	Lane
Curtis	Gronna	Johnson, S. Dak.	Lea, Tenn.
du Pont	Hardwick	Kenyon	Lewis
McLean	Phelan	Sherman	Tillman
Martine, N. J.	Pittman	Smith, Ariz.	Townsend
Myers	Poindexter	Smith, Ga.	Wadsworth
Nelson	Pomerene	Smith, Mich.	Walsh
Norris	Reed	Smoot	Williams
Oliver	Robinson	Stone	Works
Overman	Saulsbury	Sutherland	
Owen	Shafroth	Swanson	
Page	Sheppard	Thomas	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The motion before the Senate is that of the Senator from Michigan [Mr. TOWNSEND] to take up for consideration Senate bill 392.

Mr. TOWNSEND. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. OVERMAN. Mr. President, the motion is to take up what bill?

The PRESIDENT pro tempore. The volunteer officers' bill.

Mr. TOWNSEND. The object of the motion is to lay before the Senate Senate bill 392 for the purpose of trying to make some arrangement whereby it can be considered.

Mr. LEWIS. Mr. President, I do not so understand the proposition.

Mr. WALSH. The object of the motion, as I understand, is to determine whether the business of the Senate is going to be regulated by the Democratic majority or by the Senator from Michigan.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I announce my pair and its transfer as previously. I vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT], which I transfer to the Senator from Oklahoma [Mr. GORE], and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. ASHURST], and I vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family. I will let this announcement stand for the day.

Mr. JAMES. I transfer the general pair I have with the Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. GALLINGER. I transfer my pair to the junior Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Missisippi [Mr. WILLIAMS];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN].

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

The result was announced—yeas 29, nays 38, as follows:

YEAS—29.

Borah	Gallinger	Nelson	Sterling
Brandegee	Gronna	Norris	Sutherland
Clapp	Husting	Oliver	Townsend
Clark	Kenyon	Page	Wadsworth
Cummins	Lane	Poindexter	Works
Curtis	Lodge	Sherman	
du Pont	McLean	Smith, Mich.	
Fall	Martine, N. J.	Smoot	

NAYS—38.

Bankhead	James	Owen	Smith, Ga.
Beckham	Johnson, Me.	Phelan	Smith, Md.
Bryan	Johnson, S. Dak.	Pittman	Smith, S. C.
Chamberlain	Kern	Pomerene	Stone
Chilton	Kirby	Reed	Swanson
Culberson	Lea, Tenn.	Robinson	Tillman
Fletcher	Lewis	Shafroth	Walsh
Hardwick	Myers	Sheppard	Williams
Hollis	Newlands	Simmons	
Hughes	Overman	Smith, Ariz.	

NOT VOTING—29.

Ashurst	Gore	Martin, Va.	Underwood
Brady	Harding	O'Gorman	Vardaman
Broussard	Hitchcock	Penrose	Warren
Catron	Jones	Ransdell	Watson
Colt	La Follette	Saulsbury	Weeks
Dillingham	Lee, Md.	Shields	
Fernald	Lippitt	Thomas	
Goff	McCumber	Thompson	

So Mr. TOWNSEND's motion was rejected.

Mr. WALSH. I ask that House bill 408 be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

Mr. WALSH. I suggest that the Secretary read the substitute reported by the committee, including the amendments subsequently reported.

Mr. TOWNSEND. I ask the Senator from Montana if there is a report on the bill?

Mr. THOMAS. There are three reports.

Mr. TOWNSEND. I want to have the three reports read. I wish to know what they are about.

The PRESIDENT pro tempore. The bill will first be read, and then the reports.

The Secretary read the substitute reported by the Committee on Public Lands, with the subsequent amendments reported as follows:

That the Secretary of the Interior be, and hereby is, authorized and directed, under general regulations to be fixed by him, not inconsistent with the terms of this act, to lease to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or any State or Territory thereof, any part of the public lands of the United States (including Alaska), reserved or unreserved, including lands in national forests, the Grand Canyon, and Mount Olympus national monuments, and other reservations, not including national parks or military reservations, for a period of 50 years and thereafter until the property is taken over and paid for or a new lease is executed as provided in section 6 unless the applicant and the Secretary of the Interior agree on a shorter period as the applicant for lease may elect, for the purpose of constructing, maintaining, and operating dams, water conduits, reservoirs, power houses, transmission lines, and other works necessary or convenient to the development, generation, transmission, and utilization of hydroelectric power, which leases shall be irrevocable except as herein provided, but which may be declared null and void upon breach of any of their terms, as provided in section 11: *Provided*, That for the purpose of enabling applicants for a lease to secure the data required in connection therewith, the Secretary of the Interior may, under general regulations to be issued by him, grant preliminary permits authorizing the occupation of lands valuable for water-power development for a period not exceeding one year in any case, which time may, however, upon application, be extended by the Secretary of the Interior if the completion of the application for lease has been prevented by unusual weather conditions or by some special or peculiar cause beyond the control of the permittee: *Provided*, That no lease shall be granted until the applicant has complied with the requirements of the laws of the State, States, or Territory wherein said project is to be located, providing for the appropriation of water to develop or generate the electrical energy intended to be generated by applicant's proposed project.

SEC. 2. That each lease made in pursuance of this act shall provide for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions.

SEC. 3. That in case of the development, generation, transmission, or use of power or energy under such a lease in a Territory, or in two or more States, the regulation and control of service and of charges for service to consumers is hereby conferred upon the Interstate Commerce Commission.

SEC. 4. That any successor in interest or assignee of any lease granted under this act, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original lessee hereunder.

SEC. 5. That upon not less than three years' notice, the United States shall have the right upon the expiration of any lease to take over all the properties constructed, acquired, or owned by any lessee, and valuable or serviceable in the development, generation, or transmission of electric current, or in the storage or distribution of water to the point of delivery to irrigation or domestic water systems, which are dependent in whole or in part for their usefulness on the continuance of the lease herein provided for, or the right to take over, upon mutual agreement with the lessee, a severable and complete unit of any such power system, upon condition that it shall pay in a lawful warrant drawn on the Treasury of the United States, or otherwise, before taking possession the fair value of such property, such value to be determined by mutual agreement between the Secretary of the Interior and the lessee, and, in case they can not agree, by proceedings instituted in the United States district court for that purpose: *Provided*, That such fair value shall not include or be affected by the value of any public lands, rights of way, franchises, or other property leased or granted under this act by the United States or by the good will, or prospective revenues.

SEC. 6. That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section 5 hereof, or does not renew the lease to the original lessee upon such terms and conditions and for such periods as may be authorized under the then existing applicable State or Federal laws, the Secretary of the Interior is authorized, upon the expiration of any lease under this act, to lease the properties of the original lessee to a new lessee upon such terms, under such conditions, and for such periods as applicable State or Federal laws may then authorize, and upon the further condition that the new lessee shall pay for the properties as provided in section 5 of this act. In the event the United States does not exercise its right to take over the properties, as provided in section 5, and a renewal of the lease to the original lessee is not made, and no lease is made of the properties to a new lessee, then the lease at the option of the lessee shall continue in existence until such time as the property is taken over by the United States, as provided in section 5, or by a new lessee, as provided in section 6, or the lease is renewed: *Provided*, That the original lessee shall have a preference right to renewal over and above any new lessee upon such terms and conditions as the law and regulations then in force shall authorize.

SEC. 7. That where the public interest requires or justifies the execution by the lessee of contracts for the sale and delivery of electrical energy for periods extending beyond the 50-year period herein named, such contracts may be entered into upon the approval of the public-service commission or similar authority in the State in which the sale or delivery of power is made, and upon the approval of the Secretary of the Interior of the United States; or if sold or delivered in a Territory, or in a State which has no public-service commission, then upon the approval of the Secretary of the Interior; and thereafter, in the event of the termination of the lease as herein provided, the United States or any subsequent lessee shall assume and fulfill all such contracts entered into by the original lessee.

SEC. 8. That for the occupancy and use of lands and other property of the United States permitted under this act, the Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all land leased, which charges or rentals shall be based on the value of the land, to be determined by the amount of horsepower to be developed, and which charge or rental shall not exceed the sum of 25 cents per developed horsepower per year for the actual power sold or used by the lessee for any purpose other than the operation of the plant, and of the proceeds 50 per cent thereof shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within which the hydroelectric energy is generated and developed. The remaining 50 per cent shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act: *Provided*, That leases for the development of power by municipal corporations for municipal use shall be issued without rental charge and that leases for development of power not in excess of 25 horsepower may be issued to individuals or associations for domestic, mining, or irrigation use without charge.

SEC. 9. That where the Secretary of the Interior shall determine that the value of any lands, heretofore or hereafter reserved as water-power sites or for purposes in connection with water-power development or electrical transmission, will not be materially injured for such purposes by either location, entry, or disposal, the same may be allowed under applicable land and mining laws upon the express condition that all such locations, entries, or other methods of disposal shall be subject to the sole right of the United States and its authorized lessees to enter upon, occupy, and use any part or all of such lands reasonably necessary for the accomplishment of all purposes connected with the development, generation, transmission, or utilization of power or energy, and all rights acquired in such lands shall be subject to a reservation of such sole right to the United States and its lessees, which reservation shall be expressed in the patent or other evidence of title: *Provided*, That locations, entries, selections, or filings heretofore allowed for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained, but nothing herein shall be construed to deny or abridge rights now granted by law to those seeking to use the public lands for purposes of irrigation or mining alone.

SEC. 10. That the Secretary of the Interior is hereby authorized to examine books and accounts of lessees and to require them to submit statements, representations, or reports, including information as to cost of water rights, lands, easements, and other property acquired, production, use, distribution, and sale of energy, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

SEC. 11. That any such lease may be forfeited and canceled, by appropriate proceedings, in a court of competent jurisdiction whenever the lessee, after reasonable notice, in writing, as prescribed in the lease, shall fail to substantially comply with the terms of this act or with such conditions not inconsistent herewith as may be specifically recited in the lease.

SEC. 12. That the Secretary of the Interior is hereby authorized to make such general rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 13. That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

SEC. 14. That the provisions of this act shall not be construed as revoking or affecting any permits or valid, existing rights of way heretofore given or granted pursuant to law, but at the option of the permittee any permit heretofore given for the development, generation, transmission, or utilization of hydroelectric power may be surrendered and the permittee given a lease for the same premises under the provisions of this act.

SEC. 15. That this act shall not apply to navigation dams or structures under the jurisdiction of the Secretary of War or Chief of Engineers, or to lands purchased or acquired by condemnation by the United States, or withdrawn by the President under the act approved June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," where such lands are purchased, acquired by condemnation, or withdrawn by the President for the sole purpose of promoting navigation.

SEC. 16. That in instances where only 10 per cent or less of the lands actually necessary and required for the construction, maintenance, and operation of dams, water conduits, reservoirs, power houses, transmission lines, and other works for the development, generation, transmission, and utilization of hydroelectric power in any one pro-

posed separate, distinct, and complete plant or project are lands of the United States Government and such Government lands are to be used only for overflowage, reservoir, or transmission purposes and not in whole or in part as a dam site or the site of a power house nor for the erection of buildings or operation of machinery, the Secretary of the Interior may, in his discretion, upon application by the applicant waive such conditions, provisions, and requirements of this act as he may deem just.

SEC. 17. That authority is hereby conferred upon the State of Colorado or any citizen or citizens directly interested, or both, to institute and prosecute an action at law or in equity against the Secretary of the Interior to determine its right and the rights of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande River and its tributaries within its geographical boundaries. Such action may be instituted in the district court of the United States within the State of Colorado, and any judgment or decree therein shall be subject to review by writ of error or appeal as provided by law in other cases.

SEC. 18. That authority is hereby conferred upon the State of New Mexico, or any citizen or citizens directly interested, or both, to institute and prosecute an action at law or in equity against the Secretary of the Interior to determine its right and the rights of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande River and its tributaries within its geographical boundaries. Such action may be instituted in the district court of the United States within the State of New Mexico, and any judgment or decree therein shall be subject to review by writ of error or appeal as provided by law in other cases.

SEC. 19. That the lands leased under this act may be used and the works constructed, maintained, and operated thereon may be used, added to, or enlarged by the lessee or any other person, association, or corporation, for the purpose of impounding and conveying water for the generation and distribution of power for irrigation, mining, municipal, domestic, and other beneficial purposes, whenever such use of the water is authorized by the State wherein said project is situated, and under the authorization of the Secretary of the Interior: *Provided*, That the new user shall not utilize such jointly used property to generate power, unless said lessee shall, after due notice by the Secretary of the Interior, and within a reasonable time specified by him, fail to add to or enlarge said works as herein provided: *Provided, however*, That if said lands and works are so used by any other than the lessee, such use must be without expense or damage to the said lessee, and that such new user shall pay to the lessee just compensation for the use of such land and works.

Mr. TOWNSEND. I understood one of the Senators to say that there are three reports on the bill.

Mr. THOMAS. The Senator will find that two of them are what are called minority reports, one signed by two and the other by three members of the committee.

Mr. TOWNSEND. I should like to ask before the report is read on what report the majority reported the bill that has been read?

Mr. THOMAS. The bill which has been read is the bill which was reported by the majority.

Mr. TOWNSEND. I have followed the bill as it was contained in the report and it is not the bill which the Secretary read.

Mr. THOMAS. The report made by the majority of the committee was made upon the bill then reported, and it has been amended. The Senator will find the amendments printed in small capitals.

Mr. MYERS. May I make a statement in response to the inquiry of the Senator from Michigan? Will the Senator yield to me to answer his question?

Mr. TOWNSEND. I yield.

Mr. MYERS. I will state the facts are that on the 25th day of January, 1916, by order of the committee this bill was reported to the Senate just as it is printed in italics in the print which is on the desks of Senators. It was reported in just that way. After that report had been made the committee held further meetings on the bill to consider some questions that had arisen in the minds of some of the members of the committee and the committee considered the matter further. The committee thereafter recommended certain amendments to the bill as it had been reported out by order of the committee, 13 amendments to its own reported bill, and by order of the committee I at a later day reported those 13 amendments as committee amendments and asked that they might lie on the table.

Last summer, in July or August, when the bill was before the Senate for a few days as the unfinished business of the Senate, some Senator, I think it was the Senator from Colorado [Mr. SHAFROTH] or the Senator from Washington [Mr. JONES], asked that there be made a print of the bill which should include the 13 subsequent committee amendments which had been reported from the committee in order that they might all be printed together and the amendments be put in at their proper places so as to show their relation to the context of the bill. That was done and the amendments were printed in capital letters instead of italics. The result of that print is the bill which is now on the desks of Senators, and the Secretary in reading it just read it straight through, the amendments and the text. The amendments which the committee has recommended are printed in capitals and they are not in the bill contained in the report which the Senator from Michigan holds in his hand. Those are the facts.

Mr. TOWNSEND. So we have no report on the whole bill as the Secretary has read it.

Mr. MYERS. No report has been made since the 13 amendments were reported, which were printed in the bill by order of the Senate for the convenience of the Senate.

Mr. TOWNSEND. I think perhaps we can get an understanding by the reading of the report. I ask for the reading of the report.

The PRESIDENT pro tempore. Does the Senator ask that the majority or the minority report be read?

Mr. TOWNSEND. Both.

The PRESIDENT pro tempore. All the reports will be read. The Secretary will first read the report of the majority of the committee.

The Secretary proceeded to read the report submitted by Mr. MYERS June 25, 1916, as follows:

DEVELOPMENT OF WATER POWER.

Mr. MYERS, from the Committee on Public Lands, submitted the following report:

The Committee on Public Lands, to which was referred the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, having had the same under consideration, begs leave to report it back to the Senate with an amendment, and as amended recommends that the bill do pass:

Strike out all after the enacting clause and insert in lieu thereof the following:

Mr. WALSH. I ask unanimous consent that the reading of the bill as it appears in the report be dispensed with.

Mr. TOWNSEND. I do not object to that. I followed the reading of the bill as it was read.

The SECRETARY. Then follows the text of the bill, and the report proceeds:

The committee regards this as one of the most important measures and one of the most beneficial and conducive to the public welfare which has been or will be considered at this session of Congress.

The object of this measure is the better and speedier development for useful and beneficial purposes of the great undeveloped water power of the country, now lagging on account of inadequate and inefficient laws. It is universally admitted that the present laws for the development of water power are lame and ineffective, and that new legislation must be had before the great and untold benefits to civilization, progress, and growth from the latent water power of the country may be had. This bill seeks to attain that result.

The bill distinctly recognizes the ownership of and the right of control in the States of the use of the waters in the flowing streams of the States. In cases where latent power is going to waste in the streams of the States and where the land adjacent thereto and necessary for the location of power sites belongs to the United States Government this measure recognizes that there must be cooperation between the States which control the water and the United States Government, which owns the land. Neither alone can successfully develop water power. There must be cooperation to attain best results, and that this bill seeks to obtain by recognizing the right of the State to the use of the water and the right of the Federal Government to the use of the land and recognizing that both are essential to development of power.

This bill in nowise seeks to encroach upon, impair, or destroy any of the rights of the States. It is not intended in any wise or in any degree to trench upon the right of the State to the control of the water flowing in the streams within its borders. It is framed upon the distinct theory that the State owns and controls the use of the water flowing within the streams within its boundaries, and that the Federal Government owns and has the right to control and dispose of the public land bordering on and adjacent to such streams. The present laws are notoriously inefficient and defective for the development of water power in streams running through public lands, and water-power development is practically paralyzed and arrested. There must be new legislation before there can be any appreciable advance in water-power development.

As to power sites where Government land adjoining streams is necessary and requisite for the construction of dams and reservoirs and the erection of plants and transmission lines (as is the case more or less with a great proportion of the available water-power sites in the Western States), the States alone can not facilitate water-power development nor provide legislation sufficient therefor, because the States control only the water. It takes land as well as water in such cases to develop power. On the other hand, the Federal Government alone can not furnish the facilities for the development of power, for the Federal Government owns only the land, and it takes water as well as land to develop power. Each must contribute its share. The Federal Government must contribute the use of the land and the State government must contribute the use of the water, and the two, working in conjunction, cooperate for the promotion of the welfare, civilization, happiness, and prosperity of the people who compose both State and Nation—the highest object of good government.

The bill expressly provides that no lease of land shall be granted by the Secretary of the Interior until the applicant has complied with the requirements of the laws of the State or Territory wherein a project is to be located, providing for the appropriation of water to develop or generate the electrical energy intended to be generated by the applicant's proposed project. In other words, the applicant for a lease must first comply with the requirements of the State laws for obtaining the right to the use of the water. The Federal Government will then grant him the right to the use of the land. Thus the two together are combined for the welfare of the public and the development of a public utility.

Extensive hearings on practically the same measure were held before the Senate Committee on Public Lands at the last session of the Sixty-third Congress, and a favorable report was made by the committee on a measure of the same nature and similar in principle. Again, at this session of the present Congress the committee has considered this measure long and maturely and amended it in some further particulars than was done at the last session of the last Congress.

The present form of the bill represents the committee's latest and most mature ideas of what water-power legislation should be.

Mr. TOWNSEND. Mr. President, I notice by the reading of the report that the committee regards this as the most beneficial bill which can come before us. It therefore seems to me we ought to have a quorum while the report is being read, and I suggest the absence of a quorum, very few Senators being present.

The PRESIDING OFFICER (Mr. LEWIS in the chair). The absence of a quorum being suggested, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Hughes	Oliver	Smoot
Bryan	Husting	Overman	Sterling
Chamberlain	James	Page	Stone
Chilton	Jones	Phelan	Sutherland
Clapp	Kenyon	Pittman	Swanson
Clark	Kirby	Pomerene	Thomas
Colt	Lane	Reed	Thompson
Fletcher	Lea, Tenn.	Robinson	Townsend
Gallinger	Lewis	Saulsbury	Vardaman
Gronna	Martine, N. J.	Shafroth	Wadsworth
Harding	Myers	Sheppard	Walsh
Hitchcock	Nelson	Smith, Mich.	Williams
Hollis	Norris	Smith, S. C.	

The PRESIDING OFFICER. Fifty-one Senators having responded to their names, the Chair announces that there is a quorum present.

Mr. WALSH. Mr. President, I am sure that no purpose is being subserved in the further reading of the report, which is available to every Senator present; and, without intending any discourtesy whatever to the Senator from Michigan, I object to its further reading.

The PRESIDING OFFICER. Objection being made to the further reading of the report——

Mr. TOWNSEND. Do I understand——

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. TOWNSEND. Do I understand the ruling of the Chair to be that the reading of a report on a bill is not in order, and that its reading can be objected to by one Senator?

The PRESIDING OFFICER. The present occupant of the chair has merely announced the objection, but has made no ruling; he has merely announced to the Senate the status, as it were, of the proceeding.

Mr. TOWNSEND. I move, Mr. President, that the reading of the report be continued.

Mr. WALSH. Mr. President, I do not understand that there is any rule of the Senate by which the time of the Senate can be taken up upon the request of any one Senator by the reading of a report.

Mr. TOWNSEND. Mr. President, I did not understand the suggestion of the Senator from Montana.

Mr. WALSH. I suggest that I know of no rule of the Senate by which its time can be taken up in the reading of a report at the request of one Senator; and I object to the taking up of any further time in the reading of the report.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. WALSH. I do.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I should like to inquire of my friend from Montana if he ever knew an instance when a bill was under consideration that the report thereon, upon request, was not read?

Mr. WALSH. If I consult my memory, I have in mind numbers of such instances.

Mr. GALLINGER. I never heard of it before. However, we can read the report on this side of the Chamber. My voice is in good condition.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I yield the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan has been recognized by the Chair.

Mr. TOWNSEND. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Montana that the report of a committee upon a bill is really part of the bill as far as consideration of it is concerned. The bill must be read, and I never have heard any objection made to the reading of the report when requested by a Senator; it gives the reasons why the committee reported the bill. I have never heard, as I have stated, and state again, of an objection being made to the reading of the report on a bill.

Mr. WALSH. Mr. President, I simply desire to say, in answer to the remarks of the Senator from Utah, that he is confounding terms. It is idle to talk about a report being a part of a bill. When the bill passes the report does not pass with it; it does not become a part of the law. The report is ordinarily read by unanimous consent. If I felt that the reading of the report was asked for with the view to afford any enlightenment to Members of the Senate, I should not object.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. TOWNSEND. May I ask the Senator from Montana if it was not he who, when the volunteer officers' bill was under consideration, asked that the report thereon be read?

Mr. WALSH. I have no recollection of the kind.

Mr. TOWNSEND. I think it was either the Senator from Montana or it was some other Senator on that side of the Chamber, at least, who asked that the report be read, and there was no objection.

Mr. WALSH. That is not at all unlikely.

Mr. TOWNSEND. I should like to ask for a ruling of the Chair on the question, a bill having been reported and the report having been made by the same committee which reported the bill stating the reasons for the passage of the bill, whether an objection can prevent its reading?

The PRESIDING OFFICER. If a ruling is asked of the present occupant of the chair, the Chair will hear any Senator who desires to be heard on the question.

Mr. SMOOT. I merely desire to ask the Senator from Montana a question. Does the Senator from Montana know of any ruling or rule of the Senate where one objection to the reading of a report will prevent its being read?

Mr. WALSH. No; we do not proceed in that way; we proceed to the consideration of a bill.

Mr. SMOOT. Certainly; and the bill is now being considered.

Mr. WALSH. Exactly.

Mr. SMOOT. And after the bill is before the Senate and a Senator requests that the report be read, I know of no rule under which an objection from one Senator could prevent it.

Mr. WALSH. Mr. President, the fundamental rule of parliamentary law is that there must be something before the Senate for consideration; that there must be some motion before the Senate. The appropriate motion at this time touches the adoption of certain amendments which have been proposed by the committee. Those are regularly taken up in their order, according to the practice of the Senate. The pending motion is the first amendment reported by the committee.

Now, Mr. President, if any Senator wants to displace that motion and to move that we proceed to the reading of the bill, of course the majority of the Senate will determine what they wish to do about the matter; but, of course, we have got to proceed in accordance with what the majority of the Senate wants concerning the consideration of the bill. A majority of the Senate can determine that we shall proceed with the reading of the report.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. The Chair must know who occupies the floor. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized by the Chair.

Mr. SMOOT. Mr. President, under the rules, unless by unanimous consent, a bill has to be read in full, but the formal reading of the bill can be dispensed with by unanimous consent. Then the bill is read for committee amendments. However, before a bill is read for committee amendments any Senator has the right to ask that the report of the committee be read; and that is what the Senator from Michigan [Mr. TOWNSEND] has asked.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri some time since addressed the Chair, but the Chair failed to recognize him at that time. The Chair now recognizes the Senator from Missouri.

Mr. STONE. I am very glad to yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. NELSON. I desire to say that, whatever the rule may be, I think this matter is foreclosed. After the reading of the bill was finished, the Senator from Michigan requested the

reading of the report. That was equivalent to a motion to read the report. No objection was made at the time, and the reading has proceeded at considerable length. Consent having been given once to the reading of the report, one objection, it seems to me, can not interrupt it.

Mr. GALLINGER. No; and it could not have prevented it at the beginning, either.

Mr. STONE. Mr. President, it occurs to me that this is the correct view: When a bill is properly before the Senate, the regular course under the rules is to read the bill. The reading of it can be demanded or the reading of it can be dispensed with by the consent of the Senate; but I do not think that hitherto a report from a committee accompanying a bill has been regarded as having any privilege. To be sure, a Senator can ask to have it read, and, if there is any objection, he can read it himself. My view is that, inasmuch as a report merely gives the reasons which the committee assigns for the passage of a bill or the reasons which a minority may assign against the passage of a bill—statements pro and con—it is argumentative, it is in support of the measure or in opposition to it; and when the report is read it is an argument delivered by the committee, through the Secretary, orally, so to speak, to the Senate; but it is not read as a matter of right, any more than a Senator can, as a matter of right, during a debate present a book with a dozen or fifty pages marked and ask the Secretary to read it. I think that could be objected to; but, nevertheless, a Senator himself can from his place on the floor, as a part of his argument, read it. But, taking the case as it is and applying what I have said to the case as it is or to any similar case, I have not objected to the reading of the report, for the reason that, if a Senator is determined to occupy time in debate, he can read the report himself, and he will take more time in reading it, in all human probability, than would the Secretary.

The PRESIDING OFFICER. The Chair——

Mr. SMOOT. Mr. President, before the Chair rules——

The PRESIDING OFFICER. Will the Senator from Utah permit the Chair to say that he did not intend to rule, but that the present occupant of the chair would like to say, so as to have instructions from the Senate, that his present inclination, from information through the rules, is this, that there is no power vested in the rules with which the occupant of the chair is acquainted which vests the Chair with the right to sustain an objection to a paper being read? If this be treated as a paper the reading of which is objectionable, the elements of the objection having been discovered when it was entered upon, the present occupant of the chair feels that it should be submitted to the Senate when such objection is made. Now, if there is any Senator who can point the Chair to any rule that authorizes the Chair to dispose of such a matter by a ruling of the Chair, of course he will be grateful for the information.

Mr. SMOOT. Mr. President, I desire to point the Chair to a ruling made on January 16, 1915, which I read, as follows:

JANUARY 6, 1915 (63D CONG., 3D SESS.).

The shipping bill being under consideration, Mr. LODGE asked for the reading of the report of the committee on the bill.

An objection to the reading of the report was made by Mr. SMOOT.

The PRESIDENT pro tempore (Mr. CLARKE of Arkansas). The Senator from Utah objects. The question is, then, Shall the report be read? The Chair is doubtful as to whether it is not the right of an individual Senator to have the report read, and the Chair is going to rule that a report must be read on the request of any Senator. It seems that that will be the way to present the matter definitely and fairly to the Senate. (See CONGRESSIONAL RECORD, pp. 1061–1062.)

Mr. WALSH. Mr. President, the question seems to be answered plainly by Rule XI, which is perfectly clear in its terms, and which reads:

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

Mr. SMOOT. But this is not "a paper" in that sense.

Mr. GALLINGER. Mr. President, does the Senator from Montana seriously hold to the view that a report from a committee is in the ordinary sense "a paper"?

Mr. WALSH. I can not conceive a definition of a paper that would not include it.

Mr. GALLINGER. Very well. The bill also is "a paper," then?

Mr. WALSH. Oh, yes.

Mr. GALLINGER. Equally so?

Mr. WALSH. Oh, yes.

Mr. GALLINGER. Could the Senator have objected to the reading of the bill?

Mr. WALSH. No; because the rule expressly provides that the bill shall be read; and so that does not fall within the rule to which I have just referred.

Mr. GALLINGER. That rule has always been applied to the submission of newspaper articles and other papers; and, if objection is made, the question is submitted to the Senate; but surely a report from a committee is not "a paper" within the meaning of that rule.

Mr. WALSH. I do not see why it is not.

Mr. GALLINGER. Of course, I could not persuade the Senator if I should make a speech on the subject.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. Just a moment. I have watched proceedings in this body for a long while, and I think the only time I ever knew a suggestion to be made that the reading of a report could be objected to was made by the Senator from Utah [Mr. SMOOT]——

Mr. SMOOT. I think that is the only case.

Mr. GALLINGER. And he astounded me when he made it a little time ago. I know of no other instance. The then President pro tempore of the Senate overruled that objection, and ruled that a demand for the reading of a report was in order, and that the report should be read.

Why, Mr. President, we are considering a bill the reasons for which are set forth in the report, and to say that we should not have the privilege of knowing what those reasons are and not have the report read is astounding to me.

Mr. WALSH. I should like to ask the Senator——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. I yield to the Senator.

Mr. WALSH. I desire to ask the Senator from New Hampshire, for whom I have the very highest respect, if he would like to have the report read for his enlightment?

Mr. GALLINGER. I have not made that request. The Senator from Michigan has made the request, and I think he is entirely within his rights to have the report read; and, inasmuch as the Senator from Montana will freely confess that the Senator from Michigan can read it, or I can read it, or any other Senator can read it, I do not see what is gained by this contention. We have lost 15 or 20 minutes already.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. I yield to the Senator from North Dakota.

Mr. GRONNA. It is true that Rule XI provides, as the Senator from Montana has just said, that—

When the reading of a paper is called for and objected to, it shall be determined by a vote of the Senate, without debate.

But it refers us to Jefferson's Manual, section 32, which reads as follows:

SEC. 32. READING PAPERS.

Where papers are laid before the House or referred to a committee, every Member has a right to have them once read at the table before he can be compelled to vote on them; but it is a great though common error to suppose that he has a right, toties quoties, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every Member to have as much information as possible on every question on which he is to vote that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to a question must be put. (2 Hats., 117, 118.) (Note.—See Senate Rule XI.)

I simply call the Chair's attention to the rule.

Mr. GALLINGER. I have only to add—and I do it in all good faith—that I trust the Senator from Montana will not insist upon his objection.

Mr. WALSH. Mr. President, I have already addressed an inquiry to the Senator from New Hampshire [Mr. GALLINGER], and I shall be glad to tender the same question also to include the Senator from Michigan [Mr. TOWNSEND] in my inquiry, and ask if they think they really desire this report to be read for their enlightenment?

Mr. GALLINGER. If I were in the place of the Senator from Michigan I would say to the Senator from Montana that it is not his privilege to interrogate me as to why I want a report read. That would be my reply.

Mr. WALSH. The Senator from New Hampshire is appealing to me not to make this objection, and I am saying to the Senator that if he really and sincerely desires the report read for his enlightenment I will take his word for it, and I shall withdraw the objection. I will say to the Senator from Michigan while I am on my feet that if he will rise in his place and say that he desires this report read for his enlightenment I will not object.

Mr. GALLINGER. Mr. President, I do not know whether the report would enlighten me or not. I have not read it; I have not had time to read it; I should like to hear it read; but

I am afraid it will not enlighten me much. That is my opinion, stated offhand; but possibly it might persuade me to vote for this bill. I do not know whether or not I shall vote for it; but I still insist, Mr. President, that there are certain rights that individual Senators can not be deprived of. The entire history of our legislation here is against the position the Senator from Montana takes, and he can find no precedent that will sustain him in that position. So I do appeal to him to let us go along in an orderly way.

Mr. REED. Mr. President, nothing is more apparent at this moment than that this is a mere attempt to consume the time of the Senate in order, if possible, by the consumption of time, to create a condition——

Mr. GALLINGER. That is what is being accomplished now.

Mr. REED. I did not understand the Senator's remark.

Mr. GALLINGER. I suggested that that is what is being accomplished now.

Mr. REED. Yes. Of course, when the wise and great Senator from New Hampshire rises there is no consumption of time, because there is nothing but a shower of intellectual blessings being poured on the earth.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. I have never made an observation of that kind concerning the Senator from Missouri.

Mr. REED. The Senator certainly made it at this moment, when he said that I was consuming time.

Mr. GALLINGER. No; I did not say that. I said that the objection made by the Senator from Montana, which has resulted in a controversy, has consumed time.

Mr. REED. I understood the Senator to mean to make the personal remark that I was consuming time.

Mr. GALLINGER. I did not.

Mr. REED. If he did not so mean the remark, I withdraw my remark.

Mr. GALLINGER. I am very glad the Senator does, because I do not claim to have the wonderful gift that the Senator accords to me, and I should be sorry to have it attached to my name in any form.

Mr. REED. The remark made by the Senator was certainly susceptible of the construction that I gave it. If the Senator did not mean that construction, I certainly desire to make no unpleasant remark regarding him.

Mr. GALLINGER. I disclaim having meant it in that way.

Mr. REED. So let the matter rest.

What I rose to say when I was interrupted was that it is perfectly manifest at this moment, and has been manifest for days, that there is a fixed purpose to consume time with the bill brought forward by the Senator from Michigan, to such an extent as to force the majority to permit the passage of that bill in order to take care of the necessary business of the session.

I understood the Senator from Michigan on yesterday, or the day before, to say that he had tested the disposition of the Senate in regard to his bill, and had found out that the disposition was not to pass the bill, and therefore that he did not intend to obstruct the public business by bringing it forward any further. I understood that to be the tenor of his remarks. I thought at the time it was a very proper and statesmanlike view to take.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. TOWNSEND. I have not seen the RECORD, but I have a clear recollection of what I did say. I said at that time that "that evening" I did not propose further to use any obstructive tactics until I had had an opportunity to talk with other friends of the bill in reference to the matter; but I will say to the Senator that now I am asking for consideration of this report. It is the most information that we have on the subject; and, to start out with, it states it is one of the most important bills that can be brought up. I have asked that this report be read, and I propose that it shall be laid before the Senate and be printed in the RECORD in order that the thousands of people who read that RECORD may know at least what the reasons given by the Committee on Public Lands for the enactment of the bill are, and what are those given in opposition to it.

Mr. REED. Well, "the fool, though a wayfaring man," will have no difficulty in locating either the disposition or the purposes of the Senator from Michigan. It is part of the obstructive tactics which he now states he did not say he would abandon, but that he said he would abandon them temporarily until he had had time to consult. I assume he has had time to consult, and has concluded to renew them.

Mr. President, in a situation of this kind there is nothing to be gained by appealing to Senators along the line of generosity or along the line of getting on with the public business. The situation that is being rapidly developed is that there is being manifested a fixed purpose to obstruct the business of this session. Whether or not that is the purpose, that is the effect of what is being done. There are considerably less than 60 days left of this session. The appropriation bills and probably a revenue bill must be passed. There is much other important legislation. I hope the Senators upon the other side of the Chamber will not make it necessary for us to begin holding night sessions in the very near future—a thing that is always undesirable and always unpleasant, but will be made absolutely necessary in the very near future.

I think it might as well be understood that the majority do not intend to be coerced into taking up the Senator's bill until they think a proper time has come to take it up, and that every effort that is being made now to obstruct the business of the Senate in order to force the majority to accept that bill is much more likely to defeat the bill ultimately than if tactics of a different kind were being pursued. I do not say that to criticize the Senator. He has pursued his own course; but it is perfectly plain that we can not afford to spend much more time in this way if we are to get through with the business of the Senate that must be done at this session. Therefore, I am urging that we come to a plain understanding of the matter.

Time and again votes have been cast here that have indicated that the majority intend to take up and consider at this time the water-power bill, and that they do not intend to take up the retirement bill at this time. Now, why not get on with the water-power bill? Why make it necessary for us to begin, first, with having sessions starting at 10 o'clock in the morning and perhaps make it necessary to have sessions lasting all night?

I hope these tactics will not be pursued.

Mr. GRONNA. Mr. President, I find no fault with the criticism of the Senator from Missouri; but I want to remind the Senator from Missouri that during the last session of Congress we passed legislation which was very important, and which was perhaps more important to his section of the country than it is to mine. We passed here a bill appropriating $15,000,000 for the manufacture of nitrogen. That bill was amended so as to make it $20,000,000. Now, the Government of the United States is to invest $20,000,000 in the manufacture of nitrogen; and is it fair to say that we who are opposed to giving away the resources of the country are filibustering when we say that we want to discuss these measures? The Senator from Missouri realizes, of course, the importance and the value of water power in the manufacture of nitrogen.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. GRONNA. I yield.

Mr. REED. I have passed no criticism on any man for wanting to discuss the water-power bill. That is what I desire—that it shall be taken up and discussed; that the time of the Senate shall not be taken up with the useless reading of reports, but that we may have the benefit of full discussion; that we may have the views of the Senator who now has the floor and others, and vote.

Mr. GRONNA. Mr. President, I want to ask the Senator from Missouri—and I do it in all seriousness—whether he believes that a report written by the great Committee on Public Lands, and touching directly upon this question of water power, would be a useless report? It seems to me it would be a very important document to the Senate and would enlighten many of us.

Mr. REED. Of course I assume that the report is an able document. I have not read it; but every Senator here can take it and read it in his office or read it at night. Indeed, we all ought to have read it long ago. The reading of a document of this kind from the desk enlightens nobody. Nobody listens to it. Nobody pays any attention to it. The fact is that it could be read to-night by the Senator, and read much more effectively than he can listen to it. Now, of course, if the Senator is so set against the water-power bill that he wants to consume all the time possible, that is a different proposition. I have not assumed that he did. I do not assume it now.

Mr. GRONNA. Mr. President, I have not consumed any time either for or against the water-power bill. I do not say that I am against the water-power bill in all its provisions; but I want to say to the Senator from Missouri and to the Senate

that I am deeply interested in this kind of legislation, and that I am opposed to any provision that will take these great water powers and give them to individuals and then compel the Government of the United States to pay any price that may be asked.

Mr. MYERS. Mr. President, may I make a suggestion to the Senator?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. GRONNA. Yes; I yield.

Mr. MYERS. I want to say to the Senator that this bill does not do anything of that kind. If the Senator will read it carefully, he will see that it gives nothing away.

Mr. GRONNA. Why, then, should we not have a right to ask for the reading of the report, and find out what the bill does contain?

Mr. MYERS. Mr. President, I am not arguing that matter. The Senator seemed to infer that this bill gave away something. I just wanted to enlighten him on that point.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. GRONNA. I yield.

Mr. SMITH of Michigan. Does not the bill give this power to municipalities without cost?

Mr. MYERS. It gives municipalities a preferential right.

Mr. SMITH of Michigan. It gives it to them without cost.

Mr. MYERS. It gives them a preferential right to a lease where they apply with others; and while it has been quite a long time since I read the bill, if the bill provides that it does give any rights to municipalities, it is giving them to the people, and not to individuals.

Mr. SMITH of Michigan. Undoubtedly; but the Senator said it is not giving away these rights. It is giving them to municipalities without charge.

Mr. MYERS. I said, I think, that it did not give away any rights to individuals.

Mr. SMITH of Michigan. If my friend from North Dakota will permit me, the contention is over the reading of these reports. The contemporaneous history of this legislation is the only record that is made here, taken down by the reporters, and published in the CONGRESSIONAL RECORD. It seems to me there could be no more appropriate place for the careful, deliberate, painstaking conclusions of the committee having the matter in charge than to have their views read before the Senate. I have listened to these reports with a great deal of interest and have often been convinced by them.

Mr. MYERS. I am not contending over that. I just wanted to make a statement on another phase of what the Senator from North Dakota said.

Mr. GRONNA. Mr. President, I do not refer to the passage of a bill appropriating $20,000,000 for the purpose of manufacturing nitrogen in any spirit of criticism. I am a member of the Committee on Agriculture and Forestry, and I favored that report. I signed that report myself. I was in favor of that legislation, and for that reason I think I have a right to ask for some enlightenment upon this bill; and I ask for the reading of the report.

Mr. WALSH. Mr. President, in view of the statement made by the Senator from North Dakota that he really wants the report read for his enlightenment, I withdraw my objection to the further reading of the report.

Mr. GRONNA. Mr. President, if the Senator from Montana thinks that I am the only Member of the Senate who would be enlightened by this report, perhaps it would be asking more than I am entitled to. I do not ask for it simply to enlighten me.

Mr. WALSH. By no means, Mr. President. If there is one Senator on this floor who wants the report read for his enlightenment, I do not intend that he shall be denied the opportunity.

Mr. GRONNA. I want to say to the Senator from Missouri that I not only want this report read, but I assure the Senator from Missouri that before this bill passes it will be discussed.

Mr. CLARK. Mr. President, I think this report ought to be read, although perhaps not for the sake of enlightening individual Senators, because some of us, at least, know very well what is in both the minority and the majority reports. As is said in the report itself, this is one of the most important questions that will come before this Congress, perhaps the most important of all to certain sections of this country. The committee, as a committee and as individual members of the committee, have given a tremendous amount of work and study to the consideration of this bill. That work and study and its results ought to be of record, because the discussion of this bill is no less important than the discussion of the land legislation 60 or 70 years ago, which provoked, perhaps, the most noted debate that was ever had in the Senate of the United States. I think the record ought to be made up. I think it should all appear in the RECORD, both the discussion and the reports of the committee, and it is well worth preserving. Unless it be read it can not well be preserved in the RECORD. It could, of course, be preserved by having it published in the RECORD by unanimous consent, but that does not appear to be the method of proceeding this afternoon.

Therefore it seems to me the report should be read, in view of the importance of the bill and in view of the importance of the questions involved. Those who have not considered this bill have little realization of the importance of the questions involved. The rights of the States, the rights of the municipalities, the power of the General Government over the States, the power of the General Government and the power of the States over the control of waters within the States—all these things are questions fundamental in their character. The reports of both the majority and the minority of the committee are exhaustive both upon the facts of the situation and upon the law and they ought to be preserved in the RECORD. It seems to me the quickest way to do it is to have it read into the RECORD as is proposed now.

The PRESIDING OFFICER. As the Chair understands the matter now before the Senate, the Senator from Montana having made the objection, and upon a subsequent colloquy between himself and the Senator from North Dakota having withdrawn the objection, the objection is not now before the Senate.

Mr. WALSH. Mr. President, before the reading of the report is proceeded with I trust I shall have the indulgence of the Senate until I say that I regret very much any effort thus early in the discussion of this bill to prejudice it in advance by any declaration of opposition to "giving away the great natural resources of the Government." I trust that we will take up this bill and consider it and at the proper time and place urge whatever objections we have to the bill as a whole or to any particular features of it.

The Senator from North Dakota will recall that when the Shields bill, so called, was before the Senate for consideration I voiced some very emphatic disapprobation of many important features of that bill and I think those features of it which have provoked much criticism since the last session of Congress. In my own estimation the criticism was deserved. Different people have different ideas about it. I recall very well that the Senator from North Dakota [Mr. GRONNA] voted with me upon most of the amendments that I suggested to that measure. That is my recollection about the matter at least.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. WALSH. I do.

Mr. GRONNA. The Senator from Montana does not wish, I am sure, to put me in a false light. I voted against the Shields bill.

Mr. WALSH. Why, certainly.

Mr. GRONNA. And I think the Senator from Montana voted for it?

Mr. WALSH. The Senator from Montana has not asserted that the Senator from North Dakota voted for the Shields bill. The Senator from Montana who now has the floor declares now that he voiced, again and again, on the floor in the discussion of that bill his disapprobation of many features of the bill and suggested many amendments to the bill, the Senator from North Dakota, as my recollection is now, joining me in an effort to amend the bill to conform to our own ideas. So the ideas of the Senator from North Dakota and my own concerning water-power legislation were very much alike last summer.

The Senator will likewise remember that when the bill was up before the Senate upon its final passage I stated that I was opposed to the bill in that form, and that I voted for it only because I knew perfectly well that it never could pass the House in that form. The information that I gave to the Senate at that time proved to be entirely accurate.

Now, I trust the Senator will enter into the consideration of this measure in the same spirit and let us go to work and see if we can not frame a bill which will permit the development of these great resources and at the same time not give them away to those who desire to rob the public.

Mr. GRONNA. Mr. President, in order that the Senator from Montana and I may understand each other, I want to assure the Senator from Montana that I am not against water-power legislation. I believe something should be done to permit the development of water power; but I believe it should be done

with the utmost care, and I do not believe we should extend the leases through these long periods of time, because where these water powers are upon Government lands the Government can now control them; and I do not believe that the Congress of the United States has any right to throw away these valuable water powers.

Mr. WALSH. Let me inquire of the Senator if he understands that this bill does that?

Mr. GRONNA. I do not say that this bill does that, but I do say that the Government should at least reserve the right to operate some of these water powers for its own industries, because we have already said by legislation that the Government of the United States shall go into the business of manufacturing nitrogen, and we have appropriated $20,000,000 for that purpose; and every sensible man knows that we can not manufacture nitrogen without power, and that the cheapest power that we can get is water power.

The PRESIDING OFFICER. The report is now before the Senate.

Mr. TOWNSEND. Mr. President, before continuing the reading of the report I desire to state that I feel it is very important to read these reports. It has been confessed that this in one of the most important measures before Congress. It has been admitted by the committee that it has been very careful in its consideration of the measure, and it has set forth its views in these reports. The Senator from Missouri [Mr. REED] intimated that we had better proceed to the discussion rather than to read the reports, because nobody listened to the reports. I will ask the Senator how many listen to the discussion? Very seldom is there a majority in the Senate when a Senator is speaking. But this report can be read, and Senators will have an opportunity, if they wish, to listen to the views of the committee and those of the minority members who opposed the bill.

Furthermore, this is a bill which displaces the House bill, and substitutes a new measure for it; and the committee are setting forth their views for that substitution. I desire that those views shall be read, together with the opinion of those gentlemen who have been considered authority on the subject which the committee has quoted from, and the law on that subject which the committee thought was important enough to put into the record. On other occasions, when other bills have been up, Senators have insisted that the report should be read. Nobody objected to that. I am glad the Senator has withdrawn his objection now, and that we can proceed in an orderly manner with the reading of the report.

The Secretary resumed the reading of the report, as follows:

The principle is the same as that embodied in the bill as passed by the House at this session. The principle is in nowise changed, but the Senate committee has reconstructed it and made a good many changes which it is believed are distinctly for its betterment and improvement, and which are calculated to make it a more feasible and workable law.

Millions upon millions of available water horsepower are annually running to waste in this country for want of utilization on account of the lack of proper laws. This waste of power each year is gone, never to become available. Meantime, the people of our country are making great inroads upon the Nation's supply of coal which can never be replaced. The utilization of this wasted water power, which is inexhaustible and does not diminish by use, would add inestimably to the comforts of life and the promotion of the public welfare, would lower the cost of living, and would reserve for other uses and for future generations our supply of coal. This measure, if enacted into law, of course, would apply only to the public-land States of the Union.

Reliable authorities estimate about 61,000,000 water horsepower in the United States. The total available water power of all countries of Europe is 35,965,000 horsepower. The United States Geological Survey estimates that 44,049,000 horsepower, or 71 per cent of the total potential available horsepower in the United States, is contained in the principal public-land States, and of this amount less than 2,000,000 horsepower is now being utilized, which shows a frightful waste from neglect and lack of proper legislation.

Electricity is one of the great potent factors of the universe. Electrical development is probably making greater strides than any other branch of science or adjunct of civilization. Therefore, it is worthy of careful attention and sound legislation in the interest of the public. Three great fields in the development of this country await the magic touch of electrical power for wonderful results and untold benefits. They are:

1. The use of pumping plants for putting water on arid lands for irrigational purposes.
2. The electrification of railroads.
3. The production of fertilizers, explosives, and electrochemicals.

The use of electrical power in each is intensely needed. Such use would supply widespread wants, increase tremendously our agricultural products, lower the cost of living, facilitate transportation, and assist in the national defense and preparedness against foreign encroachments. The benefits of electrical development are too many and great to be mentioned in this report. It is sufficient to say that they are conceded by all and it is believed by the committee that this bill provides the best means for the encouragement thereof, where portions of the public domain are necessary therefor.

This measure, if enacted into law, would not only benefit the people as individuals but would add to the taxable assets of the various States. The right of occupancy of the public domain, together with improvements thereon, is taxable by the State. It is so held in Forbes *v.* Gracey (94 U. S., 762). Elder *v.* Wood (208 U. S., 226), and other decisions of the Supreme Court of the United States.

The question of the constitutional power of the United States to lease its lands for a limited period of time has been settled in the affirmative by the Supreme Court of the United States in United States *v.* Gratiot (14 Pet., 526), Light *v.* United States (220 U. S., 523), and other cases. On this subject a subcommittee of the Senate Committee on the Judiciary of the Sixty-second Congress, by resolution of the Senate, made an extensive and valuable report, to which reference is here made, holding emphatically that the United States Government has undoubtedly such power and right, and the report is enriched with many citations and much reasoning.

Prior to February 15, 1901, there was no legislation at all on the subject of water-power sites on Government land. Prior to that time water-power sites went to patent unnoticed. About that time public sentiment began to be aroused as to the importance of water-power development on the public domain, and the act of February 15, 1901, known as the revocable-permit law, was enacted, and later there was enacted an amendment to the Agricultural appropriation bill of March 4, 1911, relating to rights of way over forest reservations. They but blazed the way for suitable legislation. They furnish but little encouragement to water-power development and have become unsuited to the demands of the times. What is needed now is legislation that will be safe for and attractive to capital and just to the people. Capital is entitled to a fair rate of interest, and the people are entitled to good service at a reasonable price.

The two acts above referred to are here set forth:

[Act of Feb. 15, 1901, the revocable-permit law, an act relating to rights of way through certain parks, reservations, and other public lands.]

"*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, Cal., for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

"Approved, February 15, 1901."

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[Act of Mar. 4, 1911 (36 Stat., 1253), being an amendment to the Agricultural appropriation bill.]

"That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding 50 years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of 20 feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

"That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute."

A feature of this bill which recognizes both State and Federal jurisdiction within the proper sphere of each is that which provides that all interstate business in connection with this subject shall be under the control and supervision of the Interstate Commerce Commission and leaving to the respective States the regulation of intrastate business.

Brief comment will be made by way of calling attention to the principal provisions of the bill in the various sections thereof.

The first section provides for the leasing of lands. The term of lease is made 50 years, unless the applicant may desire a shorter lease and the Secretary of the Interior may see fit to grant it. After exhaustive hearings, at which were heard the views of capitalists, representatives of bondholders, water-power investors, utility experts, representatives of the Government, and others, it is believed by the committee that a lease of 50 years is most suitable to the needs of legislation and is fair to all. The principal water-power investors heard agreed that it would be fairly satisfactory to them, and it is believed that it is in accord with the interests of the public. There must be some stated tenure of title. It takes time to establish on a paying basis plants for the generation of hydroelectrical power, and thereafter the investor is entitled to sufficient time in which to recoup his losses and average a

fair profit on his investment from the beginning. It is believed that 50 years is a sufficient time in any reasonable case in which to do so. This section further provides that the applicant for a lease must first comply with the requirements of the laws of the State or Territory providing for the appropriation of water to develop and generate electrical energy, thus recognizing the exclusive right of the State to the control of the water.

Section 2 provides for diligent work upon and continuous operation of the plant, and section 3 places the control of service and charges for service in interstate transmission and business in the Interstate Commerce Commission.

Section 5 contains the recapture clause, and provides that at the expiration of a lease, upon not less than three years' notice, the United States may take over all the properties of the plant which are dependent in whole or in part for their usefulness on the continuance of the lease, which may have been acquired under the provisions of the act, or may take over, upon mutual agreement with the lessee, any severable and complete unit of any system, upon paying compensation therefor, as set forth in the section. This is intended to preserve to the people the right of taking over and owning plants, if they may see fit.

Section 6 provides for renewing the lease, at the expiration of its life, upon the same or different terms, to the same or another lessee, and for continuous operation. It gives the original lessee a preferential right.

Section 7 provides, upon certain conditions, for the making by the lessee of contracts to supply power beyond the life of the lease, in certain cases, but not for more than 25 years, in any event, beyond the life of the lease.

Section 8 provides for the payment of compensation by the lessee for the use of the land leased. It may be graduated according to the profitableness of the lease of the land. It provides that 50 per cent of all revenue received from leases shall be by the Secretary of the Treasury paid each year directly to the State in which the plant may be located, to be the property of the State and with which it may do as it may please. The remaining 50 per cent must be paid into and used for the reclamation fund for reclamation projects in the arid States. Thus, all of the money derived, the entire proceeds, without any reservation, must go to the States. The Federal Government is to retain no profit or revenue for the use of its lands.

Section 9 provides for surface entries, in such manner as not to interfere with the development of power projects, on public lands reserved as water-power sites or for purposes in connection with water-power development or electrical transmission.

Section 10 provides for Government inspection of books and accounts of lessees, necessary statements, and reports.

Section 11 provides methods and means by which the lease may be forfeited, when proper that it should be.

Section 12 provides for necessary and proper rules and regulations by the Secretary of the Interior, and section 13 expressly recognizes and concedes the sovereign right of the State to the control, appropriation, use, and distribution of water within its borders.

Section 14 protects and keeps valid existing permits and provides that permittees may come under the provisions of this act, if they may so elect.

Section 15 provides that this act shall not apply to navigation dams or structures under the jurisdiction of the Secretary of War or Chief of Engineers, or lands acquired or withdrawn for the sole purposes of permitting navigation.

Section 16 provides that in instances where only 10 per cent, or less, of lands actually necessary and required for the construction, maintenance, and operation of dams, conduits, reservoirs, power houses, transmission lines, and other works for the development, generation, transmission, and utilization of power in any plant or project are lands of the United States, and such public lands are to be used only for overflowage, reservoir, or transmission purposes, and not in whole or any part as a dam site or the site of a power house nor for the erection of buildings or the operation of machinery, the Secretary of the Interior may, in his discretion, lease such public lands for not more than 50 years, at such price and upon such terms as he may deem just, and free from all or any of the other terms and requirements of this act, as he may see fit. This is intended to exempt from the workings and requirements of this act, as the Secretary of the Interior may elect and if he may see fit, projects where only a negligible and inconsequential percentage of the land required may be public land. It is thought that in some instances great and beneficial projects may be established and put into operation where only a trifle of public land will be used for overflowage or transmission, where water may back up over a few acres of Government land or a transmission line may merely run across a corner of a section of Government land, and that in such cases it might not always be wise or just to subject the project to all of the requirements, substantial and minor, of this act. In such cases, the Secretary of the Interior may use his discretion in bringing such a project under all or any of the provisions of this act. There might be cases where it would hardly be fair to require the lessee to pay for the use of a trifling area of public land in accordance with the amount of his profits and subject him to an inspection of his books and accounts. In that event the Secretary could lease a small area of public land for 50 years, at a flat rental. It is wholly discretionary with the Secretary of the Interior.

Mr. SMITH of Michigan. This report does not quite harmonize with the reported bill. The report says that these leases should be made at a flat rental. Is it left to the Secretary of the Interior to determine that amount?

Mr. MYERS. I explained an apparent discrepancy between the report and the bill to the Senator's colleague the junior Senator from Michigan [Mr. TOWNSEND] a while ago.

Mr. SMITH of Michigan. Unfortunately, I have not had an opportunity to confer with my colleague.

Mr. MYERS. I explained that discrepancy. It is owing, I will say, to the committee having brought in some subsequent amendments to its own report after the report was made.

Mr. SMITH of Michigan. I appreciate the suggestion of the Senator, and that may have been a very good reason for not reading the report. It is the best reason I have heard advanced.

Mr. MYERS. If the Senator will permit me, I am not objecting to the reading of the report.

Mr. SMITH of Michigan. I understand.

Mr. MYERS. I am merely answering the question the Senator asked.

Mr. WADSWORTH. May I interrupt the reading to ask the Senator from Montana to be kind enough to explain that part of the report which refers to section 8 of the bill? I refer to the language on page 9 of the report, which states:

> Section 8 provides for the payment of compensation by the lessee for the use of the land leased. It may be graduated according to the profitableness of the lease of the land.

How is the profitableness of the leasing of the land to be determined in advance?

Mr. MYERS. By the amount of horsepower developed. He would have to provide that if a certain amount of horsepower were developed the charge would be so much; if so much more horsepower were developed, it would be so much more—a sliding scale.

Mr. SMITH of Michigan. If the Senator will permit me, the basis shall be the value of the land.

Mr. MYERS. Yes.

Mr. SMITH of Michigan. Not the value of the power developed.

Mr. MYERS. As determined by how much the land in conjunction with the water flowing past it may yield in horsepower. Some land with water flowing by might yield very little horsepower and therefore a very small charge would be made. Other land with water flowing by might yield a very large amount of horsepower and therefore more should be charged. I think that was the idea of the committee.

Mr. WADSWORTH. I desire to assure the Senator from Montana that my question was asked in all seriousness, because I find myself suddenly connected with water-power legislation with respect to problems existing in the State of New York.

Mr. MYERS. I never doubted at all the seriousness of the Senator's question.

Mr. WADSWORTH. The point I wanted to make is this: Does the committee in its report on the bill request the Secretary of the Interior to fix the annual rental based upon the amount of water power which can be generated at the site or does it ask the Secretary of the Interior to take into consideration the facilities for disposing of and selling that water power after its development as a proper element in fixing the value of the rent? The horsepower may be much more valuable in one portion of the country than in another.

Mr. MYERS. The language is "shall be based on the value of the land, to be determined by the amount of horsepower to be developed." I think the idea of the committee, as I recollect the discussion in the committee meetings, was to grade it according to the amount of power developed; if so much were developed, so much to be charged; if more was developed, then more to be charged. There would have to be a sliding scale of charges.

Mr. WADSWORTH. No matter what the market for the horsepower may be?

Mr. MYERS. This is the idea. I do not see what the market has to do with it. If the party engaged in the business, the leaseholder, develops a thousand horsepower he is to pay so much. If he develops 2,000 or 5,000 horsepower he is to pay so much more. He is to pay according to the amount of horsepower that he develops. He does not have to develop it unless he finds a market for it.

Mr. WADSWORTH. I simply desire to point out what I believe to be an economic fallacy in reaching the value by that method. Suppose the Government owned a block in the center of the city of New York and an equal area of land on a western prairie, would we pass a law in Congress fixing the rental value of those two tracts of land according to the cubic contents of the houses that might be erected upon them?

Mr. MYERS. No, sir; but according to the profitableness of the area, how much profit the leaseholder was making out of it.

Mr. WADSWORTH. That is the very point I raise. The suggestion of the committee is not based upon the profit to be derived from the generation of horsepower, but simply on the number of horsepower generated.

Mr. MYERS. It is presumed that the leaseholder would not develop a power and sell it unless he were making profit out of it. If he does, it is his own fault.

Mr. WADSWORTH. That is to be determined after he has completed the construction and developed the power.

Mr. MYERS. He takes that risk. If he wants to develop a thousand horsepower, he understands in advance that he has to pay so much, and he is not presumed to develop it unless he knows he has a profitable market for it. He is supposed to be a man of ordinary intelligence and to understand his own business.

If he develops 5,000 horsepower, it is assumed that by developing it he knows where he is going to dispose of it and do it profitably, and he must pay so much more. That, I am sure, was the idea of the committee, as I remember the discussions in the committee.

Mr. WADSWORTH. I simply desire to call attention to the fact that, of course, there will be of necessity varying degrees of profit in the sale of electric power.

Mr. MYERS. That is undeniable.

Mr. WADSWORTH. No matter what the varying degrees of profit to the corporation, the Government will receive no different compensation.

Mr. MYERS. Yes; a man does not have to develop power unless he is going to make a profit out of it. If he makes a profit out of it he pays, whether he does or not, according to the amount of horsepower developed.

Mr. WADSWORTH. The Government, as I understand, can not exceed in any event a charge of 25 cents per developed horsepower per year.

Mr. MYERS. That is true. That limitation was put in because the committee felt that the consumer would have to pay the cost in the end, and we wanted to make it as light on the consumer as possible.

Mr. SMOOT. I will say to the Senator from New York that in many cases power generated under the provisions of this bill, if it ever becomes law, will be sold at $22 per horsepower per year, and there are many other cases where it will be sold for $72 per horsepower per year. The bill, as the Senator says, makes no difference whatever in the charge of two contracts that may be entered into, one at $22 per horsepower per year and the other at $72 per horsepower per year.

Mr. WADSWORTH. May I ask the Senator from Utah if he would regard it as at all practicable—and in asking the question I confess myself an amateur on the subject—to fix the compensation coming to the Government on a percentage basis, a percentage of the profits on the price charged by the corporation for the horsepower?

Mr. SMOOT. Mr. President, as no doubt the Senator knows, I am opposed to the bill. What ought to be done, I think, is to allow the States themselves to control the distribution and the charge of power through the public-utility corporations of the State, and yet keep control of it in a way by the Government, after the plan provided for in my bill, which I intend to offer as a substitute for the bill under consideration. The pending bill affects waters that rise in a State, that never flow out of a State, and which unquestionably belong to the State; and yet under this bill they are to be controlled and a charge is to be made for every horsepower developed by the Government. Therefore, I say to the Senator very frankly that I am opposed to the bill in its present form.

Mr. WALSH. Mr. President, I should like to say to the Senator from New York [Mr. WADSWORTH] that the limitation of 25 cents per horsepower does not meet my approval, and I trust that he will not get an unfavorable opinion of the general principles of the bill until after we see whether or not we can remove that limitation. I should be very glad to join the Senator in removing it.

Likewise, I wish the Senator would not really definitely make up his mind about the basis upon which the compensation to the Government should come until we take the judgment of the Senate concerning that matter, for I likewise agree with the Senator that the value of the land as determined by the profitableness of the enterprise is rather an obscure basis, to say the least. All these things, I am very sure, will receive earnest attention as we proceed with the consideration of the bill. I am very sure that the general ideas advanced by the Senator from Utah [Mr. SMOOT] will also be considered at some length; in other words, I should not like to have anyone understand that, so far as I am concerned, I am endeavoring to put the bill through as it came from the Committee on Public Lands.

Mr. SMOOT. Mr. President, I want to ask the Senator from Montana a question as to that. Am I mistaken in my recollection that the Senator, in giving his views upon this bill before the Public Lands Committee, made the statement that he thought there ought to be a limitation upon the price charged, and suggested that he would not oppose a proposition limiting the price charged to 25 cents per horsepower?

Mr. WALSH. The Senator from Utah is certainly mistaken. I have no recollection of ever having appeared before the committee on this bill. I am sure he will find no statement of that kind from me.

Mr. SMOOT. Perhaps the Senator did not appear on this bill, but I think he appeared before the committee on a similar bill at another session of Congress.

Mr. WALSH. I have no recollection of ever having appeared on the water-power bill; I am sure about that.

Mr. SMOOT. Then, was it on the land-leasing bill that the Senator appeared?

Mr. WALSH. I did make a long statement on the nonmineral land-leasing bill.

Mr. SMOOT. Of course, I take the Senator's word for it.

Now, I desire to say to the Senator from New York, in this same connection, that I believe the Public Lands Committee were almost a unit, if not a unit, in taking the position that whatever was charged for the horsepower created would be passed on to the ultimate consumer, particularly when it was more than 25 cents per horsepower. They also took the position that the Government should not impose a burdensome tax upon the development of western industries, either in the development of oil or in the development of electric power.

I wish also to say that I have heard representatives of the Interior Department state time and again that they thought that the only charge that should be made was one that would pay the expenses to which the Government would be put in administering the law. I think that that is the policy that ought to be followed. I do not see why the people of the West should be burdened by a greater charge than that by the Government, if any charge is made at all. I do not see why they should be compelled to pay not only for the administration of the law by the Government but also a profit upon the water used that actually belongs to the States. I will admit that the 25 cents per horsepower charge seems insignificant, but——

Mr. WADSWORTH. I did not make that criticism.

Mr. SMOOT. But I want to say that a 25 cents per horsepower charge will more than pay for the administration of the law; and that is all that the Government of the United States ought to impose upon the people of the West, even if this mistaken policy is finally adopted.

Mr. WADSWORTH. Mr. President, let me say to the Senator from Utah, and likewise to the Senator from Montana, that I do not criticize the figure, 25 cents per horsepower; I do not know whether it is cheap or expensive. I have not the slightest idea, for I am not informed on the subject; but the method of fixing a tax here, a flat rate, based entirely on the horsepower generated, is not an equal distribution of taxation. The tax should bear some relation to the value of the product which is being taxed. This method bears none.

Mr. SMOOT. Of course, the comparison made by the Senator of the value of land in the heart of a city——

Mr. WADSWORTH. I used an exaggerated case.

Mr. SMOOT. That comparison does not apply to this bill, for 99¾ per cent—I think that is the estimate of the department—of the horsepower that will be created under this bill will be created in the Rocky Mountain States; and I think 76 per cent of that 99¾ per cent will be created in forest reserves. The Government lands that will be used, if this bill becomes a law, are next to worthless; in fact, if it were not for the water owned by the State flowing by the lands, many of them could not be sold for 10 cents an acre. They are not grazing lands; they are simply mountainous lands that are of no earthly use whatever unless for a power site.

Further, I desire to say to the Senator that I believe that we are trying to do indirectly what the Constitution of the United States says that we can not do directly. Therefore I am opposed to this kind of legislation. I believe the bill has been improved by the amendments reported by the Senate Committee on Public Lands. I suppose that other Senators will take an opposite view, and I believe that the Senator from North Dakota [Mr. GRONNA] was echoing the sentiments of not only Mr. Pinchot, the leader of the conservation movement, but of hundreds of other people in the United States, when he said that we were giving away these great resources to private parties and corporations to develop them.

Mr. GRONNA. Mr. President, I desire to assure the Senator from Utah that I am one of the Senators who do not have any conversations with Gifford Pinchot. I want to assure the Senator also that I know something about the water powers. I have lived on the frontier all my life, and know that they have been given away. I will say further to the Senator from Utah that I believe he believes that it would be poor business for the Government of the United States to invest $30,000,000 in a nitrate plant and then not have water power to run its own mills.

Mr. SMOOT. Mr. President, of course the Senator knows I voted against that proposal, and the Senator knows that I am opposed to any kind of legislation of that kind. I have made this statement simply because I do not believe that many Senators understand the full import of this bill, its far-reaching effect, and what it means to the growth and development of the

Western States, but before this discussion ends and before the bill is voted upon there will be enough said in this Chamber to convince Senators of what the effect of it really will be on the Western States. The difficulty, however, is that we can not get Senators in the Chamber to listen.

Mr. THOMAS. And, Mr. President, the discussion will not be confined to the other side of the Chamber either.

Mr. SMOOT. And, as the Senator from Colorado well says, the discussion will not be confined to this side of the Chamber. At this time I do not wish to say more upon this subject.

Mr. MYERS. Mr. President, I feel this way about this measure, that, if a majority of Senators do not want this bill, let them defeat it. All I want is a fair discussion of it and a vote on it in order that the sense of the Senate may be had.

Now, I desire to have the attention of the Senator from New York [Mr. WADSWORTH] for a moment. I should like to ask him a question. Suppose a lease-holding corporation should produce a large amount of horsepower on land owned by the Government and from water owned by a State, and through improvidence and injudicious contracts should sell its electrical power at too low a price, or through extravagant management, paying large salaries to its officials and perhaps erecting fine, large office buildings, and making other expenditures which are not justified, should derive no profit out of any of the horsepower developed, does the Senator think, under those circumstances, they should pay no rental for the land and for the benefits they have received from the Government?

Mr. WADSWORTH. I think the Senator from Montana misunderstood my suggestion. It was merely a suggestion that came to my mind at the moment.

Mr. MYERS. The Senator said they ought to pay on the profits of the business, as I understood him.

Mr. WADSWORTH. No; I did not mean that. I meant to suggest whether it would be practicable to arrange a method of paying compensation, if we are to have compensation, based upon the price charged by the company to its consumers.

Mr. MYERS. It might be practicable, but the committee thought best to establish the basis provided in the bill.

Mr. WADSWORTH. The Senator has said that in some cases the horsepower may be put at a price to the consumer of something like $72 and in other cases at about $22, and it struck me that it would be a more equitable and scientific method of taxation to charge them in accordance with the value of their product rather than a flat rate. I do not say, Mr. President, that 25 cents is too low or too high; I do not know as to that.

Mr. MYERS. Much may be said on each side, but the question is to be determined by the Senate when we get down to that point. I adhere to the committee's view, but, of course, others have different views, and it is a matter to be thrashed out in the Senate and decided as the Senate may think best.

Mr. WALSH. Mr. President, I should like to say to the Senator from New York that that is altogether permissible under the bill. The lessee makes his contract with the Secretary of the Interior, and the Secretary of the Interior fixes the compensation that he shall pay, although unfortunately there is a 25-cent limitation in the bill now; but if that limitation is taken off the Secretary of the Interior can fix the rate. Now, it is altogether permissible under this kind of an act for the Secretary to provide that if the lessee will furnish the power at so much per horsepower, his payment to the Government shall be one figure, and if he charges consumers a higher price, his payment to the Government will be a higher one. It will be entirely permissible to regulate the matter as the circumstances will permit under the bill when the limitation is taken off.

Mr. WADSWORTH. It was the inclusion of the limitation that induced me to ask the question.

The PRESIDING OFFICER. Will the Senator from Montana permit the present occupant of the chair to ask him, Does this bill provide specifically for 25 cents per horsepower arbitrarily as a minimum, or simply as an arbitrary rate?

Mr. WALSH. As the maximum.

The PRESIDING OFFICER. Does the Senator from Montana think, as a legal matter, that we could prescribe the rate without regard to an investigation one way or the other as to the reasonableness or justice of the rate?

Mr. WALSH. I think so, because we are merely giving the right to occupy Government land, and we can prescribe whatever terms we see fit upon which that land may be occupied. We say the Secretary can ask whatever terms he cares to ask for the right to occupy these lands, but he must not take more than 25 cents per horsepower developed.

The PRESIDING OFFICER. The Senator assumes the position that the landlord has the right to say for what price he will rent, and if the person who wishes to obtain the land does not wish to pay the price, that ends it.

Mr. WALSH. He does not need to take it.

The PRESIDING OFFICER. He occupies no place whatever as the agent of the public on that basis of the regulation of rates for public service.

Mr. WALSH. No. I may say to the Presiding Officer that after the lessee gets the right to occupy the public land, makes his development, and then goes into the business of selling and delivering electrical power, of course then his charges are subject to public regulation.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. OLIVER. Mr. President, I should like to ask the Senator in charge of the bill—I see the hour is getting very late—whether it is his intention to hold the Senate longer in session this afternoon?

Mr. MYERS. I have not consulted with other Senators, but I have not thought of asking for a night session. That had not occurred to me, but I suppose we might run until 6 o'clock.

Mr. SMOOT. Mr. President, I want to ask the Chair if the reading of the report has been concluded?

The PRESIDING OFFICER. The Chair is informed that it has not been concluded. Is it the pleasure of the Senate to have it concluded?

Mr. MYERS. I ask that the reading of the report be concluded.

The PRESIDING OFFICER. The Secretary will continue the reading of the report.

The Secretary resumed the reading of the report, as follows:

Sections 17 and 18 confer upon the States of Colorado and New Mexico and any citizen or citizens thereof, respectively, the right to institute litigation to determine certain important and disputed questions. These questions are matters of importance to the people of those States. It is desirable that some method be provided for lawful adjudication thereof. These sections relate to the use of the waters of a flowing stream, interstate in its character, and it is believed they are pertinent and germane to the subject of this act. It is believed by the committee to be proper and just to incorporate them in this bill.

Section 19 provides, upon certain terms and conditions, for the enlargement of the works of any project or the extension of its service and for subjecting it to other purposes in connection with the use of water. It is believed to be properly safeguarded.

Senate bill 1060, Sixty-fourth Congress, similar to this in principle, was referred to the honorable Secretary of the Interior for a report thereon to the Committee on Public Lands, and the report thereon of the Secretary is as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, December 23, 1915.*

"MY DEAR SENATOR: I am in receipt, with your request for report thereupon, of S. 1060, a bill 'To provide for the development of water power and the use of public lands in relation thereto, and for other purposes.'

"The measure is similar in form to that favorably reported by the Senate Committee on Public Lands, Sixty-third Congress, second session, and in many respects similar to H. R. 16673, passed by the House of Representatives during the last session of Congress, and reintroduced in the present session as H. R. 408. In substance, the bill proposes to substitute a definite 50-year tenure to use of public lands and national forests suitable for water-power development and transmission for the revocable permit authorized by existing law. The right is reserved in the United States to, at the end of the 50-year period and upon not less than three years' notice, take over the properties upon compensating the permittee, or renewal may be made to the original permittee, or permit issued to another. The permits to be irrevocable except upon breach of conditions, and any forfeiture to be through appropriate proceedings in a court of competent jurisdiction after notice in writing to the permittee."

Mr. TOWNSEND. Mr. President, where is the Secretary reading?

The PRESIDING OFFICER. The Chair is informed that the Secretary is reading a letter from the Secretary of the Interior found on the bottom of page 10.

The Secretary resumed the reading of the report, as follows:

The regulation and control of service and of charges to consumers is left to the State where the plant is located, and assumed by the United States where the plant is located in a Territory, or where it involves an interstate use of the power.

Mr. WALSH. I ask unanimous consent that the reading of the remainder of the Secretary's letter be dispensed with.

Mr. TOWNSEND. I want that letter read, Mr. President. I want the whole report in here. I am following it carefully.

Mr. SMITH of Michigan. So am I.

The PRESIDING OFFICER. Senators will please address their remarks to the Chair.

The Secretary resumed the reading of the report, as follows:

Where the development is in a State which has not provided a commission or other authority for control of such matters, the right of control is retained by the United States until such time as the State may provide therefor.

The bill provides that nothing therein shall be construed as affecting or interfering with the law and regulations of the States relating to the appropriation, use, or distribution of water.

Individuals holding revocable permits under the present law are given the option to exchange the same for a 50-year tenure under this bill.

It seems that Congress has always adhered to the policy of retaining control of water-power resources in the people, though permitting their development and use through private enterprise. See acts of Congress of May 14, 1896 (29 Stat., 120), and February 15, 1901 (31 Stat., 790). The present measure follows the same policy and substitutes for the present revocable permit a certain tenure which it is believed will secure the capital necessary for the development of these resources. As stated in previous reports, an urgent demand for some such legislation exists throughout the country, and investigations made during the past summer support that view.

The failure to utilize the water-power resources is an economic waste. Saving of coal, oil, gas, and timber can be effected by the development and use of hydroelectrical power and arid lands which can not be reached by gravity water can be irrigated through pumping systems operated by electricity; nitrates in the atmosphere for the fertilization of farm lands, for the manufacture of ammunition, and for other vital uses can be made available by cheap power. Capital which will not be invested under existing laws would be utilized for power development under a law giving definite and certain tenure. It is apparent that the public interest requires the enactment of such a law as soon as possible.

I have not gone into detail with respect to the various features of the bill, because they were thoroughly discussed before the House of Representatives and before your committee during the past session. I am inclined to the view that sections 17, 18, and 19 should be omitted from the bill. The purpose sought to be accomplished by section 17 may be attained by an amendment to section 8, like that recommended by the House Committee on the Public Lands with respect to section 8 of H. R. 408. Sections 18 and 19 have no direct relation to water-power development and would better be the subject of separate legislation if same be deemed necessary. As already stated, I believe that the proposed legislation is necessary and vital, and recommend that the bill, with such modifications as are thought advisable in the public interest be enacted.

Cordially,

FRANKLIN K. LANE.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

Mr. TOWNSEND. Mr. President, I want to ask the Senator from Montana if that recommendation of the Secretary of the Interior has been followed in the bill that has been finally reported to the Senate?

Mr. MYERS. That letter of recommendation was written in regard to the bill as introduced in the House of Representatives. Of course, since then considerable changes have been made in the bill in the House, and further changes have been recommended by the Senate committee, so that the bill now in print and on the desks is, of course, not in all details the same bill as the one to which the letter refers.

Mr. TOWNSEND. I am referring now especially to sections 17, 18, and 19 of the House bill, about which the report was made.

Mr. MYERS. Oh, of course, extensive changes have been made since that letter was written.

Mr. TOWNSEND. Can the Senator answer me as to whether the ideas expressed in the last paragraph of the Secretary's letter have been complied with?

Mr. MYERS. I have not a copy of the report before me. I will ask to have a copy of the report brought to me. I was listening to it, but I do not recall——

Mr. WALSH. I might say, on behalf of my colleague, that the letter just read refers to an entirely different bill, Senate bill 1060, not the bill before the Senate.

Mr. TOWNSEND. Can the Senator tell me whether there are any provisions in this bill corresponding to the sections 17, 18, and 19 to which the Secretary objects?

Mr. WALSH. I have not Senate bill 1060 before me, and I have not any recollection as to what those sections do refer to.

The Secretary resumed the reading of the report, as follows:

This bill, House bill 408, was referred to the House Committee on the Public Lands to the honorable Secretary of the Interior for his opinion thereof, and his response thereto is here given, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 30, 1915.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 408, a bill to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The measure is, with the exception of a few amendments designed to meet objections raised, similar to H. R. 16673, Sixty-third Congress, second session, recommended by this department and by your committee and passed by the House of Representatives August 24, 1914. All of the reasons presented in support of the bill as it was considered by the Sixty-third Congress are, I believe, applicable to the present measure. The purpose and effect of the several sections of the measure may be briefly stated as follows:

Section 1 authorizes the Secretary of the Interior to lease to qualified persons or corporations, including municipalities or irrigation districts, public lands or property of the United States, except in national parks or military reservations, for a period of not exceeding 50 years for the development, generation, or transmission of hydroelectric power. Provision is made therein for a preliminary permit to protect applicants while securing necessary data and information prerequisite to application for a lease.

Section 2 is designed to insure diligence on the part of the lessee in the reasonable development and continuous operation of the project, and in the interest of consumers authorizes the Secretary of the Interior to prevent the lessee from delivering more than 50 per cent of the output to one consumer where there is a present demand from others.

Section 3 provides for the control of service and of charges for service and of the issuance of stock and bonds where the lessee is doing business in a territory of an interstate character. It also gives the Secretary of the Interior discretion in permitting combination of plants and lines in particular cases, but prohibits any arrangement in restraint of trade or for increase of prices.

Section 4 forbids the sale or delivery of power to a distributing company except upon the written consent of the Secretary of the Interior, although provision is made for emergency sales for limited periods. The lessee is given the right to mortgage the leasehold, but successors in interest, under judicial or foreclosure sales or otherwise, are required to take subject to all conditions imposed upon the original lessee.

Section 5, sometimes designated as the recapture provision, is designed to permit the United States to act for the best interests of the public in the light of conditions found to exist at the termination of any 50-year period. After due notice and at the expiration of the lease the United States has the right to take over all properties dependent for their usefulness on the continuance of the lease, paying to the lessee the actual cost of rights of way, water rights, lands, and interests purchased and used by the lessee and the reasonable value of all other property taken over, including structures and fixtures, values to be determined upon by mutual agreement, or, if that be impracticable, by proceedings in the United States courts. It is further provided that the reasonable value mentioned shall not include franchise values, good will, or intangible elements.

Section 6 provides that if the United States does not take over the property or renew the lease to the original lessee, it may be leased to a third party, upon his payment for the plant in the manner provided by section 5.

Section 7 permits the sale of power or energy under contracts extending beyond the life of the lease, subject, however, to approval of the Secretary of the Interior.

Section 8 deals with the collection of charges or rentals and the disposal of the proceeds. Where the power is generated and developed, in whole or in part upon lands belonging to the United States, charges may be measured by the power so developed and disposed of, and where public lands are used only for transmission lines, charges under said section may be based upon mileage of lands occupied. The proceeds are devoted to the reclamation of arid lands in the Western States and upon repayment of the amount so advanced for reclamation, 50 per cent thereof is to be paid to the States within the boundaries of which the power or energy was generated and developed. Leases may be given municipal corporations solely for municipal uses without charge; also leases to individuals for domestic, mining, or irrigation use for power developments, not exceeding 25 horsepower.

Section 9 provides that, in States which have no commission or body authorized to regulate service and rates or stock and bond issues, the Secretary of the Interior may exercise supervision, but only until the State has made provision for control or regulation of the specific matter involved.

Section 10 is designed to permit agricultural or other use, under the public-land laws, of areas withdrawn for water-power development and transmission, subject, however, to the right of the United States or its lessees to occupy and use any part of such lands reasonably necessary for power development or transmission.

Section 11 gives the authority to examine books and accounts of lessees, and requires them to make reports covering the various phases of their business.

Section 12 provides that leases may be forfeited and canceled only by appropriate proceedings in the United States court for the district in which the property is situated, in cases where the lessee, after proper notice, has failed to comply with the law or the conditions recited in the lease.

Section 13 authorizes the Secretary of the Interior to make necessary rules and regulations.

Section 14 provides that each lease shall be conditioned upon the acceptance by the lessee of terms and conditions of the law and the lease, and further provides that nothing in the law shall be construed as interfering with the laws of any State or of the Territory of Alaska relating to the control, appropriation, or distribution of water.

Section 15 repeals all provisions of law in conflict with the provisions of this bill and makes provisions for certain specific cases; also stipulating that nothing in this bill shall be held as preventing the granting of rights of way for irrigation under existing laws and granting in connection therewith a lease under this bill for such electrical power or energy as may be developed or transmitted as incident or subsidiary to the purpose of irrigation.

Section 16 is designed to make it clear that the measure does not apply to navigation dams or structures under the jurisdiction of the Secretary of War or to lands purchased or held in connection with such structures.

It has never been the policy of Congress to pass title to lands valuable for water power permanently to private holders. The first act upon the subject, May 14, 1896 (29 Stat., 120), as well as the existing law of February 15, 1901 (31 Stat., 790), simply authorized the granting of a temporary permit, the latter act expressly providing "That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successors in his discretion, and shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park." It will thus be seen that Congress from the very beginning wisely determined upon and adhered to the policy of retaining control of these valuable resources in the people, though permitting their development and use through private enterprise. The present measure follows the same policy, but substitutes for the present revocable permit a certain tenure, which it is believed will secure the capital essential for the proper development of these valuable sites as rapidly as the public interest may require.

It has been the constant complaint of those who are or might be interested in this line of development that it is impossible to finance large and expensive undertakings upon the basis of a permit revocable in the discretion of the Secretary of the Interior or his successor. It has further been asserted that it is impracticable to obtain capital and improve large power developments unless the terms and conditions under which the development is to be made and operated are known in advance. This measure, as already indicated, meets both of these objections, giving a fixed and certain tenure and providing for the setting out of the terms and conditions in the original lease or permit, no forfeiture of lease to be had except for breach of conditions, and then only through proceedings in the courts.

This measure also contains provisions in the interest of the consumer and of the public generally, looking not only to the present, but to the

future. Where the States have made or shall hereafter make provision for the control of service and of charges for service, and of the issuance of stocks and bonds, that matter is left wholly to them in intrastate development and use. Where development and use occur in a State which has not made such provision, the Federal Government retains control only until the State shall do so. Where the development and use is interstate, or wholly within a Territory, control of these matters is retained by the Federal Government. Of even more vital importance is the provision which permits of the taking over of the property at the end of the 50-year leasehold.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, I desire to ask that the amendment of the House on Senate bill 703, the vocational education bill, be laid before the Senate for the purpose of asking that the Senate disagree to the House amendment and request a conference with the House.

The PRESIDING OFFICER. The Senate having heard the request of the Senator from Georgia, are there any observations? [A pause.] The Chair lays the amendment of the House before the Senate.

Mr. TOWNSEND. Mr. President, is there objection to the bill, or any provision of it?

Mr. SMITH of Georgia. Not at all. It is another bill.

Mr. MYERS. I desire to ask if that would have the effect of displacing the unfinished business?

The PRESIDING OFFICER. The Chair answers no. It is merely to appoint a committee of conference, as a matter of course.

Mr. SMITH of Georgia. I just want to get a committee of conference appointed; that is all.

Mr. TOWNSEND. I think I have no objection to that. I want to accommodate the Senator from Georgia.

Mr. SMITH of Georgia. I will wait until to-morrow morning.

Mr. GALLINGER. It is the duty of the Presiding Officer, upon the request of a Senator, to lay down a message from the House.

The PRESIDING OFFICER. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

Mr. SMITH of Georgia. I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. SMITH of Georgia, Mr. SWANSON, and Mr. PAGE conferees on the part of the Senate.

Mr. SMITH of Georgia. I desire to ask for a print of 500 copies of the House substitute for the vocational education bill. The Senator from Vermont [Mr. PAGE] has called my attention to the fact that there is quite a demand for it, and at his instance, as well as my own, I ask that 500 copies be printed.

Mr. GALLINGER. I think that ought to be done.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Georgia with respect to the printing of the House substitute. The Chair hears no objection, and it is granted.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The Secretary resumed the reading of the report, and read as follows:

As has been said many times before, the use of hydroelectric power is just beginning and no one can predict the possibilities and demands of the future. It is vitally important, therefore, that Congress shall adhere to its previous policy and not permit these large and valuable resources of the public lands to pass from the control of the people forever. This measure, while affording tenure to the original developer for a generous and definite period, leave Congress free to act as the then existing conditions shall dictate at the end of the several 50-year periods.

I stated in my reports to your committee dated April 29 and May 23, 1914, that an urgent demand for legislation like that contained in H. R. 408 exists throughout the country. Further investigations during the past summer have confirmed that view, the sentiment among water-power engineers and promoters and among bankers accustomed to financing such enterprises being almost unanimously in favor of some such legislation.

As already set out before your committee, the failure to utilize the water-power resources is an economic waste. Coal, oil, gas, and timber which could be conserved for the future or for use in localities where power is not available are now being consumed in places where inexhaustible water power could be developed. Lands which would produce abundant crops under irrigation lie arid and unproductive because of the failure to develop hydroelectric power, which would pump water to them. The nitrates in the atmosphere, a source of wealth and a means of providing for the rejuvenation of exhausted soils, and of providing an available supply of necessary materials for munitions of war, continue unused because of the lack of cheap and extensive power development. Available capital lies idle because it will not be hazarded upon the revocable permit law. All of these conditions and many others which might be set out justify and call for the enactment of such legislation as you propose.

I therefore recommend that H. R. 408 be enacted at the earliest possible moment.

Cordially, FRANKLIN K. LANE.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

Mr. TOWNSEND. Mr. President, I do not think we ought to proceed further without a quorum. If the Senate desires to adjourn at this point, I will not call for a quorum.

Mr. MARTINE of New Jersey. I trust we will adjourn.

Mr. MYERS. Will the Senator from Michigan yield to me for a moment?

Mr. TOWNSEND. Certainly.

Mr. MYERS. The reading of the reports having been called for, it seems to me that they ought to be finished to-night, so that to-morrow we may take up the discussion of the bill and get to a vote on the amendments.

Mr. THOMAS. It is now nearly 6 o'clock, and I think we should adjourn at that hour.

Mr. MYERS. Let me ask the Senator from Michigan a question. If we adjourn now, will the Senator from Michigan withdraw his request for the further reading of the report?

Mr. TOWNSEND. No.

Mr. MYERS. The Senator sees that practically no Senators have been listening to the reading, and all the reports can be printed in the CONGRESSIONAL RECORD.

Mr. TOWNSEND. It would be exactly the same situation when we get to a discussion of the bill. There will not be any more Senators here when the debate is going on than there is at the reading of the report. I do not think anybody can give us any more light on the subject than the report gives us, and I think the reading ought to be completed.

Mr. MYERS. Of course, debate has got to go on if Senators wish to talk; but it does seem to me, in view of what has transpired this afternoon, when we have seen the reading of these reports listened to by very few Senators, there being only a few present, and very few of those who were present paying any attention to the reading, if we adjourn the Senator ought to be willing to withdraw his request for the reading of the report and let us adjourn until to-morrow and then take up the discussion of the bill and amendments.

Mr. TOWNSEND. Does the Senator from Montana decline to make a motion to adjourn?

Mr. THOMAS. If he does, I will make it.

Mr. MYERS. I will say, before answering that, that I think we ought to finish the reading of the reports to-night, with the understanding that when they are finished we will adjourn. Those who do not wish to listen to the reports may go away, and those who want to listen may stay and listen.

Mr. THOMAS. I wish to remind the Senator from Montana that the hour of 6 o'clock has arrived, and it is very plain we can do no further business to-day. I move that the Senate adjourn.

Mr. WALSH. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand? [After a pause.] Only four Senators have seconded the demand.

Mr. THOMAS. I ask for a vote on the motion. If the Senator from Montana wants to suggest the absence of a quorum, of course, he can do so.

Mr. WALSH. When the Senator from Colorado addresses me in that way he makes a very strong appeal. I do not want to do it, but, of course, the obstructive character of the proceedings are obvious to everyone.

The PRESIDING OFFICER. The Chair will have to ask the Senator to withdraw the motion, otherwise the Chair will have to rule that the whole debate is out of order.

Mr. THOMAS. I will not withdraw it.

The PRESIDING OFFICER. As the Chair understands the parliamentary status, the yeas and nays were not ordered.

Mr. WALSH. I asked for the yeas and nays, and I understood that there were 20 Senators in the Chamber and 4 raised their hands. So I have a constitutional right for the yeas and nays.

The PRESIDING OFFICER. The Chair having confused the matter, the Chair now asks if the demand for the yeas and nays is supported. [After a pause.] The Chair counts five as supporting the demand. Does the Senator from Montana differ from the Chair? The Chair recognizes on the other side 18 Senators present on the floor. More than one-fifth of

the Senators present supporting the demand, the roll will be called on the motion of the Senator from Colorado that the Senate adjourn.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote. I desire to be counted for a quorum.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JOHNSON of Maine. I inquire if the junior Senator from North Dakota [Mr. GRONNA] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. JOHNSON of Maine. I have a pair with that Senator, and therefore withhold my vote.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SAULSBURY. I transfer my pair to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. JOHNSON of Maine. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. JAMES. I transfer the general pair I have with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Maryland [Mr. LEE] and vote "nay."

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. SMITH of Michigan. It has not been the custom here to observe pairs on a motion to adjourn, but this seems to be an exception. I am paired with the junior Senator from Missouri [Mr. REED], and take the liberty of transferring the pair to the senior Senator from California [Mr. WORKS]. I vote "yea."

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. SHAFROTH. I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. GALLINGER (after having voted in the affirmative). Assuming that pairs did not count on motions to adjourn, I voted; but as others have transferred their pairs, I transfer my pair to the junior Senator from Maine [Mr. FERNALD] and allow my vote to stand.

Mr. CHILTON (after having voted in the negative). I had assumed that there was no need of making a transfer of pairs, but I now prefer to make one. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Kansas [Mr. THOMPSON] and allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the negative). I should have made a transfer of my pair before voting. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. BROUSSARD], and let my vote stand.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Indiana [Mr. WATSON] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 14, nays 20, as follows:

YEAS—14.

Brandegee	Martine, N. J.	Smith, Ariz.	Wadsworth
Cummins	Page	Smith, Mich.	Williams
Gallinger	Poindexter	Thomas	
Jones	Shafroth	Townsend	

NAYS—20.

Chamberlain	Johnson, Me.	Phelan	Smith, Ga.
Chilton	Lea, Tenn.	Pittman	Smith, S. C.
Fletcher	Lewis	Robinson	Stone
Hollis	Myers	Saulsbury	Swanson
James	Newlands	Sheppard	Walsh

NOT VOTING—62.

Ashurst	Fernald	Lippitt	Shields
Bankhead	Goff	Lodge	Simmons
Beckham	Gore	McCumber	Smith, Md.
Borah	Gronna	McLean	Smoot
Brady	Harding	Martin, Va.	Sterling
Broussard	Hardwick	Nelson	Sutherland
Bryan	Hitchcock	Norris	Thompson
Catron	Hughes	O'Gorman	Tillman
Clapp	Husting	Oliver	Underwood
Clark	Johnson, S. Dak.	Overman	Vardaman
Colt	Kenyon	Owen	Warren
Culberson	Kern	Penrose	Watson
Curtis	Kirby	Pomerene	Weeks
Dillingham	La Follette	Ransdell	Works
du Pont	Lane	Reed	
Fall	Lee, Md.	Sherman	

So the Senate refused to adjourn.

Mr. THOMAS. I suggest the absence of a quorum.

Mr. GALLINGER. That is what I rose to do.

The PRESIDING OFFICER. The Chair will have to hold that the record discloses the absence of a quorum. He is now also fortified by the suggestion of the absence of a quorum, and the Chair will order a roll call.

The Secretary called the roll, and the following Senators answered to their names:

Chamberlain	Jones	Pittman	Smith, S. C.
Chilton	Lea, Tenn.	Robinson	Stone
Cummins	Lewis	Saulsbury	Swanson
Fletcher	Myers	Shafroth	Thomas
Gallinger	Newlands	Sheppard	Townsend
Hollis	Page	Smith, Ariz.	Walsh
Johnson, Me.	Phelan	Smith, Ga.	Williams

The PRESIDING OFFICER. The roll call discloses the presence of 28 Senators.

Mr. MYERS. I ask that the names of the absent Senators be called.

Mr. THOMAS. I move that the Senate adjourn.

The PRESIDING OFFICER. Pardon the Chair. The Senator from Montana was on his feet. For what purpose does the Senator from Montana rise?

Mr. MYERS. I ask that the names of the absentees be called.

Mr. THOMAS. I have moved that the Senate adjourn.

The PRESIDING OFFICER. A motion to adjourn takes precedence.

Mr. WALSH. Mr. President, a point of order.

The PRESIDING OFFICER. There is a point of order made by the Senator from Montana. He will state it.

Mr. WALSH. No business has been transacted since the last motion to adjourn.

Mr. THOMAS. A motion to adjourn is always in order.

The PRESIDING OFFICER. The Chair is compelled to decide that a roll call is business, a ruling the Chair has never been able to agree with.

Mr. WALSH. I am rather surprised at that ruling of the Chair. I have no recollection about it, because if that is the case, all a filibusterer needs to do is to make motions to adjourn.

Mr. STONE. I would not like to have that ruling go without protest.

Mr. WALSH. Certainly not. I trust the Chair will withdraw his ruling.

The PRESIDING OFFICER. The Chair merely announced that he had heard such a ruling from the Chair, but inasmuch as Senators wished to be heard the Chair was willing to have them heard.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Chair will inform the Senator from Idaho that the call for a quorum is not now considered, and it will be decided by a motion to adjourn, which is now pending.

Mr. BORAH. I thought there was a call for a quorum.

Mr. THOMAS. Mr. President, a parliamentary inquiry. Is not a motion to adjourn always in order?

Mr. SWANSON and others. No.

Mr. THOMAS. My question is addressed to the Chair.

The PRESIDING OFFICER. There is at present a motion to adjourn. Upon that a point of order has been made. That point of order is pending before the Chair. If the Senator from Montana desires to be heard, the Chair is entertaining his desires in that respect. If he is seeking to fortify the Chair or himself by precedents, the Chair calls the attention of the Senator from Montana, as a mere matter of information, to the fact that in connection with the shipping bill he will discover that a ruling was made against the present occupant of the chair. The present occupant of the chair protested then.

Mr. WALSH. I find a precedent, doubtless the one referred to by the Chair. I will read the precedent. It is as follows:

The river and harbor bill being under consideration——

Mr. ROBINSON. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDING OFFICER. A point of order is made by the Senator from Arkansas that the Senate is not in order. The point of order is sustained. The Senate will be in order consistent with its general orderly procedure.

Mr. WALSH. The precedent is as follows:

The river and harbor bill being under consideration,
Mr. CLAPP suggested the absence of a quorum.
Mr. RANSDELL. I make the point of order that there has been no business transacted since we had the last quorum called.
Mr. CLAPP. I understand that there has been a motion to adjourn, and that the motion was acted on.
The PRESIDING OFFICER (Mr. ROBINSON). If the Chair remembers correctly, since the last roll call there has been a motion to adjourn, and if the Chair recalls the precedents correctly, that constitutes intervening business in the meaning of the rule. (See CONGRESSIONAL RECORD, pp. 15355, 15361.)

That is the only precedent that I find; but I am very sure the Senate can not indorse any such precedent as that, and I think the Senator from New Hampshire, who is usually very careful about these matters, would not care to have a precedent of that character established, because it would be simply a matter of a Senator standing up here, making a motion to adjourn, suggesting the absence of a quorum, and continuing that procedure indefinitely. Right in the midst of all our business a Senator might make a motion to adjourn. The motion is lost, a full quorum voting; then a quorum call is made; the call discloses that a quorum is present, and then the same Senator can get up and make a motion to adjourn. The motion is lost. He then again suggests the absence of a quorum, when the roll must be called, and he can simply continue to make quorum calls and motions to adjourn indefinitely. I submit that that is not good sense and it is not reasonable. I scarcely think the Senator from Colorado would care to have that kind of a rule crystallized into a definite practice of the Senate.

Mr. THOMAS. May I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. THOMAS. If the point of order of the Senator is well taken is it not a fact that we must stay here now until we get a quorum before we can adjourn, even though it keeps us here until 12 o'clock to-morrow?

Mr. WALSH. That is my understanding.

Mr. THOMAS. I should dislike very much to see that understanding become the rule of the Senate. If, as a matter of fact, on a motion to adjourn when the roll call discloses no quorum, and then when the absence of a quorum is suggested the roll call still discloses no quorum, we are powerless even to adjourn until we obtain a quorum, it certainly puts the Senate in a more helpless condition than I ever supposed it was, and my opinion of it in that respect has not been very high.

Mr. WALSH. Let me suggest to the Senator——

Mr. THOMAS. If the Senator will pardon me, my reading of the precedent is that the motion to adjourn is the only business which can be transacted in the absence of a quorum except measures to obtain a quorum. I do not think the Senator will make very much progress with the bill if we have to stay here and wait for a voting quorum at this hour of the evening and attempt to go ahead with this matter in that way. I do not think so, although I may be mistaken.

Mr. WALSH. I want to say to the Senator from Colorado that I think he is mistaken in that. The Senate is not helpless at all. It has the power to compel the attendance of absent Senators and to get a quorum here.

So far as the present status of the measure under consideration is concerned we have progressed about one-third with the reading of the voluminous report and views of the minority, and it will take us three days at the present rate of progress to get through reading the entire document. Now, I ask my associates here whether we had better go on and finish the reading of the report and let those who want to go home go home, or whether we had better allow this kind of thing to go on?

The PRESIDING OFFICER. The Chair is indulging the discussion upon the theory that the debate is taking place on the point of order, and not on the motion to adjourn.

Mr. THOMAS. Mr. President, I do not care to address the Senate unless I am in order, but I do not think that anything is before the Senate, not even the point of order. I think that we must either adjourn or attempt to secure a quorum, and I believe we can adjourn; but if the Senate thinks to the contrary, let us go ahead and see if we can get a quorum.

Mr. SAULSBURY. Mr. President, I desire to say that, in my judgment, which may not be worth very much, a motion to adjourn is in order at this time. The absence of a quorum was developed on the roll call, no matter what roll call that was, and then the point of no quorum was suggested, which was entirely unnecessary, because it was the duty of the Chair to order the roll to be called. Certainly, when a call discloses no quorum, a motion to adjourn is then in order, no matter on what question the absence of a quorum may have been disclosed. I think that is clearly the rule of the Senate.

Mr. STONE. Does the Senator hold that on a roll call on a motion to adjourn, which discloses the absence of a quorum, immediately, without any intervening business, another motion to adjourn can be made?

Mr. SAULSBURY. Under the circumstances that have existed in the Senate on this motion, I think a motion to adjourn may be made.

Mr. STONE. I do not know about the circumstances here being any different from those which occur frequently. The point is, that when a motion to adjourn is made and it develops the lack of a quorum, immediately another motion——

Mr. SAULSBURY. No; the Senator misunderstood me. Not under all circumstances, but certainly less than a quorum can adjourn at any time. A roll call on that question would be conclusive, and should be announced by the Chair; but under these circumstances there was a motion to adjourn after the absence of a quorum had been disclosed.

Mr. STONE. Mr. President, it seems to me that if it were possible to pile one motion to adjourn right on top of another ad infinitum we never could get a quorum. A Senator could keep moving to adjourn and could conduct a filibuster without limit as to time. I think some business ought to intervene. There was something here that might be called business. There was a motion, as I recall, to call the roll.

Mr. WILLIAMS. Of absentees.

Mr. STONE. Well, to call the roll; and after the Presiding Officer had said there were so many votes "aye" and so many "no," which disclosed the lack of a quorum, some Senator said that he demanded a roll call with a view of producing a quorum, and the roll was called. Still no quorum was developed. If that is intervening business, possibly the motion to adjourn could be repeated.

We have been over this thing so often that I do not care to debate it again now; but I do wish that the Senator in charge of this bill, in view of this situation and not having given notice of the intention to protract the session unduly or beyond what is customary, would consent to request of the Senate that all further calls be dispensed with and that he would make a motion to adjourn.

Mr. MYERS. Mr. President, if the motion of the Senator from Colorado [Mr. THOMAS] to adjourn is not in order, a motion by me to adjourn would not be in order.

Mr. GALLINGER. Mr. President, a motion to adjourn is not debatable; and I trust the Chair will rule on the matter.

The PRESIDING OFFICER. The point presented by the Senator from New Hampshire, that the motion to adjourn is not debatable, is conceded; but the Chair calls attention to the fact that there was a point of order against his ruling, and that the proceedings have been on the discussion of the point of order. If the point of order is abandoned, then the question before the Senate is the motion to adjourn; but the junior Senator from Montana [Mr. WALSH] desired to present to the Chair some precedents to offset that which the Chair had called to his attention, and the Chair is waiting for that order of business.

Mr. GALLINGER. Did the Chair make a ruling?

The PRESIDING OFFICER. The Chair called the attention of the Senator from Montana to the fact that there had been a ruling, which held that the call of the roll in the meantime was intervening business; and the Senator from Montana desired to bring to the Chair's attention that such a ruling really did not

apply under the present circumstances, and it was upon that that the Chair was waiting for the Senator from Montana to be heard.

Mr. GALLINGER. The Chair did not, then, in his own person make a ruling?

The PRESIDING OFFICER. The Chair announced practically that he was bound by the precedent and stated the precedent, and then waited for any dissent that the Senate might indicate to that position. The Senator from Montana desired to be heard, and the Chair is waiting for him.

Mr. WALSH. Mr. President, considering that it would be extremely unfortunate if any such precedent were established here, and yielding to the suggestion of the Senator from Missouri [Mr. STONE], I ask unanimous consent that the Senate now adjourn.

The PRESIDING OFFICER. Does the Senator make that motion?

Mr. WALSH. No; I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the Senate now adjourn.

Mr. THOMAS. I do not care how we accomplish the purpose so long as we adjourn.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Thereupon (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 12, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 11, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, we pray for increased faith and confidence in the overruling of Thy providence in the affairs of men that we may meet the conditions of life with a full determination to overcome all barriers and press toward the mark of the high calling of God in Christ Jesus, assured that every well-directed effort conscientiously pursued shall bring to us the "Well done, good and faithful servant, enter thou into the joy of thy Lord"; and all praise be Thine now and evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MILLER of Delaware. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Delaware rise?

Mr. MILLER of Delaware. Mr. Speaker, I rise for the purpose of asking unanimous consent to insert some remarks in the RECORD on the work of the Children's Bureau.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks by inserting some matter touching the Children's Bureau. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1093. An act for the relief of James Anderson; and

H. R. 10007. An act for the relief of William H. Woods.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6807. An act fixing and establishing a boundary line between the property of the United States of America on Salmon Bay, State of Washington, and the property of the Betterton-Morgan Co. (Inc.), a corporation, giving authority and providing for the conveyance of property in connection therewith, and for other purposes; and

S. J. Res. 194. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. STEENERSON. Mr. Speaker, I hope the gentleman will withhold his motion for a minute to see whether, pending that motion, we can make some agreement as to time.

Mr. MOON. Well, I offered an agreement day before yesterday as to time—three hours to a side.

Mr. STEENERSON. It is perfectly satisfactory.

Mr. MOON. I then agreed to yield one hour of my three hours to your folks in opposition to the bill, but it was not agreed to. I am still willing to grant anything reasonable.

Mr. STEENERSON. Of course, I did not understand that that amount yielded was to be used by my side. I want half the time.

Mr. MOON. I yielded one hour of my time to opposition to the bill day before yesterday. I am ready to agree to any reasonable time necessary.

Mr. STEENERSON. I had Members on the Republican side opposed to the same item, and I did not see——

Mr. MOON. I did not intend that all the time I proposed to yield should be used by Democrats any more than Republicans, but the men opposed to the bill.

Mr. STEENERSON. However that may be, that is not an important item, in my estimation. There are other items I would like in general debate to discuss; in fact, I would like to discuss the whole bill.

Mr. MOON. I agree with the gentleman that that is not an important item at all, and in view of the existing law there is really nothing in that discussion.

Mr. STEENERSON. No; there is nothing in it.

Mr. MANN. Well, is there any objection in agreeing that the gentleman from Minnesota shall have control of three hours?

Mr. MOON. Suppose we make it four hours—two hours to a side?

Mr. STEENERSON. Make it two hours and a half to a side.

Mr. MOON. Well, I am willing to do that.

The SPEAKER. Has anybody a request to make or not?

Mr. MOON. Mr. Speaker, in view of the suggestion from the gentleman from Minnesota, I ask unanimous consent that general debate be limited to five hours—two and a half hours to a side—half of the time to be controlled by the chairman of the committee and the other half by the gentleman from Minnesota [Mr. STEENERSON].

The SPEAKER. That is for the whole bill?

Mr. MOON. Yes.

Mr. COX. Mr. Speaker, reserving the right to object, I would like to know if I can get some time out of that two and a half hours?

Mr. MOON. If the gentleman wants to object to the agreement, he can get a whole hour; that is more than I can give him.

Mr. COX. I do not want to object to the agreement, but I think I have a right to make that inquiry. I am a member of the committee.

Mr. MOON. Any member of the committee of the House can get my time; I do not care to take a minute. The gentleman can have every minute. I want to get this bill through with as little debate as possible.

Mr. COX. I did not want to insult the gentleman, and I am simply trying to preserve my rights.

Mr. MOON. I will yield the gentleman all the time I can, but I can not tell how much time now. If there is nobody else wants to speak, I will yield him the two hours and a half.

Mr. COX. I do not want two hours and a half. I do not want to exceed one hour at the most. If I can get that, I am perfectly well satisfied.

Mr. MOON. I will not agree to any particular time if I am to control the time in debate. If you give me the two hours and a half, all right; if not, then the debate is unlimited.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that general debate shall not exceed five hours, half the time to be controlled by himself and half by the gentleman from Minnesota [Mr. STEENERSON]. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the motion to go into the Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further con-

sideration of the bill H. R. 19410, the Post Office appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19410, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19410) making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. By order of the House general debate on this bill is limited to five hours, two and a half hours to be controlled by the chairman of the committee and two and a half hours by the gentleman from Minnesota [Mr. STEENERSON]. Does the gentleman from Tennessee desire to use any time?

Mr. MOON. How much time does the gentleman from Indiana want?

Mr. COX. Wait a little.

Mr. MOON. I am ready to go to the bill under the five-minute rule, unless somebody wants to go on with a speech.

Mr. COX. Can not the gentleman wait until the other side——

Mr. MOON. If the gentleman from Minnesota wishes to use time, I have no objection.

Mr. STEENERSON. I was engaged, and I did not listen to what the gentleman said.

Mr. MOON. I said that the chairman of the committee would yield time to the gentleman from Indiana, if he wanted it. The gentleman from Indiana prefers that the gentleman from Minnesota go ahead and use some time, if he desires it.

Mr. STEENERSON. Of course it is customary for the majority to use the time, but I am ready to use some of it in view of the fact that a discussion of the pneumatic tubes occurred day before yesterday, and I will yield 20 minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for 20 minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, the decision of the Committee on the Post Office and Post Roads to rule out the pneumatic-tube service in the United States, with the exception of certain portions of it in the city of New York, has aroused tremendous opposition on the part of the business interests of the country. I assume that the Postal Department was established in the interest of the people and that the wishes of the people ought to be respected with reference to the continuance of any part of it that has proved efficient and worth while and that has tended to develop and increase the service. The pneumatic tube was established originally in Philadelphia in 1893. A tube with a 5-inch cylinder was installed between what is known as the Bourse substation and the main post office. This was during the administration of Postmaster General Wanamaker; and while no rental was at first charged during the experimental stages, subsequently a rental of $3,000 per annum was agreed upon, and I believe that was afterwards raised to $4,000. For 23 years the Government encouraged the operation of the tubes, and the service was extended from this less than a mile of underground service in Philadelphia until it was introduced in at least six of the large cities of the United States. So far as Philadelphia, which I am discussing in particular, was concerned, the service was extended until under the streets in congested districts we had about 10 miles of underground service. By reason of the development of the service, the cost of construction and operation, and the necessary consultations and adjustments that must have been had as between the department and the operators of the tubes, terms were finally agreed upon by which an annual rental of $17,000 per mile was agreed upon in the contracts. That $17,000 per mile is what is being paid now, and it is what the Government objects to paying—that is to say it is what the present administration objects to paying—for until the present administration there has been no disposition to abolish the pneumatic-tube service. The present administration has opposed the service, and methods have been employed by it which some business men regard as somewhat reprehensible, since the effort seems to be to get rid of those whom the Government induced to go into the pneumatic-tube business. This is supported by the reports of various commissions that have been appointed from time to time by authority of law for the purpose of looking into, investigating, and reporting upon the pneumatic-tube service as it has developed. Most of these commissions, in fact all of them, reported favorably to the operation of the tubes.

Mr. COX. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. COX. Now, I am sure the gentleman wants to be right in his statement. He does not want to accuse this administration of being the sole administration that opposed it. Does not the gentleman know that in 1901 there was a postal commission appointed to investigate the pneumatic-tube proposition, composed of Edward O. Wolcott, W. B. Allison, Thomas S. Martin, E. F. Loud, W. H. Moody, T. C. Catchings, and William H. Fleming, and after exhaustive investigation and hearings for weeks and months they reported against the further establishment of these tubes. And that was under a Republican administration.

Mr. MOORE of Pennsylvania. I answer the gentleman by quoting from an official report, or so much as I am able to quote in my time, showing, as I contend, that Congress and the Government have encouraged the use of these tubes from the beginning, and that will answer the gentleman's question with regard to the commissions which from time to time have been appointed. I will quote a commission which was headed by the Hon. HOKE SMITH, of Georgia, in favor of the pneumatic tubes.

Mr. COX. That was gotten up for a different purpose. It was a congressional committee gotten up for the sole purpose of seeing whether the Government should buy these tubes.

Mr. MOORE of Pennsylvania. And it reported favorably. I will quote from this official report, which I think will fully justify the statement that I have made that the Government from the beginning has encouraged the operation and the increased use of these pneumatic tubes. They were established in 1893, as I have indicated. It was a voluntary proposition originally, but it was encouraged by the Postmaster General of the United States. That Postmaster General is now a private citizen, but he still stands for the operation of the tubes in large cities, believing, as a business man, that they are of tremendous service to the country particularly with regard to the movement of mails in congested districts.

I have not the time to quote all the laws justifying the tube service, but in 1901 the Postmaster General made a report to Congress as directed—and I do not know whether this is the report the gentleman refers to or not—giving the results of an investigation of the pneumatic-tube service by local postal officials, this being revised by a general committee of postal officials, and this was officially passed upon by a commission of seven experts outside of the Postal Service, representative men of high engineering ability. They presented a number of conclusions, amongst which the following was most important:

They found the new method of mail transportation to be a valuable and mechanically successfully system, practically adapted in an admirable manner to the purposes of the Post Office Department and of great advantage to the business interests of the country in facilitating mail transmission.

I can not take time now to read the further conclusions of this commission. That was in 1901. Whether the gentleman is in error about his statement or not I do not know, but there was a commission that reported in 1901 that was wholly in favor of the pneumatic tube as a commercial proposition and as a distinct advantage to the Postal Service.

In 1902 the Post Office appropriation bill, approved April 21, provided for the transmission of mail by a pneumatic tube or other similar device, $500,000. I will not go further into that, for want of time, but that was a bid for a continuance of the service, coming from and with the authority of the Government itself. In 1903, during the fiscal year, the pneumatic-tube service was resumed in Boston, New York, and Philadelphia, extended so that on June 30, 1903, there was an aggregate in the three cities in operation of 12,495 miles. The Government approved of the extension and connived at it, whether it directly authorized it, in the opinion of the gentleman, or not.

The appropriation bill of 1904 carried an appropriation for the transmission of mail by pneumatic tube and other similar devices of $500,000. In 1905, on October 4, a commission of three expert postal officials, appointed by a Postmaster General's order of November 15, 1904, to carefully investigate the needs and advisability of extending the pneumatic-tube service, submitted a report, and they recommended an extension of the pneumatic-tube service so that it might be used at Baltimore, Boston, Brooklyn, Chicago, Cincinnati, Kansas City, New York, Philadelphia, Pittsburgh, St. Louis, and San Francisco. Here was a commission of the Government, authorized in due form, which recommended an extension of the service from the cities which already enjoyed it to other cities.

It did not recommend Government ownership and control of the service, or Government construction; but it did recommend that the Government advertise for proposals to induce men who had money saved up to invest their money in this pneumatic-tube business. It did go out and seek for men who had the means to come in and employ their capital for the benefit of the Government of the United States, and it did induce them—and it did, in every year thereafter up to the present administration, continue to induce them—to enter into the business of

constructing pneumatic tubes for the benefit and advantage of the Government of the United States.

I can not go very extensively into this, but the quotations are numerous from the laws themselves, from 1893 and 1894 down to the present time, justifying the extension of the pneumatic-tube service at the instance of Government officials and of the Congress itself. Now, we of this House are put in the peculiar position to-day of repudiating the acts of Congress with respect to the construction of pneumatic tubes. We are put in the position of doing what unfortunately has been the habit, the legislative habit, of some of the States of this Union, of inviting the saving funds or the capitalists of the country to invest their savings in the construction of railroads and other great public works in States other than the State of the origin of the money, and then by a law passed within the State closing the lion's mouth on the cash in hand and telling the investor to look to the heavens for relief. We are put in the position to-day of confiscating the proceeds of the men and the women who have been induced by the advertisement of the United States, by the influence of the departments of the United States, and by act of Congress itself, to invest their money in good faith in what is substantially a Government enterprise.

I started to say that this opposition had not begun, certainly had not taken such form as to mean confiscation, until the advent of the present administration in the Post Office Department.

Now, I hope that no one will assume that I am personal in this matter, because I have a high personal regard for the Postmaster General. But I question whether the Postmaster General of the United States, good citizen that he is and splendid fellow, but a clever politician withal, would have permitted this green-backed book, entitled "Pneumatic Tube Service," to have gotten out of his possession, so that it might have been read by the business men in the great cities of the United States prior to November 7 last, when the contents of it might have affected the election of a President. I question whether he would have permitted that document, made up by a special committee of his own choosing, employees of his own department, charged apparently to bring in a report in consonance with the wishes of the department—I question whether he would have let that get out of his hands. He had a chance to let it out if he wanted the public to have it, because the report was handed to him October 13, 1916.

What are the facts with respect to this report, this pneumatic-tube service report, which was not in the hands even of the Committee on the Post Office and Post Roads until a few days before the people got wise to the fact that the pneumatic tubes were to be abolished if the Postmaster General had his way? The report, I say, was not even in the hands of the committee until two or three days before the committee decided to give hearings to the people who wanted to protest against a sudden destruction of public property and the confiscation of private rights.

I personally sought a copy of this report, because the people of my city were anxious to know what this commission had reported. It was known by rumor that the commission of the Postmaster General had reported, but no man outside of the department had knowledge of what that report contained, at least not to the extent that it got to the ears of the public in any way. I say I undertook to get a copy of that report, and was able to obtain it only by the favor of a member or members of the committee, one or more, let us say, who kindly permitted me to look it over a day or two before it was decided that the public might be heard in opposition to it. It was declared to the committee that no man interested in the continuance of the pneumatic-tube service was able to obtain a copy of that report, in volume more than 200 pages of fine print, until the hearings were on and the committee was actually sitting upon the protests.

I sent to the Postmaster General's Office on December 13 for a copy of that report. The hearings had begun on December 11. The committee was in actual session and was hearing witnesses. But on December 14 my messenger reported that the chief clerk's office in the Post Office Department said that the report was then in the hands of the First Assistant Postmaster General, although it had originated in the office of the Second Assistant Postmaster General, and this was two days after the hearings had begun. My assistant went to the office of the First Assistant Postmaster General, where the information was that the office had but one copy for its own files; that it was printed for the use of members of the House committee and not as a document, and the only way possible to obtain it would be by borrowing it from a member of the committee. The public had little or no opportunity of confuting that report.

Here is the report, printed at Government expense, more than 200 pages of it, recommending the destruction of many millions of dollars' worth of capital actually invested, and it was not to be had, because there was only one copy of it in the office of the First Assistant Postmaster General two days after the hearings had begun. My assistant called at the office of the Second Assistant Postmaster General, where the information was that they had no copies, and the last report of the kind to their knowledge was Senate Document No. 15, dated October 24, 1904, which they gave to my assistant, and that was the report of the commission headed by the Hon. HOKE SMITH, which reported wholly in favor of the retention of the tubes. That report was the one of which everyone had knowledge, and it was wholly favorable, and it was the last official information upon which the proponents of the tube had to rely. Then inquiry was made of the sales department, superintendent of documents room, Government Printing Office, and the reply was that it had no knowledge of the report. Then my assistant went to the superintendent of work of the Government Printing Office, whose subordinates, after searching, found one copy which, they stated, was the last available copy, and they said they would "be glad to give it to Mr. MOORE." That copy was received.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. MOORE of Pennsylvania. I will, if the gentleman will give me time.

Mr. COX. I have no time to give.

Mr. MOORE of Pennsylvania. There was some criticism of the report before the committee. The chairman was frank about it. He indicated that the report could be had at the Postmaster General's office. I have indicated how difficult it was to obtain a copy; and yet, as a Member of Congress, I was seeking a report contemplating the destruction of a vast business, which, taken along with the committee hearings then going on, seemed to be in the nature of a decree of execution.

But the Postmaster General came along all right after the hearings. On the 19th of December, five or six days after the hearings were closed, every Member of Congress, I assume, received a very civil and courteous letter from the Postmaster General transmitting a copy of the report.

Now, if that is fair play, I hope there will be no more of it. If this is the method by which men inveigled into investing their money in an enterprise for the public good are to have their money swallowed up by the sudden decree by one or more officials of the Government, perhaps Congress ought to be fully advised so that hereafter Congress will not pass laws inviting men to go into a reputable business to help the Government and then deliberately close the door against the investment they have made.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Will the gentleman from Minnesota yield me 10 minutes more?

Mr. STEENERSON. I will yield the gentleman 5 minutes more, and that is the absolute limit.

Mr. MOORE of Pennsylvania. The question of economy has been raised. The service at Philadelphia costs about $170,000 a year. More than a million dollars is actually invested in this enterprise, employing many men and involving the machinery and overhead that would do credit to any great engineering establishment. In one fell swoop that business is to be taken away. These tubes are to be closed. That plant is to be destroyed; the men are to be discharged; and that is economy!

Well, while we are complaining that the pneumatic tubes may have increased in rental charges from $3,000 per annum in 1893 to $17,000 per annum per mile now, let us not forget another interesting fact. This very Post Office bill proposes an increase in the number of rural letter carriers, even beyond the estimate of the department, so that instead of appropriating $49,000,000 for the Rural Letter Carrier Service this year, which is the estimate of the department, the Congress shall appropriate $4,000,000 more, or $53,000,000 for that service.

Oh, my friends, if there is anything extravagant in giving this great service to the cities and the country—and I can prove, if I had time, that the country is most interested in getting mail swiftly—if we are complaining of an increased rental to $17,000 per mile per annum in the city tube service, what are we to say of the increase of the Free Rural Delivery Service from $40,000 per annum in 1897, four years after the pneumatic-tube service was installed at $3,000 per mile—from $40,000 per annum to $53,000,000? It looks as if this committee or this department was saving at the spigot and wasting at the bunghole.

Mr. SMITH of Michigan. The traffic is greatly increased.

Mr. MOORE of Pennsylvania. The testimony of the business men of my city, handicapped as they were for information about what they were to meet, handicapped as to the contents of this report—the testimony of these gentlemen was that the abandonment of these tubes would be a positive step backward; that it would increase the congestion of traffic in the highways of the great cities, lessen the ability of the carriers to get the mail to the business men and from the business men to their customers in the country, and that generally, so far as the congestion centers are concerned, it would increase the danger of loss of life and limb.

The business of the pneumatic-tube cities, as I am informed, as the result of the findings of the Hughes Commission, constitutes 25 per cent of the total revenue of the Post Office Department from all classes of mail; 74.86 per cent of all this revenue from the six cities referred to, amounting to $56,000,000, is letter mail; and the tubes handle 70 per cent, or $39,200,000 worth of that letter mail. The tubes advance beyond the ordinary method of carriage 21.7 of all letter mail handled, or $8,500,000 worth of mail.

Now, apart from the question of confiscation, which a failure to continue these tubes must raise, is the question of the ability of the farmer to communicate with the merchant of the city with respect to things he has to sell, and that is a——

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, under the five-minute rule I shall hope to refer to some of the testimony before the Post Office and Post Roads Committee by business men who were called very suddenly to protect what they believed to be the public interest in these underground tubes. The committee hearings cover nearly 400 pages and, while printed, are of course very difficult to absorb at this time. Since some of the gentlemen proposing the destruction of the tubes seem to regard them as beneficial only to the city in which they happen to be, I submit this very brief abstract from the statement of Mr. A. B. Clemmer, secretary of the Commercial Exchange of Philadelphia. The chairman of the committee having questioned Mr. Clemmer about the size of the tubes, that gentleman said:

COMMERCIAL EXCHANGE VIEW.

I am more particularly concerned about the business end of it, which I represent. As I said before, the grain members of our exchange did a business of upward of $100,000,000 last year.

However, the leading banks in Philadelphia, and the steamship lines, railroad companies, and provision merchants are also members of our exchange, and if we should figure their business in the total amount or volume of business done it would, of course, necessarily run into hundreds of millions of dollars instead of $100,000,000 worth of business which the grain men did. I want to say that, as far as the grain men are located in the Bourse Building, the members of the commercial exchange who did a business of upward of $100,000,000 last year, 75 per cent or possibly 80 per cent of that business was done through the tube—as far as the Postal Service was concerned.

* * * * * * *

I know the mail matter of the grain merchants is principally first-class mail matter. A great deal of the business done by the grain merchants is done in the States of Pennsylvania, New Jersey, Maryland, and extending into New England, as well as New York State; and I am here to plead for the interests of the business men of Philadelphia as well as of those States and the farmers therein.

A great deal of our grain is brought, a good portion of it at least, from the States of Delaware and Maryland, and the method in which that is done I would like to explain briefly: Our market closes at 2.15 p. m. daily, except Saturday. Immediately after the close of the market the grain buyer figures to find out how much he can pay for grain up until the opening of the next day's market. As soon as he has figured the prices he is able to pay he gets up a postal-card bid, and he is obliged to get that to Broad Street Station by 3 o'clock. The train reaching the most important grain-selling sections of those States leaves at 3 o'clock from Broad Street Station, and it is absolutely necessary to get the postal bids to Broad Street Station by 3 o'clock in order to meet that train; that is the last train to those sections leaving that day. Most of those sections have only two local trains, one in the morning and one in the afternoon. It is absolutely necessary that the farmer in any of those States receive the bids either that evening or not later than the first thing next morning in order that he may send in his acceptance of the bid by wire next morning to the Philadelphia buyer on or before 10.30 o'clock, the opening of the market, because the bid is not good any longer than that, owing to the possible changes in the market.

The CHAIRMAN. What market is that you are referring to? Is it the general city market or the exchange market?

Mr. CLEMMER. The Philadelphia Exchange market. Now, if the afternoon train should not get that mail, so that it would have to go next morning, it would reach the farmer in Delaware or Maryland entirely too late to be of any use, for the next morning's train will get down there about noon.

The CHAIRMAN. Is there anything to prevent you from getting this mail to the station by automobile?

Mr. CLEMMER. Well, you will notice that the time between the closing of the market, 2.15 in the afternoon, and the departure of the train, at 3 o'clock, is very short.

The CHAIRMAN. Well, is there any difficulty in Philadelphia due to the streets being congested, as in other places?

Mr. CLEMMER. There certainly is. If you will notice, the merchant, in the first place, has to have a little time to figure up his prices after the market closes. We have only three-quarters of an hour, 45 minutes, between the closing of the market and the time of the departure of the train for the merchant to make up his prices, get his postal card printed, and those postal cards to the substation in the Bourse Building, and have it transmitted from there to Broad Street Station. All that has got to be done in 45 minutes.

The CHAIRMAN. Would it not be satisfactory to you if an arrangement was made by the Government by which you would get a better service than you now get, and at less cost to the Government?

Mr. CLEMMER. We want the best service we can possibly get. But we are perfectly satisfied now.

EFFECT ON THE CLEARING HOUSE.

This testimony was supplemented by Mr. J. Allen Thompson, representing the Philadelphia Clearing House Association, who showed the relationship of the country banks throughout the United States to the pneumatic-tube service in a great city. This statement, in part, was as follows:

Mr. THOMPSON. Mr. Chairman and gentlemen of the committee, in speaking for the clearing house association in Philadelphia, the great inconvenience and loss to the business interests of the city caused by the discontinuance of the pneumatic-tube service, without the substitution of some like service, can best be appreciated by some figures which I will give you.

The clearing house is the pulse of the business of the city. As the clearings increase or decrease the trade increases or decreases. The Philadelphia Clearing House has never enacted the rule of exchange on country items—that is, checks coming from Maine, from San Francisco, or from Canada, down to the Gulf. These banks are cleared through the Philadelphia Clearing House at par, in consequence of which we handle more items—that is, the city of Philadelphia handles more items of country checks than any city in the Union, with one exception.

Mr. COX. Without any charge?

Mr. THOMPSON. Without any charge. The increase in the business of Philadelphia in the last few years I will give you by reports from the clearing-house association.

In 1914 the clearings for the year were upward of $7,000,000,000, or $26,000,000 daily; in 1915 upward of $8,000,000,000, or $29,000,000 daily. In 11 months in 1916 it amounted to $11,000,000,000; that is an increase of $4,000,000,000 between 1914 and 11 months in 1916.

The clearing house is composed, or the members are composed, of 28 banks and 7 trust companies. The total reserve from these is $828,000,000, but the banks that I will speak of most particularly are those right around the Bourse Station. We have there 12 banks, and the report of the comptroller of November 17, 1915, shows a capital of upward of $14,000,000, a surplus of $30,000,000, and deposits of $352,000,000. I am taking the banks only, not the trust companies, because the banks are the ones that handle the items throughout the country.

Mr. MADDEN. The trust companies are not in the clearing house?

Mr. THOMPSON. Some of them are in the clearing house, but they dump most of that into the national banks. The average number of these cash items forwarded each day from these 12 banks is 181,399, or a total of fifty-four million four hundred and some odd thousand per annum, and amount in money value to $7,618,733,284, upon which a postage amounting to $109,458 annually is paid. The value of the tube service to the banking interests using this station is a saving of from 30 to 35 minutes. By experience we learn, when we want to send a letter to New York, to get it off on a train which leaves at 11 o'clock—the closing hour at the Bourse Station is an hour before the train leaves.

Mr. MADDEN. The ordinary movement?

Mr. THOMPSON. The ordinary movement; yes, sir.

Mr. MOORE. Just explain where the Bourse Station is. That is the central business station and the eastern terminus of the pneumatic tube?

Mr. THOMPSON. Yes.

Mr. MADDEN. The Bourse Station is the exchange?

Mr. THOMPSON. That is right over on Fourth Street, between Market and Chestnut.

Mr. MOORE. It is in a very central business section?

Mr. THOMPSON. Yes, sir. These banks I am speaking of are all, with few exceptions, within not over five minutes of that station. Most of them are within three minutes of the station. Now, when we have endeavored to forward letters by special delivery to New York by that train which leaves at 11 o'clock we have sent them over to the Bourse Station and they have not arrived at their destination. This was some years ago, and we made an investigation and we found that our envelopes were too large for the tube.

Mr. MADDEN. What is the size of the tube?

Mr. THOMPSON. I do not know. I know nothing about the tube system. I only know the result, and I handle the mail in the bank, and every complaint is turned over to me.

The CHAIRMAN. You adjusted the envelope to the tube?

Mr. THOMPSON. We adjusted the envelope to the tube.

The CHAIRMAN. It is about a 6 or 8 inch tube?

Mr. THOMPSON. I am only giving you the evidence as I have run up against it myself in transmitting mail. There were several of these instances I have mentioned where the mail did not get through in time. On investigation I found it was on account of the envelopes being too large to fit the tubes. Since then we have made the envelopes fit the tubes, and they have had very little trouble.

The delay in the delivery of this mail to the New York banks would cost the different banks and different people throughout the country a great many thousands of dollars in loss of interest, so that it is a matter of great importance that these letters are got through to their destination.

We are so situated that unless the tube is used they are sent by wagon, and the wagons close, as I understand it, on the hour or half hour, and we are receiving items all day for every section of the country, and we have to know the time that a letter should leave Philadelphia to arrive in Chicago at the opening of the clearing house, in St. Louis, and for all the large cities through the country. We have to know that; and, secondly, we hold our letter until the very last minute, until everything can be put into it to be sent to these cities. For the lack of some like device, then, we are delayed. If we miss the half past 9, half past 10, or half past 11 item, we lose the mail.

There is also another case that I had very strongly brought before me, and that is the trains leaving the North Philadelphia Station. The North Philadelphia Station is some 36 squares away from the central banking district. There I had occasion to want to send some

letters, and called at the post office. They said it closed at the Bourse at 3 o'clock Well, it was 10 minutes after 3, and there was only one thing to do, to send one of our messengers up there, taking an hour and a half to go up and costing 15 cents in car fare; but if we had been advised and if we had known, as we have since learned, that the tube would have taken it, we could have delivered it at the post office in the Bourse Station at 4 o'clock. The train leaves at 4.37. We dispatched the man about 10 minutes after 3, as there was no other way of getting it there.

Now, the other banking houses in the city are located around the main station, and of that I can not say so much, except that they are forwarding a proportionate amount of mail all day long.

Mr. MOORE. With the indulgence of the committee, before you close, since you have given some very staggering figures about the business done by the Philadelphia Clearing House, I would like you to explain where that business originates. It is not all Philadelphia or Pennsylvania business? Where does it come from?

Mr. THOMPSON. From Maine; San Francisco, Cal.; and from Canada to the Lakes.

Mr. MOORE. You are dealing with all the cities of the Union?

Mr. THOMPSON. We are dealing with all the cities of the Union; yes.

Mr. MOORE. What proportion of outside business is there—about what percentage of the business is outside business?

Mr. THOMPSON. A little more than half, I think.

Mr. MOORE. Outside of Pennsylvania?

Mr. THOMPSON. In other words, the local business is only about half of that done.

Mr. MOORE. We are buying from the other cities, and the interchange of money is practically an interchange of State interests?

Mr. THOMPSON. That is right, sir.

Mr. MOORE. Centralizing in Philadelphia?

Mr. THOMPSON. Centralizing in Philadelphia for distribution on account of the clearing house in Philadelphia not having enacted the rule of charging exchange.

Mr. MOORE. You do not make a charge for the exchange?

Mr. THOMPSON. No, sir.

CONGESTION ON THE STREETS.

In addition to these statements were others from representatives of all the great trade bodies of Philadelphia, earnestly protesting against the backward move of substituting overhead for underground service. Capt. Mills, chief of the traffic squad of the Philadelphia Department of Public Safety, gave some interesting and convincing statements with regard to the increase of auto mail cars. I append a part of his statement:

Mr. MILLS. Mr. Chairman and members of the committee, as commander of the traffic division of the department of public safety I was requested to come here by the director to protest against the removal of these tubes, in so far as Philadelphia is concerned, solely from the standpoint of traffic congestion.

The merits of the pneumatic-tube service I know nothing about, I am here, as I said before, solely on account of traffic congestion and, what is more important, danger to pedestrians who use the streets.

A motor vehicle or horse-drawn vehicle traveling from the Bourse Station to the Broad Street Station, from which two points tubes are now in operation, would be compelled to pass through 12 lanes of vehicles crossing at right angles, running from 325 on one street to 1,750 per hour on another street. They would be compelled to pass through eight lanes of pedestrians running from 3,000 to 8,000 per hour.

A vehicle traveling from the Central Station to the Southwark Station or the Philadelphia Hill Station, from which points tubes are also in operation, would be compelled to pass through the most congested portions of our city, through quarters which have a population in a half square mile of as high as 40,000 people, and where through the summer months the streets are literally teeming with children.

The department is constantly in receipt of complaints due to the reckless manner in which vehicles under control of the Government, carrying mail, are operated. During the past year in the city of Philadelphia there were 115 persons killed by motor vehicles; there were 38 collisions in which vehicles in the control of the mail service were concerned; there were 28 persons injured by vehicles while under the control of the mail service.

We estimate that there are about 9,000 vehicles—automobile vehicles—using the streets of Philadelphia. If they were operated with the same degree of recklessness as the postal vehicles were operated last year we would have had injured in the city of Philadelphia 12,000 people.

In regard to the collisions, if the same number of collisions occurred in the percentage with other vehicles there would be 22,500 collisions in the city of Philadelphia. A mail vehicle in the city of Philadelphia, on a percentage basis, is three hundred and twenty-two times more dangerous than any other vehicle operated on the city streets.

Mr. MADDEN. Why?

Mr. MILLS. I don't know why. In justice to the postal authorities, I want to say they are making every effort to remedy that condition.

Mr. STERNERSON. Is it because they run too fast?

Mr. MILLS. Not exactly; also the postal department has maintained in the city of Philadelphia a schedule which causes the vehicle running over that schedule to be operated at as high rate of speed as 52.2 miles per hour in the city streets. That is your own schedule.

Mr. MOORE. Captain, while you are on that, won't you describe the condition as between the Bourse, at Fifth Street, and the central post office, which is at Ninth and Market Streets, and indicate just what would happen if we should remove the pneumatic-tube service from those two points and substitute surface cars—vehicular conveyances?

Mr. MILLS. A vehicle traveling from the Bourse would have to cross Fourth Street, where the traffic runs about 180 per hour; it would have to cross Fifth Street, where the traffic is between 300 and 350 per hour; it would have to cross Sixth Street, where the traffic increases to 500 per hour; it would have to cross Seventh Street, where the traffic increases to 650 per hour; it would have to cross Eighth Street, where the traffic jumps to 1,000 vehicles per hour; and it would have to cross Ninth Street at the post office, where it decreases to 800 per hour.

Pedestrian traffic at Fourth Street averages about 1,500 an hour; at Fifth Street, about 1,000 an hour, and continues up to Eighth Street, where it averages 5,000 per hour. Those are persons crossing from one side of the street to the other, where this vehicle would have to pass through

PHILADELPHIA CITIZENS MAKE AN INVESTIGATION ON THEIR OWN ACCOUNT AND REPORT IN FAVOR OF THE TUBES.

After the Committee on the Post Office and Post Roads had concluded its hearings and the Philadelphia committees had obtained copies of the report of the Postmaster General's commission, they organized an inspection of their own, to which public attention was drawn. Under date of January 5, 1917, they completed and published the result of their inspection and tests. They take positive issue with the Postmaster General's commission, both as to the facts reported upon and as to the conclusions. I ask a careful reading of this report, since it comes from a public-spirited body which knows what it is talking about. The report is as follows:

REPORT OF TEST OF PNEUMATIC-TUBE MAIL SERVICE IN PHILADELPHIA, MADE DECEMBER 27, 1916, BY JOINT COMMITTEE OF PHILADELPHIA TRADE BODIES.

[Joint committee composed of representatives of the following organizations: Philadelphia Bourse, Philadelphia Board of Trade, Philadelphia Chamber of Commerce, Philadelphia Maritime Exchange, Commercial Exchange of Philadelphia, Grocers' and Importers' Exchange, Philadelphia Drug Exchange, Master Builders' Exchange, Manufacturers' Club, United Business Men's Association, Hotel Men's Association of Philadelphia, and Philadelphia Clearing House Association.]

PHILADELPHIA, *January 5, 1917.*

A number of members of the committee appeared before the Committee on the Post Office and Post Roads of the House of Representatives at the hearings held in Washington on December 11 and 12, 1916. All testified that they considered the pneumatic-tube mail service a very valuable factor in the rapid handling of first-class mail in Philadelphia, and that the business interests were unanimously opposed to its abolition, and the substitution therefor of mail vehicles traveling through the streets. Numerous cases were cited by various witnesses of the practical use of the tubes in forwarding important business mail to catch certain afternoon mail trains which could not be done satisfactorily if at all by mail vehicles traversing the streets, no matter how propelled.

The witnesses were confronted by statements, quoted by the chairman of the congressional committee, from a report on the pneumatic-tube mail service made by a special committee of postal experts appointed by the Postmaster General July 17, 1915, which committee investigated the service at all of the cities where pneumatic tubes are in use and made report thereon under date of October 13, 1916.

Some of the statements, previously referred to as contained in the report and alleged to be facts, were of a character that if substantiated would justify various deductions and conclusions arrived at by the committee of postal experts. Representatives of the tube companies in attendance at the hearings vigorously disputed the correctness of the statements and of the deductions based thereon.

The particular allegations made by the committee of postal experts which seemed to your committee to be of prime importance in their relation to the efficiency of the tubes were:

First. "The capacity of each tube container is limited to about 5 pounds of letter mail * * *."

The representatives of the tube company claimed a maximum capacity of about 15 pounds, but that in actual daily practice about 10 pounds was the customary load.

Second. "The rapidity of dispatch of tube containers is limited to intervals of about 15 seconds, so that only about 20 pounds of letter mail can be dispatched each minute * * *."

The representatives of the tube company claimed that as a matter of daily practice tube containers were being dispatched at intervals of 7, 8, and 9 seconds at different stations and were transmitting approximately 60 pounds of letter mail per minute.

(NOTE.—Twenty pounds of letter mail means approximately 1,000 pieces per minute; 60 pounds of letter mail means approximately 3,000 pieces per minute.)

The report of the postal experts contained a number of other statements setting forth the disadvantages of the tubes, but none that seemed to your committee of comparable importance.

In order that your committee might be able to speak from actual observation and make a report to you based upon a study of the handling of the mails at several of the offices, permission was sought and very courteously granted by Mr. John A. Thornton, postmaster at Philadelphia, for an inspection by the committee of the methods of handling the mails, inbound and outbound, and by various means of conveyance, at the central post office, at two of the substations, and at the Pennsylvania Railroad terminal.

Pursuant to the arrangements made with the postmaster, a meeting of the committee was called at the central post office for 2 o'clock on the afternoon of December 27. Representatives of the following organizations were in attendance: Ernest L. Tustin, representing Philadelphia Board of Trade; A. B. Clemmer and Robert Morris, representing Commercial Exchange of Philadelphia; E. R. Sharwood, representing Philadelphia Maritime Exchange; Charles Elmer Smith, representing Master Builders' Exchange; William C. Halpen, jr., representing Grocers' and Importers' Exchange; William B. Riley, representing Chamber of Commerce; George E. Bartol and Alexander D. Chiquoine, jr., representing Philadelphia Bourse.

In view of the fact that the Post Office appropriation bill is pending in Congress, it was thought desirable to have the Members of Congress from the Philadelphia districts accompany the committee on its tour of inspection. Invitations were sent to all Members of Congress from Philadelphia, and the following Members accepted the invitation and accompanied the party: Hon. J. HAMPTON MOORE, representing third district, Philadelphia; Hon. GEORGE W. EDMONDS, representing fourth district, Philadelphia; Hon. GEORGE P. DARROW, representing sixth district, Philadelphia.

After a visit to the postmaster, Hon. John A. Thornton, we proceeded to the main floor of the central post office. The postmaster had appointed to accompany us Mr. T. P. Johnson, superintendent of mails, and Mr. John J. Morrissey, assistant superintendent of mails. The Pneumatic Transit Co. had appointed to accompany us Mr. Kenneth E. Stuart, chief engineer of the company, and Robert Ball, superintendent of the company. The committee was thus provided with experts competent to give full information and explain all particulars of the handling of the mails by different methods.

Careful observation was made by the committee of the time consumed in the dispatch of containers through the pneumatic tubes, both by the line to the Philadelphia Bourse and the line to Broad Street Station,

Pennsylvania Railroad. The former line is a 6-inch line of old pattern, being the first line that was installed in Philadelphia some 23 years ago. The committee observed a large number of containers transmitted by this line at intervals of 5 seconds, which would indicate that this service, if required, could readily transmit 12 containers or carriers per minute. The latter line (to Broad Street Station) is of more modern construction and is an 8-inch line. Quite a large number of containers were dispatched by this line in the presence of the committee at intervals of 5½ seconds, indicating that if necessary this service could be maintained at the rate of 11 containers or carriers per minute. Your committee also observed the rapidity of operation of the 8-inch tube, which runs to North Philadelphia Station (directly opposite the Pennsylvation Railroad Station, known as North Philadelphia). This line is not a continuous line but passes through three substations on its way.

Having completed our observations at the central post office, after an inspection lasting more than half an hour, we proceeded to Fairhill Station, located at Hutchinson Street and Lehigh Avenue. This station is one of the relay stations on the North Philadelphia Station line previously referred to, and the committee timed the arrival and departure of containers which were in transit from the central post office to North Philadelphia. A number of containers or carriers were received and dispatched on this line at intervals of 9 seconds, indicating that in practice 6⅔ carriers per minute were being transmitted.

The committee, having spent about 20 minutes at Fairhill Station, proceeded to North Philadelphia Station to observe particularly the arrival and dispatch of the very important mail which leaves North Philadelphia Station by Pennsylvania Railroad at 4.31 p. m. on the "Broadway Limited," due in Chicago at 9.45 a. m. the following day.

The carriers containing this mail commenced to arrive shortly after 4 o'clock. There were 34 carriers in all, 32 of which arrived consecutively. Carefu' observation was made with stopwatch, the first 10 carriers arriving in 83 seconds; the balance of the 32 mentioned came at an equal rate of speed, indicating the interval of transmission to be 8.3 seconds, or a trifle over 7 containers or carriers per minute. The last two carriers, containing bank mail, followed after quite an interval, but in time to catch the mail pouches before closing. The pouches close at 4.15 p. m. Four carriers were selected by the committee at random as they arrived and contents weighed. Weight of contents of each follows: 8 pounds, 8 pounds, 9 pounds, 10 pounds, an aggregate weight of 35 pounds of letter mail, or 8¾ pounds per carrier.

Assuming the above weight to be a fair average of the capability of the tube and that the carriers were approximately loaded to equal capacities, the 32 containers held 280 pounds of mail, or 14,000 pieces.

According to the statements of alleged facts in the report of the committee of postal experts, these 32 carriers could not have contained over 8,000 pieces. The 32 carriers, however, arrived in a trifle less than 4½ minutes, or, as previously stated, at intervals of 8.3 seconds. According to the report of the committee of postal experts this would be impossible, and they could have arrived, according to their statements of facts, at the rate of only 4 per minute, so that in the 4½ minutes but 18 carriers would have arrived, and the carriers would have contained only 5 pounds of letter mail each, or a total of 90 pounds, equal to 4,500 pieces of letter mail. Your committee found, as a matter of fact, as above stated, that instead of arriving at the rate of 4 carriers per minute the containers arrived at the rate of over 7 carriers per minute, and instead of containing only 4,500 pieces of letter mail actually delivered 14,000 (all estimates of number of pieces are based upon an average of 50 pieces first-class letter mail per pound).

The committee, having spent about 25 minutes at North Philadelphia Station, proceeded to the sub post office under the Pennsylvania Railroad, Broad Street Station. No special timing of tube service was made at this station, but the committee observed that the tubes were in active use and that the rapidity of arrival and departure of carriers seemed to be the same as had been observed at the other stations. The committee further inspected the so-called Terminal Station under the Pennsylvania Railroad structure, where the circular mail, second-class matter, and parcel-post packages arriving from out of town are handled. About 25 minutes were devoted to these two features of this substation.

Your committee also looked at the plant required for the operation of the tubes at the Fairhill Station and at the Broad Street Substation. It was found that quite a large area was required for the blowers or compressors used, but that this space was in the cellars of the respective stations and would not be used ordinarily for the business of the respective post offices. The space occupied for the receiving and delivery of mail by pneumatic tubes did not seem at all large in proportion to the volume of mail handled and the value of the service.

It would be impracticable in this report to go into a number of minor details which were inquired about by various members of the committee, but the final conclusions of your committee are that the primary and most important statements of alleged facts made by the special committee of postal experts, and numbered 1 and 2 in their report of the limitations and disadvantages of pneumatic tubes, were thoroughly and completely disproven by the actual observations of the committee, and are so far from being a truthful statement of the facts as to cause us to regard almost all of the other statements in the report and the deductions and inferences founded thereon with extreme suspicion.

The statement of the committee of postal experts that the tubes are unable to carry special-delivery parcels we consider wholly irrelevant. The tubes are not intended to carry parcels, but first-class important mail.

The criticism as to the loss of time attendant upon relaying containers at way stations on lines between two important terminals infers that the time lost is of serious consequence. Your committee timed the operation of relaying mail at the Fairhill Station and found that it amounted to from 3 to 5 seconds, which would make a total loss of time in transmitting a container from the central office to the substation at North Philadelphia, passing through Station S, Station O, and Fairhill Station, of 9 to 15 seconds, which seems immaterial. This is not cumulative loss of time, but an aggregate applying to a complete transmission regardless of how many containers might be contained in it. In other words, the total loss of time on the transmission of the 32 containers previously referred to from the central post office to North Philadelphia Station would have been only 9 to 15 seconds.

The committee of postal experts criticize what they describe as the inflexibility of the tubes. Your committee feels that the inflexibility applies only to the diameter of the tubes, and that a tube open at both ends is capable of use limited only by the ability of the clerks to feed container into the tube and of the clerks at the other end to remove them; in other words, a continuous service at high speed can be maintained, dependent only upon the supply of matter.

To summarize our views, we believe, based upon years of satisfactory experience and recent observation—

First. That the pneumatic-tube service is an extremely valuable method for the rapid handling of first-class mail matter and that our business interests unanimously desire the continuance of this service.

Second. That no known method of surface transportation can give to the business interests equally rapid or satisfactory service.

Third. That regardless of what speed may be possible by automobiles, physical conditions of congestion place limitations upon speed and that the congestion in the streets of Philadelphia is likely to increase rather than to diminish, and we deprecate strongly a proposal to place a considerable number of additional rapidly moving mail vehicles upon our highways, which will necessarily have to reach the central post office, which is located in one of the most densely congested districts.

Fourth. We strongly oppose the suggestion of economy to be practiced upon the best patrons of one of the best-paying post offices in the United States.

Respectfully submitted.

George E. Bartol, representing Philadelphia Bourse; Ernest L. Tustin, representing Philadelphia Board of Trade; William B. Riley, representing Philadelphia Chamber of Commerce; A. B. Clemmer; Robert Morris, representing Commercial Exchange of Philadelphia; E. R. Sharwood, representing Philadelphia Maritime Exchange; W. C. Halpen, jr., representing Grocers' and Importers Exchange; Charles Elmer Smith, representing Master Builders' Exchange; A. D. Chiquoine, jr., representing Philadelphia Bourse.

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, I am opposed to the proposal of the Post Office Department to do away with the pneumatic mail tubes for three reasons:

First, because it strikes at the very roots of the efficiency of the postal service, affecting the business interests of Philadelphia and the convenience of all the citizens of that city.

Second, because the proposal is confiscatory, destroying the property of those who invested their money in the tubes which were constructed at the behest of the Federal Government.

Third, because I believe that the Government should be responsive to the will of the people, and in this instance there is a clear attempt to override the definitely expressed wishes of the people of Philadelphia and other cities.

Mr. MOON. Will the gentleman allow me to ask him a question?

Mr. VARE. I have very little time.

Mr. MOON. I will give the gentleman more time; I have plenty of it. Is there any provision in the bill which does away with the pneumatic-tube service anywhere?

Mr. VARE. You fail to appropriate the money for the system.

Mr. MOON. Does not the gentleman know that the section which has been carried in the bill all the time is carried now in exactly the same language?

Mr. VARE. But the appropriation is not there.

Mr. MOON. That is all; the appropriation is not carried. We have appropriated $456,000 for pneumatic-tube service and the old appropriation has been $976,000. Assuming that the House agrees to raise the old appropriation of $976,000, then tell me how it is possible under the law for Philadelphia to get one cent of that money? I will say in explanation of that question that the law provides that the pneumatic-tube contract shall not be extended until a commission of three or more men appointed by the Postmaster General shall have made a thorough and complete investigation and reported favorably upon the extension at a particular place. Now, outside of the merits of the proposition in Philadelphia the report is adverse to Philadelphia.

Mr. VARE. My colleague and I have construed the intention of the law quite differently from that of the statement of the gentleman from Tennessee.

The objections which have been made to the continuance of the tubes might almost be described as frivolous. Even if it were true that the capacity of each tube container is limited to about 5 pounds and the rapidity of dispatch of each container is limited to intervals of about 15 seconds there would be no justification for discontinuing the tubes. But these figures, as shown by the report of the House Committee on the Post Office and Post Roads, are incorrect.

The minority members of the committee, at practical tests of the tubes, have demonstrated that the tubes have an average capacity of from 39 to 51 pounds of letters, or, to be more exact, 1,950 to 2,550 letters per minute instead of the "limit of capacity" of 20 pounds per minute, as stated by the departmental committee which advocates the abolishment of the tubes.

Five previous governmental committees which investigated the tubes sustained their reputation for efficiency and speed and economy. What is the influence back of this move to discredit the tubes? What is the powerful influence which persists in causing investigations to be made after the efficiency of the tubes has been established by experience and the judgment of the business men of the country? Did not the four previous in-

vestigations settle the question? Why should they keep on until they found a committee that would decide against the tubes?

The present mayor of the city of Philadelphia, Thomas B. Smith, was for a long time postmaster of the city. He was rated as one of the most efficient postmasters in the whole country. He is a business man, and he put business methods into the post office at Philadelphia. He knew the value of the tubes, both from the standpoint of good service and economy. He recently telegraphed me as follows:

As mayor of Philadelphia and a former postmaster, I urge you to enter protest before the Committee on the Post Office and Post Roads against the discontinuance of the pneumatic-tube service in Philadelphia. Motor-truck service in connection with the tube would give improved service, and we need it. Anything else means a step backward and a severe blow to our business interests.

THOMAS B. SMITH,
Mayor of Philadelphia.

The whole effort of the times is toward utilizing the undersurface means of transportation. Millions of dollars were spent to tunnel the Hudson River to provide quick transit. Hundreds of millions have been spent on subways in all the large cities to relieve surface congestion. Even the telephone and telegraph companies are spending millions for underground wires.

The streets of all the large cities are becoming congested. At certain times in the day the streets of Philadelphia in the center of the city are heavily congested. The increased use of automobiles is adding to this congestion.

The tendency of the Post Office Department should be to extend the mail tubes and put them into more general use. Any underground system whereby 2,000 letters can be dispatched every minute is worth far more to the business of the country than the Government is paying for it.

The annual appropriation hitherto has been $976,000. The majority members of the Committee on the Post Office and Post Roads would cut this down to $449,500, which would be expended for the maintenance of half the service now operative in New York, with the tubes in Philadelphia, Boston, Chicago, St. Louis, and Brooklyn done away with altogether.

It would be more modern, more businesslike, and more economical if the Post Office Department were to double the appropriation hitherto made and extend the system in all the large cities where there is congestion. It would help the farmers as well as the city business man. It would give him quicker crop reports and quicker information as to the condition of the markets.

The Post Office Department, significantly enough, has boasted that it has turned a surplus of $12,000,000 back into the Treasury in the past four years. If the public has received any advantage from this alleged saving, I have seen no evidence of it. It is admitted that there is an enormous deficit in prospect in the general revenues; the people are being heavily taxed in all sorts of obnoxious ways. Yet despite all the extra taxes they are paying they are being made to suffer the greatest inconvenience in the one governmental service that is closest to the householder and business man, the Postal Service.

This effort that is being made to kill the pneumatic-tube service is merely a symptom of the growing disregard for efficiency. It is no secret that postal efficiency generally has been declining. Letters no longer reach their destination promptly. Tests have been made in Philadelphia recently which show that where the pneumatic tubes are not used the letters are delayed in reaching their destination.

Instead of approving the proposal of the Post Office Department to abolish the tubes, Congress should give explicit instructions in the appropriation bill for the extension of the tubes and the use of them to their fullest capacity. In no other way, I believe, can the prejudice of the department be overcome.

It is something more than a coincidence that all the business men of the country are in favor of the continuation of the tubes. Sentiment in Philadelphia is unanimous for their retention and extension. Presumably business men know something about business. Presumably they would not recommend anything that would retard good postal service, which is vital to the welfare of the city and its commercial interests.

The reduced appropriation, as I have said, strikes at the roots of postal efficiency; it is confiscatory, as it destroys an investment invited by the Government; it is a violation of popular government because it overrides the plainly expressed sentiment of the large cities which now enjoy and profit by the pneumatic-tube service.

Every commercial organization in Philadelphia has asked that the tubes be continued. There has not been a dissenting voice raised except from the Post Office Department. The case in favor of the tubes has been made out completely and emphatically. I would feel recreant in my duty were I to fail to record myself in strong opposition to this impairment of the postal facilities. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman used 9 minutes and yields back 1 minute.

Mr. STEENERSON. I yield 15 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, the city of St. Louis has commercially within a radius of 10 miles something more than a million of people. Its streets in the downtown section are crowded during all the business hours. It is practically impossible for automobiles to traverse those streets without great delay. At every street crossing practically there is a traffic policeman whose duty it is to stop vehicles going in one direction or the other.

The central station of the St. Louis post office is located in the business and financial center, at Eighth and Olive Streets. The main post office for the city is located at Eighteenth and Walnut Streets, more than a mile away from the business and financial center. In order that mail may be collected from the business section during the closing hours of the business day and put upon the fast mail trains going out to the East and West it must be sent through the pneumatic tubes. That mail could not possibly be collected and placed upon those trains by automobile service. Tests have been made, and demonstrations of that fact are positive. Likewise mail coming in from the East and the West on the fast mail trains, arriving in the morning hours, could not possibly be placed in the business and financial section of the city so as to be delivered to those needing this mail, in the early morning hours, by automobile service.

St. Louis is peculiarly situated in this respect, because of the location of its central post office and of its main post office, and not one person in the city of St. Louis, post-office official of anyone else, has come forward in these hearings and investigations with any statement to the effect that we could do without the pneumatic-tube service without the greatest possible detriment and harm. We have had sent here petitions from practically every business man, commercial house, and bank in that city protesting against the taking away of that efficient service.

Among them are such splendid, high class, and efficient concerns as the following:

The Brown Shoe Co., J. Hahn Bakery Co., St. Louis Basket & Box Co., Busch-Sulzer Bros., Diesel Engine Co., William J. Lemp Brewing Co., Fred Medart Manufacturing Co., Medart Patent Pulley Co., Manewal Bread Co., Manufacturers' Association of St. Louis, Pawly Jail Building Co., Pioneer Cooperage Co., St. Louis Lightning Rod Co., F. E. Schoenberg Manufacturing Co., St. Louis Architectural Iron Co., Monsanto Chemical Works, South Side Trust Co., Manufacturers' Railway Co., the St. Louis & O. Fallow Coal Co., Standard Furniture Manufacturing Co., Brueckmann-Cooperage Co., Henry D. M. Doerner Plumbing Co., Edele-Mertz Hardware Co., George Ganter Cigar Co., the Kaltwasser Carpet Co., G. Umbach Furniture Co., Wacker-Helderle Undertaking & Livery Co., Lafayette-South Side Bank of St. Louis, Freund Block Clothing Co., Miller Lightning Rod Co., George J. Fritz Foundry & Machine Co., Loy-Lange Box Co., Shultz Belting Co., American Car & Foundry Co., Missouri Cotton Yarn Manufacturing Co., Western Blow Pipe & Sheet Metal Co., Frazer Lubricator Co., Western Mineral Water Co., Laclede Coal Co., M. Goettler Hat Co., Ph. Burg Grocer Co., Wisconsin Creamery Co., French Market F. & D. Co., Joe. Lowenstein Jewelry Co., Anstedt Shoe Co., William Sieber & Sons Dry Goods Co., St. Louis Star Packing Co., Emil Wachter & Son Hardware Co., Blank Drug Co., Adolph Meyer L. & U. Co., South Side Laundry Co., Model Baby Shoe Co., Shapleigh Hardware Co., German-American Bank, Buxton & Skinner Printing & Stationery Co., International Bank of St. Louis, Mississippi Valley Trust Co., Little & Hays Investment Co., I. M. Simon & Co., State National Bank of St. Louis, Goodyear Rubber Co., Day Rubber Co., Skinner & Kennedy Stationery Co., Shallcross Printing & Stationery Co., St. Louis Union Bank, Whitaker & Co., Alexander H. Brown & Co., B. Nugent & Bro. Dry Goods Co., American Trust Co., Anheuser-Busch Brewing Co., Mermod Jaccard King Jewelry Co., Western Advertising Co., the Atlas Portland Cement Co., Adjustment Bureau, Southwestern Bell Telephone System, Donk Bros. Coal & Coke Co., Geller, Ward & Hasner Hardware Co., Profrock-Litton Furniture Co., Bentzen Commission Co., Simmons Hardware Co., the Scudders-Gale Grocer Co., Graham Paper Co., Pittsburgh Plate Glass Co., Wheeling Corrugating Co., William H. Lee Co., W. A. Bruckheiser, James N. Forbes Tea & Coffee Co., Niehoff-Schulze Grocer Co., Fairbanks, Morse & Co., Krenning-Schlapp Grocery Co., Libby-McNeill & Libby, Charles A. Sweet Provision Co., George M. Reed, Western Elec-

tric Co., Jones W. W. & Paper Co., Gettys Brokerage Co., Rosen-Reichardt Brokerage Co., Washington University, Beck Drayage Co., Samuel Cupples Woodenware Co., Liebowits Rubin Brokerage Co., Leon Israel & Bros., the Goodard Grocer Co., Meyer-Schmid Grocer Co., Adam Roth Grocery Co., G. H. Wetterau & Sons Grocer Co., Fulton Bag & Cotton Mills, Mesker Bros. Iron Co., Meyer Bros. Coffee & Spice Co., O. H. Peckham Factory, National Candy Co., Frank J. Rosier, Hanley & Kinsella Coffee & Spice Co., Louis Maull Cheese & Fish Co., Cole Bros. Lightning Rod Co., the Hayner Distilling Co., Wesco Supply Co., C. F. Blanke Teas & Coffee Co., Philip Ruxton (Inc.), the National Cash Register Co., National Printing & Engraving Co., J. C. Chenoweth D. & C. Co., Ely & Walker Dry Goods Co., Rosenthal Sloan Millinery Co., Marx & Haas Clothing Co., Roberts Johnson & Fand Shoe Co., White Branch-Shelton Hat Co., Sigmund Glaser & Co., Vinsonhaler Shoe Co., James Clark Leather Co., Marquette Cloak & Suit Co., the Butterick Publishing Co., Morisse Lace & Embroidery Co., King Brinsmade Mercantile Co., Belding Bros. & Co., Harris-Polk Hat Co., Mexican-American Hat Co., H. Seligman Novelty Co., Joseph Berlinger Ribbon Co., Langsdord Bros., Adams Eng. Co., J. A. Ruhl Clothing Co., Watson Glasgow Hat Co.

I also call your attention to a letter received from the mayor of the city of St. Louis, as follows:

ST. LOUIS, *January 3, 1917.*

Hon. L. C. DYER, M. C.,
Washington, D. C.

DEAR SIR: As mayor of the city of St. Louis, I am writing you to-day upon the subject of pneumatic mail tubes, which, I understand, the Postmaster General is trying to have discontinued in all cities except New York.

I can not impress upon you too strongly that this is a backward step and absolutely contrary to the march of progress. Our city streets are congested so badly with traffic that it has been necessary to provide a number of one-way streets; that is, to allow traffic to move in one direction on these thoroughfares in order to regulate said traffic with any degree of safety.

There is hardly a comparison between the tube and auto service. The tube runs swiftly beneath the surface, while the autos move along the heavily congested streets, endangering life and limb in their efforts to make time. It would be a crime to burden our streets with any more traffic than is necessary.

I will consider it a personal favor if you will vote to retain the service in St. Louis, and, if the opportunity presents itself, to urge that the lines be extended to other points in our business districts.

Sincerely, yours,

HENRY W. KIEL, *Mayor.*

Mr. Chairman, if the people of St. Louis unanimously want this service and are willing to pay for it, as they are paying for it, why should it be taken away and the great Postal Department, which has been advancing with civilization and with the progress of the people, take a backward step, and deny to the people of St. Louis the facilities that they now enjoy, and that they so sorely need?

Mr. Chairman, we have only 2 miles of pneumatic-tube service in St. Louis. We have petitioned the Post Office Department, and our petition has been indorsed not only by two former postmasters but by the present postmaster, asking for the extension of this service. They have joined in the petitions time and time again asking for an extension of this service, so as to take in three other stations.

Mr. Chairman, the people of the great cities need rapid transit in the collection and distribution of their mail. The service there is different from what it is in other sections of the country. The country sections do not appreciate or understand the importance and the necessity of the pneumatic tubes for the great cities. The people of the great cities pay for this service. The city of St. Louis, through the post office, has paid to this Government during the last fiscal year postal receipts of $5,533,074. Those are the receipts of the city post office of St. Louis for the last fiscal year. Deducting all possible expenses that can be charged against these receipts, including the pneumatic-tube service, and everything else that can in any way be charged up, we find it amounts to only $2,184,122, showing a balance of nearly $3,350,000 to the credit of the Government from the operations of the St. Louis post office. If the people pay that enormous amount to the Government, as they do; if they pay other taxes, including the income tax and the corporation tax, amounting to millions of dollars, are not the people of that great city entitled at least to this small consideration? Here is an item that costs at the present price that we are paying for this pneumatic-tube mail service something less than $34,000, and, when our post office takes in over $5,000,000 annually, can not our business men have this small consideration which they are unanimously asking for?

In all these hearings there is not one protest. There is not one word in the hearings before this commission from any business man, from any citizen of St. Louis, including the postmaster himself, which pretends that this service can be done away with without harm and without retarding the city's progress. The present postmaster himself stated that this service is greatly beneficial. He says that St. Louis is peculiarly situated with reference to the needs of the pneumatic-tube service. Here is a letter from the present postmaster of the city of St. Louis, who says, in part:

The service conditions in St. Louis differ from those of any other city in the country, in that the main post office is located at Eighteenth and Walnut Streets, while the business of the financial section is conducted in the Federal building at Eighth and Olive Streets, nearly a mile away. The tube is a great convenience just on this account, as it permits of continuous and speedy connection between the executive division and the financial section impossible of substitution by transportation of any other character.

That is the statement in the report of the committee that made this investigation from the postmaster of the city of St. Louis, and his recommendations have been the same as those of the postmasters of St. Louis for the last 20 years. Therefore, Mr. Chairman, in view of those facts, in view of that unanimous decision, in view of the unanimous recommendation of the people of St. Louis, including its three Representatives in this House, I think we should not be asked to go back and take up the old way of doing things, but that we should be permitted to go forward with civilization with the rapidity which commerce and mail demand, if we are to do the enormous business that is increasing in our great city year by year. I trust that this appropriation for the continuance of this service will be allowed by the Congress, and that if there is a charge of too great an amount for the service rendered it will be determined what the correct amount is and a just and fair amount fixed, but that Congress will not ask the people of these great cities to take a backward step in the work they are doing for the whole country. The cities must prosper as well as the country. We have voted for legislation for the farmer. I, as a Representative of a city district, have voted for all the good roads and other legislation that has been deemed to be of interest to the farming sections. I know that the cities can not prosper unless the farmers prosper, and I also know that the farmers can not prosper unless the cities do. They are dependent upon the cities and the cities are dependent upon the farmers. They must work together for the progress and development of our great country and its resources, to the end that the greatest possible success and prosperity may come to us all. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I do not care to speak for the great city of New York, because I represent only 18 election districts in that great city, my own district of Long Island being practically a country and suburban one. But because of the fact that many of my constituents, probably half of them, are engaged in active business in the great metropolis of New York, and due also to the reason, beyond dispute, that whatever affects the heart of the Nation's business activities affects, in some degree, every citizen in every district in every State of the Union, I feel it incumbent upon me to rise here and protest against any action on the part of the Post Office Department which might restrict or deprive our great city of the pneumatic-tube service which has rendered such great benefit during the years it has been in operation. I view the matter not in the narrow light of sectional advantage but in that broad spirit of nationalism which spells advancement and benefit to all parts of the country.

New York is your city as well as ours; you have contributed to her greatness and are affected by her barometer of trade. The postal facilities of the city are nearly as important to you as to us, for the great bulk of the mail handled in the New York post office is interstate in its nature. The advantages of the tube system in New York are felt throughout the entire postal service of the Nation, for it makes possible later and more expeditious transmission of foreign and domestic mail, interstate as well as intrastate, both incoming and outgoing.

The pneumatic-tube service is a physical expression of the evolution of the times. It means speed in the transmission of the mail; and rapidity in the transmission of commercial communications means success to the man who possesses it and failure to the man who has it not. I desire to recount an experience which was related to me by a personal friend in reference to transit upon the streets of New York about three weeks ago. My friend in an automobile endeavored to go from Eighty-eighth Street to Forty-second Street upon Broadway. On account of the congestion of traffic at that time—and it is not an unusual condition—1 hour and 15 minutes were consumed in making the short trip. Mail wagons, while certain traffic concessions are made them, are also subject to delay caused by the congestion of our streets.

It has been contended here that the pneumatic-tube service, if abandoned, would only mean an increase of 1½ per cent, perhaps, in the number of automobiles now used upon the streets to carry the mail at present transported through the tubes. Whether it is 1½ per cent or 10 per cent, any increase in the traffic upon the streets of New York is a direct disadvantage to our people and a direct danger to every man, woman, and child who uses those streets. Every effort to-day should be made to take away from the streets all of the transportation that we possibly can, and we should not increase it by even 1 per cent.

I understand that the pneumatic-tube system of the greater city consists of approximately 27 miles of double 8-inch tubing, and that there are transmitted daily through the medium of this service about 80,000 containers carrying some 5,000,000 pieces of first-class mail. Let me here quote from Mr. Morgan, the postmaster of New York:

Each carrier has a capacity of about 450 ordinary-size letters, or about 250 large-size letters. These carriers are dispatched at the rate of six and four per minute, respectively. The tubes are operated from 4 a. m. to 11 p. m. The carriers travel at the rate of 30 miles per hour. The contract price is $17,000 per mile annually.

On the question of the price paid for the service, Mr. Chairman, I do not propose to enter. It was a competitive bid.

Let me quote again from Mr. Morgan:

It is the opinion of this office that the continuance of the entire existing system of the pneumatic tubes in this city is justified because of the rapid service which it provides for the transmission of mail of the first class. If the tube service was replaced by wagon service it would, I believe, be far from satisfactory, and would result in overwhelming complaint from the public and adverse criticism of the service.

New York is located in what may be termed the snow belt, and while our winters are not severe, it frequently happens that transit on our streets is seriously disorganized by snow and ice. This means that during these periods the schedules of the screened-wagon service have to be rearranged to meet the conditions. In order to make connections with the railroads a "headway"—in some cases as much as 30 minutes—has to be made, thereby curtailing the time of mailing letters by just that much. I understand that in March, last year, mail wagons missed 150 connections with mail trains. The pneumatic-tube service is not handicapped by the weather.

From testimony of Mr. Morgan from 60 to 70 per cent of the total mail handled in New York is carried in the tubes, and 85 per cent of the first-class matter is transmitted in the same way.

Mr. Chairman, in view of all the testimony that has been presented by the great business organizations of New York, supported by the statement of its able postmaster, we plead for a rapid and delay-free transmission of our mails. Upon it depends the prosperity of business and the convenience of commerce. The necessity of trade warrants it, and the security and safety of our citizens upon the streets demands that the pneumatic-tube system shall not be supplanted by surface transportation.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Certainly, I yield to the gentleman from Wisconsin.

Mr. STAFFORD. As I understand the recommendation of the Postmaster General, it is not his purpose to discontinue the pneumatic-tube service, certainly not south of Forty-second Street, and not even north of it.

Mr. BENNET. Will my colleague yield to me?

Mr. HICKS. Yes; with pleasure.

Mr. BENNET. The Postmaster General is keeping the word of promise to the ear and breaking it to the hope. He has put out an advertisement under which no man can bid, and when the bids are opened there will not be a single bid for the pneumatic-tube service.

Mr. STAFFORD. Why not?

Mr. BENNET. Because no sane man would bid on a proposition involving millions, where the Postmaster General can step in at his whim at any time on six months' notice and discontinue it.

Mr. HICKS. That is the point.

Mr. STAFFORD. Certainly it is not the plan to discontinue the service in New York City.

Mr. HICKS. I do not want to say that it is the plan to discontinue the entire service. I contend that no portion of it should be discontinued.

Mr. STAFFORD. Does the gentleman wish to advocate some proposal here that we should direct the Postmaster General as to the method of administering the Postal Service so far as the pneumatic tube is concerned?

Mr. HICKS. No; but I do not think that this Congress or the Post Office Department should countenance any such unbusinesslike method as asking for contracts for a pneumatic-tube service which by reason of the restrictions will prevent reliable concerns from making contracts.

Mr. STAFFORD. We should leave it to the Postmaster General to determine the means of carrying out the contracts.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MOON] desire to use any of his time now?

Mr. MOON. Mr. Chairman, I had not intended to discuss this bill except some of the new features which are subject to a point of order, and I desire to give notice now if any gentleman wants to make the point of order upon any such features of this bill that the point will be conceded at once, and that the committee will resort to the rule to put that section in order, or will resort to the introduction of a new bill covering those sections or perhaps will adopt a more efficacious method of letting the Senate exercise its prerogative of doing all the legislating for the Congress of the United States.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. I understand the gentleman is giving notice that a rule will be brought in to pass certain provisions that are subject to the point of order?

Mr. MOON. A rule has already been introduced. What action the Committee on Rules will take upon that I am not able to say.

Mr. MOORE of Pennsylvania. Does the gentleman invite Members to say whether they will make the point of order?

Mr. MOON. No; I am just warning gentlemen that if they make points of order on these questions that will save the Government money and will advance the facilities of the Post Office Department, they must do it at their own peril. If they want to get into the RECORD to show their knowledge of the law and what constitutes a violation of the rules under the present bill, the question is for them and not for the committee.

Mr. MOORE of Pennsylvania. I thought the gentleman suggested that Members were expected to give notice now. I will say to the gentleman that unless there is a rule points of order will be made against one or two of the paragraphs of the bill.

Mr. MOON. I am aware that during the progress of this bill it will be, now as it has been heretofore, that somebody will have objections and probably make points of order. If it was not in the House of Representatives and a violation of the rules, I would say a good deal more about those points of order that will be made upon measures that will save this Government money and prevent the corporations from plundering it.

Mr. MOORE of Pennsylvania. Still, in spite of that statement, points of order will be made against one or two paragraphs of the bill.

Mr. MOON. I do not care if the gentleman makes it against all. I am telling the gentleman what course the committee will pursue in the event they are made. We may let you assume the responsibility and not ask a rule; we may offer a new bill on these questions, or, as I said, we may let you continue to abrogate your powers and submit subserviently to the Senate.

Mr. MOORE of Pennsylvania. I rose merely because I thought the gentleman invited the membership to comment on the subject.

Mr. MOON. I did not. I was addressing the House. I was not inviting anybody to take up my time. [Laughter and applause.] Mr. Chairman, this is the largest bill that has yet been introduced to pay the expense of any department of the Government in the history of the United States. The last bill carried a sum of $322,937,679. The estimates of the Post Office Department for this year were $325,355,820. This committee has recommended appropriations to the amount of $329,353,120.

Mr. MEEKER. Mr. Chairman, will the gentleman permit a question?

Mr. MOON. Yes.

Mr. MEEKER. This, of course, is the largest appropriation bill that has been provided, but in proportion to the receipts of the department is it larger than others?

Mr. MOON. I will explain that as I go along; of course not. I am not referring to it as the largest appropriation bill to demonstrate that the appropriation ought to be any less. My judgment is that the appropriations will continue annually to be larger and larger according to the necessities of the Government for postal facilities. I said on the floor of this House 15 years ago that I believed in 20 years this appropriation bill would amount to five hundred millions of money. I believe now if

you give the American people the facilities to which they are entitled that this bill to-day, which carries in round numbers $329,000,000, will carry perhaps over $500,000,000 in 10 years more. I may say in that connection, Mr. Chairman, that while the bill is an enormous measure in its figures yet it does not cost the National Treasury 1 cent. The Post Office Department earns every dollar of the appropriation and in the last fiscal year it not only earned the appropriation of the $322,000,000 and more, but it earned a surplus of $5,700,000, which they paid into the National Treasury and for which the Postmatser General holds the receipt of the Secretary of the Treasury of the United States.

Now, on account of the diversion occasioned by the gentleman I want to say that there has been question as to the reality of that surplus. It has been questioned whether it is a genuine surplus or not when all the bills payable and all the bills receivable from that department were accounted for for the fiscal year. I ask leave to place in the RECORD here as Appendix A a statement of the grants of money from the Treasury of the United States for the Post Office Department and the return of money, so as to show that for the last nearly four fiscal years now the Government of the United States has earned the vast sum of money that has been used for the Postal Service and the large surplus of which I have spoken in addition. Also, a statement as Appendix B, showing Treasury statement of deficits from 1905 to 1917. I will attempt to demonstrate later on in this debate that if the membership of this House is consistent and has the courage to stand up against the demands of the employees of a nation, if it has the courage to strike down the insidious and infamous subsidies in the law that, with the legislation accomplished in reference to the railroad situation in the last bill, the Treasury of the United States will be enriched by the earning of this department more than twenty millions of money as a surplus. But I shall speak of that a moment later.

The CHAIRMAN. Is there objection to the insertion of the statements indicated? [After a pause.] The Chair hears none.

The statements follow:

APPENDIX A.

The Post Office Department paid into the Treasury as surplus revenues of the fiscal years 1913, 1914, and 1916 (no surplus reported for 1915), on dates and in amounts, as follows:

June 30, 1914 (fiscal year 1914), surplus revenues of Post Office Department for fiscal year 1913	$3,800,000.00	
Mar. 29, 1915 (fiscal year 1915), surplus revenues of Post Office Department for fiscal year 1914	3,500,000.00	
Aug. 21, 1916 (fiscal year 1917), surplus revenues of Post Office Department for fiscal year 1916	5,200,000.00	
	12,500,000.00	
Total payments from the Treasury, as above	12,136,592.60	
		363,407.40

GRANTS FROM THE TREASURY TO POST OFFICE DEPARTMENT.

No grants were made to the Post Office Department from the Treasury for the fiscal year 1914.

	For the fiscal year 1915.	Month.	For the fiscal year 1916.
1915.		1916.	
Mar. 24	$1,000,000	Aug. 4	$500,000
Mar. 26	1,000,000	Aug. 5	500,000
Mar. 30	1,000,000	Aug. 6	500,000
June 22	500,000	Sept. 1	500,000
June 23	500,000	Sept. 2	500,000
June 24	500,000	Sept. 3	500,000
June 25	500,000	Sept. 21	500,000
June 26	500,000	Sept. 22	500,000
June 29	800,000	Sept. 23	500,000
		Sept. 24	500,000
		Sept. 27	500,000
Total	6,300,000		5,500,000

The only payments from the Treasury for the Post Office Department during the fiscal year 1915 were on account of deficiencies in postal revenues for prior years, as follows:

Fiscal year charged with deficiency.	Date of payment from Treasury.	Amount.
1909	March 2 and 4, 1915	$1,205.16
1910	March 2, 1915	262.12
1911	March 2 and 4, 1915	2,102.97
1912	do	322,671.76
Certified claims of various prior years	do	14,494.01
		340,736.02
Less repayment into Treasury Feb. 25, 1915, on account of fiscal year 1908		4,143.42
Net payments as above during fiscal year 1915		336,592.60

WILSON-BURLESON ADMINISTRATION.

The audited surpluses for the fiscal years 1913, 1914, and 1916 were $14,716,350.03. From this should be deducted the audited deficiency of 1915—deficiency due to the European war—amounting to $11,333,308.97, thus showing a net surplus of $3,383,041.06 for the four-year period of the Wilson-Burleson administration. Of the total audited surpluses, $12,500,000 has already been paid into the Treasury for the general uses of the Government. The surplus of 1913 was the first actual postal surplus for 30 years—since 1883, in the time of Postmaster General Gresham. Postal surpluses have been shown in three of the four fiscal years of the Wilson-Burleson administration.

ROOSEVELT ADMINISTRATION.

The administration of President Roosevelt covered the fiscal years from 1905 to 1908, inclusive. There was no postal surplus in either one of the four years of that period; on the contrary, the audited deficiencies for that time amounted to the startling aggregate of $48,739,639.34, while the actual grants from the Treasury to the Post Office Department, less repayments, during this period reached the total of $48,255,975.14.

TAFT ADMINISTRATION.

The four years from 1909 to 1912, inclusive, covered the period of the Taft administration, during which time, as during that of his predecessor, Mr. Roosevelt, an audited deficiency was shown at the close of each fiscal year. The audited deficiencies in the four years of Mr. Taft's administration amounted to $24,927,657.40, while the grants from the Treasury to the Post Office Department, less repayments, aggregated $29,431,055.33.

The total audited deficiencies for the eight-year period of the Roosevelt and Taft administrations was $73,667,296.74, a yearly average deficiency of $9,208,412.09.

TAFT ADMINISTRATION.

Audited deficiencies, 1905, 1906, 1907, and 1908	$48,739,639.34
Grants from Treasury, less repayments, during this period	48,255,975.14

ROOSEVELT ADMINISTRATION.

Audited deficiencies, 1909, 1910, 1911, and 1912	$24,927,657.40
Grants from Treasury, less repayments, during this period	29,431,055.33
Total grants from Treasury under Taft and Roosevelt	77,687,060.47

No surpluses during either one of the eight years of the Taft and Roosevelt administrations.

Audited surpluses, 1913, 1914, and 1916	$14,716,350.03
Deduct audited deficiency, 1915	11,333,308.97
Net surplus for the four-year period	3,383,041.06
Of the audited surpluses there has been paid into the Treasury	12,500,000.00

APPENDIX B.

TREASURY DEPARTMENT,
Washington, January 3, 1917.

MY DEAR CONGRESSMAN: Your communication of this date is received in which you request information showing the date and amount paid from the Treasury by warrants on account of deficiencies in the Post Office Department during the years 1905 to 1912, inclusive, and also a list of warrants showing repayments on account of such deficiencies.

In reply I have the honor to state that grants from the Treasury were made on account of deficiencies in the Post Office Department during said years as follows:

During the fiscal year 1905.

When made.	For fiscal year 1903.	For fiscal year 1904.	For fiscal year 1905.	Total.
1904.				
July 9		$1,000,000.00		
July 14		1,000,000.00		
Oct. 4			$1,000,000.00	
Oct. 10		1,000,000.00		
Oct. 13		1,000,000.00		
Oct. 21			2,000,000.00	
Nov. 5			2,000,000.00	
1905.				
Jan. 7			2,000,000.00	
Jan. 20			1,000,000.00	
Apr. 7			2,000,000.00	
Apr. 20			1,000,000.00	
June 30	$75,000.00			
Total	75,000.00	4,000,000.00	11,000,000,00	$15,075,000.00

Grants in fiscal year 1905 for 1903, 1904, and 1905	15,075,000.00
Mar. 25, 1905.—Deficiencies in postal revenues, 1902 and prior years	3,343.92
Certified claims of various fiscal years	3,344.53
	15,081,688.45
Less repayment into Treasury Mar. 28, 1905, on account of fiscal year 1900	16,431.45
Net amount of warrants issued to Post Office Department during fiscal year 1905	15,065,257.00

During the fiscal year 1906.

When made.	For fiscal year 1904.	For fiscal year 1905.	For fiscal year 1906.	Total.
1905.				
July 11	$850,000.00			
July 12		$1,000,000.00		
Aug. 1			$1,000,000.00	
Aug. 29			1,000,000.00	
Oct. 5		1,000,000.00		
Oct. 7		1,000,000.00		
Oct. 11			1,000,000.00	
Oct. 28			1,000,000.00	
Nov. 29			1,000,000.00	
1906.				
Jan. 8			1,000,000.00	
Jan. 25			1,000,000.00	
Apr. 21			2,000,000.00	
Total	850,000.00	3,000,000.00	9,000,000.00	$12,850,000.00
Less repayment into Treasury Sept. 30, 1905, on account of fiscal year 1901				176,705.61
Net amount of warrants issued to Post Office Department during fiscal year 1906				12,673,294.39

During the fiscal year 1907.

When made.	For fiscal year 1905.	For fiscal year 1906.	For fiscal year 1907.	Total.
1906.				
July 25			$1,000,000.00	
Sept. 1			1,000,000.00	
Oct. 4		$1,000,000.00		
Oct. 11			1,000,000.00	
Oct. 24			1,000,000.00	
Nov. 20			1,000,000.00	
1907.				
Jan. 8			$1,000,000.00	
June 3	$600,000.00			
Total	600,000.00	1,000,000.00	6,000,000.00	$7,600,000.00
July 17, 1906, deficiencies for 1903 and prior years				634.90
Feb. 18, 1907, deficiencies for 1905 and prior years				18,227.40
Mar. 13, 1907, deficiencies for 1904 and prior years				3,631.16
July 17, 1906, certified claims of various years				6,119.14
Mar. 13, 1907, certified claims of various years				2,581.43
				7,631,194.03
Less repayment into the Treasury Sept. 29, 1906, on account of fiscal year 1907				1,811.22
Net amount of warrants issued to Post Office Department during fiscal year 1907				7,629,382.81

During the fiscal year 1908.

When made.	For fiscal year 1903.	For fiscal year 1907.	For fiscal year 1908.	Total.
1907.				
Aug. 13			$1,000,000.00	
Sep. 24			1,000,000.00	
Oct. 7			2,000,000.00	
Oct. 25			1,000,000.00	
1908.				
Jan. 4			1,000,000.00	
Jan. 10			1,000,000.00	
Jan. 15			1,000,000.00	
Apr. 2			2,000,000.00	
Apr. 15			1,000,000.00	
June 15	$26,950.00			
June 24		$1,400,000.00		
Total	26,950.00	1,400,000.00	11,000,000.00	$12,426,950.00
Grants in fiscal year 1908 for 1908, 1907, and 1903				12,426,950.00
Apr. 7, 1908, deficiencies for 1905 and prior years				43.20
June 15, 1908, deficiencies for 1905 and prior years				5,445.50
June 24, 1908, deficiencies for 1906				600,000.00
Apr. 7, 1908, certified claims of various years				1,380.18
June 15, 1908, certified claims of various years				1,611.28
				13,035,430.16
Less repayments into Treasury:				
Oct. 23, 1907, account fiscal year 1901			$4.55	
Oct. 23, 1907, account fiscal year 1902			15,656.52	
Oct. 23, 1907, account fiscal year 1903			33,652.38	
June 30, 1908, account fiscal year 1903			70.02	
June 30, 1908, account fiscal year 1904			98,005.75	
				147,389.22
Net amount of warrants issued to Post Office Department during fiscal year 1908				12,888,040.94

During the fiscal year 1909.

When made.	For fiscal year 1909.	For fiscal year 1908.	Total.
1908			
July 10		$2,000,000.00	
July 16	$2,000,000.00		
Oct. 8	2,000,000.00		
Oct. 13		1,000,000.00	
Oct. 15		1,000,000.00	
Oct. 17		1,000,000.00	
Oct. 20	1,000,000.00		
Oct. 27	1,000,000.00		
1909			
Jan. 2	2,000,000.00		
Jan. 5	2,000,000.00		
Jan. 7	2,000,000.00		
Mar. 11	1,000,000.00		
Apr. 10	1,000,000.00		
June 16	500,000.00		
Total	14,500,000.00	5,000,000.00	$19,500,000.00
Grants in fiscal year 1909 for 1908 and 1909			19,500,000.00
Dec. 26, 1908, deficiencies for 1904 and prior years			35.50
Apr. 2, 1909, deficiencies for 1906 and prior years			53,040.89
June 17, 1909, deficiencies for 1906			656.13
Apr. 2, 1909, deficiencies for 1908 and prior years			2,840.83
Apr. 2, 1909, certified claims of various years			14,429.32
			19,571,002.67
Less repayment into the Treasury Dec. 31, on account of—			
Fiscal year 1905		$39,800.72	
Fiscal year 1906		30,139.58	
			69,940.30
Net amount of warrants issued to Post Office Department during fiscal year 1909			19,501,062.37

During the fiscal year 1910.

When made.	For fiscal year 1908.	For fiscal year 1909.	For fiscal year 1910.	Total.
1909.				
July 8			$1,500,000.00	
Aug. 9			2,000,000.00	
Aug. 20			1,000,000.00	
Sept. 8			2,000,000.00	
Sept. 11			1,000,000.00	
Do		$1,264,500.00		
Oct. 4	$131,369.95			
Oct. 6			2,000,000.00	
Dec. 8			1,000,000.00	
1910.				
Mar. 12	474,583.18			
Apr. 15		1,215,970.95		
Total	605,953.13	2,480,470.95	10,500,000.00	$13,586,424.08
Grants in fiscal year 1910 for 1908, 1909, and 1910				13,586,424.08
Sept. 3, 1909, deficiencies for 1907 and prior years				1,659.23
Oct. 4, 1909, deficiencies for 1907				1,742.19
Mar. 22, 1910, certified claims of various years				11,605.44
				13,601,430.94
Less repayments into Treasury on account of—				
Fiscal year 1907			$104,143.26	
Fiscal year 1907 and prior years			1,659.23	
Fiscal year 1910			5,000,000.00	
Certified claims			16.08	
				5,105,818.57
Net amount of warrants issued to Post Office Department during fiscal year 1910				8,495,612.37

During the fiscal year 1911.

When made.	For fiscal year 1909.	For fiscal year 1910.	For fiscal year 1911.	Total.
1910.				
Sept. 9			$1,000,000.00	
Sept. 30			1,000,000.00	
Oct. 11			1,000,000.00	
1911.				
May 4		$446,332.71		
May 5	$588,859.29			
Total	588,859.29	446,332.71	3,000,000.00	$4,035,192.00
Grants in fiscal year 1911 for 1909, 1910, and 1911				4,035,192.00
July 18, 1910, deficiencies for 1907 and prior years				1,194.98
Mar. 20, 1911, deficiencies for 1908 and prior years				78,857.45
Mar. 22, 1911, deficiencies for 1908 and prior years				5,052.06
				4,120,296.49
Less repayments into Treasury on account of—				
Fiscal year 1907 and prior years			$11.29	
Fiscal year 1908			80,280.46	
Fiscal year 1908 and prior years			1,173,764.03	
Fiscal year 1911			3,000,000.00	
Certified claims			25.00	
				4,254,080.78
Excess of repayments into the Treasury over amount of warrants issued to the Post Office Department during the fiscal year 1911				133,784.29

During the fiscal year 1912.

When made.	For fiscal year 1909.	For fiscal year 1910.	For fiscal year 1911.	For fiscal year 1912.	Total.
1911.					
July 25		$67,917.29			
Do	$1,953.31				
Oct. 17				$2,000,000.00	
Nov. 11		47,348.33			
Do	7,391.08				
Dec. 15				1,000,000.00	
1912.					
Feb. 5			$43,042.37		
Do	6,047.61				
May 1			394,494.89		
	15,392.00	115,265.62	437,537.26	3,000,000.00	$3,568,194.88
Grants in fiscal year 1912 for 1909, 1910, 1911, and 1912					3,568,194.88
Less repayments into Treasury on account of fiscal year 1912:					
Jan. 31, 1912				$1,000,000.00	
May 31, 1912				1,000,000.00	
					2,000,000.00
Net amount of warrants issued to Post Office Department during fiscal year 1912					1,568,194.88

The above statements for the years 1905 to 1912, inclusive, are summarized as follows:

Fiscal year.	Gross amounts paid from Treasury for postal deficiencies.	Repayments to Treasury on account of postal deficiencies.	Net payments from the Treasury on account of postal deficiencies.
1905	$15,081,688.45	$16,431.45	$15,065,257.00
1906	12,850,000.00	176,705.61	12,673,294.39
1907	7,631,194.03	1,811.22	7,629,382.81
1908	13,035,430.16	147,389.22	12,888,040.94
Total	48,598,312.64	342,337.50	48,255,975.14
1909	19,571,002.67	69,940.30	19,501,062.37
1910	13,601,430.94	5,105,818.57	8,495,612.37
1911	4,120,296.49	4,254,080.78	[1]133,784.29
1912	3,568,194.88	2,000,000.00	1,568,194.88
Total	40,860,924.98	11,429,839.65	29,431,085.33
Grand total	89,459,237.62	11,772,177.15	77,687,060.47

[1] Excess of repayments over payments from the Treasury during the fiscal year 1911.

Very truly, yours,

W. G. McADOO,
Secretary.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

APPENDIX C.

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, January 6, 1917.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives, Washington, D. C.

MY DEAR JUDGE MOON: In response to your request for information with respect to the loss incident to the handling and transporting of mail matter of the second class, I have to say that the Hughes Commission, created in 1911 under a joint resolution of Congress to investigate the subject, found that the cost of handling and transporting such matter mailed at the cent-a-pound rate was approximately 5½ cents a pound, exclusive of certain expenses, principally for services in post offices, which, because of the limited information regarding them the commission did not assign. The department's estimate of the cost of handling this matter, including the expenses which the commission did not assign, was approximately 8.27 cents a pound. On the basis of the department's estimate, which includes the unassigned expenses, the loss incident to handling and transporting second-class matter during the fiscal years 1913 to 1916, inclusive, would be as follows:

Fiscal year.	Pounds mailed at cent-a-pound rate and free in county.	Estimated expense of handling and transporting.	Amount of postage received.	Estimated loss in handling and transporting.
1913	1,057,607,512	$87,464,141	$9,975,470	$77,488,670
1914	1,088,686,120	90,034,342	10,269,013	79,765,329
1915	1,109,285,785	91,737,934	10,471,442	81,266,492
1916	1,202,470,676	99,444,324	11,383,530	88,060,794

The estimated loss as above shown would no doubt be somewhat reduced because the cost of transporting free-in-county matter is somewhat less than the cost of transporting matter mailed at the cent-a-pound rate, and also on account of economies and improvements in the service, etc. These differences, however, are not believed to be of any considerable amount.

By direction of the Postmaster General.

Yours, very truly,

A. M. DOCKERY,
Third Assistant Postmaster General.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. STEENERSON. I expect to demonstrate before the general debate is over that instead of earning a surplus during the last four years the Post Office Department has run behind when they have paid all their bills, that they are in the hole now.

Mr. MOON. Well, if the gentleman will show that it is upon a tissue of the most damnable lies ever presented on earth. [Laughter.]

Mr. STEENERSON. I will show it upon the figures of the Treasury Department, presided over by a Democrat.

Mr. MOON. I have the figures, as I said a while ago, which show the fact, and this fact still remains, that the Post Office Department for its services of this fiscal year does not owe a dollar anywhere to the Treasury of the United States.

Mr. STEENERSON. I will show it owes $1,400,000 to the railroads for the increase of parcel post, according to Mr. Praeger, and $3,000,000 to the rural carriers on account of deferred salaries which have not been paid——

Mr. MOON. We will account for all.

Mr. STEENERSON (continuing). And they are in the hole. [Applause on the Republican side.]

Mr. MOON. Now, Mr. Chairman, the statement of the gentleman will be borne out by the facts if it is true. The facts as they appear from the Treasury Department and the Post Office Department show that that statement is not true. There is one thing——

Mr. STEENERSON rose.

Mr. MOON. I will not yield to the gentleman now. Here is one thing that any man who has common sense ought to know: If the balance of accounts is made between those two departments of Government and settled, and the Post Office Department pays in actual cash a surplus of $5,000,000 or more to the Treasury, with all the accounts balanced, with all the bills payable and all bills receivable accounted for, it shows that there is a surplus.

Now, of course, Mr. Chairman, if the Post Office Department were to be charged for the rent of public buildings of the country and expenses of that character, which has never been charged with a debt of that kind, then the department, perhaps, would be behind, though there should be taken into consideration the amount chargeable for penalties and franking privileges, which might balance off this charge.

Those two items have never been counted up.

Mr. Chairman, I did not intend to raise any disturbance about this question of surplus. It certainly ought to be a matter of gratification to any man who has a decent regard for the interest and welfare of his country that a surplus has been earned, if it has been earned, and if it has not been earned surely it ought to be acceptable to any gentleman to know wherein the statement is wrong. Any man can take figures and pad them. Any man can make assumptions, if he wants to do it, but when the accounts between two great departments are closed and the cash paid over to one or the other, that is a settlement that every man will acknowledge who has not too much partisanship to see the truth or too little inclination to observe the truth when he sees it.

Mr. STEENERSON. Will the gentleman yield?

Mr. MOON. No; not now.

Mr. Chairman, I should explain, perhaps, the reason why this bill carries a larger sum than the amount suggested in the expenditures by the department. We have made a little table in the report that shows the increases and decreases. I will not go over all of them, although there are about eight in all, but the main one is an increase of some $4,000,000. The Post Office Department recommended for the Rural Free Delivery Service $49,000,000. The last bill carried $53,000,000. The committee—a majority, at least, of the committee—thought that the same amount appropriated for the Rural Service last year, of $53,000,000, should be carried this year, notwithstanding the department thought it could save about $4,000,000. The reason for that was that there was no desire on the part of the committee to have a deficiency in this item. It was desired that that service be carried out completely and effectively. Fifty-three million dollars did it last year, with an unexpended balance. Now, it is not necessary, of course, if the department can administer this service for less money

than $53,000,000, that it use all of it, but it has been made available for that purpose.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. MADDEN. And it was suggested, was it not, Mr. Chairman, that if, in the management of the Rural Delivery Service, the department is able to save any part of the $4,000,000, which it was suggested should not be appropriated, that all such saving should be used for the extension of the Rural Delivery Service?

Mr. MOON. Yes; that was the idea that the committee had, and I am obliged to my friend for the suggestion in connection with the view I have expressed about the matter.

I am not making, as you will readily observe, a connected speech in any way upon this question. I am going to talk about these matters, as they may be suggested by the Members of the House or as they may occur to me, for a few moments.

Now, in this connection it may be perhaps proper for me to say something about the rural service. We are now paying on 43,000 routes, I believe, a maximum salary of $1,200 for a 24-mile horse-drawn vehicle route. Of course, in proportion to the length of the route, under the terms of the law there is a gradual scale of wages. This committee has not attempted in any way to change that provision carried in the last appropriation bill, the law of the land as it is now. That law remains untouched by this bill. But the committee saw the necessity of some economy in this service, and they felt that a great economy could be effected by the creation of routes upon which automobiles were to be used from 24 to 48 or 50 miles in length. We were aware of the feeling in the House on the question of the change of the routes to the automobile service in the United States. There is a great part of our country where the automobile can not be used for the whole year around, and where it would be impracticable to establish that kind of a route. This bill, therefore, provides that automobiles may be used on the routes of from 24 to 48 miles, where, and only where, that service can be rendered every day in the year. And they have provided for a salary not in excess of $2,000 per annum for the carrier using the automobiles over this route and furnishing his own equipment. You will see at once that the effect of that will be in the part of the country where this service can be used successfully every day in the year the doubling up of some routes. That, of course, is going to dismiss a few hundred carriers. Preference will be given to those who have made the best record. I know it is going to hurt very much some gentlemen to think that they may lose a carrier here and there, and some are so attached to the carriers that they will shed tears even if they lose them in districts that are not their own. But a real economy is effected by this service. It is a sensible method, in my judgment, of adjusting this service to the needs of the country, to the patrons of the office, and to the interests of the Government. Of course, a route that is 48 miles long, for which you pay $2,000, is much cheaper to the Government than two of 24 miles in length for $1,200 each—a saving of $400. When it runs over a thousand or two routes it amounts to much. Now, that section is possibly subject to a point of order, also. If any gentleman in this House feels that he wants to take the responsibility of making a point of order against that section, of course it is his right. My own judgment is that, while the section may not be perfect, it is one that ought to be submitted to this House and the Committee of the Whole for its consideration, without a point of order, with such amendments as the House may see fit in order to perfect this system. I believe, Mr. Chairman, that is all I wanted to say on the subject of the rural routes.

Now, I want to talk a little about——

Mr. SMITH of Michigan. Will the gentleman yield for a question before he leaves the subject of rural routes?

Mr. MOON. Yes.

Mr. SMITH of Michigan. What is the purpose of establishing a motor or automobile route?

Mr. MOON. The purpose of establishing an automobile route, or routes of more than 24 to 50 miles, is this: You will have the mail carried quicker than you will by the old method, and you will carry it cheaper than you do by the old method, and you give the same facilities and the same accommodation to the people the year around, because the provision is that it shall be used only where it can be effectively used for the year around.

Mr. SMITH of Michigan. Well, in those States or places where an automobile can be used on a 24-mile route, and they can do the work quicker, does that affect the pay?

Mr. MOON. I do not think it affects the pay at all. It does not affect a single carrier now. There is no change in the old law. The purpose simply is to double up some routes where they can be effectively used the year around with an automobile and save some money. That is all.

Mr. SMITH of Michigan. And the carrier would be entitled to his extra time if he used his automobile on a 24-mile route?

Mr. MOON. Of course. We do not interfere with that at all.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. MOON. Yes.

Mr. SLAYDEN. Has the committee made an estimate that the chairman can give to the House of what would be the probable saving by the establishment of a motor service on all practicable routes?

Mr. MOON. No; but the Postmaster General estimated that by the establishment of the law that I have just discussed as to the new routes and the other economies that may be practiced under the existing law with reference to rural routes a saving of something over $4,000,000 per annum may be made.

Mr. SLAYDEN. That much may be saved?

Mr. MOON. Yes. But I am aware, gentlemen, that I am discussing with some difficulty a question where the Membership of the House has had a feeling that was not altogether kindly to the department on account of some changes, some of which may have been unfortunate, and I am aware, too, that I run counter to the suggestions of those gentlemen who feel that the patrons along the route ought to be permitted to say to the Government what changes should be made and what should not be made. That you did in the last bill. You have actually brought before this country the ridiculous proposition that a great department of the Government shall make no changes in these routes with reference to this service until a majority of the patrons of a particular route demand it.

Now, that, if it had not been an act of Congress, would be said by almost anybody to be pure demagoguery; that is all. The department ought to have control over this under reasonable and sensible laws enacted by Congress. That provision that I have just spoken of would be repealed—I want you to know the facts, because I do not want you to vote in ignorance about it—if this provision is carried into effect. I did not intend further to discuss this matter; I went back by reason of the question of the gentleman from Michigan [Mr. SMITH], who rose to make an inquiry of me a moment ago.

There is another matter concerning which there is a great deal of feeling.

Mr. HELVERING. Mr. Chairman, will the gentleman yield before he gets away from the rural carriers?

Mr. MOON. I am trying to get away from the rural carriers, but I will yield to the gentleman. [Laughter.]

Mr. HELVERING. On page 25 it says, "Rural carriers shall receive a salary not exceeding $2,000 per annum, and their maximum salary shall be based on the length of their routes, the time required to serve them, and the number of pieces and weight of mail transported."

Mr. MOON. Yes.

Mr. HELVERING. Very well. Then it says, "The minimum compensation of rural carriers shall be as follows: On routes of 24 miles and over, six times a week, $1,200 per annum."

Mr. MOON. Yes. That is the present law.

Mr. HELVERING. Then a 30-mile route is not affected by this?

Mr. MOON. Oh, no. It does not affect the old law at all.

Now, Mr. Chairman, I was remarking that there was another matter of very great interest to gentlemen here from the cities of Chicago, New York, Brooklyn, Philadelphia, St. Louis, and Boston. I sympathize with those gentlemen in their efforts to sustain the judgment of a portion of the people of their cities. While it may be a matter of regret that a gentleman in his capacity as a Representative upon this floor must so localize himself as to support a measure that is not in the interest of the whole American people, let us discuss the question a little—and I am not going to discuss it minutely. There is a report, a copy of which I hold in my hand and exhibit to you. You see the size of that volume. Gentlemen have said that there has been no sufficient investigation of this question. Here is a report made by five post-office officials on the question of pneumatic tubes in those cities. There is every fact in connection with the whole service. That is a report of 224 printed pages the size of an ordinary magazine. There are the maps of the cities. There is a calculation as to the cost of the transportation and the handling of the mails in those cities. There are the tests of the pneumatic tubes in those cities. There is a comparative test between the automobile service and the pneumatic tubes. There is the law bearing upon the question. And here is another volume which I submit to you, a volume twice

that size, containing the hearings had before this committee of the representatives of those cities upon that question.

Now, I am going briefly to state the conclusion that we reached from that proof, and I believe that a careful reading of it all will bring the same conclusion to any unprejudiced mind. First, take for a moment the consideration of the question of tubes.

When the law was first passed and went into operation in Philadelphia and other cities the suspicion arose that the Government of the United States was paying a very large sum for a service that was not very valuable. I have forgotten the date, but I recollect very well that I made a motion on this floor myself to strike from the appropriation bill the appropriations for the pneumatic-tube service. The facts were given in 1901. It was upon this report, I think, that the House struck out that provision. We were without the pneumatic-tube service in those cities for a time. Then another law was enacted for the re-establishment of the tubes, giving the power to the Postmaster General to make term contracts for this service.

What happened under that law? The tubes were established in the cities that I have named. The price paid was $17,000 per mile per year for the operation of those tubes, and this report shows the number of miles in operation in all those cities. Well, what part now of the mail of the United States is carried in these tubes in those cities? The letter mail is about one-twelfth of the weight of all the mails, and the tubes carried only 60 per cent of that one-twelfth, for which we are paying $17,000 a mile each year; and the automobiles can carry in the same cities, as this proof shows, that mail for from one-third to one-half what it costs the Government to carry it through the tubes.

Can it carry it quicker? The proof is, in many instances, that the automobile service is the quicker, because of the various stoppages in the transfer of the mails through the tubes to and from the post office, and particularly the crooked routes of transportation you get by the tubes in some of those cities.

But a great contention is had that the tube service is the quicker. It is not suggested for a moment that it is the cheapest, because it costs two-thirds more than the automobile service. But they say it is quicker. The demonstrations of the department show that in all of the cities, except the city of New York, the automobile service is the quickest, and there is no contention by the gentlemen of the other cities that they have quickened it by tubes beyond three or four minutes.

Let us concede, then, that the department is wrong when it says the automobile service is the quickest. Let us agree that the tube service is the quickest by three or four minutes. Then what follows? Are you to pay for the difference of between a third and the whole $17,000 a mile for the expedition of mails to the extent of three minutes in cities that have 9 and 11 deliveries of mail a day? It is an absurdity for you to talk about it. Think of it, 9 and 11 deliveries of mail a day; and because the tube could deliver it two or three minutes sooner than the automobile this vast difference must be paid! I am going to speak plainly about this. I spoke plainly at the time the motion was made to strike down this new service to begin with, although it has been revived by law. It has from the very beginning been a service not justified in view of the needs of the Government or in view of its exactions upon the National Treasury. What? Three minutes' time saved, at a cost of $10,000 a mile, in six or eight cities which have 58 miles of tubes! Three minutes saved! Are you to pay that for it? Why, gentlemen, in your districts—of course, they are not as important as these great cities—there are places where the people do not get their mail three times a week. Is the country to pay this amount to avoid a delay of two or three minutes in the delivery of the mail where they have 11 deliveries a day? You see the fallacy of such a suggestion. But they have gotten used to the enjoyment of special privileges. They are inured to the wrong that they feel gives benefits to them, a wrong and an injustice to your whole country, and it is hard for them to let loose. I understand that. I understand, and have some sympathy with, gentlemen whose friends persist in the maintenance of a policy that is ineffectual so far as Government needs are concerned. But the law provides that the Postmaster General, after the expiration of the contract for the service of 10 years, shall not advertise for the continuation of this service—and that law was made for the purpose of meeting just such cases as this—until a committee of not less than three postal officials shall have been appointed by the Postmaster General, whose duty it is to make a thorough and complete investigation of this service, and shall have reported favorably—mark that provision—before a new contract shall be made. Well, the department appointed the officials. They have made their report, and they tell you that in every city where these tubes are in use, except in New York, this service is of no practical value.

The exception in New York is due to the intense congestion upon certain streets. And even in New York there is a part of the service that they say is not necessary. The law provides that there shall be no contract for the continuation of this service until this report is favorable. The reports in all these cases except as to New York are unfavorable. They tell you that this service is of no practical value. They tell you that in many instances there are great delays in the operation of the tubes. They tell you that the tubes are so small that they can carry only a portion of the letter mail. They really carry only 60 per cent of the letter mail, and they carry no other mail, except some very small packages, because the balance of the mail can go by automobile and reach the office before the whole 100 per cent of the letter mail can be carried through the tubes. In New York, as I have said, the congestion is such that the service is thought to be worthy to be continued, and that report continues it. How are you going to continue this service in the other cities in view of this law? There is nothing in this bill that provides anything in contravention of the present law.

Mr. BENNET. Will the gentleman yield?

Mr. MOON. Yes; I will yield.

Mr. BENNET. I want to ask for information. Suppose no one bids for this tube service in New York City on Monday next. What do you think it is the duty of Congress to do?

Mr. MOON. It will be the duty of the Postmaster General, under the law, to see to it that that mail is carried, and he will rig up enough automobiles to carry it or carry it on those which the department now has.

Mr. BENNET. Then, as I understand—if I am incorrect, the gentleman can correct me—if no one bids, the gentleman is in favor of abandoning the entire pneumatic-tube service in New York City?

Mr. MOON. Until you can get a bid, of course, you could not do anything else. The mail has to be carried. You can not stop it simply because nobody bids for the continuation of the pneumatic-tube service.

Mr. BENNET. Congress has the power to continue it?

Mr. MOON. Congress has the power to do the whole thing, of course. Nobody is denying the power of Congress.

Now, there you stand in reference to this question and to the law. Suppose you do increase the appropriation, there can not be an advertisement for the letting of the contract, and there can not be any contract unless you see fit to change the law of the land on the subject. Will you do it in view of the facts? I know there are a number of business men who have come before the committee, seeking to make a case which they do not make, and they have proved a certain amount of congestion in the streets of Boston, Philadelphia, St. Louis, and other cities. They have proved the dangers of automobile operation. Well, of course we know that automobiles are dangerous; but in the great cities of New York, St. Louis, and Chicago, is it not a puerile argument for anyone to say that the addition of three or four more automobiles, or twenty-four, a hundred, or more, automobiles operated by the Government will seriously add to the congestion in the streets of those cities so as to be a public menace to use them? Yet that is the position that gentlemen take. They simply have the service, and they want to keep it. It would not do them any more good if they did keep it than automobile service, but they do not know that. It is just like the case of any other man who has something he ought not to have; he wants to hold on to it to see whether it will do any good or not.

Take the city of Chicago. Who would know better than the postmaster at Chicago, a most estimable gentleman, who, I am told, is a splendid postmaster. Of course, he is a Republican. He has been there a number of years. Mr. Campbell is the postmaster at Chicago. He is not biased, as a Republican, in the interest of a policy of the Democratic Post Office Department. Yet Mr. Campbell tells you that these tubes are of no value or benefit in facilitating the mail in the city of Chicago.

Mr. GRIFFIN. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GRIFFIN. Mr. Morgan, another estimable gentleman, is of a different opinion, is he not?

Mr. MOON. I will come to Mr. Morgan. I am coming right to New York in a minute.

Mr. HAMILTON of Michigan. I will ask the gentleman a question for information. Having in mind the claim in reference to congestion in big cities, would it be possible to increase the size of these tubes so as to enable them to carry all the mail?

Mr. MOON. Unquestionably so. A tube that would be big enough to carry a car, and carry all the mail in it, such as the proofs showed was being constructed in the city of London

to-day, would be of very great service, because it could carry it all upon a straight track. But here are tortuous routes, and little 8-inch tubes, which are in some instances the relics of a commercial enterprise that has failed, and they have been dumped upon the Government.

Mr. HAMILTON of Michigan. For information I will ask the gentleman a further question. Would it be possible, for instance in a city like New York, to change this tube service so as to enlarge and straighten the tubes, and get much better service?

Mr. MOON. The owners of them could do that, but the gentleman must understand that the Government rents these tubes. Of course, that might be done.

Mr. HAMILTON of Michigan. Would that be involved in the bids bringing about a better tube service?

Mr. MOON. That might be done, but it could not be done under this item.

Mr. MADDEN. It could not be done without having a comprehensive investigation and settlement by engineers of the question.

Mr. HAMILTON of Michigan. Would not that be the solution of the problem?

Mr. MOON. It might be, but I am not prepared to express an opinion on any public question of that kind without an investigation.

Mr. HAMILTON of Michigan. I know the gentleman is very careful, but with his great knowledge I did not know but that he might express an opinion of it.

Mr. MOON. I believe if you had large tubes, sufficiently large, say 9 feet, practically a tunnel, that that would be of very great value.

Now, Mr. Campbell tells you in Chicago that it is not for the benefit of the public service to continue the tube service. Who knows so well as the postmaster who uses the tubes and sees the daily operation of them. In the city of Boston the postmaster, Mr. Murray, a former Representative in this House, gives you a statement of fact that irresistibly leads to the conclusion that they are of no value in Boston.

I know where the sentiment and sympathy arises in this case; it is that in some of these cases people of small means have invested their money. If the Government does not continue the use of these tubes there may be a loss of their money, but the proof before our committee shows that the revenue is largely consumed in large salaries. I would not undertake to say what the profit of these tubes to the holders of them is, because there is a diversity of testimony and opinion in regard to it, but from the knowledge that I glean from the testimony and from a common-sense view of the cost of these things—the material, the payments that enter into the construction of the whole service, although they say they earn only 4 or 5 per cent—the proof will demonstrate, if you read the record itself, that it is about 28 per cent gross, or probably about 14 per cent net.

Now, I do not blame them for not giving it up, but, gentlemen, if you can secure to the people of the United States a good or better service for one-third of the money, are you going to continue the service? That is for you and not for me; it is up to your conscience and your judgment. That is all there is in this question.

In the city of New York, which is the only exception in the report, it is insisted by the committee that made the report—and they made a favorable report, and therefore it becomes the right of the Postmaster General to advertise for service in New York, or a certain part of that service—that the facts show that the automobile would be just as well and that a saving might be effected there but for street congestion. We are giving the benefit of the doubt on all these questions to the city. We are appropriating, in just so many words, to the pneumatic-tube service $456,000, while the appropriation heretofore has been $976,000.

New York is not mentioned, but in view of the law which prohibits the advertisement in any city not favorably reported upon New York is the only city that will get the benefit of this appropriation.

Mr. SLAYDEN. Will the gentleman yield?

Mr. MOON. Yes.

Mr. SLAYDEN. I do not know that I clearly understood the gentleman in reference to the advantages of the service in New York. Did I understand him to say that the only difference in time for the delivery of the mail by pneumatic tube or automobile was three or four minutes in favor of the tubes?

Mr. MOON. Three or four minutes. I do not think there is any necessity for it in New York, but I am following the report of the commission. The commission says that the congestion is very much greater in New York than elsewhere, and the only city entitled to the benefits of the appropriation under the law, as I understand it, is the city of New York, because it is the only city that there has been a favorable report upon.

Mr. SLAYDEN. New York, if I understand correctly, is the only city in which there is any saving of time, and that is insignificant.

Mr. MOON. That is right. Now, Mr. Chairman, I want to pass to another and more important proposition.

Mr. MOORE of Pennsylvania. Before the gentleman leaves the question of the pneumatic tube——

Mr. MOON. I am already gone. [Laughter.]

Mr. MOORE of Pennsylvania. I want to inquire of the gentleman whether the postmaster at Philadelphia has recommended the discontinuance of the service in his city.

Mr. MOON. I do not know whether the postmaster did or not. My recollection is that you in Philadelphia are getting 11 deliveries a day at the Bourse Station, and the balance of the city does not get it. I am at a loss to know why gentlemen of that building are entitled to so many more deliveries than the rest of the city.

Mr. MOORE of Pennsylvania. The testimony before the committee would fully explain that if I had a chance to get it in the RECORD, but I have not been able to for want of time. It is in the business center.

Mr. MOON. Well, any man who will stand up and talk in favor of that proposition ought to have not only time but eternity. [Laughter.]

Mr. MOORE of Pennsylvania. I could introduce some testimony that would show——

Mr. MOON. Let the gentleman put that in the RECORD.

Mr. MOORE of Pennsylvania. It will be too late; it will be like the report of the Postmaster General—too late to be useful.

Mr. MOON. Now, Mr. Chairman, I want to pass to another question, because too much time has already been given to this question of the tube service, a thing which I think is already practically closed.

Mr. TAGUE. Mr. Chairman, will the gentleman yield to me?

Mr. MOON. Not on the pneumatic-tube business. If it is not on that, I will yield.

Mr. TAGUE. Is the gentleman aware of the fact that the Post Office Department has recommended pneumatic tubes to be installed in the new post office in the city of Dallas, Tex.?

Mr. MOON. I do not know what the Post Office Department has recommended, and I do not care. I know, as a matter of common sense, as a legislator here, that if 40 post-office departments had recommended such a thing I would not vote for it.

Mr. TAGUE. But the gentleman is quoting from the Postmaster General's report.

Mr. MOON. I am quoting from the postmaster who performs that service. I am not going to discuss that any further. I want to get to one other subject which is of vastly more importance, one which is very close to the souls of almost all of you. You are the most unhappy set of men that God ever let live when you are up against the excoriation and denunciation of a newspaper or a magazine. I do not believe a Member of Congress is afraid of war, of pestilence, or famine, but he will run from a newspaper every time. [Laughter.] What have you been doing along that line for the last forty-odd years? It was well known to the Committee on the Post Office and Post Roads that to relieve this country of that most perilous and dangerous subsidy and political power and influence that has infested the land we would have to separate the fight against the railroad corporations of the United States who were plundering you at one end of the Treasury and the publications of the United States that are plundering you at the other end of the Treasury. We could not force through any measure in this Congress or any other that had against it both of these sinister influences against decent and honest government in the transportation of the mails. For 10 or 12 years we fought the special railroad facilities until we drove them away. We demanded a reduction in the railway mail pay, and a few years ago forced down the pay under the old rule some $6,000,000.

In the last Congress because the newspapers were not denouncing you for it, except as they were paid to make that denunciation, you did finally accomplish something. We had to separate that fight. We established the space basis against the old weight basis, and the experiment upon that proposition is now in effect, since the 1st of November, and you are going to have as a result justice to the country and justice to the railroads. Under that law we will not permit an abnormal increase in the cost of transportation. The railroads will receive all that they are entitled to and the Government will be made to pay all that it ought to pay. The Government will not pay any more than it ought to, and the railroads will receive no more than they are entitled to receive. That question is settled. Another question,

one that I now present to you, has to be settled before there can be genuine economy in the administration of the Post Office Department, and before the people can reach that to which they are entitled, namely, 1-cent letter postage in the United States. This bill carries a provision for 1-cent drop letters. I say to you that unless you carry that other provision which provides for the increase in the pay of second-class matter you ought not to adopt the 1-cent proposition.

Let us consult about the second-class mail matter. If I can, I want to so reach you that you will understand, if you do not already, the exact facts in reference to the matter. The law of the United States divides your mail matter into four classes. The first class is comprised of the letters and the post cards. You pay at the rate of 2 cents per ounce for your letters. Of course the postal cards are very much lighter and are carried for 1 cent, and it takes so many of them to make a pound that the profits from the post cards are greater. You pay therefore at the rate of 32 cents a pound for your first-class mail, the letter mail, which is the most easily handled mail, though perhaps not the most easily distributed mail. What do you pay for second-class mail? By second-class mail the law means newspapers, magazines, and periodicals published at stated periods. What are you paying for that mail? What are you getting for the carrying of that mail, and what do you pay for the carrying of that mail? You get 1 cent a pound for second-class mail matter as against 32 cents for the first-class. Third-class matter pays 8 cents, fourth class 16 cents, and the parcels post has a separate rate.

The first-class mail matter for which the people are charged by the Government 32 cents a pound yields 85 per cent of the revenue of the Post Office Department. The Hughes Commission to investigate this matter—and it has been thoroughly investigated—presided over by Mr. Justice Hughes, a very accomplished and able judge, reported that it cost the Government of the United States 5½ cents per pound to transport its mail. That commission said that in that calculation they left out other elements that entered into the cost, such as the handling of the mail in the Post Office, because the facts were not before them. Leaving out the most essential element in the cost of handling the mail, that commission reports that it costs you 5½ cents to carry that mail for which you get 1 cent. This question is not a new one, and the administrations for 15 years have recommended changes in this matter. The department shows that it costs the Government of the United States 8¼ cents to carry every pound of this second-class mail matter, for which you receive in return 1 cent. Is it wise that you should carry newspapers, magazines, and so forth, and receive just 1 cent a pound for carrying them all over this continent when it costs you 8¼ cents to do it? Is there any man who has a just sense of duty to his fellow man who would ask him to perform year in and year out a service for which he was paying him less than one-seventh of what it cost him to perform it? Yet that is the exact situation in the United States. I am going to ask permission, and unless objection is made I shall do so, to place in the RECORD an authentic, verified statement as to the losses of this Government in the last four years on second-class mail matter, which I shall make Appendix C to my remarks. The loss upon that matter this year is greater than the total amount of the Post Office appropriation bill the first year that I sat in this House. Four years ago you lost $77,000,000 on this matter. Your loss during that period has gradually increased until at the end of the last fiscal year the loss to the people of this country on the carrying of this matter has been over $88,000,000.

Mr. FOCHT. Mr. Chairman, will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. FOCHT. May I ask the gentleman what percentage of that loss applies to newspapers and what percentage to magazines?

Mr. MOON. Well, it is impossible for me to separate the proportion of magazines. It has not been done, but I think much the greater loss is on the magazines; that is the largest loss. I am going to discuss that in a moment. Mr. Chairman, thirty-odd years ago this second-class matter was 40,000,000 pounds. Under the encouragement of a subsidy law, insidious laws governing this question, that weight has increased this year to 1,202,000,000 pounds. If that increase shall continue, and it is going on, this Government will pay after while as much for this subsidy as it does to the administration of all of this department. Now, there is a reason. Congress rarely acts without reason for something. There is often a natural hidden reason controlling the action of an intelligent legislative body, and that is true as to this body. There is a reason why letter mail, the pay mail, should bear the heavy rate of postage. There is a reason why this second-class matter should bear a very low rate of postage, but there is no reason why the difference between the two should be the difference of 32 to 1.

Mr. LONGWORTH. Would it interrupt the gentleman if I should ask him a question at that point?

Mr. MOON. I yield to the gentleman.

Mr. LONGWORTH. The gentleman has stated, if I understood him correctly, that unless the House shall adopt this increase in second-class matter, the zone system, he would not favor the decrease in drop-letter postage?

Mr. MOON. I doubt the wisdom of it because of the fact that unless we provide some means of revenue we ought not in any shape to adopt any measure which might reduce revenue receipts. It might be possible that the drop-letter system might carry itself. I have some suggestions that it may.

Mr. LONGWORTH. That was the question I wanted to ask the gentleman. How much decrease in the revenues does the gentleman think will occur with the immediate reduction to the 1-cent drop-letter postage?

Mr. MOON. It has been impossible to make any calculations on that. Of course, it is a matter of conjecture largely, but the supposition has been it would be a few million dollars less for the first year and probably recoup in the course of time because of the additional number of pieces that would be mailed under the new postage.

Mr. LONGWORTH. So the gentleman thinks that within a comparatively few years it might be self-sustaining?

Mr. MOON. It will be self-sustaining in a matter of a few years. But, Mr. Chairman, I was discussing the question of why the difference between the first and second class matter. The immense revenue comes from the first class, the immense loss comes from the second class. Naturally that difference ought not to exist. An orderly state of things in Government would protest most earnestly against it, but in the early history of your country, when there were but few newspapers, and when learning, so far as newspapers and magazines were concerned, was greatly limited, when the facilities of the Government were not what they are, when the means of communication through the country were not what they are, when social conditions of the people were altogether different, it was deemed advisable to give all the aid the Government could give—though I have always and still doubt the wisdom of giving this aid to private enterprise—still it was the policy established by the Government to give aid to various struggling papers and magazines, in order that knowledge might go forth among the people, that the people might be advised of the conditions of Government, that they might know the happenings, and that law and order might be aided. There was much argument for this contention, and I believe there is much yet. I would oppose any measure upon this floor which would tend to strangle the daily or the weekly press of this country. I would oppose the imposition upon it as I would upon magazines, as far as that is concerned, of any unjust burdens, but the time has long since passed when the public must nurture this means of information and learning. They are like the infant industries of the country once justifying Government support. They stand alone. They are to-day, by reason of their power, by reason of the fact that they reach into all the hidden corners of the land, that they bring forth to light all that is wrong, that they hold up all that is beautiful, entitled to consideration. But how much? Are you to continue a bounty for them that depletes your Treasury? Is the difference, of 32 to 1, just? This bill does not propose to take from them the full $88,000,000 loss that is being sustained. We propose not to change the law, either as to newspapers or magazines, from the letter of the present law within a radius of 300 miles of the point of publication.

Now, if you carry at a loss of 7 cents a pound this 1,200,000,000 pounds of literature for 300 miles, ought we not, when called to carry it across the continent, to have at least 1 cent more for every 300 miles of travel that this burdens the Government? That is the proposition of this committee.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MOON. I will yield to the gentleman from Washington.

Mr. HUMPHREY of Washington. I want to ask the gentleman about this proposition because I have received a good many communications from my section of the country claiming that inasmuch as the most of the magazines are published in the East it is a discrimination against them under this zone system. I want to say I am in sympathy with the position, as the gentleman perhaps knows, and have been for a great many years, but the question has been propounded me and I have received two or three letters in every mail protesting against that feature of it. I would like the gentleman to give

me his explanation of the attitude of the committee in reference to that matter.

Mr. MOON. To what feature of it? I did not quite catch what the gentleman said.

Mr. HUMPHREY of Washington. I say that I have been receiving a good many communications from the people on the Pacific coast claiming that under the zone system the people on the coast will have to pay more for most of their magazines because of the fact that they are published on the east coast.

Mr. MOON. They do not publish many in the West?

Mr. HUMPHREY of Washington. They publish some; yes.

Mr. MOON. The newspaper men may charge a little more. It will not amount to very much more. But, after all, the people have to pay this cost—the magazine people do not pay it.

Mr. HUMPHREY of Washington. I received a letter this morning—and I am sorry I do not have it here now—from some publication in Chicago, claiming that they had 28,000 subscribers in my State, and saying that if this zone system was adopted they would raise the price of their magazines to the people in the State of Washington and they would have to pay more than those who were nearer the seat of publication.

Mr. MOON. I think it is barely possible that the people would be charged more, and yet magazines do not make their money on subscriptions. They send tens of thousands of them free all over the country. The money they make is on the advertising. It is doubtful whether it would add one cent to the subscription, but if it does it will come out of the people, of course. But it would not be to the interest of the magazine to increase prices and decrease circulation, because this would reduce the value of advertisements.

Mr. HUMPHREY of Washington. Do you think a magazine would attempt to discriminate and charge different prices in different portions of the country, if you adopt this?

Mr. MOON. I doubt that. I think probably they would have a flat rate, and the people living near to them would suffer more or as much than the people far away from them.

Mr. HUMPHREY of Washington. How many magazines do you think would go out of business?

Mr. MOON. I think it would be a good thing for the country if a majority of them would go out of the business.

Mr. HUMPHREY of Washington. I agree with the gentleman. I have received many letters saying they would quit.

Mr. MOON. There is no reason for them quitting under the law. The magazines are not treating the people right. Take the carloads that go out every few weeks from New York, and within a radius of 300 or 400 miles, they are sent by express or freight and distributed by their agents, but the long haul across the continent, that swamps the National Treasury, is given to the Government for transportation.

Mr. HUMPHREY of Washington. I hope you will correct it in some way. I wanted to get the view so that I can defend it.

Mr. MOON. I present these facts not an extreme case either way. Just an average case. Listen for a moment. Here are the official figures on January 4, 1917, issue of the Iron Age, weight 4 pounds 14 ounces each:

Circulation		14,000
14,000—4 lbs. 14 oz. each, weight	pounds	68,250
Less, say 10 per cent for those not going by mail	do	6,825
Probable weight of those sent by mail	do	61,425
They pay Post Office for 61,425 lbs. at 1c. per lb		$614
Cost Post Office 8c per lb. (61,425 lbs. at 8c per lb.)		$4,914
Loss to Post Office on this one edition	net	$4,300

This last month the Post Office got out of this publication $614. It cost the Post Office 8 cents a pound, or a little more than that, on 61,425 pounds. It cost the Post Office $4,914 to carry that for one month. The loss to the Post Office on this one edition in this month—the December issue, printed on the 1st of January—is $4,300 net. Their minimum price for advertising is $50 per page. This number has 636 pages of advertising matter, and that at $50 per page would make a revenue from the advertising pages alone of $31,800. The reading matter in this edition is 132 pages. In the name of all that is honest and just shall this Government, upon the plea of dissemination of knowledge and information, carry an advertising medium of 600 pages at a loss in a single month of $4,300 to the American people? And this is only a medium proposition.

Take the Saturday Evening Post. The back page of that paper, as the proof showed two years ago before this committee—every issue paid for by the advertisers—was at the rate of $10,000 for the back page. The inside pages run from $250 to $7,000, every line paying them 84 cents. And yet they are not willing to pay to this Government one-fourth of the cost of the millions of dollars it has cost this Government every year to carry it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MOON. Yes.

Mr. JOHNSON of Washington. In the case of the Iron Age, with 14,000 circulation, does not the gentleman think that that circulation of the 4-pound magazine will go right on in practically the same number regardless of the zone system, even if the few subscribers in the far-away West are cut out?

Mr. MOON. I do not know about that; maybe so.

Mr. JOHNSON of Washington. Costing the Government just as much and discriminating against the western people.

Mr. MOON. But when the Government has added to the circulation of this paper the cost that will attach to the different zones it will be but a very, very small recoupment of the loss. And still they are opposing it.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. HOWARD. As a matter of fact, in reply to the question of the gentleman from Washington a while ago as to the discrimination against the far West on eastern publications, as a matter of fact is it not true that the advertising value of magazines is predicated upon the circulation of the magazines and the number of subscribers, and would it not be more dangerous for the magazines to increase their prices to the reader, which would naturally reduce their subscription list, than it would be to send them on at the same rate?

Mr. MOON. Possibly.

Mr. PLATT. Will the gentleman yield?

Mr. MOON. Yes.

Mr. PLATT. Do not the advertisers of the Saturday Evening Post and of the Iron Age, and other publications that circulate by mail, put their advertisements in in order to receive mail replies paid for at first-class rates? If they do not do that, what do they do it for?

Mr. MOON. Of course, there are results from every advertisement in first-class letter mail. That is true; but there are also results, on the other hand, to second-class matter in replies, and that second-class matter in the losses will far outweigh the benefits that come from the first class, if the present policy is pursued and publications increase. I am surprised that my friend from New York should present that argument. That is a fallacy that was exploded in the discussion of this matter about fifteen years ago.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. STAFFORD. I wished to remind the gentleman that the fact was brought out at the hearing six years ago as to the policy of the Curtis Publishing Co., of Philadelphia, which publishes the Saturday Evening Post, the Ladies' Home Journal, and the Country Gentleman. It was stated by a representative of that company that they send for the short haul their publications by fast freight between the office of publication in Philadelphia and Kansas City, and for the dispatch of their publications beyond Kansas City they dump them into the office of the company in Philadelphia, and we pay the high cost and do not get even the benefit of the short haul.

Mr. MOON. The gentleman from Wisconsin is undoubtedly correct. They give us in every instance the long haul and they take the short ones. Now, let us see about the Saturday Evening Post, just for a moment.

Mr. RANDALL. Mr. Chairman, will the gentleman yield there?

Mr. MOON. Yes.

Mr. RANDALL. Just a moment, in connection with the statement that the gentleman from Wisconsin made. I have a letter from the Curtis Publishing Co., in which they state that they paid to the Government $681,000 in postage during the last year on 68,000,000 pounds of their publications. Now, the average weight of the Saturday Evening Post is 1 pound, or 2,000,000 pounds per week, or more than a billion pounds a year, whereas they admit paying postage on only 68,000,000 pounds.

Mr. STAFFORD. Has the gentleman any evidence of letter which controverts the statement I made as to the policy of the Curtis Publishing Co. to deny the Government the benefit of the short haul by sending their publications by fast freight between the office of publication and Kansas City and dumping them into the mails for the haul beyond Kansas City?

Mr. RANDALL. They admit they send only a small portion by mail.

Mr. STAFFORD. They send the profitable haul by freight and the unprofitable haul by mail.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin has used strong terms.

Mr. STAFFORD. Oh, that evidence has never been controverted.

Mr. MOON. The statement has just been made about the postage paid by the Saturday Evening Post. Sixty pages of

advertising in that paper at $4,500 a page would be $270,000, and one year's advertisement, 52 weeks, would be $14,040,000, based on the rate of advertisements that was testified to by the publishers of the Saturday Evening Post in January, 1914. The rate is probably higher now.

Now, Mr. Chairman, it is very evident from these few illustrations that an enormous burden is resting upon the Government in this matter. When it comes to the smaller publications, that will take, as some of them do, 30 or 40 to make a pound, when they are segregated and put in the different pouches and mail bags and carried to the different parts of the country, upon that class of matter there is no telling what the loss to the Government is. The average alone has been ascertained, taking it all together, by the most scientific sources the department would have.

Now, can you or do you justify, under the policy of "disseminating knowledge," or any other policy, the continued conduct of this department at a loss of 7 cents on every pound of such mail it can carry, aggregating—and I want to impress upon you the figures again—for the fiscal year just passed $88,000,000? If you do, is it your right and your privilege to do it? You will be false to the American people, in my judgment, if you do.

This zone system may not be the best. Gentlemen may object to that. It may be perhaps wiser to have a flat rate of 1½ cents or 2 cents a pound. But there ought not to be any objection to the consideration of this question by the House. There ought not to be any point of order made upon it. You ought to come up to the issue and dispose of it. You ought not, in my judgment, to yield on the part of the Government everything in the interest of knowledge and information among the people. These great advertising mediums that do not give information except perhaps in one-fifth of their publications, as in the case of the one that I read, are of no benefit to the literature of the Nation. Most of these magazines that carry fiction carry also fraud advertisements, and even where the advertisements are legal they are of but little benefit to the American people. If you could segregate those magazines or those publications that are issued not for profit but for the elevation of the American people, for the upholding of morality and religion and the upholding of all that is good in the material world for our people, it would be well that you continue to them that encouragement that ought to come from the Government to that class of its citizens who are upholding its highest morals, its law, and its integrity. But I protest against the continuation of a policy that gives the mere advertiser, the mere destroyer of good and wholesome literature, an advantage that you do not give to the public.

You go upon the hustings and tell the people that you believe in equal rights to all and special privileges to none. Every Democrat and every Republican in every campaign bases the foundation of his candidacy upon the proposition that he favors the integrity of the institutions that are upheld by equal laws and equal rights, with special privileges to none. And yet I suspect when this section is reached for its consideration only that some man in this House, without the fear of God in his heart, being moved and instigated by the devil, will make a point of order. [Laughter and applause.]

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. JAMES. There are some magazines published by fraternal organizations, not for profit but for information to the members of those orders. What does the gentleman say about those publications of fraternal organizations?

Mr. MOON. Well, if the members of those orders can not bring themselves under the general rule for the public good I think they ought to pay for them. However, it depends on what the order is, whether it should get the aid of the Government. The order may be a good order or it may be a bad order. If you can tell what the order is you may extend the policy to that order. But still the question can be considered. And if in the extension of the policy in the interest of education the fraternal magazines ought to be exempted or held to their present rates it may be well to do it. My point with you is, gentlemen, that this is the time, if you have any regard for the people whom you represent, to take up this question and determine it in their interest.

Mr. HOWARD. Will the gentleman yield?

Mr. MOON. I yield to the gentleman from Georgia.

Mr. HOWARD. Would the gentleman be willing to accept an amendment excluding from the provisions of this act those fraternal publications which carry less than 10 per cent of advertising matter?

Mr. MOON. I do not know. I never considered that question. If the matter is brought up before the House it is a proper subject for discussion. On the question of disseminating knowledge upon all questions I should not myself seriously object—though I speak only for myself—if the present rates were maintained across the continent upon publications that do not have more than one-tenth of their space filled with advertising matter, provided the other matter is proper for the dissemination of knowledge, I might not object. But it would be a very hard task for this House to undertake to discriminate in that way.

Mr. JAMES. Will the gentleman yield for a question?

Mr. MOON. I yield to the gentleman from Michigan.

Mr. JAMES. For instance, the Eagles' Magazine is published for the information of its members. The members are not charged anything, but each member receives a copy by mail each month. The expenses of publishing the magazine are borne by the Eagles' organization. Just as a matter of information, does the gentleman think a magazine of that kind should be exempt?

Mr. MOON. If any should be exempt, it is possible that kind should be; but I do not subscribe very strongly to the doctrine of making any classes amongst the people to enjoy exemption. I believe that the law ought to fall with equal weight upon all men.

Mr. JAMES. But this Eagles' Magazine is not published for anything except information.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. MOON. I yield to the gentleman from Texas.

Mr. SLAYDEN. Does not the law as it exists make a distinction in classes? Does not the present law divide people into classes, and carry the products of certain printing presses for a great deal less than the cost of carriage?

Mr. MOON. That may be true; but that is no evidence of its justice or its good effect.

Mr. SLAYDEN. It is a species of "pork."

Mr. MOON. Perhaps.

Mr. HUMPHREY of Washington. But those publications get the "pork," and they do not say anything about it.

Mr. CANNON. Will the gentleman allow me a question?

Mr. MOON. I yield to the gentleman from Illinois.

Mr. CANNON. As the law used to be—and I presume as it is yet—first-class letter mail could not be sent by express without the postage being paid.

Mr. MOON. That is right. The Government has a monopoly of that.

Mr. CANNON. Why not have a monopoly on second-class matter?

Mr. MOON. There is no objection to that at all in my mind.

Mr. CANNON. In other words, where they can make a profit by shipping it by freight or express they reap the profit.

Mr. MOON. Yes.

Mr. CANNON. But where the transportation is done at a loss the Government pays it.

Mr. MOON. That is correct. Now, I will say to the gentleman in that connection, I think that is a very sound view of the situation. There are a number of magazines in the United States that are published about two weeks before the date that they bear, and in the last bill we provided what is known as the blue-tag law, by which those magazines may be sent by fast freight, so that they reach the point for which they are intended by the date of publication that they bear. An experiment was made previously by the department in the first and second divisions of the United States, the country being divided into four divisions on that question, and it was demonstrated that under that policy the magazines reached the point of destination at the time they were intended to reach it, and that in one zone about $1,650,000 was gained by the Government by that policy, and in another zone $1,350,000; and in the last act we put the whole country under that system, so that the department now has the discretion, so far as the magazines are concerned, wherever they can be delivered in accordance with the statutory contract—which provides, of course, for delivery by the publication date—they may go by that method.

Now, as I said before, having adjusted the railway mail pay proposition, if we can now adjust this proposition—not to obtain full compensation, but to make the publishers pay at least one-fourth or one-fifth of what it costs to carry this matter; and that is about what it is—we may be able to give to this country 1-cent letter postage.

Mr. FARR. Has the gentleman estimated the additional amount of burden that will be placed upon these publications by the adoption of the zone system?

Mr. MOON. No; but anybody can estimate that in a moment.

Mr. MADDEN. It will cost them 3 cents instead of 1 cent on the average.

Mr. MOON. Take, for instance, that class of papers that weigh 16 to the pound. They go 300 miles, just as they do now, for 1 cent a pound. We add 1 cent a pound to them in the zone

300 miles beyond that, which would be about one-sixteenth of 1 cent for each paper. It does not amount to much separately, but it amounts to a good deal in the aggregate. I have concluded the suggestions I desired to make.

Mr. Chairman, does the gentleman from Minnesota [Mr. STEENERSON] wish to use some of his time?

Mr. STEENERSON. I yield eight minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, the result of the action of the Postmaster General, whatever may have been his intention, will be to discontinue the pneumatic-tube service in New York City entirely on the 4th of March. It will be a postal crime, and the mere fact that it may be an accidental crime in no way militates against the atrocity of the result. There is an advertisement for bids for the tube service, which bids will be opened on Monday, and there will not be one single bona fide bid for a mile of pneumatic-tube service in New York City on Monday next. I hold in my hand a letter from the bitterest opponent of the present company, which opponent was asked by the Post Office Department, evidently in a special letter, to bid for this tube service. I shall read the pertinent part of the reply:

ELECTRIC CARRIER CO.,
220 Broadway, New York, January 8, 1917.

Hon. J. C. KOONS,
First Assistant Postmaster General, Washington, D. C.

DEAR SIR: Referring to your letter of January 5 (Ry. SC), respecting proposals for carrying mails by tubes in this city, I regret to advise you we shall be unable to submit proposals under the terms of the advertisement.

I find that banking support can not be obtained under the provision which provides "Each contract shall contain a provision empowering the Postmaster General to terminate and annul the contract on six months' notice."

Nor do I think it would be possible for any company, aside from the company already in the field, to secure a franchise and fulfill the other requirements within the time limit allowed. * * *

Regretting our inability to meet the terms of the advertisement, we remain,

Respectfully,

ELECTRIC CARRIER CO.,
E. R. SUTTON, *Secretary.*

Mr. HULBERT. Will my colleague yield?

Mr. BENNET. For a brief question.

Mr. HULBERT. Does my colleague know the source of the current by which all the pneumatic-tube service is handled in New York?

Mr. BENNET. Not intending to be disrespectful, I do not know, and neither do I care.

Mr. HULBERT. Does my colleague know that it is not possible for the pneumatic-tube company to make a contract for so short a period as six months?

Mr. BENNET. I did not know it, but that is an additional atrocity. The proposition of the Postmaster General is to do away with the pneumatic-tube service everywhere. He did not dare to do it in New York City, and so he kept the promise to the ear and broke it to the hope. And for how much money? Why, the pneumatic-tube service costs $499,500 a year. The additional automobiles that they will have to have, even to get the mail through the streets regardless of delays will cost $280,000. So the Postmaster General proposes to put us back in a horse and wagon stage in New York City for a total saving of $219,500 this year. That is all the difference there is between the cost of the two services.

The gentleman from Tennessee [Mr. MOON] inadvertently said that there was only a difference of time of three or four minutes even in New York City. The distance from the station in the customhouse to One hundred and twenty-fourth Street is 8½ miles. The time by automobile—because automobiles go from station to station, and if they had an automobile from every station to every station it would cost more than the tubes—the time from station to station is 2 hours and 31 minutes from the customhouse to One hundred and twenty-fourth Street. The time by the tubes is 46 minutes. In other words, instead of being a difference of three or four minutes, the difference is nearly two hours on that route. Neither did the gentleman mention that other capitals in the world—London, Berlin, Paris, and Vienna—have a pneumatic-tube service.

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. For a very brief question.

Mr. GORDON. How many people in New York are financially interested in the tube monopoly?

Mr. BENNET. The gentleman can find the list of stockholders on pages 388, 389, and 390 of the hearings.

Mr. COX. Will the gentleman yield? I am sure the gentleman wants to be right.

Mr. BENNET. Yes.

Mr. COX. The gentleman is not citing the record correctly when he says that all of the capitals of the world he mentions have pneumatic tubes. Berlin and Paris and London have little 3-inch tubes, and the only mail that they carry through them is special letters costing 6 cents; they are telegram letters.

Mr. BENNET. I said they had pneumatic-tube service. Now, take the commercial side of it. The Western Union Telegraph Co. and the Postal Telegraph Co. in the city of New York operate more than 50 miles of tubes—3-inch tubes. The gentleman from Tennessee [Mr. MOON] said that an 8-inch tube was too small to be operated commercially. The Western Union Telegraph Co. and the Postal Telegraph Co. are supposed to have good business sense, and they operate 3-inch tubes because in the city of New York they can deliver telegrams through the tubes quicker than they can through our congested streets, and they have twice as much mileage as the Government has.

We propose to do away with all of them for the yearly saving of $219,000 each year, when the Post Office Committee reports to the House a proposition, from which I do not dissent, appropriating $5,000,000 more for rural free delivery than the Post Office Department recommends.

Now, what about the congestion of the streets. We have 140,000 automobiles in New York City. There are street corners in New York City, street crossings, where 110,000 people cross every 10 hours, in addition to the 15,000 or 16,000 vehicles. Every 14 hours in New York City some man, woman, or child is killed by a vehicle. Every 23 minutes some man, woman, or child is injured by a vehicle.

There came before the Post Office Committee the representative of the manufacturers and dealers in automobiles who asked that the tube service be continued because the automobiles already on the streets of New York are at least as many as there ought to be, if, in fact, not more than there ought to be. Now, they propose to add to this a number of automobiles sufficient to carry these letters throught the streets.

What is our mail in New York City? Five million letters a day, 85 per cent of which are carried through the tubes. The gentleman from Tennessee says—and I am not criticizing the accuracy of his statement—that the first-class mail is only one-twelfth of the weight of the mail, but that is a pretty big amount.

By leave of the House I reprint the following, compiled by the Merchants' Association of New York City:

OPPOSING THE ABOLITION OR CURTAILMENT OF THE PNEUMATIC-TUBE MAIL SERVICE IN ANY CITY WHERE IT NOW EXISTS.

The Postmaster General has recommended to Congress the abolition of the pneumatic-tube mail service in Boston, Philadelphia, Chicago, and St. Louis; its curtailment in Brooklyn, and its retention in New York under conditions which threaten to curtail it by about one-half, and which permit its entire abolition at the discretion of the Postmaster General.

The recommendations of the Postmaster General are based upon a report of a committee of subordinate postal officials, which report embodies the results of an investigation made by the committee as to the relative efficiency of auto vehicles and pneumatic tubes for the transmission of letter mail. Those results seemingly demonstrate that autos equal tubes in efficiency and that the substitution of autos for tubes would effect material economies without impairing the mail service.

This would be true if the facts stated in the report comprehended all the facts, and if the methods used in the investigation had been such as fully to develop and fairly to present those facts; but such is not the case. In the investigation vital factors were ignored or suppressed. By reason of their suppression false inferences were suggested, leading to fallacious conclusions. The utility of the tubes was minimized, and the practicable performances of autos under service conditions was grossly exaggerated. The methods of the investigation, its omission to develop and present essential facts, the questionable character of the so-called tests, and the fallacy of the conclusions inevitable from an incomplete array of facts, were such as to render misleading and practically worthless the report upon which rest the recommendations of the Postmaster General.

Following are specifications:

1. The automobile tests were made under highly favorable selected conditions of minimum traffic congestion, and entire absence of obstruction by ice and snow.

2. The usual and necessary service routes, time schedules, and requirements were disregarded.

3. Excessive and dangerous speed was made through crowded city streets.

4. The results of the speed tests made under exceptional and selected conditions were accepted as representing the practicable speed of autos throughout the year, under service conditions subject to wide variation.

5. The rapidity and capacity of the tubes were understated. On one occasion the operation of the tubes was retarded.

6. Two of the most important and useful functions of the tube service were ignored by the report.

I. THE AUTOMOBILE TESTS WERE MADE UNDER HIGHLY FAVORABLE SELECTED CONDITIONS OF MINIMUM TRAFFIC CONGESTION AND ENTIRE ABSENCE OF OBSTRUCTION BY ICE AND SNOW.

Tests of the relative speed of autos and tubes in the transmission of mail were made in the several cities having tube service, with the exception of New York. All these tests, with three exceptions, were made in the months of July and August. The exceptions were made June 28 and 29 in Boston.

The speed at which vehicles can move through city streets is, of course, materially affected by the extent of the traffic therein. In all the large cities the traffic congestion in the business centers is extreme and creates a condition exceedingly unfavorable to the rapid movement

of vehicles. In the city of New York traffic counts were recently made during the months of maximum congestion. It was found that at the 464 crossings where police officers are stationed to regulate traffic an aggregate of about 3,407,000 vehicles and 15,545,000 pedestrians crossed within 10 hours. The traffic at Columbus Circle (1 mile north of Forty-second Street) aggregated 39,000 vehicles and 81,990 pedestrians in 10 consecutive hours. Similar conditions of extreme congestion prevail in the Chicago "loop district" and in the central areas of Boston, Philadelphia, and St. Louis.

But the density of the congestion varies widely at different seasons. In the months of July and August it is at a minimum. During those months shipments of merchandise fall off greatly. Retail trade of many classes is at its lowest ebb, and the movement of delivery wagons is much reduced. A large proportion of pleasure or passenger autos are absent in country districts. These causes greatly reduce the volume of street traffic and correspondingly increase the practicable speed.

In his testimony on this point before the House Committee on the Post Office and Post Roads, Inspector Thomas Myers, the police officer in charge of traffic regulation in New York, stated that street traffic and consequent congestion falls off about 50 per cent during the months of July and August. Similar causes produce a similar falling off in other cities.

It is obvious that speed results obtained in the months when about one-half the usual number of vehicles are absent from the streets do not fairly represent the speed practicable during the remainder of the year.

It is a fact of common knowledge that city streets during a considerable part of every winter are badly obstructed by snow and ice. So far as revealed by their report, this fact seemed to be unknown to the committee of post-office employees. At any rate, no cognizance was taken of it.

The extent to which snow slows the movement of autos and disarranges mail movement was testified to December 14 before the House Committee on the Post Office and Post Roads by Mr. Edward M. Morgan, postmaster of New York.

Mr. Morgan stated in substance that during a considerable part of last winter, because of snow, it was necessary in order to make train connections to allow autos as much as 30 minutes' extra running time, thus more than doubling the usual time. Mr. Morgan specified December 13, 14, 15, 16, and 17, 1915; February 2, 3, 4, 5, 6, 13, 14, 15, 16, and 17, 1916; March 2, 3, 6, 7, 8, 9, 10, 15, 16, and 17, 1916, as days when transportation was seriously interrupted by reason of storms, and the mail contractor was unable to meet the requirements of the service and live up to the existing schedules. The effect of these conditions is shown by the following quotations from the records of the hearing:

"Mr. MORGAN. * * * The number of train connections missed and consequent delay to mails during December, 1915, and January, February, and March, 1916, due to irregularities in mail-wagon (auto) service, occasioned by snowstorms and resultant congested and slippery streets, was as follows:

December, 1915	30
January, 1916	8
February, 1916	51
March, 1916	120
Total	209

"The CHAIRMAN. They missed the trains?

"Mr. MORGAN. Yes, sir; notwithstanding they were given 30 minutes headway.

"Mr. BENNET. You mean you start the mails several minutes earlier?

"Mr. MORGAN. Yes.

"Mr. BENNET. How many—how long a time?

"Mr. MORGAN. Usually about 30 minutes. For example, if we have to make a connection, and our regular schedule is 2.30, we start the wagon out at 2 o'clock; and if we have to make a connection, the regular schedule being 4 o'clock, we start the wagon out at half past 3."

The extent to which snow and ice obstructed the movement of mail vehicles in other cities is undoubtedly a matter of record in the several post offices. It is a vital factor in determining the relative utility of autos and tubes. The committee could readily have obtained the information. So far as the record shows they made no attempt to do so, but completely ignored it.

II.—THE USUAL AND NECESSARY SERVICE ROUTES, TIME SCHEDULES, AND SERVICE REQUIREMENTS WERE DISREGARDED.

The time normally required for mail vehicles to move between post offices and railroad stations and from one branch office to another is definitely and completely established as to every important office. The extent of that time is absolutely and conclusively demonstrated by daily and hourly experience, continued through every day in the year. As a result of this experience official time schedules are established. These schedules govern the movement of all mail vehicles.

The time allowed is that normally consumed by the vehicles in passing over their routes. It considers delays and interruptions to movement occasioned by traffic congestion. It makes allowances for time consumed by stops made at intervening stations for the purpose of receiving and delivering mail.

The time allowance is governed by two imperative factors. The vehicle must remain at the post office until the latest possible moment in order to permit it to carry the latest mails received. The time allowed for movement to its destination must be as short as is practicable to assure its arrival at the station in time to catch the connecting train. It is certain, therefore, that in every post office having a capable administration the time allowed for the movement of vehicles is the shortest time that it is safe to allow, as demonstrated by continuous experience.

In addition to the normal time allowance is the extraordinary allowance made necessary in winter by reason of snow and ice. Postmaster Morgan has testified that under frequently prevailing winter conditions more than twice the usual time is required. We have thus in the records of every post office absolute standards derived from experience of actual service conditions as to the performance of auto vehicles which may safely be relied upon.

The difference between these standards and the results of the so-called tests made in Chicago and Boston are so great as to bring the methods of the latter into question. Mail is daily transported by automobile from the Boston general post office to Uphams Corners over a route which is 4.4 miles long. Mail passing over this route goes first to the South Terminal Station, where it is transferred to another vehicle. It thence moves by way of the South Boston Station to Uphams Corners. The vehicle stops at each of the stations named. At the South Terminal the pouches are rehandled and separated for forwarding to different destinations by various routes. This process requires five minutes or more. An intervening stop is made at South Boston, where mails are received and delivered. The record of movement and distances is as follows:

DISTANCE AND OFFICIAL TIME, INCLUDING STOPS.

General post office to South Terminal, three-quarters mile, 15 minutes.
South Terminal to South Boston, 1¾ miles, 15 minutes.
South Boston to Uphams Corners, 2¼ miles, 15 minutes.
Total, 4.4 miles, 45 minutes.
Average miles per hour under service conditions, 5.86.

In the auto test that was made between the general post office and Uphams Corners the route followed was not stated. If the auto proceeded via Roxbury, the distance covered would be 5 miles. If it proceeded via South Boston, the distance would be 4.4 miles. The time occupied was 13 minutes 50 seconds. In the first case, via Roxbury, the rate of speed per hour would have been over 21 miles. In the second case, via South Boston, the rate per hour would have been over 19 miles.

This result was obviously obtained by ignoring all the service conditions. An average rate of speed more than three times that found possible under service conditions was made. It was in part made by omitting the stops required in the actual mail service, thereby saving the several minutes required to make each of those stops and take and deliver the mail. It was made by sending the auto over portions of the route at a rate of approximately 30 miles per hour (making allowance for the inevitable detention in the area of great congestion).

Similar disregard of service conditions appears in the so-called tests made in the central area of Boston. The official time shown by experience to be necessary under service conditions for an auto to move from the general post office to the South Station and insure train connections is 10 minutes. The auto made the distance in 3 minutes 40 seconds. The official time from the Boston post office to the North Station is 12 minutes. The test auto made the distance in 5 minutes 5 seconds. These figures show the extent to which the relative absence of traffic congestion during the months of July and August influenced the result.

On the one hand, we have the time schedules based upon long and continuous experience, established with due regard to traffic obstacles and to service stops. On the other hand, we have single tests made regardless of service conditions, with the obstacles of traffic congestion largely eliminated, omitting the time required for stops at intermediate stations, and carried on at an unlawful and highly dangerous rate of speed.

Similar conditions obtained in the case of the Chicago tests. The official time upon which autos are daily moving between the general post office and the stockyards, with one stop, is 52 minutes, the rate of speed per hour being 6.92 miles. In the so-called auto test the distance was made in 17 minutes, the service stop required in actual service being omitted. The average rate of speed was over 21 miles an hour, probably reaching 30 miles an hour over a considerable part of the course.

The Postmaster General assumes that the results of these tests indicate the regular and normal speed of the service which can be provided by automobiles. If that be true, the administrative officials of the principal post offices in the United States are convicted of gross incompetency, for consuming in actual service more than three times the time which the Postmaster General appears to believe a reasonable and practicable time.

III.—EXCESSIVE AND DANGEROUS SPEED WAS MADE THROUGH CROWDED CITY STREETS.

It has been shown above that the regular time schedules imposed by contract upon the mail service in the several cities contemplates a rate of speed limited by the congestion of city streets, speed laws, traffic regulations, and similar obstructive conditions.

The public of every large city is in a state of violent indignation and alarm because of the dangerous conditions arising from the rapid movement of automobiles in crowded city streets. The fatalities and accidents from this cause are numerous. In the city of New York one person is killed every 14 hours, and one person is injured every 23 minutes. The problem of preventing undue speed, of protecting life, and of dealing with traffic congestion is one of the most pressing with which city officials everywhere are confronted.

In response to public demand and in the interest of public safety, laws limiting the speed of vehicles have everywhere been adopted. "Safety first" is the universal cry.

In defiance of an earnest and reasonable public sentiment we find the agents of the United States actively promoting highly dangerous conditions. We find the Postmaster General of the United States seriously proposing that those dangerous conditions shall be made the regular and daily conditions for the operation of mail vehicles—that those vehicles shall regularly and habitually traverse city streets with reckless disregard of human life and safety, and shall ignore and override the laws and regulations made necessary for the public protection.

The recommendation of the Postmaster General is based upon the assumption that mails will be transported through the streets by autos at the speed shown by the recent tests. Unless that speed is maintained, the present celerity of mail movement, attained by the use of the tubes, will be materially lessened. That speed is therefore proposed by the department.

The auto speed developed by the tests and accepted by the Postmaster General as a normal standard of performance was as follows:

BOSTON—GENERAL POST OFFICE TO UPHAMS CORNERS.

Distance (via Roxbury. The tubes follow the Roxbury route, with which the auto tests were compared. The regular auto route to Uphams Corners is via South Boston. The distance via the latter route is 4.4 miles. If this route were taken in the auto test, the average rate of speed would have been slightly more than 19 miles per hour), 5 miles.
Time, 13 minutes 50 seconds.
Rate per hour, over 21 miles.

CHICAGO—GENERAL POST OFFICE TO STOCK YARDS.

Distance, over 6 miles.
Time, 17 minutes.
Rate per hour, over 21 miles.

In each of these tests a mile or more of the distance was through an area of intense congestion, in which area only a very slow rate of progress was possible. The official time schedules of the Boston post office allow 10 minutes for an auto to traverse only a part of this congested area. A similar official time allowance is made in Chicago. Allowing for inevitable delays in these highly congested districts, a much higher rate of speed than the average must have been maintained over the remainder of the route.

It is practically certain, therefore, that over the larger part of the routes stated the test autos must have been driven at a rate of speed in excess of 30 miles per hour, through densely populated districts, in defiance of speed laws, traffic regulations, and public safety.

In fact, however, this speed would not and could not be maintained under service conditions, for reasons stated in the previous section. But nevertheless it was advanced by the post-office committee as though it were the normal speed practicable for mail autos; and the Postmaster General and Congress were permitted to infer that this artificial and impracticable rate of auto movement proved that the mails could be moved as rapidly and efficiently by autos as by tubes.

IV.—THE RESULTS OF THE SPEED TESTS MADE UNDER EXCEPTIONAL SELECTED CONDITIONS WERE ACCEPTED AS REPRESENTING THE PRACTICABLE SPEED OF AUTOS THROUGHOUT THE YEAR, UNDER SERVICE CONDITIONS SUBJECT TO WIDE VARIATION.

It has been shown above that the conditions affecting the speed of autos passing through city streets are subject to wide variations at different seasons of the year. It has been shown that the so-called tests of auto speed were made at a time when traffic congestion was at a minimum and an exceptionally high rate of speed therefore practicable. It has been shown that in the tests the usual and necessary service routes were disregarded and that the usual and necessary stops at intermediate stations, involving in the case of each station a considerable time for delivering and receiving mail, were omitted. It has been shown that the actual service time established and shown to be necessary as the result of continuous experience during years is from two to three times that shown by the tests. It has been shown that when the streets are obstructed by snow and ice it is necessary to more than double the usual service time and that even with such additional time many train connections are missed. It has been shown that excessive and dangerous speed was made through crowded streets in violation of traffic regulations and speed laws.

It is obvious that all the conditions recited must of necessity be considered and allowed for in determining the habitual and regular speed of mail autos when carrying the mails under service conditions. It is equally obvious that any fair investigation for the purpose of determining the practicable speed of autos in mail service would have given full consideration to all these limiting conditions and have fully and candidly stated in the report their effect and the extent to which they should qualify the conclusions.

The report of the committee of postal employees is silent upon all of these points. Having made certain tests under conditions which excluded nearly all the most formidable impediments to high speed, they have presented those results as though they were applicable throughout the entire year and as though they could properly be made the ordinary standard of auto performance.

As a matter of fact, the report in question ignored or suppressed the essential facts indispensable to a true conclusion. It is this investigation which the Postmaster General characterizes as "thorough," and upon which, "after careful consideration," he bases his recommendations for the substitution of autos for tubes, on the assumption that the former will provide service equally efficient as that of the latter.

Upon this evidence, which has suppressed the essential and suggested the untrue and misleading, the Postmaster General rests his statement that the department "never at any time has made a recommendation looking to the improvement of the Postal Service which it is more certain is just and meritorious than the proposed action with reference to this pneumatic-tube service."

V.—THE RAPIDITY AND CAPACITY OF THE TUBES WAS UNDERSTATED—ON ONE OCCASION THE OPERATION OF THE TUBES WAS RETARDED.

The capacity of the tubes is dependent upon the quantity or weight of mail matter which can be contained in each of the carriers and the frequency with which such carriers can be dispatched through the tubes.

The report of the committee of post-office officials alleges:

"(a) The capacity of each tube container is limited to about 5 pounds of letter mail, and all classes of mail can not be carried."

In the hearings before the House Committee on Post Offices and Post Roads a standard carrier was placed in evidence. Numerous packages containing envelopes with blank letter sheets of different sizes and thicknesses, and also a proportion of cards similar to postal cards, were produced, weighed before the committee, and deposited in the carriers. Ten pounds of these packages—which were carefully examined by the committee and admitted to be fairly representative of regular mail—were placed in the carrier, which was but two-thirds filled. There were, however, no long envelopes in the parcels, but ample space remained to permit the inclusion of such long envelopes.

The committee's report further stated:

"(b) Rapidity of dispatch of tube containers is limited to intervals of about 15 seconds, so that only about 20 pounds of letter mail can be dispatched each minute * * *."

In the Boston test of the mail carried by train No. 53, June 28, 1916, six carriers were dispatched in 65 seconds, making an average of 10⅚ seconds' interval between the carriers.

As testified at the hearing, the time intervals noted in the dispatch of certain mails by tube in the Chicago post office was found to be less than 10 seconds.

In the New York post office on August 19, between the hours of 7 and 8 o'clock p. m., 838 carriers were dispatched from the general post office through a single line of tubes, the intervals between the dispatches being about 4¼ seconds.

In view of these well-established results, it is obvious that the committee's statement that only about 20 pounds of letter mail can be dispatched each minute is incorrect. The facts cited, however, are advanced only to show the loose methods and the loose statements of the committee. It is correct to state that the service intervals between the dispatch of tubes is in usual practice about 15 seconds, although the tube is capable of greater expedition. The actual speed, however, is dependent upon the celerity with which mail is prepared for dispatch by the postal clerks. When the postal clerks are slow or insufficient in number the intervals become greater. The actual quantity carried by the carriers is likewise affected by the speed with which the clerks prepare the packages and the number of letters contained in such packages.

While, therefore, the tubes are capable of moving mail at a much higher rate of speed than that stated by the committee, and while each carrier will contain more than twice the weight stated, the average, under service conditions, is probably approximately correct. This, however, is no excuse for the bald statement of the committee that the capacity is actually limited to the amount and the time stated.

On Sunday, July 30, a test was made in Boston of the rapidity with which the tubes would handle the mail arriving by train No. 30. Seventy-seven carriers were dispatched in 34 minutes 38 seconds, the interval between the dispatch of the carriers thus being 27 seconds, or about two and one-half times as great as that shown by results under actual service conditions. The results thus obtained were put in comparison with the time required for movement by autos of the corresponding mail arriving one week later.

The result was strikingly unfavorable to the tubes, the time required by the tubes being approximately twice that required by the auto. On Sundays a minimum number of postal clerks is on duty. The demand for rapid transmission of the mail is slight, there being no local deliveries and the requirements as to train connections being such as to permit leisurely handling. It is probable, therefore, that on the occasion of this so-called test the slow rate of speed of the carriers is to be accounted for by the lack of the necessary clerical assistants required to prepare the mail for handling by the carriers. But no statement on this point is made. The inference is therefore invited that the slow rate of movement and the consequent unfavorable showing was due to the incapacity of the tube, when, in fact, the entire volume of mail could have been moved in about one-third the time actually consumed had the postal clerks promptly prepared it for the carriers.

The conditions were likewise peculiarly favorable to the quick movement of autos, there being no street congestion whatever by reason of the fact that the test was made on Sunday. Thus, the movement of the tubes was retarded and the movement of the autos was expedited. The report contains no allusion to this disparity in conditions.

VI.—TWO OF THE MOST IMPORTANT AND USEFUL FUNCTIONS OF THE TUBE SERVICE WERE IGNORED BY THE REPORT.

The report of the committee of post-office officials says:

"The principal advantages of pneumatic tubes for the transportation of mail are:

"1. A high rate of speed between stations for limited quantities of mail.

"2. Freedom from surface-traffic congestion."

This is but a partial statement of the advantages and utilities of pneumatic-tube movement. It ignores and omits two of the most important and useful functions of the tube service, namely:

a. Dispatch of late mails, which would otherwise not catch specific trains.

b. Expedition of local mail interchange by reason of continuity of service and more speedy movement.

In all large city post offices mails in large volume pour into such offices in a practically continuous stream. It is sorted as fast as received, placed in pouches, and at a fixed minute is dispatched by auto to connect with specific outgoing trains. After the dispatch of the last auto destined for a specific train, mail which should go by that train continues to arrive. This late mail is forwarded by the tubes, at the rate of from 2,000 to 3,000 letters per minute, and the supplemental dispatch continues for approximately 10 minutes and in some cases a longer time.

This supplemental service could not under any conditions be performed by auto. It is made possible only by the existence of the tubes; and the service thus performed is of very great value to the business community, inasmuch as it advances the delivery of probably a hundred thousand letters every day by a period varying from a few hours to 24 hours or more. Without this supplemental service a great volume of important letter mail would fail to move by the most desirable trains, would therefore miss important connections in all sections of the country, and be greatly retarded in its movement.

The extent and value of the service rendered may be illustrated by the case of the Transcontinental Express, which leaves the Grand Central Terminal, New York, at 9.30 each evening. This train carries a very heavy mail for all important western points, particularly those beyond Chicago and on the Pacific coast. Mail carried by it makes close connections, and reaches its destination in the shortest possible time. Mail which misses this train is subject to a delay of from 12 to 24 hours, according to destination. This train also connects with the Pacific steamships, and if mail destined for Asia or Australia fails to connect with the Transcontinental Express a delay of from two to three weeks in delivery follows.

The last auto connecting with this train leaves the Hudson Terminal at 8.40 p. m. After departure of the last auto a supplemental dispatch by pneumatic tube continues for 10 minutes additional, the last carrier leaving at 8.50. A supplemental dispatch for this particular train is likewise made from all the branch post offices between the Hudson Terminal and the Grand Central Terminal. After the last auto has left with mail for the Transcontinental Express from 10,000 to 12,000 letters for western points are deposited in the various branch offices and forwarded by the tube.

This supplemental service is of the utmost importance, inasmuch as it avoids from 12 to 24 hours' delay in the delivery of from 10,000 to 12,000 letters, nearly all of which comprise banking and business correspondence, which it is highly important shall reach its destination at the earliest possible moment.

This illustration applies to every important mail train leaving the city of New York. The volume of supplemental letter mail thus expedited by the existence of the pneumatic tube equals or exceeds the entire daily mail of cities of the size of Chattanooga, Tenn.

The abolition of the pneumatic tube would deprive the several large cities of the great benefit of this supplemental movement, which function could not be performed by automobiles under any conditions.

Postmaster Morgan has testified that under conditions of snow and ice it is necessary to close the mails to be dispatched by autos about one-half hour earlier than usual. All the mail reaching the post office during this half hour, if dependent upon autos, would miss the next following train, and be delayed often many hours. It is all dispatched by the tubes, and is thus enabled to make the closest and most desirable train connection. The tubes, therefore, in the winter season prevent delay to a very large part of all letter mail and render a highly important service, which autos are incapable of rendering.

Had it not been for the facilities afforded by the tubes during the past winter a very large portion of the outgoing mails would have failed of their proper train connections and been subjected to delays in reaching their destinations ranging from several hours to a day or more.

Another function of prime importance performed by the tubes, and possible only by their use, is the expediting of local mail deliveries. More than 1,000,000 letters are deposited in the New York post office every day for local delivery. A very large proportion of these reach their destination within two to four hours' time. By reason of the speedy movement afforded by the pneumatic tube a letter may be dispatched to an address 12 or 15 miles distant and the sender may receive a reply the same day. The movement of the entire volume of local mail is greatly expedited in every city having a pneumatic tube. This expedition of local mail is an extraordinary and greatly appreciated

public convenience, and to abolish the conditions which make it possible would certainly be the cause of great discontent and public indignation.

The part played by the pneumatic tube in local service may be illustrated by the movement of local mails between widely separated branch post offices in New York. A letter deposited in the most northerly postal station served by the tube in Manhattan addressed to the most southerly station will be immediately dispatched by the continuous service of the tube and received at the southerly station in 46 minutes, and within a few minutes thereafter will be delivered by carrier to the addressee. If sent by auto it would require 2 hours and 31 minutes' transmission time, and in addition might lie in the Harlem post office from 1 to 2 hours awaiting the dispatch of an auto. The intervals between the movements of autos plus the time required in transmission would aggregate approximately 4 hours or more, so that letters mailed at noon or later would reach their destination too late for delivery the same day.

In the case of letters mailed in Harlem and destined for Brooklyn the time required for auto delivery would be materially greater, so that very few letters in such case would reach their destination on the day of mailing. Thus in the case of New York a population of 5,600,000 people has its local mail, aggregating over 1,000,000 letters every day, expedited by the use of pneumatic tubes from 2 to 4 hours or more, whereby the handling of local letters has become exceedingly efficient.

The pneumatic tube is the utility which alone makes this possible.

No allusion to these highly important functions of the pneumatic tube is made by the report of the committee of postal employees.

VII.—THE BENEFITS OF PNEUMATIC TUBES ARE NOT RESTRICTED TO THE CITIES IN WHICH THEY ARE LOCATED, BUT ACCRUE TO THE ENTIRE COUNTRY.

By far the greater part of the entire volume of mails originates in, or is directed to, the great cities. The celerity of mail movement throughout the United States is in large degree dependent upon the celerity with which the mails are handled in those cities. The conditions of modern business are such that rapid movement of mails is of the first importance to the merchants and business men of every locality, however remote.

An immense volume of daily business transactions is dependent upon and regulated by the daily mail movement, and a delay in mails or their slow movement tends greatly to retard those transactions. So pressing is the need for speedy communication that the volume of telegraph transactions between country merchants and city centers has in recent years grown enormously and is constantly increasing. It is, therefore, necessary that business letters dispatched from all sections of the country shall reach their destination in the shortest possible time, and that the reply necessary to complete such transactions shall likewise be received at the earliest possible moment.

Slow handling of the mails in cities like New York, Chicago, and Boston, therefore, not only inconveniences but interferes with the necessary business operations of the entire circle of customers of those cities, and every one of those customers is benefited by the use of pneumatic tubes in the centers where mail congestion is greatest, and where slowness of mail movement entails ultimate delay of possibly many hours.

The abolition or curtailment of the tube service in any of the great cities therefore would materially decrease the expedition of correspondence between the country districts and the cities, and impose great inconvenience upon every section of the country.

The same reasons apply with added force to the mail movement between the great cities. The business transactions between these cities are of enormous extent and of a nature which require the utmost possible expedition. To abolish or curtail the tube service in any of the cities where it now exists not only affects the people of a particular city, but affects the business men of all the cities, by lengthening the time required for the interchange of correspondence. It is for that reason that the city of New York contends earnestly for the retention of the existing tubes in other cities, for their removal will not only inconvenience the people of Boston, St. Louis, Philadelphia, and Chicago, but will interfere with the prompt transactions of business between the merchants of New York and the merchants of those cities.

New York further objects to the specific recommendations made by the Postmaster General with reference to the tube service in this city. The entire system as it now exists is essential properly to meet the local needs of this community. The proposal of the Postmaster General makes possible, and even probable, the discontinuance of that part of the system north of Forty-second Street.

The section north of Forty-second Street not only contains a great number of the most important hotels, clubs, etc., but is also thickly interspersed with important business establishments, the number of which is increasing with great rapidity. The tubes in that section serve a population of more than 2,000,000 people and provide the sole means whereby local letters can promptly be interchanged with other sections of the city.

We strenuously object to any contingent provisions in the advertisement for contracts which shall permit the Postmaster General to discontinue the tube service in that section.

This phase of the questions was considered by the Pneumatic Tube Postal Commission appointed by Congress in 1912. Senator HOKE SMITH was chairman of that commission, which reported on October 24, 1914, as to the expediency of discontinuing any part of the existing system. The Smith commission said:

"In most of these cases, however, it is found that such sections are part of a general system of tubes, and that it would be inadvisable to eliminate these parts and thereby impair the usefulness of the whole system."

The proviso that the Postmaster General may cancel the contracts on six months' notice is highly objectionable. Such a provision in the contract would cripple the company subject thereto, as it would make it impossible for it to provide funds to make the necessary changes and extensions required for the efficiency of the service.

This association therefore contends that as to the city of New York the present system should be retained in its entirety under a single contract covering the period of 10 years without any provision for arbitrary cancellation.

VIII.—SUMMARY.

The soundness of the Postmaster General's recommendations rests wholly upon the soundness of so-called tests of the relative speed and utility of autos and tubes. His proposition is that autos equal tubes in efficiency and will move the mails with equal celerity at a lesser cost. He assumes that this is proved by the so-called speed tests.

To sustain that proposition would require that the regular movement of autos equal that developed by the tests. We have shown the character of these tests—that they afford no indication of the speed practicable under service conditions, and that any conclusions based thereon are therefore misleading. It has been shown that auto movement is subject to serious obstruction from traffic congestion, speed laws, snow and ice, and stops required at intermediate stations; and that for these reasons the actual service speed is very much less than that assumed, as the result of the so-called tests, to be practicable.

It has been shown that the so-called tests ignored all of these factors of obstruction, and that the results were presented as though they were typical and fairly representative of the conditions to be met.

Such is not the fact. It is proved by the experience of every important post office in the country that the actual service rate of speed of autos is not more than one-third that presented by the report of the committee of post-office employees and accepted by the Postmaster General. We have shown that the most important functions of the pneumatic tubes and their most important advantages were ignored or minimized by the committee. While the auto mail service in this city was disorganized and inefficient for many days in succession during last winter, the pneumatic-tube service continued without interruption, and by reason of its existence the entire volume of outgoing letter mails originating in this city was dispatched without delay. On those occasions the mail service would have been absolutely crippled had it not been for the existence of the tubes.

Every day the tube service accomplishes the prompt dispatch of probably 100,000 letters that, without such service, would be subjected to several hours, and on some occasions days of delay. The tubes expedite the delivery of local letters aggregating 1,000,000 daily by from 2 to 4 hours at certain periods of the day, and by 12 to 15 hours at other times. The service rendered by the tubes is of a kind wholly impossible to autos under any conditions. They serve a genuine and important public need. Their abolition or their restriction would greatly reduce the present celerity of mail service and would deprive the public of a most useful facility.

In its report Senator HOKE SMITH'S Pneumatic Tube Postal Commission said:

"The pneumatic-tube service for the transmission of mails in the cities in which such service is now installed is a valuable adjunct to the mail transportation service for handling first-class, registered, and special-delivery mails, not furnished by other means of transportation, and is justified by the advantages of availability, expedition, security, and reliability. Its considerable withdrawal or discontinuance would be regarded as an inadvisable curtailment of facilities."

For all these reasons this association contends that the tube service should be retained without reduction in each of the cities where it now exists, and that it should be extended as rapidly as possible to other important centers of mail traffic.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
WM. FELLOWES MORGAN, *President.*
WM. FELLOWES MORGAN,
WILLIAM C. BREED,
WILLIAM HAMLIN CHILDS,
WILLIAM A. MARBLE,
WALDO H. MARSHALL,
LEWIS E. PIERSON,
HENRY R. TOWNE,
Executive Committee.

II.—FROM THE MAYOR OF THE CITY OF NEW YORK TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, PROTESTING AGAINST ADDITIONAL MAIL TRUCKS IN THE CITY'S STREETS.

OFFICE OF THE MAYOR,
New York, December 29, 1916.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR SIR: Permit me to direct your particular attention to the bill now before the House of Representatives which, if enacted, will deprive the city of New York of a large part of its pneumatic-tube service for the transmission of mails, requiring in place thereof the introduction of auto vehicles driven through the city streets. I wish to impress upon you the incalculable harm that must inevitably be worked by such a measure in making more acute and dangerous the traffic conditions, which already present a problem of alarming proportions.

The present tube system in this city covers all that part of the Borough of Manhattan lying south of One hundred and twenty-fifth Street; a connection between the Manhattan and Brooklyn general post offices; an extension from the Brooklyn general post office to the Long Island Railroad Station.

The bill (its legislative number I do not have at hand) had, I believe, as its sponsor the Postmaster General, and, having already been favorably reported out of committee, will shortly come before the House for consideration. It calls for the renewal of the tube service only as to that part of the system which is located south of Forty-second Street and for the line connecting the two general post offices, thus leaving unprovided for that portion north of Forty-second Street in the Borough of Manhattan, and the present extension from the Brooklyn general post office to the Long Island Railroad Station, at the corner of Flatbush and Atlantic Avenues in Brooklyn. It is contended by the advocates of the bill that the continuance of the complete tube service in its present form is not warranted by the cost, and the Postmaster General has indorsed that clause in the report of a committee of post-office employees which says:

"* * * We are recommending that a separate advertisement be issued for the service north of Grand Central and Times Square Stations, but that the contract be not renewed unless a very material reduction in cost is secured."

It is further proposed that if contracts are entered into they shall be for the term of 10 years, but subject to cancellation by the Postmaster General on 6 months' notice.

The many reasons against the proposed abridgement of the present system will be presented to Congress convincingly and in detail by the leading commercial organizations of the city. I shall not, therefore, rehearse the arguments dealing with the subject from a business standpoint which will be presented by others—arguments in favor of efficiency and labor-saving devices with which I am in hearty accord. But I do wish to dwell particularly upon one phase of the subject which seems to me to overshadow all others, vitally affecting, as it does, every inhabitant of this city, namely, the shortsightedness and folly of doing anything which must inevitably add to the great congestion of street traffic and the dangers resulting therefrom.

Impressed though the casual observer must be by the sight of automobile traffic through the chief thoroughfares of this city, only those who have given the subject some study have any idea of the size of

the problem now confronting the city government. It is a problem of providing protection to human life which is daily endangered by the great current of vehicles passing through our streets.

The extent of this danger is forcibly illustrated by the fatalities and accidents which are of daily and hourly occurrence. Last year 659 people were killed and 23,000 injured in street accidents, 281 of those killed being children. Thus, one person was killed every 14 hours and one injured every 23 minutes of each day in the year. Of those killed, 105 met their death from motor trucks. Despite the fact that motor trucks number less than 2½ per cent of the total vehicles, they were chargeable with more than 16 per cent of the fatalities, a striking instance of the dangerous character of that class of vehicles, among which are included mail trucks.

This annual toll of human life in our city streets has excited public indignation and alarm. Constant and urgent appeals are made for measures of protection. Stringent traffic rules have been adopted and 650 policemen have been assigned exclusively to the regulation of traffic. Every possible effort is put forth to restrict the speed of vehicles in the street, and to secure such regularity of movement as shall permit an even and orderly flow of traffic. By reason, however, of the enormous number of vehicles and the great population which daily use our streets, the situation is hard to cope with, and is becoming increasingly difficult.

The resident population of the city of New York is now about 5,600,000. Careful estimates show that this is increased daily by a floating population of over 1,000,000, making the aggregate of over 6,500,000 people who use our streets daily. The number of vehicles in the city is:

Pleasure automobiles	116,065
Commercial automobiles	21,330
Dealers' automobiles	2,974
Total automobiles	140,369
Horse-drawn vehicles	73,727
Grand total	214,096

To this must be added many thousand vehicles, in large part automobiles, which daily enter the city from adjacent territory. The increase in the number of automobiles registered in this city in the year 1916 was 38,000. More than one-half of the population concentrates daily on the island of Manhattan, and passes along its streets. There is a corresponding concentration of vehicles, and the regulation of this enormous mass of traffic is difficult in the extreme.

So much for the general situation. Let me direct your special attention to conditions in those portions of the city where the present pneumatic-tube service is endangered by the pending bill, viz, (1) that covered by the portion of the tube system north of Forty-second Street in the Borough of Manhattan, and (2) the area of the Borough of Brooklyn, along the line of the extension from the general post office of that borough to the Long Island Railroad Station at Flatbush and Atlantic Avenues.

The north and south main arteries of vehicular traffic in Manhattan are at present taxed to capacity. Forty-second Street marks approximately the crest of the traffic wave. The congestion from Forty-second to Fifty-ninth Street is about the same as for the corresponding distance below Forty-second Street. From Fifty-ninth Street north in the Borough of Manhattan the main arteries for vehicular traffic are reduced by the obstruction of Central Park, which lies between Fifth and Eighth Avenues, and extends from Fifty-ninth Street to One hundred and tenth Street, a distance of 2½ miles. Even above Central Park, in the Borough of Manhattan, the congestion of traffic is great.

A traffic tabulation at Fifty-ninth Street, Broadway, and Columbus Circle showed that there are more vehicles passing this location than at any other point in the greater city. During the 10 hours from 8.30 a. m. to 6.30 p. m. 39,200 vehicles and 81,990 pedestrians passed this street intersection.

Following is a tabulation of some of the congested points in Manhattan from Fifty-ninth Street north:

Ten-hour period from 8.30 a. m. to 6.30 p. m.

Location.	Vehicles.	Pedestrians.
Fifty-ninth Street and Second Avenue	9,260	50,040
Eighty-sixth Street and Central Park West	8,310	12,742
Eighty-sixth Street and Broadway	13,042	23,710
Ninety-sixth Street and Broadway	10,083	29,849
One hundred and tenth Street and Eighth Avenue	11,664	12,113
One hundred and sixteenth Street and Fifth Avenue	6,625	22,568
One hundred and sixteenth Street, Seventh and Saint Nicholas Avenues	11,207	20,386
One hundred and twenty-fifth Street and First Avenue	10,343	10,427
One hundred and twenty-fifth Street and Third Avenue	10,348	23,659
One hundred and twenty-fifth Street and Seventh Avenue	10,565	40,119
One hundred and forty-fifth Street and Lenox Avenue	6,623	14,538
One hundred and eighty-first Street and Saint Nicholas Avenue	4,521	20,105
Manhattan Street and Broadway	8,534	28,942

Similar congestion of traffic exists in the business area of Brooklyn, lying between the general post office and the Long Island Station, upon the route proposed to be covered by mail vehicles. A traffic tabulation made at some of the street intersections in this vicinity showed the following results:

Ten-hour period from 8.30 a. m. to 6.30 p. m.

Location.	Vehicles.	Pedestrians
Court and Livingston Streets	5,418	18,125
Fulton, Adams and Willoughby Streets	6,018	35,504
Fulton Street, opposite Court Square	5,422	30,800
Fulton and Smith Streets	5,415	38,677
Fulton and Bond Streets	6,550	46,200
Fulton Street and Flatbush Avenue	8,017	30,700
Flatbush Avenue and Lafayette Street	6,264	26,500
Flatbush Avenue and Fourth	13,075	38,155
Atlantic and Fourth Avenues	7,906	18,940
Flatbush and Atlantic Avenues	6,073	19,315

The extent and density of the traffic as a whole is shown by the aggregate figures resulting from the tabulation referred to. It was found that of the 464 crossings where police officers are stationed to regulate traffic, an aggregate of about 3,407,069 vehicles and 15,545,745 pedestrians crossed at these intersections within 10 hours.

The auto trucks used for carrying United States mails, although but 243 in number at the present time, are the most difficult and obstructive factor in the entire problem. Having right of way over other vehicles, they constantly disrupt and interfere with the regularity of movement which is the essence of successful traffic regulation. They turn out to either side as occasion may permit, passing around and in front of other vehicles, thereby impeding or stopping the movement of the latter. They force other vehicles to pull up short and turn out of the way. They proceed against the current of traffic in one-way streets, and often, if not habitually, exceed the speed limit.

While nominally subject to the local laws, the knowledge that these mail trucks are in the service of the United States works an unconscious but none the less real influence upon the traffic officers, who are consequently reluctant to interfere with the apparent authority of the United States.

In short, it may be safely said that each mail truck on the streets of New York, in its aspect as an ever present menace to life, limb, and property, is equivalent to at least 10 ordinary commercial vehicles. The adding of one avoidable mail truck to traffic conditions in New York is the creation of an unwarrantable additional hazard to life and limb.

The people of this city are confronted by conditions of the utmost danger—conditions which are daily exacting a toll of human life and suffering. City officials are overburdened with the enormous and complex problem of the amelioration of these conditions. The proposal of the Postmaster General, as contained in this bill, is sure to aggravate the situation and add materially to the present danger.

On behalf of the City of New York, I protest against the enactment of a measure which adopts a policy of materialism and economy where the safety of men, women, and children is concerned—which, in spite of the forewarnings of those who must suffer the consequences, openly weighs the saving of dollars and cents against the greatly increased danger to human life.

I therefore urge upon you that the pneumatic-tube service as it now exists in this city be continued and that the bill now pending before Congress be amended to accomplish this result.

Very respectfully, yours,

JOHN PURROY MITCHEL, *Mayor.*

Mr. COX. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN. The gentleman from Tennessee has used 1 hour and 35 minutes.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN] 30 minutes.

Mr. MADDEN. Mr. Chairman, the Post Office bill, of course, is considered as one of the most important bills that comes before the House, and one in which every citizen in the land is interested. It is because of the interest of the American people in the activities of the Post Office Department that all of the Members of the House are to be found on the floor and in their seats when this bill is under consideration. [Laughter and applause.]

I am delighted to see the interest manifested by the Members of Congress in the preliminary stages of this important bill, carrying the enormous sum of $329,000,000. The constituency of the Members of Congress would be proud to see the interest that Members manifest in a bill which carries to every home messages of love, hope, and desires, and where every housewife can be found watching for the mail carrier to come in sunshine and storm bringing these messages from their loved ones throughout the world. [Applause.]

We have heard a good deal about the pneumatic-tube service. There is not a very great amount of money involved in the use of pneumatic tubes when you take into consideration the vast amount of money that this bill carries, for the total amount appropriated during all the period of the existence of the tube service has only involved $976,000 a year. The reason for the pneumatic tubes, if there is any reason whatever, is to do away with the congestion in the great commercial cities of the country, and the congestion in these great cities, I confess, does justify the consideration of the question of removal of the mail from the surface of the city streets.

To-day we have, all told, in Boston, New York, Philadelphia, Chicago, and St. Louis 57½ miles of pneumatic tubes, ranging all the way from 6 to 10 inches in diameter, and these tubes are connected with the post office in each of these cities and with some of the outlying stations, as well as with some of the railroads. But the system of tubes that is in force is not complete; it does not move even the first-class mail to all points in the cities which I have named, and of all the mail moved I think it is fair to say that only 1½ per cent of the mail in these cities goes through the tubes. There can be no mail passed through the tubes except letter mail, and the average quantity of mail that passes through the tubes at any one movement is 5 pounds, though the receptacle in which the mail is moved would have a capacity of 15 pounds if it were packed compactly. We are paying $17,000 a mile for the use of the tubes, and in addition to the $17,000 a mile we pay for an additional handling of the mail that goes through the tubes, because all mail that passes through the tubes must be handled once more than the mail that is carried by automobile or wagon. The reason for that is

that when the package of letters is put into the receptacle to go through the tubes it must be tied in a certain form; it must be compact. When it reaches its destination at the end of the tube it goes onto the worktable in the room where the tube terminates. This mail is then worked over by the distributers and distributed for dispatch upon the trains. In the city of Chicago, where I am most familiar with the situation, in addition to the $17,000 a mile which the Government pays for the use of the tubes we pay $60,000 or thereabouts for this additional handling of the mails that would not have to be paid if it were moved by any other means.

The people of all these great cities believe that the tubes are an absolute necessity. They insist that they ought not to be removed, and while my own investigation leads me to the conclusion that we could move the mail as quickly and for less money than we can through the tubes, I believe that my duty lies in doing what my people want done. If I am here in any capacity, I assume that I am here in a representative capacity, and the people of Chicago, in common with the people of all other cities, demand the continuation of the use of the tubes. They believe that if the tubes are eliminated it will be a step backward. I confess that one of the most important things in the great cities of the country is the removal from the surface of the streets of vehicular traffic which will eliminate the congestion and prevent accident. We have 207 automobiles on the surface of the streets of Chicago carrying the mail, and if those 207 automobiles could be removed from the congested streets of the city it would be a great relief. There is a way by which they could be removed, but it is not by the continuation of an 8-inch tube. The way to carry the mails in the great cities of the country is under ground. There can be no doubt about that. I am heartily in favor of removing from the street surface all of the automobiles that are now employed for transporting mail between the post offices and the railroad stations, but the way to do that would be to establish a system of tubes not less than 30 inches in diameter through which you could run a car on a track by compressed air, and on which car you could carry at least five or six bags of mail already distributed for transportation on the trains. Such a system as this could be inaugurated at an expense of not to exceed $10,000,000, and I firmly believe that it would be one of the best investments that could be made by the Government.

In the meantime, however, the tubes are especially useful for the transmission of special-delivery letters. In the city of New York there are about 2,000,000 special-delivery letters handled every year. In the city of Chicago, I think, 1,000,000 special-delivery letters are handled every year. These letters are delivered with great promptness, because of the opportunity of sending them through the tubes, but we must all remember that these tubes do not reach every section of the cities in which they are employed. They reach a very small section. For example, in the city of St. Louis there are only 2 miles of tubes. In the city of Chicago there are about 9 miles of tubes, while in Chicago we have 5,600 miles of streets and alleys, and have 1,121 mail trains arriving and departing every day. Yet while the tubes carry the mail at the rate of 30 miles an hour the delay which follows because of the redistribution of the mail which goes through the tubes reduces the speed with which these letters are carried through the tubes to a point where it is said by those who have made examinations and investigations the automobile will make better time. I have personally investigated the city of Chicago situation very thoroughly, and I must confess that in the first instance I was opposed to the placing of so many automobiles on Chicago streets, because the speed with which an automobile can run in the congested part of the city can not possibly exceed the movement of the traffic on those congested streets, whether it be by wagon drawn by horse or mule or in any other way. However, they are there and the postmaster of Chicago says that with 20 additional automobiles he can do the work which is done by the automobiles that are there now and the work which is done by the tubes, and that he can save the money now expended for redistribution and make a saving in the expenditure for the transmission of the mail of something like $146,000 to $175,000 a year, and give the people their mail with just as good dispatch as they receive it now.

On the other side of that question the business people of Chicago almost en masse have reached the conclusion that the postmaster of Chicago is wrong in what he says. They have reached the conclusion that to take away the use of the tubes would be a step backward, and they insist that the great city of Chicago, as well as the other American cities in which the tubes are in use, shall be given the privilege of continuing their use, and also of extending it if possible. As far as I am concerned, speaking in my representative capacity on behalf of the people of the great city from which I come, I shall plead with the House to continue the use of the present tubes until we can by some systematic plan reach a conclusion that will enable the Congress to decide to establish tubes large enough not only to take the first-class mail, which is about 1½ per cent of all the mail in weight, but to take all the mail off the streets. God speed the day when that time may come. I hope this Congress may authorize an investigation during its session which will result in a report that will mean the establishment of a tube service in every great city in America in the not far distant future, which will carry a car large enough to carry bags of mail five or six in number, and that in that way we will do away with the congestion and the possibility of injury and death by the use of the Government mail automobiles. In the meantime I beg of you gentlemen here to give some heed to the pleadings of the people who, whether right or wrong, believe that to take away these tubes would be to do a great injustice to them; and whether we be right or wrong—those of us who have made the investigation—I feel that the sentimental side of the question is worthy of some weight, and ought to be given due consideration, and because of my belief in the sentimental side of this question I shall do everything in my power to continue the use of these tubes until we can put in more efficient tubes.

Mr. GORDON. Will the gentleman yield at that point?

Mr. MADDEN. I will.

Mr. GORDON. If I understood the purport of the gentleman's remarks, he has made a very careful investigation of this question and into the work and operation of these tubes?

Mr. MADDEN. I have.

Mr. GORDON. But he is now surrendering his individual judgment, formed as a result of that investigation, to what he considers the sentiment of the people on the street there in Chicago?

Mr. MADDEN. I absolutely said that; I do not deny that.

Mr. GORDON. Does the gentleman think that is the proper way for a public official to vote the public money?

Mr. MADDEN. I think this: As a representative of the American people, I am here to speak for the sentiment that exists in the territory that elects me.

Mr. GORDON. Suppose they are wrong about it?

Mr. MADDEN. If they are wrong they pay the bills and they must abide by the results. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. MOORE of Pennsylvania. We have the underground tube service now between the Capitol and the Library of Congress, which carries books back and forth. Would the gentleman do away with that service to oblige the gentleman from Ohio by substituting a surface system of horse cars or of electric cars to go back and forth from the Capitol to the Library?

Mr. MADDEN. Well, I know very little about that system here, but I do not think it is of very great importance. If it is of service it ought to be kept.

Mr. MOORE of Pennsylvania. Does it not illustrate the importance of having tubes in congested centers for short distances?

Mr. SMITH of Michigan. Has the gentleman's investigating committee inquired in regard to what has been done in this respect in London, Paris, or Berlin?

Mr. MADDEN. There is not any tube service in London, Paris, or Berlin except tubes of 3 inches in diameter. They are building a tunnel in London now 9 feet in diameter through which they propose to run cars carrying mail when completed.

Now, as to the Rural Delivery System. The recommendation made by our committee for the rural-carrier service is $4,000,000 more than the recommendation of the department, and the reason for that is that the department said it could do away with 4,000 rural-delivery routes and save $4,000,000 by the introduction of automobiles over roads where automobiling is possible. The committee after careful consideration and consultation with the department heads has reached the conclusion that it might not be possible for them to save the $4,000,000 in any one year, even though they were given the power to do so, but the fair assumption would be that if they were able to inaugurate the system they outlined to the committee we could save $2,000,000 during the coming fiscal year, and it was because of the anxiety of the committee to extend the Rural Delivery Service to sections of the country not now having it—to people who were already clamoring for it—that the committee decided to recommend the appropriation of $4,000,000, which the department said it could get along without, because the committee believes that if during the reorganization work

in the rural-delivery districts the department was able to save $2,000,000 out of the $4,000,000 during the coming year, that $2,000,000 ought to be expended on extensions in the Rural Delivery Service, and it is the understanding of the committee and the understanding of the Fourth Assistant Postmaster General that whatever saving is made out of this $4,000,000 the committee added to the estimates is to be used in the extension of the Rural Delivery Service into territory where people are not now receiving it. So I believe that the committee was justified in giving the broadest powers of reorganization to the department in the Rural Delivery Service, for if no other object is to be attained than the extension of the service during the coming year to a million more of our citizens we think we have done something to bring them more in touch with the heart of the country than could be done in any other way.

Now, as to the second-class mail provision of the bill, I simply want to say that I have not been in accord with the Committee on the Post Office and Post Roads on this provision. I was not in accord because although I believe that some compensation should be paid by the publications of the country above what is being paid, I think that in view of the high cost of paper to-day, due to war conditions abroad and other conditions at home, nearly all publications are losing money, and that there is no reason why we should impose an additional burden upon them and thereby drive them out of business. I think the time is coming when they will be obliged to pay more than they are paying now, but I think we can reach some solution of the question to which everybody will agree.

Mr. MEEKER. Will the gentleman yield?

Mr. MADDEN. In a moment. To-day the average distance of movement of these publications by rail is 900 miles. That would mean 3 cents to them where they pay 1 cent now. That would mean an additional heavy burden which they can not to-day meet with any success. More than that, I believe that the zone system would be injurious to the national thought of the country. I believe if we are going to have any system of additional payment it ought to be a flat payment, for I fear that if we fix the payment on the zone basis we will localize the territory into which these publications will circulate, and when we localize the circulation of a publication we localize the thought of the people and we sectionalize the country, and I believe we ought not to do anything that will sectionalize the thought of the people of America, but we, on the other hand, should do everything within our power to create a broader nationalism, if possible, than exists to-day. [Applause.] So I am opposed to the zone system for that reason if for no other. Some day in the not distant future I propose to see what I can do in cooperation with other men to work out a scheme by which justice will be done to all the interests involved, for I personally believe that these men who own these publications ought to pay more into the Treasury of the United States, and I believe they are coming to believe it themselves. Now, why not agree on some plan that will harmonize all the thought and maintain a policy of national thought among our people? [Applause.]

Mr. MEEKER. Will the gentleman wish to say at this time as to what he would think of graduated increase in the cost?

Mr. MADDEN. I think perhaps that might be a good thing to do; but I do not think anything ought to be done now, for the facts show that on account of the enormously high price of paper nearly every magazine in the country is losing money to-day, and if you put the additional burden of this new tax upon them, many of them will go out of existence.

Mr. AUSTIN. May I ask the gentleman what the surplus was last year in the Post Office Department?

Mr. MADDEN. It was $5,000,000 and something.

Mr. BRITTEN. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BRITTEN. Does the gentleman object to going back a moment to the tube subject for just one question?

Mr. MADDEN. I will be delighted to do so.

Mr. BRITTEN. Is it not a fact that, while the gentleman's opinion disagrees with the Postmaster General's opinion, in the city of Chicago the Association of Commerce and other local organizations have made thorough investigations of the tube system and they are all very unanimous in favor of the retention of the tubes?

Mr. MADDEN. Everybody in Chicago is in favor of the retention of the tubes. I do not know how thorough their investigation has been.

Mr. BRITTEN. I merely want to call to the attention of the House that the matter of the retention of the tubes is simply a matter of difference of opinion.

Mr. MADDEN. Oh, yes. Everybody there wants them, and I am for what they want.

Now, I think I might add two or three things in connection with other parts of this bill. This committee, I think, has wisely recommended a number of increases in the salaries of the lower grades of the employees in the departments. It has been necessary on account of the enormous increase of the prices of food, actual necessaries of life. Employers in the industrial and commercial world have granted their employees large increases in compensation, and there is no reason why the Government of the United States ought not to be as just, not to say generous, as any private employer in the land. All the great industrial institutions of America have been adding increases to the pay of the men who are employed by them. These increases have run all the way from 5 per cent to 25 per cent, and all of the great institutions that have been making money in the country lately on the blood of the men who are on the battle lines of Europe—and that is the only reason that they are making money, in my judgment—have been dividing their profits with their men. Now, the Post Office Department shows a surplus of $5,000,000 and more in its revenues for the current fiscal year, due to the prosperity of the country, due to the conditions which compel every industrial enterprise in America to feel that they must pay their men more money. We feel that the policy of the private employers of labor throughout the country ought to be a lesson to those who are in the management of the Post Office Department, and hence the committee has recommended an increase in the compensation of a good many of the men. That increase in compensation will be, of course, subject to a point of order, unless a rule is brought in.

Mr. AUSTIN. May I ask what increase is provided for the Postal Service?

Mr. MADDEN. An increase for clerks of from 5 to 10 per cent, as was provided for employees in the other departments. But this bill provides that all the postal clerks in first-class offices, where the classification act entitles them in first-class offices, run up from $800 to $1,100 automatically, and that where 75 per cent of the men drawing $1,100 are entitled to promotion to the $1,200 grade, all the men in the $1,100 grade shall go up automatically to the $1,200 grade. It provides also that 25 per cent of the men in the $1,200 grade shall go to $1,300. It provides also that 25 per cent of the men who are drawing $1,300 shall go up to the $1,400 grade. It provides that in second-class post offices all the men, instead of 75 per cent of the men, carriers and clerks, shall go from $1,000 to $1,100, and it provides that 25 per cent of the men in the $1,100 grade shall go to $1,200. The grade of $1,200 in second-class post offices was created in the classification act of 1907, but never since that day have any of the men in the second-class post offices of the country had any appropriation made by means of which they could take advantage of the provisions of the law, and this is the first bill that provides for that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Does that include rural carriers?

Mr. MADDEN. It does not include rural carriers, except on the 5 and 10 per cent increase.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

SANITARY CONDITIONS IN POST OFFICES.

Mr. MADDEN. Mr. Chairman, considerable complaint has come from employees of the insanitary conditions that prevail in many post offices. It has been charged that the health of the postal employees has been needlessly sacrificed owing to indifference and neglect for the welfare of the men and women who handle the mail. It is a matter that should be investigated by the Public Health Service in order that some uniform system may be established in post offices to protect the health of the employees. It is estimated that 90 per cent of acute inhalation diseases and chronic catarrhal ailments are due to dust inhalations. It has been proven that dust and dirt are a direct incitant to serious diseases of the lungs. We are said to inhale about 1 pint of air every time we breathe and the expelled air is laden with poisonous substances. It is therefore a matter of grave concern how pure and fresh and how free from particles of dust is the air we breathe.

Tuberculosis causes death among post-office workers oftener than any other disease. When a clerk or carrier contracts tuberculosis he works on beside his fellow employees and endangers their health. He must work to provide for himself and his family, for when the time arrives when he can no

longer perform the duties required of him and is forced to take a rest his pay ceases.

The character of the light that the employees work under is, too, a large factor in the upkeep of their health. Headaches, dizziness, defective vision, sleepiness, dullness, and forgetfulness, each and all of which impair the toilers' usefulness, are resultants of poor light. Not only is sunlight needed to prevent the several ills caused by artificial light, but it is needed more for the eradication of tuberculosis, which is a house disease that can not survive strong sunlight.

The efficiency of the Postal Service depends upon the health and strength and regular attendance to duty of its working force, which can not be maintained while sickness and the causes thereof are extant in the workrooms.

I trust that the Post Office Department officials will seek the cooperation of the United States Public Health Service in an endeavor to place the workrooms of post offices in proper sanitary condition, and that in the erection of new Federal buildings the hygienic welfare of the employees shall be considered.

COMPLAINTS OF EXCESSIVE OVERTIME.

Complaint is made of the excessive amount of overtime that is required of post-office clerks and letter carriers in post offices throughout the country. The cause for this complaint is the failure to increase the force of employees to meet the increase in business of the Postal Service. During the present wave of prosperity workers in all avenues of commercial and industrial activity have benefited by increased pay and a reduction in hours of labor. While the postal revenues have been mounting high, the burdens of the employees have been added to and advantage is taken of every technicality to utilize every minute of time and speed up the employees to the highest tension. It is charged that in certain post offices supervisory officials encourage employees to work in excess of eight hours and in violation of the eight-hour law not to record the time on the official daily reports. When all else fails the clerks and carriers are then required to work overtime, for which they are paid the regular hourly rate.

The eight-hour law was enacted to conserve the health of the employees in the Postal Service. Its purpose was to give an opportunity for rest and recuperation from the fatigue incident to the demand on the physical and mental energies of the employees. It was presumed to give an opportunity for self-development outside of working hours and to give the employees more time to attend to their personal and family affairs.

The policy of working the men overtime defeats the very purpose for which the eight-hour law was enacted and is a step backward. It is false economy, for the reason that waste of human energies with corresponding increase in sickness and breaking down of health of the employees can not be offset by the saving of a few dollars in a desire to economize.

In cases of emergency the postal employees are ready and willing to give the best that is in them and to work overtime if necessary in order that the mail will be collected, dispatched, and delivered promptly. The loyalty and faithfulness of the employees to the Postal Service have never been questioned, whatever the provocation or the emergency.

NEED OF A RETIREMENT LAW.

One of the most urgent needs of the Postal Service has been a retirement system for superannuated employees. It is remarkable that the Postal Service has been so well conducted in the absence of this much-needed reform. Many large business institutions have adopted a retirement principle with decidedly beneficial results. In fact, a retirement system is now recognized as essential to good administration.

The Post Office Committee has reported a bill favorably which, if enacted into law, will relieve the condition complained of. The bill provides for granting indefinite leaves of absence to postal employees who have become superannuated after years of efficient service. It is an administrative measure and possesses considerable merit, and I trust it will be enacted into law at this session of Congress. The bill holds a place on the calendar of the House, and I hope that it will be brought before the House for a vote in order to give the Members an opportunity to register their views on it.

Mr. STEENERSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Minnesota has used 1 hour and 22 minutes, leaving him 1 hour and 8 minutes.

Mr. STEENERSON. Mr. Chairman, I want to be notified when I have used one hour.

Mr. Chairman, I am going to discuss the postal finances, and perhaps some of the other features of the bill. In order to do that, I want to read from the annual report of the Postmaster General:

> The expenditures for the fiscal year, as reported by the Auditor for the Post Office Department, were $306,204,033.14, an increase over the preceding year of $7,658,006.72, or 2.56 per cent.
>
> This exceptionally low rate of increase in expenditure is largely due to the efforts of postmasters. * * * Although the average increase in expenditures in the last three fiscal years was $16,673,525.44, due to enlarged postal facilities afforded the public, the rapid growth of the domestic parcel post and salary increases required by legislation, the service was successfully carried on and its cost defrayed from the current postal revenue.

Then I skip a few lines and read this:

> The fiscal year 1915, due to adverse conditions over which the department had no control, showed a deficit of $11,333,308.97; but the audited revenues for the year just closed show a surplus of $5,829,236.07. Although the audited revenues do not completely represent the financial results of the year, for the reason that many obligations of the Postal Service, representing railroad transportation, payments of contractors for the carrying of mail, and purchases made near the close of the year must be paid after the close of the year, the actual surplus, as nearly as can be determined by careful consideration of the outstanding obligations, is $5,216,243.61, of which amount the sum of $5,200,000 has already been turned into the Treasury. The total payments to the Treasury during the past four years is therefore $12,500,000.

Now, I want you to remember that figure. Then he goes on:

> That the Postal Service is now self-sustaining is evidenced by the fact that for three out of the four years of the present administration: Audited surpluses aggregating $14,716,350.03 have been shown. Deducting the audited deficiency in 1915 of $11,333,308.97, the net surplus for the four-year period is $3,383,041.06, and but for the business depression occasioned by the European war the department would have undoubtedly secured a surplus of not less than $18,000,000.

If it had not been for the European war, he says, which he intimates reduced the revenue in 1915, but he does not explain how it was with the war in 1916. The war had not stopped. It was worse than in 1915. The fact is he is trying to conceal the cause for the deficit of 1915.

I read further:

> This is in marked contrast with the deficits for the eight years of the two preceding administrations, which drained the Treasury of $48,739,639.31 and $24,927,657.40, respectively.

That is the Postmaster General's report on page 6—"a marked contrast" to the previous administrations, one of which had a $24,000,000 deficit and the other a deficit of $48,000,000.

Now, by "administrations" they must mean four years. I have always understood that an administration under our Constitution consisted of four years, but in the part of the report that I have just read you will notice that the Postmaster General refers to the four years of this administration that had already expired last spring, 1916, in June.

Now, why is that? I want to call your particular attention to this distinction, because unless we bear it in mind we get confused upon the result of these figures. An administration is four years, and we must bear in mind that a calendar year is one thing and a fiscal year another thing, and that the first six months of any calendar year belongs to the following fiscal year, Unless we bear this in mind we are easily confused.

Now, an administration does not begin until March 4. We find therefore that this administration, since the Democrats came in, have been claiming the credit for the fiscal year 1913. I have called attention to this error for three successive sessions, but I fail to have any effect upon the officials of the Post Office Department.

Now, a fiscal year, as I say, begins in one calendar year, but it takes its name from the following calendar year. Therefore the fiscal year 1913 began on the 1st day of July, 1912, when President Taft was in office, and the Republican administration continued for eight months and some days into March.

The Democratic Party took office in March, 1913, when there was only a little over three months left in that fiscal year. They passed no laws during that fiscal year. It is true, Congress was called into extra session in April, but it was not until October that they passed their tariff law—the Underwood Act. During the three months and the few days' balance of the fiscal year 1913 we were living and operating under Republican laws and policies, and nearly all of the officials of the department remained Republicans. Under the civil service they could not change them. There was not a change of policy. The parcel-post legislation had been enacted the year before and went into effect on the 1st of January, 1913, and therefore it was just in its incipiency. It began in January, and the administration went out in March.

Now, the fact is that unless we bear these things in mind we are liable to credit the Democratic Party for the surplus of the fiscal year 1913, for which they are entitled to no credit whatever. According to the statement of the Auditor of the Treasury, there was a surplus of $3,800,000 for the fiscal year 1913, but it having been accumulated during the Republican

administration, under Republican laws, I think it is perfectly fair to wipe it out. The most that could possibly be demanded by the Democrats would be to claim one-third or one-fourth of that surplus. But I do not think they are fairly entitled to any of it.

We therefore have the fiscal year 1914, which began on the 1st day of July, 1913. When that fiscal year began the European war had not begun. The war did not begin until more than a year later. The European war did not begin until a month or six weeks after the close of the fiscal year 1914, because that war began in August, 1914. The fact is that notwithstanding the inauguration of the parcel post, which was then bringing in revenue at the rate of nearly $4,000,000 a month, the revenues were not increasing, as compared with former years.

The Democrats sought to explain by blaming it on the European war, and I discussed that feature at the time. They went so far as to say that the European war affected the postal revenues before it happened. Well, if that were true, there was a mightier leak of information in those days, even more than in these days. [Laughter.] We have heard a great deal of complaint because certain speculators on the stock exchange received advance information about the prospects of war or peace lately. But just think of the money that a man could have made in 1914 if the Postmaster General is correct when he says that the effect of the European war was felt a month or six weeks before it happened. [Laughter.] Of course, if the war had been known of beforehand the case would have been different. The Postmaster General spoke of "the rumblings," as he called them, and all his assistants have repeated that expression—that there were "rumblings of the war" before it came. You know the stock exchange was closed and prices went to smash when the war did actually come. If anybody had known of the coming of the war beforehand, this present leak, compared with that, would not have amounted to a drop of water in comparison with the ocean.

But let us lay aside the fiscal year 1913, and let us see how the financial operations of the Post Office Department stand for the last three fiscal years, which were wholly in Democratic administration. But before I point out the figures I want to say this: The Post Office Department is doing business upon a different plan from ordinary business concerns. This must also be borne in mind: The Post Office Department sells for cash. Everything that it sells it sells for cash. It is not difficult, therefore, to find out the amount of business they do, so far as the receipts are concerned, because before you use the mail you have got to put your money into their hands. Not so with regard to what they buy. The Post Office Department buys the services of clerks, of inspectors, of supervisors, and other officials. It buys the services of railroad companies, of contractors for screen-wagon service and stage lines, for star routes, and for rural routes. But it never pays anybody in advance. It pays when it pleases, usually most of it within the year in which the services are rendered, but not necessarily.

Now, unless we bear this in mind we are liable to come to the same conclusion that the Chairman evidently has when he says that when you take the receipts and expenditures and compare them it is a certain indication of whether or not the Postal Service is run at a profit. But it is not so. I want you to bear in mind another thing: Whenever you see a postal bill you will notice the first lines read in this way:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows.

That is a long way to go back. That act of 1836, which few people take the trouble to look up, is the act that devotes the postal revenues to the Postal Service, and it provides that they shall be paid out only upon appropriations by Congress.

There is another clause in every Post Office appropriation bill which, no doubt, is familiar to many. I hold in my hand the Post Office appropriation act for 1913, and the same provision is contained in every one; also in conformity with the original act:

SEC. 12. That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1913, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Now, mind the distinction. These other appropriations are out of the revenues. This deficiency is out of the Treasury. You can not extend it beyond the year in which the deficiency occurs. That requisition, under another provision of the law, is entered upon the receipts. Every dollar taken from the Treasury must be receipted for. So that you have the certificate of the Postmaster General as to the deficiency and you have the payment for the deficiency. We must, therefore, bear in mind that money can not legally be drawn from the Treasury except for a deficiency in postal revenues. That is when the postal revenues are not sufficient to pay the expenses. In other words, the Treasury Department is the proprietor of the business. The Post Office Department is the agent that carries on the business. If the agent earns more than he receives, that surplus goes to the proprietor. If the receipts are less than the expenditure, the Postmaster General certifies that there is such a deficit, and the Post Office Department gets the money from the Treasury. Your Uncle Sam stands back and pays the bills.

Now, probably I would not have entered into this discussion if it had not been for the invidious allusion in the Postmaster General's report, in which he says—

In marked contrast with the deficits of the former administration.

The first administration of President Wilson will embrace the fiscal year 1917. It continues legally until the 4th of March, but the fiscal year which will be credited to him will be the fiscal year 1917 and the three prior years. Now, only three of these years have expired. The Post Office Department evidently has a press agent, for when the annual report of the department was made public and advance copies were sent out nearly every newspaper in the country had a similar statement of the financial operations of the department. I take this from the Minneapolis Journal:

BURLESON REPORTS $5,200,000 SURPLUS—ANNUAL POST-OFFICE STATEMENT ASKS FEDERAL WIRE SERVICE AND AERIAL EXPERIMENTS.

WASHINGTON, *December 9.*

Postmaster General Albert S. Burleson's annual report, issued to-day, declares there was a Post Office Department surplus of $5,200,000 during the present year, and enumerates as among the year's accomplishments improvement of the parcel post, extension of city and rural deliveries, and development of the Postal Savings System.

A surplus of $12,500,000 is shown, says the report, for three years of the four the administration has been in office, and it calls attention to deficits under previous administrations.

The department, in recommendations for improvement of the service, urges that early action be taken by Congress declaring Government monopoly over all utilities for the public transmission of intelligence, and that as soon as possible the telephone and telegraph facilities of the United States be incorporated into the Postal Establishment; that $300,000 be appropriated now for acquiring telegraph and telephone utilities in Alaska, Porto Rico, and Hawaii; that the pay of rural carriers be equalized by fixing salaries on the basis of the number of pieces and weight of mail transported, length of routes and time required to serve them, instead of solely on length of routes as at present; that $100,000 be appropriated for experiments in aerial transportation of mail.

This says "of the four years the administration has been in office." I call attention to the fact that they had only been in office three years. I hold in my hand a letter from the Treasury Department, signed by Mr. Malburn, one of the Assistant Secretaries, which gives the figures. I also hold in my hand here the Postmaster General's report, which gives the figures I have stated. I also have the auditor's report here before me. The auditor is the official of the Treasury Department who audits the accounts of the Post Office Department. Before I read these figures I want to recall to you the statement I made a while ago, that the Post Office Department sells for cash and buys on time, and that whether or not it pays quickly or slowly seems to be within its own discretion. The Postmaster General refers to this, for in his report he says for that reason you can not always estimate the actual surplus. They usually postpone the payment of from $6,000,000 to $10,000,000 every year. It varies in the different years that I have examined. Railroad transportation bills, star-route bills, and other bills are not paid during the fiscal year, although those bills are for services rendered in that year. This being true, it is evident to everybody, and ought to be evident to the chairman of this committee, that when the Auditor for the Post Office Department certifies to the amount of the audited revenues and the audited expenditures for any one year that does not mean that it indicates whether the department did business at a profit or not. It depends on how many unpaid bills remain. Otherwise you could postpone so many bills that you would have an enormous difference between the audited receipts and the audited expenditures. It is just as if a man was getting $20 a week and he was paying $10 a week for his board, $6 a week for his room, and spending $4 for incidentals. Under that plan he would come out even if he had $20 a week; but under the system that governs the finances of the Post Office Department, in order to show a surplus earning for any one week, all he would have to do would be to say, "Here, I will not pay my board bill, $10, until next week." Then he would make a financial statement showing that he had paid out only $10 and had earned and received $20, leaving a surplus of $10.

Now, if the Post Office Department receives $300,000,000 in cash and postpones the payment of its transportation bills or other bills beyond the fiscal year to the amount of $10,000,000, of course, even though the receipts are exactly the same as the expenditures, it will show under this system an audited surplus of $10,000,000.

I have here a comparison of the postal revenues and expenditures, taken from these official figures, which I shall insert in the RECORD. You can examine them for yourselves. Speaking only in round figures, for the fiscal year 1913 the revenues were $266,000,000 and the expenditures were $262,000,000. The next year, 1914, they received $287,000,000 and paid out $283,000,000. In 1915 they received $287,000,000 and paid out $298,000,000. Last year they received $312,000,000 and paid out $306,000,000. Now, if we eliminate the year 1913, we have the result that instead of being a surplus there is a deficit.

Comparison of postal revenues and expenditures, 1913 to 1916, inclusive.

Fiscal year—	Revenues.	Expenditures.
1913	$266,619,525.65	$262,067,541.33
1914	287,934,565.67	283,543,769.16
1915	287,248,165.27	298,546,026.42
1916	312,057,688.83	306,204,033.14

From the tables I have read it will be noted that the business for the year 1914 showed that the receipts amounted to $287,000,000 and the disbursements to $283,000,000. For 1915 the receipts were $287,000,000 and the expenditures $298,000,000, showing expenditures of $15,000,000 more than the year before. While the receipts for 1915 were $686,000 less than for the year before, the difference in the expenditures was more than 5 per cent. How the department could, during 1914, accumulate a surplus of $3,500,000, and make a deficit of $11,000,000 in the next year upon substantially the same amount of business, is difficult to understand.

But here is a remarkable thing. The Auditor for the Post Office Department issues every quarter a statement of receipts. I hold in my hand the financial statement of the Auditor of the Post Office Department for the quarter ending June 30, 1915. That is the last quarter. It says that the postal revenues for 1915 were $287,248,165, and the postal expenditures were $298,546,036; that the adjusted losses and contingencies were $35,447. The excess of expenditures over the revenues was $11,333,308.

Now, for 1914, the postal revenues were $287,934,565. The expenditures were $283,543,769, and the excess of revenues over expenditures was $4,376,463.

At the bottom he shows the excess of increase or decrease. Now look at the increase. The postal expenditures increase of 1915 over 1914 was $15,002,257. Can anybody explain to me why the Post Office Department expended $15,000,000 more in 1915 than it did in 1914, when they did $600,000 less business? Here is the most remarkable record of any business institution in the world. They spent $15,000,000 more to do $600,000 less business!

Now, you will recall, if you listened to what I had to say two or three years ago, that I commented on the statement of the Postmaster General in 1913 to the effect that the previous administration had not given a fair statement of their finances and the surplus because they had postponed the payment of bills beyond the fiscal year, and therefore created a surplus for 1911.

They claimed that Mr. Hitchcock, the Postmaster General, had unduly delayed paying debts of the department in order that the receipts should exceed the expenditures during that year. Of course, in every year they pay some bills that were included in the previous year. Postmaster General Burleson claimed in 1913 that this was a bad practice on the part of his predecessor.

Now, that gives the key, perhaps, to this whole thing. Why was it that it cost $15,000,000 more to do $600,000 less business? I can not understand it; it is too deep for me; but possibly they hurried up the payment of bills. It seems discretionary with the department as to when they pay their bills; they can run it over into another fiscal year. If the Postmaster General wants to show an audited surplus for any one year, he can easily refuse to pay the bills. You can not sue him, he can hold the railroad companies up for three months or one month, and then show a surplus of twenty or thirty million dollars, or anything to suit himself. Of course, the following year would be a bad year, because these things come due at some time and can not be delayed much longer.

The Post Office Department has, to some extent, practiced this method of increasing its surplus. I will tell you why and how. They claim that they received a revenue for 1915 or 1914 of fifty or sixty million dollars for parcel post, when something like a million pieces were carried as early as 1914. Of course, that increased the burden of the rural carriers, and in recognition of the fact that we had increased the load and amount of work the carriers had to perform, Congress in its wisdom, by the resolution which took the place of the appropriation act of 1914, fixed a flat salary on a standard route of the rural carrier of 24 miles at $1,200 per annum.

The department would not pay it. They resorted to a remarkable construction, in which, strictly speaking, legally and technically they were justified—that the law said they should be paid "not exceeding" so much. But the fact is that every officer in the department had his salary fixed at "not exceeding," and the railroad companies fixed at "not exceeding" so much. Every expenditure that was made, almost without exception, was under the law that said "not exceeding." But the Post Office Department, as against the rural carriers, refused to pay them their full salary and withheld a part of it. I was informed that some of these claims, 3,000 of them, had been examined by an attorney recently, and he found that they averaged about $70 each. There were 43,000 rural carriers, and if you multiply 70 by 43,000 you get $3,000,000, and not a cent of that has been paid until very lately. They refused entirely to pay it until the last Post Office appropriation act contained a mandatory direction saying that the Postmaster General is hereby authorized and directed to pay to the rural carriers salaries withheld from them in the year 1915. The Democratic Congress, in both Houses, recognized the justice of it and directed the administrative officers to pay the debt, and they are now slowly proceeding to do so. I am advised by the Assistant Postmaster General that only a few have been adjusted. I have not the least hope that they will all ever be adjusted before another fiscal year, so that they will escape the result of the audit in the financial showing of this year.

Mr. SLOAN. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. SLOAN. What excuse does the Post Office Department give for not having adjusted all the claims; they have been out for six months under the last appropriation bill.

Mr. STEENERSON. There is no excuse. Here is their letter:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
DIVISION OF RURAL MAILS,
Washington, January 4, 1917.

Hon. HALVOR STEENERSON,
House of Representatives.

MY DEAR MR. STEENERSON: Referring to your inquiry by telephone to-day with reference to the payment to rural carriers of additional sums due them under the provisions of the act approved July 28, 1916, being the difference between what they received for their services during the fiscal year 1915 and what they would have received had the present law regulating the salaries of rural carriers been in effect, I beg to advise you that these accounts are being adjusted as rapidly as possible, and at the close of this week approximately 75 per cent of the accounts will have been stated for payment. It is expected that, so far as the work of this office is concerned, all accounts will be adjusted by the middle of February.

It is not possible to state at this time the actual sum which has so far been paid to the carriers under the provisions of the act cited, as this computation has not been made. As soon as possible definite information on this point will be furnished you.

Sincerely, yours,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

Now, there is another thing which illustrates the way in which the Post Office Department has created an artificial surplus. You know that the parcel-post law was passed in 1912 and took effect in 1913. It contained an authority to the Postmaster General to change the limit of weight. The act itself raised the weight limit from 4 to 11 pounds, which was the universal limit of weight according to the universal postal congress. But Congress gave to the Postmaster General authority and power to raise the weight of the packages and classification. He proceeded to do so in the summer and fall of 1913, when he raised it from 11 pounds to 20 pounds, and from 20 pounds to 50 pounds in the zones.

The system under which we were paying the railroads was under the quadrennial weighing, the country being divided into four sections, and after you weighed one section to determine the number of pounds carried, that weight governed for four years in the future. The section of it that had been weighed just before this would be bound by that weight for four years, and they never would get a cent unless Congress came to their relief. They pleaded with Congress for relief. In the act approved March 4, 1913, it is provided that on account of the increase in the weight of the mails resulting from the enactment of section 8, increasing weight limit from 4 to 11 pounds we should pay the railroads an extra amount for the increased

weight limit. Last year's Post Office appropriation act also contained a provision as follows:

SEC. 3. That on account of the increased weight of mails resulting from Postmaster General's order numbered 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages, effective from January 1, 1914, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum.

SEC. 4. That on account of the increased weight of mails resulting from Postmaster General's order numbered 7349, of July 25, 1913, respecting rates upon the limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum.

The railroads have not yet been paid these items. Mind you, that covers three years. It covers 1914, 1915, and 1916. We allow them 1 per cent upon the total amount of compensation for transportation of mail by weight for each year for the annual increase in weight limit, and for the other increase in weight limit we give them one-half of 1 per cent for each year. The appropriation for railroad transportation was about $50,000,000 per year. One per cent would be $500,000, but for three years it amounts to a million and a half. That has not been paid. For the other it amounts to one-half of that. So you see that the total appropriation by Congress on account of the change in the weight limit of parcels carried by mail would amount to between two and three million dollars. Not wanting to exaggerate in any way, I wrote to the Second Assistant Postmaster General, Mr. Praeger, and I have his letter here:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
DIVISION OF RAILWAY ADJUSTMENTS,
Washington, January 4, 1917.

Hon. HALVOR STEENERSON,
House of Representatives.

MY DEAR MR. STEENERSON: In response to the telephonic inquiry of your secretary to-day, relative to the amounts allowed the railroad companies under the provisions of sections 3 and 4 of the Post Office appropriation act for the fiscal year 1917, you are informed that the estimate submitted at the time this legislation was proposed was for a total of $1,407,000. The orders on all routes entitled to this allowance have not yet been issued. Those issued to date carry allowances aggregating $1,098,329.25. The remaining orders are being issued as rapidly as practicable.

Yours, very truly,
OTTO PRAEGER,
Second Assistant Postmaster General.

I asked him how much the unpaid railroad charges were that Congress had ordered paid and which they are now proceeding to adjust, which they have not paid and which do not appear in any statement. He estimated $1,407,000 was the amount. There is not a dollar of it in any of the departmental reports that have been made. If we, therefore, take $3,000,000 off for the rural carriers' salaries and $1,400,000 for the railroad-transportation pay and charge it up to these same three years of Democratic administration, we will find that it affects the result quite materially. The result of the postal operations for the last three fiscal years is as follows: Estimated surplus, 1914, $3,500,000; audited deficit, 1915, $11,333,308; estimated surplus, 1916, $5,200,000. Add those two surpluses together and it makes $8,700,00 that is to be credited to these three years, but you must charge them with $11,300,000 and with the $3,000,000 rural carriers' pay, which they have not paid yet, and railroad pay on accuracy of increased weight limit of parcels estimated at $1,400,000, making a debit of $15,733,308 and a net deficit for the three years of $7,033,308. This is the glorious record which has been published throughout the land—that under this administration these three years they have deposited in the Treasury $12,500,000 to the enrichment of Uncle Sam. As a matter of fact, their own figures show that they have not any surplus, and that if they pay their bills, which are long past due, which I have mentioned, the net deficit is $7,033,308.

There is a remark in the report of the Postmaster General which I have characterized as partisan, wherein he says that this is in marked contrast with his predecessors.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. HAMILTON of Michigan. Does it seem possible to the gentleman that the chairman of the committee was informed of these interesting figures when he made the observations he did at the beginning of his address to-day?

Mr. STEENERSON. No; I do not think that he was. I think most people universally, including myself, were surprised when they found out these facts; and I will tell you right now that I believe the officials in the Treasury and in the Post Office Department are very much interested, judging from the number of telephone calls I have had from both of those institutions in the last few days.

Mr. HAMILTON of Michigan. It strikes me that the gentleman from Tennessee [Mr. MOON] owes the gentleman an apology.

Mr. STEENERSON. It seems so to me, too, although his language, considering the source whence it came, possibly was parliamentary enough.

Mr. BROWNE. I would like to ask the gentleman whether the Postmaster General has any legal right to withhold the amount of money that the gentleman says is withheld from the rural carriers' salary at this time?

Mr. STEENERSON. None whatever. How are these surpluses obtained? I have figured out here. I have a statement showing the draft of each year for deficits, and I will show you deposits on account of the surplus. But one remarkable thing relates to the dates. This statement which I have shows that on March 24, 1915, the Post Office Department withdrew $1,000,000 as a grant from the Treasury for a deficit. They had to say that it was a deficit.

On March 26 they certified another deficit of $1,000,000, and on March 30 another deficit of $1,000,000, making $3,000,000 which they withdrew from the Treasury in the last week in March, 1915. That same week they deposited $4,500,000 on account of surplus for the previous year of 1915. [Laughter.] They did not seem to have the money—I do not say that is true, but it looks that way—until they went into the Treasury and certified that there was a deficit. Then they got the money. They withdrew it within a week. If a man wants to deposit a surplus earned in a business, why does he not take it out of his pocket and put it in, and not borrow it? On the Treasury statement they have a deficit of $3,000,000, and then they deposit $4,500,000. You can figure it out. I will insert the table here:

Statement of account of the Post Office Department with the United States Treasury for fiscal years 1913 to 1916, inclusive.

Service fiscal year.	Grants from the United States Treasury.		Repayments to the United States Treasury.	
	Date.	Amount.	Date.	Amount.
1913	Aug. 28, 1912	$2,000,000		
	Dec. 28, 1912	300,000		
			Jan. 28, 1913	$2,000,000
			[1] June 30, 1914	[2] 3,800,000
			[3] Mar. 29, 1915	[2] 3,500,000
1914-15	Mar. 24, 1915	1,000,000		
	Mar. 26, 1915	1,000,000		
	Mar. 30, 1915	1,000,000		
	June 22, 1915	500,000		
	June 23, 1915	500,000		
	June 24, 1915	500,000		
	June 25, 1915	500,000		
	June 26, 1915	500,000		
	June 29, 1915	500,000		
1916	Aug. 4, 1915	500,000		
	Aug. 5, 1915	500,000		
	Aug. 6, 1915	500,000		
	Sept. 1, 1915	500,000		
	Sept. 2, 1915	500,000		
	Sept. 3, 1915	500,000		
	Sept. 21, 1915	500,000		
	Sept. 22, 1915	500,000		
	Sept. 23, 1915	500,000		
	Sept. 24, 1915	500,000		
	Sept. 27, 1915	500,000		
			[4] Aug. 21, 1916	[2] 5,200,000
Total		13,800,000		14,500,000

[1] Actually paid into Treasury 1 year after close of fiscal year.
[2] Alleged surpluses of previous year.
[3] Actually paid into Treasury 9 months after close of fiscal year.
[4] Actually paid into Treasury 51 days after close of fiscal year.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. SLOAN. Does the gentleman want us to understand that they borrow money in order to make a surplus?

Mr. STEENERSON. I did not say that. I say they go to the Treasury and withdraw money just about the same time and in the same week that they deposit a surplus on account of the previous year. I do not know whether it is the same money or not. They might have had the money in some other pocket for all I know. [Laughter.] But you can not get around that the statement was made. I regret to say very much I have not got the exact date that these were made, as I lost my papers. But the substance of it is, it shows that they waited for the first deposit of a surplus one year after the fiscal year had expired. The $3,800,000 they deposited on account of the surplus of 1913 was not deposited until the last day of June the following year.

Why should they wait a whole year after the year had expired before they deposited the surplus is more than I can understand. In the meantime they had made several drafts. The next year, 1915—that is the disastrous year—they waited nine months—that is the one of which I have just spoken of, in March—nearly nine months before they paid the surplus. They said they earned a surplus of $4,500,000 in 1914, and they did not pay it until March, and a day or two before that, or at the same time they withdrew this $3,000,000. But 1916 is different. In 1916 they deposited $5,200,000 surplus promptly, considering their usual method of business. They deposited it within eight weeks of the end of the fiscal year. I think it was in August, 1916, and the public knew about it promptly.

The press agent for the department furnished it to every newspaper in the United States—and I got inquiries from my district about it—that they had a surplus of $5,200,000 for 1916. And they paid it. They did not wait a year, as they did the first time. Why this difference in time of payment of surpluses that are earned is beyond my comprehension. However, if we foot up, as I will in the record, the total amount drawn out of the Treasury and the total amount paid into the Treasury during the last three years you find that the difference is exactly $363,407.40.

TREASURY DEPARTMENT,
Washington, January 3, 1917.

Hon. H. STEENERSON,
House of Representatives.

MY DEAR CONGRESSMAN: By direction of the Secretary, I have the honor to acknowledge the receipt of your communications of December 26 and 29, requesting information relative to Treasury warrants issued to the Post Office Department during the fiscal years 1914, 1915, and 1916, and of dates and amounts paid into the Treasury by the Post Office Department for the same years.

In reply you are informed that the grants from the Treasurer to the Post Office Department and the amount of surplus revenues of the Post Office Department paid into the Treasury for the years stated were as follows:

GRANTS FROM THE TREASURY TO THE POST OFFICE DEPARTMENT.

No grants were made to the Post Office Department from the Treasury for the fiscal year 1914.

	For the fiscal year 1915.	Month.	For the fiscal year 1916.
1915.		1915.	
Mar. 24	$1,000,000	Aug. 4	$500,000
Mar. 26	1,000,000	Aug. 5	500,000
Mar. 30	1,000,000	Aug. 6	500,000
June 22	500,000	Sept. 1	500,000
June 23	500,000	Sept. 2	500,000
June 24	500,000	Sept. 3	500,000
June 25	500,000	Sept. 21	500,000
June 28	500,000	Sept. 22	500,000
June 29	800,000	Sept. 23	500,000
	.....	Sept. 24	500,000
	.....	Sept. 27	500,000
Total	6,300,000	.....	5,500,000

No grants have been made to the Post Office Department from the Treasury for the current fiscal year (1917).

Payments were made from the Treasury for the Post Office Department during the fiscal year 1915 on account of deficiencies in postal revenues for prior years (none during 1914, 1916, or 1917) as follows:

Fiscal year charged with deficiency.	Date of payment from Treasury.	Amount.
1909	Mar. 2 and 4, 1915	$1,205.16
1910	Mar. 2, 1915	262.12
1911	Mar. 2 and 4, 1915	2,102.97
1912	do	322,671.76
Certified claims of various prior years	do	14,494.01
		340,736.02
Less repayment into Treasury Feb. 25, 1915, on account of fiscal year 1908		4,143.42
Net payments as above during fiscal year 1915		336,592.60

The Post Office Department paid into the Treasury as surplus revenues of the fiscal years 1913, 1914, and 1916 (no surplus reported for 1915) on dates and in amounts as follows:

June 30, 1914 (fiscal year 1914). Surplus revenues of Post Office Department for fiscal year 1913	$3,800,000.00
Mar. 29, 1915 (fiscal year 1915). Surplus revenues of Post Office Department for fiscal year 1914	3,500,000.00
Aug. 21, 1916 (fiscal year 1917). Surplus revenues of Post Office Department for fiscal year 1916	5,200,000.00
	12,500,000.00
Total payments from the Treasury as above ($6,300,000 + $5,500,000 + $336,592.60)	12,136,592.60
	363,407.40

Very truly, yours,

WM. P. MALBURN,
Assistant Secretary.

Mr. KEARNS. Deficit?

Mr. STEENERSON. No; $300,000 more put in than the total taken out. But as I have stated they did not claim that as a surplus, but they did claim that they put into the Treasury profits, surpluses of twelve and a half million dollars in the last four years, while their own statement shows they have drawn within $300,000 of what they paid in. I will here insert the letter of Assistant Secretary of the Treasury Malburn. Of course if we deduct the deficit of 1915 of $11,300,000 and the amount they owe, which is $4,400,000, we will still have something like $3,000,000 that they are actually behind when they have paid their bills. These are the remarkable figures of the Democratic postal business, that, although they drew out within $300,000 of the amount they put in they claim that they have enriched the Treasury twelve and a half million dollars. Now, that beats the story of the loaves and fishes, it seems to me.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. STEENERSON. I will yield to the gentleman.

Mr. HAMILTON of Michigan. Does it occur to the gentleman these figures will be somewhat in the nature of a revelation to Mr. Burleson; I refer to the figures the gentleman is giving now?

Mr. STEENERSON. I do not think it is a revelation to Mr. Burleson, because he foreshadowed it in his report that it is not the best method of finding out the surplus by deducting or adding the difference between receipts and expenditures.

Mr. HAMILTON of Michigan. The gentleman really does not mean to intimate that Mr. Burleson is conscious that there is a deficit instead of a surplus?

Mr. STEENERSON. Well, I suspect it.

Mr. HAMILTON of Michigan. That is really shocking.

Mr. STEENERSON. I know it is shocking, in view of the fact that since the office of the Postmaster General was created the statute as drawn and the form of oath he subscribed to which among other things he swears that he will make correct accounting, but it does not seem to me this can be correct.

What we need is a change of law, so that no Postmaster General can deposit funds to be accepted as a surplus unless it is a surplus. It seems to be in the power of the Postmaster General, as the law is now construed—I presume they think they have a right to construe it that way—to make a deposit as of two years ago, and say, "I deposit this as a surplus, because since then we have found out there should have been a surplus of three and a half million, and therefore I will deposit the money I now have," which, of course, is out of the earnings of the current year. I do not think that ought to be permitted. It seems to me there ought to be some way whereby the accounts of the Auditor of the Treasury to the Postmaster General should show the actual facts. They say they can not do it now because they do not pay the bills in the year in which they occur.

Mr. SLOAN. Will the gentleman yield?

The CHAIRMAN. The Chair desires to notify the gentleman from Minnesota that he has consumed an hour, as the gentleman desired to be notified.

Mr. SLOAN. Will the gentleman yield to me?

Mr. STEENERSON. I will.

Mr. SLOAN. May not this marvelous and mysterious system of which the gentleman speaks be accounted for or defended as one of the triumphs of new bookkeeping of which we have heard so much.

Mr. STEENERSON. Yes. I believe there ought to be some new bookkeeping. I believe the Federal Trade Commission, which is now undertaking to advise all the business men of the United States how to establish a cost-accounting system, ought to help out the Post Office Department, so that they could determine whether they make or lose money every year. I think it can be done, but it is not being done now.

Mr. FESS. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. FESS. The gentleman recalls in the Treasury Department last September there was a change of bookkeeping.

Mr. STEENERSON. There was a change in the bookkeeping in the Treasury.

Mr. FESS. By which $80,000,000 was added without adding a dollar.

Mr. STEENERSON. And if you look at the Treasury statement of yesterday you will find they had a balance in the general fund of about $25,000,000 or $30,000,000 more than they have got.

Mr. FESS. What is the new balance to show?

Mr. STEENERSON. And that statement shows the United States debt has been increased instead of having a surplus.

Mr. FESS. Are we to expect some new method to show how this deficit has become a surplus?

Mr. STEENERSON. What the Treasury Department ought to have done would have been to adhere to the former method, so that the people could compare the different years; but by altering the basis of comparison they go wild; they can deceive the public, and they do deceive them, unintentionally, I presume. You see, the newspapers publish the amount of deficit and the amount of general balance——

Mr. MOON. What was the deficit in the Post Office Department under four years of the Roosevelt administration?

Mr. STEENERSON. I think you have stated it correctly in the Postmaster General's report.

Mr. MOON. What was it. I did not state it. What was the deficit in the Taft administration?

Mr. STEENERSON. It was $24,000,000 and $48,000,000 in the other. But the gentleman must remember that that period was the time of the growth of the rural free delivery. If the people think now that the rural delivery is a loss, they are mistaken; but it takes years before there are proper fruits from a new line of business. When, under Roosevelt and Taft and other Republican administrations, we established a Rural Free Delivery Service, it caused a deficit. The increased deficit was due largely to the establishment of a rural delivery, and I believe to-day, when all accounts are squared, the rural free delivery will be found to be on a paying basis.

Mr. SLOAN. Was there any attempt to conceal any deficit in the Taft or Roosevelt administration?

Mr. MOON. Is there any attempt to conceal the facts in existence to-day?

Mr. STEENERSON. No; except inferentially. Will the gentleman yield five minutes more?

Mr. MOON. How long have you been talking?

Mr. STEENERSON. One hour.

Mr. MOON. That is just a short time for you. I will be glad to give you five minutes.

Mr. STEENERSON. Thank you.

I want to say a few words about the second-class mail. I think there are some elements that are overlooked. In the first place, the men who claim that the same rate should be paid upon all mail matter, or approximately so, are mistaken. The mail service is a transportation business, and all transportation business must be carried on under a scientific classification of rates. You must have high-class freight and you must have low-class freight. Very often one class of freight must be carried at a loss. If you are serving a manufacturing district and coal is the primal element of their success, railroad transportation companies often carry coal at a loss, because it stimulates the transportation of other freight, such as silk, cotton cloth of all kinds, and tea, and coffee, and first-class passenger travel. It stimulates those things, and therefore they are willing to carry coal at less than it costs, and many times less per ton than they charge for first-class freight. That is the scientific principle of rate making, which we must not overlook when we apply it to the Postal Service.

Another thing is, the Post Office Department has for many years, under authority of Congress, operated the blue-tag system, whereby they transport for long distances a large part of this second-class mail as freight, and therefore it is not correct to say it costs 8 cents a pound to carry the second-class mail. No mail to-day costs that much. Those figures were made by Mr. Hitchcock when the railroad transportation rates were higher. We have reduced them. We have applied the blue-tag system and in other ways we have economized. And, if I am correctly informed, the space plan reduces very materially the cost of transportation by rail to the Government.

I insert extracts from the the space-plan act—act of July 28, 1916. It will be noticed that the Post Office Department can transport periodicals by freight or at express rates when they desire. They can employ the cheapest transportation for periodicals:

The provisions of this section respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Railroad companies carrying the mails shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence as to the performance of service.

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

Another thing that was mentioned by one of the gentlemen, and which the chairman of the committee said was an old argument, but which does not destroy its force, is that by the advertising that is circulated in these periodicals first-class mail is stimulated. There is no doubt but millions and millions of first-class mail is produced by these advertisements. Now, if a business man can spend, as he often does, 20 per cent, 30 per cent, 40 per cent of his receipts to advertise, to stimulate his business, it seems to me it would be within the legitimate bounds of good business to give a rate below cost in order to stimulate a publication business that indirectly produces first-class mail. These arguments have often been made, and they are as good now as they ever were. Therefore, I say we should not overlook that, in addition to the things that have been mentioned here, and for that reason I do not believe that we ought to adopt the very radical rates in this bill. But I am willing, with the chairman, to agree to a reasonable increase, one step at a time. He suggested a cent and a half flat rate. I would be willing to do that, and perhaps more.

Mr. MOON. Let me ask the gentleman if it is his suggestion that it should be a cent and a half flate rate beyond the first zone of 300 miles?

Mr. STEENERSON. I never thought about it at all until I heard the gentleman from Tennessee suggest it in his remarks; and I will say this, that I have had calls from two or three publishers, who told me—one of them, from St. Paul, recently—that he was tired of being accused of absorbing a subsidy from the Government and he was willing to pay twice what he is paying now. He is willing to pay 2 cents a pound, and he is publishing a paper that circulates throughout the country. And I believe the publishers are, many of them, in the same position, that they would prefer to pay a reasonable increase rather than to be accused of getting a subsidy. But the proposed rate is, I believe, beyond what it actually costs the Government.

I do not believe to-day that it can be possible that it costs the Government so much a pound as the gentleman has stated. For this reason: The average haul of newspapers and magazines—that is, take the same class altogether—does not exceed the average haul of parcel post, and they only charge about 6 cents a pound for parcels, and yet they say they are making now $70,000,000 a year on that. And if they do, then they include in that the cost of handling, which is 2 cents. Then it seems to me that 2 or 3 cents would cover the whole amount for the cost of transportation of second-class mail matter. And, therefore, I am perfectly willing with the chairman to raise the rate on some of these magazines, but I believe that the rate suggested is too high. I further believe that under the new railway mail pay law great economies can be effected in transportation of second-class mail, especially periodicals issued less frequently than weekly. These can be carried at freight rates, and a dollar a hundred will carry freight a long distance. The freight rate on grain from Minnesota to New York is only 25 cents per hundred. If we can get freight rates as the new law authorizes on periodicals, we can in some instances carry them for what they now pay without loss.

Another thing: I have been reading the parcel-post law of 1913 and one thing suggested itself to my mind, to wit: Has not the Postmaster General, under the parcel-post law, the right in his discretion to take newspapers out of the second class and put them into the fourth class, the same as he did in the case of books, which he took out of the third class and put into the fourth class?

The discretion is so broad that it seems to me that it includes that authority. He is directed to do everything, must change the classification and the rates, when it is necessary, in order to make the parcel post self-sustaining. Now, if he can save a loss of $70,000,00 a year by applying the proposed rates, as the gentleman says, why for these years has not this authority under the parcel-post law been exercised?

Mr. MOON. Does the gentleman mean to say that he thinks that under that statute the Postmaster General defines first and second and third class mails, that under the discretion that is given him he could change the second class into fourth class?

Does the gentleman think he could compare the transfer of the second-class mail with that?

Mr. STEENERSON. I am not making this as an assertion of fact, but as my opinion of the law. I noticed that the Postmaster General took books out of one class and put them into another class, and the thought struck me that he could also take newspapers out of one class and put them into another class.

Mr. MOON. There is not a word in the statute giving him such power. The gentleman is speaking of third-class matter?

Mr. STEENERSON. Yes. The parcel post is fourth-class matter.

Mr. MOON. That is purely catalogues and advertising.

Mr. STEENERSON. Oh, no. The gentleman is mistaken. All books go by parcel post. The only limitation that is on it is this, that if a book does not weigh over a certain number of ounces——

Mr. MOON. Let us get at that question. That is because of the fact that the matter is fourth-class matter, which the parcel post carries.

Mr. STEENERSON. No; they took books out of one class and put them in another, but not all books; the order limits it, and I have the order here:

ORDER OF THE POSTMASTER GENERAL.

OFFICE OF THE POSTMASTER GENERAL,
Washington, December 6, 1913.

(Order No. 7705.)

On and after March 16, 1914, the classification of articles mailable under section 8 of the act of August 24, 1912, authorizing the establishment of the Parcel Post Service, shall be extended so as to include books. The rate of postage on books weighing 8 ounces or less shall be 1 cent for each 2 ounces or fraction thereof, and on those weighing in excess of 8 ounces the regular zone rate shall apply.

All regulations or parts of regulations in conflict therewith are hereby rescinded.

A. S. BURLESON,
Postmaster General.

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

Mr. MOON. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. BLACKMON].

The CHAIRMAN. The gentleman from Alabama is recognized for three minutes.

Mr. STEENERSON. Mr. Chairman, before the gentleman from Alabama proceeds, I would like to ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks leave to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. BLACKMON] is recognized.

Mr. BLACKMON. Mr. Chairman, I am not going to take up many minutes of the time of the committee. There is only one subject that I want to discuss, and that briefly. It is the question of the pneumatic-tube service.

There are a great many Members of the House, I imagine, who have not given special attention to this subject. I have heard a number of Members say to-day that they were not prepared to say whether or not they ought to vote with the committee, which means a discontinuance of practically all of the pneumatic-tube service, or vote for the amendment to continue it and extend it from time to time. I have spent a great deal of time during the last four years in an effort to fairly determine what was the proper thing to do concerning this subject. I was appointed as a member of the joint Pneumatic Tube Postal Commission, under and by virtue of the authority conferred upon the chairman of the Committee on the Post Office and Post Roads of the House of Representatives, approved August 24, 1912.

This subject in the very nature of things required both time and study. Our commission visited the cities of Philadelphia, New York, and Boston, and the actual operation of the tube was witnessed in each of the cities named. A great deal of testimony from experts of the Post Office Department, those representing the pneumatic-tube corporation, and expert accountants not connected with either the Post Office Department or pneumatic-tube corporation was gathered.

I have no doubt that if the Members of this body had taken or would take the trouble to read the report and the testimony taken, they would have no doubt for a moment that the Government is paying entirely too much for a service that does not approximate in value $17,000 per mile per annum, and certainly if the tube could be seen in operation it would convince one beyond the shadow of a doubt that it is a luxury and not a necessity. It may be that because we are voting the money of those other than ourselves we can afford to shut our eyes to the facts and view the question from a sentimental point of view, and say that it is all right to allow the Government to continue to spend the people's money to the amount of $17,000 per mile per annum for fifty-odd miles of 8-inch pneumatic tube, notwithstanding substantially the same service can be given for one-third of what it costs to operate the tube.

All the testimony shows, and, in fact, it is practically admitted, that if there be a difference in the time of delivery by the automobile service and that of the pneumatic-tube service, it amounts only to the difference of from four to five minutes as a time saver. These tests have been made when the pneumatic-tube people knew that it was competing with the automobile service and that the Post Office Department was having these tests made with a view of changing to automobile service, and I take it that it is fair to assume the best efforts and the quickest deliveries that could be made were made under these tests. In some of the tests the automobile delivery was quicker than the pneumatic-tube delivery, but taking all the tests on an average it would not show over from two to four minutes in favor of delivery by the tube system. I am not concerned whether deliveries be made by automobiles or pneumatic tubes. My only concern is, What is the best and proper method of making these deliveries? If the time of deliveries saved amounts to no more than 3, 4, 5, or, indeed, 10 minutes, and we can save by adopting one of the other methods two-thirds of what is now being paid out by the Government, I am forced to the conclusion we should take the cheaper.

You take a mass of mail for outgoing trains. It must be tied up in small packages to go in the containers, and it must be borne in mind that the tubes are only 8-inch tubes. Each package must be placed in the containers and sent through the tube to the station. At the station the packages must be placed in the mail sacks before delivery to the outgoing trains. In the post offices the clerks must first tie up these packages, and I contend that while tying them up they can be placed in sacks and these sacks placed in an automobile truck and delivered to the station ready to be placed on the train practically in the same time that the mail is being sent through the tube. In handling it in this way we do the same service for two-thirds less than it costs to do it by the tube system.

I see a friend on the other side shake his head. If he has seen the tubes in operation, he knows that what I say is true. I am willing to put him on the stand. I can prove by him that if you have 3 or 500 pounds of mail and undertake to handle it through the tubes, I will take the same number of pounds in an automobile truck and beat him to the point of delivery by the use of an automobile, and I will do the service for one-third of what it is now costing to handle it through the tube. If he beats me by the pneumatic-tube delivery, it will be by only a very few minutes.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BLACKMON. Mr. Chairman, I would like to have three minutes more.

Mr. MOON. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman is recognized for three minutes more.

Mr. BLACKMON. Mr. Chairman, during the short time I have been here I have observed that when we undertake reform in the interest of the people as against the people of the preferred classes we are met always with the prediction that direful results will befall the country if these reforms are put into effect.

When we began the preparation of the parcel-post legislation all Members of Congress, and especially the members of the Post Office Committee, of which I have been a member since coming to Congress, were flooded with petitions, letters, and memorials from different societies, organizations, merchants, manufacturers, and others predicting that this legislation would bankrupt the Government and put out of business the merchants in the smaller towns throughout the country.

Now, in discussing this phase of the question, I am not going to undertake to make a party matter of it. Members on both sides of this House differed as to what was the proper thing to do, and I will say that they differed honestly. The point I make is this: That notwithstanding these predictions of the calamity that would befall us, we went to work and brought out a parcel-post bill, which has been in a measure perfected from

time to time, and I dare say that a number of the commercial bodies and other organizations, merchants, and others who did all that was within their power to prevent this legislation would now be active in their opposition to its repeal. The good that the parcel-post legislation has brought to the masses of the people is untold.

I merely make mention of this in order to show you the importance of each Member of this body studying these great questions, with a view to reaching a correct conclusion, and when he reaches an honest conclusion stand by it, regardless of adverse criticism from Members or otherwise.

We are told that if we discontinue the pneumatic-tube service it will be ruinous to certain business interests in this country. Gentlemen, this can not be true. If all the commercial organizations in the United States should tell me that a mere delay of three or four minutes in the matter of delivery of a letter would be disastrous to the great business interests of the country, I could not agree to this conclusion.

As far back as October 3, 1914, when the pneumatic-tube commission, which I have mentioned, made its final report I was unable to agree with Senator HOKE SMITH and Gen. Joseph Stewart, then Assistant Postmaster General, who made the majority report for this commission that this Government should purchase the fifty-odd miles of 8-inch pneumatic tubes now being leased by the Government. The price that it would cost to purchase this is enormous, and it would have taken untold years for Congress to have ever been able to explain on any fair business basis why it had done so.

The tube system originally was inaugurated for commercial purposes, and it was a dismal failure from a commercial standpoint. Necessarily a failure, because the 8-inch tube is too small to perform any service on a paying basis. It must be borne in mind that these tubes can not carry anything except letters and very small packages. It can never be utilized for second-class mail; and when you realize that last year we handled 1,400,000,000 pounds of second-class mail—and in this connection I might say handled it at a great loss to the Government—how can we hope or can it be reasonably expected that the tube, even if owned by the Government, could ever take care of this great increase in the weight of our mail? This class of mail must be handled by automobile truck or some other method, and I contend that if we must be forced to use the automobile service for the handling of this class of mail, why can we not save many thousands of dollars to the Government by adopting a faster schedule of automobiles for first-class mail, and thereby make this great saving to the people.

The Post Office Department, we must assume, have given much thought and study to this question and are anxious to do the best they can for the service and the whole people. I can not conceive of a great department of this Government like the Post Office Department recommending to Congress that they do a thing that would prove disastrous to the mail facilities of this country.

An effort has been made to criticize the present Postmaster General as to his handling of the postal affairs of the Government. To my mind, a Member of Congress who decides for or against any of these great postal reforms because they are proposed by a Democratic Postmaster General, or decides for or against them because they are not proposed by a Republican Postmaster General, is better suited to be sent to some small vacant spot out in the mountains to cultivate a small tract of unimproved land, provided he could borrow a little money from the Federal Government under the provisions of the Federal farm-loan act rather than be sent here to represent the people in Congress. [Laughter.]

I sincerely trust that the amendment now proposed to continue and extend the pneumatic-tube service will not prevail.

Mr. MOON. Mr. Chairman, I yield three minutes to the tleman from Texas [Mr. DAVIS]. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, I have no thought of being able to convert those of my peers, who are here with an intelligent thought of their own, and their minds fully made up on this question, but I merely want to put myself on record against what is commonly called the zone system for the distribution of mail. Our whole postal system, I am glad to say, is founded upon the theory of serving the public for public good and not for profit. The original mail carrier in the early ages of government was a military courier, going from the seat of government to the military outposts. He became not only the message carrier for government but the news and information carrier for private citizens and soldiers about the military posts. Beginning in this crude way we have the postal system—the postmaster and the post office getting their names from the origin of the service. It is consoling to see the wonderful development into which the postal service of all the world has grown. The distribution of our mails is one of the methods of our public education. Whatever impedes or cripples that process retards to that extent our educational facilities and turns the wheels of progress backward.

I think I see in the zone system the beginning of a program which, if followed to its ultimate conclusion, would provincialize and sectionalize this Republic, destroy that universal communication and unification of thought which must make us one great family in this Republic. The hope of this Republic rests upon our whole population and all our immigration going into a melting pot and coming out full-fledged American citizens, and our universal Postal System is one of the necessary means to that end.

We must encourage and support all means of education that crystallizes the public conscience into national thought, national pulse, and the fullest fruition of the American spirit, and to penalize the man who lives in a distant sphere by making him pay extra for his intelligence and his part of the national information is not only unjust to him, but is impolitic and unwise as a governmental policy.

Our Postal System must not be controlled merely by the curves of the dollar mark. If we are to look alone to the question of profit and the question of cost, then the question of public intelligence and general information must be eliminated and all our mail transactions tested by the profit and loss account, and this would mean the entire demoralization and the ultimate destruction and overthrow of our national life.

If the zone system had been in operation throughout the past years of our Republic, I make bold to express the conviction that the Indian and the buffalo would still be roaming over the great western portion of this grand country, for if the pioneer citizen had been cut off from all means of communication back home, except when he was able to foot the bills and make good its cost, our outposts would have been slow indeed to move forward. The great prairies and plateaus that lie between the Atlantic and the Pacific, whose wonderful harvests sustain millions to-day, would have remained a barren and bleak frontier, untouched by the hand of the husbandman.

In the early days of the Republic, seeing the wisdom of the public dissemination of intelligence bringing the remote sections of the country into direct contact with the cities and centers of civilization, a law was passed providing that each county seat in the United States should have a daily-mail service.

The settlement of the Mexican War and the discovery of gold on the Pacific coast brought under our flag many county seats several hundred miles apart, some of them reaching almost to a thousand miles apart in the western wilds. I think I call to mind in the prosecution of the star-route frauds, under what is referred to in the papers of that day as the Dorsey scandal, the testimony showed that in routes running from Fort Worth, Tex., to Santa Fe, N. Mex., and from Missouri River points to the "Golden West" in California, it had cost this Government sums ranging at times from $2 to $6 a letter to carry the mail, and stage coaches and stage stands had to be guarded by the military branch of the Government to keep mail robbers and Indian marauders away.

Carping critics and anxious economists howled in heroic chorus that such a program was not only unwise but bankrupting in its effect, but the answer of the thoughtful statesmen of the national heart and conscience of the country was that the same Government that paid as high as $6 a letter to carry the mails across the West got nearly 600 letters carried for a dollar between Chicago and New York, and when the equation was made all the people were served and the heart and conscience of the country kept in touch.

The result is to-day that the Atlantic and Pacific, through our postal system, are brought face to face, and the man on the Atlantic shore and the man on the Pacific shore are actual neighbors and members of the same family, often in daily communication.

Under the national postage-stamp system, limited only by the boundary lines of the Republic in its legal-tender transit, Uncle Sam marched in steady progress from the Atlantic, crossing the Rocky Mountains and the Cascades, and bathed his face in the Pacific Ocean.

Mr. MOON. May I ask the gentleman from Texas a question?

Mr. DAVIS of Texas. Yes, certainly; I yield to the chairman of the committee.

Mr. MOON. I understand the gentleman is opposed to the zone system. Is he opposed to the rates of the second-class mail matter?

Mr. DAVIS of Texas. I think that might be adjusted very readily and not apply the zone system, which, in my judgment, will demoralize and distract our whole postal communication. I think a more equitable burden between the letter postage and the postage of newspapers, periodicals, and journals should be

had, and I would be willing to see a reasonable adjustment of the rates of second-class matter, and I would be glad to see this Republic at one full swoop put the whole of our letter postage at 1 cent and enlarge and broaden our City and Rural Delivery Systems.

Mr. MOON. If you did that you would have a deficiency of $100,000,000.

Mr. DAVIS of Texas. If so, I would make up that deficiency in some other branch of governmental revenues and by adjusting rates of second-class matter; but as to a deficiency of $100,000,000, I would feel that if that money had been spent in bringing up the standard of national intelligence and information, broadening and expanding the public mind, and bringing the heart throbs of Maine and Florida and California and Carolina to beat in unison, while the enlightened conscience of the country swelled in patriotism, I would consider the money well spent. [Applause.]

The theory of measuring the movements of the Postal Service by the curves of a dollar mark has never appealed to me as wise or salutary. I can understand why a zone system might be properly applied to the parcel post, for this is an instance where the Government seeks to serve as a common carrier in a commercial way, and hence may be properly governed by the expense of the long and short haul.

I remember when the National Grange and the National Alliance made a clamorous and just demand for a rural-route service, the same kind of economists that we find frightened at the cost to-day, with such exaggerated fear of national bankruptcy, told us then that a universal rural-route service meant universal bankruptcy; but the system was installed, and to-day perhaps two-thirds of the homes in the Republic are readily served with a daily delivery, and this bill provides for the enlargement and extension of that service.

There is another side to this question that appeals to me with unusual force, and that is the question of our great fraternal, religious, vocational, and national papers and journals. I am told from 600 to 1,000 of these are now struggling for their existence under the increased expense of print papers and other materials.

The zone system would denationalize or destroy these papers and periodicals. This, in my judgment, would be a national calamity, for the hope of this Republic lies in the crystallization of a national conscience and a national character, and there is no power known to the nature of man that tends more to federate and bring into communal solidarity than the religious and fraternal feeling kept alive by those papers.

The printing press has been rightfully denominated as the greatest handmaid of civilization. It makes it possible for the dead to talk to the living for thousands of years after they are covered with clay. It makes it possible for the experiences and the information of past ages to be handed down to future ages. It makes it possible for the man in Maine to talk to the man in Texas a thousand years after death, and the daily and weekly messages printed on paper and sent throughout the world, with all their faults must ever remain one of the surest resources and firmest foundations for our future progress.

In the main, I think the present postal appropriation bill is an excellent piece of legislation. When I take into consideration the multifarious problems that confronted the committee in the make-up of this measure, I can truly compliment and congratulate them. I do not want to be considered partisan, but I can not let this opportunity pass without complimenting in full fervor Postmaster General Burleson on the preeminent success of his management of our Post Office Department. I am willing to yield my judgment to the judgment of the committee and the Postmaster General touching the very vexing problem of the pneumatic-tube systems for mail delivery in the cities. That question only involves methods of efficiency and economy, but in an effort to revamp this Republic and lay it off into zones and stratas, which would govern the distribution of our mail, I can not feel content without putting myself on record as against the problem and assigning a series of reasons therefor.

A 300-mile zone would separate the State of Texas between Texarkana and El Paso into three zones, and would cross-section the State from Orange to Dalhart into four zones, and the papers and journals of Texas, speaking for Texas and feeling the heart swell for Texas development, would be met at three or four dead lines by a governmental agent and checked back, no matter how important the message of information and intelligence they carried.

Having thus briefly stated my views, I want to thank the House and close my remarks.

Mr. GRIFFIN. Mr. Chairman, the provisions in the present Post Office bill on page 15, lines 14 and 15, steeped in provincialism, affect vitally the postal efficiency of Brooklyn, New York, Chicago, St. Louis, Boston, and Philadelphia. It means, if passed, that the pneumatic mail-tube service will be discontinued in every city except New York, and there it will be greatly curtailed and may be discontinued entirely upon six months' notice by the Postmaster General.

Much as I regard the personnel of my committee, I must confess that on the part of at least one of its members there was exhibited at the hearing on the subject of the pneumatic mail tubes a woeful lack of knowledge of local conditions in the city of New York.

This member of the committee, who lives far away from the glittering lights of Broadway, who never has mixed with the crowds in the loop district of Chicago, participated in the following colloquy.

Postmaster Morgan, of New York City, was on the stand. To him he propounded this question:

What do you want tubes in The Bronx for, anyway? You can use them only six months of the year.

Mr. MORGAN (courteously, but puzzled). What do you mean, Congressman? Why do you say we can use the tubes only six months?

My distinguished friend then said:

Well, The Bronx is only a summer resort. It is closed up six months of the year, I suppose.

[Laughter.]

Mr. BENNET. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. BENNET. I was in the cloakroom and did not quite catch that statement about The Bronx.

Mr. GRIFFIN. I do not agree with the statement which was made—that The Bronx is merely a summer resort.

Mr. MADDEN. I understood him to say it was a cocktail. [Laughter.]

Mr. BENNET. There are only three States in the United States that have as large a population as Bronx County.

Mr. MOON. Who was the Member who was talking when that statement was made?

Mr. GRIFFIN. I have too much regard for my colleague to mention his name.

The Bronx is one of the most progressive boroughs of the five boroughs which go to make up Greater New York, a city whose postal business reaches $37,000,000 and shows a profit of over $22,000,000 to the United States Government. This city, whose people are the most charitable on God's footstool; this city, whose people hate a provincial; this city, which rejoices in the material welfare and development of every other American city; this city, which is the business backbone of the Nation, is entitled to the best possible service, because it contributes one-ninth of the money which maintains the Postal Service of the United States.

The people and press of Greater New York are united in an honest effort to continue the pneumatic-tube mail service. No insidious lobby can control the actions of the great, useful, and independent Chamber of Commerce of the State of New York, the Merchants' Association of New York, and the Brooklyn Civic Club, of which I have the honor of being a member. No insidious lobby can control the editorial comment of the Brooklyn Daily Eagle, one of the best-edited and most fearless evening papers in this country. No insidious lobby can inspire the editors of every great daily newspaper published in New York City. [Applause.]

The Postmaster General stands unmasked in his efforts to cloud the issue by his cheap claptrap charge of an insidious lobby. The people of New York City want the pneumatic mail tubes continued because they expedite the delivery of the mail and benefit the people of every part of the country who do business with New York City or Europe, and because they protest the introduction of 300 or more automobiles on its congested streets, which will add to its almost unsolvable traffic problems. Last year there were 105 children killed on the streets of New York by motor trucks. Whether you come from the North, the South, the East, or the West, the big congested city or the quiet peaceful village, please do not cast a vote to-day which may indirectly result in the killing of hundreds of more young innocents on the streets of New York. This is the time to discuss other conditions and problems which exist in the Postal Service of our country.

Mr. LEWIS. Will my colleague yield?

Mr. GRIFFIN. Yes.

Mr. LEWIS. What percentage of the whole number of vehicles in New York City would 300 automobiles make?

Mr. GRIFFIN. There would be 300 more automobiles added to those already there.

Mr. LEWIS. But what would be the percentage? Would it not be negligible?

Mr. GRIFFIN. I can not say. I was not present at the hearings owing to severe illness. I understand from the testi-

mony of Mr. Morgan before the committee that if the tubes are discontinued 300 more automobiles will be added to those already on the streets of New York City.

Mr. LEWIS. Will it be more than one-tenth of 1 per cent?

Mr. GRIFFIN. I can not say.

Mr. DALE of New York. Will my colleague yield?

Mr. GRIFFIN. I have not the time.

Mr. MOON. I think the gentleman is mistaken in the testimony before the committee.

Mr. GRIFFIN. I am quoting from the New York Tribune of the 16th of December last. Your minutes were not printed until Monday.

Mr. DALE of New York. Is it not a fact that if we had the tubes in New York these 300 additional automobiles would be unnecessary?

Mr. GRIFFIN. That is absolutely true. The abolition of the tubes would mean an increase of 300 more automobiles.

The report of the Postmaster General for the fiscal year ended June 30, 1916, directs the attention of Congress "to the activities of certain organizations of postal employees, which are becoming more pronounced every year." The charge is made that the administration of the Postal Service is made extremely difficult by these activities and that the civil-service law as represented in the merit system is in danger of becoming nullified unless section 6 of the act of August 24, 1912, known as the antigag law, is repealed.

The report of the Fourth Assistant Postmaster General contains a tirade on the same subject matter, which is couched in terms and language that seem to be expressive of the personal rather than the official sentiment of the head of the department. Representatives of the postal organizations are referred to as "postal parasites whose existence depends upon their ability to arouse discord and dissension between the department officials and the employees."

Statements of this kind made in reports to Congress will no doubt cause an impression to be made on the minds of Members of both branches of Congress that can not help but prejudice the minds of those who are not familiar with the facts. I have made inquiry and a study of the Postal Service and the conditions surrounding the employees and will give in detail a few of my observations and a result of my investigation.

The attitude of the Post Office Department officials in the treatment of the employees has been antagonistic. The employees have been reminded that their place in the service was to attend to their duties as directed in the orders issued to them and that they should not meddle in the affairs of administering the service or in matters pertaining to their welfare or working conditions. This policy has created a state of unrest, resentment, and discontent and has destroyed the harmony and cooperation that should exist between the officials and the working force.

The Post Office officials came into office with no practical knowledge of the workings of the Postal Service, and at the very outset they assumed a superior and autocratic attitude toward the employees in all branches of the service. Post Office Department officials in former administrations invited the cooperation of the employees and their representatives, and friendly relations were established and much good resulted, both to the service and the men. The present order of things, however, has changed all this, and the employees have been reminded that their opinions were not wanted and would not be tolerated.

A policy of economy and retrenchment has been put into effect by the Post Office Department officials which has resulted in placing hardships on the shoulders of the men, and this policy has been persistently followed in an effort to cut down the expenditures and report a balance in the revenues. Every technicality of the law has been taken advantage of to further this policy of economy, and all at the expense of the employees. If it has been the desire of the officials to be in charge of a dissatisfied, discouraged, and discontented army of employees, they have succeeded admirably. Postmasters throughout the country have been urged through correspondence to economize in administering the work of their offices until these postmasters have been so harassed and intimidated that they have been reluctant in asking for sufficient help to conduct the service in a satisfactory manner.

The Railway Mail Service, under the charge of the Second Assistant Postmaster General, has had the working force so reduced that complaint is made that physical hardships are imposed on the employees in trying to carry on the service. It is charged that many of the railway mail clerks have been reduced in salary and transferred to points distant from their homes without any regard for their welfare or their official records. In a recent ruling the Second Assistant Postmaster General nullifies the promotion law for these railway post-office clerks, so that the intent of Congress to provide promotions to the highest grade after three years' service in the next lower grade regardless of the time the law went into effect is destroyed. This interpretation of the law is in line with the policy of economy, as it makes a saving of a few dollars by depriving these hard-working and deserving employees of their lawful promotions.

The Rural Delivery Service has come in for its share of the economy policy, and the whole service has been disorganized and is in a state of chaos. Routes have been curtailed and eliminated without regard to the desires of the patrons, and in many instances the rural citizens have been compelled to walk great distances in order to get their mail. The Fourth Assistant Postmaster General, who so harshly criticizes the representatives of the employees in his report, is the representative of the Rural Delivery Service. Judging from the record he has made it would seem that if his energies were directed in trying to establish harmony and cooperation with the employees under his direction, instead of incurring their ill will, the Rural Delivery Service would benefit materially. This is the same official of the Post Office Department who assumed to criticize Congress, and which criticism brought forth well-merited rebuke from the Members of the Senate in the last session of Congress.

The rural letter carriers have had their routes lengthened and their pay withheld, contrary to the statute. If the recommendations of the Fourth Assistant Postmaster General are followed, we are promised a further reduction in the number of routes and a more general demoralization of the Rural Delivery Service in order to effect a policy of economy.

The City Delivery Service has also been given attention in the program of economy and retrenchment. Orders and rules have been promulgated and crude innovations have been instituted in the service that have made the working conditions of the men one hardship after another. An order was put into effect by the department whereby post-office clerks and letter carriers who were off duty for a period of 150 days in any one year were automatically dropped from the service. It mattered not whether the employees were off duty on account of illness or as the result of an injury that incapacitated them from performing their duties. In this way the department quietly and without much trouble rid the service of many of the veteran employees who, through sickness or disability, were forced to remain from their duties more than the maximum time limit. This order resulted in untold hardship to many of the employees in the Postal Service, and was discontinued only after the attention of Congress was drawn to its ill effects on the employees and legislation was enacted to put an end to the inhuman practice. In the effort to have this adverse regulation abolished the press and the public played an important part.

Speed systems and efficiency methods, so called, are in force and effect in the post offices of the country, and the result is that employees are required to labor under the most nerve-racking, mental, and physical disadvantages. The systems would not be tolerated without protest in any industrial institution. Standards have been established for the employees which it has been demonstrated are a physical impossibility for the average man to keep up. In addition to the ordinary speed tests they have inaugurated another kind of test which is more trying on human nerves and mental balance than anything yet conceived. This test is made in secret on a day and at a time unknown to the employee. His mail is counted without his knowledge, and a record is made by the efficiency expert of the time that should be consumed in handling it and getting it in shape for delivery. A comparison is then made with the time consumed by the employee, as recorded in his report, and if the employee has not measured up to the requirements of the test he is charged with demerits and advised that his rating is not up to the standard. The tendency of this system is to have men constantly working at top speed in a machinelike manner and against the laws of nature. The systems have resulted in defeating the very purpose for which they were established. Genuine efficiency can not be secured from systems that wear out the human frame and result in fatigue and a breaking down of the health. It seems, however, that the department officials who are responsible for these conditions have no interest whatever in the matter of conserving the health and strength of the employees, and the practice of economy is carried on in order that a saving might be effected by a curtailment of the force ordinarily required to expedite the work.

Another system in vogue in post offices and authorized by the Post Office Department officials is the method pursued in its inspection division. The practices in force are absolutely un-

American and are an insult to the integrity of the great army of postal employees and should be modified. Men are secretly trailed and are watched, while performing their duties, from contrivances built in post offices containing peepholes. The system is obsolete, crude, and repulsive. In order that the employees can be kept under scrutiny every moment of their time, the toilets in post-office buildings are without doors and are otherwise exposed to the view of anyone passing through or using these rooms. It is an intolerable condition and one that should be stamped out by legislative enactment.

The employees in post offices are required to work in insanitary, unventilated, and inadequately lighted workrooms. Their health is unnecessarily sacrificed, and when they are overcome with disease or broken in health they are cast aside and new recruits take their places.

All through the workings of the innovations and systems prevalent in the Postal Service can be seen the spirit of economy and retrenchment. Nothing else is considered. The patriotic employees of the Postal Service who responded to the call of the President in June, 1916, for service in military or naval organizations were not immune from the ever-watchful eyes of the promoters of economy. Hardly were they on their way to the border before an order went forth from the department to drop them from the rolls of the Postal Service. Danger was seen in this order for the positions of these employees by Congress, and a provision was inserted in the Post Office appropriation bill approved by the President on July 28, 1916, directing the Post Office Department to hold the positions of these patriotic employees open for them. The officials, however, were not willing to give up their plans for a saving, and despite the law another order was issued in August, 1916, again directing that these men be dropped from the rolls. The whole purpose of the persistent efforts of the Post Office Department to have these men dropped from the rolls was to effect a scheme whereby a class of employees termed temporary regulars could be appointed, thereby saving approximately 7½ cents per hour.

Contrary to the classification act of 1907 regulating the salaries of post-office clerks and city letter carriers, the Post Office Department, through the First Assistant Postmaster General, in February, 1915, ordered all carriers assigned to collection duty reduced in salary to a maximum grade of $1,000 per annum. What hardships this order was responsible for can be estimated when we look back and remember what a storm of protest arose from the men affected by the order. The unfairness of this reduction in salary was recognized by the Congress when the matter was brought to their attention, and a resolution was appended to the Post Office appropriation bill for 1916 restoring these men to their former grades. This resolution corrected the injustice to the extent of placing the men back into their former grades of pay. However, the lost salary on account of the unmerited decrease covering a period of approximately nine months is not forthcoming, and there should be some provision made to have the amounts so deducted restored to the unfortunate employees who suffered by the adverse order of the department officials.

Just now complaints are reaching us that excessive overtime in post offices is being regularly required. The eight-hour law was put into effect with the object in view of giving these employees time in which to rest or otherwise devote to themselves and families. Now, through insufficient working forces these men must do overtime, for which very often they receive no pay. The very purpose for which the eight-hour law was enacted is defeated, and the growing practice should be eliminated. Overtime is sometimes necessary to the prompt handling of the mails, and in such emergencies the employees are ready and willing to do their part; but it is the unnecessary overtime which they are opposed to, and could be reduced to a minimum if the officials of the Post Office Department were so disposed.

In all of these arbitrary orders and rules of the post-office officials in experimenting with the service to make a surplus in the revenues we see hardships placed on the shoulders of the employees. The American people do not want a Postal Service reporting a big surplus if the employees are to pay for it through a physical and mental state of unrest, worry, and unfair working conditions.

Throughout the whole of the administration of the Postal Service by the present officials we see not one recommendation that had for its purpose the improvement of the conditions of the workers. Persistent efforts have been made to abolish the office of the assistant postmasters and do away with the positions altogether; the eight-hour law and the Sunday-closing law have been recommended for repeal; biennial promotions instead of annual advancement have been suggested; holiday service has been required when unnecessary for the satisfactory execution of the service; reduced pay for substitute carriers was recommended, and readjustments of postmasters' salaries were urged, which would mean in many cases a reduction.

We do not see any recommendations by these officials for a retirement measure to take care of the old and worn-out men and women in the service of the Government who have given the best years of their lives to the Postal Service and who are now being thrown out on the mercies of charity. Neither do we see a suggestion to look into the problem of the high cost of living and bring the salaries of these employees up to a fair standard. The Postmaster General, however, recommends to Congress that the four Assistant Postmasters General have their salaries raised from $5,000 to $7,200 per annum. No doubt the high cost of living as well as good service induced the Postmaster General to make these recommendations. I submit, however, that the low-salaried fellow is more in need of an increase in pay at this time of high prices than his more fortunate brother with an income of $5,000.

The Postmaster and his Fourth Assistant who are so inclined to criticize the organizations of these employees and their representatives could, if they so desired, learn just how much good to the employees their associations are and what burdens are lifted from the shoulders of the Government through the sick and death benefit features maintained by the employees through their organizations. Thousands of dollars are paid out each week in cases of sickness and accident by the benefit departments of these associations, and hundreds of familes have benefited through death benefits from their insurance organizations.

The officials of the Post Office Department could gain much advantageous information in the manner of treatment that should be accorded the employees if they were to pattern after a few of the Cabinet officers at the head of other departments. They could also gain much valuable knowledge of the relations that should exist between the department and the employees if they were inclined to seriously consider the declaration of President Wilson made at Shadow Lawn, N. J., September 22, 1916, to the Business Men's League, when he said:

> But the chief cloud that is on the domestic horizon is the unsatisfactory relations of capital and labor. There is only one way, gentlemen, in which the relations of capital and labor can be rendered satisfactory. That is by, in the first place, regarding labor as a human relationship of men with men; and, in the second place, to regard labor as a part of the general partnership of energy which is going to make for the success of business men and business enterprises in this country. So long as labor and capital stand antagonistic, the interests of both are injured and the prosperity of America is held back from the triumphs which are legitimately its own.
>
> Labor is not a commodity. It is a form of cooperation, and if I can make a man believe in me, know that I am just, know that I want to share the profits of success with him, I can get ten times as much out of him as if he thought I were his antagonist. And his labor is cheap at any price. That is the human side of it, and the human side extends to his conception, that the laboring man is a partner of his employer.

The Postmaster General issued a public statement on December 30, 1916, showing the magnitude of the service performed by the United States Postal Service in handling the Christmas mail. It was estimated by the Post Office Department statisticians that approximately 125,000,000 parcels weighing about 2 pounds apiece were mailed during the two weeks before Christmas—that is, for every man, woman, and child in the land fully 2½ pounds of parcel-post mail was received and delivered through the facilities of the Postal Service. These figures do not take into account the many millions of Christmas letters and post cards and the great volume of second-class mail matter that was handled by the employees. This great volume of mail matter was handled in an expeditious manner notwithstanding the unfavorable weather conditions which seriously delayed rail transportation in the most thickly populated sections of the country.

The efficiency experts were hidden away and the efficiency systems were thrown into the discard when the Post Office Department officials were confronted with the problem of moving the mails in a prompt and efficient manner. The loyalty and devotion of the employees to the immense task that confronted them mastered the situation as it always does in every emergency or when the occasion demands. It is to be regretted that the occasion of the holiday rush in the post offices could not be utilized by placing the "efficiency engineers" to work in the useful occupation of juggling mail sacks or carrying heavy loads of mail on their backs for delivery through the cold and sleet and snow. Now that the heavy work is over and the postal business will get back to normal conditions, we will hear from the chief of the efficiency bureau of some new system that has been evolved to worry the employees and to make them miserable in their everyday work.

When men are required to work overtime the effects are shown in their efficiency by a loss of desire to perform their

work. The employees realize from experience that they are overcome with fatigue after peforming their regular day's work and they ask to be relieved of any unnecessary overtime. They are not desirous of working overtime for the extra pay they receive nor do they wish to make extra pay by being paid double time for all services performed in excess of eight hours. They prefer to do a fair day's work in a competent and efficient manner and would welcome the enactment of a penalty clause to the 8-in-10-hour law that would arbitrarily provide that their labor be finished at the end of eight hours. They realize, however, that contingencies arise which necessitates employees working beyond the eight-hour day in order that the mail shall be promptly collected, dispatched, and delivered. They are willing to do their fair share in emergencies of this kind and they do not complain of the ordinary necessities to be met in conducting the Postal Service. What the employees do object to is a vicious system which has grown up in the Postal Service during the past two years in which men are regularly required to work overtime. The purpose and intent for which the eight-hour law was enacted is destroyed through this system, and I trust that the Congress will enact legislation that will correct this abuse.

The postal employees are required to take rigid physical examinations before they can become eligible as applicants for the position of clerk or letter carrier. On account of this test the Postal Service is recruited with an exceptionally healthy and rugged body of men. Notwithstanding this, I desire to draw the attention of the House to the fact that there is an exceptionally large amount of time lost by these employees on account of sickness. This loss falls directly on the employees, as their pay ceases from the time they are unable to perform their duties. The fraternal organizations maintained by the postal employees have been under a serious drain on account of the excessive heavy demands that have been made on their sick-benefit funds. It is maintained that the health of these men break down prematurely on account of the increasing intensity of speed fostered by the efficiency system and the amount of overtime required to work. These two causes result first in fatigue and later in a breakdown of the human system.

The Postmaster General in his recent report drew the attention of Congress and the public to the fact that the Post Office Department has been conducted during the last fiscal year at a profit of approximately $5,000,000. If this surplus has been made at the expense of the health of the employees, it will not meet with the approval of the American people.

One of the most constructive pieces of legislation ever placed on the statutes was the new Federal workmen's compensation law, passed in the first session of the Sixty-fourth Congress, and which was signed by the President on September 7, 1916. I have heard it stated by those who have made a close study of workmen's compensation acts and who were particularly interested in the McGillicuddy bill that it is the most scientific and most liberal compensation act in any country. On a roll call of the House there were only three dissenting votes to the passage of this bill. It covers all of the Government's civil employees, which number approximately one-half million. The law provides the injured with reasonable medical, surgical, and hospital service and supplies. In case of death the new act grants 35 per cent of the wages to the widow and an additional 10 per cent for each child, up to 66⅔ per cent in all, to cease only when the widow dies or remarries or when the child dies, marries, reaches the age of 18, or, if over 18 and incapable of self-support, becomes capable of self-support; for total disability the act allows 66⅔ per cent of wages during disability and for partial disability it allows 66⅔ per cent of the loss of earning power. In commenting on the bill when it was under consideration in the Senate, Senator SMITH of Georgia, who is well informed on workmen's compensation laws, is quoted as making this statement:

> I regard it as one of the most admirably prepared measures ever brought to my attention. I think it is about the first bill of any length I have ever read to which amendments did not at once occur to me.

The standards embodied in this measure places the United States as a leader in caring for the civil employees in its service by compensation for personal injuries.

The Sixty-fourth Congress could round out its usefulness and complete its brilliant record by the enactment of a law that will provide for the retirement of its superannuated civil-service employees. While this question is awaiting the action of the Congress, I commend to the Members of the House the bill H. R. 6915, which bill provides for relief of the superannuated employees in the Postal Service. It is a just and meritorious measure, and I ask my colleagues to read the bill carefully in order to be prepared to register their views on the measure when it is brought before the House for their consideration.

Mr. MOON. Mr. Chairman, I yield the remainder of my time to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman and gentlemen of the committee, I do not know that I can enlighten the members of this committee upon the many items in this bill more than what has been said to-day. I regret very much that any member of the committee at any time should undertake to bring politics into this bill. I think it is the inherent nature of my good friend from Minnesota, Mr. STEENERSON, to do so—that it is impossible for him to present his side of this bill without dragging the mire of politics into it.

I want to compliment the gentleman from Illinois [Mr. MADDEN], a Republican and a member of this committee. Never have I heard him in the committee or on the floor of this House bring politics into the discussion of this bill. The gentleman from Minnesota gravely announced that he was going to prove that Mr. Burleson was a liar.

Mr. STEENERSON. Will the gentleman yield?

Mr. COX. I decline to yield.

Mr. STEENERSON. The gentleman has no authority to say that, and I object to the remark.

Mr. COX. I refuse to yield.

Mr. STEENERSON. I call the gentleman to order. I make the point of order. The gentleman accused me of saying that some one was a liar and I never used those words.

Mr. COX. If the gentleman did not use the words, a fair inference from the statement was to that effect—to the effect that the Postmaster General had falsified his report and made a report that did not correspond with the facts in the case. Mr. Chairman, the present Postmaster General needs no defense at my hands or from any other. He stands preeminent as Postmasters General. He will go down in history as one of the greatest Postmasters General this Nation ever had. He has demonstrated his ability by taking hold of a losing proposition, put it on a paying basis, gave the people better service than they ever had, increased salaries, got through more constructive legislation than has been done in the last quarter of a century.

I served on this committee under Postmaster General Hitchcock. I think he was a great Postmaster General, and time and again in the four years I served under him I defended him on the floor of the House against assaults made upon him by members of my own party. The gentleman from Minnesota undertook to criticize the Postmaster General's report and to prove that it was false, and consumed 1 hour and 23 minutes of the time; it was an utter failure, for he never adduced a single fact or a single figure to show that Mr. Burleson's report was erroneous when it said that during the last four years he had turned into the Treasury of the United States a surplus.

The gentleman from Minnesota can "strain at a gnat and swallow a camel" as long as he pleases, but he never will be able to disprove the facts in the case, but that in the last four years Postmaster General Burleson has turned into the Treasury of the United States a clear surplus of $3,388,308.97, a thing no Postmaster General has done in the last 50 years.

Mr. STEENERSON rose.

Mr. COX. I refuse to be interrupted. There are some things in this bill that I can not stand for. One is the item that was put in it by my esteemed friend from Chicago, Mr. MADDEN, which proposes to increase the salaries by automatically promoting the clerks in the fifth and sixth classes within the first and second class post offices. I can not support it for this reason: In the first place, I do not know whether we are going to be favored with a rule to make in order the amendment—the 10 and 5 per cent increases—which has gone on the appropriation bills heretofore. I have inquired of the chairman of my committee as to whether or not the Rules Committee is going to bring in a rule, and I can not find out there. I inquired of the Rules Committee as to whether they proposed to present a rule here or not, and I can not find out there. I may be wrong, but I am figuring that when this bill goes to the Senate, if the Senate follows up what we put on the legislative bill, they will logically put the 5 and 10 per cent increase on over there in this bill. If they do, then what is known as the Madden amendment, which automatically promotes clerks in the fifth and sixth classes in first and second class post offices, ought not to remain on the bill, because it will give them a double increase.

Now, if the Madden amendment obtains and should become a law, it would add to the expense of this bill $882,175, the proof of which I will take the liberty of inserting as a part of my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The matter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 9, 1916.

Hon. W. E. COX,
Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. COX: With reference to your request of the 8th instant as to the additional cost, the number of clerks affected, and the total additional cost to the Government should the following amendment to the postal bill be enacted, I beg to submit the following:

Madden amendment: Page 24, item 3, amend as follows:

"And to provide for the promotion of all the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 25 per cent of the clerks in the sixth grade to the designation of 'special clerk' in the $1,300 grade, and for the promotion of 25 per cent of the designated 'special clerks' in the $1,300 grade to the designation 'special clerk' in the $1,400 grade, and to provide for the promotion of all the clerks in second-class offices from the fifth to the sixth grade: *And provided further,* That there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum."

Post-office clerks, first class, 1,160 promotions from $1,100 to $1,200	$90,000
Post-office clerks, first class, 4,450 (25 per cent) promotions from $1,200 to $1,300	432,340
Post-office clerks, first class, 675 (25 per cent) promotions from $1,300 to $1,400	65,310
Total	587,650
Post-office clerks, first class, 6,285, total increase carried forward	587,650
Post-office clerks, second class, 275 promotions from $1,000 to $1,100	20,000
Post-office clerks, second class, 1,050 (25 per cent) promotions from $1,100 to $1,200	98,175
Total, 7,610 first and second class post offices	705,825

Relative to the cost to the Government should the following amendment be enacted and the number of carriers that will be affected, I beg to submit the following:

MADDEN'S second amendment: Page 31, item 13:

"Amend to provide for promotion of all letter carriers who are eligible for promotion in first-class post offices from the fifth to the sixth grade, and for the promotion of all letter carriers who are eligible in second-class post offices from the fourth to the fifth grade, and for the promotion of 25 per cent of the letter carriers in second-class offices from the fifth to the sixth grade."

Post-office carriers, first class, 852 promotions from $1,100 to $1,200	$66,075
Post-office carriers, second class, 195 promotions from $1,000 to $1,100	16,775
Post-office carriers, second class, 990 (25 per cent) promotions from $1,100 to $1,200	93,500
Total, 2,037 first and second class post offices	176,350
Grand total, clerks and carriers, first and second class post offices	882,175

Respectfully,

A. S. BURLESON,
Postmaster General.

Mr. STAFFORD. Will the gentleman yield?

Mr. COX. Yes.

Mr. STAFFORD. Can the gentleman inform me whether the committee framing the bill had in mind the horizontal raise of 5 and 10 per cent?

Mr. COX. I do not think the committee did.

Mr. STAFFORD. Did it make any recommendation for an increase, not considering the horizontal raise?

Mr. COX. Yes; that is what I am addressing myself to now. So when the bill is reached I shall make a point of order against that provision.

Mr. MADDEN. Will my colleague allow me?

Mr. COX. Yes.

Mr. MADDEN. I do not think it is subject to a point of order, and the gentleman may as well get ready for an argument. [Laughter.]

Mr. COX. We will cross that bridge when we get to it. Much has been said about pneumatic tubes. I shall discuss that very little. I want the Members who represent large cities to feel that I hold no animosity toward them whatever.

I am in favor of voting any provision which, in my judgment, will make the transportation of mails in the large cities more effective and efficient, but I am not in favor of voting a provision into this bill which, in my opinion, will not make the transportation of mail in the cities any more effective or efficent. There was a time when these pneumatic tubes no doubt served a very valuable purpose. That was a time before we had the auto trucks. The auto truck has revolutionized city deliveries in all branches of commercial life. That was true before the parcel-post system was worked out as thoroughly and as completely as it is now, and during that period of time it possibly may be that the pneumatic tubes served a valuable purpose in the transportation of first-class mail in the cities but the coming of the automobile and the working out of the parcel-post system as completely as it is to-day, in my opinion, and I base that on facts and opinions gathered by postal experts, has completely dispensed with the necessity for the pneumatic tubes in the various cities.

The pneumatic-tube service has had a varied and checkered career. It has had a hard and difficult time to attach itself to Post Office appropriation bills. It began in 1893. Just how and why the first tube of fifty-six one-hundredths of a mile was built in the city of Philadelphia I do not know, because we have no proof showing why it was built. That was turned over to the Government of the United States for one year free of charge. In 1894 the Government began to pay rent for that tube and paid that year $4,000 for this fifty-six one-hundredths of a mile. The Post Office appropriation bill for the year 1897 contained an item of $35,000 for the transportation of mail by the pneumatic tubes or otherwise, and here I want to call the attention of the Members specifically to one point and I hope they will remember it: The Second Assistant Postmaster General in his report in the year 1897 said that if it were possible to construct tubes large enough to convey a sack or a pouch of mail at a time they might be of some importance in the transportation of mail, but he said that was impracticable on account of the cost of construction. He said that if in some of the larger cities the pneumatic tubes were constructed 10 inches in diameter he thought in all human probability it would relieve from 65 to 70 per cent of the trips made by wagons in the large congested cities. I want to call the attention of the committee to the fact that we have no 10-inch tubes in force now. The Second Assistant Postmaster General at that time was asking for a tube that was large enough to carry a sack of mail through it. He said that was not practicable, and he said that if we could get a tube 10 inches in diameter in all human probability it would help some. We have never gotten a tube 10 inches in diameter, except for a few miles of tubes in the city of Boston which were originally constructed for commercial purposes and proved a dismal failure and were later dumped on the Government for mail purposes and are now proving to be worthless for this purpose. The tubes we have to-day are 8-inch tubes, with containers 6¼ inches in diameter and 21 inches long.

The Post Office appropriation bill for the year 1898 carried an item of $150,000 for the extension of the pneumatic-tube service in various cities of the United States. In 1899 Congress, very suspicious of the pneumatic-tube process, very leary, very watchful as to whether it was going to be effective, incorporated a provision in the Post Office appropriation bill prohibiting the use of pneumatic tubes in these cities where they now have them. We had no pneumatic-tube service in the United States between the close of the fiscal year 1900 until the beginning of the fiscal year 1903, and so suspicious was Congress as to the success of the service that in 1898 it appointed a commission to study and investigate the question, composed of some of the ablest men in Congress. The men who investigated that in 1898 were headed by Edward O. Wolcott. I do not remember whether he was ever a Member of this House or not. Then, there were W. B. Allison, THOMAS S. MARTIN, E. E. Lloyd, W. H. Moody. There are men here now who served in this House with Mr. Moody, an excellent gentleman, a man of unquestioned ability, a man who went from this House to become the Secretary of the Navy, and who later went to the Supreme Court of the United States, and who was retired, if I recall correctly, two or three years ago, or perhaps more, by a bill passed by Congress, because of his failing health. Then, there were T. C. Catchings and W. H. Fleming. I have heard statements made here this evening time and again by various Members discussing this to the effect that every commission that has ever investigated the tube question reported in favor of it. I shall put in my speech the report of this committee recommending against the further extension of it, recommending against the continuance of it. That report was in 1901, and right in that connection I shall insert and make a part of my remarks some very interesting reading, and I hope some of the gentlemen here will take the time to read it. These companies have had rather rough sledding. They are coming to this Congress under suspicion.

At one time we had as Second Assistant Postmaster General a Mr. Nielson—I do not know him. It is a rather significant fact that within a period of about one month's time after he quit serving as Second Assistant Postmaster General he accepted employment at the hands of the pneumatic-tube people here in Washington, at a nominal salary of $1,000 a year, and was given $10,000 worth of stock for his service. I do not impute that condition of affairs is being carried forward to-day at all, but that is the way these tubes were originally fastened on the Government. They were originally conceived in sin and born in wickedness. You are asked to do a plain, open proposition here, and that plain proposition is this and no more, to vote to

continue this appropriation in order to make the stock of these pneumatic tubes worth 100 cents on the dollar. Are you willing to pay the price? One gentleman gets up here, and he argues in favor of the tubes on the ground that it facilitates the transportation of the mail. That is not so. That argument is completely destroyed and met by every fact in the case. Another gentleman undertakes to justify his vote upon the ground that unless we continue this appropriation this stock is going to be worthless. That may be true, but I have no sympathy or patience with any man who will invest his money in a one-man purchasing concern. Nobody can use these tubes except the Post Office Department. They were originally built for commercial purposes in the city of Boston, tried out, and found to be dismal failures.

Now, the argument has been made here, or it may be made, that foreign Governments have tubes. That is not so. Any man who has ever looked into it knows it is not so. It is made for the sole purpose of deliberately deceiving men when they come to vote upon this proposition. Here are the facts. Berlin, Paris, and London, and a few more foreign cities have a small, 3-inch tube, and the only mail that they carry is small telegrams, and they charge 6 cents for every telegram that goes through those tubes.

Mr. BENNET. Will the gentleman yield? Does not the gentleman know in London they are building now——

Mr. COX. No; I do not know it, and the gentleman does not know it. He does not know anything of the kind because they——

Mr. BENNET. Of six and a half miles——

Mr. COX. It is not true.

Mr. BENNET. Oh, the gentleman is entirely mistaken.

Mr. COX. No; I am not mistaken. I have looked this question up and the gentleman has not.

Mr. BENNET. I have looked it up.

Mr. COX. Mr. Chairman, I refuse to yield further. Here is what occurred, and here are the facts in the case. Before the European war broke out foreign representatives in Berlin, Paris, and London sent their representatives over here to study our system of 8-inch tubes. After they came here they turned them down cold, because they saw they were failures over here. I have no doubt but what those cities in Europe have contemplated building an underground railroad to carry mail. They have contemplated that, but they have never begun it. They have not done it, and the only tubes that are now being used by any foreign powers are exactly as I related—the little 3-inch tubes. I imagine they are very much like our Lampson conveyors used in the department stores and banks of this country. Now, that is about all there is in this tube business.

Mr. TILSON. Will the gentleman yield for one question?

Mr. COX. I can not yield but for a question.

Mr. TILSON. I just wish to ask the gentleman if there are any underground endless-chain carriers constructed for post-office work?

Mr. COX. No. If these tubes are a success, here is a great city like New York, which is practically tunneled, and if the commercial men in the city of New York thought they were a success, even for commercial purposes, everybody with a thimbleful of sense knows it would be a network of tubes in the subways of New York, but they know they are failures. Now, to sum the matter up, there is but one thing in this whole proposition, and when you come to vote for it you had better look it squarely in the face. If you want to vote to make this stock worth a hundred cents on the dollar and run your arm into the Treasury of the United States by your vote, you vote it. It is the only ground on which you can justify it. We might as well be plain about it.

Mr. TILSON. Has that been the basis upon which the vote was justified heretofore?

Mr. COX. Yes.

Mr. TILSON. Has not the gentleman voted for it?

Mr. COX. Yes; but I must confess I never knew as much about it as I think I know now.

Mr. STAFFORD. Will the gentleman yield? If the gentleman will permit me, I will say there were contracts entered into——

Mr. COX. That is true.

Mr. STAFFORD. Between the Post Office Department and these private companies that could be enforced in the Court of Claims if the money was not voted.

Mr. COX. As I said a moment ago, in 1908 the Post Office appropriation bill carried an item of $500,000 in obedience to the law which had been passed prior to that time, and the administration entered into a four-year contract which carried it to 1907. In 1906, the department entered into another contract for 10 years which carried it up to 1916, a year ago. Now, the contracts are dead, or will be on the 4th of March. This is not the only committee that has reported against these tubes. I have a lot of confidence in the post-office inspectors, and away back in 1907 the post-office inspector said: "This is the most expensive method of mail transportation at the present time in use, and the inspectors very much doubt whether the advantages obtained are commensurate with the heavy expense." That is not all. In 1912, Congress authorized a commission, still in doubt—still doubting the wisdom and propriety of appropriating money to carry the mail at a rate of $17,000 a mile—in 1912, Congress passed a Postal Commission to study these tubes with a view to see whether Congress should purchase them or not. On that committee were Senator SMITH of Georgia; Senator Guggenheim, of Colorado, who served but a short time and resigned; Senator Bradley, of Kentucky, who later died before making his report. On it was Mr. BLACKMON, of the House, and Mr. Victor Murdock, of Kansas.

Now, you have heard it said in the arguments—or you will hear it said before we get through—that every committee that has been appointed to look after this thing has always reported favorably on the pneumatic tubes. That commission was not appointed at all with a view of seeing whether the Government should continue the lease of these tubes, but it was appointed solely for the purpose of seeing whether the Government should buy these tubes outright or not. That was a divided report. Senator SMITH and Mr. Stewart, who was then Second Assistant Postmaster General, were in favor of it. Mr. BLACKMON reported squarely against it. Mr. Murdock—I have not been able to get his report, but he did not agree in the majority report. So the truth of the matter is that every commission, be it a congressional commission or a commission appointed by the Post Office Department, to look into the feasibility of the tubes, without a dissenting voice, as I recall now, has reported against their continuation. Now, there are 3,500 stockholders in these five concerns. There are two companies here. One owns the Philadelphia concern, one owns the Brooklyn, the New York, Boston, Chicago, and St. Louis concern. In these five cities there are five separate corporations, and those five separate corporations are held by a holding company again, so the truth of the matter is that there are six corporations operating in the cities of New York, Philadelphia, Brooklyn, Boston, Chicago, and St. Louis.

If you desire to vote to hold up a dying proposition and feel that you are justified in going into the Treasury of the United States to get the Treasury to pay the debt, so vote.

Mr. LEWIS. Will the gentleman yield for a question for information?

Mr. COX. For a question.

Mr. LEWIS. Does the gentleman say that these tubes have been costing $17,000 a mile?

Mr. COX. Absolutely.

Mr. LEWIS. That is more than the railroads get.

Mr. COX. It is argued here that these tubes have been the means of increasing the first-class mail. It is not so at all. Here are the facts: In the last 10 years the postal receipts of the city of New York have increased 92.08 per cent; Chicago, 108.93; Philadelphia, 76.14; Boston, 82.36; St. Louis, 42.25; Brooklyn, 77.71, or an average increase for the last 10 years of 89 per cent, and these are the cities, mark you, gentlemen, that have pneumatic tubes. What is the average postal increase in the six other largest cities that do not have these tubes? Cleveland, Ohio, in the last 10 years has increased its postal receipts 183.18 per cent; San Francisco, 103.91; Detroit, 162; Kansas City, 135.36; Cincinnati, 57.62; or an average of 114 per cent. And yet none of these six cities I have named have pneumatic tubes. What becomes of the argument that the pneumatic tube increases the first-class postage in the city where it is used? It falls to the ground when it is followed out to its last and logical conclusion.

I want to compliment my friend from Massachusetts, Mr. TAGUE. He has made a hard, determined, and conscientious fight from his viewpoint in order to maintain these tubes, both in the committee and on the floor of the House. I am not going to dispute at all the figures which he put in the RECORD the other day. But a commission of postal experts was appointed in 1916, composed of Joe P. Johnson, chief inspector, and J. C. Koons, W. S. Ryan, and I. T. Mullin, four men the very mention of whose names carries honesty, probity, justice, intelligence, knowledge, wisdom. These men have no interest in these tubes at all, but they have every interest in the efficiency and the efficacy of the mail service. And if these men believed for one moment that the pneumatic tubes increased mail deliveries in these cities, I have no doubt they would have reported in favor of them. What did they report? I hope some of you, at

least, will listen to this, because, while it is a small item—it is only about a half million of dollars, and that is all that you may be called upon to vote, and as we are voting here billions, it does not mean much; but, in my opinion, every dollar that is appropriated out of the Treasury of the United States should have a principle behind it.

By an actual test made by Joe P. Johnson, J. C. Koons, W. S. Ryan, and I. T. Mullen, a committee of postal experts appointed to make the test between tubes and automobiles in conveying mail in various cities where they have the tubes, in the test made at Chicago on July 6, 1916, on train No. 22, Chicago & Carbondale Railway post office, it required 25 minutes from the time the train arrived at the station to deliver the mail to the post office by tubes. On July 8, the same train, mail was dispatched by automobile from the depot and delivered into the workroom of the post office in 14 minutes. On July 6, Chicago & Huron Railroad, it required 33 minutes after the arrival of the train to deliver the mail to the post office by means of the tubes. On July 7, the same train arriving at the city of Chicago, the mail was dispatched from the train to the post office by automobile in 20 minutes. On July 6, Chicago & Minneapolis Railroad, it required 20 minutes to deliver the mail to the post office by tubes after the train arrived. On July 7, the same train arriving at Chicago, the mail was delivered by automobile at the post office in 13 minutes. On July 6, New York and Chicago railway post office, arriving at Chicago, it required 27 minutes to put the mail in the post office by tubes. On July 7, the same train, the mail was dispatched by automobile from the depot to post office in 11 minutes after the train arrived. On July 8, 1916, mail dispatched by pneumatic tubes from post office was received at the Twentieth Street Postal Station in 10 minutes. On July 10 an automobile carried the mail between these two points in the same time. From Chicago post office to Armour Postal Station it required the tubes 20 minutes to deliver the mail, while an automobile made the delivery in 14½ minutes. From the Chicago post office by tubes to the Stock Yard Station the tubes consumed 21 minutes, while the automobile delivered it in 17 minutes. From the Chicago post office to Chicago Avenue Postal Station tubes delivered the mail in 9 minutes, automobiles in 9½ minutes.

New York and Pittsburgh railway mail post office arrived at North Philadelphia and dispatched mail to the main office by tubes, requiring 24 minutes to deliver the mail after arrival of train. Same train on next day, mail delivered from depot to post office by automobile in 19 minutes.

Boston, Springfield, and New York R. P. O. arrived in Boston, mail dispatched from main office by tubes to South Station, requiring 4 minutes and 30 seconds time. On the same day a pouch of mail was dispatched by automobile from the post office to South Station, making the trip in 3 minutes and 40 seconds. The Rockport and Boston R. P. O.: On July 28 mail was dispatched from the post office to the train by tubes. Time required, 6 minutes and 30 seconds. On the same day mail was dispatched from the post office by automobile for the same train; time required, 5 minutes and 5 seconds. Boston and Albany R. P. O. arrived at Boston, mail was dispatched by tube to the post office; time required, 16 minutes and 50 seconds. On same day automobile carried the mail in 13 minutes.

In tests made from post office to Uphams Corner to dispatch by tubes it required 17 minutes and 60 seconds. On the same date to dispatch mail by automobile between the same two points, 13 minutes and 50 seconds. On July 30 mail from Boston-Providence R. P. O. was dispatched from depot to post office through tubes; time required, 42 minutes 53 seconds. August 6 same train mail was dispatched from depot to post office by automobile; time required, 14 minutes and 52 seconds.

Continuous flow is not characteristic of the movement of mail, which fluctuates according to the schedules of arrivals and departures of trains and the schedules of collections and delivery by carriers. This requires elasticity in the facilities for handling and transporting mail which is not provided sufficiently for by pneumatic tubes. For example, if 1,000 pounds of letter mail is received on one train for the main office a sufficient number of clerks may be assigned to its distribution to prepare it quickly for dispatch by pneumatic tubes, but the capacity of the tubes is inflexible and 50 minutes will elapse before the container with the last portion of such quantity is dispatched. If the distance to be traveled is 1 mile, an automobile truck traveling at the rate of 12 miles per hour will carry all this mail and the newspapers and parcels as well and reach the same destination before one-tenth of the attenuated column of tube containers can get under way.

If these tests are true, there is no question but what the tubes are worthless and should not be continued. The postmaster at St. Louis says by an additional expenditure of $4,700 for autos a saving of $29,000 per year can be effected. The postmaster at Boston says a saving of $86,000 per year can be made by dispensing with the tubes. The postmaster at Chicago says a saving can be effected there of $140,000 per year, and in none of the cities will the service be affected if these tubes be discontinued.

In 1901 the joint commission appointed by Congress to investigate the Postal Service made a report to Congress on pneumatic-tube service, which concludes as follows:

> While we believe that all reasonable means should be utilized to insure the most rapid transmission and delivery of mails possible, we do not believe that pneumatic-tube service in its present stage of development is sufficiently expeditious to warrant the enormous outlay of public money that must be called for if this service were generally extended. We might enter the field of discussion and suggest that if a tube could be constructed and operated which would transmit a full pouch of mail from post office to railroad station, or railroad station to post office, for a reasonable amount of money, or that a smaller and less expensive tube might be used for city service for the transmission of letters from post-office station to post-office station, which should bear an additional charge to reimburse the Government, that it might be for the best interests of the service and the people to continue an appropriation for that purpose.
>
> But we prefer to confine ourselves to present conditions, and the conclusions that we have reached from our examinations and the testimony before us. We therefore recommend that under existing conditions the pneumatic-tube service be discontinued.
>
> EDWD. O. WOLCOTT.
> W. B. ALLISON.
> THOMAS S. MARTIN.
> E. F. LOUD.
> W. H. MOODY.
> T. C. CATCHINGS.
> WM. H. FLEMING.
>
> (One member of the commission, Hon. William E. Chandler, dissented from this report.)

It is reported in the official record that a Mr. Milholland was one of the witnesses who testified before the commission. Mr. Milholland's testimony was taken on August 2, 1898, and may have had no small weight with the members of the joint commission who signed the report quoted above. He furnished first-hand information regarding the genesis of the pneumatic-tube mail contracts with the Government, and explained his connection with those undertakings both as a stockholder and officer of the two companies and as a contractor (in partnership with Congressman Belden, a member of the Appropriations Committee of the House of Representatives) for the construction of the pneumatic tubes in Brooklyn.

The importance of this investigation by Congress into the merits of the pneumatic-tube service was so great that the existing contracts were subsequently permitted to lapse on June 30, 1901, and for one year thereafter the service was entirely suspended.

The following excerpts are made from the testimony of Mr. Milholland before the commission on August 2, 1898:

> By Mr. MOODY:
>
> Q. What are the names of the corporations owning the various pneumatic tubes in New York City?—A. There are two, the Tubular Dispatch Co. and the New York Mail & Newspaper Transportation Co.
>
> Q. Which runs the Government service?—A. Both. The Tubular Dispatch Co. has the contract for the tube from the Produce Exchange to this office, and from here to Forty-second Street; and the Newspaper Mail Transportation Co. has the contract from this office over to Brooklyn, which was opened to-day.
>
> Q. Are the companies allied in any way?—A. Yes, sir; they are allied. I am speaking now, in one sense, as an outsider, as I am no longer the president of either company, my relations having ceased.
>
> Q. What is your connection with either or both companies?—A. I am a stockholder in both of them, but I ceased to be president of the company some weeks ago.
>
> Q. You were president of both companies?—A. No; I was president of the Tubular Dispatch Co.
>
> Q. That was the earlier one?—A. Yes; it was the one that did the work in the Borough of Manhattan. I was a director in the other company.
>
> Q. Have you ceased to hold either office?—A. I am no longer president of the Tubular Dispatch Company, Mr. Gould having succeeded me some weeks ago. I am a director in the New York Newspaper Mail & Transportation Co. still.
>
> Q. Are the corporations entirely independent?—A. They are distinct organizations.
>
> * * * * * * *
>
> Q. What is the length of the Brooklyn tube?—A. From here to Brooklyn post office, about a mile and three-quarters.
>
> Q. According as the tube runs, or the bee line?—A. It would be double that distance, the tube being over 3 miles in length, double circuit.
>
> Q. When you made the contract, which you did make at the beginning of this administration, what was the amount of the stock?—A. I think the Tubular Dispatch Co.'s stock at that time was precisely what it had been.
>
> Q. A million dollars?—A. I think there was no change, if I remember rightly; I don't think there was any change in the capital stock of the company.
>
> Q. Was it held very generally; was it distributed among a large number of persons or held by a comparative few?—A. It had been scattered considerably, and we tried to gather it up as much as we could, to get it into the hands of people who intended to do business.
>
> Q. The par value was $100 a share?—A. Yes, sir.

Q. Is there any requirement in the charter that the cash should be paid in for the shares?—A. Just the ordinary requirement of the law—the general law.

Q. Does the general law require that stock shall be paid for in cash by the shareholders?—A. Any stock has to be sold at par, cash or property.

Q. I suppose the patents are part of the property which went to pay for the stock?—A. Undoubtedly; yes, sir.

By Mr. FAULKNER:

Q. As I understand it, this million dollars of stock was issued by the original company and its owners prior to the time that you became interested in it?—A. All of it.

Q. And you obtained the ownership by the purchase of that original stock?—A. Yes; from the various holders.

Q. And the million dollars of stock that existed as the capital stock of the company at the time you took hold of it was the original stock, and had passed out of the treasury of the company into the hands of the holders?—A. There was no treasury stock at all.

Q. Has there been any increase of stock?—A. We increased the capitalization from a million dollars to a million and a half.

Q. Was that sold from the treasury?—A. Three hundred thousand dollars of that increase went to purchase the Batcheller patent.

Q. That is, you paid the holder of that patent right $300,000?—A. Yes, sir.

Q. Who was it?—A. The company that controlled these patents; that is, the Batcheller Pneumatic Tube Co., of West Virginia. That was for the right to use those patents here in New York City.

By Mr. MOODY:

Q. What becomes of the other $200,000 worth of shares?—A. Well, there was some of it went into construction. I could have answered that question with the utmost particularity if I had anticipated it.

Q. You mean that those who did the work were paid by the issuance of those shares?—A. Yes, sir.

Q. How many of those?—A. There was, to my knowledge, I think, $100,000 of that remaining stock went for the construction of the plant in part payment.

Q. Was it done by a construction company, or was it performed by the stockholders themselves?—A. It was a construction firm.

Q. Entirely independent of this corporation?—A. Yes, sir; it was not a construction company in the sense of being made up by the company.

Q. The transaction of taking this stock in part payment was considered an entirely legitimate business transaction?—A. Yes; most of it was paid in cash.

Q. The balance of the $500,000 increase went where?—A. $100,000 went for construction, and that was sold in cash, the stock selling at par.

Q. To old stockholders or new persons that became interested?—A. That went to a bond syndicate, the people who took the bonds.

Q. Then you issued bonds?—A. Yes, sir.

Q. How many bonds?—A. $600,000 of bonds were issued by the Tubular Dispatch Co.

Q. In return for what?—A. That was a mortgage on the plant.

Q. What was the consideration of the mortgage?—A. Sold it for cash.

Q. You mortgaged your plant, issued bonds secured by the mortgage, and you received dollar for dollar of the $600,000 secured?—A. The bonds didn't go at par.

Q. What did they go for?—A. The bonds were sold at 732.

By Mr. FAULKNER:

Q. 732 for each thousand?—A. The bonds were $1,000, and each one sold for 732 and accrued interest. The same amount would have been realized if the bonds had been sold at 90 and the stock had gone with the bonds as a bonus, but, as a matter of fact, the bonds were sold at 732 and the stock sold at par.

By Mr. MOODY:

Q. $600,000 worth of bonded indebtedness was held by certain persons, who at the same time received a certain amount of stock. How much stock?—A. $600,000 worth of bonds and $100,000 worth of stock.

Q. So that a person would receive six parts of bonds and one part of stock?—A. Yes, sir.

Q. In fact, that $100,000 worth of stock was given as a bonus? That was the $100,000 you spoke of as sold for cash?—A. $300,000 for licenses, $100,000 that I have just disposed of now, and the other $100,000 went to the construction company.

Q. In fact—and I don't use the expression offensively—in the $700,000 of stock and bonds there is $100,000 of water?—A. That stock was sold for par and cash paid, and the bonds were sold at the price——

Q. Bonds were sold at less than par. But, of course, we all understand that that is only a fiction, because we never hear of a case where bonds sell for less than stock if there is to be a sacrifice either way.—A. I wish to state the case just exactly as it was.

Q. You adopted the device of selling your bonds for less than par, in order that you might comply with the State law by selling stock to the same individuals at par?—A. That is a fair statement of the case.

Q. Of course, the effect of that is that there is $700,000 worth of obligations, stock and bonds together, for which the company received $600,000 worth of property?—A. I don't know about that.

Q. That is the fact. You owe upon your stock and bonds $700,000 and have received less than that sum for them.—A. That seems to be a fair statement of the case.

Q. I understand the reason why you made the sacrifice where you did.—A. Precisely. We had been trying for 10 years to do something, as the Post Office Department gave us to understand that they had been trying to get this thing on its feet.

Q. You went into the concern at the time it took on new life, I take it?—A. I had been working on the matter irregularly from 1890, trying to get it into some shape all that time.

Q. The stock, I suppose, was gathered in at a small price?—A. There was some good figures paid for some of it.

Q. Had it a market value, a listed value?—A. None of it has ever been listed.

Q. When did you begin the service under the first contract—the tubular contract?—A. October 7, 1897.

Q. So that you have not been at work quite a year on it?—A. No; we began the work in August, and we opened the line in October.

Q. That was the first line opened in New York City?—A. Yes, sir.

Q. I take it that your company has not been able to pay any dividends yet?—A. We have not.

Q. Have you some estimate of the cost of the construction of the plant up to the time you began operations?—A. I think the company has all of that data.

* * * * * * *

Q. (to witness). Now, then, the New York Mail & Newspaper Transportation Co.—what is the stock of that company?—A. One million dollars.

Q. Have there been any new issues of stock in that company?—A. The capital stock of the company was increased after we acquired it. When it went through it was $100,000 when we got hold of it. I know that it is now a million dollars, and I know that we raised it from $100,000.

Q. Was that by the issue of any stock?—A. Yes, sir.

Q. What consideration was received from the old stock?—A. To get hold of the rights to use the Batcheller patents on the other side of the river, over on the part of the city to which this tube leads.

Q. That is, you paid the $700,000 or $900,000 to the company that controls that patent?—A. Not all of it. Six hundred and five thousand of the stock went to acquire the right to use these patents on the other side of the river.

Q. What was the rest of it used for?—A. For construction. But there is some in the treasury to-day. I could not tell you just how much, but there is some in the company to-day. Some went for the construction of this line just finished.

Q. Were there any bonds issued?—A. Two hundred thousand dollars of bonds.

Q. What was the consideration of those?—A. Those bonds were all taken by the construction firm—the contractors.

Q. In payment for the construction of the line?—A. Yes, sir.

Q. Dollar for dollar?—A. Yes, sir.

Q. They were paid money, in addition to that?—A. The contractors took stock and bonds for the work.

Q. Did the constructors of this work have any relations to the stockholders of the company?—A. They were outside in the sense of not having corporate relationship.

Q. In the sense of being stockholders?—A. I know what you have in mind. It was no construction company.

Q. No inside construction company?—A. A firm of contractors took the work.

Q. And took these bonds and stock?—A. I did not mean to say that there was not any in the firm that was not in the company, because that would not be a fact.

Q. The construction company took the stock and bonds as a business transaction?—A. Yes, sir.

Q. For the rights in New York and Brooklyn you have paid the Batcheller Co. how much?—A. The company wanted to have the right to operate in Brooklyn, and we had to acquire those rights. They had to be bought from the Tubular Dispatch Co., because the Tubular Dispatch Co., outside of the bridge, owned all the Batcheller rights.

Q. You paid $605,000 to this Batcheller Co.?—A. No; you will recollect in regard to my explanation a few moments ago relative to the Tubular Dispatch Co. that they had the rights.

Q. Then the total amount paid to the owners of the patent was how much?—A. They had $300,000 of the Tubular Dispatch Co.'s stock, and then there was under the old arangement, I don't know——

Q. Are the owners of this Batcheller patent stockholders in either of these corporations?—A. I don't think there is any considerable number of them—the majority of the stock is held by people in Philadelphia.

Q. What did your plant cost you?—A. Do you mean the price for the construction?

Q. What did it cost you when you had it all up and in operation?—A. The line over the Brooklyn Bridge? The only way that the company could answer that, I suppose, would be by stating the price that was paid to the contractors.

Q. Was the contract in a finished condition, ready for operation?—A. Precisely. The contractors are under obligations to put it in complete and finished operation. They were to do that for $200,000 worth of bonds and $200,000 worth of stock. The company held the contractors responsible for the completion of the work. The contractors are turning it over to the company to-day, and the company to the Government.

Q. How much could these tubes have been built for if the payment had been made in cash instead of stock and bonds?—A. I don't know.

* * * * * * *

Q. I would like to have you send for the books, if you will; the stock books of both companies, the records of the corporation, the minutes.—A. I will take pleasure in doing so. You asked me in regard to public men, and I said to you that Mr. Belden held bonds of the company, the Tubular Dispatch Co., and the New York Mail & Newspaper Transportation Co. I simply want to say that he is one of the members of the firm of Belden & Co., and while there were several sales of bonds to Mr. Belden, he has always stipulated that he should be relieved of the stock; but the firm of Belden & Co. did hold some of the stock of the New York Mail & Newspaper Transportation Co., but that was with the stipulation that he would not be a stockholder at any time, and that he should, individually, always be relieved of that. I also wanted to say in regard to one other public man—Mr. Charles Neilson—that after his retirement as Second Assistant Postmaster General he came here and an arrangement was made to have him represent the company at Washington for one year. He was made a director of the company, and was to look after matters at Washington. An arrangement was made for one year, and he was paid for that one year's service a thousand dollars, that being allowed him for traveling expenses, and he was also given $10,000 of the stock of the company. I want to cover that point in every possible way.

By the CHAIRMAN:

Q. How long did this occur after his retirement from office?—A. It must have been a month or six weeks, or something like that.

Q. Was any arrangement made with Mr. Neilson at the time he was holding office?—A. None whatever.

Q. No discussion of this question whatever was had with him at that time?—A. None whatever; and furthermore, I would like to supplement what I said yesterday in regard to any Member of Congress being involved directly or indirectly in any manner with the company which would indicate any impropriety whatever. I wish to give any Member of Congress that I have ever had anything to do with complete exoneration.

By Mr. MOODY:

Q. What is Mr. Neilson's business now?—A. I think he is now in Washington, representing various interests. He has been identified

with the horseless wagon, or something of that nature; and I think he is doing something in connection with the Post Office Department, but I would not be positive about that.

Q. Did he receive any pay except the issuance of stock to him?—A. A thousand dollars in cash was allowed for his traveling expenses, and he was made a director in the company and attended all the meetings.

Q. Did he hold stock before?—A. No.

Q. The stock was given to him?—A. The stock was given to him for these services.

Q. Has the stock a market value?—A. The stock has never been listed.

Q. Has it an ascertainable market value?—A. The only sale of that stock that I can recall was in the summer; I think the stock was sold at 95 asked and 90 bid; but that was the only transaction that I can recall.

Q. When you gave that $10,000 stock to Mr. Neilson, how did you avoid the provision in reference to issuing stock only in return for cash payment?—A. That stock was full-paid stock.

Q. You mean that Mr. Neilson had a bill against the company for $10,000?—A. No; I do not. I mean this, that that stock was stock that was paid to Mr. Neilson that had already been paid for.

Q. Had already been issued—was it transferred from the treasury?—A. No; it was not paid directly. I think it went through Ryan & Co., but I know that it was full-paid stock that he received.

Q. What arrangement did the company make with the stockholder who gave him his individual stock?—A. Well, now, I could not tell just offhand. I know that there was some arrangement made whereby he was to receive full-paid stock.

Q. Now, in reference to Mr. Belden, since his name has already appeared, perhaps it had better appear more definitely; how many bonds has he?—A. I don't know how many bonds Mr. Belden has at the present time, but his firm received 200 bonds of the New York Mail & Newspaper Transportation Co.

Q. What was the consideration of these bonds?—A. He was one of the constructors—James Belden. The constructors were C. J. Ryan & Co. for New York, and for Brooklyn, Belden & Co.

Q. Then they received a corresponding amount of stock?—A. The contract for the building of the bridge line was $200,000 in bonds and $200,000 in stock.

Q. It went to Belden & Co.?—A. Yes, sir; they built the Brooklyn line.

Q. Belden & Co. receiving no cash?—A. No cash.

Q. Was Mr. Belden or his partner interested in the corporation before they took this contract?—A. Mr. Belden was not.

Q. Was his partner?—A. His partner was.

Q. How extensively?—A. His partner was pretty active; I am his partner.

Q. You are his partner?—A. Yes, sir.

Q. Then the firm that made the contract was Belden & Milholland, or Milholland & Belden?—A. Yes, sir; I was in the construction of both companies.

Q. That was a copartnership for this single transaction?—A. That is right.

Q. I understood you a little differently yesterday; that there was no construction company formed out of the stockholders?—A. I said that whoever went in did so by the consent of the stockholders and of the directors. Ours was a construction firm—not a company.

Q. Who was your partner in the other transaction?—A. Cornelius J. Ryan.

Q. Was he interested in the company?—A. No.

Q. Now, were you a practical constructor?—A. I have had some experience. The company wanted somebody that was responsible, some one whom they knew would not take advantage of them. I insisted on the consent of my associates before going into it, and you will find that a matter of record in the office books.

Q. Were there any other contractors besides these two firms—Belden & Milholland and Ryan & Milholland—doing this work in New York or Brooklyn?—A. No.

Q. They did it all?—A. Of course there were subcontractors.

Q. You made subcontracts?—A. We did, for different characters of work that had to be done.

* * * * * * *

Q. It is substantially true, then, that Mr. Belden became interested in this matter after he became a Member of Congress?—A. Well, Mr. Belden has been in Congress for a long time. I think Mr. Belden, if I recollect right, went in with McKinley in the last general election. His active interest would certainly date to his election to Congress, but the general talk that we had had with him extended back for a long time.

Q. He took no active steps in the matter, but became wholly identified with it after. I suppose it would perhaps be well to have it appear here that Mr. Belden is a man of affairs and large wealth?—A. One of the wealthiest men in the State.

Hon. William H. Moody, a member of the joint commission, on April 25, 1900, discussed in the House of Representatives the origin of the pneumatic-tube mail contracts as developed in the hearings quoted above. The following excerpts from his remarks relate to the manner in which the Government was committed in the beginning to a large annual expenditure for pneumatic-tube service:

Now, Mr. Chairman, I crave the attention of the House while I undertake to show how this ill-begotten appropriation began. I think it will be a warning to us to proceed with caution. Let me have your attention for but a few moments upon this proposition.

* * * * * * *

The post-office bill for the fiscal year 1895 contained a very innocent provision for an inquiry into the process of transferring mails by pneumatic tube. There was a small appropriation of $10,000 and a direction that the Postmaster General should report to Congress upon the subject. Whether he did report or not, I do not know. I have not had the opportunity to find out. But the project remained silent until it appeared in the appropriation bill passed June 9, 1896, and I invite your attention to that date. Upon that date Mr. Wilson was Postmaster General of the United States and Charles Neilson was the Second Assistant Postmaster General of the United States. The Second Assistant Postmaster General controls all transportation questions. In that bill was this appropriation:

"The Postmaster General may, in his discretion, use not exceeding the sum of $35,000 of this amount in the transportation of mail by pneumatic tube or other similar devices."

Up to that time there had been no appropriation for the pneumatic-tube service. There was a change of administration. Mr. Neilson left the office of Second Assistant Postmaster General and was succeeded by the able and accomplished gentleman who now holds that office.

I call the attention of the committee to the subsequent history of Mr. Neilson's connection with this enterprise. In the testimony taken by the postal commission there is contained the testimony given by Mr. John E. Milholland on the 2d day of August, 1898. He was examined with respect to the question of whether any public men were in any way interested in the pneumatic-tube service. He said:

"I also wanted to say in regard to one other public man, Mr. Charles Neilson, that after his retirement as Second Assistant Postmaster General he came here and an arrangement was made to have him represent the company at Washington for one year. He was made a director of the company"—

That is, the Pneumatic Co. of New York—

"and was to look after matters at Washington. An arrangement was made for one year, and he was paid for that one year's service a thousand dollars, that being allowed him for traveling expenses, and he was also given $10,000 of the stock of the company.

"Q. How long did this occur after his retirement from office?"

Mr. LITTLE. I hope we may have order. I am very desirous of hearing the statement the gentleman has made, and I wish he would repeat it.

Mr. MOODY of Massachusetts. It is only from a sense of public duty that I speak of these things. It is unpleasant for me to do it, but I do so because I have been charged by this House as a member of the Postal Commission to investigate the question. If the attention of the House could be secured to its consideration, this appropriation would die the death it ought to. [Applause.]

Mr. LITTLE. I will say to the gentleman that if he will smoke the scoundrels out this side of the House will stay with him.

Mr. MOODY of Massachusetts. I was stating that the first appropriation was made when Mr. Neilson was Second Assistant Postmaster General.

Mr. COOPER of Wisconsin. Under whose administration?

Mr. MOODY of Massachusetts. I do not want to bring any politics into it at all. Within six weeks at the outside after he left the office he was given a thousand dollars in cash and $10,000 in stock for his services at Washington during the succeeding year. What they were I do not know. What they could properly be I could not guess; but he was given this stock, and the testimony in regard to its value was this:

"Q. Has it now an ascertainable market value?—A. The only sale of that stock that I can recall was in the summer; I think the stock was sold at 95 asked and 90 bid."

Mr. BINGHAM. Dollars or cents?

Mr. MOODY of Massachusetts. Dollars.

That was the only transaction that I can recall.

Mr. LIVINGSTON. Will the gentleman allow me to interrupt him?

Mr. MOODY of Massachusetts. Let me finish just here. I ought in justice to put in this question and answer:

"Q. Was any arrangement made with Mr. Neilson at the time he was holding office?—A. None whatever."

Now I will yield to the gentleman from Georgia.

Mr. LIVINGSTON. What are you reading from?

Mr. MOODY of Massachusetts. I am reading from the testimony taken by the postal commission, given on the 2d day of August, 1896, the testimony of John M. Milholland, representative of the New York Pneumatic Tube Co.

Mr. LIVINGSTON. Now, may I ask if we can get that report?

Mr. MOODY of Massachusetts. I think the gentleman is entitled to have the whole report, and I think whatever else the postal commission does before this Congress adjourns, it ought to print and put at the disposal of Members all the evidence that it has.

Mr. BINGHAM. Will the gentleman permit me to make an inquiry?

Mr. GAINES. What did this man do in this matter, and who employed him down here?

Mr. MOODY of Massachusetts. The Pneumatic Tube Co. employed him.

Mr. SULZER. Is it not a fact that he is one of the editors of the New York Tribune?

Mr. MOODY of Massachusetts. I do not know whether he is or not, and I do not care whether he is or not.

Mr. SULZER. Well, he is.

* * * * * * *

But that is not all, Mr. Chairman, there was other testimony before the commission. I shall mention no names, and I regret extremely to have to speak upon this subject. But we found that the pneumatic-tube system in New York was constructed by contractors who took their pay in stock and bonds; that the only value which that stock and those bonds had was the contract with the Government. It was certainly unfortunate—I think nothing else, believe nothing else, but unfortunate—it was certainly unfortunate that a holder of the bonds and one of the contractors was a Member of this House and a member of the Committee on Appropriations.

A MEMBER. Give us his name.

Mr. MOODY of Massachusetts. I decline to state.

Mr. LIVINGSTON. Does the report develop that fact?

Mr. MOODY of Massachusetts. It does.

Mr. LIVINGSTON. Will the gentleman state his name?

Mr. MOODY of Massachusetts. I will not. As showing the methods employed by the New York company, I will state that a large block of the stock of this company as a New Year's present was sent to a near relative of an important and influential Member of the House. I am glad to say that the return mail was not allowed to depart from Washington without carrying back that dishonoring and dishonorable gift. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD as a member of the committee.

The CHAIRMAN. The gentleman from Texas, a member of the committee, asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana [Mr. Cox] just before he closed made the statement that the Post Office Department for the last three fiscal years showed a surplus, and he disputed my statement to the contrary. I want to call the attention of the committee and the gentleman from Indiana to page 5 of the report of the Auditor for the Post Office Department for 1916, under the heading "Comparison of postal revenues, expenditures," and so forth. And the last three years are shown in the table. The table commences with 1837, and it gives the last three years, 1914, 1915, and 1916, under the heading of "Audited revenues."

Mr. MOON. Mr. Chairman, I desire to ask the gentleman from Minnesota if he is discussing this section?

Mr. STEENERSON. Certainly. This is the section that covers all the appropriations.

Mr. MOON. That is not the point. I suggest to the gentleman that he wait until he gets to a section where his remarks will be appropriate.

Mr. STEENERSON. I think this is appropriate.

Mr. MOON. I do not wish to shut the gentleman off, but I do want to say to him and others that I hope as we proceed with this bill the remarks will be appropriate.

Mr. STEENERSON. This table shows that for the last three years the audited revenues are so much, and then under the headings of "Audited surplus" and "Audited deficits"——

Mr. MOON. Mr. Chairman, I make the point of order the gentleman is not discussing the section.

The CHAIRMAN. The Chair would like to state that the practice of the House under general debate is that a Member can discuss any subject he sees fit; but under the five-minute rule where the point of order is made remarks must be confined to the amendment. The Chair will ask the gentleman to proceed according to the rule.

Mr. STEENERSON. I will try to confine my remarks to the amendment to strike out the last word. The surplus——

Mr. MOON. Mr. Chairman, I make the point of order the gentleman is not confining himself to the amendment.

The CHAIRMAN. The gentleman from Minnesota will suspend. The gentleman from Tennessee [Mr. MOON] makes the point of order that the gentleman is not discussing the amendment. The Chair is constrained to uphold the point of order.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. Now, the last word may be in different documents. The last words of the gentleman from Indiana relate to the service.

Mr. MOON. Oh, no.

Mr. STEENERSON. The last words in this paragraph are "as follows."

Mr. MOON. Talk about the words "as follows."

Mr. STEENERSON. Mr. Chairman, I have only five minutes. [Laughter.]

The CHAIRMAN. The Chair can only ask the gentleman from Minnesota to keep in order under the rule, and confine himself to the amendment pending before the House, a point of order having been made.

Mr. STEENERSON. Well, I think these words "as follows" are legitimate for discussion. They are not hyphenated. [Laughter.] There is no hyphen there. [Laughter.]

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. STEENERSON], the ranking Republican Member on the Committee on the Post Office and Post Roads, may proceed for five minutes. That need not be a precedent.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Minnesota [Mr. STEENERSON] be permitted to proceed for five minutes. Is there objection?

Mr. MOON. Reserving the right to object, Mr. Chairman, I desire to say that there is no disposition on the part of the committee to shut off the gentleman in discussion, but he is discussing a matter that is proper to be discussed in general debate or under another section of the bill.

Mr. MANN. There is no other section referring to it.

Mr. MOON. I must insist, Mr. Chairman, that in the progress of the bill we must all stand by the rule. But I will not interfere with the gentleman at this time,

Mr. MANN. There is no other place in the bill where it would be appropriate. I appreciate the position of the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Minnesota be allowed to proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman will proceed.

Mr. STEENERSON. Mr. Chairman, under the heading of the document, "Report of the Auditor for the Post Office Department," page 5, "Audited postal surplus" and "Audited postal deficit," we find for the year 1914 a surplus of $4,376,463.05, and for the fiscal year 1916 a surplus of $5,829,236.07, making a total of $10,205,699.12 for the two years. But for 1915 there is a deficit of $11,333,308.97, making a net deficit, according to the figures, of $1,127,609.85.

These figures are official and have never been disputed by anybody, and the only difference between these figures and the Postmaster General's figures is that he did not claim to have deposited the whole amount. He deposited only $3,500,000 one year, and $5,200,000, instead of $5,800,000, in the last year. He deposited what he called the estimated surplus instead of the audited surplus.

The distinction I drew can not be said to have been arrived at by contradicting or calling anybody a liar. I explained that the Post Office Department report was wrong, because they claimed the financial results of the fiscal year 1913 when it did not belong to them. That year belonged to the Taft administration. There was a surplus put into the Treasury on account of that year of $3,800,000 that did not belong to this administration, as I tried to argue, and therefore the results of the financial operations of this administration are reduced by that amount. The three years 1914, 1915, and 1916 are the three first fiscal years of this administration, and we are now in the fourth year.

I also pointed out that, according to their own official communications, they have never paid the railroads the amount that I stated—$1,400,000—which is covered by a specific appropriation made by this Congress, and which is now in process of adjustment, nor have they paid the rural carriers the increased salary for 1915. That has been withheld, and Congress directed them to pay it last session, and it is estimated to amount to $3,000,000. Therefore, instead of a surplus, there is an actual deficit, according to their own figures, and nobody can successfully dispute it. The deficit will at least be five million when these bills are paid. The newspapers last year carried statements of a postal surplus, but in nearly all cases the $11,000,000 deficit was not mentioned. Everyone who has been reading the reports has been led to believe that there was a surplus and the deficit has been ignored.

The fact that they have put into the Treasury $3,800,000, $3,500,000, and $4,200,000 during the last four fiscal years, amounting to $12,500,000, has been heralded everywhere, when the official figures from the Treasury, which I showed to the House, and which I hold in my hand, and which I was ready to submit to the gentleman from Indiana [Mr. Cox], show that they have withdrawn the amount I have stated. I used no epithets. I called no names. I drew different inferences and conclusions. I disputed the results arrived at, and I repeat that if you examine the evidence that I have put into the RECORD, and which I have here in my possession, and to which I have already called attention, you will find that there has been no postal surplus, even if you ignore the bills that remained unpaid during the last three years, which are the only fiscal years which this administration can claim credit for. [Applause on the Republican side.]

It does not become the gentleman from Indiana [Mr. Cox] to say that I indulged in partisan speech when I was only refuting the unfair and partisan inferences and unfounded conclusions drawn by the Postmaster General in the part of the report that I read. That part was as follows:

> Although the average increase in expenditures in the last three fiscal years was $16,673,525.44, due to enlarged postal facilities afforded the public, the rapid growth of the domestic parcel post, and salary increases required by legislation, the service was successfully carried on and its cost defrayed from the current postal revenues.
>
> As stated in the last annual report, surpluses of $3,800,000 for the year 1913 and $3,500,000 for the year 1914 were paid into the general fund of the Treasury. The fiscal year 1915, due to adverse conditions over which the department had no control, showed a deficit of $11,333,308.97; but the audited revenues for the year just closed show a surplus of $5,829,236.07. Although the audited revenues do not completely represent the financial results of the year, for the reason that many obligations of the Postal Service, representing railroad transportation, payments of contractors for the carrying of mail, and purchases made near the close of the year must be paid after the close of the year, the actual surplus, as nearly as can be determined by careful consideration of the outstanding obligations, is $5,216,243.61, of which amount the sum of $5,200,000 has already been turned into the Treasury. The

total of payments to the Treasury during the past four years is therefore $12,500,000.

That the Postal Service is now self-sustaining is evidenced by the fact that for three out of the four years of the present administration audited surpluses aggregating $14,716,350.03 have been shown. Deducting the audited deficiency in 1915 of $11,333,308.97, the net surplus for the four-year period is $3,383,041.06, and but for the business depression occasioned by the European war the department would have undoubtedly secured a surplus of not less than $18,000,000. This is in marked contrast with the deficits for the eight years of the two preceding administrations, which drained the Treasury of $48,739,639.34 and $24,927,657.40, respectively.

TREASURY DEPARTMENT,
Washington, January 3, 1917.

Hon. H. STEENERSON,
House of Representatives.

MY DEAR CONGRESSMAN: By direction of the Secretary, I have the honor to acknowledge the receipt of your communications of December 26 and 29, requesting information relative to Treasury warrants issued to the Post Office Department during the fiscal years 1914, 1915, and 1916, and of dates and amounts paid into the Treasury by the Post Office Department for the same years.

In reply you are informed that the grants from the Treasury to the Post Office Department and the amount of surplus revenues of the Post Office Department paid into the Treasury for the years stated were as follows:

GRANTS FROM THE TREASURY TO THE POST OFFICE DEPARTMENT.

No grants were made to the Post Office Department from the Treasury for the fiscal year 1914.

	For the fiscal year 1915.	Month.	For the fiscal year 1916.
1915.		1915.	
Mar. 24	$1,000,000	Aug. 4	$500,000
Mar. 26	1,000,000	Aug. 5	500,000
Mar. 30	1,000,000	Aug. 6	500,000
June 22	500,000	Sept. 1	500,000
June 23	500,000	Sept. 2	500,000
June 24	500,000	Sept. 3	500,000
June 25	500,000	Sept. 21	500,000
June 26	500,000	Sept. 22	500,000
June 29	800,000	Sept. 23	500,000
	.....	Sept. 24	500,000
	.....	Sept. 27	500,000
Total	6,300,000	.....	5,500,000

No grants have been made to the Post Office Department from the Treasury for the current fiscal year (1917).

Payments were made from the Treasury for the Post Office Department during the fiscal year 1915 on account of deficiencies in postal revenues for prior years (none during 1914, 1916, or 1917) as follows:

Fiscal year charged with deficiency.	Date of payment from Treasury.	Amount.
1909	Mar. 2 and 4, 1915	$1,205.16
1910	Mar. 2, 1915	262.12
1911	Mar 2 and 4, 1915	2,102.97
1912	do	322,671.76
Certified claims of various prior years	do	14,494.01
		340,736.02
Loss repayment into Treasury Feb. 25, 1915, on account of fiscal year 1903		4,143.42
Net payments as above, during fiscal year 1915		336,592.60

The Post Office Department paid into the Treasury as surplus revenues of the fiscal years 1913, 1914, and 1916 (no surplus reported for 1915) on dates and in amounts as follows:

June 30, 1914 (fiscal year 1914). Surplus revenues of Post Office Department for fiscal year 1913	$3,800,000.00
Mar. 29, 1915 (fiscal year 1915). Surplus revenues of Post Office Department for fiscal year 1914	3,500,000.00
Aug. 21, 1916 (fiscal year 1917). Surplus revenues of Post Office Department for fiscal year 1916	5,200,000.00
	12,500,000.00
Total payments from the Treasury as above ($6,300,000 + $5,500,000 + $336,592.60)	12,136,592.60
	363,407.40

Very truly yours,

WM. P. MALBURN,
Assistant Secretary.

Here is the letter from the Treasury, and you will observe that the report of the Postmaster General, while emphasizing the payment into the Treasury during the last four fiscal years of $125,000, carefully omits to mention that he drew out $12,136,592 during the same period. It is a grossly unfair statement and leads one to believe that the twelve and a half millions was clear gain or surplus, while more than twelve million—nearly all of it—was drawn out on alleged deficits. I here insert page 5 of the auditor's report, showing comparison of postal revenues and expenditures, and so forth, from 1837 to 1916.

Comparison of postal revenues, expenditures, etc., 1837 to 1916.

Fiscal year—	Estimated population.	Number of post offices.	Audited postal revenues.	Revenue per capita.	Audited postal expenditures.	Losses and contingencies—postal funds.	Audited postal surplus.	Audited postal deficit.
1837[1]	15,655,000	11,767	$4,101,703.33	$0.26	$3,288,319.03	[2] $0.28	$813,384.58	.....
1838	16,112,000	12,519	4,238,733.46	.26	4,430,662.21	.....	.....	$191,928.75
1839	16,584,000	12,780	4,484,656.70	.27	4,636,536.31	.....	.....	151,879.61
1840	17,069,453	13,468	4,543,521.92	.27	4,718,235.64	.....	.....	174,713.72
1841	17,591,000	13,778	4,407,726.27	.25	4,499,686.73	.....	.....	91,960.46
1842	18,132,000	13,733	4,546,849.65	.25	5,672,751.76	[2] 1,698.81	.....	1,124,213.30
1843	18,694,000	13,814	4,296,225.43	.23	4,374,753.71	90.56	.....	78,618.84
1844	19,276,000	14,103	4,237,287.83	.22	4,298,512.70	115.23	.....	61,340.12
1845	19,878,000	14,183	4,289,841.80	.22	4,320,731.99	5,959.94	.....	36,850.13
1846	20,500,000	14,601	3,487,199.35	.17	4,076,036.91	44,480.66	.....	633,318.22
1847	21,143,000	15,146	3,880,309.23	.18	3,979,542.10	101,586.29	.....	200,819.16
1848	21,805,000	16,159	4,555,211.10	.21	4,326,850.27	53,609.36	174,751.47	.....
1849	22,489,000	16,749	4,705,176.28	.21	4,479,049.13	[2] 1,385.41	227,512.56	.....
1850	23,191,876	18,417	5,499,984.86	.20	5,212,953.43	291.49	286,739.94	.....
1851	23,995,000	19,796	6,410,604.33	.27	6,278,401.68	308.03	131,894.62	.....
1852	24,802,000	20,001	5,184,526.84	.21	7,108,459.04	[2] 909.35	.....	1,923,022.85
1853	25,615,000	22,320	5,240,724.70	.20	7,982,756.59	332.78	.....	2,742,364.67
1854	26,437,000	23,548	6,255,586.22	.24	8,577,424.12	30,862.08	.....	2,352,699.98
1855	27,256,000	24,410	6,642,136.13	.24	9,968,342.29	649.90	.....	3,326,856.15
1856	28,083,000	25,565	6,920,821.66	.25	10,405,286.36	2,581.82	.....	3,487,046.52
1857	28,916,000	26,586	7,353,951.76	.25	11,508,057.93	[2] 387.77	.....	4,153,718.40
1858	29,753,000	27,977	7,486,792.86	.25	12,722,470.01	[2] 833.45	.....	5,234,843.70
1859	30,596,000	28,539	7,968,484.07	.26	11,458,083.63	[2] 571.30	.....	3,490,028.26
1860	31,443,321	28,498	8,518,067.40	.27	19,170,609.99	[2] 3.93	.....	10,652,538.66
1861	32,064,000	28,586	8,349,296.40	.26	13,600,759.11	[2] 5,495.73	.....	5,251,900.98
1862	32,704,000	28,875	8,299,820.90	.25	11,125,364.13	601.12	.....	2,826,144.35
1863	33,365,000	29,047	11,163,789.59	.33	11,314,206.84	[2] 7,792.11	.....	142,625.14
1864	34,046,000	28,878	12,438,253.78	.37	12,644,786.20	198,282.30	.....	404,814.72
1865	34,748,000	20,550	14,556,158.70	.42	13,694,728.28	[2] 55,819.08	917,249.50	.....
1866	35,469,000	23,828	14,386,985.21	.40	15,352,079.30	[2] 31,241.99	.....	933,851.10
1867	36,211,000	25,163	15,237,028.87	.42	19,235,483.46	[2] 26,104.67	.....	3,972,381.92
1868	36,973,000	26,481	16,292,600.80	.44	22,730,792.65	107,156.35	.....	6,545,348.20
1869	37,756,000	27,106	17,314,175.72	.46	23,698,131.50	[2] 20,218.58	.....	6,363,737.20
1870	38,558,371	28,492	18,879,536.73	.49	23,998,837.63	[2] 21,446.79	.....	5,097,854.11
1871	39,550,000	30,045	20,037,045.42	.51	21,390,104.08	5,693.55	.....	4,358,752.21
1872	40,596,000	31,863	21,915,426.37	.54	26,658,192.31	6,328.17	.....	4,749,094.11
1873	41,677,000	33,244	22,996,741.57	.55	29,084,945.67	40,688.74	.....	6,128,892.84
1874	42,796,000	34,291	26,471,071.82	.62	32,126,414.58	102,565.31	.....	5,757,908.07
1875	43,951,000	35,547	26,791,313.54	.61	33,611,309.45	324.93	.....	6,820,320.84
1876	45,187,000	36,333	28,044,197.50	.63	33,203,487.58	27,902.96	.....	4,647,253.01
1877	46,353,000	37,345	27,531,585.26	.59	33,495,322.44	172,618.84	.....	6,127,356.02
1878	47,588,000	38,253	29,277,516.95	.62	34,165,084.49	17,461.74	.....	4,905,029.28
1879	48,886,000	40,588	30,041,982.86	.62	33,449,899.45	8,016.41	.....	3,415,933.00
1880	50,155,783	42,989	33,315,479.34	.66	36,542,803.68	[2] 5,370.86	.....	3,221,953.48
1881	51,316,000	44,512	36,785,397.97	.72	39,592,566.22	14,790.86	.....	2,821,953.11
1882	52,496,000	46,231	41,876,410.15	.80	40,482,021.23	140,465.35	1,253,923.57	.....
1883	53,693,000	46,820	45,508,692.61	.85	43,282,944.43	44,395.61	2,181,352.57	.....
1884	54,911,000	48,434	43,325,958.81	.79	47,224,360.27	8,455.83	.....	3,907,057.29

[1] The office of the Auditor for Post Office Department was created by act of Congress approved July 2, 1836.
[2] Amount of balances due late postmasters closed to "Suspense" in excess of losses.

Comparison of postal revenues, expenditures, etc., 1837 to 1916—Continued.

Fiscal year—	Estimated population.	Number of post offices.	Audited postal revenues.	Revenue per capita.	Audited postal expenditures.	Losses and contingencies—postal funds.	Audited postal surplus.	Audited postal deficit.
1885	56,148,000	51,262	$42,560,843.83	$0.76	$50,046,235.21	[1] 83,091.16		$7,481,410.22
1886	57,404,000	53,614	43,948,422.95	.77	51,004,743.80	12,174.25		7,068,495.10
1887	58,680,000	55,157	48,837,609.39	.83	53,006,194.39	[1] 23,566.80		4,145,018.20
1888	59,974,000	57,376	52,695,176.79	.88	56,468,315.20	[2] 672.38		3,772,466.03
1889	61,289,000	58,999	56,175,611.18	.92	62,317,119.36	27,596.26		6,169,104.44
1890	62,622,250	62,401	60,882,097.92	.97	66,259,547.84	23,314.52		5,400,764.44
1891	63,947,000	64,329	65,931,785.72	1.03	73,059,519.49	22,876.36		7,150,610.13
1892	65,191,000	67,119	70,990,475.98	1.09	76,960,846.16	60,605.79		6,110,975.97
1893	66,456,000	68,403	75,896,933.16	1.14	81,581,681.33	32,040.58		5,716,788.75
1894	67,740,000	69,805	75,080,479.04	1.11	84,994,111.62	63,882.74		9,977,515.32
1895	69,043,000	70,064	76,983,128.19	1.12	87,179,551.28	34,019.04		10,230,442.13
1896	70,365,000	70,360	82,499,208.40	1.17	90,932,669.50	10,740.21		8,444,201.31
1897	71,704,000	71,022	82,665,462.73	1.15	94,077,242.38	19,799.76		11,431,579.41
1898	73,060,000	73,570	89,012,618.55	1.22	98,033,523.61	33,646.69		9,054,551.75
1899	74,433,000	75,000	95,021,384.17	1.28	101,632,160.92	19,358.85		6,630,135.60
1900	76,126,000	76,688	102,354,579.29	1.34	107,740,267.99	24,689.40		5,410,358.10
1901	77,708,000	76,945	111,631,193.39	1.43	115,554,920.87	57,793.23		3,981,520.71
1902	79,298,000	75,924	121,848,047.26	1.53	124,785,697.07	23,520.10		2,961,169.91
1903	80,897,000	74,169	134,224,443.24	1.66	138,784,487.97	36,932.43		4,586,977.16
1904	82,503,000	71,131	143,582,624.34	1.74	152,362,116.70	33,276.91		8,812,769.17
1905	84,118,000	68,131	152,826,585.10	1.81	167,399,109.23	21,802.99		14,594,387.12
1906	85,742,000	65,600	167,932,782.95	1.96	178,449,778.89	25,945.82		10,542,941.76
1907	87,373,000	62,658	183,585,005.57	2.11	190,238,288.34	38,748.70		6,692,031.47
1908	89,013,000	61,158	191,478,663.41	2.15	208,351,886.15	37,056.25		16,910,278.99
1909	90,662,000	60,144	203,562,383.07	2.24	221,004,102.89	38,050.65		17,479,770.47
1910	92,318,000	59,580	224,128,657.62	2.43	229,977,224.50	32,915.07		5,881,481.95
1911	93,983,000	59,237	237,879,823.60	2.53	237,648,926.68	11,778.80	$219,118.12	
1912	95,656,000	58,729	246,744,015.88	2.58	248,525,450.08	4,088.90		1,785,523.10
1913	97,337,000	58,020	266,619,525.65	2.74	262,067,541.33	41,333.41	4,510,650.91	
1914	99,027,000	56,810	287,934,565.67	2.91	283,543,769.16	14,333.46	4,376,463.05	
1915	100,725,000	56,380	287,248,165.27	2.85	298,546,026.42	35,447.82		11,333,308.97
1916	102,431,000	55,935	312,057,688.83	3.04	306,204,033.14	24,419.62	5,829,236.07	

[1] Amount of balances due late postmasters closed to "Suspense" in excess of losses.

Note that the largest deficit that ever occurred was in the administration of James Buchanan, in 1858, when it was more than 55 per cent of the total expenditures. During Cleveland's first term the deficit rose to 15 per cent. The highest in Roosevelt's administration was a little over 7 per cent. From this table it also appears that the first surplus in nearly 30 years was under Taft, in 1911.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 30 inspectors, at $2,400 each; 20 inspectors, at $2,250 each; 32 inspectors, at $2,100 each (an increase of 2 submitted in lieu of 2 assistant superintendents, Railway Mail Service, at $2,350 each; to be transferred from the office of the Second Assistant); 20 inspectors, at $2,000 each; 30 inspectors, at $1,900 each; 90 inspectors, at $1,800 each; 60 inspectors, at $1,700 each; 60 inspectors, at $1,600 each; and 65 inspectors, at $1,500 each; in all, $783,700.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to direct the attention of the chairman of the committee to the words in parentheses, in lines 8 to 11, on page 2, which are clearly explanatory. I wish to ask the gentleman whether he desires to have that language remain in the bill.

Mr. MANN. The language is not only explanatory, but it is erroneous.

Mr. MOON. It says—

To be transferred from the office of the Second Assistant.

Mr. MANN. But there is no transfer. There is no increase in the number of inspectors.

Mr. MOON. No; it is exactly the same amount and the same number.

Mr. MANN. And the two superintendents are carried in another place in the bill, in the proper place.

Mr. MOON. That is correct. Let those words be stricken out.

Mr. MANN. The gentleman should move that those words be stricken out.

Mr. MOON. I move to strike out the words in parentheses, in lines 8 to 11, inclusive.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, after the word "each," strike out the language "(an increase of 2 submitted in lieu of 2 assistant superintendents, Railway Mail Service, at $2,350 each; to be transferred from the office of Second Assistant)."

The amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, and superintendents of stations, 30, at not exceeding $2,500 each.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee if in these higher supervisory positions there are any increases in the number which would be in fact increases in salary over last year?

Mr. MOON. No; I think not.

Mr. MANN. There is an actual decrease in the number.

Mr. STAFFORD. There are increases in the other grades. For instance, in the $2,200 grade the number is increased from 50 to 55, an increase of 5; in the $2,000 grade, from 130 to 175, an increase of 45; in the $1,800 grade, from 140 to 165, an increase of 25. If the gentleman wants the other figures I can give them to him.

Mr. MOON. The total increases in compensation that the gentleman from Wisconsin speaks of amount to $1,000,000. If the gentleman from New York [Mr. BENNET] will look at the hearings on pages 11–21, he will find a statement of the facts.

Mr. BENNET. That is set out in the hearings, is it, on pages 11–21?

Mr. MOON. Yes.

The Clerk read as follows:

Superintendents of finance, bookkeepers, superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 1,575, at not exceeding $1,400 each.

Mr. MOON. Mr. Chairman, I move to strike out lines 23 and 24, on page 8, and lines 1 and 2, on page 9.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MOON: Beginning in line 23, with the word "superintendents," strike out lines 23 and 24, on page 8, and lines 1 and 2 on page 9.

Mr. MOON. That item is included in the next section, and is superfluous here.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,710, at not exceeding $1,400 each.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. As I understand it, when promotions of clerks are to be made above the grade of $1,200—for instance, from $1,300 to $1,400—they are carried in the paragraph that is now under consideration. Is that correct?

Mr. MOON. I think so.

Mr. MADDEN. These are supervisory grades.

Mr. MOON. Will the gentleman ask his question again?

Mr. BENNET. All the increases that there are from $1,300 to $1,400 are found in this paragraph that is now under consideration, are they not?

Mr. MOON. I think the gentleman is correct about that.

Mr. BENNET. I will apologize for asking this question, because if I had read the hearings I would not have to ask it, probably. How many clerks in the entire Postal Service are authorized to be promoted this year from $1,300 to $1,400?

Mr. MOON. I do not know just the number.

Mr. BENNET. Is that to be found on the same page?

Mr. MOON. On the same page of the hearings the gentleman will find that.

The Clerk read as follows:

Assistant superintendents of stations, clerks, clerks in in charge of stations, stenographers, superintendents of carriers, and superintendents of second-class matter, 3,300, at not exceeding $1,000 each.

The CHAIRMAN. The Chair will call the attention of the gentleman from Tennessee to page 10, line 3, where the word "in" is repeated.

Mr. MOON. I move to strike out the word "in" in line 13.

The motion was agreed to.

The Clerk read as follows:

And to provide for the promotion of all the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 25 per cent of the clerks in the sixth grade to the designation of "special clerk" in the $1,300 grade, and for the promotion of 25 per cent of the designated "special clerks" in the $1,300 grade to the designation of "special clerk" in the $1,400 grade, and to provide for the promotion of all the clerks in second-class post offices from the fourth to the fifth grade, and for the promotion of 25 per cent of the clerks in second-class offices from the fifth to the sixth grade: *And provided further*, That there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum; in all, $49,740,000.

Mr. COX. Mr. Chairman, I make a point of order on the paragraph beginning line 23, page 10, and ending with the word "grade," line 8, page 11.

Mr. MADDEN. I would like to have the gentleman state the reasons for his point of order.

Mr. COX. It changes existing law.

Mr. MADDEN. Mr. Chairman, I would like to be heard on the point of order after the gentleman from Indiana gets through his discussion of it.

The CHAIRMAN. The Chair would like to have the gentleman state the grounds for his point of order.

Mr. COX. I have stated it, that it changes existing law. I call attention to the current law, page 5, which provides for the promotion of 75 per cent of clerks in the first-class post offices from the fifth to the sixth grade, and for the promotion of 5 per cent of the clerks in the sixth grade to the designation of "Special clerk" in the $1,300 grade, and for the promotion of 5 per cent of the designated "special clerks" in the $1,300 grade to the designation of "special clerk" in the $1,400 grade, and to provide for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade, and for the promotion of 5 per cent of the clerks in second-class offices from the fifth to the sixth grade.

Now, I do not remember just how long it has been since the classification law was passed.

Mr. MADDEN. It was passed in 1907.

Mr. COX. The classification law was passed in 1907, and it has been the law ever since, and the permanent law as well as the current law provides for the promotion only of 75 per cent of the clerks. This amendment proposes to provide for a promotion of all the clerks in the first-class post offices from the fifth to the sixth grade and the promotion of 25 per cent of the clerks from the sixth grade to the designation of "special clerks." The current law only provides for the promotion of 5 per cent of clerks from the $1,300 grade to the $1,400 grade. This provides for the promotion of 25 per cent and provides for the promotion of all clerks in the second-class post offices from the fourth to the fifth grade. That is a change of existing law, a change of the classification law passed eight or nine years ago, and is a change of the current law that is now in force.

Now, Mr. Chairman, I contend, seriously contend, although I may be mistaken, that the provision in the pending bill is clearly subject to a point of order because it violates the classification law which has been the law for the last eight or nine years. It changes the current law in this: That the current law only permits 5 per cent of the clerks to be promoted from the $1,300 grade to the $1,400 grade, and this undertakes to promote 25 per cent from the $1,300 grade to the $1,400 grade. If that is not a change of existing law, a change of basic law, a change of the current law, I must confess that I do not know what a change of law is.

Mr. MADDEN. Mr. Chairman, I think the gentleman from Indiana is mistaken in his position that this item is subject to a point of order. The salary classification act of March 2, 1907, divided post-office clerks and letter carriers into six salary grades. This act provides for successive annual promotions of $100 until the $1,100 grade is reached in offices of the first class, and until the $1,000 grade is reached in offices of the second class. The act left to the discretion of Congress the number of promotions to be authorized each year to the sixth grade, and Congress has been exercising that discretion ever since the act was passed. The first year it began by promoting 50 per cent of the men from the fifth to the sixth grade, and later on it began to appropriate for 75 per cent of the men from the fifth to the sixth grade. This amendment provides for the promotion of all the men from the fifth to the sixth grade. That is the only difference. Now, if the contention made by the gentleman from Indiana is good it would apply not only to this section of the bill but to every section of the bill that has been read, because every section of the bill so far read appropriates for a greater number of men than the current law does. And that must be the case, because of the exigencies of the situation in the development of the business of the post office. It would not be just to say that the Postmaster General should not have the right or that Congress ought not to authorize him to promote men from grade to grade or to increase the number of men in any single grade to meet the needs of the growing business of the post office. In 1912 the Congress commenced to appropriate, as I say, for the promotion of 75 per cent of these employees in the two grades that are referred to. The pending amendment proposes to make it possible to promote them all, all of the clerks and carriers in the first-class offices, to the $1,200 grade instead of 75 per cent of them.

The Chair will bear in mind that the grade is authorized by the fundamental law known as the classification act, passed in 1907, and that all of the clerks and carriers in the second-class offices, instead of 75 per cent of them, are proposed by this amendment to be promoted to $1,100, just as promotions are now made in all the other grades, which are authorized by the law of 1907. It is also proposed by this section of the bill, to which the gentleman from Indiana [Mr. Cox] has made the point of order, to promote 25 per cent of the clerks and carriers in the second-class offices from $1,100 to $1,200 per annum, although the classification act—and I want to call the special attention of the Chair to this, for I am sure the gentleman from Indiana does not recall that or he would not have made the statement he did—provides specifically for a $1,200-salary grade in the second-class offices. But it was not until the last session of Congress that provision was made for any promotions to that grade. During the last session of Congress on the recommendation of this committee the current law provided for the promotion of 5 per cent of these clerks and carriers in the second-class offices to the $1,200 grade, and the $1,200 grade in these offices was created by the classification act of 1907.

I submit, Mr. Chairman, that there is ample authority of law for the proposal contained in this section of the bill to which the gentleman has made the point of order. It is also proposed in this section of the bill to promote 25 per cent of the clerks in the $1,200 grade to be special clerks at $1,300, and 25 per cent of the special clerks to the $1,400 grade, classed as special clerks.

Congress at the last session provided for the promotion of only 5 per cent of the men in these two grades. I call the attention of the Chair to the fact that the designation "special clerk" was created by the act of Congress in 1907 and is the fundamental law upon which this provision of the bill is based; and the salaries of the special clerks which were created in 1907 in the classification act were fixed then at $1,300 and $1,400 per annum. So that the provision for promotion of 25 per cent of the men from $1,200 to $1,300 is not a change of law, but is simply carrying the law into effect as passed by the Congress of 1907, and the promotion of 25 per cent of the men from the $1,300 to the $1,400 grade as special clerks is not a change of law, but is simply a case of long-deferred justice under the law to promote the men into the grades that were created by the law.

The CHAIRMAN. The Chair would like to ask the gentleman a question. Does the classification act of 1907 place any limitation upon or deal with the number of clerks that may be promoted in any one year?

Mr. MADDEN. No; it does not limit the number. It simply provides that there shall be a special-clerk class, and fixes the compensation, but the Congress in its wisdom has not on some occasions provided for any promotions into these grades. On other occasions it has provided for the promotion of 5 per cent and 50 per cent and 75 per cent of the men, and now the committee comes to the House with a recommendation for the promotion of 25 per cent of the men into the grades that were created then by law without any limit upon the right of Congress as to the number of men that shall go into either of these grades and for the promotion of all the men into the grade for which provision has heretofore been made for but

75 per cent of the men. I submit that the point of order made by the gentleman from Indiana is not well taken.

Mr. STAFFORD. Mr. Chairman, if the Chair is in doubt as to the paragraph being in order I would like to supplement the observations made by the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. STAFFORD. What I say will be entirely supplementary to the views advanced by the gentleman from Illinois. The classification act of March 2, 1907, provided for six grades for clerks and carriers in the first and second class offices. It provided compulsory promotion in the case of clerks and carriers connected with first-class offices to the fifth grade. It provided compulsory promotion of clerks and carriers connected with second-class offices to the fourth grade, but it made no reference whatsoever as to the number of promotions that should be made into the additional sixth grade in first-class offices or to the additional grades of fifth and sixth from second-class offices, the intendment being to leave to Congress the determination of the number that should be promoted to those respective grades. The grades are clearly established, as the Chair will notice by looking at page 1206 of the Thirty-fourth Statutes at Large, which contains that act. It says:

After June 30, 1907, clerks in the office of first and second classes and carriers in the City Delivery Service shall be divided into six grades, as follows—

And then goes on with the provision providing for compulsory promotion, making no provision whatever for compulsory promotion to those grades to which I have just referred.

Now, as to the consideration of the question of special clerks. If the gentleman from Indiana [Mr. Cox] had made his point of order to the paragraph found on page 9, which carries the classification of special clerks, I would have to argue that the point of order would be well taken, because all those designations virtually are subject to the point of order; but the Chair will notice that on page 9 in the classification of the $1,400 grade, the classification on the same page of the $1,300 grade, the grade of special clerk is provided. If the Chair wishes to have me designate the special line, I will say that in the $1,300 classification it is in line 19 and in the $1,400 grade in line 7. It was subject to the point of order there, as well as to various others of these various designated offices; but the point of order was not taken, and therefore authority has been granted, so far as this bill is concerned, as the grade of special clerk is unknown to any classification act except as contained in an appropriation bill. As there is authority in the bill under consideration for the grade of special clerk, no point of order having been made to it, Congress can, of course, determine the number of clerks that may be promoted to the $1,300 and $1,400 grades, respectively. I can not see how the Chair can escape ruling that this paragraph is in order, in view of the classification act of 1907 and the fact that special clerks are already included in the paragraphs relating to the salaries of $1,300 and $1,400 grades.

Mr. COX. Mr. Chairman, I do not desire to take up any further time——

The CHAIRMAN. The Chair will be very glad to hear the gentleman from Indiana.

Mr. COX. Mr. Chairman, as I said before, I think it is clearly subject to the point of order under the classification act of 1907. Section 299—I assume that is what the Chair has?

The CHAIRMAN. Yes.

Mr. COX. Of the postal laws and regulations of the Sixty-second Congress, third session, it says:

Clerks in offices of the first and second grades shall be divided into six grades, as follows: First grade, salary $600; second grade, salary $800; third grade, salary $900; fourth grade, salary $1,000; fifth grade, salary $1,100; sixth grade, salary $1,200.

Now, down to that point the classification act sets out these different grades. I will return to that later on.

Clerks at first-class offices shall be promoted successively to the fifth grade.

It says they shall be promoted "successively to the fifth grade." Now, what does that mean? Mr. Chairman, that means and can only mean one thing—that it is to be an automatic promotion by some other agency than Congress. What is that other power beyond the power of Congress to promote except the Post Office Department? Now, by this proposed amendment we are taking that authority entirely away from the Post Office Department, or the Postmaster General, and we are undertaking to assume that authority ourselves by automatically promoting all these clerks. It goes on to say:

Clerks at first-class offices shall be promoted successively to the fifth grade and clerks at second-class offices shall be promoted successively to the fourth grade.

Now, that is the organic law. That is the law which Congress passed. Congress at the time it passed this law did not do this promoting itself. It delegated its authority to the Post Office Department.

And it said to the Post Office Department that it was its duty to promote from the fourth to the fifth grade, and so forth. Now, here by this amendment we are wiping away all that authority which Congress heretofore has given to the Post Office Department, and by one step forward we ourselves are destroying that law and assuming the power of promoting, which heretofore, under the classification act, was lodged exclusively in the province of the Post Office Department. I contend, Mr. Chairman, it is subject to a point of order.

The CHAIRMAN. The Chair confesses that he has some doubts about the point of order, but as the Chair sees it, the classification act simply classified certain postal employees, and the law did not require any number to be promoted in one year. The last appropriation bill provided that 75 per cent of these particular carriers and clerks might be promoted.

Mr. COX. That in my opinion was clearly subject to a point of order, if it had been made at that time.

The CHAIRMAN. The Chair was simply calling attention to that in answer to that part of the argument of the gentleman from Indiana [Mr. Cox] in which he stated that the current law provided for the promotion of 75 per cent of these clerks. The Chair was going to say that that was not permanent law; but it was simply to obtain during that current law. The Chair is of the opinion that as this section authorizes the promotion of clerks within those classes that the point of order is not good.

Now, the Chair is not free from doubt as to this ruling, but feels in deciding against the point of order he is simply putting it in the power of the committee itself to determine whether or not the legislation is advisable. If the Committee of the Whole does not care to pass this legislation, it is for them to determine. Therefore, the Chair overrules the point of order.

Mr. COX. Then, Mr. Chairman, I move to strike out lines 23, 24, 25, on page 10, and all on page 11, down to and including the word "grade," in line 8.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COX: Page 10, strike out all of lines 23, 24, and 25, and all of lines 1, 2, 3, 4, 5, 6, 7, and down to and including the word "grade," in line 8, page 11.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOUSTON having assumed the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. CLINE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William P. Blackburne, House bill 3142, Sixty-fourth Congress, no adverse report having been made thereon.

HOUR OF MEETING TO-MORROW.

Mr. MOON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, it is the expectation, as I understand, to have a report from the Commtitee on Rules the first thing to-morrow?

Mr. KITCHIN. That is the first thing to-morrow, and the immigration conference after that.

LEAVE TO PRINT.

Mr. MOON. Mr. Speaker, I ask unanimous consent that all those who have spoken on this bill, and who may speak on it hereafter, have leave to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that all those who have spoken on the Post Office appropriation bill, and all who may speak hereafter, may have leave to extend their remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, January 12, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, suggesting changes in existing legislation that are deemed to be in the interest of the military service (H. Doc. No. 1917); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a tentative draft of additional legislation deemed necessary in connection with the proposed archives building in the city of Washington (H. Doc. No. 1918); to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting draft of a bill intended to punish persons who falsely assume or pretend to be agents of the Secret Service Division of the Treasury Department (H. Doc. No. 1919); to the Committee on the Judiciary and ordered to be printed.

4. A letter from the Secretary of War, transmitting a draft of a bill granting authority to the Secretary of War to procure printing and binding for the military forces of the United States in case of actual or threatened hostilities (H. Doc. No. 1920); to the Committee on Military Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimates of deficiencies in appropriations for support of the National Home for Disabled Volunteer Soldiers for the fiscal year, 1917 (H. Doc. No. 1921); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimates of deficiencies in appropriations required by the Ordnance Department to complete the service of the fiscal year 1917 (H. Doc. No. 1922); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for Gettysburg National Park for the fiscal year 1917 (H. Doc. No. 1923); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of Commerce, transmitting copy of petition addressed to the Commissioner of Lighthouses by the master and engineer of relief light vessel *No. 53* requesting an increase in the salaries of officers on that vessel; also an increase in the subsistence allowance to the officers and crew (H. Doc. No. 1924); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report on preliminary examination of Black Lake Harbor, on Macatawa Bay, Mich., from piers to point 200 feet east of Graham & Morton Dock, 16 feet, with a view to establishing car-service ferry (H. Doc. No. 1925); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting abstracts of proposals received during the fiscal year ended June 30, 1916, for material and labor in connection with works under the Engineer Department (H. Doc. No. 1926); to the Committee on Expenditures in the War Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RANDALL, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 18986) to exclude alcoholic liquor advertising from the United States mails, reported the same without amendment, accompanied by a report (No. 1275), which said bill and report were referred to the House Calendar.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 18826) to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service, reported the same without amendment, accompanied by a report (No. 1276), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 19299) to create a new division of the northern judicial district of Texas and to provide for terms of court at Wichita Falls, Tex., and for a clerk of said court, and for other purposes, reported the same with amendment, accompanied by a report (No. 1277), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 19686) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, reported the same with amendment, accompanied by a report (No. 1278), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAGUE, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 332) authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter-sports carnival of that city, reported the same without amendment, accompanied by a report (No. 1279), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 15523) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States, reported the same with amendment, accompanied by a report (No. 1280), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 19866) for the relief of Ed W. Ramage, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 20000) for the construction of a system of trails and bridle paths in the Yellowstone National Park, Wyo.; to the Committee on Appropriations.

By Mr. SINNOTT: A bill (H. R. 20001) to provide for the construction of the Owyhee project, Oreg.; to the Committee on Irrigation of Arid Lands.

By Mr. SHERWOOD: A bill (H. R. 20002) providing for pensions for all American citizens who have reached the age of 65 years and who are incapable of manual labor and whose incomes are less than $200 per annum; to the Committee on Labor.

By Mr. HENSLEY: A bill (H. R. 20003) to purchase a site for the erection of a post-office building in the city of Fredericktown, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. DIXON: Resolution (H. Res. 439) for the relief of Susan O. McConnell, widow of James I. McConnell; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20004) granting an increase of pension to Jonas Bratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20005) granting an increase of pension to Isaac O'Neal; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 20006) granting a pension to James Abrahams; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 20007) granting a pension to James C. Lynch; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 20008) granting an increase of pension to Henrietta Nokes; to the Committee on Invalid Pensions.

By Mr. BENEDICT: A bill (H. R. 20009) granting an increase of pension to Llewellyn A. Cole; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 20010) granting an increase of pension to John S. Skeels; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 20011) granting an increase of pension to Charles G. Ginther; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 20012) granting a pension to Mrs. M. J. Harris; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 20013) granting an increase of pension to Albert G. Dow; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 20014) granting a pension to George W. Parker; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 20015) granting a pension to Charles W. Johnson; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 20016) to confirm the title to certain land formerly included in the allotment of Horace P. Jones, deceased, in the Kiowa, Comanche, and Apache Indian Reservation in Oklahoma, and providing for the issuance of a patent therefor; to the Committee on Indian Affairs.

By Mr. GARD: A bill (H. R. 20017) for the relief of Edward C. McGonigal; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 20018) granting a pension to James L. Coffman; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 20019) granting an increase of pension to Callie Hitchcock; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20020) granting an increase of pension to George W. Elders; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 20021) granting an increase of pension to Charles H. Collins; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 20022) granting an increase of pension to Sibby L. Myers; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20023) for the allowance of certain claims for difference in pay growing out of service in the Army during the Civil War, as reported by the Court of Claims; to the Committee on War Claims.

By Mr. LESHER: A bill (H. R. 20024) granting an increase of pension to Josephine L. Benscoter; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 20025) granting a pension to Edward T. Balch, to the Committee on Pensions.

By Mr. McGILLICUDY: A bill (H. R. 20026) granting an increase of pension to Ivory W. Emerson; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 20027) granting an increase of pension to William Harrold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20028) granting an increase of pension to George E. Busby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20029) granting a pension to Robert Newton; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 20030) granting a pension to Bridget McCarthy; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20031) granting an increase of pension to Alexander Frazier; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 20032) granting a pension to August Wehe; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 20033) granting an increase of pension to Clarion D. Smith; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 20034) granting an increase of pension to John C. Ruthroff; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 20035) granting an increase of pension to Martha A. Whitford; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 20036) for the relief of Frank Bowers; to the Committee on Claims.

By Mr. TIMBERLAKE: A bill (H. R. 20037) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of Lucius F. C. Garvin, of Lonsdale, R. I.; Edmund Vance Cooke, of Cleveland, Ohio; and Allan Farquhar, of Sandy Spring, Md., for the passage of House bill 13281, to promote better trade relations with Latin America; to the Committee on Ways and Means.

Also, memorial of Insurance Federation of Pennsylvania, in re item in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of J. M. Gates, N. A. Lohr, George Fuller, A. F. Crain, M. W. Claar, Everett Giles, Harry Cummings, J. M. Baumgardner, M. L. Stinson, Wallace Hutzel, J. Merrill Croyle, Cloyd Gochnour, W. N. Graffius, Julius Link, Richard Wills, jr., C. R. Koontz, F. Blazanckij, Frank Musagis, Edward Roberts, Ben Claar, Charles Grigg, John Waters, Joseph Bush, Morris B. Burk, William Cummins, H. A. Dettry, James Kline, Fred Eisenhardt, William Crago, W. F. George, Walter E. Brewer, J. M. Keelan, Evan Reese, Norman Joll, William Vivian, Emory F. Botteicher, W. H. Bennett, Elijah Thomas, William Truscott, Clarence E. May, L. J. Harrington, Fred Thomas, Millard F. Closson, Joseph Gage, Thomas Clifford, Lemon Yoder, Michael Harris, and C. E. Dunmire, all of South Fork; Philip Davis, of Mineral Point; and Evan Reese, of Portage, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petitions of the Pittsburgh Lodge, No. 46, Loyal Order of Moose, 7,000 members; the Homestead Order of Eagles, 418 members; the Clairton Order of Eagles; the Carrick Order of Eagles, 270 members; McKees Rocks Order of Eagles, 406 members; and the Coraopolis Order of Eagles, 267 members, all of Pennsylvania, against the proposed increase in postage of second-class mail by establishing zone-mailing districts for periodicals and magazines; to the Committee on the Post Office and Post Roads.

By Mr. BENEDICT: Petition of California Retail Dry Goods Association, asking for more equitable postal rates for their line of business; to the Committee on the Post Office and Post Roads.

Also, petition of Loyal Order of Moose and Fraternal Brotherhood, of Los Angeles, Cal., protesting against increased postal rates on fraternal magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Anna Walter Speakman and others, of Pasadena, Cal., favoring an act to give full force to the migratory bird-protection treaty; to the Committee on Agriculture.

Also, petition of Woodrow Wilson Independent League of Southern California, opposing bills relative to the leasing of water-power sites; to the Committee on the Public Lands.

Also, petition of National Association of Life Underwriters, Los Angeles (Cal.), branch, in favor of a bill to incorporate that association; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of Chamber of Commerce of the State of New York, relative to cooperation with the Tariff Commission for study; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of the State of New York, relative to cooperation for export trade; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to inadequate salary of United States Tariff Commission; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of State of New York, relative to congressional inquiry into interstate transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Building Managers' Association, relative to shortage of coal supply; to the Committee on Interstate and Foreign Commerce.

Also, petitions of L. Sidney Fried and Albert L. Kurtz, of New York City, favoring passage of the Lobeck bill, House bill 16060; to the Committee on Agriculture.

Also, petition of American Specialty Manufacturers' Association, relative to Federal food standards; to the Committee on Agriculture.

Also, petition of Marks & Clerk, New York City, relative to pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of New York Post-Office Laborers' Benevolent Association, Branch No. 1, relative to increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of G. H. Muller, of The Bronx, N. Y., favoring increase in pay of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of George A. Reed, favoring passage of House bill 19185, relative to medal-of-honor pension; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRUMBAUGH: Petitions of John R. Girard, Edward Prior, Mathias Neff, Nicholas Strauss, George Andres, P. J. Gloechner, George Farrell, C. Schirtzinger, and many other citizens of Columbus, Ohio, against prohibition bills; to the Committee on the Judiciary.

By Mr. BURKE: Petition of 336 business men and citizens of Sheboygan, Wis., protesting against passage of an amendment to the United States Constitution providing for nationwide prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of Women's Missionary, of Emanuel Baptist Church, Schenectady, N. Y., favoring prohibition; to the Committee on the Judiciary.

Also, petition of Schenectady (N. Y.) Order of Eagles, against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. CLINE: Petitions of Indiana citizens, opposing section 10 of House bill 19410; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of E. La Montagne's Sons, of New York, opposing House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's World, of New York, and the Corrugated Bar Co., of Buffalo, N. Y., opposing increase in second-class postage rate; to the Committee on the Post Office and Post Roads.

By Mr. DENISON: Petition of citizens of Cairo, Ill., against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17854; to the Committee on the Judiciary.

By Mr. EAGAN: Petitions of sundry citizens of the State of New Jersey, against prohibition bills, etc.; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New Jersey, favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Adolph Mosher and 57 others, of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of Orange Chapter, Daughters of the American Revolution, of Orange, N. J., favoring the education of adult foreigners throughout the United States from the surplus of money received from the naturalization of these foreigners; to the Committee on Appropriations.

By Mr. FINLEY: Papers to accompany House bill for relief of L. Raymond Thompson, insane; to the Committee on Pensions.

By Mr. FULLER: Petition of A. B. Jackson, of Golconda, Ill., favoring House bill 18531, concerning proofs of widowhood in claims for pension; to the Committee on Invalid Pensions.

Also, memorial of United Business Men's Association, of Philadelphia, Pa., against abandonment of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, petition of Champaign County (Ill.) Farm Bureau opposing embargo on foodstuff; to the Committee on Interstate and Foreign Commerce.

Also, petition of Happy Hill Aerie, Fraternal Order of Eagles, of Morris, Ill., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petitions of sundry publishing companies and others of the United States against zone postal system; to the Committee on the Post Office and Post Roads.

By Mr. GARD: Petition of E. H. Munch and other residents of Dayton, Ohio, protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of Albert Greth and others, residents of third congressional district of Ohio, protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. GORDON: Petition of Mr. Simon Lustig, Cleveland, Ohio, and 1,471 other citizens of Cuyahoga County, Ohio, against prohibition bills; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Mead Pulp & Paper Co., of Dayton, and Glass Bottle Blowers' Association, of Bellaire, Ohio, against prohibition in the District of Columbia; to the Committee on the Judiciary.

Also, memorial of Smith & Lamar, publishing agents, Methodist Episcopal Church South, Nashville, Tenn., against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 17049 for increase of pension for Josiah Dock; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 17539, granting pension to William Reed; to the Committee on Pensions.

By Mr. HOPWOOD: Petition of 101 citizens of Somerset County, Pa., favoring Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KAHN: Petition of 191 residents of San Francisco, Cal., protesting against House bill 18986 and Senate bill 4429, mail-exclusion bills, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Golden Gate Aerie, No. 61; San Francisco Aerie, No. 5, Fraternal Order of Eagles; Eagles' Hall Association, and John L. Hergert, all of San Francisco, Cal., protesting against increase of postage on second-class mail and fraternal magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Methodist Book Concern, San Francisco, Cal., protesting against proposed increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, telegrams from J. R. Molony, president Insurance Federation of California, and Charles A. Shurtleff, of San Francisco, Cal., protesting against the enactment of section of Post Office appropriation bill providing a guaranty fund; to the Committee on the Post Office and Post Roads.

Also, telegrams from Western Canner and Packer and Pacific Wine and Spirit Review, both of San Francisco, Cal., protesting against adoption of mail-exclusion bill, House bill 18986; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petition of sundry residents of New Alexandria, Latrobe, and Westmoreland County, Pa., protesting against nation-wide prohibition, etc.; to the Committee on the Judiciary.

By Mr. KETTNER: Petition of P. T. Griffith, National City, Cal., and Lyman Grimes, secretary, League to Enforce Peace, San Bernardino,, Cal., favoring world-wide peace; to the Committee on Foreign Affairs.

Also, petition of Dixon Van Blarcom, general secretary, San Francisco Association for Study and Prevention of Tuberculosis, San Francisco, Cal., and Miss Mary E. Kershaw and Miss Daisy M. Hanscom, school nurses, San Diego, Cal., favoring House bill 11864, the Kent bill, providing subsidy for care of indigent nonresident tuberculous patients; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. W. Harvey, Fillmore, Cal.; Miss Helen H. Landis, Palm City, Cal.; and J. B. Bledsoe, Judson, Cal., protesting against high cost of living; to the Committee on Ways and Means.

Also, petition of William H. Myers, Rosedale, Kans.; B. B. Tuttle, San Francisco, Cal.; William Prescott, La Mesa, Cal.; A. J. Kelley, Soldiers' Home, Sawtelle, Cal., and 9 other residents, favoring passage of Civil War volunteer officers' retirement bill; to the Committee on Military Affairs.

Also, petition of M. A. Stevens, San Diego, Cal., favoring old-age pension bill; to the Committee on Appropriations.

Also, petition of A. E. Dodson, San Diego, Cal., favoring passage of Indian war pension bill; to the Committee on Pensions.

Also, petition of Mrs. Agnes M. Higgins, San Diego, Cal., favoring passage of Senate bill 4535, for longevity pay due Army officers and their widows; to the Committee on Pensions.

Also, petition of Jesse A. Ivy, Thermal, Cal., favoring increase in salaries of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of A. D. Skillman and J. P. Bowers, of Ontario, Cal.; H. N. Petch and 9 other post-office clerks and carriers; A. P. Hammerschmedt and 9 others, of Fullerton; Nelson R. Phillips and 18 other employees of Anaheim post office, Cal.; and Charles Smith and 4 others, of Imperial post office, Cal., favoring increase in salaries of post-office clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Isidor Jacob, California Canneries Co., San Francisco, Cal., favoring increase in salaries of internal-revenue collectors; to the Committee on Appropriations.

Also, petition of Bob Blankenship, of San Diego, Cal., favoring increase in salaries of customs service employees; to the Committee on Appropriations.

Also, petition of M. V. Hill, manager California Electric Railway Association, Los Angeles, Cal., and Paul Shoup, president Pacific Electric Railroad, Los Angeles, Cal., favoring amendment in Cullop bill exempting interurban and street railways from eight-hour provision; to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry L. Titus, manager of San Diego & Arizona Railway Co., San Diego, Cal., protesting against House bill 9216; to the Committee on Interstate and Foreign Commerce.

Also, petition of Albert H. Allen, University of California Press, Berkeley, Cal.; Charles P. Douglass, San Diego, Cal.; and Ansel F. Hall, Forestry Club, Berkeley, Cal., favoring appropriation of $300,000 for Yosemite Park, enlargement of Sequoia National Park, and creation of Grand Canyon National Park; to the Committee on Public Buildings and Grounds.

Also, petition of James M. Parker, engineer, and 7 other residents of National City, Cal., favoring Nolan minimum-wage bill; to the Committee on Appropriations.

Also, petition of John D. Twohy and L. J. Wilde, San Diego, Cal., favoring amendment affecting Federal reserve banks; to the Committee on Banking and Currency.

Also, petition of Charles W. Dempster, supreme secretary of the Fraternal Brotherhood, Los Angeles, Cal., protesting against bill proposing to raise the pound rates on official papers of fraternal societies to 2 cents; to the Committee on the Post Office and Post Roads.

Also, petitions of Frank B. Peterson Co., San Francisco, Cal.; S. Glen Andrus, secretary-manager Chamber of Commerce, Sacramento, Cal.; and George W. Colton, secretary Auto Tire Co., San Diego, Cal., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of F. A. Binney, San Diego, Cal.; W. J. Arnold, Santa Ana, Cal.; and John L. Summers, Riverside, Cal., favoring reduced postage rate on manuscripts; to the Committee on the Post Office and Post Roads.

Also, petition of F. C. DeLano, secretary Los Angeles Wholesalers' Board of Trade, Los Angeles, Cal., favoring repeal of bankruptcy law; to the Committee on Banking and Currency.

Also, petition of William S. Post, associate member A. S. C. E., San Diego, Cal., favoring introduction of compulsory military service; to the Committee on Military Affairs.

Also, petition of Mrs. W. F. Eschbacher, corresponding secretary California Congress of Mothers and Parent-Teacher Associations, Oakland, Cal., favoring House bill 390 and Senate bill 703, vocational education; to the Committee on Education.

Also, petition of Mrs. Harriet M. des Granges, National Society Daughters of the American Revolution, Fullerton, Cal., favoring the purchase of Monticello, former home of Thomas Jefferson; to the Committee on Public Buildings and Grounds.

By Mr. LIEB: Petition of Alois Wilzbacher, Floyd B. Meadows, George Otto, Ed. Elmendorf, A. H. Kroener, John Alexander, Albert Westfall, J. W. Kirkpatrick, Fred Hohenberger, Richard Peva, Pat Hart, Martin Sherry, William H. Liter, Sam Childers, H. J. Dillman, Frank Graul, Harrie M. Goedde, William H. Stock, C. E. Ealisto, George Blackburn, Oscar Damenberg, Loran Carleton, Thomas J. Onzis, L. A. Scheller, R. Ingram, O. F. Lauren, Jacob Wender, Walter Egli, Rentice Barnett, Wayne Perkins, Edward C. Kratz, Gustav Scutze, Fred Fessler, Oscar Kleaman, Finas Jackson, Fred Fessler, sr., L. E. Iliff, Henry Frei, Thomas J. Cobb, Clarence Mutt, Robert Woodall, Philip Kratz, John Singel, Charles McGinness, Anseln Eble, William F. Lenges, Joseph L. Morell, Jacob Huler, A. G. Hayden, George Maier, Herman C. Regel, G. A. Kenngott, Fred Gerkensmeier, John Poelhuis, Adam J. Fink, jr., John S. Hammerstein, Walter Meier, J. W. Sitzmann, Val. Belzer, Joseph Pfeifer, William S. Kamm, Ed. Thienes, E. F. Schentrup, Ray Ehrman, Herman Koenig, Clarence Hamel, Jessie Moore, Fred Forster, Emil Euler, Louis Bailey, Jack Maky, Dewey Hornbrook, Nick Tindall, H. W. Kuhn, Carl Winiger, Ben. J. Reding, Charles Gerkensmeier, William L. Miller, Arthur Grotius, F. A. G. Reichert, M. R. Taylor, George Livell, H. M. Graves, Frank Berger, Henry A. Weibert, C. W. Regel, Peter Tafel, Jacob Chapp, Joseph Fell, H. Needemeyer, James Crawford, H. Schnell, George Stenkle, C. Schoenbacher, George Taft, Henry Fretz, Clem J. Deig, Jacob Salzman, Oliver Rhodes, C. E. Bilderback, R. Bockstege, George Lindenschmitt, Edwin Powell, Carl Martin, J. N. Metcalfe, George Smith, Henry Kleiman, George J. Hirsch, William Thomas Judd, Frank Behermann, Jacob Wagner, Bart Flagler, William Bishman, Fred H. Huck, L. Metcalf, Julius Schoenbachler, John Schmitt, Charles Clark, John F. Maier, Peter C. Miller, Walter Seng, Edward Winder, Jerome Schaefer, John Hess, Fred Regaldo, O. H. Elliott, Fred Schnacke, Otto Maienschein, J. R. Dellman, Ed. Egli, Henry Wagner, Joseph A. Mandel, Frank Frielinghausen, John McGregor, Anthony L. Rushe, Theodore Wiggers, John Schaad, Charles D. Maes, Karl Topp, Charles Reutter, Frank Benme, Walter Wotsey, J. E. Hagan, Charles Matz, Charles M. Trageser, Edwin Conen, L. W. Holmes, D. G. Tevault, B. S. Wirtz, and Jake Morell, all of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District of Columbia prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of Anthony F. Hirsch, Robert F. Worldridge, Harvey Whitby, W. L. Becker, John Linzy, L. Hosselback, Roy Hoel, Walter Foster, Seth Collins, Joe Gerdenhire, Otto Hohl, John Rider, William F. Schmidt, Henry Berkmeier, Al. Zenthorfer, Jack Perry, Theodore Englers, Urban Birk, Ransom Street, A. C. Peek, William J. Lennenstoll, Albert S. Fisher, Fred H. Melcher, Joseph Birk, Fred Dietzel, Harry Martin, E. G. Senfer, D. A. Thomas, Bis Wolpert, C. R. Green, Edward C. Schafer, Peter Berg, John Zuber, Walter Pligge, A. W. Cline, C. Fehrenbach, David Zuber, P. Bauer, William W. Smith, J. Umla, Paul Persohn, William Spillman, Joe Beach, Edw. F. Barr, John Wilson, Sam Angersmeier, Tom Fugato, Henry Klenck, James Litterall, Albert Wandus, Adam J. Fink, Claude Burns, Joseph H. Lantz, jr., A. Riedy, Benjamin C. Sachs, Moses Nathan, Jacob Sifig, John Busch, H. C. Miller, Joe Strehl, H. C. Miller, J. D. McCarty, Frank Scott, Julius Schmidt, Al. Salisbury, C. E. Hopkins, W. Kasper, Charles Morell, O. Klein, Michael Rapp, Howard Beeson, L. S. Salerton, P. F. Duber, George Hoplich, Henry Kunath, Louis J. Rahm, William Lowell, Henry Heppen, W. C. Roesner, Frank Dillmann, Jacob Wender, Theodore Verger, John Timberlake, Henry Wingert, Edward F. Boesche, E. E. Blackburn, Cliff Wittshire, Jeff Tevault, William Armstrong, Albert Butts, W. H. Moore, John Wuetherich, Fred Young, Ferdinand Sauer, Louis Fritsch, William Wemkener, Fred Baker, Fred Love, John Abbing, Fred Bickel, Richard Johnson, Charles F. Mitchell, Laryl Lacky, William Moore, Harvey Bexley, Leonard Bickel, Ed. Greek, A. H. Yaser, John H. Trunck, Ernst Senfer, Jess M. Ulrich, Calvin Eckers, Frank Spnger, Paul Dalp, Jake Matz, H. Gonnerman, Karl Feldlery, Arthur Anders, and Michael Angel, all of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District of Columbia prohibition bill, Webb Nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of George Lindenberg, Walter Strohel, Otto Patterson, Kunze Zeidler, Robert Tinsley, George Shanks, Chester Nan, James McDaniel, Joe Bollinger, Jacob Matthew, Fred Schmitt, Charles Wainman, Erwin Chweitzer, John Mates, Frank Killian, Herman Wingert, C. McKunnae, R. W. Scher, John Kohl, George Kohl, Robert Mestle, William Kohl, William Schuble, Charles Schwertzer, Charles H. Hummert, John Weber, Louis A. Heger, Victor Zeigler, Edward Ohning, George Neutzel, William Pierre, E. N. Morrison, Charles Hayden, L. Hartman, William M. Heilman, Max Ritter, jr., William C. Hofendorfer, Jules Enders, Fred H. Gritter, Arthur F. Herrmann, Emil Lery, R. M. Van Daly, Wilfred Merrimer, John W. Wimberg, H. B. Spetz, J. L. Taylor, Arthur G. Dunn, William G. Kerth, A. C. Bawkins, John F. Gilman, Frank Belry, John J. Schulte, A. M. Morris, Henry Crese, William Habbe, A. Lawrence, W. R. Phillips, H. Buente, Phil. C. Jones, Enoch J. Weir, Herman Haltman, Henry L. Rose, Robert Francerell, George Schmitt, John Hummel, A. J. Veneman, P. B. Arey, John Allbecker, Joseph Pedes, Newton W. Thrall, John W. Knerr, C. P. Beard, Edward P. Kramer, Samuel A. Urnn, August L. Riechmann, William H. Basank, T. B. Armistead, Neal W. Kerney, S. Kaltenbacher, N. Rumacke, A. Ziemer, J. Streker, William Fach, Henry J. Fisher, Henry Schimenn, Valentine Dirschhotz, C. M. Kerbrandt, William Doing, William Rosenberger, Fred G. Denker, B. A. Robertson, Charles Fred Geiger, W. M. Sweat, Jacob H. Kuriger, Charles Grinn, Edgar Corn, C. O. Comm, Theodore Spitzmeller, L. P. Hughes, George Forest, B. Miller, Ben. Botzum, Ralph Ehrmann, August Becker, R. E. Williams, R. P. Surell, R. D. Pender, Otto Strange, James N. Goad, L. Smith, S. Schauer, G. C. Bruner, H. J. Mand, P. Price, James Walker, J. M. Tucker, J. Stiegelbauer, John Kraft, Harry Banks, A. H. Brand, W. M. Talbott, P. Drain, C. H. Sterne, T. Haneah, Arthur Sohn, Fred Hammerstein, Gotfried Wilhelm, Joe Strohmeyer, Henry Wartman, George Bridges, Frank Anderson, Rufus Stanton, George Martin, Frank Freihaut, C. E. Krietemeyer, Claud Market, John C. Vaughn, Peter N. Trageser, Albert Sweat, H. Schlenske, Fred E. Karges, W. R. Woods, H. C. Heberer, E. N. Tarsse, A. C. Richardt, Tony J. Lucitelle, F. A. Reitz, H. R. Cook, John G. Wimberg, W. F. Richardt, H. W. Weiribacher, E. B. Oslage, Love Oreisch, George B. Hinson, H. C. Linkinhenni, E. F. Oslage, A. R. Gerhart, B. Newman, jr., and Joe Griener, all of Evansville, Ind., protesting against the passage of the Randall mail-exclusion bill, the Bankhead mail-exclusion bill, the Sheppard District of Columbia prohibition bill, the Webb nation-wide prohibition bill, and the Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of Max Ritter, Joseph Brentano, William H. Bosse, Charles Lipscomb, William L. Wintery, Frank Ostermann, Joseph H. Plock, W. Koltinsky, Herbert Shull, Frank Schmitt, George Rhenhunts, Walter J. Ries, P. H. Kiely, John J. Casey, Ben Bartlett, George A. Barnard, Tony L. Bryan, Edgar Schmidt, William Blain, Edward F. Ossenberg, George L. Covey, Charles Schave, William S. Perrett, Alfred Niemeyer, Michael J. Kelly, Alfred Steene, George Hewig, Pete Vogt, Ernest E. Tidington, John Heeger, Fred Henke, E. T. Shrode, John H. Jack, V. C. Henderson, William Jegler, Will Shergood, George Grassmann,

Arthur H. Schneider, J. H. Moeller, Walter L. McCordle, John B. Allis, Alta Payne, Alfred J. Winzeler, Edward A. Street, Joseph W. Bussings, Richard Kiley, Pete Heitzman, John Jervis, Ernest Ferington, Cornelius Cross, John Birnol, M. Smith, W. M. McPhillips, Alexander Pritchett, C. H. Bussin, L. Gastennel, A. H. Bunkwinkel, Louis Leechner, Joseph Klein, Charles Baff, Thomas Floyd, F. J. Schmitt, C. F. Grier, A. N. Gilead, Reuben Ruston, Benjamin Fleirlage, Clyde Bittoeff, Gus Kertzman, George Rice, Fred W. Habbe, Charles F. Doerr, R. F. Collins, George Hertweck, E. O. Hopkins, Henry Herndorn, I. A. Wernert, G. C. Jones, Jacob Dulez, E. R. Lett, Henry Desch, Charles R. Bussing, W. C. Lett, R. Quinn, L. J. Gabelman, W. H. Stallings, Otto Korn, T. Siorn, Edward Henke, Ernst Rahm, A. C. Ekerburch, S. Richarson, Ray Ahlering, Henry Buchwinkel, F. Mangold, Fred Hoehl, J. Schentrup, Tony Mathews, Edwin C. Ritt, Nick Lannert, Jacob Haller, Louis Trapp, Henry Johnson, August Schuch, Valentine Weber, P. Paul Schatz, F. Drote, Henry P. Fuchs, Phillip H. Fuchs, Frank Herman, John Kaiser, Andrew Fisthmister, Bieford Wakins, John Hanz, Fred Werre, F. H. Kratz, F. X. Becker, John Bell, William Kureger, Oscar Tegtmeier, John Armstrong, C. L. Canturter, J. E. Stickelman, Joseph A. Kewer, Christ Wimduheh, W. Smith, F. J. Schlinter, U. G. Redman, Ernest J. Robertson, John D. Hillenbrand, J. McCaw, E. Rauchmeier, H. A. Kenn, jr., John Beol, George Scholen, W. D. Arnold, J. W. Irons, and Charles Rettinger, all of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District of Columbia prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Townsend, Grace & Co., of Baltimore, Md., in reference to supply of peroxide of sodium; to the Committee on Foreign Affairs.

Also, memorials of sundry organizations of Baltimore, Md., opposing Steenerson amendment to Post Office appropriation bill affecting catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Baltimore Aerie, No. 5, Fraternal Order of Eagles, opposing increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of Maryland, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of John G. Murray & Co., Oswald Pfau, W. Scheffenacker, and others, of Baltimore, Md., against mail-exclusion bills; to the Committee on the Post Office and Post Roads.

Also, petitions of International Union of the United Brewery Workmen of America and Baltimore Photo Engravers' Union, against prohibition bills; to the Committee on the Judiciary.

Also, petitions of Baltimore Federation of Labor and the Albrecht Co., of Baltimore, Md., against passage of House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of Young Women's Christian Association, favoring woman's department in the Department of Labor; to the Committee on Labor.

Also, petitions of sundry business concerns of the United States, favoring support of the water-diversion bill at Niagara Falls, N. Y.; to the Committee on Rivers and Harbors.

Also, petition of Charles W. Hess, of Baltimore, Md., favoring increase in pay of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry business men of Baltimore, Md., favoring appropriation for improvement of Chesapeake and Delaware Canal; to the Committee on Rivers and Harbors.

By Mr. MOORES of Indiana: Petition of 1,425 citizens of Indianapolis, Ind., protesting against House bill 18986, House joint resolution 84, and House bill 17850; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of Miss Jeannette M. Eaton, principal of the Belmar School, of Pittsburgh, Pa., and signatures of 41 others, with reference to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of sundry citizens of Farmington, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OLNEY: Petition of citizens of Sharon, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Hornell Aerie, 701, Fraternal Order of Eagles, Hornell, N. Y.; Elmira Aerie, 941, Fraternal Order of Eagles, Elmira, N. Y.; and Ithaca Aerie, Fraternal Order of Eagles, Ithaca, N. Y., opposing section 10 of the Post Office appropriation bill, "unless first paragraph is amended to exclude from the operation of the bill fraternal magazines published by fraternal orders not for profit but solely for education and information"; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of H. H. Clarkson, of Hillsdale, Mich., against zone rate in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of A. R. Rodgers and 300 citizens of Kalamazoo, 275 citizens of Coldwater, 32 citizens of Hillsdale, and 299 citizens of Battle Creek, all in the State of Michigan, against Post Office appropriation bill increasing rate on fraternal magazines; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Memorial of Frank L. Baker, president, and Henry Larock, secretary, Local Union (Plattsburg, N. Y.) No. 1042, V. B. of C. and J. of A., protesting against the adoption of mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petitions of sundry citizens of the thirty-third district of New York, favoring woman suffrage: to the Committee on the Judiciary.

Also, petition of Pesidents L. Hommedieu and Moy, of the Baptist and Methodist Episcopal Churches of Herkimer, and Men's Bible Class of Plymouth Church, Utica, N. Y., favoring prohibition; to the Committee on the Judiciary.

Also, memorial of Empire Society, Sons of American Revolution, of New York, and Schenectady Chapter, Daughters of the American Revolution, favoring national park on the site of the battle field of Oriskany; to the Committee on Military Affairs.

Also, petition of Utica (N. Y.) Order of Eagles, against increasing postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Rhode Island Press Club, against changing the system and rate for carriage of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Warwick (R. I.) Aerie, No. 1313, Fraternal Order of Eagles, against changing system and rate for carriage of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the second Rhode Island district, against any prohibition bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 19773, for relief of Thomas F. Jennison; to the Committee on Invalid Pensions.

By Mr. TREADWAY: Petition of sundry citizens of North Adams, Mass., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. WARD: Petition signed by 160 residents of Kingston, N. Y., protesting against the passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. WILLIAMS of Ohio: Petition of members of the I. B. E. W., against prohibition bills; to the Committee on the Judiciary.

Also, petition of 135 citizens of Akron, Ohio, against prohibition bills; to the Committee on the Judiciary.

SENATE.

FRIDAY, *January 12, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee for the great gift of life, for the fuller and more abundant life Thou hast revealed to us in Thy Word. Thou hast given to us in our power of self-expression something of the Divine. We pray that our hearts may be so attuned to the Divine Nature as that their outward expressions may be Godlike. Give to us Thy grace that our lives may be conformed to Thy will, and that the acts of our lives may stand the test that Thou hast given to us, a test which brings in its train the blessings of civilization and all the higher blessings and comforts and happiness of life. Hear us in our prayer for the forgiveness of sins and for the Divine guidance. For Christ's sake. Amen.

The PRESIDENT pro tempore. The Secretary will read the Journal of the proceedings of the preceding day.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Asburst	Hitchcock	Oliver	Smith, S. C.
Bankhead	Hollis	Overman	Smoot
Beckham	Hughes	Page	Sterling
Brady	James	Poindexter	Thomas
Brandegee	Johnson, Me.	Pomerene	Thompson
Bryan	Johnson, S. Dak.	Ransdell	Tillman
Chamberlain	Jones	Robinson	Townsend
Clapp	Kenyon	Saulsbury	Vardaman
Clark	Kirby	Shafroth	Wadsworth
Culberson	Lea, Tenn.	Sheppard	Walsh
Curtis	Lodge	Sherman	Watson
Dillingham	McCumber	Simmons	Williams
Fernald	McLean	Smith, Ariz.	Works.
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Nelson	Smith, Md.	
Hardwick	Norris	Smith, Mich.	

Mr. LEA of Tennessee. I desire to state that the senior Senator from Indiana [Mr. KERN] is detained by illness from the Chamber. I will let this announcement stand for the day.

Mr. SMITH of Arizona. The Senator from Tennessee [Mr. SHIELDS] is absent from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness. I will let this announcement stand for the day.

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN] from the city, and to have this announcement stand for the day.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is quorum present. The Secretary will proceed with the reading of the Journal of the previous day.

The Journal of yesterday's proceedings was read and approved.

NOMINATION OF WINTHROP M. DANIELS—CORRECTION OF RECORD.

Mr. HUGHES. Mr. President, I rise to a correction of the RECORD. In the proceedings in executive session on the 10th the RECORD states that—

> On motion of Mr. HUGHES the injunction of secrecy was removed from Miscellaneous Executive Document No. 2 and Miscellaneous Executive Document No. 3, and they were ordered to be printed as Senate documents and also in the RECORD.

I wish the RECORD to show that that action was taken by unanimous consent. Under the rule of the Senate it could not be done in any other way.

The PRESIDENT pro tempore. Without objection, the permanent RECORD will be changed to conform to the suggestion of the Senator from New Jersey.

WITHDRAWALS OF PUBLIC LANDS (S. DOC. NO. 677).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on land withdrawals from settlement, location, sale, or entry under the act to authorize the President of the United States to make withdrawals of public lands in certain cases, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 1031).

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and opefate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

The message also announced that the House further disagrees to the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, and Mr. HAYES managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House has signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 6864. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917;

H. R. 1093. An act for the relief of James Anderson; and

H. R. 10007. An act for the relief of William H. Woods.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a petition of the Commercial Club, of East St. Louis, Ill., praying for the placing of an embargo on food products. I present this petition because it has been sent to me, and not because I have any sympathy with it. I will state that I am utterly opposed to an embargo on the exportation of food products.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of sundry citizens of Vienna, Ill., praying for the enactment of legislation to reduce the high cost of living, which was referred to the Committee on the Judiciary.

He also presented petitions of the Peoria and Champaign Branches of the National Letter Carriers' Association of Illinois, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the City Council of Chicago, Ill., praying for the enactment of legislation to permit checking accounts in the Postal Savings Bank System, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented petitions of sundry citizens of New Haven and Milford, in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. POINDEXTER presented the memorial of Dr. J. V. Steele and sundry other citizens of Waitsburg, Wash., remonstrating against the creation of zones for postal rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of John L. Harris, of Kelso, Wash., praying for the establishment of peace in Europe and submitting a plan for the promotion thereof, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the State of California National Society, United States Daughters of 1812, praying for the enactment of legislation to permit the publishing yearly of the work of that organization under the auspices of the Smithsonian Institution, which was referred to the Committee on Printing.

Mr. BRANDEGEE. I present a petition of the Chamber of Commerce of Hartford, Conn., praying that the railroads be relieved from State regulation. I ask that the petition be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

> Whereas the dual system of Federal and State control of the railways of the country has in some sections retarded railway development, with the result that the railways, because of conflicting regulations of various State commissions, and conflicting laws of such States, are hindered in caring for the business requirements of the country; and
>
> Whereas the railways will be an important factor in the commercial development of the country and will either aid or hold back the manufacturers of the country who are planning to meet foreign competition in New World markets: Therefore be it
>
> *Resolved*, That the Hartford Chamber of Commerce urge upon Congress the necessity of relieving the railways of the country of existing State regulations, by giving the Interstate Commerce Commission such powers as may be deemed necessary to unify regulations of all railway affairs which directly or indirectly affect interstate commerce.

Mr. BRANDEGEE. I present a petition of the Chamber of Commerce of Hartford, Conn., praying for universal compulsory military training. I ask that the petition be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

> Whereas it appears that at the present time the United States is without any definite military policy for the training of its manhood to meet the possible military needs of the country; and
>
> Whereas the volunteer system of recruiting as used can not be relied upon to furnish a sufficient number of trained men in an emergency: Be it
>
> *Resolved*, That the members of this chamber of commerce believe that Congress should take immediate and effective steps to provide for the universal compulsory training of the young men of the country.

Mr. POINDEXTER. I present a telegram in the nature of a petition signed by the president of the Federal Employees' Union, of Tacoma, Wash., which I ask may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the telegram was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

TACOMA, WASH., *January 11, 1917.*

Senator MILES POINDEXTER,
Washington, D. C.:

We protest reported action Senate Democratic caucus in agreeing to defeat all increases pay for Government employees, including some passed by House. Leading corporations making substantial increases. Government employees' pay stationary many years. Constantly increasing cost of living makes increase pay necessary. We ask your support.

FEDERAL EMPLOYEES' UNION,
D. C. IMRIE, *President.*

Mr. POINDEXTER. I present a telegram in the nature of a memorial from Arthur Perrine, president of the Federal Employees' Union, of Spokane, Wash., favoring increases in the salaries of all Federal employees. I ask that the telegram may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the telegram was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *January 11, 1917.*

Senator MILES POINDEXTER,
Washington, D. C.:

Informed Democratic caucus has agreed to defeat increases of pay for Government employees. Urgently request that you use every means to secure increase commensurate with increased cost of living. Condition of custodian employees in this city is pitiable; salary, $55 per month.

ARTHUR PERRINE,
President Federal Employees' Union.

WHITE-PINE BLISTER RUST.

Mr. GALLINGER. Mr. President, some days ago I presented a proposed amendment, which was referred to the Committee on Agriculture and Forestry, proposing to increase the appropriation for the examination and suppression of white-pine blister rust. The American Forestry Association estimates that there is a great danger of the loss of $260,000,000 in the near future unless prompt and efficient steps are taken to arrest that disease. It will be remembered that the chestnut-tree blight was neglected and the chestnut trees of the country are practically destroyed at the present time.

I now rise, Mr. President, to present a paper from the American Forestry Association concerning this matter, which I ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the paper was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *January —, —.*

With the New England States as the bull's-eye of their attack, 300 delegates to the international forestry conference will meet here next Thursday and Friday (18 and 19) to consider ways and means of checking the spread of the white-pine blister disease which has gained such a strong foothold in the Northeastern States.

Every State in the group will have delegates, appointed by the governors, at the conferences. The committee for the suppression of the white-pine blister disease, of Boston, will have a delegation here headed by Harris S. Reynolds. To-day Gov. Milliken, of Maine, sent in his nominations as follows: L. A. Pierce, Houlton; James W. Sewall, Oldtown; Charles F. Eaton, Princeton; S. S. Scammon, Franklin; S. W. Philbrick, Skowhegan; Blaine S. Viles, Augusta; Elwyn K. Jordan, Alfred; Y. A. Thurston, Andover; Leslie Boynton, Jefferson; Everett E. Amey, Portland.

Lumber associations, too, are sending delegations, and there will be joint sessions of several forestry associations cooperating with the American Forestry Association. Canada will have a representation of 20 delegates.

Charles Lathrop Pack, president of the Forestry Association, announces a program which contains the names of many of the most widely known experts on this continent. P. S. Ridsdale, the secretary, has provided for a showing of 40 paintings of national forests to be shown the delegates at the New National Museum.

The western governors have all appointed delegates, for there is a particular effort on foot to keep the disease out of the sugar pines on the Pacific coast. The first of the delegates will begin arriving next Wednesday.

The two big questions to come before the conference will be State quarantine against the States now infected with the white-pine scourge and also nation-wide quarantine against the shipment of all seedlings and plants that bring these pests from other countries.

"The chestnut blight," said President Pack to-day, "we all know, and we also know what the boll weevil did. It is the failure to act in time that costs the country millions of dollars. The white-pine blister disease is a fungus that grows upon the leaves of the currant and gooseberry bushes. It goes from pine to bushes and back to the pine. It gets under the bark and bursts it. Thus far there has been nothing found that will save a tree thus attacked.

"The thing to do is to inaugurate a nation-wide campaign to arouse the people to do everything possible to check the spread and hold the disease where it is now the worst—New England. The Department of Agriculture has issued a warning which says there must be action at once, for if the disease gets from the home and farm area into the dense timber country there will be no stopping it. This is not belief or rumor; it is the words of the experts of the department as set forth in Bulletin 742, which anyone can have for the asking.

"I know men who have sacrificed valuable decorative trees on their estates and ordered all currant and gooseberry bushes cut down in an attempt to check the spread of this pest. It is only by the concerted action of the Federal Government and the States interlocked with an aroused public opinion that will save these trees for the country and posterity."

The conference will be called to order on Thursday morning at 10 o'clock, and after a short business session the main object of the conference will be taken up.

YOSEMITE NATIONAL PARK.

Mr. PITTMAN. Mr. President, I present a resolution adopted by the Reno Commercial Club with regard to the proposed extension of the Yosemite National Park, and also a short letter I have written in answer to it. I will not ask that they be read, but I ask unanimous consent that they be published in the RECORD.

Mr. SMOOT. I did not hear what the request was. There was so much confusion in the Chamber I could not hear what the Senator said.

Mr. PITTMAN. I have here a resolution from the Reno Commercial Club protesting against the enlargement of the Yosemite National Park. It is rather a long resolution, and I have asked unanimous consent to have it published without reading, together with the acknowledgment by me of its receipt.

Mr. SMOOT. The Senator asks to have them printed in the RECORD?

Mr. PITTMAN. Yes.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

RENO COMMERCIAL CLUB,
Reno, Nev., December 23, 1916.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

MY DEAR MR. PITTMAN:

Whereas it has come to the attention of the Reno Commercial Club that certain persons are endeavoring to stir up public sentiment against further development of hydroelectric power upon Rush and Levining Creeks, in the county of Mona, State of California; and

Whereas it is definitely stated by said certain persons that such development should not be permitted on account of the alleged destruction of the "beautiful scenery" connected with the waterfalls on said creeks; and

Whereas it has come to the attention of this commercial club that said certain persons are making an invidious effort to have the eastern boundary line of the Yosemite National Park extend to include the falls and hydroelectric development plant in question, thereby depriving the present power companies of their water supply; and

Whereas it appears that the hydroelectric development has been made by Pacific Power Corporation by virtue and under authority invested by certain permits granted by departments of the Federal Government having jurisdiction thereof, in due and regular form, as in such cases by law made and provided; and

Whereas it has been conclusively shown that the electrical energy now generated at the plants of said corporation are being used for the development of agriculture, operation of mines, industries, lighting of streets, homes, and other useful purposes of the many communities and towns in Nevada, including Fairview, Wonder, Tonopah, Goldfield, and Hawthorne; and

Whereas it appears that the service to be thus supplied by the Pacific Power Corporation and its associated and interconnected companies is absolutely essential to the complete development of important and growing districts of Nevada; and

Whereas it is the sense of the Reno Commercial Club, after a full investigation of all the facts in the matter, that it is unalterably opposed to any interference with the lawful undertakings of said corporation, and that it should be the policy of our State and Federal Government to foster and encourage in every proper manner the development of the latent resources of Nevada, to the end that its citizens may receive the full benefit and enjoyment of the conveniences thereby afforded and the taxable wealth of our State increased by the large investment required to bring such developments to fruition: Therefore be it

Resolved, That the Reno Commercial Club is opposed to any action being taken by the Federal authorities or others that would have the effect of hampering or preventing the lawful undertakings of said Pacific Power Corporation in the development of useful hydroelectric power, and respectfully requests the Secretary of the Interior and the California State Water Commission to take no action looking toward the revocation of the permits under which the said developments are made; and be it further

Resolved, That the secretary be instructed to spread this resolution upon the minutes of the Reno Commercial Club and mail a copy thereof to Hon. Franklin K. Lane, Secretary of the Interior, Washington, D. C.; secretary of the California State Water Commission, San Francisco, Cal.; Hon. KEY PITTMAN, United States Senator; Hon. FRANCIS G. NEWLANDS, United States Senator; Hon. E. E. ROBERTS, United States Congressman; and a copy to the office of the Pacific Power Corporation at Goldfield, Nev.

Yours, very truly,

RENO COMMERCIAL CLUB,
By G. A. RAYMER, *Secretary.*

—

UNITED STATES SENATE,
January 8, 1917.

Mr. G. A. RAYMER,
Secretary Reno Commercial Club, Reno, Nev.

MY DEAR MR. RAYMER: The receipt of the resolution of your club under date of December 23, relative to an effort being made to extend the boundaries of Yosemite National Park so as to include certain hydroelectric-power development that will supply power in the State of Nevada, has already been acknowledged. I now take this occasion to communicate personally with your club with regard to my position in the matter.

I am heartily in favor of establishing national parks for the preservation of objects of peculiar beauty and national interest. I believe

that under national-park control these parks can better be made to serve the use of the entire public. However, in no case should these parks be established when their creation would retard the physical development of the natural resources of the sections in their vicinity. In other words, our natural desire to preserve the beautiful and interesting and to provide parks for the recreation of all of our people must give way to the higher use of providing the necessities of life at reduced cost.

Our State, unfortunately, is not possessed of oil, coal, gas, or extensive forests of timber and we must depend upon hydroelectric power to a very large extent for our motive power. The highest development of our State depends upon the extensive development of such power. I therefor will not consent to the passage of any legislation for any purpose whatever that will reduce or restrict the opportunities for such development.

I have already taken this matter up in person with Mr. Mather, assistant to the Secretary of the Interior, and I will immediately present the subject to the Secretary of the Interior.

You would aid me materially in this matter if your body would provide for a thorough investigation of this subject and furnish me with the necessary data.

Very sincerely, yours, KEY PITTMAN.

IMPORTATION OF SISAL AND MANILA HEMP.

Mr. SMITH of Michigan. Mr. President, the Farm Implement News of December 28, a paper very largely circulated among the agricultural people of the country, contains the following:

Has the American farmer no friends in Congress? Is there not one Senator with sufficient courage to defy tradition if necessary and demand that the committee which investigated the Sisal Trust submit a report forthwith?

Is there no Member of Congress who dares to demand that the authorities take such steps as they may to rescue the farmer from the clutches of this predatory combination?

Is there not one Senator or one Representative who is big and brave enough to demand that the Government put an end to extortion in the sale of binder-twine material?

I have read this quotation from the Farm Implement News because it challenges the courage of Senators and Representatives, and I desire to meet this challenge in the name of my colleagues and to demand to know what has become of this investigation. If I can get an answer from some member of the committee I shall be very glad.

Mr. RANSDELL. As the chairman of the subcommittee authorized to investigate the sisal-hemp situation, I shall be very glad to answer any question the Senator may desire to propound, but I did not hear distinctly the question which he has just put.

Mr. SMITH of Michigan. The Farm Implement News, a very worthy agricultural publication, makes the charge that no Senator has sufficient courage to ascertain the present status of the investigation; and I rose, on behalf of a number of my colleagues who are interested equally with myself in seeing that the subject does receive thorough and fair treatment, to demand to know the present condition of that investigation—whether it has been concluded.

Mr. RANSDELL. Mr. President, the investigation was concluded some time ago; but for reasons which the committee thought entirely good and satisfactory the report was not submitted to the Senate until yesterday. It is now in the hands of the printing clerk to be printed. I presume it will be in the hands of every Senator this afternoon, or certainly not later than to-morrow morning.

Mr. SMITH of Michigan. Has the committee reached a unanimous conclusion about it?

Mr. RANSDELL. It has.

Mr. SMITH of Michigan. Has the Senator any objection to saying about what they have concluded?

Mr. RANSDELL. I will read our final recommendations, which will give our conclusions perhaps better than if I should attempt to put them into my own words. The following are the recommendations of the subcommittee:

1. It urges the Department of Justice to examine carefully the record in this investigation and to take such action as the law and the facts may warrant. The committee hopes that some means of checking the power of this monopoly may be found.

"This monopoly" refers to the Comision Reguladora, which we found to be a monopoly that was very oppressive to the American people, costing them at the present time something like $26,000,000 per annum.

To aid in this, it directs that a copy of all hearings held before it, all briefs filed by the various parties, and this report be sent to the Attorney General.

2. The committee feels that the facts set forth herein demonstrate that the American people are being forced to pay for one of the necessities of life many millions more than the fair value thereof, and it therefore refers this report to the State Department, with the suggestion that the matter be taken up through diplomatic channels to see if some measure of relief can no be obtained.

Our reason for making this recommendation is that the monopoly seems to have been created in the State of Yucatan, one of the States of Mexico. It was conceived and carried out there under a law passed by the legislature of that country. It has agents in this country, who are located in the city of New York, who sell the sisal. It therefore seemed to us that this was a matter in which the diplomatic agencies of our Government could probably be successfully invoked; at least, we hope so, because we are not certain that the Comision Reguladora can be reached by our antitrust laws. The acts of the agents of the comision in this country may, however, come within the purview of our laws; and hence we referred the matter to the Department of Justice.

3. The committee urges the farmers of the country to make every effort to find a suitable substitute for sisal which can be grown within the United States at reasonable cost, in order that they may no longer be in the power of a foreign monopoly for so essential a product as binder twine.

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. I shall yield to the Senator from New Hampshire in just one moment, when I finish reading the recommendations of the committee:

This report is referred to the Department of Agriculture with the recommendation that it make special investigations toward this end.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I observe that this Yucatan monopoly has agents in this country representing it.

Mr. RANSDELL. Yes, sir.

Mr. GALLINGER. Did the investigation develop the fact as to whether there is much American capital invested in the enterprise in Yucatan, or is it wholly a Mexican affair?

Mr. RANSDELL. From all the evidence before us, as I recall it—I will ask my colleagues on the committee to correct me if I make a mistake—the business is conducted by the Yucatan planters. The plantations are owned by Yucatecans and the labor is performed by the peons. So far as I recall there is no American capital invested in the business in Yucatan.

Mr. GALLINGER. If I reach the correct conclusion from the discussion that has already taken place, the price of this necessary article has about doubled since this investigation began. Am I correct in that statement?

Mr. RANSDELL. Yes; the price has practically doubled since we closed our investigation. The price was quoted on the market at 7⅞ cents at that time and it is now 14½ cents; the price has increased practically 100 per cent.

Mr. SMITH of Michigan. I presume that the report will become the subject of further consideration. Does the Senator propose to offer any bill or resolution upon the subject?

Mr. RANSDELL. I will say to the Senator that my two associates on the committee and myself have not fully considered that question. We thought we were certainly doing the very best we could for the benefit of the American people and that the practical recommendations we made could best be taken up by the three departments named without the aid of any legislation. If the Department of Justice finds that there is no law under which relief can be afforded and can recommend to us the passage of additional laws which well permit it to reach this monopoly, that, of course, would be considered. We should be very glad to have the advice of the department in that respect; but your subcommittee did not care to recommend at this time any special legislation.

Mr. SMITH of Michigan. Mr. President, I think that the statement of the Senator from Louisiana answers the question which was propounded to me by an honored constituent. While the outcome of the investigation may not have justified all their hopes, still if it has been thorough and painstaking and recommendations have been made in accordance with the power of our Government and its duty, I do not see what further can be done. I am greatly obliged to the Senator from Louisiana for his answer to this interrogatory.

Mr. RANSDELL. Mr. President, in further answer to the Senator, especially with regard to the thoroughness and fairness of the investigation, I would like to say that the committee spent nearly three months making the investigation. The testimony taken covers two large volumes of considerably over 2,000 pages. We heard everybody on both sides of the case who desired to be heard; we notified all the people interested in the growth of sisal to come and testify before us if they so desired; we notified the men in this country who are handling the raw product and selling it to the manufacturers; and all the manufacturers of sisal, not only those who produce binder twine, which was the product in which we were especially interested, but also the manufacturers of rope, some sisal being used for this purpose; in fact, I may say, we opened the doors just as widely as possible and went into the subject as thoroughly as we knew how.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if he found it possible to ascertain the question of the wage scale of the people employed in the industry in Yucatan?

Mr. RANSDELL. A great deal of testimony was taken in regard to that. It was difficult to find the exact wage scale, but we did take very considerable testimony to ascertain the cost of sisal in Yucatan; and that is very fully set out in our report.

Mr. SMITH of Michigan. As a matter of fact, is not the labor largely semipeon labor—low-priced labor?

Mr. RANSDELL. It is; but the price of labor has gone up somewhat in recent years.

Mr. SMITH of Michigan. The price of labor has gone up even there?

Mr. RANSDELL. Yes, sir; it has gone up, but is still comparatively low priced. We had very full testimony in regard to the cost of sisal, and our report goes rather fully into that testimony, so that the Senator will not have to read the evidence, but he can get from our report what we think was the fair cost of making sisal.

Mr. McCUMBER. Mr. President, I desire to ask the Senator if the increase in the price of nearly 100 per cent refers to the increase in the price of sisal in Yucatan or the increase in the cost of the twine here?

Mr. RANSDELL. I will say to the Senator that that increase of 100 per cent applies to the price at which the raw product, the sisal, is now sold to the American consumer as compared to its price when our hearings closed last April. It is very difficult to state the actual cost of producing sisal in Yucatan. The Yucatecans figure out that it was costing in the neighborhood of 6 cents per pound.

Mr. McCUMBER. That is, to produce it?

Mr. RANSDELL. To produce it. Then, of course, the cost of transportation to this country was rather high, owing to the war and the shortage of ships. Many witnesses, however, testified that it did not cost as much as 6 cents per pound to produce sisal. All of that is fully set out in our report. However, it was being sold at the time we closed our hearings at 7⅞ cents, which seemed to allow——

Mr. McCUMBER. In Yucatan?

Mr. RANSDELL. No; in New York—which seemed to allow a very fair profit to the growers of sisal. Now it is quoted in New York at 14½ cents.

Mr. McCUMBER. To what extent has the price of the twine itself increased since the subcommittee began its investigation?

Mr. RANSDELL. We have had no report on that point; at least, I do not recall any report on the increase in the price of the twine itself. I will say to the Senator that the manufacturers of sisal twine, particularly the International Harvester Co., which is the largest manufacturer, the Plymouth Cordage Co., the next largest, and penitentiaries in the big wheat growing States, nearly all of which have binder-twine factories, make their contracts at the beginning of the season and deliver the twine throughout the season at the contract price agreed upon in advance. They make their contracts for twine for the season closed only a short while ago on the prices of last spring and early summer. I do not know just what the price would be now. I will ask my colleague on the committee [Mr. GRONNA] if he can answer that question.

Mr. GRONNA. I will say to the chairman of the subcommittee that the prices have not yet been made by the manufacturers.

Mr. McCUMBER. But, as I understand, it has been indicated what the prices will be.

Mr. GRONNA. No indication has been given. They have been unable to make the prices because the Reguladora, which controls all the sisal, the raw material, has been increasing the price of sisal from time to time. The statement made by the Senator from Louisiana, that it has increased 100 per cent, has reference only to the raw material, the sisal.

Mr. McCUMBER. Of course, that would not justify an increase of 100 per cent in the price of twine?

Mr. GRONNA. No; it would not.

Mr. McCUMBER. Can the Senator tell us about what would be a reasonable advance in the price of twine on the supposition that the increase in the price of the material in Yucatan is about 100 per cent?

Mr. THOMAS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. THOMAS. Is the discussion now going on in order as a part of the morning business?

The PRESIDENT pro tempore. If any Senator should make a point of order to that effect, the Chair would probably have to sustain it.

Mr. THOMAS. I do not want to do that if the matter will not take much longer, but I have some morning business which I desire to present.

Mr. RANSDELL. I hope the Senator from Colorado will defer his point of order for just a moment, as this is a very interesting question.

Mr. THOMAS. I did not make a point of order, and I assure the Senator I have no intention of making a point of order, but I wanted to discover what was going on and whether it was a part of the regular morning business.

Mr. SMITH of Michigan. It is a part of the regular morning business, and arises because of a memorial which I have here and which I have read to the Senate.

Mr. GRONNA. If I may be permitted to answer the question of my colleague, I can only say that it would be almost impossible for the committee to arrive at any conclusion as to what the increase should be in twine manufactured from sisal, because the manufacturers hold some of the sisal at 7⅞, some of the sisal at 7⅞, some of it at 10½, some of it at 13½, and now they have to pay 14½ for it in New York.

Mr. CURTIS. Mr. President, I should like to ask a question in regard to this matter. Did not the evidence show that this corporation was financed largely by bankers in New Orleans and other bankers in the State of Louisiana?

Mr. RANSDELL. It did. That is brought out fully in our report.

Mr. CURTIS. Did not the evidence also show that but for this financial assistance from the United States this business could hardly be carried on?

Mr. RANSDELL. We state very emphatically in our report that this American corporation, known as the Pan-American Co., gave existence, gave absolute life, to the Yucatan Co., and that but for the financial aid given to the Yucatan monopoly by the Pan-American Banking Co. it could not have done business successfully. We show that the Comision Reguladora was created in 1912 and practically had no life until some time in 1915, when it made its negotiations with the Pan-American Co., and thereafter proceeded to do business along good old-fashioned trust lines, and handled the whole business from that time on. That is all brought out in our report.

Mr. CURTIS. What is the recommendation of the committee to the Attorney General?

Mr. RANSDELL. We refer the whole matter to him. We say it is such an intricate and complicated legal question that we do not pretend to determine what are the rights of the matter, but we refer the whole thing to him and ask him to take such action as the law and facts warrant.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if his committee did not find that the American market was practically the only market that the Yucatan producers had for this product?

Mr. RANSDELL. It did.

Mr. SMITH of Michigan. And it produces about a million bales a year?

Mr. RANSDELL. In the neighborhood of a million bales; each bale weighing 375 pounds.

Mr. SMITH of Michigan. And most of that is taken by one American corporation?

Mr. RANSDELL. A good per cent by one corporation. The International Harvester Co. takes a rather large per cent; but there is also a great deal taken by the Plymouth Cordage Co., and also by the factories in penitentiaries.

Mr. SMITH of Michigan. Mr. President, I only desire to add that I am greatly obliged to the Senator from Louisiana for the information he has given us, and I hope that something will come of the recommendations which the committee have made, either in the Attorney General's Office, through the State Department, or in some other way, so that this matter may be at least given the attention which its importance deserves.

The PRESIDENT pro tempore. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 6750) to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District, reported it without amendment and submitted a report (No. 922) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11288) for the relief of S. S. Yoder, reported it without amendment and submitted a report (No. 920) thereon.

He also, from the same committee, to which was referred the amendment submitted by himself on December 19, 1916, relative to damages and payment for ground owned by Thomas W. and

Alice N. Keller on account of condemnation proceedings, etc., intended to be proposed by him to the District of Columbia appropriation bill, reported it with an amendment, submitted a report (No. 921) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 286 to authorize the Sergeant at Arms of the Senate to appoint a superintendent of the folding room, reported it without amendment.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate resolution 310. I call the attention of the Senator from Ohio [Mr. POMERENE] to the report.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read Senate resolution 310, submitted by Mr. POMERENE on the 9th instant, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be, and it is hereby, authorized to employ an additional clerk at the rate of $100 per month, to be paid out of the contingent fund of the Senate, for a period of two months.

Mr. POMERENE. I ask unanimous consent for the present consideration of the resolution.

Mr. THOMAS. Mr. President, is that resolution from the Committee on Retrenchment?

The PRESIDENT pro tempore. The Chair is informed that the resolution is reported from the Committee to Audit and Control the Contingent Expenses of the Senate, and provides an additional clerk for the Committee on Civil Service and Retrenchment.

Mr. THOMAS. I suppose, then, that they offered it from the civil-service side, and not from the retrenchment side.

Mr. OVERMAN. Mr. President, I will ask the Senator from Ohio if he desires a continuation of this employment over this session, or is it just for the session?

Mr. POMERENE. I ask for the services of an additional clerk for two months. I am obliged to have this clerical assistance in my office. I want to say to the Senate with perfect frankness that it is not so much due to the work of the committee as it is to the general correspondence, the work that I have with the departments, and the work of the office generally.

Mr. OVERMAN. I have no objection, if the Senator desires it; but I thought perhaps he needed the assistance only during the session.

Mr. POMERENE. It can be limited in that way if the Senator desires. I have been obliged to have an extra clerk all this time at my own expense.

Mr. OVERMAN. I have no objection to the resolution if the Senator will make it during the session of this Congress.

Mr. POMERENE. It may be so limited if desired.

Mr. THOMAS. Mr. President, I shall not object to the resolution, but I should like to inquire of the Senator whether the amount of compensation is sufficient upon which an appointee can subsist? We are told now that without a general horizontal increase the welfare of Government employees will suffer.

Mr. POMERENE. I think the clerk will be entirely content with the amount specified.

Mr. THOMAS. The chances are that he will be back asking for an increase.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. McCUMBER. What is the question, Mr. President?

The PRESIDENT pro tempore. The Senator from Ohio asks for the present consideration of a resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. McCUMBER. I have no objection if the Senator from Florida [Mr. BRYAN] has none.

The PRESIDENT pro tempore. The Chair hears no objection. The resolution is before the Senate and open to amendment.

Mr. BRYAN. Mr. President, I believe I will not object to the resolution. I think that committee stands on a little different basis from the Committee on Transportation Routes to the Seaboard or the Committee on Revolutionary Claims. As I understand, the Committee on Civil Service and Retrenchment is now engaged upon a bill to provide a retirement plan for Government employees. If the Committee on Transportation Routes to the Seaboard is engaged in any work so important as that, I should not object to it having an additional clerk during the session.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Ohio if he has offered an amendment to the resolution? Amendments to the resolution are now in order.

Mr. POMERENE. The resolution, as submitted, provides for the employment of an additional clerk for two months. I have had this extra clerk in the office ever since the first of this session, and the resolution was purposely drawn in this way to provide two months' salary to this clerk. If there is any objection to it, I do not want it passed.

The resolution was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7825) to provide for the erection of a public building at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. HARDWICK:

A bill (S. 7826) to authorize the President of the United States to advance officers on the retired list who were wounded in battle in the service of the United States; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 7827) authorizing the sale of certain lands at or near Yellowstone, Mont., for hotel purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 7829) to create two additional associate justices of the Supreme Court of the District of Columbia; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 7830) designating October 27 of each year as National Fraternal Day, to be devoted to conserving the home, fraternalism, and happiness; to the Committee on the Judiciary.

By Mr. SAULSBURY:

A bill (S. 7831) to provide retirement in certain cases for judges of United States district courts in the Territories (with accompanying papers); to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 7832) granting a pension to Fred M. Armstrong; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7833) authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. STONE:

A bill (S. 7834) granting a pension to Adolphus Lesperance (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7835) granting an increase of pension to William C. Hoffman; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 7836) for the relief of Barneybass Eastridge; to the Committee on Military Affairs.

A bill (S. 7837) granting a pension to Herman L. Harrell; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7838) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

STANDARD TIME.

Mr. GALLINGER. Mr. President, I introduce a bill for reference to the Committee on Interstate Commerce.

The bill (S. 7828) to provide standard time for the United States was read twice by its title.

Mr. GALLINGER. I will say that this is a duplicate of the bill introduced in the House of Representatives by Mr. BORLAND, of Missouri. I have a brief letter from Mr. A. B. Jenks, president of the New Hampshire Board of Trade, which I will ask to have read and referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Secretary read the letter, as follows:

NEW HAMPSHIRE BOARD OF TRADE,
January 10, 1917.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: There has been introduced in the House of Representatives bill 19431 by Mr. BORLAND, of Missouri, to provide standard time for the United States.

I am writing you particularly about that part of the bill which reads as follows:

"During the summer months, i. e., during a period starting at 2 o'clock a. m. on the last Sunday in April and ending at 2 a. m. on the first Sunday in September, the standard time for each of the zones

would be advanced one hour from the mean astronomical time of the controlling time meridian."

This bill was referred to the House Committee on Interstate and Foreign Commerce.

I am especially interested in the passage of this bill or any amendment to it that will not affect the clause referred to.

Last summer, as president of the Manchester Publicity Association and Chamber of Commerce, I inaugurated a movement better known as the movement for setting the clocks ahead one hour and saving one hour of daylight here in New Hampshire. Without exception, every manufacturing concern of any importance in Manchester, of which you know there are some sizeable ones, including the Amoskeag Manufacturing Co., W. H. McElwain Co., and our own company, the F. M. Hoyt Shoe Co., were heartily in favor of the movement. I tried to get in touch with other boards of trade and chambers of commerce throughout the State, and did to some extent with a favorable reply.

At that time the New Hampshire Board of Trade took favorable action on the movement, but owing to the lateness in the season and the complications that we felt might arise from putting the same into effect as an independent State, it seemed to be wise to abandon the project until such time as there was some kind of national legislation.

I can assure you that the sentiment in New Hampshire is overwhelmingly favorable to this daylight-saving plan.

Since that time I have been elected president of the New Hampshire Board of Trade, and it is in my official capacity that I ask you to not only vote for this bill but to do everything you can to secure its passage, believing it to be for the best interest of every class and condition of people in our State.

Sincerely, yours,

A. B. JENKS, *President.*

Mr. GALLINGER. I ask that the bill be referred to the Committee on Interstate Commerce, and I trust the committee will take it up and act upon it.

The PRESIDENT pro tempore. It will be so referred.

SUFFRAGE FOR THE DISTRICT OF COLUMBIA.

Mr. CHAMBERLAIN. Mr. President, I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 196) proposing an amendment to the Constitution of the United States giving to Congress the power to extend the right of suffrage to residents of the District of Columbia was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid as a part of said Constitution, namely, insert at the end of section 3, Article IV, the following words:

"The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the Government of the United States created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.

"When the Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

"The Congress shall provide by law the qualifications of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives, and the electors herein authorized.

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power."

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the District of Columbia.

Mr. SMITH of Georgia. Mr. President, should that joint resolution go to the Committee on the District of Columbia or to the Committee on the Judiciary?

The PRESIDENT pro tempore. It depends on the desire of the Senator who introduced the resolution.

Mr. CHAMBERLAIN. I rather think, Mr. President, that the Judiciary Committee would be the proper committee to consider that joint resolution, although the general subject has been heretofore considered by the Committee on the District of Columbia. I suggest that it go to the Judiciary Committee.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BORAH submitted an amendment proposing to appropriate $500,000 for the construction, operation, maintenance, and incidental operations at the Black Canyon extension, Boise project, Idaho, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. GRONNA submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

NAVAL OIL SUPPLY.

Mr. THOMAS. Mr. President, on last Tuesday morning I called the attention of the Senate to an editorial regarding what is popularly known as the Phelan leasing bill, at which time I made this statement:

Now, let me say, Mr. President, that this entire subject is within the jurisdiction of the Department of the Interior. The Department of the Interior is satisfied, not entirely so but as a compromise is satisfied, with the amendments which the Committee on Public Lands considered and which were recently reported by the Senator from California [Mr. PHELAN].

I made that statement, Mr. President, because the amendments which the Senator from California presented were discussed in the presence of a representative of the Interior Department, and, as I understood, they met with his approbation. I am in receipt this morning of a letter from the Secretary of the Interior informing me that I misapprehended to some degree the attitude of the Interior Department, and I ask, therefore, that his letter to me and the memorandum accompanying it be published in the RECORD. I will not detain the Senate by asking to have it read.

Mr. JONES. Mr. President, I should like to hear it read.

Mr. THOMAS. I have no objection.

The PRESIDENT pro tempore. The Secretary will read the letter, in the absence of objection.

The Secretary proceeded to read the letter. During the reading,

Mr. JONES. Mr. President, I thought this letter referred to amendments in the water-power bill, and, so far as I am concerned, I do not care for the further reading of it.

Mr. POINDEXTER. I should like to have it read, Mr. President.

The PRESIDENT pro tempore. The Secretary will continue the reading of the letter.

The Secretary resumed and concluded the reading of the letter, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 19, 1917.

Hon. CHARLES S. THOMAS,
United States Senate.

MY DEAR SENATOR: In looking over the CONGRESSIONAL RECORD this morning I note a statement by you to the effect that—

"The Department of the Interior is satisfied, not entirely so but as a compromise is satisfied, with the amendments which the Committee on Public Lands considered and which were recently reported by the Senator from California."

This refers to the oil-leasing bill. This statement, or something similar, was made last summer in one of the newspapers, and at that time I sent out the inclosed notice which stated then and states now my position with relation to the so-called Phelan amendment. Perhaps that is not the amendment to which you refer as having been "recently reported," for I know that an effort has been made lately to reach a compromise agreement with the Navy Department through the Public Lands Committees of both Houses. My position as to the oil situation is expressed in my annual report of 1915 on pages 13, 14, and 15.

Cordially, yours,

FRANKLIN K. LANE.

MEMORANDUM FOR THE PRESS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
July 7, 1916.

A statement has been brought to my attention that I am in favor of the so-called Phelan amendment to the oil leasing bill. Where the warrant comes for such a statement I do not know. The only time that anything like it was ever presented to me was when Lieut. Gov. Eshleman, of California, brought a similar proposal to me, and I told him that I would not stand for it. The Phelan amendment has never been referred to me by Congress, nor does any person who ever talked with me labor under the delusion that I favor it. I am in favor of passing an oil leasing bill, however, along the lines of the one passed by the House twice in the last two years, known as the Ferris bill. The difference between the Phelan amendment and the provisions of the Ferris bill is one of liberality in treatment of claimants.

My position is a matter of record and can be found by examining my reports upon the measure before Congress and my annual reports. In my last annual report I expressly stated that I would not "assume to say what policy should be followed as to the naval reserve lands." There is no danger of the Navy being short of oil, for there are nearly 3,000,000 acres of public oil lands now withdrawn. Included therein are two special naval reserves which are practically free from adverse claims. These contain approximately 130,000,000 barrels of oil, and more of this area can be withdrawn for the Navy at any time by the President whenever he desires to do so.

I have tried to deal with these propositions without regard to politics, and have had the support of such eminent conservationists as Mr. LENROOT and Mr. KENT, whose view has always been the same as mine, that to keep 3,000,000 acres of oil lands locked up indefinitely, while gasoline is climbing higher, is not good sense and plays right into the hands of monopoly. If Congress can at this time of great pressure deal with the matter of leasing legislation, I have no doubt sane and conservative legislation will result that will help every real developer and consumer interested in oil and gasoline and which will prevent waste and monopoly.

FRANKLIN K. LANE.

Mr. SMOOT. Mr. President, I am rather surprised by the contents of the letter, for I understood the source of the amendment was the same as the Senator from Colorado stated.

As a member of the committee, I wish to say that when the amendment was handed to me I was told that it had been prepared in the office of the Secretary of the Interior by a law

clerk of the Interior Department, and that it was satisfactory to the department. It is true that the party so stating did not say to me that it was satisfactory to the Secretary of the Interior, but he did say that it was satisfactory to the department. That being the case, I then offered the proposed amendment, prepared, or supposed to be prepared, by the Interior Department, as a substitute for the House bill, and the committee rejected my offer by a divided vote.

I think that the Senator from Colorado had good grounds for the statement he made, because he was in the room at the same time the statement was made to me, and I have no doubt the statement was made to the Senator from Colorado in exactly the same way that it was made to me.

Mr. WORKS. Mr. President, I want to add to what has been said by the Senator from Utah that that statement was publicly made to the Public Lands Committee in session.

THE MILITIA.

Mr. CHAMBERLAIN. Mr. President, I desire to offer a memorandum sent me by the Secretary of War bearing directly and indirectly upon the militia, and also a discussion from the records of Congress, the Federalist, and other sources bearing upon the constitutional provisions referring to the organization of the militia. I ask to have the matter referred to the Committee on Printing, and I hope that committee at an early day will report favorably for the printing of the document.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Oregon will be complied with.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD the argument made by the governor of North Carolina on the question of the jurisdiction of a foreign Government to sue a State of the Union. I think it will be very interesting to all Senators, and I ask permission to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the request of the Senator from North Carolina is granted.

The matter referred to is as follows:

MR. BICKETT'S ARGUMENT.

May it please the court, since notice of the motion in behalf of the Republic of Cuba for leave to bring suit against the State of North Carolina has been served upon our State, we have been diligent in the investigation of the authorities bearing upon the question before the court, and all that we have been able to find are set forth in the brief submitted in behalf of the State of North Carolina, and we trust that these authorities may prove helpful to the court in its deliberations.

In the oral argument, I shall not attempt any detailed analysis of these authorities but shall submit briefly several definite propositions, any one of which, if sound, is fatal to this motion, and all of which I believe find substantial support in the main current of the decision of this court, in the public thought and known jurisprudence of the period in which our Constitution was devised, and in that sweet reasonableness which is the breath of equity.

I.

My first proposition is that in this motion the Republic of Cuba is asking this court to recognize between that Republic and the State of North Carolina a relationship obnoxious to section 10 of the first article of the Constitution.

When the men who conceived and constructed the framework of this Government came to consider the subject of controversies between the States and foreign powers, they had a vivid appreciation of the menace to the peace and safety of the Nation such controversies would involve. Therefore, in the very first article of the Constitution, they took steps to exclude, so far as human foresight could exclude, the possibility of such controversies arising. Hence, it is written that under no circumstances may a State enter into any alliance or treaty with a foreign power, and that no State may make any compact or agreement with a foreign power without the consent of Congress. The reasoning was that if the States were not permitted to bargain, contract, deal, or dicker with foreign Governments, the most prolific source of controversies would be entirely eliminated. This reasoning finds its jurisdiction in the fact that 127 years have elapsed since this inhibition was made a part of our organic law, and now for the first time a foreign Government knocks at the door of this court and alleges that a controversy has arisen between it and a State of this Union.

This court has never given a comprehensive and conclusive definition of the words "compact" and "agreement" found in the section under consideration. There has been no occasion for doing so, as the court decides cases and not academic questions. In Holmes *v.* Jennison (14 Pet., 540) Mr. Chief Justice Taney, speaking for the court, says:

"But the question does not rest upon the prohibition to enter into a treaty. In the very next clause of the Constitution the States are forbidden to enter into any 'agreement' or 'compact' with a foreign nation; and as these words could not have been idly or superfluously used by the framers of the Constitution, they can not be construed to mean the same thing with the word treaty. They evidently mean something more, and were designed to make the prohibition more comprehensive. A few extracts from an eminent writer on the laws of nations showing the manner in which these different words have been used and the different meaning sometimes attached to them, will, perhaps, contribute to explain the reason for using them all in the Constitution, and will prove that the most comprehensive terms were employed in prohibiting to the States all intercourse with foreign nations (quoting from Vattel). After reading these extracts we can be at no loss to comprehend the intention of the framers of the Constitution in using all these words—'treaty,' 'compact,' 'agreement.' The word 'agreement' does not necessarily import any direct and express stipulation; nor is it necessary that it should be in writing. If there is a verbal understanding to which both parties have assented and upon which both are acting, it is an 'agreement'; and the use of all these terms—'treaty,' 'agreement,' and 'compact'—show that it was the intention of the framers of the Constitution to use the broadest and most comprehensive terms, and that they anxiously desired to cut off all connection or communication between a State and a foreign power; and we shall fail to execute that evident intention unless we give to the word 'agreement' its most extended signification and so apply it as to prohibit every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties."

This case was decided in 1840. In a later case, Virginia *v.* Tennessee (148 U. S., 503), the opinion of the court leans to a more restricted meaning of the words "compact" and "agreement," and, applying the doctrine noscitur a sociis, gives to the words a meaning akin to the words "treaty" and "alliance" used in another part of the same section. In that case Mr. Justice Fields, speaking for the court, says:

"Looking at the clause in which the terms 'compact' or 'agreement' appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the States which may encroach upon or interfere with the just supremacy of the United States. Story, in his Commentaries (sec. 1403), referring to a previous part of the same section of the Constitution in which the clause in question appears, observes that its language 'may be more plausibly interpreted from the terms used, "treaty, alliance, or confederation," and upon the ground that the sense of each is best known by its association (noscitur a sociis) to apply to treaties of a political character, such as treaties of alliance for purposes of peace and war, and treaties of confederation, in which the parties are leagued for mutual government, political cooperation, and the exercise of political sovereignty, or conferring internal political jurisdiction or external political dependence, or general commercial privileges, and that 'the latter clause, "compacts and agreements" might then very properly apply to such as regarded what might be deemed mere private rights of sovereignty, such as questions of boundary, interest in land situate in the territory of each other, and other internal regulations for the mutual comfort and convenience of States bordering on each other,' and he adds:

"'In such cases the consent of Congress may be properly required in order to check any infringement of the rights of the National Government, and at the same time a total prohibition to enter into any compact or agreement might be attended with permanent inconvenience or public mischief.'"

It is interesting to note that in the case of Virginia *v.* Tennessee the earlier case of Holmes *v.* Jennison is not mentioned in the opinion of the court. Undoubtedly there is conflict between the opinions written in the two cases, but between the decisions reached there is perfect harmony. In Virginia *v.* Tennessee the court had before it an agreement between two States with respect to their bounday lines. This agreement grew naturally and necessarily out of the physical contact of the two States. The court was impressed that the section of the Constitution under consideration was designed to prevent controversies between the States, and the nature of the agreement before the court was calculated to serve the purpose of the Constitution in the prevention of controversies between the States, and the court felt that the words of the Constitution should be given, as to the subject matter before it, such a restricted meaning as not to interfere with the manifest purpose of the section.

On the other hand, the subject matter before the court in Holmes *v.* Jennison was a contract with a foreign power, not arising out of the natural and necessary relations of the State to such foreign power, and in that case the court concluded that the main purpose of the Constitution, to wit, the prevention of controversies, would be served by giving to the words "compact" and "agreement" the most extended signification.

Now, applying to these words the elementary rule of construction, that a law should be so interpreted as to suppress the mischief at which it is directed, the conclusion forces that the relationship that Cuba is here seeking to establish between herself and a State of this Union is pregnant with the very mischief the Constitution was designed to prevent.

At the close of the Civil War the whole South was in a condition of public and private bankruptcy. Bill Arp, the Barlow philosopher of Georgia, said that when the Confederate soldier returned home "he had nothing, nothing to get nothing with, and nothing to put it in." The treasury of North Carolina was empty. The State was unable to meet the interest on its admitted obligations, and this condition was universal from the Potomac to the Rio Grande.

Now, suppose while the States were in this helpless and well-nigh hopeless condition a European power had proposed to these States to advance to them unlimited funds with which to rebuild their waste places and take the bonds of such States payable to this foreign power for the money so advanced. Is it debatable that such an arrangement would have been invalid without the consent of Congress, and is it conceivable that Congress would have given its consent? The borrower wears the yoke of the lender. In public as well as in private life it often happens that the first step toward subserviency is the acceptance of a loan. Such an arrangement would have given to a foreign power an interest and an influence in this country that the General Government would not for one moment have tolerated.

Well, if a foreign power can not deal directly with a State, and buy her bonds without the consent of Congress, but may take an assignment of these bonds from an individual, and thereby create the very relationship the Constitution forbids, then the wisdom of the statesmen is canceled by the artifice of the speculator, and a wholesome restraint of the Constitution becomes a rope of sand.

II.

My second proposition is that if a foreign power can maintain at all an action founded on contract against a State of this Union, still such foreign power comes to this court by grace and not by right.

Our Constitution is a compact between the States that agreed to it, and that have since been created under it. No foreign Government has any rights guaranteed to it under the Constitution of the United States. No foreign power was a party to that great compact. To-day no foreign Government recognizes the obligations of the Constitution of this Union, and they are not, as a matter of right, entitled to any of its benefits. Whether or not the Constitution reaches as far as the flag has been the subject of high debate. No one has maintained that it goes any farther. So that when Cuba comes to this court she comes not as a member of the family made one by the Constitution, but she comes as the guest of the Nation by courtesy and not by right, and coming by grace she must come gracefully. She must bring to this court a real cause, and not a naked claim. She must submit to this tribunal a case based not on the technicalities of the commercial law,

but one that appeals by virtue of its inherent righteousness to the conscience of the court.

The famous dictum of Lord Camden, in Smith v. Clay (3 Brown, ch. 639) "that nothing can call this court into activity but conscience, good faith, and reasonable diligence," applies with peculiar emphasis to this petition. The Republic of Cuba falls pitifully short of this requirement for admittance to a court of equity.

The facts in regard to the bonds, upon which she bases her declarations, appear in the public statutes and in the Constitution of North Carolina, in the opinions of this court, and in the public reports of the Federal Government. These public documents show that these bonds were conceived in sin and brought forth in iniquity; that they were repudiated by the very legislature that attempted to authorize them, and to-day the State of North Carolina has a declaration in its organic law that not one of them shall ever be paid without a vote of the people of the State. The reasons that justify this repudiaion and made it inevitable appear in a report made to the Senate of the United States by a committee appointed by that body to investigate alleged outrages in the Southern States in 1871, and published in Report No. 1, Forty-second Congress, first session, March, 1871. In a minority or, rather, supplemental report made by Senator Blair, of Missouri, and Senator Bayard, of Delaware, it is said: "These, then, were the methods taken to array the negroes in one compact body against the white people of the State in the election of 1868 under the reconstruction acts of Congress. The election was supervised by Gen. Canby, in command of that military division. Its result is well known. The enfranchised negroes, under the lead of Gov. Holden and his carpetbag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete Gen. Canby gave orders to exclude a certain number of the Conservatives elected to the legislature. Judge Reade, who administered the oath to the members elect, testifies that he was instructed by Gen. Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. (See testimony of Judge Reade, p. 412.) Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpetbaggers, cemented and sustained by military power. The result might have been foreseen.

The legislature, moved by a "ring" of unprincipled adventurers, went to work to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law, the bonds were sold, and the money went into carpetbags and flitted away from the State. Ten millions of this issue were subsequently declared unconstitutional by the courts of the State, and of the balance not one million of the entire sum was ever applied to the construction of railroads, the value of the bonds sank in the market to 22 cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameless plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State. The majority of this committee allude to this matter as showing the latitude allowed in examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes without a dollar of property, and controlled by designing men in search of pillage made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered and by the same means.

This report is sustained by every historian who has written with any adequate knowledge of the subject and the period. Mr. James Ford Rhodes, in his remarkable history of the United States from 1850 to 1877, says: "During his (Holden's) administration an era of corruption set in, which was an entire novelty in the Old North State that previously had not on record a case of malversation in a member of the general assembly. The voting of the bonds of the State to aid in building railroads was the most fruitful source of corruption, and no doubt can exist that a large number of the members of Holden's legislature took bribes for their support of these various enterprises. It appeared to an observer, who had the opportunity of seeing different sorts of men in North Carolina, that the dishonesty was unblushing, and that a decent hypocrisy to cover the plundering of the State was entirely absent. The negroes were, of course, apt pupils in the practice of corruption; and Zebulon V. Vance tells a story which, whether exact or not, illustrates a natural attitude of an inferior race raised suddenly from a low to a high estate. A negro member of the legislature was visited one night in his room and found seated at a table 'laboriously counting a pile of money by the dim light of a tallow dip' and chuckling to himself. 'Why, what amuses you so, Uncle Cuffy?' was asked. 'Well, boss,' he replied, grinning from ear to ear, 'I's been sold in my life 'leven times an' fo' de Lord dis is the first time I eber got de money.'"

Senator HENRY CABOT LODGE, in his history of the United States, says: "In North Carolina the chief sin of the reconstructionist was the wholesale squander of public funds. The legislature authorized the issuance of $25,000,000 in bonds for railroad construction, $14,000,000 were actually issued, and not a mile of railroad was built." The compass of this work will not allow a detailed account of the saturnalia of misrule, extravagance, and plunder which afflicted the Southern States during the negro and carpetbag régime.

The conditions in North Carolina were not dissimilar to those in the other Southern States. From the Potomac to the Rio Grande "sufferance was the badge of all our tribe." So that Cuba brings here bonds stamped with dishonor and seamed with infamy. They are not the legitimate issue of a sovereign State, but the unseemly offspring of a band of cunning adventurers and irresponsible blacks, who descended upon a bleeding, poverty-stricken people, seized the sacred school fund of the State, bartered the children's hopes for a midnight debauch, stole everything in sight, and then attempted to sell all our generations into bondage. And yet Cuba brings these papers into this court and gravely heads her petition "In equity."

I prefer not to question the integrity of that Republic. On land and sea North Carolina poured out precious blood that Cuba might take her place in the constellation of free Republics. It is a natural law that we love those for whom we suffer, and I prefer to believe that Cuba has been imposed upon and knows not what she does; but the fact remains, as sad as it is certain, that though her heart may be of purest gold, she stands before this court on feet that are of the commonest kind of clay.

May it please your honors, from the time I was old enough to have any intelligent comprehension of the framework of this Government I have associated the approaches to this tribunal with the celestial inquiry, "Who shall ascend into the hill of the Lord, or who shall dwell in His holy place?" And the answer bars and bans forever this petition, for it is written, "He that hath clean hands and a pure heart."

At a later period the convention referred all of its proceedings to the committee on detail, and that committee made a report back to the convention in which it elaborated the clause with respect to the judiciary that had been referred to it. This report of the committee on detail, after some slight amendments, was adopted by the convention, and became the second clause of the judiciary article, which is as follows: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming land under grants of different States; and between a State or a citizen thereof and foreign States, citizens, or subjects."

Now, it clearly appears that the principle agreed upon in the very beginning and adhered to throughout was that the jurisdiction of the Federal courts should extend to all cases arising under the national laws and all other questions affecting the national peace and harmony. This principle was indorsed by the committee of the whole and by the convention itself. The report of the committee on detail is simply an elaboration of this principle. In other words, the convention declared that the jurisdiction should extend to all cases arising under the national laws and to all questions affecting the national peace and harmony; this is to say, the questions enumerated in the report of the committee on detail. So that when a foreign Government brings to this court a case against a State of this Union the court is, by virtue of the history of the judiciary article, justified in inquiring whether or not the case is one that affects the national peace and harmony.

The view that in any event the court ought not to entertain this petition unless it discloses a real grievance on the part of Cuba finds support in the genesis of the article declaring the extent of the judicial power. The subject of the jurisdiction of the judiciary was first considered by the committee of the whole, and that committee reported the following clause: "The jurisdiction of the national judiciary shall extend to all cases with respect the collection of the national revenue, impeachment of any national officers, and questions which involve the national peace and harmony."

When this report came to be considered by the convention there was some objection, and Mr. Madison offered a substitute for the report, which was adopted without opposition. The substitute is as follows: "The jurisdiction of the national judiciary shall extend to all cases arising under the national laws, and to such other questions as may involve the national peace and harmony."

The court is justified in giving to the case a consideration not unlike that which would be given it by the Department of State were it presented to that department for settlement by diplomatic negotiations. In the absence of the jurisdiction of this court diplomatic negotiations would be the only avenue through which the claim for the payment of the bonds could be made, and the instant and conclusive answer of the Department of State would undoubtedly be that North Carolina had done nothing to the injury of Cuba, and if that Republic was in any danger of losing any money, it was because of her officious, if not pernicious, interference with a situation that in no way concerned her.

III.

My third proposition is that, without reference to the eleventh amendment, the original clause in the Constitution, extending the judicial power of the Federal Government to controversies between the States of the Union and foreign powers, did not contemplate that a foreign Government could maintain an action in court against a State of this Union, to enforce the payment of a bond floated by such State, without the consent of the State.

This proposition is supported by the following considerations:

1. When this clause was written no such action was known to judicial power. The whole world of jurisprudence conceded and asserted that the King—the Government—was immune from the processes of the courts at the instance of subjects or aliens. The wayfaring man understood that if he loaned money to the Government his sole security was the good faith of that Government. A suit in court by an individual against a government, without its consent, to enforce the payment of a debt was unheard of; a suit in court by one sovereign power against another to enforce the payment of a debt was undreamed of. No European power was more jealous of its sovereignty than were the States of this Union at the time the Constitution was written. No more startling proposition could have been submitted to the fathers assembled at Philadelphia than one to clothe a foreign power with the right to sue a State for debt without its consent. The whole history of the Colonies and of the States shows that such a proposition would have been refuted instantly and with indignation. Every light and shade in the history of the Commonwealth of Massachusetts, the temper of her great leaders, the whole course and color of her civilization show with mathematical certainty that if the proposition now urged had then been presented, Massachusetts would have thrown it overboard as promptly as she dumped tea that she did not like into Boston Harbor.

It is inconceivable to a mind acquainted with the elementary facts of history that the framers of the Constitution intended to clothe, not to say conceal, an innovation so radical in the few simple words of the Constitution. Hamilton could not conceive it. Impressed as he was with the necessity for a strong central Government, he could not understand how anyone could think the Constitution was capable of the construction that a sovereign State could be sued for debt without its consent. He voiced this conviction in his speech before the New York convention when he then said, "It has been suggested that an assignment of the public securities of one State to the citizens of another would enable them to prosecute that State in the Federal courts for the amount of those securities—a suggestion which the folowing considerations prove to be without foundation: It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every

State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the convention it will remain with the States, and the danger intimated must be merely ideal. The circumstances which are necessary to produce an alienation of State sovereignty were discussed in considering the article on taxation, and need not be repeated here. A recurrence to the principles there established will satisfy us that there is no color to pretend that the State governments would, by the adoption of that plan, be divested of the privilege of paying their own debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts between a nation and individuals are only binding on the conscience of the sovereign, and have no pretension to a compulsive force. They confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the Federal courts by mere implication, and in distraction of a preexisting right of State government, a power which would involve such a consequence would be altogether forced and unwarrantable.

These were the views of Hamilton when he was urging the people to accept the work of the Philadelphia convention. Later, in 1795, when he was Washington's Secretary of the Treasury, he reiterated these convictions. In his annual report for that year he said: "Public debt can scarcely in legal phrase be defined either as property in possession or in action. It is evidently not the first until it is reduced to possession by payment. To be the second would suppose a legal power to compel payment by suit. Does such a power exist? The true definition is, such a property subsisting in the faith of the Government. Its essence is promise. Its definite value depends upon the reliance that the promise shall be definitely fulfilled."

Precisely the same views were expressed by Madison and Marshall in the Virginia convention in answer to the criticisms of Patrick Henry and George Mason. Mr. Madison said: "I do not conceive that any controversy can ever be decided in these courts between an American State and a foreign State without the consent of the parties." If they consent, provision is here made. The dispute ought to be tried by the national tribunal. This is consonant to the law of nations." (In 3 Elliott's Debates, p. 533.)

In the same convention Mr. Marshall said: "I hope that no gentleman will think that a State will be called at the bar of the Federal court. Is there no such case at present? Are there not many cases in which the Legislature of Virginia is a party and yet the State is not sued? It is not rational to suppose that the sovereign power should be dragged before a court." (In 3 Elliott's Debates, pp. 555, 556.) At page 557 Mr. Marshall said: "If a foreign State brought a suit against the Commonwealth of Virginia, would she not be barred from the claim if the Federal judiciary thought it unjust? The previous consent of the parties is necessary; and, as the Federal judiciary will decide, each party will acquiesce. It will be the means of preventing disputes with foreign nations."

These views of Hamilton, Madison, and Marshall are in precise accord with the opinion given by Daniel Webster to Baring Bros. in 1839. In that celebrated opinion Mr. Webster said: "The security for State loans is the plighted faith of the State as a political community. It rests on the same basis as other contracts with established governments, the same basis, for example, as loans made by the United States under the authority of Congress; that is to say, the good faith of the Government making the loan and its ability to fulfill its engagements."

This short paragraph sums up the law and the philosophy of the subject. It is a statement clear as day of what was understood to be the law at the time the Constitution was written by all men, from the judge on the bench to the huckster on the streets. These authorities justify the conclusion reached by Thorpe in his constitutional history of the United States: "That the Constitution was adopted with the understanding that a sovereign State could not be sued in a Federal court can not be doubted if the complete evidence is duly weighed." (Vol. 2, p. 270.)

And departure from this interpretation will inevitably produce a brood no man can number of the very controversies the designers of the Constitution endeavored to prevent.

This interpretation placed upon the Constitution by Madison and Hamilton, two of its ablest champions, and by Marshall, its first great interpreter, has been acquiesced in by the whole world by a century and a quarter of inaction. It is a wise and salutary principle that when an alleged power under a statute has never been invoked through a long period of years, a presumption arises that no such power was ever conferred, and this rule is intensified in this case by the fact that Hamilton, Marshall and Madison from the beginning unequivocally denied the existence of any such power.

The proposition that a foreign State can not sue a State of the Union without its consent finds support in the consideration that a binding jurisdiction ought to be binding on both parties to the controversy. No one will say that this court is clothed with any power to call the Republic of Cuba before it. It is equally without power to enforce any judgment of any sort against the Republic of Cuba. As to Cuba, this court must at every stage of the case act only as a court of arbitration, without power to enforce its judgment. Such a status forces the conclusion that Madison, Marshall, and Hamilton were correct in declaring that only when the State consents to it can it be sued by a foreign power.

It is elementary and axiomatic that neither the law nor the Gospel ought to be interpreted in disjointed sections, but that every part should be studied in the light of the whole. Now, if we take Article I, section 10, and Article III, section 2, of the Constitution and read them together and in the order in which they are written in the Constitution, we will have this: "No State shall enter into any treaty or alliance with any foreign power, and no State without the consent of Congress shall make any agreement or compact with any foreign State, and the judicial power shall extend to controversies between a State and a foreign State." Clearly the first clause modifies the second, and it is plain that it was not intended for the judicial power to extend to controversies growing out of relations forbidden by the first clause. The controversies must not be made, they must be born. They can neither be bought nor borrowed, but they must be original controversies growing out of the necessary relations of a State and a foreign Government, while each is in the exercise of its sovereign power, or out of agreements entered into by and with the consent of Congress. Read and interpreted in this way the judicial power is given its full scope, and at the same time the inhibition of the Constitution against all bargains and agreements between a State and a foreign Government is fully observed.

IV.

My fourth proposition is that the Republic of Cuba, in seeking to enforce in this court the payment of repudiated State bonds, with whose origin and initial sale she had absolutely no connection, is guilty of a transparent attempt to nullify the eleventh amendment to the Constitution of the United States.

I assume that the purpose of the eleventh amendment was to protect the States and not to punish individuals. But if bonds bought by individuals can be sold to a foreign Government which can in turn enforce their payment in this court, then the net result of the amendment is to impose a hardship on individuals without securing to the State any immunity it did not therefore enjoy.

Another startling result of such a construction is that a Constitution framed to promote the general welfare of the people of the United States, guarantees to a foreign Government rights and privileges that are utterly denied to a citizen of this country.

There are no facts in our constitutional history better known than those which led to the adoption of the eleventh amendment, and these facts show beyond all question that the purpose of the amendment was to make it forever plain that the plighted faith of the State is the only security for the payment of its obligations.

After the amendment passed the Senate an amendment to the amendment was offered in the House, limiting the exemption from suits in the Federal courts to those States which provided in their own laws for suits to be prosecuted against them to effect. This qualification was rejected by a vote of 77 to 8, and this vote shows how utterly opposed the representatives of the people were to anything that savored of interference with a State in the way and manner in which it should discharge its own obligations.

But such interference is effective and complete if the individual can assign his holdings to a foreign power, which can in turn enforce their payment in this court. Such a construction utterly ignores that maxim of equity so strikingly stated by Mr. Justice Wilson in Chisholm *v.* Georgia—"Causes and not parties to causes are weighed by justice in her equal scales. On the former solely her attention is fixed; to the latter she is as she is painted—blind."

Looking, as this court always looks, with X-ray power through the form to find the very heart of the case, the court must see at a glance that Cuba has no grievance against and no controversy with the State of North Carolina; that she is not the real moving party in the case, but that wittingly or unwittingly she is being made the tool of men who are seeking to plow around the eleventh amendment to the Constitution of the United States. The tactics employed are the reverse of those practiced in an ever memorable fraud, for here the voice is the voice of Esau, but the hand is the hand of Jacob. If such tactics shall prove successful, if foreign powers that have no controversy with a State of this Union can assume or buy one, then I see no insuperable obstacle in the way of creating a principality or republic that out of gratitude for its existence would in turn create whatever controversies may be desired. It does not tax the imagination to see some adventurous spirit gathering up all the repudiated bonds of all the Southern States, carting them across our southern border, and there finding some ambitious patriot who, for the very love of the bonds, will rise up and assert and peradventure prove that he is Mexico.

But the authorities and the reasons that support the proposition that this is an attempt to nullify the eleventh amendment are set forth in the dissenting opinion in the South Dakota case in convincing array. I have studied this phase of the case with religious intensity seeking for some new argument, some new light, but I find myself unable to add one jot or tittle to that opinion. Its logic, and the logic of Bradley in Hens *v.* Louisiana, and of Iredell in Chisholm *v.* Georgia stands unanswered and unanswerable.

May it please your honors, I have never regarded lightly any opinion of this court, even though handed down by a bare majority. My feeling toward this tribunal through all of its history amounts to veneration. My faith is of the quality of the old patriarch when he exclaimed, "Though he slay me yet will I trust him." But despite this veneration—no, I will say because of this veneration—I stand here to-day and ask this court to declare that the opinion in the South Dakota case is not the law. I am driven to ask this by a conviction I can not escape—that when our Constitution was written there was not a man who gave to its making the travail of his soul, not one who championed it in the great debates before the people when the very life of the Nation was at stake, who ever said, or thought, or dreamed that under that sacred compact a foreign power is authorized to forget its sovereignty, descend to the level of a pawnbroker, hang out three balls, and, yielding to lust for unholy profit, traffic in securities so dishonored they can find no other market, and then bring them for enforcement to this high court of conscience, that throughout its history has stood before the whole world, even as the great Law Giver of Israel stood when he came down from the mountain top with the statutes of the Lord God Almighty in his hands and "wist not that his face shone."

V.

My last proposition is that even though the court should feel constrained to adhere to its decision in the South Dakota case, the case at bar differs fundamentally from that case in that so far as the court proceeded at all in the South Dakota case it proceeded in rem, while the present case involves a proceeding strictly in personam.

The difficulties that confront the court in such a proceeding were well stated by Mr. Justice Brewer in the South Dakota case, and he made no attempt to solve them. The only possible way the court could render an affective judgment in this case would be to issue compulsory process against the general assembly of the State, and the whole fabric of English liberty is built up on the principle that this can not be done. The one great right of the Commons, the people, was to say how and when the public money should be collected and paid out, and neither court nor king could coerce them. When the decision of Chisholm *v.* Georgia was handed down the legislature of that State at once enacted a law making it a hanging crime for any officer of the State of Georgia to pay anything on the judgment.

Speaking as an official of the State of North Carolina, and from an intimate knowledge of our people, I can safely say that no matter what the judgment of this court may be, North Carolina will not follow the example of Georgia, nor will it pass any law that could possibly be construed as disrespectful to this tribunal. But as an official of the State the thing that distresses me is that if this court should make it a hanging crime not to pay the judgment, I do not know where I could get the money.

We are doing what we can to bring the old State up and make her a credit to the family, and I know that in running out schools and

courts and public institutions of all kinds after levying the limit of taxation allowed by our constitution, the administrative officers of the State are daily confronted with that sorest task of man alive, to make 8 guineas do the work of 5.

A last word. I said that Cuba comes into this court by grace; North Carolina is here by right. She is of the blood of the covenant. Her name is forever linked with some of the brightest pages of the Nation's history. In 1865 our people accepted in the utmost good faith the arbitrament of the sword. The prejudices and passions engendered by that titantic struggle have passed away, and to-day Connecticut is not more loyal than Carolina. We are not only loyal to the Union but we love it, and are teaching our children to love it more and more. Over every schoolhouse the flag floats, and the first note of the Star Spangled Banner brings every child to his feet. To-day while we debate a question that involves the character of our people and the very destiny of our State, far to the south 3,000 North Carolina boys man the frontier, ready at the word of command to leap forward with "the cry that rang through Shiloh's woods and Chickamauga's solitudes" and do and die for the Nation's weal.

As we are doing our part in making and protecting the Nation, we have a right to look to the Nation to protect us from a band of marauders that by the cause of our alien hand would filch from us both our purse and our good name. We do not flee from this court. We look to it as our hope and our reliance.

"Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with Thee, are all with Thee."

NANTICOKE RIVER BRIDGE.

Mr. FLETCHER. I ask unanimous consent for the present consideration of Order of Business 810, being the bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment.

The amendment was, on page 1, line 7, after the words "Nanticoke River," to insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BASIS OF REPRESENTATION.

Mr. SHERMAN. Mr. President, I submit the following Senate resolution and ask that it may be read by the Secretary and go over under the rule.

The PRESIDENT pro tempore. Without objection, the Secretary will read the resolution.

The Secretary read the resolution (S. Res. 315), as follows:

Resolved, That the following governmental conditions attending the election of President of the United States under the electoral system and the representation of the people of the United States in the House of Representatives imperatively demand in a republican form of government remedial legislation to the end that the representation of population, not merely in the census returns, but who are permitted under undiscriminating laws and the administration thereof to participate in self-government by active and effective voting, so that the controlling vote of no State shall be cast solely by a minority of its population and still retain its full representation and influence in elections on the basis of that population:

First. The returns of successive elections prove conclusively that both presidential electors and Representatives in Congress receive from two to six times a greater percentage of votes to the total population in some States than in others, resulting in overrepresentation in certain States.

Second. Representatives in Congress represent in the districts of certain States a grossly disproportionate actual vote cast compared with the actual votes cast in districts of other States, so that the election of Representatives does not signify popular government, but unfair representation of the people who are not permitted to exercise acts of self-government which would longer justify those who do from having the representative power for those who do not.

Third. The ratio of representation fixed in the last congressional apportionment act is 211,877 for each of the 435 districts in the United States, and the acts of the legislatures of the several States have created districts within their respective States accordingly.

Fourth. The percentage of actual votes to the whole population in some districts and States is so low compared with the actual votes cast in other States and districts proportionate to the latter's population as to demonstrate that in the first-named States and districts the potential vote is habitually suppressed or omitted.

Fifth. The acts of various State legislatures in the States which cast such low percentages of actual votes contain provisions commonly known as "grandfather clauses" or "literacy tests," so applied as to exempt from their operation certain of their population and disfranchise the remainder of the voting population, and those election laws, with certain other well-known conditions attending national elections in such States are the causes of the suppression or omission of such votes, resulting in the unjust overrepresentation named in paragraphs 1 and 2.

Sixth. Recent decisions of the United States Supreme Court prior to the November, 1916, elections have declared in the Oklahoma and Maryland cases that the amendments to the Oklahoma State constitution in one case and the statutes of the State of Maryland in the other unlawfully exempted in their operation certain citizens from the tests there imposed and applied such tests to the remainder in such a way as unlawfully to deprive them of the right to vote.

Seventh. It becomes material to a free representative form of government to know if acts of a nature similar to those referred to in paragraph 6, so declared to be void, were in force and applied by the State election authorities in certain States of the Union in the November, 1916, election of Representatives in Congress and the electoral ticket.

Eighth. If Senate joint resolution No. 193 was offered since the decision of the Supreme Court in the Oklahoma and Maryland election cases, whether it was offered as a notice or a menace to the United States Supreme Court or the members thereof that it or they must not assume, except under penalty of vacating their judicial offices, to decide acts of Congress or statutes or constitutions of States unconstitutional if they, or any of them, are in contravention of the Constitution of the United States.

Ninth. Congress, and especially the Senate, is now concerning itself in the publicity of campaign expenses and the corrupt practices at elections, seeking to regulate and prevent the same. The suppression of the votes of an entire race authorized under the Constitution of the United States to exercise all the rights of citizenship, including that of voting, and preventing them from taking any part in elections in nearly one-fourth of the States of the Union is, in the opinion of this Senate, of equal, if not greater significance and requires legislation more urgently to vindicate representative government than to regulate or suppress the practices complained of in the publicity of campaign expenses and alleged corrupt practices in elections.

Tenth. The second section of Article XIV of the Constitution of the United States provides that—

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State": Therefore be it further

Resolved, That the Senate Committee on Privileges and Elections be, and is hereby, directed to investigate the foregoing conditions and recommend a measure or method whereby either the decisions of the United States Supreme Court may be enforced in the several States of the Union on the matters heretofore named, and the conduct of the several States so persisting, if they do, in holding elections under such acts of such States be properly dealt with, so as to secure the rights of all qualified voters, or, in default thereof, that the representation from the offending State or States be reduced pursuant to the mandatory provisions referred to in paragraph 10.

Mr. SMITH of Michigan. Mr. President, I understand the resolution goes to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The Senator from Illinois has asked that the resolution may lie over under the rule for one day, as though objected to.

Mr. SMITH of Michigan. Mr. President, if the Chair will indulge me for a moment, I see both the Senators from Texas here, and I desire to make an observation pertinent to the question raised by the resolution of the Senator from Illinois. It will take only a moment.

Michigan cast 625,872 votes in the recent presidential election, has 13 Representatives in Congress, and 15 votes in the electoral college. Texas cast 306,420 votes and has 18 Representatives in Congress and 20 electoral votes. With less than half as many votes as Michigan, Texas has one-third more representation here in Congress and counts for one-third more in the election of a President of the United States. One voter in Texas has 33⅓ per cent more voice in the Government than two voters in Michigan.

I wish to state further that under the present administration Michigan has contributed $32,804,000 in internal revenue for the support of the Government, and has received $3,170,000 in Federal appropriations. Texas has contributed $8,898,000 in internal revenues and received $5,231,000 in Government appropriations. With one-half the votes but one-third more representation, Texas has obtained nearly twice as much in Government favor as the State which I have the honor to represent in part. I think that there should be equality among the States—equality of representation and equality under the Constitution and the laws.

If this situation, which I assert with positiveness, does exist, it calls for some remedy at the hands of Congress, which has power to equalize not only representation but, generally speaking, the privileges of government as well.

I may not be on the floor when this resolution comes up for final consideration, but I do hope whenever it is presented it may receive such attention at the hands of Senators as its importance deserves.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Montana?

Mr. SMITH of Michigan. Certainly.

Mr. WALSH. I received a communication from some gentleman the other day which called my attention to the fact that my State did not get as much in appropriations in proportion to its population and voting strength as some other States did. The thing did not appeal to me at all.

Mr. SMITH of Michigan. I will say to the Senator from Montana that would not appeal to me.

Mr. WALSH. Do I understand the Senator from Michigan to take the position that the appropriations made by Congress ought to be distributed around among the several States in proportion to their voting strength?

Mr. SMITH of Michigan. No, Mr. President; if the statement made by the Senator from Montana had been made to me I should regard it as lightly as does the Senator from Montana; but I know of no reason in the world why Texas should have a greater voice in the choice of a President of the United States and greater representation in Congress with only one-half the vote which Michigan casts.

Mr. HARDWICK. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. I ought first to yield to the Senator from Montana, who first addressed me.

Mr. HARDWICK. I thought the Senator from Montana was through. Does not the Senator from Michigan know that the voice Texas has in those questions is determined by population and not by voting strength, according to the Constitution of the United States?

Mr. SMITH of Michigan. No; I think it is unfair to count all the people of Texas for purposes of enumeration and representation and then abridge the rights of citizens in Texas.

Mr. HARDWICK. That is not the question. The Senator is complaining about a plain provision of the Constitution of the United States.

Mr. SMITH of Michigan. No; I am not.

Mr. HARDWICK. Representation is based on population.

Mr. SMITH of Michigan. I claim that either the representation of Texas is greater than it should be and out of proportion to her population, or else the voice of her population is stifled in the exercise of a plain constitutional right.

Now, I want to correct my honored friend from Montana. I did not say that appropriations should go with voting strength. That would be absurd. No Senator would say that. But I do say that the burdens of government should be distributed fairly, and it is at least unfair that the State which I have the honor to represent in part should bear a disproportionate share of the burdens and expense of the Government.

Mr. HARDWICK. Will the Senator yield again?

Mr. SMITH of Michigan. Yes.

Mr. HARDWICK. Those laws operate impartially throughout the Union, in every State in the Union.

Mr. SMITH of Michigan. They do not operate impartially. The Senator knows that it has been the policy of his party to pass laws in such form as would bear most heavily on industry in the North.

Mr. HARDWICK. Mr. President, the Senator can not put any such words as that in my mouth. The Senator from Georgia does not know anything of the kind.

Mr. SMITH of Michigan. I will withdraw the imputation. The Senator is always fair.

Mr. HARDWICK. I do not think the Senator from Michigan knows any such thing, either. Of course, the Senator may contend that, but before no thoughtful forum will such a proposition as that ever be successfully maintained.

Mr. SMITH of Michigan. Now, let us see a moment. I do not want to prolong the discussion, and I did not start it; but under the present administration of the National Government my State has contributed $32,804,000 to the public revenue under laws which heavily penalize prosperity.

Mr. HARDWICK. Has the Senator made any such comparison as to show what the States contributed under the last administration and the administration before that? I hope the Senator will do so.

Mr. SMITH of Michigan. Yes; I made a comparison that would be exceedingly interesting to the Senator, because under laws which I have assisted in passing when my party was in power the burdens of public expense have been met by collecting duties on imports according to the historical policy of our Government from its foundation, thus safeguarding our industries and collecting with certainty the necessary revenues.

Mr. HARDWICK. It comes back to the tariff question, then?

Mr. SMITH of Michigan. Yes. I will say to the Senator from Georgia it comes back where you are coming, I think, very slowly, but I think very surely, much against your will. However, necessity prompts you. You must reestablish that principle which your party has torn down with such ruthless hands, or face a demoralized and exhausted Treasury. We never felt called upon to appear before the country as apologists for our financial system; we never have been called upon to face an apparent deficit of over $300,000,000 in the revenue in a single year; and it was because we levied our duties according to the historic policy of this Government for over a century of its marvelous prosperity. I am not going to say any more; I did not intend to say as much, but the resolution of the Senator from Illinois quickened my resentment.

Mr. MARTINE of New Jersey. Will the Senator from Michigan yield to me for a moment?

Mr. SMITH of Michigan. I would yield to the Senator, but I can not do so at this moment, for it would interrupt the continuity of my thought.

Mr. MARTINE of New Jersey. I would not consent to do that on any account.

Mr. SMITH of Michigan. I reassert the statement which I made at the beginning, that while Michigan has contributed $32,000,000 in internal revenue under this administration, that marvelous empire, the imperial State of Texas, a State which I greatly admire and whose people I most highly respect; which is so ably represented upon the other side of the Chamber—Texas, that once felt herself nearly strong enough to stand upon her own feet as an independent entity in the family of nations, actually contributed but $8,898,000 to the internal revenue, and received in return, by the favor of this administration, $5,232,000 of Government appropriations. Perhaps we ought not to complain, but I do not think that is fair. I am willing that Texas should get all the appropriations that she needs; I have voted for a great many of them, but I think that if people are to be counted for purposes of representation they are still citizens on election day; if they are to be counted for purposes of enumeration and representation, they ought to be permitted to vote in accordance with the constitutional right of citizenship.

Mr. HARDWICK and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. SHERMAN. Before the Senator proceeds——

Mr. SMITH of Michigan. Will the Senator pardon me a moment while I interject a very pertinent and appropriate reference to this entire subject, which is found in the Constitution of the United States? The language of the Constitution reads:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. President, my friends upon the other side of the Chamber may quarrel with the Constitution if they like. We have been supine and indifferent to the rights of our fellow citizens in other States; we have shown a delicate and scrupulous regard for the proprieties of our national situation; but when the great State of Texas has a third more representation in the Congress of the United States than has the State of Michigan, from which I come, and when we cast 668,000 votes for President of the United States while Texas casts but 300,000, I think the situation calls for some attention. There is a very disproportionate representation from many States in the North or a very exaggerated representation from many States in the South. When I say this I do not mean to give offense, I mean to emphasize a glaring inequity in our present plan of representation.

Mr. SHEPPARD and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. The Chair had recognized the Senator from Georgia [Mr. HARDWICK].

Mr. SMITH of Michigan. I had told the Senator from Illinois [Mr. SHERMAN] that I would yield for a question.

The PRESIDENT pro tempore. The Senator must address the Chair before seeking to interrupt.

Mr. SHERMAN. I wish to inquire of the Senator from Michigan about a matter which I expect to use later in considering the corrupt-practices act; namely, the menace or threat contained in Senate joint resolution 195 to the Justices of the Supreme Court of the United States, that they will be removed from office if they persist in declaring acts of Congress unconstitutional?

Mr. SMITH of Michigan. Well, but such a law has not yet passed Congress, has it?

Mr. SHERMAN. No.

Mr. SMITH of Michigan. Does the Senator from Illinois think that there is any likelihood that it will even receive serious consideration?

Mr. SHERMAN. Mr. President, anything will receive careful consideration in this body, and the more ridiculous it is the more apt it is to receive favorable consideration. [Laughter.]

Mr. SMITH of Michigan. I have been here longer than has the Senator from Illinois, and I have seen a great many foolish things done here, but I have never in my life seen anything quite so grotesque as the proposition the Senator has described.

Mr. SHERMAN. Mr. President, the Senator has served longer than have I, but he never saw such a Senate as this.

Mr. SMITH of Michigan. Oh, Mr. President, I will not say that. I look about this Senate and compare it with those that have preceded it. I do not now see many men of long service here who have made national and international fame. I do not see here the stalwart figure of Roscoe Conkling or that of James G. Blaine or that of David B. Hill, who used to grace a seat in yonder corner of the Chamber, about where the Senator from New Jersey [Mr. MARTINE] now sits. I do not see many eminent men who have come and gone, like Lamar and Vest and Morgan, like Allison and Spooner and Platt; but I do see men with great ability, high character and honesty, integrity, and patriotism here; and if they are permitted to remain as long as their predecessors remained I dare say their fame will be none the less resplendent.

The old method of electing Senators was calculated to season the candidate for future prestige and long service. The new system gives wider scope and greater freedom to the ambitions of our citizens, and the most popular is not always the best fitted. But as I look at the State of New York and its representation to-day I do not think it has suffered. I think it bears very favorable comparison with former days. As I look at the representation from Ohio I do not think it has suffered by the changes that have taken place. I do not think Illinois has suffered in her prestige by the changes here; I do not think that Georgia or Mississippi or Alabama or Colorado or North Carolina or Iowa or any of these great States of the Union have suffered by the changes. The men who are here are intelligent, upright, patriotic men, painstaking in the performance of their duties; but they are dealing with a situation that is very different from that which confronted their predecessors. New questions call for new review.

No; I do not despair of the Senate. And I think action on the measure to which the Senator from Illinois has called my attention will reveal in a new light the patriotism and the intelligence of Senators upon both sides of this Chamber. I do not believe a half dozen votes can be found on either side of the Chamber for such a bill. The attempt to curb and to discipline the Supreme Court of the United States will fail, as it should fail, to receive the approval of the American people or their representatives here.

No; Mr. President, I am not ready to say that there has been any decadence in the public life of our country.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. I am through, and I yield the floor gladly to the Senator, unless he cares to interrogate me.

Mr. OWEN. I merely want to ask the Senator whether he is aware that the Congress of the United States, by the Constitution of the United States, has the lawful right to control the cases that should go on appeal to the Supreme Court?

Mr. SMITH of Michigan. Oh, undoubtedly, to a limited extent; but the Supreme Court, in passing upon the cases that come before it for adjudication, always have in mind the constitutional safeguards which have been thrown about the rights of person and property in this Republic, and we are beating our heads against a stone wall when we attempt to coerce or restrict the steady and even flow of justice from a tribunal created by the same hand which gave life to the legislative department of the Government.

Mr. OWEN. Does the Senator take the position that after the Senate of the United States and the House of Representatives of the United States and the President of the United States, upon their oaths, have passed a bill, thereby declaring it constitutional, they are guilty of a violation of their oath of office if the Supreme Court declare it unconstitutional?

Mr. SMITH of Michigan. No; Mr. President, Congress and the President have simply shown their ignorance of the fundamental law, the court must correct them when in error. I take the position that this Government has been divided into three distinct and separate branches, each in its own sphere, independent and supreme. Those three spheres—the executive, the legislative, and the judicial—get their dignity and their strength from their constitutional right of independent action, and it little becomes the Congress of the United Sates or the Executive to undertake to coerce or unduly influence either of the other departments of the Government, and any resolution or any law intended to coerce the judiciary of our country in the performance of its constitutional duty should be and will be discouraged and defeated by intelligent men who love their country and respect its organic laws.

Mr. OWEN. Does the Senator take the position that the Congress of the United States can have its acts nullified at will by the judiciary?

Mr. SMITH of Michigan. Yes, Mr. President. When they are in conflict with the Constitution of the United States, which is the fundamental law.

Mr. OWEN. Then the Senator takes the position that nine gentlemen on that court, or a majority of them, have a greater knowledge of the law, and that they have more power under the Constitution, than the Congress of the United States, which by that instrument was vested in effect with the sovereign power belonging to the legislature which is enumerated there—the right to tax the people of the United States, to expend the money taxed from the people of the United States, to declare war, to make peace, and to make treaties with foreign countries.

Mr. SMITH of Michigan. Oh, Mr. President, it would be a sad day for this Republic when the constitutional power of our highest judicial tribunal is restricted and restrained and its solemn judgment nullified by men holding place in a coordinate legislative or executive department of the Government.

Mr. OWEN subsequently said, Mr. President, I was interrupted when I wanted to put into the RECORD the joint resolution which I introduced bearing upon the question then under discussion, which joint resolution was criticized by the Senator from Illinois [Mr. SHERMAN]. I desire at this point to have that joint resolution inserted in the RECORD without reading. It is Senate joint resolution 195.

The PRESIDING OFFICER (Mr. KIRBY in the chair). Is there objection? The Chair hears none, and it is so ordered.

The joint resolution referred to is as follows:

Joint resolution (S. J. Res. 195) forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor.

Whereas the Constitution of the United States gives no authority to any judicial officer to declare unconstitutional an act which has been declared constitutional by a majority of the Members of the United States Senate and of the House of Representatives and by the President of the United States, who, on their several oaths, have declared the opinion in the passage of such act that it is constitutional; and

Whereas in the Constitutional Convention, in which the Constitution of the United States was framed, the motion was three times made to give to the Supreme Court in some mild form the right to express an opinion upon the constitutionality of acts of Congress and was three times overwhelmingly rejected; and

Whereas such assumption of power by the Federal courts interferes with the reasonable exercise of the sovereignty of the people of the United States and diverts it from the hands of the representatives of the people in Congress assembled to a tribunal appointed for life and subject to no review and to no control by the people of the United States, and is therefore against a wise public policy; and

Whereas the declaration by any Federal court that the acts of Congress are unconstitutional constitutes an usurpation of power: Therefore be it

Resolved, etc., That from and after the passage of this act Federal judges are forbidden to declare any act of Congress unconstitutional.

No appeal shall be permitted in any case in which the constitutionality of an act of Congress is challenged, the passage by Congress of any act being deemed conclusive presumption of the constitutionality of such act.

Any Federal judge who declares any act passed by the Congress of the United States to be unconstitutional is hereby declared to be guilty of violating the constitutional requirement of "good behavior" upon which his tenure of office rests and shall be held by such decision ipso facto to have vacated his office.

SEC. 2. That the President of the United States is hereby authorized to nominate a successor to fill the position vacated by such judicial officer.

Mr. OWEN. Mr. President, since it is perfectly obvious that Congress can make such exceptions and provide the regulations under which the appellate jurisdiction of the Supreme Court may be exercised, if Congress henceforth permits the inferior courts to declare unconstitutional and void the acts of Congress and permits such cases to be appealed to the Supreme Court, any regulations which would permit that court to pass upon the constitutionality of the acts of Congress and to declare such acts unconstitutional and void, then the Congress of the United States will be itself abdicating the sovereign power of the people of the United States. I shall never consent to this. I do not feel willing, as a representative of the people of the United States, to yield the sovereignty vested in the people and in their representatives in Congress.

I think it is against a wise public policy to permit this. It makes it impossible for the people of the United States ever to know what the law is according to our written statutes if we allow this judicial control; it introduces an element of confusion and uncertainty in the meaning of the laws, and makes it impossible for the people of the United States, with certainty and precision, to determine questions of public policy through the National Legislature or to hold the National Legislature responsible to themselves for a failure to make effective such national policies.

In the great questions which are now arising in the country before us, it is, in my judgment, imperative that the people of the United States should be permitted to exercise their sovereign power through their delegates in Congress and to hold such delegates to Congress responsible therefor.

I desire also to have inserted in the RECORD paragraph 2 of section 2 of Article III of the Constitution, reading as follows:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

So that the jurisdiction exercised by the Supreme Court of the United States is a statutory jurisdiction, made in pursuance of the Constitution, and it is within the power of Congress to preserve its own sovereignty by limiting the cases which may be appealed to that court and by instructing the inferior courts which are established by the statutory power of Congress.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. SMITH of Michigan. Certainly.

Mr. VARDAMAN. Mr. President, the Senator from Michigan is always interesting to me. The variety of his information and the boldness with which he expresses or asserts his opinions are not only interesting but very often instructive. Now, I shall not dispute with the Senator this afternoon as to the wisdom of the Supreme Court of the United States exercising the almost despotic power which it assumes to exercise; but I think it is an historic fact that the convention of 1787 which framed the Constitution did not intend to confer that power upon the court. The matter, I think, was four times distinctly submitted to that convention, and four times it was defeated. Notwithstanding the fact that the proposition had the support of such men as James Wilson, of Pennsylvania, and Madison, two of the most learned and influential members of the convention, it only received the vote of three States. In this statement I think I am historically accurate. I might add, also, that it is my opinion that if the Constitution had definitely conferred upon the court the power and authority which the court exercises to-day it would not have been adopted by a single State.

Mr. OWEN. There is no question about that, Mr. President.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Utah?

Mr. VARDAMAN. I am through, Mr. President. I simply desired to make that statement that the distinguished Senator from Michigan [Mr. SMITH] might understand that the proposition made by the able and learned Senator from Oklahoma [Mr. OWEN] was not altogether new—it is not novel. On the contrary, it is a subject that has been discussed, and ably discussed, by some of the most learned lawyers that this country has produced. I trust the learned Senator from Michigan in the course of his illuminating discourse may throw more light upon this very important theme. It is entirely worthy of his genius.

Mr. SUTHERLAND. Mr. President——

Mr. OWEN. Mr. President, I might add to the comment——

Mr. SMITH of Michigan. I yield to the Senator from Utah for a moment.

Mr. SUTHERLAND. Mr. President, the statement made by the Senator from Mississippi [Mr. VARDAMAN] has been made by others a great many times. It has been made by the Senator from Oklahoma [Mr. OWEN]. The fact that it is an old statement does not make it a correct statement. I undertake to say that nothing of the kind described by the Senator from Mississippi ever occurred. No attempt was made in the framers' convention either to confer upon or to take away from the Supreme Court in express terms the power to pass upon the constitutionality of an act of Congress or of an act of a legislature of a State. What occurred was an entirely different thing. An attempt was made upon two or three occasions during that convention to confer upon the Supreme Court, in connection with the President of the United States, a veto power; to make, in effect, the Supreme Court a council of revision, and to confer upon that body, in connection with the President of the United States, a veto power over the legislation of Congress. Of course it requires no analysis to demonstrate that the power to say what the law *shall be* is a wholly different thing from the power which the Supreme Court exercises and has exercised for more than 125 years to decide what the law *is*.

The Constitution of the United States itself provides that the Constitution shall be the supreme law of the land. It is more than a compact; it is more than a contract between these 48 States; it is what it declares itself to be, "the supreme law of the land," made by the sovereign lawmaking body of the land, namely, the people themselves. Now, I submit that it is a matter too plain for argument, that when one of the agents of these sovereign people, namely, the Congress of the United States, undertakes to write a statute, and that statute in the regular consideration of a case properly before the Supreme Court is presented to the Supreme Court and the question is properly brought before that body as to whether or not that act of legislation is in harmony with the Constitution of the United States, which is the supreme law, the judicial power of the court to deal with that question at once attaches. If that body in the regular exercise of its jurisdiction is confronted with two instruments—the Constitution of the United States and a statute—the former of which is declared to be the supreme law and to which therefore every statutory enactment must correspond, the Supreme Court must follow the supreme law and not the statute which was passed in contravention of the supreme law. That is the exercise of judicial power. It is the normal and ordinary exercise of judicial power. It is exactly the power which any court exercises when it is confronted with two conflicting statutes, one of which says one thing and another which says an entirely different thing. Both can not stand. Of course the court must determine which shall stand. Ordinarily, it would take the later enactment as the one which stands. It would attempt to reconcile them, but if that were impossible, it would of necessity be obliged to determine that one was valid and the other void, because it is of the essence of judicial power to ascertain and declare what the law is.

Mr. OWEN. Mr. President, the difficulty with the Senator is that he begs the question.

Mr. SUTHERLAND. Just a moment; let me finish the thought, and then I will yield. When, therefore, Congress has passed an act, which is invoked in the course of proceedings before the Supreme Court, and it appears that that act is in contravention of the supreme law of the land, of course the courts can do nothing else except to declare the supreme law controls, and not the statute which is enacted in opposition to the supreme law.

Mr. OWEN. Mr. President——

Mr. SMITH of Michigan. I yield to the Senator from Oklahoma.

Mr. OWEN. The Senator ignores the fact that it is not the Constitution which is the supreme law of the land alone. It is the Constitution and the statutes passed by Congress in pursuance thereof.

Mr. SUTHERLAND. Precisely; and that emphasizes the point that I am making. It is not every statute passed by Congress that is the supreme law of the land, but it is, first of all, the Constitution of the United States, and, second, statutes passed in pursuance of the Constitution of the United States.

Mr. OWEN. They could not pass any statute except in pursuance of the authority granted by the Constitution.

Mr. SUTHERLAND. Certainly not. It is no law, then. It is a void thing. But it is perfectly obvious that if the Constitution be the supreme law of the land, anything else which contravenes it is not the supreme law of the land.

Mr. OWEN. The only authority which has the right to declare a law constitutional is the Congress of the United States.

Mr. SUTHERLAND. The Senator and I are in hopeless disagreement about that, and fortunately——

Mr. OWEN. I observe that, and for that reason I stated the case.

Mr. SUTHERLAND. The Senator is not only in disagreement with myself about that, but he is in disagreement with the best thought of the country for 125 years.

Mr. OWEN. That remains to be seen.

Mr. SUTHERLAND. And he is in disagreement with the decisions of the courts of the country for 125 years and in disagreement with the position occupied by both Houses of Congress and by all the Presidents of the United States from the beginning of this Government down to the present time.

Mr. FLETCHER. Mr. President, a question of order. I raise the point of order that this whole discussion is out of order.

The PRESIDENT pro tempore. The Chair thinks the point of order is well taken.

Mr. SMITH of Michigan. I appreciate the indulgence of the Chair. It was not my intention to proceed any further.

The PRESIDENT pro tempore. Concurrent and other resolutions are in order.

Mr. VARDAMAN. Mr. President, I just want to state at this point, in reply to what the distinguished Senator from Utah has said as to the historical accuracy of what I said regarding the limitation of the powers of the Federal Supreme Court as contemplated by the framers of the Constitution, that

I shall endeavor to establish at some time in the near future the accuracy of my statement.

Mr. SUTHERLAND. I shall be very glad to have the Senator undertake that impossible task.

Mr. SHEPPARD. Mr. President, if the Senate will pardon me, inasmuch as the Senator mentioned my State I want to say that the right to vote is not denied or abridged in any way in the State of Texas, and any intimation to that effect is as unkind as it is without any foundation whatever. The smallness of the vote is due to the fact that the Democratic Party is so overwhelmingly in the majority that less interest is felt in the national election, and less part taken in it, than in States where the contest is close. The population of Texas is over 4,000,000, while that of Michigan is a little over 3,000,000. Besides, any criticism of Texas comes with ill grace from the Senator from Michigan, because we have sent more money into Michigan for Ford automobiles than Michigan ever contributed to the Federal Government above appropriations received. [Laughter.]

Mr. MARTINE of New Jersey. Mr. President, in order that it may not appear that Texas is the only sinning one in the galaxy of our Nation, I have to portray a situation in the State of New Jersey which is very like the stiuation described by the Senator from Michigan [Mr. SMITH].

New Jersey, which cast 580,000 votes in the recent presidential election, has 12 Congressmen and 14 votes in the Electoral College. Georgia, which cast 137,056 votes, has 12 Congressmen and 14 electoral votes. With less than one-fourth as many votes as New Jersey, Georgia has the same representation and counts for as much in the election of a President. One voter in Georgia has the voice in Government of four voters in New Jersey. It may be that he is four times as valuable. I will not attempt to say that, but the people of New Jersey would not believe it.

Under the present administration New Jersey has contributed $47,853,559 in internal revenues to the support of the Government and has received $2,011,424 in Federal appropriations. Georgia paid $3,163,402 in internal revenue and received $1,874,579 in Government appropriations. With less than one-fourth the votes, but the same representation, Georgia has obtained nearly as much in Government expenditures, while paying approximately one-twelfth as much taxes.

Now, I will not attempt to contend that this may not be just or perhaps not fair or legal, but it does seem utterly inequitable and utterly unfair. I do not know. It may be I can attribute it—I thought that I could when I read this first—perhaps to the more industrious activity of the statesmen from Georgia and the statesmen from Mississippi than the statesmen from Michigan and the statesmen from my little Commonwealth. Whatever may be the cause, the result is the same; and I should like to join with the Senator from Michigan—whether he is a Republican or a Democrat, I do not care so much on a question of this kind—in seeing a little more equitable administration of these affairs.

Mr. HARDWICK. Mr. President, I do not feel that my State or the State of Texas, either, for that matter, can be put on trial in this body in any such way; and I am not disposed to accept very seriously the statements of Senators on either side. When the Senator from Michigan was proceeding I somehow or other felt that possibly nothing ought to be said, because after every election we allow certain latitude for disappointed people. They are allowed to kick a little without anything being said about it, very much as in old England it used to be that sailors while they were being flogged could say pretty much what they pleased about the King or the Government. I do not think the Senators expect us to take too seriously these sectional and quasi sectional arguments that they are making.

It is, however, a matter of concern to me that any Senator, whether he sits on one side of this Chamber or the other—and I am very glad, for the purposes of my remarks, that the two Senators who have taken occasion to do so sit on opposite sides of this Chamber, because it will relieve my remarks of anything like a partisan character—I am very sorry always when any Senator on either side of this Chamber uses his great position to create or tend to create in any way sectional rivalries or jealousies or enmites among the people of this country. I thought that in this body, at least, the day was past when statesmen of broad mind and broad view could regard that as a fitting position for them to occupy.

Unfortunately there have been periods in the history of this country when that sort of thing was all too common; but what we sow we reap. We sowed hatred on the floors of both of these Chambers of Congress, and we reaped a whirlwind before we finished. Surely the time has come when the good people throughout this country are sick and tired unto death of all this talk about the North and the South and the East and the West; and surely the day has come when in the Senate of the United States, at least, and in the Congress of our common country, sentiments of that sort are no longer popular, are no longer right, and ought not to be and will not be tolerated.

If the Senator from New Jersey or the Senator from Michigan can assail the justice of any appropriation that has been made the benefits of which extend to any State, North, East, South, or West, I think they will find that there are many Senators on both sides of this Chamber who will join them, regardless of locality or geography. It is utterly unfair, it is utterly ungenerous, it is utterly unstatesmanlike, for Senators to undertake to segregate appropriations by States, and to undertake to create feeling between States as well as between sections, on account of the relative size of appropriations.

If any appropriation that has been made for Georgia is wrong, fight it on its merits, and you will not find me defending it if I think you are right. If any appropriation that is made for Texas is wrong, fight it because it is wrong, not because it is for Texas, and I believe you will find the distinguished and able Senators from Texas agreeing with you if they believe you are right. But this proposition—narrow, infinitesimally small, unutterably little—of taking any State in this Union and saying: "Oh, this State got so much money and paid so much taxes," is one that will not appeal to the good sense of the American people, and will not appeal to the patriotism of the country.

What does it matter if the smallest State in this Union needs for proper Federal appropriations the largest amount of money of any State in the Union? What does it matter to any of us, if we are broad American statesmen, Senators from the whole country, and representing it all? What does it matter whether the State is Democratic or Republican? What does it matter whether it lies in the North or in the South or in the East or in the West? Surely statemanship in this Chamber has not yet sunk to any such level as that.

I say here and now to my friend from Michigan, whom I have known and loved through all these years, and to my friend from New Jersey, whom I have not known quite so well, but I have loved equally well, that if I know my own heart I would not vote against any appropriation for their States, because it went to the North or to the Middle West, nor would I fail to vote for any just and reasonable appropriation for any State in this Union, where I thought it was a proper appropriation of the Federal funds. I think that is true about almost every Senator who sits in this Chamber, whether he comes from one section or from another section of our common country.

One of my friends suggests, in an aside, that possibly some of these very revenues that Senators speak of may have been paid by the people of Georgia or the people of Texas. Quite true. We buy your automobiles, as my friend from Texas [Mr. SHEPPARD] suggested. We buy mules from Missouri. We buy horses from Kentucky.

Mr. SMITH of Michigan. Is that all you get from Kentucky—horses? [Laughter.]

Mr. HARDWICK. Well, it does not look like we are getting much more nowadays. [Laughter.] But I do not think the Senator ought to be entirely jocular about this thing.

Mr. SMITH of Michigan. I am not quarreling with the appropriations. I voted for many of these appropriations. What I am talking about is the distribution of the burdens of Government.

Mr. HARDWICK. Well, now, wait a minute. If the Senator voted for the appropriations, and he thought they were just and right, one by one and all in all, why should he come up and stand before the Senate of the United States and before the people of the United States and point out that a certain amount of dollars went to Georgia or a certain other amount went to Texas? Is that broad patriotism?

Mr. SMITH of Michigan. No; the Senator must state the facts correctly.

Mr. HARDWICK. I certainly would not do the Senator the slightest injustice.

Mr. SMITH of Michigan. The truth is that I said that Michigan had contributed $32,000,000 in internal revenue for the support of this administration, and had received about $3,000,000 in appropriations from this administration.

Mr. HARDWICK. And the Senator cited some other States.

Mr. SMITH of Michigan. While Texas has contributed $8,000,000 in internal revenue, and has taken out $5,800,000 of appropriations. Now, I am not complaining about the appropriations. I am quite liberal in my views of appropriations; but I think that the scheme of government devised by Senators on the other side in a caucus and in closed committee rooms which distributes the burdens of Government so skillfully, and yet so unfairly, that they weigh overheavily upon one State,

and out of proportion to what it should bear, is a proper subject of criticism.

Mr. HARDWICK. Mr. President, after all, I have not misunderstood the Senator's position. I did not think I had. I do not want to do him an injustice. He points to these matters in this way, whether for the purpose or not, certainly with the effect of having a tendency to excite sectional feeling in this country.

Mr. SMITH of Michigan. Oh, no; Mr. President, that is far from my purpose.

Mr. HARDWICK. Well, it was generally done in the recent campaign. I was surprised to see my friend from New Jersey join in it.

Mr. SMITH of Michigan. It was not done by me.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. Not, for the moment, to anybody. We whipped that sort of thing in this presidential campaign. To my great regret, almost to my shame as an American citizen, this is the first campaign in many years where I have seen any such sectional arguments made about appropriations and tax burdens as were made in this campaign; and this is the first campaign in many years in which I have seen even a presidential candidate stoop from what I consider his high place in order to revive, or attempt to revive, sectional feeling. The result was not gratifying to you on the Republican side. It was not pleasant to us. It seems to me that the sooner we get away from that sort of thing, and the longer we keep away from it and the farther we keep away from it, the better off we will be in all parts of this country, North, East, South, and West.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia now yield to the Senator from Michigan?

Mr. HARDWICK. For a question.

Mr. SMITH of Michigan. I simply wanted to observe that——

Mr. HARDWICK. I do not yield for an observation just at present.

Mr. SMITH of Michigan. I entertain no hostility toward the South. I am calling attention to an inequitable division of the burdens of Government.

The PRESIDENT pro tempore. The Chair understands the Senator from Georgia declines to yield.

Mr. HARDWICK. If the Senator will pardon me just a moment, I want to finish the train of thought I have in my mind, and then I will yield to the Senator.

Senators assert that they entertain no hostility, yet they point out and insist on pointing out State by State, particularizing the sovereign Commonwealths of the American Union to which appropriations, according to their contentions, are unfairly given and unfairly distributed, and the Government burdens of taxation are also unfairly imposed from a geographical standpoint.

Mr. President, I utterly deny it. I utterly repudiate the suggestion. I do not believe the American Senate and the American Congress has been conducted on any such plane. If the Senator from Michigan or my friend the Senator from New Jersey could have established anything whatever of the contention they seem to have in mind, there has not been a day and there has not been an occasion when the Senate would not have stood ready to sustain either one, but because it happened, if it be the fact, that certain of the States are poorer in material resources, poorer in wealth than other States, are you therefore to say to them, "Because you are poor, because your people can not contribute out of their poverty as much as we contribute out of our wealth, therefore we are not going to give you the proper Federal improvements and appropriations in your State"? I do not believe any Senator would care to take such a position.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. JAMES. Mr. President, it appears to me that the argument of both the Senators is entirely unfair. All these revenues, while they are paid from the State, are generally paid by the consumers of all the States. Take my own State, for instance. We pay into the Federal Treasury probably over $30,000,000. We pay $25,000,000 of it as an internal-revenue tax. While that was paid by the distillers of Kentucky, they, of course, got it back from the consumers of whisky to whom it was sold.

Now, to say that Kentucky is discriminated against because we paid thirty or forty million dollars into the Federal Treasury and only got a million out of it in appropriations is so manifestly unfair that even for partisan purposes in a hot political campaign it weighs utterly nothing with the fair-minded American people.

Mr. HARDWICK. Not only that, Mr. President, and I quite agree with the Senator's contention about it, it is true not only about the whisky-distilling business he has mentioned, but also every other business in this country. It is true about every form of business where a tax is paid by the manufacturer or the producer and is passed on to the consumer. There is no need to go into that. The spirit I am protesting against is the spirit that it is the duty of the American Congress to draw a balance sheet between the several States. It is not right to inculcate any such spirit as that. It is not right to teach our people any such lesson as that. If there is a single one of these appropriations that is being made for the North or the East or the South or the West that is not right, if it is wrong, if it is too much, fight that appropriation, regardless of geography, regardless of section, regardless of the State.

If there is a single tax that is not fair and just to all the people of the United States and does not operate on them all equally throughout the United States, oppose that, and after you get through do not come up here with a little sum total about what the State of New Jersey or the State of New York or the State of Rhode Island or the State of Arizona or any other Commonwealth has gotten from the American Government or has paid into the American Treasury, and do not bring in support of such contentions figures that are wholly incomplete and totally misleading.

Mr. JAMES. Mr. President, does not the Senator think that these gentlemen, in order to justify their position, ought to show what appropriations have been asked for New Jersey and for Michigan which were denied and what appropriation was given to Georgia which was unjust and which they themselves opposed? That is the way to get at it.

Mr. HARDWICK. Mr. President, undoubtedly; and if I have made myself plain to the Senate, I mean just this: Do not draw up a little, tiny, puny, or sectional balance sheet between the States of this great country, all of which are inhabited by the American people. Do not revive any such sectionalism on any such small, narrow line as that. It is both pitiful and disgusting.

Mr. SMITH of Michigan. Will the Senator permit me to interrupt him?

Mr. HARDWICK. Yes.

Mr. SMITH of Michigan. I do not feel the slightest prejudice against the South. I never have done so. My ancestors on my mother's side were southern people, and I share their affection for the Southland; but I am complaining of an injustice which the Senator from Georgia would be quick to resent.

Mr. HARDWICK. If that is true, the Senator ought not to do what he has been doing to-day.

Mr. SMITH of Michigan. Yes; I ought to do exactly what I have been doing or I would be unfaithful to my duty as a Senator, because in the administration of affairs of this Government your party has so skillfully made its laws that the burdens of government fall heavily upon our section of the country and lightly upon yours.

Mr. HARDWICK. Mr. President, I am not going to yield further.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Georgia declines to yield further.

Mr. HARDWICK. As a matter of fact, it is not so. It would be wrong if it was true.

Mr. SMITH of Michigan. I gave you an illustration.

Mr. HARDWICK. I do not believe it, and you can not prove it.

Mr. SMITH of Michigan. The honored Senator from New Jersey gave you an illustration quite in point.

Mr. HARDWICK. Of course that would be very wrong if true; but there is not anything true about it, and it does not prove it. To state that a certain State did not pay into the Federal Treasury as much as some oher State and prove that certain appropriations for Federal purposes in that State were more than in some others does not prove that proposition at all.

Mr. SMITH of Michigan. The Senator from Georgia knows very well that about the first thing that was done after you came into power was to strike down the protection that we had upon our industries.

Mr. HARDWICK. Personally I am devotedly attached to my friend from Michigan, but I can not yield further.

Mr. SMITH of Michigan. Senators of your party in this Chamber exposed our sugar industry to ruin. Only the European war has caused it to revive.

Mr. HARDWICK. Sugar is ruined now, is it? They are making more money now than they ever made in the history of the country, in spite of the Senator's contention.

Mr. SMITH of Michigan. We are enjoying the high protection of the war.

Mr. HARDWICK. They are making more money now than they ever made in the history of the world before.

Mr. SMITH of Michigan. Because there is no world competition on account of the war, and your party has partially restored the threat of free trade.

Mr. HARDWICK. Mr. President, I am not going to yield for any tariff argument. I am going to get through because the Senator from Montana wants to go on with his bill. To my mind, with all due respect to the Senator, this tariff talk is all rot.

Mr. SMITH of Michigan. I think the Senator knows that when they put the tariff back on sugar they did it because the industry had been severely crippled and because you needed the revenue.

Mr. HARDWICK. I am astonished. Certainly that is one schedule the Senator from Georgia knows something about.

Mr. SMITH of Michigan. The Senator knows about it.

Mr. HARDWICK. The exact reverse of the Senator's statement is true, so far as the industry being crippled is concerned.

Mr. SMITH of Michigan. I have read the Senator's report on it.

Mr. HARDWICK. When we put back, or retained, the tax on sugar there was not the slightest excuse for it on this earth from any standpoint I can think of, Democratic or Republican——

Mr. SMITH of Michigan. Then, why did you do it? For revenue?

Mr. HARDWICK. Except for protection; that is all. We could have gotten the revenue by a consumption tax—twice as much revenue—a tax like that imposed in every civilized country on earth that raises any sugar. That is the situation in respect to sugar; but I am not going to be led into that discussion now.

Mr. SMITH of Michigan. I do not blame the Senator from Georgia.

Mr. HARDWICK. The Senator from Georgia is never afraid to face the Senator from Michigan on a tariff argument.

Mr. SMITH of Michigan. I know the Senator. He is very brave and very capable.

Mr. HARDWICK. But we do not want to get off into that now. Of course, if the Senator's complaint is that we have done injustice in that we have cut down the protective tariff a little, I must confess there might be some ground for him to stand on, from his standpoint. We have not reduced the tariff as much, I tell the Senator frankly, as I think we ought to have done, nor as much as I still hope to see it reduced.

Mr. SMITH of Michigan. More than you will ever do again, however.

Mr. HARDWICK. I will say to the Senator that if that is his complaint I can understand him, even while disagreeing. If that is really what you mean, then do not go into this little petty picayunish business of drawing tax and appropriation balances between the States of this great American Union.

Mr. GALLINGER. Mr. Preident——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. Certainly.

Mr. GALLINGER. I observe the Senator from Georgia suggests that the tariff is likely to be still further reduced. Am I mistaken in reading in the daily press that the President of the United States has suggested that the revenue bill will have to be revised and there will have to be greater protection than there is now?

Mr. HARDWICK. I can not tell what the Senator from New Hampshire has been reading in the daily press, nor can I vouch for the accuracy of any such report as that.

Mr. GALLINGER. I can vouch for having read it.

Mr. HARDWICK. I have no doubt the Senator has read it, but I say I can not vouch for any newspaper report.

Mr. GALLINGER. Is it not in contemplation?

Mr. HARDWICK. Not to my knowledge.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. HARDWICK. I yield.

Mr. WALSH. I will suggest to the Senator from Georgia that I am very sure the Senator from Michigan [Mr. TOWNSEND] would like to continue the reading of the report.

Mr. HARDWICK. What report?

Mr. WALSH. The report on the bill pending before the Senate.

Mr. HARDWICK. The Senator from Georgia is going to complete his remarks before that is done.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. I yield.

Mr. TOWNSEND. I have no disposition to interrupt the Senator.

Mr. HARDWICK. I supposed I was doing my friend from Michigan a very great kindness.

Mr. TOWNSEND. I am very much interested in the debate.

Mr. HARDWICK. I am going to say just a few words more that I have risen to say. I am also tired of all this talk about depriving people of their votes. We have had that until it has gotten just a little stale and tiresome, I think. There are 28 States in this Union, if my memory is accurate, that do not allow certain males, 21 years of age, to vote, by various devices. Whenever you get ready to apply any such rule as is contained in the second section of the fourteenth amendment to the Constitution, it may be that we might consider the proposition then; but until you do get ready to do it do not let us talk in this general, vague, indefinite way about it. So far as I am concerned I am not devoted to that section of the Constitution, as the Senator knows. I think it was adopted at a time when passion and prejudice ran riot in this country and obscured the clear judgment of our lawmakers. That, however, might be very well a subject of difference between the Senator and myself; but all this continual attempt to revive sectional feeling and to talk about the States of this country as if they were foreign countries, talk about the people of those States as if they were antagonistic and hostile to each other, does no good, either here or elsewhere; and for one, as a sincere personal friend of all the Senators who have indulged in it, knowing the effect that it has in all parts of the country, I earnestly hope the Senators will not give us a recurrence of this sort of thing.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARDWICK. I yield.

Mr. MARTINE of New Jersey. I thought the Senator was about to take his seat.

Mr. HARDWICK. I yield to the Senator.

Mr. MARTINE of New Jersey. I am just as free from sectionalism as the Senator, and I have no desire to revive the argument of sectionalism; but the Senator, with all his argument, will not deny the fact I presented.

Mr. HARDWICK. What does it prove?

Mr. MARTINE of New Jersey. You gentlemen—and I regard you all kindly and am very fond of you, and agree with much of your thought—claim, you say, that all this array and presentation of facts—and, of course, they are compiled by the Treasury Department—is small, unpatriotic, and petty politics. I do not know upon what ground or reason the Senator from Georgia or the Senator from Texas—but the Senator from Texas is a little more modest—on what ground the Senator from Georgia should arrogate to himself all the patriotism and all the broadness and depth in legislation and deny it to all those who happen to disagree with him all along on the other side.

Mr. HARDWICK. Let me say, Mr. President——

Mr. MARTINE of New Jersey. The Senator has had his time.

Mr. HARDWICK. I have the floor.

The PRESIDING OFFICER. The Senator from New Jersey will suspend for a moment. The Senator from Georgia has the floor.

Mr. HARDWICK. The Senator has the floor by my courtesy.

Mr. MARTINE of New Jersey. But you granted the floor to me.

Mr. HARDWICK. Not at all. I merely yielded to the Senator.

Mr. MARTINE of New Jersey. That is my impression, at all events. I do not want to trespass upon the Senator's time if he has not finished. In God's name let him go on; but, if the Senator will permit me to say it, while I am on the side of the Senator from Michigan seemingly on this question, he must not assume. He said he is surprised to find me in my position. I am, I hope, as broad and patriotic as the Senator ever dared to be, but I am contending for our rights on our side in the State of New Jersey. I feel that we are being unjustly discriminated against and unjustly dealt with.

I do not agree with all the doctrine of the Senator from Michigan on the tariff nonsense. I think it is the greatest heresy in the world. He talks about the tariff on sugar. We have had but little tariff on sugar, but it was not done with my vote. I will never vote to increase the tariff on sugar when you can raise in the territory of the United States from 5 to 7 and even 9 tons of sugar per acre. I will never sweat the people of this

country by my vote to grant them any further gratuity. So I do not agree with his doctrine at all. But so far as the facts and figures are presented by the Senator from Michigan there is something unfair in the condition, and so far as these things count I do insist that there is something wrong in that condition; and if you want to rid this country of sectionalism, you can not rid it of sectionalism by taking money out of my pocket and depositing it in yours.

Mr. HARDWICK. That is what we long have thought in the South, but we have even gotten to a point down there where we are willing to give up a little of our cash to the protective interests and to other sections of the country in order to try to get a little better feeling. I am not finding any personal fault with my friend from New Jersey, any more than I did with my friend from Michigan, but the fact remains that if the Senator can see that anything is proven by getting up little balances by States, and that sort of thing, without regard to the justice of the appropriations that go to the States, he is utterly beyond any argument I hope to make upon it. What does it matter if two-thirds of all the Federal appropriations went to any one State if that is the place where that kind of appropriations ought to go, and the appropriation was just and necessary?

Mr. SHEPPARD. May I interrupt my friend from Georgia?

Mr. HARDWICK. I yield.

Mr. SHEPPARD. Is it not a fact that the statements quoted by the Senators from Michigan and the Senator from New Jersey did not include all the small appropriations received by their States?

Mr. HARDWICK. I have not even seen the statements the Senators referred to. The details I regard as of small importance.

Mr. MARTINE of New Jersey. I quoted the appropriations received from your committee.

Mr. HARDWICK. What does it matter? Did the Senator find fault with any one of them? Did he vote against any one of them?

Mr. MARTINE of New Jersey. I say you are claiming all the patriotism and getting all the cash. That is a very serious matter. [Laughter in the galleries.]

Mr. HARDWICK. No; I say the Senator from New Jersey does not do himself great credit in that statement.

The PRESIDING OFFICER. The Senator from Georgia will please suspend. The Chair admonishes the occupants of the galleries not to make expressions of approval or disapproval. The Senator from Georgia will proceed.

Mr. HARDWICK. Of course, it is all very nice to get up here and talk in a sort of slipshod way about this sort of thing. But that does not do the Senator any good, either. If there has been made for Georgia or for Texas or for any other State of the Union an appropriation that is wrong, the Senator ought to point out why it was wrong, and he ought to have fought it, and he ought not to get up here and indulge in this Republican buncombe of drawing these little balances by States.

Mr. MARTINE of New Jersey. Republican what?

Mr. HARDWICK. Buncombe.

Mr. MARTINE of New Jersey. I did not indulge in Republican buncombe. My information about it is something more than Republican buncombe, and it is so stanch that it can not be waived off or combated by a Georgia fusillade.

The PRESIDING OFFICER. Senators must obtain recognition from the Chair before speaking.

Mr. HARDWICK. Of course, I yielded to my friend from New Jersey. No matter where he got it, it proves nothing, and the Senator knows it. If these appropriations were wrong, he ought not to have agreed to make them. I certainly would not ask you to make one for my State that was wrong any more than I think he would ask me to make one for his State that was wrong. If those taxes were unjust, they ought not to have been imposed. That is the proposition. I certainly would not support them, whether they fell on my people or his people, unless they were just and reasonable and fair. But to undertake to draw balances between the States of this Union and to say this one got so much and that one paid in so much and the net result is so-and-so is so nearly peanut politics that I do not think the thoughtful people of the United States can possibly approve it or appreciate it.

Mr. MARTINE of New Jersey. One thing, Mr. President——

Mr. STONE. Mr. President, I rise to a question of order. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Public Lands.

Mr. SMITH of Michigan. One moment. When the Senate adjourned last night the Secretary was reading from the report of the Committee on Public Lands, on page 14, and had just finished the letter of the Secretary of the Interior.

The PRESIDING OFFICER. Does the Senator ask for the reading of the report?

Mr. SMITH of Michigan. Certainly; and it was asked for by other Senators, several of them. I have listened to the reading very carefully thus far, and I am waiting with a great deal of pleasure to hear the report of the Senator from California [Mr. WORKS] read, which, I presume, will follow, and which I hope may be read without any attempt to delay or prevent its orderly sequence.

The PRESIDING OFFICER. The reading of the report will be continued. Does the Senator from New Jersey desire recognition?

Mr. MARTINE of New Jersey. Mr. President, I have said all I care to say. My constituents in the State of New Jersey asked me——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Montana?

Mr. MARTINE of New Jersey. Certainly.

Mr. WALSH. Did the Chair recognize the Senator from New Jersey?

The PRESIDING OFFICER. The Chair did recognize him a moment ago.

Mr. MARTINE of New Jersey. I know I am some trouble to the Senator, but I am positively in favor of the measure he is so much interested in. I am not so much interested in your measure as I am interested in the measure I am now talking about. My constituency are asking me continually by letter and voice how this condition is. They ask me, "Are you less attentive and active to the affairs of the Commonwealth of New Jersey and the interests you have at heart than are those from the State of Georgia?" I tell them no; I do not know that I am as zealous and earnest in the matter as I can be. They are finding fault. They ask me how it is. I am not as familiar with legislation nor have I served as long as the Senator from Georgia. He served two or three or four terms in the House. He and his fellow citizens are all fine, splendid men. My constituents asked me how it is. I said, "Those men of the South are a better organized troop than the people of the North and the East." That is about the reason why many of these measures that my people rebel at have come about. They asked me, "Can not something be done to make this a little more equitable and fair?" I do not want to quarrel with the Senator; I feel kindly to him; but I do say do not arrogate to yourself all the patriotism and breadth when at the same time you have got all the cash.

Mr. HUGHES. Mr. President, I can not sympathize very much with what my colleague has had to say in this debate. I do not know of any taxes that have borne more heavily upon the people of our State than upon the people of Georgia. I do not think my colleague knows of any, either. I do not think either of us would vote for the passage of a measure which had for its object and final effect the singling out of one community or one section of the country and compelling it to bear a greater burden than its due share of the taxes of the whole Nation.

I do not like the plane upon which this whole colloquy this morning has been conducted. I thought the Republican Party years ago came to the conclusion that there was not another election to be won by waving the bloody shirt. I thought that the issue of sectionalism had been forever buried. I believe that was the case up to the time the Republican candidate in the last campaign was convinced by somebody that the fires of sectionalism and hatred could once more be fanned into flame and capitalized into Republican votes. I do not think there was anything that did more to bring down upon his head the merited indignation of the American people than the very attitude he took in that matter.

The time has gone by when men from the South can be held up as bogy men, as having horns and hoofs. They go abroad as you and I do; they go into different parts of the country. The most effective speeches I have ever heard made, speeches that were received with more rapturous applause than any other speeches I have ever listened to, were made by these very men laying down the fundamental principles of Democracy to men in communities where there was no material gain to be derived because of their love of those principles.

We have kept the fires on the altars of Democracy lighted in the North and in the East and in the West in this country by means of the patriotic fervor and flame that has been furnished to us by these men from the South. Any student familiar with the early history of this country knows that. If he permits himself to think at all he knows that that section of the country

has been oppressed by laws enacted by men from the other sections of the country. We know that for years and years they were compelled to purchase everything they purchased in the highest taxed markets in the world, and the things which they produced and sold they sold in the free-trade markets of the world.

The Georgia farmer to-day sells his cotton in Liverpool at anywhere from 7 to 20 cents a pound, whatever the price may be, and buys his automobile in the 45 per cent taxed market of America. The figures the Senator from Michigan has laid before the Senate contain no account of that fact. In the price of every automobile that is purchased by a farmer from the South there is hidden the tariff rate that was laid years ago and has continued since to oppress the purchasers of every other section of the country.

There is one thing that comes with particularly bad grace from Senators from my section of the country. It is this continual casting in the teeth of men of another section of the country the fact that they are poorer than their critics. It may be true. John D. Rockefeller pays into the United States Treasury more money than I do. He receives a larger income than I do. But owing to that fact is he to have a battleship placed at his disposal when his yacht floats the high seas? Is he to have a United States deputy marshal protect him? Is he to have rivers upon his private estates deepened at Government expense? Is he to have anything more done for him than is done for me? Are we to check up individuals or communities or States in accordance with the amount of money they pay? Are we to have that cheap and superficial standard? Everybody knows that the people of the State of New Jersey and the State of New York make what they make out of the people of Georgia, the people of the West and the South and the East and the North, and out of their profits they pay this money into the Federal Treasury.

We twit these men with the fact that they are living under a financial and fiscal system which does not permit them to profit to the extent that other and more favored gentlemen profit.

As far as I am concerned, I am an American citizen. I have not a single fiber in my body which entertains or could possibly entertain the slightest prejudice for any section of the country. I love the West, I love the East, the North, and the South. They are all alike. They were welded by a great fire into one Nation, and in spite of anything the gentlemen on the other side of the Chamber can say we are one Nation.

There are to be no more elections won by the bloody shirt. Sectionalism is dead and can never be revived; and the party that attempts it again will be treated as the party that last attempted it was treated. They will bring down upon their heads again the condemnation of the American people, and they should.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The PRESIDING OFFICER. The Secretary will continue the reading of the report.

The Secretary resumed and continued the reading of the report, as follows:

The committee desires to call attention to the further views of Hon. Franklin K. Lane, Secretary of the Interior, on the subject of water-power legislation embodied in a letter addressed by him to the chairman of the Senate Committee on Public Lands during the life of the Sixty-third Congress, while the subject of water-power legislation was under consideration in that Congress, which letter is as follows:

Mr. WALSH. Mr. President, the letter which follows is somewhat lengthy and is rather a general discussion of the entire subject than a discussion of the features of the pending bill. I ask unanimous consent that the reading of the letter be dispensed with.

Mr. TOWNSEND. Mr. President, I did not hear the Senator's suggestion.

Mr. WALSH. I advised the Senate that the letter which follows in the report is somewhat lengthy and is rather in the nature of a discussion of the general subject of water-power legislation than a consideration of the particular features of the pending bill, and I accordingly asked unanimous consent that the reading of that particular letter be dispensed with.

Mr. TOWNSEND. Does the Senator think that anything more instructive can be presented to the Senate or will be presented to the Senate than that letter of the Secretary?

Mr. WALSH. Mr. President, I say, in answer to the question addressed to me by the Senator from Michigan, that there is a stupendous mass of information upon the subject. I have a very high regard for the Secretary of the Interior; I know he has been a student of this question; but this is only a relatively small item out of a total mass of information upon this subject. Accordingly, I find it difficult to institute a comparison concerning the relative worth of the same information that is accessible to Senators from a multitude of sources. I have asked, accordingly, that the reading of it be dispensed with.

Mr. TOWNSEND. I understand that this letter was written when the Ferris bill, so called, was pending before the other House, and that it was written for the purpose of expressing the views of the Secretary of the Interior upon that particular legislation. It, therefore, seems to me that the reading of the letter ought to proceed. Therefore I shall have to object to the Senator's request.

The PRESIDING OFFICER. The Senator from Michigan objects, and the Secretary will continue the reading.

The Secretary resumed and concluded the reading of the report, as follows:

"WATER POWER.

[By Franklin K. Lane, Secretary of the Interior.]

"Should the Government allow its dam and reservoir sites and other lands valuable for power development to pass from its hands forever?

"(1) It has been the policy of Congress from the inception of power development in the United States only to grant permission to use such lands and not to sell or give away the lands in perpetuity. Acts of Congress of May 18, 1896 (29 Stat., 120); February 15, 1901 (31 Stat., 790); February 7, 1905 (33 Stat., 702); May 1, 1906 (34 Stat., 163); and March 4, 1911 (36 Stat., 1253).

"(2) The general law applicable to the use of public lands for the development of electrical power, the act of February 15, 1901, authorizes the grant only of a permission to use public lands and reservations for this purpose, expressly providing that any such permission may be revoked by the Secretary of the Interior, or his successor, in his discretion, and shall not be held to confer any rights or easements, or interest in, to, or over any public land or reservation. The general law now in effect relative to granting of rights of way for transmission lines, the act of March 4, 1911, only permits the approval of such rights of way for periods not exceeding 50 years.

"(3) The future of water power is still unknown. It promises to be an invaluable resource, (a) because it replaces itself, while coal and oil do not; (b) because it can be transported at slight expense and for long distances; (c) because the development of numerous other western resources, low-grade ores, irrigation of arid lands by pumping, and the establishment of manufacturing enterprises are dependent upon cheap and abundant electrical power.

"(4) To at this time grant such lands in perpetuity to private corporations or individuals is to divest the Federal Government, as well as the several States, of a large measure of the control which it might otherwise exercise over this resource by law or regulation, and would place beyond its power the opportunity of providing by law such different method of use or disposition as the future may show to be best adapted to the public interests.

"WHAT HAVE THE STATES DONE WITH THEIR POWER SITES?

"With possibly few exceptions, the valuable power sites on lands not owned by the Federal Government have passed into private ownership in perpetuity. They can not be recovered except at a prohibitive expense, nor can control be exercised thereover in any manner, except it be by regulation of transmission and delivery as a public utility. Out of 7,000,000 horsepower developed in the United States in 1913, 20 companies of groups of interests controlled 2,710,886 developed horsepower and 3,556,500 undeveloped horsepower, or a total of 6,267,386 horsepower. According to a table compiled by the Forest Service, out of a total of 1,135,400 developed horsepower in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Washington, 1,023,700 horsepower is owned by large corporations, while but 111,700 horsepower is owned by small developers. In the State of California, 92 per cent of the developed power is owned by the large corporations and but 8 per cent by small developers. In Oregon, 90 per cent is owned by large companies and 10 per cent by the small developers. In the State of California, one corporation owns 27 per cent of the total developed horsepower in the State and two groups own 57 per cent of the total development.

"WHAT HAS THE FEDERAL GOVERNMENT DONE WITH ITS SITES?

"As stated, it has never been the policy of Congress to dispose of these sites in perpetuity, the laws providing simply for the issuance of limited or revocable permits. Therefore, while some valuable sites have been acquired by private owners through the filing of scrip or entry of the lands under some one of the public-land laws not intended to apply to the development of such a resource, the major portion of lands valuable for this development remains in Federal ownership. A conservative estimate places the total available horsepower at 35,000,000, of which not exceeding 7,000,000 have been developed. Of the total undeveloped horsepower, 28,000,000, about 74 per cent, is in what are known as the public-land States, and 42 per cent of the total is within Government forest reserves. It is thus apparent that the extent and value of this undeveloped resource is large enough to require most careful consideration and disposition.

"HOW DO OTHER GOVERNMENTS DEAL WITH POWER SITES?

"The laws of the Dominion of Canada authorize the issuance of licenses for 21 years, renewable for three further terms of like extent, at a fixed fee, payable annually, and provides that upon the termination of a license the works may be taken over by the Government upon payment of the value of the actual and tangible works and of any lands held in fee in connection therewith. It is expressly provided that the value of the rights and privileges granted or the revenues, profits, or dividends being, or likely to be, derived therefrom shall not be taken into consideration.

"The Province of Ontario authorizes a lease of water-power privileges for periods not exceeding 20 years, with the right of renewal for two further and successive terms of 10 years each, upon the rental stated in the lease and upon such other terms and conditions as the minister may prescribe. Upon the termination of the lease the privileges, together with all dams and other structures or works made or erected by the lessee in connection therewith, revert to and become the property of the Crown, subject, however, to the right of the lessee to remove machinery, failing in which removal it shall become the property of the Crown, also subject to payment of compensation to the lessee of such sums as the minister may deem proper for buildings or structures

of a permanent character and necessary or useful for the development or utilization of the water privilege.

"In New Brunswick the lieutenant governor in council is authorized by law to lease or sell rights and privileges for water-power development upon such terms and conditions as to development and utilization as he may prescribe.

"In the Provinces of Manitoba, Saskatchewan, Alberta, Yukon, and Northwest Territory the governor in council is authorized to make regulations for the diversion, taking, or use of water for power purposes and for the construction of power development works on public lands. He is also authorized to fix the fees, charges, rents, royalties, or dues to be paid, and the rates to be charged.

"In Queensland the law authorizes water-power development under special license, subject to such conditions and provisions as the governor in council shall determine, for periods of 10 years.

"In France power plants on national lands are developed under concessions for periods not exceeding 50 years, at the expiration of which period the grantee, if concession be not renewed, is required to restore the premises to the conditions previously existing or to deliver the plant to the nation without indemnity, as the nation may elect. The amount of rental to be paid is required to be fixed in the articles of concession.

"In Norway the law authorizes the granting of concessions for power development for a minimum of 60 years and a maximum of 80 years. When the concession expires the land, with improvements and works, reverts to the Government. Various payments for the privilege are required, among them being the establishment of a poor fund under public control, the surrender of a certain percentage of produced power to the community, also to the General Government, and in certain specified developments there may be assessed a yearly tax of 1.25 crowns for every horsepower over 500.

"REGULATION AND CONTROL OF POWER DEVELOPMENT AND TRANSMISSION IN THE SEVERAL STATES.

"The States of Arizona, Wisconsin, Michigan, Missouri, New Mexico, Kansas, Oklahoma, Montana, Idaho, Nevada, California, Oregon, and Washington have provided public-service commissions or bodies vested with more or less authority to regulate and control public-service corporations. The other States containing public lands and reservations do not appear to have provided for such control or regulation, nor has same been provided for the Territory of Alaska. In some of the States named as having public-service commissions, it is represented that the control and supervision is entirely inadequate. Be that as it may, legislation to be enacted should provide for appropriate control and regulation, either by the States or by the Federal Government where the States do not act, where the development is of such a nature and extent as to pass beyond the jurisdiction of a single State. Water-power transmission does not stop at State lines. Power development and long-distance transmission connect widely separated localities and communities. The public interest requires that there be no hiatus. Where State control ceases or does not exist, Federal control is essential to protect the people.

"WATER POWER OF THE WEST CAN NOT BE DEVELOPED UNDER THE PRESENT LAW.

"It is generally conceded that the water-power resources upon the public domain can not be developed under existing laws, because of the uncertain tenure involved by revocable permits; (a) because the engineer and the promoter fear to embark an enterprise under such conditions; (b) because the capitalist will not loan money upon such security; (c) because the consumers can have no positive assurance that they will be supplied for a fixed and definite period.

"It is an established fact that numerous responsible persons who have obtained permits to develop power sites under the existing law have been unable to construct because of the foregoing.

"WHAT SHOULD THE NEW LAW BE?

"The ideal law is one which will give to the developer and investor an assured tenure for a period long enough to justify his investment and reward his efforts. It must be under conditions known to him in advance, so that his plans may be laid accordingly. It must encourage development without losing sight of the needs of the consumer and the rights of the people.

"The gift of a franchise means, generally, the gift of additional profit to the promoter. Its benefit is not passed on to the consumer. There is nothing connected with such a gift which obligates or induces the developer to make low rates to the consumer, or which obligates him to deal more favorably with the general public. Municipalities have generally abandoned the practice of giving away franchises. The people expect and demand that valuable rights shall yield something in the way of direct return. A nominal sale charge is equally objectionable. It has the appearance of yielding a return, while in fact it is more trouble than it is worth, and therefore imposes a burden upon the developer while yielding nothing, or substantially nothing, to the people. Such a nominal charge is also worthless as a regulative measure.

"WHAT IS THE VALUE OF PUBLIC LANDS VALUABLE FOR RESERVOIR SITES?

"Nothing as agricultural lands, because, generally speaking, such lands are in canyons or mountainous regions, valueless for agriculture, of little value for grazing, and of little value for other purposes than the development of electric power. Five per cent of this value would be negligible and not worth collecting. One dollar and twenty-five cents per acre has been suggested as the agricultural value of public lands, because homesteaders may commute at that figure. That does not represent a sale of lands. It is an arbitrary price exacted by law as an evidence of good faith in connection with the submission of final proof on a homestead prior to the expiration of the ordinary homestead period. The present real value of a tract of land for agricultural purposes could only be determined through a method of advertisement and open competitive bidding. The Government does not dispose of other lands or values upon this theory at all. Timberland is disposed of at a price fixed after careful examination and appraisement, the sale price being based on the timber value. Coal land is disposed of on an appraisement based upon the amount of the coal content and a royalty of approximately 2 cents per ton.

"The true value of power sites is, then, not the nominal figure of $1.25 per acre, not their value as agricultural lands, timberlands, or coal lands, but their value as dam sites, reservoir sites, or for other uses in connection with water-power development, and for this purpose the larger and more valuable sites are worth millions of dollars. In one existing development the corporation valued the lands acquired for its dam, reservoir site, and plant at $26,333,000, as evidenced by bonds and stock. A private owner would ask not less than 5 per cent of the value of such lands as power sites. Should the Government do so? In my opinion it should not, because that would prevent development or impose an undue burden upon the consumer; nor should the Government give away lands worth millions of dollars for power sites, because that would be unwise, unbusinesslike, and in derogation of the rights of the general public. Such lands can not be sold because developers, except in rare instances, could not or would not pay the real value of the lands as power or reservoir sites. If they did they would endeavor to secure return by imposing higher rates upon the consumers, and in that case would doubtless be permitted to impose higher rates by public-service commissions, on the ground that it represented return upon actual investments. To give the lands away is therefore not right. To sell them at their real value is impracticable and would injure the consumer.

"Why not, then, secure development under a plan which will be fair to the developer, the investor, the Government, and the consumer, by lease or permit for a definite period on conditions fully known in advance? The word 'lease' is hardly properly descriptive of the plan which should be adopted. It is not a lease in the ordinary meaning of that term. It is rather a permission to use—a contract or agreement for the development and use of sites.

THE FIXED PERIOD.

"Careful consideration has been given to the question of what period should be covered by such a permit or agreement, and the general consensus of opinion seems to be that 50 years is the proper one, having in mind the rights and interests of all concerned. This, subject to renewal in the event that the Government and State or the municipality does not desire to take over the plant at the expiration of the original permit period, or for good and sufficient reason it be not found advisable to renew the permit to the original permittee.

"As already shown, other governments make such leases or concessions for periods varying from 10 to not exceeding 80 years. The State of Kansas provides that franchises to those developing or furnishing electric light, power, or heat to any city in that State shall not exceed for a longer period of time than 30 years from the date of a grant or extension thereof. The State of Wisconsin authorizes an indeterminate permit and provides for the taking over thereof by a municipality at any time upon due notice and proceedings. The consensus of opinion on the part of those interested in power development seems to favor, however, a fixed and definite permit rather than the right in the Government, State, or municipality to take over the plant at any time during the period of use and development.

"It is self-evident, however, that the right should be retained to take over the works upon proper terms and conditions, in order that the same may be taken over and operated by the States or municipalities, and to do this the law and the permit must provide such terms and conditions as will be fair to the permittee, and at the same time not forever preclude the exercise of this right by the State or municipality, because of the impossible amounts required to be paid as a prerequisite to the recapture. It is evident that for the use of the public lands to be granted no payment should be made to the permittee on that account. It is further evident that for lands acquired by the permittee during the course of the development payment should be made, but that payment should not include the unearned increment created by the community and not by the power developer, nor should it include payment for 'good will,' franchise values, or intangible elements.

"The laws of the State of Illinois provide that any city is authorized to acquire, construct, own, and operate public utilities and to lease the same for periods not exceeding 20 years. They further provide that there may be reserved in any grant the right to take over all or any part of the property used in operation of a public utility at or before the expiration of the grant, upon terms and conditions provided in the grant, or to grant to a third party, at the option of the city, on the same terms.

"The laws of Massachusetts authorize the acquisition by cities or towns of municipal electric plants, upon payment therefor, specifically providing that the value in so taking over shall be estimated without enhancement on account of future earning capacity or good will, or of exclusive privileges derived from rights in the public streets.'

"The State of Wisconsin, as already stated, authorizes the issuance of an indeterminate permit for electrical power, but provides for the taking over of such plants by municipalities at any time, upon payment of just compensation, to be determined by the public-utilities commission and according to terms and conditions fixed by the commission. Every such public utility is required to sell such property at the value and according to the terms and conditions determined by the commission, subject to court review.

"The laws of Arizona, California, Maryland, Nebraska, New Jersey, New York, and Ohio prohibit the capitalization of any franchise or permit beyond the amount actually paid to the State or to a political subdivision thereof as a consideration of the grant of such franchise or right.

"None of the laws of the other States or countries, in so far as I have been able to ascertain, authorize or provide for the payment, upon the taking over or recapture of a public utility, on account of good will, franchise value, or other intangible elements. Therefore the provisions of section 5 of the Ferris bill appear to be, in this respect, in full accord with the general practice.

"WHAT PRICE OR CONSIDERATION SHOULD BE EXACTED?

"As already intimated, a nominal charge of 5 per cent of the agricultural value of the land would be useless and inadequate, and would not justify the trouble and cost of collection. The gift of such a resource would not inure to the benefit of the consumer or of the general public, but to the promoter. Furthermore, the authorities agree that a charge of some kind should be imposed as a regulative measure. The Government could, if it followed the precedent of private owners, charge not less than 5 per cent of the value of the lands for power purposes, but this would be a heavy charge upon the developer, which he, in turn, would endeavor to recover from the consumer.

"We should charge nothing at first, during the period while the plant is building and finding a market, except, perhaps, a charge merely sufficient to pay the expenses of administration. This period of nominal charge might be 5 or 10 years. The charge should then gradually and moderately increase as the years go by, according to a scale fixed in the lease or permit at the outset, and in every instance premium should be put on low rates to the consumer. In other words, the lower the rate to the consumer the lower should be the charge on the part of the Government; also some premium should be placed upon the full development of the power possibilities of a given site. The main object, however, is to secure development for the benefit of the consumer, and the regulative charge can be readily fixed upon a sliding scale which will go up or down, according to the treatment of the consumer by the producer. In this and certain other respects the Ferris

bill (H. R. 16673) vests some discretion in the Secretary of the Interior. This is necessary and essential, in order that the measure may be workable and may be adapted to the varying conditions of different developments and localities. An arbitrary and fixed rule would, in many instances, work hardships or injustice and prevent development of sites. An examination of the laws of foreign countries and of the several States which have laws governing the operation of public utilities shows that a large amount of discretion is vested in the public-service commissions, governors, or other executive officers charged with the administration of such matters.

"DISPOSITION OF MONEY DERIVED FROM POWER PERMITS.

"The expenses of administration, which will be smaller than is generally believed, should first be paid. The balance should go to the development of the resources of the States wherein the sites are located, and ultimately, in part, to such States and in part to the General Government. The vital welfare of most of the public-land States where valuable power sites are located is bound up with power development and irrigation. All returns over administrative expenses should therefore go into the reclamation fund for the irrigation of arid lands. Upon return of the money to the Treasury, as provided in the reclamation law, one-half of the sums so returned should go to the State within the boundaries of which the power is generated and developed.

"The Ferris water-power bill (H. R. 16673) seems to meet the present situation as nearly as present knowledge and conditions will permit.

"It secures development (*a*) by certain and fixed tenure; (*b*) by reasonable charge for the privilege given; (*c*) upon conditions known in advance.

"It protects public interests (*a*) by encouraging low rates to the consumer; (*b*) by reasonable regulative charges; (*c*) by contribution to development of other resources; (*d*) by ultimate contributions to the State treasuries.

"It looks to the future by providing that at the end of 50-year periods these sites, with their now unknown possibilities and values, may be taken over by the Government, to be disposed of to States, municipalities, or individuals, or held under such conditions as the future shall disclose to be wisest and best.

"EVILS TO BE GUARDED AGAINST.

"In legislation of this kind among the evils to be guarded against are—

"(1) Monopoly.

"(2) High rates to the consumer.

"(3) Inability to secure restoration of the public lands to public use.

"The first evil is guarded against by the specific provisions of the Ferris bill and by the Sherman law. The second is guarded against by the Ferris bill and Federal and State regulation. The last is protected against by the provisions of the Ferris bill, which would become effective in each development at the end of 50 years.

"CONCLUSION.

"The enactment of such legislation for the development of water power is demanded by engineers, developers, and investors; by the general public which would be served by power development; by all the people in the United States, for all would benefit directly or indirectly from the crops produced and industries created by means of power generated and which is now going to waste."

In conclusion, the committee believes the measure as here reported to meet the needs of the times and the urgency of the situation, and recommends its passage as amended according to this report.

Mr. NORRIS. I ask unanimous consent that there be printed as a Senate document in parallel columns a comparative print of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, showing the bill as passed by the House and the bill as now pending before the Senate. [S. Doc. No. 676.]

The PRESIDING OFFICER. Without objection, the order will be made as requested.

Mr. TOWNSEND. Mr. President, I ask that the minority report be read.

The PRESIDING OFFICER. The Secretary will read the views of the minority, as requested.

The Secretary proceeded to rend the views of the minority, as follows:

Mr. WORKS, from the Committee on Public Lands, submitted the following views of the minority:

We are unable to join the majority of the committee in recommending the passage of H. R. 408 as amended.

The bill, although modified in many material particulars, is subject to objections which, in our judgment, are fundamental. It is the first step in a policy which proposes to and unquestionably will commit the Federal Government to the leasing of the national domain, and which we believe to be both unwise and inexpedient. It reverses the policy of alienating the public domain, without regard to its character, to citizens of the United States and those intending to become such, under which the great West was peopled and has flourished. A corollary of the new régime will be the permanent retention of Government title to these vast areas of public domain yet undisposed of. Stated concisely, the Government proposes to establish the relation of landlord and tenant as regards this domain, between itself and those of its citizens who hereafter apply for the acquisition of any of the unsold lands of the Government, and this bill is to be the pioneer in that direction.

It was decided more than half a century ago that the doctrine applying to lands in other countries, which reserved to the Crown precious metals and perhaps other mineral contents in the general domain, has no application to a country like ours. This doctrine never had any foothold in the United States. Our policy of homesteads and preemptions was followed by the enactment of statutes relating to mineral lands of the United States, under which prospecting and location were so encouraged that vast treasures of gold, silver, lead, copper, zinc, cinnabar, iron, oil, gas, saline, and other valuable deposits were discovered and developed, thereby peopling the waste places of the continent and adding to the general store of the national wealth.

The climatic conditions prevailing in the arid and semiarid regions of the West long ago required the abolition of the old doctrine of riparian rights as applied to the watercourses in that region, and the substitution therefor of the right of ownership of said waters by appropriation and use for beneficial purposes. This change of the law of ownership of waters found early expression in enabling acts, constitutions, statutes, and judicial decisions, whereby the ownership of the waters in these streams was vested in the States respectively, subject to such right of appropriation. This ownership was exclusive for the purposes mentioned subject only to such modifications as might be imposed by the General Government through its jurisdiction over navigable streams, an overlordship which is entirely consistent with the full enjoyment of the use of the waters and watercourses in the arid and semiarid portions of the country.

This doctrine has been so frequently announced and supported in the Senate as to make quotation of authority unnecessary. Nevertheless, a reference to the great case of Kansas *v.* Colorado (206 U. S., p. 46) may not be amiss. That action was instituted by the State of Kansas against the State of Colorado to restrain the defendant from diverting the waters of the Arkansas River from its natural course because it was said to diminish its natural flow across the boundary and into the State of Kansas to the injury of her citizens. The United States sought to intervene as the owner of large tracts of public domain and because of its consequent asserted right to make such legislative provision as might be needful for the reclamation of its arid lands, and for that purpose to appropriate the accessible waters. This right of intervention was denied, and the doctrine recognized that each State had full jurisdiction over the land within its borders, including the beds of streams and their waters. On page 92 of the decision the court declared:

"As to the lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner, and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original 13; and it would be strange, if in the absence of a definite grant of power, that the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders."

Statutes in all the public-domain States were long ago enacted, providing how and for what purposes the waters of their streams might be appropriated. Generally speaking, these appropriations are for domestic, or agricultural, or manufacturing purposes, or for all of them combined, the priority of the uses being in the order named. Rights of way for these appropriations may be had as a matter of course either by a purchase or by condemnation, or both, and this right is, or should be, enforcible against lands held in public as well as in private ownership, excepting, of course, such lands as are dedicated to or used for governmental purposes. The proposed legislation, however, by leasing and thereafter controlling power sites necessary to carrying into effect State appropriations for hydroelectric purposes not only disregards the local laws upon the subject of appropriation and use of waters (although ostensibly recognizing their existence), but in effect dominates and controls the waters of the States and derives a revenue from their use. This is confiscation of the most valuable asset of the arid and semiarid States, and the inauguration of a policy which in our judgment is wholly indefensible.

We are aware that the truth of this contention is vigorously challenged. It is true that the bill does not accomplish this purpose in express terms, but such will be the inevitable consequence of its enactment and operation. This is too high a price for the State to pay for its right to use what it already owns. The policy once inaugurated will be difficult to abandon.

Treading upon the heels of this measure is another to be hereafter reported proposing to inaugurate a vast system of tenancy in all the lands of the United States carrying metals or minerals, except those covered by the mining act of 1872. And the latter will inevitably come under the new system of administration once it has been initiated, there being no logical reason why a system demanded by one class of deposits should not be applied to all of them.

The basis of this new departure in land legislation has arisen from abuses in the administration of previous and existing land laws. These have resulted in the private acquisition of millions of acres of the public domain, but all of them have arisen out of or been based upon national laws through the agency of national administration. To make amends for the crimes of the past and for which it is largely responsible, the Government proposes not to punish the criminals or to deprive them of their booty, but to discipline the remainder of its citizens by converting them into a vast tenantry paying tribute to the Government and subject to ouster and eviction at the instance of Government agents and inspectors. The innocent always suffer for the offenses of the guilty, but it is hardly just that this result should be deliberately fixed by acts of legislation involving vast areas of territory and several millions of people.

Apart from the segregation from State jurisdictions and Federal control of millions of acres of land within their boundaries and the transformation of the National Government into a landlord and those thereafter dealing with it into tenants is the effect of the proposed system upon local self-government. If it be true that this feature of Anglo-Saxon institutions is a fundamental one, it must be true that any system, however seemingly necessary, which injures or destroys the principle is pernicious. We affirm that local self-government and Federal landlordism are wholly irreconcilable, and that if the latter prevails the former will ultimately disappear.

Primarily the assumption by the Government of the status of lessor involves absentee landlordism, with all its objections and abuses. The Government has its headquarters in Washington, where its powers are concentrated and from which they radiate. Almost the whole of its public domain lies west of the one hundredth meridian and from 1,750 to 3,000 miles from the Capital. Applicants for leases must present their petitions and requests to the Secretary of the Interior, and these will necessarily undergo the inspection of several bureaus and many subordinates. The leases when made must be under the supervision of the department, and this will find expression in the persons of local inspectors, agents, accountants, and other governmental employees, each intent upon magnifying the importance of his position and his own invaluable services in connection therewith. Demands, complaints, notices, objections, and criticisms will multiply as these activities increase, and they will increase in proportion to the ambitions of the officeholders and the political influence of the office seeker. All appeals must be ultimately reviewed and determined at the seat of government but at the expense of the appellant. The

business of the Federal courts, already burdened beyond their capacity, will be multiplied. Such a system must inevitably weaken, if indeed it does not permanently impair the Government, the police power, and the laws of the States and municipalities, thus transferring to the National Government, through its ownership of public lands, a jurisdiction and character of business which it was never designed to and which it can not perform, either with justice to itself or satisfaction to its tenants.

Moreover, the expense attendant upon the administration of this proposed policy will be far in excess of the revenues to be derived from it. If the system were absolutely essential to the public welfare, the problem of expense would not be important, but when we consider that it is neither necessary nor desirable, the cost of administration is not only an important but a serious factor of the situation. Prophecies are both dangerous and unreliable, yet we venture the prediction that before the proposed system has been in operation five years the Government expense of administration will exceed its revenues from two to three fold. It is useless; it is un-American; it is needless; nay, it is dangerous to embark the Government upon such an enterprise.

We think it may be maintained that the sole duty of the Government with regard to its public domain is to so dispose of it that the sovereignties where the same is situate may control it exactly as they control all other domain, subject to their laws and contributing its proportion of the public burden.

In making such disposition every precaution should be exercised against its monopolization by the few; and while it is not to be doubted that such is the purpose of the Government in the proposed legislation, it is remarkable that existing land and power monopolies in the public-domain States have been the direct outgrowth of national administration, for which the States were not responsible and which, in our judgment, would have been preventable under State control.

The question as to the concrete course which the Government should pursue with regard to its lands is a pertinent one. My opinion, long entertained, is that the national domain should be transferred to the States, respectively, where the same is located, the title to be safeguarded by conditions whose disregard will mean forfeiture. The people of those Commonwealths can, if experience is availing, be better trusted to administer these lands than the National Government. Their governments are within the territory affected. Its proper development and settlement are matters of immediate and local concern, and, while abuses inseparable from our methods of administration might manifest themselves at times, their correction would be speedy and their consequences inconsiderable.

The pending bill will not prevent monopolization of water power. On the contrary, it will perpetuate the existing one. In the first place, we do not think that private enterprise will find anything attractive in its provisions. If this be so, development will not follow; certainly not very rapidly. The plants already established will thus be made secure in their respective territory, and, with all remaining power tied up, consequently enjoy a business which customers must patronize, whatever the cost.

But if we should err in this forecast we see nothing in the bill, nor, indeed, in any bill which the wit of man can devise for the development of hydroelectric power by private capital that can effectually prevent consolidation and monopoly. Indeed, nothing short of public ownership will prevent it. The experiences of the Government in legislating for the abolition of trusts and in suits brought to enforce it have not been satisfactory in other fields of effort, and we fear it will be less so when directed to an industry which is a natural monopoly, whose output is a necessity of life, and the competition of whose producers has up to this time served but to increase the cost of the product to the consumer. The price which this bill requires the Western States to pay for a possible competition in the business of developing electric energy, however effective, is too great.

Mr. WALSH. Mr. President, I think it proper to have recorded at this time the fact that while this report is being read there are just five Senators present upon the other side of the Chamber.

The PRESIDING OFFICER. Does the Senator desire a call of the Senate?

Mr. WALSH. No.

Mr. GRONNA. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum is suggested. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Norris	Smith, Mich.
Borah	Husting	Oliver	Smith, S. C.
Chamberlain	James	Overman	Smoot
Chilton	Johnson, S. Dak.	Owen	Sterling
Clapp	Jones	Page	Stone
Culberson	Kenyon	Pittman	Sutherland
du Pont	Kirby	Poindexter	Swanson
Fletcher	Lea, Tenn.	Ransdell	Thomas
Gallinger	Lewis	Reed	Vardaman
Gronna	McLean	Robinson	Wadsworth
Harding	Martine, N. J.	Saulsbury	Walsh
Hardwick	Myers	Shafroth	Watson
Hitchcock	Nelson	Sheppard	Williams

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

The PRESIDING OFFICER. The call of the roll discloses that 52 Senators have answered to their names. A quorum is present. The Secretary will proceed with the reading of the report.

The Secretary resumed the reading of the views of the minority, as follows:

It involves the permanent surrender of their sovereignty over vast stretches of territory, the transfer of their waters to the General Government, and the substitution of a swarm of Government employees for public servants of their own selection. The bill should be indefinitely postponed.

C. S. THOMAS.
M. A. SMITH.

ADDITIONAL VIEWS OF MESSRS. WORKS, SMOOT, AND CLARK OF WYOMING.

We agree generally with the views of the Senator from Colorado [Mr. THOMAS] and the Senator from Arizona [Mr. SMITH]. When this bill, substantially in its present form, was reported to the Senate at its last session we submitted an adverse report, pointing out our objections to the bill. We now make part of this minority report the statement of our views as then expressed, with some slight changes made necessary by amendments made to the bill as now reported, as follows:

[Senate report 898, part 2, Sixty-third Congress, third session.]

Mr. WORKS, from the Committee on Public Lands, submitted the following views of a minority:

The report of the majority of the committee states the object of the bill as follows:

"The object of the measure is the better and speedier development for useful and beneficial purposes of the great undeveloped water power of the country, now lagging on account of inadequate and inefficient laws."

If this were the real object and purpose of the bill and this object would be attained even in reasonable degree and without unwarranted and dangerous encroachments by the National Government on the constitutional rights of the States, the signers of this minority report of the committee would not be found contending against its enactment, as they represent a constituency that is vitally interested in the development of all natural resources and their application to beneficial uses, freed as far as possible from limitations, obstructions, or unnecessary burdens of any kind. In any attempt to bring about such legislation we should carefully consider:

1. The rights of the States in the waters flowing through them in the natural streams and to regulate and control their appropriation, diversion, and use.

2. The limitations of the National Government in dealing with the appropriation, regulation, and use of these waters.

3. The rights of the people of the States to the use of the waters of the streams, as provided by law, commonly called the consumers.

But after all and in the last analysis it is the consumer that should be protected and his individual right to the use of the water maintained and preserved under reasonable rules and regulations that will insure the greater and more beneficial use of the water for all legitimate purposes.

The western semiarid States, where irrigation is necessary to their full development and prosperity, are peculiarly and vitally interested in making every drop of water beneficially useful, and in supplying every acre of land possible with the water without which much of their lands are sterile and unproductive. This being true it must be seen that these States are interested and will support any just law that will extend the use of water either for the irrigation of their land or the development of power. And if it were believed by us that this bill, if it should become a law, would have that effect without violating any of the fundamental and constitutional rights of the State it would receive our earnest and united support. It is because we are fully convinced by our own knowledge of the subject and the testimony taken at the hearings before the committee that the bill will not conduce to the better or speedier development of the water power of the country, but will hinder and retard such development, and that its real object, purpose, and effect is to usurp by the National Government the rights and jurisdiction of the States in and over the flowing waters of the streams to the detriment of the States and to water consumers that we earnestly oppose the passage of the bill. And this attempt at what seems to us to be revolutionary, detrimental, and unwise legislation is so far-reaching and important that we feel it to be our duty to lay before the Senate our reasons for opposing the passage of the bill.

In dealing with the subject we assume that certain fundamental principles of law, controlling in their influence as affecting such legislation as this, have been firmly and unalterably established by both Federal and State decisions. They are as follows:

1. The ownership of flowing water and the right to dispose of and to regulate and control the use thereof within their borders belong exclusively to the States as a part of their sovereign power, subject only, in case of navigable streams, to the power of the Federal Government to regulate and promote commerce between the States.

Mr. WALSH. Mr. President, that part of the report from page 7 to page 17 consists of a discussion of legal principles, elucidated by ample quotations from decisions of various courts. I think all will appreciate that that part of the report ought to be studied with some care by those Senators to whom it is of interest, and that the reading of it would serve no useful purpose. At page 17 the author of the report continues a discussion of his reasons for opposing the bill, commencing with the language:

Having demonstrated, by reference to the decided cases—

And so on. I ask unanimous consent, accordingly, that the reading of the report down to the first paragraph commencing on page 17 be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. WALSH. I think the Senator will find it as I have stated.

Mr. TOWNSEND. I think it is quite important that this should be read. The reference that is appended to No. 1 may be printed in the RECORD and the reading omitted between paragraphs 1 and 2.

The matter referred to is as follows:

Pollard's Lessee *v.* Hagan (3 How., U. S., 212); Withers *v.* Buckley (20 How., 84); Escanaba Co. *v.* Chicago (107 U. S., 678); Kansas *v.* Colorado (206 U. S., 46); Illinois Central Railroad *v.* Illinois (146 U. S., 387); Shively *v.* Bowlby (152 U. S., 1); Sands *v.* Manistee River Improvement Co. (123 U. S., 288); Veazie *v.* Moor (14 How., U. S., 568); Hudson Water Co. *v.* McCarter (209 U. S., 349); City of New York *v.* Miln (11 Pet., 102); Gutierras *v.* Albuquerque (188 U. S., 545); County of Mobile *v.* Kimball (102 U. S., 691); Cardwell *v.* American Bridge Co. (113 U. S., 205); Willamette Iron Bridge Co. *v.* Hatch (125 U. S., 1); United States *v.* Railroad Bridge Co. (6 McLean, 517).

Mr. TOWNSEND. I think the balance of it had better be read.

Mr. WALSH. If the Senator objects to my request, I would be glad if he will agree that the quotations be omitted.

Mr. POMERENE. I am quite sure it ought to be read, because I never heard the Senator from Michigan express himself so seriously.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

Mr. TOWNSEND. It is understood that those references are to be printed in the RECORD in connection with the reading.

The PRESIDING OFFICER. They will be included, as they appear in the report.

The Secretary resumed the reading, and, omitting the parts indicated, read as follows:

2. That as a consequence the United States have no such right either of ownership, regulation, or control. (Pollard's Lessee *v.* Hagan, 3 How., U. S., 212; Kansas *v.* Colorado, 206 U. S., 46; Ward *v.* Race Horse, 163 U. S., 504.)

3. The rights of consumers to the use of the water are dependent upon State and not Federal laws and subject to State regulation and control, exclusively, unless the use is interstate. (Kansas *v.* Colorado, 206 U. S., 46; Osborne *v.* San Diego Land & Town Co., 178 U. S., 22; Los Angeles *v.* Los Angeles Water Co., 177 U. S., 558; St. Anthony Falls Water Power Co. *v.* St. Paul Water Commissioners, 168 U. S., 349; Bean *v.* Morris, 221 U. S., 485.)

4. The Federal Government owns the public lands as a proprietor only and not in its sovereign capacity. (Pollard's Lessee *v.* Hagan, 3 How., U. S., 212; Ward *v.* Race Horse, 163 U. S., 504; Woodruff *v.* North Bloomfield Gravel Mining Co., 18 Feb. Rep., 753; Boggs *v.* Merced Mining Co., 14 Cal., 279, 376.)

5. The Federal Government has no power or jurisdiction to fix rates or regulate the use or disposition of water within a State. (Sands *v.* Manistee River Improvement Co., 123 U. S., 288; Osborne *v.* San Diego Land & Town Co., 178 U. S., 22.)

6. The power to fix rates or regulate the use of water not given to the Federal Government by the Constitution can not be bestowed by act of Congress as a condition to the leasing or sale of the public lands. (New Orleans *v.* United States, 10 Pet., 662, 736; Leovy *v.* United States, 177 U. S., 621.)

7. Absolute property in and dominion and sovereignty over the soils under the tidewaters in the States are reserved to the several States. (Kansas *v.* United Land Association, 142 U. S., 161.)

8. Public lands owned by the United States are not subject to taxation by the States. (California *v.* Shearer, 30 Cal., 645, 655, 658; Van Brocklin *v.* Tennessee, 117 U. S., 151.)

9. The power of Congress to legislate or exercise sovereignty over lands within a State is confined to lands acquired by the Federal Government for certain specific purposes, and with the consent of the State. (United States *v.* Cornell, 2 Mason, 60; Woodruff *v.* North Bloomfield Gravel Mining Co., 18 Fed. Rept., 753.)

The far-reaching effects of this proposed legislation and the evident attempt of the Federal Government to usurp the sovereign powers of the States move us to consider more extensively the effect of the principles above laid down and the cases supporting our views. In doing so we rest our views and conclusions largely upon the following premises:

1. Before the formation of the present Government all sovereign powers were vested in the several States within their borders.

2. The Federal Government formed by the States has only such powers as the States bestowed upon it by the Constitution. All others are reserved to the States.

3. The powers thus granted do not include the power to regulate or control the use of the waters of streams flowing within a State except to maintain and regulate commerce between the States, with foreign nations, and under treaties with the Indians.

4. The ownership of land within a State as a proprietary owner and not for governmental uses and purposes gives the Federal Government no power or jurisdiction to regulate or control the use of the waters of a stream on which the land borders.

5. Therefore any legislation attempting to vest any such power in the Government will be unconstitutional and void.

That the bill under consideration does provide for such usurpation of power we will show further along.

Having laid down these general principles that should guide and control our action, we quote, for the information of the Senate, some of the language of the courts on the subject which we regard as conclusive.

In Pollard's Lessee *v.* Hagan (3 How., 212) the question was as to the title to lands covered by the waters of a navigable stream and involved the power and jurisdiction of the United States Government over such lands. The court said:

"The right which belongs to the society——

Mr. WALSH. I understood the reading of the quotation was to be omitted.

Mr. TOWNSEND. The Senator misunderstood me. I want the balance of the report read.

The PRESIDING OFFICER. There is objection, and the report will be read as it appears.

The Secretary resumed and concluded the reading of the views of the minority, as follows:

The court said:

"The right which belongs to the society, or to the sovereign, of disposing in case of necessity, and for the public safety, of all the wealth contained in the State, is called the eminent domain. It is evident that this right is, in certain cases, necessary to him who governs and is consequently a part of the empire, or sovereign power. (Vat. Law of Nations, sec. 244.) This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth articles of which it is declared that 'New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of Congress.'

"When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And, if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulations would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

"By the sixteenth clause of the eighth section of the first article of the Constitution power is given Congress 'to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.' Within the District of Columbia, and the other places purchased and used for the purposes above mentioned, the Nation and municipal powers of government of every description are united in the government of the Union. And these are the only cases within the United States in which all the powers of government are united in a single government, except in cases already mentioned of the temporary territorial governments, and there a local government exists. The right of Alabama and every other new State to exercise all the powers of government, which belong to and may be exercised by the original States of the Union, must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

"We will now inquire into the nature and extent of the right of the United States to these lands, and whether that right can in any manner affect or control the decision of the case before us. This right originated in voluntary surrenders, made by several of the old States, of their waste and unappropriated lands to the United States, under a resolution of the old Congress of the 6th of September, 1780, recommending such surrender and cession, to aid in paying the public debt incurred by the War of the Revolution. The object of all the parties to these contracts of cession was to convert the land into money for the payment of the debt and to erect new States over the territory thus ceded; and as soon as these purposes could be accomplished the power of the United States over these lands as property was to cease.

"Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever. We therefore think the United States hold the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess or have reserved by compact with the new States for that particular purpose. The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution but it is inconsistent with the spirit and intention of the deeds of cession. The argument so much relied on by the counsel for the plaintiffs, that the agreement of the people inhabiting the new States, 'that they forever disclaim all right and title to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States,' can not operate as a contract between the parties, but is binding as a law. Full power is given to Congress 'to make all needful rules and regulations respecting the territory or other property of the United States.' This authorized the passage of all laws necessary to secure the rights of the United States to the public lands and to provide for their sale, and to protect them from taxation."

The case of Withers *v.* Buckley (20 How., 84) involved the powers of the Federal and State Governments over navigable streams. It also lays down the rule since adhered to that the fifth and other amendments to the Constitution were intended to modify the powers granted to the Federal Government and do not limit or affect the powers of the State.

Quoting from the language of Chief Justice Marshall in Barron *v.* Baltimore (7 Peters, 247–248), the court said:

"The question thus presented we think of great importance but not of much difficulty.

"The Constitution was ordained and established by the people of the United States for themselves; for their own government, and not for the government of the individual States. Each State established a constitution for itself, and in that constitution provided such limitations and restrictions on the powers of its particular government as its judgment dictated. The people of the United States framed such a government for the United States as they supposed best adapted to their situation and best adapted to promote their interests. The powers they conferred on this government were to be exercised by itself; and the limitations on power, if expressed in general terms, are naturally, and we think necessarily, applicable to the government created by the instrument. They are limitations of power granted by the instrument itself, not of distinct governments framed by different persons and for different purposes.

"If these propositions be correct the fifth amendment must be understood as restraining the power of the General Government not as applicable to the States. In their several constitutions they have imposed such restrictions on their respective governments as their own wisdom suggested, such as they deemed most proper for themselves. It is a subject on which they judge exclusively and with which others interfere no further than they are supposed to have a common interest."

Again, reverting to the causes which led to the proposal and adoption of the amendments of the Constitution, the same judge remarks (ib., p. 250)—and these remarks embrace the whole series of articles adopted:

"In almost every convention in which the Constitution was adopted, amendments to guard against the abuse of power were recommended. These amendments demanded security against the apprehended en-

croachments of the General Government, not against those of the local governments.

"In compliance with a sentiment thus generally expressed, to quiet fears thus extensively entertained, amendments were proposed by the required majority in Congress and adopted by the States. These amendments contain no expression indicating an intention to apply them to the State governments. This court can not so apply them." (Vide also the cases of Fox *v.* The State of Ohio, 5 How., 411, and of The West River Bridge Co. *v.* Dix et al., 6 How., 507.)

And further, in considering an act of Congress relating to the subject, the court, in the same case, used this language:

"In considering this act of Congress of March 1, 1817, it is unnecessary to institute any examination or criticism as to its legitimate meaning, or operation, or binding authority, further than to affirm that it could have no effect to restrict the new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the Confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the Confederacy, from the language of the Constitution adopted by the States, and from the rule of interpretation pronounced by this court in the case of Pollard's Lessee *v.* Hagan (3 How., p. 223). The act of Congress of March 1, 1817, in prescribing the free navigation of the Mississippi and the navigable waters flowing into the river, could not have been designed to inhibit the power inseparable from every sovereign or efficient government, to devise and to execute measures for the improvement of the State, although such measures might induce or render necessary changes in the channels or courses of rivers within the interior of the State, or might be productive of a change in the value of private property. Such consequences are not infrequently and indeed unavoidably incident to public and general measures highly promotive of and absolutely necessary to the public good. And here it may be asked whether the law complained of and the measures said to be in contemplation for its execution are in reality in conflict with the act of Congress of March 1, 1817, with respect either to the letter or the spirit of the act. On this point may be cited the case of Veazie et al. *v.* Moor" (14 How., 568).

The case of Escanaba Co. *v.* Chicago (107 U. S., 678) involved the right of the States to legislate respecting the use of navigable streams over which, for purposes of commerce between the States, the Federal Government has jurisdiction. In dealing with this question the court said:

"The power vested in the General Government to regulate interstate and foreign commerce involves the control of the waters of the United States which are navigable in fact, so far as it may be necessary to insure their free navigation, when by themselves or their connection with other waters they form a continuous channel for commerce among the States or with foreign countries. * * *

"But the States have full power to regulate within their limits matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience, and prosperity of their people. This power embraces the construction of roads, canals, and bridges and the establishment of ferries, and it can generally be exercised more wisely by the States than by a distant authority. They are the first to see the importance of such means of internal communication and are more deeply concerned than others in their wise management. Illinois is more immediately affected by the bridges over the Chicago River and its branches than any other State and is more directly concerned for the prosperity of the city of Chicago, for the convenience and comfort of its inhabitants, and the growth of its commerce. And nowhere could the power to control the bridges in that city, their construction, form, and strength, and the size of their draws, and the manner and times of using them be better vested than with the State or the authorities of the city upon which it has devolved that duty. When its power is exercised so as to unnecessarily obstruct the navigation of the river or its branches, Congress may interfere and remove the obstruction. If the power of the State and that of the Federal Government come in conflict, the latter must control and the former yield. This necessarily follows from the position given by the Constitution to legislation in pursuance of it as the supreme law of the land. But until Congress acts on the subject the power of the State over bridges across its navigable streams is plenary.

"The doctrine declared in these several decisions is in accordance with the more general doctrine now firmly established—that the commercial power of Congress is exclusive of State authority only when the subjects upon which it is exercised are national in their character and admit and require uniformity of regulation affecting alike all the States. Upon such subjects only that authority can act which can speak for the whole country. Its nonaction is therefore a declaration that they shall remain free from all regulation."

Kansas *v.* Colorado (206 U. S., 46) involves directly the power of the Federal Government to legislate respecting the irrigation of arid lands. The question presented for decision is thus stated by the court:

"Turning now to the controversy as here presented, it is whether Kansas has a right to the continuous flow of the waters of the Arkansas River as that flow existed before any human interference therewith or Colorado the right to appropriate the waters of that stream so as to prevent that continuous flow, or that the amount of the flow is subject to the superior authority and supervisory control of the United States. * * *

"The primary question is, of course, of national control. For, if the Nation has a right to regulate the flow of the waters, we must inquire what it has done in the way of regulation. If it has done nothing, the further question will then arise, What are the respective rights of the two States in the absence of national regulation?"

In discussing this question, as stated by the court, it was said:

"Congress has, by virtue of the grant to it of power to regulate commerce 'among the several States,' extensive control over the highways, natural or artificial, upon which such commerce may be carried. It may prevent or remove obstructions in the natural waterways and preserve the navigability of those ways. * * *

"That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government. As heretofore stated, the constant declaration of this court from the beginning is that this Government is one of enumerated powers. 'The Government, then, of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication.' (Story, J., in Martin *v.* Hunter's Lessee, 1 Wheat., 304, 326.) 'The Government of the United States is one of delegated, limited, and enumerated powers.' (United States *v.* Harris, 106 U. S., 629, 635.)

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands. The last paragraph of the section, which authorizes Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof, is not the delegation of a new and independent power, but simply provision for making effective the powers theretofore mentioned. * * *

"We must look beyond section 8 for congressional authority over arid lands, and it is said to be found in the second paragraph of section 3 of Article IV, reading: 'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.'

"The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words 'territory or other property.' It is true it has been referred to in some decisions as granting political and legislative control over the Territories as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto. But, clearly, it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. Appreciating the force of this, counsel for the Government relies upon 'the doctrine of sovereign and inherent power,' adding, 'I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference.' His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State, consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in, the grant of powers is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting specific things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads, 'The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively or to the people * * *.'

"One cardinal rule underlying all the relations of the States to each other is that of equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none. Yet, whenever, as in the case of Missouri *v.* Illinois (180 U. S., 208), the action of one State reaches through the agency of natural laws into the territory of another State, the question of the extent and the limitations of the rights of the two States becomes a matter of justiciable dispute between them, and this court is called upon to settle that dispute in such a way as will recognize the equal rights of both and at the same time establish justice between them."

The court then proceeded to consider and determine the rights, not of the Federal Government, but of the States of Kansas and Colorado, in the waters of the Arkansas River, a stream which flows through both States.

The case of Shively *v.* Bowlby (152 U. S., 1) involved the title to lands below high-water mark in the Columbia River in the State of Oregon. It is one of the leading cases on the subject of the powers of the Federal and State Governments over navigable streams. That the power and jurisdiction of the States over nonnavigable streams and lands lying under them is exclusive is not questioned. It is only where the question of navigation for interstate purposes is involved that any question of sovereign power in the States has ever been controverted. In this case the laws of the several States on the subject and the numerous decided cases bearing upon it are fully reviewed and the doctrine laid down in Pollard's Lessee *v.* Hagan, quoted from above, confirmed and approved. The opinion in the case is an exceedingly interesting and instructive one and should receive attention in this connection. In closing, the court said:

"The United States, while they hold the country as a Territory, having all the powers both of national and municipal government, may grant for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws; and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of this sovereign right in navigable waters and in the soil under them to the control of the States, respectively, when organized and admitted into the Union.

"Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States.

"The donation land claim, bounded by the Columbia River, upon which the plaintiff in error relies, includes no title or right in the land below high-water mark, and the statutes of Oregon, under which the defendants in error hold, are a constitutional and legal exercise by the State of Oregon of its dominion over the lands under navigable waters."

The following statement in the opinion in Illinois Central Railroad *v.* Illinois (146 U. S., 387, 435) is to the same effect:

"It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any por-

tion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation as far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court and is not questioned by counsel of any of the parties." (Pollard's Lessee *v.* Hagan, 3 How., 212; Weber *v.* Harbor Commissioners, 18 Wall., 57.)

As establishing the claim we make that the Constitution vests no power in the Federal Government to regulate or control the use of the waters of a stream within a State, and that this power can not be given by a statute enacted by Congress, we quote this language from the opinion in New Orleans *v.* United States (10 Peters, 662, 736):

"The Government of the United States, as was well observed in the argument, is one of limited powers. It can exercise authority over no subjects, except those which have been delegated to it. Congress can not, by legislation, enlarge the Federal jurisdiction, nor can it be enlarged under the treaty-making power."

That the States have the right to regulate the use of even navigable streams within their borders where Congress has not acted or where such action does not interfere with the paramount power of the Federal Government to regulate commerce between the States, is affirmed by Leovy *v.* United States (177 U. S., 621), in which it is said:

"Subject, then, to the paramount jurisdiction of Congress over the navigable waters of the United States, the State of Louisiana has full power to authorize the construction and maintenance of levees, drains, and other structures necessary and suitable to reclaim swamp and overflowed lands within her limits."

And in the Daniel Ball (177 U. S., 10 Wall., 557) it is said:

"Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."

Respecting the right of a State to control the navigation of a stream wholly within its limits it was said in the case of Veazie *v.* Moor (14 How., 568, 573):

"Upon a comparison of this decree and of the statute upon which it is founded with the provision of the Constitution already referred to, we are unable to perceive by what rule of interpretation either the statute or the decree can be brought within either of the categories comprised in that provision.

"These categories are: 1. Commerce with foreign nations. 2. Commerce amongst the several States. 3. Commerce with the Indian tribes. Taking the term commerce in its broadest acceptation, supposing it to embrace not merely traffic but the means and vehicles by which it is prosecuted, can it properly be made to include objects and purposes such as those contemplated by the law under review? Commerce with foreign nations must signify commerce which in some sense is necessarily connected with these nations, transactions which either immediately or at some stage of their progress must be extraterritorial. * * * The phrase can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that, because the products of domestic enterprise in agriculture or manufactures, or in the arts may ultimately become the subjects of foreign commerce, the control of the means of the encouragements by which enterprise is fostered and protected is legitimately within the import of the phrase foreign commerce, or fairly implied in any investiture of the power to regulate such commerce. A pretension as far-reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce and be borne either by turnpikes, canals, or railroads from point to point within the several States toward an ultimate destination, like the one above mentioned. Such a pretension would effectually prevent or paralyze every effort at internal improvement by the several States; for it can not be supposed that the States would exhaust their capital and their credit in the construction of turnpikes, canals, and railroads, the remuneration derivable from which and all control over which might be immediately wrested from them, because such public works would be facilities for a commerce which, while availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign.

"The rule here given with respect to the regulation of foreign commerce equally excludes from the regulation of commerce between the States and the Indian tribes the control over turnpikes, canals, or railroads, or the clearing and deepening of watercourses exclusively within the States, or the management of the transportation upon and by means of such improvements."

In New York *v.* Miln (11 Pet., 102, 139) the absolute right of the State in this respect is more clearly and emphatically declared in this language:

"But we do not place our opinion on this ground. We choose rather to plant ourselves on what we consider impregnable positions. They are these: That a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right, but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by every act of legislation which it may deem to be conducive to these ends, where the power over the particular subject or the manner of its exercise is not surrendered or restrained in the manner just stated. That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called internal police are not thus surrendered or restrained, and that consequently, in relation to these, the authority of a State is complete, unqualified, and exclusive.

"We are aware that it is at all times difficult to define any subject with proper precision and accuracy; that if this be so in general, it is emphatically so in relation to a subject so diversified and multifarious as the one which we are now considering.

"If we were to attempt it, we should say that every law came within this description which concerned the welfare of the whole people of a State or any individual within it, whether it related to their rights or their duties, whether it respected them as men or as citizens of the State, whether in their public or private relation, whether it related to the rights of persons or of property or of the whole people of the State or any individual within it, and whose operation was within the territorial limits of the State and upon the persons and things within its jurisdiction."

Applying this doctrine to the right of a State to protect and control the flow of water in the streams within its limits, the court said, in Hudson Water Co. *v.* McCarter (209 U. S., 349, 356):

"The problems of irrigation have no place here. Leaving them on one side, it appears to us that few public interests are more obvious, indisputable, and independent of particular theory than the interest of the public of a State to maintain the rivers that are wholly within it substantially undiminished, except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest is omnipresent wherever there is a State and grows more pressing as population grows. It is fundamental, and we are of opinion that the private property of riparian proprietors can not be supposed to have deeper roots. Whether it be said that such an interest justifies the cutting down by statute without compensation, in the exercise of the police power, of what otherwise would be private rights of property, or that apart from statute those rights do not go to the height of what the defendant seeks to do, the result is the same. But we agree with the New Jersey courts and think it quite beyond any rational view of riparian rights that an agreement, of no matter what private owners, could sanction the diversion of an important stream outside the boundaries of the State in which it flows. * * *

"The right to receive water from a river through pipes is subject to territorial limits by nature, and those limits may be fixed by the State within which the river flows, even if they are made to coincide with the State line."

Respecting the effect of the admission of Wyoming as a State upon a treaty with the Indians by which they were given the right to hunt on the public domain, the court in Ward *v.* Race Horse (163 U. S., 504) used this language:

"The argument now advanced in favor of the continued existence of the right to hunt over the land mentioned in the treaty, after it had become subject to State authority, admits that the privilege would cease by the mere fact that the United States disposed of its title to any of the land, although such disposition, when made to an individual, would give him no authority over game, and yet that privilege continued when the United States had called into being a sovereign State, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders. This argument indicates at once the conflict between the right to hunt in the unoccupied lands within the hunting districts and the assertion of the power to continue the exercise of the privilege in question in the State of Wyoming in defiance of its laws. * * *

"The act which admitted Wyoming into the Union, as we have said, expressly declared that that State should have all the powers of the other States of the Union, and made no reservation whatever in favor of the Indians. These provisions alone considered would be in conflict with the treaty if it was so construed as to allow the Indians to seek out every unoccupied piece of Government land and thereon disregard and violate the State law, passed in the undoubted exercise of its municipal authority. But the language of the act admitting Wyoming into the Union, which recognized her coequal rights, was merely declaratory of the general rule."

As to the limitation of the powers of the Federal Government based upon its proprietary ownership of lands within a State, this is said in Woodruff *v.* North Bloomfield Gravel Mining Co. (18 Fed. Rep., 753, 772):

"Upon the cession of California by Mexico, the sovereignty and proprietorship of all the lands within its borders in which no private interest had vested passed to the United States. Upon the admission of California into the Union, upon an equal footing with the original States, the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States, passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land."

Having demonstrated, by reference to the decided cases, the respective rights of the Federal Government and the States in the subject matter of the bill, we proceed to consider the provisions of the bill itself and the bearing of the principles we have discussed above on its terms and conditions.

But before taking up the various provisions of the bill in detail we desire to consider it briefly as a whole.

The bill in its entire scope and purpose is an infringement upon and a usurpation of the sovereign powers of the States. This is not only its effect, but it is the avowed intention of its friends to transfer, in part, at least, from the States to the National Government the control over the use of the waters of the stream within the States. Ostensibly, it is proposed to authorize the Government to lease its own lands. To this there are serious objections, as we shall point out further along. But the public lands that may be leased for power sites are of themselves practically worthless. The Government has no ownership or interest in the water flowing in the stream except that of a riparian owner, and that only in States where riparian rights are recognized. In most of the Western States riparian rights are abolished and the ownership of the water vested in the whole people of the State, to be appropriated and applied to beneficial uses, as the laws of the State may provide. The Government owns the land precisely as a private individual owns his land, and with the same rights and privileges as to the use of the water that flows by it—no more, no less. It does not own it in its sovereign capacity, as we have shown, and has no sovereign power over it or over the water that flows past it. But the effect of the bill is to lease, not alone the land it owns, but the waters of the stream upon which it borders, and by conditions and restrictions in the lease to determine how and for what purposes the lessee shall use the water, as well as the land. This is in violation of the principles enunciated by the courts, as above pointed out, and an encroachment upon, and a plain and open violation of, the sovereign rights of the States to govern and control such use.

It is an ingenious effort to fasten upon the private ownership of the land, by the Government, the sovereign right to control the use of the

waters, a right that the Government does not possess under the Constitution and can not be given it by statute, and which admittedly does belong to the States. The rental to be paid by the lessee is not based upon the value of the use of the land, but upon the amount of power that can be produced by the water, which belongs to the State, and, as the water, in which the Government has no ownership or interest, is thus leased, the attempt is made to control the use of the thing leased, namely, the water. It may be conceded that the Government, as lessor, and the lessee may agree upon any basis they please in fixing the rental or royalty to be paid. Of this the State could not justly complain. The trouble is that because the Government fixes the amount to be paid for the land by the amount of power that can be produced by the water, over which it can have no right or control, it is attempting to vest in itself the unwarranted power to determine how the water shall be used and what for. Ostensibly, this is done to protect the Government, as lessor, and secure to it a compliance, on the part of the lessee, with the terms of the lease. But the intention and the effect of it is to draw to the Federal Government the right to control the use of the water. And this is the matter in controversy. Of this the States have every reason to complain. The granting of any such privilege is a betrayal of the sovereign rights of the State.

If any private owner of lands bordering on a stream should lease his lands for a power site and impose any such terms and conditions affecting the use of the water as this bill provides for, they would undoubtedly be inoperative and void. And, as the National Government, in this respect, has only the rights of a private owner, such conditions, made by the Government, would be equally so.

Having submitted these views on the general scope and effect of the bill, we proceed to verify what we have said of it by calling attention to some of its specific provisions.

In its first section the bill authorizes the Secretary of the Interior to lease lands of the Government for the "development, generation, transmission, and utilization of hydroelectric power." The effort is to devote not only the land leased, but the water, to a specific and exclusive purpose, namely, the generation of power. This is a direct violation of the right of the States to regulate and control the use or uses to which water should be applied, and in direct opposition to the policies of the States. In nearly all of the States where irrigation is practiced and in which this law, if enacted, will operate, have, either by direct statutory provisions or rules and regulations adopted by utility commissioners or other authorized official bodies, provided what uses of water shall be preferred over others where the water supply from any source is insufficient to meet all needs, usually in the following order: Domestic use, irrigation, development of power. This whole bill proceeds upon the theory that the Government can fix and designate the use to which the water shall be devoted, in spite of contrary rules fixed by the States. But we apprehend that if such a lease as is proposed were made and the power plant erected, the State could at any time require that the water used for the purpose of generating power be applied to domestic use or irrigation, if the water is needed for that purpose, and the lessee's lease and plant rendered valueless. If not, then the Government has, by its lease and the application of the water to a single and specific use, deprived the State of its undoubted sovereign right to determine the uses to which the water shall be applied. No one can doubt under the authorities we have cited that in a conflict of this kind between the two Governments the right of the State to say how and for what purposes water shall be used would be sustained.

The vice of this first section runs through the whole bill. All of its provisions and limitations relate wholly to the use of the water for the generation of power. There is a feeble attempt to remedy this defect by section 19, which provides that the plant may be enlarged by the lessee "for the purpose of impounding and conveying water for irrigation, mining, municipal, domestic, and other beneficial purposes." But this does not correct the evil. It is a mere consent of the Government that the water may be used for other purposes if the lessee desires. It is a consent given in a matter over which the Government has no control and about which it has no power either to give or withhold consent. And its consent, when given, amounts to nothing as affecting the use to which the water shall be applied. That is a matter exclusively within the power and jurisdiction of the States.

There is another apparent effort to avoid this and other void provisions in the bill that we will come to directly, by section 13, which provides that it shall not affect or interfere with the laws of any State relating to the control, appropriation, use, or distribution of water. Either this provision must have no effect at all or it will nullify every important provision of the bill, because the whole scope and effect of the bill, as we have shown, directly interferes with such laws of the States.

We now pass to the consideration of other provisions of the bill equally objectionable.

1. LIMITATION OF LEASE TO 50 YEARS.

Any attempt to limit the life of a plant for the distribution and use of water is wholly at variance with the whole theory of water rights in the Western States. Where water is put to use for irrigation, for example, the use must be perpetual and not for a limited term, otherwise a landowner might have the use of the water until his trees are matured, then lose his supply, bringing destruction upon his trees and his crops. To prevent this it is provided by statute in most if not all of the irrigation States that if a public-service corporation shall once supply water to land for irrigation the right to its continued and perpetual use, as an appurtenant to his land, attaches and passes, like other appurtenances, by a conveyance of the land. This is not so important as applied to the use of water for the development of power, except where the power is used, as it is very generally, for the pumping and other means of supplying water for irrigation. In that case it is equally important with the direct supply of water for irrigation.

2. RIGHT TO USE WATER MUST FIRST BE OBTAINED FROM STATE.

It is provided that no lease shall be granted until the applicant has complied with the requirements of the laws of the State or Territory wherein said project is to be located providing for the appropriation of water to develop or generate the electrical energy intended to be generated by applicant's proposed project. In some of the States this provision will be impossible of execution, because no right to the water can be obtained from the State until the plant to be used in applying it to a beneficial purpose is completed and approved by the State authorities, and then no title to the water is granted, but only a license to use it. For example, in California a water commission is provided for by law. This commission is given complete and plenary power over the appropriation and use of water for any and all purposes. The commission is authorized to investigate all streams and determine the amount of total flow of the different streams in the State, the amount appropriated and in proper and necessary use, and the quantity open to appropriation. Anyone desiring to appropriate water from any stream must apply to this commission and state in his petition therefor certain required facts. Upon a proper showing being made, a permit is issued allowing the construction of proper works for its diversion and distribution.

The statute provides:

"SEC. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed head works, ditch, canal, and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes, the applicant shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of the reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served and the methods of supplying and utilizing the water." (Cal. Stat., 1913, pp. 1012, 1021.)

The statute further provides:

"SEC. 19. Immediately upon completion, in accordance with law, the rules and regulations of the State water commission, and the terms of the permit, of the project under such application, the holder of a permit for the right to appropriate water shall report said completion to the State water commission. The said commission shall immediately thereafter cause to be made a full inspection and examination of the works constructed and shall determine whether the construction of said works is in conformity with law, the terms of the approved application, the rules and regulations of the State water commission, and the permit. The said water commission shall, if said determination is favorable to the applicant, isue a license which shall give the right to the diversion of such an amount of water and to the use thereof as may be necessary to fulfill the purpose of approved application." (Cal. Stat., 1913, pp. 1012, 1023.)

So it will be seen that in California the provision that the applicant must first comply with the requirements of the law of the State can have no effect, because his right can not be passed upon until the whole works are completed and approved by the water commission. And if not approved, the applicant is refused a license to divert and use the water. Therefore it is impossible for him to comply with the laws of the State before the lease is granted. And under the following provision of the statute all water not appropriated in accordance with the laws of the State is declared to belong to the people:

"And all waters flowing in any river, stream, canyon, ravine, or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purpose upon, or in so far as such waters are or may be reasonably needed for useful and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is, and are hereby, declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act." (Cal. Stat., 1913, pp. 1012, 1023.)

3. PROVISION AS TO TIME AND MANNER OF DOING THE WORK OR ESTABLISHING THE PLANT.

This matter is completely covered by State laws, and the provision conflicts directly with those laws. The California statute to which we have referred places in the hands of the water commissioners the power to determine when, where, and how the water shall be applied and continued in actual use. It provides:

"SEC. 12. The State water commission shall have authority to, and may, for good cause shown, upon the application of any appropriator or user of water under an appropriation made and maintained according to law prior to the passage of this act, prescribe the time within which the full amount of the water appropriated shall be applied to a useful or beneficial purpose."

And certain rules for determining what is a reasonable prosecution and completion of the work are laid down for the guidance of the commission. The statute further provides:

"SEC. 18. Actual construction work upon any project shall begin within such time after the date of the approval of the application as shall be specified in said approval, which time shall not be less than 60 days from date of said approval, and the construction of the work thereafter shall be prosecuted with due diligence in accordance with this act, the terms of the approved application, and the rules and regulations of said commission; and said work shall be completed in accordance with law, the rules and regulations of the State water commission, and the terms of the approved application, and within a period specified in the permit; but the period of completion specified in the permit may, for good cause shown, be extended by the State water commission. And if such work be not so commenced, prosecuted, and completed the water commission shall, after notice in writing, and mailed in a sealed, postage-prepaid, and registered letter addressed to the applicant at the address given in his application for a permit to appropriate water, and a hearing before the commission, revoke its approval of the application. But any applicant, the approval of whose application shall have been thus revoked, shall have the right to bring an action in the superior court of the county in which is situated the point of the proposed diversion of the water for a review of the order of the commission revoking said approval of the application."

Thus we have a complete system of regulation in the State intended to secure an early application of the water to a beneficial use. To this end work is required to be commenced in not less than 60 days and prosecuted with due diligence, under rules and regulations prescribed by the commission.

This bill provides in section 2:

"That each lease made in pursuance of this act shall provide for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions."

In other words, the State, admittedly the only authority having jurisdiction over the matter, provides that the work must commence within 60 days, be prosecuted with diligence, and completed under rules and regulations prescribed by the water commission. By this act we fix no time when the work shall be begun, prosecuted, and com-

pleted, but require it to be done as the Secretary of the Interior shall prescribe in a lease and subject to market conditions. We have shown that the Federal Government has no power or jurisdiction over this matter of supplying water or power in a State; but if it had this would involve a conflict of authority between the State and Federal Governments that must lead to conflicts and be intolerable.

4. ALLOWING INTERSTATE COMMERCE COMMISSION TO FIX RATES AND DETERMINE THE ISSUE OF STOCKS AND BONDS.

It is possible that where a corporation is engaged in transmitting power into another State the Federal Government would, because it is interstate business, have power to fix the rates to be charged against consumers, at least in the State to which it is transmitted. It is submitted, however, that it has no such power respecting power furnished by the corporation in its own State. And in no event could the Government justify itself in assuming to control the issue of stocks and bonds of a corporation as against the laws of the State of its creation. This would be an unwarranted exercise of authority based upon the mere fact that the corporation is its tenant, holding Government land within the State. Referring again to California, the railroad commission of the State has authority, conferred upon it by statute, to fix and determine not only the rates to be charged by a corporation furnishing power within the State, but to determine its bond and stock issue and other indebtedness. In other words, that commission has full and ample power to deal with the whole subject. Now it is proposed by this bill to give the same power to a Federal commission. This necessarily brings the two into direct conflict. The power can not be exercised by both governments. It belongs of right to the State, where it is organized and doing business and dealing with the water that belongs to the State and is being supplied to its people. There can be no just or valid claim that this power belongs to the Government, or can properly and legally be vested in it by statute.

5. PROVISION AUTHORIZING THE GOVERNMENT TO TAKE OVER THE LAND AT THE EXPIRATION OF THE LEASE.

By this provision the Government is authorized to take over not only the land it has leased but a water-power plant to be used, and which must continue to be used, for the generation of power for public use and to become a public-utility corporation, obligated to operate the plant and supply power to the public. When it assumes this function, it becomes at once bound by the contracts and other obligations of the lessee to supply the power. It at once becomes amenable to the State authorities having power to regulate its business. If not, then the effect is to deprive the State of the right to regulate the use of the waters of the State as an exercise of its sovereign power. It may well be asked how, when the National Government becomes a utility corporation, the State can exercise as against it the power it has to regulate rates or otherwise control the use and operation of the plant, even to the extent, as it may, of taking away the use of the water and requiring it to be used for other purposes more necessary for the public good than the development of power. Neither the State nor any consumer under the system could sue the Government or compel it in any way to perform its duty as a public-service corporation. This provision, if not illegal, is, it seems to us, absurd. It would lead to untold and innumerable conflicts of governmental authority and complications.

6. MAKING CONTRACTS FOR POWER.

Section 7 of the bill provides for the making of contracts for power upon the approval of the proper State authority and of the Secretary of the Interior.

We think we have demonstrated above that the Federal Government has no power or jurisdiction over this subject within a State. In this instance the right of the State to deal with it is recognized, but the Secretary of the Interior is given the power to nullify the action of the State in giving its approval by refusing to give his own. So action by the Secretary of the Interior, an officer who has no jurisdiction in the matter, and can be given none legally, is made necessary to any such action on the part of the utility corporation, for no better reason than that this particular corporation rents its power site from the Government. Other power corporations are not subject to any such limitation or double regulation. The State can not thus be shorn of its sovereign power over the subject matter by the Government in its capacity of a real estate dealer. It can not be possible that a renter from the Government must be subject to two regulating powers and two rules of regulation and other corporations owning their power sites or leasing them from some one else subject to but one. The mere statement of some of the results should be sufficient to condemn this provision.

7. OBJECTIONABLE MEANS OF ARRIVING AT RENT TO BE PAID.

The amount of rent to be paid for the land to be used as a power site is not fixed by the rental or other value of the land, but the amount of power produced by the use of the water belonging to the State. The land in and of itself is practically of no value. The profit, if any, resulting from the use of the water depends upon the rates collected by the corporation for the powers, which must be fixed by the State, if by anybody. In fixing the rates the State must allow the corporation the amount of rental it is required to pay to the Government as a part of its yearly operating expenses. The consumers must pay, not the interest on this amount only, as a part of the capital investment, but must pay it all each year as a part of the fixed annual charges of the company. A reasonable charge by the Government for the use of its land may be justified as a real estate transaction. It is not the exercise of sovereign power. It is nothing but a contract of lease, the same in all material respects as a transaction of a like kind by a private individual, with the Secretary of the Interior acting as the real estate agent. This should be kept constantly in mind. But the basis upon which the rental is founded is a false and unjust one. It compels the consumers of water belonging to the State to pay a charge to the Government that it is unconscionable to make. It compels the people of the State to pay the Government for the use of the water that belongs to them and to which the Government has no right and over which it has no power nor jurisdiction. The whole thing is unjust and unconscionable.

8. DISPOSITION OF PROCEEDS OF THE LEASE.

The injustice of the rental founded on the use of the water is made clear and accentuated by the provision, in the eighth section of the bill, that the proceeds shall be paid one half to the State and the other half to the Reclamation Service. This is clearly unjust to the State. The use of the water that belongs wholly to the State is the valuable thing. The Government has no interest in the water and is entitled to none of its benefits. But it assumes to rent it with the practically worthless land, the people of the State pay back the whole of it to the corporation, and the Government provides how the rental shall be divided without the approval or consent of the State. This is extending the power of the Federal Government over the sovereign rights of the States with a vengeance.

9. AUTHORITY TO EXAMINE BOOKS OF LESSEE.

By section 10 the Secretary of the Interior is given authority to examine the books and accounts of the lessees and to require them to submit "statements, representations, or reports, including information as to cost of water rights, lands, easements, and other property acquired, production, use, distribution, and sale of energy; all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require."

This, again, is a plain usurpation of the power that belongs to the States. Both the Water Commission and the Railroad Commission of the State of California, under its laws, have the right to require all of the information that is provided for in this section. This would subject a corporation that rents from the Federal Government to double examinations and double reports for which the consumers under that particular system must pay, while other corporations, not renting from the Government, would be subject to only one examination and one report. Besides, the Government, as a mere lessor of the property used as a power site, has no interest whatever in any of the things that are required to be reported upon by this section of the bill. As it is proposed to base the rents to be paid for the land upon the amount of power developed—if that be legal and justified—the Government has the right to satisfy itself of the amount of power developed. It has no interest further than that, and any effort to interfere with the business of the corporation or the operation of its plant, which belong alone to the State, is entirely unauthorized.

10. FORFEITURE OF LEASE.

Section 11 provides that this "lease may be forfeited and canceled by appropriate proceedings in a court of competent jurisdiction whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with such conditions not inconsistent therewith as may be specifically recited in the lease."

This would place the lessee in a very unhappy situation. As the State has the undoubted power to regulate the use of the water and the operation of the plant, the lessee might be compelled by State regulations to violate numerous terms provided for in the lease or the regulations of the Secretary of the Interior. Where the power exercised by the Government—and that authority would be exercised by the Secretary of the Interior by this bill—and the State commission should conflict the unfortunate lessee would have to take his chances of being prosecuted by the State authorities and his right to furnish power forfeited, or to comply with the rules, regulations, and orders of the Federal Government whereby his lease may be subject to forfeiture. This perhaps shows quite as clearly as anything else why it is utterly impossible that the provisions of this statute and the rules and regulations that may be prescribed by the Secretary of the Interior can by any possibility be allowed to stand as against the sovereign power of the State to regulate and control all these things.

11. CAN THE GOVERNMENT BY A SYSTEM OF LONG LEASES PERPETUATE ITS OWNERSHIP IN THE STATES OF UNTAXED LANDS?

We have shown by the decided cases that the Government owns the public lands as a proprietor and not in its sovereign capacity. This is too clearly and firmly established to admit of doubt. In a sense the Government owns the land in trust to dispose of it for use by the citizens of the country. Laws have been enacted from time to time providing for their disposition. Until now the national policy has been to convey the absolute title to the land in whatever way it may be disposed of. But it is now proposed to hold the title to the land in the Federal Government and lease it on long leases. This would be a radical change in governmental policy. It is a very important one to the States. The land in the hands of the Government is not subject to taxation by the States.

In the hearings by the committee this startling statement was made by the Senator from Colorado [Mr. SHAFROTH]:

"I believe that any leasing bill for the public domain or resources thereof is a direct attack on the sovereignty of the States containing the same, because it must result in a perpetual ownership of the property in the United States Government. Inasmuch as taxes can not be imposed upon property owned by the Federal Government, it means, to carry it to its ultimate result, the depriving of the States of their means of existence.

"I want to call the attention of the committee to a list contained in an article by Mr. W. V. M. Powelson of the number of acres of land in the various Western States now in the ownership of the Government. In Arizona, 92 per cent of the lands within the area of that State are in Government ownership; California, 52.58 per cent; Colorado, 56.67 per cent; Idaho, 83.80 per cent; Montana, 65.80 per cent; Nevada, 87.82 per cent; New Mexico, 62.83 per cent; Oregon, 51 per cent; Utah, 80.18 per cent; Washington, 40 per cent; Wyoming, 68 per cent."

Thus it is shown that lands in the several Western States ranging from 40 to 92 per cent are held in Government ownership and not subject to taxation by the State. And it is proposed by this and other bills pending in the Senate, making up the system of conservation proposed to be inaugurated, to perpetuate this condition and perpetually deprive the States of the right to tax this large percentage of the lands within its borders to maintain and support the State government. Whether the Government has the power to deal with its lands in that way or not, it must be seen by any observing person that it will be a rank injustice to the States in which these lands are situated. But we go further and maintain that the Government, holding the public lands in trust to dispose of them, has no right or authority to thus perpetuate its ownership of nontaxable lands and withhold them from purchase by the people of the country where the title should be vested.

Referring again to the case of Pollard's Lessee v. Hagan (3 How., 212), one of the leading cases on the subject, and from which we have quoted above, it will be seen that as to the public domain, not including lands acquired for permanent use for the erection of forts, magazines, arsenals, dockyards, and other needful buildings in the District of Columbia, the right and ownership of the land by the Government is "temporary," and so it has always, up to this time,

been considered. The theory and understanding has always been that public lands are held by the Government temporarily and in trust to dispose of them and vest the permanent fee simple title in those who might acquire them under rules and regulations prescribed by Congress. It was never intended that title to such lands should be held permanently in the Government, and in our judgment any law that vests this right to permanently hold the lands free from State taxation will be an open violation of the trust under which the lands are held and of the sovereign rights of the States.

At the expense of further extending this already long report, we quote again a short extract from the case last mentioned:

"We will now inquire into the nature and extent of the right of the United States to these lands, and whether that right can in any way affect or control the decision of the case before us. This right originated in voluntary surrenders, made by several of the old States, of their waste and unappropriated lands, to the United States, under a resolution of the old Congress of the 6th of September, 1780, recommending such surrender and cession to aid in paying the public debt incurred by the War of the Revolution. The object of all the parties to these contracts of cession was to convert the land into money for the payment of the debt and to erect new States over the terriory thus ceded; and as soon as these purposes could be accomplished the power of the United States over these lands, as property, was to cease.

"Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever. We therefore think the United States hold the public lands within the new States by force of the deeds of cession and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess or have reserved by compact with the new States for that particular purpose."

It clearly appears from this decision that the title of the Government in such lands is not permanent, but ceded only for the purpose of disposing of them, and that the Government can not make its title permanent or deprive itself for any length of time of the power to comply with the obligation of its trust to dispose of them.

12. WILL THE BILL, IF ENACTED, BRING THE DESIRED RESULTS?

As stated in the beginning, the purpose of this proposed legislation, as stated by the majority of the committee, is to bring about a speedier development of our undeveloped water power. It may be said that this is a purpose not within the power or jurisdiction of the Federal Government. The whole purpose of the bill, as thus stated, is beyond the power of the Government. It has no undeveloped water power. It is only a landowner in the States and nothing else. The development, as well as the regulation and control of undeveloped water and water power, is a purely State matter. The States alone have power to deal with the subject. The Government may, in its generosity, offer its land to the State, as any other landowner might do, to aid the State to develop its natural resources. It can not constitutionally do anything more. The assumption of some conservationists that the National Government has anything to do, as a Government, with the development of the natural resources in a State is without the slightest foundation. As a landowner it may be interested in such development as a means of increasing the value of the land it holds in trust for the people, but nothing more. It may hinder the State in its efforts to develop its resources by withholding its lands, available for dam, reservoir, or power sites, or by placing burdensome terms and conditions of sale or lease of its lands, if it has power to lease them, as would make it impossible or impracticable to use them for such purposes. But any private landowner might do the same thing and with the same effect.

And we submit that this is just what Congress will do for the Government if it enacts this bill. The terms upon which the Secretary of the Interior is authorized to lease land for power purposes are so unreasonable and burdensome and so clearly in conflict with State rights and State laws as to prevent any prudent business man from investing any money in a power site in any State. He would be unable to determine whether, in constructing and managing his plant, he would be bound by the Federal or State law, or both where they are not in direct conflict. If he obeyed one, in many instances, as we have pointed out, he would violate the other. A compliance with the State law would in some cases forfeit his lease. On the other hand, if he followed the provisions of the lease, particularly as to the time of commencing and completion of his plant, he would, in California at least, forfeit his right to the water, the really valuable thing, and a license to use the water would have to be denied him for failure to comply with the State laws. This would be true in other States as well. We have used California and its laws only as an illustration of the conflicts that would arise between the Government and the States if this bill should pass. The same conflicts would arise in the other Western States.

The present law relating to the use of public lands for power and irrigation purposes is entirely inadequate because of its uncertainty. But this proposed legislation would be infinitely worse, because it is so certainly and fatally wrong. It would, if enacted, soon put an end to any development of water power. Witness after witness, practical and experienced men, appeared before the committee and pointed out that the law would be impractical and unrevokable and prevent investments in enterprises of this kind, and the reasons were clearly pointed out. On the other hand, we had information to the contrary from Government officials who sincerely believed the law would be beneficial, but they could only theorize about a very practical matter. They had no practical knowledge on the subject. There were others who appeared in support of the bill equally sincere, but without knowledge. And the friends of the bill made no effort to sustain its constitutionality or to defend it against the legal objections that we have been pointing out in this report.

We have given but little attention to the merely business objections made to the bill. To our minds the legal objections to it are so numerous and so conclusive that this is unnecessary. As to this phase of it, we refer Senators to the public hearings that were full and fair. The friends of the bill gave its opponents every opportunity to point out and support their objections to it. These hearings on so important a matter should receive the careful attention of every Senator who desires to be informed on the subject.

For the reasons we have pointed out, and for others that may be developed later on, we could not concur in the favorable report on the bill, and submit that it should not pass.

REED SMOOT.
JOHN D. WORKS.
C. D. CLARK.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Senators, this finishes the reading of the report.

Mr. SHAFROTH. Mr. President, I suggest the absence of a quorum. If the debate is going to begin now, it seems to me we ought to have more Senators here.

The PRESIDING OFFICER. The Senator from Colorado suggests the absence of a quorum. The Secretary will please call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Oliver	Swanson
Bankhead	Johnson, Me.	Page	Thomas
Bryan	Johnson, S. Dak.	Pittman	Tillman
Chamberlain	Jones	Ransdell	Townsend
Chilton	Kenyon	Robinson	Vardaman
Clapp	Lewis	Shafroth	Wadsworth
Fall	McLean	Sheppard	Walsh
Gallinger	Martine, N. J.	Smith, Ariz.	Watson
Hardwick	Myers	Smoot	Williams
Hughes	Newlands	Sterling	
Husting	Norris	Sutherland	

The PRESIDING OFFICER. Forty-two Senators having answered to their names, there is less than a quorum present. The Chair suggests the calling of the names of the absentees.

Mr. POINDEXTER, Mr. LANE, Mr. COLT, Mr. FERNALD, Mr. SMITH of Michigan, Mr. THOMPSON, Mr. CUMMINS, and Mr. HOLLIS entered the Chamber and answered to their names.

REGULATION OF IMMIGRATION.

The PRESIDING OFFICER. Fifty Senators having answered to their names, there is a quorum present. The Chair lays before the Senate the action of the House of Representatives further disagreeing to the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARDWICK. I move that the Senate further insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. GALLINGER. Mr. President, will the Senator from Georgia, if he sees no objection to doing so, suggest to the Senate what the disagreeing votes are?

Mr. HARDWICK. Yes. The trouble is this: The House fixed an impossible date—I think it was July 1, 1916—for the bill to go into effect. The Senate fixed a later date—May 1, 1917—and in conference a date later than that named by either House was agreed upon—July 1, 1917. A point of order was raised and sustained in the House of Representatives, and this makes necessary a further conference.

Mr. GALLINGER. The conferees will simply have to adjust the date on which the law is to go into effect?

Mr. HARDWICK. That is the only thing—the date on which it will go into effect. When the bill gets into conference we can have that adjusted, of course.

Mr. WALSH. I wish to inquire if the unfinished business will lose its character as such should the motion be put?

Mr. HARDWICK. Not at all.

The PRESIDING OFFICER. Absolutely not. That would not be allowed. The Senate has heard the motion of the Senator from Georgia.

The motion was agreed to, and the Presiding Officer appointed Mr. SMITH of South Carolina, Mr. HARDWICK, and Mr. LODGE managers at the further conference on the part of the Senate.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. THOMAS addressed the Senate. After having spoken for some time,

Mr. SMOOT. Mr. President, I should like to ask the Senator from Montana if it is the intention to have an executive session to-night?

Mr. MYERS. I have no such intention. No one has said anything to me about an executive session.

Mr. FLETCHER. I think it would be well to have an executive session of a very few minutes, in order to have some messages laid down and some references made.

EXECUTIVE SESSION.

Mr. MYERS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 13, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 12, 1917.

ASSISTANT SECRETARY OF STATE.

William Phillips, of Massachusetts, to be Assistant Secretary of State.

THIRD ASSISTANT SECRETARY OF STATE.

Breckinridge Long, of Missouri, to be Third Assistant Secretary of State.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants from November 26, 1916.

Second Lieut. Frank L. Hoerner, Philippine Scouts.
Second Lieut. Joseph P. Vachon, Philippine Scouts.
Second Lieut. Harry O. Davis, Philippine Scouts.
Second Lieut. Floyd Hatfield, Philippine Scouts.
Second Lieut. Earl Landreth, Philippine Scouts.
Second Lieut. Richard T. McDonnell, Philippine Scouts.
Sergt. Harold Preston Kayser, Company A, Twenty-second Infantry.
First Sergt. Basil D. Spalding, Company K, Twentieth Infantry.
Corpl. Henry J. C. Humphrey, Quartermaster Corps.
Corpl. Gordon W. Ells, Company F, Twenty-seventh Infantry.
Pvt. (First Class) George Lea Febiger, Sixth Recruit Company, General Service, Infantry.
Sergt. Theodore W. Sidman, Company M, Twentieth Infantry.
Sergt. Fred Stall, Company K, Fourth Infantry.
Corpl. Claud Edward Stadtman, Quartermaster Corps.
First Sergt. Mitchell Hilt, Company M, Eighteenth Infantry.
Sergt. John Breckinridge Warfield, Company C, Seventh Infantry.
Regimental Supply Sergt. Clarence Ralph Huebner, Eighteenth Infantry.
Corpl. Harold Gordon Lewis, Coast Artillery Corps.
Sergt. Frederick McCabe, Company M, Twenty-first Infantry.
Sergt. Morton Lee Landreth, Company E, Twenty-first Infantry.
Pvt. (First Class) Irving Howard Engleman, Fourth Recruit Company, General Service, Infantry.
Sergt. Clarence Waldo Emerson, Company K, Sixteenth Infantry.
Master Gunner Frederick Joseph von Rohan, Coast Artillery Corps.
Sergt. Frederick Schoenfeld, Company F, Third Infantry.
Supply Sergt. Earl Jay Dodge, Company M, Fourteenth Infantry.
Stable Sergt. Paul Joseph McDonnell, Company F, Third Engineers.
Sergt. Eustis L. Poland, Company B, Fifth Infantry.
Corpl. Fred I. Massey, Coast Artillery Corps.
Corpl. Curtis T. Huff, Company E, Third Engineers.
Sergt. Paul Hathaway, Company M, Twenty-first Infantry.
Corpl. Clarence Fenn Jobson, Coast Artillery Corps.
Sergt. Alfred Rickert Hamel, Coast Artillery Corps.
Pvt. Hardin Cleveland Sweeney, Coast Artillery Corps.
Sergt. Eugene Manuel Landrum, Company G, Second Infantry.
Corpl. Arthur Joseph O'Keefe, Company A, Third Infantry.
Pvt. James Alpheus Anderson, Company B, Thirty-seventh Infantry.
Sergt. Adelbert Brewer Stewart, Quartermaster Corps.
Sergt. William Fenton Lee, Twenty-fifth Recruit Company, General Service, Infantry.
Corpl. Donavin Miller, Company A, Third Infantry.
Sergt. George W. Teachout, Company M, Fifth Infantry.
Corpl. Clarence Raymond Oliver, Quartermaster Corps.
Corpl. Frederick William Huntington, Coast Artillery Corps.
Q. M. Sergt. Howard J. Houghland, Quartermaster Corps.
Sergt. Thomas James Griffin, Medical Department.
Mess Sergt. Chester Arthur Davis, Tenth Recruit Company, general service, Infantry.
Pvt. Conrad Liston Dennis, Coast Artillery Corps.
Corpl. Roland R. Long, Company H, Fifth Infantry.
Pvt. Arthur Van Dine, Battery F, Second Field Artillery.
Musician Corday Whitfield Cutchin, Company H, Second Infantry.
Sergt. (First Class) Charles B. Oldfield, Quartermaster Corps.
First Sergt. Charles J. Allen, Headquarters Company, Twenty-seventh Infantry.
Corpl. John Lawrence Dunn, Coast Artillery Corps.
Corpl. Raymond Wortley, Comapny A, Twenty-first Infantry.
Pvt. (First Class) William B. Wynn, Company F, Fourth Infantry.
Corpl. Louis A. Welch, Quartermaster Corps.
Sergt. Schiller Scroggs, Medical Department.
Sergt. Charles A. McGarrigle, Company C, Second Infantry.
Sergt. Alexander Putney Withers, Medical Department.
Corpl. Orville Emanuel Lewis, Company L, Eleventh Infantry.
Sergt. Lonnie Hollis Nixon, Coast Artillery Corps.
Sergt. William Francis Freehoff, Coast Artillery Corps.
Sergt. Shelby Ledford, Quartermaster Corps.
Sergt. Austin Aubrey Adamson, Aviation Section, Signal Corps.
Sergt. (First Class) Paul Cecil Turner, Quartermaster Corps.
Sergt. Charles Madison Crooks, Company A, First Infantry.
Sergt. William G. Livesay, Quartermaster Corps.

To be second lieutenants from November 27, 1916.

Second Lieut. Robert Lincoln Christian, Infantry.
Second Lieut. William Hampton Crom, Infantry.
Second Lieut. Leo Edwin Johnson, Infantry.
Second Lieut. George Rainsford Fairbanks Cornish, Infantry.
Second Lieut. Delphin Etienne Thebaud, Infantry.
Second Lieut. George Sheppard Clarke, Infantry.
Capt. Adolph Charles Weidenbach, Infantry.

To be second lieutenants from November 28, 1916.

First Lieut. Fred McIvor Logan, Field Artillery, Texas National Guard.
Second Lieut. Truman Smith, Twelfth Infantry, New York National Guard.
Second Lieut. Joseph William George Stephens, Second Infantry, Virginia National Guard.
Second Lieut. Adolph Unger, Eighth Infantry, Ohio National Guard.
Second Lieut. Richard Kerens Sutherland, Tenth Field Artillery, Connecticut National Guard.
Second Lieut. Shelby Mason Tuttle, Second Infantry, Ohio National Guard.
First Lieut. Robert Graham Moss, First Infantry, Maryland National Guard.
First Lieut. Emil Watson Leard, Infantry, Georgia National Guard.
Second Lieut. Walter Frank Adams, First Infantry, Vermont National Guard.
Second Lieut. Joseph Nathaniel Greene, First Infantry, Illinois National Guard.
Second Lieut. Sereno Elmer Brett, Third Infantry, Oregon National Guard.
First Lieut. Harry Langdon Reeder, Fourth Infantry, Maryland National Guard.
Second Lieut. Jay Edward Gilfillan, First Field Artillery, Minnesota National Guard.
First Lieut. Lester Templeton Gayle, jr., Battery C, Field Artillery, Virginia National Guard.
Capt. Turner Mason Chambliss, Infantry, Virginia National Guard.
Second Lieut. James Neville Cocke Richards, Second Infantry, Virginia National Guard.

To be second lieutenants, November 29, 1916.

John Frederick Ehlert, of Texas.
Theron Gray Methven, of Minnesota.
Francis Marion Van Natter, of Indiana.
Paul Lewis Ransom, of Vermont.

CAVALRY ARM.

To be second lieutenants from November 26, 1916.

First Lieut. Harley Dagley, Philippine Scouts.
Second Lieut. Charles L. Clifford, Philippine Scouts.
Second Lieut. Gaston L. Holmes, Philippine Scouts.
Sergt. (First Class) George W. Wersebe, Medical Department.
Sergt. Milton Raymond Fisher, Coast Artillery Corps.
Sergt. John S. Jadwin, Troop C, Sixteenth Cavalry.
Sergt. Arthur Paul Thayer, Troop A, Third Cavalry.
Sergt. Edward Reed Scheitlin, Medical Department.
Corpl. Edwin Allen Martin, Troop A, Third Cavalry.
Corpl. Frank Glenister Ringland, Twenty-fifth Recruit Company, General Service, Infantry.
Corpl. John B. Harper, Company L, Eighth Infantry.
Sergt. Winchell I. Rasor, Field Company E, Signal Corps.
Sergt. Oliver Irey Holman, Troop F, Fifth Cavalry.
Supply Sergt. John James Bohn, Headquarters Troop, Seventh Cavalry.
First Sergt. Harry Batten Flounders, Troop C, Thirteenth Cavalry.
Squadron Sergt. Maj. John Christian Garrett, Seventh Cavalry.

Sergt. Grover Robert Carl, Ninth Recruit Company, General Service, Infantry.
Sergt. Hugh Divine Blanchard, Company A, First Battalion, Mounted Engineers.
Sergt. James G. Monihan, Coast Artillery Corps.
Sergt. Anthony J. Kirst, Troop F. Fifteenth Cavalry.
Private William Gaston Simmons, Troop B, Eleventh Cavalry.
Corpl. Rexford Edwin Willoughby, Troop B, Third Cavalry.
Corpl. John Dutcher Austin, Troop K, Second Cavalry.
Sergt. John Payne Kaye, Troop I, Eleventh Cavalry.
Sergt. Cleo D. Mayhugh, Battery A, Fourth Field Artillery.
Corpl. James Washington Barnett, Company E, Second Regiment of Engineers.
Sergt. John Charles Mullenix, Medical Department.
Private Ross McCoy, First Aero Squadron, Signal Corps.

To be second lieutenants from November 27, 1916.

Second Lieut. Howard Charles Tobin, Infantry.
Second Lieut. John Andrew Weeks, Infantry.

To be second lieutenants from November 28, 1916.

Second Lieut. Walter Eyster Buchly, Battery A, Field Artillery, New Mexico National Guard.
Second Lieut. Harold Chittenden Mandell, Battery A, Field Artillery, Utah National Guard.
Second Lieut. Lester Atchley Sprinkle, First Infantry, Kansas National Guard.
Second Lieut. Robert Walker Grow, First Field Artillery, Minnesota National Guard.
Second Lieut. Terrill Eyre Price, Third Infantry, Pennsylvania National Guard.
First Lieut. William Henry Kasten, First Field Artillery, Illinois National Guard.
First Lieut. Edwin Rollmann, First Field Artillery, Minnesota National Guard.
Capt. Leon Edward Ryder, First Cavalry, Vermont National Guard.
First Lieut. Richard Lawrence Creed, First Cavalry, Vermont National Guard.
First Lieut. William Moragne Husson, First Infantry, Florida National Guard.
Harry Lawrence Putnam, of Vermont.
Roderick Random Allen, of Texas.
Adolphus Worrell Roffe, of Missouri.
Horace Kostomlatsky Havlicek, of Ohio.
Rice McNutt Youell, of Virginia.
James Hill Holmes, jr., of South Carolina.
Manton Sprague Eddy, of Illinois.
George Noel Ruhberg, of North Dakota.
Charles Eliet Moore, of Virginia.
Gebriel Thornton Mackenzie, of Maryland.

To be second lieutenants, November 29, 1916.

First Lieut. John Warlick McDonald, First Infantry, Kentucky National Guard, to be second lieutenant of Cavalry, with rank from date of appointment.
Sergt. Harrie Kincaid Dalbey, Second Recruit Company, General Service, Infantry, to be second lieutenant of Cavalry, with rank from date of appointment.

FIELD ARTILLERY.

To be second lieutenants from November 26, 1916.

Second Lieut. Sherman L. Kiser, Philippine Scouts.
Second Lieut. Emer Yeager, Philippine Scouts.
Mess Sergt. Marvin Conrad Heyser, Company G, Twenty-third Infantry.
Sergt. Idus Rowe McLendon, Coast Artillery Corps.
Sergt. Michael Joseph Fibich, Company I, Third Infantry.
Sergt. Sidney Guthrie Brady, General Service, Infantry.
First Class Sergt. George A. Pollin, Company A, First Field Battalion, Signal Corps.
Corpl. David Ephraim Finkbiner, Company B, First Regiment of Engineers.
Sergt. Chauncey Francis Ruoff, Coast Artillery Corps.
Corpl. Erwin Cobia West Davis, Battery F, Third Field Artillery.
Sergt. Emile George de Coen, Battery D, Fifth Field Artillery.
Private Arthur Noble White, Troop F, Third Cavalry.
Sergt. Patrick Lawrence Lynch, Headquarters Company, Sixth Field Artillery.
Corpl. Ivan N. Bradley, Battery A, Fifth Field Artillery.

To be second lieutenants from November 27, 1916.

Second Lieut. John Jay McCollister, Infantry.
Second Lieut. Frank Allen Roberts, Infantry.

To be second lieutenants from November 28, 1916.

Capt. William Dennison Alexander, Fourth Infantry, Maryland National Guard.
First Lieut. Herbert Leonidas Lee, Fourth Infantry, Maryland National Guard.
First Lieut. Richard Jaquelin Marshall, Fourth Infantry, Maryland National Guard.
Second Lieut. Ralph Townsend Heard, First Field Artillery, Texas National Guard.

To be second lieutenants from November 29, 1916.

Harcourt Hervey, of California.
Francis Wilkerson Sheppard, of South Carolina.
Robert Whiting Daniels, of Vermont.

COAST ARTILLERY CORPS.

To be second lieutenants from November 26, 1916.

Asst. Engineer Frederick Wilmot Smith, Coast Artillery Corps.
Corpl. Robert Sherman Barr, Coast Artillery Corps.
Sergt. Charles Joseph Herzer, Coast Artillery Corps.
Corpl. William M. Cravens, Coast Artillery Corps.
Electrician Sergt. (Second Class) John Boone Martin, Coast Artillery Corps.
Corpl. Oliver Clyde Stevens, Coast Artillery Corps.
Asst. Engineer Edwin C. Meade, Coast Artillery Corps.
Asst. Engineer William Thomas Roberts, Coast Artillery Corps.
Corpl. Carl J. Smith, Coast Artillery Corps.
Corpl. Dugald MacAuslane Barr, Coast Artillery Corps.

To be second lieutenants from November 28, 1916.

Second Lieut. James Donald MacMullen, Coast Artillery Corps, California National Guard.
Second Lieut. Charles Wright Bundy, Maine National Guard.
Capt. Charles Douglas Yelverton Ostrom, Coast Artillery Corps, California National Guard.
Second Lieut. Donald Malpas Cole, Coast Artillery Corps, Connecticut National Guard.

To be second lieutenants from November 29, 1916.

James Cobb Hutson, of South Carolina.
Lenox Riley Lohr, of the District of Columbia.
Francis Arnold Hause, of Pennsylvania.
Edward Elliott MacMorland, of Missouri.
Henry Benjamin Holmes, jr., of Virginia.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 29th day of August, 1916:
Robert W. Kessler,
Paul P. Blackburn, and
Christopher R. P. Rodgers.
The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:
Henry C. Gearing, jr.,
Grattan C. Dichman,
Charles C. Windsor,
Edward H. Loftin,
Charles L. Best,
Cary W. Magruder,
Henry E. Parsons, and
James G. Stevens.
Ensign Ralph Martin to be a lieutenant (junior grade) in the Navy, from the 30th day of July, 1916.
Gunner William T. McNiff to be a chief gunner in the Navy from the 16th day of January, 1915.
Pay Clerk William T. Williams to be a chief pay clerk in the Navy from the 8th day of April, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1917.

POSTMASTERS.

ARKANSAS.

Hollis S. Bass, Monette.
William F. Beaver, Cotter.
Albert B. Couch, Lake City.
Arthur L. France, Gillett.
Joe L. Goodbar, Charleston.
William B. Gould, Glenwood.
William L. Greer, Horatio.
Florence F. McKinzie, Wilson.
Mamie D. Pattillo, Mountain Home.
Grover C. Raper, Bauxite.
Nora A. Toler, Sheridan.

DELAWARE.

W. S. Alexander, Elsmere.

ILLINOIS.

Hugh Hall, Litchfield.

PENNSYLVANIA.

George B. Kirk, South Brownsville.
Daniel H. Sutton, East Butler.
Jessie R. Wilson, St. Benedict.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 12, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, encourage us in every thought and act looking to the betterment of life and all its conditions by Thy holy influence; and discourage every adverse thought and act, that we may not dissipate our energies in useless or harmful purposes. And help us, we beseech Thee, to bear with patience the weakness and infirmities of others as we desire Thee to bear with patience our weakness and infirmities; for what hurts one, hurts all; what helps one, helps all; so delicately hast Thou woven the fabric which binds us together into one family. Hence the admonition, "Bear ye one another's burdens, and so fulfill the law of Christ." Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article containing information relating to the pecan industry.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting an article containing information on the pecan industry. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 703) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4429. An act to amend the postal laws;

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa.;

S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y.; and

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6864) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917.

ORDER OF BUSINESS.

Mr. ADAIR rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. ADAIR. This is pension day, Mr. Speaker, and I rise to ask unanimous consent that a bill that the Committee on Invalid Pensions has on the calendar be considered at 5 o'clock this evening.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the pension bill indicated by him be considered at 5 o'clock this evening. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I suppose that is based on the improbable contingency that the immigration conference report be not disposed of by that time?

Mr. ADAIR. Well, Mr. Speaker, if that should be the condition at that time, I should like to couple with this request the request that this bill then be considered at 5 o'clock Saturday evening, if we fail to reach it to-day.

Mr. MANN. I have no objection to considering it to-day, so far as I am concerned, if the gentleman from Tennessee [Mr. MOON] does not object.

Mr. ADAIR. It will not take over 15 minutes to dispose of it if the committee is willing to consider it.

The SPEAKER. The situation is this: The Committee on Rules want to bring up that investigation question. That will probably take two hours and a half or three hours. Then, the gentleman from Alabama [Mr. BURNETT] is very anxious to dispose of the conference report on the immigration bill. Why not make it to-morrow evening?

Mr. ADAIR. Well, then, I will ask unanimous consent that to-morrow, at 5 o'clock, we consider this bill, H. R. 19937. No; it is suggested by the gentleman from Tennessee [Mr. MOON] that I make it 4 o'clock.

The SPEAKER. The gentleman suggests 4 o'clock to-morrow afternoon.

Mr. ADAIR. No; Mr. Speaker, I will withdraw that. I make it 5 o'clock.

Mr. MOON. The appropriation bill ought to be on at that time. This is the day belonging to the Committee on Invalid Pensions, and they ought to have to-day if they desire it. I do not believe the Committee on Rules or anybody else ought to run in on them if they have only a short bill.

Mr. MANN. Why not make it right after the disposition of the conference report on the immigration bill?

Mr. MOON. I think the Post Office Committee should have the right, then.

Mr. MANN. I suggest, then, that the gentleman from Indiana go ahead now.

Mr. MOON. I have no objection to their using to-day for any purpose at all, because we do not expect to get in.

The SPEAKER. What is the gentleman's request?

Mr. MANN. That it should be considered following the immigration conference report.

Mr. ADAIR. I ask unanimous consent, Mr. Speaker, that following the disposal of the immigration bill we consider the pension bill, H. R. 19937.

The SPEAKER. The gentleman from Indiana asks unanimous consent to consider the pension bill named by him, following immediately after the conclusion of the conference report on the immigration bill. Is there objection?

There was no objection.

INVESTIGATION UNDER HOUSE RESOLUTION 429.

Mr. HENRY. Mr. Speaker, I present a privileged report (No. 1281) from the Committee on Rules and ask that it be read.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The Committee on Rules, having considered House resolution 429, report the same with the recommendation that it do lie upon the table. The committee states that no evidence was adduced sustaining the charges in the resolution.

Mr. HENRY. Mr. Speaker, before making a formal motion to lay that on the table, I would like to ask the gentlemen on the other side about the debate on this report. How much time would be satisfactory to the gentleman from Kansas?

Mr. CAMPBELL. Well, the gentleman from Texas will recall that we agreed upon two hours in the committee.

Mr. HENRY. That is entirely satisfactory.

Mr. CAMPBELL. Well, I have had demands for much more time than that. If the gentleman from Texas can get the consent of the other members of the committee and of the House to extend the time, I should like to have 1 hour and 15 minutes.

Mr. HENRY. I would suggest to the gentleman that that would somewhat embarrass me, because arrangements have been made to let us get in early this morning, and another matter is coming up right soon; and, believing that would be satisfactory, it would embarrass me.

Mr. CAMPBELL. Can you make it an hour and 10 minutes on a side?

Mr. HENRY. I think so.

The SPEAKER. What is the request?

Mr. HENRY. I make the request, then, Mr. Speaker, for unanimous consent that the debate on this report be limited to 2 hours and 20 minutes, 1 hour and 10 minutes to be controlled by myself and 1 hour and 10 minutes by the gentleman from Kansas [Mr. CAMPBELL], with the understanding, then, that at that time I shall move to table the resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time of this debate shall be limited to 2 hours and 20 minutes, one half to be controlled by himself and

the other half to be controlled by the gentleman from Kansas [Mr. CAMPBELL], and at the end of that time he will move to lay the House resolution on the table. Is there objection?

There was no objection.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. This is an important matter. We ought to have full membership. I make the point of no quorum.

The SPEAKER. The Chair will count.

Pending the count,

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Arkansas withdraws the point of no quorum. The gentleman from Texas [Mr. HENRY] is recognized for 1 hour and 10 minutes.

Mr. HENRY. Mr. Speaker, just a moment by way of explanation, in order that the House may understand the exact issue that we are considering to-day.

This is a report on resolution 429, introduced by the gentleman from Indiana [Mr. WOOD] on January 3 and referred to the Committee on Rules with directions to report within 10 days. Prior to that time, on December 22, the gentleman from Indiana [Mr. WOOD] had introduced another resolution, No. 420, which is now pending before the Committee on Rules and has not been disposed of or taken up for consideration.

This resolution that we are considering to-day has in it language which switches the original purpose of resolution 420, which was to investigate an alleged leak, and it proposes to investigate the conduct of Members of Congress in regard to transactions on the stock exchange.

The Committee on Rules sat for six days considering this privileged resolution, and during the entire six days not one particle of evidence was adduced to sustain the resolution or any part of it. No Democrat on that committee will contend that there was any evidence. No Republican will assert here to-day that there was any evidence whatever to sustain the charge made in this resolution. The House is now disposing of that proposition. It is not to consider now the allegations made in resolution 420. That resolution, as I said, is now in the hands of the Committee on Rules, and the Committee on Rules has appointed a subcommittee to consider the conduct of a contumacious witness, Thomas W. Lawson, who refused to answer certain questions that were put to him by the Committee on Rules.

Mr. BENNET. Will the gentleman yield for an interruption?

The SPEAKER. Does the gentleman yield?

Mr. HENRY. I would rather not be interrupted.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. Those matters may be considered by the committee and by this House in the future, but here is a libel which has been published against the membership of this House, and not a scintilla of evidence has been placed before the Committee on Rules to sustain it. I submit the report to the House and say that every Democrat and every Republican should sustain that report, because we have been unable to find anything that would warrant this libel against the honorable membership of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield seven minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker, I have no apology to make to anyone for my position in the matter of this investigation. When I introduced the first resolution on December 22 calling for an investigation, I was impelled to do so because everywhere throughout this Chamber there were ugly rumors being passed from mouth to mouth insinuating that men in high places in governmental affairs had used knowledge which they had obtained in advance of what the President's peace note contained for the purpose of enriching themselves financially through stock-market manipulations. Not only were these rumors rife in this House, but the metropolitan newspapers of the country were carrying in their Associated Press dispatches news items boldly charging that the contents of the President's note had leaked out in advance of its being given to the general public, and that certain parties who had been favored with this knowledge, and solely because of it, had made fortunes on the stock market that mounted well into the millions, and that thousands upon thousands of small investors had lost their savings of a lifetime in consequence.

Was not this of sufficient importance to invite and warrant the attention of this House? If these rumors, so openly uttered, and these newspaper charges, so boldly made, were true, would this House be justified in sitting supinely by and permitting them to go unnoticed? Has the time come when such accusations of moral turpitude, made against those who are the very guardians of our country's welfare, are inconsequential? If so, then I ask you if the decadence of our governmental fabric has not already commenced?

It has been said, and no doubt it will often be repeated, that I was prompted by purely partisan motives in introducing this resolution, and that I was endeavoring thereby to embarrass the President in his endeavor to bring about peace among the warring nations of the earth. To deny the first of these propositions would be only to invite the sneers of my critics, but the second proposition I can deny and do deny with all the force of my being, for I am now, and have been ever since I became a Member of this House, in favor of any and every proper effort made and to be made by this Government that has for its purpose the bringing to a close this awful conflict in Europe, and I have so expressed myself a number of times, both privately and publicly. It matters but little what may be said about me and my connection with this resolution, but, nevertheless, the fact remains that there is a general belief throughout the country that there is something wrong somewhere, and that that wrong and those who are responsible for it, if anybody is responsible for it, should be ascertained and made public.

That there was a leak of information concerning the President's peace note some time before it was given by the State Department to the public everyone who has followed the course of events knows, and for such a person to deny that there was a leak of this information would be for him to make himself ridiculous. That there was a leak is a fact, which I think is now believed by every Member of this House. As to whether it was caused purposely, and with a sordid design, there may be an honest difference of opinion among Members of this House, and no doubt there is the same difference of opinion prevailing throughout the country; but whether this leak was caused purposely, to aid a select few to reap a fortune, or whether it was entirely innocent, will never be known without the fullest investigation. Without such investigation, you may be assured, the people will form their own conclusions from what they have already read in the public press.

Is not the good name of a public officer worth anything? Is the good opinion of the people concerning our public officials worth seeking? It occurs to me that they are vital to the very existence of our Government.

It has already been charged in the public hearings on these resolutions that a Cabinet officer, a Member of Congress, and another person "higher up" profited financially by reason of this leak. It has also been promised by the man making these charges that if a committee is appointed by this House, with full power and authority to make an investigation, he will give the names of those whom he has thus charged and give that committee the evidence which will establish these charges.

We can not absolve ourselves from our responsibility in the premises by saying that we have no faith in this man or in the charges he has made, and that because of our disbelief we will refuse to appoint this committee. I warn you now that if we take such a course it will have this effect: It will confirm into belief a feeling now existing in the mind of the public that we do not dare to make this investigation for fear it will involve not only some who are connected with the administrative branch of the Government, but that it will involve Members of this Congress as well. Can we as Members of this House, can the Nation, afford to have such an opinion existing among the people of our country?

There is another reason why this investigation should be had. As I have heretofore stated, a citizen of this country has charged that a member of the Cabinet, a Member of this Congress, and possibly another man "higher up" profited on the stock market by reason of advance information received concerning the President's peace note. Now, there are 10 members of the President's Cabinet; there are 435 Members of this House and 96 Members of the Senate. The individual member of the Cabinet or the individual Member of this Congress, against whom these charges have been lodged, has not been specifically named. If this investigation is not had, the public will be free to say whomsoever it pleases is the guilty man in the Cabinet and in the Congress.

It is, therefore, due to each member of the Cabinet and to each Member of the Congress that this step should be taken in order that his reputation may not be for a single moment tainted even with suspicion. It is due to the President of the United States that this investigation should be made, and above all it is due to this Government.

The country from ocean to ocean is interested in the outcome of this proceeding. The eyes of the people are on this Congress this day, watching to see whether or not we will institute

the machinery whereby the fullest possible investigation shall be given to this affair or whether we will whitewash it.

The editorials in the newspapers of this country are said to be a fair index of the sentiment of the people living in the communities where these papers are published. If this be true, there can be no mistake in what the sentiment of the people is with reference to the necessity for the fullest possible investigation of this whole affair.

In order that you may know what the sentiment of the country is, as reflected by these editorial indexes, I will make a few of them a part of my remarks.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WOOD of Indiana. The following is from the Detroit (Mich.) Free Press:

THE SCANDAL IN WASHINGTON.

Washington is sitting in the shadow of a governmental scandal affecting the honor of the whole national administration. There is accusation of a leakage previous to authorized announcement that Mr. Wilson had dispatched a note to the European powers, and a charge that this leakage enabled certain favored persons to make big fortunes in Wall Street by reason of their foreknowledge of an event certain to depress the stock market. Thus far the report directly affects two Senators and two Cabinet members, one of whom is said to have profited largely in a financial way.

There is no doubt about the existence of the leak; there is no doubt about the manipulation in Wall street; there is little doubt that the first tip was passed out by persons closely in touch with the White House; and there seems to have been gross breach of confidence somewhere by men Mr. Wilson trusted.

The State Department has suggested that newspaper men might be responsible; it has asserted that a number of them received in advance information about the President's note before it was published. Now it is averred that the first intimation in Wall Street of what was going to happen in Washington was passed along as early as Monday, before the President had completed the draft of his writing. Unquestionably high Government officials knew of the President's intention at this time. But on Monday when Mr. Wilson received the Washington correspondents in general audience for the first time since the Bryan régime, he gave a little talk on the subject of peace and told his auditors that while peace was most devoutly to be desired it was not the purpose to urge upon the belligerents irritating importunities to lay down their arms. Clearly Mr. Wilson gave the newspaper men no information on Monday.

The President's communication was given to the cables on Tuesday. Did the leak spring in the cable offices? Insiders on Wall Street seem to have known about the note long before the cable companies received it.

While every possible angle of the situation should be taken into consideration, at present only one hypothesis seems to lead anywhere. It is the hypothesis which connects guilt for the breach of confidence with those in public office who have profited financially.

The whole affair suggests the presence of a horrifying lack of moral sense somewhere in official Washington; it indicates a total inability to understand the responsibilities of high national stewardship, sheer ethical depravity among some of those with responsible parts in directing the destinies of the Nation.

A resolution calling for an investigation has already been introduced in the lower House of Congress. Nothing less than this could be done. Emphatically there ought to be an investigation, a searching of the whole administration to find out where the guilt lies for the disgrace brought on the American Government and to clear up the taint on its honor. But the investigation should be real, not one of those whitewash affairs which have been the common, if not the invariable, rule in Washington these last four years. The probe should be instituted for the purpose of cleaning up, not for the purpose of amelioration or to cloak scandal.

We confess to small hope that there will be any real inquiry. Something may be done, but we fear it will be like all the other probes in late years, a futile, anemic thing, that will eventually die from inanition.

And this from the Fort Wayne (Ind.) News:

A WHITE HOUSE LEAK.

President Wilson evidently has a leak pretty close to the desk on which he composes his nice little notes. This has been broadly intimated several times in the past, but the evidence to this effect provided on Wednesday apparently justifies such a declaration in all particulars. Consider the facts for a moment.

Wednesday afternoon the New York stock market, which had been reviving ever since the break caused by the German peace proposals, suddenly went all to pieces. Stocks tumbled and the bears raided the market in a fearsome fashion. In the stock report published in the News, and which comes over a stock broker's private wire, was carried this interesting bit of information concerning the slump:

"The Dow Jones financial ticker, in offering an explanation of the break, said the Street had received confidential reports that the administration will address to the belligerents 'some suggestions or proposals in regard to peace' in the near future."

What the public would like to know is how and from what source the Street received this confidential information. None of the press associations carried it, and their reports as published in the afternoon papers indicated an opposite condition of affairs, expressly stating that the United States would keep hands off. The Washington correspondents were in ignorance of what was transpiring in the President's private office, yet, strangely enough, a certain coterie of gamblers on the New York Stock Exchange knew all about it and proceeded to clean up handsomely. The real news of Wednesday afternoon concerning the peace situation was not incorporated in the dispatches of the press associations, but was circulated over the country via the wires of the stock brokers.

Who was the man who gave this advance information to stock gamblers of New York? That he was close to President Wilson we know from the fact that the news was guarded so sedulously that even the keenest of the Washington correspondents had no hint of it, and that he must have profited largely by the tip we can readily surmise. It would seem that President Wilson owes it to himself to investigate the matter of this leak and eliminate the possibility of some future incident that might cruelly embarrass him. There is a sinister suggestion even in the story of Wednesday.

And listen to this from the New York Evening Globe:

THE WALL STREET SCANDAL.

For some days Wall Street has been filled with rumors about persons with supposedly close Washington connections making huge "killings" in the stock market by reason of advance information concerning developments in the international situation. The outcome is the resolution introduced yesterday in the House by Representative WOOD of Indiana, calling for an investigation by a committee of five members to ascertain specifically whether anyone high in the administration, or any relative of any such official, profited financially, directly or indirectly, by the fluctuations in the stock market on Thursday growing out of Secretary Lansing's contradictory interpretations of the President's peace note.

It seems incredible that any high official in Washington should be so implicated. When Wall Street loses its head it is liable to talk foolishly. But the present scandal has assumed such proportions as to compel attention. The truth should be got at, and a committee such as proposed should be clothed with ample power to sift the matter to the bottom. If there is a ring of stock gamblers with underground wires into the inner offices of official Washington, the public is entitled to know it. If the rumors are baseless, no one should be more concerned than the administration in having that fact made known.

And this from the Syracuse (N. Y.) Herald:

WAS THERE A LEAK IN WASHINGTON?

The resolution introduced in the House of Representatives by Mr. WOOD of Indiana, calling for an investigation of the charge that advance knowledge of the President's late peace message to the European powers was used for speculative purposes in Wall Street, will in all probability be favorably acted upon. It is clearly a case for careful inquiry. The rumor that a member of the Cabinet was among those who profited by the secret may be absolutely unfounded, and, at any rate, the country will be slow to credit it. But the very gravity of the suspicion this aroused emphasizes the necessity for a congressional investigation.

All that is known in this connection is that some powerful stock speculators were able to anticipate the falling market in a way that suggested that they were the beneficiaries of an official "leak" in Washington. It is possible, of course, that if such was the case the leak was an accidental one or the result of a breach of confidence that was devoid of mercenary intent. But the country ought to know the truth. Mysterious advance tips in Wall Street on impending developments likely to affect the stock market are no novelty. But if these take the form of a betrayal of Government secrets, the public has the right to know the why and wherefore.

And this from the New York Times:

MORE CARE NEEDED.

The administration should not treat as a mere matter of passing interest the current belief in Wall Street that some of the individuals doing business there had advance information of the fact that the President intended to send a note to foreign powers. The administration's intentions, when they are guarded as this one was from the general public, should be guarded from untrustworthy individuals. There should be special precautions against such a leak. Carelessness in a matter involving fortune or disaster to many private fortunes is not to be excused.

The foundation for the big "drive" on stocks on Thursday was laid on Wednesday, and the belief exists in Wall Street that the persons who made the preliminary attacks then and on Thursday morning had availed themselves of information which should have been withheld from them, and would have been if the ordinary amount of care had been exercised.

On the heels of this banging at the stocks, and while gossip was already busy with the story of a leak, Secretary Lansing indulged in his unfortunate habit of soliloquizing in public and completed the demoralization of the stock market. He could not have chosen a more unlucky time for the display of his idiosyncrasy. Nothing except the painful teaching of experience is a cure for this, and he probably regrets what occurred as much as anybody; but for the other matter, the loose guarding of official information, there is a different remedy, which the administration should seek and apply.

And this from the Washington Times:

IT'LL BE INVESTIGATED!

The House has directed Chairman HENRY and his Committee on Rules to report in 10 days on a resolution for investigation of the "leak" charges. It is a bit uncertain whether Mr. Lawson's accusations, or the seeming anxiety of some influences to avoid the investigation, have done most to fix in the public mind the conviction that there must be some fire back of all the smoke.

One thing is very certain, however. The private conferences between Chairman HENRY and the Boston financier, resulting in Mr. HENRY'S decision that there was no need to call his committee together, have not made a pleasant impression. The other members of the Rules Committee could have spared the time, without any great sacrifice of public interest, to attend these conferences. If they had done so, the whole proceeding would have looked nicer. The refusal of the chairman to take the rest of his committee into his confidence has resulted in a condition that brings the whole affair before the House and takes up many hours of the precious time of that body.

Back in the olden days, before it was supposed that the House had been reformed away from the czarship of committee chairmen, it was common enough for the head of a great committee to regard himself as the custodian of his committee's business. He was a sort of ambassador of the House organization to consider its relations with the outside world. That relationship is supposed to have ended; and the action of the House in ordering the Henry committee to perform is a

hint that the House does not intend to permit a return to the old system of star-chamber considerations.

As various Members have declared, the things that happened in the stock-dealing world made it very clear that there was a "leak" somewhere. Mr. BENNET, of New York, caused a sensation, we are assured, when he named a name in connection with these charges; yet he merely mentioned a name in a public place that has been in many minds and had been associated with various stories concerning the market movements. It is rather more sensational that the mention of any name, the statement of any specific ground for charges, should have been suppressed so long.

Denunciation of Mr. Lawson and the application of epithets to him does not brush aside the facts which are apparent enough. Somebody knew enough to justify tremendous plunging in the market and permit huge profits to be won. The mere fact that there has been such insistent objection to investigation has left a bad taste.

And the following from the Boston (Mass.) Traveler:

INVESTIGATE.

Thomas W. Lawson in his characteristic manner has dared Congressman WOOD and Congress itself to investigate the leak between the White House and Wall Street. He has done so in a manner that makes it impossible for Congress to neglect the challenge.

It is not necessary to accept Mr. Lawson's screaming statements at their face value. Few people do. But it is necessary to discover just what particular gang of gamblers was able to obtain advance information at the White House and turn it to their own advantage. Such an investigation might prevent some other gang of gamblers from operating successfully by the same method on some future occasion.

It is not a partisan question. It is a question of patriotism. It affects, indirectly, the President himself. The President can procure or prevent an investigation. If he prevents one it will be, presumably, because prevention means protection to somebody who, in the President's opinion, must be protected at any cost.

And this from the Indianapolis (Ind.) News:

THE STATE DEPARTMENT LEAK.

After a conference yesterday with Thomas W. Lawson, Representative HENRY, chairman of the House Rules Committee, said that Mr. Lawson had given no facts in regard to the supposed "rigging" of the stock market by those who had advance information of the President's recent note. Lawson, according to Mr. HENRY, could not give the names of those thought to be responsible for "the so-called leak between the State Department and Wall Street," nor could he give "the names of those charged by him with cleaning up $60,000,000 in connection with the leak."

What Lawson apparently wanted was "an investigation of the entire stock exchange situation." The American people will, we think, be more interested in the admission by Senator STONE, made in a speech delivered yesterday, that "confidential communications with foreign Governments to the State Department have by some means found their way into the hands of men not authorized to receive them." These betrayals of confidence did not, the Missouri Senator said, concern stock-market speculation, but they "did concern the honor of the Nation."

Here is a reason that almost seems to compel an investigation. If, as Senator STONE said "confidential communications concerning the honor of the Nation" have "fallen into improper hands," and if this misconduct is to be traced to departmental employees, surely something should be done to set matters right. It is not necessary to act on Lawson's tip, since we have STONE'S statement that "things have taken place in the departments which ought not to be possible," and that the honor of the Nation is involved. Eliminating Lawson's stories altogether, there is the strongest sort of evidence tending to prove the guilt of some one—the evidence offered by Senator STONE in his speech in the Senate.

As to Lawson, it is to be said that, though he is undoubtedly a sensationalist and an egotist, he does sometimes get things right. So there may be some substance to his charges. If information got out—and this is admitted by Senator STONE—it would be strange if some men in Wall Street did not get hold of it.

This from the New York World:

A CALL FOR MR. LAWSON.

Thomas W. Lawson's theory that a majority of both Houses of Congress profited by the alleged leak to Wall Street respecting the President's peace note to Germany and Secretary Lansing's explanation of it is no doubt an exaggeration. Leaks that are public property are not leaks at all.

Nevertheless, the Boston operator, in his usual picturesque language, throws down a challenge which Congress can not ignore. Besides making the positive assertion that he knows a great deal about the affair, he expresses a willingness to testify. His insinuation that nobody at the Capital cares to pursue the matter should make a searching public inquiry the more certain.

In probing such accusations as have been made in New York and Washington in this case, it is always best to stick to probabilities. If there was a leak, and, as Mr. LAWSON says, those who profited by it made $60,000,000 in two days, it is certain that not many people had the information.

It will do no good to indulge in indiscriminate aspersions upon the character of public men. The World is old-fashioned enough to believe that the preponderance of honesty among them is very great. Holding firmly to that opinion, it is confident that this scandal must be met boldly and intelligently, and since Mr. Lawson is the most vehement among its circulators, that he should be heard first, openly and fully.

This from the Syracuse (N. Y.) Post:

WHO LEAKED?

A Republican Representative wants Congress to inquire how it happened that Wall Street speculators, who have been upon intimate relations with members of the administration, had advance information about the President's peace message; and whether the prompt use made of that information was of profit only to themselves.

The inquiry involves a serious reflection upon some one in the President's official household. If there were no basis for the suspicion, the resolution of Representative WOOD would be studied insult. But the startling fact is that Wall Street operators who have been active in Democratic politics did know that the message was coming. The fact is that they could not have known excepting through one of a few men prominent in public life. The reasonable conclusion is that he who told did not do so without expectation of a share in the plunder.

The Democrats in Congress can not afford to pigeonhole the resolution of inquiry. The administration can not afford to rest under the suspicion that some one who is sufficiently important to be consulted upon its international policy is using his information to play the market. Upon the face of the situation there has been a scandalous union of official information and private profit, and the administration should, in jealous regard for its own reputation, demand a searching inquiry.

And this from the New York City Telegraph:

CONGRESS MUST NOW INVESTIGATE THE LAWSON CHARGES OF A LEAK.

It is proper to thank Thomas W. Lawson, of Boston, for one thing. Whether his charges have foundation in fact or not, he has created a situation from which neither he nor the Congress of the United States can escape without a full, complete, and restrained investigation of the recent Wall Street slump following President Wilson's peace letter. Mr. Lawson asserts that insiders, those who knew in advance that such a letter was to be sent, took $60,000,000 away from a gullible public which has no wires reaching into official departments. Representative WOOD of Indiana has introduced a resolution calling for an investigation, and Mr. Lawson will be a witness before a committee of Congress appointed to take testimony.

Mr. Lawson seems confident that he can make good. He has sent a telegram to Mr. WOOD and to Mr. HENRY, in which he denies that he has tried to evade service, and in which he further asserts that other "leaks" are impending.

The Morning Telegraph in the interest of good sportsmanship insists that the game should be played fair—that all the cards should be spread out on the table, that there should be no hocus-pocus or cold-decking in the interest of an official coterie and their friends. If any group at Washington or elsewhere took a profit of $60,000,000, some other group lost that sum, not because of bad judgment but because it was up against a "sure thing."

By all means let there be an investigation, and, in the language of Gen. U. S. Grant, "Let no guilty man escape."

And the following from the Providence (R. I.) News:

LET THE PUBLIC HAVE THE FACTS.

Congressman HENRY has no Wall Street affiliations, so his demand of the inimitable Thomas W. Lawson to make good his claim that Washington parties profited to the extent of millions by reason of a "leak" in regard to the President's peace note must be met. Congressman WOOD, a Republican, did a very proper thing in introducing a resolution to investigate certain rumors concerning this matter. His resolution is before the Committee on Rules of the House of Representatives, and Congressman HENRY is at the head of that committee which is to decide whether there should be an investigation or not. There are not a few people who believe that the real trouble is not over any leak, but because President Wilson did not first tell some men what he was going to do before he sent his note to the belligerents. Whatever the truth may be it is to be hoped that Mr. WOOD'S resolution will be indorsed by the committee on rules and that Mr. Lawson will go to Washington and tell all he knows. Because Mr. Lawson may be deemed by some folks considerable of a blusterer should not prevent his giving the public any facts that he may have. He does not dislike Wall Street a bit more than does Congressman HENRY, so there should be a showdown.

And this from the Albany (N. Y.) Argus:

Thomas W. Lawson was always apt to talk big with his mouth whenever desirable to impress innocents with his power and skill in the stock market. Whether his boasts that he had tips from Washington for advance "rigging" of the market for the smash following the President's peace note remains for the evidence to show, under the resolution of Representative WOOD of Indiana, for an investigation of the matter. Though WOOD is a Republican, any Democrat will put himself under reasonable suspicion who opposes the investigation. The indications are that there was a "rigging," that Lawson was on hand to partake of the slaughter, and that there must have been a "leak" somewhere. WOOD tells, among many other cases of the kind, how stock brokers in his home town of La Fayette had advices from New York of the forthcoming note several hours before it appeared. The men in Washington that could possibly have had the information must be a small number, and it ought not to be difficult for a searching investigation to locate the guilt; for without any undue sympathy for the victims who were sure to be shorn before long anyway, if speculative traffic in Government information can go unpunished in one case it will be an incitement to multiplication of it, even down into legislation, as in the Sugar Trust scandal 22 years ago.

These are but a few of the hundreds of editorials that have been written upon this subject, but they certainly are sufficient and should be convincing of the absolute necessity for a thorough investigation. Nothing less will satisfy the public. Nothing less should satisfy each individual Member of this House.

Mr. HEFLIN. Mr. Speaker, since the hour of meeting has been changed from 12 to 11 o'clock, a great many Members are not apprised of that fact, and in order that we may have a full attendance on this occasion I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty Members present, a quorum.

Mr. HENRY. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Speaker, this is the most extraordinary exhibition of little politics that the Republican minority has attempted since I became a Member of this House. I had hoped that after the verdict of the American people had been rendered in November the kind of campaign that was conducted by the Republican Party not only of misrepresenting official acts of the administration but at times attacking personal character, would at least sleep for a time; but we find that it is begun again at this early day.

The first Wood resolution, No. 420, was conceived, has been nurtured, and is now attempted to be sustained in a spirit of rank partisanship. Every allegation contained in it, either by

insinuation, innuendo, or otherwise, has been clearly and conclusively shown to be without foundation. There is no man upon the minority of the Rules Committee or on that side of the aisle who will rise now in his place on this floor and say he is in favor of reporting it favorably, because those who are familiar with the hearing know the allegations therein contained are inexcusably and unjustifiably made. What is the situation?

Mr. BENNET. Will the gentleman yield?

Mr. HARRISON of Mississippi. No; not for the present.

Mr. BENNET. I rise for the purpose that the gentleman said I would not rise for.

Mr. HARRISON of Mississippi. I ask the gentleman now if anything transpired in the committee which should induce us to report favorably resolution 420, the resolution that was made privileged and referred?

Mr. BENNET. Does the gentleman ask me?

Mr. HARRISON of Mississippi. Yes; I ask you.

Mr. BENNET. Yes; I do. The evidence yesterday morning was that before Mr. Lansing had his conference with the newspaper men at all the information was in Wall Street that the President was going to send out a peace note; and I also call the gentleman's attention to the fact that when that statement came out the majority moved to conclude the hearing without trying to find out where that came from. [Applause on the Republican side.]

Mr. HARRISON of Mississippi. The gentleman has not answered my question at all. I said there was not a Member of the minority who would vote to report out the original resolution, 420, and there is not. You dare not say you will. There was in the committee a substitute motion, changing the language of the original motion in many respects, and we were asked to vote for that. You demonstrated by your action that you had abandoned the original resolution. You did not even suggest favorable action on it. You have abandoned the resolution that was referred to the committee because of its privileged character—the one now before the House. You do not dare to say, after hearing the testimony, that it should be passed; but in its stead you offer a different resolution.

Now, what is the situation? There came many witnesses before the committee. We sat there for a week, trying in every way to obtain the presence of witnesses from all over the country, trying to ascertain if there was a leak, and who, if anyone, was responsible for it and profited by it. There was the greatest liberality allowed in the procuring and questioning of witnesses. Questions that were most irrelevant and only of a political character were permitted to be asked witnesses without objection. Whenever a rumor came to us, we employed the strong arm of the Sergeant at Arms of this House to bring the witnesses before the committee, that the facts might be ascertained and the truth known. Our only desire has been to conduct the investigations in such a way that truth might triumph and justice prevail. Mr. WOOD, the author of the resolutions, came before us and stated that he had a letter in his possession that would show that Mr. Tumulty and Mr. Baruch held a conference in the Biltmore Hotel in New York City shortly before this note was published, and that Mr. Baruch played the market on knowledge obtained presumably from that conference and profited to a great extent. He practically charged the same thing against Mr. Bolling, the President's brother-in-law. He said he believed evidence could be produced of similar import against Mr. Kuhn, of Kuhn, Loeb & Co. But when we brought these men before the committee and they were sworn, we found that Mr. Tumulty had not been in New York, that he had had no conference with Mr. Baruch, that he knew nothing about the note that was being sent by the President until the newspapers had it. In other words, Mr. Speaker, the whole thing could be spelled with three little letters. We had Mr. Baruch before us. He said he had no such conference, and instead of selling stocks, as was charged by the gentleman from New York [Mr. BENNET] on the floor of the House, in support of that privileged resolution, on the 20th of December, and insinuated by Mr. WOOD, he was buying stock on that date, and that he had no information concerning this leak whatever.

Mr. Bolling stated under oath that he knew nothing about the leak, had no information of the note, and did not play the stock market at all. Every witness that was brought into the matter by the author of the resolution conclusively refuted the charges and showed them to be without foundation in fact. And upon what did the author of the resolution base it? Mr. WOOD swore before this committee that he based these charges on a letter signed by "A. Curtis," the letter being shown to be without a professional mark or letterhead, without any postmark on it, without any address, and without ascertaining anything about A. Curtis, and mark you, gentlemen, this letter came to him four or five days after he introduced the resolution charging a leak. No one knows who Curtis is, and yet on such information men high in official life are thus assailed and held to suspicion in the eyes of the world. Are you to believe any further statements by men upon such measly testimony as he produced?

Not satisfied with that, he introduced another resolution of a privileged character on words uttered by this irresponsible, frenzied four-flusher, Lawson, and makes it privileged, charging this Capitol with wallowing for 40 years in graft and corruption; charging men who have occupied places during the last 40 years in this House, and in the Senate, and in the White House, and on the Supreme Court bench with corruption, and you are aiding and abetting it when you do not follow the suggestion offered by the majority of the Rules Committee.

Now, what about Lawson? Here he sits in Boston and says, "I defy you to hold an investigation; I will prove that the Capitol has wallowed in corruption and graft for 40 years." He tried to work that bluff, and we said, "All right; we will hold an investigation." We did. We said, "Come to us and we will make you put up or shut up." Ah, the Republican members of the Rules Committee tried in every imaginable way to extract answers from him, but time after time he said in substance, "I have no first-hand knowledge about this matter. I know there was a leak, but what I want is an investigation of the stock exchanges of the country." For two days we pressed him with questions without avail. You men are being duped by him, while he sits in his hotel in this city and pays for advertisements in the papers trying to bluff Congress. I doubt if there is a member of the Rules Committee, either on the majority or minority side, after seeing him perform and hearing his testimony, who would believe him under oath, but you think you can play little, mean, nasty politics in this matter, and reap some partisan advantage from it. There is no one who believes this resolution referred to the Rules Committee ought to be favorably reported. Republicans would not vote for it, and I say to gentlemen on this side of the aisle, as one member who sat and listened to it, who was open to conviction, who desired to get facts, and who wanted the truth to be known, that there was not a scintilla of evidence before that committee to show that anybody connected with the Government had knowledge of a leak or played the stock market and profited by it. I do not believe there was a leak, but there were a thousand ways it could have gotten out through the newspapers and other sources.

Mr. Tumulty, the Secretary to the President, a man whose reputation needs no defense at my hands, who never before has been assailed in such an unwarranted manner, has proved his innocence in this matter. And Mr. WOOD, the author of the resolution, stated before the committee that if these charges, being so infamous, are not proven, we ought to clear the names of the men mentioned in the "A. Curtis" letter. I submit to Mr. WOOD now, in view of the testimony reported in the hearings, that apologies are due to Mr. Baruch, to Mr. Tumulty, to Mr. Lansing, to Mr. Kahn, and to Mr. Bolling, who were brought into the matter through this virtually anonymous letter. [Applause.]

Gentlemen on this side of the House are you going to allow them to play politics in this matter? We have tried to get evidence. For six days we have tried to extract it from the witnesses. Mr. CAMPBELL, a Republican member of the committee, asked questions, stated to Mr. Lawson that the committee had the authority to investigate the matter, and tried to get the questions answered at that hearing. The gentleman from New York [Mr. BENNET] and the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Illinois [Mr. CHIPERFIELD], of the minority, made motions to bring Mr. Lawson up in the House for contempt because he would not answer the questions. Why did you do it, if you did not think we had jurisdiction then to deal with this witness? [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CAMPBELL. Mr. Speaker, I yield 12 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman from Mississippi [Mr. HARRISON] has sought to make his side of the House believe that the action of the minority members of the Committee on Rules and that the action that the minority will take upon this resolution to-day is purely for political purposes. Mr. Speaker, I want to read just a paragraph from an editorial in yesterday's New York World, the leading paper of this Democratic administration to-day. What do they say about this matter? They say:

> When the committee had finished with the responsible witnesses it had nothing to report to the House except that it had made itself ridiculous and permitted Thomas W. Lawson to turn a grave public proceeding into a cheap and degrading farce. If the committee had

conspired with the Boston speculator to excite public contempt for Congress it could not have achieved a greater measure of success.

Unless Congress exerts its authority and dignity in the matter of this witness, it will deserve all the public derision that has been heaped upon it.

That is not the view of a Republican; that is the view of the leading Democratic newspaper of the United States. I say to you on that side that when you vote with the majority members of the Committee on Rules to-day on this resolution your vote says to Thomas W. Lawson, "Go home to Boston, you are not in contempt of the House." That is exactly the situation, and nothing more, because when that committee yesterday morning adopted a motion to report this resolution to the House, the only resolution that Lawson was called before the committee on and upon which he testified, when they made and carried that motion they said, and the chairman of the committee has repeated it this morning, that these questions that we attempted to get Lawson to answer in which he defied the committee were immaterial questions and had nothing to do with the case. It could not be anything else, because if they were material it was the duty of the committee to retain jurisdiction of this resolution, to proceed in the matter and either get answers to them or have Lawson committed for contempt. [Applause.]

Now, the gentleman from Mississippi has discussed many things which did not appear in the hearing. He has not discussed the things which did appear. I want to call attention to the matter in issue, so far as Mr. Lawson is concerned. He stated that a Member of Congress had told him certain things, and using his language:

I heard a Cabinet officer's name mentioned by a Member of Congress in connection with this leak, and mentioned in an earnest, serious manner, to show me that the whole subject was a serious affair, was a serious subject and must be treated seriously, and I agreed with him.

Further on he said:

He was mentioned in such a way that was fully as close to the leak as if he had speculated himself. He was mentioned in connection with the whole leak, and the speculation in the leak—not idly mentioned, but mentioned in a very serious way, and because it was so serious and I considered it so serious, I refused to go further with it unless it was necessary.

Mr. Lawson also testified:

I corroborated that. I had more than that. I had a reputable banker, a friend of the other banker, and a friend of mine, and I said, "What do you know about it?" And he said, "I know the banker stated to me that he not only had this account and others, but had such absolute control of a Cabinet member that he could bring him from Washington to New York or on the telephone at any hour of the day or night," and offered then and there to call him up at half past 1 in the morning to answer these questions.

Now, the committee had repeatedly sought to get Mr. Lawson to give the name of this Congressman. He refused. Members tried to get him to give these other names. He refused, and he defied the committee. Will any member of that committee say that this testimony was not material testimony? Suppose these charges are true—should they be investigated and proceeded further with or not? Mr. Speaker, up to yesterday morning, I want to very frankly say, it was my judgment that there was nothing in Mr. Lawson's statement with reference to a Member of Congress; that if that Member had been named and was called upon on the stand, he would have cleared up this matter by a denial; but, Mr. Speaker, I have reluctantly been compelled to come to the conclusion from the action of this committee in taking the course that it did, which will absolve Mr. Lawson at any time in the future without a new investigation by this House, from giving the name of this Member of Congress—I am compelled to conclude that there was a Member of Congress who stated these things to Mr. Lawson, and I am further compelled to conclude that the name of that Member of Congress belongs upon the Democratic side of this House. I do not claim for a moment that if that Democratic Congressman is called that evidence will be produced that will prove that a member of the Cabinet or anyone else was guilty of wrongdoing; but I have a right to conclude from the action of the majority that some Member of Congress did say something to Mr. Lawson, and that that Member of Congress does not care to go upon the stand.

Mr. BOOHER rose.

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. For what purpose?

Mr. BOOHER. To ask a question.

Mr. LENROOT. I yield for a question.

Mr. BOOHER. Will the gentleman name to this House now the Member of Congress upon this side that he has in mind who gave that information?

Mr. LENROOT. I have no Member of Congress in mind.

Mr. BOOHER. Then the gentleman is in exactly the same position as Mr. Lawson.

Mr. LENROOT. Let us see. I will say to the gentleman that I gave to this committee the name of a gentleman and his address to whom Mr. Lawson related this conversation and in which he gave the name of this Member of Congress, and the committee had the opportunity——

Mr. BOOHER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. I do not yield—and the committee had the opportunity to call that man before it and get the name of that Member of Congress and did not do so.

Mr. RAKER rose.

Mr. LENROOT. I can not yield. Mr. Speaker, I apprehend before this debate is over that some one on the Democratic side will state, and he is at perfect liberty to state, that some of the Republican Members, myself included, doubted the jurisdiction of this committee to compel these answers, but I want to say in anticipation of that statement that we repeatedly suggested to the Committee on Rules that in five minutes they could come before this House and be clothed with the fullest authority to ask these questions or any other questions they might think pertinent to the inquiry. They could at any time have brought this matter before the House, and obtained authority from the House to require Mr. Lawson to answer these questions. What is the situation? When the committee reported this resolution, the jurisdiction of the Committee on Rules was lost. When they reported this resolution as they have, by that action they reported adversely upon every motion that was made before the committee to cite Mr. Lawson before the bar of this House for contempt. When they reported this resolution the Committee on Rules lost all jurisdiction over the subject, and Mr. Lawson at this moment is free to leave the city of Washington because of the action of the Committee on Rules.

Mr. Speaker, the Chairman stated that a subcommittee had been created to further consider this matter of contempt. The record will show that that is not true. No subcommittee was created by this Committee on Rules to consider that question. A subcommittee was created for the purpose of preparing papers in case the committee should decide to cite Mr. Lawson before the House for contempt, but when the committee acted upon this resolution, that fell to the ground as did everything else in connection with this investigation.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL. Mr. Speaker, I yield the gentleman two more minutes.

Mr. LENROOT. Mr. Speaker, I want to say in closing that the gentleman from Mississippi [Mr. HARRISON] charged this was a matter of politics. I challenge any Member of this House to read the questions asked of the various witnesses by the Republican members of the Committee on Rules, and I say that any one reading that testimony, if he did not know the political affiliations of the Republican members, would not know from the reading whether they were asked by Republicans or Democrats. In the consideration of this question there has been injected into it nothing of a political issue by the minority members of the Committee on Rules.

But in so far as a political issue has been made of it it has been due solely to the amazing action of the majority members of the Committee on Rules in their attempt here and now to stifle this matter to prevent the name of this Member of Congress being revealed and give him an opportunity to testify upon the stand. [Applause.]

Mr. HENRY. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause on the Democratic side.]

Mr. GARRETT. Mr. Speaker, this is a matter which has many angles and which is viewed from many different standpoints. I think it is well that in periods of stress and excitement there are those who can retain their equilibrium and apply to such propositions as these ordinary common sense. I think this House should understand clearly and definitely the particular, specific thing which is now before it and upon which it will shortly be called to vote. House resolution 429 was presented by the gentleman from Indiana [Mr. WOOD] on the floor of the House with the claim that it was a privileged resolution. It was held to be privileged by the Speaker of the House and upon motion of the gentleman from Indiana it was referred to the Committee on Rules with instructions to report within 10 days. By a subsequent resolution adopted the same day the Committee on Rules was authorized in the investigation to be made by it in the consideration of resolution 429 to send for persons and papers and to administer oaths.

The committee has concluded the preliminary investigation upon that resolution, and in accordance with the instructions of the House has made report. We recommend that the resolution be laid upon the table. The reason for this recommenda-

tion is that there has not been found a single scintilla of evidence; there has not been made a single suggestion; there has not been offered a single intimation that any Member of the House of Representatives was in any way connected with stock speculation. There is not the faintest shadow of suspicion thrown upon the House of Representatives or upon any Member thereof as to having committed any act legally or ethically culpable, and therefore there exists no possible reason for further investigation of or under House resolution 429. [Applause on the Democratic side.] We think the time has come when the curtain should be rung down and there should be an end of at least scene 1 of what has been a roaring farce, except that unfortunately it has been shot through with touches of tragedy. If there exists in the mind of any of you gentlemen an iden that you are under suspicion, permit me to assure you now that nothing has developed in the testimony to indicate a ground for your suspicion. [Laughter.] House resolution 429 was held privileged because it referred and related by intimation to Members of the House of Representatives. It was upon that ground alone that it was held to be privileged. If any of you gentlemen desire to hold yourselves under further suspicion by voting against tabling this resolution, why, of course, we have no power to prevent your doing so. [Applause on the Democratic side.] Having said that much, I should like to go a step further. I anticipated that perhaps some such denouement as this would occur when the resolution was presented. I did not like to question the good faith of gentlemen who were sponsors for it and charge that they were endeavoring to use a parliamentary subterfuge, but I did make the point of order and insist that it was not privileged. In that I was overruled, and I do not complain, because I was forcefully struck by the statement of the gentleman from Indiana in answer to a question which I put to him that he believed that he had facts in his possession that would justify an investigation. I repeat I was forcefully impressed by that, and I did not thereafter urge with great vehemence that it be held nonprivileged; but when the gentleman from Indiana came before the Committee on Rules and gave his sworn testimony he left the members of that committee in bewilderment and astonishment as to what possible basis he could have had for the statement made in answer to inquiry on the floor of the House that he believed that he had facts to justify an investigation.

The gentleman from Indiana upon his oath assured the committee that there was no political influence which controlled him in presenting the resolution, and so we were left to guess what the motive could be. I do not know what the other Members have thought, because we have not interchanged views about it, but somehow, in some way, I have been driven to the conclusion that the gentleman from Indiana's motive was his desire to enter into rivalry with another gentleman from Indiana whose occupation is the writing of comedies for the stage and fables for the newspapers. [Applause on the Democratic side.] Of course, the principal actor in this matter which has been staged was Mr. Thomas W. Lawson. Much has been said of Mr. Lawson. Opinions differ as to what should be done with Mr. Lawson. I suppose most people think he ought to be confined, but there is a difference of opinion as to where he should be confined. [Applause.] Some think in a jail, others think in an asylum, but there is this much to be said for Mr. Lawson: Again and again Mr. Lawson said before that committee, "I have no evidence that would be received in a court of justice and I decline to involve the names of men upon rumor." There are those who might profit by the example of even Mr. Lawson. [Applause on the Democratic side.] Mr. Lawson said this. He said that if there was a leak it was of no detriment to the public; that, in fact, it was of benefit to the public if there was such a thing, and he said that his whole motive, all the interviews that he had given out and all the advertising he had been doing, was not in an effort to get an investigation regarding a leak and an attempt to reflect upon any official of the Government, but it was——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. I yield the gentleman two minutes more.

Mr. GARRETT (continuing). But he was using that—I do not quote his exact language, but the meaning—as a subterfuge in endeavoring to obtain an investigation of the stock exchange for legislative purposes. Well, if the stock exchange should be investigated for legislative purposes, and I am not denying that it should be, I have no objection to that; that ought to be done by a legislative committee of the House for legislative purposes and not mingled with idle stories and foolish rumors of scandal for which there is no basis in fact. [Applause.]

Gentlemen, these things come and go in every Congress. Again and again during my experience here we have witnessed these sensational things come, and they are forgotten. We had a few years ago what is commonly known as the Mulhall investigaton. Do you suppose there is one citizen in a hundred thousand in the United States to-day who even remembers that there was such an investigation? We are trifling with small things, with things for which there is no basis. This House can much better maintain its dignity by preserving its calmness and using its common sense. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CHIPERFIELD]. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, I quite agree with the statement of the gentleman from Tennessee [Mr. GARRETT], for whom I have a very affectionate regard, that it is time that the curtain should ring down on the first act of the play, which proves to be a farce, and it is high time that it should rise on the second act, with the people of this country viewing the stage in the full light of day when the drama is produced, "The honor of Congress."

Gentlemen, for years past you have been giving away your prerogatives and powers one by one to boards and to commissions, and to this body and to that, until to-day the Congress of the United States is hardly more than a large town meeting. But, in the name of God Almighty, in this proceeding do not give away the last vestige of the honor of the Congress of the United States, as you propose to do. [Applause on the Republican side.]

The gentleman from Tennessee [Mr. GARRETT] has said that the whole matter can be disregarded and has urged that it be dropped. I make the statement upon the authority of the evidence that I will in a moment produce that if you do that, like Banquo's ghost, it will not down, but it will rise and haunt each and every man who proposes that course of action. You may see the fire smoldering, you may see the smoke arising, you may say, "I propose to close the door of the room, because I see no flame," but in doing so, my friends, you are merely postponing the hour of the conflagration. And the house will burn, the conflagration will be exposed, and the people of the United States will have in the open the hearings that we ought to give them without their demand.

Let me show you some of the evidence in this case. I have no high regard, I am frank to say, for the honor of Thomas W. Lawson. However, I do not think it will advance the cause of this investigation to waste any time in speaking my true opinion of this man. Suffice it to say, that he is not a normal man. There is no question in my mind about that, and I want to tell you that I have put in 25 years of my life weighing evidence. As State's attorney I have sent many a man to the penitentiary until the last day of his life with less evidence than there is in this record, that there was a leak to Wall Street from Washington.

Let me call your attention to statements that were made by Mr. Lawson when he appeared before this committee and when he was put under the solemn obligation of an oath that to any man with a conscience should be binding.

When the gentleman says there is no suspicion, let me inquire, how do you remove it, and when did it vanish, and where has it gone?

Here is the statement that he made. I read from page 83. I will say to you that I will not read consecutively, for it would take too much time to cover the various points, and when I get to another page I will tell you.

On page 83 he—Lawson—said:

> I am going to proceed on that assumption: That this committee is not holding an investigation; it is not equipped to hold an investigation. I do not believe it is equipped to hold an investigation. * * * I repeat it now. One of the commonest things in Wall Street, where all of these things center, are leaks, Washington leaks, meaning by that advance information in regard to things pertaining to the Government; meaning by that those things that are of such import to the country that they immediately affect the price of the country's securities.

And if the statement is not true, then the tongue that uttered it ought to be palsied.

I mean by that—

He continues—

> leaks from the Supreme Court, advance information upon the decisions of the Supreme Court; advance information upon senatorial matters supposed to be of the most profound secrecy; advance information of the acts of Congress or its committees; advance information of Cabinet affairs; and advance information direct from the White House.

Is there no suspicion? Can it be possible that men can come and make these charges under oath and still the cover be drawn over them by the Members of the House?

It seems to me, gentlemen, that it will be the great mistake of this Congress if that is done. But there was much more to his alleged evidence.

On page 110 he said:

For instance, if a responsible banker friend of mine should say to me, as you would say to Mr. HENRY, "Such and such a banker, such and such a Senator, and such and such a Cabinet man are in an account, speculating in steel, for instance; they sold so much the other day and they split up on profits.

And then turn to page 117, we find he says:

I corroborated that. I had more than that. I had a reputable banker, a friend of the other banker, and a friend of mine, and I said, "What do you know about it?" and he said, "I know the banker stated to me that he had not only had this account and others, but had such absolute control of the Cabinet member that he could bring him from Washington to New York or on the telephone at any hour of the day or night," and offered then and there to call him up at half past 1 in the morning to answer these questions.

Mr. Lawson by that statement impunged the honor and integrity of Members of Congress and of every branch of the Government of the United States, and when pressed for answers and for information like a dishonorable man he refused time after time to give the information to the House, but said:

I have it; I will give it to another investigating committee, and I will give the name of the Senator, the Member of Congress, of the banker, and of one who is in a higher position than any of these men.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. CHIPERFIELD. Briefly. My time is limited.

Mr. FERRIS. Would the gentleman from Illinois, an experienced prosecutor, believe Thomas W. Lawson on oath if he told the name of any Member of this Congress?

Mr. CHIPERFIELD. I would not care to pass on that question. [Laughter.]

Just a minute. I am speaking seriously. On my sense of responsibility I say that I have no partisan motive. I have tried to find the facts.

A MEMBER. But you did not get any evidence.

Mr. CHIPERFIELD. Very good. If you wish to make that kind of interruption when I am speaking, you can do so. It is all right. Let me say this: I can not pass upon the question of the honesty of Thomas W. Lawson. I was not impressed with it. I was not impressed with his testimony. But is it possible, gentlemen, that a man can come before a committee of Congress and raise his hand to God and swear that he has this information in his possession, that he will disclose to an investigating committee information that involves the honor of every Member of Congress, information that involves the honor of the Senate of the United States, information that involves the honor of a Cabinet officer, and information that involves the honor of one higher than all these, and we still refuse to conduct an investigation and to brand him either as an infamous liar who deserves no place in the company of honorable men or sustain the charge that he has made?

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. CHIPERFIELD. I yield.

Mr. GARRETT. I know my friend desires to be absolutely fair in statement. No statement that Mr. Lawson made would involve the honor of any Congressman, any Representative in Congress——

Mr. CHIPERFIELD. It would——

Mr. GARRETT. If a Representative in Congress told him that he knew the name of a Senator and Cabinet officer. There is no charge against any Representative.

Mr. CHIPERFIELD. There is no charge, so far as any sufficient evidence is concerned, except the scurrilous generalities of Lawson that Members of Congress are engaged in these things. There was no evidence except that he said a Member of Congress had information of infamous conduct of public officials in his possession, and that he knew his name, and that he could produce him to the committee. Therefore it puts every Member of Congress under the suspicion that he may be the one who is cognizant of these things. [Applause on the Republican side.]

The SPEAKER. Before the next Member speaks, the Chair must admonish Members that they must not sit in their seats and interject their remarks into the remarks of the gentleman who has the floor. It does not give the man who has the floor a fair chance. It creates a disturbance, and is a nuisance. That is the rule.

Another thing, the Chair asks every Member of the House to keep order here to-day. Of course everybody knows that there is a very exciting question under discussion. Keep out of the aisles, and if you want to talk, go out of doors. [Applause.]

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER. Mr. Speaker, I do not believe that any Member of this House, on either side of this aisle, will contend for a moment that resolution 429 should be adopted by this House. There were three charges, recited in this resolution, made by Mr. Lawson. One was that the Capitol had been wallowing in graft, that Members would change their bank accounts if they knew this investigation was going to come, and that there would be such a crowd at the hearings that there would not be a quorum in the House when it met on Tuesday morning, January 2.

Now, what are the facts? In answer to questions asked of Mr. Lawson he made the statement that what he meant in reference to Members being present at the hearings, with not a quorum in the House, was that they just wanted to hear what was said over there. He had no charge to make against them.

Another charge, that they would shift their bank accounts, was explained by his saying that a Member might invest some money belonging to some one else or make an investment, bought or sold some stocks or bonds, and had the proceeds of such transaction in the bank and would hurry to get that money over to whomsoever it belonged that he was doing business for, and not to his own account. So, gentlemen, I want you to understand that, in my judgment, there is not one scintilla of evidence of a charge against a Member of this House that has been sustained in resolution 429.

The only question, I will say to this House in frankness, that may arise in deciding this question in reference to a further investigation has been whether or not the House should appoint a committee that would call Mr. Lawson before them and ask him that question, "Who is that Member of Congress who told you these things?"—not these rumors that are floating around in the committee and everywhere else. Mr. Lawson says he will give the Member's name.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FOSTER. I have but five minutes, but I will yield for just a short question.

Mr. IGOE. What I want to find out is, can we punish him for contempt now?

Mr. FOSTER. I am not a lawyer, but I have been listening to lawyers talking upon the question, and, from the experience of this House in the past in the cases that have been had for contempt, it does not seem to me, looking at it from a layman's standpoint, there is much to do with Mr. Lawson in that regard; but I hope there is. In thinking over this matter, I have prepared such a resolution as would permit the Speaker of this House to appoint a committee that would call Mr. Lawson before it and ask him the question, Who is the Member of Congress that will give this information?—not against the Member of the House, because he does not say that, but he says he will mention a Member of Congress who told him about the transactions of a Cabinet officer, a banker, and a United States Senator, We have no right to investigate, as I understand, or to attempt an investigation, if there is wrongdoing charged against a Member at the other end of this Capitol. It is their duty to investigate their own Members, and not ours; so that if Mr. Lawson can state it, and will state it, the only question in my mind is whether we should not give him that opportunity to do so. And with that view in my mind—my own view entirely, not the views of the majority of the Committee on Rules—I have prepared such a resolution in such shape that I hope it may be considered, if necessary, and that Mr. Lawson may be called before that special committee and given the opportunity to answer. But I do say that I believe, from the experience that we have had in the past, that we will get the same results in the future with that kind of a resolution.

Mr. CROSSER. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. In just a minute. But if he does mention the names, then this committee can proceed and fully investigate whether there is any truth in the charges that this man has made.

Mr. CROSSER. You say you are going to introduce such a resolution?

Mr. FOSTER. I have prepared such a resolution, with the view of introducing it if this matter is disposed of to-day.

Mr. CROSSER. It will be of some interest.

Mr. FOSTER. But I want to say to the gentleman from Ohio and those on this side of the House that, so far as I am concerned—and I think I speak for every member of the majority of the Committee on Rules—that they are willing to consider whatever resolutions may come before it in reference to this matter. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. May I have just a minute more?

Mr. HENRY. I yield one more minute to the gentleman, Mr. Speaker.

Mr. FOSTER. But, Mr. Speaker and gentlemen of the House——

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FOSTER. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. FOSTER. But, Mr. Speaker and gentlemen of the House, let us not besmirch the character of men or put a stigma upon men by mentioning them, as has been done in this resolution—men who, I believe from the evidence, have shown that they are innocent. But it goes broadcast to the country that this man's name has been mentioned in connection with these matters. It is a serious thing to bring up a man's name when there is no evidence to show that there is one iota of proof against that man. Let us pay no attention to the scandalmonger, wherever he may be. God knows we have all seen enough of such a creature. Let us have the truth, but not the idle words of the scandalmonger doing his dirty work in the House of Representatives or any other place. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. BENNET]. [Applause on the Republican side.]

Mr. BENNET. Mr. Speaker, I decline interruptions during my time.

I desire first to answer the very proper and pertinent inquiry addressed by the gentleman from Missouri [Mr. IGOE]. I heard the gentleman's inquiry, and it is not necessary for him to repeat it.

Mr. IGOE. I just wanted to ask, if the gentleman would permit me to suggest, that some of us are interested in this thing, and we do not think it ought to be confined to the members of the Committee on Rules, and I have some more questions that I should like to ask somebody.

Mr. BENNET. I will answer the gentleman's one inquiry, which is all I can do as a member of the minority. The gentleman asked, in substance, whether the adoption of this report would foreclose any proceedings against Mr. Lawson for what occurred before the committee. From 25 years of legal experience, and having read every precedent in Hinds' Precedents relating to this subject, I say to the gentleman from Missouri and to the House, if you adopt this report, you can not then punish Thomas W. Lawson for contempt for these reasons: First, no man has ever been punished for contempt by either the House or the Senate until he was called before the committee and given a chance to purge himself of contempt; and when we adopt this resolution we lose control of the subject matter of the investigation committed to us by the House. We were directed to report within 10 days. We have reported within 10 days, and if our report is accepted we become functus officio.

In the second place, no man can be convicted for refusing to answer a question unless that question is both pertinent and material. The case of Hallet Kilbourne, the case of Anderson against Dunn, the case of Chapman, all the cases that have gone into the courts hold that.

Now, what does this report say? It says that nothing material was developed. Therefore, if you adopt this report, you adopt a report saying that there was nothing pertinent and material before the committee, and that the questions asked of Mr. Lawson were not pertinent or material to any matter of substance, and you can not convict him of contempt. Therefore, if you adopt the report of the majority of the committee, Mr. Lawson has had his opportunity to tell us where we can go, and we have consented to go. [Laughter.]

Now, I imagine the gentleman from Massachusetts [Mr. GARDNER] will develop the fact that a leak was proved, therefore I will not take time to demonstrate that; but I will demonstrate, calmly and unemotionally as a lawyer, that the conduct of the members of the majority justify the reasonable deduction that they are afraid to investigate the leak. [Applause on the Republican side.] And from that statement I hasten to absolve by name the gentleman from Kentucky [Mr. CANTRILL], because he is not. I am not surprised that not one member of the majority has read to the House one line of the testimony. I am going to read some.

The impression has been given you that Mr. Lawson will not make this public. Mr. Lawson took a proper legal ground. He consulted counsel. He informed our committee that our sole duty was to find out whether that resolution ought to be reported, and that we had no power to investigate, and he was legally correct. Then Mr. CANTRILL, of Kentucky, in a plain, blunt way, asked him this question, which is to be found on page 148 of the hearings:

Mr. CANTRILL. Mr. Lawson, yesterday, as I recall your testimony, you declined to divulge the name of this Member of Congress or this Cabinet officer to this committee on the ground that this committee was simply holding a preliminary investigation, and that this was not the proper committee to give those names to?

Now, I ask you, in a spirit of all fairness, because your answer might have some bearing on the action of this committee in making its report to the House. In case this committee favorably reports this resolution to the House, and the House adopts this resolution, and in accordance with that resolution the Speaker of the House appoints a committee to make a final and thorough investigation, will you now agree to give that committee the name of that Member of Congress and that member of the Cabinet to whom you referred in your testimony yesterday?

Mr. LAWSON. I will.

Mr. CANTRILL. You will?

Mr. LAWSON. I will.

Mr. CANTRILL. All right; that is all.

And that ought to have been all. [Applause on the Republican side.]

Mr. RAKER. Will the gentleman yield?

Mr. BENNET. I have declined to yield to the House.

Mr. RAKER. I wish to ask the gentleman a legal question.

The SPEAKER pro tempore (Mr. FITZGERALD). The gentleman declines to yield.

Mr. BENNET. We are most of us lawyers. We know that there are witnesses who can prove things and witnesses who can not prove things. The majority called about all the witnesses in Washington who could not prove anything, but they specifically refused, declined, and neglected to call the people who could prove things. [Applause on the Republican side.] Of course, if you leave out all the material witnesses, you can not make out a case. Now, who were the material witnesses? The gentleman from Indiana [Mr. WOOD] gave their names to the committee, and he gave their addresses. Here is one: Mr. McKinnon, of Thompson & McKinnon, of Chicago. The gentleman from Indiana [Mr. WOOD] stated that he received the following telegram from Oshkosh, Wis.:

Wrote you fully to-day. The message came from R. C. McKinnon, of Thompson & McKinnon, addressed to Ralph R. Hartley, manager of the branch office located here. Message came from outside wire, not from service wire, and submitted in strict confidence. Saw the message myself, but can not give it to you more accurately than stated in my letter.

S. B. FRIDAY.

Mr. McKinnon was not called.

Mr. Baruch was directed by the committee to bring his books, documents, and papers of the 19th and 20th of December. It was not done, and it was not insisted on. The Western Union and the Postal Telegraph Cos. were to bring their messages of the 19th and 20th of December. It was not done, and it was not insisted on. Furthermore, this leak occurred prior to noon on the 20th of December. The note was not given out for publication until along about 4 o'clock in the afternoon of the 20th. At half past 11 in the morning of the 20th of December that information was received in New York. There is no doubt about that. On page 38 of the record is an item which appeared in a news bulletin in New York City that morning. It said:

The renewed selling of the market is due to reports received by brokers' private wires from Washington to the effect that the administration will in the near future address to the belligerents some suggestions and proposals in regard to peace. Nothing definite is obtainable in administration circles.

Now, we brought over from New York Mr. Reilly, the man who wrote that item, and we asked him if he had any information on which to base it. He said he had. He said he received it from a newspaper man, but he was not even asked the name of the newspaper man. He said even before he received the confidential report from his own representative here the market had been commencing to break, showing that the information of this peace note, which had been guarded with the utmost care, with the usual care in the Printing Office, had been received in New York.

Why, Mr. Speaker, the situation is this: That every time the majority members of the committee came to the point where they could start to pick up the bricks necessary to trace the information directly back to Washington they stopped. Why did they stop? The majority has been very generous in exonerating ourselves, but here is what Mr. Lawson charged specifically, and his charge was not directed entirely at us; it was directed toward all the officials in Washington. Mr. HARRISON, on page 162, volume 4, asked this question:

Mr. HARRISON. Now, in this resolution, the latter part of it, it says that in the statement of December 31, 1916, you stated:

"The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty."

You spelled that word "Capitol" with an "o." Did you mean in Washington, or in the Capitol?

Mr. LAWSON. Capitol?

Mr. HARRISON. Yes; in that building over there, or did you mean the whole city?

Mr. LAWSON. No; I meant in Washington.

Mr. HARRISON. In the whole city?

Mr. LAWSON. Yes.
Mr. HARRISON. Including them all?
Mr. LAWSON. Yes.

Here is where we—and not only we, but members of the Cabinet and the Executive—have been charged with bringing about the condition through which the people who traded on the stock exchange in the city of New York on the 19th, 20th, and 21st of December lost over $63,000,000, according to the figures taken from the New York Times. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, I am ready to instruct the Rules Committee or to raise a special committee to investigate the conduct of Government officials charged with violating the law with regard to "leaks" and speculation. I want an earnest and sincere investigation and not the prolongation of a farcical performance to further the partisan purposes of the gentleman from Indiana [Mr. WOOD]. He has had six days in which to make good his charge, and he has produced no testimony and given no witnesses who could or would give evidence to the committee. The man who makes a serious charge against a Government official ought to produce the evidence or withdraw the charge. The gentleman from Indiana has involved in his rumors the names of men high in authority in this country, men of high character and unimpeachable integrity, and he has failed utterly to produce one scintilla of evidence against any one of them. [Applause on the Democratic side.] The Rules Committee has a resolution before it now which authorizes an investiagtion of "leak" charges, and if any of you gentlemen on that side have any evidence to offer, come forward with it. [Applause.]

Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] insinuates that some Member on this side is involved. Any Member of this House who makes an insinuation of that kind owes it to this House and to the country to name that man, and if he fails to do so after making the insinuation he brands himself as a man unworthy of the respect of the membership of this body. [Applause.]

Now, Mr. Speaker, any man who reads the various statements made by Thomas W. Lawson about this matter must agree that he has failed to furnish any evidence to the Committee on Rules, or to the newspapers of the country.

I call upon the gentlemen here to-day, if you know anything about these charges or anything against any Member of Congress in connection with them, I beg you to come forward and testify. But if you do not know anything, in the name of all that is decent and honest, I beg you not to injure the good names of honorable men by the use of false rumors.

If you have any testimony, give it to this House and to the country; but if you have none, quit trying to deceive the country with a contemptible play at politics.

Are you Republicans trying to embarrass the President in his efforts to bring about peace between the warring nations of the Old World? Would you have him refrain from suggesting to the nations at war that this peace-loving Nation is anxious to see peace restored because you are afraid that peace negotiations would interfere with the business of the stock exchange?

Gentlemen on the other side, let me say to you now, that if it is your purpose to besmirch this administration by such contemptible rumors as some seem willing to peddle around, you will meet with miserable failure. [Applause on the Democratic side.] Woodrow Wilson stands at the head of the majority party in the United States. He is loved and trusted by the people of the whole country, and your puny effort to play politics at the cost of truth and common honesty will be repudiated by patriots throughout the United States. [Applause on the Democratic side.]

Let me close with this statement, Mr. Speaker: If you gentlemen, any of you, can produce the evidence to establish the charges that so far rest only on rumor, I beg you to produce it or be honest enough to say that you can not do so. [Applause on the Democratic side.]

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, if the man who started this propaganda, Thomas W. Lawson, were a responsible, truthful, frank man, it would be the duty of this House to follow this investigation to the very last note and find out if in truth there is anything in his several unsupported and in all probability untrue charges. There is not a man on the Committee on Rules who heard him, and I doubt if there is a man on either side of the aisle who read the testimony, who will rise in his place and say that Thomas W. Lawson dealt either with truth, candor, or frankness in any single statement he made before the committee. The other gentleman, an honored Member of this House, who is responsible in part for this investigation is the gentleman from Indiana, Mr. WOOD, and he acted on an unsupported, uncorroborated, unknown, unheard of letter from somebody named A. Curtis. I pause and ask Mr. WOOD who is A. Curtis, and where is A. Curtis? I pause and ask any Member on the Republican side who is A. Curtis, and where is A. Curtis?

Mr. BENNET. Mr. Speaker, I shall be glad to answer the gentleman's question.

Mr. FERRIS. I would like to hear what the gentleman has to say.

Mr. BENNET. A. Curtis is a gentleman in New York who wrote a letter to Mr. WOOD, dated six days after Mr. WOOD introduced his resolution, in which he said in the first line—

The Democratic majority of the House will not, I presume, permit the adoption of your resolution of inquiry.

[Laughter.]

Mr. FERRIS. The frankness and candor of the answer of the gentleman from New York [Mr. BENNET] is only equivalent to the answers of Mr. Lawson himself. [Laughter.] One word further. The attitude of the Republican side of this House in a word is this: They would ask the Congress at the short session of Congress to leave its well-known duties, the passage of the appropriation bills and getting ready to adjourn on March 4, and follow off in a weird, nonsensical investigation of Thomas W. Lawson and A. Curtis, whoever the latter may be; and fearful that some Member of the House may accept with more seriousness than the gentleman from New York [Mr. BENNET] would have them take his answer as to who A. Curtis is, I want to say that the only A. Curtis found in New York was Mr. Alexander Curtis, who came before the committee and said that he wrote no such letter. It is time to stop following off after false gods and get our appropriation bills through. It is time to ring down the curtain on this entire fiasco.

The SPEAKER pro tempore (Mr. FITZGERALD). The time of the gentleman from Oklahoma has expired.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I do not care what kind of a resolution we adopt, but if we do not adopt some kind of a resolution which will make Mr. Lawson either "put up or shut up," we shall deserve everything that will be said about us all through this country. There is probably not a Member from the North who has not had the experience of finding among his constituents that there is a suspicion abroad that Congressmen are crooks. I have lectured over and over again to my constituents, and I have told them that in the 14 years of my service I have only three times seen suspicious actions on the part of any of my fellow Members. I have seen looks of incredulity come over the faces of my audience, and I have realized that while they thought I was honest they believed my associates were not. Most of us have had that same experience. Most of us have had people say to us, "Oh, I know you are all right; but a lot of those fellows down in Washington are getting something out of this thing." We know that the fellows down in Washington are doing no such thing; but it is just such stupid chloroforming as is being attempted now which creates that idea in the public mind. Do I think that Mr. Lawson will reveal anything? I do not. I think he will name a Congressman as his informant of the fact that rumor connected a certain Cabinet officer with the leak. He might name me. If he did, I should deny the truth of his allegation. But suppose that it were a fact that I had given Mr. Lawson this information, and that he were to name me as his informant, what of it? I should get up and say, "Yes; I did say there was such a rumor, and what of it? It is the fact." Now, my friends, it would be a very disagreeable thing if I were a Cabinet officer to have my name mentioned in such a connection as this. Very likely a Cabinet officer's name might be mentioned. Even so, I have no doubt that that Cabinet officer would get up and convince the committee and the country at once that he knew nothing about these matters with relation to which Mr. Lawson says that some Congressman told him that some Cabinet officer was cognizant. That would end the whole matter so far as Mr. Lawson's allegations as to that Cabinet officer are concerned.

But, Mr. Speaker, this whole business has not been properly investigated. The testimony shows at least 16 men in the Government pay in Washington who knew the contents of that note before it was given to the newspaper men. Out of those 16 men only two have been interrogated by the committee. I shall proceed to enumerate them. When that note arrived in Mr. Lansing's hands—and we do not know how many people may have been consulted about it before it reached his hands—Mr. Lansing called Mr. Polk and Mr. Woolsey in consultation, and

they sent for three stenographers. Those stenographers were Mr. R. C. Sweet, Mr. H. D. House, and Mr. F. E. Vestal. Neither Mr. Polk, Mr. Woolsey, Mr. Sweet, Mr. House, nor Mr. Vestal was called before this committee to find out whether any one of them might have accidentally let something leak. The message was put into cipher by Mr. Salmon, the Chief of the Index Bureau, and his assistant, Mr. J. H. Bean.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GARRETT. The gentleman recalls, I am sure, that the Secretary of State made the statement before the committee that he had caused an investigation to be made?

Mr. GARDNER. Yes; but I feel it would be more thorough to have had them under oath. I had forgotten for the moment, however, that the Secretary had made that statement. That makes 8. Then, the galley proof was read by John H. James, Chief of the Information Bureau, and his assistant named Duncan. That makes 10 men who knew the contents of the note after it reached Mr. Lansing and before it went to the Government Printing Office. Mr. William J. McEvoy, of the Government Printing Office, testified that he had read the note, and he is the only other witness of that whole lot who has been called, except Mr. Lansing. Mr. McEvoy said a copy preparer and two division chiefs in addition to himself had seen the note in its entirety, and that a number of compositors had seen it in fractions so small that it would be impossible for them to give an intelligent statement of its contents. There we have 14 men, only two of whom have been examined. We also know that Ambassador Willard knew about that note, because the fact appears in the testimony, and President Wilson makes the sixteenth.

Now, my friends, when I appeared before the Rules Committee I said, "I think this committee ought to go to President Wilson and say, 'Mr. President, do you object'"—at least I think I told the committee substantially this; my recollection is that it is in my evidence—"'to saying with whom you consulted?' Then summon those gentlemen with whom the President consulted and say, 'Did you by any chance let this cat out of the bag by accident?'" I pointed out to the committee that that line of investigation would start us along in the right way from one end of the line. I advised, furthermore, a simultaneous start from the other end. Investigate in New York; find out who has made money out of this fall in prices, and compare the course of the stock-market movement and get experts. One broker will tell you one thing and another broker will tell you another. Make a comparison of their views. You are not stock-market experts on the Committee on Rules. Get some experts to help you.

I understand that you sent for certain brokers' sales slips. You impounded certain accounts of the New York Stock Exchange. I am told that you asked for the commission brokers' bills of a certain party to see what his transactions actually totaled. You had all this evidence at hand, but you never examined the documents which you impounded; and therefore I say to you, Mr. Speaker, that this investigation has not been conducted in a way to find out anything. Even with a thorough investigation you would have the greatest difficulty in finding anything out. That peace note was sent to 43 different capitals—the identical message—but it was not sent in our really secret cipher. It was sent in what is known as the "blue" cipher, and the Secretary of State has told me that the key to that blue cipher is probably held by many individuals not in the service of the United States Government. Now, I am going to read my correspondence with the Secretary of State.

Mr. BENNET. Will the gentleman yield?

Mr. GARDNER. I have only a minute left, and I should like to continue.

Mr. BENNET. Is the gentleman aware of the fact that the Secretary furnished information showing it could not have gotten across the water and back again in time. That is in the record.

Mr. GARDNER. Very likely; but if the key to the cipher is in the possession of people not in the employ of the United States Government the dispatch could be deciphered here before it ever got across the water. I filed this correspondence yesterday with the Committee on Rules to be printed with my evidence. It reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 9, 1917.

MY DEAR MR. SECRETARY: In conversation yesterday I understood you to say that the Government has three ciphers: First, a cipher for use exclusively in communicating with our ambassadors and ministers in person; second, a cipher which is used for communicating with our embassies and legations abroad when the message transmitted is not to be delivered word for word; third, a cipher which is used for messages which are to be delivered to foreign Governments word for word.

I understood you to say that ciphers No. 1 and No. 2, as enumerated above, are well-kept secrets, but the key to cipher No. 3 is probably held by many individuals not in the service of the United States Government. I understood you to say that cipher No. 3 was used in transmitting the "Peace note" to some 43 different legations and embassies of the United States. It was necessary, if I comprehend you correctly, to use this cipher for the reason that the use of either of the other ciphers would at once have resulted in the destruction of their secrecy. I think you explained this as follows, to wit: When a message is delivered to a foreign Government word for word, it becomes an easy matter for that foreign Government to compare the aforesaid message with the coded cablegram by which it was forwarded from the United States. A comparison of the coded cablegram with the actual text of the dispatch would enable experts to discover the cipher code. For this reason, it was necessary to use a cipher about whose secrecy the State Department was not solicitous.

In reply to my question you were good enough to say that I was at liberty to communicate the above information to the Committee on Rules. Before doing so in an official manner, however, I am anxious to know whether the above statement of the case is correct. If so, I should like your permission to furnish this letter and your answer thereto as a part of my evidence before the Committee on Rules.

Very respectfully,

A. P. GARDNER.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

—

THE SECRETARY OF STATE,
Washington, January 9, 1917.

Hon. A. P. GARDNER,
House of Representatives.

MY DEAR MR. GARDNER: I am in receipt of your letter of the 9th relative to the ciphers used by this department. I have read your understanding of our conversation, which is substantially correct. I see no objection to furnishing a copy of your letter to the Committee on Rules, if you so desire.

Very truly, yours, ROBERT LANSING.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to put the rest of this letter and Mr. Lansing's answer into the RECORD as a part of my remarks.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Mr. Chairman, I will state to the gentleman from Kansas that the remainder of the time will be consumed in one address on this side.

Mr. CAMPBELL. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. LONGWORTH. Mr. Speaker, in spite of the fact that this committee has divided upon partisan lines on this question, in spite of the fact that partisanship has been brought into this debate originally by my good friend from Mississippi [Mr. HARRISON] and later particularly by the brilliant court jester of this administration [laughter and applause on the Republican side], I approach and have approached this question entirely as a nonpartisan, as a Member of the House of Representatives, and one jealous of the honor and dignity of this House and of this Government, dominated, though it is, in every branch by the Democratic Party. The gentleman from Tennessee [Mr. GARRETT] has suggested that we reason calmly. I agree with him entirely. Let us reason calmly as to where we will be left in the event that the report of the majority of this House is accepted. Now, the facts are, Mr. Speaker, that charges, vague, it is true, but charges which have spread throughout this country, have been made involving the integrity and the character of officials high in the service of this Government. Moreover, the authority and dignity of a great committee of this House has been treated with absolute contempt. Mr. Speaker, can we afford, on the one hand, by inaction to lend any possible color to those charges, and, on the other hand, can we leave these insults unanswered?

It is charged that there was a leak, and I am afraid there has been a leak——

Mr. GORDON. Will the gentleman yield?

Mr. LONGWORTH. I regret I can not yield. I have only five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. LONGWORTH. I am afraid there has been a leak, if I judge only by the peculiar antics of the New York stock market as a result of what must have been advance information. Now, my friends, it is not a remarkable thing that there should have been a leak somewhere, at some time, and by some one, considering the wonderful opportunity for gain that might come from any advance information looking to a movement in the direction of peace. It was not a question of speculation, my friends, as to what effect such a leak might have upon the stock market. It had been conclusively proven before as to just what effect the merest hint of peace would have upon stocks and the basic securities of this country. It is a regrettable and lamentable fact, but a fact, nevertheless, that to a dominating extent our present prosperity and the value of our securities is dependent

upon the prolongation of this disastrous war in Europe. [Applause on the Republican side.]

The merest hint a few days before this as a result of the German note that by some possibility there might be peace resulted in the loss of from 10 to 15 per cent of the value of practically all stocks. Did not any reasoning man therefore know that a proposal of peace or even a mere suggestion of peace coming from the President of the United States would result, as it did, in a loss of from 20 to 30 per cent in the value of the basic securities of this Nation? Now, much has been said about Mr. Thomas W. Lawson, a farmer-financier, as he describes himself, a blatherskite, and fakir, as many men believe him.

But the question we have to decide, gentlemen, is not whether his testimony before the Rules Committee was of value, or even as to whether it was credible; it is to decide whether the testimony he has agreed with a member of this committee to give and the names he has agreed to furnish will not throw light upon whether there has been a leak and who has profited by that leak. I say to you, gentlemen of this House, and I say it from a purely nonpartisan standpoint, that we can not afford to stop where we are now. We have not gained anything practical. We may gain little eventually, but we have all to gain and nothing to lose by letting in the light on this proposition. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I wish to yield two minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, there has been some inquiry on the part of Members of the House as to the law pertaining to these so-called congressional investigations, and I desire, therefore, to call the attention of the membership of the House to sections 101, 102, 103, and 104 of the Revised Statutes of the United States, 1878, second edition, which during my time I shall ask to read. They are as follows:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a Chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

SEC. 102. Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than 1 month nor more than 12 months.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Mr. LENROOT. Will the gentleman yield?

Mr. GARD. If I have the time.

Mr. LENROOT. By taking that course you avoid requiring Mr. Lawson to give the names, but merely arraign him for a misdemeanor.

Mr. GARD. I am simply reading what the law is.

Mr. LENROOT. I would like the gentleman's construction as a lawyer. He can not purge himself of contempt under that proceeding by giving the names.

The SPEAKER. The time of the gentleman from Ohio [Mr. GARD] has expired. The gentleman from Kansas [Mr. CAMPBELL] is recognized. [Applause.]

Mr. CAMPBELL. Mr. Speaker, how much time have I?

The SPEAKER. Fourteen minutes.

Mr. CAMPBELL. Mr. Speaker, the House is to-day confronted with a grave responsibility and an important duty.

For many days rumors have been afloat and charges made that Government officials had violated the secrecy with respect to grave international questions, and that Government officials and others had profited by violating the confidence the country placed in them.

I have believed from the time these charges were first published that the importance of purging the Government of such a serious scandal was an important duty. I do not think we should rest the charges of the scandal on the statements of Thomas W. Lawson, of Boston. The charges were published and generally believed throughout the country before Lawson became prominent in connection with them. His refusal to testify to important matters that he says came to his knowledge did not leave the committee and does not leave the House without information upon which the House ought now to proceed to order a searching investigation that will clear up this whole matter and purge the Government of the United States of one of the most serious scandals that has had wide publicity with respect to our Government in half a century.

The last witness called before the Committee on Rules, the news editor of the Wall Street Journal, Mr. Reilly, testified that on the 20th day of December, at about 11.30 o'clock in the forenoon, one of his reporters brought him news that the rumor was on the Street, received over the private wire of a Washington broker, that President Wilson was about to send a peace note to the belligerent powers. This information was at once placed upon the ticker and given to the financial world by the Wall Street Journal. That testimony is undisputed and unexplained. It is in evidence that the firm with which he is connected, F. A. Connelly & Co., brokers, of Washington, have a private wire to New York. This shows the leak and imposes the duty upon the House to order the appointment of a committee to make a searching investigation as to who the leaker was and as to who the beneficiaries of the leak were.

Officials of the Government are under suspicion. An investigation should be had that will purge the Government of that suspicion, no matter who it hits.

It is important to the people that public questions should not be so conducted as to yield private profit, and the importance is magnified when such questions grow out of our international relations. Every phase of the conduct of such questions as these should be above suspicion.

The Committee on Rules early in its proceedings took steps to preserve important testimony that might be important to an investigating committee in connection with these charges. Stock exchanges and stock brokers throughout the country have been notified to preserve all their records that would have a bearing upon the names of those who took advantage of the stock market at the time the advance information as to the note was affecting the market. This testimony has not been taken. The committee was informed that records have been ordered preserved that will disclose the names of the beneficiaries of the leak, even though the transactions were not in his proper name.

I am unable to understand, Mr. Speaker, why there should be a moment's hesitation in going to the very bottom of this whole matter.

Mr. Lawson testified that he had information that he would not give to the Committee on Rules, but would give to a special investigating committee. He said the information he had was of the gravest importance. This is what he says:

Mr. LAWSON. But this Congressman, in all earnestness, stated to me the seriousness of these names becoming public, and he stated it to me so strongly that I agreed with him. So much so, that I did not believe that this investigation should go further. Now, there is the one point I want to make, that if there is a drastic investigation to ascertain and furnish these—to ascertain who were the "leakers" and who were the beneficiaries, let the results be what they may, I am willing under those circumstances to say that it would be more serious for me not to give the committee that information than it would be to give it to them.

In answer to questions in the examination, he further says:

Question. Is it the name of an official of the Government?

Mr. LAWSON (continuing). But a name the mention of which might be more serious than either of the other two. Now, when I say to you that a Member of Congress thought the situation was so serious and showed it to me to be so serious, that we should not have these things in public now—even looking at it that perhaps in 30 days they might not be as dangerous—that is the only thing that has influenced me.

Question. In what way were they dangerous—to the stock market, or to the Government, or in what way?

Mr. LAWSON. Oh, no; not the stock market; I said to the Nation and to the administration—or to the administration I will put it. But I mean dangerous in a big, broad way. They might be damaging to our national affairs; they might create situations that would be most embarrassing. Now, I mean that just as fairly as you asked me the question; and I believe now, after going through this investigation as far as we have gone, that it would be a very serious affair, the bare mentioning of it. And that is my only reason for withholding it.

At another place Mr. Lawson states in answer to a question:

Question. Now, I ask you in a spirit of all fairness, because your answer might have some bearing on the action of this committee in making its report to the House. In case this committee favorably reports this resolution to the House, and the House adopts that resolution, and in accordance with that resolution the Speaker of the House appoints a committee to make a final and thorough investigation, will you now agree to give that committee the name of that Member of Congress and that member of the Cabinet to whom you referred in your testimony yesterday?

Mr. LAWSON. I will.

Question. You will?

Mr. LAWSON. I will.

Testimony of this character may lead to other important evidence.

Now, Mr. Speaker, if the motion to lay the Wood resolution on the table is voted down, I will offer, as a substitute, the following resolution, which I send to the Clerk's desk:

Resolved, That a committee of five Representatives be appointed by the Speaker of the House to investigate and make report as to whether

anyone with the executive or legislative branches of the Government of the United States profited financially, either directly or indirectly, by the fluctuations in the stock market occurring on Wednesday and Thursday, December 20 and 21, 1916, by reason of any advance information as to the President's note of December 18, 1916, or the two interpretations concerning the said note given to the public from the office of the Secretary of State; also, by public officials between November 15 and December 23, 1916.

And for such purpose it shall have power to send for persons and papers and enforce their appearance before said committee and to administer oaths, and shall have the right to make report at any time.

That resolution goes to the bottom of the matter.

Is it not more important that the Government should be above suspicion than that any person should remain in its service?

We can not afford here to-day to shield anyone for personal or partisan consideration by refusing to make an investigation of the charges that saturate the atmosphere and throw suspicion on the conduct of the officials of the Government. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twenty-nine minutes.

Mr. HENRY. Mr. Speaker and gentlemen of the House, as a Member of this House I am not willing that this discussion shall go off upon false issues. Let us pause and take our bearings and proceed as becomes Representatives of the people.

Mr. Speaker, in a short time my career in this House will have ended, but I want to testify here to-day that I believe in the integrity and the honor of my colleagues upon both sides of this aisle.

Mr. Speaker, what is the real issue?—and the Democrats are ready to meet those gentlemen and the country on every issue that is involved in this controversy. They are not trying to suppress anything. The gentleman from Indiana [Mr. WOOD] on the 22d day of December introduced in this House a resolution, No. 420, and I want the Members to get it and consult it. In that resolution he said:

Resolved, That a committee of five Representatives be appointed by the Speaker of the House to investigate and make report as to whether or not anyone high in the administration of governmental affairs in the United States, or any relative of anyone high in authority in the administration of governmental affairs in the United States, profited financially, either directly or indirectly, by the fluctuation in the stock market occurring on Thursday, December 21, 1916, following the two contradictory interpretations given to the public from the office of the Secretary of State, concerning the note of the President of the United States, dated December 20, 1916, to the belligerent powers.

Gentlemen, that resolution is still pending before the Committee on Rules, and I turn to Mr. WOOD of Indiana and say now, "Come on with your charges and with your testimony, if you have any, and the Rules Committee is ready to investigate it."

He came and he failed. Then what happened? It occurs to the astute gentleman from Massachusetts [Mr. GARDNER] that he will abandon this resolution that was introduced, and that he will use the parliamentary machinery of the House to bring here a privileged resolution which was sent to the Committee on Rules; that he will abandon the charge that there has been a leak at the White House or in the State Department, and that he will turn and put the membership of this House under suspicion.

Now, I am not willing for these gentlemen to turn that investigation to one of themselves. And let me appeal to you Democrats here to-day to hear me while I meet these outrageous charges and this infamous political conspiracy against the Democratic administration and the Democratic Party. Ah, one ex-President, Theodore Roosevelt, in the New York Times, says that he will lend his aid and comfort and power to Mr. GARDNER and Mr. WOOD to press this investigation. Why, gentlemen, the President was answering the note of the German Government and was seeking to bring about peace. These gentlemen want to embarrass him and tie his hands. Are you willing to do it? I appeal to you as Democrats, and I appeal to you as patriotic citizens.

What did this gentleman of great parliamentary skill do? Here is your resolution 420 still pending. Take it and read it, and see how far these gentlemen have gone afield. What is the privileged resolution forced through this House by the prostitution of the parliamentary machinery of this body?

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspaper under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak there would not be a quorum in either the Senate or House next Monday and a shifting of bank accounts similar to those in the good old sugar investigation days;" and in another statement which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty."

That is the only charge to be investigated. No charge against the executive department, but an endeavor to switch it to the House of Representatives.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. Gentlemen, the committee sat for six days and took testimony, and when it was ended you gentlemen abandoned that resolution, and the gentleman from Kansas [Mr. CAMPBELL] offered a substitute which, in effect, said that the resolution should be laid upon the table.

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] says that the Rules Committee has ended its investigations, and that Thomas W. Lawson——

Mr. LENROOT. The gentleman from Wisconsin made no such statement. He said it had ended its investigation with reference to this resolution.

Mr. HENRY. All right. Now, gentlemen, they tried to make you believe that we have abandoned this investigation. What is the real status of this case? If Mr. WOOD has any testimony, or if you have any, bring it before the Committee on Rules; or if any Member wants to introduce another resolution and send it to that committee, we stand ready to take it up to-morrow and proceed with this investigation.

Mr. FARR. Will the gentleman yield?

Mr. HENRY. No. Now, I defy that side of the House. Introduce your resolution, or come forward with your proof if you have it. [Applause on the Democratic side.] We defy you. You can not do it. Ah, but the gentleman from Wisconsin [Mr. LENROOT], for whom I have an affectionate regard, says that he in confidence proposed to name a man to whom Lawson had talked and who would give us the name of the Congressman and the Cabinet officer.

Mr. LENROOT. The gentleman from Wisconsin did not propose that name in confidence, and the gentleman knows it.

Mr. HENRY. I am glad you release us. Then I say to you, Mr. LENROOT, I am going to give the name; and I say to you now, Mr. LENROOT, bring on Donald McDonald, of Boston, and produce him before the Rules Committee and let him testify.

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. No; I can not yield. I say, bring on your witness and he will prove nothing. I said it in the Committee on Rules, and I say it now.

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. No; I can not yield.

Mr. LENROOT. The gentleman ought not to make misstatements.

Mr. HENRY. I say more. I say that the Committee on Rules is ready to proceed; and I say that for one, as chairman of that committee, I am ready and willing, and want this House to stand back of me, and we will examine Thomas W. Lawson before the Rules Committee, and if he does not answer and we have the power I am in favor of putting him in the common jail and keeping him there. [Applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. No; I do not yield. You know that I have never said for an instant that Lawson should not be summoned for contempt. What is our power? What Member can tell here, after a casual reading of that statute, the power of Congress to deal with contempts? Thomas W. Lawson would come again, and he would say, as he said before the Committee on Rules, "If you do not broaden your investigation and make it so extensive that we can investigate the transactions on the New York Stock Exchange, I will stand mute and not answer your questions." He said, in effect, "I don't care a tinker's dam about your leak from the Executive department. What I want is an investigation of the infamies of the stock exchange." Do you gentlemen want it? Are you willing to vote for it?

MANY MEMBERS. Yes! Yes!

Mr. HENRY. All right.

Mr. CAMPBELL. I have got such a resolution, and I will offer it to-day if you vote down this resolution.

Mr. HENRY. Put your resolution in the basket, and the Committee on Rules will be glad to take it up. I am not willing

for these Republican Members here to be slandered and libeled by anyone, even——

Mr. FARR. How about Democrats?

Mr. HENRY. Oh, it is hard to slander the Democrats, because they are above suspicion. Now, Mr. Speaker, this Curtis letter came days after Mr. WOOD had introduced his resolution. We must now relegate that letter to the realms of mythological lore. No such a man as A. Curtis has been found. No one has been found who will father that infamous and libelous document produced before the Committee on Rules by the gentleman from Indiana [Mr. WOOD]. He will not father it. He is ashamed that he introduced it, I am sure. Yet you ask this committee to take such testimony as that, when you can not find your witness, and you ask them to institute an investigation.

Now, let us reassure ourselves of our ground. Here is the resolution that they want you to adopt to-day. We offer to lay it on the table, just as the Committee on Rules, in effect, did in its deliberations; as the Republicans did when they offered a substitute for it. They abandoned it. It is of as much importance to-day as the original authority will be when the moral slanders are ended in this country.

Ah, it is easy enough to say that some good person in the neighborhood has lost his honor, and besmirch the character without giving names, and have every scandal monger in the neighborhood or in the church hunt for somebody of that sort. I have no concealment to make for my colleagues. I have nothing to suppress; I am ready to go forward, if you gentlemen are, and make this investigation. I am ready to let you write any resolution you want to and put it in the basket, and I pledge my sacred word and honor that to-morrow morning the Committee on Rules will be summoned, and we will summon your witnesses and make it as broad as you please. If you have any one witness, produce him, but do not make this contemptible political fight here. [Applause on the Democratic side.] I am standing for the rights of the House. I have no abuse to heap on the head of this poor misguided creature, Thomas W. Lawson. What did he say over and over again. He said, "If you call me before any committee on earth, I can not produce one scintilla of evidence that would be competent evidence that would involve the character of a Senator, a Cabinet officer, of a Representative in Congress, or of any high ambassador to some foreign court." He said he could not do it. He said, "I have no competent evidence to offer; all I can do is to offer you hearsay evidence."

Now, gentlemen, would you have your Committee on Rules report to this House when no evidence has been adduced that you have gambled in Wall Street or on the stock exchange; that you should be investigated and let the author of the original resolution escape from the position in which he has placed himself? What do you want? If you desire an investigation, this is not the way to get it. You can have it; there is no difficulty about that. Resolution 420 is still pending, and these contempt proceedings are still pending before that committee. The gentleman from Kansas [Mr. CAMPBELL], myself, and the gentleman from Tennessee [Mr. GARRETT] are a subcommittee to formulate the procedure. I am ready, Mr. CAMPBELL——

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. HENRY. I can not.

The SPEAKER. It is against the rules for one Member to address another Member by his name.

Mr. CAMPBELL. I waive that if the gentleman will yield.

Mr. HENRY. I can not; I am ready when this debate ends to go into conference with you and to summon Thomas W. Lawson, if we have the power to bring him before the committee.

Mr. LENROOT. If we have the power!

Mr. HENRY. Does not the gentleman think we have the power?

Mr. LENROOT. Absolutely not.

Mr. HENRY. Why, then, do you criticize the committee for not trying to punish him?

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. I will yield for a moment.

Mr. LENROOT. I want to say that the committee lost its power the moment the chairman introduced his motion this morning.

Mr. HENRY. That is the slimmest reason I ever heard. Lost its power! Then introduce another resolution. We will meet you to-morrow. You know it is a quibble and you know that we have not lost the power. We can go ahead with the investigation. I do not want, gentlemen, to burden you with any lengthy argument. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes.

Mr. HENRY. I do not want to burden you with a lengthy argument, but I want to assure you that when I make a pledge to you I intend to carry it out. The gentleman from New York [Mr. BENNET] says we are afraid of an investigation.

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. BENNET. Yes; I said that and I repeat it. [Applause on the Republican side.]

Mr. HENRY. Why?

Mr. BENNET. If you are not afraid, you would have summoned McKemman and McDonald, and you would have traced this thing back to its source. [Applause on the Republican side.]

Mr. HENRY. Now, gentlemen, let me tell you that when we had finished the testimony of the last witness yesterday morning the Chair said, "Gentlemen, have you another witness that you want to subpœna or produce? And they said, "No; not one." [Applause on the Democratic side.] Why, my friend ought to be ashamed to come before this House——

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. I can not yield. Look at the record. They were invited again and again to bring the witnesses, and you know it, but you did not do it. [Applause on the Democratic side.] Here is what they know. They know that to investigate from now until doomsday they would not be able to prove anything against a Senator, anything against a Cabinet officer, anything against the President of the United States, or any of his subordinate officials, and they do not want any investigation. [Applause on the Democratic side.] They know that they would fail, but they think they have a political advantage backed up by an irresponsible scandal monger who thinks he has driven the House into a fight, and they are hoping that they may get out of this thing in some sort of an honorable way.

Now, gentlemen, in conclusion—and I address my remarks not only to Democrats but to Republicans—let us here now resolve that whenever these slanders and libels are uttered against Members to-day or hereafter, we will write across the brow of the slanderers and libelers in living letters that may be read everywhere, "Slanderer, liar, coward, and villain," as some of these have proved themselves to be. I ask you to put this resolution on the table where it belongs, and any Member that will introduce a resolution and produce the witnesses, we will go forward and punish any witness who fails to answer our questions.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield to me to ask him a question?

Mr. HENRY. Yes.

Mr. CLARK of Florida. Is it the purpose of the Committee on Rules to go forward under this other resolution and make this investigation?

Mr. HENRY. As far as the chairman is concerned, it is my purpose to go until the end of the 4th of March if anyone can produce any testimony.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Yes.

Mr. FIELDS. Is it the purpose of the Committee on Rules to proceed to punish Thomas W. Lawson for contempt or make him answer the questions that he has refused to answer?

Mr. HENRY. Yes.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. HENRY. No; the gentleman can not make my speech.

Mr. LENROOT. But the gentleman should not speak for the Committee on Rules.

Mr. HENRY. Oh, yes; you do not want to go any further; you do not think we have the power.

Mr. FIELDS. It is the purpose of the committee to do that?

Mr. HENRY. I think we have the power, and if we can not punish him here, we will send him to the district attorney here and let the grand jury deal with him and put him in jail if we can.

Mr. FIELDS. That is the purpose of the committee?

Mr. HENRY. That is the purpose of the committee.

Mr. FIELDS. Then, as I understand it, the chairman of the committee does not consider that he has surrendered any of the rights of the House?

Mr. HENRY. I surrender them? I would not surrender the rights that belong to this House for anything under the sun. I would not waive any right that belongs to you, I stand by you.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I can not yield.

Mr. LENROOT. Just for one question.

Mr. HENRY. Very well.

Mr. LENROOT. By what authority does the gentleman speak for the Committee on Rules in making the statement he has made?

Mr. HENRY. By the authority that I have never known the Democratic members of this committee, or the Republican members either, to fail to do their duty when they knew it.

The SPEAKER. The gentleman from Texas has one minute left.

Mr. HENRY. Gentlemen, let me adjure you, do not be swept away by these things. Your administration is honorable, these Members are honorable, there is no reason for all of this slander and vituperation. Stand by yourselves, defend your own honor, as I know you will, and as your chairman, as your agent, as your trustee, I give you my confidence, and take you into my confidence, and pledge you my sacred word that we will fight this fight through until we have done every thing that the Democratic Party should do. [Applause on the Democratic side.]

Mr. Speaker, I move that resolution 429 do lie on the table.

The SPEAKER. The question is on the motion of the gentleman from Texas that House resolution 429 do lie on the table.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

Mr. CANTRILL rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. CANTRILL. Mr. Speaker, I rise to make a request, and that request is this: I am not in exact harmony with either side of this controversy, and so voted in the Committee on Rules. I rise for the purpose of making a request to the House for not to exceed 10 minutes in which to make a statement to the House.

The SPEAKER. The gentleman from Kentucky, a member of the Committee on Rules, asks unanimous consent that the motion to table be withheld for not to exceed 10 minutes, and that he be permitted to make a statement in those 10 minutes. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, I want to say to the House that I would not ask for this privilege at this time except that I stand in a position alone as a member of the Committee on Rules, and I did not feel that I had the right to ask either side of this controversy for time because, of course, the time should be equally divided. I want to thank the House for the privilege of making this statement. I want to state that in the Committee on Rules I voted against the proposition to lay this resolution on the table. I ought to make that statement, I think, for this reason: This Committee on Rules is not making this investigation upon its own volition. It is making the investigation under the direct order of the House. I will say that as a member of the committee and as a Member of this House, in the beginning I would not have dignified these resolutions with an investigation by the Committee on Rules, but the House of Representatives thought differently and they instructed the Committee on Rules to proceed with the investigation. The Committee on Rules in accordance with the order of the House proceeded with the investigation. It is not my purpose now to criticize any Member of this House or any member of this administration, or to criticize anyone, because there has not been one single bit of evidence, so far presented to the Committee on Rules, which would in any way incriminate any Member of Congress or any member of the administration, and as one Member of the House and as a member of the Democratic Party I am not afraid to have every member of the Democratic administration go on record before the world in any examination, anywhere, as to what he may have done. [Applause.] But the facts in the case are these: The Committee on Rules had not gone into this investigation until by a vote of the House it was directed to do so. The Committee on Rules in proceeding with this investigation has absolutely no evidence, no scintilla of evidence, to incriminate anyone except one witness, Mr. Lawson, who comes before the Committee on Rules and, by insinuations and innuendo and by indirect statements, says that he will give to another committee made in the future the name of a Congressman who said certain things about certain members of this administration, Cabinet officers and others. The motion that I entered in the Committee on Rules and what I think ought to be done is this: This Committee on Rules is your agent, acting under your advice, and it was my idea that the Committee on Rules should report back to this House that they had received absolutely no intimation except from one witness and that witness declined to give the testimony to the Committee on Rules whereby the committee and this House could act intelligently.

Now, I think that report should have been made back to this House and then let the House determine what they would do with this witness, whether or not they would force him by giving to your agent, the Committee on Rules, the power to extract this testimony from him. [Applause.] Now, I think that is the correct procedure. I think so far as the dignity of this House is concerned that there is much more involved here than this mere investigation. Let the American Congress determine to-day for all time to come whether or not some citizen, some individual in the United States, can stand up in the public press with paid advertisements and heap calumny upon Members of Congress, and then a duly authorized committee of Congress to investigate those charges are met with the defiance that he will not testify. Let this Congress to-day, if it has the power, instruct the Committee on Rules to bring back Mr. Lawson before that committee and let that committee submit in writing the questions which Mr. Lawson failed to answer before the Committee on Rules and let that committee undertake to force him to answer them, and if he does not answer them let the Committee on Rules cite Mr. Lawson before the bar of this House and let the American Congress say whether it has more power [applause] than Mr. Lawson. What kind of report do we know to make to the House? We are acting as your agent. You told us to make this investigation. We have examined witness after witness, and there is not a particle of evidence to indict any member of the Democratic administration or any Member of Congress on either side of this aisle, not a particle of evidence; but here is a witness who says that he would tell. Now force him to tell, if you have the power. [Applause.] I am not a lawyer, I am just a plain farmer, but this Congress is made up of a lot of the best lawyers in the United States. Can not you gentlemen who are lawyers draft a resolution? If you can not draft a resolution, then this Congress ought to pass a law now, as soon as possible, to force testimony to be given before the committees of Congress.

Mr. HENRY. Will the gentleman yield just a moment? If the gentleman will ask unanimous consent that that instruction be given, I am perfectly willing that it be given to the Committee on Rules. [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. I hope my colleague will ask that.

Mr. CANTRILL. Mr. Speaker, I am simply stating what my views are on this proposition. When I conclude my views, and my time has about expired, the chairman of the Committee on Rules can make that request of the House. I am comparatively a new Member of this House.

Mr. BENNET. Will the gentleman yield?

Mr. CANTRILL. Just in a second. I have only served in this House eight years. It is not my purpose or intention to undertake to override the will of the leaders of the House on this proposition, but I want this House to understand I do not take any stock in this talk that has been handed across the aisle here in a political way or a partisan way. There is much more involved than that, and I am not going to undertake to criticize the gentleman who offered this resolution. I have my individual views on that proposition, but I think it beneath my dignity as a Member of the House to impugn his motives [applause] and to say what any man's individual opinion should be, or any Member of this House. Here are the facts in this case. I for one speak for this side of the House, and I believe it is a mistake to stop this investigation now. [Applause.] I would never have dignified it in the beginning—I want to be plain about that—never in the beginning; but since having gone into it, when a man comes before the committee and says that he will give this information to another committee, I am going to be fair to both sides of this House, if the Committee on Rules, acting as your agent, not on this side but of the House, has authority, it should get that information. If this committee has not got this power, then give it the power. What is the use of us going to another committee or offering any other resolution? The House of Representatives can give the Committee on Rules the power now; and if you do give the committee the power, it will bring this man back before the committee. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended one minute in order that I may ask a question.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time of the gentleman from Kentucky be extended one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Mr. Speaker, I want the gentleman to let me ask in his time unanimous consent that the Committee on Rules be directed to report to the House the records of the proceedings showing the contumacy of the witness, Thomas W. Lawson, and to report forthwith and to invoke the judgment of the House of Representatives.

Mr. CANTRILL. Now, Mr. Speaker, just a moment in my time. The request I made of the House is this, that this witness, Lawson, be recalled before the committee and that the questions that he failed to answer be submitted to him in writing.

Mr. HENRY. I will put it that way.

Mr. CANTRILL. That those questions be put to him in writing, and if he declines to answer them, then let the Committee on Rules report. [Applause.]

Mr. HENRY. I say I will put it that way. Mr. Speaker, I put the request that way.

Mr. LENROOT. Mr. Speaker, reserving the right to object, if the gentleman will include in that request a rereference of this resolution to the committee it will, of course, be in order, but otherwise the committee can have no power even for a unanimous-consent agreement.

Mr. HENRY. I make that request, too. [Applause.]

The SPEAKER. The gentleman from Texas will state his question again.

Mr. HENRY. I want the gentleman from Kentucky [Mr. CANTRILL] to hear me.

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] will give heed to the gentleman from Texas.

Mr. HENRY. I ask unanimous consent, then, that this resolution be rereferred to the Committee on Rules, and also that the committee be directed or instructed——

A MEMBER. Authorized.

Mr. HENRY. We have the authority. That it be directed to call before the committee again Thomas W. Lawson and again ask him the questions which he refused to answer, in writing; that those questions be reduced to writing and be again propounded to the witness; and that if he fails or refuses to answer them fully and completely, then the proceedings be reported to the House in order that the Committee on Rules may ask the judgment of the House of Representatives.

The SPEAKER. The gentleman from Texas asks——

Mr. LENROOT. I would like to make one suggestion.

Mr. HENRY. Yes.

Mr. LENROOT. Will the gentleman add to that that the committee require said Lawson to answer such questions?

Mr. MANN. Mr. Speaker, I would like to make this suggestion to both gentlemen. It is perfectly proper, in my judgment, under the circumstances of these proceedings to rerefer this resolution to the Committee on Rules with instructions to report the resolution back within a limited time, but if you are going to base contempt proceedings or prosecutions for a misdemeanor upon loose talk like this in the record, you will never get very far with that. [Applause.]

Mr. SHERLEY. Mr. Speaker, if the House will permit me, I would like to make a suggestion, because I think there is considerable confusion in the minds of men touching the power of the House to deal with a situation of this kind.

Men talk about contempt proceedings. The proceeding I think that ought to be taken, if you desire to obtain from Mr. Lawson the answers to the questions that he declined to answer, is to see to it that the resolution empowering the Committee on Rules to act is sufficiently broad to make the question or questions pertinent. Then, upon the refusal of Mr. Lawson or any other witness to answer, in my judgment, the House, and probably the committee, could cause such witness to be taken into custody and held until he does answer.

Now, if the House will indulge me a moment further, there is this distinction between that sort of proceeding and what is designated as a contempt proceeding. A contempt proceeding partakes of the nature of punishment, but the other proceeding is what the courts have frequently designated as one where the person imprisoned, holds the keys to his prison, can unlock the doors by doing the thing that he is required to do.

Now, to my mind it is inconceivable that a legislative body has not the inherent power to compel the doing of anything that is necessary to the performance of its proper functions, and on that ground if you will write a proper resolution as to the subject of the inquiry, the Committee on Rules can compel a witness to answer, and, failing that, it probably, or the House certainly, can commit him until he does answer.

Mr. MANN. Mr. Speaker, if the gentleman will permit a suggestion, I do not know whether Mr. Lawson took the benefit of the advice of counsel or not. I should have a good deal of doubt about the power of the House to punish Mr. Lawson for contempt, or to require him to testify in answer to the questions that were submitted to him, under the privileged resolution which was referred with instructions to report back in 10 days. And if we are to undertake to compel Mr. Lawson to testify we ought to be fortified where we can require him to testify and not have our proceedings set aside by a court.

Mr. GARRETT. Mr. Speaker, I would like unanimous consent to proceed for three or four minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker, if this movement——

Mr. HENRY. Mr. Speaker, that does not waive this pending motion?

The SPEAKER. No; the pending motion is to suspend.

Mr. GARRETT. Mr. Speaker, if the action which seems to be in the minds of many gentlemen is to be taken, it occurs to me that it might not be a bad idea for the chairman of the committee to ask unanimous consent that this entire proceeding may be passed over until to-morrow. Now, that will give time within which to report this resolution under the instructions of the House. I want to say that I concur as a lawyer in the ideas that have been expressed by the gentleman from Illinois [Mr. MANN]. I have not cared to enter into a discussion of those matters so far, because I have not thought that we had reached that question or would reach it at this time.

Gentlemen have come to me day after day while the Committee on Rules has been sitting and undergoing this fearful ordeal which the House imposed upon it, with the suggestion of "Why do you not send him to jail?" When their attention was respectfully called to the fact that there was some doubt as a legal proposition whether it could be done, impatience was indicated, and in some instances Members of the House who approached members of the committee concerning that were almost as insulting as Lawson himself was supposed to be.

Now, I want to say that if this House proposes to instruct the committee on this proposition, and if I am to be charged with any responsibility in connection with the report in that regard, I am extremely anxious that the instructions given by the House shall be very specific and very plain and very full. And I am under the impression that it might not be a bad idea for this matter to be passed over and give to gentlemen who desire to give instructions to the Rules Committee—and I do not want any responsibility in connection with that myself—to give the gentlemen who are desirous of instructing the Rules Committee the opportunity to prepare the instructions that they wish to be given. It is no trifling matter when an undertaking is made by the Congress to send one to prison. Lawson trifled with the House? Of course he did. The House by giving attention to it submitted its committee to his insults. [Applause.] The committee was acting as the agent of the House, and every Member of it felt the humiliation. But when gentlemen come in an effort to criticize the committee because it does not undertake to exercise a power concerning which there is great legal doubt, they should at least remember that some of us have given patient attention and thought to that question, and we hesitate to do it because we do not care to be made ridiculous by a court of the country.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT. I will.

Mr. MANN. The gentleman from Tennessee appreciates what is apparently the temper of the House with reference to the matter. Does he not think that the committee having this matter under investigation ought to suggest to the House any needed authority that it might have and ask the House to give it by resolution any authority which it may need which it does not now have? And does the gentleman doubt that the House will do that, as a matter of course, without hesitation?

Mr. GARRETT. If that possibly can be done it would be a very good course to pursue to do it. My suggestion is, however, that if that course is to be taken there are 300 men here, many of them lawyers, all of them men of common sense, but men who on the whole can not be expected to deal with this question in the way it is necessary that it should be dealt with here in this large body at this time.

Mr. MANN. Of course, if the gentleman from Tennessee believes that the Committee on Rules can not define the authority that it needs to make this investigation, I should think we ought to send the matter to the Committee on the Judiciary, which has had experience and which knows how.

Mr. LENROOT. Mr. Speaker, I ask for two minutes.

The SPEAKER. The Chair would inquire of the gentleman——

Mr. GARRETT. Of course, Mr. Speaker, I have not indicated that the Committee on Rules can not report to the House what it thought was the power it needed. I would not like that idea to go abroad by anything that has been said by the gentleman from Illinois [Mr. MANN]. I have no objection, however, to referring it to the Committee on the Judiciary. I will say that.

Mr. LENROOT. Mr. Speaker, I wish to proceed for two minutes.

Mr. HENRY. Mr. Speaker, I want to make a unanimous-consent request.

Mr. LENROOT. Let me make my statement first?

Mr. HENRY. All right.

The SPEAKER. The gentleman from Wisconsin asks to proceed for two minutes. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Speaker, I would like to suggest to the chairman that he present his unanimous-consent request in the way that I think will give us a solution of this difficulty. If the gentleman will ask now that this resolution be recommitted to the Committee on Rules I am sure that there will not be the slightest difficulty in the committee unanimously agreeing upon a resolution to be presented to this House, giving it the full authority, and thus remove any possible doubt concerning it.

Mr. HENRY. Mr. Speaker, that is precisely what I rose to do. I ask unanimous consent, Mr. Speaker, that this resolution be recommitted to the Committee on Rules; and, pending the submission of that request by the Chair, I will state that the committee will be called to meet to-morrow morning at 10 o'clock to take up these questions.

Mr. FOSTER. Mr. Speaker, may I make a suggestion to the gentleman from Texas?

Mr. CAMPBELL. Mr. Speaker, may I suggest that it might be well to have the time extended?

Mr. FOSTER. Yes; that is what I was getting at. This committee was required to report within 10 days, and those 10 days will expire to-morrow. I suggest to the gentleman that he ask to extend the time for the report to be made to the House.

Mr. HENRY. And that it report within 10 days.

Mr. GLASS rose.

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. GLASS. To ask permission to make an inquiry of the chairman of the Committee on Rules. If it is in order, I would like to ask the chairman of the Committee on Rules what is the status of House resolution 420, which was referred to his committee? I make the inquiry, Mr. Speaker, because in my conception of the case Lawson is by no means the chief offender against the dignity and reputation of this House.

Mr. HENRY. I will answer the gentleman's question. The gentleman evidently did not hear my remarks a moment ago. That resolution is still pending, and the Committee on Rules can take it up at any time.

Now, Mr. Speaker, I renew my request.

The SPEAKER. What about; the time of reporting?

Mr. HENRY. And that the time be extended five days.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the so-called Wood resolution, No. 429, together with the report thereon, be recommitted to the Committee on Rules, with instructions to report within five legislative days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHANGE OF REFERENCE (H. DOC. NO. 1796).

The SPEAKER. The Chair has a letter from the chief justice of the Supreme Court of the District of Columbia with reference to certain matters submitted to him. It is in the nature of a claim, and by some inadvertence it was referred to the Committee on the District of Columbia. It ought to be re-referred to the Committee on Claims. Without objection, the reference will be changed.

Mr. MANN. Well, Mr. Speaker, is that the decree in reference to the Anacostia Flats, which was transmitted some time ago—a decree in reference to the title to certain overflowed lands? I do not think that goes to the Committee on Claims. It might possibly go to the Committee on Appropriations.

The SPEAKER. It is the case of the United States against Littlefield, Alvord & Co. et al.

Mr. MANN. That is not a claim at all. That is a case where the Government is seeking to quiet the title of some lands. In quieting the title under the decree it is provided that certain sums shall be paid for buildings of some sort on the land. It is not a claim against the Government.

The SPEAKER. Without objection, it will be referred to the Committee on Appropriations.

There was no objection.

REGULATION OF IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I call up the conference report on the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The SPEAKER. The gentleman from Alabama calls up the conference report on the immigration bill. The Clerk will report it and read the report.

Mr. BENNET rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. At what stage in the proceedings should a point of order be made against this conference report? My recollection is after the reading of the report and before the reading of the statement.

The SPEAKER. That is correct.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1266).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, and 37, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, Province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "taken up his permanent residence in this country"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and

agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "July 1, 1917"; and the Senate agree to the same.

JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.
E. D. SMITH,
THOMAS W. HARDWICK,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the House bill (H. R. 10384), regulating the immigration of aliens, submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

Amendment numbered 1: Amendment numbered 1 provides that the act shall be enforced in the Philippine Islands by officers of the general government thereof unless and until it is superseded by an act passed by the Philippine Legislature as authorized in the Philippine government act. The purpose of this, of course, is to avoid any conflict between this act and the recently passed Philippine government act.

Miscellaneous unimportant amendments: Amendments numbered 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, and 37, with respect to all of which it is recommended that the House recede from its disagreement and agree to the same, are merely changes perfecting the text by correcting clerical and grammatical errors and errors of punctuation or improving the language without materially changing its effect or bringing different provisions into textual consonance with each other. These, therefore, call for no special comment.

Amendment numbered 4: The effect of amendment numbered 4, with respect to which it is recommended that the Senate recede, would be to exclude aliens whose intention it is to return to the country whence they come, after temporarily engaging in laboring pursuits in the United States, and those who, after having been admitted to the United States, return to the country whence they came, there to reside or for the purpose of taking part in any war in which such country is involved, unless aliens of the said two descriptions were otherwise qualified for admission and came voluntarily from contiguous foreign territory to seek employment in harvesting crops. Although of apparently but slight practical value because its enforcement would necessitate the accurate ascertainment of the intention of the persons thereby affected, it would not have been difficult for the committee of conference to have agreed to the first part of this amendment (to the second there would seem to be additional obvious objections); but on the attention of the committee being directed to the fact that the entire amendment is in conflict with treaties between the United States and certain foreign countries the recommendation that the Senate recede was determined upon. While amendments numbered 23 and 28 were inserted by the Senate largely because of the insertion of this amendment they both seem useful in themselves and, with the change suggested in that numbered 28, unobjectionable.

Amendment numbered 5: Concerning the effect of Senate amendment numbered 5, with respect to which it is recommended that the House recede from its disagreement and agree to the same with amendments, it should be pointed out that two separate and distinct provisions are involved:

(a) The managers on the part of the House agree to so much of this amendment—inserted by the Senate Committee on Immigration—as substitutes for the provision contained in the bill as passed by the House excluding Hindus and persons who can not become eligible for naturalization, a provision excluding aliens who are natives of certain islands and mainland territory of Asia defined by longitudinal and latitudinal lines; but with an amendment to the Senate amendment by which a parallel of latitude is selected to form the northern boundary of the continental territory defined, so that Siberia will be excluded therefrom.

(b) So much of this Senate amendment—inserted on the floor of the Senate—as purports to be a nonrepealing clause could not be agreed to in the form in which proposed because it was found, on carefully considering its relation to other parts of the act, that much inconsistency and confusion would be created thereby. It is sufficient to point out that the matter proposed would render the next succeeding provision of the act incorrect in its reference to "the provision next foregoing," and would be in direct conflict with section 38 of the act containing a carefully drawn nonrepealing clause. Therefore the recommendation is made for the insertion, not as a separate provision but as a part of the provision excluding by geographical lines, of words calculated to accomplish the purpose the latter part of the Senate amendment has in view.

Amendment numbered 6: This amendment is closely related to the preceding one. The conclusion to recommend that the Senate recede therefrom was reached because the difficulty intended to be met thereby is solved by the suggested amendment to amendment numbered 5 fixing a northern boundary for the territory geographically defined, taken in conjunction with the exempting provision to which amendment number 6 relates.

Amendment numbered 7: The effect of this amendment, from which it is recommended that the Senate recede, would be to require that aliens who might claim exemption from the operation of the "illiteracy clause" on the ground that they were fleeing from religious persecution should show that the persecution had been such as to deny them the means or opportunity to obtain an education.

Amendments numbered 8 and 9: With respect to both of these amendments the recommendation is that the House recede from its disagreement. The principal effect of amendment numbered 8 and of the latter part of amendment numbered 9 is to remove from the law provisions calculated to encourage aliens to declare for ulterior purposes their intention to become citizens of the United States. The first part of amendment numbered 9 strikes from the bill a provision of a retaliatory nature contained therein when it passed the House, authorizing immigration officials to exclude from the United States, whenever any foreign country contiguous thereto excludes certain classes of United States citizens, similar classes of citizens of such contiguous foreign country.

Amendment numbered 22: By this amendment the Senate proposed to strike from the measure all of section 11a. When the immigration bill H. R. 6060 was under consideration in the Sixty-third Congress, the eleventh section thereof was worded substantially the same as section 11a, inserted in this measure on the floor of the House. But it was found advisable to change section 11 of that bill to read substantially as section 11 of the present measure reads, because objection had been made by certain foreign countries to the detailing of inspectors and matrons of the United States Immigration Service for duty on vessels sailing under the flags of such foreign countries. The effect of the amendment now proposed to the Senate amendment will be to authorize the Secretary of Labor to negotiate with foreign countries with a view to accomplishing the principal objects of section 11a as passed by the House.

Amendments numbered 23 and 28: One of the purposes of these amendments was to give effect to amendment numbered 4, from which, for reasons hereinbefore stated, it was concluded to recommend that the Senate recede. However, as before stated, that recommendation regarding amendment numbered 4 does not destroy the value of these two amendments and requires only a slight change in the latter of them.

Amendment numbered 32: The effect of the recommendation that the House recede from its disagreement to this amendment and agree to the same with the suggested amendment is to permit any alien who, after taking up a permanent residence in this country, sends for his wife or minor child to join him, to have such wife or child, if found on arrival to be afflicted with an easily curable disease, treated in the hospital at the station where examined until cured, or admitted if it is found that admission can occur without danger to other persons.

Amendment numbered 35: The recommendation that the Senate recede from this amendment does not involve any change in the meaning of the act. Section 3 provides for the exclusion of aliens convicted or who admit the commission of crimes involving moral turpitude and also for the exclusion of certain other carefully described classes closely related to the criminal class. But a proviso is attached to said section exempting from exclusion all of those who have been convicted, or who admit the commission, or who teach or advocate the commission of political offenses. The clause to which amendment numbered 35 relates makes it a misdemeanor to assist a member of one of the said excluded classes to enter. Of course no one could be prosecuted for assisting in the entry of one who was within the exempting clause, for such person would have a right to enter.

Amendment numbered 38: The effect of this amendment is to fix the date of the taking effect of the act as July 1, 1917.

JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.

Mr. BENNET. Mr. Speaker, I make a point of order against the conference report, on the ground that the conferees exceeded their authority in connection with an amendment to section 38, the amendment being No. 38, found on page 67 of the print of the bill before the House. The situation is this——

Mr. GARDNER. Mr. Speaker, if there are other points of order to which the gentleman thinks the conference report is subject I hope he will raise them at the present time, because if the Chair should rule out the conference report, it would be a pity to bring it back and each time it is presented have points of order raised against it.

Mr. BENNET. That would be sad, indeed.

Mr. GARDNER. Mr. Speaker, I wish to raise some points of order. Will the Chair have them now?

The SPEAKER. When the gentleman from New York gets through with his point of order, then the Chair will hear any other gentleman.

Mr. BENNET. It is worth while to serve in this Congress to hear the gentleman from Massachusetts raise points of order against a conference report on the immigration bill, and I will not deprive him of that pleasure.

My point of order is this: In line 19, page 67, as the bill passed the House it provided that the act shall take effect after July 1, 1916. When the bill got to the Senate the Senate struck out that date and inserted the words "May 1, 1917." To that in due course the House disagreed. When it got into conference the conferees inserted the date July 1, 1917.

The SPEAKER. Will the gentleman state those three dates again?

Mr. BENNET. The three dates are these: The House date is July 1, 1916; the Senate date is May 1, 1917; the conference date is July 1, 1917.

The present Speaker ruled on this precise point on the 2d day of March, 1915, the point being raised by the gentleman from Illinois [Mr. MANN] on page 5201 of the RECORD of March 2, 1915, being sustained by the gentleman from Massachusetts [Mr. GARDNER] in an argument on page 5202, and also by other gentlemen. The Chair sustained the point of order in a brief but luminous decision on page 5208.

The SPEAKER. Now, does the gentleman from Massachusetts [Mr. GARDNER] desire to interpose any other points of order?

Mr. GARDNER. I desire to raise two other points of order, so that we may have them all determined at once. I do this, not because I wish to delay the consideration of this conference report, but in order to make sure that at some future time these other two points shall not be brought forward to delay us in case the Chair to-day sustains the point of order of the gentleman from New York [Mr. BENNET].

First, I raise the point of order that the conferees have exceeded their authority by inserting in amendment No. 5 the following words:

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I raise the point of order that in inserting those words the conferees have exceeded their powers.

Mr. SABATH. What amendment is that?

Mr. GARDNER. Amendment No. 5.

Mr. BENNET. The words are found on page 2 of the conference report. They are not in the printed bill.

Mr. GARDNER. On amendment No. 22 I raise the further point of order that the matter inserted, giving the Secretary of Labor authority to enter into certain negotiations, was not within the compass of the matters of difference between the two Houses.

Mr. Speaker, I believe both the points of order that I am making are unsound. I believe the Speaker should overrule them, but I wish to be heard on them, so that all these points of order may be decided to-day and not strung along on different days.

The SPEAKER. Well, the gentleman is not saving the Chair any trouble in the premises.

Mr. GARDNER. I shall discuss my points of order from the adverse point of view if the Chair so desires.

The SPEAKER. The Chair does not need to hear any argument about it.

Mr. GARDNER. Mr. Speaker, taking the first amendment, No. 5, page 2, of the conference report, it is true that the phrase—

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States—

has been inserted by the conferees. As the bill passed the House it provided for the exclusion of Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports or by existing treaties, conventions, or agreements that may hereafter be entered into.

The Senate struck that provision out and inserted a text in lieu thereof. I desire to call the Speaker's attention to the last four lines of the text inserted, which are as follows:

> Nothing in this act shall be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

In other words, the Senate said: "We do not like the wording of this clause excluding Hindus and other persons. We are going to put the matter in another form, which will not be offensive to anybody." So the Senate, among other things, inserted the four lines which I have just read you. In other words, according to the Senate clause all immigration laws now in existence to-day are to be continued in so far as they are restrictive laws, in so far as they exclude anybody from admission into the United States. It is often stated that at present, under what is generally called a gentlemen's agreement, Japanese coolies are excluded from coming to this country. As a matter of fact, these coolies are excluded by law and not by the gentlemen's agreement. The gentlemen's agreement simply carries out the law without friction. By the act of February 20, 1907, it was provided—

> That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

It is under that provision of law that certain coolies are excluded.

On February 24, 1913, President Wilson issued a proclamation, in which he said:

> Whereas by the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, when the President is satisfied—

And so forth, and so forth—

> I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

That proclamation the President made under the law, not under the gentleman's agreement.

The SPEAKER. The Chair will suggest to the gentleman that Mr. Wilson was not President in February, 1913.

Mr. GARDNER. I should have said President Taft. Now, Mr. Speaker, the point of order is as follows: There are those who fear—I do not know how much I express their feeling correctly by saying that they "fear"—the effect of this langunge inserted by the conferees:

> And no alien now excluded from or prevented from entering the United States shall be admitted to the United States.

Their point is that that text will exclude certain parties whom neither the House text nor the Senate text would exclude and that therefore the conferees have exceeded their authority.

Now as to the point of order on amendment No. 22. When this bill passed the House it provided that the Secretary of Labor, whenever he saw fit, should order United States surgeons and matrons on board vessels taking aliens away from this country or bringing them into this country. The Senate felt that such a provision gave the Secretary of Labor power which he had no right to exercise outside the confines of the United States. At all events, the Senate struck out this clause which gave to the Secretary of Labor the power to put surgeons and matrons on board immigrant ships.

When the conferees got together they adopted a provision under which the Secretary of Labor is authorized to enter into negotiations through the Department of State with foreign nations for the purpose of arranging matters so that immigrant ships will, in case of necessity, carry American inspectors and matrons. When these agreements are made inspectors and matrons are to be detailed, and so forth and so on. Obviously it is true that there was no mention in either House or Senate text of any negotiations with foreign nations, nevertheless this new provision is a limitation on the power of the Secretary of Labor, and it does not introduce new matter.

On June 13, 1912, the present Speaker made a ruling, which may be found in section 942 of the Manual. In this opinion he lays down certain general principles with regard to the powers of conferees. Speaker CLARK says:

> There are two general rules governing conferences. The first is that conferees can not inject into a bill an absolutely new subject—

Obviously the question of matrons and surgeons on board immigrant vessels is not an absolutely new subject, since the House dealt with it originally—

and the second is that what they do inject into a bill must be germane.

We now come to the point of order of the gentleman from New York [Mr. BENNET], with regard to the date fixed by the conferees when this bill is to go into effect.

I have not as yet had a spare moment in which to examine narrowly the CONGRESSIONAL RECORD of March 2, 1915. If, however, on that occasion I successfully maintained, under similar circumstances, that the conferees had exceeded their powers, I am afraid that I can not make a very good argument in opposition to my own prior views on the subject. [Laughter.] But there is this to be said. In the case in question the House of Representatives passed a bill carrying for a certain purpose an appropriation of $100. The Senate inserted an amendment making it $1,000.

Mr. BENNET. That is not the decision; that is the gentleman's argument.

Mr. GARDNER. This is the argument of the gentleman from Illinois [Mr. MANN]. Will the gentleman from New York state what that precise question was?

Mr. BENNET. The question was this: The House passed a bill in which sections 1, 2, 3, and 4 took effect at a certain time. The Senate amended it and made it two years after the passage of the bill. The matter went to conference, and the conferees struck out two years and inserted three years, and the Chair held, following the very able contention of two gentlemen on the other side of the aisle, that the conferees could not go outside of the dates, that they could not go below one or above the other, and when they extended the time beyond two years they exceeded their powers, and the point of order must be sustained. What the gentleman is stating is the argument that was used at that time.

Mr. GARDNER. You say that the House provided one date for the law to go into effect, and the Senate provided a different date, and the conferees provided a third date more remote than either. When the bill which you cite was sent to conference, had the date fixed by the House or the date fixed by the Senate been already passed?

Mr. BENNET. No.

Mr. GARDNER. But when this immigration bill was committed to the conferees the date for it to take effect as originally provided in the House bill had already gone by. When we sent this bill to conference the House knew that it could not go into effect on July 1, 1916, and yet that was the date specified in the House text. The House knew that fact for the very good reason that July 1, 1916, had long since passed. Consequently, it is clear that the House knowingly sent to conference a bill containing a House provision which was null and void, just as much so as if the date of effectiveness had been left blank. Meanwhile the Senate had proposed that the bill should go into effect on May 1, 1917. The House on the one hand goes into conference with no future date of effectiveness named, and the Senate goes into conference naming the date of May 1, 1917. The conferees decided to make the act effective on July 1, 1917. I submit that this is an entirely different case from that which the gentleman from New York has cited.

Mr. MANN. Mr. Speaker, of course the rule is well settled that conferees have no authority to inject new matter into a bill, and they have no authority, as a general rule, to go below or above the amount named in the original text or in the amendment or beyond the date named in the original text or amendment where that constitutes the essence of the bill. The case cited by the gentleman from New York was the shipping bill, where it was of the very essence of the bill whether it should take effect at once or in two years or in three years or some further time. Everyone knows as a matter of convenience in the transaction of public business that it is essential in bills of this character that a date in the near future be fixed for bills to take effect. That is not the essence of the law at all; it is more a matter of convenience.

Now, this bill—I do not remember when it was introduced, but I suppose it was introduced at an early day and passed the House April 8, 1916. At that time it provided that it should take effect July 1, 1916, about three months ahead. It passed the Senate on December 14, and as amended by the Senate provided that it should take effect on May 1, about three months ahead, a convenient time for the preparation of the enforcement of the law. That is not of the essence of the law at all. That does not constitute one of the features of the law. That is more a matter of convenience in the administration of the law and preparing for its administration. The conferees provided that it should take effect on July 1, a reasonable time ahead.

Suppose that the Senate had said that the law shall take effect on January 1, it having passed the Senate on December 14. Would it not be rather foolish to say that nobody had the power to change the date when the law takes effect, if it does not take effect until after January? Yet that is the position we would be left in if the contention of the gentleman from New York [Mr. BENNET] should prevail. I think that a little common sense injected into parliamentary law is always valuable. It always has seemed to me that propositions of parliamentary law were based upon logic, following out one step after another; and following out in that way, I think the conferees had the power to change this date when this act should take effect, it not being the essence of the act at all; and while I think there are probably no decisions upon that subject I believe it would be wise for the Speaker to make one and hold that the point of order is not well taken.

Mr. BENNET rose.

The SPEAKER. Does the gentleman from New York desire to be heard simply upon the point that he raised himself?

Mr. BENNET. Mr. Speaker, I would like to be heard on one of the points raised by the gentleman from Massachusetts [Mr. GARDNER], and if the Chair has any doubt about the point I raised myself, I would like to be heard upon that. First, upon one of the points raised by the gentleman from Massachusetts. I think that parliamentary law ought to be treated seriously, and with that in view, when I came back to Congress I read and was enlightened by every decision which the present occupant of the chair has made since he came into the chair, and I find that he takes parliamentary law seriously. I am not accusing the gentleman from Massachusetts of not taking parliamentary law seriously. I want to concede at once that one of his points of order, as to which he did me the honor of making me the object of suspicion that I might raise it, is unsound, and that is the point of order that amendment No. 22 as it came from the conference violated the powers of the conferees. It does not. The conferees, I regret to say, clearly had that power, because, as the Chair has ruled three or four times in the last three Congresses, it is the subject matter that governs, and the subject matter there was the placing of immigrant inspectors and matrons on steamers, and where the House put them on definitely and the Senate struck the whole thing out the conferees unquestionably had the right to empower the Secretary to make an investigation. I do not think there is any question about that.

As to amendment No. 5, I think the gentleman from Massachusetts, purely by accident, has made a point of order that is perfectly good. Let us see what this thing is that the Senate put in. What the Senate put in is this:

Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

That is what might be called a safety provision, that if by accident they had put anything in this act which could be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit immigration into the United States or any possession thereof, that it should not have been done. That is rather clumsy legislation, but, nevertheless, the Senate put it there. The conferees adopted another form of English, covering an entirely different subject. Omitting all reference to anything in the act, they made a complete, substantive provision which would be a complete statute if it stood by itself. They omitted that language entirely and inserted a new substantive provision, as follows:

No alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I call the attention of the Chair at the thre hold to the fact that the language that I have read would, standing by itself, be a complete law, while the language stricken out in the bill—

Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration to the United States or any possession thereof—

is a limitation on another act. They are as far apart as the antipodes, as the North and the South Poles.

The SPEAKER. How are they dissimilar? Does not the language of the Senate and the language of the conference report come to the same thing in the end?

Mr. BENNET. No. I shall demonstrate that to the Chair by some documents issued by the Bureau of Labor. I hold in my hand immigration bulletin for November, 1916, in which is contained a list, Table No. 7, of the persons excluded from this country from July, 1916, to November, 1916, under existing

law. This language that has been put in here provides, getting it down to a particular man, that no alien—that is, none of these eleven or twelve thousand aliens—now in any way excluded from or prevented from entering the United States shall be admitted to the United States. It makes them outcasts and pariahs, so far as the United States Government is concerned, forever. The law as put in by the Senate does nothing of the sort. It simply provides that nothing in the whole bill shall be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof. One operates on a statute and the other operates on a person.

Mr. GARDNER. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. BENNET. In a moment. If there was not any difference, why the change in language? If the Chair wants a reason why they made the change in language, on page 8 of the same bill as it passed the Senate we find this language:

> The provision next foregoing, however, shall not apply to white persons.

So they did not need any provision in there keeping out persons; all they wanted to guard against was any change in the law. When the bill went to conference the conferees disagreed about that provision which let in white persons, and so as to make their own law apply only to Japanese and persons who had been excluded they dropped all reference to statutes and used this very apposite language to keep out the Japanese and other excluded persons:

> No alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

The provisions are absolutely different. I now yield to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Speaker, will the gentleman state a single class of immigrants that is excluded by the wording of the conference phrase that is not excluded by the wording of the Senate phrase?

Mr. BENNET. Yes; I will. A person who comes to this country charged with being liable to become a public charge and is excluded for that reason can go back abroad and at the expiration of a year he can come again, and he is not excluded if at that time he is not liable to become a public charge. A person who comes to this country suffering from a contagious disease and is excluded for that reason can and does, as the records of the Immigration Bureau will bear out, go back to the country from which he came, is treated for the disease, recovers from it, and comes again to this country. There are two cases. Every alien who sailed out of New York Harbor to-day or yesterday, or who sails to-morrow, excluded under existing law because he is liable to become a public charge or afflicted with a contagious disease, if this law is adopted is forever excluded. We all know why this language is here. It has been brought out there is a desire on the part of certain persons in this country that the number of Japanese in this country should not be enlarged. Now, the gentleman from Massachusetts [Mr. GARDNER] detailed the history of the existing statute under which the Japanese people do not come to this country, and I want to say the fact they do not come in in a larger measure than they do is a source of high credit to the faith-keeping pledges of the Japanese Nation. This provision is very cleverly worded so as to put the forbidding clause against persons: "No alien now in any way excluded from"—that is the "gentleman's agreement" the gentleman from Massachusetts cited—"no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States"; and so it is a provision against persons absolutely and not merely a limitation upon a legislative provision. The act says:

> Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. BENNET. I will.

Mr. GARDNER. The gentleman says that if a diseased alien comes to this country and is excluded under the present law he goes back abroad and recovers and is entitled to admission he can come again. The gentleman is an able lawyer and we will suppose that this law passes as it comes from the conference committee. Does the gentleman think that the Commissioner of Immigration will put any such construction on that clause as would exclude a healthy laborer merely because at some prior attempt to gain admission to this country he had been suffering from a contagious disease?

Mr. BENNET. It would depend upon how good a lawyer that Commissioner General was.

Mr. GARDNER. Suppose he is as good a lawyer as the gentleman?

Mr. BENNET. If he is as good as I am, he will do what I say.

Mr. HAYES. Will the gentleman yield?

Mr. BENNET. I yield to the gentleman.

Mr. HAYES. I want to ask the gentleman if he has read the statute and does not know this statute, if it becomes a law, provides in the case the gentleman mentions that this man would not be excluded at all?

Mr. BENNET. My friend from California——

Mr. HAYES. The law permits, in another place, such persons of both classes to which the gentleman refers to make application to the immigration authorities and permits their admission. Now, no lawyer or administrator of law is going to construe one part of a statute, which is plainly not intended to reach that at all and does not with any sort of reasonable construction, to nullify another positive provision of the statute.

Mr. BENNET. Mr. Speaker, my friend from California was a good lawyer before——

Mr. HAYES. I do not claim to be a good lawyer like the gentleman from New York, but I do claim to have a little sense in matters of this kind—horse sense.

Mr. BENNET. I started to say the gentleman from California was a good lawyer before he started in on his present highly successful business and legislative career. I do not even say he has ceased to be a good lawyer, but the gentleman is somewhat biased by locality. There is a prejudice against—I will not say that—I will stop there. I do not think the people of California are highly anxious to have the Japanese people come in, and I think the gentleman from California always well represents his people. He can take that as a compliment or a criticism, as he pleases. But anyone who studies this language must say that if the two things mean the same thing, why do they change the language, and can it possibly be contended that the language of the bill as inserted by the Senate, which is the commonest sort of limitation applying to the laws and legislation, can be taken to be an equivalent of the language of the conference report, which, by the use of well-chosen words of the briefest kind, applies grimly and decisively to persons and to persons only? The gentleman says language in the other parts of the bill will let these people in, anyway. That is rather a hard criticism on the bill if you let in people in one part of the bill and keep them out in another. I think the construction of the statute, although I do not stake my reputation as a lawyer on this, is that the court would be very apt to give effect to that part of the law that was last placed in the statute as disclosed by the journals of the two Houses. I think that is a fairly reasonable construction.

Mr. Speaker, I have concluded. I know the point of order I made is well taken. If it were worth while to argue it the gentleman from Illinois is answered by the Chair. The argument of the gentleman from Illinois is in a suppositious case that this Congress might not be able to act except by a concurrent resolution.

That is what the Chair said a prior Congress was driven to by law. The Chair said:

> Unless the memory of the Chair is badly out of condition, this thing happened when the Payne bill was passed: There were certain amendments in controversy. The House fixed the rate on shoes, and so forth, at 15 per cent, and the Senate fixed it at 20 per cent. I have heard—I do not know that it is true, but from what happened afterwards I believe it to be true—that President Taft notified the conferees that if they did not cut that rate on boots and shoes to 10 per cent he would not sign the bill. I know that the House passed a resolution in order to enable the conferees to cut the rate down to 10.
>
> As far as the suggestion made by the gentleman from Georgia [Mr. CRISP] is concerned, that where everything after the enacting clause is struck out, then the conferees have carte blanche to bring in a bill; but that is not this case here. The House never did strike out everything after the enacting clause in the Weeks bill. It practically agreed to the Weeks bill, which has really been in conference only technically. But the limit of time was fixed at two years, and the conferees extended it to three years. If they could extend it beyond two years, they could extend it until the end of time. Their limit was from zero to two. In the nature of things they could not go below zero; under the practice of the two Houses they could not go higher.

Furthermore, the gentleman from Illinois [Mr. MANN] says this change in date is not a matter of substance. The facts of the bill have escaped the recollection of the gentleman from Illinois, evidently. This bill raises the head tax on aliens from $4 to $8. This change in the conference puts the time when the bill goes into effect back two months beyond the further date, that placed by the Senate. At the same time in those two months there has come into this country, and those are good months, May and June——

Mr. HAYES. The gentleman does not want to make a misstatement. The conferees extended the time two months. They gave two months more time.

Mr. BENNET. They gave two months more time to the $4 men. And, as I was about to say, assuming in those two months, May and June, there should come into this country 50,000 aliens, the conferees' change would cost the Treasury of the United States $200,000. If there was only one alien to come in, it would cost the Treasury $4. Now, $200,000 may not be a matter of substance. It is to me; it may not be to other gentlemen. At any rate, I submit it is not within the province of the Chair, and I submit it respectfully, and the Chair will agree with me, to pass on the weight of the different portions of the bill. The Chair is empowered to pass on the question of whether the conferees inserted in the bill language which they were not given the power to insert in the bill. And on this almost precise point the Chair ruled and sustained a point of order which was almost exactly similar, under almost precisely the same conditions as that raised by me. Now, in concluding, I think the point raised by the gentleman from Massachusetts [Mr. GARDNER] as to amendment No. 5 is a well-raised point, and I know that the point that is raised by myself in connection with amendment No. 38 is well raised.

Mr. KENT. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAYES. Mr. Speaker, unless the Chair does not desire it, I would like to address a few words to the point of order raised by the gentleman from Massachusetts [Mr. GARDNER] on amendment No. 5. I think I am making no improper statement when I say that the conferees did not insert the language which has been objected to in the place of the language to be found in lines 18 to 21, page 8, of the bill. The language inserted by the conferees, which has been read, was inserted in place of a part of the House provision which was stricken from the bill by the Senate, at the bottom of page 7 and at the top of page 8:

> Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may be hereafter entered into.

As I have said, that language the Senate has stricken from the bill, and the conferees inserted in place of part of it the following:

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

The purpose and the effect of the House language was to exclude all orientals. Those are the only aliens that could possibly be operated upon by that provision. Now, the Senate struck this out and incorporated a geographical exclusion provision, which excluded all Asiatic people excepting only the coolies of Japan, and left the laboring people of Japan to be excluded by the gentlemen's agreement now in force between this country and Japan. The House conferees objected to leaving that possible avenue of immigration open in case the gentlemen's agreement should for any reason be annulled, either by the agreement of the parties, or by the act of one party, or by lapse of time; therefore we added to the language of the Senate making the geographical exclusion the words that I last read, in order to provide for exclusion in case the agreement now in force between the two nations should for any reason come to an end.

The language of the House, if the Speaker will notice, would exclude all Asiatics except those who are excluded by agreement or by treaty, and the language is so worded that if the treaty should for any reason be annulled or come to an end, immediately the language of the House bill would become effective and exclude under the law; and the language which was inserted by the conferees has precisely the same result, and no other.

The language used by the conferees is supposed to be less objectionable to those proposed to be excluded, but does not affect any class of aliens not affected by the House bill. It is therefore clearly not subject to the point of order.

The SPEAKER. The Chair is ready to rule on all three of these points. He overrules both points made by the gentleman from Massachusetts [Mr. GARDNER].

Now, on this other point, about this trouble as to time, it is unnecessary for the Chair to state that he dislikes exceedingly to knock a conference report out on a point of order, especially a conference report that involves great and interesting subjects. But it seems to the Chair that it is better to have a rule and stick to it than to have a variety of decisions about the very same point involved.

This case on the question of time is almost exactly on all fours with the decision the present incumbent of the chair rendered on the shipping bill. That was a question about time. That was a very important subject, too, and so is this one.

Mr. BURNETT. Mr. Speaker, will the Chair hear me for a moment there?

The SPEAKER. Yes.

Mr. BURNETT. That was an impossibility—the date fixed by the House and the time fixed by the conference. Therefore, it seems to me, as suggested by the gentleman from Illinois, that it is not a question of going between the lowest date and the highest date, because there is a date that does not exist. It is an impossible date with reference to the time the Senate acted upon it, and it does not fall within the rule under the decision of the Chair previously.

The SPEAKER. If any date had not been named, of course everybody knows the bill would go into effect on the day it is signed by the President.

Now, as to the shipping bill, the Chair had on his side the luminous opinion of both the gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. GARDNER]. That was a well-considered opinion, and the Chair does not think he can improve on it, so he will read it. In this case the House fixed this date of July 1, 1916. The Senate fixed it at May 1, 1917. The conferees fix the date as July 1, 1917.

Well, it may be true, as the gentleman from Illinois states, that it is a sort of immaterial matter; but you can not have a ruling one way because the Chair or somebody else thinks the matter is immaterial and have it the other way when you think it is important. I agree with the gentleman thoroughly that there ought to be common sense injected into parliamentary law, as in everything else.

Now, on that shipping bill there were three points made against it, but there is no use to read about the two. But on the third point there was this same identical question of time, so in rendering that decision I said:

He—

That is, the Chair—

> overrules the second proposition about American citizenship in section 9. He thinks that is a limitation. He sustains the point of order as to time.

And he gives these reasons:

> If there is anything settled about conferences between the two Houses it is this: Where two amounts are named and the question is referred to the conferees they may oscillate as much as they please between the two extremes, but they can not go below the lower amount and they can not go above the higher amount. That applies to sums of money in appropriation bills. This has been ruled so often that it is as familiar as the multiplication table. In tariff bills, where the one House suggests one rate on any given article and the other House suggests another rate the conferees can not go below the lower and they can not go above the higher rate.

Now, everybody will admit that it is a simple regulation as to a tariff bill. If that were not true, the conferees can go out and actually make a new tariff bill.

> Unless the memory of the Chair is badly out of condition, this thing happened when the Payne bill was passed: There were certain amendments in controversy. The House fixed the rate on shoes, and so forth, at 15 per cent, and the Senate fixed it at 20 per cent. I have heard—I do not know that it is true, but from what happened afterwards I believe it to be true—that President Taft notified the conferees that if they did not cut out that rate on boots and shoes to 10 per cent he would not sign the bill. I know that the House passed a joint resolution in order to enable the conferees to cut the rate down to 10.
>
> As far as the suggestion made by the gentleman from Georgia [Mr. CRISP] is concerned, that where everything after the enacting clause is struck out then the conferees have carte blanche to bring in a bill, that is not the case here.

It is not the case now.

> The House never did strike out everything after the enacting clause in the Weeks bill.

There is no use to read the rest of it. The Chair sustains the point of order.

Mr. BURNETT. Mr. Speaker, I move that the bill be sent back to the committee of conference. I move that we disagree to the amendments of the Senate and ask for a further conference.

Mr. BENNET rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. To call the attention of the Speaker to the fact that the House having disagreed to the conference report—because under the decisions the sustaining of a point of order is the same as disagreeing—under section 6396 of the fifth volume of Hinds' Precedents the right to make a motion passes to the opposition; and I desire the floor for the purpose of making a preferential motion.

The SPEAKER. The Chair does not think that applies to the point of order. This morning, on that other matter that we had up here, if they had voted on that resolution to table the resolution and the motion had been defeated, then unquestionably the control of that resolution would have passed to the gentleman from Kansas [Mr. CAMPBELL]. But that was a different sort of thing.

The Chair recognizes the gentleman from Alabama.

Mr. BURNETT. Mr. Speaker, I move that the House further disagree to the Senate amendments and ask for a further conference.

Mr. BENNET. Mr. Speaker, I desire to be recognized for the purpose of making a preferential motion.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Would not a motion to postpone the consideration to a certain day be in order?

Mr. MANN. The gentleman should move the previous question.

Mr. SABATH. I move the previous question on the motion to ask for a further conference and disagree to the Senate amendments.

The SPEAKER. The gentleman from Alabama moves to insist upon the disagreements of the House to the Senate amendments and ask for a conference.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Is it proper, when a Member of the House is on his feet to make a preferential motion, to take him off his feet to permit another Member of the House to move the previous question on a motion of lesser degree? I notified the Chair that I desired the floor to make a preferential motion.

The SPEAKER. If the gentleman will state his preferential motion, the Chair would have some idea of what should be done.

Mr. BENNET. I will do that. I move that the House agree to the amendment of the Senate numbered 6. That motion takes precedence over the motion to disagree, because it tends to bring the two Houses together.

Mr. BURNETT. Mr. Speaker, I make the point of order that that is not preferential over a motion to disagree and ask a further conference.

Mr. BENNET. Oh, yes; it is.

The SPEAKER. Yes; it is.

Mr. BURNETT. But I had moved the previous question on my motion.

Mr. MANN. The previous question would not cut out a preferential motion.

The SPEAKER. The gentleman from New York will state his motion again.

Mr. BENNET. I move to agree to the amendment of the Senate numbered 6, which reads as follows:

White persons nor to.

The SPEAKER. The gentleman from New York makes a preferential motion to agree to Senate amendment numbered 6, which the Clerk will report.

The Clerk read as follows:

Amendment 6. Page 7, line 11, after the word "to," insert "white persons nor to."

Mr. BURNETT. Mr. Speaker, I move the previous question on that motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. BENNET] to agree to Senate amendment numbered 6.

Mr. BENNET. I ask unanimous consent that it may be again reported.

The SPEAKER. Without objection, the Clerk will report it again.

The amendment was again read.

The SPEAKER. The question is on agreeing to the amendment.

The motion was rejected.

Mr. BURNETT. Mr. Speaker, now I move the previous question on my motion to disagree and ask a further conference.

The SPEAKER. The gentleman from Alabama moves the previous question on his motion to further disagree to all the Senate amendments and ask for a further conference.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama to disagree and ask for a further conference.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. BURNETT, Mr. SABATH, and Mr. HAYES.

COMMITTEE ON THE TERRITORIES.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that the Committee on the Territories may have leave to sit during the sessions of the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Committee on the Territories have leave to sit during the sessions of the House. Is there objection?

There was no objection.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I call up the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Rachel A. Dougherty, former widow of George F. Dougherty, late of Company C, Thirteenth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of John I. Israel, late of Company K, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Joseph M. Ford, late of Company M, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Frank M. Douglass, late of Tenth Battery, Indiana Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Tillie C. Wood, widow of John D. Wood, late of Company E, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Ryan, helpless and dependent child of Daniel Ryan, late of Company M, Second Regiment Massachusetts Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Samuel Frankenberger, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah Stephens, late of Company E, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hanbill Combs, late of Company D, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Dyer, late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas A. Burton, alias Thornton A. Burton, late of Company E, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Steele, late of Company A, First Regiment, Maine Volunteer Cavalry, and Company C, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cordelia Briggs, widow of Ansel S. Briggs, late of Company F, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jeptha Litteral, late of Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Bullard, late of Company H, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Matilda A. Miller, widow of Rufus Miller, late of Company M, Third Regiment Rhode Island Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elza P. Hanger, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Wolf, late of Company B, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Pierpoint, late of Company H, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of M. Ellen T. Harris, widow of Joseph B. Harris, late of Company D, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lyman O. Leach, late of Company C, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Hurd, widow of William A. Hurd, late of Company E, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jennie D. Bigelow, widow of Jefferson C. Bigelow, late of Company C, and major Fifteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of John D. Vine, late of Company F, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William D. Smith, late of Company I, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marshall C. Conroe, late of Company M, Fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alexander Swisher, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John F. Michael, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William B. King, late of Company H, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Lauderbock, late of Company A, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Trough, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Derf, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos E. Evans, late of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Angelcernelles Wetherby, widow of James Wetherby, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leander McGrew, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clem B. I. Ambler, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Wise, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. McCurdy, late of Company D, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alva French, late of Company C, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Daulton, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cyrenous Dalley, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John C. Lloyd, late of Company B, Fifth Regiment Pennsylvania Volunteer Reserve Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Jeffers, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah M. Chandler, widow of George P. Chandler, late of Company E, Second Regiment Pennsylvania Volunteer Reserve Infantry, Companies B and F, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and Company D, Eighteenth United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis Prater, late of Company I, Forty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward P. Payne, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James T. Wilson, late of Company C, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram F. Butler, late of Company A, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James H. Campbell, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Allen, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Wrigley, widow of James Wrigley, late of Company G, Twenty-seventh Regiment, and Company K, One hundred and seventy-eighth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas M. Patton, late of Company C, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Hanway, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira A. Goodridge, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Huldah Melissa Fleming, widow of Francis E. Fleming, late of Company G, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of David C. Fleming, helpless and dependent child of said Francis E. Fleming, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Huldah Melissa Fleming, the name of said David C. Fleming shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Huldah Melissa Fleming.

The name of Aaron M. Van Sickle, late of Company I, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucinda Gardner, widow of John H. Gardner, late of Company B, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert B. Tozer, late of Company D, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Platt, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. McClane, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of David Gilchrist, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Fults, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Collingwood Boulter, late of Company E, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lena Hilker, helpless and dependent child of Frederick Hilker, late of Company D, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stephen F. Cassaday, late of Company C, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Price, late of Company G, Tenth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Glenn, late of Company B, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph E. Stafford, late of Company D, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emaline Catherine Lindner, helpless and dependent child of Samuel Lindner, late of Company D, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Banks, late a hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Brown, late of Company B, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Phillips, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Van Auker, late of Company E, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Flesher, late of Company B, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Shoemaker, late of Company E, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Otto G. Hauschildt, late of Company E, Twentieth Regiment New York State Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Huffman, late of Company C, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Huey, late of Company B, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin U. Earhart, helpless and dependent child of Francis M. Earhart, late of Company E, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henriette L. Eggert, former widow of William Lehman, late of Company F, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Owen B. Vaughn, late of Company H, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Case, late of Company A, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Nichols, late of Company F, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis Leib, late of Company F, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Otway C. Chase, late of Company D, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Neff, late of Company G, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mordecai M. Duke, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Williams, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marshall Furnald, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Johnson, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Readding Everitt, late of Company B, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Aaron Ready, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Lee, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Smith, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stephen A. West, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Punshon, late of Company F, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rose Reindl, helpless and dependent child of Wenzel Reindl, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hollingsworth Gipe, late of Company C, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Ciucas, late of Companies E and F, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Fry, late of Company E, Forty-third Regiment Indiana Volunteer Infantry, and Company I, Mississippi Volunteer Marine Brigade, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret O'Leary, widow of John O'Leary, late of Company E, Twelfth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Welsh, late of Company B, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Ludlow B. Ward, late of Company K, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Ross, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Knapp, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Storer, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Booth, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William C. Douglas, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Pendland, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Wolfgang, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Curtis C. Griffin, late of Company G, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph B. Hanawalt, late of Company C, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Collins, late of Company F, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry W. Redman, late of Company D, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Prather, late quartermaster sergeant Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Petra G. Cordova, widow of Senobio Cordova, late of Graydon's Independent Company, New Mexico Mounted Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles O. Manley, late of Fifth Independent Battery, Illinois Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Hubbard, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Donnelly, late of Company C, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel O. Root, late of Company H, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip McKinney, late of Company B, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elliott M. Lydick, late of Signal Corps, United States Army, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alpheus P. Gray, late of Company B, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Lloyd, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of George G. Sherlock, late of Company I, Fourth Regiment, and Company I, Twelfth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Philip H. Sipe, late of Company K, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Potter, late of Company C, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles E. Bradish, late of Company C, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Lake, late of Company I, Sixteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert J. Bingaman, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin D. Russell, late of Company M, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Dolson, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Critchfield, late of Company A, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cornelius McCafferty, late of Company D, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Robinson, late of Company D, Second Regiment Pennsylvania Provisional Cavalry, and Companies B and M, First Battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Virgil A. Phillips, late of Company A, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. True, late of Company H, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Houston Lemon, late of Company I, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Nay, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Wardle, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Saint Claire Fechner, late of Company K, Fifth Regiment, and Company E, Ninth Regiment, Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Huddleston, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick Brunner, late of Company E, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward N. Webb, late of Troop F, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher Dehlen, late of Company D, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Elbridge Diltz, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Charles F. Walters, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Annie M. France, helpless and dependent child of William France, late of Company F, One uhndred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James A. Thompson, late of Company K, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elmer S. Battin, late of Company K, Forty-third Regiment Indiana Volunteer Infantry and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry O. Nickerson, late of Company M, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel E. Edmundson, late of Company C, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis W. Mills, late of Company H, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Livingstone, late of Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert R. C. Grantham, late of United States Signal Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Larkin, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rowland S. True, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Azor M. Nixon, late of Company B, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Laura S. Pritchard, widow of John E. Pritchard, late of Company G, One hundred and third Regiment, Company I, Seventy-eighth Regiment, Company D, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Young, late of Company G, Forty-first Regiment, and Company K, Forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William C. Barnett, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William R. Smith, late of Company C, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harmon Blackburn, late of Company F, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Wallin, late of Company I, Seventh Regiment, and Company C, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Shoup, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Cullens, late of Company F, Ninety-second Regiment, and Company G, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew Kerr, late of Company B, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Belle P. Wolfe, widow of William J. Wolfe, late of Eighteenth Battery, Indiana Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David M. Crow, late of Company D, Fifty-second Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ledyard E. Benton, late of Company A, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Melissa Ann Lett, widow of Daniel Lett, late of Company C, Fifth Regiment United States Colored Infantry, and pay her a pension at the rate of $12 per month.

The name of Morris W. Hackman, late of Company G, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Shequin, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of J. Harrison Rennard, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Burt Allen, helpless and dependent child of said Augustus M. Allen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Delight A. Allen, the name of Burt Allen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Delight A. Allen.

The name of George R. Peacock, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George H. Cheek, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah E. Lawrence, late of Company E, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Curtis, late of Battery C, Third United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Conkie, late of Company I, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hattie A. McGuire, widow of George F. McGuire, late of Company I, Fifty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alethea L. Sands, widow of Charles J. Sands, late of Company G, Thirteenth Regiment, and Company M, Sixth Regiment New York Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Margaret McEvoy, widow of William McEvoy, late of Company D, Permanent Party, General Service Recruits, United States Army, and pay her a pension at the rate of $12 per month.

The name of William H. Brown, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Culver, late of Fifth Battery and Seventh Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John N. Kirkendall, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Flippo, widow of George J. Flippo, late of Company F, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bennett A. Flippo, helpless and dependent child of said George J. Flippo, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Flippo, the name of said Bennett A. Flippo shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Mary E. Flippo.

The name of John Cragan, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucy W. Lockwood, widow of George M. Lockwood, late of Company F, Thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Martin Cade, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Scofield, late of Company I, Seventy-third Regiment, and Company B, Twenty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Freid, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis R. Culp, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Wilhelm, late of Company B, First Battalion, and Company B, One hundred and eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Buehler, late of Company B, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Bogardus, late of Company K, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George N. Taylor, late of Company B, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis Paul, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernard Hardy, late a seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Stephenson, late of Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen L. Huff, widow of William H. Huff, late of Company C, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Flora Ettie Huff, helpless and dependent child of said William H. Huff, the additional pension herein granted shall cease and determine: *And provided further*, That, in the event of the death of Helen L. Huff, the name of said Flora Ettie Huff shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Helen L. Huff.

The name of Egnitz Rensing, late of Company C, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Pierson, late of Company C, Second Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Helena G. Marso, widow of Nicholas Marso, late of Company K, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alanson Tilden, late of Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Miller, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Carr, late of Company I, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Kightlinger, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Herman Schroeder, late of Company K, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Taylor, late of Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Pulver, late of Twelfth Independent Battery, Ohio Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael M. Walters, late of Company I, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josiah H. Gordon, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James E. McCracken, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen A. Richardson, widow of George Richardson, late of Company G, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry A. Glenn, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert Smith, late of Company E, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gardner W. White, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Douglass Luce, late of Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John B. Gillaspie, late of Company G, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmond Ames, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin B. Griffith, late of Company F, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ulysses A. Clayton, late of Company H, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Waters, late of Fourth Regiment, Tennessee Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horace F. Calkins, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rufus H. Slaymaker, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eliza A. Piatt, widow of Isaiah Piatt, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leonard Tressel, late of Company I, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Tice, late of Company K, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James W. Hester, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias Yerger, late of Independent Battery D, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi S. Moss, late of Company B, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Whipple, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alexander W. Wells, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George McByers, late of Company K, One hundred and twenty-fourth Regiment, and Company I, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Heller, late of Company K, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha E. Moore, widow of Byron R. Moore, late of Company C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William G. Richey, late of Company C, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Young, late of Company C, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Barbaretta Weekly, widow of James A. Weekly, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George R. Bowker, late of Company L, Fourteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The name of Barbara Reineck, widow of Daniel Reineck, late of Company G, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of James B. Erskine, late of Company B, First Regiment, and Company A, Thirty-first Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Klopp, widow of Jacob Klopp, late of Fourth Independent Battery, Ohio Light Artillery, and Company H, Sixth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tobias H. Foltz, late of Company H, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred W. Marshall, late of Company A, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar Johnson, late of Second Independent Battery B, New Jersey Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Watson, late of Company H, Thirtieth Regiment Indiana Infantry, and One hundred and forty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel E. Keller, late of Company G, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Roberts, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George T. Lowry, late of Company G, First Regiment Michigan Sharpshooters, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis H. Palmer, late of Company G, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Wright, late of Thirty-third Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel B. Shadle, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Romanzo A. Coats, late of Company K, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Byron D. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Hough, late of United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martin V. B. Wyman, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Spaulding, late of Company D, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Cranston, late of Company C, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John F. Phillips, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert Bennett, late of Company A, Twenty-fifth Regiment New York State Militia Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James Dodwell, late of Battery I, First Illinois Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Cunard, late of Company A, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elijah Smallwood, late of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Victor E. Burnham, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus F. Groff, late of Company F, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hezekiah Bradds, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Knowles, late of Company K, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Taylor, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Miller, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi Hoy, late of Company D, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Orrilla S. Jones, widow of Frederic Jones, late of Company C, Forty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza Wilson, widow of George T. Wilson, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles R. Miltenberger, late of Company G, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice Jerome, widow of Peter Jerome, late of Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ethan A. Mowrer, late a seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar W. Stone, late of Company M, Fifteenth Regiment New York Cavalry, and Company M, Second Regiment New York Provisional Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Newton, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Keen, late of Company C, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Hobbs, late of Company D, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Michael Fivecoate, late of Company L, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Plumb, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Gaines, late of Company L, Ninth Regiment Missouri State Militia Cavalry, and Company G, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Franklin R. Beamon, late of Company D, First Regiment United States Veteran Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nathaniel Gott, late of Battery F, Second Regiment Missouri Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Perry J. Hainey, late of Company A, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred C. Mullinax, late of Company I, Second Regiment Missouri Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Solomon Kessinger, late of Company F, Twenty-fourth Regiment, and Company C, Twenty-first Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William R. Gray, late of Company F, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Jones, late of Company C, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac N. Estep, late of Company M, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Miller, late Unassigned, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Medley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Eramus Bucy, late of Company D, First Regiment, and Company G, Second Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dorothy Fisher, widow of John Fisher, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Benjamin Aplin, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Felix Dodd, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Grant, late of Company C, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward H. Williams, late of Company I, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Umphenour, widow of Francis M. Umphenour, late of Company D, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alfred D. Collier, late of Company K, First Regiment, and Company D, Forty-fourth Regiment, Iowa Volunteer Infantry, and

pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elsie A. Mahana, widow of Richard M. Mahana, late of Company A, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert C. Cowell, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Hudson, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marion Vandiver, late of Company B, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Otto Höhn, late of Twelfth Battery, Wisconsin Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew C. Perkins, late of Company K, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza Moshier, widow of Philip Moshier, late of Company K, Sixteenth Regiment New York Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Keen, late of Company F, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Gibson, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Stratton, late of Company G, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Platt, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Israel Sheppard, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Hanes, alias George Hanes, late of Company F, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. H. Sheppard, late of Company H, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James S. Frizzell, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Moyer, late of Company A, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Cochrane, late of Company A, Third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Norman L. McCausland, late of Company I, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Young, late of Battery H, First Regiment West Virginia Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Sloan, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel A. Robertson, late of Company D, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aristine H. Wells, widow of Francis V. B. Wells, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Nance, late of Company D, Ninth Regiment United States Colored Heavy Artillery, and Company K, One hundredth Regiment United States Colored Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel W. Vanpelt, late of Company E, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward G. Hall, late of Company I, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Roland, widow of Henry Roland, late of Company E, Two hundred and fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Tolbert, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi Coon, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucy C. Collin, widow of Joseph R. Collin, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John T. Collin, helpless and dependent child of said Joseph R. Collin, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucy C. Collin, the name of said John T. Collin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lucy C. Collin.

The name of Arberry Estes, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias T. Newnam, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Orvis, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John R. Woods, late of Company G, Seventy-second Regiment Illinois Volunteer Infantry, and Company I, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Mathews, late of Company D, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joshua Blakely, late of Company E, Eighth Regiment United States Veteran Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucinda J. Jay, widow of William A. Jay, late of Company F, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Laura A. Rice, helpless and dependent child of Edward C. Rice, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Enos Snodgrass, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas M. Starkey, late of Company H, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Klumph, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Shepherd, late of Company K, First Regiment West Virginia Infantry, and Company D, Second Regiment West Virginia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lloyd Criswell, late of Company G, Second Regiment West Virginia Veteran Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emily W. Lothrop, widow of Elias A. Lothrop, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Noah Hardy, late of Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph E. Burkhart, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minerva C. McMillan, helpless and dependent child of James W. McMillan, late of Twenty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eugene B. Eastman, late of Company H, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Day, late of Company F, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Griner, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Townley, late of Company D, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luther Sealey, late of Company B, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anderson Amis, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Bailey, late of Company D, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henrietta Nokes, widow of Oscar Nokes, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Shadrack Combs, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jeremiah Hall, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 814. Rachel A. Dougherty.
H. R. 856. John I. Israel.
H. R. 1109. Joseph M. Ford.
H. R. 1370. Frank M. Douglass.
H. R. 1439. Tillie C. Wood.
H. R. 1503. Mary E. Ryan.
H. R. 1697. Samuel Frankenberger.
H. R. 1803. Zachariah Stephens.
H. R. 1807. Hanbill Combs.
H. R. 1809. Joseph Dyer.
H. R. 1813. Thomas A. Burton, alias Thornton A. Burton.
H. R. 1886. John C. Steele.
H. R. 1910. Cordelia Briggs.
H. R. 2012. Jeremiah Hall.
H. R. 2017. Jeptha Litteral.
H. R. 2045. Charles W. Bullard.
H. R. 2152. Matilda A. Miller.
H. R. 2651. Eliza P. Hanger.
H. R. 2695. Henry Wolf.
H. R. 2702. John Pierpoint.
H. R. 2859. M. Ellen T. Harris.
H. R. 3726. Lyman O. Leach.
H. R. 3818. Mary Hurd.
H. R. 4066. Jennie D. Bigelow.
H. R. 4366. John D. Vine.
H. R. 4374. William D. Smith.
H. R. 4540. Marshall C. Conroe.
H. R. 4836. Alexander Swisher.
H. R. 4848. John F. Michael.
H. R. 5015. William B. King.
H. R. 5056. Frank Lauderbock.
H. R. 5424. Cyrus Trough.
H. R. 5465. William H. Clouser.
H. R. 5536. John Derf.
H. R. 5544. Amos E. Evans.
H. R. 5573. Angelcernelles Wetherby.
H. R. 5594. Leander McGrew.
H. R. 5656. Clem B. I. Ambler.
H. R. 5754. Henry W. Wise.
H. R. 5845. George W. McCurdy.
H. R. 6244. Alva French.
H. R. 6268. Robert Daulton.
H. R. 6722. Cyrenous Dalley.
H. R. 6749. John C. Lloyd.
H. R. 6974. John Jeffers.
H. R. 6979. Sarah M. Chandler.
H. R. 7067. Francis Prater.
H. R. 7249. Edward P. Payne.
H. R. 7279. James T. Wilson.
H. R. 7470. Hiram F. Butler.
H. R. 7524. James H. Campbell.
H. R. 7525. James W. Allen.
H. R. 7663. Mary E. Wrigley.
H. R. 8104. Thomas M. Patton.
H. R. 8161. Thomas Hanway.
H. R. 8214. Ira A. Goodridge.
H. R. 8308. Huldah Melissa Fleming.
H. R. 8445. Aaron M. Van Sickle.
H. R. 8454. Lucinda Gardner.
H. R. 8590. Robert B. Tozer.
H. R. 8633. Albert Platt.
H. R. 8699. Thomas B. McClane.
H. R. 8742. David Gilchrist.
H. R. 8860. John W. Fults.
H. R. 8885. Collingwood Boulter.
H. R. 8948. Lena Hilker.
H. R. 8971. Stephen F. Cassaday.
H. R. 9160. Jesse Price.
H. R. 9289. Andrew Glenn.
H. R. 9447. Joseph E. Stafford.
H. R. 9561. Emaline Catharine Lindner.
H. R. 9592. William H. Banks.
H. R. 9629. Henry C. Brown.
H. R. 9787. Thomas Phillips.
H. R. 9799. Charles Van Auker.

H. R. 9881. George W. Flesher.
H. R. 10105. Josiah Shoemaker.
H. R. 10217. Otto G. Hauschildt.
H. R. 10418. George Huffman.
H. R. 10523. John Huey.
H. R. 10540. Benjamin U. Earhart.
H. R. 10592. Henriette L. Eggert.
H. R. 10611. Owen B. Vaughn.
H. R. 10709. Charles E. Case.
H. R. 10735. Joseph Nichols.
H. R. 10806. Lewis Leib.
H. R. 10978. Otway C. Chase.
H. R. 11008. John A. Neff.
H. R. 11017. Mordecai M. Duke.
H. R. 11041. William H. Williams.
H. R. 11318. Marshall Furnald.
H. R. 11396. David Johnson.
H. R. 11494. Readding Everitt.
H. R. 11553. Aaron Ready.
H. R. 11602. George Lee.
H. R. 11688. Charles W. Smith.
H. R. 11740. Stephen A. West.
H. R. 11802. John H. Punshon.
H. R. 11887. Rose Reindl.
H. R. 12082. Hollingsworth Gipe.
H. R. 12157. Joseph Clucas.
H. R. 12236. Benjamin F. Fry.
H. R. 12322. Margaret O'Leary.
H. R. 12373. William Welsh.
H. R. 12382. Ludlow B. Ward.
H. R. 12522. George H. Ross.
H. R. 12598. Henry J. Knapp.
H. R. 12683. Benjamin F. Storer.
H. R. 12898. Jacob Booth.
H. R. 13128. William C. Douglas.
H. R. 13248. Alonzo Pendland.
H. R. 13306. George W. Wolfgang.
H. R. 13367. Curtis C. Griffin.
H. R. 13460. Joseph B. Hanawalt.
H. R. 13509. James R. Collins.
H. R. 13596. Henry W. Redman.
H. R. 13626. William W. Prather.
H. R. 13647. Petra G. Cordova.
H. R. 13686. Charles O. Manley.
H. R. 13739. Charles S. Hubbard.
H. R. 13779. William Donnelly.
H. R. 13799. Daniel O. Root.
H. R. 13930. Philip McKinney.
H. R. 13965. Elliott M. Lydick.
H. R. 14004. Alpheus P. Gray.
H. R. 14048. George Lloyd.
H. R. 14272. George G. Sherlock.
H. R. 14282. Philip H. Sipe.
H. R. 14356. Amos Potter.
H. R. 14371. Charles E. Bradish.
H. R. 14609. Lewis H. Lake.
H. R. 14691. Robert J. Bingaman.
H. R. 14828. Franklin D. Russell.
H. R. 14885. William Dolson.
H. R. 14911. John Critchfield.
H. R. 14958. Cornelius McCafferty.
H. R. 14988. Charles Robinson.
H. R. 15028. Virgil A. Phillips.
H. R. 15085. Joseph L. True.
H. R. 15104. Houston Lemon.
H. R. 15192. John Nay.
H. R. 15220. St. Clair Fechner.
H. R. 15223. Joseph Wardle.
H. R. 15272. Samuel Huddleston.
H. R. 15323. Frederick Brunner.
H. R. 15369. Edward N. Webb.
H. R. 15377. Christopher Dehlen.
H. R. 15405. Elbridge Diltz.
H. R. 15409. Charles F. Walters.
H. R. 15486. Annie M. France.
H. R. 15487. James A. Thompson.
H. R. 15495. Elmer S. Battin.
H. R. 15500. Henry O. Nickerson.
H. R. 15587. Samuel E. Edmundson.
H. R. 15596. Lewis W. Mills.
H. R. 15659. James Livingstone.
H. R. 15689. Robert R. C. Grantham.
H. R. 15693. Thomas Larkin.
H. R. 15727. Rowland S. True.
H. R. 15803. Azor M. Nixon.
H. R. 15861. Laura S. Pritchard.
H. R. 15891. John C. Young.
H. R. 15919. William C. Barnett.
H. R. 15945. William R. Smith.
H. R. 15960. Harmon Blackburn.
H. R. 16005. John T. Wallin.
H. R. 16021. Samuel Shoup.
H. R. 16022. William H. Cullens.
H. R. 16057. Andrew Kerr.
H. R. 16059. Belle P. Wolfe.
H. R. 16082. David M. Crow.
H. R. 16084. Ledyard E. Benton.
H. R. 16164. Melissa Ann Lett.
H. R. 16189. Morris W. Hackman.
H. R. 16214. James A. Shequin.
H. R. 16224. J. Harrison Rennard.
H. R. 16242. Delight A. Allen.
H. R. 16246. George R. Peacock.
H. R. 16273. George H. Check.
H. R. 16333. Isaiah E. Lawrence.
H. R. 16336. James Curtis.
H. R. 16339. John Conkle.
H. R. 16450. Hattie A. McGuire.
H. R. 16488. Alethea L. Sands.
H. R. 16496. Margaret McEvoy.
H. R. 16517. William H. Brown.
H. R. 16518. Daniel Culver.
H. R. 16538. John N. Kirkendall.
H. R. 16539. Mary E. Flippo.
H. R. 16596. John Cragan.
H. R. 16616. Lucy W. Lockwood.
H. R. 16626. Martin Cade.
H. R. 16720. John F. Scofield.
H. R. 16724. David Freid.
H. R. 16725. Francis R. Culp.
H. R. 16728. William H. Wilhelm.
H. R. 16731. Martin Buehler.
H. R. 16732. John H. Bogardus.
H. R. 16773. George N. Taylor.
H. R. 16784. Lewis Paul.
H. R. 16786. Bernard Hardy.
H. R. 16835. Thomas Stephenson.
H. R. 16863. Helen L. Huff.
H. R. 16877. Egnitz Rensing.
H. R. 16898. Pitsar Ingram.
H. R. 16909. George W. Pierson.
H. R. 16927. Helena G. Marso.
H. R. 16965. Alanson Tilden.
H. R. 17003. Henry Miller.
H. R. 17032. John W. Carr.
H. R. 17035. Alexander Kightlinger.
H. R. 17039. Charles H. Williams.
H. R. 17100. Herman Schroeder.
H. R. 17109. Joseph Taylor.
H. R. 17134. James M. Pulver.
H. R. 17152. Michael M. Walters.
H. R. 17241. Josiah H. Gordon.
H. R. 17266. James E. McCracken.
H. R. 17274. Ellen A. Richardson.
H. R. 17325. Henry A. Glenn.
H. R. 17332. Robert Smith.
H. R. 17335. Gardner W. White.
H. R. 17434. Douglass Luce.
H. R. 17449. John B. Gillaspie.
H. R. 17529. Edmond Ames.
H. R. 17538. Benjamin B. Griffith.
H. R. 17552. Ulysses A. Clayton.
H. R. 17614. Thomas Waters.
H. R. 17726. Horace F. Calkins.
H. R. 17738. Rufus H. Slaymaker.
H. R. 17776. Eliza A. Platt.
H. R. 17862. Leonard Tressel.
H. R. 17866. William H. Tice.
H. R. 17885. James W. Hester.
H. R. 17891. Elias Yerger.
H. R. 17903. Levi S. Moss.
H. R. 17911. John E. Whipple.
H. R. 17919. Alexander W. Wells.
H. R. 17918. George McByers.
H. R. 17921. William Heller.
H. R. 17931. Martha E. Moore.
H. R. 17935. William G. Richey.
H. R. 17945. Charles Young.
H. R. 17948. Barbaretta Weekly.
H. R. 17955. George R. Bowker.
H. R. 17959. Barbara Reineck.
H. R. 17973. James B. Erskine.
H. R. 18005. Mary Klopp.
H. R. 18023. Tobias H. Foltz.
H. R. 18024. Alfred W. Marshall.
H. R. 18028. Oscar Johnson.
H. R. 18031. John W. Watson.
H. R. 18032. Samuel E. Keller.
H. R. 18033. Peter Roberts.
H. R. 18034. George T. Lowry.
H. R. 18035. Lewis H. Palmer.
H. R. 18037. William H. Wright.
H. R. 18043. Samuel B. Shadle.
H. R. 18045. Romanzo A. Coats.
H. R. 18048. Byron D. Brown.
H. R. 18049. Daniel Hough.
H. R. 18052. Martin V. B. Wyman.
H. R. 18054. George W. Spaulding.
H. R. 18067. William H. Cranston.
H. R. 18070. John F. Phillips.
H. R. 18072. Albert Bennett.
H. R. 18091. James Dodwell.
H. R. 18096. Joseph C. Cunard.
H. R. 18101. Elijah Smallwood.
H. R. 18106. Victor E. Burnham.
H. R. 18107. Augustus F. Groff.
H. R. 18108. Hezekiah Bradds.
H. R. 18110. John Knowles.
H. R. 18111. George W. Taylor.
H. R. 18114. John Miller.
H. R. 18137. Levi Hoy.
H. R. 18147. Orrilla S. Jones.
H. R. 18154. Eliza Wilson.
H. R. 18158. Charles R. Miltenberger.
H. R. 18176. Alice Jerome.
H. R. 18178. Ethan A. Mowrer.
H. R. 18179. Oscar W. Stone.
H. R. 18200. John W. Newton.
H. R. 18201. Franklin Keen.
H. R. 18202. James Hobbs.
H. R. 18203. Michael Fivecoate.
H. R. 18204. Samuel Plumb.
H. R. 18205. Samuel Gaines.
H. R. 18206. Franklin R. Beamon.
H. R. 18207. Nathaniel Gott.
H. R. 18210. Perry J. Hainey.
H. R. 18218. Alfred C. Mullinax.
H. R. 18219. Solomon Kessinger.
H. R. 18220. William R. Gray.
H. R. 18221. William Jones.
H. R. 18222. Isaac N. Estep.
H. R. 18226. George W. Miller.
H. R. 18268. John A. Medley.
H. R. 18305. Erasmus Bucy.
H. R. 18308. Dorothy Fisher.
H. R. 18311. Benjamin Aplin.
H. R. 18325. Felix Dodd.
H. R. 18348. Charles Grant.
H. R. 18350. Edward H. Williams.
H. R. 18352. Margaret Umphenour.
H. R. 18360. Alfred D. Collier.
H. R. 18386. Elsie A. Mahana.
H. R. 18394. Robert C. Cowell.
H. R. 18402. William W. Hudson.
H. R. 18464. Marion Vandiver.
H. R. 18478. Otto Höhn.
H. R. 18479. Andrew C. Perkins.
H. R. 18496. Eliza Moshier.
H. R. 18556. William W. Keen.
H. R. 18557. Samuel Gibson.
H. R. 18559. John H. Stratton.
H. R. 18583. William J. Platt.
H. R. 18610. Israel Sheppard.
H. R. 18612. John Hanes, alias George Hanes.
H. R. 18614. William H. H. Sheppard.
H. R. 18615. James S. Frizzell.
H. R. 18616. Joseph Moyer.
H. R. 18621. John Cochrane.
H. R. 18653. Norman L. McCausland.
H. R. 18690. James Young.
H. R. 18691. Samuel H. Sloan.
H. R. 18692. Samuel A. Robertson.
H. R. 18700. Aristine H. Wells.
H. R. 18701. Henry Nance.
H. R. 18702. Samuel W. Vanpelt.
H. R. 18703. Edward G. Hall.
H. R. 18751. Elizabeth Roland.
H. R. 18793. Samuel Tolbert.
H. R. 18803. Levi Coon.
H. R. 18839. Lucy C. Collin.
H. R. 18841. Arberry Estes.
H. R. 18842. Elias T. Newman.
H. R. 18858. Henry C. Orvis.
H. R. 18859. John R. Woods.
H. R. 18887. Eli Mathews.
H. R. 18929. Joshua Blakely.
H. R. 18931. Lucinda J. Jay.
H. R. 18974. Laura A. Rice.
H. R. 19007. Enos Snodgrass.
H. R. 19008. Silas M. Starkey.
H. R. 19026. John W. Klumph.
H. R. 19038. Henry C. Shepherd.
H. R. 19046. Lloyd Criswell.
H. R. 19098. Emily W. Lothrop.
H. R. 19110. Noah Hardy.
H. R. 19141. Joseph E. Burkhart.
H. R. 19170. Minerva C. McMillan.
H. R. 19172. Eugene B. Eastman.
H. R. 19343. William W. Day.
H. R. 19365. William A. Griner.
H. R. 19366. William W. Townley.
H. R. 19367. Luther Sealey.
H. R. 19384. Anderson Amis.
H. R. 19456. William W. Bailey.
H. R. 19550. Henrietta Nokes.
H. R. 19756. Shadrack Combs.

Mr. FOSTER took the chair as Speaker pro tempore.

The Clerk read as follows:

The name of Hanbill Combs, late of Company D, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. ADAIR. Mr. Speaker, I offer a committee amendment. On page 3, line 3, strike out the figures "40" and insert the figures "50."

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend on page 3, in line 3, by striking out "40" and inserting "50."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I will.

Mr. STAFFORD. Will the gentleman explain to the House the reason which actuated the committee in making that change, and what policy it pursues when making these increased allowances above the amount provided by the general law?

Mr. ADAIR. I will say to the gentleman from Wisconsin that when the committee considered this bill there was some evidence on the way that had not reached the committee, and the Member introducing the bill was instructed to present to the committee as soon as it arrived the additional evidence showing that this claimant required the constant attention and care of another person, and after the bill was printed that evidence was placed in the hands of the committee.

Mr. STAFFORD. Then, as I understand the gentleman, every soldier requiring the constant attendance of another person for his care receives a pension of $50?

Mr. ADAIR. That depends on the length of his service, but if the service was reasonably long, we give him $50 a month.

Mr. LANGLEY. If the gentleman will permit me, the testimony shows that this soldier is totally blind, and has been for a number of months, in addition to being otherwise physically disabled.

Mr. SLAYDEN. Hold old is he?

Mr. LANGLEY. Seventy-five years old.

Mr. STAFFORD. How long must a man have served in order to obtain $50 under these circumstances?

Mr. ADAIR. If his service was a year or more, the committee have been giving $50 a month, if he has no other income and his condition is such that he requires the constant care and attendance of another person.

Mr. STAFFORD. What other amounts are allowed, where an applicant is in such a condition?

Mr. ADAIR. From $40 a month to $50 a month, depending upon the length of service.

Mr. SLAYDEN. Is not this an unusual amount to give?

Mr. ADAIR. No; it is not an unusual amount in cases where a man is helpless and requires the attention of another person, and is blind.

Mr. SLAYDEN. Has this been the practice?

Mr. ADAIR. It has been the practice right along.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

On motion of Mr. ADAIR, the following committee amendments were offered, severally considered, and agreed to:

Page 8, strike out lines 9, 10, and 11, as follows:

"The name of Robert Daulton, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Page 23, strike out lines 19, 20, 21, and 22, as follows:
"The name of William Dolson, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Page 36, in line 11, strike out the name "Pitsar" and insert "Pitzer."
Page 49, line 19, insert the dollar sign before the figures 36.
Page 51, line 17, strike out the word "Eramus" and insert the word "Erasmus."

Mr. ANTHONY. Mr. Speaker, I move to strike out the last word. I would like to ask the chairman or some member of the committee if it is true that the Committee on Invalid Pensions has adopted a rule under which the committee will not consider special bills for members of soldiers' homes?

Mr. ADAIR. There is no rule of that kind adopted by the committee.

Mr. ANTHONY. Why does your committee, then, refuse to consider bills for soldiers who are members of the soldiers' homes? I have had several bills turned down on that pretext. If your committee has adopted a policy of refusing to do it, I think you ought to include it in the printed rule so that this House and the country may know.

Mr. ADAIR. I have just stated that so far as I know no rule of that kind has been adopted.

Mr. ANTHONY. I have had communications from the committee regarding bills which they claimed were turned down on that ground.

Mr. ASHBROOK. There has been no rule adopted to that effect, but we have adopted that policy; that is the policy of the committee.

Mr. ANTHONY. That is the understanding on the part of the committee?

Mr. ASHBROOK. Yes.

Mr. ANTHONY. Why should it not then be printed in the rules of the committee?

Mr. ASHBROOK. I think it should.

Mr. ANTHONY. Well, Mr. Speaker, I want to protest against a rule of that kind, because it works unjustly against deserving soldiers who are members of soldiers' homes. On the face of it it looks as if it was all right, that these men are receiving certain privileges from the Government and are apparently from that standpoint not deserving of increased pensions, but I want to say to the House that the majority of the members of the soldiers' homes are there suffering from ailments, or crippled to a degree which incapacitates them from earning a livelihood, and makes them more deserving of pensions than many who are outside the homes. I think it is unfair and unjust.

Mr. ASHBROOK. If the gentleman will permit me, does he not believe that inasmuch as the soldiers are occupying homes, getting their board and lodging and the attendance of a physician, that they ought not to be entitled to as large pensions as those who are outside the homes?

Mr. ANTHONY. There is some justice in the gentleman's argument in some instances perhaps, but most of them come to the home because they can not maintain themselves outside on the pensions they receive, and they come for medical treatment. They would like to live outside. I would like to see the most deserving members of our soldiers' homes receive sufficiently increased pensions so that if they wished they could live outside instead of being forced to stay in a soldiers' home, and then be deprived of an increase of pension for that reason.

Mr. ASHBROOK. So far as my knowledge goes the majority of the soldiers who are inmates of the homes have no families that could care for them; they go there because they have no homes of their own. It seems to me that the soldiers in the homes are better cared for than those who are not there.

Mr. ANTHONY. If you granted the members of the soldiers' homes the same pensions that you do the man outside in the majority of cases they would leave the home and no longer become a burden on the Government.

Mr. ASHBROOK. If there could be some guaranty that the soldier would do that I would be in favor of granting him the same pension.

Mr. ANTHONY. Let me put it this way. If the veteran would state that if he is granted an adequate increase of pension that he would leave the home, would that make any difference?

Mr. ADAIR. It has not been the experience at Marion, Ind., that those who receive the larger pensions leave the home after they receive the pensions.

Mr. ANTHONY. I think it is unjust discrimination, and I am in hopes the committee will liberalize its position in reference to many deserving soldiers who have been compelled to enter a soldiers' home.

Mr. SULLOWAY. Mr. Speaker, I will say that so far as my observation is concerned—and I have been on the committee some time—that substantially all of these men when in the homes, if they were given the pensions that they ought to have, would take care of themselves outside. They do not like to be held as prisoners or paupers. It has been my effort to raise the pension to what it ought to be and let them take care of themselves if they want to. They are entitled to their rights here, and should not be told that they are to be shut up somewhere else, and that they are just as well off. Perhaps some of us would be better off shut up somewhere else, but as a matter of fact it is an iniquitous way to do business.

Mr. ANTHONY. Mr. Speaker, I am glad to hear the gentleman from New Hampshire say that, and I believe it is the right policy for the committee.

The Clerk concluded the reading of the bill.

The SPEAKER pro tempore (Mr. FOSTER). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAIR, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS ALLEGHENY RIVER, PA.

Mr. ADAMSON. Mr. Speaker, I call up the bill (S. 7536) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa., which is on the Speaker's table, and ask the Chair to lay it before the House, a similar House bill being upon the calendar.

The SPEAKER pro tempore. The Chair lays before the House the bill S. 7536, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Western New York & Pennsylvania Railway Co., a railroad corporation organized and existing under the laws of the States of New York and Pennsylvania, be, and it is hereby, authorized to reconstruct, maintain, and operate a bridge and approaches thereto across the Allegheny River on the location of the existing structure and suitable to the interests of navigation, partly in the borough of Warren and partly in the township of Pleasant, county of Warren, and State of Pennsylvania, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

By unanimous consent a similar House bill (H. R. 19296) on the House Calendar, was laid on the table.

Mr. ADAMSON. Mr. Speaker, there is another bill of the same nature on the Speaker's table (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa., and I ask the Chair to lay that before the House, and that a similar House bill (H. R. 19297) on the calendar be laid on the table.

The SPEAKER pro tempore. The Chair lays before the House the bill S. 7538, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Western New York & Pennsylvania Railway Co., a railroad corporation organized and existing under the laws of the States of New York and Pennsylvania, be, and it is hereby, authorized to reconstruct, maintain, and operate a bridge and approaches thereto across the Allegheny River, on the location of the existing structure and suitable to the interests of navigation, in Glade and Kinzua Townships, county of Warren, and State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill, H. R. 19297, was laid on the table.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bills were passed was laid on the table.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19410, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. When the bill was last under consideration there was an amendment pending, offered by the gentleman from Indiana, Mr. COX, which the Clerk will report.

The Clerk read as follows:

Page 10, line 23, strike out all of lines 23, 24, 25, on page 10, and lines 1, 2, 3, 4, 5, 6, 7, and down to the word "grade" in line 8, page 11.

Mr. COX. Mr. Chairman, on yesterday I inserted in the RECORD a letter addressed to me by the Postmaster General as to what the cost would be if this amendment is not agreed to. That letter will be found on page 1229 of the RECORD. It is proposed to increase the salaries of 7,610 clerks in the first-class post offices, at a cost of $705,825, and of 2,037 clerks in the second-class post offices, at a cost of $176,350, making a total increase of $882,175. The post-office clerks are a very competent and efficient class of men. They do splendid work; but I undertake to say that as a class they are the most favored class of all of the employees in the Government. They are paid higher salaries than the employees working in any other department of the Government. They are paid salaries from 15 to 30 per cent higher than are paid to the employees by private employers in that line of work. I do not guess at those figures at all. I speak authoritatively on the point when I make the statement, especially if men in the high financial world know what it costs them to run and operate their business. It is only a few years ago—four or five—that the Committee on Appropriations called in before it the heads of some of the largest concerns in the United States, heads of railroads and great banking and manufacturing institutions, and heard those men compare the wages they were paying to their employees with what the Government was paying its employees; and I make the statement that the employees of the Government, and especially in the Post Office Department, are paid from 15 to 30 per cent higher wages than the private employers pay for a similar line of work. I do not know as yet whether this 5 and 10 per cent increase will be added, because I do not know whether a rule is coming in, nor do I know what the Senate will do when the bill gets over there. In order to meet that proposition, and in order to get something into the RECORD that some one somewhere, either at this end or the other end of the Capitol, will read, as well as over the country, I shall put into the RECORD a letter written to me by Mr. Koons, the First Assistant Postmaster General, as to how much the 5 and 10 per cent increase, if incorporated into this bill, will add to it. The amount it would add is $13,195,940.

This bill carries automatic promotions to the amount of $2,800,000, and that, together with the 5 and 10 per cent increase, if added to the bill, would increase the appropriation for the Post Office Department by the sum of approximately $16,000,000. That letter, with the permission of the committee, I shall insert at this point:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, January 6, 1917.

Hon. W. E. COX,
House of Representatives.

MY DEAR MR. COX: In response to your recent inquiry as to the amount of money it will require if the amendment which has passed the Committee on the Post Office and Post Roads to increase the salaries of all postal employees whose salaries do not exceed $1,800 is enacted into law, I wish to advise in order to meet this increase in compensation it will require approximately $25,000 for the office of the Postmaster General, $6,320,940 for the Bureau of the First Assistant, $1,650,000 for the Bureau of the Second Assistant, and $5,200,000 for the Bureau of the Fourth Assistant, or a total of $13,195,940. In addition to this, the bill already provides for increases to the amount of $2,800,000 to take care of the automatic promotions, or a total of approximately $16,000,000 will be needed to take care of both items.

Sincerely, yours,

J. C. KOONS,
First Assistant Postmaster General.

The argument has been made here time and again, session after session, that the Government ought to be a model employer; that it ought to at least pay its employees as much as private concerns pay theirs, and for the benefit of the Members of the House who have heretofore made that argument I am going to ask leave again in a few moments to incorporate another tabulation in the RECORD which completely overthrows that argument. The Member of this House who believes for one moment that the Government does not pay its employees higher wages, at least at initial employment, than do private manufacturers is totally mistaken.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I asked the Second Assistant Postmaster General to give me a tabulation showing what the railway postal clerks and department clerks were earning at the time they went upon the eligible list—that is, in private employment. Of course, he could not give them all, but I have in my hand the names of 150 men who are now upon the eligible list from the States of Texas, Missouri, California, and Pennsylvania, four representative States, in different sections of the country, representing different economic conditions. These men are now on the eligible list, waiting to be called as departmental clerks in the post offices of the first and second classes and city letter carriers in cities of the same classes.

Now, to the Members who believe that the Government should be a model employer, I think if you will read this statement after I put it in the RECORD, you will come to the conclusion that the Government is a model employer if you mean by that term the Government should pay its employees as much as private employers pay them. When they take the civil-service examination for these places of railway postal clerks and departmental clerks they are required to state the amount of wages they were earning at private employment. Mr. Chairman, but few—you can count them on the fingers of one hand—of these 150 men were getting as much in private employment as they get at the initial employment when they go to work for the Government. This report shows that these 150 men were earning at the time they stood the civil-service examination and went upon the eligible list from $1.50 a day to $15 per week. Now, this list is the highest one upon the eligible list from these four States, and the wages they were earning in private employment at the time they stood the civil-service examination, I repeat, ranged all the way from $1.50 per day to approximately $15 per week. Now, I am not saying that is enough. No; I wish it were possible that all the laborers of this country could receive higher wages and higher salaries than they do in private employment. But as a rule I take it that employers are humane, that they pay their employees all they can afford to pay. That is my notion about it. I put this in or make this statement to meet the argument that has been made upon the floor of the House for the increase of these salaries upon that ground.

Now, gentlemen, are we prepared to deliberately vote out of the Treasury of the United States $880,000? Are you prepared to do it? Do you propose to get any better service for it? Oh, no; that is not the purpose that you vote it, for you are getting as good service as you will ever get, and you are getting good service, there is no question about that. Upon what ground, then, do you propose to vote this increased salary to-day of $880,000? Upon the ground of the high cost of living? Is that the ground upon which you put it? Do you believe you are doing justice or right to the laboring people back in your districts who are working for $1.50 a day by imposing this tax upon them to pay these increases in salaries?

Mr. EMERSON rose.

Mr. COX. I can not yield. There is not a Member on the floor of this House but if you look back to the respective districts you can count by the scores if not by the thousands people who are earning $1.50 and $2.50 a day. Why, the average farm laborers of this country are only earning $120 a year, or $10 per month. The average wages paid to school-teachers throughout the United States is only $456 a year, and yet the proposition comes before this House to increase the salary of 7,000 or 8,000 employees to the extent of passing a charge upon the Treasury of the United States of upward of $880,000. Can we Democrats consistently vote it? Can any Democrat, charged with the responsibility of collecting and disbursing the revenues of this Government, run his arm into the Treasury of the United States to that extent?

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the matter indicated.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Railway Mail Service eligibles.

TEXAS.

Name.	Address.	Occupation.	Salary.
.....	Cleburne.....	Laborer.....	$50 per month.
.....	Denison.....	Clerk, railroad office.....	$70 per month.
.....	Corsicana.....	Student.....	
.....	Hamlin.....	School-teacher.....	$75 per month.
.....	Denison.....	Cashier.....	Do.
.....	....do.....	Grocer clerk.....	$10 per week.
.....	Sweetwater.....	Farmer.....	
.....	....do.....	Student.....	
.....	Alanreed.....	School-teacher.....	$85 per month.
.....	Dallas.....	Bookkeeper.....	$75 per month.
.....	Spregleville.....	Clerk.....	$720 per annum.

Railway Mail Service eligibles—Continued.

TEXAS—continued.

Name.	Address.	Occupation.	Salary.
.....	Cisco	School-teacher	$65 per month.
.....	Spur	Rural delivery service	Do.
.....	Wells	Mill foreman	$90 per month.
.....	Fort Worth	Street railway motorman	$12 per week.
.....	Dallas	Order clerk	
.....	Canyon		
.....	Vigo Route, Tulia	School-teacher	$75 per month.
.....	North Fort Worth	Fireman	$65 per month.
.....	Canyon	Groceryman	$40 per month.
.....	Lyons	School-teacher	$60 per month.
.....	Greenville	Laborer	
.....	Fort Worth	Assistant to bookkeeper	$40 per month.
.....	Stamford	Hotel hall-boy	$20 per month.
.....	Fort Worth	Porter	$55 per month.
.....	Sherman	Grocery clerk	$50 per month.
.....	Fort Worth	Car repairer	$750 per annum.
.....	Houston	Collector	Commission.
.....	San Antonio	Machinist apprentice	$10 per week.
.....	McDade	School-teacher	$60 per month.
.....	Marfa	Assistant railroad agent	Do.
.....	Waco	Stenographer	$50 per month.
.....	Houston	Street railway conductor	$55 per month.
.....	Annona	Farmer	
.....	Seabrook	Student	
.....	Denison	Mail weigher	$3 per diem.
.....	San Marcus		
.....	Texarkana	Cotton sampler	$50 per month.
.....	Wichita Falls	Farmer	
.....	Somerville	Clerk	$75 per month.
.....	Denison	Electrician	$85 per month.
.....	Ledbetter	Farmer	
.....	Henderson	Hotel clerk	
.....	San Antonio	Carpenter	$3.60 per diem.
.....	Ben Wheeler	Farmer	
.....	Scurry	....do	
.....	Denison	Substitute letter carrier	
.....	San Antonio	Porter	$40 per month.
.....	Myra	Farmer	
.....	Beaumont	Lumber checker	$15 per week.

CALIFORNIA.

.....	Verdi, Nev	Sawmill hand	$2.75 per day.
.....	Yermo	Clerk	$20 per week.
.....	Los Angeles	Paper maker	$100 per month.
.....	....do	Conductor	25 cents per hour.
.....	San Francisco	Not employed	
.....	Oakland	Tracing clerk	$60 per month.
.....	San Francisco	Realty salesman	$100 per month.
.....	....do	Clerk	$40 per month.
.....	San Diego	Student	
.....	Pasadena	Dry cleaner	$18 per week.
.....	Oakland	Ad. compositor	$4.85 per day.
.....	Redlands	Not employed	
.....	Los Angeles	Student	
.....	Compton	Draftsman	$8 per week.
.....	San Francisco	Subclerk, Post Office Department.	$65 per month.
.....	Richmond	Machinist	40 cents per hour.
.....	Los Angeles	Motorman	$75 per month.
.....	Stockton	Deliver-wagon driver	$90 per month.
.....	San Francisco	Clerk	$50 per month.
.....	Oakland	Lumber clerk	$3.75 per day.
.....	Dinuba	Contractor	
.....	Alameda	Not employed	
.....	Los Angeles	Wagon man	$65 per month.
.....	Tropico	Not employed	
.....	San Diego	Elevator boy	$35 per month.
.....	Berkeley	Clerk	
.....	Agnen	Nurse	$55 per month.
.....	Los Angeles	Shirt cutter	$15 per week.
.....	Vallejo	Cook	$80 per month.
.....	Los Angeles	Not employed	
.....	Oakland	Carpenter	$5 per day.
.....	Huntington Park	Clerk	$720 per year.
.....	Sacramento	Upholsterer	$6 per day.
.....	Los Angeles	Electrician	$18 per week.
.....	....do	Nor employed	
.....	San Fernando	....do	
.....	Le Grand	....do	
.....	Riverside	Mechanic	$16 per week.
.....	Eureka	Extra brakeman	$92 per month.
.....	San Francisco	Express messenger	$85 per month.
.....	Oakland	Not employed	
.....	Los Angeles	Rancher	$25 per month.
.....	....do	Packer	$55 per month.
.....	Oakland	Machinist	$18 per week.
.....	Fresno	Auto repairing	40 cents per hour.
.....	San Francisco	Real estate business	$80 per month.
.....	Los Angeles	Carpenter	$90 per month.
.....	San Francisco	Not employed	
.....	....do	Clerk	$480 per year.
.....	Sacramento	Conductor	$3.07 per day.

MISSOURI.

.....	Water Grove	Teacher	$765 per annum.
.....	La Plata	Clerk in store	$45 per month.
.....	St. Louis	Cashier and salesman	$25 per month.
.....	Kansas City	Office clerk	$14 per week.
.....	Miami	Not employed	
.....	Willston	....do	
.....	King City	....do	

Railway Mail Service eligibles—Continued.

MISSOURI—continued.

Name.	Address.	Occupation.	Salary.
.....	Kansas City	Correspondent	$16 per week.
.....	....do	Teacher	$65 per month.
.....	Shrewsbury Park	Heating contractor	No salary.
.....	Winfield	Teacher	$50 per month.
.....	Humansville	Not employed	
.....	St. Joseph	Clerk	$60 per month.
.....	Nevada	Student	
.....	Zincite	Teacher	$70 per month.
.....	Bertrand	....do	$71.50 per month.
.....	St. Louis	Clerk	$12 per week.
.....	Oregon	....do	$75 per month.
.....	Moberly	Farmer	
.....	Fairfax	Post-office clerk	$30 per month.
.....	St. Louis	Not employed	
.....	Kansas City	....do	
.....	Savannah	Private secretary	$125 per month.
.....	Cross Timbers	Not employed	
.....	Kansas City	Cigarmaker	$15 per week.
.....	Joplin	Not employed	
.....	Liberty	Grocery clerk	$40 per month.
.....	St. Louis	Laundry driver	$10 per week.
.....	....do	Checker	$50 per month.
.....	Carrollton	Not employed	
.....	Kansas City	Roofer	25 cents per hour.
.....	....do	Barber	$1,000 per year.
.....	Morrison	Telegrapher	$64.50 per month.
.....	St. Louis	Stenographer	$32 per month.
.....	Kansas City	Not employed	
.....	....do	Machine operator	$89.25 per month.
.....	....do	Orator clerk	$50 per month.
.....	St. Louis	Clerk	$15 per week.
.....	Lucerne	Rural carrier	$88 per month.
.....	Bonne Terre	Not employed	
.....	St. Louis	....do	
.....	....do	....do	
.....	Kansas City	Student	
.....	Unionville	Locomotive fireman	$85 per month.
.....	St. Louis	Butcher	30 cents per hour.
.....	Kansas City	Lumberman	$12 per week.
.....	Elvins	Clerk	$65 per month.
.....	Easton	Farmer	
.....	Kansas City	Meat cutter	$20 per week.
.....	Springfield	Not employed	
.....	Kansas City	Ticket clerk	$65 per month.
.....	....do	Not employed	

PENNSYLVANIA.

.....	Annville	School-teacher	$48 per month.
.....	Philadelphia	Salesman	$20 per week.
.....	Kunkletown	School-teacher	$50 per month.
.....	Johnstown	Railroad foreman	24 cents per hour.
.....	Danville	Nurse	$40 per month.
.....	Washington, D. C.	Copyist (department)	$720 per year.
.....	Kreamer	Baggage porter	$1.86 per day.
.....	Washington, D. C.	Commercial teacher	$55 per month.
.....	McKeesport	Unemployed	
.....	Philadelphia	Drafting	$15 per week.
.....	Easton	Gymnasium director, Young Men's Christian Association.	$45 per month.
.....	Front Run	Unemployed	
.....	Malvern	Carpenter	$2.50 per day.
.....	Steelton		
.....	Friedensburg	Working at home	
.....	Honey Grove	School-teacher	$40 per month.
.....	West Milton	....do	$65 per month.
.....	Lost Creek	Clerk	$660 per year.
.....	Harrisburg	Bookkeeper	$832 per year.
.....	Lancaster	Bookkeeper and stenographer.	$12 per week.
.....	Llewellyn	School-teacher	$900 per year.
.....	Lebanon	....do	$45 per month.
.....	Turtle Creek	Clerk	$660 per year.
.....	Easton	Bookkeeper and stenographer.	$55 per month.
.....	Erie	Shipping clerk	$50 per month.
.....	....do	Clerk and stenographer	Do.
.....	Hegins	School-teacher	$60 per month.
.....	Pittsburgh	Unemployed	
.....	Linglestown	Stenographer and clerk	$58 per month.
.....	Pittsburgh	Railroad clerk	$60 per month.
.....	Macungie	Ribbon weaver	$15 per week.
.....	Virginsville	School-teacher	$50 per month.
.....	Pittsburgh	Unemployed	
.....	Elizabethtown	Bookkeeper	$40 per month.
.....	Millersburg	Newspaper agent	$25 per month.
.....	Millerstown	School-teacher	$40 per month.
.....	Easton	Silk weaver	$16 per week.
.....	Philadelphia	Mailing clerk	$14 per week.
.....	....do	Unemployed	
.....	....do	Clerk	$10 per week.
.....	....do	Baggageman	$63.60 per month.
.....	Corry	Butter cutter	$12 per week.
.....	Harrisburg	Salesman	$20 per week.
.....	Steelton	Student	
.....	Leechburg	Weighman	$2.25 per day.
.....	Ambridge		
.....	Parkesburg	Laborer	$0.166 per hour.
.....	Juniata	Tank maker	$3.50 per day.
.....	Blue Ridge Summit.	Fire insurance	Independent.
.....	Philadelphia	Salesman	$15 per week.
.....	Johnstown	Farmer	

Railway Mail Service eligibles—Continued.

PENNSYLVANIA—continued.

Name.	Address.	Occupation.	Salary.
.....	Pittsburgh.....	Assistant railroad foreman.	$89.80 per month.
.....	Philadelphia.....	Bookkeeper.....	$14 per week.
.....	Stroudsburg.....	Unemployed.....	
.....	Girard.....	.....do.....	
.....	Pittsburgh.....	Clerk.....	$65 per month.

Departmental clerk eligibles.

PENNSYLVANIA.

Name.	Address.	Occupation.	Salary.
.....	Reading.....		
.....	Washington, D. C.	Substitute clerk (post office)	35 cents per hour.
.....	.....do.....	Student.....	
.....	Franklin.....	Editor and manager.....	$1,200 per annum.
.....	Forest City.....	Teacher.....	$2 per diem.
.....	Philadelphia.....		
.....	Washington, D. C.		
.....	Royersford.....	Student.....	
.....	Robesonia.....		
.....	Wernersville.....	Teacher.....	$65 per month.
.....	Lehighton.....	Painter.....	$2 per day.
.....	Camden, N. J.....	.....do.....	25 cents per hour.
.....	Treskow.....	Teacher.....	$85 per month.
.....	Burgettstown.....	.....do.....	$55 per month.
.....	Washington, D. C.	Clerk.....	$12.50 per week.
.....	Woodbury.....		
.....	Washington, D. C.	Messenger (War Department).	$660 per annum.
.....	Chicora.....		
.....	Sassamansville....	Teacher.....	$40 per month.
.....	West Reading.....	Clerk (post office).....	$800 per annum.
.....	Philadelphia.....	Shipper.....	$9 per week.
.....	Shoemakersville...	Student.....	
.....	Washington, D. C.	Clerk (Bureau of Lighthouses).	$1,000 per annum.
.....	.....do.....		
.....	McAlistervile.....	Laborer.....	
.....	Terre Hill.....	Teacher.....	$50 per month.
.....	Philadelphia.....	Clerk.....	$7.50 per week.
.....	Altoona.....	.....do.....	$14 per week.
.....	Tamaqua.....	Substitute letter carrier....	35 cents per hour.
.....	Philadelphia.....	Clerk.....	$57.70 per month
.....	Witmer.....	Student.....	
.....	Lewisburg.....	Unemployed.....	
.....	Kulpmont.....	Engineer.....	$65 per month.
.....	Ercildoun.....	Laborer.....	$1.50 per day.
.....	Jackson Center....	Unemployed.....	
.....	Norristown.....	Working for brother.....	
.....	Hastings.....	Teacher.....	$55 per month.
.....	Youngsville.....	Salesman.....	$15 per week.
.....	West Point.....	Student.....	
.....	Olean.....	Bookkeeper.....	$45 per month.
.....	Northpoint.....	Student.....	
.....	Reading.....	Knitter.....	$15 per week.
.....	Philadelphia.....	Clerk.....	$27 per month.
.....	Scranton.....	Atheletic instructor.....	$620 per year.
.....	Prospect.....	School-teacher.....	
.....	Harrisburg.....	Student.....	
.....	Pittsburgh.....	Clerk.....	$12 per week.
.....	Philadelphia.....	Grocery clerk.....	$8 per week.
.....	Port Trenorton...	School-teacher.....	$50 per month.
.....	Fogelsville.....	.....do.....	$55 per month.
.....	New Brighton.....	.....do.....	$100 per month.
.....	Philadelphia.....	Cost clerk.....	$12 per week.
.....	Washington, D. C.	Department clerk.....	$900 per year.
.....	.....do.....	Department messenger....	$540 per year.
.....	.....do.....	Letter carrier.....	30 cents to 40 cents per hour.

CALIFORNIA.

.....	Elsinore.....	Student.....	
.....	Santa Clara.....	Messenger.....	$720 (departmental).

MISSOURI.

.....	St. Joseph.....	Clerk.....	$900, field service.
.....	Kansas City.....	Collector.....	$520, field service.
.....	St. Louis.....		
.....	Washington, D. C.	Student.....	
.....	Edgar Springs.....	Manager and owner stock farm.	
.....	Springfield.....		
.....	Kansas City.....		
.....	.....do.....	Student.....	
.....	1318 Rhode Island Avenue NW., Washington, D. C.	Assistant preacher.....	$50 per month.
.....	Caledonia.....	Farmer.....	
.....	1202 Staples Street, NE., Washington, D. C	Assistant messenger.....	$720 (departmental).
.....	Kansas City.....	Clerk.....	$45 per month.
.....	Maryville.....	Musician.....	$10 per week.
.....	Kansas City.....	Clerk.....	$45 per month.

Departmental clerk eligibles—Continued.

TEXAS.

Name.	Address.	Occupation.	Salary.
.....	Texarkana.....	Teacher.....	$1,000 per annum.
.....	Murchison.....	.....do.....	$70 per month.
.....	Cicero.....	.....do.....	$70 per month.
.....	Forth Worth.....	Manager-clerk.....	$15 per week.
.....	San Antonio.....	Student.....	
.....	Sabinal.....	.....do.....	
.....	Tyler.....	Tax assessor.....	
.....	Commerce.....	Teacher.....	$85 per month.
.....	San Antonio.....	Sales manager.....	$80 per month.
.....	Austin.....	Student.....	
.....	Kirkland.....	Teacher.....	$1,000 per annum.
.....	Weatherford.....	Student.....	
.....	Sealy.....	Bookkeeper.....	$60 per month.
.....	Sherman.....	Student.....	
.....	Whitewright.....	Reporter.....	$60 per month.
.....	Washington, D. C..	Messenger.....	$660 (departmental).
.....	Moody.....	Farmer.....	

IDAHO.

.....	Boise.....	Bank custodian.....	$900 per annum.

UTAH.

.....	Ogden.....	Unemployed.....	

OREGON.

.....	Fresno, Cal.....	Photographer.....	$20 per week.
.....	Washington, D. C.	Clerk (mail, weighing division, Post Office Department).	$900 per annum.
.....	Portland.....	Clerk (Wells-Fargo).....	$40 per month.

WASHINGTON.

.....	North Yakima....	Internal Revenue Department, storekeeper.	$3 per diem.
.....	Washington, D. C.	Assistant librarian (George Washington University).	
.....	Orting.....	Notary public.....	$600 to $2,400 per annum.
.....	Tacoma.....	Newspaper circulating manager.	$400 per annum.
.....	Seattle.....	Solicitor.....	
.....	Washington, D. C.	Student.....	

Mr. MADDEN. Mr. Chairman, I ask permission to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, the men who enter the Postal Service in the class of employment provided for in the section to which the gentleman has just referred do so through the passage of an examination. After passing the examination they are appointed as substitute clerks or carriers. As a substitute every man is obliged to report every day for duty for a period of not less than three years on an average. During his period of substitute service he may report every day for a week without obtaining any employment, and every day that he is obliged to report, if he lives in a large city where he lives any distance away from his employment, he must pay car fare back and forth. The average compensation earned by these men during their period of substitute service is about $400 a year. After they are appointed regularly they begin at $800, and if the record of the man justifies it at the end of another year he gets $900, and then at the end of another year he gets $1,000, and at the end of another year $1,100, and it has been the policy of Congress to appropriate for 75 per cent of the men in the $1,100 grade to go to $1,200 in first-class offices and in the second-class offices it has been the policy to appropriate for 75 per cent of the men to go to $1,100, and the average compensation earned by those men in the first nine years of their service, including their substitute service, amounts to $742 a year, not a very large sum. During all the period of their employment in the Postal Service they are obliged to give from two to three hours of their time without pay after they have done their day's work to the study of schemes which will enable them to distribute the mail. They distribute to every section of the Union. When a man has studied a scheme and committed it to memory, covering a county, he is compelled then to take on a new county and so on until they study a scheme for an entire State, and ultimately he is obliged to have memorized every post office in the United States in order that he

may be able to perform the functions of the office to which he has been appointed.

I submit that this is not ordinary employment. It is extraordinary employment. It is an employment that requires tenacity of purpose, it requires physical force, it requires mental ability, it requires patriotism, and, after all, with all these studies, these men are required to work 8 hours within 10 hours of a single day. They are required to be on call for 10 hours, during a period of which they are obliged to work 8 hours. They are not only obliged to work for that length of time, but 70 per cent of all the work of the men in the department is night work. They are obliged to work under artificial light. They never see the sunlight. During years of service these men are hidden away in the darkness of these great post-office buildings, working under artificial light. Many of them lose their eyesight as the result of their service. They become proficient in the work in which they are employed and they lose knowledge that is of any use to them in any commercial pursuit outside of the post office. They are valuable to the Government of the United States on account of their long experience, and they are of no value whatever to themselves in any other work whatever. And it is because of the fact that they learn nothing in their employment that makes them useful in the commercial life of the Nation that the Government of the United States ought to give more consideration to them than it has given in the past. The law of 1907 provided for the compensation which is carried in this section of the bill. It left the matter of promotions discretionary with the Congress. The Congress has not exercised that discretion until within the last year; then for the first time it exercised the discretion to the extent of 5 per cent promotions of the men from $1,200 to $1,300 and from $1,300 to $1,400 in the first-class post offices; and for the first time since the enactment of the classification act, in 1907, last year it exercised the discretion which the law gave to it to promote 5 per cent of the men from $1,100 to $1,200 a year in second-class offices. This provision of the bill is not only just but it is humanitarian. It ought to go further, and it would be more just if it went further. We are conferring no favors on the men who are to receive the salaries provided for in this section of the bill.

Mr. BLACK. Will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. BLACK. You stated the section of the bill last year provided for a portion of 5 per cent in second-class offices from $1,100 to $1,200 and 5 per cent from $1,200 to $1,300 in first-class offices. That provision that is incorporated in the bill provides this year for a 25 per cent promotion as to these respective classes?

Mr. MADDEN. Yes, sir; that is what it does. I believe it ought to go further. I believe that all the men in the $1,200 grade who are entitled to promotion ought to go to $1,300. Instead of 25 per cent of them, I believe all the men in the $1,300 grade ought to go to $1,400.

Mr. GORDON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GORDON. You have introduced a bill that raises everybody that is getting $1,200 to $1,500, have you not?

Mr. MADDEN. I have introduced the bill which reclassifies the men in the Postal Service, and I believe that if that bill could be enacted into law it would be beneficial to the Postal Service.

Mr. GORDON. Answer the question. Does not your bill provide for raising all the $1,200 carriers to $1,500?

Mr. MADDEN. It provides that the men shall enter the service, when they become regularly appointed, at $1,000; that they shall go automatically to $1,100, $1,200, $1,300, $1,400, and $1,500, and I believe the compensation provided in that bill is just and reasonable. It is justified by the work they do.

We ought to popularize the Postal Service. It reaches every home in the land. The American people think of the Post Office service as the most popular service in America. They have confidence in the men who carry the mail, confidence in the men who distribute the mail. There is no more patriotic class of men in America than the men who are employed in the Postal Service. They are entitled to the best consideration that the Government can give, and I regret that this item does not carry more recognition of the merit of these men than is provided in the section now under discussion. I believe the item is meritorious, because it does long-deferred justice to a patriotic class of men who, in season and out of season, have uncomplainingly responded to the call of duty. These men never grumble. They are on guard all the time. They are ready to give everything there is in them to the Government service and to popularize the postal branch of the Government to such an extent that everybody in the United States will say "All hail to the men of the Postal Service." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGUE. Mr. Chairman, I agree with all that my colleague on the committee [Mr. MADDEN] has said in relation to this amendment. I believe it is a just one, and I believe it does one thing that should be done in every branch of the Federal service, in that it wipes out the preferential class, those who may have power enough, those who may have friendship enough, with the ones who are to control the promotion in the different branches of the service. And that is accomplished in this bill, Mr. Chairman. Now, the question has been brought up here about the comparison of the service rendered with that of private capital. Mr. Chairman, there is no comparison. When a man enters the service of the Post Office Department of the Government of the United States, and after he has once reached the maximum wage, he can never go higher. He can never advance. He is there, if he stays in the service, for all time, or until Congress sees fit to raise the maximum wage.

Comparison has been made by my colleague from Indiana [Mr. Cox] as to the amount of wage he receives when he enters the service. He says the average entrance salary of those who apply for service in the Government is $1.50 a day.

Mr. COX. The gentleman wants to quote me right. I said it ranges from $1.50 a day to approximately $15 a week.

Mr. TAGUE. Mr. Chairman, I will make the correction. He said from $1.50 a day to $15 a week. The men entering the service are young men, from the ages of 18 to 21, just starting out in life. He neglected to bring out the point that these men are ready to labor and to labor earnestly, that they are obliged to pass a physical as well as a mental examination, and then give a test during the entire service in the Government employ that would never be requested or exacted of them by any private employer.

Where is there a private employer who will take his employees and compel them to take home, night after night, tests, as the men in the Post Office Service are required to do? Where is there an employer who will register the work of those men upon tests that they are compelled to make in their own time?

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. GORDON. Do you think these post-office employees are required to submit to a higher test than the school-teachers?

Mr. TAGUE. Yes, Mr. Chairman; I assert that the men who work in the post offices are required to undergo tests more severe than are imposed upon those who are required to labor in private employment, no matter what it is.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there?

Mr. TAGUE. Yes.

Mr. MEEKER. Does not the gentleman think that the salaries that are paid to the public-school teachers are a national disgrace?

Mr. TAGUE. Mr. Chairman, I do not know what they pay in the gentleman's city, but we took from the gentleman's State of Ohio a man who was drawing a salary of $5,000, and in our city we pay him a salary of $10,000 a year.

Mr. COX. Does the gentleman know that the average salary paid to school-teachers in the State of Massachusetts is $456 a year?

Mr. TAGUE. No. I am not ready to believe that until it is shown to me in figures, and round figures.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. In a moment. I know this much, Mr. Chairman, that in the city which I have the honor to represent in part the average wage of the school-teacher is nearer $900 than $456.

Mr. COX. I am taking the average for the State of Massachusetts. If the gentleman will read the RECORD of December 21 he will find a bulletin put in the RECORD of that date concerning the salaries paid to school-teachers in his own State.

Mr. FESS. If the school boards fail to recognize the service of school-teachers, is that a reason why the Government should fail to recognize the services of its employees?

Mr. TAGUE. No. That is one instance where the Government does not give sufficient recognition to the value of the services of those who faithfully perform their duties, and there is no class of people who perform more faithful and honorable duties to the public than do the school-teachers. I am ready to vote to that class of our public servants the same as I am ready to do in the case of the employees in the Postal Service. I would give to them a deserved wage, and a wage which they should receive from the date of their entrance. [Applause.]

Mr. MOON. Mr. Chairman, all debate under the rule on this section, as I understand it, is exhausted. I call for a vote.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. BENNET. Mr. Chairman, I hope that the amendment suggested by the gentleman from Indiana [Mr. Cox] will not not prevail. These salaries are not too large, and then I think the gentleman has overlooked——

Mr. MOON. Mr. Chairman, did the Chair rule on the point made?

The CHAIRMAN. The gentleman from New York offered an amendment to the amendment, by moving to strike out the last two words.

Mr. MOON. Oh, very well, if he offered an amendment.

Mr. BENNET. As I was about to say, Mr. Chairman, these salaries of themselves are not too large, and I feel sure that the majority of the committee will vote down the amendment suggested by the gentleman from Indiana. I think that he feels that way also. I give him the credit of having a goodness of heart which he sometimes successfully conceals [laughter], and I feel that he will really not feel badly if we vote him down.

Mr. COX. I want to say to the gentleman that I am sincere in this amendment. I do not want the Members of the House to have any other idea.

Mr. BENNET. The gentleman is sincere, but sometimes his real tenderness of heart enables him to withstand with equanimity the defeat of an amendment of that kind. [Laughter.] Not only is the section itself right, but it is necessary, because——

Mr. MOON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. MOON. I just want to make the point of order that the gentleman is not speaking to his amendment.

Mr. BENNET. Oh, yes; I am.

Mr. MOON. I will leave it to the Chair to decide.

Mr. BENNET. And I leave it to the Chair. [Laughter.]

Mr. MOON. The gentleman's amendment was to strike out the last two words. Let us have the debate on the last two words, then

The CHAIRMAN. The gentleman from New York will proceed.

Mr. BENNET. The last two words, Mr. Chairman, as I am told, are the words "as follows." I desire to speak two or three moments on the words "as follows." The word "follows" is a very important word. As I started to say to the gentleman from Indiana and to the committee, the really important thing about this section is what follows. [Laughter.] What does follow? I will tell you what follows.

Mr. MOON. Does not the gentleman think the important thing about this matter is the last two words, "as not"? That is the gentleman's amendment.

Mr. BENNET. Some one told me that my amendment was to strike out the words "as follows." [Laughter.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to have the amendment of the gentleman from Indiana reported again.

Mr. BENNET. And I ask to have my amendment again reported.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes. I do not want this rule violated and the debate extended beyond five minutes.

The CHAIRMAN. The Chair will state that, as it is well known, under general debate the Member entitled to the floor is permitted to discuss any subject he sees fit to discuss under the rules of the House. Under the five-minute rule there can be allowed one speech in favor of the amendment and one against the amendment, and under the five-minute rule the Member must confine himself to the amendment pending before the committee.

The Chair can do nothing except call the attention of the membership to the rules of the House and to ask the Members to observe those rules. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the gentleman from New York [Mr. BENNET] be permitted to address the committee for five minutes. Is there objection?

There was no objection.

Mr. BENNET. I thank the committee. As I was about to say when I was struggling with some difficulty to ascertain what my amendment was, the important part of the whole situation is what follows after an employee runs up the ladder on this particular provision. This provision applies to special clerks and salaries up to $1,400. In and above $1,200 are what are known as the supervisory grades, and without at all mitigating my friendship for the grades below the $1,200 grade, I want to call attention to the fact that if you do not keep this provision in, you close the door of hope for ultimate promotion to every clerk below the $1,200 grade, and you deprive the clerks who are to be promoted here from enjoying their opportunity for ultimate promotion above $1,200.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Certainly.

Mr. COX. Does not the gentleman know that these employees are automatically promoted, $100 a year until they get to $1,000, one class of them, those who work in the second-class post offices, and those who work in the first-class post offices are automatically promoted until they get to $1,100, and the whole body of them are gradually promoted in that way?

Mr. BENNET. I do not think the 75 per cent part is in the classification act.

Mr. COX. Of course it is in the classification act.

Mr. BENNET. I was not aware of it. But that has nothing to do with what I was calling attention to, and that is the absolute lack of attention that is given to fairness, decency, and justice in connection with the salaries in the supervisory grades above $1,200. I come from a large city, in which there are many of these men who occupy positions where they literally handle millions for $1,300 and $1,400 in salaries, a service for which, if they were working for the gentleman from Illinois [Mr. MADDEN], who is known to be an employer of high-priced men, they would receive as their pay anywhere from $2,000 to $5,000. If these men are not promoted from $1,200 to $1,300 and from $1,300 to $1,400, you cut off all chance for promotion. There has not been half enough done in any year for the supervisory force in any of the large post offices, and we are leaving the large administration of the greater affairs of our post offices throughout the land to the fidelity, which is seldom abused, of men who stay in the service, where they are underpaid, far more underpaid, than in any other branch of the Postal Service.

I realize that this will not be an entirely popular speech with my friends, the letter carriers, and the clerks who get anywhere from $800 to $1,200. But I will have to take a chance on that. I am in favor of increasing them, too, and always have been; but no one up to this time—possibly because the supervisory employees are few—has laid their case before the House, excepting the gentleman from Illinois [Mr. MADDEN], while I was out of Congress, and I had forgotten that for the moment. As representing in part the largest postal city of this country, I want to say frankly to the House of Representatives that however we may reasonably and honestly differ, and we do, as to the compensation paid to men receiving $1,200 or less, for the kind of positions that these clerks are promoted to fill from these grades of special clerks at $1,200, $1,300, and $1,400 a year, the pay that they get for the work they do as compared with what men get for similar work outside, is a disgrace to the Government of the United States; and there is no Government that I dare mention in public with which we can compare our conduct.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question being taken, on a division (demanded by Mr. Cox) there were—ayes 7, noes 68.

Accordingly the amendment was rejected.

The Clerk read as follows:

And provided further, That hereafter when the needs of the service require the employment on holidays of "special clerks" in first and second class post offices, they shall be allowed compensatory time on one of the 30 days next following the holiday on which they perform such service.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BUCHANAN of Illinois: Page 11, line 26, insert: "*Provided*, That when emergencies or the needs of the service require letter carriers in the City Delivery Service and clerks and special clerks in first and second class post offices to work in excess of eight hours a day, for such additional services they shall be paid at a rate of 50 per centum higher than their salaries as fixed by law."

Mr. COX. I reserve a point of order on the amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, I do not believe the point of order would be well taken against this amendment. The Congress has passed laws for the purpose of creating an eight-hour day. This amendment is for the purpose of having that eight-hour day applied. The effect is to stop unnecessary overtime work by employees. I maintain that this will not increase the expenditure of the Government, but perhaps it will reduce it, because when you permit men to work 10, 12,

and 14 hours it does not tend to efficiency of workmanship, and is a poor business method.

Mr. Chairman, the fact is that this will add to the efficiency of the service of the Post Office Department, for the reason that it can be shown that unnecessary overtime work decreases efficiency. I do not care much about the emergency part of it, if it is an emergency; but unfortunately the Post Office Department has seemed to desire to practice that sort of economy which presses down the hardest on the back of the man who is the hardest worked and the poorest paid.

Mr. BLACK. Will the gentleman yield for a question?

Mr. BUCHANAN of Illinois. Yes.

Mr. BLACK. Can the gentleman cite a single instance during the present Democratic administration where the salary of a single postal employee has been reduced?

Mr. BUCHANAN of Illinois. I was not talking about their salaries being reduced. I was talking about their being overworked and speeded up; and there are instances where they have been reduced, for that matter. I can not name them, but I can recall this to the mind of the gentleman, that in the first session of this Congress we passed a resolution to restore to their positions—that is, from $1,100 to $1,200—post-office collectors who had been reduced by the Postmaster General. There can be hundreds of cases cited. I do not happen to have them at hand.

Mr. COOPER of Ohio. In regard to the question of the gentleman from Texas (Mr. BLACK), there was called to my attention not long ago the case of an old gentleman who had been working in the Post Office Department for 25 years as a mail clerk, whose salary had been reduced from $1,400 to $1,200 a year.

Mr. BLACK. Will the gentleman yield there?

Mr. BUCHANAN of Illinois. If I can get my time extended I will yield; yes.

Mr. BLACK. I want to ask the gentleman from Ohio if he knows anything about the administrative reasons for that reduction in salary?

Mr. COOPER of Ohio. It seems that the old gentleman whom I spoke of could not pass a certain examination that the department required him to take. Therefore, after being in the service for 25 years, they reduced his salary $200 a year.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN of Illinois. Yes.

Mr. MOON. I do not like the suggestion in the question of the gentleman from Ohio, that the department has reduced improperly the salary of any man. Evidently the case the gentleman has referred to is the case of an inefficient clerk who had passed the period of life where he was of no value to the service. It might have been proper to dismiss him, and it was a mercy to reduce his salary.

Mr. COOPER of Ohio. Does the gentleman think that the Government ought to throw a man into the scrap pile after he has served 25 years?

Mr. MOON. It is not a question of the salary that we should give him, it is a question of discipline and the efficiency of the service, and it is nonsense to talk about reducing his salary when he has passed the period of efficiency.

[The time of Mr. BUCHANAN of Illinois having expired, he was granted 5 minutes more.]

Mr. BUCHANAN of Illinois. Mr. Chairman, I do not desire to challenge the motive of any Member of Congress or any official of the administration, but those who are exercising their efforts to keep the Government employees from receiving an adequate wage, and especially those who prevent the laws being applied that have been passed by this Congress, such as the eight-hour-a-day law, which was passed for the purpose of securing an eight-hour day, ought not to succeed. We ought not to permit any department of the Government to employ men over eight hours, not even for economy, except in cases of emergency. On the question of the eight-hour day I would like to call your attention to what the President of the United States says, and while it is true that this was said some time before the last election and he may lose interest in regard to this matter at this time, and I doubt if he would if he understood the administration of the Post Office Department, yet this is what he said:

> We believe in the eight-hour law because a man does better work within eight hours than he does within a more extended day, and the whole theory of it, a theory which is sustained by abundant experience, is that his efficiency is increased, his spirit in his work has improved, and the whole moral and physical vigor of the man is added to.

This amendment that I have offered is for the purpose of securing the application of the eight-hour day, and instead of working postal employees overtime—which they are opposed to—they could put the substitutes to work, which would give them a greater income and would be beneficial both to the regular employees of the Postal Service as well as to the substitutes. Therefore I contend that this is an important amendment and should be adopted by the House. I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The extension of remarks is as follows:

WASHINGTON, D. C., *January 9, 1916.*

Hon. FRANK BUCHANAN, M. C.,
Washington, D. C.

MY DEAR MR. BUCHANAN: I wish to enlist your support of an amendment to the postal appropriation bill which has for its purpose the minimizing of overtime work for clerks, special clerks, and city letter carriers, and giving these Government employees the benefit of the eight-hour law enacted by Congress August 24, 1912.

The amendment embodies the same idea as that contained in your bill (H. R. 19293). It proposes to establish a wage scale of time and a half for all work in excess of eight hours, solely for the purpose—and I wish to emphasize this—of eliminating unnecessary overtime.

Under no circumstances should this amendment be confused with the salary-increase agitation. It is not an effort to obtain additional wages by increasing the rate of overtime pay; it is an effort to confine the day's work in post offices to eight hours by fixing a penalty for work in excess of that period.

Existing law provides that overtime work be paid at a proportionate rate of the daily wage. In many instances this rate is lower than that for substitute and auxiliary clerks and carriers. As a result the regular clerks and carriers are forced to work overtime while the substitutes are deprived of work which is rightfully theirs. This injustice would be corrected by establishing a wage rate of time and a half for all regular clerks and carriers for work in excess of eight hours. The department would then restrict overtime to actual emergencies, which the law originally contemplated, and the regulars and substitutes would both be benefited.

The following editorial in the July, 1916, issue of the Union Postal Clerk, states the facts on the subject of overtime:

"Just as we fought for our eight-hour law, the antigag law, the workmen's compensation law, and now for retirement, so will we strive to confine, as far as practical, the day's work for every clerk in the service within eight hours.

The necessity for a wage differential in favor of overtime work is apparent in offices like Chicago and Cleveland, where periodically the regular clerks are forced to toil excessively long hours. Apparently, in the absence of having to pay the penalty of a higher wage rate, the department prefers to work its distributers overtime rather than employ an adequate substitute force. This operates to the disadvantage of both classes of employees—one is compelled to work too long and the other gets little or no work. A higher rate of pay for overtime would insure the regular clerk an eight-hour day and insure the substitute a larger and steadier income. Both classes of employees would benefit and the service efficiency would be improved.

"Until a premium is put on overtime the temptation to work the expert clerks excessively long hours will always be present. It is unjust to penalize a man for his expertness; yet that is what is done when skilled distributers are kept at their tasks for more than eight hours. But there is no use for us to moralize about the injustice of it. Neither does it profit us to argue that a man's efficiency wanes after eight hours of mail distribution. The boss would rather have a tired regular at 40 cents than a sub at 35 cents an hour. If, however, he must pay the regular 60 cents—almost the price of two subs—then the regular will go home on time and the sub will get the emergency work to which he is rightfully entitled.

"When we make overtime expensive it will cease. A 50 per cent wage differential for work in excess of eight hours will minimize this service and insure an eight-hour day to the clerks. The fight for it is on!"

An editorial in the November issue of the same paper cites the deplorable conditions existing then, and still existing, in the Chicago office:

"Damaging proof of the baneful effects of overtime on postal workers is shown in the increased sick benefits paid by the Chicago Post Office Clerks' Union during those periods when the department forces its clerks to work extra hours.

"Taking the month of March, 1915, as an example, we find that the Chicago union paid approximately $450 in sick benefits. The overtime for that month amounted to 50 hours. In March, 1916, with 65 hours' overtime, the sick benefits totaled $590.

"These financial statements of the Chicago union are the best barometer of office working conditions. When conditions are normal sick benefit payments drop to a minimum, but when the speeding up and the extra hours of duty are added the clerks break under the strain, requiring enforced lay-offs and medical attention to recuperate.

"Mr. Koons, First Assistant Postmaster General by the exigencies of politics, has dismissed the complaint of the Chicago clerks as of no consequence. 'It is just another attack on the department by Flaherty,' is his retort.

"If he would take his eyes off the departmental balance sheet and his mind off the expected surplus long enough to examine the Chicago mailing division time sheets and the union's sick-benefit payments he might realize the seriousness of our overtime complaint. He would find that he, a political adjunct of an administration that is seeking vindication at the polls largely on its labor legislative record, is denying, because of indifference or stupidity, an eight-hour day to at least 1,000 clerks in Chicago and thousands in other large offices.

"While the Chicago situation is most aggravated, a similar condition exists in many other offices. We find the harassed, overworked, speeded distributers being driven to physical exhaustion by as hard and implacable a set of administrative taskmasters as was ever given temporary authority over humans."

SOUGHT AID OF PRESIDENT.

The excessive amount of overtime demanded of the postal employees was so great and the complaints so widespread that I, realizing the futility of further appeals to the department, addressed an open letter to President Wilson, under date of October 6, 1916, asking his aid in bringing relief from the intolerable condition. The letter follows:

"DEAR SIR: After fruitless efforts to have the officials of the Postal Department relieve thousands of post-office clerks of excessive overtime service, I am making this appeal to you.

"The working hours of post-office clerks are governed by a law passed by the Sixty-second Congress on August 24, 1912, which provides in substance that clerks in first and second class post offices shall be required to work not more than 8 hours a day within 10 hours, and for work in excess of 8 hours a day within 10 hours, and for work in excess of 8 hours, they are paid in proportion to their salaries as fixed by law.

"This law contemplated that only in emergencies should more than 8 hours be required. Yet in many of the large post offices, notably New York, Chicago, Boston, Cleveland, etc., the clerks are forced daily and nightly to work 10, 11, and even 12 hours.

"One need not, I am sure, point out to the injustice of this. You very happily expressed yourself on this subject in a recent speech to a gathering of New Jersey business men, saying: 'We believe in the eight-hour law because a man does better work within eight hours than he does within a more extended day, and the whole theory of it, a theory which is sustained now by abundant experience, is that his efficiency is increased, his spirit in his work has improved, and the whole moral and physical vigor of the man is added to.'

"These words have a direct application to a post-office mail distributer. He works mostly at night, at top speed, at high tension, performing an important work requiring constant vigilance. To compel long hours of overtime service from this class of workers is inhumane; it is also poor business policy, resulting in errors in distribution when the overtaxed brain refuses to respond and in the physical breakdown of the worker.

"In the Chicago post office alone, 800 clerks have averaged 105 hours overtime during the first six months of this year. The bulk of this was crowded into the last four months of that period. Since July the conditions have grown steadily worse, until at the present time, with the preelection and the usual heavy fall mailings in full swing, thousands of clerks are complaining of their hardships.

"The responsible department officials are seemingly indifferent to the plight of the clerks. The remedy is within their hands to apply if they so desire. The current appropriation measure for the Postal Service made possible the appointment of 1,300 additional clerks. Despite the boasted gain in receipts and the ever-increasing volume of work, but few of these appointments have been made. Postmasters are clamoring for help, the clerks are longing for relief, and yet the department officials refuse to recognize the need of keeping the working force recruited to an efficient working standard.

"If possible I ask you to have an investigation made, independent of the Postal Department's influence, of the working conditions of the clerks in the post offices I have mentioned. While no reasonable objection can be made to overtime work in the Postal Service when actual emergencies exist, there is very strong objection to the habitual violation of the spirit of a law designed to give to post-office clerks the benefits of an eight-hour day. Your investigation will disclose a condition to which I know you are opposed. The Postal Department officials have placed you in the untenable position of advocating a principle in private employment—the eight-hour day—which is not in effect in Government employment, solely because of a desire for a greater postal surplus.

"Asking you to take action to relieve the post-office clerks of this intolerable, undesired, and arduous overtime service which is sapping the strength and vitality of thousands of faithful, trained service experts, I am,

"Respectfully, yours,

"THOS. F. FLAHERTY,
"Secretary-Treasurer."

SECOND PROTEST SENT.

My letter to the President was referred to the Postmaster General, but no noticeable effort was made to correct the abuses of which the complaint was made. Under date of October 24 I again wrote the President:

"President WOODROW WILSON,
Asbury Park, N. J.

"DEAR SIR: With further reference to my letter to you of October 6, receipt of which was acknowledged October 8, I have to inform you that the Postmaster General, to whom my letter was referred, has made no noticeable effort to correct the abuses to which I called your attention, namely, the additional hours of labor forced upon post-office distributers in violation of the spirit of our eight-hour law and in contravention of your own admirable views on the advantages of confining the workday to eight hours.

"The post-office distributers in many of the larger offices are compelled to work excessively long hours under exceedingly trying conditions, frequently at night and always at high tension. This overtime work imposed upon these men is due entirely, I insist, to the unwillingness of the Postal Department officials, because of a mistaken zeal for a larger postal surplus, to recruit the clerical force up to a proper standard.

"Congress has made it possible for the department to increase the clerical force of the service by the appointment of 1,300 additional clerks, yet, despite the obvious need of augmenting the force before the holiday rush, less than half of this number have been appointed.

"I again respectfully urge you to make an investigation independent of the Postal Department officials, who have been aware of these conditions for months but have failed to act. An examination of the time sheets of the New York, Chicago, Boston, Philadelphia, Cleveland, Memphis, and many other offices will impel you, I think, in view of your stand on the eight-hour-day principle, to insist upon the administrative officials of the Postal Department correcting this grievance by confining overtime for distributers to actual emergencies.

"Respectfully, yours,

"THOS. F. FLAHERTY,
"Secretary-Treasurer."

ANOTHER APPEAL TO THE DEPARTMENT.

In a memorial submitted to the Postal Department on November 15, 1916, the executive committee of the National Federation of Post Office Clerks asked that unnecessary overtime be eliminated and suggested the establishment of a higher wage rate for work in excess of eight hours as the surest preventive of overtime. The memorial reads:

OVERTIME.

"Due to the recent rapid expansion of the Postal Service and to the failure of the department to recruit its clerical force to the proper strength, thousands of clerks, especially distributors, are forced to work excessively long hours. While it is true these men receive overtime pay, prorated according to their salaries, it is equally true that they prefer a straight eight-hour day, except only in emergencies. To force men to work in excess of eight hours day after day is contrary to the letter and spirit of our eight-hour law.

"Inasmuch as distributors must devote time after working hours to scheme study, it necessarily follows that excessive overtime works to the disadvantage of the service in interfering with the study of the clerks and also works to the disadvantage of the clerks in subjecting them to penalties for failing to qualify on scheme examinations when there is no time for preparation.

"We heartily indorse the declaration of President Wilson made in reference to this subject, 'We believe in the eight-hour law because a man does better work within eight hours than he does within a more extended day, and the whole theory of it, a theory which is sustained now by abundant experience, is that his efficiency is increased, his spirit in his work is improved, and the whole moral and physical vigor of the man is added to.'

"These words have a direct application to a post-office mail distributor. He works mostly at night, at top speed, at high tension, performing an important work requiring constant vigilance. To compel long hours of overtime service from this class of workers is inhumane; it is also poor business policy, resulting in errors in distribution when the overtaxed brain refuses to respond and in the physical breakdown of the worker.

"We ask the department to issue explicit instructions to postmasters to observe the letter and spirit of the eight-hour law by confining overtime to actual emergencies.

EXTRA PAY FOR OVERTIME.

"We believe that in order to insure the proper administration of our eight-hour law, there should be a penalty for all work in excess of eight hours in the form of added compensation. This is not an attempt to secure an additional wage, but rather an effort to insure an eight-hour day. Under the present law it is less costly to require extra service of the regular employees than to put on auxiliary men, thus working a hardship on both classes of employees—the substitutes and the regulars. If extra compensation had to be paid to the regular men, there would be less disposition to work them overtime. We therefore urge the establishment of a time-and-a-half rate of pay for all work in excess of eight hours."

You will see from the foregoing that we have made every effort to minimize overtime service and to confine it to actual emergencies, but seemingly without success. In practically all of the large post offices the regular clerical force, especially the distributors, are at this time working in excess of eight hours. We feel this condition will continue to exist unless the Congress enacts the legislation embodied in this amendment—the establishment of a higher rate for overtime service.

Asking your earnest cooperation in this attempt to insure to the postal workers the benefits of an eight-hour workday, I am,

Very truly, yours,

THOS. F. FLAHERTY,
Secretary-Treasurer National Federation of Post Office Clerks.

Mr. MOON. Mr. Chairman, the point of order has been reserved, and I ask that the amendment be again read.

The amendment was again reported.

Mr. MOON. I think, Mr. Chairman, that is subject to the point of order.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman on what ground?

Mr. MOON. Because it changes existing law.

Mr. BUCHANAN of Illinois. In what way?

Mr. MOON. If it does not change it, why does the gentleman want it?

Mr. BUCHANAN of Illinois. It only provides for overtime pay.

Mr. MOON. Yes; it is an increase of salary; and, then, again, it is not germane to this section.

Mr. COX. I make the point of order.

The CHAIRMAN. The amendment in question changes existing law in that it increases the pay of the employees working in excess of eight hours. It is not in order on an appropriation bill, and therefore the Chair sustains the point of order.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I want to inquire of the chairman of the committee if under the compensatory provision it was ever intended that a man who takes this time should be made in reality to perform an equivalent amount of service in some other way. Let me illustrate. I have been informed by carriers in my home office at Atlanta, for instance, they work on Sunday or a holiday, and the superintendent of mails comes and says you take your compensatory time on such and such a day. He takes that time, but instead of employing a substitute, an extra man, which I understand the law intended, they divide the route of this man up among two or three different carriers and make them perform the service. He goes back to work the next day, and one of the others is designated for his compensatory time, and the man off the day before will perform extra service. In reality, if the law is administered in every post office in this country as it has been in the city of Atlanta, the compensatory time provision in the postal laws has been absolutely nullified by the administration features imposed in this office by the superintendent of mails, probably without the permission of the postmaster.

Mr. MOON. Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] must know that the chairman of the committee does not know whether the law has been violated in Georgia or not.

Mr. HOWARD. I do not mean that. I meant to ask the gentleman, so that I could get it into the RECORD, whether or not he had any information in respect to the matter. He has been so long upon the committee and is so familiar with this legislation that I wanted an expression from him as to whether

or not the framers of that law ever intended that men who received compensatory time for working on Sundays and holidays should in reality pay it back to the Government by extra service.

Mr. MOON. The intention of the law was that they should have exactly what is provided; that when they did work for a specific time they should have compensatory time therefor. That I understand has been the policy of the administration. That is the regulation of the department and the intention of the law, and I presume it has been carried out.

Mr. HOWARD. Mr. Chairman, my object in making this observation at this point was to call the attention of Congress to the fact that of my own knowledge, obtained from reliable men in the service, that law has been violated and is being violated, and I do not say that it is being violated with the knowledge of the executive heads in the city of Washington; but I know that men who receive compensatory time in the office in the city of Atlanta are made to really repay that to the Government in extra services performed instead of their employing substitutes.

Mr. MOON. If the gentleman or any of his constituents are having trouble along that line, it is purely a matter of administration and should be referred to the department at Washington, for it is not a question for legislation.

The Clerk read as follows:

For compensation to printers, mechanics, and skilled laborers, 22, at $1,200 each; 4, at $1,100 each; and 31, at $1,000 each; in all, $61,800.

Mr. BENNET. Mr. Chairman, I move to amend by inserting, after the word "holidays," the words "or holy days," on page 11, line 23.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 11, line 23, by inserting, after the word "holidays," the words "or holy days."

Mr. COX. Mr. Chairman, on that I reserve the point of order.

Mr. BENNET. Mr. Chairman, I want to ask the chairman of the committee a question. In the large cities there are a number of clerks of the Jewish or Hebraic people, who have certain holy days like Yom Kippur and others, which days they observe strictly. By the necessities of the service some of them are required to work on their holy days, and always will be so long as there are so many Hebrews in the service. Would there be any practical way of working out a proposition by which a man who is required to work on one of his holy days and has no particular objection to working on our Sunday could get some compensatory time if he is required to work on his own holy day?

Mr. MOON. Mr. Chairman, I do not know of any way by which the Government can arrange to settle these religious questions as between the people who work for it. I think we had better let them alone to settle that question themselves. If they do not want to work on certain days, they need not work on those days, but that would be a question between the Government and them. I do not think we ought to provide by statute that a man who believes that Saturday is Sunday and who does not want to work on that day, or who believes that Wednesday is a holy day—something like unto the Congressmen here in respect to "Holy Wednesday"—ought to expect to have the matter adjusted for him by statute. I do not believe that that is a question with which we ought to deal.

Mr. BENNET. I am not dogmatic about it. I am simply asking for information.

Mr. MOON. I do not know of any way by which we can handle the question and inject a religious feature into the statute.

Mr. BENNET. I knew of no way, but I hoped that probably the gentleman might. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 1,825, at $900 each; in all, $1,639,500.

Mr. BLACK. Mr. Chairman, I reserve the point of order on the paragraph, consisting of lines 4 to 6, inclusive, on page 12 of this bill. And in this connection I wish to make the following statement: At the meetings of our Committee on the Post Office and Post Roads, which were held when we were framing the appropriation bill for the fiscal year of 1917, the Post Office Department submitted for our consideration an estimate of 900 watchmen, messengers, and laborers, at $720 each, and 900 at $840 each, aggregating an expenditure of $1,350,000. In connection with this item and during the course of the hearings we had before our committee a gentleman representing this class of postal employees, and we accorded him a full hearing, and after hearing that representative of these employees we changed the item which had been submitted by the department so as to make all of the 1,800 of these watchmen, messengers, and laborers receive $840 a year each, thereby increasing the appropriation bill $108,000. This was at the last session of Congress, and was, as I have stated, a part of the appropriation bill for the fiscal year of 1917. Now, there was no objection to it in the House and no point of order was made at the time the bill was considered, and it went through, with the approval of the House. I wish to state I favored the item and advocated it in our committee, and as I now recall the matter, it met with the unanimous support of the members of our committee. But now this year, for the appropriation bill for the fiscal year 1918, the Post Office Department did not submit any estimates for any increase in this item as to salary, but asked for $1,530,000 to pay these men $840, same as we provided in the bill at the last session of Congress. Not only did the Post Office Department not submit any estimate for any increase, but so far as I have information, these employees were not asking for any increase. But our committee took judicial knowledge of the high cost of living and upon our own initiative and without being asked to do so increased this item to $900 a year for each of these employees. Since that provision was voted upon and made a part of this bill an amendment has received the favorable consideration of our committee providing a horizontal increase of all these salaries carried in the bill of from 5 to 10 per cent, the same as was put upon the Agricultural appropriation bill and the legislative, judicial, and executive appropriation bill. This 5 and 10 per cent amendment is familiar to the membership of the House, and I will not pause to discuss it at this time.

Now, let us analyze this situation as to the item I am discussing. We increased the salaries of 900 of these men last year 16⅔ per cent, as I have previously explained. If we go ahead and increase these salaries again this year from $840 to $900, this is 6¼ per cent more increase. Then if we add on the 10 per cent which is provided in the amendment which is to be offered, what will be the result? We will have 900 of these men receiving an increase of 33 per cent in the last two years; we will have 900 more receiving an increase of 16¼ per cent; and I feel constrained, Mr. Chairman, in view of these facts, to make this point of order. I feel it my duty to do this, because when the committee acted favorably upon the increase of $840 to $900 for each of these men we did not have before us the 5 and 10 per cent horizontal increase. We did not have that in mind, and it had not even been mentioned in the committee. If we go ahead and increase these employees from $840 to $900 each, it will amount to an increase of $108,000, and then if we go ahead and increase the item 10 per cent more under the horizontal raise, that will be $163,950 more, making this one item of increase $271,950, and therefore I feel it to be my duty to make the point of order. I am in favor of making one increase, but not both of them.

The CHAIRMAN. Will the gentleman kindly state his point of order?

Mr. BLACK. My point of order, Mr. Chairman, is that this paragraph of the bill changes the existing law. The law now provides that these employees shall consist of four classes, graded in even hundreds of dollars from $400 to $700 a year; but these salaries have been increased in appropriation bills from year to year, without any point of order being made, and I would not make the point of order now, except that a double increase is about to be made, which even the employees themselves are not requesting. I therefore make the point of order.

Mr. MOON. Mr. Chairman, as to the number of clerks changed and the total amount of this section the point of order is probably well taken, and I do not care to discuss that, but I want to appeal to the conscience and good sense of my friend from Texas [Mr. BLACK] and to that regard and sympathy he ought to have for his fellow men in reference to questions of this sort. Here are men getting $840 a year. Well, everybody knows, particularly in the large cities, that that is a very small amount of money for them. It is but a pittance that this committee raised the amount—just $60 a year—giving it to all instead of a few. It does not amount to a great deal. The gentleman suggests that we will pass the 5 and 10 per cent increase. Now, the gentleman perhaps knows that that will be subject to the point of order and that a point of order will be made upon it unless we have a rule, and of course that will go out. I want to say this to the gentleman from Texas, that I believe that he ought to withdraw his point of order in the interest of these laboring people here. It is wrong to make a point of order where so little is involved to the Government and so much to the poor laboring people of this country. The gentleman ought to allow that to pass, and this little pittance of a

few dollars ought to go to them. Now, I will say this to him. If when we reach the other section containing the 5 and 10 per cent increase and that increase is made I will be willing to go back to this section and ask that it be stricken out. For the present I want him to withdraw that point and let these laboring people, who are getting less than any other class of Government employees, at least get pay enough to live upon, particularly in these great cities. [Applause.]

Mr. BLACK. Mr. Chairman, I am perfectly agreeable to any one of these increases being made, either the one from $840 to $900 or the increase of 10 per cent, which I have heretofore mentioned as being sure to be offered as an amendment to this bill later on; and if I can get unanimous consent that this item be passed without prejudice to my point of order, and that I may have the privilege to renew it in event the 10 per cent provision goes upon the bill before it is finally adopted, then I will gladly pass it for the present, because I want these men to have one or the other of these increases, but I do not feel justified as a member of this committee in consenting to both of such increases; and unless I can get that unanimous consent I shall have to make the point of order right at this time.

The CHAIRMAN. The Chair will submit any request of the gentleman.

Mr. BLACK. Then, Mr. Chairman, I ask unanimous consent that this item be passed without prejudice to my point of order, and that I may have the privilege of renewing the point of order in the event that the 5 and 10 per cent increase amendment is incorporated upon the bill before final passage.

Mr. MOON. Mr. Chairman, I would ask him to put it in different shape. Let this item pass the House now, and let us have a unanimous-consent agreement to go back to it and reduce the amount back to what it is now in the event the 5 and 10 per cent proposition passes.

Mr. BLACK. All right; that suits me.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON], the chairman of the committee, asks unanimous consent that this item be considered as passed, with the understanding that if an amendment be added to the bill adding the horizontal increase of 5 and 10 per cent, the gentleman from Texas shall have the right to recur to this item and make a point of order against it. Is there objection? [After a pause.] The Chair hears none.

Mr. AYRES. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 12, line 20, after the words "one thousand," insert, as a new paragraph, the following:

"That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

Mr. COX. Mr. Chairman, I make the point of order on that on the ground that it changes existing law.

The CHAIRMAN. Does the gentleman from Kansas [Mr. AYRES] desire to be heard on the point of order?

Mr. AYRES. I do not, Mr. Chairman. I presume it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order. It changes existing law.

Mr. MOON. Then, I understand, we do not recur to this section?

Mr. BLACK. The rule may be brought in.

The CHAIRMAN. The understanding of the Chair, and the way the Chair stated the request of the committee was, in the event an amendment was adopted to this bill providing for a 5 and 10 per cent increase, they should recur to this item and the gentleman from Texas [Mr. BLACK] should be permitted to make a point of order against it.

Mr. BLACK. That is true.

Mr. MOON. That is the way I understood it.

The Clerk read as follows:

For compensation to clerks in charge of contract stations, $1,170,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I regret to find that this appropriation has been increased only $10,000. All of us coming from the large cities who are acquainted with this character of work know that the work of these clerks in contract stations, usually in drug stores, has multiplied enormously with the increase of the postal business of the country. When you inquire at the department whether there is any available fund for establishing new ones they inform you that they are without funds; and yet the department estimates but $10,000 additonal for the pay of these employees in contract stations when the work in many instances has multiplied ten, twenty, thirty, and, in some instances, fifty fold. I recall that this item has not been a favored item with the Post Office Department. Their policy has been to shave down the allowances accorded to these proprietors of drug stores who perform work of a much greater value than is paid for by the small allowances they receive of from $50 to $1,000. There are but a few who receive the high allowance of $1,000. Those are mostly in the larger cities of New York, Chicago, and Philadelphia. The majority are below $300. And yet the department does not recognize the efficient work performed by these proprietors in charge of stations, but each year changes the rule of payment by requiring more service for the same allowance. It is not fair to them. They are doing work five and ten times the value of what they are paid. If the work performed by these drug-store proprietors was performed by Government clerks, it would require an appropriation of $10,000,000 or $15,000,000 a year. The department fails to recognize fairly the services of these drug-store proprietors.

Mr. MOON. I take it, Mr. Chairman, that the department is pretty well acquainted with the value of the services of the drug-store clerks, as well as any other employee. The truth about it is that they are generally all a little overpaid—everybody that works for the department, except a few laborers.

Mr. STAFFORD. Mr. Chairman, if the gentleman were at all acquainted with the character of work performed at these drug-store stations, he would not make that bald statement.

Mr. MOON. I have this to say about it, Mr. Chairman: I reckon I know as much about that as the gentleman from Wisconsin. If I did not, I would know precious little about it. [Laughter.]

Mr. STAFFORD. I accede to the last proposition.

Mr. MOON. There was an unexpended balance of $54,000 on this item last year, and the First Assistant Postmaster General, testifying before the committee, asked for an increase of only $10,000, and said that that was all that was needed. Our committee is not in the habit of giving this department more money than it has asked for.

Mr. STAFFORD. Mr. Chairman, many times at the hearings before the Committee on the Post Office and Post Roads it has been stated by the First Assistant Postmaster General that their policy was to cut down the allowances made to these proprietors of contract stations and to get them at the very lowest possible rates. It has been conceded that the work performed by these drug-store proprietors could not be performed by Government employees for less than five times what is being paid to them. And yet the gentleman from Tennessee, just because they do not have any of these stations in the little district represented by him, makes that statement, which is unfounded in fact.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I will yield to the chairman of the committee.

Mr. MOON. The gentleman from Wisconsin, I presume, is speaking from his experience in the city where he lives?

Mr. STAFFORD. No; I am relying on the testimony that has been given before the Post Office Committee in years past.

Mr. MOON. I do not know as to the years past, but in the present year only $10,000 more is asked, and last year the department had $54,000 left over.

Now, that is a question of administration and policy that we can not settle here by the increase of an appropriation or the decrease of it. We must look to what the department says it needs, unless somebody can show otherwise.

Mr. STAFFORD. I am not criticizing the committee. I commenced my statement by criticizing the department for not recognizing this service and for cutting down the allowances.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $2,300,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 12, after line 17, insert the following:

"*Provided*, That hereafter the Postmaster General is authorized to grant to post-office clerks and other employees in first and second class post offices and letter carriers in the City Free Delivery Service and letter carriers in the Rural Free Delivery Service not to exceed two weeks' sick leave in any one year with pay."

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee makes a point of order on the amendment. The Chair will hear the gentleman from New York.

Mr. BENNET. Mr. Chairman, the amendment just read was offered for the purpose of granting a measure of relief to postal employees who are compelled to give up their work on account of sickness. These employees live on a wage from which they can store up but little to protect them against disease and mishap. Proper convalescence is necessary to the sick individual that he may regain his damaged health and be again of the value equal to his former value to the service in which he is engaged.

When the Post Office appropriation bill was under consideration in the first session of the Sixty-fourth Congress, I offered an amendment to that bill similar to the one I have now proposed. A point of order was raised against the amendment, which was sustained by the Chair, and the House did not have an opportunity to vote on it.

Senator WADSWORTH, of New York, offered this amendment to the Post Office appropriation bill in the Senate, and it was agreed to by that body but omitted from the bill by the conference committee. Senator BANKHEAD, chairman of the Committee on Post Offices and Post Roads, wrote the Postmaster General for an opinion on the amendment and received the following reply:

* * * The employees of the executive departments in the District of Columbia and certain employees of the Federal Government outside of the District of Columbia as well are entitled under the law to leave of absence with pay on account of sickness, in addition to the leave of absence with pay authorized for the purpose of vacation. In the case of the employees of the executive departments within the District of Columbia, the law authorizes 30 days' leave of absence with pay for vacation and a maximum of 30 days with pay in addition on account of sickness. The different treatment of the two classes of employees has no basis of logic or reason, except that in conferring additional benefits and privileges to the employees of the Federal Government Congress is guided by the condition of the Public Treasury. With particular reference to the employees of the Postal Service, new benefits and privileges in the way of increased compensation and improved conditions of employment have been authorized by Congress gradually during the recent years, in accordance with the same principles and tendencies which have governed the improvement of working conditions in private employment, and these additional benefits and privileges have been accorded in proportion as the condition of the postal finances and the increasing efficiency of the postal organization would permit.

It seems to me that, although the provision for leave of absence with pay on account of illness, as provided for in Senator WADSWORTH'S proposed amendment, is sound in principle, it would be inexpedient at this time for Congress to give favorable consideration to it because of the condition of the Public Treasury.

This statement of the Postmaster General should be sufficient proof that this amendment should be enacted into law.

The Canadian letter carriers are paid for all bona fide sickness up to 12 months in any one year, and if unable to resume their duties at the end of 12 months it is usual to pension them.

Sickness among postal employees is responsible for an annual wage loss that is enormous. It is a deplorable condition, and when properly understood and given full publicity will result in a public demand for a remedy. The whole burden of sickness now falls on the employees, and the only relief they get is through the fraternal organizations of the employees that maintain sick-benefit relief funds. The city letter carriers are paying benefits to the members of their association of approximately $6,000 a month. In the city of New York the local association of letter carriers paid to its members in that city during 1916 in sick and death benefits a sum in excess of $30,000.

Wage studies show that the slender savings of workingmen are inadequate to meet the burden of sickness. A recent investigation of 700 sick wage earners by the Russell Sage Foundation disclosed that, in addition to using up savings, the deprivation of income was met (1) by relief societies; (2) by relatives and friends, who were undermining their own health and strength in order to help others; (3) by employers and trade-unions; and (4) by borrowing money, taking in lodgers, sending the wife to work, committing children to institutions, and moving to cheaper quarters—all of which tend to reduce the standard of living and to multiply sickness.

It is contended that to a great extent the conditions under which postal employees perform their work is largely responsible for the sickness which assails them. Insanitary, poorly lighted, and badly ventilated workrooms, the speeding-up system, and the working of overtime undermines the vigor and resisting power of the employees and lead to illnesses which are purely occupational.

The enactment of the Federal workmen's compensation law will stand to the credit of the Sixty-fourth Congress as one of the most constructive pieces of progressive legislation ever placed on the statutes. If the history of this class of legislation in the several States is followed out, it will result in safeguards being thrown around the Federal employees that will reduce from one-half to two-thirds of the accidents that were formerly considered inevitable.

It is my opinion that in order to protect the health of these employees it will be necessary to enact legislation that will insure their earnings against sickness. Pending the enactment of health insurance legislation I believe it is the duty of Congress to remedy existing and aggravated conditions that menace the health of the postal employees, and for this reason I am sorry that the gentleman from Tennessee insists on the point of order.

I think I might possibly persuade some chairmen, but I have my doubts about persuading the present chairman; he is so well versed in parliamentary law. I would like to contend that it is a mere limitation, but I fear it is an attempt to control the discretion of the Postmaster General. Therefore I am constrained to concede the point of order. [Laughter.]

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post offices, $5,900,000: *Provided*, That the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 10 years; and that there shall not be allowed for the use of any third-class post office for rent a sum in excess of $500, nor more than $100 for fuel and light, in any one year: *Provided further*, That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, stations, or nonaccounting offices of any post office for the transaction of such postal business as may be required for the convenience of the public: *Provided further*, That no first, second, or third class post office shall be made a nonaccounting office: *And provided further*, That the Postmaster General shall have authority hereafter, in his discretion, to reestablish as a post office of the second or third class any post-office station which has been heretofore or may hereafter be established by reason of the discontinuance of such post office; and the appropriations made in this act are made available for the necessary expense of conducting such reestablished post office of the second or third class. The salary of the postmaster at such office shall be based on the gross receipts of the station for the previous calendar year.

Mr. TOWNER. Mr. Chairman, I make a point of order on that section, on the paragraph from and after line 20, on page 13, and including all the rest of the paragraph, as being new legislation and not in accordance with existing law and in contravention of existing law. I presume that the chairman will admit that it is subject to a point of order.

Mr. MOON. I want to suggest, Mr. Chairman, that this is a section that will save the keeping of about 115,000 accounts of the Government, and save probably a million or two dollars. But it is new law. If the gentleman does not want to make that saving by refusing the consideration of it, let the section go out of the bill.

Mr. TOWNER. I know that the gentleman claims that.

Mr. MOON. The gentleman knows that.

Mr. TOWNER. No; I do not know anything of the kind.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. Mr. Chairman, will the gentleman reserve his point of order?

The CHAIRMAN. The Chair has ruled.

Mr. MOON. I ask that the Clerk read.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of all of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of all of the letter carriers in second-class offices from the fourth to the fifth grade and for the promotion of 25 per cent of the letter carriers in second-class offices from the fifth to the sixth grade, City Delivery Service, $40,550,000.

Mr. EMERSON. Mr. Chairman, I move to amend in line 22, page 14, by changing the figures "$40,550,000" to "$44,605,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. EMERSON: Amend, on page 14, in line 22, by striking out the figures "$40,550,000" and inserting the figures "$44,605,000."

Mr. COX. I reserve a point of order on that amendment.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. COX. I think it changes existing law. This item is for the pay of letter carriers, including substitutes, and for the promotion of letter carriers in first-class post offices from the fifth to the sixth grade, and in second-class offices from the fourth to the fifth grade, and so forth. The act of 1907 classified these carriers and divided them up into so many classes, from one to five. This amendment can only serve one possible purpose, and that is to increase their salaries.

Mr. EMERSON. About 10 per cent.

The CHAIRMAN. If the Chair understands the amendment, it simply increases the total amount appropriated from $40,550,000 to $44,605,000.

Mr. COX. That is true. This is a lump-sum appropriation.

The CHAIRMAN. Does the gentleman from Indiana take the position that if this amendment is adopted the department will be required to expend this amount?

Mr. COX. I do not know whether they will be required or not. They may. I am not willing to let them have that chance unless the Chair overrules the point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment does not require the department to expend that amount. If the Chair believed that they would be required to expend it, he would sustain the point of order, but he does not think the amendment will require the department to expend the amount, and therefore the Chair overrules the point of order.

Mr. MOON. Mr. Chairman, I would like to ask the gentleman who offered this amendment why he wants that $4,000,000 more?

Mr. EMERSON. Mr. Chairman, I will ask the chairman of the committee why he asks me that question?

Mr. MOON. I am asking the gentleman the question because I want to get at the sense of his proposition.

Mr. EMERSON. To be honest about it, Mr. Chairman, I offer this amendment so that the department may use this money to increase the salaries of letter carriers 10 per cent.

Mr. MOON. We have not passed any proposition of that sort yet. Suppose we wait until we do that.

Mr. EMERSON. No; I think the time to make the appropriation is now.

Mr. MOON. If we do not put into the bill any authorization of the increase, what is the gentleman going to do about it then?

Mr. EMERSON. If the House votes in the $4,000,000, we will have the money to do it with.

Mr. MOON. I hope the gentleman will not indulge in that sort of argument, because the increasing of this amount without doing anything else will not be of any effect. If the House should adopt a rule making the 5 and 10 per cent increase in order, and then should adopt that amendment to the bill, the chairman of the Committee on the Post Office and Post Roads would undertake to have this bill adjusted so as to meet that legislation. I want to say to the gentleman, though, that if that is what he wants to accomplish, this $4,000,000 will not be enough to cover this bill. It is going to take about $16,000,000 to cover the appropriations throughout the bill that will be needed if we pass the 5 and 10 per cent horizontal increase. So I think it would be better to wait until we see whether we pass that or not, and if we do, authorize the Clerk to adjust the figures to meet that emergency. I hope the committee will not vote for this amendment.

Mr. EMERSON. I take this position, that if any class of Government employees deserve an increase, it is the letter carriers. They work in a revenue-producing department, a practically self-sustaining department. I understood the gentleman from Tennessee to say that there is a surplus in the Post Office Department. Now, this is brought in entirely in the interests of these letter carriers, who work long hours and work overtime without extra compensation.

Mr. MOON. I know what the gentleman is after; but suppose he gets that $4,000,000 put in here, it can not be expended unless we provide by law for its application.

Mr. EMERSON. That can be taken care of later on.

Mr. MOON. The gentleman ought not to undertake to provide in advance for an appropriation until we agree that we are going to need it.

Mr. EMERSON. There is nothing in this paragraph that states how this money shall be spent; it can be used to increase the salaries of the letter carriers, who deserve it.

Mr. MOON. No; but there is no use in adding that $4,000,000 to the bill unless there is some further action which makes it necessary.

Mr. EMERSON. I think we should provide for it now, and thus show our friendship for the men who do the hardest work in the Government service.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. EMERSON].

The question being taken, on a division (demanded by Mr. EMERSON) there were—ayes 1, noes 30.

Accordingly the amendment was rejected.

The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay and of auxiliary and temporary letter carriers at offices where city delivery is already established, $4,100,000.

Mr. HULBERT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the bottom of page 14 insert a new paragraph, as follows:

"That paragraph 2 of section 5 of the act approved August 24, 1912, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' be, and the same is hereby, amended so as to read:

"'That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks and special clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services and for all services performed after the lapse of 10 consecutive hours between the starting time and finishing of their schedules of duty, they shall be paid at double the rate of their salaries as fixed by law.'"

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

Mr. HULBERT. Will the gentleman reserve the point of order?

Mr. MOON. Very well.

Mr. HULBERT. Mr. Chairman, this amendment differs from that offered by the gentleman from Illinois [Mr. BUCHANAN] in that the amendment he submitted provided for an increase of 50 per cent of the salary paid to any carrier or clerk for such period as he might be compelled to work over the regular eight hours. The carriers and clerks are honorable, patriotic, and conscientious men, who have no disposition to shirk their duty or avoid any proper responsibility, but they want an assurance of fair treatment. It is unavoidable and proper that they should be expected to work overtime under conditions of emergency. This proposed amendment provides that a carrier or clerk who shall have worked in excess of 10 consecutive hours shall be paid double time for such excess. It is an "economical penalty," designed to compel the department to authorize the employment of substitutes to dispatch the increasing business that can reasonably be anticipated.

On December 19 last I introduced H. R. 19187, which is, in substance, the amendment that is now offered to accomplish a reduction of the minimum of unnecessary amount of overtime required of postal employees, because the complaint has become general that excessive overtime is demanded of clerks and carriers. The very purpose for which the eight-hour law was enacted is being defeated by the manner in which it is being ignored. I understand, for instance, that it is a common practice in certain post offices—provoked, I suppose, by this wave of departmental economy—to request the men to appear at the office in advance of their regular reporting time and put in from a half to two hours before "ringing in" and to continue after they have "rung out" at the end of eight hours, until the particular work in hand is finished. As no record is made of this "overtime," the men receive only their normal pay for the regular hours registered. A protest from a carrier or clerk would minimize his prospects of a favorable recommendation for a promotion or increase of pay.

It would be better and less expensive if the department would adhere to the strict letter of the law and employ substitutes for the necessary overtime. They can be secured at less cost than would be paid to the regular employees for the overtime, if properly accounted for; the great army of substitutes would obtain beneficial training and experience; and a better spirit would be created among the men regularly employed. So that, as a matter of fact, this amendment, instead of placing any additional burden upon the Government, is in reality a means of saving money and promoting efficiency.

Of course, I do not expect the point of order will be waived, and therefore no opportunity will be afforded the Members of this House to express themselves upon this amendment at this time; but it will have served the purpose of bringing this deplorable condition to the attention of Congress, and I give notice that I propose to follow it up and demand a full hearing before the committee. It was not long ago that we were called upon to legislate what was supposed to be an eight-hour day for certain railroad employees. It seems to me that Uncle Sam would do well to set a more noble example by compelling his departmental chiefs to observe the provisions and enforce the eight-hour law heretofore adopted for their guidance. During the recent holiday rush the clerks in one station in the New York post office worked 36 hours overtime in 5 consecutive days, an average of 7¼ hours overtime daily. They stuck without a murmur, like the fine fellows they are, but at the end of the rush they were physical wrecks.

During the past year, in another station, the clerks, making allowance for Sundays and holidays, have averaged 1½ hours overtime on each and every one of the 307 days of the year just ended.

Will your humanitarian instincts not prompt you to waive a legal quibble over a point of order and put this amendment to the consideration of the sober judgment of the House?

Mr. MOON. This is a matter which has not had the consideration of the committee, and I think the point of order had better be pressed.

The CHAIRMAN. The amendment, in the opinion of the Chair, changes existing law and does not fall within any of the accepted classes provided for in the Holman rule. The Chair therefore sustains the point of order.

The Clerk read as follows:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $5,965,000: *Provided*, That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

Mr. BENNET. Mr. Chairman, on that I reserve the point of order.

Mr. TAGUE. Mr. Chairman, I reserve the point of order. This is new legislation.

Mr. MOON. What is new legislation?

Mr. TAGUE. Providing for the housing of Government-owned automobiles. It carries an increase of $400,000 over the appropriation of last year.

The CHAIRMAN. The Chair will ask the gentleman to please state to what part of the paragraph his point of order is directed.

Mr. TAGUE. I make the point of order against the amount, which is an increase over the appropriation of last year of $400,000.

Mr. BENNET. And the leasing of quarters for the housing of Government-owned automobiles.

Mr. MOON. Mr. Chairman, the law does not fix the amount of the appropriation. If you could not change the appropriation at all you could not have a bill.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. BENNET. Mr. Chairman, I simply reserved the point of order for the purpose of asking the gentleman from Tennessee a preliminary question. I wanted to ask the gentleman from Tennessee how long we had been pursuing the policy of buying automobiles for the service, and under what statute the authority was found for the leasing of quarters for automobiles that were bought under whatever authority of law there may be?

Mr. MOON. Mr. Chairman, does the gentleman insist that that does not follow under the statute, both chapters 2 and 8, on the subject of the transportation, postal law, which gives the Postmaster General the power to employ vehicles for the transmission of the mail and requires it to be done? The word "automobile" does not mean anything but a wagon, a vehicle in which to carry the mail, and if he can buy one vehicle or another to carry the mail, he has authority under the law, and the law requires it to be done.

Mr. BENNET. I agree thoroughly with that statement of the gentleman. The gentleman is a highly capable lawyer, but the only question I asked him I think entirely through inadvertance he did not answer.

Mr. MOON. Perhaps I overlooked it.

Mr. BENNET. And that is, What portion of the postal statutes gives the Postmaster General the antecedent power to purchase automobiles or vehicles?

Mr. MOON. The statute that authorizes the carrying of the mails and the employment of vehicles would carry with it necessarily the means to obtain them. The appropriation that authorized the transportation of the mail in a general way, the gentleman will realize, would carry that, and if you could not secure it in this way it could not be done at all.

Mr. BENNET. My friend will pardon me, but it seems to me that if his logic is good that the mere requirement in the statute that the Postmaster General shall carry the mail, if it gives him the power to buy automobiles, also gives him the power that the gentleman from Maryland [Mr. LEWIS] would like to see him have without further legislation, namely, the power, if he is not satisfied with railroad rates, to buy the railroad.

Mr. MOON. I understand all this proposition now, for following right after this paragraph is the one respecting pneumatic-tube service. We will take care of that when we get to it.

Mr. LEWIS. Mr. Chairman, I rise to a question of personal privilege. I want to say to the gentleman from New York that he will have to guess again about railroads, and matters of that kind. I do not thank him for his gratuitous remarks.

The CHAIRMAN. The Chairman of the Committee of the Whole can not entertain a question of personal privilege. The gentleman from New York has the floor.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HULBERT. I would like to suggest to my colleague that if he is not informed upon the subject, it might be profitable to inquire whether the Postmaster General has the power under this provision to purchase pneumatic tubes, if they are vehicles?

Mr. BENNET. Oh, of course.

Mr. MOON. I should think he would have if it were absolutely necessary to carry the mail in that way, and the purpose of the law could not otherwise be accomplished.

Mr. BENNET. I should think that would be rather an extreme construction.

Mr. TAGUE. I would like to ask the gentleman if the Postmaster General, at the hearings in answer to a question, did not answer that it was the intention to use this appropriation in lieu of the pneumatic tubes?

Mr. MOON. I do not know; but I think if the Postmaster General is as wise an executive as I believe him to be, in view of the proof in this record, he would do that very thing.

Mr. BENNET. Mr. Chairman, allow me to make this suggestion. It is a quarter of 6, and possibly if we rise at this time I might not make the point of order in the morning.

The CHAIRMAN. The Chair can not control that proposition. The Chair understands the point of order to be lodged against the paragraph on the ground——

Mr. BENNET. Mr. Chairman, I withdraw the point of order.

Mr. MOORE of Pennsylvania rose.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The gentleman from Illinois has sent up an amendment, which the Clerk will report. After that the Chair will recognize the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

On page 15, line 12, insert the following: "*Provided further*, That chauffeurs and mechanics employed by the Post Office Department in the operation of screen wagon and city delivery and collection services shall be granted pay for services in excess of eight hours and compensatory time for Sunday and holiday service in the same manner as provided by law for clerks and carriers in first and second class post offices."

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

Mr. BUCHANAN of Illinois. I would like to ask the grounds upon which the gentleman makes the point of order?

Mr. MOON. That it is new law entirely.

Mr. BUCHANAN of Illinois. Does not the eight-hour law apply to Government employees?

Mr. MOON. But this has no analogy whatever to the eight-hour law.

Mr. BUCHANAN of Illinois. Mr. Chairman, this is for the purpose of applying the 8-hour day, and it reduces the expenditures, because when men work 10, 12, and 14 hours a day it interferes with their efficiency. I do not see where it changes the existing law, because we certainly have sufficient law for the 8-hour day. This does not change the law in regard to the overtime pay; therefore it seems to me the point of order should not be sustained.

The CHAIRMAN. The Chair will ask the gentleman from Illinois a question. Under the law now do these chauffeurs and other employees named in the amendment, when they perform extra services, receive pay for it?

Mr. BUCHANAN of Illinois. No; they do not receive extra pay.

The CHAIRMAN. Does not this amendment provide pay? Therefore does it not change the existing law?

Mr. BUCHANAN of Illinois. Not if we have an eight-hour-day law.

Mr. MOON. Mr. Chairman, I suggest to the gentleman from Illinois that his amendment does not have anything analogous to the eight-hour-day law. The gentleman had better undertake to get in a rule on that question than try to get it in here, because it is out of order.

Mr. BUCHANAN of Illinois. Why raise the point of order against the applying of the eight-hour day to these men?

Mr. MOON. Because this bill has been very carefully considered and hearings had by the committee and agreed upon by the majority, and it is not a wise thing in legislation to take anybody's amendment, unless it is apparently thoroughly correct and

in accord with the law and policy of the Government, without a hearing about it. We can not allow this bill to be broken into by a matter that is neither germane nor acceptable under the rules of the House as an amendment. That is the reason.

Mr. BUCHANAN of Illinois. I understood the chairman to be in favor of the eight-hour day.

Mr. MOON. I am.

Mr. BUCHANAN of Illinois. And to be in favor of the employees of the Post Office Department; and therefore why oppose this amendment by making a point of order against it?

Mr. MOON. I am very much in favor of the eight-hour-day law and very much in favor of an increase to the laboring class of the department, but I am not in favor of increasing the salaries of those who have higher positions, because they have, perhaps, enough. We can not, because we happen to be in favor of certain things, agree to everything that comes along.

Mr. BUCHANAN of Illinois. But this is not everything that comes along.

Mr. MOON. Perhaps I should not have said that; but such things as this.

Mr. BUCHANAN of Illinois. It seemed to me it is so fair I did not expect anybody to object, even by making a point of order, and especially the chairman of the committee. I will urge the gentleman to withdraw the point of order. The purpose of the amendment is to secure an eight-hour day for the men who are doing work for the Government, which work is increasing enormously from day to day, and they are certainly entitled to the eight-hour day as much as any other employees of the Government.

Mr. MOON. I want to say, Mr. Chairman, in that connection, that that may be true, and probably is true; but we can not let this bill be invaded from every side, and we can not allow new legislation to be put into it not considered by the committee.

The rule under which we are operating prohibits this legislation, and it takes a special rule to put it in order. If there were a special rule granted so that we could proceed in an orderly way to the consideration of this matter, I think I would vote for the gentleman's proposition, but not now.

Mr. BUCHANAN of Illinois. I would like to call the Chair's attention to the fact that this is a limitation upon the expenditure of the money appropriated, by directing the manner of how it shall be spent within the law. Therefore, it seems to me it is in order.

With the rapid motorization of the Postal Service in its delivery and collection and screen-wagon service there is a constant increase in the number of chauffeurs and mechanics employed. These men, although performing a function similar to that of the carriers and collectors in the City Delivery Service, have not the protection of the eight-hour law; neither do they get compensatory time for Sunday and holiday service. The purpose of my amendment is to place them on a par with other postal workers in respect to their hours of employment and their days off. It is simply an effort to wipe out the existing discrimination.

At present the chauffeurs and mechanics employed in this service are forced to work excessively long hours at times. Their hours are fixed by a departmental regulation on the basis of 8 hours within 12 hours. My amendment would fix the hours as 8 within 10 hours. In the absence of any penalty—they receive no pay for overtime—they are frequently compelled to work many hours in excess of 8.

The collectors in the City Delivery Service justly have the benefit of an 8-hour day within 10 hours, a guaranteed weekly rest day, and compensatory time for holiday service. These chauffeurs perform almost an identical function. It is rank discrimination to deprive them of the protection of the laws governing the other employees doing a like service.

Both the chauffeurs and the mechanics perform arduous service. They are Government civil-service employees, and should have the same consideration as is shown their fellow employees.

Mr. MOON. I will say in reply to that, if the limitation is in order——

The CHAIRMAN. Even were the amendment a limitation, and the limitation interfered with executive discretion, it would be subject to a point of order. And the Chair is of the opinion that the amendment contravenes existing law, and therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word, and I would like to ask the Chair if I understood him to rule a little while ago that a point of order would not lie against the amount of the appropriation, $5,965,000, which is an increase over the amount of the appropriation made last year?

The CHAIRMAN. The Chair will not state how he will rule until the point of order is made and it is up to him to pass upon the matter. The Chair ruled on one point of order some time ago that an amendment changing the amount of appropriation did not require the department to expend the appropriation.

Mr. MOORE of Pennsylvania. I call the attention of the Chair to the fact that the appropriation provided for in this bill is $5,965,000, and that it is for vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city-delivery and collection services.

Mr. MADDEN. Will the gentleman yield to me there?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. All the screen-wagon service performed by the Government now is performed by Government-owned machines in most of the cities. You can not meet trains with anything but either automobiles or wagons, and it is necessary to increase the amount of this appropriation to meet the growing needs of the service.

Mr. MOORE of Pennsylvania. In the cities?

Mr. MADDEN. In the cities—and it does not make any difference as to what is done with pneumatic tubes—this service must be continued and increased from time to time to meet the increasing demands of the service.

Mr. MOORE of Pennsylvania. The chairman of the committee has indicated that we are approaching the pneumatic-tube item, which is a fact, and I wanted to call attention now to the situation that confronts us.

The Postmaster General asks here for $400,000 more this year than he had last year for the purchase of screen wagons, automobiles, and so forth, to be used in the city postal service. And by a rather interesting coincidence it developes that that is very nearly the amount of the cut of the appropriation recommended by the Postmaster General in the matter of the pneumatic-tube service. Therefore, instead of saving an enormous amount of money by attempting the destruction of the pneumatic-tube service, the Postmaster General is simply transferring the amount that he pretends to save on the pneumatic-tube service to the purchase of screen wagons for city use. There is very little saving in the philosophy of the Postmaster General. I want the gentlemen to know that, because it is an interesting fact now that we are approaching, as the chairman of the committee has reminded us, the item of the pneumatic-tube service.

Mr. MOON. That is what makes you so nervous—the fact that we are approaching that item. This has nothing to do with the pneumatic-tube service.

Mr. MOORE of Pennsylvania. It is to be used in the city service where the tubes are to be displaced; but we are not nervous.

Mr. MOON. If we are to buy automobiles we will give a few automobiles to your city.

Mr. MOORE of Pennsylvania. We are trying to get them off the streets, because instead of a rural service in the city we would like to have a modern and sensible service underground. I repeat, it is interesting to observe that while the committee and the Postmaster General pretend they are saving a lot of money to the Government by abolishing the pneumatic service they are transferring what it costs to the automobile service.

Mr. MOON. That is not correct.

Mr. GALLIVAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. GALLIVAN. I wanted to say to the gentleman from Pennsylvania [Mr. MOORE] perhaps this has something to do with the proposed abolition of the pneumatic tubes, even though my friend from Tennessee does not think so. I want to suggest to the gentleman from Pennsylvania that I have just received a telegram from Boston. It comes from one of the most distinguished citizens of my city, and it says this:

> As evidence of the insolent disregard of the action of Congress upon question of retaining or abandoning pneumatic-tube service, post-office employees, Inspector Charles P. Stearns and I. O. Keen, of Koons's office, here arranging for autos to perform work now done by tubes. This insolence should be called to attention of Congress; generally believed, since Government established, that departments were creatures of Congress, not its masters. This action illustrates attitude of present post-office régime, that Congress should follow its wishes rather than it must obey the mandates of Congress.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended for one minute. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman has taken his seat, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I understood that I had a minute.

The CHAIRMAN. Yes; the Chair submitted the gentleman's request, and the committee granted it, but the gentleman from Pennsylvania took his seat; whereupon the Chair directed the Clerk to read.

Mr. MOORE of Pennsylvania. If the Chair will permit me to take advantage of half a minute, and so long as the word "insolent" has been used——

Mr. MADDEN. The telegram refers to the "insolence of the department" in disregarding the action of Congress.

Mr. MOORE of Pennsylvania. I thank the gentleman for stating the fact. Congress might sometimes be misled, unless duly and independently informed upon this subject of the pneumatic-tube service.

Mr. MOON. Oh, yes; that is the opinion of almost everybody from Philadelphia and Boston and a few other places.

Mr. MOORE of Pennsylvania. We still have some rights and are doing the best we can to maintain them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For mail-messenger service, $2,243,000.

Mr. McARTHUR. Mr. Chairman, I suggest the absence of the dollar mark before the figures "2,243,000," on line 13 of page 15.

Mr. MOON. Mr. Chairman, the dollar mark is already in this bill.

Mr. McARTHUR. I will state to the gentleman from Tennessee that it is not in my copy.

The CHAIRMAN. If the chairman of the committee will turn to line 13 of page 15, "For mail-messenger service," he will find that the dollar mark is omitted.

Mr. MOON. It is not omitted in this copy. Let it be there, for that is what they want. [Laughter.]

Mr. STEENERSON. Mr. Chairman, I would like to say to the chairman of the committee that I believe we are now approaching that contentious clause, the pneumatic-tube service, and before the gentleman from Tennessee moves that the committee rise I would like to address the committee for five minutes in regard to the correction of the RECORD as to some remarks delivered yesterday.

Mr. MOON. Why do you not just expunge that speech and let the rest remain. [Laughter.]

Mr. COX. Mr. Chairman——

Mr. STEENERSON. The gentleman from Indiana [Mr. Cox] might object to that. The gentleman from Indiana has changed the remarks he made to which I replied yesterday, thereby making my reply appear without real reason. I hold in my hand the Official Reporter's minutes of what the gentleman from Indiana did say, and what I had a colloquy with him about, and the Official Reporter's original minutes show that he referred to the remarks that I had made in my speech in which I said that the report of the Auditor for the Post Office Department showed that there was a deficit for the last three fiscal years.

Mr. MOON. I make the point of order, Mr. Chairman, that there is nothing before the House.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is nothing before the House.

Mr. STEENERSON. I would like to have unanimous consent, Mr. Chairman, to proceed for five minutes.

Mr. MOON. Wait a minute. I make the point of order, Mr. Chairman, that that is a matter that can not come up in the Committee of the Whole House on the state of the Union, but can only be taken up in the House.

Mr. STEENERSON. I am not seeking to correct the RECORD, but I simply want to call the attention of the gentleman from Indiana [Mr. Cox] to the fact that the remarks that I replied to are not the remarks that he has put into the RECORD. I am correct in what I said and he puts into the RECORD something that makes my statement incorrect.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to address the committee for five minutes. Is that the gentleman's request?

Mr. STEENERSON. Yes.

Mr. COX. Reserving the right to object, Mr. Chairman, I simply want to say that I secured, by unanimous consent, leave to revise and extend my remarks in the RECORD.

Mr. STEENERSON. Even if the gentleman did, he would not have the right to make those changes.

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I think the purpose of the gentleman from Minnesota has been satisfied by the statement he has made, and I would request him not to press his request now, but that he will let it come up in the morning after we inserted the pneumatic-tube service item.

Mr. STEENERSON. No; I will do it before then. I will do it as a matter of personal privilege in the House to-morrow, if that is insisted upon. But I have just been handed the minutes of the Official Reporter, in which the gentleman from Indiana is shown to have changed the statements in which he criticized me. I said the RECORD proved one thing, and the remarks of the gentleman says something else.

The CHAIRMAN. The gentleman is not in order. The gentleman from Minnesota asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, that would require a reply of five minutes, would it not?

Mr. MOON. Mr. Chairman, I object. I move the committee do now rise.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken.

The CHAIRMAN. The motion is agreed to. [Cries of "Division!"] Several gentlemen have demanded a division. Those in favor of the motion that the committee do now rise will rise and remain standing until they are counted. [After counting.] Twenty-seven gentlemen have arisen in the affirmative. The ayes will be seated, and the noes will rise and remain standing until they are counted. [After counting.] Forty-two gentlemen have arisen in the negative. On this question the ayes are 27 and the noes are 42. The committee refuses to rise.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Chair will count.

Pending the count,

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point. The Clerk will read.

Mr. MOON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Post Office appropriation bill (H. R. 19410) and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10007. An act for the relief of William H. Woods; and

H. R. 1093. An act for the relief of James Anderson.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6864. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of 1 year from January 1, 1917.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of Government manufacture of munitions.

The SPEAKER. The gentleman from Illinois [Mr. TAVENNER] asks unanimous consent to extend his remarks on the subject of Government manufacture of munitions. Is there objection?

There was no objection.

Mr. FESS. I ask unanimous consent to extend my remarks by printing in the RECORD a résumé of documents pertaining to peace.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the RECORD a résumé of documents in the interest of peace. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, January 13, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimate of appropriation in the sum of $250,000 for intercoastal communications (H. Doc. No. 1927), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof, reported the same with amendment, accompanied by a report (No. 1282), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 18565) to authorize sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased, reported the same with amendment, accompanied by a report (No. 1283), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6444) providing for the payment of certain items of interest on the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokees, and for other purposes, reported the same with amendment, accompanied by a report (No. 1284), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 19904) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frank T. Heffelfinger* to *Clemens A. Reiss*, reported the same without amendment, accompanied by a report (No. 1285), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19901) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frederick B. Wells* to *Otto M. Reiss*, reported the same without amendment, accompanied by a report (No. 1286), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19902) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frank H. Peavey* to *William A. Reiss*, reported the same without amendment, accompanied by a report (No. 1287), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19903) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *George W. Peavey* to *Richard J. Reiss*, reported the same without amendment, accompanied by a report (No. 1288), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HILLIARD: A bill (H. R. 20038) to provide Federal aid in caring for indigent tuberculous persons, to provide for a division of tuberculosis in the United States Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODS of Iowa: A bill (H. R. 20039) providing for the licensing of weighers of farm products at commercial centers and the licensing of inspectors of scales and other weighing devices, and making appropriation therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. SEARS: A bill (H. R. 20040) to amend the irrigation act of March 3, 1891 (26 Stats., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., 404); to the Committee on Irrigation of Arid Lands.

By Mr. HASTINGS: A bill (H. R. 20041) providing for the appointment of three commissioners to the Five Civilized Tribes in Oklahoma to examine and report the names of those adult restricted Indians from whom restrictions should be removed; to the Committee on Indian Affairs.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 20042) giving Federal courts power to suspend sentences and penalties; to the Committee on the Judiciary.

By Mr. MUDD: A bill (H. R. 20043) to confer jurisdiction on the Court of Claims to inquire into whether or not the immigrant Cherokees by blood are entitled to be reimbursed for lands allotted to negro freedmen Cherokees from lands granted to immigrant Cherokees by blood under treaty of 1835, and inquire into and determine the validity of the treaty of 1866; to the Committee on Indian Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 20044) to regulate commerce in adulterated and misbranded seed, and to prevent the sale and transportation thereof, and for other purposes; to the Committee on Agriculture.

By Mr. GLASS: A bill (H. R. 20045) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. NEELY: A bill (H. R. 20046) providing for the appointment and recommission as officers on the active list of the United States Army persons who were formerly officers; to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CARY: A bill (H. R. 20048) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. LOBECK: Resolution (H. Res. 440) providing for the consideration of House bill 16060; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 20049) for the relief of Maude Craig Smyser; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 20050) granting an increase of pension to Mary List; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 20051) granting a pension to William H. Trautman; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 20052) for the relief of the estate of Henry Cooper, deceased; to the Committee on War Claims.

By Mr. DOREMUS: A bill (H. R. 20053) granting an increase of pension to Alfred P. Haskill; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 20054) to allow a pension of $30 per month to Edward Marvin Carter, of Savannah, Ga., loss of eye at military camp, Macon, Ga., on July 30, 1916, while serving in the United States Army; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 20055) granting a pension to Martin E. Godwin; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 20056) granting an increase of pension to Samuel P. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20057) granting an increase of pension to Christian Bechtel; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 20058) granting a pension to M. B. Cavenaugh; to the Committee on Pensions.

By Mr. HEATON: A bill (H. R. 20059) granting an increase of pension to Susanna Rose; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20060) granting an increase of pension to George C. Whitener; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20061) granting an increase of pension to Frank R. Barfoot; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 20062) granting a pension to Jane Mathilda McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20063) granting an increase of pension to Thomas A. Moore; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20064) granting an increase of pension to Samuel M. Reese; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 20065) granting an increase of pension to Francis M. Barker; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 20066) granting an increase of pension to Joseph Moore; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 20067) granting an increase of pension to Samuel H. Samples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20068) granting an increase of pension to Clara Wildman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20069) granting an increase of pension to Albert Booker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20070) granting a pension to Chesley Rhoden; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 20071) granting an increase of pension to James Doyle; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 20072) granting a pension to Agnes A. Brady; to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 20073) for the relief of Austin Shinn; to the Committee on War Claims.

By Mr. SCOTT of Michigan: A bill (H. R. 20074) granting a pension to William Chalender; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 20075) granting an increase of pension to John F. Gibbons; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20076) granting an increase of pension to Charles H. Giles; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 20077) granting an increase of pension to America Postelwait; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 20078) granting an increase of pension to Isham Raney; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: Resolution (H. Res. 441) authorizing the payment of $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWNE: Petition of members of Ed. Sere Post, Grand Army of the Republic, of Wautoma, Wis., protesting against the removal of the soldiers' home from Milwaukee, Wis.; to the Committee on Military Affairs.

Also, petition of several residents of Manitowoc, Wis., protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions and memorials of Central Federated Union, of New York; Everyday Mechanics' Magazine, of New York; Lucas & Dahe Co., of Rochester, N. Y.; clerk's office, Common Council of Philadelphia; Eilburt Printing Co., of New York; Harkner J. Brower, of New York; and E. Lee Montague's Sons, of New York, in reference to legislation carried in the Post Office bill; to the Committee on the Post Office and Post Roads.

Also, memorial of Navy Yard Retirement Association, in favor of pensions for civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of Timothy C. Murphy, of Connecticut, in re bill for rewarding holders of life-saving medals; to the Committee on the Merchant Marine and Fisheries.

By Mr. COADY: Petition of numerous citizens of Maryland, against prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of Central Federated Union, of New York; clerk's office, Common Council of Philadelphia; and the Crockery Board of Trade, of New York, in re postal legislation; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petitions of sundry citizens of New Jersey, opposing prohibition bills; to the Committee on the Judiciary.

Also, petition of W. T. H., in favor of Hayden game bill; to the Committee on the Public Lands.

Also, memorial of clerk's office, Common Council of Philadelphia, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. A. W. Durell, of Woodbury, N. J., in favor of Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Men-Suffrage Association Opposed to Political Suffrage for Women, of New York, in re woman suffrage; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of Ernest Schlict and 26 other residents of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of Crockery Board of Trade of New York, opposing the discontinuance of the pneumatic-tube service in New York City or Brooklyn, N. Y.; to the Committee on the Post Office and Post Roads.

Also, memorial of select and common councils of the city of Philadelphia, Pa., protesting against the abolition of the tube service in the city of Philadelphia; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Papers to accompany House bill 19900 for relief of Daniel Gorsert; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Federation of Labor, favoring citizenship for the inhabitants of Porto Rico; to the Committee on Insular Affairs.

Also, memorial of 35 members of Davisville Grange, of Illinois, for a commission to investigate an alleged monopoly in raw sisal; to the Committee on Agriculture.

Also, petition of Rockford (Ill.) Aerie Fraternal Order of Eagles, protesting against increase of postage rates on fraternal magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Nonsuffrage Association, of New York, opposing a constitutional amendment granting suffrage to women; to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of the State of New York, favoring the pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of American Institute of Architects, for the creation of a commission of experts on public buildings; to the Committee on Public Buildings and Grounds.

Also, petition of Prany Co., of Chicago, favoring the vocational educational bill; to the Committee on Education.

Also, petition of United Spanish War Veterans, of Boston, Mass., for increase of pay, etc., for clerks of the Quartermaster Corps; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorials of select and common councils of Philadelphia and the Central Federated Union of New York in reference to legislation in Post Office bill; to the Committee on the Post Office and Post Roads.

By Mr. GILLETT: Three petitions, containing 145 names, residents of Springfield, Mass., for national prohibition amendment; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of 41 citizens of Lancaster County, Pa., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, petitions of citizens of Lancaster, Pa., protesting against legislation proposed by House bills 17850 and 18986, Senate bills 1082 and 4429, and House joint resolution 84; to the Committee on the Judiciary.

Also, petition of Lancaster Branch, German-American Alliance of Pennsylvania, asking for an embargo on all grains and food products; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: One hundred and forty-two petitions of sundry citizens, firms, and organizations indorsing 1-cent drop-letter postage, as recommended in Postmaster General's report; to the Committee on the Post Office and Post Roads.

Also, 29 petitions and memorials of sundry citizens, firms, and organizations, opposing any increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Petition of Denver Civic and Commercial Association, for removal of limitation on expenditures for the Rocky Mountain National Park; to the Committee on the Public Lands.

By Mr. IGOE: Petition of Joseph Houser, St. Louis, Mo., secretary local union of the United Brewery Workers of America, favoring an additional appropriation for the naturalization bureau for their field service; to the Committee on Appropriations.

By Mr. KIESS of Pennsylvania: Petition of citizens of the fifteenth Pennsylvania district, praying for the passage of House resolution 264; to the Committee on Rules.

By Mr. LIEB: Petition of John H. Derrll, John Sullivan, Henry Faust, C. W. Tweedall, C. H. Wessell, Jake Yestingsmeier, Tony Fortune, Charles White, Ed. Sweeney, Frank Dimick, W. S. Schnelly, Henry Wargel, Jacob Hirsch, John Emrich, Henry F. Holtz, August Holty, John Reuter, Joe Wargel, Fred Seeber, Ben Engbers, Oscar Meyer, Henry Enchers, George Seeber, Ben Zeller, George L. Paul, Joseph L. Martin, Frank Ottman, Joseph Schwart, L. B. Happe, John Howe, Wendel Leangel, Norbert Happe, Christ C. Uhde, George Klinger, John Altergett, John Will, John Duncan, Ben Barwe, S. Sertz, George Silk, George Bitzel, John Bachmer, Aug. Frick, John Barthel, Henry Haaga, James Gish, Earl Harl, Philip Hisch, Benjamin J. Frielinghauser, Vall Zellers, John Hack, J. B. Lingemann, Clarence Hardy, Walter Ladd, Peter Strack, A. Fairchild, Frank Rohr, Peter Rieber, Charles Muschler, John Dietz, Frank Deutsch, William Hartig, M. Barnes, J. Barnes, H. Fox, Frank C. Wepf, Garlan Hunter, Ben Mahlerty, Alex. Masen, Roy Kinel, Earl Rover, Will Gaines, Ruben Payne, Berlia Smith, Frank Turpin, Tom Fields, James Trevtham, Emmitt Laye, Ernest Dodson, John Letcher, Louis Jolhson, R. Powell, Jewel Forms, Wilham Brooks, Ernest Haden, Frank Ehrman, John Dodds, James Gans, Milton Parrish, Carl Gardner, George Dawson, George Gant, Willie Moore, Charles Stallman, Auston Perkins, William Judson, C. P. Tharp, J. P. Shaffer, John Vaughin, Walter Watson, Grant Cole, Thomas Parrish, H. W. Lodson, R. H. Johnson, Robert Fenwrick, West Gains, Tom Davis, Will Gains, O. Nance, Sol Breap, George Russell, Henry Irvin, George Hays, Jeston McFarland, Willie Payne, Richard Cox, Morris Rankin, and George Crider, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohbit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of McElroy Taylor, W. H. Bostic, William Brannon, Amos Reed, George Crawford, August Cobell, D. L. Stratton, Mark Saunders, George Platz, Anton Cellerbusch, J. W. Cowell, William Shaffer, George Doran, Homer Rowans, Mark H. Joseph, F. J. Suffert, John Stetzel, Joseph Boston, jr., G. W. Harmon, William J. Enlow, Oscar Siecks, Oscar Koeppe, Joseph Rohlfer, jr., T. E. Davidson, George E. Wright, John H. Cox, Horace Allen, Leroy Johnson, John Rogles, W. A. Jordan, Ollie Fabian, W. T. Hinman, Henry Pillman, J. W. Holmer, C. Jackson, A. E. Neneiss, H. W. Minch, L. E. Leseure, Walter C. Becker, E. B. Dean, Jacob Scherer, J. A. Cook, Ed. Bruner, Morris Pfohl, Naman G. Bee, William Hayney, J. Binup, J. F. Tooley, W. T. Tooley, George Gillis, J. G. Hedderick, Edw. C. Kemmeling, J. R. Langford, B. F. Megara, R. M. Beyer, E. D. Klaser, F. Frick, Donald M. Kinney, John H. Taylor, Mike Schaeffer, John F. Gross, Rudolph Becker, Edward H. Rose, H. E. Fitch, George A. Heltzman, N. J. Hewtor, William Hanley, George J. Neines, A. Adams, H. Moore, John John, C. L. Cartwright, Edward J. Heltzman, C. Rager, John Stanley, W. B. Griffith, Leroy Johnson, Joe Cohoon, Ray Shields, Thomas Shields, J. McEven, W. K. Keoner, Jacob Gerard, Joe Serdenthal, A. S. Voss, Earl Castlen, Jacob Thiel, John Sudenthal, Henry Guise, George Kammero, David Duncan, E. S. Sheely, William Pike, Eli Auspach, R. E. Uhrig, J. F. Willmeyer, S. R. Johnson, F. W. Gilmore, Peter B. Moll, Peter Wallace, George William Klein, Fred Street, William Weidner, Andrew Loesch, F. Hosse, F. L. Mueller, Nicholas Kohl, sr., Will J. Lappe, jr., James P. Hon, Walker Baker, Horace Wilson, Homer Tamer, William Lyons, Paul Berger, Herman Jones, G. P. Sharp, Charles W. Rustin, F. H. Meyer, Ed. Bitter, Peter Aeker, Cecil Kifer, Ben Howard, Sam Crumbaker, P. D. Drain, Louis P. Bohn, jr., Louis Lienert, Frank Maas, Aug. F. Illing, V. Lehon, Robert Witzmann, Joe Maers, George Schaefer, jr., Frank Schaefer, Harry Stubbs, John A. Becker, Aug. C. Weevner, and Andy Richardt, all of Evansville, Ind., protesting against passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Commtttee on the Judiciary.

Also, petition of Albert Schmadel, Otto A. Kenkel, Fred Walleon, John E. Brenle, T. R. Parrett, A. E. Gore, Harry Kroeker, C. K. McDonald, Ed. Burke, Henry Espenseseld, Walter Brizius, Oscar Ketenger, Dewey Clemans, Willard E. Curry, Charles K. Aesop, Louis J. Klinger, John Klaser, Joseph P. Zimmerman, F. J. Munnenense, M. Flund, L. Wintner, Ed. Elmendorf, George Geur, August Fuehring, Arthur Booth, John Lampkins, Elmer L. Fay, Charles Rosttger, C. G. Meekes, Thomas Palmer, Albert C. Gronothe, George W. Dodd, Charles J. Brase, Robert H. Working, William Crisel, George F. Keck, A. W. Hagensieker, Frank Mayer, A. T. Whitman, H. C. Koenig, Ray Youngblood, Charles Gardner, Frank Benton, Otto Roeder, Charles Durbin, W. J. Love, Clem H. Goedde, A. H. Harneshfege, George Wix, A. G. F. Deckin, F. Klismeier, Wayne Adams, Thomas Grubb, Ben Fiester, Gus S. Narter, H. H. Angel, Will Rough, William C. Ohlrogg, W. B. Crawford, Val Kullmann, Harry Balzer, Charles Griese, jr., T. A. Henders, William J. Meyer, E. Wood, G. William Meyers, Walter E. Foley, Emil Wanatt, Joe Hayden, T. E. Buecher, A. J. Chittenden, J. L. Ambrose, Joe Cat, Leo Mauch, W. H. Russ, Albert Breedlove, Louis Bolmerman, L. S. McIntosh, O. Word, William A. Woelffel, Jacob Kasterer, George Bertram, Philip Neidig, William Neidig, William Fritsch, Alexander Schaefer, Roscoe Baker, Oscar Slade, William Maarberg, O. K. Tichenor, Norman Enrus, John P. Alt, S. R. Carter, Frank Busmann, J. Foley, Frank Bender, Mike McKener, Eugene Bollington, Ed. Herschelman, Emil Koester, Anthoney Patry, Arthur Becker, William Gabert, George Smith, W. R. Schmitt, J. M. Lewis, William H. Swatts, Ed. F. Schlamp, Carl Wollweg, Charles Taylor, Rufus Gill, Don Purtle, Taylor Selby, Lawrence Ramsey, Louis Wimberg, Arthus Schwambach, Lester Allen, Edw. L. Ebmeier, William Grubb, Adam Rennler, and Charles Ebmeier, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of Jim McSimore, Jud Thatcher, Jim Holbright, M. Weishoff, Henry Danter, Andrew J. Sartore, Edmund Winiger, Theodore Hayns, Conrad Seibert, John J. Seibert, Jacob Fink, Joseph Wolfe, Henry Salzman, John Reimann, Joseph Schneider, George Schneider, A. C. Schneider, A. Wittman, Frank Wargel, Martin Kuuebel, George Lindenschmidt, Louis Herimann, Peter Molinet, August Winiger, Ray Woerz, F. E. Hewins, S. Halliman, W. O. Birkenbusch, John Heiskoj, William Anders, Gus Pelz, Jesse Elbert, Frank Ketzinger, C. A. Lefler, William Fisher, George Bonenberger, Carl Scott, C. C. Hopkins, G. Hayden, A. J. Skelton, R. R. Sisler, C. P. White, Fred Kiechle, E. E. Ellis, E. L. Bullard, J. G. Kaiser, Elmer Wilder, J. C. Nezelles, A. Zumer, E. W. Hodson, Joe Broshears, Martin Enig, jr., John L. Schulze, William Schulze, Aug. Westerhoff, Peter Thullney, William Chasnelle, Edward Pfister, Fred Picker, Claude Riggslee, Adam Weiss, Robert Johnson, George Rapp, Michael Rapp, Charles Ertel, August Keister, John Constance, C. Wilson, Carl W. Schack, G. W. Hur, Fred Krietenstein, J. L. Rhamberlin, George Tumei, John W. Schenk, Ed. Heinrich, George Wilson, Otto Kanzler, Ora M. Sansom, Charles A. Hahn, John Folz, Ferd Becker, James Mongham, Frank Melton, John B. Fink, Sam Sitzman, Charles Belleke, Ed. Parker, Henry A. Wolf, Fred J. Bergdolt, Edwin Turner, John Zimmermann, R. P. Sirwell, R. D. Purdue, Henry Ellis, jr., J. G. Daniel, A. J. Payne, Fred Schneider, Ben Marigold, Charles Dirch, Frank Garvey, Henry Sartore, Philip Wurster, Robert Johnson, L. H. Mills, Edw. A. Anslinger, A. J. Bayner, William Meinst, William Wempel, F. Hafendorfer, F. Laurenzo, P. E. Scheller, C. Struchen, William Brune, Arthur Wiechel, Ed. Breedlove, Lois Feiger, Abe Smith, John Schneider, William J. Doerr, John E. Cummins, Frank J. Diehl, William Davant, Charles P. Benter, G. W. Parsley, and Albert Heatherington, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of Taylor Rodgers, J. George Diehl, Joseph C. Diehl, Jacob G. Diehl, B. H. Diehl, G. H. Mather, Henry Kieff, jr., Edward Yates, August J. Diehl, H. D. Schmitt, Peter Klingler, Thaddeus Koewler, William Noelke, Anton J. Forche, Joseph Urban, August Schhab, E. W. Scholz, Henry V. Muensterman, William Massmer, N. Broshears, Albert Wensel, Adam Schmidt, George Schoweberkler, Anton J. Horessel, Theodore Maschada, Jake Hahn, Ernest Forche, Frank J. Stoftett, Peter Niehaus, P. J. Rollett, T. C. Eifler, Charles Green, Fred J. Koressely, James C. Goody, Oscar Meyer, Herman O. Reidenbach, Edward Bergintz, T. E. Epley, Jim Bluff, Henry Fetz, George Kuebler, W. F. Wunderlich, H. Kramer, Robert Beck, U. P. Schmitt, Henry Dickhant, William Dickhant, Charles F. Forster, Adolf Bahn, Severin Kempf, Louis Froelich, George Denken, Albert Glerchman, William Schaefer, Gus Weisling, Frank Lapp, Henry W. May, A. M. Barthel, J. J. Haffherr, Ed. J. Saner, Fred Otto R. Thunbach, Benjamin J. Schuttler, Henry Bruning, V. Schon, William Reich, Robert Schneisen, Charles Krauren, P. Paul Schartz, W. Emerich, J. Neth, A. Scheu, Ernest Doerhe, Frank Boyer, Jacob W. Freclish, Paul Kattofen, Henry Boos, Carl Demgransky, Wasfich Flinger, Karl Schatz, William M. Hauser, I. E. Riechmann, George Miller, Albert C. Gronothe, Melbin A. Hodgkins, Leo Beckrey, Edward Ebelam,

Joseph A. Folz, Herman Therber, Louis Kauowely, Peter Klintz, William J. Abigt, Henry Roab, Frank C. Schuler, Henry Ruhmeirer, Charles Tremers, Frank Sachs, Ham Schaefer, J. Rumpf, John J. Manning, D. J. Murphy, George Peters, Goldia Boyd, F. L. Schmitz, Thomas Matthews, Ollie Humes, Charles Bunder, Richard Peake, Phil Stinson, Thomas M. Britton, William Schneider, Herbert Cook, George W. Cox, Allen T. Wright, Lewis R. Geiss, R. Ingram, C. L. Meadow, Harry Henn, William Hite, John E. Polhins, B. Goodman, Boyde Jones, Ellis E. Vowels, Victor Hubbard, L. Wagner, Charles Byers, Charles Snowball, Albert Gumbel, R. L. Pesch, John Stratmore, Valentine Hoener, V. Sundermann, Frank Lemcke, Otto Moers, John Grimm, Louis Reuter, John A. Holler, Henry Fox, Emil H. Rohnn, and George Haffel, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb Nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of E. Leat, Bob Schwana, Frank Gray, Moses S. Langley, James Mitchel, John E. Hildebrandt, George P. Allen, A. H. Bredenkamp, Val Kramer, Charles Fhoenbachler, Adam Kunz, Jacob Kunz, P. D. Drain, Louis Ernst, George J. Vogel, Charles B. Keil, Otto Dum, jr., F. J. Haas, Henry Gasper, Elmer Strasser, G. Powers, Frank Blend, Comas Blend, Joseph Bender, John F. Kissinger, Henry Holtz, Walter McCleary, George R. Geleus, Frank Dulling, R. E. Scully, I. L. Miller, Roy Durre, Charles Bundy, William Hobell, Martin Lanil. D. J. Henson, Oscar Seiffer, Ed. Euler, Edgar Durre, Fred Sunderman, Ferd Brown, Ralph Stevens, Adolph Wingert, Abe Levi, Charles Raben, Louis Condredt, Joseph Ansem, Joseph Maas, Louis Raben, George Edwards, Henry Schneider, R. H. Beatly, Edw. Raston, Floyd Queen, Frabj Diehl, William Darant, Charles P. Becker, G. W. Pursley, A. Heallington, Taylor Rodgers, J. George Diehl, Joseph G. Diehl, Jacob G. Diehl, B. H. Diehl, James H. Mathes, Henry Kirpf, jr., Edw. Yates, August J. Diehl, A. D. Schulte, E. H. Rahu, William Cavins, Jacob Highholder, John L. Shipp, C. A. Low, Wesley Falls, August Grotius, Julius Kastatter, Otto Scheel, H. Baertuh, Emil Rahm, William A. Fritsch, William Gotta, G. Wolf, Louis Bauer, Henry Rosenthal, F. M. Lauenstein, C. R. Kiener, Ed. Rommel, John W. Wimberg, H. F. Gruemenger, F. A. Schoeny, B. Steinhauer, A. M. Fisher, Franz Walter, John J. Ehrhardt, John L. Fitzsimmons, Gus. F. Ebert, Roland C. Stern, Henry C. Ries, Otis Potter, Elmer Schoeber, Paul B. Goss, George Swaton, I. G. Burton, Charles F. Eiker, A. Wentuee, George Emmelto, Albert Wandus, A. E. Kramer, L. J. Perrin, A. Carnegie, A. J. Fehn, J. Keely, M. S. Bettog, Leo Seligman, M. M. Walters, Touseppe Rimondo, Doe Bowers, W. D. Beever, Frank Niethamee, John J. Ehrhardt, John L. Fitzsimmons, Gus. H. Ehrt, Roland Steen, Julius A. Drahem, John Walker, W. J. E. Walker, Leo Cissell, and V. E. Erickson, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of George C. Wellinger, Charles E. Myers, C. M. Zalhus, E. V. Alexander, J. Crail, Ray Curry, Fred Linder, Elmer Eisenbaith, W. A. Whetsell, R. Steinmetz, L. P. Kirch, R. W. Johnson, M. J. Joyce, H. F. Hubbard, John E. Lynch, G. W. Butler, P. H. Riede, W. J. Palmer, L. H. Carle, U. S. G. Curless, M. F. Hanley, P. E. Lawler, F. E. Theobald, George W. Neff, C. A. Wetzel, P. Rattery, O. C. Robinson, James Gorman, William S. Alexander, Oscar Mace, James M. Gahey, L. S. Dreyor, S. H. Sontes, S. Donnelly, P. J. Tarpy, W. E. Murphy, Ira W. Eckelberger, Bert O. Sherrill, Thomas H. Gibson, F. W. Hergt, A. J. Lee, Bart Kavanagh, R. J. Neely, G. D. Ashley, C. A. Clamon, A. Connelly, J. S. Reno, F. W. Dennie, W. W. Shartle, J. O. Fly, Charles H. Night, J. T. Ellis, J. J. Moore, F. H. Hurt, employees of the Bureau of Animal Industry, United States Department of Agriculture, residing in the State of Indiana, urging passage of House bill 16060; to the Committee on Agriculture.

By Mr. MAGEE (by request): Petition of citizens of Syracuse, N. Y., in re House bill 8986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. MANN: Petition of eight Lithuanian societies, of Roseland, Ill., favoring an embargo on food products, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEKER: Petitions of Colcord-Wright Machinery & Supply Co., Moloney Electric Co., and Fred Messmer Manufacturing Co., of St. Louis, Mo.; also Larned, Carter & Co., of Detroit, Mich., in favor of 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Benefit Association of the Maccabees; Loyal Order of Moose, Lodge No. 3; Fraternal Order of Eagles; and Frank B. Nuderscher, all of St. Louis, Mo.; also editor Southern Engineer, editor Cotton, editor Iron Tradesman, and editor Machinery and Supply Buyer, all of Atlanta, Ga.; also New York State Federation of Labor, of Utica, N. Y.; the Woman's Benefit Association of Maccabees, of Port Huron, Mich.; and Union Label Trades Department of the American Federation of Labor, of Washington, D. C., all protesting against the zone bill; to the Committee on the Post Office and Post Roads.

By Mr. NEELY: Petitions of various persons residing in the first congressional district of West Virginia, urging a higher rate of compensation for rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Petition of Local Union No. 35, International Union of Brewery Workers, of Hartford, Conn., opposing all mail-exclusion and prohibition laws; to the Committee on the Judiciary.

Also, petition of citizens of New Britain, Conn., opposing the passage of mail-exclusion and prohibition bills; to the Committee on the Judiciary.

Also, memorial of Hartford (Conn.) Chamber of Commerce, advocating universal compulsory training for young men; to the Committee on Military Affairs.

Also, memorial of Hartford (Conn.) Chamber of Commerce, favoring unification of Federal and State regulation of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Memorial of American Federation of Teachers, opposing amendment to section 6 of House bill 19119; to the Committee on the District of Columbia.

Also, memorial of International Union of the United Brewery Workmen, in re conditions of Government employees; to the Committee on Appropriations.

Also, memorial of the Lincoln Society, of Brooklyn, N. Y., in favor of compulsory universal military training; to the Committee on Military Affairs.

By Mr. SANFORD: Memorial of Albany (N. Y.) Chamber of Commerce, favoring universal military training; to the Committee on Military Affairs.

Also, petition of citizens of Albany, N. Y., protesting against prohibition bills; to the Committee on the Judiciary.

By Mr. SHALLENBERGER: Petition of 29 citizens of Nuckolls County, Nebr., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. SLOAN: Thirty-six petitions for increase in salaries and method of pay of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Papers to accompany House bill 20033, for relief of Clarion D. Smith; to the Committee on Pensions.

By Mr. STEENERSON: Protest of A. E. Babcock, editor Bronson Budget, Bronson, Minn., against the enactment of House bill 8348; to the Committee on the District of Columbia.

By Mr. TAGUE: Petition of customs district of Massachusetts, favoring salary increases; to the Committee on Appropriations.

By Mr. TINKHAM: Memorial of Boston Council of the Friends of Irish Freedom, of Boston, Mass., in re foreign conditions; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *January 13, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come with reverence before Thee and call upon Thy name and ask Thy blessing, for Thou art the governor of all nations, Thou art the judge of all men. Thou hast revealed Thy will to men. The revelation of Thy will is the path of human progress and blessing and happiness. Help us to conform our lives to Thy will and so work out the problems of State as that our land in its national life may be a transcript of the Divine revelation. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 13, 1917.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

WILLARD SAULSBURY,
President pro tempore.

Mr. ROBINSON thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of the preceding day.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	Nelson	Smith, S. C.
Bankhead	James	Norris	Smoot
Chamberlain	Johnson, Me.	Oliver	Stone
Chilton	Johnson, S. Dak.	Overman	Thomas
Clapp	Jones	Page	Thompson
Colt	Kenyon	Ransdell	Townsend
Culberson	Kern	Robinson	Underwood
Fletcher	Kirby	Shafroth	Vardaman
Gallinger	Lee, Md.	Sheppard	Wadsworth
Gronna	Lodge	Sherman	Walsh
Harding	McCumber	Smith, Ariz.	Watson
Hardwick	McLean	Smith, Ga.	Works
Hughes	Martine, N. J.	Smith, Mich.	

Mr. GALLINGER. I have been requested by the Senator from Kansas [Mr. CURTIS] to state that he is absent on official business and is paired with the junior Senator from Georgia [Mr. HARDWICK].

Mr. STONE. My colleague [Mr. REED] is absent on official business.

Mr. OVERMAN. I wish to announce that the Senator from Florida [Mr. BRYAN] is absent on official business, and that my colleague [Mr. SIMMONS] is absent on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness. I ask that this announcement may stand for the day.

I have also been requested to announce that the Senator from California [Mr. PHELAN] is detained from the Senate on account of official business.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. SMITH of Arizona. I was requested to announce the absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness. I should like to have this announcement stand for the day.

The PRESIDING OFFICER. Fifty-one senators have answered to their names. A quorum is present.

WHITE-PINE BLISTER RUST.

Mr. SMITH of Michigan. Mr. President, I have a letter from the State inspector of nurseries and orchards of Michigan which bears upon an important subject before the Committee on Agriculture and Forestry. As it is very brief, I ask that it may be read for the information of Senators.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the letter was read and referred to the Committee on Agriculture and Forestry, as follows:

EAST LANSING, MICH., *January 9, 1917.*

Hon. WM. ALDEN SMITH,
Sendte Chamber, Washington, D. C.

DEAR MR. SMITH: The report has reached me that the House Committee on Agriculture refuses to allow more than $35,000 to be placed in the Agriculture appropriation bill to be used for the suppression of the pine-blister rust in North America, and that in order to secure a larger sum than this for the purpose the bill will have to be amended after it reaches the Senate, and I am writing to call your attention to the importance of this matter to your State.

You are doubtless aware that this disease is practically fatal to pine forests and that, although but a few years in this country, it has obtained a foothold in a number of places in New England, New York, Pennsylvania, Wisconsin, Minnesota, and Ontario, and probably Ohio and Indiana. Although we are thus surrounded by infected regions it has not as yet, so far as we know, obtained a foothold in Michigan. Hence we are not only anxious to keep it out but to be prepared to suppress wherever and whenever it appears. In order to do this work effectually a large expenditure of money will be necessary, not only in suppressing it in the neighboring States, but also if it should obtain a foothold in Michigan.

While our State law with a few amendments which we expect to secure this winter will enable us to do good work, we shall require the assistance of men connected with the United States Department of Agriculture, and with the disease now present in a dozen or more States and likely to spread to others you can see that the sum mentioned will not provide very much assistance for Michigan.

While the greater part of our pine forests have been swept away, we still have considerable areas of virgin pine and several hundred thousand acres where the second growth is beginning to have some value upon land which is of little value except for growing timber. We have also in the State several thousand acres which an attempt is being made to reforest and upon which millions of white pine have been planted at a large expense.

The disease also attacks currants and gooseberries, and if it obtains a foothold in the State the same will certainly cause immense loss, especially in the Michigan fruit belt.

Trusting that you will use your best efforts to secure an increase in the above appropriation, I am

Yours, very truly,

L. R. TAFT,
State Inspector of Nurseries and Orchards.

ELECTION OF PRESIDENT WILSON.

The PRESIDING OFFICER laid before the Senate a message of congratulations from the Municipal Council of Iguig, Cagayan de Luzon, P. I., on the reelection of President Woodrow Wilson, which was referred to the Committee on the Philippines.

DEATH OF SENATOR JAMES P. CLARKE.

The PRESIDING OFFICER laid before the Senate a message of condolence from the Municipal Council of Calauan, Laguna, Philippine Islands, on the death of Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas, which was referred to the Committee on the Philippines.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC. NO. 1933).

The PRESIDING OFFICER laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co., which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HUGHES, Mr. RUCKER, and Mr. POWERS managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of the Minnesota State Bar Association, remonstrating against the enactment of legislation to provide for the appointment of clerks of United States courts by the President, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to provide for payment of rural carriers in proportion to the length of the route over the standard 24-mile route, which were referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented petitions of sundry citizens of Pittsburg and Independence, in the State of Kansas, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. HUGHES presented petitions of sundry citizens of Paterson, N. J., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the enactment of legislation to prohibit liquor advertisements from the mails, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the high cost of living, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a telegram in the nature of a memorial from Local Lodge, No. 636, Loyal Order of Moose, of Eureka, Cal., remonstrating against an increase in the pound rate of postage for publications, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Central Labor Council of San Jose, Cal., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

INSPECTION OF VESSELS.

Mr. FLETCHER. I report back favorably from the Committee on Commerce the bill (H. R. 13831) to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive

number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers, and I submit a report (No. 923) thereon. I ask that the bill may be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

F. C. X. BOUCHER.

Mr. JOHNSON of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (S. 2200) for the relief of F. C. X. Boucher, reported it with an amendment and submitted a report (No. 924) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of South Carolina:

A bill (S. 7839) to amend an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Immigration.

By Mr. JONES:

A bill (S. 7840) for securing the uniform grading of food, preventing deception in transactions in food, and regulating traffic therein, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON of South Dakota:

A bill (S. 7841) for the relief of the heirs of Harry Davenport, deceased (with accompanying papers); to the Committee on Claims.

By Mr. McCUMBER.

A bill (S. 7842) granting an increase of pension to Mary Jones (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7843) granting an increase of pension to Thomas D. Scott (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 7844) relating to desert-land entries; and

A bill (S. 7845) for the relief of Alma Harris; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 7846) for the relief of Joseph Eliot Austin (with accompanying paper); to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 7847) granting an increase of pension to John Wones; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 7848) granting an increase of pension to Joseph M. Love (with accompanying papers);

A bill (S. 7849) granting a pension to George T. Cooney (with accompanying papers);

A bill (S. 7850) granting a pension to William S. Arnold (with accompanying papers);

A bill (S. 7851) granting an increase of pension to Mary Robinson Dobyns, widow of George H. Dobyns (with accompanying papers);

A bill (S. 7852) granting an increase of pension to Thomas Dunam (with accompanying papers);

A bill (S. 7853) granting an increase of pension to Henry McClure (with accompanying papers);

A bill (S. 7854) granting an increase of pension to Elijah Bullock (with accompanying papers);

A bill (S. 7855) granting a pension to William M. Graham (with accompanying papers);

A bill (S. 7856) granting an increase of pension to Michael O. Sullivan (with accompanying papers); and

A bill (S. 7857) granting an increase of pension to Samuel McClure (with accompanying papers); to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 7858) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the 7th day of December, 1916, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BANKHEAD:

A bill (S. 7859) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions; to the Committee on Post Offices and Post Roads.

By Mr. PHELAN:

A bill (S. 7860) granting a pension to Julius Wolbrecht (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A joint resolution (S. J. Res. 197) authorizing the erection of a memorial to Francis Marion in the city of Washington, D. C., on a designated site; to the Committee on the Library.

WATER-POWER DEVELOPMENT.

Mr. WORKS. Mr. President, I desire to offer a proposed amendment to the water-power bill (H. R. 408). I am not going to ask that it may be read at this time, but I desire to have it printed in the RECORD.

I should like to say a word in explanation of its purpose. As is well understood, the pending bill provides for the lease of water-power sites. This amendment proposes the sale and granting of those rights for a price either to be determined upon between the Secretary of the Interior and the purchaser, or, if they are unable to agree, then by proceedings in court. It is provided that the sale may be made to any person who has acquired the right to divert and distribute and use the waters under the laws of the State. It distinguishes from the other measure particularly because it provides for the sale rather than the leasing of water-power rights.

There being no objection, the amendment was ordered to be printed in the RECORD and to lie on the table, as follows:

Amend the amendment of the committee by striking out all after the enacting clause and insert the following:

"That subject to the limitation and provisions in this act contained, the right of way is hereby granted to construct, develop, maintain, and operate all necessary or convenient dams, reservoirs, canals, conduits, pipe lines, tunnels, transmission lines, roads, power houses, and all other works or structures necessary or convenient for the appropriation and beneficial use of water and the power or other products generated thereby and for the utilization and beneficial use of the same on, over, under, and across any part of the public lands of the United States (including Alaska) reserved or unreserved, including national forests, national monuments, and Indian reservations, to any State or municipal subdivision thereof, or to any mutual or public-service corporation organized for the purpose or to any person or persons authorized by the State or States in which any portion of such works, structures, or appurtenances are situated: *Provided*, That as to any such rights or uses that are located within any national monuments or Indian reservations the same shall be located subject to the approval of and under the direction of the Secretary of the Interior, and in such a way as not to interfere with said national monuments or Indian reservations or the uses or purposes for which the same are created.

"SEC. 2. That any applicant for a grant hereunder may file with the Secretary of the Interior, or of the department having jurisdiction of such lands, proof of his right to the appropriation or use of water, together with plans and specifications for such works, together with such maps and drawings of the proposed canals, works, reservoirs, and other structures as may be required for the full understanding of the same, which plans and specifications and drawings shall be approved by the Secretary, subject to the laws of the State with respect to and controlling the appropriation and beneficial use of water for the purposes for which the same is being appropriated. If said proposed canals, works, reservoirs, or other structures are located within any national monument or Indian reservation, no work upon or in connection therewith shall be commenced or proceeded with until the location of the same is approved by the Secretary of the department having jurisdiction thereof, as hereinbefore in this act provided, and if within a forest reserve may be required to be so located as not unnecessarily to interfere with the purposes for which such reserve is created: *Provided*, That no grant shall be made under this act until the applicant shall have obtained and filed with the officer to whom the application is made a certificate from the State board, commission, or other body or officer having jurisdiction over the use of the waters of the streams of the State that such applicant has the lawful right to divert and use the water for the purpose or purposes for which the application is made. If no such body or officer exists in any State, then the officer to whom such application is made shall, in case of conflict, make the grant to the person having the legal right to the use of the water: *Provided further*, That within 90 days after the approval of such plans, specifications, and drawings said grantee and said Secretary shall agree upon the then fair market value of the lands proposed to be occupied or used and which are owned or controlled by the United States; and in the event of their failure to agree within such time, then such grantee shall have the right to and may bring proceedings in the district court of the United States for the district in which such lands are situated, or in which any part thereof may be located, for the purpose of determining the then fair market value thereof. Such district court is hereby given jurisdiction of such proceedings for such purpose and service of process may be had on the clerk of said court, and, upon service being made and within 30 days thereafter, the Attorney General of the United States shall enter his appearance for the United States. Such proceedings shall be conducted according to the laws and rules in force in such jurisdiction at such time for the exercise of the right of eminent domain for public purposes, with the right of appeal as in other cases. Upon an agreement being reached as to the fair market value of said land between said Secretary and the grantee, or, in the event of failure so to agree, then upon the bringing of such action in said court of the United States and upon the giving of a sufficient bond by the grantee, required and conditioned upon his complying with the order and judgment of the court and approved by the court, or upon the final adjudication of the value of said land, the grantee shall have the right to occupy the same for the purposes above set forth so long as and during such period or periods of time thereafter as the said grantee, its successors or assigns, shall be possessed of the right of appropriation and beneficial use of the waters appropriated and used in connection with said rights of way: *And provided further*, That if, and whenever, the right of appropriation and beneficial use of said waters and the right to use and enjoy the products thereof shall be assigned, transferred, conveyed, forfeited to, or vested in any other corporation or person or State or municipal subdivision thereof, then and thereupon the rights of way and all of the rights and privileges hereby granted to the grantee shall belong to and shall be vested in such successor in interest or right of the grantee or its successors

or assigns, so that said right of way shall continue with, appertain to, and shall be used and enjoyed only by the grantee or its successors in interest, or in any State or municipal subdivision thereof having the right or being charged with the duty of appropriation and beneficial use of the waters diverted and used in connection with the rights of way so granted, and having the right to engage in and being charged with the duty of carrying on the service connected with the appropriation and beneficial use of said water or the electric power or products generated thereby or produced therefrom.

"SEC. 3. That in arriving at the fair market value of such land the parties, or, in case of disagreement, the court, shall take into account the enhanced value of said land for power plant or reservoir or other special purpose or purposes.

"SEC. 4. That in the event of the acquisition of the property of the grantee, including or connected with the rights and privileges obtained under this act, under the authority of the United States, or by or under the authority of any State or municipal subdivision thereof, the grantee shall not be entitled to claim or receive any compensation or value or in connection with any of the rights obtained or used under the provisions of this act. And the grantee and its successors in interest shall not be entitled, in the fixing of any rates by competent public authority, or by any State or legal subdivision thereof, to have or receive any allowance or earnings on account of any of the rights, uses, or privileges granted or received under this act, except such amounts, if any, as have been paid for the uses and privileges hereby granted and allowed.

"SEC. 5. That the grantee shall commence the construction of the proposed works within one year from the date of the agreement or final adjudication, or the approval of the bond, as in this act provided for, and shall thereafter, in good faith, continuously and with due diligence prosecute such construction, and shall within the further term of five years complete and put in commercial operation such development or such substantial part or portion thereof as the public needs shall demand, and shall complete and put in operation said entire development with due and reasonable diligence: *Provided*, That the rights of such grantee, its successors or assigns, shall not be forfeited or terminated so long as the grantee, his successors or assigns, remain vested with the right or duty to appropriate and beneficially use the waters or products thereof to be appropriated and used upon or in connection with said rights of way and shall be duly and reasonably exercising that right and duty: *Provided, however*, That whenever the rights of the grantee, its successors or assigns, are lost, forfeited, or transferred so that the water or the products thereof can not be appropriated or used upon or in connection with said rights of way, then and thereupon such rights of way or the parts or portions thereof which can not be so used or enjoyed shall revert to and be revested in the Government of the United States, or in the successor in interest of the said grantee entitled to and having the right to appropriate or beneficially use said waters or the products thereof: *Provided further*, That whenever the right to use the waters of the stream for the purposes of the grant shall be forfeited or otherwise terminated by the State wherein the land is situated or by final adjudication of the courts, then all the rights under the grant shall cease and terminate and the land revert to the United States.

"SEC. 6. That the rates and service of the grantee, its successors and assigns, shall be subject to regulation and control under the Constitution and laws of the United States and under the constitution and laws of the State or States within which the same are situated or used, and, in the event of forfeiture of any of the rights, privileges, or properties of the grantee, its successors or assigns, by reason or on account of the violation of any law of the United States or of any State, the rights hereby granted shall be forfeited therewith and shall revert to or be vested in the State or States, or municipal subdivisions thereof, or corporations or person or persons in whom the right or duty of appropriation and beneficial use of said waters or the products thereof shall be vested, and, in such event, without compensation to the grantee, its successors or assigns, for or in connection with any of the rights, uses, or privileges obtained, granted, or received under this act.

"SEC. 7. That rates and charges for power, or water furnished for irrigation or other use, shall be fixed and determined by the State in which the same is supplied: *Provided*, That where the power plant or reservoir site acquired under this act is in one State and power or water is supplied in another State any person supplied therewith in the latter State may apply to the Interstate Commerce Commission, or other body authorized by act of Congress, to fix such rates and charges for power or water supplied in such State.

"SEC. 8. That any qualified grantee or grantees under the terms of this act engaged in the appropriation and beneficial use of water or the products thereof, as in this act set forth under revocable permits or otherwise may come under and avail themselves of the privileges of this act upon application to the head of the department having jurisdiction of the administration of this act and, upon such application and the filing of the required plans, specifications, maps, and other data required, such qualified grantee shall come under and have and enjoy and be subject to all of the terms, rights, grants, conditions, limitations, and provisions of this act, upon compliance with its terms, as herein provided: *Provided*, That if any of its works or structures are in course of construction, or completion, at the time of so coming under the provisions of this act, the same shall be considered completed, used, operated, and enjoyed wholly under and in accordance with the terms and provisions and limitations of this act and as though originally authorized, granted, and constructed hereunder, and such grantee shall and may have the value of the rights and properties used and enjoyed under the terms of this act agreed upon or adjudicated and valued as in this act provided, and thereafter shall make payments to the Government of the United States in accordance with the terms of this act: *Provided, also*, That in the event of the rights and privileges of the grantee in connection with any existing uses or permits being brought under this act, thereupon and in connection therewith all of the other existing permits, rights, privileges, or claims of the grantee as to the rights and property so brought under this act shall be surrendered, canceled, nullified, and at an end, and the sole rights of the United States and the grantee as to such property shall be under and in accordance with this act.

"SEC. 9. That the Secretary of the Interior, or other Secretary having jurisdiction and control over any lands subject to the provisions of this act, shall make such rules and regulations as may be necessary and appropriate and for the purposes of and having the effect of carrying out the provisions of this act.

"SEC. 10. That the rights and privileges herein granted may be transferred, assigned, conveyed, mortgaged, or otherwise disposed of by the grantee, but only under and in accordance with and subject to the provisions of this act and under and in accordance with the laws of the United States and of any State or States within which such said works are situated and any assignee or successor in interest of the grantee hereunder shall be subject to all of the terms and conditions of this act and to the laws of the United States and of the State or States within which said property or works are situated in all respects and to the same extent as the original grantee hereunder.

"SEC. 11. That the United States shall at all times have the right to reserve, sell, or otherwise dispose of all or any part of the lands or the products thereof upon, over, or in connection with which the rights, privileges, structures, and uses hereunder provided for are situated, subject to all of the rights of way, uses, occupancies, and privileges hereunder granted, including the right to all necessary means of ingress and egress used or reasonably required in the use and enjoyment of the rights and privileges granted hereunder.

"SEC. 12. That nothing in this act shall be construed as affecting or intended to affect, or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

"SEC. 13. That all acts and parts of acts inconsistent with this act are hereby repealed, and the right to alter, amend, or repeal this act is hereby expressly reserved: *Provided*, That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, and only upon the conditions provided in this act."

Amend the title to read: "An act to provide for the disposition of the public lands for the supply of water for irrigation and the generation of power."

Mr. NORRIS submitted six amendments intended to be proposed by him to the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which were ordered to lie on the table and be printed.

CORRUPT PRACTICES.

Mr. GALLINGER. Mr. President, I submit an amendment to the so-called corrupt-practices bill (H. R. 15842), which I ask may be read.

The amendment was read and ordered to lie on the table, as follows:

SEC. —. That a joint congressional committee is hereby created, consisting of five Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to make thorough inquiry into the laws governing the elections in the several States of the Union, with a view to ascertaining whether in any State the right of citizens of the United States to vote is denied or abridged in violation of the terms of the fourteenth amendment of the Constitution, and if it shall be found that representations in the Electoral College and the National House of Representatives is enlarged through such denial or abridgment the committee shall then recommend to Congress such legislation as will reduce the representation in said State or States, as provided by the fourteenth amendment. Said joint committee shall also take into consideration all conditions under which the suffrage is exercised, denied, or abridged, no less than the laws themselves under which it is done, and it shall report its conclusions to the Congress not later than December 8, 1917.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment providing that hereafter all proceedings for the opening, extension, widening, or straightening of alleys and minor streets for the establishment of building lines in the District of Columbia the jury of condemnation shall not be restricted to the assessment area, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on the District of Columbia and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for horticultural investigation, etc., from $62,740 to $65,240, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. TOWNSEND submitted an amendment proposing to appropriate $10,000 for collecting and compiling statistics on the production of lumber, laths, shingles, pulpwood, and other forest products, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate $20,000 to enable the Secretary of Agriculture to examine into the extent and conditions of the practice of experimentation on living animals in laboratories for research, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CHILTON submitted an amendment authorizing the President to appoint First Lieut. Howard F. Wehrle, National Guard of West Virginia, a second lieutenant in the Army, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

EMBARGO ON FOOD PRODUCTS.

Mr. McCUMBER. I submit a resolution and ask that it be read and lie on the table.

The resolution (S. Res. 316) was read and ordered to lie on the table, as follows:

Resolved, That an embargo against the exportation of any food products or any legislation which would narrow or destroy the markets for such products, or in any other way interfere with the operation of the law of supply and demand in establishing their prices, in the face of the great increase in the price of land, labor, and every article which the food producer must purchase, would be an act of the grossest injustice to a most important portion of our population.

HEIRS OF PATRICK J. FLYNN.

Mr. HOLLIS submitted the following resolution (S. Res. 317), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Stephen Flynn, Francis Flynn, Philip Flynn, and James Flynn, sons of Patrick J. Flynn, late a conductor of elevator in the Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ELLA M. JONES.

Mr. KERN. I ask unanimous consent to call up Senate resolution 302. I will state that when the report of the committee was submitted the Senator from North Carolina [Mr. OVERMAN] made objection. I understand that after examining the precedents he will not object further. He so informed me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

There being no objection, the Senate proceeded to consider Senate resolution 302, which was read, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Ella M. Jones, widow of Frank G. Jones, late a private of the police force of the Senate Office Building, a sum equal to one year's salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The PRESIDING OFFICER. The committee proposes to insert a preamble to the resolution, which will be read.

The SECRETARY. The committee recommends the insertion of a preamble, to read:

Whereas the late Frank G. Jones has served continuously as an employee of the Senate for more than 40 years: Be it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

HOUSE BILL REFERRED.

H. R. 19937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

GOVERNMENT OF PORTO RICO.

The PRESIDING OFFICER. The morning business is closed. The calendar under Rule VIII is in order.

Mr. SHAFROTH. I move that the Senate proceed to the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McCumber	Smith, S. C.
Bankhead	Hardwick	Martine, N. J.	Smoot
Beckham	Hollis	Nelson	Sutherland
Brady	Hughes	Norris	Swanson
Brandegee	James	Oliver	Thomas
Broussard	Johnson, Me.	Overman	Thompson
Chamberlain	Johnson, S. Dak.	Page	Tillman
Chilton	Jones	Poindexter	Townsend
Colt	Kenyon	Robinson	Underwood
Culberson	Kern	Shafroth	Vardaman
Fernald	Kirby	Sheppard	Wadsworth
Fletcher	Lane	Sherman	Walsh
Gallinger	Lee, Md.	Smith, Ariz.	Watson
Gronna	Lodge	Smith, Ga.	Works

Mr. OVERMAN. I wish to make the announcement that the Senator from Florida [Mr. BRYAN] is absent on official business. My colleague [Mr. SIMMONS] is absent on account of illness. I will let these announcements stand for the day.

Mr. LEE of Maryland. I have been requested to announce that the junior Senator from Missouri [Mr. REED] is detained from the Senate on account of official business.

Mr. GALLINGER. I desire to announce that the Senator from Kansas [Mr. CURTIS] is absent on official business and that he is paired with the Senator from Georgia [Mr. HARDWICK].

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Colorado [Mr. SHAFROTH].

Mr. TOWNSEND. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN], and in his absence I withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

While on my feet, I desire again to announce the absence of my colleague [Mr. SIMMONS] on account of illness and the absence of the Senator from Florida [Mr. BRYAN] on account of public business.

Mr. SMITH of South Carolina (when his name was called). I desire to inquire if the junior Senator from South Dakota [Mr. STERLING] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator, which I transfer to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SMITH of Michigan (when his name was called). I notice that the junior Senator from Missouri [Mr. REED], with whom I have a general pair, is not in the Chamber, and I therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT], which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "yea."

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN of Virginia] is detained from the Chamber on account of sickness in his family. I ask that this announcement may stand for the day.

Mr. CHAMBERLAIN. I have been requested to announce the unavoidable absence of the junior Senator from Missouri [Mr. REED].

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. BECKHAM (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN] and will let my vote stand.

Mr. CHILTON. I inquire if the Senator from New Mexico [Mr. FALL] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. CHILTON. I have a pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. GALLINGER. I desire again to announce the unavoidable absence of the Senator from Kansas [Mr. CURTIS] on official business and the fact that he is paired with the junior Senator from Georgia [Mr. HARDWICK]. I am also requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN].

Mr. COLT (after having voted in the negative). I inquire if the junior Senator from Delaware [Mr. SAULSBURY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. COLT. As I have a general pair with that Senator, I withdraw my vote.

Mr. CLAPP. I inquire if the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. CLAPP. I have a general pair with that Senator, which I transfer to the senior Senator from Idaho [Mr. BORAH] and vote "nay."

The result was announced—yeas 32, nays 25, as follows:

YEAS—32.

Ashurst	Hughes	Overman	Smith, Ga.
Bankhead	Husting	Owen	Smith, S. C.
Beckham	James	Pomerene	Swanson
Chamberlain	Johnson, S. Dak.	Ransdell	Thomas
Chilton	Kern	Robinson	Thompson
Culberson	Kirby	Shafroth	Tillman
Fletcher	Lane	Sheppard	Underwood
Hollis	Myers	Smith, Ariz.	Walsh

NAYS—25.

Brandegee	Jones	Norris	Townsend
Broussard	Kenyon	Oliver	Wadsworth
Clapp	Lee, Md.	Page	Watson
Fernald	Lodge	Poindexter	Works
Gronna	McCumber	Sherman	
Harding	McLean	Smoot	
Johnson, Me.	Nelson	Sutherland	

NOT VOTING—39.

Borah	Fall	Martin, Va.	Simmons
Brady	Gallinger	Martine, N. J.	Smith, Md.
Bryan	Goff	Newlands	Smith, Mich.
Catron	Gore	O'Gorman	Sterling
Clark	Hardwick	Penrose	Stone
Colt	Hitchcock	Phelan	Vardaman
Cummins	La Follette	Pittman	Warren
Curtis	Lea, Tenn.	Reed	Weeks
Dillingham	Lewis	Saulsbury	Williams
du Pont	Lippitt	Shields	

So Mr. SHAFROTH's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. SHAFROTH. Mr. President, I wish to make a brief explanation concerning this bill, and thus avoid the necessity of having it read in full.

Mr. SMOOT. Mr. President, I will ask the Senator if the bill has been read?

Mr. SHAFROTH. I do not know whether it has or not. I think not, however.

Mr. SMOOT. Then, Mr. President, if the bill has not been read, would it not be well to have it read now?

Mr. SHAFROTH. I thought we could have it read for amendment. Of course, it has to be read; but I have only an hour and 20 minutes, and I should like to make some headway. If the bill is read, we shall accomplish nothing whatever, because the bill contains 52 pages.

Mr. SMOOT. Mr. President, the bill ought to be read. If the Senator desires to speak on it first, of course, I have no objection; but I want the bill read.

Mr. SHAFROTH. I have no objection to the bill being read for committee amendments; but I should like to make a brief explanation concerning the necessity for this legislation. I do not think anybody will ask that the bill be read in full before it is read for amendment.

Mr. TOWNSEND. Mr. President, there has been no unanimous consent given to put this bill aside without reading, has there?

The PRESIDING OFFICER. No request for unanimous consent has been submitted.

Mr. SHAFROTH. I expect to ask unanimous consent after I make the explanation.

Mr. President, as everyone knows, Porto Rico came to us as a result of the Spanish-American War. There was a bill enacted, known as the Foraker bill, under which the government of Porto Rico has been operating ever since its passage in 1900. That bill was a temporary measure. It conferred no rights, as we understand them in our Bill of Rights, but simply provided for a form of government there, specifying a governor and certain insular officers, creating courts in the island, and recognizing the laws of Porto Rico as they existed at that time.

The Porto Rican people have continually insisted that there should be some changes in respect to that law. In the first place, no citizenship whatever is conferred by the Foraker Act, but persons are described as citizens of Porto Rico, and Porto Rico being in possession of the United States there ought to be a recognition of their citizenship in the United States. For many years there was a division of the parties in Porto Rico as to what should be done with relation to citizenship, some holding out for independence, others contending that they wanted citizenship in the United States. Now, the political parties in the island have changed their positions upon the citizenship question. There seems in recent years to be less opposition to citizenship on the part of Porto Rican people, so we have provided in this bill that they shall become citizens of the United States unless they protest against it, unless they file with the court a declaration that they want to remain citizens of Porto Rico.

This bill, Mr. President, proposes to give them what is termed a bill of rights—certain rights that are usually specified in our State constitutions, and providing considerable guaranties in regard to liberty, the writ of habeas corpus, and other matters of that nature. Then there are certain limitations.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield to the Senator.

Mr. SUTHERLAND. I notice in this so-called bill of rights to which the Senator has been referring the last provision on page 5:

> That the right of action to recover damages for injuries resulting in death shall never be abrogated.

I want to ask the Senator whether or not the committee has given any particular consideration to that provision?

Mr. SHAFROTH. We have, as a matter of fact, gone over the bill very carefully. It has been difficult to get quorums; but we have had consideration by individual members of the committee of every one of the provisions contained in the measure. That is one of the provisions that came over from the House as a part of the House bill.

Mr. SUTHERLAND. I want to suggest to the Senator the advisability of giving some consideration to that provision. There is such a provision in several of the State constitutions of the United States, and it has been found exceedingly embarrassing when the States have undertaken to provide workmen's compensation laws. I suggest to the Senator the advisability of considering whether, in view of that fact, that particular provision should not be omitted from the bill of rights.

Mr. SHAFROTH. Mr. President, I hope the Senator will defer that matter until we come to offering amendments, and then upon his offering such an amendment we can take it up and consider it.

Mr. SUTHERLAND. I am calling attention to it now, because I think it is a matter which the committee itself should consider.

Mr. SHAFROTH. All right. At the proper time we will consider it; but I want to give a general summary of the bill so that we shall have a general idea of it without going into the particular details, as I want to ask unanimous consent that the reading of the bill, in the first instance, in full shall be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRONNA. Mr. President, I shall object to that.

Mr. BROUSSARD. Mr. President——

Mr. SHAFROTH. I am not asking that yet. I have said that I wished to make this statement, and then I shall make the request.

Mr. President, the citizenship which is provided in this bill is what is called a collective citizenship, declaring all persons to be citizens unless they object to it and file with the court a declaration that they desire to remain citizens of Porto Rico. As to citizenship, there has been some inquiry as to the character of the people constituting the inhabitants of Porto Rico; and I have here a statement, compiled from the census of 1910, which gives the total of population and of the races.

The total population of Porto Rico is 1,118,012. The number of whites is 732,555. The number of mulattoes is 335,192, and the number of blacks 50,245. This becomes pertinent in view of the provision which we have adopted in the bill concerning those who can vote. This statement says:

> It may be pertinent to add that 79.9 per cent of the population of Porto Rico live on farms or are a rural population, and of this number nearly 80 per cent are white; the 1910 figures being 610,541 whites, as against 288,841 colored.

Mr. President, under the present law we have provided that the revenues collected in Porto Rico shall belong to the government of Porto Rico. We also provide in this bill for the turning over of property—not the title but possession of the property of the United States—to the Porto Rican government, and provide that the Porto Rican government shall turn over to the United States certain properties which are needed by the United States Government. We simply transfer whatever property of the United States it does not desire for its own use to the control of the government of Porto Rico, but we do not give the title thereto. The bill also provides that the laws of the United States not locally inapplicable shall apply, except the internal-revenue laws of the United States; and as to those, the internal revenues are to go to Porto Rico for the maintenance of their government.

We also provide that all officials and voters must be United States citizens; and we extend the suffrage to those who can read and write the Spanish or the English language, or who

shall pay a property tax of $3 a year, or for 10 years those who have voted at the last general election in Porto Rico.

Mr. LANE. Mr. President, I should like to ask the Senator a question. Have you a property qualification for voters?

Mr. SHAFROTH. No; it is an alternative one.

Mr. LANE. It amounts to the same thing, does it not?

Mr. SHAFROTH. Oh, no; it does not amount to the same thing.

Mr. SMITH of Georgia. If he has the property, he can vote; or if he has the educational qualifications.

Mr. SHAFROTH. Yes; if he has the property he can vote, or if he has the education he can vote; or—this being a matter we have had considerable discussion over—if a man voted at the last general election down there, then he is entitled to vote for at least 10 years at all elections.

Mr. LANE. Mr. President, if the Senator will allow me, I have heard a great deal of criticism from some quarters with regard to that provision—that the bill contains a property qualification which excludes hundreds upon hundreds of worthy citizens who are impecunious, who work for their living—workingmen.

Mr. SHAFROTH. It excludes none of them if they can read and write.

Mr. LANE. Well, that would exclude a very great many good people from voting.

Mr. SHAFROTH. It does not exclude for 10 years anybody who has voted, and the general right to vote has existed in Porto Rico for years and years. They poll an enormous vote, considering the population—two hundred and some odd thousand voters.

Mr. LANE. But it does exclude a number of thousands of active, honest, industrious workmen in that country, does it not?

Mr. SHAFROTH. No, sir.

Mr. LANE. That is what I have understood.

Mr. SHAFROTH. There was a contention in the committee that the property qualification or the educational qualification should apply to everyone, just as it applies to all in the Philippines. Objection was made that these people had been voting for years, even under Spanish rule, having fully as large a voting population in proportion to the total population as the United States has, and therefore its limitation would be a great disappointment to them. I proposed an amendment which provided that they should all be entitled to vote as long as they live.

Mr. LANE. Well, Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Colorado yield to the Senator from Oregon?

Mr. SHAFROTH. Let me finish, please. The other members or some members of the committee objected to that; and so as a compromise we agreed to allow those people who had been voting, and who constituted practically all the voting population of the Territory, to vote for 10 years, so as to give them an opportunity to prepare to become sufficiently educated to vote. That is the situation as it stands to-day, and there may be an amendment offered to give them full right to vote, just as they have been doing.

Mr. LANE. I will ask the Senator, then, if he would be willing to accept an amendment to that effect?

Mr. SHAFROTH. That was my suggestion. If I am not bound by my compromise, I should be perfectly willing to agree to that, because I think it is right; but that will come up later.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Did I understand the Senator to say that the right was granted for 10 years, so that they may qualify themselves to vote?

Mr. SHAFROTH. So that they may come within the educational qualification. There are a great many persons in Porto Rico who can not read or write, and this bill as it is now framed gives the right to vote to those who can read and write, and preserves to those who have been voting, whether they can read and write or not, the right to vote for 10 years, so that in 10 years they can educate themselves sufficiently to read and write.

Mr. GALLINGER. They are pretty slow people if it takes them 10 years to learn to read and write.

Mr. SHAFROTH. That may be. Nevertheless, there are other people who are contending, just like the Senator from Oregon [Mr. LANE], that they ought to vote continually because they have had that right under Spanish rule and under American rule up to this time.

Mr. GALLINGER. One other question. Did I understand the Senator to say that in the educational test they must be able to read and write either the English or the Spanish language?

Mr. SHAFROTH. Yes, sir.

Mr. GALLINGER. Why not extend it to all other languages, as we do in the immigration bill?

Mr. SHAFROTH. The reason for that is that most of these people are Spanish, and that is the only language spoken there outside of the English language, which we are introducing into the island. Our schools are conducted in English.

Mr. GALLINGER. I have no disposition to press that matter at all. It struck me, however, that it was rather restrictive.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. SHAFROTH. I do.

Mr. LODGE. Just for information, if the Senator will allow me, the amendment of the Senator from Oregon, which I understood the Senator to accept——

Mr. SHAFROTH. No; I have not fully accepted that amendment. I stated that if the other members of the committee would agree to it, I would accept it. That provision was in the bill as I originally introduced it, namely, that those persons who had been voting at the elections under both Spanish rule and the rule of the United States should continue to have that right.

Mr. LODGE. The purpose of the amendment is what I want to find out. The purpose is to make sure that all the illiterates vote?

Mr. SHAFROTH. The object of the amendment is not to take away a right which they have had and which they have exercised ever since Porto Rico has been a possession of the United States or of Spain.

Mr. JOHNSON of South Dakota and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Colorado yield; and if so, to whom?

Mr. SHAFROTH. I yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I desire to ask whether this qualification would apply to anyone who had voted, for instance, just once, or whether it must apply to a longer term?

Mr. SHAFROTH. The bill as it was introduced by me applied to those who had voted at the last general election, at which there was a very large vote, and which gave the right to those persons to vote in the future, intending to recognize those who had voted. There was a registration list made, and it was an election at which no fraud was charged. Consequently, we adopted that as a basis in the first instance; but the committee changed that and made this other rule. If an amendment is offered, that will come up at the time the amendment is offered. I now yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, the Senator made a statement awhile ago, if I understood him correctly, to the effect that these people were required to be able to read and write in the Spanish language or in the English language as one qualification for voting. Section 35 of the bill I have before me provides:

> That no person shall be allowed to register as a voter or to vote in Porto Rico unless he is a citizen of the United States, over 21 years of age, and is able to read and write—

And so forth.

Mr. SHAFROTH. Yes.

Mr. POMERENE. But it does not limit it to the English language or to the Spanish language.

Mr. SHAFROTH. That may be; but I suppose it was because they all speak those languages and hardly any others. It may be that the Senator is correct in regard to that matter.

Mr. POMERENE. May I ask the Senator a further question? You have here both the qualifications of reading and writing and the property qualification. If it is right to have a property qualification, why not have it apply to everybody?

Mr. SHAFROTH. It is not intended to apply to those people who can read or write nor to the people who have voted.

Mr. POMERENE. Does the Senator really think there should be a property qualification?

Mr. SHAFROTH. No; I do not think of necessity there should be; but some people may not be able to read or write and yet have property who would be in a better position to exercise good judgment perhaps, and they ought not to be excluded.

Mr. POMERENE. Many of our own States do not have any property qualification.

Mr. SHAFROTH. Certainly; that is true.

Mr. POMERENE. Not even requiring the payment of a poll tax.

Mr. SHAFROTH. Yes.

Mr. POMERENE. Why should you be more drastic in your qualification of electors in these islands than we are in the United States?

Mr. SHAFROTH. I want to say this to the Senator, that the bill came over from the House in that way, and we did not want to make any more changes than were absolutely necessary. It can come up, and will come up no doubt, on a motion to change that provision.

Mr. POMERENE. Another matter that has interested me very much is why you should want to give the right to vote to these people at all, in view of what occurred here in the Senate a few days ago concerning the people of the District of Columbia. Why should we be interested in giving them the right to vote and deny the people of the District of Columbia the right to vote?

Mr. SHAFROTH. That involves an entirely different proposition. These people have been exercising the right to vote for years and years and the people of the District of Columbia have not exercised that right.

Mr. SMITH of Georgia. If the Senator will allow me, Porto Rico has not been set apart as the seat of government of the United States.

Mr. POMERENE. No; but——

Mr. SHAFROTH. Mr. President, I do not want to go into that discussion.

Mr. POMERENE. If I may add just one observation, we have full legislative control over Porto Rico just as we have over the District of Columbia.

Mr. SMITH of Georgia. That is true, and we have over Alaska.

Mr. POMERENE. Yes.

Mr. SHAFROTH. Now, Mr. President, we have created in the bill the office of governor and prescribed certain duties and powers that he should exercise, among which is the veto power. We have created what is called an executive council, which consists of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, and the commissioner of agriculture and labor. These are practically members of the cabinet of the governor. We have also created a senate elective by the people.

Mr. KENYON. I should like to ask the Senator if he will be kind enough in giving a matter of that kind to refer to the sections, if it is not too much bother.

Mr. SHAFROTH. I do not know that I can do so; I have just summarized without having the bill before me. Section 12 begins with the executive department, the governor. Section 13 relates to the executive department, naming the commissioners with the heads of the departments who constitute the council. Then we have section 14 giving the duties of the attorney general; section 15 giving the duties of the treasurer; section 16, of the commissioner of the interior; section 17, of the commissioner of education. Then we have an auditor created in section 20, which is a necessary provision. Then there are appeals provided from the auditor in section 21. Then there is an executive secretary created in section 22, and certain heads of departments to act as governor under certain conditions and circumstances. Then comes the legislative department.

Porto Rico has now a legislature which is an elective body, and has the power to pass all the laws; but the executive council as now constituted has the right to reject the laws, and those officers in the executive council are officers appointed by the President. Consequently the people of Porto Rico have not that full degree of self-government which we think they are entitled to have. This bill provides that there shall be an elective senate. It provides that there shall be created a certain number of districts—seven districts—each to have two senators. Then there are five senators to be elected at large, and they are to hold their term for four years. The house is to consist of 39 members, 35 of whom are elected from districts and 4 of whom are elected at large in the possession. The veto power is given. It takes two-thirds to override the veto of the governor, but in certain circumstances, if the veto is made and it is overridden, still it can be referred to the President who, if he desires to act, has an absolute veto.

Mr. KENYON. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. KENYON. I notice the bill provides a property qualification for membership of the Senate.

Mr. SHAFROTH. Yes, sir.

Mr. KENYON. And also an amendment by the committee reads "assessed in his name and upon which he pays taxes." What is the purpose of having a property qualification for membership?

Mr. SHAFROTH. That is a provision of the bill as it came over from the House, and we did not like to make any more changes than were necessary. That will be discussed no doubt upon a question to change or modify it by Senators who, of course, will exercise their individual judgment as to which is the best mode of procedure and which rule should prevail.

There are certain limitations also provided against any person in the legislature being appointed to office, and then it is provided that the Resident Commissioner shall be elected; and I want to say to the Senate——

Mr. BORAH. Mr. President——

Mr. SHAFROTH. Just a moment. One of the urgent reasons for the passage of this bill is that the recent Resident Commissioner to the Congress of the United States from Porto Rico died in November last, and they have no representative here to look after their own affairs; and it is hoped the bill will be passed so that a new Resident Commissioner can be elected. I yield to the Senator from Idaho.

Mr. BORAH. Would the Senator in charge of the bill have any particular objection to striking out the words "and in addition thereto there shall be elected 5 senators at large," so that there would be 14 senators, 2 from each district?

Mr. SHAFROTH. Mr. President, we went over that pretty carefully, and we thought that there should be elected some senators at large. Of course, we do not want to have a long discussion on these matters, but at the same time I believe it is a good provision. The senators at large are supposed to represent some cities more particularly that would not perhaps be able to get a representative there. It is a very small minority. It is supposed that they could get a minority representation there, because it will be observed that that provision is intended to give a minority representation. The method of voting for senators at large is that the electors shall vote for only one candidate, and the five receiving the highest number of votes are declared elected.

There is great complaint made that while a minority may be very large and very important sometimes, by means of direct voting for groups of candidates, the minority is denied all representation. With these five senators and four representatives, it is presumed by the system we have recommended there will be a respectable minority party, and that they can get at least one representative in the senate and one in the legislature. Now I call attention to the wording of the provision:

> In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected.

Mr. LANE. From what page does the Senator read?

Mr. SHAFROTH. From page 23.

Mr. BORAH. I am not going to detain the Senator now, but at the proper time I am going to move to strike that out, in the interest of economy and simplicity of government.

Mr. SHAFROTH. I have no objection to its being considered at the proper time, but I want to get through with the statement I have to make.

Mr. President, there is also a public-service commission that is elected, by which certain powers are given them in regard to regulating utility companies, giving them certain powers to enforce rates, which we think is in accordance with the laws of almost all the States of the Union.

Then we provide a judicial department, a supreme court appointed by the President of the United States and confirmed by the Senate of the United States, just as the Supreme Court of the Philippines and the Supreme Court of the Hawaiian Islands are appointed; also the appointment of a United States district judge, whose term of office shall be four years.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHAFROTH. I yield.

Mr. GALLINGER. The Senator has called attention to the two branches of the legislature. I notice in section 33 there is a provision that the governor may call special sessions of the legislature or of the senate, and subsequent to that it speaks of the senate being called in special session. Is it intended that the senate shall legislate without reference to the other branch?

Mr. SHAFROTH. No; but there are certain appointments by the governor which must be confirmed, and it is thought that there is no necessity to call the entire legislature together for the purpose of getting the senate to act on confirmations. For that reason that power is given.

Mr. GALLINGER. That is the purpose of it?

Mr. SHAFROTH. Yes, sir; that is the purpose of it.

Mr. GALLINGER. If the Senator will permit me again, I notice a recent act was passed that had an incongruity in it as to the date. Has the Senator noticed that section 29 provides that

"the next election in Porto Rico shall be held in the year 1916"? That ought to be changed, of course.

Mr. SHAFROTH. The bill was considered in the first instance when certain dates would have applied and now the dates do not apply. I am going to offer some amendments with relation to those dates so as to make the bill operative.

Mr. GALLINGER. That is why I called the Senator's attention to the necessity of amending it.

Mr. SHAFROTH. The salaries of officers are fixed as practically they are now. The salary of the governor is $8,000 a year; of judges of the supreme court, $5,500 a year; of the chief justice, $6,500; of the executive officers, $5,000. Those salaries about conform to the salaries given in the various States of the Union.

Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BROUSSARD. I should like to ask the Senator what is his disposition with regard to the amendment which I have pending here to section 40 of the bill, whether the chairman of the committee is willing to accept the amendment tendered on the floor or whether it is his disposition to oppose the amendment. I do that because I am as much in favor of the passage of this bill as the chairman of the committee, but I do not believe the bill should pass without this amendment being included within it.

Mr. SHAFROTH. I will state, in that connection, that at first I was somewhat favorable to the amendment that was offered, but I can not find that we should change the system as the Senator has proposed it in his amendment. His amendment relates to the forfeiture of certain lands in excess of 500 acres and provides that that forfeiture shall be made to the Government of Porto Rico. A law was passed which limited the amount of land which corporations could own to 500 acres. I believe that ought to be extended and enlarged. I do not believe that forfeitures should be made to vest these lands in the Territory of Porto Rico, because these companies have bought and paid for the land, and if there is any provision contained in the bill with relation to it it ought, it seems to me, to be a provision that the Attorney General shall begin a suit to compel them to sell the land within a certain time, so that there will not be the loss of the large sums of money which they have invested. It seems to me that is a more equitable way of getting rid of excessive ownership in corporations.

I presume that the amendment applies to the sugar lands more particularly, those being about the only corporations that own any great quantity of land there.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield.

Mr. SMOOT. I desire to say to the Senator from Louisiana that his amendment can not be accepted by unanimous consent. I have been informed that there are Senators who are opposed to the amendment to be offered by the Senator and that when it is offered they will desire to discuss the matter.

Mr. BROUSSARD. In that event, Mr. President, I shall have to object to the request for unanimous consent and ask for the reading of the bill and the report.

The PRESIDING OFFICER. The Senator from Louisiana objects, and the bill will be read.

Mr. BROUSSARD. I wish to state that I do not want to delay the passage of the bill if it can be helped, but I have been ill and since my return I have been trying to get the committee together to consider the proposition to which the Senator from Colorado refers. The fact of the matter is that there is a law on the statute books now. It is the law now that the holding of property in the island is limited to 500 acres. The act of 1900 fixed that limitation upon landowning in Porto Rico. In the draft of this bill, though I have been very diligent in attending the committee every day that it held its sessions up to the time I became sick, it never occurred to me to look into the matter to see whether that law was included in the bill or not, and it was only after the committee had reported the bill that I ascertained that a section of that law, a portion of the act of 1900, had not been included in the bill; in fact, that the section limiting the ownership of land in the island had been omitted from the bill.

I immediately appealed to the chairman of the committee to get the committee together that we might thrash out this matter, and if the limit of the holdings there was too limited for the proper development of the agricultural lands of the island we could extend in the bill the right to own more than the limitation fixed in the act of 1900. I have never been able to get an opportunity to present the matter to the committee, and I can not consent to considering the bill merely in the morning hour for the reason I believe this matter is too important to permit the bill to be considered in a hasty way with this omission of the limitations of the act of 1900.

I make this statement in justice to myself, because the statement of the Senator would create possibly the impression in the minds of Senators that this is a new proposition. It is not a new proposition. The act of May 1, 1900, section 3, is reproduced in the bill under consideration as section 39. The first part of it with some little alterations in order to adapt the law to the commission that is created in the bill is the same as the act of 1900. But the moment you reach the part limiting the holding of lands by individuals or corporations in Porto Rico the matter is dropped, and there is not a word in the proposed law which in effect in my judgment would repeal the old law placing that limitation. The old law says:

No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed 500 acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico and doing business therein shall be bound by the provisions of this section so far as they are applicable.

Mr. President, it is clear to me that if this law has been maintained in Porto Rico there is no harm at all in reenacting this portion of the law, as the first part of that law is proposed to be reenacted in the bill under consideration. If there has been a violation of the statute, it is clear that it is the duty of Congress to maintain the integrity of its own legislation.

Mr. SHAFROTH and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. BROUSSARD. Yes, sir.

Mr. SHAFROTH. I want to say just a word with relation to the statement which has just been made. The language which is in the bill at the present time is the identical language which was contained in the bill as it came from the House of Representatives. When the Senator from Louisiana, who has been one of the diligent members of the committee and has appeared almost every time when we have considered this bill, suggested to me that there had been an omission in that respect I immediately thought that there ought to be some remedy for it; but I find upon examining the matter that the language to which he refers is not repealed. I find that there is a provision in the bill itself that keeps alive those matters. Section 59 provides:

SEC. 59. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

I am perfectly willing, when that matter is reached in the consideration of the bill, to have it amended in some particulars, but not to the extent of the stringent provisions which are contained in the Senator's amendment. I believe that the ownership of a certain quantity of land should be allowed; that it ought not to be limited to 500 acres. We have a limitation in the Philippine Islands of 2,640 acres; perhaps that is a little too much for Porto Rico; but I believe they should have a fair quantity of land there on which to raise sugar cane. That seems to me to be quite just and right. We have no limitation on the quantity of sugar-beet land that may be owned by a corporation in Colorado; there is no limitation whatever as to the quantity of land that can be used for the raising of sugar cane in Louisiana; and to fix the limit in this case at 500 acres, which is an insufficient quantity of land to enable a company to raise sugar cane, which they might desire to raise or which they ought to have, seems to me would be an improper restriction.

I am willing to meet the Senator from Louisiana in some way and to adjust these matters in a fair manner, but I am not willing to accept his amendment in its present shape, because I think it is too drastic.

Another objection is that the Senator's proposal embodies the idea that there shall be forfeited to Porto Rico all lands which have been bought in excess of 500 acres. There was no penalty attached to the act in regard to the limitation of 500 acres. Those who acquired the lands have paid full value for them. I do not know how large are the areas they have, but I do not think there are any very large plantations down there. However, I repeat, whatever they have they have paid full value for. So I want to suggest to the Senator that instead

of providing that the lands be forfeited to Porto Rico, by which the owners would loose them absolutely, they be required to dispose of those lands so as to get them in individual ownership, in order that the evils that might result from excessive holdings of real estate may be avoided, without the severe penalty of forfeiture to the Porto Rican government being inflicted. I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the Senator has answered the question which I was going to ask. I simply wanted to know the particular point which the Senator from Louisiana was urging. I understand it now.

Mr. SHAFROTH. I will ask the Secretary to proceed with the reading of the bill.

Mr. MARTINE of New Jersey. Mr. President——

Mr. SHAFROTH. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. I have received some little correspondence regarding this measure, and I have here a statement submitted by one Santiago Inglesian, of Porto Rico, which I should like to have read. I am impressed with the thought that some of the provisions of the bill proposed by the Senator are utterly in contradiction with the genius and the spirit of American institutions. I can not see with what good grace we can stand up and pass a law providing that a senator or a member of the lower house of the Assembly of Porto Rico shall own in the case of a senator property worth no less than $1,000 and in the case of a representative property worth no less than $500. I can not see with what grace that is done.

Mr. SHAFROTH. I hope the Senator will defer that point until we reach that part of the bill, which evidently it is manifest can not be reached to-day.

Mr. MARTINE of New Jersey. It seems to me a matter of such importance that it ought to be given careful consideration.

Mr. SHAFROTH. I will say to the Senator that the provision in regard to the qualification of members of the legislature is about the same, I think, as that which is contained in the Philippine bill, which we have passed; but I, too, think it should have careful consideration.

Mr. MARTINE of New Jersey. That may be, but two wrongs do not make a right. I think that is a manifest wrong and utterly opposed to our democratic ideas and our democratic institutions. However, I will retain this letter and bring the matter up at some future time and shall then ask to have the letter read.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. I yield to the Senator from Florida.

Mr. FLETCHER. With reference to the matter mentioned by the Senator from Louisiana [Mr. BROUSSARD] and the Senator from Colorado [Mr. SHAFROTH], I wish to say that section 39 of the bill seems to me to refer to grants, franchises, and privileges, and I do not see that it covers the subject which the Senator from Louisiana mentions; neither does section 40, which has reference to the head tax. I should like to inquire what section really the Senator refers to?

Mr. BROUSSARD. Mr. President, with the permission of the Senator, I can state in a moment just where reference is made to this amendment. Section 39 of the pending bill is the same as section 40 of the act of May 1, 1900, with this exception, that half of that act has been omitted in the present bill, and my amendment is to reinsert that half.

While on this subject, if the Senator from Colorado will permit me, Mr. President, the very statement made by the Senator shows the necessity of the committee taking cognizance of and discussing the amendment which I have here. That matter should be, in my judgment, thrashed out by the committee. I am not in disaccord with the Senator, as I have stated to him heretofore, as to the limitations fixed in the present law. It is possible that we can reach a better adjustment than that fixed in the law, but it is impossible, in my judgment, to take up the matter on the floor of the Senate and reach a fair conclusion as to what limitations shall be placed upon the holding of land in Porto Rico. So, in default of having had opportunity for the committee to consider it, I have been compelled to bring the matter to the attention of the Senate by simply repeating in my amendment the present wording of the law.

The fact is, Mr. President, that this is a most important thing for the peace, the quiet, and the prosperity of that island. The omission of this limitation, if this bill is permitted to be passed without any restrictions, means that there will be a foreign land-owning class; that the island will be owned by men not residing in the island. There will be a repetition of conditions that have existed in other parts of the world, where one people have undertaken to govern another people. It will mean the absorption of every acre of land in the island by large corporations with large means, and that the population of that island will be working for day wages. It will be a repetition in Porto Rico of what is transpiring in Mexico to-day; and unless there is a restriction, these lands will be absorbed by large corporations and will be owned by foreign landlords, thus bringing about a condition of absentee landlordism there, and there never will be quiet in the island unless some restrictions are placed upon the holding of lands.

Mr. SHAFROTH. Mr. President, I will say to the Senator that I am in favor of a limitation, and I am perfectly willing, if we do not finish the bill this morning, to call the committee together for the purpose of discussing this very proposition.

Mr. BROUSSARD. That is what I have been and am trying to have done.

Mr. SHAFROTH. But I want to make some headway now, and I ask that the reading of the bill be proceeded with.

Mr. GRONNA. Mr. President, in connection with the Senator's statement I should like to ask him to state briefly why the amendment proposed by me was not included in the bill? I refer to the prohibition amendment, the adoption of which was urged by representatives from Porto Rico who appeared before the committee.

Mr. SHAFROTH. I will state to the Senator that that provision was not put on the bill by the committee, as there were certain protests against it that were filed by the Legislature of Porto Rico and by various other bodies; but when the time comes to present amendments, of course the Senator can offer his amendment. I now ask that the reading of the bill be proceeded with.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary resumed the reading of the bill and proceeded to state an amendment, on page 11, line 11.

Mr. GRONNA. Mr. President, as I understand, this is the first reading of the bill. It is not now being read for amendment.

The PRESIDING OFFICER. A request has not been made to dispense with the first reading of the bill. The Secretary will read the bill.

The Secretary resumed the reading of the bill.

Mr. JONES. Mr. President, I hope the Secretary will not read quite so fast. We can not get the connection.

The reading of the bill was resumed.

CONFERENCE REPORT.

Mr. SMITH of South Carolina. I present the conference report on the immigration bill, and ask that it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, 37, and 38, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with

an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "taken up his permanent residence in this country"; and the Senate agree to the same.

E. D. SMITH,
THOMAS W. HARDWICK,
H. C. LODGE,
Managers on the part of the Senate.
JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.

Mr. SMITH of South Carolina. There was a little difference between the two Houses as to the date when the act should take effect. The House of Representatives ruled that where there was one date fixed by the House and another date fixed by the Senate the date had to be fixed in between the two and that the conferees could not go beyond the ultimate date fixed by the Senate. That was the only matter in conference. The correction has been made, and the conferees have agreed; and I ask unanimous consent for the immediate consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. MARTINE of New Jersey. Mr. President, I think I shall have to object to the consideration of the conference report.

Mr. SMITH of South Carolina. If the Senator from New Jersey will allow me, the only point at issue was the change of the date when the law shall go into effect. There was nothing else at all in conference. It has already been agreed to in the House, and I hope the Senator from New Jersey will not delay the adoption of the report.

Mr. MARTINE of New Jersey. I am utterly opposed to the bill. My attention was called some hours ago to the fact of this little irregularity, and I feel that consistently with my judgment and position on the immigration bill I can not acquiesce.

Mr. SMITH of South Carolina. Then, Mr. President, I ask that the conference report be taken up for consideration, notwithstanding the objection.

The PRESIDING OFFICER. Let the Secretary read Rule XXVII.

The Secretary read as follows:

Rule XXVII. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. MARTINE of New Jersey. All right.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate proceed to the consideration of the conference report.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Sutherland
Borah	Harding	Oliver	Swanson
Brandegee	Hollis	Page	Thomas
Bryan	Husting	Pittman	Thompson
Chamberlain	James	Poindexter	Tillman
Chilton	Johnson, Me.	Ransdell	Townsend
Clapp	Johnson, S. Dak.	Shafroth	Wadsworth
Colt	Jones	Sheppard	Walsh
Culberson	Kenyon	Smith, Ga.	Watson
Cummins	Lane	Smith, Mich.	Williams
Curtis	McCumber	Smith, S. C.	Works
du Pont	Martine, N. J.	Smoot	
Fletcher	Myers	Sterling	
Gallinger	Newlands	Stone	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from South Carolina that the Senate proceed to the consideration of the conference report on the immigration bill.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

GOVERNMENT OF PORTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. MARTINE of New Jersey. Mr. President, at this time I have no desire to interfere with the further reading of the Porto Rican bill. I have here a document with reference to Porto Rico I desire to offer without reading and ask to have it printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President——

Mr. GALLINGER. Mr. President, if these are remarks that the Senator himself proposes to make, there is objection, because it is contrary to all the rules of the Senate.

The PRESIDING OFFICER. The Chair was just asking. Is there objection to including in the RECORD certain matter presented by the Senator from New Jersey?

Mr. SMOOT. I want to know what it is, Mr. President.

The PRESIDING OFFICER. Let the matter be read.

Mr. SMOOT. No; I do not want it read. I want the Senator to state it.

Mr. MARTINE of New Jersey. I do not want to burden the Senate with it, but it is apropos of the bill that is before us. I only asked that it might go into the RECORD to save time. However, I will withhold it until some other time.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and the Secretary read to line 8 on page 19.

WATER-POWER DEVELOPMENT.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of the Senate, which is House bill 408.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. THOMAS resumed the speech begun by him yesterday. After having spoken, with interruptions, for three hours,

Mr. SMOOT. Mr. President, it is now 5 o'clock on Saturday afternoon, and I should like to ask the Senator having the bill in charge if there is going to be an executive session?

Mr. CHILTON. We want to have an executive session.

Mr. MYERS. I am told that an executive session is desired; yes. I am informed by some of the Senators who want an executive session that it will last only about 10 minutes.

Mr. SMOOT. In view of the fact that it is 5 o'clock on Saturday afternoon and that we have been in session five hours today, does not the Senator think we might go into executive session at this time?

Mr. MYERS. It seems to me, Mr. President, that we might run till half past 5, anyway. I am told that the executive session will take only 10 minutes.

Mr. THOMAS. Let me run until half past 5, and have the executive session then.

Mr. MYERS. That is what I am suggesting—that the Senator from Colorado be allowed to speak until 5.30, anyway.

Mr. NORRIS. Mr. President, may I make a suggestion to the Senator, if he will yield?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. Yes.

Mr. NORRIS. The kind of argument that the Senator from Colorado is making is extremely interesting; and to those of us who have stayed during the entire argument I want to say that it is as fatiguing as it is to the Senator who is making it——

Mr. THOMAS. Perhaps more so.

Mr. NORRIS. Because it is a legal argument that requires attention all the time. I think those Senators who have been out of the Chamber practically all the afternoon, and who have just come in, ought not to say to us who have been here all the time that we had better run on for an hour or so.

Mr. MYERS. I have been here nearly all the time, I will say to the Senator. I was called out for about 15 minutes at one time and 10 minutes at another.

Mr. NORRIS. I should like to hear the Senator from Colorado clear through and as long as he wishes to proceed to-day; but one can not digest an argument of this kind that is five or six hours long without having some rest.

Mr. MYERS. I ask the Senator would he object to the Senator from Colorado continuing until 5.30?

Mr. NORRIS. Of course, I realize that the Senator from Colorado has more to say about it than I.

Mr. MYERS. I ask the Senator from Colorado would he prefer to quit now or to go on until 5.30?

Mr. THOMAS. Of course, if the Senator consults my feeling and wish about it, I will state that I am pretty tired; but I have no wish to interfere with the progress of the bill to any greater degree than is necessary.

Mr. MYERS. Very well. Then, I will make a motion to proceed to the consideration of executive business.

Mr. CHILTON. I ask the Senator to yield to me to submit a report from the Committee on Naval Affairs.

Mr. MYERS. I yield for that purpose.

JOSEPH BEALE.

Mr. CHILTON. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 7742) placing Joseph Beale on the retired list of the Navy. The bill was considered by the Committee on Naval Affairs, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. We do not know what the bill is.

Mr. CHILTON. I was just going to state what it is.

The PRESIDING OFFICER. Does the Senator from Utah object to the present consideration of the bill?

Mr. SMOOT. I reserve the right to object.

Mr. CHILTON. I will state that the bill proposes to place on the retired list without pay or compensation Mr. Joseph Beale, a graduate at Annapolis, who served many years in the Navy and resigned from the Navy. At the beginning of the Spanish-American War he was among the first who volunteered; he served; he was honorably discharged; and he is now dying. He will die in a few days, and if the Senate wants to do anything for him it ought to be done now. It is simply a little recognition of patriotic service. There is no pay or compensation whatever involved in the bill. It merely directs the Secretary of the Navy to place Mr. Beale on the retired list. I hope the Senator from Utah will not object to its consideration.

Mr. SMOOT. Does it give him a higher grade?

Mr. CHILTON. No; there is no grade.

Mr. SMOOT. A higher grade than he occupies to-day?

Mr. CHILTON. He has no grade. He was honorably discharged.

Mr. SMOOT. By the passage of the bill will he receive compensation in any way?

Mr. CHILTON. None. The bill expressly states that he is to be placed upon the retired list without pay or compensation. It is simply an honor to a dying man.

Mr. SHAFROTH. If there be a wife, does she receive anything?

Mr. CHILTON. Nothing whatever.

Mr. SMOOT. Putting him on the retired list, his wife will be entitled to a pension.

Mr. CHILTON. She is not receiving any pension now.

Mr. SMOOT. Of course not, because her husband is living.

Mr. CHILTON. She is getting nothing.

Mr. SMOOT. That may be true, but I want to know if we pass this bill and put him on the retired list, does it give his wife a pension under the law?

Mr. CHILTON. I think not. I have no such intention as that.

Mr. SMOOT. Let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby directed to place Joseph Beale upon the retired list of the Navy with the highest rank which he had during his service, but without pay or compensation.

Mr. SMOOT. Of course, whatever rank he assumes by being placed upon the retired list, I suppose immediately after his death his wife will apply for a pension, but if the Senator expresses the opinion that it will not make any difference at all as to whether she shall receive a pension or not, I have no objection to the bill.

Mr. CHILTON. I do not think so. I will state frankly to the Senator that I do not know.

Mr. GALLINGER. I ask the Senator what is the meaning of the words "without pay or compensation"? Has he received no pay?

Mr. CHILTON. At no time has he received pay or compensation since his honorable discharge. It is simply an honor; that is all.

Mr. GALLINGER. It will entitle the widow to no higher pension because of that fact?

Mr. CHILTON. Oh, no.

Mr. GALLINGER. Except that we might by special act recognize the fact that her husband was placed on the retired list.

Mr. CHILTON. That is all.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MYERS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 15, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1917.

POSTMASTERS.

ARIZONA.

Lee L. Scott to be postmaster at Ajo, Ariz. Office became presidential October 1, 1916.

CALIFORNIA.

David A. Curry to be postmaster at Camp Curry, Cal. Office became presidential October 1, 1916.

R. G. Pettigrew to be postmaster at Brea, Cal. Office became presidential October 1, 1916.

IDAHO.

Laura A. Miller to be postmaster at Culdesac, Idaho. Office became presidential October 1, 1916.

ILLINOIS.

Charles D. Resler to be postmaster at Cisne, Ill. Office became presidential October 1, 1916.

Thomas C. Sayers to be postmaster at Herscher, Ill. Office became presidential October 1, 1916.

Frank E. Waessner to be postmaster at Shannon, Ill. Office became presidential October 1, 1916.

IOWA.

John T. Carey to be postmaster at Denison, Iowa, in place of Alfred F. Wright. Incumbent's commission expired August 24, 1916.

MAINE.

Guy W. Swan to be postmaster at Princeton, Me. Office became presidential October 1, 1916.

MASSACHUSETTS.

James W. Wixtead to be postmaster at East Douglass, Mass., in place of E. E. Carpenter. Incumbent's commission expired January 25, 1916.

MISSOURI.

Joe B. Todd to be postmaster at Sugar Creek, Mo. Office became presidential January 1, 1917.

NEW YORK.

John M. Sullivan to be postmaster at Long Lake, N. Y. Office became presidential October 1, 1916.

OKLAHOMA.

Kenneth T. Henson to be postmaster at Carter, Okla. Office became presidential October 1, 1916.

Myrtle C. Murphy to be postmaster at Kingston, Okla. Office became presidential October 1, 1916.

RHODE ISLAND.

Lewis A. McGowan to be postmaster at Providence, R. I., in place of Walter A. Kilton. Incumbent's commission expires March 1, 1917.

TEXAS.

David C. Broyles to be postmaster at Paint Rock, Tex. Office became presidential October 1, 1916.

Artie M. Shepard to be postmaster at Hale Center, Tex. Office became presidential January 1, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1917.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Col. Edward Burr to be a member of the California Débris Commission.

PUBLIC HEALTH SERVICE.

Robert Booth Acker to be assistant surgeon.
Charles Armstrong to be assistant surgeon.
Rolla Eugene Dyer to be assistant surgeon.
Meade Castleton Edmunds to be assistant surgeon.
Justin Keyser Fuller to be assistant surgeon.
Walter Trousdale Harrison to be assistant surgeon.
Robert Watson Hart to be assistant surgeon.
William Frederick Wagenbach to be assistant surgeon.

POSTMASTERS.

ARIZONA.

Webster H. Knight, Humboldt.
Carmen Robles, Sonora.

CALIFORNIA.

George D. Dool, Calexico.
William Fox, Dorris.

CONNECTICUT.

Charles F. Farren, Woodmont.
William M. Logan, West Cheshire.
Rollin S. Paine, Stony Creek.

INDIANA.

Lawrence H. Barkley, Moores Hill.

IOWA.

Estey C. Baggs, Hornick.
Harry E. Erickson, Linn Grove.
Harold I. Kelley, Early.
Edward F. McGorrisk, Arnolds Park.
Charles E. Perdue, Pierson.
Henry W. Pitstick, Boyden.
Eugene Reardon, Auburn.
Emma O. Wellemeyer, Harris.
Amos K. Wilkins, Ute.

KANSAS.

Anna Belle Lock, Norwich.
Roberta H. McBlain, Fort Riley.

MISSOURI.

Virgil L. Looney, Walnut Grove.
William F. Stevenson, South West City.

MONTANA.

Mary R. Burke, Scobey (late East Scobey).

NEBRASKA.

J. T. McIntosh, Sidney.
John F. Mahoney, Palmyra.

NEVADA.

Jeanann M. Fay, East Ely.
Mabel C. Heidenreich, Hazen.

NORTH CAROLINA.

James M. Hall, Roseboro.
John A. MacRae, Badin.

NORTH DAKOTA.

Walter E. Barringer, Streeter.
John A. Knapp, Binford.
Walter W. Lee, Sykeston.
Emil F. Neumann, Gackle.

OHIO.

Riley E. Clark, Warsaw.
Harry D. Collins, New Paris.
Ernest C. Heaps, Worthington.
Rollah E. Hite, Pleasantville.
Charles E. Plummer, Seaman.
Henry W. Reeder, Albany.

TENNESSEE.

Luther M. Roberts, Soddy.
Patrick H. Toomey, Englewood.

TEXAS.

H. C. Parker, Tenaha.
Gustav R. Voigt, New Ulm.

UTAH.

Ada H. Merrill, Smithfield.

VERMONT.

George N. Clark, Groton.
Charles S. Dole, Danville.
Albert B. Roberts, Dorset.
W. Ray Whitney, Franklin.

WISCONSIN.

Victor E. Layer, Adams.

WEST VIRGINIA.

Scott Justice, Logan.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 13, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art never far from any of us, we would draw near to Thee in spirit and drink deep from the fountain of life, be refreshed and strengthened, that we may respond to the duties ever calling for thought and action. We are living in an age of transition. Great changes are in the making and must needs come, growing out of the awful conflict now raging in a large part of the world. And we most fervently pray that our people may stand together as one for the sacred principles involved in our Republic, a precious heritage handed down by our fathers, liberty, justice, and equal rights to all, that we may continue to live and grow intellectually, morally, spiritually through Him who taught us the way, the truth, and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

VOCATIONAL EDUCATION BILL.

Mr. HUGHES. Mr. Speaker, the Senate has asked for a conference on the bill S. 703, the vocational education bill, and I therefore move that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the Speaker's table the bill S. 703, insist on the House amendments, and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HUGHES, Mr. RUCKER, and Mr. POWERS.

RIVERS AND HARBORS BILL.

Mr. SPARKMAN, from the Committee on Rivers and Harbors, by direction of that committee, reported a bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which, with accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. Speaker, in addition to the report (No. 1289) on the bill, at the request of the gentleman from Wisconsin [Mr. FREAR], I present his minority report, to be printed with the other.

Mr. MANN reserved all points of order.

PERSONAL EXPLANATION.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes on a personal matter.

Mr. MOON. Reserving the right to object, I will ask the gentleman what it is about.

Mr. STEENERSON. The matter I referred to yesterday.

Mr. MOON. It is the matter reconciling the gentleman's remarks and those of the gentleman from Indiana [Mr. Cox]?

Mr. STEENERSON. The gentleman from Tennessee is extremely unfair. I am going to have this corrected.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes on a personal matter. Is there objection?

Mr. MOON. I do not object if it is coupled with the agreement that the gentleman from Indiana [Mr. Cox] may have five minutes if he desires it.

Mr. STEENERSON. Oh, certainly; I would be glad to have him.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Speaker, on Thursday the gentleman from Indiana [Mr. Cox], for whom I entertain the highest regard, made a speech in Committee of the Whole House on the Post Office appropriation bill (H. R. 14910), in which he took occasion to refer to some remarks made by me on the same subject a few moments earlier in the day. He took occasion to criticize me for the remarks I had made, characterizing them as unfair and partisan, and among other things, in substance, said that I had charged the Postmaster General with falsification. A colloquy ensued between him and me, in which I disclaimed having said anything of the kind, and I wanted to interrogate him further, but he declined to further yield.

He then proceeded to discuss my remarks, and among other things said that I undertook to prove that the report of the Postmaster General was false, and then he proceeded to say that I asserted that I was going to prove in my speech that for the last three years there was a postal deficit—that is, that the two years where there was a surplus was less than the surplus for the year for which there was a deficit, and he said I had utterly failed in proving that assertion. He repeated it further on that I had charged that there was no postal surplus during the last three years.

I obtained unanimous consent a little while later to answer the gentleman's remarks, and in that five-minutes' speech I produced the report of the Auditor of the Treasury for the Post Office Department for the last year and showed by the figures there that my statement that for the last three years, taken together, there was not a postal surplus, but a deficit of $1,127,000. I put that whole report into the RECORD, together with my remarks, and explained that these figures could not be and were not disputed by anybody.

Judge of my surprise when I read my speech I saw in the same RECORD the speech of the gentleman from Indiana, in which he had changed it so as to strike out the words "three years" and insert "four years" in two places, thereby making it appear that he charged me with contending that for the last four years there was no surplus, a thing that I never contended anywhere. What I did contend was that the year 1913 did not belong to this administration, and if the unpaid bills were deducted there would not have been any surplus even if we counted four years. But the official figures as to the last three years conclusively showed there was a postal deficit.

I hold in my hand the Official Reporter's transcript, and on which these changes appear. For instance, page 522 of the transcript the gentleman is recorded as saying:

> The gentleman from Minnesota undertook to criticize the Postmaster General's report and to prove that it was false, and consumed an hour and 23 minutes of the time. It was an utter failure, for he never adduced a single fact or a single figure to show that Mr. Burleson's report was erroneous when it said that for the last three years he had turned into the Treasury a surplus of about $5,000,000.

Now, that is changed in the printed speech to four years, and the actual figures which I myself had given as a surplus for these four years. In this way the speech which I answered and which I listened to was not the speech at all that was printed the next day. I deem it necessary that the House and the country should understand, according to the gentleman's own figures, that I was correct when I said that the official figures of the auditor showed there was no postal surplus for the three-year period of 1914, 1915, and 1916.

I do not attribute any bad motives to my friend from Indiana, but instead of being nonpartisan I think he is just as partisan as I am, and that in the heat of debate, not having studied these figures, he was led to make the statement without knowing what the facts were. He undertook to criticize my speech without having familiarized himself with the figures, for he distinctly said twice, as I shall show in these minutes which I shall print in the RECORD, uncorrected, that he criticized me for having asserted there was no postal surplus for the last three years—a thing he himself admits and the record admits and everybody else admits, because the official figures show it. He took advantage of the leave to extend and correct his remarks, and I have no fault to find except that I want it understood that the speech that he delivered was not the speech that appeared in the RECORD. I regret that there was any difference between us. We are both partisan, but certainly there was nothing in my speech which justified him in accusing me of calling the Postmaster General names; neither was there anything that justified the chairman of the committee earlier in the day on Thursday in saying that anything to the contrary of his claim of a surplus would be falsehoods and lies. Everything that was said by me is now in the RECORD. I was unable to find one of the tables on Thursday, and hence the speech did not appear until this morning, but I have not changed the speech, and the gentleman from Indiana is welcome to the transcript of the reporters' notes if he wants to examine it. He was entirely unjustified in saying that I had called anyone a liar, least of all the Postmaster General. I have a right to make my argument to show that they are mistaken, and that is all I did. This administration or any other is not so sacred that it is not to be subjected to criticism that is fair and honest, and that is all I indulged in.

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, under leave to extend my remarks I have always been exceedingly careful and cautious to not change them so as to put an opposing Member in a false attitude. I think it is shown in two places in my remarks that I asked and obtained unanimous consent to insert certain things in the RECORD. At the conclusion of my remarks I asked unanimous consent for general opportunity to revise and extend, which was granted.

Mr. Speaker, there is an old Spanish adage which says that "You can always tell where the shot came from by noticing the flutter of the bird." I have not anything to take back, anything to apologize for at all in what I said at that time, and evidently from the gentleman's argument and remarks this morning I certainly touched a tender spot upon him somewhere—unintentionally entirely. In his argument of an hour 23 minutes the other day and in his argument of 10 minutes to-day he reminds me very much of a statement in one of Æsop's fables, to the effect that the "mountain labored in great travail and brought forth a mouse." That seems to be the result of the gentleman's argument of an hour and 23 minutes the other day and 10 minutes this morning, in trying to convince this House and the country that the Postmaster General falsified his reports in laying claim to the fact that in three out of four years there was a surplus turned into the Treasury by him. In the heat of argument the other day I did use the figure 3. I had only 30 minutes' time, and when I came to revise my remarks I saw that the Postmaster General was making a report on four years instead of three, and I must confess that at the time I revised my remarks I never thought for a moment of the tremendous fulmination of words delivered by the gentleman with an exceedingly small amount of ideas connected therewith in his attempt to prove that the Postmaster General had falsified his reports. I regret this morning, and I am sincere in that, that at any time any member of this Committee on the Post Office and Post Roads should undertake to drag politics into this bill. I am here to say now that if the Republican Party controls this House in the next Congress, and if a Republican is made the chairman of the Committee on the Post Office and Post Roads, and I am reassigned to that committee, I am not going to stand on the floor of this House and criticize the Republican majority members of the committee, but I am going to stand upon the floor of the House and uphold and support that committee where I think it is right.

I hold in my hands the report of the Postmaster General, and I read the following from page 6:

> That the Postal Service is now self-sustaining is evidenced by the fact that for three out of the four years of the present administration audited surpluses aggregating $14,716,350.03 have been shown. Deducting the audited deficiency in 1915 of $11,333,308.97, the net surplus for the four-year period is $3,383,041.06, and but for the business depression occasioned by the European war the department would have undoubtedly secured a surplus of not less than $18,000,000.

That conclusively shows just what I said then, or what my remarks should have said then, and when I came to revise them I made them speak the truth, that in three out of four years he has turned into the United States Treasury a surplus of $3,383,041.06.

Mr. STEENERSON rose.

Mr. COX. I refuse to yield. If I recall the gentlemen's speech the other day, he spoke of the still outstanding claims that were due the railroads. I call the gentleman's attention

and the attention of this committee to the Postmaster General's report on page 18, as follows:

The payment of the additional compensation to railroad companies authorized by Congress on account of the increased volume of the mails to be transported, resulting from the department's orders raising the limits of size and weight for parcel-post mail, was delayed owing to the failure of the postal appropriation act for the fiscal year 1916. Under the provisions included in the postal appropriation act for the fiscal year 1917 for adjusting these claims of the railroads the amounts due, which were fully adequate for the service rendered, have been finally determined and paid. It is a source of satisfaction to the department that this matter has been finally adjusted, but it is only fair to state that the delay of this settlement was directly attributable to the activities of those assuming to speak for the railroads.

I repeat that there is not anything at all in the gentleman's contention this morning; there was nothing in it the other day, in his hour and twenty-three minutes' discussion, when he undertook to prove that the Postmaster General was mistaken or had misrepresented his report here, when the Postmaster General said that in three out of four years he had actually turned a surplus into the Treasury of the United States, and had it not been for the fiscal year 1915, following the outbreak of the European war, that would have been not less than $18,000,000.

Everybody knows, as I have been told by some of the large business men of the country, that the Post Office Department is the best barometer of business in this country.

The SPEAKER. The time of the gentleman has expired.

Mr. COX. I would ask for two minutes more; that is all I want.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. The large business men of this country, the railroads, banks, and large manufacturing concerns keep their eyes upon the postal receipts of the Nation as a barometer of the business of the Nation more than they do on the trade journals and the transportation traffic of this country, conclusively again sustaining the contention of the Postmaster General that it was due to the outbreak of the European war that prevented him from turning into the Treasury of the United States a surplus at the end of the fiscal year 1915. When I came to revise my remarks, I changed the figures from three to four so as to make it correspond with the Postmaster General's report, and that was exactly what I intended to say when I made my speech the other day, and what I would have said had I not been crowded for the lack of time. The gentleman has failed, dismally failed, utterly failed, in sustaining his position that the Potsmaster General was mistaken. He has failed, dismally failed, utterly failed, this morning to prove that the Postmaster General was mistaken in his report.

Mr. STEENERSON. Mr. Speaker, I would ask for two minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Speaker, the gentleman from Indiana [Mr. Cox] says that if the Republicans control the House and committees he will support, as I understand, all we do. I believe a man's duty to his country is to stand for the truth, and I believe there is a great deal in the report the gentleman has read from that leads to an erroneous conclusion. I sought in my speech to convince the gentleman, and I think any fair-minded man who reads the speech will be convinced that, although there was a surplus deposited for 1913, 1914, and 1916, there was a deficit of $11,300,000 in 1915, and when you add to that the unpaid railroad bills for excessive parcel-post weight payments and the rural carriers' salaries, and you deduct those things, together with the deficit of 1915, it eats up the whole original surplus, so we are not richer than we were before, but a little poorer. Now, I am not complaining of that. I do not believe we ought to have a large postal surplus. I am glad to see that we come within two or three million dollars. I am not finding fault with that feature of it, but I am finding fault with a report that leads one to draw an erroneous conclusion. The fact that men have stood up repeatedly and asserted that the Postal Service was turning in twelve or eighteen million dollars in three years shows they have misunderstood the figures.

Mr. MOON. Will the gentleman allow me to interrupt him?

Mr. STEENERSON. I only have two minutes.

Mr. MOON. I want to ask the gentleman if he is really seeking information on that question, if he really wants to know why it is that the accounts for the Postal Service and railroads are not accounted for in making a general balance; if the gentleman is not talking for political effect, but if he wants to know the facts, I will ask leave to put in the RECORD a statement to show that these items to which the gentleman referred as items of properly audited accounts arose after the end of the fiscal year for adjustment and are not chargeable to any year. If the gentleman wants the truth, I will have a statement from the department put in the RECORD, but if the gentleman is just talking for political effect I do not care anything about it.

Mr. STEENERSON. Mr. Speaker, the gentleman took up my time, and I suppose I can at least have one more minute.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. Of course, and I ask that the gentleman be permitted to talk as long as he wants to.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that he may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. The reason why the deferred railroad bills were not paid was because we had not passed the law, but that does not alter the fact that the bills were not paid, and if the items mentioned had been deducted from the surpluses rendered in those fiscal years 1913, 1914, and 1916 it would have reduced the audited surplus that much. The same thing with the rural carriers' salaries which had not been paid because we had not passed the law directing or forcing them to be paid, but that does not alter the fact that when they are paid it will reduce the net earnings of those years by that much, and when you take these things into account there is not such a thing as a profit for the last three years or even four years. I am only speaking in the interest of the truth. I am not finding any fault. I am glad to see the department is so near self-sustaining. I regret very much the gentleman from Indiana thinks because I made those remarks I am indulging in partisanship, but I am simply trying to get at the truth. The people of the United States are entitled to the truth as to all financial Government operations. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of South Carolina, Mr. HARDWICK, and Mr. LODGE as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7359. An act authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.

INVESTIGATION UNDER HOUSE RESOLUTION 420.

Mr. HENRY. Mr. Speaker, I ask unanimous consent for the present consideration of the following report from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 442.

Resolved, That in the performance of the duties imposed upon it by reference to it of House Resolution 420, the Committee on Rules shall have the power to send for persons and papers and to administer oaths and to employ such stenographic and clerical assistance as may be necessary. The expenses incurred hereunder shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by this committee and signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. HENRY. Mr. Speaker, that resolution is identical with the one that was adopted, as introduced by the gentleman from Tennessee [Mr. GARRETT], and gives the Committee on Rules the same power to proceed in regard to resolution No. 420 as it gave, on the previous occasion, it authority to proceed under 429.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT. Mr. Speaker, I think in fairness to some of us that this statement ought to be made.

I have consented to the passage of that resolution, or do consent to the passage of it, without a contest, for two reasons: First, it seems to be necessary as a technical proposition to pass it in order to reach that parliamentary stage where proceedings can be taken to deal with Mr. Lawson. That is the first reason, and the next is, that I think the action of the House on yesterday, the sentiment that was developed, indicated a desire and a disposition to have this resolution No. 420 considered, or something very similar. Personally, I do not have the slightest suspicion or idea that there is a thing contained in that resolution

that was not intended as a keen and bitter reflection upon and an effort to discredit an administration which the adverse political party could not defeat, but a sufficient number of Democrats indicated their disposition toward it yesterday as that it seems proper to permit the matter to pass without objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HENRY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 443.

Resolved, That in the consideration of House resolutions Nos. 420 and 429, committed to the Committee on Rules, said committee be, and it is hereby, authorized and empowered to require witnesses to answer all questions propounded by said committee or a member thereof, touching the subject matter of said resolutions, and to require any witness called before it to testify fully as to any information in his possession, whether in the nature of hearsay testimony or otherwise, relative to the matters set forth in said resolutions. And said committee is specifically directed to require one Thomas W. Lawson to name any Member of Congress or other person alleged by him in his testimony before said committee on January 8 and 9, 1917, to have given him any information relating to the subject matter of said resolutions or either of them.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I want to say this in reference to that resolution. I do not believe this House has the power to pass such a resolution.

The SPEAKER. The question the Chair put to the House was whether or not there was objection to the consideration of this resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Now, Mr. Speaker, the Committee on Rules desire to be clothed with all the power this House can give them in order that they may deal with the witnesses that are to be subpœnaed. We also wish to be clothed with all the power this House can give us to deal with one Thomas W. Lawson. We think that the adoption of those two resolutions will clothe us with that power. The committee has subpœnaed Mr. Lawson to reappear. He will be here, we hope, on Monday, when we will use the authority that this House gives us under that resolution. If the witness fails and refuses to answer the questions, it is the purpose of the committee to endeavor to get those answers, and if the committee is not able to do so, then it is the purpose of the Committee on Rules to bring the question to the House and let the House decide what authority they have and to exhaust their power. It seems to me that states the entire case.

Now I yield to the gentleman from Tennessee [Mr. MOON] five minutes.

Mr. MOON. Mr. Speaker, I do not want more than five minutes.

I do not have any objection to this resolution. I do not want the committee to have any less power than it has under the law. They ought to have all the power under the law and all the power this House can confer, but that resolution says that Lawson shall answer any question put to him. This committee has no power to put just any question. It is only those questions that pertain properly and lawfully to the inquiry and do not affect constitutional rights of the witness that they have a right to ask. Now, I suggest, and I only rose for the purpose of suggesting, that that resolution be amended so that it would fall within the rule laid down by the Supreme Court of the United States on that question. If you do not amend it, and you attempt to exact from him those things which are not entirely pertinent to the inquiry, the result will be that if he is brought before the House for contempt he must be ultimately discharged. The House ought not to put itself in the position of making an improper inquiry.

Mr. MANN. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MANN. Does not the resolution provide for the answering of questions relating to the subject matter of these resolutions before the committee?

Mr. MOON. I do not understand the resolution in that way. If I had, I would not have made the suggestion.

Mr. FOSTER. It means relevant to the inquiry.

Mr. MOON. Let us have the resolution reported again.

The SPEAKER. The Clerk will report the resolution.

The resolution was again reported.

Mr. MOON. Now, Mr. Speaker, that resolution does not read exactly like I thought it did, and yet, after hearing the reading of it, I do not think it is quite a proper resolution. You may ask a man many questions touching an inquiry, but it is only those questions which may be lawfully and properly asked touching that inquiry that this House has a right to hear and know. A question may be relevant and still unlawful. And in view of the decisions that have been made on that question, I suggest that it be amended, not merely as relevant, but as lawfully relevant, as properly touching the inquiry, because there are a good many questions that may be connected with propositions that may not properly be asked under the inquiry. It is a very touchy proposition. I have had occasion to look into it in the past. I notice that the Supreme Court of the United States in deciding upon questions of this sort are very loath to permit the Congress to ask questions that are not strictly within the line of its legitimate inquiry and that do not invade the strictly individual affairs and the constitutonal rights of a witness. They properly so hold. I am not going to press the matter at all. I make this suggestion only for your careful consideration. The resolution to me seems to be rather loosely and inartificially drawn.

Mr. HENRY. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19410, the Post Office appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, with Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For mail-messenger service, $2,243,000.

Mr. BENNET. Mr. Chairman, I offer an amendment to be inserted at that place in the bill by way of a new paragraph.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 13, insert the following as a new paragraph:

"That the Postmaster General is hereby authorized, in his discretion, with the consent of the Secretary of the Treasury, to utilize for the transmission of mail the pneumatic tube."

Mr. MANN. Mr. Chairman, the gentleman from Iowa [Mr. HULL] has an amendment to offer to the paragraph preceding that which was last read, and which is entitled to priority over a motion to insert a new paragraph.

The CHAIRMAN. Without objection, the gentleman from New York will withdraw his amendment.

Mr. BENNET. Certainly.

The CHAIRMAN. And the Chair will recognize the gentleman from Iowa to offer an amendment to the preceding paragraph, which the Clerk will report.

Mr. MOON. What paragraph was that?

The CHAIRMAN. The paragraph on page 15, ending with line 12.

Mr. MOON. We finished the paragraph on page 15, ending with line 12, yesterday.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Iowa [Mr. HULL].

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 15, line 13, after the figures "$2,243,000," insert "No part of this money shall be paid for any messenger service unless it be to the mail messenger who was the lowest qualified bidder at the time the contract was first called for."

Mr. STAFFORD. I reserve a point of order on that, Mr. Chairman.

Mr. MOON. I thought we had considered that paragraph yesterday.

Mr. HULL of Iowa. The amendment is clearly within the Holman rule, being a limitation upon the expenditure.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LLOYD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the

disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON. Mr. Chairman, I want to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOON. I understood that section to have been read and completed yesterday.

The CHAIRMAN. The section was read, but the committee never acted upon it. At the time it was read a colloquy arose between the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from Indiana [Mr. COX] as to whether they should be permitted to address the House, and the committee rose in that condition.

Mr. MOON. Very well, if that was the state of affairs.

The CHAIRMAN. The gentleman from Iowa will proceed.

Mr. HULL of Iowa. Mr. Chairman, this amendment is to correct an abuse which prevails in this branch of the Post Office Service. I think that while we are trying to be fair with all labor we ought to be fair with ourselves and pass this amendment. There is not any objection to it.

Mr. MADDEN. Will the gentleman explain the purpose of it?

Mr. HULL of Iowa. The purpose is apparent on the face of the amendment. It requires, when you call for bids, that you should take the lowest qualified bidder.

Mr. McKENZIE. It does not say that.

Mr. HULL of Iowa. Yes; it does.

Mr. STAFFORD. May we have the amendment again reported, Mr. Chairman?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. MANN. Is it the purpose to prevent the Postmaster General from rejecting all bids and newly advertising?

Mr. HULL of Iowa. It is to prevent the Postmaster General from letting the contracts to higher bidders and peddling the bids out; that after he has called for the lowest bidder he shall go ahead and let the contract, provided the man is a qualified messenger.

Mr. MANN. Suppose there is only one bidder, and that is an exorbitant bid in the opinion of the Postmaster General. Is he still required under this to let the contract to him, notwithstanding that fact?

Mr. HULL of Iowa. He could in his regulation claim that his was not a qualified bid, if it is only one.

Mr. MANN. Well, suppose there were two, and they were both exorbitant. What I am trying to get at is this: Is he forbidden to advertise for new bids under those circumstances? Is that the gentleman's opinion of it?

Mr. HULL of Iowa. No. I do not think it would prevent that. It is to prevent letting to a higher bidder or peddling the bids.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. McKENZIE. Can the gentleman from Iowa cite any instance of abuse that has grown up under the present system now which he wishes to cure?

Mr. MOON. Mr. Chairman, I make the point of order that the proposed amendment changes a law on the subject of advertisements.

Mr. STAFFORD. I supplement that.

The CHAIRMAN. The gentleman from Iowa has the floor. When the amendment was read a point of order was reserved, and the gentleman from Iowa was recognized.

Mr. HULL of Iowa. I will answer the gentleman from Illinois. I was a postmaster once, and I know that there is an abuse in the letting of these contracts. It happens in every town where you have some poor old man hauling the mail. You advertise for bids and you do not let the contract to the lowest bidder as a method of doing business. I am not in favor of letting it unqualifiedly to the lowest bidder, but as I say, that is supposed to be the practice of the Post Office Department. I claim that when you adopt that plan you must let it to the lowest qualified bidder. That is only fair.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes; I yield.

Mr. MOON. The law permits the contract to be made by the department, and allows the department to reject all bids. This law requires the acceptance of the lowest bid. If the gentleman's time is out I want to conclude on the point of order.

Mr. MANN. I submit, Mr. Chairman, that the amendment is not subject to a point of order. We can make appropriations and even say no part of it can be expended unless to a redheaded man.

That is a pure limitation that is within our power under the rules of the House. We have that authority. We can not require the department to exercise additional authority, or to exercise authority in the way we want it exercised, but we can say that the department can not spend the money unless they do it in the way we say.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The Chair recognizes the gentleman from Tennessee [Mr. MOON], chairman of the committee.

Mr. MADDEN. Let us take a vote on it. That is the best way.

Mr. STAFFORD. I withdraw my reservation of the point of order.

Mr. MOON. Has the Chair ruled on the point of order?

The CHAIRMAN. The Chair has not ruled on the point of order.

Mr. MOON. If it were not for the last two lines, I think it would be a mere limitation. But taken as a whole I think it is out of order, because it changes the law on the subject of bidding.

The CHAIRMAN. The Chair has read the amendment carefully, and is constrained to reach the conclusion that it is a limitation, and that under the unbroken precedents of the House a mere limitation upon an appropriation is in order.

Mr. MOON. Then let us have a vote on the question.

The question being taken, on a division (demanded by Mr. HULL of Iowa) there were—ayes 31, noes 80.

Accordingly the amendment was rejected.

Mr. BENNET. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] offers an amendment as a new section, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BENNET: On page 15, after line 13, insert:

"That the Postmaster General is hereby authorized, in his discretion, with the consent of the Secretary of the Treasury, to utilize for the transmission of mail the pneumatic tube connecting the customhouse and the appraisers' stores in the city of New York."

Mr. BLACKMON. I make a point of order against the amendment.

Mr. BENNET. Will the gentleman reserve the point?

Mr. BLACKMON. Yes; I will reserve the point.

Mr. BENNET. Mr. Chairman, in the city of New York the Government has constructed at its own expense a pneumatic tube connecting the customhouse with the appraisers' stores, a distance of about 2 miles. They are now operating this, but they have use for it only 6 hours a day, and they send a dispatch only about once in 15 minutes. This is a simple business propostion to which the chairman of the committee does not object, which permits the Secretary of the Treasury and the Postmaster General, if they wish to do so, to utilize this existing agency which the Government has bought and paid for.

Mr. MOON. Now will the gentleman from New York allow me to interrupt him a moment?

Mr. BENNET. Certainly.

Mr. MOON. As I said to the gentleman, I would not object to this as an independent proposition; but if this section is passed I am afraid it is the purpose of the gentleman to hitch on some other legislation which may not be in order.

Mr. BENNET. No; it is not. I will give the gentleman my assurance that it is not. I thank the gentleman for the implied compliment to my supposed parliamentary ability, but I say very frankly that I have no intention, nor has anyone else on the floor, so far as I know, directly or indirectly, any intention to affect by this amendment the pneumatic-tube controversy. This is entirely different. We have bought and paid for this tube, and the question is whether we shall use something that has cost the Government a good deal of money.

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GORDON. Why can they not use it now, without any new legislation, if all the gentleman says is true?

Mr. BENNET. Because the Postmaster General has no power to use an appliance which belongs to the Treasury Department unless he is authorized by law to use it—answering very directly the gentleman's entirely proper question.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes; and still answering the question of the gentleman from Ohio [Mr. GORDON], I will say that, so far as I know, there is no objection to this on the part either of the Postmaster General or the Secretary of the Treasury. The collector's office in New York City does not oppose it. The

appraisers' stores in New York City think it would be a good thing. The postmaster thinks it would be a good thing. The total expense of connecting up the foreign branch and postal station P would not exceed $10,000, and it would extend by about 30 minutes the time in which all the foreign mail of the United States—not the mail in New York, but the foreign mail of our constituents—could be sent abroad on every day that a steamer sails, and that extension of time is considerable.

Mr. COX. What is the length of the tube?

Mr. BENNET. About 2 miles.

Mr. COX. I do not know anything about the history of this tube.

Mr. MADDEN. It is a Government tube.

Mr. COX. Did the Government construct this tube?

Mr. BENNET. Yes.

Mr. COX. They built it themselves?

Mr. BENNET. They built it themselves, by contract.

Mr. COX. When?

Mr. BENNET. About 10 years ago.

Mr. COX. It is now in operation between the customhouse and the appraisers' stores, is it?

Mr. BENNET. Yes; it has been operated about 10 years.

Mr. COX. And the distance is about 2 miles?

Mr. BENNET. Yes.

Mr. COX. What is the size of the tube?

Mr. BENNET. An 8-inch tube.

Mr. COX. What is the size of the container that goes through it?

Mr. BENNET. It is the same size of tube and the same size of container that is used in the other 26 miles in New York City.

Mr. COX. A standard-size tube?

Mr. BENNET. A standard-size tube.

Mr. COX. And the Government has been operating it for about 10 years?

Mr. BENNET. Yes.

Mr. COX. And now you want to connect it up with the Post Office Department?

Mr. BENNET. I want to connect it so that they can send from Station P, which is in the customhouse, to the foreign station, which is practically across the street from the appraisers' stores.

Mr. COX. How did the Government get hold of the patent on these tubes? Did the Pneumatic Tube Co. give them the patent free of charge?

Mr. BENNET. I think they paid for it.

Mr. COX. You mean the Government paid for it?

Mr. BENNET. Paid for it 10 years ago, for the use of that tube.

Mr. COX. The Government owns it outright?

Mr. BENNET. Absolutely. The Pneumatic Tube Co. has no more to do with it than the gentleman or myself.

Mr. COX. What will be the additional cost to the Government to utilize it?

Mr. BENNET. Just to connect it up at both ends, which I should say would cost not to exceed $10,000, and to operate it 16 or 18 hours a day, which would cost them the additional pay of possibly two men.

Mr. COX. And I understood the gentleman to answer the chairman of the committee that it is not his intention or the intention of anyone else, so far as he knows, to tie something else onto this provision?

Mr. BENNET. There is absolutely no connection between this and anything else under the sun.

Mr. BLACKMON. Mr. Chairman, I renew my point of order and insist upon it.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent to insert a letter from Postmaster Morgan upon this subject.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting a letter from the postmaster at New York. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES POST OFFICE,
New York, N. Y., December 12, 1916.

Hon. MURRAY HULBERT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have before me your letter of the 11th instant requesting to be furnished with certain information regarding the pneumatic-tube service in this city, for use in the hearing next Thursday morning (Dec. 14) before the House Committee on the Post Office and Post Roads, and in compliance therewith have to advise you as follows:

Question (1). Do you favor the authorized use of the pneumatic-tube connection between the Custom House and the Appraisers Stores for postal purposes?

Answer. Yes; with suitable post-office connections.

Question (2). Would such use facilitate the delivery of first-class postal matter from the downtown financial and commercial district to the Foreign Station?

Answer. Yes.

Question (3). Would such service extend the time within which supplementary mail could be sent from the downtown financial and commercial district to vessels departming for foreign and domestic ports?

Answer. Yes; later mailing time would be possible for foreign supplementary mail.

Question (4). Can you estimate the percentage of first-class mail which would be transported by this tube in the event of its authorized use by the postal authorities?

Answer. All of the first-class mail from the downtown financial and commercial district for foreign dispatch mailed between 4 a. m. and 11 p. m.

Question (5). Do you know what the additional expense to the Government will be to extend the use of this tube for postal purposes?

Answer. I am not aware of the additional expense involved; this would be a matter for departmental adjustment with the contractor for pneumatic-tube service.

In connection with the answers to questions 2 and 3, I have to state that there is absolutely no doubt that if this tube line were turned over to the Post Office Department it could be utilized to advantage in the transmission of mails. All of the letters, documents, etc., now transmitted through the line could be sent by the Post Office Department for the Treasury Department, and the surplus capacity of the line used to transport the regular mails, provided the line was connected to two of the present post-office stations, namely, Foreign Station and Hudson Terminal Station, both of which are located a short distance from the line, and it is very probable that some arrangement could be made with the New York Pneumatic Service Co. to operate it in connection with its system of mail tubes which connect the stations throughout the city.

Very truly, yours,

E. M. MORGAN, *Postmaster.*

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, $449,500.

Mr. TAGUE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, line 15, after the word "devices," strike out "$449,500" and insert in lieu thereof "$1,061,000, for continuance of service now existing in New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn."

Mr. MOON. Mr. Chairman, to that I make a point of order.

Mr. TAGUE. Will not the gentleman reserve it?

Mr. MOON. I have no objection to reserving it.

Mr. TAGUE. Mr. Chairman, I do not believe that this amendment is subject to a point of order. The law at the present time permits the expenditure. In the first place, under the law of 1906 it permits an expenditure of $1,250,000. This amendment calls for $1,060,000. In the law of 1906 it reads:

That the service shall not be extended in any other cities other than those in the service as now under contract under authority of Congress.

The cities named in this provision are the cities wherein the service is now in operation. The claim against this provision also is made that it requires a report of experts before a new contract can be entered into.

Mr. Chairman, the contracts under the law of 1902, previous to the enactment of the last contract made by these companies with the Government, were the contracts, to my mind, that were to be affected by this law. I do not believe that it was ever intended that invitation would be made to the public to bid upon a contract, to have a contract made, for people to invest their money in a service for the Government, and then upon the expiration of that contract—with a contract like that of the pneumatic-tube contracts, requiring them to place their tubes under the ground for no purpose except for the purposes of the Government—they should be put out of commission. In proof of that, the commission that was appointed to investigate the last contract, made in 1906, and the action of the Postmaster General at that time, reported no investigation as to the continuation of existing contracts. On the contrary, that commission, in the opening of their report, October 4, 1905, to the Second Assistant Postmaster General, said this:

The commission appointed by the Postmaster General, Order 1253, of November 15, 1904, after carefully investigating the needs and advisability of extending pneumatic-tube service—

And so forth.

It said nothing in this report as to the contracts then in existence. It made no claim that the Government had no right to issue contracts under the law that they were then living under of 1902. It merely applied to an extension of the system, and I contend, Mr. Chairman, that the law of 1902 applied merely to the contracts then being made by the Government.

Mr. BORLAND and Mr. GORDON rose.

The CHAIRMAN. To which gentleman does the gentleman from Massachusetts yield?

Mr. TAGUE. I refuse to yield now. Mr. Chairman, the investors in these enterprises, in good faith, have invested their money in a contract that has received the approval of the com-

missions appointed by this Government. No commission since 1902, at the time of the original contracts, made at that time for four years, has been appointed with the intention of investigating future contracts as affecting the then existing contracts made by the Government. The only commission that was appointed since 1902 was the appointment of the commission of 1906, whose report I have just read, and then the commission appointed which reported in 1914 as to the advisability of the Government purchasing the pneumatic-tube service. There has been no investigation by any commission on any other condition or contract since 1902. The other investigation—and I contend that the Postmaster General then in office had the same contention that I hold—and the only purpose of the act was the future extensions of contracts and was not to affect the then existing contracts, but for the purpose of extension. The last commission was appointed for the purpose of deciding whether or not this Government should purchase and own the pneumatic-tube service.

Mr. GALLIVAN. Mr. Chairman, do I understand the point of order has been reserved?

The CHAIRMAN. It has.

Mr. GALLIVAN. I desire to address myself to the subject matter of the item.

Mr. MOON. The point of order was reserved until the conclusion of the remarks of the gentleman from Massachusetts [Mr. TAGUE]. I understand that several gentlemen want to speak on this question. While the amount involved is only $500,000 or $600,000 in a bill carrying $329,000,000, yet up to the present time in the consideration of the whole of this bill, before the committee and including the time occupied in the House, there has been twice as much time given to this one item as to the whole balance of the bill. Still some gentlemen from these cities want to speak, and, while they have not the right under the rule to speak more than five minutes on either side, I am inclined to ask the House to be liberal with them. If I could get some agreement as to time——

Mr. STEENERSON. Would the gentleman from Tennessee agree to two hours?

Mr. MOON. No; I would not.

Mr. STEENERSON. How much does the gentleman have in mind?

Mr. MOON. Twenty-five or thirty minutes.

Mr. MANN. Let me suggest to my friend from Tennessee that, in the first place, I think he ought to be thankful that the main discussion centers about an item of half a million dollars instead of some other provisions carrying much larger appropriations. In consideration of the many matters, the gentleman from Tennessee knows as well as I do that when there is an interesting matter up and gentlemen desire to be heard upon it, it is customary to give them time. The Post Office bill has never proceeded heretofore as rapidly as it has this year.

Mr. MOON. I am willing to give liberal time.

Mr. MANN. Quite a large number of gentlemen wish to be heard.

Mr. MOON. How many gentlemen want to be heard? [After a pause.] Mr. Chairman, in view of the large concourse that have arisen and held up their hands for time, I believe that I will agree to one hour and a half debate.

SEVERAL MEMBERS. Make it two hours.

Mr. MOON. Well, Mr. Chairman, I have to give up most everything I want to do, and I suppose I will have to consent to two hours. I ask unanimous consent that all debate on the pneumatic-tube provision of the bill and all amendments thereto be limited to two hours, one half to be controlled by the chairman of the committee and the other half by the gentleman from Minnesota [Mr. STEENERSON].

Mr. DYER. Will the gentleman withdraw his point of order?

Mr. MANN. We will have the point of order disposed of.

The CHAIRMAN. The Chair will submit the request to the gentleman from Tennessee. The gentleman from Tennessee asks unanimous consent that two hours' debate be allowed on the pneumatic-tube feature of this bill and all amendments relating to that subject; that one half of that time shall be controlled by himself and the other half by the gentleman from Minnesota [Mr. STEENERSON]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, and doing so only for the purpose of obtaining information, I would like to ask if that two-hour discussion would be upon the merits with the point of order pending against the pending amendment, and no opportunity given to discuss other amendments that might be presented.

Mr. MANN. The request is for two hours of debate. That does not affect the point of order.

Mr. MOON. Mr. Chairman, to relieve gentlemen, I ask unanimous consent that the two hours' debate begin after the Chair has disposed of the point of order.

Mr. MOORE of Pennsylvania. I think it would be unfair to rest the fate of the pneumatic tubes on one amendment. The discussion now would be for two hours, apparently, and all of that time would be consumed on the amendment offered by the gentleman from Massachusetts [Mr. TAGUE], against which the point of order has been made.

Mr. STEENERSON. The proposition is open to amendment.

Mr. MOON. Debate is under the rules of the House, of course.

Mr. GALLAGHER. Mr. Chairman, as a matter of information, I would like to inquire if the gentleman from Minnesota is opposed to the tubes or for them?

Mr. STEENERSON. I am for the tubes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that after the point of order shall have been ruled upon there be allowed two hours' discussion on the provision of the bill and amendments thereto relating to the pneumatic-tube service; that he control one hour of that time and that the gentleman from Minnesota control the remaining hour. Is there objection?

Mr. MOON. That is, provided, of course, the point of order is not sustained.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair will now hear the gentleman from Tennessee on his point of order.

Mr. MOON. Mr. Chairman, I am going to be very brief upon the point of order. I will ask what the amount of the amendment is?

The CHAIRMAN. The amendment provides for $1,061,000.

Mr. MOON. A chapter of the Postal Laws and Regulations, section 1374 and following, contains the law on the subject of pneumatic tubes. It must be confessed that this is a question arising about this statute that has not heretofore arisen, so far as my knowledge goes, nor has it been submitted to the decision of the Chair. Here is a simple item in a bill authorized by law providing for pneumatic tubes and other devices. The appropriation is limited in the act to a specific sum of money. This act is a part of the chapter, sections 1374, 1375, and 1376, of the Postal Laws and Regulations. It is a rule of law that all of the laws on a given subject must be construed together, or that part of all laws that have remained intact, notwithstanding amendments that did not by direct affirmative action or by implicaion repeal the existing law. It was lawful under this act for this House to appropriate under these provisions $1,200,000 for pneumatic tubes. It was unlawful under this act, and is unlawful under this act, for any contract to be made for the pneumatic-tube service or any sum of money appropriated for that purpose until the conditions of the act shall have been complied with. What are the conditions of the act? That the contract for this service shall be subject to the provisions of the Postal Laws and Regulations relating to the mail contracts, except as herein provided. In the law that is applicable to the pneumatic-tube service a condition precedent must be complied with before this service can be put into effect. If the service can not be carried into effect, if the law now existing prohibits its effectual use or an appropriation for it, it must remain unused until new law authorizes it. What is the condition precedent before the appropriation may be made under the law? It is this:

> That no advertisement shall issue until a careful investigation has been made as to the needs and practicability of such service and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials to be named by him.

That is a section of the law and must be considered in pari materia. That section is embodied in the very act that gives the power for the establishment and continuation of the pneumatic tubes in the United States. It is a condition precedent to the appropriation, because if the law contains a provision that prevents a service there is no power to appropriate for that service logically. The condition precedent is that a favorable report for the continuation of this service must be made by three experts appointed by the Postmaster General after the expiration of a 10-year contract. The very law itself provided for that contract. It provided for a 10-year period, which, however, expired, but which Congress extended until March next, and we are now operating under that extension. Therefore if the contract can not be made for the service under the law there can not be an appropriation for the service. That must follow logically. The condition precedent to the appropriation, to the contract, to the advertisement, to the execution of the law as provided on the very face of the act that gave

vitality to the pneumatic-tube system is that this favorable report must be made. Upon whom does the burden rest to show that the report has been made? How can and how must it be shown to this House that it may know in its legislative capacity under the law of the land, because we can not make any new law on this subject under this appropriation bill, that the power to appropriate for a service exists or that the service may be continued?

The fact is there must be a change of law before this contract can be renewed. A report has been made under the law. The Postmaster General, carrying out the provisions of the statute in order to enable him to carry out this service under the terms of the law and to obtain the appropriation for that purpose had a report made. The experts have made that report.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. In a moment. That report shows that the investigation required by the statute has been made by experts as demanded by the statute, and they say that the service ought not to be continued in any of these cities except as to the city of New York.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question?

Mr. MOON. Certainly.

The CHAIRMAN. Does the chairman of the committee contend that act limits the investigation to one investigation, or can the Postmaster General in his discretion appoint a different commission to make a reexamination or another investigation of this question?

Mr. MOON. I will read the act again:

The postal laws and regulations relating to mail contracts, except as herein otherwise provided, and no advertisement shall issue until after careful investigation shall have been made as to the needs and practicability of such service and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials to be named by him.

Mr. MOORE of Pennsylvania. What is the date of that act?

Mr. MOON. That is section 1974 of the Revised Statutes, 1902. Subsequent statutes have been passed, but that provision has not been affected by them.

Mr. DYER. Will the gentleman yield for a question?

Mr. MOON. I will.

Mr. DYER. I desire to ask the gentleman if it is not a fact a number of such investigations he has referred to have been made—more than one—under that?

Mr. MOON. I do not know of any more than this one. This is the one I referred to and of which I spoke as being an official investigation. It has been made by authority of the Postmaster General. I hold the report in my hand. The summary of the recommendations of that report is:

(a) That an advertisement be issued for proposals to perform mail service by pneumatic tubes in the city of New York, N. Y., in the territory south of Grand Central and Times Square Stations, between all points between which pneumatic-tube service is now in operation, and between the general post office of New York and the general post office of Brooklyn from March 5, 1917, until June 30, 1926, subject to cancellation by the Postmaster General on six months' notice.

(b) That a separate advertisement be issued for proposals to perform mail service by pneumatic tubes in the city of New York, N. Y., in the territory north of Grand Central and Times Square Stations, between all points between which pneumatic-tube service is now in operation, from March 5, 1917, to June 30, 1926, subject to cancellation by the Postmaster General on six months' notice.

(c) That the proposals in response to the advertisement for mail service by pneumatic tubes in the city of New York, N. Y., in the territory north of Grand Central and Times Square Stations be not considered for acceptance unless there be a material reduction from the present rate of payment.

(d) That no advertisement be issued for mail service by pneumatic tubes in any of the following cities: Brooklyn, N. Y.; Boston, Mass.; Chicago, Ill.; St. Louis, Mo.; and Philadelphia, Pa.

Now, that is the official report made in pursuance of the statutes, and it shows that there shall be no appropriation for this purpose, no advertisement for contracts, and there can not be an advertisement for contracts under the law until there is an appropriation; so it follows, of course, the appropriation can not be made according to law unless you change the law. Now, take the provisions of this law. It is not a self-operating statute. It requires the invocation of a power that is outside of the statute, so far as the execution of the law is concerned; the appointment of a committee whose investigation when made and returned to the department effectively terminates or extends the power to the department to make these contracts. Mr. Chairman, the matter is very clear to my mind. I do not know whether other gentlemen will agree with me or not, but I think this: That in view of these statutes and no repealing section of the statute in connection with the amendment to the statute, that the power of the House extends only to the authorization under the present law to contracts and advertisements recommended by the postal officials. The peculiar language of the statute means that the appropriation hereafter can extend only to the services which have been favorably recommended by the committee that puts vitality into the law by virtue of this report. Now, the exact amount to carry on this service in the city of New York, in conformity with the report, under the law has been placed in this bill. There has been no appropriation for these other cities, and they are not entitled under the law to an appropriation. A contract can not be made for them, and the power granted in the first place by law to contract was limited by law on second or renewal contract to cities favorably reported. The additional amount of money that is provided for in this amendment over and in excess of that necessary to carry out the provisions of the report is, in my humble judgment, subject to the point of order, as the law does not authorize any appropriation for a service not authorized by law. The law in this case does not authorize an appropriation for the service.

Mr. BENNET. Mr. Chairman, I desire to be heard in opposition to the position taken by the gentleman from Tennessee [Mr. MOON] and to sustain the position taken by the gentleman from Massachusetts [Mr. TAGUE]. It seems to me his amendment is clearly in order. What is the law? It is contained in two statutes—the act of April 21, 1902, and the act of June 26, 1906. Those statutes contain some limitations, of which the most simple is that this service is limited to certain cities.

The CHAIRMAN. That is in the act of 1902?

Mr. BENNET. In the act of 1902 and the act of 1906; but there is no city named in the amendment of the gentleman from Massachusetts which is not one of the permitted cities, so that the point of order can not rest upon that portion of the law. The annual limit of expenditure is $1,250,000. The suggestion of the gentleman from Massachusetts is $1,061,000, so that the amount is one authorized by law.

The sole remaining question is the one relating to the power of the Postmaster General to issue an advertisement. There are two constructions of which the statute is capable, and either construction which the gentleman from Tennessee [Mr. MOON] takes is fatal to him. The construction which I myself prefer is this. The law is:

That the contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts except as herein otherwise provided, and that no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service, and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials to be named by him.

Now, my contention is that when a commission has once reported as to the needs and practicability of the pneumatic-tube service in any one of the cities named, that that forever furnishes the foundation. Of course, if I am correct in that contention, then the point of order is not well taken. But let us assume that I am not correct in that contention, then the gentleman from Tennessee must argue that the Postmaster General can appoint one commission to-day, another next week, and so on, ad infinitum. This appropriation bill is for service to commence on the 1st day of July, 1917. The commission that made this report has reported and has become extinct, non constat, but the Postmaster General would, and he could if the contention of the gentleman from Tennessee is correct, appoint another commission in April, May, or June, or one commission in each one of those months, or even after the 1st of July beginning the fiscal year, and upon the favorable report of any one of those commissions the Postmaster General could then use this appropriation.

Mr. MOON. No; there is to be a committee appointed by the Postmaster General.

Mr. BENNET. That is what I said. The Postmaster General can appoint as many commissions as he pleases, one after another.

Mr. MOON. I do not think so.

Mr. BENNET. There is nothing in the law to accord with the gentleman's contention.

Mr. DYER. He has appointed three or four already.

Mr. BENNET. He has appointed three or four.

Mr. MOON. The gentleman should apply his common sense to it. That refers to that contract, of course.

Mr. BENNET. Inasmuch as the Postmaster General can not let a contract to commence until after the 1st of July, 1917, I fail to find any authority in law for him to have appointed, if that is the contention, a commission away back in 1915, to state what the conditions are going to be on the 1st of July, 1917; and I should think if you are going to depart from the words of the statute, and go to just simply ordinary horse sense, that a commission that examined the needs and practicability of the service in June, 1917, would be in far better position to state the conditions as they would be on the 1st of July, 1917, than a commission that was appointed two years ago.

So I submit that on either contention the gentleman from Tennessee [Mr. MOON] raises he impales himself on the horns

of the dilemma. If my contention is correct there, and there can be one commission, and that the original commission, then that commission reported favorably. If his contention is correct that the Postmaster General can appoint commissions from time to time, then, non constat, but that the Postmaster General will appoint other commissions, and they will report favorably, and if they do, and possibly not until then, the money that is sought to be appropriated will be at his disposal.

It seems to me the point of order is surely not well taken. I might say this same point of order was raised last year on this same section and overruled by the then Chairman of the Committee of the Whole.

Mr. GORDON. The contract had not expired last year. It expires this year.

Mr. BENNET. Of course, everybody knows that.

The CHAIRMAN. The Chair is ready to rule. Of course, the Chair would be glad to hear from any gentleman who wishes to be heard on the point of order. [Cries of "Rule!" "Rule!"]

The amendment offered by the gentleman from Massachusetts [Mr. TAGUE] proposes an increase in the amount appropriated in the bill for penumatic-tube service to $1,061,000, and provides that it shall be used for the pneumatic-tube service in the cities of New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn. Under the law this pneumatic-tube service is authorized in those particular cities, and the law provides in letting contracts for the pneumatic-tube service in those particular cities the Postmaster General shall observe the law relating to letting of mail contracts except, before a contract shall be entered into for pneumatic-tube service within those named cities, he shall first appoint a commission and that commission shall report recommending that the service be used.

In the opinion of the Chair the amendment does not enlarge the number of cities authorized by law to have pneumatic-tube service. The amendment increases the amount appropriated for this service, but the amount proposed comes within the amount limited by statute. In the opinion of the Chair, if this amendment should prevail, the Postmaster General is not required to use it; but the Postmaster General would have the right, if he saw fit, to appoint another commission, and if that commission recommended the use of the service he would have funds at his disposal to continue the service as provided by law. Therefore, the Chair overrules the point of order.

Under the agreement made by the committee there shall be two hours of debate on this proposition and all amendments thereto, and under the agreement the chairman of the committee the gentleman from Tennessee [Mr. MOON] is to control one hour of that time and the gentleman from Minnesota [Mr. STEENERSON] the remaining hour. The Chair recognizes the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Chairman, I want to ask the gentleman from Minnesota [Mr. STEENERSON] how much of his time is to be given to those who are opposed to this item.

Mr. STEENERSON. Will the gentleman please repeat that?

Mr. MOON. Are you in favor of the amendment to the section?

Mr. STEENERSON. Yes; I am in favor of increasing the appropriation.

Mr. MOON. What I want to get at is this: In the division of time over here there are a number of gentlemen who are opposed and who are in favor of the amendment. I want to give time to the gentlemen who oppose the amendment as well as those who favor it, but if you are going to give all of your time to those who favor the amendment you can accommodate some of these gentlemen.

Mr. STEENERSON. I do not know how these gentlemen who have asked for time all stand. I did not ask that question, but presumably they came to me because they knew I was opposed to it. But I have promised all of the 60 minutes. Now, I have not promised as many on the Democratic side as wanted time, but I have some of the Democrats on my list. It seems to me that the gentleman has been so liberal in this matter that he can take care of both sides on that side of the aisle.

Mr. MOON. Oh, I do not want to take care of anybody that you can take care of, but where you can not take care of somebody I would like to do it.

Mr. STEENERSON. I can give you the names. I promised, among others, Mr. MEEKER and Mr. OLNEY, and others——

Mr. MOON. Well, I will try to give some time to gentlemen on your side, but I would like at least to give some gentlemen who are opposed to this amendment some of the hour.

Mr. STEENERSON. Mr. OLNEY and others have asked me for time. I will be glad to give it to them if I have it.

Mr. MOON. Well, we will see about that later. I yield, Mr. Chairman, to the gentleman from Massachusetts [Mr. GALLIVAN], who I understand favors the amendment and is opposed to this item as it appears in the bill.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GALLIVAN] is recognized for 10 minutes.

Mr. GALLIVAN. Mr. Chairman, I want to thank the gentleman from Tennessee for yielding this time, in view of the position I take on this amendment. It is directly opposed to his own views. Therefore I appreciate his kindness in permitting me to address the committee from my viewpoint.

I do not know whether or not we are wasting the time of the committee and of Congress in devoting two hours to this discussion of the amendment offered by my colleague [Mr. TAGUE], but it would appear from the very latest news in the Boston papers, at any rate, that perhaps after all Congress does not amount to much when it has to deal with one of the great and mighty moguls in the Cabinet of the President of the United States. [Laughter.] For days, almost weeks, we have been somewhat upset and concerned as to whether or not a distinguished citizen of Boston has been holding this Congress in contempt, and time, words, and money have been spent by the Members of this House and by committees of this House in trying to reach a conclusion as to whether or not Thomas W. Lawson, of Boston, holds Members of Congress in contempt.

Well, let me say to my colleagues who are here present to-day that there is a gentleman here in Washington who holds you in contempt, and he does not care whether you vote for the amendment which my colleague has just offered or not. If he has his way he does not propose, despite the action of the Congress of the United States, to spend this money which we are about to vote, in my opinion, for the continuation of the pneumatic-tube service in the big cities of this country.

Last night's Boston Globe has the following paragraph:

About 40 motor vehicles will probably be needed for local transportation of the mails after the abandonment of the pneumatic-tube service, according to Charles P. Stearns and I. O. Keen, post-office inspectors from Washington, who are in Boston to-day checking up the plans of Postmaster Murray—

Another mighty mogul, who has grown so great since he ceased to be a Congressman that you would not believe he is the same little Billy that we knew down here. [Laughter.] But he has achieved his present hauteur after basking in the presence of Cabinet officials, and he does not now care for you men whom he once loved so dearly. I read further:

It is understood that the department favors the postmaster's scheme to have the Government assume the work of local transportation exclusively by automobiles—

And so forth. Now, Mr. Chairman——

Mr. HULBERT. Mr. Chairman, will the gentleman permit an interruption by a very brief question?

Mr. GALLIVAN. Certainly.

Mr. HULBERT. When the postmaster of Boston was a Member of the House, did he not favor pneumatic tubes in Boston?

Mr. GALLIVAN. I will say to the gentleman in response to his inquiry that when I came to Congress the present postmaster at Boston was my guide, counselor, and friend. [Laughter.] He made me a very strong advocate of the pneumatic-tube service. Years ago, before I became a Member of Congress, I had been a stockholder in one of the companies, and I had lost almost my inside shirt. [Laughter.] Stock for which I had paid $20 a share went down to little or nothing, when I disposed of it for keeps.

Mr. GORDON. Mr. Chairman, will the gentleman——

Mr. GALLIVAN. Oh, sit down. [Laughter.] But when the question of pneumatic tubes was under discussion, once upon a time, naturally I did not feel kindly toward the proposition, and the present postmaster of Boston persuaded me that I was wrong, and that whatever had been the matter with the pneumatic-tube service in Boston, it was not the tubes; it was the management of the then existing company. And in reply to the query of the gentleman I want to say to my colleagues on the floor that not only was the present postmaster of Boston an advocate of the pneumatic-tube service when he was in this body, but according to a report of five distinguished business men in Boston specially selected from the chamber of commerce the postmaster of that city assumed a very different attitude when interviewed by its members a few months ago from that which he took when he came before the Committee on the Post Office and Post Roads a few weeks ago.

Far be it from me to say that the attitude of the postmaster of Boston is somewhat directed by the fact that the Postmaster General is something of a boss. [Laughter.] Why, I have had a former postmaster in one of the big cities of this country tell me within the week that when he was ordered a few years ago to make discharges of certain men grown gray in the service and he refused to do it, he was almost threatened with removal.

Mr. Murray and my informant were on the carpet at headquarters here in Washington. Pointing out a gentleman who had recently been promoted to a high post-office position in this city, Mr. Burleson said, "There is the kind of man for you to pattern after. He is saving me $200 a day." And the postmaster of the big city to whom I refer, turning to a little postmaster from another big city, said, "Let us resign." And the little postmaster said, "You are getting hot under the collar. Let us think it over. I get $8,000 a year and you get $6,000 a year. We do not want to resign so quickly." And they did not. [Laughter.] And the Postmaster General did not remove them. But some of the little postmasters from big cities have long memories, and are perhaps afraid that what was once threatened might come about if they do not pursue the straight and narrow path outlined for them by the Postmaster General of the United States. [Laughter.] They listen for the master's voice.

Now, Mr. Chairman, I submit to this House that the people in my city have been spending millions of dollars for subways in Boston, and——

Mr. HULBERT. Mr. Chairman, will the gentleman from Massachusetts permit another very brief interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. HULBERT. If, as we were told yesterday, the Postmaster General has recommended the installation of the pneumatic tubes at Dallas, Tex., is it because the congestion down there is greater than it is at the Hub, in Boston?

Mr. GALLIVAN. Well, I might reply to the gentleman from New York that in all probability the Postmaster General has the same idea as to congestion in Boston as I am told a member of the Committee on the Post Office and Post Roads has as to the length of time the tubes to the lively city of The Bronx, as I will call it, are used by the people of New York. I have read the statement that a member of the Post Office Committee thought that the great borough of The Bronx was a summer resort. Perhaps the Postmaster General feels that the business streets of Boston are not congested all the year round.

Mr. MOON. Will the gentleman allow me to interrupt him?

Mr. GALLIVAN. Why, certainly.

Mr. MOON. I have heard that statement made two or three times about some member of the Post Office Committee. I think it is hardly fair unless you tell us who it was.

Mr. GALLIVAN. I read it in the RECORD.

Mr. MOON. You do not know anything about it, then.

Mr. GALLIVAN. Not a thing. I assure the gentleman from Tennessee that the story is not original with me. I read it in the record of this debate. I think it was spoken on the floor here the day before yesterday.

Mr. HULBERT. Do all the statements contained in the RECORD purport to be true?

Mr. GALLIVAN. Always true. Now, I was about to say, Mr. Chairman, that the people of Boston have spent millions on subways. They have been compelled to do so because of the conditions of surface transportation in Boston, particularly in the business sections, and it is there that the pneumatic-tube service is performing its greatest good.

I want this House to know that of all the cities where the tube systems have been operated the difficulties of surface transportation are greater in Boston than elsewhere. Our people, I have said, have spent millions in the last few years for subways merely because of the unbearable congestion of surface traffic. This is particularly true in the business sections of Boston, and I repeat it is here that the underground pneumatic mail-tube system is of greatest service. The efficiency of these tubes as contrasted with surface travel is especially marked in winter, when trains are late and progress on the streets is hampered by heavy snowstorms. During our blizzards—and we have them up there—street traffic is often entirely blocked for hours, and it is subjected to long delays for days at a time. At such times we see the real advantage of pneumatic tubes, as these conditions have no effect upon underground dispatch of mail.

I notice that the claim has been made that the tubes in Boston are used only to a small per cent of their capacity, and that the rental of $17,000 per mile per year is too high as based upon such use. Does any man within the sound of my voice believe that there is any such thing as a hundred per cent use of capacity in any utility? A telephone line, a railroad, a mail box, and other utilities are never used to their fullest capacity and could not be so used. I will admit that the average use of the tubes over the entire period of 20 hours per day amounts to less than half of their maximum capacity; yet at certain periods of the day, at night and morning, the tubes are running at what is practically full capacity, while during the lightest hours of mail service the use of the tubes dwindles down to small proportions.

Mr. Chairman, a special committee of the chamber of commerce in my city has made an exhaustive study of postal facilities with reference to the pneumatic-tube service in Boston. Five of our leading merchants made up that committee, and I take their judgment in preference to that of the postmaster of Boston, who, according to a member of the committee, assumed a very different attitude when interviewed by its members from that which he took when he appeared before the Committee on the Post Office and Post Roads a few weeks ago. These captains of industry are unanimously and strongly in favor of retaining the tube service in Boston, and they believe it has proved itself an indispensable aid to the delivery of mail in large cities. When the Government spends millions upon rural free delivery and is willing to spend a comparatively large sum of money in sending a small amount of mail to remote parts of the country, it seems unreasonable to suppose that the department, in the hope of making a saving, will turn its back upon the pneumatic mail-tube systems, which were installed at its own request and have proven highly successful in developing the efficiency of the mail service in the very heart of the country's business.

If, as is alleged, our valiant Postmaster General has developed an automobile bug, let him try this method elsewhere and not in Boston, where our streets, historic and unique as they are, are narrow and crooked and twisted. We want the tubes to stay in Boston, and, as a representative of its people, I appeal to the House to give us your help. [Applause.]

What I have said as to congestion in Boston applies with greater force to congestion in the great city of New York, and there the men who operate the giant motor trucks now in the service of the Post Office Department apparently have but little consideration for life and limb of those who use the main thoroughfares of that city. I quote from the New York Times of yesterday this paragraph which describes conditions as they existed this very week:

TO CURB MAIL TRUCKS—SWANN STARTS TEST CASE TO FIX JURISDICTION.

A test case to determine whether automobile trucks carrying mail within the city are immune from city and State traffic laws and regulations has been instituted by District Attorney Swann, who issued a summons yesterday for the appearance of Thomas McDermott of 222 East Forty-ninth Street, driver of a mail truck which collided with an automobile belonging to Martin Carey, general counsel to the Standard Oil Co., on Wednesday night.

Mr. Swann saw the accident, which occurred at Fifth Avenue and Fortieth Street. He said that Mr. Carey's automobile was going up Fifth Avenue at a slow speed when the mail truck came out of the side street at a speed, he estimated, at 22 miles an hour. The driver of the truck did not stop to see what damage had been done, the district attorney said, but continued at the same speed through Fortieth Street. Mr. Carey's machine was wrecked.

I heard the testimony of Mr. Thomas Myers, inspector in charge of the traffic department, New York police, touching on the manner of operating these mighty trucks, wherein he said that when the chauffeurs in the service of the Government violate any law, whether it be one regulating street traffic or otherwise, they must not be in any way interfered with or stopped, but the officers must proceed with them to the end of their routes, no matter where that may be—at the end of upper Manhattan—before they are placed under arrest. Mr. Myers insisted that the addition of a single motor vehicle of the kind used by the Post Office Department to the thousands of vehicles now causing blockades in the street traffic of the metropolis would materially increase congestion there, and so it is in Boston. I was a street commissioner there for 14 years before I came to Congress. It was our duty to try in some way to relieve traffic congestion, and in 1907 the board of which I was a member established certain rules. We did the best we could at that time, and those rules have been added to year by year, and yet congestion is altogether as bad in down-town Boston around the business center as it ever was.

Do not, I beg of you, make those conditions more intolerable by a substitution of automobiles for the tubes which are underground, out of the way, and in no wise obstructive or dangerous. I have a confidence that the intelligence of this House will lead it in the direction that the Members from the great cities of our country would have Congress go. I appeal to you, whether you come from the city or the country, to stand with us. [Applause.]

A PENSION FOR POST-OFFICE EMPLOYEES.

Mr. Chairman, it occurs to me that this is a very proper and appropriate hour in which to call to the attention of Congress the repeated and ever-present necessity for the enactment of a retirement law which will operate in favor of men in the Postal Service who have spent years of their lives in faithful and efficient service, cheerfully rendered to the Government under

which we live. I believe that we can afford, when a general discussion of matters affecting the post-office management of this country is occupying the attention of the House, to devote some part of this discussion to the men in the ranks, the men who do the real work and who get the littlest reward. I will speak to the Members on both sides of the aisle here, but first of all I desire to address myself to my Democratic brethren. May I say to you that I speak in behalf of the men, not only of my own city and State who have asked me to make this appeal, who have made the Post Office Department of this Government the one great successful, profit-making branch of our Federal activities. They live in the South as well as in the North, in the East as well as in the West.

So much publicity has been given to this question that the committee on resolutions of the national Democratic convention held in St. Louis, Mo., in June, 1916, submitted the following recommendation which was approved and made a part of the Democratic platform:

The enactment of an equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service, to the end that a higher standard of efficiency may be maintained.

While the Republican platform of the last national convention is silent on this subject, it is well to note that the platform of 1912 of the Republican Party contained the following declaration:

We favor legislation to make possible the equitable retirement of disabled and superannuated members of the civil service, in order that a higher standard of efficiency may be maintained.

Added to this the Republican nominee for President publicly declared in favor of enactment of a retirement law for civil-service employees during the campaign.

This is not a political question and it should not be decided as one. Both parties are committed to the enactment of legislation to relieve the civil service of the superannuates, and the matter should be settled from the standpoint of benefit to the public service and justice to the employees. There are many conflicting opinions as to the best means of solving this problem and the advocates of different plans have submitted their views and arguments in favor of each. The Griffin bill, designed to meet the situation, has been approved by a majority of the Post Office Committee, and I hope it will be enacted into law at this session of Congress. The bill is an administrative one and is intended to grant immediate relief to the employees in the Postal Service who have become incapacitated through superannuation. The need for this legislation is urgent and I believe apparent to a majority of the Members of this House. At the public hearings held on House bill 6915, known as the indefinite-leave-of-absence bill, held on April 7 and 8, 1916, more than 100 Members of Congress appeared before the subcommittee on the Post Office and Post Roads and gave the measure their indorsement and urged that favorable action be taken on it.

The initial cost and the future maintenance of this indefinite-leave-of-absence bill will not be so large as to become a financial burden upon the finances of the country. Mr. Miles M. Dawson, of New York, a consulting actuary of national repute, computed the cost for the first fiscal year at $362,250, equal to about three-tenths of 1 per cent of the salaries of the employees that will come under its provision. We can not limit the benefit to be derived from this legislation by what appears to be its cost. No important legislation has ever been enacted that did not involve some apparent financial cost yet in the end proved to be an economical proposition.

The contention is made by some well-meaning people that self-dependent men and women should be required to save a sufficient amount from their earnings to provide for their wants during old age. To show how impractical this argument is, I quote from a pamphlet issued by the Phoenix Mutual Life Insurance Co., of Hartford, Conn.:

Statistics which are unimpeachable though astounding to the busy man who has not had time or facilities for looking up these things are furnished by Prof. Charles Spahr, of the Columbia University, after an examination of the surrogates of 35 leading counties in New York for the purpose of ascertaining the proportion of people who leave estates at their death.

Of 10,000 above the age of 25 who died in that quarter of the year only 3,351 left any estate whatever; only 50 per cent of the heads of families left even a savings-bank account.

Of the 3,351 "estates," only 884 were worth over $5,000. The average value of the other estates was $1,292. In other words, 66 per cent left no estates, 25 per cent left estates valued at $1,292, 9 per cent left estates of $5,000 and up. This is one of our foremost States.

We know also that an amazingly large proportion of men who are comparatively prosperous at age 45 are partially or wholly dependent on friends or the public at age 65.

Further, Government statistics show that 32 per cent of all widows have to earn their own living, and we all know that the major portion of widows have to give up many of the comforts and necessities they enjoyed earlier in life, while their children are terribly handicapped.

When the postal employee becomes incapacitated from performing his duties through superannuation or any other cause he is turned out of the public service and left to shift for himself as best he can. As very few men accumulate anything in life, it is almost a certainty that these worn-out men and women are left wholly dependent on friends or the public. I have had a number of very sad cases brought to my attention of men who gave all the productive years of their lives to the service of the Government and when turned adrift they died homeless and in want.

A few days ago I received a letter from one of my friends in which he drew attention to the sad case of a letter carrier in Denver, Colo. The letter contained the statement that—

A letter carrier named Dan Mahoney is in a precarious condition, and the doctor holds out no hope for his recovery. To the poor fellow's other ills complete blindness is now added. He can not see the beautiful flowers that the local association of letter carriers constantly keeps in the sick room, but he is still conscious and, stranger yet, still cheerful and thankful, not alone for the mere presence of these fragrant tokens, but for what they represent. "Old Dan" assured the writer that of all his friends on earth the letter carriers held the highest place in his heart.

It is sad, indeed, to contemplate the numerous cases in the United States like this old veteran, where the Government they serve so faithfully for a lifetime has forgotten them completely, and the comrades in gray alone have come to the rescue. Just a little kindness, a little sympathy, make the word "fraternity" a reality. We are living in an age of hope and progress—more hope than progress, however, in some things. When honorable retirement is an assured fact and our country has taken her stand with the other nations in this respect, the red, white, and blue of the "Grand Old Flag" will look a little brighter for many of us.

Mr. Chairman and gentlemen, this is the future that awaits your old letter carrier and the other employees of the Postal Service that have devoted their lives to its progress. You would not treat your horse or your dog in such a manner; you would, at least, make suitable provision for the declining years of a faithful animal. I ask that you give like consideration for these postal employees that are human beings like you and me. They have given a lifetime of service to the Government at salaries that would not permit of saving anything to keep them from want for the short time they have left to live. This they have justly earned, and in the name of justice and humanity let us pay our just dues.

I will submit as part of my remarks the recommendations of Cabinet officers and chiefs of bureaus on the question of superannuation of civil-service employees of the Government:

RECOMMENDATIONS OF CABINET OFFICERS AND CHIEFS OF BUREAUS IN THEIR REPORTS TO CONGRESS ON THE QUESTION OF SUPERANNUATION OF CIVIL-SERVICE EMPLOYEES OF THE GOVERNMENT.

Secretary of Labor:

SUPERANNUATION AND RETIREMENT.

In a previous report of the department attention was drawn to the difficulties confronting executive officers of the Government impelled in the interests of good administration to dispense with the services of employees whose efficiency has been materially impaired by advanced years. On the one hand they are met with the fact that the business of the Government could be more efficiently handled by the replacement of these superannuated employees with younger and more active persons, whereas on the other there looms up before them the specter of hardship, and in many cases absolute want, which would be enforced upon faithful servants if they were thus to be summarily removed from the only means of gaining a livelihood for which through years of training they are qualified.

It is inevitable, therefore, that until such time as heads of departments can accomplish this change in the personnel without visiting undue hardship upon their subordinates they will be deterred by a consideration of the humanitarian phase of the matter from taking such action as the situation seems to demand.

The department accordingly reiterates its recommendation that there be provided through legislative enactment an equitable system of retirement, a system which will best subserve the interests of efficiency and economy and at the same time insure fair financial provision for those who through long and faithful service are entitled to some consideration in their declining years.

Secretary of the Treasury:

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The need for an adequate civil-service retirement law is becoming more imperative each year. The Treasury Department bears upon its rolls a large number of aged employees whose efficiency is gradually waning. The introduction of new and improved methods of performing the constantly increasing volume of work in the department has served to emphasize the need for making some provision for the older employee who is unable to keep step with progress. It does not seem humane or fair to discontinue arbitrarily the services of superannuated employees who have given their entire energies and spent the best years of their lives in the service of the Government. To do so would in most cases leave the employees without any source of income and result in serious hardship. To reduce aged employees does not entirely meet the needs of the case, as it leaves the employees still on the rolls of the department.

I believe that the enactment of an equitable retirement law for superannuated and disabled employees of the civil service in the Treasury Department would result in actual economies and increased efficiency in the handling of the business of the department, and I therefore recommend this subject to the Congress for its serious consideration.

Secretary of War:

RETIREMENT OF GOVERNMENT EMPLOYEES.

An examination of the reports of my predecessors for a number of years shows that they have continuously recommended consideration of

the subject of an equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service. I am very happy to renew the recommendation. From time to time bills have been introduced into Congress providing for such retirement, but as yet none has been enacted into law. In the meantime, various industrial and transportation companies have found it to their interest to retire and pension superannuated employees. The Federal Government is and should be a model employer. The provisions now made by the Government in the matter of compensation, hours of labor, vacations, sick leave, and holidays are all wisely generous both as an example and as establishing a harmonious and helpful relation between employer and employee, which both conserves the spirit and health of the employee and secures for the employer that willingness and good will out of which service of maximum efficiency naturally arises. There seems to remain as the chief thing yet to be done this provision of retirement upon superannuation. The law ought not, in my judgment, to provide a mere service pension as has sometimes been done in municipal and State services in this country, under which employees who have served a stipulated number of years are authorized to retire irrespective of their ability still to render competent service. The law ought, rather, upon a minimum service required, to authorize retirement either for disability arising in the course of the service or occasioned by the service itself, and this retirement should be in the hands of a competent authority which would determine the inability of the particular employee further to render adequate service in his place of employment. The effect of such a law would be to give an assurance of a competent and comfortable old age. It would relieve the employee from fear of loss of occupation and of livelihood, would further inspire him to loyalty to the Government as an employer, thus improving the general quality of the service rendered by Government employees, although that is already high, and would permit the replacement of some employees in the various departments who have long and faithfully served the Government and reached venerable but enfeebled years without having had an opportunity to accumulate any competence upon which their retirement can rest.

First Assistant Postmaster General:

FORECASTED IMPROVEMENTS.

* * * Two reforms are of paramount importance—retirement of superannuated employees and opportunity for transfer and promotion through all grades of the Postal Service. The subject of superannuation in the Post Office Service has been discussed in previous reports. The administration of the service during the past year strengthens the conviction that the retention of employees in positions of responsibility after they have passed the point where they are no longer capable of performing satisfactory service is a constant incubus which should be removed by legislative action. * * * These measures, being in the interest of the employees as well as of the Government, are to be desired for the direct and important benefits that will flow from them, and also for the reason that the best results in this great cooperative endeavor can only be secured by such fair and generous treatment of the working force as will insure their loyalty and ambitious effort.

Secretary of Commerce:

PERSONNEL.

* * * That the efficiency of the executive civil service is seriously impaired by reason of its superannuated employees, and that the prompt enactment of some equitable form of retirement law is one of its greatest needs, are facts conceded by practically all persons who are at all familiar with the problems of the service. Efficient service and justice to employees demand a comprehensive, wide-reaching, and effective scheme of retirement pensions, the advantage of which is being more and more widely recognized by progressive commercial establishments and by foreign Governments. While doubtless the cost of a civil-service retirement scheme would for a few years add to the expense of administration, it would be a good investment, and in a short time the service would be recouped the additional outlay many times over by the saving it would render possible. The standard of efficiency would be raised, the work could be done with less force, and this would be accomplished without heartlessly throwing out of employment men and women who for decades have given their best service to the Government and who have no means of subsistence other than their decreasing salaries.

RETIREMENT OF AGED AND DISABLED EMPLOYEES.

A marine officer of the Lighthouse Service who has served for 40 years recently told me he hoped for the coming of a retirement system which would provide something for his old age after so many years of faithful work. A provision for the retirement of the employees of the Lighthouse Service who after long service have lost their ability for further active duty by age or disability arising from their work is essential to full efficiency in administering the service. In the Army, the Navy, the Marine Corps, and the Coast Guard, including those who serve on the Coast Guard cutters, such a retirement system now exists. The result is an unjust and, I think, an unintentional discrimination against those who serve in one service and in favor of those who serve in others. The men who man the lighthouse ships and who serve in the various light stations give their lives to the Government as truly as does an Army or Navy officer. Many of them would, by reason of their special knowledge, be required to aid our military forces in time of war.

The Lighthouse Service is in many respects a dangerous service. By every rule of administration and of humanity and by the precedent of the practice both in our own Government in other services and of other Governments as respects this particular kind of work, these men are entitled to retirement pay.

In the annual report of the Commissioner of Lighthouses for the fiscal year 1912, page 29, is a statement showing the practice of foreign countries with reference to pensioning employees in other lighthouse services. This shows that a retirement system is in force with favorable results in all of the countries mentioned. The record is one of unenviable isolation and inaction on our part.

On April 24, 1916, the Senate unanimously passed a bill which, in its present form, provides for the optional retirement of officers and employees of the Lighthouse Service at the age of 65 years after 30 years' service and for compulsory retirement at the age of 70 years. The retirement pay would be at the rate of one-fortieth of the last annual pay for each year of active service, not to exceed thirty-fortieths. The measure has my cordial approval and the warm indorsement of the Senate Committee on Commerce backed by its unanimous passage. It is pending in the House of Representatives, and I earnestly hope it may soon be enacted into law. It has been recommended in the annual reports of the Lighthouse Service every year since 1910. It ought now to be done and done quickly.

RETIREMENT.

The serious question of retirement for civil-service employees, while probably affecting more or less all the bureaus of the Government, is so specially evident in the Coast and Geodetic Survey that some specific retirement provision should be made for its engineers. The bureau is somewhat handicapped to-day on account of the fact that a number of these highly trained men, who have served the country faithfully for nearly 50 years and have largely the same education as the graduates of Annapolis and West Point, have now reached the age where the duties they once performed are too irksome for their advanced years. It necessarily results in a hardship for them to undertake to perform such arduous tasks.

The small salaries these hydrographic and geodetic engineers, who are also navigators, have received during their tenure of office have not been adequate for them to save any considerable amount of money. The result is that in their advancing years they are forced to attempt to continue at their duties, when at the age of 64 they should be allowed to retire at a substantial pension, the same as an Army, Navy, Public Health Service, or Coast Guard officer. It is not justice, under prevailing conditions, to ask that these men retire from the service. At the same time, frankly speaking, the service is handicapped, inasmuch as their places should naturally be filled by younger men who are better able to meet the hardships.

To-day in the Coast and Geodetic Survey there are 15 or more men who have passed the retirement age, and they should be properly cared for by the Government to which they have devoted their lives. No one except those in touch with the situation can realize what their services have meant to this part of the Government work. While I have particularly dwelt on the question of retirement for hydrographic and geodetic engineers here, other aged employees of the bureau are deserving of recognition under retirement legislation, but along different lines.

Civil Service Commission:

RETIREMENT.

Superannuation is older than the civil-service act, and any increase does not result from the merit system. That system does not protect incompetents. Improved administrative methods and the standardization of salaries can not be effectively made until a retirement system is established which will provide for superannuated employees. The commission believes that a contributory plan would be just and practicable, and earnestly recommends its adoption.

Department of Commerce, Superintendent of the United States Coast and Geodetic Survey:

RETIREMENT.

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To-day there are 15 or more men who have passed the retirement age, and they should be properly cared for by the Government, to which they have devoted their lives. No one except those in touch with the situation can realize what their services have meant to this part of the Government work. While I have dwelt particularly on the question of retirement for hydrographic and geodetic engineers here, other aged employees of the bureau are deserving of recognition under retirement legislation, but along different lines.

Department of Commerce, Chief of Appointment Division:

SUPERANNUATION AND RETIREMENT.

A careful study of American institutions and the political trend of to-day indicates the rapid extension of the policy of compensatory retirement of aged and disabled employees, both as an accepted economic theory and as an actual practice, and the passage of a civil-service retirement law by Congress in the early future may be accepted as a reasonable certainty. As illustrating the increased interest shown in the matter during the present session of Congress, 11 bills have been introduced providing for retirement pensions and 10 for compensating employees injured while in the service. Of the bills in question, 6 were contributory, calling for a deduction from employees' salaries to meet, or partly meet, the cost of the scheme, and 11 were noncontributory. The enactment of a law of this character is justified as making for the improvement of the public service and the perpetuation of the merit system. The long-existing condition of old-age inefficiency is each year becoming a more detrimental burden upon the merit system, any departure from which would be deplorable from an administrative point of view. Efficient service and justice to employees demand a comprehensive, wide-reaching, and effective scheme of retirement pensions, the advantage of which is being more and more widely recognized by progressive commercial establishments and by foreign Governments.

While doubtless the cost of a civil-service retirement scheme would for a few years add to the expense of administration, it would be a good investment and in a short time the service would be recouped the additional outlay many times over by the saving it would render possible. The standard of efficiency would be raised, the work could be done with a smaller force, and this would be accomplished without heartlessly throwing out of employment men and women who for decades have given their best service to the Government and who have no means of subsistence other than their decreasing salaries, which have been rendered still smaller in proportion by reason of the rapidly

increasing cost of living. Indirectly the Government is now pensioning such employees by keeping them on the pay rolls, even though their value to it is in reality less than the compensation paid them, but "kindness will creep in where it mauna gang," and officials will feel constrained to ignore conditions rather than cause a hardship by rewarding faithful service with dismissal to a future of poverty. To those who have given the subject intelligent thought there is no difficulty in deciding that it is a far better business policy to drop its veteran employees, pay them a part of the compensation they are now vainly endeavoring to earn, and replace them by younger persons, who, with improved opportunities for promotion, would reach a higher standard of efficiency, than to perpetuate the conditions which now pervade the service and which will continue to exist until remedial measures are put into operation.

In laying down a fundamental basis for his philosophy on economics Herbert Spencer said: "No State or society or no form of government can long persist that fails to penalize indolence or reward merit." The retention of superannuated employees penalizes efficiency and is a bar to the proper reward of merit, and it behooves those who have at heart the good of the Government service and the well-being of its employees to give careful consideration to working out, without hardship to those concerned, the problem of removing superannuated employees.

In this connection it might be interesting to note that in a compilation prepared in December last it was shown that in the Department of Commerce there were 144 employees from 65 to 69 years of age and 150 employees of 70 years and upward.

Director of the Census:

EXECUTIVE CIVIL SERVICE.

A bulletin presenting statistics relating to the employees in the executive civil service on July 1, 1916, will be compiled and published. The data will be supplied, on individual cards, by the various departments and other governmental establishments. The Bureau of Efficiency will have charge of the distribution and collection of these cards, and after making use of the data on them as a basis for estimating the cost of civil-service pensions will turn them over to the Census Bureau for the purpose of the statistical compilations required for the proposed bulletins.

Two similar bulletins have already been published, one relating to the year 1903 and the other to the year 1907. In these bulletins the employees in the executive civil service are classified by departments and bureaus and by sex, age, race, nativity, marital conditions, compensation, length of service, etc. In 1907 the total number of employees, both in and outside of the District of Columbia, was 185,874, and it is estimated that the number at the present time is not far from 320,000.

Commissioner of Lighthouses, Department of Commerce:

* * * There is a great need for provision by law for the retirement of employees of the Lighthouse Service who after long service have lost their ability for active duty by reason of age or disability incident to their work. This is essential to full efficiency in the administration of the service. In the report for 1912 a statement was given showing the practice in a number of important foreign countries with reference to the pensioning of employees in the respective lighthouse services in common with other civil employees in those countries, from which it appears that a retirement system is in force with favorable results under all of the other Governments mentioned. On April 24, 1916, the Senate unanimously passed a bill providing for the optional retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service at the age of 65 years after 30 years' service, and compulsory retirement at the age of 70 years. The retirement pay would be at the rate of one-fortieth of the last annual pay for each year of active service, not to exceed thirty-fortieths. The bill has not yet been acted upon by the House of Representatives.

This action marked the first legislative step toward a system of retirement for the Lighthouse Service, which has been earnestly recommended in previous annual reports every year since 1910. The measure had the warm indorsement of the Secretary of Commerce and of the Senate Committee on Commerce, and it is hoped that Congress may see fit to enact it into law at an early date.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman, I am not going to discuss this question now, but in connection with this matter I want to place in the RECORD an answer to some inquiries made by the gentleman from Pennsylvania [Mr. MOORE] and others yesterday in reference to the vehicle service. The information on this subject is found on page 237 of the hearings on pneumatic tubes.

Vehicle service is a combination of the screen-wagon service, which was transferred from the bureau of the Second Assistant to the First Assistant on July 1, 1916, and city-delivery horse hire. Expenditures will be made from this appropriation to reimburse city letter carriers for furnishing wagons or automobiles, for the rental of wagons or automobiles under contract or agreement from outside parties, and for the purchase, exchange, and maintenance, including stable and garage facilities, of wagons or automobiles for the delivery and collection of mail at city-delivery offices, and for the transportation of mail in bulk to and from railway depots.

The increase in this item for 1918 is less than the normal increase.

I understand that answers the gentleman's question.

Mr. MOORE of Pennsylvania. This relates to a preceding paragraph, does it not?

Mr. MOON. Yes; that is what I say. It is in reply to the gentleman's questions that I want to put the statement in the RECORD.

The CHAIRMAN. Does the gentleman desire to insert something in the RECORD?

Mr. MOON. No; what I have said about it will appear in the RECORD. A question was asked here yesterday about whether the new public building in Dallas, Tex., was to have the pneumatic-tube service installed in it. I have a letter from the Postmaster General in which he says that the tube service is not to be installed at Dallas, that there is no recommendation for it, and that the plans for that building are not yet completed. I make these statements in answer to the suggestions made. I may discuss this question a little later.

Now, Mr. Chairman, we are in this fix about time. I want to be liberal, but the gentleman from Minnesota [Mr. STEENERSON] does not seem to have any disposition, after the time is accorded to him, to give it to anyone except somebody on his own side. There are a number of gentlemen here all around me who are demanding that I give them a part of my time to speak in opposition to the proposition of the Post Office Committee. I think it is the duty of the gentleman from Minnesota to yield time to them. I have an hour, and I have already given 10 minutes in opposition to the bill. I can not yield any more time except to my own side of this question. If I did, I should have everybody speaking against the committee and nobody for it. I yield five minutes to the gentleman from Ohio [Mr. GORDON.]

Mr. TAGUE. Will the gentleman permit me to make a statement before he does that?

Mr. MOON. I have yielded to the gentleman from Ohio.

Mr. GORDON. Mr. Chairman and gentlemen of the committee, the city of Cleveland, which I represent in part on the floor of this House, is very much bothered with this proposition of congestion, to which so much reference has been made in this debate, and last summer an important civic body of that city considered very seriously this question of pneumatic-tube service and urged upon me the importance of having Cleveland inserted in the list of cities to have that service. Therefore, I have given some time and attention to the investigation of the question since I returned to Washington. Now, it seems to me that what is being attempted here is a vain and useless thing, in view of the provisions of the law authorizing the use of this pneumatic-tube service, which provisions have been read here to the House by the distinguished gentleman from Tennessee, the chairman of the Post Office Committee, Mr. MOON; because even though the House votes this appropriation, it is entirely a matter in the discretion of the Postmaster General, and as a matter of law I think by the statute he is prohibited from continuing the service or from making a new contract with this Pneumatic Tube Co. until he has a favorable report from the experts; and as we know, their report is against the further use of these tubes except in New York City.

Now, this is a business proposition pure and simple. I wholly disagree with the gentleman from Illinois [Mr. MADDEN], who stated on the floor of the House here that he had carefully investigated this question, and he did not think the tubes were a good business proposition, but that out of deference to the sentiment in Chicago he was going to vote for them. I think that is a perfectly foolish attitude for a Representative to take in the American Congress upon a purely business question like this. Of course, I believe in representative government. I think that on questions of public policy we ought to represent our constituents. For example, there are two questions on which we will probably have to vote here, prohibition and woman suffrage. Now, I think a man who came down here and undertook by a constitutional amendment to force on the people of his State and district either one of those propositions which they had voted down, would be guilty of treason to the principle of representative government. But that has nothing to do with this proposition, which is purely a business question. I take it that these tubes are a good thing or they are not. Now, we have the testimony of these experts in the Post Office Department who have carefully investigated the question, and they recommend that the tube service be discontinued. Furthermore, we have the testimony of the present postmasters at Chicago and Boston.

Mr. HULBERT. Will the gentleman yield?

Mr. GORDON. No; I do not yield.

Mr. HULBERT. Is the gentleman afraid to answer a question?

Mr. GORDON. Mr. Chairman, the gentleman from Massachusetts [Mr. GALLIVAN] a moment ago called attention to the fact that when the present postmaster at Boston was a Member of this House he was in favor of these pneumatic tubes, just as the other fellows now here are; that when he was appointed postmaster he had an opportunity to investigate the operations of the tubes and then he changed his mind. Is there anything strange or wonderful about that? I never heard of such an argument. The idea that when a man learns something and changes his mind he must be assailed from the floor of the House is something new. I understand the gentleman from Illinois [Mr. MADDEN] testified before the Post Office Committee

that he could deliver more mail in a wheelbarrow than they did by the pneumatic tubes. What sense is there in spending $500,000 for a service that is practically worthless upon the testimony of the only men who are qualified to speak on that question?

Now, I do not question the motives of these gentlemen from the cities who advocate these tubes. They are advocating the thing because there is a sentiment for it. Would you take the testimony of these gentlemen in preference to that of the executive department of the Government? The statute itself says that you can not spend the money until a favorable report of an expert commission has been made.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HULBERT. I would like to ask the gentleman from Ohio if he will in my time answer a question.

Mr. GORDON. Yes; if I can.

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, if there is any one thing that is absolutely proved and is self-evident to anyone who lives in one of these cities concerned, or who is familiar with the conditions in the congested parts of these cities, it is that the movement of passengers or freight or anything else on the surface by automobile or by any other kind of a vehicle is becoming less and less rapid and less and less certain.

Now, it is a fact that the unanimous sentiment of the people of these cities, irrespective of political affiliations, is in favor of the retention of the pneumatic-tube service, because the business men know that the continuance of this service is absolutely indispensable not only to the people in these cities but to the business of the entire country. I wish those members of the Committee on the Post Office and Post Roads not familiar with the conditions could come to Boston or New York and see the situation. Something was said in debate the other day about Cambridge, the city which I have the honor to represent, and which is just across the river from Boston. Before we had our Cambridge subway I used to have to allow at least three quarters of an hour—45 minutes by electric car—in order to be sure to meet an engagement at Cambridge, distant only 3½ miles from my office in Boston, simply because of the congestion on the surface. Now, by taking a train in the subway I can make it in 7 minutes.

The gentleman from Ohio [Mr. GORDON] referred to the postmaster at Boston, former Congressman Murray, and said that he had learned something since he became postmaster. I wish to call his attention to the fact that since Mr. Murray has become postmaster and after he had had considerable experience he has advocated tubes. He told the Cambridge Board of Trade, through a letter to the mayor of Cambridge, that the only chance of getting improved service to Cambridge—the mail now being carried by automobile—was by the extension of the pneumatic-tube service to Cambridge. He has turned turtle at the request of the Postmaster General on the main proposition, but being confronted with the letter he had written, at the hearing before the Post Office Committee, he put himself in the ridiculous position of saying that he still believes in the extension of the tubes to Cambridge, but believes in abolishing the system itself.

Now, in conclusion, we Members who represent these large cities appeal to the Members of this House who come from the agricultural parts of the country to stand by us. It is the cities that furnish the revenue that enables the Post Office Department to come anywhere near paying its way. The people who live there and who do business there have the right to ask Congress for the best possible service. We of the cities are willing to give you people of the agricultural parts of the country Rural Free Delivery Service although it is done at a loss. We are willing to do that because you are entitled to the best service. We ask you to stand by us and give us the best service, and I trust that our appeal will not be in vain. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Missouri five minutes.

Mr. MEEKER. Mr. Chairman, I think the pros and cons of this question have been discussed before the committee, and before the Committee of the Whole House on the state of the Union, until we understand pretty thoroughly what it means to the men in these cities where pneumatic-tube service is now in operation. I want to say, however, that so far as the cost is concerned of the mail carried in other cities, I speak only for St. Louis where in 1914 our pneumatic-tube service carried over 132,000,000 pieces of first-class mail, at an average cost of 39 pieces for a cent, that our operation cost less than $34,000, and that the receipts were nearly $294,000.

Since I have been here, this being my first term, there has been no proposition before Congress that has received such a universal indorsement from all the business men who use these tubes, or use any instrumentality of the Government service coming from the men, as they have for the retention of these tubes.

I am perfectly willing that we should appropriate an additional four or five million dollars for the improvement of the Rural Free Delivery Service. It is coming and we know that it is not a revenue producer, but the men who represent the five cities live in the cities that turn into the National Treasury something like $20,000,000 annual profit in the post-office business. But here for a mere $600,000 addition we hear this great hue and cry as to what this is to cost when in reality if you discount the cost of installing the automobile service and the cost of operating the service there would not be $200,000 difference in operation. They say there has been a great cost in operating the pneumatic-tube service. It is a small item as far as the appropriation is concerned, but a tremendous item so far as the value to the men who use it is concerned.

If $600,000 additional will satisfy customers who supply $20,000,000 of profit, I think that a good investment. In our city transportation problems we are compelled to get off of the surface of the street all of the transportation that we possibly can. As was suggested by the gentleman from Illinois [Mr. MADDEN], the idea is to go forward to an underground mail-delivery service in all of the cities, and if that is so, why is it that we are contemplating giving up this limited underground service we already have? The business men from St. Louis are here with petitions for an extension of the service, and I want to say to my good friend from Ohio [Mr. GORDON], who is always asking somebody to yield, but who never yields when he has the floor, that I would rather take the judgment of all of the business organizations of the city of St. Louis who have used this service for 10 years than the judgment of a man who comes from a city where they do not have the service at all. I am talking of men who are customers of this pneumatic-tube service, and certainly all these exchanges and banking organizations and all others can not be so wildly mistaken as to the value of this service in the cities. The complaint is made that it costs too much. If it cost $17,000 an inch, if the people who use it pay a profit of $20,000,000 on a $900,000 investment, that would still be a good investment. It is not the distance of mail carried that counts, but it is the time saved, and that is the whole problem. One side is contending here for economy of time and the other side is talking of economy of money. Sometimes I think if some Members of Congress were put in a position where they could realize that in the great industrial life of this country time is everything and that time is money in reality, instead of time being nothing and salary everything, we would get a different viewpoint in many of these modern governmental questions. The business men of these cities are asking that we give them the very best facility for the saving of time, and, after all, the fever in the entire body may be produced by a congestion in a very small portion of one artery or vein. So it is in our mail service. It is to avoid as far as possible and to prevent the possibility of congestion in transportation of mail that we ask this.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. STEENERSON. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. DARROW].

Mr. DARROW. Mr. Chairman, in the time allotted to me I want to send to the Clerk's desk a copy of a resolution passed by the city council and approved by the mayor of the city of Philadelphia upon this question, and also to say that in connection with some of my colleagues and representatives of various business organizations in the city of Philadelphia we made a careful, conscientious, and practical examination of this service and found that the pneumatic tube advanced the first-class mail materially in its delivery and dispatch, and therefore it benefits not only the citizens of the cities where it is installed but also the people of the entire country who do business with those cities. [Applause.]

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

CLERK'S OFFICE, COMMON COUNCIL,
Philadelphia, January 10, 1917.

DEAR SIR: This is to certify that the following is a true and correct copy of the original resolution passed by the select and common councils of the city of Philadelphia and approved by his honor the mayor on the 10th day of January, A. D. 1917:

"Resolution protesting against the abolition of the pneumatic-tube service in Philadelphia and directing the presentation of this resolution to the mayor for his approval or disapproval.

"*Resolved by the select and common councils of the city of Philadelphia,* That having learned with astonishment that the Postmaster

General has recommended the abolition of the pneumatic-tube service in this city, earnestly protest against such action as certain to result in serious loss not only to the business interests of Philadelphia but to all with whom they carry on correspondence. The pneumatic-tube service was first established in this city. It was in consequence of the great benefits realized here that the service was extended to other cities on the initiative of the post office itself. It is the profits of the great cities that render the Postal Service of the country self-supporting. The pneumatic-tube service consumes but a trifling proportion of these profits. The experience of 23 years with these tubes should outweigh any theories concerning them. With the street traffic increasing at the rate of 25 per cent each year, and municipalities everywhere appropriating vast sums to place their traffic underground we can not conceive of any possible justification for reversing this process by taking traffic from underground and placing it on the surface. In view of these facts we ask not only for the continuance of this service but for its extension, as demanded by the business interests of one of the greatest manufacturing centers of the world.

"*Resolved*, That copies of this resolution be forwarded to Members of the Senate and House of Representatives of the United States, and that the clerks of councils be directed to present this resolution to the mayor for his approval or disapproval."

WILLIAM H. FELTON,
Chief Clerk of Common Council.

Mr. STEENERSON. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I am for the retention of the pneumatic-tube service in the post offices for several reasons. I come from a city that does not have it. I come from Pittsburgh, a much-congested city so far as the mail and every other kind of traffic is concerned. So much congested is it that we found it necessary years ago to provide that traffic shall go only one way on one street and must be turned the other way on another street, and so we get along fairly well, with one exception, and that is this: The United States Government exercises its legal or alleged legal right, I know not which, and refuses to concede the authority of the city of Pittsburgh or the State of Pennsylvania to direct that the traffic go on one street one way, and as a consequence we have the anomaly of the United States Government breaking the laws of our State and city all of the time and refusing to comply therewith and causing congestion and disturbance to the people of Pittsburgh. If we had a tube system of less than three-quarters of a mile we would reach, on a straight-way travel from the post office in Pittsburgh, every railroad station in Pittsburgh, and we could transfer all of the mail through that tube. If we permitted the good sense of the gentleman from Illinois [Mr. MADDEN] to prevail, or if we could permit his idea when he proposes that the United States Government make the tubes large enough to carry all of the mail, the situation would be solved. This is the situation in the city of Pittsburgh, and it is getting worse all of the time.

I noticed in this debate in the beginning that the gentleman from New York [Mr. BENNET] was defeated on a point of order because of his attempt to use the United States own service in connection with the customhouse of 2 miles for the purpose of utilizing it for sending the mails through it. Have we come to a point, as practical business men in this House, that we will on a point of order decide that the United States Government can not use its own tubes or modes for transportation from one department to another? I just desire to call attention to the foolishness of such a situation.

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, like the district of the gentleman from Pennsylvania [Mr. GARLAND], who has just taken his seat, these tubes are not within the State and district that I represent, but in listening to the debate upon this floor it occurred to me that here was another question in which the country as against the city had been brought into play. We see men from districts, and I do not mean to impugn their motives, who do not live near the large cities, and who therefore can not realize as impressively as other Members do what this tube service means; and for those friends of the farmer who may not have considered how this may affect his interest and business, I thought it best to call attention to that side of the argument in the few minutes that I have.

There are a large number of agricultural and farming communities around the five cities of Boston, Chicago, St. Louis, Philadelphia, and New York. The business men of those cities who buy the products, the grain dealers and other dealers in agricultural products, have to keep in close touch with the men who sell those products in the outlying districts. It is obviously impossible for them to keep in touch with them by mail or telegraph continually, and therefore the tubes have served to place market quotations for farm products before the men who have the products to sell at a sufficient time in the morning for them to get in touch with the broker or business man in the city who sells the product for them.

For instance, in the city of Philadelphia, which adjoins my State, the exchange there closes at 2.15. The mail trains for the peninsula, formed by the State of Delaware and parts of Maryland and Virginia, and outlying districts in Pennsylvania leave between 3 and 4 o'clock. A man who sends out quotations to the farmers must make them up, have them printed, and get them off by the 3 o'clock train, or a train leaving a few minutes thereafter. This tube service is essential to that city, to my personal knowledge, for this service to be performed, and if it is cut out the difference of even a few minutes will seriously impair the service which the people in the outlying agricultural districts have in order to get market quotations so that they can be received and intelligently considered that evening or the first thing in the morning in order for them to be taken advantage of. It is the same thing with respect to States like Connecticut, Maine, Vermont, New Hampshire, and Rhode Island, which radiate from Boston; and the States of Minnesota, Wisconsin, Iowa, and Indiana, which radiate from Chicago; and so on with the other cities.

There is another point I want to make, and that is the tendency of the times has been to place underground not only part of the mail service, but also the transportation service, the telephone and telegraph wires, and I claim that it is a mistake in business judgment and a great mistake for us to consider here to-day a proposition which, if adopted, will add to the overhead or overground transportation. I know full well what that means, because I have seen these mail trucks bowl through the cities of New York and Philadelphia like cannon balls, and we know their drivers are somewhat in the position of that of our diplomats in Washington and their servants—immune to arrest or prosecution because of the violation of the motor-vehicle laws. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, while I am sorry to disagree with the opinion and the judgment of the able chairman of the Committee on the Post Office and Post Roads, it seems to me that if the usual full provisions are not made in this bill for the continuance of the pneumatic-tube service the efficiency of the Post Office Department will be considerably impaired. I, too, come from a so-called agriculture district. To be sure, ward 24 of Boston is in my district, but if my memory serves me correctly, the pneumatic-tube extension does not go into this part of Boston, so therefore I have no material interest in the continuance of this service, but there is one other thought I would like to inject into this debate which I have not heard mentioned during the time allotted, and that is the matter of conscience. It seems to me that as Congressmen and citizens we should consider our Government as the conscience of the Nation. For 10 or 15 years or more this service has been continued, and the Government has encouraged the existence of the pneumatic-tube companies in the various cities in which they exist. It is not a local proposition, is of national scope, and why should we vote it out and confiscate something which we have encouraged to exist. It is not a local question when we consider that five or six of the largest and most important cities of the Union use this system in a fairly efficient manner. Undoubtedly the report of the Post Office Department is true in that the tubes do occasionally clog; but from the evidence brought out here to-day it is said that 40 more automobiles would be required in the congested streets of Boston if the pneumatic-tube service were to be abolished, and all who have visited Boston realize that those streets are the old cow paths established long before Revolutionary times, now paved, to be sure, but narrow, crooked, and poorly adapted for surface traffic. I favor the adoption of this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLNEY. Mr. Chairman, I would ask to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Chairman, I have used up as much time as the gentleman from Tennessee said I could use——

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN], and at the expiration of that time I shall ask the Chair to give five minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. QUIN. Mr. Chairman, I have noticed through this debate no Member yet has attacked the Post Office Department's report and the report of this Committee on the Post Office and Post Roads showing it is to the best interest of the American people and the Post Office Department if this tube service be cut out. I stand for the economy recommended by the department in discontinuing this tube service. I stand by the committee. I shall oppose the amendment pending to put that tube service in force

again. The gentleman from Massachusetts [Mr. GALLIVAN] thought he was arguing when he called the Postmaster General a boss and tyrant simply because he is endeavoring to protect the taxpayers from the robbery of a powerful trust; and the gentleman further attempted to make fun of ex-Congressman Murray, who is now postmaster in Boston. It strikes me that if ex-Congressman Murray, the postmaster in the city of Boston, has discovered that he was in error as a Congressman in maintaining that the tube service was for the benefit of the people, and that now since he has gone through one year's service as postmaster he has realized that it is a useless expense and could be better handled by automobile trucks, he is to be commended. Instead of criticizing the Postmaster General we should applaud him in his efforts to establish efficiency and economy in his department. We should do more than that; this Congress should help him. In the testimony of the postmaster (Mr. Campbell) at the city of Chicago before the Post Office Committee he stated that already 206 automobile trucks, owned and operated by the Government, were in this service in the city of Chicago and only 20 more would need be put into operation to carry all the mail better than it now is under this tube service, and that the annual saving would be $140,000 at the lowest figure. There is a man who has been postmaster of that great city for more than 10 years and he knows what he is talking about, and you can take the city of Chicago as a typical American city. The people travel on the streets of Chicago as fast as they do in any other place in the United States; in fact, they go so rapidly that one from my section would think there must be a fire somewhere and all the people were rushing to it. If the postmaster of that densely populated city, where every person is in a hurry both on foot and in vehicles, testifies that the tube system is a failure and that automobiles could transmit the mails more expeditiously and save yearly at least $140,000 to the American taxpayers for inadequate services rendered by the tube company, certainly it would be practical for Boston or St. Louis or any other of these large cities in the country.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a brief question?

Mr. QUIN. I can not; I have only five minutes and I can not yield. Further than that, we save, besides the fact of getting better service, a difference between what was appropriated for the fiscal year 1917, $976,000, and now for 1918, an actual saving there of $526,500. Is there any man who can go back on the Post Office Department and the expert evidence submitted by the Postmaster General, who can go back on this great committee, and say that he would overturn their decision to better the mail facilities in these five cities and at the same time save the Government more than half a million dollars every year on this one item, overturn all of this evidence, while we are facing a deficit of more than $300,000,000? What would your constituents think if they could know the real facts that confront us on this amendment? While you are pandering to this great army of postal employees, proposing to give them increases and advances, you propose to reject the proposition to save more than half a million dollars in five cities of this Republic—an annual saving, and giving a better service, according to the word of the experts who testified, than you are receiving now by this pneumatic-tube service that some say will not carry the mail any better than an ordinary wheelbarrow service would. This Pneumatic Tube Trust is gouging the public, and the Post Office Department knows it and simply asks us to put a stop to it. Will you aid the Postmaster General in his effort to keep the people from being robbed? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLAGHER. Mr. Chairman, this question of the pneumatic-tube service seems to be a very live question here to-day with certain Members, and it is surprising, to say the least, to notice the great interest that Members from other great cities in this country show toward the great cities using this tube service that they do not happen to represent, and they appear to be quite anxious to supply all of them with this pneumatic-tube service, when the Post Office Committee reports against it. Now, ordinarily we take the advice of the head of a department of this Government as to what is good or bad for his department. Generally speaking, we are advised by the head of a department as to what we ought to do regarding a certain matter affecting his department. But upon this question the Postmaster General does not appear to know what he is talking about, so it seems from the talk we hear upon this floor and what we read in the papers; nor does anybody who seems to oppose a continuation of this contract care to know what his opinions are about this service.

Now, I happened to get a clipping this morning from a paper published in New York, called the New York Commercial, of January 12, 1917, and it says here among other things:

Congressman GALLAGHER, of Chicago, leans upon the bosom of the postmaster, Campbell, who in turn seems to lean absolutely upon the bosom of Mr. Burleson.

Now, that is a very peculiar statement to make. I do not think that so far as I am concerned I am leaning on the bosom of anybody, nor do I believe Postmaster Campbell is anywhere near the bosom of the Postmaster General. I do not know of a man in the Postal Service in the United States who has a better reputation as a postmaster than the postmaster at Chicago. Mr. Campbell has served in that capacity possibly longer than any other postmaster who ever held that office in Chicago. He served under Roosevelt, he served under Taft, and he has served under the Wilson administration up to the present time, and it does not seem possible up to date that they can get along without him. Anybody who knows Mr. Campbell will not question his good judgment so far as the postal facilities or his interest in the postal services of Chicago are concerned. He is a painstaking official who knows his business. I think he knows about as much concerning this tube service for Chicago as anybody here. Now, Mr. Campbell said that this service, so far as Chicago is concerned, is of no particular value, and his first assistant superintendent also told me the same thing, and he is a man whose business it is to know regarding the mail service of Chicago. He said that the Post Office Committee of the House acted wisely in determining not to make an appropriation for the further use of these tubes. Now, I should judge that that was pretty good advice for a representative of the people to act upon. I do not think it is fair to set aside the advice of the postmaster of Chicago, the advice of the Postmaster General, and the action of the Committee on the Post Office and Post Roads here in the House without serious consideration.

Mr. TAGUE. Will the gentleman yield?

Mr. GALLAGHER. Certainly.

Mr. TAGUE. Is the gentleman aware that in the Post Office Committee out of the 21 members there are 9 members of the majority who are not opposed to pneumatic tubes?

Mr. GALLAGHER. I do not know anything about how many members are opposed to them. I know the committee has made a report that the appropriation ought not to be made.

Mr. TAGUE. You know that five members have signed the dissenting report?

Mr. GALLAGHER. I know this much, that this House is advised by the head of a department of this Government. Take the case of the postmaster at Boston. He says the tubes are no good, and it is stated here that he has changed his mind since he became postmaster. There is nothing criminal about that. He knows and has learned something about the tubes and knows what he is talking about when making a statement, and I believe if we were to hear from Mr. Murray he could give a good account of himself and why he has reached the decision that these tubes are no good for Boston. Now, I have not positively made up my mind in regard to voting on this question. I thought by listening to the debate here that something would be developed that would convince me as to what I ought to do in regard to these tubes, as the people of Chicago are vitally interested in this question.

I have received a great many letters from associations and business men in Chicago asking me to vote to retain the tubes, and I would like very much to do as they request. I doubt whether they have given this matter thorough consideration, and I know they are not in a position to judge of the merits of the tube service the same as the postmaster and his assistants, who come in contact with it every day and therefore are able to judge concerning the efficiency of this service. Everybody in Congress knows how easy it is to work up a sentiment in favor of or in opposition to a proposition pending in the House, and quite often it is as easy to get men to write letters for and against a matter as it is to get up a petition for or against matters of concern that we are called upon to decide.

I dislike to vote to spend the money of the people upon a service in our Postal Department when the men at the head of that department, charged with responsibility of maintaining the best of service for the people, tell us that this service ought to be discontinued.

I am undecided up to the present time how I will vote on the question.

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Chairman, I had not intended to say anything further in reference to pneumatic tubes, but it seems to

me that an attempt is being made by some of those favoring the continuation and extension of the pneumatic-tube system to claim all the credit for the development of this country for the great cities that now have and enjoy the luxury of the pneumatic-tube service.

This is undoubtedly improper, and sheds no light on this question, neither is it calculated to aid a Member in determining what is the correct and proper thing for him to do.

These gentlemen say that the great cities where the tubes are being operated are furnishing the revenues of the Government. I am not from a city quite as large as Boston, New York, Philadelphia, St. Louis, or Chicago, but the fact that I am not does not prejudice me against the cities named, neither does it convince me that the Government is justified, or even excused, for this reckless waste of the country's money, even though it should be conceded that all of our revenues are derived from the cities named, as these gentlemen seem to think, but which is not by any means true.

These cities are just as much dependent upon other parts of the United States as the United States is dependent upon them. Were it not, Mr. Chairman, for the agricultural, mining, and manufacturing interests of this country, the cities now enjoying the use of the 8-inch pneumatic tube, at a cost of $17,000 per mile per annum, would not be concerned about the rapid transit of mail.

For myself I am tired of this continued effort when questions of this kind arise for certain gentlemen to ridicule every proposition that is not proposed by them.

There has been an attempt made to ridicule a certain member of the Post Office Committee, because he was not familiar with The Bronx, in New York. I am not the member of the committee whom the gentleman ridiculed for his lack of information on this subject, and am unable to see its relevancy to the great question which we are now undertaking to determine.

It is true that a great many gentlemen on the floor have been much amused, apparently, at the ridicule of this Member, whoever he may be. I take it that every member of the Post Office Committee of the House, and indeed every Member of this body, is interested in doing the right thing, without regard to whether this member of the committee is or is not familiar with The Bronx.

One of the members of the Post Office and Post Roads Committee of the House is a Member of Congress from Boston. He is very much interested in seeing the pneumatic tubes continued. He was active before the committee, and is still active in the fight that is now going on, but I have not a shadow of a doubt but what he is acting conscientiously and from the best and sincerest motives. I am not willing to undertake to ridicule him, because he is not familiar with "Weogufka," or "Arbacoochee," Ala.

Again, I think that the criticism of Postmaster Murray, of Boston, who was once a Member of this House, is unjust, unwarranted, and uncalled for, and sheds not the slightest light upon the subject we are being called upon to determine.

Postmaster Murray, as a Member of Congress, perhaps was in favor of the pneumatic-tube service as a citizen of Boston. Members of this body now representing the city of Boston are acting honestly in defending the continuance of this service, but the difference is, they have not held the position of postmaster at Boston, and have not had the experience with the pneumatic-tube service as has Mr. Murray. If they had, and should be called upon to testify as to whether or not the continuation of this service was justifiable, they, like Mr. Murray, honorable gentlemen that they are, might say just as Mr. Murray has said, that it is not justified and ought not to be continued.

I say it is to Mr. Murray's credit that, while acting for the Federal Government as postmaster he discovered that the use of the tubes was not justified and that we were spending money unnecessarily for a service that was unwarranted, he had the manhood and the courage, even though living in the city of Boston, to tell the committee and the public the truth as he saw it—the whole truth, and nothing but the truth. I say the truth, the whole truth, and nothing but the truth, because all the testimony taken by every Government commission and the facts demonstrated by every test that has been made bears out Mr. Murray's statement.

Not only does Mr. Murray, the postmaster, if you please, of the city of Boston, say this, but Mr. Campbell, the postmaster at Chicago, where the tube is operated, and who, I am told, is one of the best postmasters in the country—this information I get alike from both Republicans and Democrats—says that the use of the tube is not justified or warranted in the city of Chicago.

Does it not come with poor grace for Members of Congress, who have the exclusive privileges of the floor, to criticize Mr. Murray in the way he has been criticized here, simply because he dared tell the truth as he saw it?

A good deal has been said here about Members of Congress getting into disrepute. It is said that Mr. Lawson has no respect for Members of Congress. As far as I am concerned, I do not care one snap of my finger what Mr. Lawson or anyone else may say about Congress, collectively or individually.

I contend that the people who have selected the membership of this body as a rule have shown that they were capable of exercising their right and have selected honest men, Mr. Lawson to the contrary notwithstanding.

I fear that we are too prone to become frightened at the statements of the assassins of character throughout the country.

Mr. Lawson will find it hard to make the people believe that President Wilson, his Cabinet officers, Congress, and others connected with the Government are dishonest or for a moment would do that which they should not do in order that they might obtain financial preferment.

If Mr. Wilson is to be deterred in his noble effort to secure peace and end the great slaughter of human lives that is now going on simply because the Wall Street speculators may fleece one another when information of his great and noble efforts are obtained, whether it be in advance of its publication or when it is made public by him, as it necessarily must be, then I say let the fleecing proceed.

I am for honorable peace, and if Mr. Wilson can bring it about in an honorable way—and he will undertake it in no other way—I say, "All hail to President Wilson."

I will not say what I think of Mr. Lawson and his fellow speculators in Wall Street, if they are responsible for the destruction of legitimate property under the guise that advance information had been obtained that President Wilson was seeking to secure peace, and in the event of success values would naturally fall.

If the speculators of this country have such a hold on the legitimate business life of the country that they can produce panics and destroy legitimate values simply because the President of the United States is undertaking to bring about peace, the fault is with Mr. Lawson and his crowd and not with the Executive or with Congress.

If Members of Congress are getting into disrepute in the eyes of the fair-minded people of this country it is because they have not opinions of their own and are undertaking to get on what appears to be the popular side of every question without regard to consequences. No honest man or newspaper is willing to criticize one for doing what he honestly believes is right. Too often, I fear, we allow our opinions to be formed from what seems from the press and other sources to be the popular side of a given question. Would it not be better to devote the time we spend in doing this to a real study of the facts in each given case, and when we have reached the conclusion honestly that we are right, then defend it regardless of what our critics may say?

Getting back to the point under consideration, if you believe the business interests of this country are going to be destroyed by a discontinuance of the pneumatic-tube service, and you have reached this conclusion from a study of the facts and the testimony submitted to you, then by all means vote for the pending amendment. But, on the contrary, if the facts submitted show you that the service is not warranted, then vote to sustain the action of the committee, which carries out the recommendation of the Post Office Department, a department that I say has demonstrated it is actuated only by what is for the good of the service.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BLACKMON. Mr. Chairman, I desire to revise and extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GALLAGHER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from New York [Mr. CHANDLER] one minute.

The CHAIRMAN. The gentleman from New York is recognized for one minute.

[Mr. CHANDLER of New York addressed the committe. See Appendix.]

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from New York [Mr. ROWE] five minutes.

The CHAIRMAN. The gentleman from New York [Mr. ROWE] is recognized for five minutes.

Mr. ROWE. Mr. Chairman, Brooklyn has a population, according to the last census, of 1,800,000 inhabitants. No other city of that size in the Union has so small and insignificant a use of the pneumatic tubes. All told, even counting in the service in Manhattan, it has 3 miles, but almost 1 mile of that is in the old city of New York.

Now it is proposed to take away more than a mile of that service which we have in Brooklyn. Brooklyn has not looked out for its interests in the past, or it would have to-day what two or three other cities have—more than 30 miles of tube service. We are at the present time in great need in Brooklyn of a proper service. We have not the proper delivery service either, because the delivery service is arranged on the basis of the receipts from the sale of stamps, and many of our large manufacturers have offices in New York, with factories in Brooklyn, and they buy their postage at the New York post office instead of at the Brooklyn post office.

Now, gentlemen, I have felt all through this discussion that the people of our large cities have supported the country districts in rural free delivery, the loss on which is more than $40,000,000 a year, while the amount to be saved by giving up the mail tubes is less than $500,000.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. ROWE. No; I have not the time.

We ask you of the country districts who are benefited by rural free delivery and parcel post to stand by the cities and see that they get this proper transportation of the mails, and as rapidly as possible. It affects you as much or more than it does the people of the cities. It is the delivery of our business mail, the mail that should be delivered rapidly. It is the mail that comes from the country districts into our railway stations in New York and Chicago and Philadelphia and Boston and St. Louis that should reach at the greatest possible speed the persons to whom it has been sent. You want it delivered quickly. We of the cities to whom it is sent want your mail as soon as it can reach us, and we want also to be able to answer it for you as soon as possible. [Applause.]

Mr. STEENERSON. Mr. Chairman, how much time did the gentleman consume?

The CHAIRMAN. The gentleman from New York has used four and one-half minutes. He has one-half a minute remaining.

Mr. STEENERSON. He yields back that one-half minute. Now I yield two and one-half minutes to the gentleman from New York [Mr. BENNET].

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized for two and one-half minutes.

Mr. BENNET. Mr. Chairman, if this amendment is adopted it will continue the existing service and give a slight necessary extension in the city of New York.

Personally I have always believed that the mail service was one service, and therefore I have voted for the free rural delivery and for the village delivery and for everything that the country and the city wanted. I do not see how you can differentiate between localities. I think all parts of the country are entitled to the best service they can get. We need this service in New York, and, without costing more money for additional automobiles than the tube costs, we could not get by automobile the same service that is given by the tubes.

We have a postmaster in the city of New York—Mr. Morgan—who has been in the Postal Service for 45 years. He rose from the position of mail carrier to that of postmaster. Here is what he says:

> Mr. MORGAN. If you are going to do away with the tube service in New York City and use the automobiles now in use to carry this first-class mail matter, you might as well go back to the old horse and wagon.

That is the whole question. I yield back the balance of my time.

Mr. STEENERSON. How much time did the gentleman use?

The CHAIRMAN. The gentleman consumed one minute and a half and yields back one minute.

Mr. STEENERSON. I yield five minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Chairman, the statement has been made that the stockholders in this enterprise have something coming from the Government. I do not believe they have any legal or moral claim upon the Government to an extension of this service. My interest in this matter is at the unanimous request of the business men of St. Louis, who want this service. I looked into the matter when these petitions came to me, and at the earliest date practicable secured the report of this commission, and I find that this commission based its recommendation for the discontinuance of the service in St. Louis upon two propositions. The first one was that there was no surface congestion in St. Louis. Now, anybody who has ever been there knows that that is not true, knows that there is congestion in St. Louis, and the very report upon which the commission bases its recommendation shows that in one of the tests made the automobile that made the test for the Post Office Department, according to the note attached, was delayed because of congestion in the downtown district.

The second proposition is that the service can be rendered as efficiently and at less expense than by the tube service if they are permitted to substitute automobiles. I only know what is in this report of the commission, and if they based their recommendation upon the evidence in this report, I can not see how they arrive at that conclusion. The only evidence in that report is of a test made and a letter from the postmaster of the city of St. Louis. Now, the postmaster of the city of St. Louis has been in office from September, 1913, and on the 7th of December, 1915, he wrote a letter to this commission. I want to read a part of it and to ask you whether on that statement the commission could recommend the discontinuance of that service. He said:

> As stated in the communication above referred to, 75 per cent of the mails now transported by pneumatic tubes in St. Louis could probably be satisfactorily handled by surface transportation, with no delay in dispatch or delivery, but treatment of the balance, which includes important eastern mails for delivery in the down-town or business section, as well as dispatches of similar matter, made on close connections after deposit in territory contiguous to the tubes, would be seriously impaired.

Then he further says:

> The conditions described are attributable to arrival time of eastern trains, which in the morning are too late for delivery before afternoon if subjected to any delay whatever.

And further he says:

> Service conditions in St. Louis differ from those of any other city in the country, in that the main post office is located at Eighteenth and Walnut Streets, while the business of the financial section is conducted in the Federal building, at Eighth and Olive Streets, nearly a mile away. The tube is a great convenience to us on this account, as it permits of continuous and speedy connection between the executive division and the financial section, impossible of substitution by transportation of any other character.

That is the letter of the postmaster of the city of St. Louis. That is the only evidence I have. I did not make any tests. Tests have been made; but I will say that the mayor of the city of St. Louis, the Merchants' Exchange of the city of St. Louis, the Business Men's League of the city of St. Louis, and all of the civic organizations of that city have asked that this tube service be retained.

I know that it has been stated by the Postmaster General in his report that various people might be instigated to come and plead for this thing before Congress. I want to submit that there is no special interest that could get all of these business associations and all of these men to come to Congress for any ulterior purpose. These business men want this service. The postmaster of that city recommended it, and, although I understand he has since given out an interview in which, to be frank with the House, he says that the automobiles can render the service, I want to say that in that interview he also stated that since that letter was written the Government automobile service was instituted in St. Louis. That service was instituted before this letter was written, and in the report that he made to the commission he referred to automobile trucks and automobile transportation as a substitute for this pneumatic-tube service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. Mr. Chairman, I ask leave to insert as a part of my remarks an editorial from the St. Louis Post-Dispatch on this question.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The editorial referred to is as follows:

CUTTING DOWN MAIL SERVICE.

In the report of the committee of the Federal Post Office Department on pneumatic-tube mail service we find several remarkable statements with regard to the mail service in St. Louis. The report quotes Postmaster Selph as expressing his willingness to abandon the service if the department thinks it best and "to develop other means of transportation to meet all demands."

The committee then, without further quotation from the St. Louis postmaster's letters, which are included in the report, expresses the flat opinion "that no material advantage results from the use of the pneumatic-tube service in St. Louis." It makes the additional extraordinary statement that "there is little or no surface congestion in St. Louis and an automobile or other conveyance is able to travel rapidly." It puts the difference of time between an automobile and the tube from the general post office to the Central Station at about seven minutes and from the Central Station to the Bridge Station at three and five-sixths minutes. No allowance is made for uncertainty of the automobile time on account of congestion, weather, or disability, none of which affect the tube service.

In the report is a letter from Postmaster Selph directly contradicting the conclusion of the committee. If his opinion is worth anything as to the value of the pneumatic-tube service, it completely nullifies the committee's opinion and reverses its conclusion. Mr. Selph wrote:

"As stated in communication above referred to, 75 per cent of the mails now transported by pneumatic tubes in St. Louis could probably be handled satisfactorily by surface transportation, with no delay in dispatch or delivery, but treatment of the balance, which includes important eastern mails for delivery in the downtown or business section, as well as dispatches of similar matter, made on close connection after deposit in territory contiguous to the tubes, would be seriously impaired, for we are now working under a particularly close schedule, attributable in a large measure to the 8 in 10 hour law, and if obliged to consume extra time, consequential to necessary sacking and trucking to the mailing platform for surface transportation, schedules as regards the downtown section would of necessity, in a number of instances, be subjected to changes bordering on nullification, and mails to the extent referred to delayed several hours in delivery.

"The conditions referred to are attributable to arrival time of eastern trains, which in the morning are too late for delivery before afternoon if subjected to any delay whatever, and those in the afternoon will have to be held until the following morning on account of our inability to delay carriers' leaving time and maintain the 8 in 10 hour law.

"Service conditions in St. Louis differ from those of any other city in the country, in that the main post office is located at Eighteenth and Walnut Streets, while the business of the financial sections is conducted in the Federal Building at Eighth and Olive Streets, nearly a mile away. The tube is a great convenience to us on this account, as it permits of continuous and speedy connection between the executive division and the financial section, impossible of substitution by transportation of any other character.

"Reasons herein mentioned, together with probability of congestion attributable to climatic conditions upon occasions inevitable in connection with surface transportations, present the principal argument favoring continuance of the tube service at St. Louis, if its continuance is possible at a cost commensurate with advantages to be derived therefrom."

Is the impairment of service on 25 per cent of tube mails, including "important eastern mails for delivery in the downtown or business section as well as dispatches of similar matter made on close connection in territory contiguous to the tubes" of little importance to St. Louis business? This 25 per cent is the most important. It is impossible to measure its value to business men. It may and probably does involve enormous business transactions.

If the testimony of other postmasters and mail conditions in cities threatened with a discontinuance of tube service are ignored or misrepresented as in the case of St. Louis, the report of the department committee is not worth the ink and paper it consumed.

We judge that this is so by the general protest of the business men of the threatened cities. The mouths of postmasters have been closed, but the business men are vociferous in opposition to the abolition of the tube service.

Postmaster General Burleson seems to have made up his mind in advance that he will economize at the expense of the large cities regardless of consequences to quick mail service. He wants to save on the cities to serve the rural districts, and is willing to go backward to accomplish his purpose. But Congress ought not to ignore the needs of the great business centers which serve the people of the rural districts.

Mr. STEENERSON. I yield two minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I have not very much to add to this debate with regard to pneumatic-tube service except one thing. My home is not in New York City, nor in any of the other big cities that are directly interested in this matter, but I am interested, and my constituents are interested, in getting mail through New York City, and in the prompt delivery of mail in the city. I know it is a matter of interest to the country at large, to the agricultural sections as well as others, that mail should get through the big cities promptly. They are clearing houses. We have had more complaint about mail getting clogged up in New York City than in any other source of delay. When we have put a tracer on something that got lost or that did not come through promptly, we have usually found that it got delayed in New York City, and I believe every facility for getting mail transported from place to place, in New York and other large cities, ought to be used, not only in the interest of the business men of those cities themselves, but in the interest of the people at large. Not only do the people in those large cities want their mail promptly, but the people of the whole country want the mail to go as quickly as possible through those cities, so that it may reach the points to which it is directed.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman used one minute, and yields back one minute.

Mr. STEENERSON. I yield to the gentleman from Pennsylvania [Mr. MOORE] eight minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for eight minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, the great question involved here is not as between the city and the country, because our interests are identical in this pneumatic-tube matter. The question is one of principle, whether having encouraged men to engage in business, to establish an enterprise, we should then confiscate their property. It makes no difference whether we are paying $17,000 per mile per annum or not. These people have made an investment with the encouragement of the Government of the United States, and have kept that property in order to serve the Government for 23 years. They have been given no option to adjust rates, even if the rentals could be shown to be too high. Ruthlessly, and without an opportunity for them to revise rentals or in any way utilize their property, we are asked to close down upon them and take away that which they have invested in good faith for the benefit and service of the people in the country, as well as the people in the city. I am not making an appeal to the men in the country, because it is a city proposition; it is as much a country proposition as it is a city proposition. If the pneumatic tubes are dispensed with and the mails are delayed, the interests affected will not be wholly within the city, but upon the farm as well.

Great stress has been laid on the fact that a commission appointed by the present Postmaster General has reported against these tubes. That the present Postmaster General, having his mind made up on this subject, should obtain a favorable report from a commission made up of his own employees is not surprising. I do not think any commission appointed by him under these circumstances would dare to bring in any other kind of a report than that which the Postmaster General desired to have brought in, but it should not be forgotten that all previous reports were favorable to the service, and there were three of them.

The gentleman from Tennessee, in discussing his point of order a little while ago, made reference to the fact that this green book—the Burleson commission report—the report of the commission appointed by the Postmaster General, was in compliance with the law, and that the recommendation made by the commission was made because the law warranted the making of this report. There is a difference of opinion among the lawyers of the House as to that, but I now ask the gentleman from Tennessee, who stands with the Postmaster General upon this question, whether he still relies upon the accuracy of this report as being sufficient in law or in fact to warrant the destruction of private property in the manner in which the Postmaster General now proposes to do it. If he does, I cite the evidence of the representative trade bodies and business men of my city, who have made tests themselves, controverting not only the statements of fact, but the findings of this commission appointed by the Postmaster General from his own subordinates. I challenge the gentleman from Tennessee——

Mr. MOON. What does the gentleman challenge me about?

Mr. MOORE of Pennsylvania. Oh, not to fight. [Laughter.]

Mr. MOON. I thought the gentleman would not do it to fight, but what is he talking about?

Mr. MOORE of Pennsylvania. I would not challenge the gentleman to fight, except legislatively. I love him too well. I challenge the gentleman from Tennessee to repeat that he stands on the law as it is presented in this report recommending the destruction of the tube service.

Mr. MOON. I stand upon the law as presented in the statutes?

Mr. MOORE of Pennsylvania. The gentleman held the green book in his hand and said it was in accordance with the law.

Mr. MOON. I read from the statutes this morning, the whole statutes together, and that is an extract from the statutes, and is correct so far as it goes.

Mr. MOORE of Pennsylvania. I ask if the Postmaster General had legal warrant for appointing the commission and accepting the report and finding of the commission as sufficient in law to destroy the pneumatic tubes. I have challenged the gentleman to stand on the law referred to in this report.

Mr. MOON. The gentleman need not challenge me to stand on the law, I stand on the law always.

Mr. MOORE of Pennsylvania. I am challenging the gentleman in a legislative way.

Mr. MOON. I am standing on the law in a legislative way and every other way.

Mr. MOORE of Pennsylvania. Well, then I challenge the gentleman to advise the House as to what law this commission acted upon. It seems to have based its authority upon the "act approved June 30, 1903." I ask the gentleman who stands with the Postmaster General on this green-backed report, received by Members after the hearings were all over, to read the authority upon which the lawyers of the Postal Department base their case. It says:

Report of the committee of the Post Office Department, appointed by the Postmaster General, preliminary to the consideration of the issuance of an advertisement for carrying the mails by pneumatic tubes for the contract term commencing July 1, 1916, in pursuance of "the act approved June 30, 1903."

That sounds all right but, like the contents of the report, it is hasty and inaccurate.

Congress was not in session June 30, 1903. There is no act of June 30, 1903, and if the gentleman from Tennessee stands

on the law as presented by his own commission, he is standing on no law at all, for it does not exist. [Laughter.]

Mr. MOON. The gentleman from Pennsylvania has been told two or three times—I don't know whether he understands it or not—that the gentleman from Tennessee stands on all the statutes on the pneumatic-tube subject.

Mr. MOORE of Pennsylvania. Does he stand on "the act of June 30, 1903," on which the commission acted?

Mr. MOON. I do not know whether it is the proper date or not, and I do not care.

Mr. MOORE of Pennsylvania. We have challenged the accuracy of the report of the commission which the gentleman presents to the House and which destroys millions of dollars' worth of property. Now, we challenge the authority under which it acted. I am not a lawyer, but the gentleman from Tennessee is an able lawyer. Will the gentleman stand on "the act of June 30, 1903"?

Mr. MOON. The gentleman from Pennsylvania ought to know that if there was an error in the date as to the act incorporated in the report that it would not affect the law, and it is nonsense to ask a man if he stands on a proposition where a date may be changed by the printer or some one else.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee is too good a lawyer to stand on a law that does not exist, and he does not stand upon it. But this shows how carelessly the report was made up. We did not get this report until the hearings had been had, and our business men were not given a fair chance to combat it.

Mr. MOON. Does the gentleman think he knows anything about it now? I do not think he does.

Mr. MOORE of Pennsylvania. I am satisfied that "the act of June 30, 1903," under which this select commission said it was acting, does not exist. There is no such act, therefore the status of the commission is somewhat impaired. I do not know whether the gentleman from Tennessee is going to stop because I have driven him into a corner. [Laughter.]

Mr. MOON. Which corner am I in?

Mr. MOORE of Pennsylvania. Why, the gentleman is in the corner of "the outs" just now.

Mr. MOON. We will see about that later on.

Mr. MOORE of Pennsylvania. I hope the gentleman may find the law somewhere.

Mr. MOON. I can tell the gentleman now that if he does not know the law he and his city will find it to be the law that unless this Congress passes some other act you will never have another pneumatic tube.

Mr. MOORE of Pennsylvania. But this commission, whose report was received after the hearings were over, evidently does not know the law.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, in my talk on Thursday I tried to present the attitude of Philadelphia business men on this tube question. We are challenged by the tube destroyers to bring in our evidence, but the time limit is on and we can not get the evidence in.

Let me say, however, that the tubes were introduced before the parcel post encumbered the mails with farm products and household furniture. They were never intended to carry anything but first-class mail, and that they do in a manner satisfactory to those who are competent to speak. In the extension of my remarks on Thursday I produced statements showing the great value of this first-class mail-tube service to the farmers who do business with Philadelphia merchants and to the banks in all parts of the United States doing business which is cleared at Philadelphia. I also produced evidence of the congestion upon our highways. All those matters are material in a great city. They ought to have weight with the House, and I hope they will.

Mr. STEENERSON. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, this proposition is one simply that Congress shall authorize the Postmaster General to continue this service if, in his judgment, he finds that the report which he has presented to this House is erroneous and that the service ought to be continued. In other words, if we fail to appropriate the money provided for in this amendment, then, of course, the service will be discontinued, because there will be no funds for it; but if we appropriate the money as provided for in the amendment of the gentleman from Massachusetts [Mr. TAGUE], then the Postmaster General can continue the pneumatic-tube service if he finds later that it ought to be done; and if he has discontinued the pneumatic-tube service and resorted to automobiles for all the service now carried on by pneumatic tubes, he may not only, as he will, find that he is mistaken, but he may also find that the complaints of the people in the cities, and of the country, too, are so great over the discontinuance of this excellent service of the pneumatic tubes that it is his duty as a public official and in charge of a great department of the Government to again contract for and put into use the pneumatic-tube service. But if you gentlemen should refuse to give to him this appropriation, he can not do it even if he finds the country and the business interests of the country are suffering by reason of it. So I appeal to you upon that phase to vote for this appropriation. No harm can come from it if the service is not wanted. Even if the service can be performed by the automobiles, no harm can come through voting this appropriation under the circumstances; but all of the evidence that has been presented, so far as I am acquainted with the situation in my own city, is that the service is absolutely necessary for the proper transaction of the business between the city and the country at large.

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, Chicago is one of the cities in which the pneumatic-tube service is now used, and the people of Chicago seem to be unanimous in favor of the continuation of that service. The postmaster of Chicago says that we can get along without it and save money. The people do not agree with the postmaster, and, as I speak for the people, I am in favor of continuing the tube service. So I favor the appropriation proposed in the amendment offered by the gentleman from Massachusetts [Mr. TAGUE]. In favoring this amendment, I want to call the attention of the House to the fact that I believe more money is paid per mile per annum for the use of the pneumatic tubes than ought to be charged, and I believe the Postmaster General ought to have the power, the discretion, to negotiate for better rates. While the people of Chicago are unanimous in their demand for a continuation of this service, there is no man in Chicago who would say to me that we ought to pay an exorbitant price for the service. Everyone in Chicago knows that if he did say it I would not yield to his demand, if I believed the price paid to be unjust. We are paying $17,000 a mile for the pneumatic-tube service. I believe the service is worth about $10,000 per mile per annum, and I believe the Postmaster General can get the service for $10,000 per mile per annum if he is permitted to use the discretion which he ought to have the right to use in the perfection of an ordinary business transaction. If we grant the appropriation which I favor, I hope the Postmaster General will exercise his discretion to get the kind of rate per mile for the use of the tube service if it is used that any other business man would exact if the transaction were between two business men instead of between the Government of the United States and an outsider. The evidence before the Committee on the Post Office and Post Roads in the hearings upon the pneumatic-tube service disclosed the fact that the average gross earnings per annum are about 26 per cent, and the representatives of the tube companies said that they paid about $8,500 a year for expenses per mile. That is exactly one-half of what they receive. If they pay $8,500 per annum per mile for expenses, and they are paid $17,000 per annum per mile for the service, and $17,000 per annum per mile represents 26 per cent gross, what is left after the expenditure of $8,500 per annum per mile would be 13 per cent net.

They said in response to inquiry that they only made 1½ per cent on their investment, and they did not reply to the question which I asked as to what became of the difference between the 1½ per cent and the 13 per cent that I maintain they make. I believe the Government ought to get this service upon the basis of 6 per cent net, and if it does it will get the service for not more than $10,000 per mile per annum. Therefore I favor the extension of the tube service, but I am in favor of the retention and continuance along decent business lines and with due regard for the economic expenditure of public money. I want to add just one word more, and that is that if the appropriation is made the Postmaster General will have the discretion to negotiate for the kind of rate that ought to obtain.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEENERSON. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. MOON. Mr. Chairman, I also yield two minutes to the gentleman.

Mr. TAGUE. Mr. Chairman, after all the debate that has gone on upon this great question now before the House I want to say that, so far as I am concerned, I agree with the gentleman from Illinois [Mr. MADDEN] that it is the duty of the Government to get the best contract it can, and in keeping with that suggestion I asked the representatives of the two companies whether

or not they were ready to submit a price to the Government that was fair.

In reply to that request they have told me they are ready at any time to submit the books of their companies to any fair-minded commission and upon their report are ready to rest their case on the decision of that commission. Now, Mr. Chairman, I made the statement yesterday that the money to be expended in the appropriation previous to the one we are now acting upon was to be used for automobiles in place of the pneumatic service. As my colleague upon this floor said to-day, we were apprised of the fact yesterday that the Government officials, notwithstanding this House which appropriates the money has not yet had an opportunity to pass upon it, the representatives of the Postmaster General, are in my district at this time making arrangements for the purchase of automobiles and for the housing of automobiles, not knowing whether or not we are going to appropriate this money and not knowing whether they are going to get the appropriation for the automobile service.

Mr. Chairman, if we are to take the figures submitted to you by the committee that is now working in Boston, and we are going to get 40 automobiles in the city of Boston this year, then I, in the name of the city of Boston, protest against those automobiles going now upon our crowded thoroughfares. And let me say this question of economy is all bosh. Four hundred thousand dollars for new automobiles, $100,000 for airships, $500,000 taken from the pneumatic-tube service appropriation, and what is the result? Forty automobiles in the city of Boston! Mr. Chairman, during the debate last year the gentleman from Chicago [Mr. MADDEN] made a speech upon this same subject, and being a business man, one familiar with this question of automobiles and automobile trucks, he made a statement which I think is correct, that it would cost $3,000 a year for the upkeep and maintenance of an automobile in a city, and if that is so these 40 automobiles are going to cost in my city alone $120,000 for the maintenance and upkeep, while this appropriation for pneumatic tubes for the city of Boston is $115,000. Then, again, we are going to purchase some more automobiles. I do not know whether they are going to be purchased under specifications, which is going to give the privilege to any one automobile manufacturing concern as against all the other automobile concerns of this country or not. [Applause.] But at the figures stated by the gentleman from Illinois [Mr. MADDEN], 40 automobiles, at $1,975, is $79,000, making a total of $199,000 for this year for automobiles in the city of Boston. Where is the economy? The defiant manner in which the Postmaster General is going ahead on this matter is in keeping with his previous actions. Ignoring this House and trying by his power in post-office appointments to compel Members to vote as he says and not as they would like to.

I can readily understand why some Members will vote against this amendment, not because they do not believe in it, but because they are obliged to seek favors for their constituents at his hands.

He complains of an insidious lobby, but I want to say here that I have never seen such an exhibition of lobbying in my limited experience as I have seen in this House since this question has been before us. Never have I seen such an utter disregard for the rights of Members of this House as has been shown by the Postmaster General. His word must be law, but I refuse to be led by any such conditions. I am seeking no favor from him, and I hope I never will be obliged to. His actions on this question, and on the question of rural delivery, which have caused so much uneasiness among my fellow Members, who have suffered from his unfair treatment, I regard as the cause of the defeat of many good Democrats. I believe that at this time this House should show that they are able to judge this and other questions for themselves. I am inserting with my remarks a letter from his honor the mayor of Boston, who asks that the tubes be retained:

BOSTON, *January 11, 1917.*

Hon. PETER F. TAGUE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The business men of Boston are practically unanimous in the opinion that the best interests of the Postal Service require the retention and use of the pneumatic-tube service now in operation.

The streets of our city have never been of sufficient width to properly accommodate teaming and passenger traffic and to further encumber them by vehicles engaged in the collection or delivery of mail would work great injury.

During the three years that I have served as mayor I have not received a single complaint relative to delay in local mail delivery, and I am strongly of the opinion that a change in system would result in continuous complaint.

I sincerely trust that you will be successful in your efforts to persuade the postal authorities that it is the consensus of opinion among the business men of Boston that the present satisfactory system should be permitted to continue in operation.

Respectfully, JAMES M. CURLEY, *Mayor.*

I also wish to insert the clippings from Boston papers of January 12, 1917—Globe, Herald, and Post:

KEEP TUBE FIGHT OPEN—TAGUE AIDS IN BLOCKING ATTEMPT TO LIMIT DEBATE IN HOUSE ON POST OFFICE BILL.

WASHINGTON, *January 9.*

After an hour's argument by Representative TAGUE and Representative CONRY, of New York, Chairman MOON, of the Committee on the Post Office and Post Roads failed to get a rule to limit general debate on the Post Office appropriation bill and so to make possible the jamming through of Postmaster General Burleson's plan to abolish the pneumatic-tube mail service in Boston, Philadelphia, Chicago, and the greater part of New York City.

Mr. TAGUE, who is leading the fight in the House against abolition of the tubes, based his argument on allegations that the report of the Burleson Investigating Committee, on which the Postmaster General reached his decision to abolish the tubes, was inaccurate and unreliable.

"I do not believe the gentlemen who investigated were disinterested," said Mr. TAGUE.

POSTAL AUTHORITIES PLAN MOTOR SERVICE—APPARENTLY CONFIDENT THAT PNEUMATIC TUBES ARE TO BE ABANDONED.

Although Congressman TAGUE and others are carrying on a fight on the floor of Congress for the retention of the pneumatic-tube service in this city and other large cities, the Post Office Department evidently feels certain of victory in its efforts to abolish the tubes and substitute automobiles.

So certain of success do the postal authorities feel that two inspectors from the office of First Assistant Postmaster General Koons are now in Boston looking over the situation with a view of installing the motor system. The inspectors here are Charles P. Stearns and I. O. Keen. It appears that the department is going right ahead with its motor proposition regardless of the action of Congress on the tube question.

If the comprehensive plan under consideration is carried out there will be no contract system of transporting mail between stations, as at present. The Government will own and operate its own motors. There will probably be 40 or 50 machines in the service, with a Government garage in which to house them. There are at present about 30 wagons and 11 motor trucks in use, all under the contract system. Their work is confined to the city proper, but it is probable that outlying stations like Quincy, Brookline, Newton, and others now served by trains will get their mail by automobile under the proposed plan.

Already schedules for the automobile service have been arranged and the inspectors are going over these. They will probably remain in town for about two weeks and in that time hope to get a pretty thorough knowledge of Boston's complicated postal district with its more than 80 stations.

No date has been set for the starting of this motor mail service. In fact, the money for purchasing the many machines needed for the work has not yet been appropriated. All the plans are being made, however, and this seems to indicate supreme confidence on the part of the department that its plan will be authorized and financed.

—

WILL NEED 40 AUTOS—FEDERAL POSTAL INSPECTORS ESTIMATE LOCAL NEEDS IF THE PNEUMATIC SERVICE IS ABANDONED.

About 40 motor vehicles will probably be needed for local transportation of the mails after the abandonment of the pneumatic-tube service, according to Charles P. Stearns and I. O. Keen, post office inspectors from Washington, who are in Boston checking up the plans of Postmaster Murray.

It is understood that the department favors the postmaster's scheme to have the Government assume the work of local transportation now performed by contractors. There appears to be a disposition to go ahead with the new plans, regardless of the possible action of Congress in the matter of public protests against the discontinuance of the tube service.

There are now about 30 wagons and 11 auto trucks used in the Boston district. If the present plan of having only auto service for mail transportation is carried out a Government garage will be needed, with a capacity of about 50 cars, and the contractors will go out of business.

Postmaster Murray believes the change will give additional speed in handling the mails and that service will cost less than it has and that the service will particularly benefit cities like Cambridge, Malden, Everett, and Quincy. The visiting inspectors will remain in Boston two weeks longer, familiarizing themselves with the local plans. Just when the new system will be adopted has not yet been settled.

Mr. STEENERSON. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Chairman, I think it would be unfortunate to abandon the pneumatic-tube service upon any investigation or report that we have had up to date. I have been impressed by the report of the Postmaster General containing the report of his investigating committee, and I want to cite just one instance of that report. On page 24 of that report is this statement:

It has also been demonstrated that an automobile can deliver the mail from the general post office to the Stock Yards Station in 17 minutes, while for any appreciable quantity of mail it requires 21 minutes by tubes.

Now, this is in Chicago, and the comparison is made here between 17 minutes by automobile and the admitted 21 minutes by tubes. There is an immense amount of mail that comes to Chicago of vital interest to the stock raisers of the country that goes to the stockyards in connection with daily consignments of stock. The eastern mail is taken off at Englewood; the mail coming over the Rock Island road is taken off at Englewood. All the rest of the western and southern mail goes to the post-office building downtown. Now, when you say you can take an automobile in 17 minutes from the post-office building to the Stock Yards Station and compare that with 21 minutes by

tube, all I need to do is to say to you that the Stock Yard Station is more than 5 miles from the post-office building downtown, and the man does not live who can take an automobile through the congested districts of Chicago 5 miles in 17 minutes, nor twice 17 minutes, nor three times 17 minutes. That is an example of the testimony. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I made a minority report, in which, among other things, I stated I disagreed with the majority reducing the appropriation for pneumatic-tube service. The transportation of the mail is an administrative function. The appropriation of the funds with which to carry on this service is a legislative function. I do not think that the Congress ought to be called upon to determine whether or not this pneumatic-tube service should be continued. I think that is properly a matter which rests upon the executive branch of the Government. I know that for many years, under both Republican and Democratic administrations, it has been the custom for the administrative branch of the Government, whenever they had anything unpleasant to do, to try to shoulder it on the legislative branch, and therefore they will ask for a very small appropriation, and when it comes to administering that service they will say, "We can not give you this service because Congress refused or neglected to appropriate the money," and that is what is going to be done in the pneumatic-tube matter. If we do not increase this appropriation, they will throw the blame upon Congress and say, "Why, Congress did not provide the means, and therefore we can not give the service." Therefore I say, in fairness to Congress and to the executive branch of the Government, let us make the appropriation, and if the executive branch of the Government should demonstrate that it does not desire to spend it, the responsibility rests upon it for failing to supply this service. [Applause.] The Postmaster General can not then come back and say, "Here, I would have been glad to have given you any kind of service, provided Congress would have given me the money." The idea has been to shift the responsibility, which I do not think is proper, on Congress, and I do not favor it, and I do not believe we should vote so here. We should appropriate this money and place the responsibility where it belongs, upon the executive branch of the Government. Let them refuse and fly in the face of public opinion of Philadelphia, New York, St. Louis, Boston, and Chicago, if they so desire. That is my position, and I hope everyone will vote to increase this appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota is exhausted. The gentleman from Tennessee has some time remaining.

Mr. MOON. How much time have I?

The CHAIRMAN. The gentleman has 26 minutes remaining?

Mr. MOON. I yield five minutes to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman and gentlemen, most of the discussion that has been had upon this question has been predicated upon the theory that no curtailment of the pneumatic-tube service in the city of New York is contemplated. That is, according to my understanding, erroneous.

The service in New York at the present time consists of approximately 27 miles of double 8-inch tubing, and there are transmitted through such tubes about 80,000 pneumatic-tube carriers daily between 4 a. m. and 11 p. m., by which means 5,000,000 pieces of first-class mail matter are disposed of.

Each carrier has a capacity of about 450 ordinary-sized letters or about 250 large-size letters, which are dispatched every 10 or 15 seconds, or at the rate of 6 and 4 per minute, respectively, and travel at a speed of 30 miles per hour.

The tube company installs and operates the system, for which the Government pays a rental of $17,000 per mile per annum.

There is a line in operation from the general post office in New York across the old bridge to the general post office, Brooklyn, and thence to Station L of the latter office, which is situated in the depot of the Long Island Division of the Pennsylvania Railroad at Flatbush Avenue. It is proposed to abolish this extension from the general post office, Brooklyn, to Station L.

Another line is in operation between the general post office, New York, and Hudson Terminal, and another from the general post office to Wall Street Station, to Station P in the customhouse. While these lines are very short, they accommodate the financial, banking, and shipping interests of the lower section of the city.

Another line is in operation on the west side of the city connecting the general post office and Stations V, at West Broadway and Beach Street; A, Prince and Greene Streets; O, West Eighteenth Street; C, West Thirteenth Street; Pennsylvania Terminal; Times Square; G, West Fifty-first Street; N, Broadway and Sixty-ninth Street; W, West Eighty-third Street; I, West One hundred and sixteenth Street; and J, West One hundred and twenty-fifth Street, near Eighth Avenue, continuing across town to Station L, One hundred and twenty-fifth Street and Lexington Avenue; thence to U, Third Avenue and One hundred and third Street; K, East Eighty-eighth Street; Y, Third Avenue, near Sixty-seventh Street; Grand Central; F, East Thirty-fourth Street; Madison Square; D, East Twelfth Street, to the general post office.

In connection with these lines there is also a cross-town line between the Pennsylvania Terminal Station, on the west side, and the Grand Central Station, on the east side, as is the case between Stations J and L on One hundred and twenty-fifth Street, thus creating two complete loops of pneumatic-tube service.

Now, let us see what is proposed to be done.

I will read from the annual report of the Postmaster General for the fiscal year ended June 30, 1916 (dated Nov. 15, 1916):

> Following a thorough investigation and careful consideration by the department, it has been decided to issue an advertisement for proposals to perform mail service by pneumatic tubes in the city of New York, N. Y., in the territory south of the Grand Central and Times Square Stations, between the points between which pneumatic-tube service is now in operation and between the general post office at New York and the general post office at Brooklyn. A separate advertisement will be issued for the territory in New York north of the Grand Central and Times Square Stations, between which the service is now in operation. * * * As this loop is a part of the system of pneumatic tubes in New York City, a portion of which we are recommending be continued, the company may be willing to operate it at a cost commensurate with the results obtained therefrom. In order that the company may have an opportunity to do so, we are recommending that a separate advertisement be issued for the service north of Grand Central and Times Square Stations, but that the contract be not renewed unless a very material reduction in cost is secured.

I am at a loss to understand, after 20 years' residence and an active business experience in New York City, why there should be any discrimination between the service above and below Forty-second Street, because the natural trend of business growth and advancement has been uptown for years. When I came to New York City from a country town in western New York State the center of activity in the retail shopping district was on Fourteenth Street; it removed to Twenty-third Street, thence to Thirty-fourth and Forty-second Streets, and is pressing on toward Fifty-ninth Street, while the great increase in population has created additional congested centers on One hundred and twenty-fifth Street and upper Broadway and at One hundred and forty-ninth Street and Third Avenue, in The Bronx.

Now, as a matter of fact, most of the post-office substations below Forty-second Street have been permanently located, so that the fixed overhead charges of the operating company are ascertainable to a reasonable certainty; but, due to the constantly increasing population in the upper sections of Manhattan and The Bronx, and the physical changes being wrought in every neighborhood in consequence, there will be the necessity of relocating post-office substations on the upper loop, and, as the expense connected therewith for the removal and transfer of the tubes is assumed by the operating company, in accordance with the terms of the contract, it seems to me there is every prospect of a very much greater overhead expense in order to operate above Forty-second Street and less likelihood of the company being able to renew the contract at "a very material reduction in cost."

Mr. Chairman, much emphasis has been laid upon the adverse reports made by the postmasters of Boston, Chicago, and St. Louis, but all of the opponents of this amendment have carefully avoided any reference to the statement and opinion of the postmaster of New York, who, as my colleague [Mr. BENNET] stated, has had 45 years' experience in the postal service.

Mr. Morgan appeared before the committee on December 14, 1916, to which date, I am very happy to state, the committee had adjourned the hearing from the Monday preceding in order to give the business interests of New York City an opportunity to be heard. The postmaster pointed out that it required 36 minutes to send mail by carrier through the pneumatic tubes from Station P, at the Battery, to Station J, in Harlem, and if rehandled at the Penn Terminal Station 10 minutes additional time was required, or a total of 46 minutes, and that by auto from Station P up to Station J 2 hours and 31 minutes were required. Upon that comparison can there be any question as to the necessity for the renewal of the contract for the operation of the tube service upon the entire unit in the Borough of Manhattan?

Now, let me emphasize another point. The two most northern substations on the uptown loop—Stations J and L—are on the southern boundary line of the congressional district which I have the honor to represent. The northern boundary is only

16 blocks above. The district extends from the Hudson River to the East River and is intersected by the Harlem River, which separates the Boroughs of Manhattan and The Bronx. Because the people on the south side of the Harlem River, who are served from Stations J and L, have the advantage of the pneumatic-tube service their mail is delivered within from two to six hours sooner than is that of any of my constituents on the other side of the Harlem River, only a few blocks away, and in many instances is received fully 24 hours later. For example, I have mailed several communications at the same time from my office in the Woolworth Building in the middle of the day, of which those addressed to persons residing on the south side of the Harlem River were received that evening, while those addressed to persons on the north side of the Harlem River were not delivered until the next morning after the addressee had gone to business, and so was not received by him until he returned home that evening. This service is less efficient than that in any rural community with which I am familiar.

For some time the extension of the pneumatic-tube service under the Harlem River, which carries a commerce of 15,000,000 tons per annum, having a value of more than $1,500,000,000, necessitating the opening with great frequency of the many drawbridges that cross the river and seriously interfering with the transportation of the mails from Station L to Stations X and R in The Bronx by automobile, has been agitated. My colleagues [Mr. BENNET and Mr. BRUCKNER] and myself endeavored to secure the adoption of an amendment authorizing this extension when the Post Office appropriation bill was under consideration last year. While we failed, we were subsequently encouraged by the committee. Then came the report of the departmental commission appointed by the Postmaster General.

The service ought to be extended.

NEW YORK, *February 24, 1916.*

Hon. MURRAY HULBERT,
House of Representatives, Washington, D. C.

DEAR SIR: By direction of the police commissioner, receipt is acknowledged of your communication addressed to him under date of February 23, requesting information as to the total number of persons and vehicles passing the intersection of One hundred and forty-ninth Street and Third Avenue for a period of 24 hours.

The recent count made by this department was for a period of 10 hours, from 8.30 a. m. until 6.30 p. m., during which period there was a total of 69,640 pedestrians and 7,344 vehicles counted as passing that point in all directions.

Respectfully, LAWRENCE B. DUNHAM,
Third Deputy Commissioner.

UNITED STATES POST OFFICE,
New York, N. Y., February 25, 1916.

Hon. MURRAY HULBERT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. HULBERT: The following data are submitted in reply to your letter of the 22d instant:

	Station R.	Station X.
Gross receipts Jan. 1 to Dec. 31, 1915	$164,481.09	$93,664.62
Expenses Jan. 1 to Dec. 31, 1915	119,193.40	97,815.58
Approximate number of pieces of ordinary mail matter handled daily:		
Dispatched—		
Letters and cards	25,000	22,000
Newspapers and periodicals	4,000	200
Circulars and other printed matter	3,300	5,500
Parcel post	500	750
Special delivery articles	75	80
Delivered—		
Letters and cards	23,500	30,000
Newspapers and periodicals	1,500	2,400
Circulars and other printed matter	2,300	2,500
Parcel post	550	400
Special delivery articles	60	60

Number of daily deliveries, 5 in each station.

The estimated percentage of first-class mail (letters and cards) which would be transported by tube in the event of the extension of pneumatic-tube service:

For dispatch to other points, 95 to 97 per cent; for delivery on district, 90 to 92 per cent.

Very truly, yours, E. M. MORGAN, *Postmaster.*

On December 21, 1916, I introduced a bill providing for the extension, of which the following is a copy:

A bill (H. R. 19294) to extend the pneumatic mail-tube service and improve the efficiency of the postal system in New York City.

Be it enacted, etc., That the Postmaster General is hereby authorized to enter into contracts for the extension of the pneumatic mail-tube service from Station L to Stations X and R, and from Station J to College and Hamilton Grange Stations, in the city of New York; and the sum of $85,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this work.

The amount necessary in order to continue the pneumatic-tube service is $976,000. The gentleman from Massachusetts [Mr. TAGUE] has been good enough to add the $85,000 required for the extension above provided for, making the amount to which it is sought to increase the appropriation, as recommended by a majority of the committee, to $1,061,000. Unfortunately, this will only provide the money, and will not compel the Postmaster General to contract for its expenditure for the purpose intended. I conceive that a specific direction to that effect would, under the rules of this House, be subject to a point of order. But we may be able to get our relief in the Senate. In all events, I can hardly believe that the Postmaster General, who is not directly responsible to the people for the great office that he occupies, will defy the will of the people as expressed by their Representatives, whom they have chosen to act for them, and I trust that the amendment will prevail.

In conclusion, I wish to state that the representatives of the business interests in New York did not feel that the presentation of their case in behalf of the people of New York City would be complete if the Committee on the Post Office and Post Roads were not afforded an opportunity of coming to New York and making an inspection of the situation for themselves. So on behalf of the various organizations, whose representatives appeared at the hearing, I extended to every member of the committee an invitation to come over to New York. The committee intended to close its hearings on Thursday evening, December 14, and it was hoped that the members could conveniently arrange to spend Friday or Saturday, or both, of that week in New York City so that they could see not only the manner in which the pneumatic tube operates in New York City but so that they might appreciate the congested conditions, and I mentioned that we would try in the meantime, if we could, to provide them with a snowstorm. I would remind the gentlemen of this House that on the following morning we were accommodated both in Washington and New York with a lusty blizzard, but the committee did not feel able to avail themselves of the invitation.

Under general leave granted to extend my remarks, I desire to insert in the RECORD a letter which I received from the postmaster at New York, dated December 12, 1916, and the statements of Inspector Thomas Myers, in charge of the traffic department of the New York police department, and Mr. W. F. Deberard, representing the Merchants' Association of New York and other New York associations, who attended the hearing on December 14, 1916:

UNITED STATES POST OFFICE,
New York, N. Y., December 12, 1916.

Hon. MURRAY HULBERT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have before me your letter of the 11th instant requesting to be furnished with certain information regarding the pneumatic-tube service in this city, for use in the hearing next Thursday morning (Dec. 14) before the House Committee on Post Office and Post Roads, and in compliance therewith have to advise you as follows:

Question (1). Do you favor the authorized use of the pneumatic-tube connection between the customhouse and the appraisers' stores for postal purposes?

Answer. Yes; with suitable post-office connections.

Question (2). Would such use facilitate the delivery of first-class postal matter from the downtown financial and commercial district to the Foreign Station?

Answer. Yes.

Question (3). Would such service extend the time within which supplementary mail could be sent from the downtown financial and commercial district to vessels departing for foreign and domestic ports?

Answer. Yes; later mailing time would be possible for foreign supplementary mail.

Question (4). Can you estimate the percentage of first-class mail which would be transported by this tube in the event of its authorized use by the postal authorities?

Answer. All of the first-class mail from the downtown financial and commercial district for foreign dispatch mailed between 4 a. m. and 11 p. m.

Question (5). Do you know what the additional expense to the Government will be to extend the use of this tube for postal purposes?

Answer. I am not aware of the additional expense involved; this would be a matter for departmental adjustment with the contractor for pneumatic-tube service.

In connection with the answers to questions 2 and 3, I have to state that there is absolutely no doubt that if this tube line were turned over to the Post Office Department it could be utilized to advantage in the transmission of mails. All of the letters, documents, etc., now transmitted through the line could be sent by the Post Office Department for the Treasury Department, and the surplus capacity of the line used to transport the regular mails, provided the line was connected to two of the present post-office stations, namely, Foreign Station and Hudson Terminal Station, both of which are located a short distance from the line, and it is very probable that some arrangement could be made with the New York Pneumatic Service Co. to operate it in connection with its system of mail tubes which connect the stations throughout the city.

Very truly, yours, E. M. MORGAN, *Postmaster.*

STATEMENTS BEFORE THE COMMITTEE.

Mr. HULBERT. Now, we have brought here to-day the inspector of the New York police in charge of traffic, with a view to giving you not only some facts with regard to congestion south of Forty-second Street—concerning which there does not seem to be any doubt in anybody's mind—but for the purpose of proving also that there is a very substantial congestion above Forty-second Street, and that the congestion above Forty-second Street is multiplying, and in some instances is greater now than the congestion below Forty-second Street,

because it seems to be the opinion of the Postmaster General and of the committee who have investigated this matter at his direction that there is less necessity for the operation of the tubes above Forty-second Street than there is below, and with that idea in mind I have brought from my office this morning this large map in order that the inspector, when we call him, may give you the respective areas of the borough, and then show you that the total amount of traffic in all four boroughs outside of Manhattan is less than that in the Borough of Manhattan.

I will therefore introduce Inspector Thomas Myers, of the New York police department, in charge of the traffic bureau.

STATEMENT OF MR. THOMAS MYERS, INSPECTOR IN CHARGE OF THE TRAFFIC DEPARTMENT, NEW YORK POLICE.

Mr. MYERS. Mr. Chairman and gentlemen, I have been sent here by the police commissioner of the city of New York, a man who never loses sight of an opportunity to preserve life, property, and limb of the people of the city of New York.

I have been sent here because I am directly in charge of the traffic squad of the entire city, not the Borough of Manhattan alone, which seems to be the borough now questioned, but the entire city.

Now, it may be of interest to you to know just what the traffic squad is and what they are trying to do. The police force of the city of New York, as you know, is composed of an army of nearly 11,000 men. The traffic squad is composed of 650 specially selected and specially trained men from among that 11,000, and is taught the manner and the best methods of regulating traffic. I have charge of those 650 men. Those men cover the important traffic centers throughout the city. Out of that 650 men we find it necessary to place all of them except 76 right in the Borough of Manhattan—a little spot on that map which you can see there—the widest point of which is but about 2 miles and the length 12½ miles at the longest point, 19 square miles of territory, two and a half million people.

Mr. HULBERT. Right there, Inspector, will you give us the figures showing the area of Manhattan Borough?

Mr. MYERS. Of the different boroughs?

Mr. HULBERT. Yes.

Mr. MYERS. The Borough of Manhattan is 19 square miles.

Mr. HULBERT (indicating on map). This is the Borough of Manhattan.

Mr. MYERS. Brooklyn, 21 square miles.

Mr. HULBERT. This is Brooklyn [indicating].

Mr. MYERS. Borough of Queens, 117 square miles.

Mr. HULBERT. This is Queens [indicating].

Mr. MYERS. Borough of The Bronx, 42 square miles.

Mr. HULBERT. This is The Bronx [indicating].

Mr. MYERS. Borough of Richmond, which is Staten Island, 57 square miles, three times as large as Manhattan.

Now, as I stated before, we find it necessary to place all of those men except 76 in the Borough of Manhattan, to properly regulate the traffic. That traffic has increased to such an extent in the last few years that we have laid awake nights thinking about it. We have studied, we have devised every way that could be thought of by human mind to regulate this traffic, and I want to say that we are now out to the last ounce in the matter of traffic regulations, the matter of handling the traffic on the streets of New York. And I dare say—and I do not fear contradiction in this—that we have the best traffic squad in the world; we have the best traffic regulations in the world, but notwithstanding all that, as I said before, we are out to the last ounce in the matter of handling traffic in the city of New York.

Mr. HULBERT. How many automobiles were there in New York during the past year?

Mr. MYERS. In 1915 there were 102,000. On yesterday there were 140,000, an increase of 38,000 in one year.

Mr. HULBERT. How many trucks were there in that 140,000?

Mr. MYERS. About 21,000.

Mr. HULBERT. And how many of those trucks were in the mail service?

Mr. MYERS. At the present time there are 123 mail trucks, averaging 2½ tons carrying capacity, 6 feet wide, 15 to 18 feet long; 20 parcel-post trucks; and 80 horse-drawn vehicles.

Mr. HULBERT. Now, by reason of your special study of the traffic problems of the city of New York, have you determined the needs and have you made any recommendation to the board of aldermen respecting the limitation or the control of the speed of trucks which are 2½ tons or more?

Mr. MYERS. Two tons or more.

Mr. HULBERT. Will you tell us what has been done with respect to that?

Mr. MYERS. From my experience since I have been assigned to the traffic squad and 26 years' experience in the city of New York, two years in charge of the entire traffic squad, eight years connected with the traffic squad in various ranks—lieutenant, captain, and up to inspector in charge of all the traffic squad—I have found it necessary, on account of the loss of human life caused by vehicles in the city of New York, to recommend—or to have my police commissioner recommend to the board of aldermen—that the speed limit of all trucks, 2½ tons or over, be reduced to 8 or 10 miles an hour. I recommended 8 miles an hour, but the commissioner submitted to the board 10 miles an hour. I am going to insist on that same thing again. Gentlemen, something must be done in the city of New York when you stop to think that every 14 hours of the 365 days in the year a human life is crushed out in the city of New York.

Mr. HULBERT. You mean by some vehicle?

Mr. MYERS. I mean by a vehicle—a street accident. One human life every 14 hours, and some person is maimed or injured in vehicular accidents every 23 minutes. The thing has gotten even to such a state as that in the city of New York.

Mr. HULBERT. Inspector, is there any device that you know of that can be attached to trucks having a capacity of more than 2 tons so that their speed can be mechanically regulated?

Mr. MYERS. I failed to state that at the same time I recommended that trucks be equipped with governors—speed governors—so that they could not violate the speed regulations.

Mr. HULBERT. Will you explain—if you will permit an interruption—will you explain the difficulty that you have in regulating the speed of mail trucks at the present time as compared to other automobile vehicles?

Mr. MYERS. I was just going to reach that. I was going to say that had I been called down here—or sent down here—to help take the present mail trucks that we have in the city of New York off the streets, why, I would not have been surprised at all; but I was really surprised when the police commissioner said, "They are trying to give us more mail trucks in the city of New York; see what you can do. You know what the trucks are doing to the children and the people of this city."

Now, from my experience I consider one mail truck at the present time, on account of the right of way which we give the mail trucks and the right of way which they take—and which every policeman is loath to interfere with on account of the United States mails——

The CHAIRMAN (interrupting). While you are right on that I want to ask you, does that tend to make the Government truck safer or not?

Mr. MYERS. It makes it more dangerous.

The CHAIRMAN. More dangerous, when everybody gives them the right of way, more dangerous than any other time?

Mr. MYERS. Yes, sir; the mail driver drives out from his post office and he jangles his bell and he rushes through the streets, and other drivers of horse-drawn and motor vehicles have to jam their brakes and traffic must be stopped and pedestrians run to the sidewalk. Every day this occurs right from the old post office down in Mail Street and Park Row. I see it every day of my life; the mail truck coming out from that post office and going right through the crowded streets.

Mr. MADDEN. Haven't you the same right to regulate the speed of the mail traffic that you have the other traffic?

Mr. MYERS. Yes, sir.

Mr. MADDEN. Why don't you do it?

Mr. MYERS. Well, we do it to this extent: You understand that the speed ordnance of the city of New York now permits 15 miles an hour, and that between 15 and 20 miles we must show that there was some recklessness. As a matter of fact, that makes the speed limit practically 20 miles an hour. Now, a truck of 2½ tons, loaded, going through the streets at 18 or 20 miles an hour—which they do—is dangerous, because a man can't stop a truck the same as he can a pleasure automobile.

Mr. COX. Have you any record showing how many of these persons were killed by mail trucks, when you say that one was killed there every 14 hours in the last year?

Mr. MYERS. No, sir; I haven't any record of that. I just got this notice yesterday to come down here, and I didn't have time to get statistics together, but here is the data I have:

Out of the persons killed there were 102 children under 6 years old; 179 between the ages of 6 and 16.

The CHAIRMAN. Where were they killed; where these pneumatic tubes run?

Mr. MYERS. They were killed by trucks; killed by motor trucks in 1915.

Mr. COX. As I understand you, you say you have no data showing how many people were killed by Government mail trucks during the last year?

Mr. MYERS. No, sir; I do know that people have been killed, but I haven't the data of the exact number.

Mr. COX. You have no data showing how many persons were injured by Government mail trucks, when you say there would be a person injured every 23 minutes? You have no data showing how many were injured by mail trucks?

Mr. MYERS. No, sir; but I do know people have been injured by mail trucks.

Mr. COX. Does the data show in what part of the city these injuries occurred, as Judge MOON indicated here? Has it occurred in the territory where the tubes are located, or other places as well?

Mr. MYERS. The Borough of Manhattan shows a greater percentage than any of the others.

The CHAIRMAN. You mean all over the city?

Mr. MYERS. No; I mean all over Manhattan.

The CHAIRMAN. How many trucks are there running in the city of New York?

Mr. MADDEN. Six thousand, about.

Mr. MYERS. I have the data of commercial trucks here. Commercial wagons, of course, might mean small wagons. There were 21,000 licensed as commercial.

The CHAIRMAN. How many automobiles are there that aid in that congestion of the city?

Mr. MYERS. One hundred and forty thousand.

The CHAIRMAN. That covers the whole city?

Mr. MYERS. Yes, sir.

The CHAIRMAN. Now, how many Government trucks are there?

Mr. MYERS. I just gave it to you, sir. I was just giving it for the Borough of Manhattan, 143, and 80 horse-drawn.

The CHAIRMAN. One hundred and forty-three out of a total of what?

Mr. MYERS. Twenty-one thousand trucks.

The CHAIRMAN. That includes, of course, the trucks that carry all of the Government mail except about 10 per cent, 60 per cent of which goes through the tubes. Now, there is a little balance of it that goes by the trucks, doesn't it?

Mr. MYERS. I don't understand you.

The CHAIRMAN. What part of the letter mail goes by automobile?

Mr. MYERS. I can't answer that.

The CHAIRMAN. Now, just assume that it will take 20 to 25 more trucks in the whole of the city of New York to carry the amount of first-class mail that is now conveyed through pneumatic tubes, how much would that add to the danger to life and property in your city?

Mr. MYERS. Twenty-five, did you say?

The CHAIRMAN. Yes.

Mr. MYERS. I would, in the lowest estimation, say that by adding 25 mail trucks to the traffic of the city of New York you are adding 250 trucks actually to our traffic and the matter of operation, the matter of dealing with other vehicles, and the danger that they would cause.

The CHAIRMAN. Let us call it 250 that were added, what proportion would that bear to the whole number of trucks and automobiles, and things that congest traffic?

Mr. MYERS. Well, the only way that I can answer that——

The CHAIRMAN (interposing). How many automobiles did you say they have?

Mr. MYERS. One hundred and forty thousand.

The CHAIRMAN. 140,000 automobiles and 21,000 trucks. How many wagons are there?

Mr. MYERS. 73,000 about—73,000 last year.

The CHAIRMAN. How many does that make as a total?

Mr. MYERS. 214,000.

The CHAIRMAN. 214,000 vehicles there now, and you say if the Government should see fit to put in 25 more or 250 more, as the case may be, that it would make an intolerable condition in traffic and make it dangerous to life.

Mr. MYERS. Mr. Chairman, I say the condition is now intolerable, and to add one more drop to the already full bucket is going to show more than if you were shy 100,000.

Mr. STEENERSON. In what respect does the traffic rules that you enforce against mail drivers differ from those enforced against all other trucks? Or do you treat them the same?

Mr. MYERS. No, sir.

Mr. STEENERSON. Where is the difference?

Mr. MYERS. They are given the right of way; that is, if we establish a one-way street, which we have already found it necessary to do in the Borough of Manhattan, where we have 27 or 28 one-way streets—streets in which vehicles must travel in one direction—the mail wagon don't respect our one-way streets, because they say they have contracts and can't go around the block, but must take the shortest route they can, even against this congested traffic.

Mr. STEENERSON. Well, you permit them to go in the opposite direction from other vehicles?

Mr. MYERS. Yes; where they desire to do so.

Mr. STEENERSON. That is one distinction. Now, is there any distinction as to the speed?

Mr. MYERS. They are governed by the same speed regulations; yes.

Mr. STEENERSON. You enforce the same regulations as to speed on them?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. But the difference is that you have to allow these Government automobiles to travel either way.

Mr. MYERS. Well, I might add a little further to that. They are given special privilege when they are coming to street crossings. Other vehicles a great many times are held up to allow them to proceed.

Mr. STEENERSON. That is in the discretion of the policeman—the traffic officer. He holds them up, gives them the signal not to cross.

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Now, he signals them not to cross if they are private automobiles or trucks, but being mail wagons he may permit them to cross?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Out of order; but he wouldn't do that if there was danger of a collision, would he?

Mr. MYERS. No, sir.

Mr. STEENERSON. He would use his own discretion as to whether it was safe to permit a mail wagon to cross?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Is there any other distinction?

Mr. MYERS. Yes, sir; there is another distinction that seriously interferes with the control of chauffeurs of mail trucks, and that is that if they violate any law they must not be in any way interfered with or stopped, but the officer must proceed with them to the end of their route, no matter where that is—at the end of upper Manhattan—before they place them under arrest.

Mr. STEENERSON. That is the law.

Mr. MYERS. That is the rule that we work under in New York. That is in order not to interfere with the mail.

Mr. STEENERSON. In consideration that the mail must not be stopped.

Mr. MYERS. Yes, sir.

The CHAIRMAN. Now, you say these special privileges that you have given to Government trucks make them more dangerous than the others?

Mr. MYERS. Yes, sir.

The CHAIRMAN. Well, now, you have the right in the city of New York to enforce your regulations against the Government vehicle as well as others; why don't you enforce it?

Mr. MYERS. They have the right of way, Mr. Chairman, that we couldn't take away from them.

The CHAIRMAN. Of course they have got the right of way, but they have got no right to violate the ordinances of your city.

Mr. STEENERSON. Well, Mr. Chairman, as I understand it, the city, I suppose with the cooperation of the Government, has established these rules for the government of the traffic squad.

Mr. MYERS. Yes, sir; to facilitate the movement of the mail.

The CHAIRMAN. That is true, but you must not put the blame upon the Government if there are disadvantages arising from your own traffic regulations.

Mr. STEENERSON. Has the question ever arisen as to whether the Government could enforce this privilege over other traffic or not?

Mr. MYERS. That has never been done, to my knowledge.

Mr. STEENERSON. But it is assumed without question that you can not arrest a mail driver until he comes to the end of his route.

Mr. MYERS. Yes; otherwise you would be interfering with the United States mail.

Mr. STEENERSON. And that has the preference over other traffic?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. That is what is supposed to be the law, whether it is or not?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. And that is the way you enforce it?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Well, this permitting them to go in the opposite direction from other vehicles on certain streets, where there is a one-way traffic established, has that ever been discussed as between the Federal officers in charge of the mail and the city officers; or is that simply a concession that you make?

Mr. MYERS. That is just a concession.

Mr. STEENERSON. You say they claim they have contracts that require them to travel both ways?

Mr. MYERS. I have heard that expressed by one connected with some one or other of the stations when I visited the stations to take up the matter of establishing one-way streets. "We can't go through there because that would mean 30 seconds or a minute more, and would mean so much more mileage," they would say.

Mr. STEENERSON. The objection was raised on the part of those in charge of mail traffic that their contract required them to travel in that direction, in the opposite direction from the rest of them?

Mr. MYERS. Well, I wouldn't say just in so many words. I would say that they claim that they have a contract whereby the mail has to be delivered in such and such time, and that they had figured on the basis of going through that street and in that direction.

Mr. STEENERSON. In order to make the schedule?

Mr. MYERS. Yes, sir; continuing around the block.

Mr. STEENERSON. And you conceded that right without any contention or dispute?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Supposing they had the superior right?

Mr. MYERS. Yes, sir.

Mr. TAGUE. Mr. Inspector, it is generally agreed that the Government requires of the city authorities that the wagons be given the right of way; isn't that the request from the Government?

Mr. MYERS. Well, since time immemorial, since I have known anything about the traffic or police business, they have been given that right. I can't say just how it is.

Mr. TAGUE. In your city, for instance, if you oblige the Government trucks to live up to your street requirements they never would get the mail to its destination on time?

Mr. MYERS. Certainly not.

Mr. TAGUE. Now, again, when you follow a driver to the end of his route you are not allowed to take him off his mail wagon until a substitute can be put in his place?

Mr. MYERS. That is right.

Mr. TAGUE. Do you know of any time where a mail driver in your city—how many times have they been found guilty of violating the law, so far as violating the traffic laws are concerned, at least, by overspeeding? Isn't it generally conceded that they are allowed the right of way?

Mr. MYERS. I am not prepared to answer that question definitely.

Mr. MADDEN. Your own point is that the traffic in the city of New York is too dense now; that you can't put any more traffic on the streets with due regard to the safety of life and limb?

Mr. MYERS. That is what I am here for; yes, sir.

Mr. HULBERT. Inspector, the fact is that at points of intersection, where there is special congestion, you endeavor to move the traffic first in one direction and then in the other direction on the cross streets by periods, do you not?

Mr. MYERS. Yes, sir.

Mr. HULBERT. And if after you have begun to move the traffic uptown on a street or avenue going north and south, a mail wagon is approaching on a street running east and west, you have to break into the traffic moving in its regular period, in order to permit the mail wagon to cross, don't you?

Mr. MYERS. Yes, sir.

Mr. HULBERT. And the fact of your breaking in on that period, under those circumstances, prevents the continuity of the periods in which you attempt to move the traffic, does it not?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Another question there—whether it is legal or not, as I understand it, you do give the mail trucks preference in certain respects over other trucks, and I would like to know whether, in your opinion, the addition of more mail trucks would endanger the people on the streets more—that is, one additional mail truck—whether it would endanger pedestrians and other traffic there more than the addition of another truck of equal size, whether they are more dangerous on account of the special privilege you extend to them?

Mr. MYERS. Yes, sir; and that, combined with the special privileges that they take where policemen, where traffic policemen are not stationed, amounts to 10 to 1.

Mr. STEENERSON. They are more dangerous than other trucks, then?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. For these reasons?

Mr. MYERS. Yes, sir.

Mr. HULBERT. Inspector, assuming that there were no mail trucks on the streets of New York at all, so that there would be no special privilege to any class of vehicles upon the streets, wouldn't that fact make more easy the regulation of traffic north and south, east and west at points of congestion? Now, is not the action of the police officer influenced by the fact that these mail wagons are carrying the United States mail?

Mr. MYERS. Yes, sir.

Mr. HULBERT. Has any action been taken by your department to prevent the use by mail wagons of the one-way streets by going in the opposite direction?

Mr. MYERS. No, sir; we haven't taken any action to prevent them going in opposite directions. They have, in establishing one-way streets, taken it up with the postmaster in New York, and he cooperated with us in so far as a little regulation of Dye Street at the lower post office; but that interfered much which way the trucks went.

Mr. HULBERT. Is not the effect of a mail wagon going in the wrong direction on a one-way street to tie up all of the vehicles on the block in that street until the wagon has traversed the entire distance of that block?

Mr. MYERS. Well, I wouldn't say that it would tie it up for the whole block, but it would tie it up just at the place where they met.

The CHAIRMAN. Just the length of the truck.

Mr. MYERS. Probably two or three trucks, not one truck.

Mr. STEENERSON. To what extent would it delay the mail to have them comply with the rules as to one-way streets? Would it materially delay the transportation of the mail?

Mr. MYERS. Yes, sir; if the mail wagons are required to comply with the one-way streets that we are now establishing and traveling at times blocks six or seven hundred feet long to go around and come up right in the other streets, they will travel miles farther than they are traveling now, and instead of 25 or 30 minutes they will be an hour and fifteen or an hour and a half going over the same route to comply with the regulations. And I want to say right here, if we are successful in getting by this ordinance this coming winter before the board of aldermen reducing the speed of all trucks to 8 or 10 miles an hour to preserve life, and then have them comply in addition to that with traffic regulations, the speedy movement of the mail will be at an end in the city of New York.

Mr. MADDEN. Mr. Inspector, you stated a few minutes ago that one mail truck on the streets of New York, on account of its having the right of way on the street, on account of the reckless manner in which the driver is operating the machine, would be equivalent to 10 privately owned and operated trucks.

Mr. MYERS. Yes, sir.

Mr. MADDEN. The chief of the traffic squad of Philadelphia, in his testimony the other day, said that 1 mail truck was equivalent to 322 privately owned trucks. You don't agree with him?

Mr. MYERS. I am not responsible for him.

Mr. HULBERT. May I interrupt you to suggest that the streets of Philadelphia are very much wider than they are in New York.

Mr. MYERS. I want to be conservative.

Mr. STEENERSON. I would like to ask you—as I understand your view, it is that the danger from congested traffic is constantly growing?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. And that it has now reached a point where it is necessary to have more strict traffic regulations?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. And that if you do have more strict traffic regulations, slower speed, more one-way streets, and if you enforce these traffic regulations as against all vehicles, not only Government vehicles but other vehicles, that it will increase—it will either delay the transportation of the mail unreasonably or it will make underground transportation of mail absolutely necessary to the safety of the people of New York?

Mr. MYERS. That is exactly what I claim; yes, sir. And now I can not understand for my life why anyone would suggest putting more trucks on the streets of New York when we are racking our brains to get underground channels for pedestrians to cross thoroughfares, overhead viaducts, or some way to getting out of this terrible traffic jam.

Mr. STEENERSON. In other words, you claim the only alternative we have is either to have a delayed mail service—an unreasonably delayed mail service—or greater facility on the streets?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Why, by reason of congested travel?

Mr. MYERS. Yes, sir; that is it exactly.

Mr. HULBERT. You have some figures here with regard to the question of congestion, haven't you?

Mr. MYERS. Yes, sir.

Mr. HULBERT. Suppose you present those figures to the committee. Give us, first of all, the average congestion in the city.

The CHAIRMAN. Before you do that, I want to ask you a question. How rapidly is the automobile being used—increasing in use on those streets?

Mr. MYERS. It increased within the last year 39,000.

The CHAIRMAN. Well, now, do you expect that to be the limit or will there be more?

Mr. MYERS. Not when Ford is making them for $340 apiece. I can't see any limit.

The CHAIRMAN. If they continue at that rate of increase for a year or two, you won't be able to move on that street at all, will you?

HELP PROTECT YOURSELF.

Here are some specific rules to help you save your life and property:

You who walk: (1) Don't run across streets through heavy traffic. The busiest man I know wastes at least 30 minutes a day. Why risk your life to save 5 seconds crossing the street? (2) Over 22,000 persons were injured last year and 650 killed by street accidents. That means 1 person killed every 14 hours and 1 injured every 23 minutes. (3) Cross streets at crossings only. Watch for the policeman's signals. He is always willing to help you. (4) Never attempt to cross a street with a bundle or umbrella over your head or reading a newspaper. Either hides oncoming vehicles from your view. (5) Never jump off a moving car. Wait for it to stop, and then look out for traffic. (6) Stand still if you get caught in a traffic jam. It may save your life. (7) Children suffer the heaviest toll of death because they are the most reckless.

Here are some of the ways in which children, the heaviest sufferers, are killed or hurt: Hitching on backs of wagons or street cars, roller skating in the roadway, sliding on push mobiles in the roadway, daring each other to run across the street in front of approaching vehicles, engaging in street fights, building bonfires, playing on fire escapes and unprotected roofs, riding bicycles in heavy-traffic streets. Advise your children not to do these things.

You who drive: (1) Help people to help themselves. (2) Don't imagine you are within your rights if you go at the maximum speed allowed by law. You must not endanger the safety of others. (3) Your responsibility does not end with the honking of the horn when others are in your path. (4) Your automobile may be under control, but how about the other fellow's? He may be a crazy man. You don't know. (5) Be sure your brakes are right and your steering gear is true before leaving the garage. (6) Learn the hand rules, and always signal before making a turn or coming to a halt.

Here are some precautions against—

Burglars: (1) When you leave your house don't advertise the fact by pulling down the shades or by leaving a note in the letter box saying that you will be back at such and such a time. Sneak thieves profit by such advice. It is an invitation for them to enter. (2) Be careful not to admit strangers to your house or apartment. Make those who claim to be agents or delivery boys show their credentials. If in doubt, always telephone your caller's employer before admitting him. (3) When you go on vacation or close your house or apartment for any considerable time, be sure your windows and doors are fastened. Don't rely on ordinary locks. Nail the windows if necessary, and particularly dumb-waiter and fire-escape windows. Heavy bolt locks, independent of ordinary spring locks, are the most secure for doors. (4) When going away for the summer report the fact to the nearest station house, so that the patrolman may watch your property more closely. (5) When your front doorbell rings and you press the button and no one comes to your apartment notify the janitor immediately. You may have admitted a thief.

Pickpockets: (1) Be careful when you get into a crowd. Keep your coat buttoned up and an eye on your pockets. (2) Don't be too eager to pull out your watch and give the time of day to everybody who asks you for it. That's a good opportunity for somebody to grab it and run. (3) Never fall asleep in a subway, elevated, or surface car. This gives pickpockets a good chance to steal your valuables. (4) Don't show your money in public places. It is an invitation to criminals to follow, assault, and rob you. (5) Don't, when shopping, lay your hand bag on counters while looking at goods. This is the opportunity thieves are always waiting for. (6) Don't carry your hand bag suspended by a strap from your wrist. Hold it tightly in your hand. This prevents thieves from opening the bag or pocketbook and extracting your money or valuables from it.

Disease: (1) Respect your neighbor as much as yourself. Don't beat your rugs or stir up ashes so that your dirt will be blown into his apartment to fall on his food or be breathed by him. (2) Don't throw your garbage or ashes at the cans provided, and don't fill them to overflowing. Don't leave them uncovered. If you do any of these things, you are selfishly indifferent to the health and comfort of others. (3) Buy by standard weight or measure, not by basket or prepared package. (4) Don't buy fish, meat, or fruit from dirty dealers who fail to protect their wares from dust, dirt, and flies. (5) Report to the health department any insanitary conditions. (6) The policeman is your friend; get his advice. (7) If you are well, keep well by helping others. (8) Don't spit on the sidewalks and public floors, to the disgust and danger of other persons.

Miscellaneous: (1) Have you a good, clear description of your personal property? Could you, if requested, quickly supply a description of each member of your family? Such descriptions are essential if anything serious should happen in your house. Write them in a book. (2) If you lose your watch you should be able instantly to give the police its case and movement number and a good description of the timepiece. (3) Keep your eyes open. Learn to observe. It costs nothing and it is a habit that once formed will always help you. (4) When you see a crime committed, or observe a suspicious person or condition, notify the police at once. The more you cooperate with the police the more the police can accomplish for you. (5) Don't put flower boxes or other loose objects on your window ledges unless properly secured. Many persons are seriously injured every day by such articles. (6) Don't place anything on the fire escape which would obstruct it in case of fire. To do so is nothing short of criminal. (7) Regard the policeman as your best friend. You are paying him to keep your street safe and orderly. He is entitled to your help.

Take this home and hang it up.

ARTHUR WOODS,
Police Commissioner.

Mr. MYERS. Mr. Chairman, that is true. If they continue at that rate, it will not be a matter of traffic regulation; it will not be stopping and starting traffic; it will be a procession, a parade, and it is almost to that point now.

The CHAIRMAN. The most dangerous thing of all, the thing that imperils New York, is the Government trucks?

Mr. MYERS. No, sir; I am not biased. It doesn't make any difference to me, except that I should say that the Government trucks, in my opinion—1 truck amount to putting 10 commercial trucks on the street, because the commercial trucks will keep to the right-hand curb and are governed by the signal of the traffic man, and they are ready to obey, because they know they will be yanked if they don't.

Mr. COX. What average speed does the auto traffic in the congested districts maintain?

Mr. MYERS. You mean the ordinary traffic?

Mr. COX. The average speed. Now, take one of your congested districts that you have been talking about, how long will it take an automobile traveling with the procession, along with the congestion, say, to travel 5 miles?

Mr. MYERS. I would say that it would be about 8 miles per hour.

Mr. COX. That would be the average rate of speed of the auto trucks in your congested districts per hour?

Mr. MYERS. Well, they keep up; the auto trucks keep up, as a rule.

Mr. COX. The average rate of speed is about the same between the automobile and the auto truck in the congested districts?

Mr. MYERS. Yes, sir.

Mr. COX. About 8 miles per hour?

Mr. MYERS. Yes; about 8 miles an hour, counting stopping and starting.

Mr. RANDALL. Now, you say that a Government mail wagon or a Government automobile is ten times as dangerous as a private automobile; it will average that?

Mr. MYERS. Now, I don't think I said it in just so many words.

Mr. RANDALL. You said the addition of 1 Government wagon would amount to 10, as compared with 1 commercial wagon.

Mr. MYERS. I mean the general regulation of traffic, because other drivers have to pull up and turn out and give way, and all that, and it amounts to placing 10 trucks on the street, in my opinion.

Mr. RANDALL. Do the drivers of Government mail machines claim authority or any permission or instruction from the department to violate local regulations?

Mr. MYERS. I don't know what they claim.

Mr. HULBERT. What is the ordinance on that point?

Mr. MYERS. The ordinance is that they are supposed, in so far as speed is concerned, it specifically states—of course that takes in the Government trucks, the speed ordinance——

Mr. RANDALL (interposing). Do you not know, as a matter of fact, that the instructions from the Post Office Department to drivers of Government-owned mail machines are that they will obey the local regulations absolutely, and that the violation of local regulations will be considered cause for removal?

Mr. HULBERT. I would like to state that there are no Government-owned machines in New York City. The machines are owned by contractors who do the work under contract for the Government.

Mr. RANDALL. Then you can not hold the Government responsible for the contractor.

Mr. HULBERT. That is the difficulty; we can't hold anybody responsible.

Mr. MADDEN. The point that makes them dangerous is the fact that they are obliged to make a train within a given period of time?

Mr. MYERS. Yes, sir; and if they are held up—which they must be by the conditions of traffic—I mean the enormous amount of traffic that is on the streets of the city of New York at the present time—if they are held up, which they are bound to be at places, then when they get through they are going to make time to meet the train or get to their destination.

Now, it seems to me, that if we could have more underground channels, instead of less, and get the vehicles off the streets it would be a great thing.

Mr. COX. How many square miles of congested district in New York City do you have?

Mr. MYERS. Well, I will say in Manhattan it is about all congested.

Mr. COX. How many square miles does that amount to?

Mr. MYERS. Nineteen square miles.

Mr. COX. Have you any figures or data showing how many people visit Manhattan every day?

Mr. MYERS. The borough president said that there were 1,000,000 visitors in addition to the two and a half million already there.

Mr. COX. That makes three and a half millions per day.

Mr. MYERS. Yes, sir. May I add in connection with that, that a tabulation the department has made here last November—it is greatly increased over that—November a year ago, 1916—on 464 crossings——

Mr. COX (interposing). In Manhattan?

Mr. MYERS. On Manhattan—show that on those crossings, to and fro, 15,000,000 crossed.

Mr. HULBERT. Every day?

Mr. MYERS. No; within 10 hours; 15,345 pedestrians.

Mr. HULBERT. How many vehicles?

Mr. MYERS. Something like 3,000,000 vehicles. "

Mr. HULBERT. Right at that point, Inspector——

Mr. MYERS (interposing). That means back and forth. That is, on 464 crossings.

Mr. HULBERT. Right at that point, will you tell the committee how the total vehicular traffic of the Boroughs of Richmond, Brooklyn, Queens, and The Bronx, taken collectively, compares with the vehicular traffic of the Borough of Manhattan alone?

Mr. MADDEN. That is every 10 hours, you mean?

Mr. MYERS. Well, I will give you the 10 hours for—in the Borough of Brooklyn 236,262 vehicles cross the street intersections. You understand I mean that is not all the street intersections in the Borough of Brooklyn, but only a tabulation.

Mr. HULBERT. That is at the point of congestion?

Mr. MYERS. Yes, sir.

Mr. HULBERT. For a period of 10 hours?

Mr. MYERS. Yes, sir; and 36,843 pedestrians.

Mr. STEENERSON. Is that the total at all crossings?

Mr. MYERS. No; at the congested intersections.

Mr. STEENERSON. At each crossing?

Mr. MYERS. No; at all the crossings in Brooklyn.

Mr. COX. How many traffic men do you have?

Mr. MYERS. Six hundred and fifty; but in addition to that it has gotten to such a state in the city of New York that every man is more or less a traffic man. Our police commissioner insists that they pay special attention to the traffic on account of this enormous amount of loss of human life.

Mr. STEENERSON. Have you a minimum rate of speed for automobiles and trucks there as well as a maximum?

Mr. MYERS. No, sir.

Mr. STEENERSON. Have you considered any other remedy for this congestion except the lessening of the number of trucks? Have you considered the question of excluding private and pleasure automobiles entirely from your streets?

Mr. MYERS. No, sir.

Mr. STEENERSON. Wouldn't that be a remedy?

Mr. MYERS. Well, of course, any vehicle that you would exclude from the streets would be a remedy.

Mr. STEENERSON. And why haven't you considered the question of placing the sidewalks on the second story, the same as they have over in Chester, England, where the people walk on the second story and leave the street to the vehicles?

Mr. MYERS. I wish we had some second-story sidewalks, underground sidewalks, or underground channels whereby we could get out of this maze of traffic.

Mr. MADDEN. Those second-story sidewalks in Chester, England, were built 3,000 years ago.

Mr. HULBERT. We used to have bridges across Broadway in New York 60 years ago.

Mr. MADDEN. There were only about 2,500 people living in Chester, England, then, too.

Mr. STEENERSON. I only asked if they considered placing sidewalks on the second story.

Mr. HULBERT. I think, gentlemen of the committee, if you would permit the inspector to give you at random a few of the statistics in regard to the congestion at points in different sections of the city, perhaps we would get a better perspective.

I would suggest that he take up Manhattan first.

The CHAIRMAN. Before you do that I want to ask you—is it your opinion that it would be advisable to take all of the mail service off of the streets and put it underground in New York?

Mr. MYERS. Absolutely.

Mr. MADDEN. Of course, you are not an expert mail man?

Mr. MYERS. I don't know anything about the tube at all.

The CHAIRMAN. Now, if that were done, if those 180 vehicles were taken off, would that add materially to your progress on the streets there, considering the large number of automobiles?

Mr. MYERS. Mr. Chairman, yes, sir. I will say that 95 per cent of the complaints that I get personally are about the mail trucks. "Why do you permit mail trucks—I was nearly run down at such a corner last night by one of those juggernauts; why do you permit those things?" Those are the kind of complaints that we have to investigate.

New York is dead against the mail truck on top of the ground. I am dead against anything that is going to jeopardize human life. I am not here in the interest of the pneumatic tube; I do not know anything about pneumatic tubes; but I am here in the interest of street traffic and safety. This comes from the heart when I tell you that.

The CHAIRMAN. You think the great danger, then, that is pending now and that you want to avoid is the addition of about 1½ per cent of the present traffic in mail to your streets? That is about what it will be.

Mr. MYERS. I didn't know until you made the statement that that is true.

The CHAIRMAN. You are carrying everything now, except about that much, on top of the ground.

Mr. MYERS. There is too much now.

The CHAIRMAN. Well, that carried by the tubes underground is a very small percentage of the mail, and the other can not be carried underground by the tubes at all; and your contention is that you are much imperiled if we add 1½ per cent to the amount of mail we are now carrying over the streets?

Mr. MYERS. If you only add one hundredth part of 1 per cent, you add something, and if that one mail truck——

The CHAIRMAN (interposing). Why is it that your contention is against this Government service, when you are permitting daily and hourly increase of automobiles by the hundred, that greatly more add to the danger?

Mr. MYERS. Mr. Chairman, we have never been given an opportunity to appear, to curtail the number of trucks that are on the streets of the city of New York now.

The CHAIRMAN. Now, isn't this the point about the whole matter, that New York feels that it would be—that it would have a better service for its letter mail than is now had?

Mr. MYERS. That does not enter into it.

The CHAIRMAN. That is about all there is to it, and that seems to me—it does not appeal to my judgment at all—that there is any disadvantage to New York's traffic in adding 1½ per cent to the surface traffic. It is the question of your having the tube service, rather than any contention in reference to that traffic proposition, because it is so infinitesimal that I can not see myself that it would make any great difference, particularly when you are adding to the automobiles by the hundreds and making no effort whatever to stop that.

Mr. MYERS. Mr. Chairman, they have made efforts to limit them. We have made efforts to limit the size, weight, and character of motor trucks. We have made efforts to reduce the speed of the motor trucks.

The CHAIRMAN. You gentlemen understand that the recommendation of the department goes to the extent of interfering with this particular part of your city's transportation by tube?

Mr. HULBERT. Of course.

The CHAIRMAN. What is the recommendation, as you understand it, with reference to this particular section?

Mr. HULBERT. Are you referring now to the section below Forty-second Street or above Forty-second Street?

The CHAIRMAN. The section where he says this street congestion is.

Mr. HULBERT. He is talking generally now with regard to the congestion of the whole Borough of Manhattan.

The CHAIRMAN. Then, hadn't you better get down to just what you want to suggest?

Mr. HULBERT. I was just trying to do that on two occasions, but the chairman interrupted me and stated before I did that he would like to ask some further questions, so I have not pressed the matter.

The CHAIRMAN. Then go ahead.

Mr. HULBERT. Now, will you give us the figures, selecting any points in the Borough of Manhattan above and below Forty-second Street, merely for the purpose of comparison?

Mr. MYERS. Yes, sir.

Mr. MADDEN. Don't you think, Mr. Hulbert, that, having stated that there are 15,000,000 pedestrians pass over 400 crossings in the Borough of Manhattan a day, and 3,000,000 vehicles, that that is the statement of the case?

Mr. HULBERT. Well, it might be interesting to the committee to know that we can pick out specific instances below Forty-second Street where more people pass in 10 hours than there are in the State of Nevada.

Mr. MADDEN. Yes; we know that. I think the statement he has made ought to cover the case, and I think we know that fact anyway.

Mr. MYERS. Now, gentlemen, the only thing I want to say further is this, that if, by my coming down here it would mean keeping five more motor trucks off the streets of the city of New York, that it would be worth the trip.

Mr. HULBERT. Well, Inspector, won't you give us a few of those figures? I just want to show the spread of congestion?

Mr. MYERS. Well, gentlemen——

Mr. RANDALL. Why not have him compare the traffic congestion above and below, instead of comparing it to the State of Nevada?

Mr. HULBERT. That was only a gratuitious suggestion on my part. He isn't comparing it to the State of Nevada.

Mr. MADDEN. There is just as much congestion above Forty-second Street as there is below, is there not?

Mr. MYERS. In a great many places there is just as much congestion above Forty-second Street as there is below.

The CHAIRMAN. There are more vehicles pass around Fifty-ninth Street and Broadway and Columbus Circle than any other place in New York. There are 39,000 vehicles and 91,000 pedestrians pass around Columbus Circle.

Mr. HULBERT. Now, will you give us a few of the figures uptown?

Mr. MYERS. Take it uptown in New York, at Central Park and West Ninety-sixth Street, 8,310 vehicles and 127,000 pedestrians at one crossing.

Mr. MADDEN. In a day?

Mr. MYERS. Yes, sir.

Mr. HULBERT. Central Park west is a thoroughfare upon which there are trolley tracks.

Mr. MYERS. Trolley tracks on one side of the roadway, and vehicles must pass up and down on the westerly side of those tracks. It is very dangerous. There isn't a year that two or three people are not killed on that street.

Mr. HULBERT. That is all in 10 hours?

Mr. MYERS. Yes, sir.

Mr. RANDALL. Are there any mail wagons that travel across that crossing?

Mr. MYERS. Well, I see mail wagons traveling all over. I see them in my dreams. [Laughter.] That is how much it amounts to in the city of New York. I don't care whether the Government operates them or private individuals.

Mr. MADDEN. You are simply talking about the traffic, aren't you?

Mr. MYERS. Yes, sir. Now we will take way over on the East Side, at Third Avenue—that is over in The Bronx. We will take some figures in The Bronx, Third Avenue and One hundred and twenty-fifth Street, 11,000 vehicles and 25,000 pedestrians. That is well uptown. I am comparing these to show that below Forty-second Street is not the only congestion in the city of New York.

Mr. STEENERSON. You are talking about The Bronx, now?

Mr. HULBERT. He is talking about Manhattan. He started to give some figures and then he said they were in The Bronx, and he wouldn't give those.

Mr. MYERS. One hundred and sixteenth Street and Lenox Avenue, 7,000 vehicles and 22,000 pedestrians. That is in the Harlem section.

One hundred and sixteenth Street and St. Nicholas Avenue, 11,000 vehicles and 21,000 pedestrians.

Mr. MADDEN. How far is that from the Battery? How far north?

Mr. HULBERT. Here is the Battery here [showing on map], Mr. MADDEN. The point he is talking about is at the upper end of Central Park west, I should say about 7½ or 6 miles.

Mr. MADDEN. The congestion is all the way from the Battery to a point 7½ miles north?

Mr. HULBERT. And beyond that. There is great congestion at One hundred and twenty-fifth Street, the point he has just stated.

Mr. MYERS. One hundred and thirty-fifth Street and Lenox Avenue, 8,000 vehicles, 28,900 pedestrians in 10 hours. Now, these figures show down at Broadway and Fulton Street, 10,300 vehicles and 223,000 pedestrians, a parade, a continuous parade all day. You see the vehicles are lower there, 10,300.

Mr. HULBERT. What is the congestion, for instance, at Fifty-ninth Street and Second Avenue, and Fifty-seventh Street and Fifth Avenue, if you happen to run across that at the same time?

Mr. MYERS. Gentlemen, there are such miles of figures here that it takes quite a little time to find them.

The CHAIRMAN. Suppose you just put them in the record.

Mr. HULBERT. Can we put them into the record, Mr. Chairman?

The CHAIRMAN. Yes. Now, I want to get down to this question a little closer than we are. I think it is a little confusing. It is to me at least. Now, here is a summary of recommendations of the commission in which they say:

"That an advertisement be issued for proposals to perform mail service by pneumatic tubes in the city of New York, N. Y., in the territory south of the Grand Central and Times Square Stations, between all points which pneumatic-tube service is now in operation, and between the general post office of Brooklyn, from March 5, 1917, to June 30, 1926, subject to cancellation by the Postmaster General on six months' notice."

Now, the department concedes that you ought to have the tubes in all that territory, and it seems only that the question of six months' cancellation could be involved there. Now, second:

"That a separate advertisement be issued for proposals to perform mail service by pneumatic tubes in the city of New York, N. Y., in the territory north of the Grand Central and Times Square Stations, between all points between which pneumatic-tube service is now in operation, from March 5, 1917, to June 30, 1926, subject to cancellation by the Postmaster General on six months' notice."

There the six months' notice, it seems to me, is all that is in question. Third:

"That the proposals in response to the advertisements for mail service by pneumatic tube in the city of New York, N. Y., in the territory north of Grand Central and Times Square Stations be not considered for acceptance unless there be a material reduction from the present rate of payment."

It seems to me that is the only question involved there.

Mr. HULBERT. But our contention is that this whole system must be considered as a unit, and our contention is that if it is divided up into two units that it will result in a continuation of the service below Forty-second Street, but that it may not result in a continuation of the service above Forty-second Street; and we are attempting to show you that by the development of commerce in our city, the general trend of the business to move up town, that the necessity of protecting the future New York, as well as to take care of the present, requires that this entire matter should be regarded as a unit.

The CHAIRMAN. There isn't any reason, it seems to me, why there should be any less. Of course, considered as a unit—but why mistrust that part? The unit is conceded to you.

Mr. HULBERT. For the simple reason that unless this matter is treated as a unit, unless, for instance, it recognizes the principle that there is just as much reason for paying the same price above Forty-second Street as there is below; that if the opinion expressed by the Postmaster General is adhered to, we are likely not to be able to get service above Forty-second Street, and the service below Forty-second Street would be very substantially crippled if we did not have the service above Forty-second Street. However, all that matter, if the chairman please, is something that will be brought out by the next witness, whom I assume Mr. Bennet will call, Postmaster Morgan. I believe he is here. I merely wanted to lay down the foundation for what I understand Mr. Bennet is going to assume from the testimony of Postmaster Morgan, by first putting on the expert of the city to show general conditions of congestion, and with a few more questions, if the chairman will permit me, we will conclude with this witness.

The CHAIRMAN. Well, I was trying to make my position plain that I do not see any use of investigating a part of the city that is conceded under all circumstances.

Mr. HULBERT. We are talking now in regard to general conditions, but we expect to give you a comparison of conditions above Forty-second Street and below Forty-second Street, to show that there is the same necessity for continuing the unit above Forty-second Street as there is below Forty-second Street. Now, the chairman states there isn't any dispute with regard to conditions below Forty-second Street, and our contention is that the conditions above Forty-second Street are so similar in character to those below that there ought not to be any division of opinion with regard to the necessity of a continuation of the service above Forty-second Street. Now, if we were agreed in that, then what would be the necessity of dividing the unit at all? Why not consider the service a whole unit, as it has been considered in the past?

The CHAIRMAN. It is just reaching the minds of the committee, as to the conditions in that part of the city where there is contention.

Mr. HULBERT. That it what we are doing.

Mr. STEENERSON. For one, Mr. Chairman, I believe I would have them represent their case as we have it planned.

The CHAIRMAN. I have no objection to their presenting it that way, and I was only giving my own view about the matter. You can take any course you want to.

Mr. HULBERT. I understand the chairman has ruled that we may put figures in evidence without taking up the time to offer specific references.

The CHAIRMAN. Yes.

Mr. HULBERT. Now, Mr. Inspector, will you tell us what is the effect of snowstorms upon the movement of traffic, and particularly with respect to the larger-sized trucks in the city of New York in the wintertime?

Mr. MYERS. Well, it amounts to a great deal. We find the trucks which go on the street in the wintertime, on account of the new north and south channels in the city—they have put on above half a load, maybe less than half the time, on account of the few streets, the main channels of travel that are cleaned by the street-cleaning department at a time, and, as I say, the principal travel in the Borough of Manhattan in New York being north and south—the island being but about 2 miles wide, and there being few outlets for traffic, it amounts to a great deal.

Mr. HULBERT. And that delays the mail?

Mr. MYERS. That delays the mail.

Mr. HULBERT. The snow in New York City is removed by the city authorities, is it not?

Mr. MYERS. Yes, sir.

Mr. HULBERT. And, of course, they do not remove it from all the avenues and all the streets at one time?

Mr. MYERS. No, sir.

Mr. HULBERT. And the propensity of the vehicles, or the drivers of the vehicles, is to use the streets from which the snow has been removed?

Mr. MYERS. Yes, sir.

Mr. HULBERT. And that results in a great congestion, does it not?

Mr. MYERS. Yes, sir.

Mr. HULBERT. And has a tendency to retard expeditious delivery of mail, where the mail is being taken to the trains or brought from the trains, if they are automobiles or horse-drawn vehicles?

Mr. MYERS. Yes, sir.

Mr. HULBERT. Now, to what extent are the conditions produced by snow aggravated in the wintertime?

Mr. MADDEN. You mean how much more dense does it make the traffic?

Mr. HULBERT. Yes; and how much does it retard the movement of traffic?

Mr. MADDEN. Of course, the density would have a tendency to retard traffic.

Mr. MYERS. Well, I would answer that question roughly by saying——

Mr. MADDEN (interposing). What number of streets out of the whole number are likely to be used as traffic streets when you have a heavy snowfall? That is the story we want to get at.

Mr. MYERS. Well, there are only one or two channels, north and south channels, of traffic that can be used at all, and, of course, the traffic becomes congested.

Mr. MADDEN. For example, if you had 10 streets you would be able to use only 2 or 3 in case of a snowstorm?

Mr. MYERS. We have about nine north and south channels. Of course, some of them are set off by Central Park, but six of these channels are passable now. The other three, on account of subway construction, etc.—which, of course, eventually will be open—are almost impassable. That will reduce it down to one or two channels in the winter with snowstorms.

Mr. HULBERT. What were the conditions as to snow obstruction during March, 1916, and what was the effect upon the movement of the vehicular traffic?

Mr. MYERS. Well, I should say that it reduced it to less than one-half.

Mr. HULBERT. How long did those conditions of obstruction continue in March, 1916?

Mr. MYERS. I can't state definitely, but it seems to me that during that winter there were about 60 days out of the winter—something like that—that affected traffic in that manner.

Mr. HULBERT. To what extent is the usual speed of the automobiles decreased when the streets are obstructed by snow, as was the case in March of last year?

Mr. MYERS. I didn't just get that question.

Mr. HULBERT. Well, 50 per cent. How does the congestion of the streets in New York City in July and August compare with that existing in other parts of the year? Is it more or less?

Mr. MYERS. It falls off about 50 per cent in July and August.

Mr. HULBERT. So that if test were made in July and August of any year with respect to traffic conditions you would not get the same result from that test as you would if the test were made in the fall or the early spring?

Mr. MYERS. We could hardly make a comparison.

Now, if I may say just one word—as you understand, I am not here in the interest of the tube or the automobile or anyone else. I am sent here by the police commissioner in the interest of the facilitation of street traffic and the safety of the people who use the streets.

Now, may I add this: I know a little something more than street traffic. I was born and raised in the West, and I can put hinges on a barn door made out of a boot leg nailed on with the back of an ax. [Laughter.] I know more than street traffic, and I have seen traffic in most every large city in this country, from here to California, and when I say that traffic conditions, traffic congestion in the city of New York now is about to the limit, I know what I am talking about.

You remember last year—I just want to use this same little illustration—last year we had a little epidemic in New York known as infantile paralysis. Millions of dollars were spent; the brains of the best medical men in the country were wrecked trying to find the germ. It wasn't a question of money; it was a question of isolating the germ, in order that something could be done. Here we come along and we show you the germ. We show you the truck, what it is doing; it is killing our children in the city of New York, mowing them down. One hundred and five children between the ages of 3 and 6 years were mowed down, crushed out in the city of New York, until it has gotten to such an extent that we have started a campaign—may I offer this circular to show you what it has got to [handing circular to chairman]. If any member of this committee could take my job for one month or one week, I think he would be convinced that to add even one motor truck to the streets of the city of New York would be a detriment.

Mr. HULBERT. May that go in the record, Mr. Chairman?

The CHAIRMAN. To add any other automobiles would be a detriment, too?

Mr. MYERS. Yes, sir.

Mr. STEENERSON. Did you mean 105 killed in a day?

Mr. MYERS. No; I meant 105 by motor trucks; 1 person killed every 14 hours; 1 person injured every 23 minutes during the year 1915.

The CHAIRMAN. How many were killed by automobiles?

Mr. MYERS. By automobiles—I will just give you the total: Six hundred and fifty-nine killed by vehicles. That includes all vehicles, horse-drawn, automobiles, and motor trucks.

Mr. STEENERSON. And there were 105 killed in one year—105 children?

Mr. MYERS. I have the figures right here.

The CHAIRMAN. You have a statement as to how many were killed by Government autotrucks?

Mr. MYERS. Two hundred and eighty-one children were killed by vehicles.

Mr. STEENERSON. In one year?

Mr. MYERS. One hundred and five were killed by motor trucks in one year. One person is killed every 14 hours, and one person injured or maimed every 23 minutes.

Mr. HULBERT. Just one question, if you have concluded. It is your opinion that if any action is taken by the Government which will put more trucks on the street, that some action will have to be taken by the city of New York to put vehicular traffic under ground?

Mr. MYERS. Well, I would not say under ground, but something will have to be done more than has been done, because the traffic regulations—we are out to the last ounce in the matter of traffic regulations.

Mr. AYRES. Mr. Inspector, do your statistics show how many persons the mail trucks killed or injured?

Mr. MYERS. No, sir; I told you that before. I had just a few hours to gather together this data, and I just got the motor trucks.

Mr. AYRES. You do not have it segregated?

Mr. MYERS. No, sir.

Mr. HULBERT. Mr. Chairman, may I submit for the record the copy of a letter which I wrote the police commissioner on December 11, the contents of which the committee will of course appreciate?

The CHAIRMAN. It may go into the record.

Mr. HULBERT. It was only a short time that the commissioner had to get together that data.

(The letter referred to follows:)

DECEMBER 11, 1916.

Hon. ARTHUR H. WOODS,
Police Commissioner, City of New York.

MY DEAR COMMISSIONER: For use on the hearing next Thursday morning (Dec. 14) before the House Committee on the Post Office and Post Roads, which proposes to curtail the pneumatic-tube postal service

in New York, I would like very much to have any of the following information which you may be able to supply:

(1) Statistics regarding the congestion of traffic in the various sections of the city, and particularly the principal thoroughfares connecting the business and residential sections of the city.

(2) Statistics showing the number of pedestrians crossing at the principal street intersections on mail routes.

(3) Number of accidents caused by automobiles and horse-drawn vehicles, and particularly those used in the mail service.

You will appreciate, of course, that I wish this information for the purpose of opposing, on behalf of the commercial interests of New York City, any effort to discontinue or curtail the pneumatic postal tube service in the greater city, and hope that you will be able to send it in Wednesday night's mail.

Thanking you in advance for this information, I am,

Very truly, yours,

MURRAY HULBERT.

STATEMENT OF MR. W. F. DEBERARD, REPRESENTING THE MERCHANTS' ASSOCIATION OF NEW YORK, AND OTHER NEW YORK ASSOCIATIONS.

Mr. DEBERARD. I wish first to offer some general observations upon the character of the evidence that has been laid before you in the form of a report made to the Postmaster General by a special committee of post-office employees. The essential conclusion contained in that report is the result of a comparison of the expedition and movement of mail by automobile, as compared with its movement by pneumatic tubes. The tests that were made appear to be unfavorable to the expedition of the pneumatic-tube service in all the cities except New York, where no comparison was made.

I find it necessary to criticize the methods by which the conclusions of the committee of post-office employees is made, in that it is incomplete, and to criticize those conclusions as insufficient and causing misleading conclusions.

The CHAIRMAN. Are you speaking of New York?

Mr. DEBERARD. I am speaking in general on the report of the committee of post-office employees upon which the recommendations of the Postmaster General are based.

The CHAIRMAN. Is it your purpose to have your argument confined to New York, or are you taking up the whole pneumatic-tube proposition, outside as well as in New York?

Mr. DEBERARD. I do not understand your question, sir.

Mr. MADDEN. He did not understand you, Mr. Chairman.

The CHAIRMAN. I say, Is it your purpose to confine your argument to New York, or are you taking up the whole pneumatic-tube proposition in the country in general, outside of New York as well as in New York?

Mr. BENNET. We do not seek to limit it. Our purpose is to present the case for the New York tube system, and this only.

Mr. STEENERSON. It seems to me it would be relevant.

The CHAIRMAN. I am not saying it would not be relevant. I just wanted to find out what he desired to talk about.

Mr. DEBERARD. The conclusions of a certain committee, which I have mentioned, namely, a committee of post-office employees, who reported to the Postmaster General, which conclusions, I believe, are before this committee in the form of recommendations from the Postmaster General, are fallacious and lead to mistaken conclusions on the part of this committee as to the value of the pneumatic-tube service.

Mr. BENNET. Generally?

Mr. DEBERARD. Generally speaking; yes.

The CHAIRMAN. Well, point them out.

Mr. DEBERARD. I shall endeavor to do that, sir.

There is contained in the report of the post-office committee, beginning on page 13, the results of tests that were made by automobile service in comparison with pneumatic-tube service. The results stated as to automobiles are not qualified in any way at all. They are put forward as though they had been reported as a fair comparison, as if reflecting service conditions under which autos would necessarily be operated in carrying the mails. Such service conditions involve a consideration of 365 days in the year, while these tests were confined, in most cases, to three or four mails, within a period of two or three days, in the case of Boston, and in one case it was a week. The conditions when those tests were made were peculiarly favorable to good results to automobile operation. They were made during the months of July and August, at which time, as has been testified by Inspector Morris, in the case of the city of New York, the congestion of street traffic decreases by about one-half. The same conditions obtained as to all other cities reported. The summer season——

Mr. MADDEN. You mean to say that the reports submitted are of tests that did not take into consideration the conditions of congestion of traffic?

Mr. DEBERARD. That is it. The congestion in nearly all the cities is due very largely to the growth of the use of the automobile as a pleasure vehicle. The very large proportion of them are owned by wealthy people, and during the months of July and August people of that class are customarily absent from the city and take their autos with them, thus removing them from the streets. I make that statement on the authority of the traffic branch of the police department of the city of New York, and I believe it is practically true in all large cities that the large proportion of automobile traffic disappears from the streets during those months, thereby greatly reducing the congestion. Moreover, during the months of July and August traffic in package commodities, those that are handled by manufacturers in the city, by jobbers, wholesale distributors, and others, is reduced considerably.

There is only one other month in the year where the amount of business traffic is less. The decrease in the movement or congestion of traffic in the city of New York during the months of July and August is customarily from 40 to 50 per cent less than in the month of January, for example.

Mr. MADDEN. Does it decrease that much?

Mr. DEBERARD. The decrease is about one-half; yes.

Mr. BENNET. You mean that the volume of traffic decreases that much?

Mr. DEBERARD. Yes; the volume of traffic, thereby reducing congestion, which is the greatest obstacle to getting through the streets with auto mail wagons. The movement of vehicles through the streets of New York City is so reduced during the summer months that vacations and leaves of absence of members of the traffic squad are concentrated in these months because of that reduction of traffic.

This report makes little or no mention of the very formidable impediment to automobiles in the streets in the winter season. Mr. Morgan has given a very clear indication of the effects of snowstorms, interfering with the regular and speedy movement of the mails. During the past year there were five or six snowstorms during the month of March. There was a snowfall of 28 inches in the aggregate. It was impossible for the street-cleaning department to come anywhere near its regular schedule in removing the snow, despite the fact that they had between 13,000 and 14,000 men employed. These men were employed three weeks, and during those three weeks the business men of the city found it impossible to send their business over their local routes at more than half their customary speed, and, likewise, it was almost impossible to fully load the wagons; so that very formidable obstacle to local traffic existed during the entire month of March. For a period of three weeks it was with extreme difficulty that the wholesale houses were able to move off the several main streets that had been cleaned by the department. The result was that all the cross streets and outlying streets were deserted by traffic except that immediately located upon them.

The traffic was concentrated into a relatively few general routes. It took two or three times the ordinary time to move from one place to another. The traffic department of the city asserted that on an average it would take twice as long to move between given points than it ordinarily took.

Postmaster Morgan has shown very clearly the effect of these conditions on the movement of the mail and the impracticability of automobiles performing their duty, carrying their maximum load, under these conditions. There is not one word in this report to indicate that these tests paid any attention at all to the obstacles to traffic. The comparison as put forward, while there is no statement or omission of essential points, tends to misleading and fallacious conclusions in using it as a comparison between the autos or wagons and the pneumatic tubes as a means of conveying mail—conclusions that are certainly unwarranted by the facts.

The pneumatic tubes are not subject to these conditions. The city of New York was able to carry on its correspondence during the month of March and during parts of December only because of the existence of the pneumatic tube. There were 210 failures on the part of automobile vehicles during that time to make connections with the railroad trains, as Postmaster Morgan has pointed out; and those are the conditions which must be met if it is undertaken to carry the mails by automobiles.

The CHAIRMAN. What do those cities do which have no pneumatic tubes?

Mr. DEBERARD. They struggle along as best they can.

The CHAIRMAN. What does the fourth-class mail do?

Mr. DEBERARD. Practically all of it lies. The delay is very great. There is extreme delay in the movement of second, third, and fourth class mail.

The merchants made some tests about that time in sending papers throughout the country in order to learn the extent of the delay that ensued.

The CHAIRMAN. Those delays were caused, in part, by the movement of trains.

Mr. DEBERARD. Very well; but that is no reason why the tests should not show some delay in New York City. It was only on account of the pneumatic-tube service that the first-class mail was handled as it was.

Mr. STEENERSON. While we are on this subject I should like to call your attention to what appears to me to be an important factor. The tests mentioned by Postmaster Murray, of Boston, seem to have taken place on a Sunday, and, naturally, the traffic would be less than otherwise; but he also stated—or might have stated, if he did not do so—that there was less impediment in the tubes. Mr. Morgan mentioned that the automobiles would have to stop at the various stations, thus making the movement very much slower than the transmission mentioned by Mr. Murray, who transmits direct from one terminal to another.

Mr. DEBERARD. I think Mr. Murray's contract is for a single contract, while this in New York is for a particular route for a term of time. In other words, it seems to me that these tests, instead of making them under the conditions which actually exist in the case of the autos, as in the case of Chicago, for example, so far as I can find out, where the tests were made between the central post office and the stockyards, where there was no stop on the way, should be made under the conditions as they actually exist, where stops have to be made, as in New York City.

The CHAIRMAN. What do you represent—the city of New York?

Mr. DEBERARD. I represent the Merchants' Association of New York.

The CHAIRMAN. Are you employed regularly by this association in New York?

Mr. DEBERARD. Yes, sir.

The CHAIRMAN. Do they pay you a salary?

Mr. DEBERARD. Yes, sir.

The CHAIRMAN. How much?

Mr. DEBERARD. Six thousand dollars a year.

The CHAIRMAN. You appear in all such matters as this, do you not?

Mr. DEBERARD I appear in a great many of them.

Mr. STEENERSON. The statement of Postmaster Morgan in regard to the speed of automobiles seemed to indicate that they were slower by reason of stoppage at every station, whereas in Boston the conditions in that respect were different. Do you contend that the conditions described by Mr. Morgan were actual service conditions in New York?

Mr. DEBERARD. That is the fact. The schedules in the New York service specify the time, and the speed is approximately 12 miles an hour. To that is added the time allowed for stoppage, loading, and unloading at each of the intermediate stations.

Mr. BENNET. There is no through transportation from one station to another, is there?

Mr. DEBERARD. No; that would necessitate too many automobiles to enable the department to send out all the mails.

Mr. BENNET. And it would not be practicable, would it?

Mr. DEBERARD No, sir.

Mr. BENNET. That is all.

Mr. MADDEN. You made a statement as to the traffic conditions throughout the conditions—traffic conditions in New York and in other parts of the country. You are familiar with those conditions?

Mr. DEBERARD. Very largely. I will ask Mr. Meade if I am not familiar with those in New York?

Mr. MEADE. That is correct.

Mr. MADDEN. The mere fact that you are paid a salary would not prejudice you in your study of this question, would it?

Mr. DEBERARD. No; not in the slightest. I am not interested in any tube company or any other company.

Mr. MADDEN. Very well.

Mr. BENNET. Having knowledge of the subject, you desire to present it to this committee; is that correct?

Mr. DEBERARD. Certainly.

Mr. STEENERSON. You want to help us reach a proper conclusion?

Mr. DEBERARD. Yes, sir; that is it. If you will look up the point to which I have directed my criticism, you will note there, on page 15 of the post-office employees' report, the movement of 77 carriers, requiring 42 minutes and 53 seconds. It will be found that the intervals between the dispatch of the separate carriers were 27 seconds, whereas it has been shown by other testimony that under your service conditions the usual interval is 9 or 10 seconds, or with a maximum of 15 seconds. These tests were made on Monday, when it is possible that there was less than the usual number of men available for that work.

The CHAIRMAN. Is that true?

Mr. DEBERARD. I have simply stated it as an explanation of the extraordinary time required or occupied.

Mr. TAGUE. You believe it is far nearer the truth than that it should take a carrier four minutes to travel in a tube, in Boston, less than half a mile, don't you?

Mr. DEBERARD. I am merely stating the facts and conditions.

Mr. TAGUE. In this matter of headway between movements——

Mr. DEBERARD. There have been some conflicting statements made here. Mr. Morgan has already stated what the interval ought to be. Personally I have not made any observations and, consequently, I am not competent to state definitely an opinion. But I do find here that, under the conditions, the time occupied was not normal.

Mr. HULBERT. In connection with the inquiry submitted by Mr. Steenerson, do you take into consideration the fact that the traffic in New York is longitudinal, whereas in Boston the traffic spreads in different directions?

Mr. DEBERARD. That would increase the congestion throughout Manhattan.

Mr. HULBERT. That would have to be considered with respect to the necessity of having an automobile, operating from Station L to Station J, stopping at stations along the line, rather than having a through route.

Mr. TAGUE. Do you believe the congestion is greater in New York than right in the vicinity of the Boston post office?

Mr. DEBERARD. I have not had an opportunity to make any comparison, sir.

I want to call your attention to a practical point in the movement of mail in New York City. It is a rule in our banking institutions in New York and in our business houses that all mail received on a given day shall be cleared up before the close of business. It is highly important that this should be done, especially in the case of banking transactions, in which balances are transferred from one part of the city to another at the close of the day, or before the close of the day. There is a continuous stream of letter mail of a high degree of importance going into all the downtown branch post offices, such as Wall Street Station, the Hudson Terminal, and others, for dispatch that day; and in order that it may reach the correspondents of the banks and business houses early the following morning, or at the earliest possible moment, it is necessary to have a tube system.

One of the most important mail trains is the Transcontinental Express, leaving at half past 9. It carries a very heavy body of mail. The connections are scheduled for all important lines cressing it and for all important junction points. The train is scheduled to reach the Pacific coast in order to make connection with trans-Pacific steamers, so that connection may be made on certain days with steamers to Australia, with which this country has a large and rapidly increasing and important business. Mail destined for that train is conveyed by automobile that leaves Hudson Terminal at 8.40.

The CHAIRMAN. Do you understand that there is any recommendation by the Postal Committee to substitute automobile service for pneumatic-tube service in New York City?

Mr. DEBERARD. I will connect up with that in a moment.

The CHAIRMAN. I wish you would connect up with a few of the questions as you go along.

Mr. DEBERARD. If I may be permitted to continue——

The CHAIRMAN. I would like for you to answer my question.

Mr. DEBERARD. It has an important bearing on the pneumatic-tube service, which should be dealt with as a complete system.

The CHAIRMAN. Suppose we are not proposing to use automobiles in New York. Suppose the committee does not cut the service off.

Mr. DEBERARD. It is made possible to cut it off under the proposal of the Postmaster General and under the clause which provides for six months' cancellation.

The CHAIRMAN. That is possible in every contract.

Mr. MADDEN. I think it would be interesting to the committee to develop the case. We should like to get it in the record in the way the gentleman desires to present it.

The CHAIRMAN. All right. Go ahead.

Mr. DEBERARD. The last auto arrives at 8.40 and arrives at Grand Central Station at 9.06. The pneumatic service continues to dispatch mail arriving at the Hudson Terminal and other branches for 10 minutes after, and during those 10 minutes the volume of late letters that are intended to reach the Transcontinental Express reaches 10,000 or 12,000. This steamship correspondence is the means of conducting business with Asiatic and Australian points. If connection was not made with this train, there would be from 10,000 to 12,000 letters left over.

Mr. MADDEN. If there were no tube service, and you had to rely entirely upon the automobile service, those 10,000 or 12,000 letters would be left over in the post office.

Mr. DEBERARD. With the automobile service alone, that would be so.

Mr. MADDEN. Yesterday, when the First Assistant Postmaster General was on the witness stand, he testified that when the mails were closed, the movement by both automobile and tube was closed.

Mr. DEBERARD. My information is based on a statement made to me by Postmaster Morgan, on schedules as given by him to me.

Mr. MADDEN. What difference in time is allotted for the movement of a letter from the post office, according to your information, through the pneumatic tube and the movement by automobile?

Mr. DEBERARD. The movement by pneumatic tube is 10 minutes later than by auto. From Station P and other down-town branches the tube collects from 10,000 to 12,000 additional letters after the mail which goes by automobile is closed at the post office. These letters would otherwise be delayed until the next day, making a delay of from 10 to 12 hours in their delivery, according to the time they arrived at the office. In case they missed connection with the Japanese or Australian steamer, the delay would be from two to three weeks.

Mr. RANDALL. Because they sail only once in two or three weeks?

Mr. DEBERARD. Yes.

Mr. RANDALL. This delay would occur only on a certain day, once in every two or three weeks, then, when a connection would be made with a steamship sailing from the Pacific coast, which, as you say, is once every two or three weeks. Is that true?

Mr. DEBERARD. Yes. The same condition would occur three or four times a week in the case of sailings to Europe. In making connections of this sort the mails from out of town are also put through the pneumatic tubes. It is thus seen that it is not a matter which particularly or peculiarly concerns New York City alone, but it affects all the great cities throughout the country by reason of the European correspondence, which is becoming increasingly more important by reason of the great development of the export trade of this country. In that connection the pneumatic tube is of the utmost value as an auxiliary—more valuable than any other method of conveyance. It is of value to the business community—of most inestimable value—because it enables the quick transmission of business communications concerning transactions of very great importance, which are facilitated by the quick transmission of mails.

For instance, a letter may be written by a man in Chicago and sent to New York, may be received in New York in the morning, be answered the same day, and, by reason of the quick service afforded by the pneumatic tubes, be replied to and the reply sent out that afternoon, and be received in Chicago the next morning. Or the service would work the other way, as the case may be. It is a great advantage any way you look at it. The same thing applies to correspondence between the cities, and it is necessary that the pneumatic-tube service should be preserved in all the great cities, because, if we have it only in New York, it is only one-half of an instrument which is not fully effective unless it is complete.

Mr. RANDALL. What time does the big bulk of mail move in New York City?

Mr. DEBERARD. It is mailed practically in all important offices just as rapidly as the letters can be answered.

Mr. RANDALL. Is it not a fact that the big bulk is mailed between 3 and 5 o'clock in the afternoon?

Mr. DEBERARD. Undoubtedly.

Mr. RANDALL. Then you think that the mail is all worked out in the post office ready to dispatch at 8.30?

Mr. DEBERARD. At 8.40.

Mr. RANDALL. It is not as a matter of fact worked up until 11 or 12 o'clock at night.

Mr. DEBERARD. I am not fully informed as to the movement of mails at that time, but it is sent out as rapidly as it is possible to sort it. It is sent out as soon as it is sorted and distributed.

Mr. RANDALL. The great bulk of mail goes into the post office between 3 and 5 o'clock in the afternoon. It is impossible to clean it up before 11 or 12 o'clock at night. How are you going to get it out on that 8.40 mail?

Mr. DEBERARD. Mr. Morgan can speak more accurately than I can with respect to the extent that they can handle this mail for the Transcontinental Express. Business men can always inquire, but they can not always get the proper information at the time. Another thing: This is an indispensable instrument for the exchange of mail. New York has a population of about 6,000,000 people. There is a very large interchange of correspondence between the different parts of the city which does not go on the railroad at all. Persons who use the mails—and everybody does—desire that their communications and articles sent through the mails shall reach their respective destinations as quickly as possible. It is possible now that letters originated in one extremity of New York, by means of the pneumatic tube and the dispatch which it permits, to reach their destination on the same day, and sometimes within a very short time on the day of mailing.

If the pneumatic tubes were done away with the time of movement by autos between the outlying points of New York would be very much increased.

Mr. BENNET. Mr. Morgan tells me that every parcel of mail delivered between 3 and 5 o'clock in the afternoon would be worked out by 8 o'clock, and also a great deal of the third-class mail. The parcel post would not be worked out on account of the lack of assistance and lack of room. The first-class mail, however, received between 3 and 5 o'clock in the afternoon would be entirely worked out by 8 o'clock.

Mr. RANDALL. Why does he keep his men there working until 11 or 12 o'clock at night?

Mr. BENNET. Because of the other classes of mail matter.

Mr. DEBERARD. Mr Morgan presented to you a statement as to the movement of local mail between Station J, One hundred and twenty-fifth Street, and Station P, near the Battery, showing a difference of nearly two hours in time of movement between the pneumatic-tube and the auto service. It should be pointed out that the time between the dispatch of wagons or autos from Station J is a very important matter. The most frequent movement is at hourly intervals; the longest movement is at two-hour intervals. A one-hour movement takes care of the early morning mails and the inward late afternoon mails.

Between those times the interval is two hours, so that if a letter be mailed by about 11 o'clock in Harlem and it were necessary to use automobiles as a means of transportation, assuming that it was mailed in Harlem, it would require two hours to reach the Battery, and perhaps it would reach there too late to get out by mail on the same day. It is absolutely true as to mail put in the Harlem office later than 12 o'clock.

As to the mail service in Brooklyn, there is only one extension to the service there, from the general post office to the Long Island Station. That carries a very considerable body of mail, which is of very considerable importance. It catches the Long Island trains and reaches its destination by way of the Long Island Railroad. There are no other facilities for permitting an interchange of local mails in the great Borough of Brooklyn, containing about 2,000,000 people.

So that for large areas of Brooklyn it is impossible for a person to receive a letter upon the same date that it is mailed in Harlem. The result is that very few people use the mail for that interchange of communication. On the contrary, where the pneumatic-tube service has been fully developed for the distribution of local mail there has been a very large increase in the interchange of local letters. The Borough of Queens, north of Brooklyn, contains now between 600,000 and 700,000 people. It has no tube service. It is dependent upon the wagon service. It is a perfect hive of industry, flooded with factories, more coming there all the while, and it is of the highest degree of importance that these factories be able to reach by letter their distributing and selling offices located along the lower part of Manhattan, which is now impracticable. The same conditions prevail as to The Bronx. There are several thousand people in the Borough of The Bronx, to which must be added the residents of the extreme upper part of the island of Manhattan, so we have a facility now existing for the prompt

interchange of local letters so restricted as to be available and to serve about two million and a half people out of a total of 6,000,000. Our contention, therefore, is that every facility that now exists should be preserved beyond any question; that those facilities should be so extended as to promote the use of the tube for the interchange of local letters. That facility is reasonable. It is a reasonable demand on the part of a large part of the population that is now deprived of it.

The CHAIRMAN. Have you had any experience in postal affairs?

Mr. DEBERARD. I have not.

The CHAIRMAN. You spoke a while ago about letting by separate contract a part of this service. Now, if it is a matter of fact that bids could be submitted for this service separately by the Philadelphia Pneumatic Tube Co., and another would be willing to bid for that service $12,000 per mile instead of $17,000 per mile, would you regard it as a good proposition on the part of this committee to present such bid?

Mr. DEBERARD. I should not regard any proposition of two public-service corporations performing similar functions that need to be performed as a whole to be put into the same territory in such a manner as to divide the function between them and prevent the proper operation of the function which would result in another——

The CHAIRMAN (interposing). If, then, another tube company were to come in and bid for a part of the service in that city, it would not be good policy to accept a less bid than $17,000?

Mr. DEBERARD. You misunderstood me. I did not intend to convey any such impression. My understanding was that if the present system of——

The CHAIRMAN (interposing). If that can be done and as good service given, it ought to be done.

Mr. DEBERARD. If equally good service can be given to New York at a lesser cost, I can see no reason why it should not be done. But as to the proposition of dividing the territory in the manner indicated, I should have serious objection, for it is impracticable for two companies to interchange business and properly forward it.

The CHAIRMAN. That is a matter of administration. The Post Office Department could work that out.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MOON] desire to occupy the floor?

Mr. MOON. I yield to the gentleman from Indiana [Mr. COX] for 10 minutes. Mr. Chairman, how much time have we?

The CHAIRMAN. The gentleman has 21 minutes remaining.

Mr. MOON. Then I yield to the gentleman 10 minutes.

Mr. COX. Mr. Chairman and gentlemen of the committee, of course this amendment is going to be voted into this appropriation bill. I entertain no doubt about it. Judging from the past, I have made up my mind that it is next to an impossibility to defeat any appropriation which tends to take money out of the Treasury, and this is going to carry, notwithstanding the fact that the Postmaster General says there is no use for it and it is not needed and that it is an expensive service for transportation of the mails. I wish the Members would get this clearly in their heads, that it is only first-class mail that goes through the tubes. I wish you would further get it into your heads that it is only a very small per cent of first-class mail that goes through the tubes. I wish you would further get it into your heads that the reason for that is because of the smallness of the tubes, and especially the smallness of the containers which carry the mail. There was a time—and I wish you would get this in your heads—before the day of auto trucks and before the day that the fourth-class parcel-post matter was worked out in its present state, that, in all human probability, those pneumatic tubes served a very valuable service, but the coming of the auto truck and the development of the Parcel Post has absolutely done away with the necessity for all these tubes, in my opinion. However, I am willing to defer to the decision of the Postmaster General so far as affects the city of New York. I wish I could find how many Members of the House have read this report taken before our committee concerning these tubes. Is there any man from the State of Illinois, is there any man from the city of Chicago, who is unwilling to stand upon the testimony of Dan Campbell, who has been postmaster of the city of Chicago for the last 11 years?

When you are sick, why do you send for a physician or an expert? Because you do not know how to treat yourself. Is it not fair, is it not right, that upon these questions we ought to be governed most exclusively by the judgment of postal experts? Mr. Campbell—and I have not time to read his evidence—came before our committee and made his own statement, and offered to read before the committee the statements of 22 of the supervisory officials of the great post office of the city of Chicago, all of them saying, every one of them, without a single exception, that there is no use for the tubes there. Why? He assigns the very reason I assigned you a moment ago. He said: "Gentlemen, they can take care of the mail facilities of the city of Chicago without the purchase of another automobile." They have 206 there now. That they can take care of the mail facilities of the city of Chicago and give them just as good mail facilities as they have got now, aye, gentlemen, better, by the use of the automobiles than by the use of the tubes.

Why, as a result of the tubes in the city of Chicago the great packing houses offered the Post Office Department here to put on their own automobile routes and do away with the tube. That is Mr. Campbell's statement. He wrote that letter to the Post Office Department here, and the department did not take up his proposition to let them put the automobile service on, but the department itself put it on for them.

Now, the packing houses, that do a billion dollars' worth of business per year in the city of Chicago, come to the Post Office Department and say, "Here is our proposition: There is nothing in the tubes; let us at our own expense put on an automobile service, and we will pay the bill." What do you think of it?

Now, I am quoting here what Dan Campbell says. I am quoting, gentlemen, what 23 of the supervisory officials of the post office of the city of Chicago said to our committee. Dan Campbell says he does not need these tubes; that he will do the service and save $140,000 a year without the tubes.

Oh, this congestion! There is nothing in it. I think there were said to be 118 cases of delay and accident. Seventy of them were investigated, and the Government was not to blame in the least. In one case a man was drunk, standing up against a telephone pole, and as the Government automobile skidded by he fell over the machine and got hurt. Another man was drunk in a blind alley, and one of the automobiles ran over him one night and he got hurt. That is about the size of it.

What is true, gentlemen, in the city of Chicago is true also of the city of St. Louis, and what is true of the city of St. Louis is true also of the city of Philadelphia, and the same thing is true of the city of Boston.

Now, let us come down to "brass tacks." What is there in this thing? There is but one thing in it. One of my friends here—somebody over on that side—revealed the whole story, and that is, are you going to run your arm into the Treasury of the United States and float a losing proposition? It is conceded that unless this money is appropriated, and unless the Post Office Department goes ahead and uses it, somebody who holds this stock is going to lose. Are you willing to enter upon that era of campaigning? It is too high a price for me to pay. If you are going to take out of the Treasury of the United States one-half million dollars merely to uphold the value of this stock, I will not do it. That is all there is in it. There never was anything else in it.

These tubes were originally constructed away back yonder, I think in 1893, up in the city of Boston, where my friend Mr. TAGUE lives, solely as a commercial enterprise. That is the way it started. It was regarded as a commercial enterprise, and after being tried out as a commercial enterprise it was found to be a dismal failure, and somebody had to be found to buy that old junk, and that person was your poor, old, innocent Uncle Sam. And you are asked here to uphold it and load it on him.

Now, I have not got anything in the world against the transportation of the mails in the cities; nothing on earth. I was glad, though, and rejoiced when I heard somebody over here on this side expose the alliance that has existed on this floor for so many years, the alliance between the city and the country fellows. I have seen the city Members vote to increase the salaries of rural carriers. Oh, yes. I have seen the country Members again line up to increase the salaries of the railway postal clerks and the city letter carriers and the post-office clerks in the first and second class offices. I have seen that alliance going on here for years and years, but never until this morning did I ever see a man who had the nerve to come on the floor of this House and disclose it.

I am not fighting this because I have anything on earth against these tubes that are used in transporting the mails; I am fighting it because, in my judgment and in my opinion, there is a principle behind the proposition to decrease this service, and that principle is well stated in the report of the Postmaster General. That principle is that these tubes are of no use, that they are unnecessary and expensive. I am fighting it upon the ground that the money ought to be saved and economized and used for the purpose of extending mail facilities at other places where it is needed. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MOON. Mr. Chairman, I feel that too much has already been said upon this subject. The only question here is whether we ought to continue a service that is shown by the proof to be of no value or of but little value to the people of the United States compared with the better and more effective service that can be rendered in the places where we propose to discontinue this service.

Now, New York, except as to a part of it, is an exception to the rule and to the report that is made in this case, and the congestion in the city of New York is such at points that it is deemed advisable at the present time to continue the pneumatic-tube service there. As to the other cities, the committee reported that they ought not to have the service.

Remember this was a committee of experts from the Post Office Department, required by law to investigate and make this report. The report is approved by the Postmaster General. It is approved by the Committee on the Post Office and Post Roads. Of course, it is disapproved by the gentlemen in the cities that have the benefit of this appropriation, not because it is of value to the public—because you have more judgment than to believe that, as compared with another service—but because the tubes are owned by people in these cities, and their investment may be affected thereby.

This is an evolution, just like all other methods of transportation. The automobile service is a superior service to the tube service. The proof in the whole matter shows that the automobile service is quicker and better, and so far as the mail is concerned it is less dangerous, because it does not destroy any part of the mail. The proof shows that the Government can get this better and superior service at about one-third of what it has to pay for the pneumatic-tube service.

So it is irrelevant what the people who own the tubes may get or not get out of it. Our first duty is to the Government. It is to give to the people of these cities the best service we can. We offer the best service. We offer it for less money, and therefore it ought to be accepted, regardless of the private interests of the corporations which control these tubes. Why, the officials of your Government in the cities of Washington, Chicago, and other places say that the service is not of sufficient value to them to be maintained and that it ought to be abandoned. They ought to know. They do know, and this demand for the protection of private corporate interests in these cities, to the destruction of the welfare and the interest of the American people, ought not to receive a response from any man in this House. It is simply a question whether our Government shall take advantage of these conditions which will enable it to give more effectual and valuable service for less expense than the antiquated service now in operation.

The corporations that own this property, according to the proof, get 28 per cent interest every year upon these tubes. They pay large sums to the officers who own most of the stock. They get a net profit of 14 per cent, as shown by their own proof. I believe that if the facts were known and developed here as they have been on a previous occasion, it would appear that the profit is twice that amount. But whether it is a large or a small profit, we as Representatives have to settle but one question. We are not involved in the interest of these private citizens. If, as I said, we give a better service and give it for less money, and save to the Government two-thirds of the cost, we ought to do it. I heard a gentleman suggest here that when the pneumatic-tube people were asked if they could give a service for less cost they made the answer that their books might be examined, and that they were willing to do that which was right. This record shows that upon inquiry from the corporate owners of these concerns they refused to say whether they would give this service for less money or not. We know that it is not worth $17,000 a mile. We know that it is nothing less than the most consummate piece of peculation to charge that amount of money for this service. We know that less than 2½ per cent of all the mails of our country that are delivered through these cities is carried through these tubes, and we pay but a little more for the 98 per cent that is carried by other vehicles. Yet we are asked here to submit to this graft upon this Government. I am going to talk plainly about it, because as shown by the proof heretofore and as shown by the proof now, from its very inception it has become nothing less than a loathsome, larcenous graft. Need protection! Ah, the cities themselves from whence come the Representatives who sustain this corporation need protection that we, the whole people, ought to give to them. Mr. Chairman, this is not a big matter. It is a small matter, but that system can not continue. Every man who has studied it a moment knows that if the tube system must continue at all, it must be of sufficient size to carry something other than 5 or 6 pounds of letters. We know that the Governments which have investigated this system have repudiated the present system as worthless. They will not follow it. The proof shows that in London to-day, while this great war is going on, there is being run under that city a great tunnel 9 feet in diameter, through which the mails are to be carried upon cars. That might be worth something to us here if we could expedite all the mail of every character; but to preserve intact at this enormous expense a little 8-inch tube that carries only 60 per cent of 12 per cent of the mail is an outrage upon this Government. We ought to abandon it just as we abandoned the slower and more ineffectual methods of carrying the mails in other ways.

Do you talk about congestion in these cities? Do you suppose if we withhold 25 or 30 or 100 automobiles from our congested streets in New York City or other cities, that will have any effect upon the ultimate congestion there? Is everybody going to stop the use of automobiles because thoroughfares may be congested at times? Shall the Government forego all of its rights and privileges, and every economic proposition, because some man is killed by an automobile in a congested part of the city? Ah, when men want that to which they are not entitled, when men want to extend their hands into the National Treasury for the purpose of protecting a graft in any city or in any part of the country, when they want to make the whole American people pay tribute to a few corporations, they dodge the main issue. They decline to rest their case upon the real facts, and they sometimes resort to the question of danger to the public on the highway. Do you suppose that if these tubes were closed up automobiles would stop or would be any less dangerous? I refer to that only as an indication of the futility of the whole argument. It is just the single question of honesty or dishonesty. That is all it is, gentlemen. Take your choice, and vote for the interest of the corporation or for the Government, just as you choose. [Applause and laughter.]

The CHAIRMAN. By order of the committee all debate is now closed on this amendment, and all amendments relating to pneumatic-tube service. The Chair will ask the Clerk to report the pending amendment.

The Clerk read as follows:

Amendment by Mr. TAGUE: Page 15, line 17, after the word "devices" in line 15, strike out "$449,500" and insert "$1,061,000 for continuance of service now existing in New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn."

The question being taken, on a division (demanded by Mr. BENNET) there were—ayes 123, noes 84.

Mr. MOON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. MOON and Mr. TAGUE.

The committee again divided; and the tellers reported—ayes 152, noes 104.

Accordingly the amendment was agreed to.

The Clerk read as follows:

For inland transportation by steamboat or other power-boat routes or by aeroplanes, $1,224,000: *Provided*, That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. TILSON. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order, and the gentleman from Connecticut desires to offer an amendment.

Mr. STAFFORD. As I understand the purpose of this appropriation of $100,000 carried in this proviso, it is to enable the Postmaster General to carry on experiments, to purchase a Zeppelin to carry the mail in competition with the railroads of this country.

Mr. MOON. I do not know that it is in competition with anything; it is an experiment.

Mr. STAFFORD. Mr. Chairman, I make the point of order so far as the words "or by aeroplane," in line 10, and also against the proviso in the paragraph.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. MOON. No; Mr. Chairman, I think the point of order made on the words "or by aeroplane" is correctly made. If the gentleman does not want the experiment, all right.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOON. Right there, Mr. Chairman, the increase in this appropriation on account of these words that were stricken out was $100,000, and if they go out the amount ought to be reduced. I offer the following amendment.

The Clerk read as follows:

Page 16, line 10, strike out the sum "$1,224,000" and insert "$1,124,000."

Mr. TILSON. Mr. Chairman, just what part went out on the point of order raised by the gentleman from Wisconsin?

Mr. MOON. The words "or by aeroplane" and the proviso.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee reducing the amount by $100,000.

The amendment was agreed to.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, at $3,250 each; 2 assistant superintendents, at $2,350 each; 15 assistant division superintendents, at $2,250 each; 118 chief clerks, at not exceeding $2,100 each; 474 clerks, grade 10, at not exceeding $1,800 each; 2,053 clerks, grade 9, at not exceeding $1,700 each; 429 clerks, grade 8, at

not exceeding $1,600 each; 8,204 clerks, grade 7, at not exceeding $1,500 each; 796 clerks, grade 6, at not exceeding $1,400 each; 2,408 clerks, grade 5, at not exceeding $1,300 each; 4,122 clerks, grade 4, at not exceeding $1,200 each; 78 clerks, grade 3, at not exceeding $1,100 each; 79 clerks, grade 2, at not exceeding $1,000 each; 2,605 clerks, grade 1, at not exceeding $900 each; in all, $28,208,300: *Provided*, That hereafter clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 5 to 10, inclusive, and may be promoted one grade only after three years' satisfactory and faithful service in such capacity: *Provided further*, That railway postal clerks shall be credited with full time when deadheading under orders of the department, and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and, to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions, he may exceed the number of clerks in such of the grades as may be necessary: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded.

Mr. MAPES. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the Committee on Post Offices and Post Roads. In my district there is a great deal of complaint on the part of business men and others over the delay of the mail. The mail is often 24 hours late. I have been told that this is due to the policy of the Post Office Department in taking off these railway mail clerks. I was told that mail postmarked on the 21st of December, for instance, was worked by the railway mail clerks coming out of Chicago on the 27th of December. I have been told that mail has been delayed the same way in other parts of the country. My information is that the delay is due to the policy of the department in taking off railway mail clerks and putting them into the terminals at a reduced grade or salary. Mail that in former years was worked in postal cars is now taken into the terminals and held until it can be worked there; put into proper vouchers to go on its way.

In looking over this paragraph I find that the clerks provided for in the paragraph are very much less in number than have been carried in former bills. For instance, in the act providing for the Post Office Service for the fiscal year 1914–15 there were 1,587 more postal clerks provided for than are provided for in this bill for 1917–18, notwithstanding the natural increase in the volume of mail generally and the great increase of parcel-post packages during that time.

Mr. MOON. The gentleman wants to know what I know about it?

Mr. MAPES. I want to ask if the Post Office Committee has ever made any investigation of this subject or the cause of these delays?

Mr. MOON. I do not think the Post Office Committee has gone into any investigation of that sort, because there has been no complaint of that sort before the committee. I understand, only in a general way, that in the administration of the office of Postmaster General, by the advice of his employees, he has in many instances reduced the crew because it is not essential to the public work; the crew can be reduced and the men be kept at work with less expense to the Government. Whatever action has been taken in the line has effected an economy. I do not think it will be found upon investigation, although I know nothing about it, that any delay has occurred by the lessening of the crew. We have had no complaint before us. Of course, during the holiday season there are more or less delays with any sized crew.

Mr. MAPES. I will say to the gentleman that in my district mail from Chicago can come over in one night's run, but there has been complaint from business men, which I have taken up with the department, that it is often 48 hours from the time their mail is put in the post office at Chicago before it is delivered in Grand Rapids and Holland. There is no delay in the train service to that extent.

Mr. MOON. I do not know, of course, any specific cause for delays. It may be that the gentleman has some cause for complaint, which he ought to bring to the notice of the department. The Post Office Committee is a legislative committee and does not undertake to settle any administrative proposition. We furnish all the service that the department says that it needs, and in some cases the committee thinks that they get some that they do not need, but the committee has been very liberal in giving all that was asked for where it did not appear clearly that too much had been asked for.

Mr. MAPES. Can the gentleman tell us why there has been such a material reduction in the number of clerks?

Mr. MOON. That was due to readjustment largely of the crews. The department felt that it could get along with the number of men recommended; of course, these men have gone to other positions where their services were needed more. There may not be much difference in the cost in dollars and cents, but the department regards it as a better administrative proposition. I think the gentleman can have his troubles corrected, if they are not merely temporary.

Mr. MAPES. I would like to call the gentleman's attention to this fact: In line 3, page 17, this bill provides for 796 clerks in grade 6; in the act of 1914 there were 2,318 and in 1915 there were 3,708 in grade 6, several times more than are carried in this bill several years later.

Mr. MOON. New clerks, the gentleman is talking about?

Mr. MAPES. No.

Mr. MOON. The gentleman will find that the grades have been changed from one to the other.

Mr. MAPES. Take grade 5. In 1914 you provided for 5,292, and in this bill you provide for 2,403.

Mr. MOON. Well, some have gone up in automatic promotion and the grades changed. It is impossible for me to tell the gentleman why it is that the department makes a specific recommendation as to the change of a few clerks, except in a general way. I, of course, can not go into detail and tell you so many more clerks are needed at one place and so many less at another. It is in the general administration of the department and the effort to economize and obtain good, efficient service that these reductions have been made. If it so happens that at some place the service is not as efficient as it had been, of course it would be erroneous to make those changes there, and I would suggest that the gentleman refer the facts in his case to the department and they no doubt can correct it.

Mr. MAPES. Mr. Chairman, it is perfectly patent that mail that was heretofore worked on the railway postal cars and now turned into the terminals to be worked there must necessarily be delayed, and when there is any great volume of mail it is simply piled up in these terminals until the clerks in the terminals can work it over. This means a delay sometimes of 24 hours, and sometimes a delay of several days, as I am informed. It is simply evidence of the fact that this particular economy of the Post Office Department is at the expense of the Postal Service.

Mr. VAN DYKE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 18, line 3, after the word "exceeded," strike out the period, insert a colon, and add the words "*Provided further*, That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced."

Mr. MOON. Mr. Chairman, on that I make the point of order that it is new law.

Mr. VAN DYKE. Mr. Chairman, I do not believe that the point of order will lie, for the simple reason that previously in the paragraph there were at least two provisions that were subject to the point of order, and the point was not raised.

Mr. MOON. What has that to do with this?

Mr. VAN DYKE. Consequently this amendment is germane to the section under discussion, and I believe is not subject to the point of order.

Mr. MOON. I am perfectly willing to have the Chair rule upon it. I do not care to discuss the matter.

The CHAIRMAN. The Chair is of opinion that the amendment changes existing law and sustains the point of order.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, $581,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel: *Provided further*, That the rates for electric car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That not to exceed $15,000 of the sum hereby appropriated may be expended, in the discretion of the Postmaster General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, and not to exceed $100,000 of this appropriation may be expended for regulation screen or motor screen wagon service which may be authorized in lieu of electric or cable car service.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes on a matter which is related to this section, though perhaps not in order upon it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, in my judgment, it was most unfortunate that the point of order was made against that part of the bill which provided for the experimental use of aeroplanes for the mail service. I have great faith in the future of aerial navigation. I believe that it is the duty, and at this time it would seem to be the opportunity, of the United States to take the lead in the development of aeronautics for peaceful purposes. I had prepared an amendment increasing the amount in the bill from $100,000 to $200,000.

In Europe, as we know, the development of the use of aircraft has been abnormal, not to say uncanny, but almost exclusively for war purposes. It is already the principal factor in directing the army in action, and performs a most important function in the navy. It is the natural enemy of the submarine and possibly the best agent with which to fight this dangerous sea craft. All of Europe, however, has done nothing, comparatively, toward its use for peaceful purposes. Here we have the great opportunity of developing this new means of transportation for use in peaceful pursuits, and we should not neglect it. After the present war is over naval armament may decrease, large armies are sure to dwindle, but I for one believe that the air service has come to stay, and that it will grow in importance in peace as well as in war. If we should ever be so unfortunate as to become involved in war, every expert who is able to drive an air machine will be worth his weight in gold.

Considerable sums have been appropriated for use by the Army and Navy and are being expended just now in attempting to establish and build up in this country an adequate aviation service as a part of our national defense. Here is an opportunity to utilize by cooperation some of this money for peaceful purposes, because the Army and the Navy have expressed themselves as ready to cooperate with the Post Office Department in providing for the delivery of mail by aeroplane. I believe that there should be an appropriation made, and I hope that the other end of the Capitol will add such an appropriation to this bill, in order that we may begin the use of aeroplane service in the carrying of the mails. I should like to see an aeroplane route from every large city to every other. I should like to see before the end of the fiscal year for which we are now appropriating an aeroplane mail route from my home city of New Haven to the city of New York, and one from New York to Philadelphia or Washington. There is much important mail that might well be carried in this way. It would thus serve a positively useful purpose in our business life, besides the training that it will give the aviators and the development in aircraft that will surely result from it.

We have already appointed a national advisory board to handle the subject. That body has appointed a subcommittee composed of Lieut. Col. Squier, now in charge of the aviation section of the Signal Corps of the Army, Dr. Stratton, Director of the Bureau of Standards, and Dr. Marvin, Director of the Weather Bureau, who have offered to the Post Office Department their fullest cooperation.

We are at this time carrying the mail by aeroplane from the Mexican border to Gen. Pershing at Colonia Dublan, a distance of 110 miles. It takes a passenger automobile eight hours to make that trip. It takes an autotruck train more than a day, and yet the aeroplanes we now have in the service carry the mail and make the trip in 66 minutes. Gen. Scriven, now the head of the Signal Corps, a short time ago made the trip as a passenger by aeroplane from Columbus, N. Mex., to Colonia Dublan. Gen. Pershing could come to the border for a conference in 66 minutes and nobody know anything about it. We should not neglect the opportunity we have of developing and using this great service.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. FESS. In carrying the mail down on the border, have there been any interruptions in the service?

Mr. TILSON. The horsepower of the engines in the first aeroplanes that we used down there was not powerful enough and they did not succeed well in the higher altitude. The horsepower of the engines, however, has been increased up to 160, and any we now have of this type make the regular trip without any difficulty. As I have said, regular service is now maintained between Columbus and Colonia Dublan.

Mr. FESS. We could have reliance upon mail delivery in that way in the future?

Mr. TILSON. Undoubtedly. Perhaps weather conditions might interfere to some extent, but that is one reason why we ought to adopt the service, so that we may develop a service which will be of great value in time of peace and of absolute necessity in time of war.

Mr. STAFFORD. Will the gentleman inform the committee the weight of mail being carried in these aeroplanes?

Mr. TILSON. Well, there are all kinds of aeroplanes capable of carrying different weights. It depends upon what you build your aircraft for, as I said before.

Mr. STAFFORD. The gentleman has stated a concrete instance of mail being transported from the border down to the camp where Gen. Pershing's troops are encamped. Can the gentleman give the amount of mail one of these aeroplanes has carried, and of these aeroplanes?

Mr. TILSON. I do not know just the amount in pounds and ounces, but I know that Gen. Scriven, a man probably twice the size of the gentleman, was carried as a passenger, and his weight alone would make a considerable package of mail.

Mr. STAFFORD. That is not any great feat. We all know that aeroplanes have reached that development where they will carry an extra passenger beside the navigator. The gentleman has made some investigation and says this service is practicable, and I wish to inquire how much weight is being carried, and the gentleman does not seem to have that information.

Mr. TILSON. I do not know exactly how much could be carried by one of our present machines. Probably four or five hundred pounds. In Europe the very large aeroplanes seem to carry indefinite weight in the shape of bombs, machine guns, wireless apparatus, and such appliances, and it seems to be capable of indefinite expansion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. I ask unanimous consent for three minutes more in order to yield to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. The gentleman speaks of the use of aeroplanes in Mexico. Can they fly high enough to be immune from attacks of the enemy on terra firma?

Mr. TILSON. Oh, yes. So far as Mexico is concerned, there are no aeroplanes to be used against us there and no antiaircraft guns, but in the European war it is necessary for them to fly very high. The highest battle I think I have heard of was fought at an altitude of over 19,000 feet, which is nearly 4 miles high—certainly too high for any antiaircraft gun yet produced.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. BRUMBAUGH. Could an aeroplane carry in the atmosphere of Alaska?

Mr. TILSON. I do not think there will be any difficulty at all to get sufficient horsepower to carry in all sorts of altitudes and latitudes. When you reach 19,000 feet, that is a considerable altitude.

I think we ought not to lose the opportunity of developing this service. As I said in another connection, after this war is over the armament of navies may decline; the armies of Europe will certainly dwindle, but the air service will remain as the greatest development of this awful war. Why should not we, the greatest of nations now at peace, point the way in the use of this wonderful agency for purposes of peace? Let us use it in peace time for economic purposes as well as for the training of men for service in time of war. It will be of incalculable advantage to us if we can develop a number of men who are experts in the navigation of the air. They will be literally worth their weight in gold, in case of war. For that reason, it seems to me, instead of simply training men to fly in time of war for purposes of destruction, necessary as this may be, we should also use the same agency for the purposes of peace. I shall be very sorry not to see an experimental appropriation in this bill to begin the good work; but I hope the omission will be supplied in another body before the bill comes out of conference.

Mr. STAFFORD. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. STAFFORD. Is the gentleman acquainted with the purpose of the Postmaster General in asking for this appropriation, that it is to experiment with Zeppelins?

Mr. TILSON. I do not understand it to be so.

Mr. STAFFORD. If the gentleman had read the Postmaster General's report he would not have any mistaken idea about that.

Mr. TILSON. I do not believe that to be the present attitude of the Post Office Department. I talked with Mr. Praeger, the Second Assistant Postmaster General, and I feel sure he has no such idea whatsoever in reference to the use of the Zeppelin. His idea is, if I understand his position right, that this appropriation is to be used for aeroplanes as stated in the part of the bill stricken out on the point of order of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. CANNON. Would an amendment using the word "aeroplane" exclude the use of a Zeppelin?

Mr. TILSON. I am not sure, but think that would exclude a Zeppelin.

Mr. CANNON. It seems that the objection of the gentleman from Wisconsin is that a Zeppelin might be used. Now, I am inclined to believe that an appropriation ought to be made for one or both, and if there is any doubt about the use of a Zeppelin

can not the gentleman devise an amendment which would apply to an aeroplane and exclude a Zeppelin?

Mr. LONGWORTH. If the gentleman will permit, I will say that the word "aeroplane" means a machine heavier than air and that always has been its well-defined meaning and that would exclude a Zeppelin. Furthermore, you could not undertake to build a Zeppelin with $100,000.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. VARE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Chairman, I would ask unanimous consent to return to the paragraph in reference to aeroplanes for carrying mail.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to the paragraph indicated.

Mr. MOON. We can not go back to that paragraph now.

Mr. LONGWORTH. I thought the gentleman was in favor of the proposition?

Mr. MOON. But I am not in favor of going back right now.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. Would it not be better for these gentlemen to defer those speeches until we get down to the main part of the bill?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. STAFFORD]? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, confirming the position I took in making the point of order concerning a provision that has just been referred to by the gentleman from Connecticut [Mr. TILSON], I wish to call the attention of the committee to the report of the Postmaster General upon which I base my objection. It is found on page 46 of the report, and is as follows:

From published reports of aerial operations abroad it would appear that the dirigible-balloon type of airship had been so perfected that it would convey great weight. In fact, the last statements that appear in connection with the subject assert that 300 passengers may be carried in an airship. This would approximate 15 tons net weight. The department is interested in determining the practicability of this method of transportation with a view to its utilization. It is suggested that authorization be given for experiments to be made with this type of conveyor. For aerial experimentations an appropriation of $100,000 is recommended.

With the extravagant use of public money by the Signal Corps services in the appropriation carried in last year's military appropriation bill of $13,000,000, under which they are authorizing experiments in every machine shop in this country that will manufacture or attempt to manufacture some motor that may be of use in aerial navigation, I think we have gone plenty far enough with that extravagant policy without delegating a similar line of experiment to another branch of the service. Let the naval and the military arms of the Government develop these matters, and when developed, for which the Government is paying heavily, then it will be time to utilize that service in connection with the Postal Service.

Mr. TILSON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The Clerk will read.

The Clerk read as follows:

For transportation of foreign mails, $3,720,900: *Provided*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not exceeding $103,000, to cover the cost to the United States of maintaining sea post service on steampships conveying the mails.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the chairman advise us whether this appropriation is the same as it was last year?

Mr. MOON. It is a decrease of $79,100.

Mr. MOORE of Pennsylvania. Has the committee any information as to the stoppage of or the interference with United States mails on the high seas?

Mr. MOON. No. That has not been brought to our committee at all.

Mr. MOORE of Pennsylvania. It is reported occasionally in the newspapers that there has been some stoppage of United States mails.

Mr. MOON. It may have been done, but I have never paid any attention to the newspapers about these things.

Mr. MOORE of Pennsylvania. Is the gentleman or the committee advised as to a foreign censorship exercised over the mails of the United States?

Mr. MOON. Nothing of that sort has been brought before our committee. It is a matter, I take it, that belongs to the Department of State rather than to the Post Office Department.

Mr. MOORE of Pennsylvania. It is a fact, however, that foreign mail that is coming in bears evidence of being censored by a foreign power.

Mr. MOON. That is a matter over which we would have no jurisdiction.

Mr. MOORE of Pennsylvania. If it does not affect the appropriation I will not press the inquiry.

Mr. RAINEY. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD on the subject of clerk-hire increase in the present bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON. Leave has been granted to everybody heretofore.

The Clerk read as follows:

For stationery for the Postal Service, including blanks, books, printed and engraved matter, binding and carbuo paper, and other miscellaneous items for the money-order and registry systems; also the preparation, publication, and free distribution by postmasters to the public of pamphlet containing general postal information; and also pay of one envelope inspector at $1,800 per annum, and one assistant at $900 per annum $522,000.

Mr. MOON. In that which has just been read, in line 17, there occurs the word "carbuo." It should be "carbon."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

POSTAL SAVINGS SYSTEM.

For the purchase of supplies for the Postal Savings System, including blank books, forms, pamphlets, rubber stamps, canceling devices, certificates and cards and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910, $25,000.

Mr. MOON. Mr. Chairman, this is a decrease in this item of $50,000. It was made on the suggestion of the Fourth Assistant Postmaster General. Heretofore it has been $75,000. On consideration of the matter by the department, they think they will probably need an additional $35,000, and I move to amend so that the law may be in accordance with the previous law on the subject. I move to amend by striking out "$25,000" and inserting in lieu thereof "$75,000."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 6, strike out "$25,000" and insert "$75,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, $8,675,000: *Provided*, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of rural delivery service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by rural delivery service.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

In various times in the past I have criticized the Post Office Department in general and the office of the Fourth Assistant Postmaster General in particular because of the parsimonious attitude of that office, as I viewed it, in the matter of the establishment and improvement of star routes. I rise now for the purpose of bearing testimony—I think it is my duty to do that—to a more satisfactory view and attitude evidenced in the last few months on the part of the Fourth Assistant Postmaster General's office in this regard. Not that we are securing or have secured all the star-route service that we should have in the western country, but we are receiving—at least, that has been my experience—a more sympathetic and—part of the time, at least—a more favorable consideration of our requests.

The department in the past has been possessed of and obsessed with the idea that those who have gone to the frontier and who have settled in far-distant localities are not entitled to much consideration at the hands of the Postal Service unless it can be shown that the service that they ask for and desire will measurably pay. We all know that in the widely scattered settlements and homes of the mountains and of the western plains the service can not be made to pay from the standpoint of the actual local stamp cancellation. At the same time we have always held to the view that an American settler, an American citizen, an American pioneer, wherever he might go, was entitled to have the Postal Service of the country follow him, not necessarily with frequent service, but with occasional service at least.

I want to bear testimony to the fact that the department in the recent past has improved much in its view, attitude, and action in these matters as compared with the policy of a number of years past. There is still room for further improvement, but I feel it my duty to say that we are securing better service and more favorable consideration of our requests than formerly.

The carrying of mail over the star routes of the sparsely settled and mountainous portions of the West is one of the services and enterprises of Government which still retains much of the character and flavor of the adventurous occupations of the old frontier. With wagon and sled, on horseback, on skis or snowshoes, and in these later days sometimes with a jitney, crossing sun-scorched and wind-swept plains and snow-covered highlands, toiling through gorge and canyon, breasting mountain torrents and scaling mountain passes, the star-route carrier, in torrid heat and numbing blasts, carries to the isolated ranch, the newly-established homestead settlement, the snowbound miner and prospector, letters from the old home and the newspapers and magazines which keep the dwellers in these frontier sections in touch and sympathy with the doings of the great world outside. It is a service of the most arduous and exacting kind and character, and yet, of all governmental services with which I am familiar, it is the least adequately compensated. Like all pioneer work and like many of the world's most rugged tasks, he who performs it is called upon to take a considerable portion of his recompense in the satisfaction of a hard and useful service well performed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, while I am on this subject of western overland postal routes, known as star routes, let me call attention to the fact that the star-route service in the sparsely settled and mountain West is the first cousin and the immediate successor of the old transcontinental pony express, that picturesque service performed by the hard riding, death-defying couriers of the desert and the mountains, whose exploits and adventures appealed so strongly to the hearts and imaginations of a former generation.

The pony express became possible through the courage and daring of those who serving as the scouts and guides of expeditions, civil and military, which penetrated or crossed the region of the frontier, acquired the experience and developed the nerve which made them competent to traverse wide, unguarded areas with speed and certainty.

The winged couriers of the air brought us yesterday from a beautiful city of that section so recently the frontier, in whose early, heroic, and adventurous days he was so striking and conspicuous a figure, the story of the peaceful passing over the range to his final camping ground of one of the finest and most heroic figures of the old scouting, pioneering, and pony express days—Col. William Frederick Cody. [Applause.]

It is meet and proper, in my opinion, that we should pause a moment in the consideration of these items covering the Postal Service in that western land so recently desert and wilderness, now so strangely a combination and mixture of these conditions and of culture and cultivation and development of the highest order, to speak of this man, who was the beau ideal of the romance and the chivalry, of the courage and the daring of the good old pioneer days of the Golden West.

Whatever others may have contributed to the history of that time and region to the work of development that has brought so marvelous a transformation into many sections of the old West, of the mountains, and the plains, no one will challenge Col. Cody's premiership in contribution to those thrilling and inspiring episodes, to the pleasing and picturesque illumination of those incidents and characteristics of his period and section, which have most charmed and challenged, inspired and thrilled the Nation and the world.

Superbly comely and handsome in form and figure, with a poise and carriage which any king might have envied, possessed of a personal courage never questioned or challenged, intrepid as a gladiator, courtly as a prince, kindly and considerate in act and attitude, it scarcely required the genius of a Buntline to enshrine him the hero and idol in the hearts of the youth of the land, young and old, which his native qualities made him to those who knew him.

Other men have illustrated in a more marked degree some one of the many attractive qualities and shining virtues which Col. Cody possessed, but no man ever lived in the West who combined, as he did, the sterling qualities which make men useful in stirring and soul-testing days, with the graces of person and manner which complete and round out the figure of an ideal representative of a time and condition curiously blending the extremes of hardship and romance.

He passed away as he had lived, a courageous soul, calm-eyed and even-pulsed, in the presence of the inevitable, heroic, gracious, considerate, and thus preserved for the Nation the charming ideal of character which has and will continue to make the story of William F. Cody, "Buffalo Bill," of intense and absorbing interest to those whose hearts remain young and respond to the thrills of romance and adventure. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $53,000,000.

Mr. MOON. Mr. Chairman, I have an amendment which I wish to offer at that point, unless it is desired that I wait until the whole section shall have been read.

The CHAIRMAN. The Chair would state to the gentleman that the bill is being read by paragraphs.

Mr. MOON. Very well.

The CHAIRMAN. The Clerk will proceed with the reading of the paragraph.

The Clerk read as follows:

Provided, That not to exceed $20,000 of the amount hereby appropriated may be used for the compensation of clerks in charge of rural stations: *Provided further*, That on and after July 1, 1917, rural carriers shall receive a salary not exceeding $2,000 per annum, and their maximum salary shall be based on the length of their routes, the time required to serve them, and the number of pieces and weight of mail transported: *And provided further*, That on and after July 1, 1917, the minimum compensation of rural carriers shall be as follows: On routes of 24 miles and over, six times a week, $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480. A rural carrier serving one triweekly route shall be paid on the basis for a route one-half of the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *And provided further*, That no rural route on which the use of a motor vehicle would be required shall be established unless a motor vehicle can be operated thereon with reasonable regularity for 12 months in the year: *And provided further*, That when any route is authorized that absorbs or eliminates existing routes the carriers affected thereby shall be retained in the order of their relative efficiency.

Mr. MOON and Mr. STEPHENS of Mississippi rose.

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise? The gentleman from Tennessee is the chairman of the committee.

Mr. STEPHENS of Mississippi. I desire to make a point of order.

Mr. MOON. And I desire to offer an amendment.

The CHAIRMAN. The point of order will be reserved, and the Clerk will report the amendment of the gentleman from Tennessee.

Mr. MOON. The point of order, Mr. Chairman, if made at all, will come after the amount, "$53,000,000."

Mr. STEPHENS of Mississippi. It comes after that language.

Mr. MOON. I want to offer an amendment, Mr. Chairman, which does not affect that.

The CHAIRMAN. If the gentleman from Tennessee offered his amendment to the first part of the paragraph, of course the regular proceeding would debar the gentleman from Mississippi.

Mr. STEPHENS of Mississippi. My point of order is made to that part beginning on page 26, line 9, the proviso there, and running down to line 12 on the same page; beginning with the word "and," on line 9, and ending with the word "year," on line 12.

Mr. CANDLER of Mississippi. Mr. Chairman, I make a point of order on another provision in that paragraph, on lines 13 and 14 of page 25. I want to make a point of order on the words "the time required to serve them, and the number of pieces and weight of mail transported," on lines 13 and 14.

Mr. TOWNER. Mr. Chairman, I desire to make a point of order on that part of the paragraph commencing on line 10, on page 25, and all of the succeeding parts of the paragraph down to and including line 15, on page 26, for the reason that it is new legislation, not authorized by existing law, and in contravention of existing law.

Mr. MOON. That is from line 7, after the "$53,000,000," is it?

Mr. TOWNER. It commences on line 10, or rather near the end of line 9, at the beginning of the proviso.

Mr. MOON. Beginning with "Provided, further." The balance of it you will not make a point of order on?

Mr. TOWNER. No.

Mr. MOON. Now, Mr. Chairman, in behalf of these apostles of the free rural carriers [laughter], I will concede the point of order on all this language.

The CHAIRMAN. The Chair sustains the point of order, and directs the Clerk to strike from the bill, commencing on page 25, line 9, the language "Provided further," down to and including the word "transported," line 14, and on page 26——

Mr. TOWNER. Down to and including line 15, on page 26.

The CHAIRMAN. Yes. The Chair sustains the point of order.

Mr. MOON. There ought to be a period after the word "stations."

Mr. MANN. Does it strike out all of the paragraph after the word "stations"?

Mr. MOON. Yes; it all goes out. There ought to be a period after the word "stations."

The CHAIRMAN. Without objection, the Clerk will read the section to which the gentleman from Tennessee offers his amendment.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $53,000,000.

Mr. MOON. Now, Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. MOON: After the amount "$53,000,000," on page 25, line 7, insert:

"*Provided*, That the greater maximum yearly salary shall hereafter be paid to the rural carrier on Lake Winnepesaukee who furnishes his own equipment."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. CANDLER of Mississippi. Mr. Chairman, I want to inquire how much of that paragraph went out?

Mr. MOON. All of it went out.

The CHAIRMAN. All of the paragraph following line 9, page 25, down to and including line 15 on page 26.

Mr. AUSTIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The Clerk read as follows:

Amendment offered by Mr. AUSTIN: In line 4, page 26——

Mr. COADY. That is out.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that that part of the bill has been stricken out.

Mr. AUSTIN. Then I offer it to follow the amendment submitted by the gentleman from Tennessee, the chairman of the committee.

The CHAIRMAN. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. AUSTIN, following the amendment just adopted: After the word "equipment," on page 25, add the following: "On routes 26 miles and more than 34 miles, $1,248"——

Mr. MOON. Mr. Chairman, I make a point of order on the amendment. It is contrary to existing law.

The CHAIRMAN. The amendment had better be read throughout. The Chair can not rule on it until the reading of it has been finished by the Clerk.

The Clerk read as follows:

On routes 26 miles and more than 24 miles, $1,248; on routes 28 miles and more than 26 miles, $1,320; on routes 30 miles and more than 28 miles, $1,440; on routes 32 miles and more than 30 miles, $1,560; on routes 34 miles and more than 32 miles, $1,680; on routes 36 miles and more than 34 miles, $1,728.

Mr. MOON. I made my point of order because enough of the amendment has been read to show that the whole of it is subject to the point of order.

Mr. AUSTIN. I wanted to have the whole of it read, to show the gentleman that he ought not to make a point of order against it.

Mr. MOON. Now, it has all been read, and I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee [Mr. AUSTIN] on the point of order.

Mr. AUSTIN. Mr. Chairman, this bill seeks to reduce the compensation of the rural carriers where the route is less than the standard route of 24 miles. If we have the right under the provisions of this bill to reduce the compensation on account of the reduced number of miles served by a rural carrier, we ought also to have the right to increase the compensation for carrying the mail more than the standard number of miles. In other words, if the carrier should be docked or reduced on account of a less number of miles, in all fairness he ought to be paid increased compensation where the department orders an extension of the route.

Mr. MOON. Does not my colleague understand that there is now a law providing for the compensation of carriers?

Mr. AUSTIN. Yes.

Mr. MOON. And does not my colleague propose to amend that law?

Mr. AUSTIN. Yes; by improving it.

Mr. MOON. And because the gentleman proposes to change that law I make the point of order against it.

Mr. AUSTIN. I want to improve it in the interest of fairness.

The CHAIRMAN. The Chair is ready to rule. The Chair is not concerned with the merits of the proposition. The matter for the Chair to determine is whether the amendment is in order.

Under the rules of the House an amendment proposing legislation to an appropriation bill is not in order unless it comes within one of the excepted classes provided in the Holman rule.

The amendment in question is clearly legislation and does not come within the excepted clauses, and the Chair is constrained to sustain the point of order.

The Clerk read as follows:

For village delivery service in towns and villages having post offices of the second or third class, $500,000.

Mr. RUSSELL of Missouri. I move to strike out the last word, for the purpose of asking the chairman of the committee if this does not double the appropriation made last year for this purpose?

Mr. MOON. Yes; it doubles it.

Mr. RUSSELL of Missouri. I want to ask the purpose of that increase. Is it to double the number of villages that are getting this free delivery?

Mr. MOON. Under the old law it was an experimental proposition, and there were a number of villages that got the benefit of the appropriation. The result of that was that every village which had the service reported to the department that it had brought better lighting, better streets, and better service to the patrons of the post office than any other method that had been had. The department required those conditions of better lighting and better streets and sidewalks before the service went into effect. They reported that it had been very beneficial to them all. The last Congress therefore made this a permanent law, and the experimental proposition was stricken out. This year we propose to extend it by doubling the amount, so as to let it go to other villages. I take it that the growth of this proposition will be something like that of the rural delivery, which was begun in the same way, and that finally it will be extended to all villages in the United States that now have neither city delivery nor rural delivery, and that this new service will ultimately accommodate perhaps 20,000,000 people.

Mr. RUSSELL of Missouri. Certain requirements will be made of the towns that apply for this sort of service?

Mr. MOON. Oh, yes. The department requires good sidewalks, good lights, and good streets. It is of great benefit to the towns that have it.

Mr. RUSSELL of Missouri. I am in favor of it. Is it the probability that free village delivery will finally be provided in all the villages that comply with the requirements of the department?

Mr. MOON. Yes; so that we shall ultimately have free delivery in the cities, in the villages, and in the country.

Mr. RUSSELL of Missouri. Is there any rule now fixed by which the department determines what villages shall get this service?

Mr. MOON. No.

Mr. RUSSELL of Missouri. Is there any requirement of population?

Mr. MOON. No; it is in the discretion of the department. The villages that comply with the requirements as to light, and so on, get it. Most of them can do it.

Mr. RUSSELL of Missouri. I am glad to state that under the experimental law which was passed, one of the villages in my district was a beneficiary, and this service has proven to be a very popular one. I would be glad to see it extended to other villages.

Mr. MOON. I hope that may be done.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That the Postmaster General is hereby authorized to prescribe regulations for the establishment and maintenance of a guaranty fund, to be derived from assessments levied against and collected from officers and employees of the Postal Service accountable for funds or property, with which to make good losses resulting from the failure of any officer or employee of the Postal Service to properly discharge his official duty and for the indemnification of the Government and any person or persons sustaining such loss or losses by payments out of such funds; but nothing herein shall be construed as binding the Government or the Postmaster General to make any such payment or reimbursement.

Mr. COADY. Mr. Chairman, I make a point of order on the whole of section 2.

Mr. MOON. Mr. Chairman, the bill, so far as appropriations are concerned, has been completed. The sections numbered 2 to 11, inclusive are, all of them, new law. Therefore all of those sections are subject to the point of order unless the House thinks it wise to take up some one of them and waive the point of order.

I want to remark generally in reference to these sections of new law that, taken in the aggregate, these 10 new sections will secure the people of the United States against a loss of more than $100,000,000 annually.

This particular second section, which is objected to by the gentleman from Maryland, is objected to by the bonding companies of the United States. I take it the people have no objection to it, but the bonding companies that charge a high price for the bonding of officers and of people who make contracts with the Government are very bitterly opposed to this section. They had a hearing on it once before. The Government is not seeking to go into business in this matter, but it can provide for a number of its employees an indemnity that will protect the Government against all loss at a rate about 25 per cent less than these bonding companies charge.

It also will provide an indemnity for the Government against losses incident to the employment of men now not governed by the bonding companies, and the Government can save itself by hundreds of thousands of dollars by the failure of the bonding companies to respond to losses. Of course, the objection that this is new law is well taken. I am not going to insist on the gentleman withdrawing his point of order. If he thinks more of the bonding companies of Baltimore and other places than he does of the Government, let him make it. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That section 3929, Revised Statutes, be, and is, amended so as to read as follows:

"The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or that any person or company is conducting any scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or any unfair, dishonest, or cheating gambling article, device, or thing, instruct postmasters at any post office at which letters or other matter arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such letters or other matter to the postmaster at the office at which they were originally mailed, with the word 'fraudulent' plainly written or stamped upon the outside thereof, and all such letters so returned to such postmasters shall be by them returned to the writers thereof under such regulations as the Postmaster General may prescribe. But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device that remittances for the same may be made by letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself."

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what change there is in the law in this paragraph?

Mr. MOON. This is an enlargement of the original law. For the exact language I will refer the gentleman to the hearings, page 85.

Mr. KINCHELOE. I want to ask the gentleman if under the provisions of this section where it uses the words "scheme of any kind," whether or not, if this becomes a law, it would not forbid a newspaper which advertised an automobile contest for the purpose of increasing its subscription or a mercantile establishment offering prizes for conducting a special sale? Would not they be forbidden to advertise it?

Mr. MOON. What part of the paragraph does the gentleman refer to?

Mr. KINCHELOE. Well, for instance, in line 21, where it says "or scheme of any kind."

Mr. MOON. Yes; that would enlarge the statute against gambling and unfair and dishonest cheating methods. There is no question about that, whether it was performed by a newspaper or a church bazaar or Masonic order or anybody else.

Mr. KINCHELOE. Under the statement of the chairman of the committee, Mr. Chairman, I will make the point of order against the section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. The gentleman can not make the point of order now. No point of order was made against it. The gentleman made a motion to strike out the last word.

The CHAIRMAN. The Chair will have to reverse his ruling. It was made on the theory that the point of order was made and the gentleman from Tennessee conceded the point of order.

Mr. MOON. I said in the beginning that points of order were well taken if they were made, but the gentleman from Kentucky did not make the point of order, but proceeded to discuss his amendment.

The CHAIRMAN. The Chair was about to state that as the gentleman from Kentucky made no point of order and offered an amendment, it is too late now to make the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words in order to ask a question about this paragraph. I take it that this would prevent a church from sending out tickets through the mails if the purpose was to sell prizes.

Mr. MOON. I believe if churches are engaged in any matter that was construed by law to be a lottery that it would affect the church like any other person or institution.

Mr. MOORE of Pennsylvania. I read from the paragraph:

The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency.

That would seem to prevent a church from selling tickets for a chance on articles at a fair or a political club from selling chances. And it would probably prevent a newspaper from offering prizes—a piano, for instance—in order to increase its subscriptions? I am seeking information as to the meaning of the paragraph. Would it stop the practices indicated?

Mr. MOON. The language of the paragraph is:

The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or that any person or company is conducting any scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or any unfair, dishonest, or cheating gambling article, device or thing.

The whole effect of it is to prevent the passing through the mail not only the whole but parts of the scheme or device intended as a game of chance, lottery, or gift enterprise.

Mr. MOORE of Pennsylvania. Must the scheme necessarily be false or fraudulent?

Mr. MOON. It does not affect those that are not.

Mr. MOORE of Pennsylvania. The newspaper that advertises a piano in order to increase its list of subscribers——

Mr. MOON. I do not think that would be subject to this act.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TOWNER. I want to say to the gentleman that the Post Office Department has already determined that the giving away of pianos, diamond rings, and so forth, upon votes obtained in connection with subscriptions to a newspaper was not a lottery.

Mr. MOORE of Pennsylvania. The Postmaster General has so ruled?

Mr. TOWNER. Yes.

Mr. MOORE of Pennsylvania. That is the point I was trying to get at. What are we trying to do by this paragraph?

Mr. TOWNER. They have held that that is not a lottery. This applies to lotteries and fraudulent devices.

Mr. MOORE of Pennsylvania. Then fraud and false pretense must be shown, otherwise this paragraph is of no particular effect?

Mr. TOWNER. I would think so.

Mr. MOORE of Pennsylvania. It may be, Mr. Chairman, that this is one of those paragraphs of the bill that will save the people $100,000,000, but I am not quite sure of it and I am not sure that any great purpose is being accomplished if proof has to be shown of fraud or false pretense. We are still subject to the receipt of cards, tickets, importunities to take chances, and we are still subject to the newspapers that want to give a piano away for the largest number of subscribers.

Mr. STEENERSON. Mr. Chairman, this is only a revision of existing law, and it makes a very small change in the law. It was explained at length by the solicitor of the Post Office Department, Mr. Lamar, in the hearings, and it will be found on page 90, near the bottom of that page, that the purpose was to amend these two sections by giving authority to the Postmaster General to also issue such an order against any person or concern found to be using the mails in the traffic of anything intended for the conduct of a lottery or traffic in any cheating or gambling device.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. MOORE of Pennsylvania. Does this give the Postmaster General greater or less power than he has had heretofore?

Mr. STEENERSON. It adds to the things which are prohibited in these statutes. It adds "or other contingency," in defining a lottery.

Mr. MOORE of Pennsylvania. If the gentleman from Iowa [Mr. TOWNER] was correct in his statement, and I assume that he was, the Postmaster General seems to have had the power to stop the passage through the mails of letters that contain evidence of lottery and games of chance.

Mr. STEENERSON. He certainly has that power under the lottery law.

Mr. MOORE of Pennsylvania. What is there new in this paragraph giving increased power to the Postmaster General?

Mr. STEENERSON. The witness before the committee, Mr. Lamar, said it added "or other contingency."

Mr. MOORE of Pennsylvania. "Other contingency" might mean a newspaper that is giving a piano away.

Mr. STEENERSON. Oh, no. The necessity for a revision has been proven in many cases. The existing sections have been defined strictly, and they could not reach all of the evil that the statute was intended to remedy.

Mr. MOORE of Pennsylvania. Then the gentleman thinks that this tends to fortify the Postmaster General?

Mr. STEENERSON. I think it gives more protection to the public against fraud, and I think it is safe to pass it. We gave it very careful consideration.

Mr. MOORE of Pennsylvania. How much money would the Postmaster General save by this?

Mr. STEENERSON. This is not a money saving proposition to the department, but it is to the people of the United States.

Mr. MOORE of Pennsylvania. That is true. A great deal of money is lost every year through fake advertisements and things of that kind. Does the gentleman know how much?

Mr. STEENERSON. I figured it out once that about $300,000,000 are obtained by schemes to defraud through the Post Office Department.

Mr. MOORE of Pennsylvania. I have heard it fixed at $500,000,000.

Mr. STEENERSON. I know there was one gentleman in New York who succeeded in mulcting the public to the extent of $17,000,000.

Mr. MOORE of Pennsylvania. The question is whether the committee has given the Postmaster General sufficient authority to stop those frauds that are enacted through the Post Office Department.

Mr. STEENERSON. After prosecuting a great many cases the solicitor for the department has recommended this change to strengthen the law.

Mr. MOORE of Pennsylvania. I thank the gentleman for his very lucid explanation.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 5. That section 4041, Revised Statutes, be and is amended so as to read as follows:

"The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or that any person or company is conducting any scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or any unfair, dishonest, or cheating gambling article, device, or thing, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way."

Mr. RICKETTS. Mr. Chairman, I move to strike out the last word. The chairman of this committee has already indicated that sections 2 to 11 are all subject to the point of order.

Mr. MOON. What is that?

Mr. RICKETTS. If I understand the chairman rightly, he stated to the committee that sections 2 to 11 are all subject to the point of order.

Mr. MOON. I think so; but I hoped the gentleman on a matter of public morals so seriously affected as this section will not make the point of order.

Mr. RICKETTS. Oh, I do not expect to do that, Mr. Chairman; I simply wanted to say to the House that I would address myself to the provisions of section 10 here. I am compelled to leave soon or I would not take up the time of the committee now. In my district there are four distinct classes of people, namely, the miners who extract the coal from the bowels of the earth, the laboring men who work in the factories, the laboring men who work in the railroad shops, and those who are engaged in agriculture. All of these various classes of men are fairly well organized. I want to say to the Members of this body that I have received letters and telegrams from each and every class of people in my district objecting to this section 10, to this provision known as the Randall amendment, or the zone system.

On the 2d day of January the gentleman from California, Hon. CHARLES H. RANDALL, obtained unanimous consent of the House to extend his remarks in the RECORD on the zone postal system on newspapers and magazines. It seems from his statement in the RECORD that he is interested in the rider attached to the Post Office appropriation bill, which is now being considered by the House. Just why he should have introduced his argument in favor of this rider by extension of remarks in the CONGRESSIONAL RECORD is not entirely clear to me, nor is it satisfactory, in my judgment, to many Members of this House.

This subject is one of vital importance to the laboring and poorer classes of people in America and should have been presented to this House in a separate and distinct bill, so that the same might have been fully discussed from every angle; but the committee has chosen to bring about this legislation affecting so many people, by hitching onto this appropriation bill a rider which proposes a zone system for the United States with reference to second-class mail matter, the rates of which are proposed to be greatly increased. When a rider is hitched to an important and necessary bill, the rider is usually looked upon as of questionable merit and as covering a subject that will not stand daylight investigation. In a word, an attempt on the part of interested parties to slip something over without discussion. If this zone scheme of rates is worthy of the slightest consideration by Congress, it covers a matter so very important and vital to the public at large that it should be presented as a separate bill and a fair investigation should be made as to its probable effects from every standpoint.

It would seem to me that the object of this legislation, in an indirect way, or in a roundabout way, or in a way not entirely commendable, is to put out of existence all publications with national circulation, including weekly and monthly magazines, and journals pertaining to such subjects as agriculture, medicine, engineering, religion, farm marketing, literature of all kinds, science, art, and practically every other known topic that is beneficial and of the utmost importance to the common people of America under the guise of lowering postage on first-class drop-letter mail, and for the purpose of increasing the revenue to the Government and making the Post Office Department self-supporting.

This rider, which is fathered by the gentleman from California [Mr. RANDALL], owner of a California county weekly, which enjoys free county mail privileges, provides for the zone

system for second-class mail matter, the classification under which newspapers and magazines of every description are mailed. The rider is seemingly worked out, either through design or ignorance, to destroy all national magazines, farm journals, and marketing newspapers, and to hand over the patronage now enjoyed by these publications to the local daily papers. Under the rider publications will enjoy the present rate of 1 cent per pound within a radius of 300 miles. This takes very nice care of all daily papers, because none of them has a percentage of circulation outside of the 300-mile limit that is worth while. Daily newspapers are not only local in circulation but local in interest, aim, and object when it comes to the covering of news. The blow calculated as a knock-out punch, which is aimed at all publications having nation-wide circulation, appears in the proposed measure fixing the following second-class rates beyond the 300-mile radius:

From 300 to 600 miles, 2 cents per pound.
From 600 to 1,000 miles, 3 cents per pound.
From 1,000 to 1,400 miles, 4 cents per pound.
From 1,400 to 1,800 miles, 5 cents per pound.
Over 1,800 miles, 6 cents per pound.

The excuse for this proposed change in rates is given as the cost of handling the mail. It is very plain to be seen, however, that if second-class mail matter can be handled within a radius of 300 miles of the publishing point for 1 cent a pound, then the rates beyond the 300-mile radius, as proposed, are excessive, and are calculated to discriminate against the publication with national circulation.

Mr. RANDALL. Will the gentleman yield?

Mr. RICKETTS. Yes, sir; I will yield.

Mr. RANDALL. Will the gentleman name the county weekly that the gentleman from California owns?

Mr. RICKETTS. Well, I can not say I can name it. I saw it printed in all the papers and in one of the CONGRESSIONAL RECORDS that the gentleman is the owner of a weekly in California. If I am mistaken about that, I beg the gentleman's pardon, but I have been so informed.

Mr. RANDALL. The gentleman from California has not owned any kind of a paper for over two years, and prior to that time the newspaper he did own was not circulated at free county rates, but circulated in the city of Los Angeles.

Mr. BENNET. If the gentleman will permit, I am very glad the gentleman from California made that statement, because I want to say very frankly as a member of the Committee on Rules that most of the periodicals of the country have sent us information that the gentleman was owner of a weekly newspaper directly benefited by the section, so I am very glad to hear he is not.

Mr. RICKETTS. The great magazines and periodicals of the country are of incalculable value in the education and culture of millions of wage earners, young men and young women, and the common people generally, who month by month absorb the contents of these high-class periodicals and not only gain an education but a higher and nobler conception of American citizenship.

Can the Congress of the United States afford to restrict the education of the masses, and a consequent wider conception among those who for one reason or another have been deprived of the advantage of schools? I say no, emphatically no. And this is what the proposed postal rates or zone system will eventually result in.

The publishers of magazines and periodicals can not be expected to donate their services to the uplifting of the people. The increased cost will fall on the consumer. The wage earner, struggling to make both ends meet, will keenly feel the increase. The result will be the diminution in the sales of periodicals and a consequent lessening of educational advantages and an ultimate loss to the general intelligence of the good people of America.

Just a few days ago this House passed the vocational education bill in which $500,000 was appropriated, the purpose of that bill being to reach the boys and girls of the country and to aid them along vocational lines.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICKETTS. Mr. Chairman, I have not taken one second's time of this House during this session until now, and I would like to have my time extended five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RICKETTS. Everybody conceded that legislation was wise and I concede it to be wise. It was a step in the right direction, by which hundreds of people will be benefited; but let us not lose sight of the fact that many hundreds of people throughout the United States are being benefited by the magazines that are carried to their homes each and every month. Many of those magazines contain articles written by very capable men upon some of the most important subjects discussed, and of public interest in the United States and of interest to nearly all the people of the United States.

What is the position of the toilers of this country with reference to the proposed legislation? Do the poor common people of America indorse this legislation? Is it proposed in their interest? Is it meant and intended by the gentleman from California to promote their welfare and increase their sources of knowledge and their advantages for education? Certainly not. The interest of the common people is the last thought of Mr. RANDALL. He is more especially interested in protecting the daily newspaper, and I am against any such scheme or attempt on the part of any citizen of the United States to monopolize the reading matter of the Nation.

Mr. Speaker, I want to call the attention of the House to the fact that the printing organizations, composed of more than 150,000 members, are affiliated with the Union Label Trades Department of the American Federation of Labor, which is composed of more than 720,000 members, all of whom believe that injustice will be done them if this rider to this Post Office appropriation bill is adopted.

There are numerous organizations throughout the United States which have their own publications and their memberships are scattered broadcast throughout the entire land, and should this rider become a law, these organizations and their members will be deprived of their most-favored magazine or periodical. And, again, thousands of members of labor organizations and other organizations are subscribers to papers and magazines which are published hundreds of miles from their homes, and should this rider become a law, these workers will have to discontinue their subscriptions to this class of reading material as soon as their present subscriptions expire; and they will be deprived of this line of education and, no doubt, the publishers of these same publications will have to suspend or go out of business entirely, not only because of this rider but also for the reason of the high cost of news-print paper, which is forced upon the editors of this country by the grand old "Paper Trust," as reported by the Federal Trades Commission. Why does not the gentleman from California go after this Paper Trust and try to correct its wrong against the American people? Why wink at this evil and pass it by, when it is affecting every man, woman, and child in the United States who reads the newspapers, periodicals, journals, and magazines of the country. In fact, people in all walks of life are affected by this gigantic trust, and yet never a word, not even a murmur, is to be heard upon the floor of this House against this great outrage upon the American people.

There are about 12,659,203 people in the United States engaged in agriculture, according to the census of 1910. Every one of these people will be affected by this rider, directly or indirectly. There are engaged in manufacturing and mechanical pursuits and allied industries in the United States about 14,261,376 people. All of this class of people will be affected by this increased rate on second-class mail matter.

Mr. RANDALL. Will the gentleman yield again?

Mr. RICKETTS. I do.

Mr. RANDALL. I would like to ask the gentleman whether an amendment to the zone proposition of this nature would be satisfactory, provided that all publications regularly admitted as matter of the second class in which less than 25 per cent is devoted to paid advertising, whether reading notice or display, shall be subject to the rate of 1 cent per pound and no more? I may say to the gentleman that that would exclude 99 per cent of religious, fraternal, educational, scientific, and laboring press of the country from the operation of this zone bill, for they contain less than 25 per cent of advertising.

Mr. RICKETTS. In answer to the gentleman's question I want to say I favor the increase of the rate of postage on magazines advertising on a flat rate, but I do think that this subject is so important to the people of this Nation it ought not to be legislated or enacted into law in a paragraphic way. I think it ought to be brought into this House in a bill.

Mr. MOON. Will the gentleman yield?

Mr. RICKETTS. I will.

Mr. MOON. Does the gentleman know that about six solid months have been spent in the investigation of this matter heretofore, and that there have been Federal commissions investigating this subject, and that one just reported a short time ago, the chairman of that commission being the late Republican candidate for President, Mr. Hughes, and that they have, every one of them, advised an increase in the rate?

Mr. RICKETTS. I was not aware of that, I will say to the chairman of the committee.

Mr. MOON. It has been perhaps the best examined question that has become an issue before this body at any time.

Mr. RICKETTS. I have no doubt that some investigation has been carried on, and that the gentleman is correct as to some of the various commissions.

Mr. MOON. This committee, at a session some time ago, if you will get the hearing, had a very exhaustive examination of the whole question. It was examined by the department and then by the committee.

Mr. RICKETTS. As I understand it, notwithstanding the fact that various commissions have made various examinations about this matter, it has never been discussed by Members of this House, and, in my humble judgment, before any legislation is enacted here respecting as important a question as this, it ought to be discussed fully by all Members of this House, and not by any particular outside committee. [Applause.]

I have received telegrams from lodges in my district, different secret organizations, all objecting to this sort of legislation at this time, claiming that injury will be done these particular organizations, and opposing it.

The farmers of the country are reading the farm journals and gleaning from them the most modern methods of agriculture. They are seeking constantly to increase their vocational ability, but should this rider be enacted into law, a great many of them will have been shorn of the principle source of knowledge pertaining to their individual duties.

It is the province of these magazines, journals, and periodicals in the American homes to lessen the sources of social unrest among the masses. No other one thing contributes more largely to crime than idleness of body and mind. The minds of the American people are active and demand mental employment, and I am sure that many comforts are added to the firesides of our homes by these incoming periodicals. Why deprive our own dear people of these privileges, and that is what it means to pass this legislation, and I am against it.

The Post Office Department is self-sustaining. Then, why all this outcry about a loss of revenue to the Government? This department is meant and intended to be a great public utility for the use, benefit, and accommodation of the American people in the transmission of mails. Why, then, deprive the people of this great public service? There is no just or reasonable excuse for it. Why not let the present system of service, which is so satisfactory to all the people of the United States, remain as it is, which system has been a great benefactor in educating and enlightening generally the people of the country which we love so dearly? It is the policy of this Government and all our institutions to promote education in all lines, and in every available way, and to increase the facilities as the Nation progresses, so as to make the system more efficient and serviceable to all the people.

I am here inserting the items from which the revenue in the Post Office Department is obtained. During the fiscal year ending June 30, 1916, the Post Office Department received revenue from ordinary postal revenues, revenues from money-order business, and revenues from postal-savings business in the enormous sum of $312,057,688.83.

The receipts are the largest in the history of the Government. The following table shows the growth of the Postal Service in the United States from the year 1800 up to the present time:

GROWTH OF POSTAL SERVICE.

Receipts and expenditures for certain years from 1800 to 1916.

Items.	1800	1810	1820	1830
Receipts	$280,804	$551,684	$1,111,927	$1,850,583
Expenditures	213,994	495,969	1,160,926	1,932,798
Excess of receipts	66,810	55,715		
Excess of expenditures			48,999	82,125

Items.	1840	1850	1860	1870
Receipts	$4,543,522	$5,499,984	$8,518,087	$19,772,221
Expenditures	4,718,236	5,212,953	19,170,610	23,908,837
Excess of receipts		287,031		
Excess of expenditures	174,714		10,652,543	4,226,616

Items.	1880	1890	1900	1904
Receipts	$33,315,479	$60,882,098	$102,354,579	$143,582,624
Expenditures	36,542,804	66,259,548	107,740,267	152,362,116
Excess of expenditures	3,227,325	5,377,450	5,385,688	8,779,492

Receipts and expenditures for certain years from 1800 to 1916—Contd.

Items.	1905	1906	1907	1908
Receipts	$152,826,585	$167,032,782	$183,585,005	$191,478,663
Expenditures	167,399,169	178,449,778	190,238,288	208,351,886
Excess of expenditures	14,572,584	10,516,996	6,653,283	10,873,223

Items.	1909	1910	1911	1912
Receipts	$203,562,383	$224,128,657	$237,879,823	$246,744,015
Expenditures	221,004,102	229,077,224	237,648,926	248,525,450
Excess of receipts	17,441,719	5,848,567		1,781,435
Excess of expenditures			230,897	

Items.	1913	1914	1915	1916
Receipts	$266,619,325	$287,904,565	$287,248,165	$312,057,688
Expenditures	262,067,541	283,543,769	298,546,026	287,248,165
Excess of receipts	4,551,984	4,360,796		24,809,523
Excess of expenditures			11,297,861	

ECONOMY.

This House has just passed a vocational education bill which carries with it an appropriation of $500,000 for the fiscal year ending June 30, 1917; $750,000 for the fiscal year 1918; $1,000,000 for the fiscal year 1919; $1,250,000 for the fiscal year 1920; $1,500,000 for the fiscal year 1921; $1,750,000 for the fiscal year 1922; $2,000,000 for the fiscal year 1923; $2,500,000 for the fiscal year 1924; and for the fiscal year ending June 30, 1925, and annually thereafter, the sum of $3,000,000.

Now, why did the House of Representatives make this appropriation? Because it is conceded by all who participated in the discussion of this bill and those interested in the bill that it is a step on the part of the Federal Government taken for the purpose of advancing the vocational education of the boys and girls of our country, who are badly in need of further instruction and greater opportunities in vocational lines.

Is this House in one breath going to make appropriations such as this for the benefit of the youth of our country and in the next breath deprive them of the greatest educational advantages which could possibly be theirs to enjoy—that of the magazines, journals, and periodicals which are published throughout the United States, which contain a fund of wisdom on nearly all subjects in which the American people are interested?

Gentlemen of the House, I know not what you may do with reference to this matter, but, as far as I am personally concerned, I shall by my vote and influence oppose this legislation, because I firmly and honestly believe it to be absolutely and unequivocally wrong.

As a friend to the wage earners of the country, the farmers of the country, and men in all walks of life, whenever and wherever it is within my power so to do, I shall protect their interests and the interests of the common people. Abraham Lincoln once aptly said, "God must have loved the common people; if He had not, He would not have made so many of them." [Applause.]

Mr. Chairman, I desire to adopt as a portion of my address to this House a poem written by Berton Braley expressly for the Coal Age, which so aptly and correctly describes this rider and its author. It is as follows:

PROFITS ÜBER ALLES.

[By Berton Braley, written expressly for Coal Age.]

Now this is the story of RANDALL, the Solon from out of the West,
Who said to the wise men of Congress, "My brethren, methinks it is best
To start a new system of postage; the second-class rate is too low——"
"Let's cut out the franking!" said some one, but RANDALL protested, "Oh, no!
The frank is a privilege precious, forever fulfilling our needs
For sending out unspoken speeches, and mailing quintillions of seeds,
We can not afford to forego it; but I have a far better way
To add to the Government's profits and help make the post office pay——"
"I know," cried a Congressman, loudly, "your meaning is plain as can be,
You want to abolish the practice of sending the newspapers free
Which don't go outside of their county—believe me, I'm with you, old scout,
It's really a graft most expensive, I'll aid you in cutting it out,
To cease such a species of outlay will save quite a bundle of pelf——"
"I don't want to stop it," said RANDALL, "I run such a paper myself!
My plan is far simpler and cuter," he added in confident tones,
"We'll just soak the magazines harder by slicing the country in zones
And piling on postage for distance clear up to 6 pennies a pound,
Thus gaining some millions of dollars for Congress to scatter around
In post-office buildings for Podunk—large buildings of costly design—
Or free distribution of papers—such papers, for instance, as mine.

"We'd drive many magazines bankrupt, we'd double the price of the rest,
We'd gather a tribute most heavy from people who live in the West,
We'd stir up old sectional feelings, on knowledge we'd levy a tax,
The publishing business would get it where chickens are given the ax,
But what do such little things matter? It's 'cash money' profits that count,
The people can go without reading if only the postal rates mount,
The technical journals can wither, the magazines all fade away,
That won't hurt my small county paper—so up with the postage, I say!"

Now this is the story of RANDALL, the Solon from out of the West,
And this is the innermost meaning of what he has tried to suggest,
He may not have said what is quoted, but if his new law is put through
The words we have rimingly noted will prove to be direfully true;
The spread of instruction is threatened, and if you don't want to allow
This drag on the progress of knowledge, just write to your Congressman, Now!

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOON. Mr. Chairman, permission has been given in the House to everybody to extend remarks.

The Clerk read as follows:

SEC. 6. That section 213 of act of March 4, 1909 (Criminal Code), be and is amended so as to read as follows:

"No letter, package, postal card, or circular concerning any lottery, gift enterprise, or scheme of any kind, offering prizes dependent in whole or in part upon lot or chance, or other contingency, or concerning any article, device, or thing designed or intended for the conduct of such lottery enterprise or scheme; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, and no article, device, or thing designed or intended for the conduct of such lottery enterprise or scheme, or matter relating thereto; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or other contingency, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, or containing any advertisement of any article, device, or thing designed or intended for the conduct of such lottery enterprise or scheme, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Tennessee a question.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MOON. A point of order has been reserved, and I want to ask the gentleman if it is his intention to make it final or reserve it for debate?

Mr. MOORE of Pennsylvania. I reserve the point of order to ascertain whether it should be made. If those who use the mail merely to send through tickets for articles to be chanced off without fraudulent intent are to be imprisoned, it seems to me we should consider it. It is different from the other paragraph.

Mr. MOON. The general law would require intent of fraud to be done before there would be conviction. Intent actuates the man. If it was done innocently, you could not punish him for it.

Mr. William H. Lamar, Solicitor for the Post Office Department, says:

The changes in section 3929 were made primarily to make the statute that the Post Office Department had the administration of conform to the criminal statutes as found in section 213 of the Criminal Code with respect to lotteries, and section 215 with respect to fraud. Sections 3929 and 4041 are statutes which authorize the department to issue fraud orders and lottery orders and stop the use of the mails, while the other two sections, 213 and 215, are criminal statutes which are administered through the district offices. The changes which have been made in section 3929 broaden the effect of that statute with reference to the offering of prizes dependent in whole or in part upon lot or chance. The language is made broader than the present act by inserting the words "or other contingency."

Now, that is a statement from Mr. Lamar in reference to the scope of these statutes generally. I refer the gentleman to the examination of those pages, if he wants to do so. It broadens the scope and authority of the present law.

Mr. STAFFORD. If the gentleman from New York desires the exact change, the additions that have been added to section 6 are the following:

In line 9, page 31, after the word "chance," the following is new language: "or other contingency, or concerning any article, device, or thing designed or intended for the conduct of such lottery enterprise or scheme."

And in line 15, before the word "scheme," add the word "similar," and after the word "scheme" add the words "of any kind."

Line 16, after the word "chance," the following is new language: "or other contingency, and no article, device, or thing designed or intended for the conduct of such lottery, enterprise, or scheme, or matter relating thereto"; and on page 32, line 1, after the word "chance," the words "or other contingency" are added. And in line 4, same page, after the word "prizes," the following language is added: "or containing any advertisement of any article, device, or thing designed or intended for the conduct of such lottery enterprise or scheme."

Mr. MOON. I was reading to the gentleman from the statement of Gen. Lamar. He covers the whole matter. It is simply broadening the statute along that line.

Mr. MADDEN. It is intended to stop the shipment of slot machines.

Mr. MOORE of Pennsylvania. Under this paragraph would a club or a church which organized a game of chance and sent tickets through the mail become punishable, or an individual or committee become punishable by fine or imprisonment?

Mr. BENNET. By reason of the additional language?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. This is the law, except as to where it is amended, and that is only intended to stop the shipment of slot machines.

The CHAIRMAN. Does the gentleman withdraw his reservation of a point of order?

Mr. MOORE of Pennsylvania. I do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That section 217 of the Penal Code be and is amended so as to read as follows:

"All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials, of whatever kind, which may kill or in anywise hurt, harm, or injure another or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than 10 years, or both."

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. MOORE of Pennsylvania. I reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. BENNET. May I inquire what the changes are?

Mr. MOORE of Pennsylvania. Before withdrawing the point of order I want to find out whether it will prevent a physician's prescription from going through the mails—the first two lines there relate to a percentage of poison. That might apply to medicine.

Mr. MANN. The only thing this section does is to amend the law with reference to the regulations made by the Postmaster General by leaving out the language "as to preparation and packing." That is all it does.

Mr. MOON. It is all the law now.

Mr. MANN. The Postmaster General is now authorized to authorize the transmission through the mails of these physician's prescriptions, and so forth, by making regulations as to the preparation and packing. With that preparation and packing left out, he has the authority to make the regulations, and the result of that is that all of these articles will be permitted to go through the mails.

Mr. MOORE of Pennsylvania. That would permit the transmission through the mails of articles that contain only a percentage of poison used for medical purposes?

Mr. MANN. Certainly.

Mr. BENNET. It broadens the discretion of the Postmaster General as to the regulations.

Mr. MANN. It does not require him to make regulations as to the preparation of the article.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. MOORE of Pennsylvania. In view of the explanation that has been made, I will withdraw the point of order, Mr. Chairman.

Mr. STAFFORD. I renew the point of order. I have no objection to this paragraph being passed as it is, but if it is going to be used as a vehicle for tagging on some prohibition amendment I will make the point of order, so that the committee can finish the consideration of the bill to-night.

Mr. MOON. I do not think anything of that kind will be done.

Mr. RANDALL. Does the gentleman propose to make the point of order?

Mr. STAFFORD. If the gentleman from California proposes to offer a prohibition amendment, I will make the point of order.

Mr. RANDALL. Then I will make the point of order myself.

The CHAIRMAN. The gentleman from California makes the point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 9. That on and after July 1, 1917, drop or local letters shall be mailed and pay postage at the rate of 1 cent per ounce or a fraction thereof, including delivery at letter-carrying offices and on rural routes where mailed.

Mr. MOON. Mr. Chairman, I ask unanimous consent that section 9 be passed over until we shall have disposed of section 10.

The CHAIRMAN. Without objection, the request of the gentleman from Tennessee——

Mr. STAFFORD. I object, Mr. Chairman.

Mr. MOORE of Pennsylvania. What was that?

Mr. MOON. I want to be perfectly candid with the gentlemen, Mr. Chairman, and unless we pass section 10 in some shape we will not have any money to carry out the provisions in section 9. There will be no use in passing it.

Mr. MADDEN. I wish to say, Mr. Chairman, that I will make a point of order against section 10 when we reach it.

The CHAIRMAN. The Chair will state the request. The chairman of the committee asks unanimous consent that section 9 be passed over until section 10 shall have been disposed of. Is there objection?

Mr. JOHNSON of Washington. I object.

The CHAIRMAN. The gentleman from Washington objects.

Mr. MOON. The gentleman can make a point of order against section 9.

The CHAIRMAN. Section 9 has not been read. The Chair will direct the Clerk to read it.

The Clerk read as follows:

SEC. 9. That on and after July 1, 1917, drop or local letters shall be mailed and pay postage at the rate of 1 cent per ounce or a fraction thereof, including delivery at letter-carrying offices and on rural routes where mailed.

Mr. FIELDS. Mr. Chairman, I reserve a point of order on that.

Mr. RANDALL. I make a point of order on it.

The CHAIRMAN. The point of order is sustained.

Mr. COX. Mr. Chairman, at that point I wish to print in the RECORD a letter from Postmaster General Burleson as to how much revenue the Government will lose if section 9 becomes a law. It is $27,000,000. I ask leave to insert it in the RECORD.

The CHAIRMAN. Is there objection?

Mr. MANN. I shall not object; but I do not think the opinion of the Postmaster General is worth anything at all. He comes from a country town, and does not know anything about the delivery of city mail. In fact, I think it would increase the revenue, and any man who comes from a city would believe that.

Mr. COX. If the gentleman will read that letter, he will find out that it is based on facts and investigation.

Mr. MANN. It can not be based on facts. It is based on imagination.

Mr. COX. No; it is based on facts.

The CHAIRMAN. The Chair must admonish gentlemen to observe the rules of the House. The gentleman from Indiana [Mr. Cox] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STEENERSON. Reserving the right to object——

Mr. MOORE of Pennsylvania. Reserving the right to object——

Mr. FARR. Reserving the right to object——

Mr. STEENERSON. Mr. Chairman, I should like to ask the gentleman from Indiana a question. Is it not a fact that recently the chairman of the Post Office Committee expressed the opinion that this provision in regard to drop-letter postage, if put into operation, might be self-sustaining?

Mr. COX. I do not know what the chairman of the Post Office Committee said.

Mr. STEENERSON. I understood him to state that.

Mr. LONGWORTH. He said there might be a loss of three or four million dollars the first year and that it would be self-sustaining after that.

Mr. STEENERSON. I think the chairman of the Post Office Committee is a very much better authority on postal matters than is the Postmaster General.

Mr. COX. The gentleman will find, if he will read that letter, that the Postmaster General states that the probable loss of revenue would be approximately $27,000,000, and he undoubtedly knows what he is talking about.

Mr. FARR. I want to ask the gentleman by what means the Postmaster General discovered that there would be such a deficit?

Mr. COX. By investigation.

Mr. FARR. What kind of an investigation?

Mr. COX. By taking an account of the drop letters at 50 of the large post offices in the United States for a certain period of time.

Mr. FARR. When was this done?

Mr. COX. During 1914.

Mr. FARR. How does the gentleman account for the discrepancy between these two gentlemen, the chairman of the Post Office Committee [Mr. MOON] and Postmaster General Burleson, as to the amount of this loss?

Mr. COX. I can not account for the discrepancy.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is, Is there objection to the request of the gentleman from Indiana?

Mr. EMERSON. Reserving the right to object——

The CHAIRMAN. The regular order has been demanded. The regular order is, Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and it is so ordered.

The following is the letter referred to.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 9, 1916.

Hon. W. E. COX,
House of Representatives, Washington, D. C.

MY DEAR MR. COX: In response to that part of your recent letter regarding the effect which a reduction to 1 cent an ounce or fraction thereof in the rate of postage on letters mailed for local delivery would have on postal revenues, I have to say that an estimate based on mailings of letters deposited for local delivery at city letter-carrier offices during the week ended October 7, 1914, shows that the probable loss of revenue on letters mailed for local delivery at such offices during the year embracing the week referred to, if such rate had been in effect during that year, would have been approximately $27,581,608. For your further information I inclose a copy of a memorandum embodying the estimate.

The estimate requested by you as to the effect on the postal revenues of the enactment into law of House bill 16145, introduced by Representative RANDALL May 31, 1916, providing for the zone system of postage rates for second-class matter, and also with respect to the fixing of the third-class rate of postage for catalogues and similar publications, will follow at an early date.

Yours, very truly,

A. S. BURLESON.

MEMORANDUM ON 1-CENT LETTER POSTAGE.

The period covered by the following statistics is the week of October 1 to 7, 1914:

The postage on letters mailed for local delivery at the 55 largest post offices for the week was	$790,898.71
Reports from 1,725 of the 1,759 city-delivery offices, including the 55 largest offices, show that the number of letters deposited for local delivery for the week amount to	51,604,967
The postage on these letters was	$1,060,831.49
Computing for a year on the basis above given, the loss of revenue which would result from the reduction of 1 cent an ounce on drop letters would be (while 34 of the 1,759 city-delivery offices are not included in the above statistics, it is believed that the estimated loss per year would be not less than $25,000,000. To confine the estimate to offices having gross postal receipts of as much as $100,000 the annual loss would be $24,000,000)	$27,581,608.00

The Clerk read as follows:

SEC. 10. That on and after June 30, 1917, all newspapers, magazines, and other publications regularly admitted to the mails as matter of the second class when mailed by the publisher shall hereafter be subject to the following rates of postage, the zone system now applying to parcel-post matter to be adapted also to second-class matter:

Local, first, second, and third zones (under 300 miles), 1 cent per pound.
Fourth zone (300 to 600 miles), 2 cents per pound.
Fifth zone (600 to 1,000 miles), 3 cents per pound.
Sixth zone (1,000 to 1,400 miles), 4 cents per pound.
Seventh zone (1,400 to 1,800 miles), 5 cents per pound.
Eighth zone (over 1,800 miles), 6 cents per pound:

Provided, That free-in-county circulation provided by law shall continue as at present: *And provided further*, That the Postmaster General may hereafter require publisher to separate or "make-up" to zones, or in such manner as may be directed, all matter of the second class when offered for mailing.

Mr. JOHNSON of Washington. I make a point of order against the section.

Mr. CAMPBELL. I make a point of order against the section.

[Several other Members made the same point of order.]

Mr. MOON. Mr. Chairman, I make a point of order on this section myself, because the other section went out, and because everybody over there on that side seems to want to make a point of order. We will take up this matter in some other shape, gentlemen, and give you an opportunity to consider it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Washington. We desire to thank the gentleman from Tennessee for making the point of order.

The Clerk read as follows:

SEC. 11. That hereafter catalogues and similar publications shall be classified as third-class mail matter and pay postage as such.

Mr. LEWIS. Mr. Chairman, I make a point of order on that.

Mr. MOON. The point of order is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. STEENERSON. I should like to ask the gentleman to reserve the point.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The point of order was made, and the Chair has sustained it.

Mr. MOON. Mr. Chairman, I have two or three amendments that I desire to offer. I will state in advance that each one of them is subject to a point of order. Still, I think I will give gentlemen an opportunity to take such course as they see fit.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the bill the following as a new section:

"The Postmaster General may, under such rules and regulations as he shall prescribe, when the senders of mail matter so desire, accept for mailing the replies thereto without the prepayment of postage thereon, and collect from the addressees at the time of delivery postage at the regular rates and 50 per cent in addition thereto."

Mr. STAFFORD. Mr. Chairman, this amendment has been under consideration many times in the Post Office Committee. It is fathered by the gentleman from Missouri [Mr. LLOYD], and I do not think any objection can be raised to it by anyone who is acquainted with the facts. I yield to the gentleman from Missouri [Mr. LLOYD].

Mr. MADDEN. Let us take a vote on it.

Mr. LLOYD. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MOON].

The amendment was agreed to.

Mr. MOON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the bill the following as a new section:

"That the Postmaster General, in cooperation with the State highway department of each State, shall designate the roads to be constructed in conformity with the provisions of the act of July 11, 1916, and that the Secretary of Agriculture shall approve the plans, specifications, and estimates for any project determined upon by the Postmaster General and the State highway department. The construction, work, and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture."

Mr. MANN. I make the point of order.

Mr. MOON. Will the gentleman withhold it a minute?

Mr. MANN. I will.

Mr. MOON. I want to state that the purpose is to enable the designation of roads in conformity with the power under the Constitution and laws that belong to the Post Office Department, and not to the Agricultural Department, and to prevent, if possible, by the designation by that department of those interested alone in the establishment of post roads. The designation of the roads will be for the benefit of the Postal Service.

Mr. MANN. It looked to me as if it was a good amendment when I heard it read, but it ought to come from the Committee on Roads. They ought to consider it.

Mr. MOON. It ought to be so that the money will not be expended all upon automobile roads of the country, but upon the rural post roads.

Mr. MANN. I make the point of order.

Mr. MOON. I concede that it is subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MOON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

And the Postmaster General is hereby directed to report to Congress the amount paid by his department and other departments of the Government, including the Commissioners of the District of Columbia, for telephone service, and the number of messages, and also the money that would be saved to the Government, and the practicability and probable cost of the purchase of the existing telephone system of the District of Columbia under the power of eminent domain, to be operated by the Post Office Department.

Mr. MADDEN. Mr. Chairman, I make a point of order to that.

Mr. MOON. The point of order is well taken. I simply wanted to see where gentlemen stand.

The CHAIRMAN. The point of order is sustained.

Mr. LEWIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add as a new section the following:

"The sum of $100,000, or so much thereof as may be necessary, is hereby appropriated to enable the Postmaster General to proceed to execute the objects of section 3 of the act of Congress approved July 24, 1866, providing for the inauguration of telegraphic service for postal, military, and other purposes, and for the appraisal of the properties therein mentioned; and if in carrying out such objects of said act he shall find that it conduces to a reduction of the expenditure herein authorized he may use any telephone lines for telegraphic purposes; and it shall be the duty of the owners thereof to render and permit such service on such lines as he may require, for which they shall be entitled to just compensation, the amount whereof, in case of dispute, to be determined by the Interstate Commerce Commission."

Mr. MADDEN. Mr. Chairman, I make a point of order to the amendment.

Mr. LEWIS. The point of order, Mr. Chairman, may not lie.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. LEWIS. The act approved July 24, 1866, gives certain rights over post roads for telegraph lines of the country, and provides:

Provided further, That the United States may at any time after the expiration of five years from the date of the passage of this act for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all of said companies at an appraised value to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected.

The amendment offered merely directs the execution of the existing law on the part of the Postmaster General and provides the funds with which he may do so, to wit, $100,000. In my view of the rules it is therefore not liable to a point of order, because it is not new legislation. I send to the desk the statute itself.

I have in mind a case in the reports of the proceedings of this House some years ago that seems to be in point. I do not recall the reference, but I do recall broadly the characterizing facts. A former statute authorized the existence of a mint in one of the cities in the Southern States—I think perhaps New Orleans, although I am not certain as to that. An appropriation was urged in the manner this appropriation is being urged, for the equipment of the mint and the provision of salaries for officials therein. It was held by the Speaker then presiding that the appropriation was in order, since it merely complied with existing law.

Mr. MADDEN. Mr. Chairman, I do not pretend to know what the law of 1866 is, but at any rate I recall this much of the reading of the law, that it provides for the determination of this question by a committee of disinterested citizens. But the gentleman's proposition provides for an adjustment of the price, to be made by the Interstate Commerce Commission, which was not a part of the law.

Mr. LEWIS. Mr. Chairman, the gentleman is in error as to that. That is an incident. The amendment proposes that the Postmaster General shall go ahead and execute the law by appointing his appraisers and giving notice—doing whatever is necessary to effectuate the law.

Mr. MADDEN. Then the gentleman proposes by his amendment to authorize the Postmaster General later on to take over these properties, which means the expenditure of an enormous sum of money that nobody knows anything whatever about?

Mr. LEWIS. He can not do that unless the Congress later so directs.

Mr. MADDEN. And it seems to me that an important question of this sort, regardless of what the law may be, ought to be considered in an orderly way, and ought not to be forced

upon the House of Representatives at this late hour in the week at the end of the consideration of an important bill without any consideration whatever.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. How could a law of 1866 deal with telephones that were not invented until 12 years later?

Mr LEWIS. Mr. Chairman, I would say that the highest court in Great Britain has determined that the telegraph is the same as the telephone; both messages go over the same wire at the same moment, and they are used in that way throughout the world. There is no difference between the telegraph and the telephone wire, in law or mechanics.

Mr. MADDEN. But the gentleman from Maryland must be willing to concede that the question is of too great importance to be considered in such a slipshod way as this is proposed to be considered, that we ought to have time for discussion and investigation of the proposition before us.

Mr. LEWIS. Oh, there will be plenty of time for discussion. Moreover, this merely means that the Postmaster General shall act under this law.

Mr. MADDEN. I know, but it means that we are to act as a lot of automatons and turn over to the Postmaster General the consideration of a great question, that may involve the expenditure of hundreds of millions of dollars, without having any right whatever to give consideration to the merits of the matter that we turn over to him.

Mr. LEWIS. It does not mean that at all. He has got to report. He can not spend any money except that authorized in the amendment, and the value of the gentleman's point, it seems to me, is tested by what happened a moment ago. He objected to the amendment offered by the gentleman from Tennessee [Mr. MOON], which merely directed the Postmaster General to report the facts on a like matter of small financial proportions. I think I understand the reasons for the gentleman's objecting to this amendment.

Mr. MADDEN. Oh, I am frank to say to the gentleman that I am opposed to Government ownership, if that is what he means.

Mr. LEWIS. That is what I mean.

Mr. MADDEN. I am very frank to say that.

Mr. LEWIS. And I think no amount of discussion would change the gentleman's views.

Mr. MADDEN. Aside from that, I believe in going at a thing in an orderly way, and I do not believe the membership ought to be asked to vote upon something they have had no opportunity to consider.

Mr. FESS. Mr Chairman, just one observation. The law in question here was enacted in 1866. The thing with which the law dealt was the telegraph. The telephone did not exist at that time and was not in existence until 12 years later. The amendment proposes to deal with a thing that did not exist through an agency, the Interstate Commerce Commission, which did not exist until 1887, nearly 20 years after that; and I do not see how these two subjects can be dealt with in accordance with the law that was passed when there was no conception of the two agencies referred to when it was enacted.

The CHAIRMAN. The Chair realizes the importance of the proposition, and the Chair, of course, has not had an opportunity to give it that thought and care which the Chair would like to give.

Mr. LEWIS. I have no objection to deferring the matter until the Chair can give it that consideration. Let the matter go over until some later date.

The CHAIRMAN. It is up to the Chair to rule now.

Mr. LEWIS. I am not demanding that a ruling be made at this time.

The CHAIRMAN. The Chair understands, but the Chair does not care to delay public business himself, and he prefers to rule upon the question now rather than to delay the public business by having it go over. Section 3 of the act of 1866 provides that the Government after five years may purchase certain telegraphic companies. The amendment offered provides an appropriation for the purpose of investigating and appraising the values and to enable the Postmaster General to determine whether or not expenses can be reduced by the purchase. The Chair does not think that carries out the act of 1866. The Chair thinks it adds legislation to it, and therefore the Chair sustains the point of order.

Mr. LEWIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the bill the following as a new section:

"The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated to enable the Postmaster General to execute the provisions of section 3 of the act of Congress, approved July 24, 1866, to appraise, for postal, military, and other purposes, the lines, property, and effects of the telegraph companies subject to said act; and the Postmaster General is hereby directed to report the result of such appraisal to Congress on the first Monday in January, 1918."

Mr. MADDEN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. LEWIS. I simply desire to say it is free from the objection of the introduction of any new matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEWIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the bill the following as a new section:

"*Provided*, That the Postmaster General is hereby directed to carry out the provisions of the third section of the act of Congress approved July 24, 1866, and proceed to appraise the lines, property, and effects of the telegraph companies subject to the said act, and to submit his report thereupon to the Congress on or before the first Monday in January, 1918."

Mr MADDEN. Mr. Chairman, I make the point of order against it.

Mr. LEWIS. Mr. Chairman, I suggest that this amendment does not change existing law but simply directs an official to carry into actual effect existing law by taking the steps designed and implied in the act of 1866. If the Chair has familiarized himself with section 3 and the proviso he will recall the applicability of this amendment to the proviso and its complete nonrelation to any fact or circumstance not set forth in the proviso by expression or by implication. It may be this or it may be that, but it is not new legislation.

Mr. MANN. Will the gentleman yield for a question?

Mr. LEWIS. Surely.

Mr. MANN. Is the Postmaster General authorized now under the act of 1866 to do the things that are directed to be done by this amendment?

Mr. LEWIS. If he is, then the amendment is not new legislation.

Mr. MANN. Well, is he authorized?

Mr. LEWIS. If he is, then this is not new legislation.

Mr. MANN. But the gentleman does not answer the question.

Mr. LEWIS. I am answering the question.

Mr. MANN. The gentleman is not answering the question at all. I asked the gentleman whether the act of 1866 authorizes the Postmaster General to do the things which this directs him to do.

Mr. LEWIS. I think perhaps that argument would be more relevant to the previous amendment that provides some funds for the doing of things he is authorized to do.

Mr. MANN. Well, the gentleman is still evading an answer.

The CHAIRMAN. The Chair is ready to rule.

Mr. MADDEN. Mr. Chairman, I wish to say, for the information of the Chair, that the section of the law quoted by the gentleman from Maryland is permissive. The amendment offered by the gentleman from Maryland is mandatory. Even if he had the power under the law this amendment changes the law.

The CHAIRMAN. In the opinion of the Chair the amendment in question directs the Postmaster General to do something that now under the law he is not authorized to do; that it adds legislation, and therefore the Chair sustains the point of order. The Chair asks the indulgence of the committee for a moment. Earlier this afternoon the gentleman from Minnesota [Mr. VAN DYKE] offered an amendment to page 18 of the bill, and the Chair sustained the point of order to it. Mr. VAN DYKE would like to argue the point of order to the Chair, and the Chair asks the committee if it is willing to open up the proposition and allow the Chair to vacate his decision and hear from the gentleman from Minnesota on the point of order?

Mr. MOON. Mr. Chairman, I will have to object; I can not go back in this bill. Mr. Chairman, I move the committee do now rise and the Chairman be instructed to report this bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEENERSON. Mr. Chairman, pending that I would like to ask the chairman of the committee whether or not the Committee on the Post Office and Post Roads did not direct a report on the 5 and 10 per cent increase in salary?

Mr. MOON. It was presented to the House and stricken out on a point of order, like the others.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise and report the bill to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that com-

mittee had had under consideration the bill H. R. 19410, the Post Office appropriation bill, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MOON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. MANN. Will the gentleman yield for a moment there?

Mr. MOON. Yes.

Mr. MANN. I take it if the previous question is ordered now without anything further, the vote on the bill and amendments would come Tuesday morning? I think we have that understanding.

Mr. MOON. Mr. Speaker, I ask unanimous consent that after the previous question is ordered that the vote be postponed.

Mr. MANN. Suppose you ask it first. Nobody will oppose the previous question.

Mr. MOON. Mr. Speaker, I ask unanimous consent that after the previous question is ordered upon this bill and amendments the vote be taken on Tuesday morning next.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that after the previous question is ordered the voting on the bill be postponed until Tuesday morning. Is there objection? [After a pause.] The Chair hears none. The question is on ordering the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. MOON. Mr. Speaker, I will ask for a separate vote in the House on the amendment on the pneumatic-tube proposition.

Mr. MANN. That will come up Tuesday.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I desire to present the conference report on the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," for printing in the RECORD under the rule, and I desire to give notice that I will call it up immediately after the vote on the Post Office bill on Tuesday next.

The SPEAKER. The gentleman from Alabama presents a conference report on the bill H. R. 10384, which the Clerk will report.

The Clerk read as follows:

H. R. 10384. An act to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The SPEAKER. The report is ordered printed under the rules, and the gentleman gives notice that on Tuesday, after the vote on the Post Office bill, he will call it up.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1093. An act for the relief of James Anderson.

H. R. 10007. An act for the relief of William H. Woods.

EXTENSION OF REMARKS.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On what subject?

Mr. CURRY. On the subject of the Mississippi and Sacramento flood-control bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the flood control of the Mississippi and Sacramento Rivers. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until Monday, January 15, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the executive committee of the National Advisory Committee for Aeronautics submitting an estimate of appropriation for the establishment and maintenance of special aerological stations (H. Doc. No. 1928); to the Committee on Agriculture and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation required for the Naval Establishment for the fiscal year ending June 30, 1916 (H. Doc. No. 1929); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting additional estimates of appropriations required by the Navy Department for the service of the fiscal year 1918 (H. Doc. No. 1930); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting a report on land withdrawals from settlement, location, sale, or entry (S. Doc. No. 677); to the Committee on the Public Lands and ordered to be printed.

5. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a report on the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1916 (H. Doc. No. 1931); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of mouth of Snake River and Nome Harbor, Alaska (H. Doc. No. 1932); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from Hamilton & Hamilton, attorneys, Washington, D. C., transmitting annual report of the Georgetown Barge, Dock, Elevator & Railway Co. (H. Doc. No. 1933); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah River at and above Augusta, Ga. (H. Doc. No. 1934); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting a suggested amendment to be incorporated into the urgent deficiency bill (H. Doc. No. 1935); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Acting Secretary of Commerce, transmitting claims for damages caused by agencies of the Coast and Geodetic Survey in connection with the regular work of the survey (H. Doc. No. 1936); to the Committee on Claims and ordered to be printed.

11. A letter from the Secretary of War, transmitting estimates submitted by the Chief of Engineers for payment of claims against the United States (H. Doc. No. 1937); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13166) authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the Department of Agriculture for the use of the Bureau of Entomology, reported the same with amendment, accompanied by a report (No. 1290), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. FLOOD: A bill (H. R. 20080) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the 7th day of December, 1916, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HUDDLESTON: A bill (H. R. 20081) for the control and regulation of the waters of Niagara River, to provide for diversions therefrom, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: A bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. OVERMYER: A bill (H. R. 20083) to provide for the erection of a memorial chapel to Maj. Gen. James B. McPherson; to the Committee on the Library.

By Mr. PRATT: A bill (H. R. 20084) granting age and service pensions to soldiers and sailors who answered the first call for volunteers in the Civil War, and granting an increase of pension to such soldiers and sailors who were wounded or who contracted disease or disability in battle or line of duty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20085) to increase the pensions of widows of officers and enlisted men of the Army, Navy, or Marine Corps who were the lawful wives of such officers and enlisted men during their service in the Civil War and have not been separated or divorced from such officers and enlisted men; to the Committee on Invalid Pensions.

By Mr. ELLSWORTH: A bill (H. R. 20086) authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims; to the Committee on Claims.

By Mr. CANTRILL: Resolution (H. Res. 444) authorizing the payment of $1,200 to G. D. Ellis, for extra and expert services rendered in the office of the Clerk of the House of Representatives during the first and second sessions of the Sixty-fourth Congress; to the Committee on Accounts.

By Mr. AYRES: Resolution (H. Res. 445) to consider an amendment to H. R. 19410; to the Committee on Rules.

By Mr. CARY: Joint resolution (H. J. Res. 337) warning American citizens from taking passage or employment on board of vessels of belligerent registry; to the Committee on Foreign Affairs.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 338) authorizing the erection of a memorial to Francis Marion in the city of Washington, D. C., on a designated site; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 20087) granting an increase of pension to David W. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20088) granting an increase of pension to George W. Evans; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 20089) granting an increase of pension to Morgan W. Mills; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 20090) granting an increase of pension to T. S. Smith; to the Committee on Invalid Pensions.

By Mr. CAPSTICK: A bill (H. R. 20091) granting an increase of pension to John Tyson; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 20092) granting an increase of pension to Jay P. Eddy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20093) granting an increase of pension to Patrick McDonnell; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 20094) granting an increase of pension to Calvin T. Cottingham; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 20095) granting an increase of pension to Brainard D. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20096) granting an increase of pension to James Sturdavant; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 20097) granting a pension to Thomas F. Moore; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 20098) granting an increase of pension to Nicholas H. Wetzel; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 20099) granting a pension to Mrs. Etta M. Browning; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20100) granting an increase of pension to David H. McFadden; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20101) granting a pension to Isaac Daniel Gibson; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 20102) granting an increase of pension to Andrew J. Holden; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 20103) for the relief of Henry C. Kurtz; to the Committee on Military Affairs.

By Mr. PARKER of New Jersey: A bill (H. R. 20104) granting an increase of pension to Charles S. Shepard; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 20105) granting an increase of pension to John Cornell; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20106) granting an increase of pension to George L. Clapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20107) granting a pension to Judson N. Lake; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 20108) granting an increase of pension to David Detty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20109) granting an increase of pension to James B. Cole; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 20110) granting an increase of pension to William G. Sadler; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 20111) granting a pension to Robert G. Medlin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of United Garment Workers of America and sundry other organizations and citizens, of Cincinnati, Ohio, against excluding certain periodicals from the mails; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Petition of sundry business men and professional men of Hackensack, N. J., in re work of Bureau of Naturalization and appropriation asked by Secretary of Labor for that bureau; to the Committee on Appropriations.

By Mr. BRUCKNER: Memorial of Board of Education of the City of New York, favoring appropriation for education of immigrants; to the Committee on Appropriations.

Also, petition of Brooklyn Board of Real Estate Brokers, against Federal tax on mortgages; to the Committee on Ways and Means.

Also, petition of Piel Bros., of Brooklyn, N. Y., against passage of Senate bill 4429, relating to espionage of the mails; to the Committee on the Post Office and Post Roads.

Also, petition of executive committee of the Democratic County Committee of the County of New York, against passage of zone bill; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: Petition of D. W. Freed and many citizens of Columbus, Ohio, against prohibition bills; to the Committee on the Judiciary.

By Mr. BURKE: Petitions from 24 rural mail carriers of the second congressional district of Wisconsin, petitioning for an allowance for rural mail carriers for equipment, maintenance, and increases in salary for serving routes longer than a standard route in the same ratio as reductions are made for serving routes shorter than a standard route; to the Committee on the Post Office and Post Roads.

Also, petition of Cigarmakers' Union, No. 323, of Sheyboygan Falls, Wis., against District of Columbia prohibition bill and national prohibition; to the Committee on the District of Columbia.

Also, memorial of Mauston (Wis.) Commercial Club, protesting against order compelling railway mail clerks to move to terminal points; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Petition of rural carriers in the thirty-third New York district, for maintenance of an equipment fund; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the thirtieth New York district, favoring restriction of advertisement of intoxicating beverages; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petitions of Rural Carrier H. A. Palmer and others, of Janesville, Wis., asking passage of legislation adjusting salaries of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Brooklyn Board of Real Estate Brokers, against placing a Federal tax on mortgages; to the Committee on Ways and Means.

Also, memorial of Department of Education, city of New York, favoring appropriation for education of immigrants; to the Committee on Appropriations.

By Mr. DRUKKER: Petitions of citizens of Moorestown, Pemberton, and Passaic, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DYER: Petition of Robert Pabitzky, against passage of zone bill; to the Committee on the Post Office and Post Roads.

Also, petition of California Tanning Co., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of James Gill, St. Louis, Mo., favoring passage of House bill 19433, relative to status of employees of the Quartermaster Corps of the Army; to the Committee on Military Affairs.

Also, petition of F. C. Myer and Retail Druggists' Association, of St. Louis, Mo., favoring passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of International Union of the United Brewery Workmen of America, favoring appropriation for education of immigrants; to the Committee on Appropriations.

Also, memorial of Friendens Evangelical Church, of St. Louis, Mo., indorsing the President's efforts to establish peace; to the Committee on Foreign Affairs.

Also, petition of L. L. Kensing, of St. Louis, Mo., in regard to House bill 9216; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Petitions of sundry citizens of the State of New Jersey, favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of New Jersey, against passage of the prohibition bills; to the Committee on the Judiciary.

Also, petition of the Commercial Exchange of Philadelphia, Pa., relative to pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of Woman's Christian Temperance Union of Alameda County, Cal., favoring bill forbidding mailing liquor advertisements; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Memorial of Brooklyn Board of Real Estate Brokers, of Brooklyn, N. Y., opposing Federal tax on mortgages; to the Committee on Ways and Means.

Also, memorial of Democratic county committee of the county of New York, opposing increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, memorial of department of education of city of New York, favoring appropriation of $50,000 to be used in education of immigrants; to the Committee on Appropriations.

Also, petition of business and professional men of Hackensack, N. J., favoring use of moneys received as fees from aliens who desire to become citizens of the United States for their education; to the Committee on Appropriations.

By Mr. FULLER: Petition of Oglesby (Ill.) Trades and Labor Council, favoring passage of the Nolan bill; to the Committee on Labor.

Also, petition of Rockford (Ill.) Ellida, No. 25, I. O. V., relative to reducing high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Temperance Council, favoring prohibition bills; to the Committee on the Judiciary.

Also, petition of American Federation of Teachers, favoring increased pay for teachers in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Streator (Ill.) Aerie, No. 645, Fraternal Order of Eagles, against increase of postal rates on fraternal magazines; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of National Association of Life Underwriters, in favor of bill granting them a national charter; to the Committee on the Post Office and Post Roads.

Also, petition of Central Federated Union of Greater New York, against national prohibition; to the Committee on the Judiciary.

By Mr. GARNER: Memorial of Gulf Coast Oil Producers' Association, Houston, Tex., relative to taxing oil imported into the United States; to the Committee on Ways and Means.

By Mr. GRAHAM: Memorial of Select and Common Councils of City of Philadelphia, Pa., relative to pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of A. W. Swinehart and 16 other rural carriers of eighteenth Ohio district, favoring bill for maintenance-of-equipment fund; to the Committee on the Post Office and Post Roads.

Also, memorial of W. G. Crook and 7 other postal clerks and carriers of Wellsville, Ohio, favoring increase in pay; to the Committee on the Post Office and Post Roads.

Also, evidence to accompany House bill 15633, for pension for Douglas D. Powell; to the Committee on Pensions.

By Mr. MAPES: Petition of 18 citizens of Grand Rapids, Mich., indorsing the bill providing for the exclusion of liquor advertising and solicitation from the mails; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of sundry citizens of Missouri against Randall rider to Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Fred. A. Scherrer, William L. Chanslor, E. H. Wigge, and Alfred D. Knobleck, all of St. Louis, Mo., and Boilermakers, Iron-Ship Builders, and Helpers' Local, of Sedalia, Mo., protesting against zone bill; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Select and Common Councils of the city of Philadelphia, protesting against the abolition of the pneumatic-tube service in Philadelphia; to the Committee on the Post Office and Post Roads.

By Mr. OVERMYER: Petitions of E. H. Bradley and 30 other rural letter carriers of the thirteenth Ohio district, asking for an allowance for equipment maintenance, and asking for increased salary where the length of the route exceeds the standard route length as fixed by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS: Petition of sundry rural carriers in favor of an increased salary and allowance; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petitions of the Crockery Board of Trade of New York, Chamber of Commerce of the State of New York, business men of Philadelphia, and Select and Common Councils of the city of Philadelphia, relative to pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Bakery and Confectionery Workers' International Union of America against prohibition in the District of Columbia and national prohibition; to the Committee on the District of Columbia.

Also, petitions of the American Printer and International Brotherhood of Bookbinders of New York City against bill to increase postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Edward A. Dorris, of Quincy; 2 citizens of Quincy; 1 citizen of Litchfield; 6 citizens of Bronson; 4 citizens of Hillsdale; 1 citizen of Richland; 1 citizen of North Adams; 1 citizen of Alamo; 2 citizens of Allen; 1 citizen of Mosherville; 3 citizens of Schoolcraft; 2 citizens of Union City; 1 citizen of Charlotte; 1 citizen of Bellevue; 3 citizens of Vermontville; 6 citizens of Coldwater; 1 citizen of Osseo; 1 citizen of Augusta; 1 citizen of Climax; 1 citizen of Sunfield; 1 citizen of Ceresco; and 1 citizen of Sherwood, all in the State of Michigan, favoring reasonable allowance for equipment maintenance for rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petition of postal clerks of Mineral Wells, Tex., favoring increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petitions of sundry citizens of thirty-third New York district, favoring suffrage amendment; to the Committee on the Judiciary.

Also, petition of rural carriers of the thirty-third district of New York, favoring maintenance-of-equipment fund; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petitions of sundry citizens, in opposition to prohibition bills; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Fred C. Ray and 31 other members of the New Castle Typographical Union, No. 270, protesting against the provisions in the Post Office appropriation bill which seeks to apply the zone system to newspapers, magazines, and periodicals, and which changes the rates of postage on such mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Harry Rays, Charleroi, Pa., and other citizens, protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of J. Allan, Roscoe, Pa., and other citizens, protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of Alvis Kroll, Roscoe, Pa., and other citizens, protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. WARD: Petitions of 30 citizens of Kingston and Rifton and citizens of Sullivan County, N. Y., opposing passage of House bill 18986, Senate bills 4429 and 1082, and House joint resolution 84; to the Committee on the Post Office and Post Roads.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., protesting against passage of measures to restrict liquor traffic; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of A. L. Orange and 35 others, favoring bill to prohibit mailing liquor advertisements; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *January 15, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the mention of Thy name is the recognition of the rights of men. We thank Thee that we have come to think of Thee not as the God of these States or of our Government but the God of all nations, and that we have come to know Thee not only in Thy relation to us alone but as we see Thee in the ever-increasing purpose that runs through the whole creation. We pray that we may fix our relation to all men on the basis of that righteousness which Thou hast revealed to us through Thy word, and that we may feel that our mission is a mission of kindness and peace and justice to all mankind. May we act under the inspiration of the great God whose throne is the habitation of justice and judgment. For Christ's sake. Amen.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martine, N. J.	Sterling
Beckham	Gronna	Myers	Sutherland
Borah	Hollis	Nelson	Swanson
Brady	Hughes	Norris	Thomas
Brandegee	Husting	Page	Thompson
Chamberlain	Johnson, Me.	Ransdell	Tillman
Chilton	Johnson, S. Dak.	Saulsbury	Vardaman
Clapp	Jones	Shafroth	Wadsworth
Clark	Kenyon	Sheppard	Walsh
Colt	Lane	Sherman	Warren
Culberson	Lodge	Smith, Ariz.	Watson
Curtis	McCumber	Smith, Ga.	
Fernald	McLean	Smith, Md.	

Mr. ROBINSON. I was requested to announce that the Senator from North Carolina [Mr. SIMMONS] is detained at his home on account of illness and is unable to attend the session of the Senate to-day.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE], who is detained at his home through illness. I ask that this announcement may stand for the day.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is detained from the Senate on account of illness.

I desire also to state that the Senator from Virginia [Mr. MARTIN] is detained on account of illness in his family. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the proceedings of the preceding day.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR ELECT FROM DELAWARE.

Mr. SAULSBURY. Mr. President, I have the pleasure of presenting the certificate of election of Senator elect WOLCOTT, of my State, which I ask may be read and filed.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Secretary will read the credentials.

The credentials were read and ordered to be filed, as follows:

BY AUTHORITY OF THE STATE OF DELAWARE.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

Be it known an election was held in the State of Delaware on Tuesday, the 7th day of November, in the year of our Lord 1916, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State in the Senate of the United States.

Whereas the official certificates or returns of the said election held in the several counties of the said State, in due manner made out, signed, and executed, have been delivered to me according to the laws of the said State by the superior court of the said counties, and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for for such Senator, I have found JOSIAH O. WOLCOTT to be the person highest in vote, and therefore duly elected Senator of and for the said State in the Senate of the United States for the constitutional term to commence on the 4th day of March, in the year of our Lord 1917.

I, Charles R. Miller, governor, do therefore, according to the form of the act of the general assembly of the said State and of the act of Congress of the United States, in such case made and provided, declare the said JOSIAH O. WOLCOTT the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States for the constitutional term to commence on the 4th day of March, in the year of our Lord 1917.

Given under my hand and the great seal of the said State, in obedience to the said act of the general assembly and of the said act of Congress, at Dover, the 15th day of November, in the year of our Lord 1916, and in the year of the independence of the United States of America the one hundred and forty-first.

[SEAL.] CHARLES R. MILLER.

By the governor:

GEORGE H. HALL,
Secretary of State.

WINTON V. AMOS (S. DOC. NO. 678).

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, in response to a resolution of the 9th instant, certain information in the case of Charles F. Winton et al. *v.* Jack Amos, which, on motion of Mr. ASHURST, was referred to the Committee on Indian Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 679).

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of C. S. Kinkade, administrator of the estate of James T. Gaines, deceased, *v.* The United States, which (with the accompanying paper) was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ASHURST presented petitions of sundry citizens of Arizona, praying for an increase in the salaries of civil-service employees and also for the establishment of a retirement system for these employees, which were referred to the Committee on Appropriations.

Mr. OLIVER. I present quite a number of telegrams identical in language referring to various subjects. They are short telegrams. I ask that one of them may be read and the others filed.

The PRESIDING OFFICER. Without objection, that action will be taken.

The Secretary read one of the telegrams, as follows:

[Telegram.]

PITTSBURGH, PA., *January 14, 1917.*

United States Senate and House of Representatives:

Undersigned petition Federal censorship motion pictures, prohibition in the District of Columbia, national prohibition, prohibition for advertising in mails, prohibition interstate transmission race-gambling bets.

JOHN W. HUTCHISON.
W. G. FRANCIS.
FRANK C. OSBORN.
W. W. SHAW.
J. F. HENNING.
N. J. STRANEED.
W. P. IRWIN.
A. J. MCQUISTON.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of the Select and Common Councils of Philadelphia, Pa., remonstrating against the abolishment of the pneumatic mail-tube service in that city, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to prohibit liquor advertisements from the mails, which were ordered to lie on the table.

Mr. WADSWORTH presented petitions of sundry citizens of Chautauqua and Hudson Falls, in the State of New York, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hudson Falls, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of New York City and Dobbs Ferry, in the State of New York, remonstrating against national prohibition, which were ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. FLETCHER presented memorials of sundry citizens of Jacksonville, Fla., remonstrating against the enactment of legislation to prohibit liquor advertisements from the mails, which were ordered to lie on the table.

Mr. LANE presented a petition of the Oregon National Guard Association, praying for universal military training, which was referred to the Committee on Military Affairs.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were ordered to lie on the table.

Mr. LODGE presented a petition of the Boston Wool Trade Association of Massachusetts, praying for a continuation of

established water routes and rates under railroad control subject to the authority and direction of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. STONE presented a petition of the Springfield Trades and Labor Assembly, of Missouri, praying for the repeal of the draft clause of the so-called Hay-Chamberlain Act, which was referred to the Committee on Military Affairs.

Mr. MARTINE of New Jersey presented a memorial of the American Decalcomanie Works, of Weehawken, N. J., remonstrating against the enactment of legislation to prohibit liquor advertisements from the mail, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New Jersey, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to provide for the use of surplus funds from naturalization sources for the education of immigrants, which was ordered to lie on the table.

Mr. WORKS. Mr. President, I ask to have printed in the RECORD a telegram from the Chamber of Commerce of San Francisco, Cal., urging the passage of what is known as the oil-leasing bill.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

SAN FRANCISCO, CAL.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Following resolution adopted by the board of directors of the San Francisco Chamber of Commerce:

Whereas the Committee on Public Lands of the United States Senate has, after an exhaustive investigation, reported that fairness and justice to those who have developed our oil requires adoption of remedial legislation recommended by it, and that such legislation will fully safeguard interests of the Government and conserve fuel supply of the Navy: Therefore be it

Resolved, That the Chamber of Commerce of San Francisco does hereby respectfully urge Senators and Representatives in Congress from California to use utmost endeavors toward immediate passage of general leasing bill, which contains provision for relief of oil industry.

SAN FRANCISCO CHAMBER OF COMMERCE,
ROBERT NEWTON LYNCH,
Vice President and Manager.

Mr. SHEPPARD. I have here a brief statement by Rev. Daniel A. Poling, president of the National Temperance Council, giving resolutions passed by that council at its last annual meeting, which I ask may be printed in the RECORD.

There being no objection, the statement and resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL TEMPERANCE COUNCIL,
Boston, Mass., January 6, 1917.

I am sending you below the official resolutions of the National Temperance Council, adopted at its annual session on December 8, 1916. We would respectfully call attention to the fact that this organization, which is composed of 225 executive leaders of about 20 national temperance organizations, of several State temperance organizations, and many of the general reform societies, unanimously supports the measures now pending for national constitutional prohibition of the liquor traffic, prohibition in the District of Columbia, the Territories, etc., the closing of the United States mails against liquor advertising.

In behalf of these organizations, I earnestly urge your support and vote for these measures.

Very sincerely, yours, DANIEL A. POLING, *President.*

Resolutions passed by the National Temperance Council December 8, 1916.

In the interest of unity and cooperation among the organizations whose members belong to this council we recommend to all churches, temperance, prohibition, and reform movements of the United States active support of the following measures:

1. National constitutional prohibition.
2. Prohibition in the District of Columbia and the Territories and wherever else the Federal Government has jurisdiction, including prohibition of liquor shipments for mission fields.
3. Closing the United States mails against liquor advertising.
4. An aggressive campaign to secure the enforcement of the prohibitory laws through the officers of the law.
5. The renewal of a widespread educational campaign in the interest of total abstinence and prohibition, especially in cities.
6. Generous publicity in as many languages as possible, particularly in newspapers, with care that only exact facts be published, and demand that advertising organizations and the press refuse space to proliquor falsehoods.

WATER-POWER DEVELOPMENT.

Mr. WALSH. Mr. President, I give notice, so that those who are interested may know, that upon the conclusion of the remarks of the Senator from Colorado [Mr. THOMAS] I shall address the Senate upon the pending bill, not to exceed half an hour, for the purpose of laying before the Senate the character of the measure.

In this connection, Mr. President, I clipped from a paper a day or two ago a rather interesting dispatch telling about the efforts of the Kingdom of Italy to utilize the water powers of that great country. I ask that it be read at the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Christian Science Monitor.]

ITALY'S WATER POWER.

ROME, ITALY.

A review accompanied by statistical tables of the water power available in Italy for the generation of electrical force has been issued by the ministry of agriculture. The importance of the full utilization of this "white coal," as it has come to be called, has been brought home to the nation at large by the enormously increased cost of fuel, owing to the difficulties of maritime transports. For the last 30 years data as to the hydraulic force available in Italy have been collected methodically, but not all the watercourses have yet been studied from source to mouth, although the work has reached its thirty-eighth volume. Special attention has been paid in this study to the condition of the various rivers and torrents in time of droughts. Some of the largest rivers of Italy, such as the Po, Ticino, Mincio, Adige, Arno, Tiber, Garigliano, and Volturno, are of considerably less importance than the actual body of water would promise, owing to the very level course of the lower stretches and the height of the banks above low-water mark. The average driving power has been estimated at 123,200 horsepower for the watercourses along the Ligurian coast; 926,900 horsepower for the rivers flowing into the Tyrrhenian Sea; 195,500 horsepower for the rivers flowing into the Ionian Sea; 45,000 horsepower for the Sicilian watercourses; 553,100 horsepower for those flowing into the Adriatic; and 320,000 horsepower for the southern tributaries of the Po, making a total of 2,163,700 horsepower. The tributaries flowing into the left bank of the Po have not yet been accurately studied, but the driving force obtainable from them is roughly estimated at 774,000 horsepower and 2,052,000 horsepower is attributed to the remainder of the unstudied watercourses, bring the grand total up to approximately 5,000,000 horsepower.

Mr. SHAFROTH. Mr. President, I wish to say a word with respect to the article which has just been read. It evidently indicates that the countries of Europe are very much interested in the development of water power, and so are we. We do not think it is relevant to the bill which is under consideration, because we regard the bill under consideration as one which crushes out every right of a State to control that which has been recognized as the right of the State, and instead of developing it will absolutely retard, in our judgment, the development of water power.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 7833) authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims, reported it without amendment and submitted a report (No. 925) thereon.

Mr. WADSWORTH. I am directed by the Committee on Claims, to which was referred the bill (S. 3962) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased, to submit an adverse report (No. 926) thereon, and I ask that the bill be postponed indefinitely.

Mr. GALLINGER. Let the report go to the calendar.

The PRESIDENT pro tempore. The report will be placed on the calendar.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 5768) for the relief of Frank Carpenter, reported it without amendment and submitted a report (No. 927) thereon.

Mr. GRONNA, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 3507. A bill for the relief of Elizabeth Marsh Watkins (Rept. No. 929);

S. 3895. A bill for the relief of the Portland Iron Works (Rept. No. 928); and

S. 6595. A bill to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture (Rept. No. 930).

Mr. FERNALD, from the Committee on Claims, to which was referred the bill (S. 2749) for the relief of George L. Thomas, reported it without amendment and submitted a report (No. 931) thereon.

He also, from the same committee, to which was referred the bill (S. 141) for the relief of William E. Johnson, reported it with amendment and submitted a report (No. 932) thereon.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 7447) to amend section 269 of chapter 231 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported it without amendment.

CHANGE OF REFERENCE.

Mr. JONES. Mr. President, on January 13, I submitted an amendment which I intend to propose to the bill providing appropriations for the District of Columbia. The amendment was referred to the Committee on the District of Columbia. It should have gone to the Committee on Appropriations. I ask that the Committee on the District of Columbia be discharged

from the further consideration of the amendment, and that it be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, that disposition will be made of the amendment.

KANAWHA PACKET CO. V. UNITED STATES.

Mr. CHILTON. Mr. President, with a great deal of regret I report to the Senate Senate bill 6632, which is a bill for the relief of a citizen of West Virginia, with a recommendation of the Committee on the Judiciary that the bill be referred to the Committee on Claims.

I desire to state that I felt that the Judiciary Committee was the proper committee to deal with the subject, but my associates on the committee disagreed with me, and I report back, at their direction, and ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill, and that it and the accompanying papers be referred to the Committee on Claims.

The PRESIDENT pro tempore. Without objection, that disposition will be made of the bill.

APPOINTMENTS OF PRISON OFFICIALS.

Mr. SMITH of Georgia. Mr. President, I report favorably from the Committee on the Judiciary Senate bill 7561, to amend an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to fix the terms of office of the superintendent of prisons, the wardens, and the deputy wardens, to provide for their appointment, and for other purposes. This is a bill providing that the office of superintendent of prisons and the office of warden of the three national penitentiaries be made presidential appointments, subject to confirmation by the Senate. I wish to state, in connection with the report, that there are three national prisons, one at Atlanta, Ga.; one at Leavenworth, Kans.; and one at McNeill Island, Wash. There is one superintendent of prisons. It is these four officers that will be changed by this bill from being officers who are merely designated by the Attorney General and subject to removal at pleasure by the Attorney General, without senatorial consideration of the appointments, into appointments that are to be made by the President, subject to the advice and consent of the Senate, and to be confirmed by the Senate.

I wish to say, Mr. President, that I have submitted this bill to the Senators from Kansas, and they each very cordially agree with me in the desirability of its passage. I have also submitted it to the Senators from Washington, and I understand that they each agree to the passage of the bill. The salaries of these officials are in no way changed. The only change that is made is that in recognition of the importance of the position of superintendent of prisons and the importance of the position of wardens of penitentiaries, they are made presidential appointments. I believe this proposed action is in accord with the practice in those States which have given special attention to their prison improvement, and my own observation of the working of the prison at Atlanta, Ga., satisfies me that a firmer tenure of office should be given to the wardens.

I desire to ask unanimous consent for the present consideration of the bill. I think there is no opposition at all to it.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES. Mr. President, I simply want to say that while I do not object to the immediate consideration of the bill personally, I should prefer to have these places put under the classified service. That, however, seems hardly possible now. I think this proposed legislation will improve the present condition of things, and for that reason solely I do not object to the immediate consideration of the bill.

Mr. GRONNA. Mr. President, may we have the bill read?

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, which had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, page 1, line 5, after the name "March," to strike out "thirtieth" and insert "third," so as to read "approved March third, eighteen hundred and ninety-one."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 1, after the word "warden," to strike out "and deputy warden," so as to read:

That the warden for each of such prisons shall be appointed in like manner and for a like term, at annual salaries as follows, payable monthly.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 5, after "$4,000," to strike out "deputy warden, $2,000," and insert "and," and in line 6, after "$2,000," to strike out "deputy warden, $1,200," so as to read:

At Atlanta, Ga., and at Leavenworth, Kans., warden, $4,000, and at McNeil Island, Wash., warden, $2,000.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 10, after the name "March," to strike out "thirtieth" and insert "third," so as to read "approved March third, eighteen hundred and ninety-one."

The amendment was agreed to.

Mr. TOWNSEND. I ask that the bill as finally amended may be read, in order that we may see what it proposes to accomplish.

The PRESIDENT pro tempore. The Secretary will read the bill as finally amended.

The Secretary proceeded to read the bill.

Mr. THOMPSON. I should like to ask the Senator from Georgia if there is any change in the proposed law, except that relative to the method of making these appointments?

Mr. SMITH of Georgia. There is no change at all in the present status of the offices, except to provide that their incumbents shall be appointed by the President and shall be subject to confirmation by the Senate.

Mr. THOMPSON. There is no change in the salaries?

Mr. SMITH of Georgia. None whatever.

Mr. TOWNSEND. Mr. President, the question of an office being vacated before a successor to the retiring official has been appointed, it seems to me, has been brought to our attention, and I think that the bill ought to provide that the officers referred to shall hold for a period of four years or until their successors are confirmed. We would not have had the trouble we have had in connection with appointments to the Interstate Commerce Commission if that were the law in connection with that commission.

Mr. SMITH of Georgia. Mr. President, I accept the amendment suggested by the Senator from Michigan, which will provide for a term of four years and until their successors are appointed.

Mr. GALLINGER. "Appointed and qualified."

Mr. SMITH of Georgia. "Appointed and qualified."

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 1, lines 9 and 10, it is proposed to strike out the words "and shall hold office for the term of four years" and to insert "for a period of four years or until their successors are appointed and qualified."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to. The Secretary will resume the reading of the bill as amended.

The Secretary resumed and concluded the reading of the bill as amended, as follows:

Be it enacted, etc., That an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended so that hereafter the superintendent of prisons shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years or until their successors are appointed and qualified, at an annual salary of $4,000, payable monthly, his powers and duties to be fixed as now provided for by law.

SEC. 2. That the warden for each of such prisons shall be appointed in like manner and for a like term, at annual salaries as follows, payable monthly:

At Atlanta, Ga., and at Leavenworth, Kans., warden, $4,000; and at McNeil Island, Wash., warden, $2,000.

SEC. 3. That so much of section 4 of the act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," approved March 3, 1891, as conflicts with the provisions of this act is hereby repealed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes,' to fix the terms of office of the superintendent of prisons and the wardens, to provide for their appointment, and for other purposes."

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and I submit a report (No. 933) thereon. I desire to give notice that I shall ask

the Senate to consider the bill to-morrow morning after the routine morning business.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 7861) granting a pension to Mattie B. Frede (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 7862) granting an increase of pension to Addie M. Higgins (with accompanying papers); and

A bill (S. 7863) granting an increase of pension to Morey Milliken (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 7864) granting an increase of pension to Harrison S. Vaughn; and

A bill (S. 7865) granting an increase of pension to Cyrillus B. Ayres; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 7866) for the relief of the Crow Indians in Montana; to the Committee on Indian Affairs.

By Mr. JONES:

A bill (S. 7867) granting an increase of pension to Martin H. Conger (with accompanying papers); and

A bill (S. 7868) granting an increase of pension to George W. Welch (with accompany papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 7869) granting a pension to Catherine Rogers (with accompanying papers); and

A bill (S. 7870) granting a pension to John P. Fetty (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 7871) to authorize the sale of the plant of the Garden City project, Kansas, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. WILLIAMS:

A bill (S. 7872) to confirm and ratify the sale of the Federal-building site at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. CURTIS:

A bill (S. 7873) granting a pension to Nancy E. Baskins;

A bill (S. 7874) granting an increase of pension to H. C. Rowley (with accompanying papers);

A bill (S. 7875) granting an increase of pension to Henry W. Ela (with accompanying papers);

A bill (S. 7876) granting a pension to Mary F. Brown (with accompanying papers);

A bill (S. 7877) granting an increase of pension to Charles O. Thorp (with accompanying papers);

A bill (S. 7878) granting a pension to John N. Baker (with accompanying papers);

A bill (S. 7879) granting an increase of pension to Alexander F. Neely (with accompanying papers);

A bill (S. 7880) granting an increase of pension to Ephriam Otto (with accompanying papers); and

A bill (S. 7881) granting an increase of pension to Ada J. Bevelle (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7882) granting an increase of pension to Charles Auge (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7883) granting an increase of pension to George Blake (with accompanying papers);

A bill (S. 7884) granting an increase of pension to Ezra F. McIntire (with accompanying papers);

A bill (S. 7885) granting an increase of pension to George W. Ricker (with accompanying papers);

A bill (S. 7886) granting a pension to Walter M. Edes (with accompanying papers); and

A bill (S. 7887) granting an increase of pension to J. Marcellus E. Hart (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7888) to extend the right of entry under section 6 of the enlarged homestead acts; to the Committee on Public Lands.

By Mr. STERLING:

A joint resolution (S. J. Res. 198) providing for the confirmation of the agreements between the States of South Dakota, Montana, and Idaho and the United States relating to the selection of lieu or indemnity lands; to the Committee on Public Lands.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. LEWIS submitted an amendment proposing to increase the number of statistical experts, at $2,000 each, in the Bureau of Labor Statistics from 4 to 8, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the number of clerks of class 4 in the Bureau of Labor Statistics from 7 to 9, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the number of employees at $2,520 in the Bureau of Labor Statistics from 1 to 2, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the number of clerks of class 2 in the Bureau of Labor Statistics from 8 to 11, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the number of clerks of class 1 in the Bureau of Labor Statistics from 14 to 24, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the number of clerks of class 3 in the Bureau of Labor Statistics from 6 to 9, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the maintenance of the Bureau of Labor Statistics from $148,280 to $183,400, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment providing during the fiscal year 1918 for an increase of compensation at the rate of 15 per cent per annum to employees who receive salaries at the rate per annum of $480 or less, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

CORRUPT PRACTICES.

Mr. JONES. I submit an amendment which I intend to propose to the corrupt-practices bill (H. R. 15842), and ask that it be read.

The amendment was read and ordered to lie on the table, as follows:

After section 19, on page 37, of said act, as reported by the Senate committee, insert the following as a new section, to be known as section 19½:

"SEC. 19½. No person, association, or partnership engaged or interested in, or employed in connection with, the manufacture, distribution, or sale of intoxicating liquors, shall contribute anything of value or pay any sum of money whatsoever to any person or political committee to be used for political purposes or in any way to assist or promote the nomination or election of any candidate for nomination or election to any office covered by this act, and no candidate for nomination or election shall knowingly receive, directly or indirectly, any sum of money or contribution of any kind from such person, association, or partnership to aid or assist in his nomination or election."

RED CROSS BUILDING.

Mr. CUMMINS. I submit a resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 318), as follows:

Resolved, That it is the sense of the Senate that in constructing the "Memorial building erected to the memory of the women of the Civil War," commonly known as the Red Cross Building, in the city of Washington, there be prepared and set apart, if practicable, a suitable hall in one wing of the building for the free use of the "women of the Civil War" as represented by all the Grand Army organizations, and that a similar suitable hall in another wing of the building be prepared and set apart, if practicable, for the free use of the "women of the Civil War" as represented by all the organizations of the United Daughters of the Confederacy and kindred organizations.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. SMITH of Georgia. Mr. President, what Senator offered the resolution?

The PRESIDENT pro tempore. The senior Senator from Iowa [Mr. CUMMINS].

Mr. TOWNSEND. Mr. President, I should like to ask the Senator from Iowa a question.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Yes.

Mr. TOWNSEND. I should like to ask the author of the resolution why it is necessary to have two rooms set aside? Why could not one room be occupied by the women of these two organizations without having a distinct notice given to the world that there is a separation between the two and that two separate rooms are required?

Mr. CUMMINS. Mr. President, I do not know. In offering the resolution I am carrying out the request and the wishes of a great number of women who were directly connected with the war, and in whose memory, largely, this building is being erected. Whether or not one hall would be suitable for both, I do not know. I think, however, that the provision of separate halls does not indicate any antagonism between the societies. I am sure there is the utmost harmony and good feeling. I suppose that they believed this to be the dignified and appropriate way in which to accomplish their desire. I have not investigated the matter sufficiently to know whether a single hall would be sufficient or not.

Mr. SMITH of Georgia. Mr. President, I hesitated for a moment about objecting, with the same thought in my mind that the Senator from Michigan had; but I think it is probable that each of the organizations would like to have Washington City headquarters, and the hall would furnish them headquarters here; I do not suppose it indicates the slightest antagonism between them.

Mr. CUMMINS. None whatever.

Mr. SMITH of Georgia. I should like to see them meet together whenever practicable. I know their relations are most cordial.

Mr. CUMMINS. I understand there are a good many women who either were connected with the war or are the descendants of women who rendered service during the war who desire to place in this building memorial windows and other tributes of loving affection toward the past, and in order to carry out that design some of them asked me to offer this resolution.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield.

Mr. ROBINSON. In addition to the suggestion made by the Senator from Iowa and that made by the Senator from Georgia, it is stated that these organizations frequently have meetings here, and will desire to do so in the future; and it is entirely probable that some of their conventions might be held at the same time, in which event it would be necessary to have two halls.

Mr. CUMMINS. That would be quite possible.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

EMPLOYMENT OF STENOGRAPHER.

Mr. SWANSON. I desire to submit a resolution, the usual resolution authorizing a committee of the Senate to hold hearings. The Committee on Public Buildings and Grounds has had a hearing, and I find that the committee has not any authority to hold hearings at this session. I ask for the present consideration of the resolution.

The PRESIDENT pro tempore. The Secretary will read the resolution:

The resolution (S. Res. 319) was read, as follows:

Resolved, That the Committee on Public Buildings and Grounds, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

Mr. SMOOT. Mr. President, the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SWANSON. I ask that it be so referred.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

CORRUPT PRACTICES.

Mr. OWEN. Mr. President, before the Christmas holidays the corrupt-practices bill (H. R. 15842) was recommitted to the Committee on Privileges and Elections, with a unanimous-consent agreement that it should be reported back not later than the 4th of January, with an understanding that when it was reported back some arrangement might be made whereby it could be disposed of at some convenient time during this session. I ask unanimous consent that to-day three weeks the bill may be taken up for consideration and disposed of.

Mr. TOWNSEND. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. OWEN. Then, I ask, Mr. President, that the bill may be taken up and disposed of to-day four weeks.

Mr. TOWNSEND. Mr. President, I shall not agree now to any date for a vote on any bill. I am not opposed to this particular bill, but I shall not consent to the fixing of a date to vote on any measure until another matter in which I am interested has been disposed of. I do not mean to say that I am in favor of the proposed bill as it stands, because I do not know just what it is. I am in favor of the general principles of it. I have not read it and do not know about its details; I am not objecting to it on account of the nature of the bill.

The PRESIDENT pro tempore. The Senator from Michigan objects.

EMBARGO ON FOOD PRODUCTS.

Mr. McCUMBER. Mr. President, I wish to give notice that on Thursday, January 18, 1917, immediately after the close of the routine morning business, I shall ask the courtesy of the Senate to discuss the resolution which I submitted on Saturday last, relating to the proposed embargo upon the exportation of food products.

CONTROL OF FEDERAL JUDGES.

Mr. OWEN. Mr. President, I wish to withdraw the notice I gave last week that I would address the Senate at 2 o'clock to-day on the joint resolution introduced by me forbidding Federal judges to declare any act of Congress unconstitutional, and providing penalties therefor.

WATER-POWER DEVELOPMENT.

Mr. WALSH. Mr. President, I move that the Senate proceed to the consideration of House bill 408.

Mr. OLIVER. Mr. President, it is not my intention to oppose the consideration of the water-power bill; but I should like to ask some one of the Senators on the other side of the Chamber, who are responsible for the conduct of the business of the Senate, if there is any intention, at any time during this session, of considering bills on the calendar? There are a large number of Senate bills on the calendar—not very important measures, but in which Senators have some interest—and if they are to be acted on at all by Congress during this session the Senate ought to consider them at some very early date. It seems to me that instead of using up the morning hour in considering bills which are the unfinished business, we ought to occupy that time in considering Senate bills on the calendar.

I should like to hear from somebody on the other side of the Chamber on that subject.

Mr. WALSH. Mr. President, although I am not authorized to speak for anybody on this side of the Chamber, I think the suggestion made by the Senator from Pennsylvania is one that ought to have very general support, if not unanimous support. I think at some early day we ought to take up the calendar for the disposition of uncontested bills; and I suggest that we do so, say, on Wednesday morning.

Mr. OLIVER. If that is understood——

Mr. WALSH. I will see if some arrangement of that kind can not be made.

Mr. OLIVER. I hope the Senator will do so.

Mr. WALSH. I renew my motion that the Senate proceed to the consideration of House bill 408.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. THOMAS. Mr. President, I appreciate the value of time to the present session of Congress. I know something of the immense volume of business which confronts it, the transaction of which is very necessary to the public interests. I realize that the session is rapidly drawing to a close, and that every moment left to us should be utilized in the consideration of important measures which must either be enacted into law between now and the 4th of March or take their chances in the regular course of the Sixty-fifth Congress. I want to assure

the Senate, therefore, that I would not trespass upon its patience or utilize any of the time remaining to us in the discussion of this bill if I were not fully convinced that it is one of the most important legislative measures ever presented for our consideration, and that its enactment would seriously and permanently impair the well-being of the State which I partly represent upon this floor.

It is true that this view of the measure may be distorted and that my opinions regarding the modern doctrine of conservation may be tinctured by local prejudice, due to the feeling that the people of the West and particularly of the arid or semiarid States are not being dealt with justly and fairly by the General Government with regard to the public domain within their borders. Nevertheless I believe, and therefore it is my duty to give to the Senate the reasons why I regard, this bill as inimical to the public interest, and that its passage should be prevented, if possible.

It has been said during the discussion, either of the bill or of the motion to take it up, that this was an administration measure. If by that is meant that the bill is one to which the Secretary of the Interior is friendly, or one which the President would like to see passed, I have no criticism to make. If by the statement it is meant that this is one of the measures which the administration as such has indorsed and presented to the consideration of the Senate, whereby the Senators who are in accord with the administration are expected to support it, then I must dissent from the statement. In his recent message the President made no reference to this as one of the measures which should receive our consideration.

Mr. MYERS. Mr. President, may I interject a statement at this point?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. Yes.

Mr. MYERS. Last summer—I think it was in July, during the last session, if I recollect aright—the President wrote a letter to the Senator from Indiana [Mr. KERN], chairman of the Democratic steering committee and the Democratic floor leader, which the Senator from Indiana kindly showed to me and which I think I had the privilege of reading, in which the President urged the Senator from Indiana to have the Democratic steering committee set down for action by the Senate the identical bill which is now before the Senate, and to keep it before the Senate until disposed of; and urged that the bill now under consideration be taken up and disposed of at that session. That is according to my recollection.

Mr. THOMAS. Is it fair to ask the Senator if the letter was written by the President at the Senator's request or suggestion?

Mr. MYERS. It was not at my request; no, sir.

Mr. THOMAS. Mr. President, I have some recollection of that letter. It is not as distinct as I wish it were; but I do not think that in that letter or at any other time the President has done more than to suggest the consideration of the bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I yield.

Mr. JONES. I wondered whether it was possible for us to have a copy of that letter.

Mr. THOMAS. I have no doubt that if the request is made of the Senator to whom the letter was written a copy of it can be secured, although that is merely my impression, and not in any way representing his attitude.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I do.

Mr. GALLINGER. Even if such a letter was written as has been stated, and the Senator from Colorado did not agree with the views expressed in it, I apprehend it would not influence the Senator, would it?

Mr. THOMAS. The Senator has anticipated the very statement I was about to make. Had such a request been made, even if the bill were here undoubtedly and unquestionably as an administration measure in the fullest sense of the word, I could not without self-stultification either support it or permit it to be passed without protesting against it or without giving to the Senate the reasons upon which my protest is based.

Mr. MYERS. Mr. President, just a word of explanation, if the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Montana?

Mr. THOMAS. I do.

Mr. MYERS. I do not pretend to say that the President has urged the passage of this bill exactly as it is, nor that he is in favor of all of the provisions of the bill; but in messages to Congress he has several times urged that some bill embodying this principle and along this line be enacted into law.

Mr. THOMAS. I would not have referred to the subject at all, Mr. President, but for the fact that the statement was made at some time during the progress of our consideration of the measure, and I felt that I owed it to the Senate, and particularly to my Democratic colleagues, to define what I understand to be the facts.

Mr. President, it is true, I have no doubt—although I have not discussed the subject with him for a good while—that the President is, generally speaking, in favor of what may be called the modern principle of conservation. That his Secretary of the Interior entertains that view with regard to land administration there can be no doubt. Consequently I assume that the two are in accord upon the general subject. That this bill as it passed the House was drawn according to the lines of view of the Secretary of the Interior is equally evident. Indeed, I perhaps may assume that it was very largely the work of the Interior Department. But, Mr. President, those of us who live in the semiarid States of the Union which are the victims of modern notions of conservation, within whose boundaries are the remnants of that public domain which hitherto, under a broad and statesmanlike policy has been subject to disposition under which titles have been acquired by citizens, thereby upbuilding Commonwealths and developing their property, know what has been the effect and operation of the principle—if I may so dignify it—upon our growth and our condition during the past five or six years as contrasted with what they were before and as contrasted with the more fortunate career of States admitted earlier into the Union, and whose domain was disposed of under laws governing the subject from the inception of our Union almost down to the first decade of the present century.

Mr. President, I think this bill is objectionable in many of its details as well as in its general subject and purpose. Many of the provisions designed for the operation of the act are not only, in my opinion, impossible of practical development and operation, but they are manifestly in collision with the State laws and regulations which it recognizes. But beyond and above these details, which might be rectified, lie two fundamental objections, each of which is to my mind wholly irreconcilable with the rights of the States, upon the one hand, and the defined powers of the Government upon the other. Hence the bill aims at the political integrity of the Commonwealths where it will become operative and must very seriously affect, if indeed it does not practically supplant, in some communities the good old Anglo-Saxon principle of local self-government.

I press this view, first, because the bill is the entering wedge of a policy which proposes to convert the Government of the United States into a huge continental landlord with its own citizens as its tenantry, and as far as such a thing is possible in the same country to establish an absentee landlordism, since the headquarters of the landholder are in Washington, and its domains lie, generally speaking, west of the one hundredth meridian of longitude, from 1,750 to 3,000 miles away from the seat of government.

Mr. WALSH. Mr. President——

Mr. THOMAS. In just a moment. Also because the bill comes in direct conflict with, and therefore if held valid must derogate from, one of the fundamental principles of State sovereignty, to wit, the power of eminent domain and control over all the property within the boundaries of these Commonwealths, subject only to such limitations as are made thereto by the express provisions of the Federal Constitution.

I yield to the Senator from Montana.

Mr. WALSH. I observe that the Senator is addressing his comment very properly to this particular bill. Evidently the Senator is not satisfied with the lines on which the bill is drawn. I wish to ask the Senator if he agrees with those of us who want legislation, that legislation on the subject of the development of this water power is needed?

Mr. THOMAS. Mr. President, it depends upon whether my views and those of the Senator could possibly coincide, and I do not think they could.

Mr. WALSH. No; suppose your views prevail; do you feel that there is a real necessity for water-power legislation?

Mr. THOMAS. Not at all. I shall endeavor to demonstrate before I finish that there is in the States which we represent, as in the others, a plenary power inherent in all sovereignties known as the power of eminent domain, applicable to every proprietor, whether public or private, through the exercise of which the water power belonging to the States of the West and to their

citizens can be fully developed by the acquisition of these sites, which the Government ought to give to the States instead of withholding them perpetually from the possibility of private ownership unless and until their own ideas with regard to operation can be crystallized into law.

But first, Mr. President, with regard to some features of the bill itself, I do not think that my very able colleagues and friends from Montana who advocate this bill will question the proposition that the waters of the national streams in the semi-arid States belong to the people of the States, respectively, subject to appropriation by their citizens for beneficial uses.

Mr. MYERS. Mr. President, I wish to say at this time the bill itself recognizes that and so states.

Mr. THOMAS. So the Senator says in his report, but I think I can demonstrate that the recognition given by this bill to this right is the recognition which a highway robber gives to his victim when he recognizes his ownership of the watch of which he deprives him.

Mr. MYERS. But this bill takes nothing away from the States. It takes no water rights whatever away. So the illustration of the highway robber is not applicable.

Mr. THOMAS. If the Senator can convince this body that that is true, then this part of my argument will be worthless. I have stated what I believe to be a fundamental proposition with regard to the ownership of these waters, a proposition that has been recognized and enforced by the courts, both State and National, ever since the subject became an active one, a principle which has been carried so far that the Supreme Court of the United States has declared that where the Government for its administrative purposes desires to acquire a water right or the extension of a water right in the arid West, it must make its appropriation just like a citizen by complying with the requirements of the laws of the particular State where the watercourse is located, and then by appropriating through actual beneficial use the amount of water which it desires.

Mr. SMOOT. Will the Senator yield for a question?

Mr. THOMAS. I yield.

Mr. SMOOT. I should like to ask a question of the Senator from Montana. I should like to ask him if he believes that the waters of the State belong to the State?

Mr. MYERS. I do. The bill says so.

Mr. SMOOT. Of course, we may disagree upon what the bill provides.

Mr. MYERS. The Senator knows the section where it is.

Mr. SMOOT. The senior Senator from Montana says he believes the waters of the State belong to the State. I should like to ask the Senator from Montana having the bill in charge whether he believes that the waters of a State belong to the State?

Mr. MYERS. As chairman of the committee I reported the bill and I am in charge of it.

Mr. SMOOT. Excuse me; I thought the junior Senator from Montana [Mr. WALSH] had the bill in charge.

Mr. THOMAS. I think in this case, like many others, silence gives consent.

Mr. WALSH. I will be very glad to correct any wrong impression that might be created.

Mr. THOMAS. I will say, then, if the Senator denies the proposition, I feel greatly surprised.

Mr. WALSH. The Senator is quite correct. I have declared upon the floor of the Senate repeatedly that I am in entire accord with the proposition advanced by the Senator that the State owns the waters of the streams. I may say here now what I have heretofore asserted that I argued that very proposition before the Supreme Court of the United States.

Mr. SMOOT. I now understand the Senator did so before the Supreme Court of the United States, but I thought he argued just the contrary at the Western States Water Power Conference.

Mr. WALSH. The Senator is in error about that. I would be glad to provide him with a copy of the speech.

Mr. SMOOT. I have a copy of the Senator's speech before me now.

Mr. THOMAS. Mr. President, I shall assume that such is the law, although I may refer to some authorities bearing upon the subject in connection with others of equal importance.

Another proposition equally evident is that the power sites, so called, that is to say tracts of land that are so located with reference to the streams as to be available for sites for the generation of hydroelectric energy, belong to the Government of the United States and that it has withdrawn all of them which are of any consequence from private entry and location and ownership.

Of course, we all know—it is not necessary to assume—first, that the union of these two things is essential to the development of hydroelectric power; and, second, that unless there can be some combination of the two satisfactory to both owners, or some combination made without regard to whether it is or is not satisfactory, the further development of western power must be arrested. This bill proposes to bridge that chasm, ostensibly through the ownership by the Government of the power sites, but actually by the confiscation of the water belonging to the people.

Mr. MYERS. The Senator, I think, is mistaken in that. The bill does not purport to do that by ownership in the Government of the power but ownership of the land.

Mr. THOMAS. That is a distinction without a difference. If my property is taken from me under the assumption that because the party taking it insists that I still own it, but I nevertheless lose possession and lordship over it and all enjoyment of it, the assurance of the dominating power is not very comforting.

Mr. SMITH of Arizona. You own the horse, but the other man has the stable and will not let you have it.

Mr. THOMAS. He will not even let me take it out.

Mr. SHAFROTH. I wish to ask the Senator from Colorado——

Mr. THOMAS. I hope my friends will not interrupt me so frequently, because I can not argue——

Mr. MYERS. Just a word in this connection and then I will desist. The bill expressly states that the regulation of this power and the prices to be charged shall be in the hands of the utility commissions of the different States where there are such commissions.

Mr. THOMAS. Oh, Mr. President, I know what the bill contains. I have read it and reread it; I have dreamed of it. I think I know something about it, and before I am through I shall, if possible, demonstrate that while the things are in the bill to which the Senator calls my attention, nevertheless they are there in such a fashion as to accomplish the very confiscation to which I have called attention. I yield to my colleague.

Mr. SHAFROTH. I should like to ask the Senator from Montana a question. I understand the Senator believes that these waters do belong to the States.

Mr. MYERS. I think so.

Mr. SHAFROTH. As the Senator knows, under the laws of the States a man having a water-power plant in contemplation has a right to condemn private property in the hands of private citizens for that water power.

Mr. MYERS. Undoubtedly.

Mr. SHAFROTH. When the Government steps in——

Mr. THOMAS. I have not yielded for an argument on this subject. I want to be as liberal as possible, but with all due respect to my colleague it seems to me an argument within an argument, so to speak, may not be convincing.

Mr. SHAFROTH. I merely wanted to get in a little conclusion, that is all.

The PRESIDING OFFICER. The Senator from Colorado declines to yield further, and he will proceed.

Mr. THOMAS. Now, let me come to the title of the bill. It is "An act to provide for the development of water power and the use of public lands in relation thereto, and for other purposes." If that title is at all indicative of the contents of the bill it tells us that it is to develop water power and that the use of the public lands in relation thereto is a mere incident. It states the situation correctly. It is a bill, presumably at least, for the development of water power. It is a bill for the mere use of such public lands in relation thereto as the development of that water power requires.

The Senator who has charge of the bill wrote the report which has been read for the edification of the Senators, who probably received their knowledge of its contents largely through the new machines that have been installed in the cloakrooms, and which offer a premium to absenteeism. Consequently, I presume I may be pardoned for referring again to some of the things to which the report refers:

> The committee regards this as one of the most important measures—

That is true—

> and one of the most beneficial and conducive to the public welfare which has been or will be considered at this session of Congress.

That is at least questionable.

> The object of this measure is the better and speedier development for useful and beneficial purposes of the great undeveloped water power of the country, now lagging on account of inadequate and inefficient laws.

Unquestionably that is the object which the Senator from Montana had in view.

> It is universally admitted that the present laws for the development of water power are lame and ineffective—

Some exceptions must be made to that—

and that new legislation must be had before the great and untold benefits to civilization, progress, and growth from the latent water power of the country may be had. This bill seeks to attain that result.

How?

The bill distinctly recognizes the ownership of and the right of control in the States of the use of the waters in the flowing streams of the States.

This recognition as far as I am able to ascertain lies or is found in two requirements or two provisions of the bill, the one being a proviso to the first section, which is—

That no lease shall be granted until the applicant has complied with the requirements of the laws of the State, States, or Territory wherein said project is to be located, providing for the appropriation of water to develop or generate the electrical energy intended to be generated by applicant's proposed project.

The other is section 13:

That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

I am not able now to recall any other provision of the bill which even seems to be in accord with the statement of the Senator upon the floor or his statement in the report.

In cases where latent power is going to waste in the streams of the States and where the land adjacent thereto and necessary for the location of power sites belongs to the United States Government this measure recognizes that there must be cooperation between the States which control the water and the United States Government, which owns the land.

The cooperation here between the United States Government which owns the lands and the State which owns the water is the cooperation of absolute power as contrasted with almost absolute helplessness. It is a cooperation in which the State, the owner of the possible and principal thing to be developed, is not consulted at all, in which its interests are barely referred to by a requirement that its laws with regard to the acquisition of the water rights must be respected. They might be respected entirely, and yet if the owner of the land, which is an absolute essential to the business sought to be here controlled, is not permitted to impose its own terms, whether desired or not, the cooperation not only becomes ineffective, it is absolutely nonexistent. The report well says that—

Neither alone can successfully develop water power. There must be cooperation to attain best results, and that this bill seeks to obtain by recognizing the right of the State to the use of the water and the right of the Federal Government to the use of the land and recognizing that both are essential to development of power.

This bill in no wise seeks to encroach upon, impair, or destroy any of the rights of the States—

I repeat I have no doubt the Senator sincerely and earnestly believes and that his colleague believes that the majority report is a correct statement of the bill and its purpose—

It is not intended in any wise or in any degree to trench upon the right of the State to the control of the water flowing in the streams within its borders. It is framed upon the distinct theory that the State owns and controls the use of the water flowing within the streams within its boundaries, and that the Federal Government owns and has the right to control and dispose of the public land bordering on and adjacent to such streams. The present laws are notoriously inefficient and defective for the development of water power in streams running through public lands, and water-power development is practically paralyzed and arrested. There must be new legislation before there can be any appreciable advance in water-power development.

Mr. President, the present Federal laws and department rules are not only deficient and ineffective for the development of water power in streams, but if these laws were recognized and applied in their letter and in their spirit now as heretofore, if these withdrawal orders were canceled, as they should be canceled, it would not be necessary for the present Congress or its successors to spend any of its time in additional legislation. The assumption is made that the laws are injuriously inefficient because, forsooth, they have been abused. They are regarded as inefficient because now there can be no method of acquiring title by those desiring to develop water power for the sites which are essential to the purpose.

I am not here, Mr. President, to criticize either this or preceding administrations for arresting certain methods of development and of acquiring public domain through the abuse and perversion of the statutes of the United States and largely through the active or passive cooperation of Government officials. Every condition which justifies extreme conservation is the outgrowth of national law coupled with national maladministration. The two combined to produce conditions which are some excuse for insisting that the pendulum shall swing to the other side of the arc and be arrested there, that every man, woman, and child in the West desiring to secure some benefit from the public domain should be presumptively regarded as a thief and a scoundrel until the contrary is distinctly and absolutely shown. So I do not admit at all, Mr. President, the proposition—I can not—that the present Federal laws are notoriously or at all inefficient for the securing of those rights and for the development of this power.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I do.

Mr. SMOOT. In that connection, I might call the Senator's attention to a report of the Secretary of Agriculture on this subject.

Mr. THOMAS. I intended referring to that in connection with another part of this report.

Another ground there assigned, Mr. President, for this measure is that it will check or destroy a monopoly in water power. Well, I am in hearty sympathy with anything that we can accomplish here as legislators that will restrict or prevent monopoly in anything; and in saying that I am not peculiar; I think I express the honest sentiment of every Member of this body. But there are some things, Mr. President, which are natural monopolies, which in my mind never should be farmed out to private hands. Among them is what we call hydroelectric power. You can no more prevent the coalition in a few hands of this great agency so long as private control is permitted at all than you can prevent the operation of the law of gravitation. This condition has existed practically since hydroelectric power became as valuable as we all concede it to be.

Some time ago—I think it was last February—a letter of the Secretary of Agriculture, which I exhibit to the Senate [exhibiting], was presented by the senior Senator from Florida [Mr. FLETCHER], who asked the Senate to publish it, so that the world might know that a monopoly then existed in water power. Some of us, myself among the number, opposed the publication of this document. I asserted then, and I now repeat, that the country no more needed the publication of this letter to demonstrate the existence of this monopoly than it needed to be told that when the sun sank behind the horizon night had come. It was a palpable and self-evident fact; a fact which had been advertised, a fact which had been asserted, a fact which had been demonstrated time and time again, a fact which will continue if this bill is enacted, and which will continue whether it is enacted or not, and which will, in my judgment, be as constant as any fact can be, so long as the conditions which exist and which this bill can not correct make it possible. However, the document was published at an expense of $21,000. Some one of us then asserted—I think it was the Senator from Utah [Mr. SMOOT]—that the way to get rid of a fact and to bury it forever was to publish it in just such a document as this. I am willing to stake my reputation for veracity upon the assertion that not 5 per cent or 2½ per cent of the Members of this body have ever read it or attempted to read it, and not 1 per cent of the people ever heard of it or care anything about it.

So this bill, instead of developing a tendency in any way to affect a monopolistic condition, which we have learned at this enormous expense exists, if it passes, will simply accentuate that situation. I do not think that the stars in their courses will arrest it until its real cause is removed.

Of course, it may be asked what the conditions will be if we do not enact the bill. I am obliged to say, Mr. President, that it will be the same. In other words, this bill, whether enacted or not, will not affect the question of monopoly. It is not the way to reach it. That can best be done by State ownership and control, in my judgment, of entire subject of the elements and resources whereby electric current is generated and applied to the use of mankind. So if monopoly destruction is the purpose of the bill, I think it is defeated at its outset.

Now, let us look at some objections to the details of the measure before taking up those which are fundamental. The Senator from Arizona [Mr. SMITH] and myself filed a minority report, which was read this morning. The Senator from Utah [Mr. SMOOT], the Senator from Wyoming [Mr. CLARK], and the Senator from California [Mr. WORKS] prepared and filed a much longer and more comprehensive minority report; and let me say here, Mr. President, before passing that this long minority report is one of the ablest and best prepared and best considered legal reports that I ever have seen, either here or elsewhere. To my mind it is exhaustive and conclusive of the subject, and I am satisfied that Senators who are members of the bar can not devote an hour and a half to a better purpose than by carefully reading this most interesting discussion of the law of the subject.

I have referred, Mr. President, to the absentee-landlordism element in this bill and its effect upon local self-government. These are perhaps parts of the general subject; but incidental to them are some other matters to which I shall briefly refer.

One is the multiplication of Government employees which must result from this bill. There is a saying in my State that if you go on the street and throw a stone you will strike from one to two Government land employees, either identified with the Land Office or with the Forestry Bureau or with some of the other agencies to which Uncle Sam in these days resorts for the purpose of protecting his rights against the unfortunate people who are obliged to live near his domain. They are good citizens, but they are expensive.

We all know that the cost, for instance, of the administration of the Forestry Bureau is very largely in excess of the receipts—two or three times in excess of the receipts. These receipts are divided between the Government and the States, it is true, but the great bulk of expenditures falls upon and is absorbed by administration. We pay, therefore, in taxes to support the bureau vastly more than we receive from it.

Now, if Uncle Sam is to lease all of his power sites to those who desire to develop water power, and is to insist upon an observance of all of the provisions and conditions of the lease, which he ought to do, he will be obliged, so to speak, to be upon the ground all the time. As a consequence the number of employees which we now have eating out our substance will, in all probability, be multiplied by 2. So the instance which I suggested would result in four instead of two casualties if the stone-throwing experiment be made. [Laughter.] This must be paid for, and should be paid out of the receipts of the business of the undertaking if possible. Of course, as the price of living rises, we shall be confronted with applications such as are now pending to increase the compensation of these gentlemen in order to meet the increased expense of living. And we must grant them or be inconsistent. This means, even without increases, that the enterprises to be inaugurated by this bill will become liabilities instead of assets to the Government.

Now, if this were absolutely necessary, Mr. President, for the protection of the public interests or if by its operation we could destroy the monopolistic features of the electric element in our commercial life, I would not say a word; but if it will do nothing of the sort, certainly those of us—and fortunately I notice that there are a few more of us on this side than heretofore—who believe in retrenchment in public expenditures ought to consider this view of the bill. I do not know what the ultimate expense will be; perhaps my estimate would be a partisan one, but it certainly would be very large.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. THOMAS. I yield.

Mr. HUGHES. The Senator referred to a report a while ago. Is that the voluminous $30,000 report about which there was discussion some months ago?

Mr. THOMAS. I think the Senator has it a little high. Its cost was $21,000.

Mr. HUGHES. Twenty-one thousand dollars.

Mr. THOMAS. Yes. Would the Senator like to read it?

Mr. HUGHES. I am not going to read it right away; but I remember at the time the estimate was made I stated that the report would be so voluminous that nobody would ever read it. I objected to its being printed, and to that expense being incurred. However, I was denounced as a reactionary and a standpatter, and other uncomplimentary things were said of me by certain "high-brow" papers in my State. All I have to say is that I wish those gentlemen who criticized me might be compelled to read that report.

Mr. THOMAS. Mr. President, I was criticized also; but, as suggested by the Senator from Utah [Mr. SMOOT], in view of the price of paper now, there is a fair possibility of getting something back by selling it for waste paper.

Mr. SMITH of Georgia. Mr. President, I desire to suggest that in addition to this document we might also sell some of the testimony for which we paid $90,000, and which nobody now wants, taken by what was called the Walsh investigating committee. I can not find anybody who wants it.

Mr. THOMAS. Why, Mr. President, I made the statement then that before the books were dry from the press the great majority of our people would forget that there ever had been such an investigation.

Mr. SMOOT. I wish to say to the Senator from Georgia [Mr. SMITH] that our last order for the sale of old public documents consisted of 976,000 volumes, which were sold at 80 cents a hundred; and next year, when the time comes around, we shall sell these for about 80 cents a hundred.

Mr. NORRIS. Mr. President, I do not care to intrude myself into the Senator's speech at this point, unless he desires that we should digress from the main question to the discussion of other questions.

Mr. THOMAS. If the Senator wants to ask a question I will yield; but I do not care to yield otherwise.

Mr. NORRIS. I wanted it to be known, at least, that there were two sides to the incidental question which has been brought up here. I do not care, and do not think it proper, to discuss it here, but if we want to sell some old paper we had better sell the CONGRESSIONAL RECORD. We will get about as much for that as for any other document.

Mr. THOMAS. I quite agree with the Senator and I will vote with him to-morrow to abolish the RECORD. So far as that is concerned I quite agree with him. Who reads the CONGRESSIONAL RECORD outside of the Senate? But that is a digression.

Mr. NORRIS. Who reads it inside of the Senate?

Mr. THOMAS. Oh, we all read our own speeches.

Mr. HUGHES. We all read what we send out as our own speeches.

Mr. THOMAS. We all read what we say about each other?

Now, Mr. President, I want to address myself for a moment to the suggestion of the Senator from Montana, that the rights of the States are recognized and conserved in the bill. I again quote from the bill:

Provided, That no lease shall be granted until the applicant has complied with the requirements of the laws of the State, States, or Territory wherein said project is to be located, providing for the appropriation of water to develop or generate the electrical energy intended to be generated by applicant's proposed project.

The Senator from California [Mr. WORKS] in the report to which I referred has shown that in his State this must be nugatory because some provisions of the law can not be complied with until the structure which is to use the water has been completed. There, of course, is a situation which would seem upon its face to be irreconcilable. This proviso, however, should be considered in connection with section 13:

SEC. 13. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

Mr. President, there is a strong family likeness between the irrigation codes of all the semiarid States. The main principles are identical; they differ only as to details, due either to differences of opinion among legislators or to local conditions making them necessary. Consequently, a reference to the laws of one of them is in large degree a reference to the laws of all of them.

In my State the waters of the natural streams are subject to appropriation for domestic, agricultural, and manufacturing purposes.

Mr. SMITH of Arizona. And mining purposes.

Mr. THOMAS. Which includes mining; and they take priority in the order in which I have stated as to use. The superior right is the domestic one; the second in importance is the agricultural one; and the last is the manufacturing one. When there is not water enough for the three, the right of appropriation is in the order named. The two first are enjoyed by consuming the corpus of the water. The last generally applies to the power which is generated by the current without diminishing its volume; and of course that use is generally consistent with the others, or largely so.

Mr. VARDAMAN. What is the first use?

Mr. THOMAS. The domestic use; that is, water for the use of the family, for watering stock, and for those other things that are essential to the enjoyment of life.

These appropriations can be made in my State to be used wherever the appropriator needs to apply them. That may be 1 mile, it may be 10 miles, it may be 50 miles or more from the stream; but the power to appropriate and the power to use at the point where the use is needed necessarily involves the power to transport and, if necessary, of condemning a right of way therefor. Suppose that I or any citizen in the exercise of this right desires to utilize the water at some point and for some purpose not consistent with or in a manner different from that provided in this law but within the provisions of the State law, certainly there is a conflict; there necessarily must be a conflict. If the owner of a reservoir used for the generation of power transfers or permits the use of any of the water of his reservoir for the purposes of irrigation and agriculture, that creates a right, and, when once granted, the beneficiary can not be deprived of it. And it may well be that in the conflict between the rights which I have supposed—and I might suppose a good many others—and the lessee from the Government of the United States the laws of the State would either have to be recognized in such a way as to come in conflict with the Federal law or the enforcement of the Federal law would be such as to make it necessary to ignore the State law.

Such a conflict can be determined only through the department, or by litigation, or by both. We all know in our section of the country how extremely expensive are the controversies

with governmental representatives and agencies. They frequently—in fact, I think in a majority of cases—involve a trip to the Capital; the delay consequent upon their consideration is always extremely annoying, and in many instances practically destructive of the remedy when it shall have been secured.

But, Mr. President, the constitution of my State, ratified by Congress and approved by the President, in Article XVI, section 7, provides:

> That all persons and corporations shall have the right of way across public, private, and corporate lands for the construction of ditches, canals, and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

The State could own no lands of its own before it came into existence. Consequently, there were no public lands to which this section could apply except those belonging to the Government of the United States. The provision for this right of way across the public lands for these purposes, therefore, must refer to the public domain. I think I shall demonstrate before I conclude that that is a perfectly legitimate exercise of State power, and that in the semiarid-region countries it is an absolutely necessary exercise of the supreme and plenary power of eminent domain of the State.

Under this provision John Smith, as a corporation organized under the laws of the State of Colorado and obtaining his water right for the generation of electricity under its laws, may invoke the constitution of his State by securing a public right of way as well as the lands necessary for the construction of his buildings. We have statutes, to which I shall refer presently, which, recognizing this right, provides for methods of its exercise. The John Smith Co. having exercised that authority, if the Robert Roe Co., lessee of the Government, makes a similar appropriation, with reservoir and rights inconsistent or in conflict with either the right of way or the reservoir or the volume of water, which may not be sufficient for both, how can there be a compliance with or a recognition of the laws of the State without doing violence to the provisions of this act which makes the factor of recognition important? How is it possible to apply this law practically to the conditions which must conform with it when we find such potential evidences of conflict between the two as to make them irreconcilable?

I have no doubt that the constitutions of the other semiarid States contain similar clauses; but whether they contain them or not the right of condemnation is there. It does not depend upon constitutions. It is plenary, and it is limited only by the exceptions which are imposed by the constitutions of the States or of the United States.

For the present, Mr. President, I shall not refer to all the terms of the bill; but I shall refer to the provision regarding control of those enterprises which are common to two or more States, jurisdiction over which is extended to the Interstate Commerce Commission.

It is not probable, Mr. President—though there may be cases of which I know nothing—that a corporation generating power and furnishing it to more than one State is incorporated in more than one State. That is to say, these corporations, like others, are a single body. Now, a corporation created under the laws of the State of Arizona, generating power in that State and extending its lines into the neighboring State of California, would under this bill come under the jurisdiction of the Interstate Commerce Commission; but the same company, if it limited its operations to the State of Arizona, would come under the jurisdiction of the public utilities commission of that Commonwealth. We can readily understand the principle upon which control is given to the Interstate Commerce Commission with reference to so much of the business as may lie outside of the State where the power plant is situated; but I am unable to perceive how the Interstate Commerce Commission can take charge of a corporation under those circumstances and regulate and fix its charges in Arizona, and at the same time harmonize with the requirements of the laws of that State concerning that and other corporations. Of course it can do so by conforming to the laws of Arizona; but by the very fact of thus conforming it reveals the necessity of doing so in order to regulate it, and that is not regulation. That is merely compliance with the requirements of another set of laws to avoid difficulty. I question the power of Congress, in other words, to extend the jurisdiction of the Interstate Commerce Commission over a situation of that sort. It may be that this can be explained to my satisfaction. But to my mind—and I have examined the matter with some care—it seems to me to be a very serious objection to the details of the bill.

That reminds me of another which seems more serious. It is provided that at the end of 50 years there may be a recapture of the property—that being the expression used by the Senator from Montana in his report. The Government will not let go of these enterprises. It will make a lease for a maximum of 50 years, and at the end of the lease, under certain circumstances, it may be renewed, or it may be given to some one else on the condition that the new lessee shall compensate the old one for his property, or the Government may take over the enterprise at the end of the lease and operate it on its own account.

Now, let us see what situation that would produce or might produce. The Government of the United States—this great Republic, organized for the general welfare by the people of the United States—at the end of 50 years takes possession of an enterprise situated in the State of Colorado which I have built up under a lease from it at the end of my leasehold interest. The Government of the United States may operate that plant just as my company operated it. We are confined entirely to the Commonwealth in our distribution of electric current, and consequently our public-utilities commission had jurisdiction of the business. As a result, the Government becomes in practice a corporation of the State of Colorado, a corporation amenable to its laws, a corporation subject to punishment and forfeiture by the laws of the State of Colorado if they are violated, a corporation required to comply with the provisions and the rules of our State public utilities commission, a corporation whose right can be foreclosed in the event there should be a disregard of its legal requirements.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I do.

Mr. WALSH. Does this bill provide that at the end of the 50 years, or any other leasehold period, the Government must take over this plant and must operate it?

Mr. THOMAS. No; but it provides that it can do so.

Mr. WALSH. Ah!

Mr. THOMAS. It may do so.

Mr. WALSH. Ah! And if it can not do it, it would have to make some other disposition, would it not?

Mr. SMITH of Michigan. No.

Mr. THOMAS. Well, I do not think so. I think it could operate the plant or hang it up, just as nearly everything else is hung up now, under the modern policy of conservation.

Mr. WALSH. Let me make an inquiry of the Senator. The bill does not contemplate that the Government shall now operate the enterprise. It contemplates that it shall turn it over to a lessee; does it not?

Mr. THOMAS. The bill does not, of course, contemplate that the Government shall operate it in the first instance.

Mr. WALSH. No. It contemplates turning it over to a lessee; does it not?

Mr. THOMAS. It may turn it over to a lessee; yes.

Mr. WALSH. Exactly. Now, why should it not be likewise contemplated that at the end of 50 years it will turn it over to another lessee?

Mr. THOMAS. The bill merely provides that it may do so. Or it may acquire the plant.

Mr. WALSH. Then, why does the Senator discuss the question of the Government operating it and coming in contact with the State regulations?

Mr. THOMAS. I am discussing that because, under the terms of the bill, the Government can do so if it desires. I discuss it because the manner in which the bill is drawn invests the Government not only with the power of lease but with the power of recapture and operation. Consequently, Mr. President, I am justified in calling attention to the absurdities in which this bill might involve the United States with reference to its relations to a purely business matter within the limits of a State.

Mr. WALSH. Mr. President, I want, then, to ask the Senator to point us to the clause which says that the Government may take the plant and operate it.

Mr. THOMAS. If the Senator asks me to point out in terms anything in the bill which declares that the Government shall operate it, I will say that I can not lay my finger upon that exact language; but if the Senator maintains, from the fact that no specific power is given to the Government to operate it, that no such power exists, then I must contend that it is not necessary to grant it in specific terms. If the Government takes over a property of this kind, it either must lease it or it must operate it, or the property will go to ruin. If it lets it alone, it will go to ruin. Now, is it possible that the Senator is advocating here a bill which provides for a method

of recapture that becomes useful only in the event the Government can find another lessee?—which I do not think it can do. I do not think it will ever find an original one under this bill, so far as that is concerned.

Mr. WALSH. Why, Mr. President, if the Government could not operate, did not want to operate, and could not find another lessee, as a matter of course it would not take it over. If it ever does take it over, it will be because it has found another lessee or because it is going to operate it itself and can operate it.

Mr. THOMAS. The bill should say that in very explicit terms, then.

Mr. WALSH. It does. It gives the Government the right to take it over at the end of 50 years.

Mr. THOMAS. I differ with the Senator in that regard, and I believe that the position which I have endeavored to present is the one which is justified both by the purpose of the bill and by the obvious necessity of operating the plant in the event no new lessee can be discovered. It can take the plant over; it can renew the lease; it can lease to another; it can do nothing.

Mr. President, I have said that this is a departure from the general policy of the Government with regard to its land administration, or, rather, the beginning of a departure which is so radical that it deserves very serious consideration before we embark upon it. I refer to the leasehold provisions of the bill.

Mr. President, when the Senate adjourned yesterday afternoon I had called attention to some of the detailed recitals of the bill under consideration and was about to discuss the subject from a somewhat broader standpoint. I wish now to revert for a moment to what was said yesterday regarding the so-called subject of recapture and that section of the bill in which the Government reserves that right. The Senator from Montana [Mr. WALSH] challenged the soundness of my criticism that in the event any lease granted under this bill shall have expired and the Government shall have taken the plant over it might operate the property on its own account. I think a careful reading of the fifth section of the bill more than justifies the conclusion which I announced yesterday. There are two sections relating to the subject, the fifth providing for a taking over of the property by the Government, the sixth for a renewal of the lease or for the granting of another lease to the same property to a new lessee. Section 5 provides—

That upon not less than three years' notice, the United States shall have the right upon the expiration of any lease to take over all the properties constructed, acquired, or owned by any lessee, and valuable or serviceable in the development, generation, or transmission of electric current, or in the storage or distribution of water to the point of delivery to irrigation or domestic water systems, which are dependent in whole or in part for their usefulness on the continuance of the lease herein provided for, or the right to take over, upon mutual agreement with the lessee, a severable and complete unit of any such power system, upon condition that it shall pay in a lawful warrant drawn on the Treasury of the United States, or otherwise, before taking possession the fair value of such property.

Provision is then made for determining the value of the property in the event the Government shall elect to exercise this right of recapture.

It will be observed that in this section there is no reference whatever to a renewal of the old or to the making of a new lease upon the property. This does not contemplate anything of the sort, and it puts the Government in the ridiculous position of reserving a so-called right of recapture and then letting the property lie idle and unused if it does not carry with it as a necessary incident the power to operate the recaptured property upon its own account.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield.

Mr. WORKS. I should like to ask the Senator from Colorado whether he understands by that provision that the Government could take over water rights that had been acquired?

Mr. THOMAS. I was just coming to that.

Mr. WORKS. Very well. I am sorry I interrupted the Senator.

Mr. THOMAS. The interruption does not interfere in the slightest, and I am very glad to yield at any time to the Senator. Here is the language. I will read it again:

Valuable or serviceable in the development—

And so forth—

or in the storage or distribution of water to the point of delivery to irrigation or domestic water systems.

The Government, in the event it exercises this reserve right and takes over a plant or an establishment which, in addition to the generation of current, supplies water for irrigation or domestic purposes, must necessarily continue that function of the property taken over, or else those dependent upon the water for those two prime purposes of life might not only be subject to serious menace to health and to life, but their crops would be menaced by destruction through the inaction of the Government, which by recapture had taken possession and acquired the ownership of the property. I think, therefore, Mr. President, that my assertions of yesterday regarding recapture were within instead of without the provisions of the bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I yield.

Mr. JONES. Would it not also be true if the Government did take over these water rights and ceased to use the water under the State laws it would lose its right?

Mr. THOMAS. Yes; the United States, of course, like any other owner of water, under State laws would subject itself to forfeiture by nonuse; but in the meantime what would become of the irrigation or the domestic interests, or both of them, dependent upon their constant supply?

Mr. WORKS. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. WORKS. I should like to know what the Senator thinks about the relations that would exist under those circumstances as between the Government and the State.

Mr. THOMAS. I discussed them yesterday.

Mr. WORKS. I am sorry I missed what the Senator said on yesterday.

Mr. THOMAS. I am indebted to the Senator for my presentation of that phase, because I followed the minority report which the Senator prepared, and which I think covers the whole situation.

But, Mr. President, in this recapture a far more serious situation is involved, for the Government not only takes over to itself the land forming the subject of the lease, but also the water right theretofore belonging to the company and necessary for the generation of power, and which, if I understood yesterday the Senator from Montana, having charge of the bill, is recognized as a State property or something acquired through the agency of the State by the lessee from the Government, and, of course, absolutely necessary for the carrying on of the business.

Mr. MYERS. If the Senator will permit me just there——

Mr. THOMAS. Certainly; I yield.

Mr. MYERS. If the Federal Government would take over the work, I do not think the Federal Government would become the owner of the water. It would own the plant and would succeed to any right of the leaseholder as an appropriator of the water, and would thereby become an appropriator of the use of the water.

Mr. THOMAS. That is stating, I think, in different terms my own proposition. It takes whatever ownership the company has acquired either by location of the appropriation of water itself or by securing the appropriation of others. There is a transfer of whatever the owner of the plant has in the water, whatever title he has acquired in the water from the State, to the Government of the United States. We would therefore have the United States in this position, through a measure designed to develop hydroelectric energy and based entirely—because it must be so based—upon its ownership of the land necessary for the general enterprise, it becomes through its power of recapture the owner of the use of the water in addition to its land ownership arising wholly through the operation of the State law.

Mr. President, that is a pretty serious situation with which to confront the agricultural industries of the semiarid West.

Mr. WALSH. Mr. President——

Mr. THOMAS. I yield.

Mr. WALSH. Before the Senator passes from the subject he has just been discussing I wish to inquire of him whether the same situation will not be presented under the provisions of the Shields bill, which permits the occupancy of a navigable stream for a period of 50 years and at the end of that period of 50 years permits the Government to capture the work in connection with it.

Mr. THOMAS. I think I so stated in the few remarks I submitted when that bill was under consideration.

Mr. WALSH. So, as far as that is concerned, they stand upon exactly the same footing.

Mr. THOMAS. I think they stand in their effect upon substantially the same footing.

Mr. WALSH. I mean so far as the operation is concerned.

Mr. THOMAS. So far as the operation of the two laws is concerned, they might produce identical results. But, Mr. Presi-

dent, because one vicious bill has been enacted or is about to be enacted by Congress is no reason why we should enact another.

Mr. WALSH. I quite agree with the Senator. I wish to ask the Senator if he voted for the Shields bill?

Mr. THOMAS. I certainly did not, and I was very much tempted to oppose it to the end. I did not do so because it does not directly affect the people whom I in part represent here and also because those who are advocating the bill seemed to feel that the urgent necessity for some sort of relief justified such concessions to the governmental demand as seemed to be necessary to secure any relief whatever. But, like all compromises of a great question or a great condition, they seem to have fallen between two stools. The bill is not satisfactory to men who believe as I do about it. It is not satisfactory to those of the extreme type of conservationists, and who presented the most formidable opposition which the bill encountered. Inasmuch as it gives no satisfaction to either I do not know whether it will ever become a law or not. If I consulted my own feelings, I would hope that it never would be written upon the statute books.

Mr. MYERS. If the Senator will permit an observation right there, I wish to call his attention to the fact, which, of course, he knows as well or better than I do, that the United States Government may appropriate water in the streams of a State now, and there is no difference between that right and a right acquired by acquiring the right of a prior appropriator. They stand on the same footing.

Mr. THOMAS. I said yesterday if the Government of the United States at any time needed the use of the waters of the natural streams in the arid States, it could acquire them only by complying with the State law, but I do not think the Government, certainly not without some statute upon the subject, would have the right in the Senator's State or my State to make an appropriation of water for the generation of power, certainly not for the purpose of selling that power to consumers, coming in competition with its own citizens.

Mr. WALSH. Let me ask the Senator from Colorado if the Government is not doing just that now in the case of Arizona? Does not the Government operate a great power in the State of Arizona?

Mr. THOMAS. Does the Senator contend that the United States is operating a power plant under appropriations conforming to the laws of the State of Arizona and selling the power to consumers?

Mr. WALSH. That is my understanding about it.

Mr. THOMAS. If that is the case——

Mr. SMITH of Arizona. The Senator will understand that we make no claim that the Government will permanently use that power.

Mr. WALSH. That is not the question.

Mr. SMITH of Arizona. The obligation rests on the people to pay back into the Treasury the ten or twelve million dollars that have been advanced.

Mr. WALSH. Exactly. The Government is carrying on a great irrigation project in the State of Arizona and incidental to that project there is power developed. They have diverted the water for irrigation, and they use that same water for the development of power, and they are selling that power to the city of Phoenix.

Mr. THOMAS. Mr. President, the Supreme Court of the United States in the Kansas-Colorado case, reported in Two hundred and sixth United States, decided that the Federal Government is without any constitutional power to go into the business of reclamation in any State of the Union. That decision has received no sort of consideration so far as I am able to judge in the Agricultural and Interior Departments which administer the reclamation system, and the fact that the Government in addition to proceeding with these reclamation projects unites to it the right to build a power plant and to generate current and sell it indicates to my mind the wisdom of the decision of the Supreme Court to which I have just referred on the one hand, while it emphasizes my contention upon the other, that this matter of recapture means, and necessarily must mean, that in the event it is done the Government of the United States will go into the business under State laws of generating current on its own account and selling it to the consumers of the country.

Now, that may be a desirable thing to do. I am quite willing if it becomes the universal practice, and if for the purpose of preventing monopoly it becomes necessary for the Government to embark in the business to accede to it, but to accede to it in a proper way, and that is by determining expressly through legislative action that such shall be its policy.

But in the case mentioned, Mr. President, in a reclamation project, the waters are gathered together under appropriations and conserved in a huge reservoir, primarily for the purpose of reclaiming the lands of the Government, lands which but for such a system would always remain waste and contribute nothing to the benefit and welfare of human kind.

It may possibly be that assuming—and, of course, we must assume it, notwithstanding the opinion of the Supreme Court, these great projects having gone ahead and which are very beneficial—assuming that the Government has the power of reclamation of its own land in the States through the accumulation of large bodies of water, where, through a permanent reservoir system, it may be utilized for the cultivation of waste places of the earth, there is also a power brought into existence, that power may be utilized by the Government for the benefit of the people upon that reclamation project, without in any manner affecting the argument I am attempting to make. Of course that assumes also, which the law provides, that ultimately the people who take up this reclaimed land shall take over both the reservoir and the system of canals and everything appurtenant to it.

But I do not believe, Mr. President, that the existence of such conditions in any way militates against the position which I think the bill will put the Government in in the event it becomes a law. The Government did not file upon water, make appropriations of water, through a compliance with the local law, for the purpose of building a power plant, of generating power, and of supplying customers who were dependent upon the supply for the carrying on of their business and for whatever purposes it was necessary for them to use it. I think if the Government had attempted anything of that kind it would have been confronted at the threshold with the question of power, whether any particular agency or function of public administration required or permitted anything of the sort. If not, then certainly no such authority would exist.

So I leave this branch of the discussion with this statement, when the Government exercises its power of recapture it takes back not only what it had before but an ownership in water granted by the State to its lessee, which it did not have before, and which by the alchemy of national legislation it attaches to itself. That is one way to confiscate property. It is one way to deprive a State of its right and ownership of an element which is absolutely essential to its economic existence.

Suppose, Mr. President, that the Government, after making these recaptures, should sit supinely by and do nothing, who can compel it to set the wheels in motion? Can the State do it? Possibly, but how? By the use of physical force? Not at all. By legislation? That depends upon the attitude which the Federal courts would take upon the subject. But theoretically it is and ought to be impossible for an outsider, even though a mutual or a dominant sovereignty, to come within the domain of that sovereignty restricted only by self-imposed limitations and acquire an element or the control of an element, wholly or in part, the existence and use of which is absolutely essential not only to its welfare and well-being but in a large degree to its very existence.

A law which would permit it, although the power might be exercised humanely, generously, and beneficially, is a dangerous law not only in the abstract but as a precedent for legislation of similar and possibly of far more serious character.

I said, Mr. President, yesterday when the Senate adjourned that this bill attempted, among other things, to initiate a departure from the general land policy of the Government and was one of a series of measures designed ultimately to withhold from purchase and settlement practically all the remaining domain of the Continental United States outside of Alaska and permit the use of them only by the people of the country.

I feel, therefore, that even if the bill in its details was perfectly satisfactory, a departure so vast in its reach and so tremendous in its operation should not be entered upon without very serious consideration of its objections.

The policy of the Government, with one exception, ever since its organization down to the commencement of the twentieth century has been to dispose of its domain to actual settlers and purchasers. That has been not only its policy, but in the acts of concession made by the original States to the Government it was expressly provided that the land should be so disposed of, that Commonwealths might be erected through the attraction which cheap land would offer not only to the people of this but of other countries.

That policy was carried out. It began with what are now the States of Ohio, Kentucky, Tennessee, Alabama, and spread westward from the first States which were admitted until it traversed the Mississippi Valley, extended to the foothills of the Rocky Mountains, and finally reached the shores of the Pacific Ocean. Had the policy which this bill seeks to introduce been that of our fathers the hundred million people who to-day joyfully give their allegiance to a common Government and a

common flag would perhaps not exceed one-third of that number, and these would constitute a nation of tenants instead of a nation of landholders, a citizenry dependent upon a universal landlord called the Government instead of a citizenry rooted to the soil, representatives of Anglo-Saxon ideals and exponents of Anglo-Saxon liberty. Away back in 1825 Mr. Webster, then a Member of the United States Senate, said upon this subject:

> The great object of the Government in respect to those lands is not so much the money derived from their sale as the getting of them settled.

When he said that he expressed what was then a generally and universally conceded proposition, one the denial of which would in all probability have created the profoundest surprise.

At one time the Government did enter upon a leasing policy with regard to some of its mineral lands, notably those in western Illinois, where the city of Galena now stands. It was found so unsatisfactory, so expensive, and so ill in accord with our policies and our theories that upon the recommendation of President Polk, I think, the policy was abandoned; and it remains for us of this generation to seek to revive it in widespread form and to apply it now to all mineral lands except those containing metals and to the agricultural lands of the country. The bill proposes to lease those small pieces of territory which by reason of their natural location and physical characteristics are more suitable for power sites than anything else.

Another bill which has been introduced and which is upon our calendar, the passage of which will doubtless be pressed at this session, seeks to provide for the leasing of all lands containing oil, gas, phosphates, and other salts and solutions; and if I am not mistaken it also provides for the leasing of coal lands. The lands of the West containing these deposits are very large in extent, and as a preliminary to the operation of this proposed measure the most of them, constituting millions of acres, have been withdrawn from location and private sale.

The only reason why the gold mines and lead mines and copper mines and silver mines are not included within this general scheme is that the sentiment of that section of the country where those mines are located has been strong enough thus far to limit this new purpose of administrations and of departments to other so-called mineral lands not known as metalliferous. The time is coming, Mr. President, in my judgment, it must come, if we enter upon a leasing policy, when it will not only embrace the gold mines in the State of Montana, the silver and lead and other metalliferous deposits in the State of Montana, but those in all of the other States. Then it will be but a step to the reservation of all of the remaining agricultural lands of the country. I am told that a bill, called the Lever bill, having the latter for its purpose, has been introduced in the House of Representatives and has been at some time considered, although not reported, by the House Committee on the Public Lands. I am not surprised at it. It is but the logical sequence of a new dispensation which finds its first actual expression upon this floor in the bill which we are now considering.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. What do I understand to be the provisions of the Lever bill to which the Senator refers?

Mr. THOMAS. It is a bill which is designed to reserve all the lands of continental United States from occupation and patent. My authority for that is one of my colleagues in the other House. I have not myself seen the bill.

Mr. WALSH. May I ask the Senator to what end is that proposed?

Mr. THOMAS. It is to the end that the Government may retain the title and allow its citizens to secure the benefits through contract and lease. I do not know what other purpose could be subserved by it.

Mr. WALSH. Does the Senator feel that there is sentiment enough in the other House to give much encouragement to that proposition?

Mr. THOMAS. Not now, but it is growing; and it will receive a powerful stimulus from legislation of this sort.

The homesteader to-day can not get a deed in fee simple to a piece of Government property. When the Senator and I first went West, the homesteader and the preemptor got a deed, giving him an absolute title in fee simple to his 100 acres of land, with no reservation whatever. Now, gold, silver, coal, salts, gas, oil, every conceivable thing except the bare surface, is exempted and reserved from the title, together with the right of development of the same if any should be exposed thereon or thereunder. Scarcely a week passes that I do not receive a letter of protest from some patentee who, upon reading his title, finds that he has acquired the right to live upon the surface, but that the Government practically retains everything else that he supposed he was getting under the laws of his country when he endured the privation and incurred the expense of occupation.

Mr. WALSH. Mr. President, I do not like to interrupt the Senator——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Montana?

Mr. THOMAS. I yield.

Mr. WALSH. But I think the statement which the Senator has now made ought to have some further explanation. The law is just exactly the same now as it always was. If a man enters a homestead he gets absolute title, without any restrictions whatever, and he owns everything there is in that homestead; but under the old law he could not take any land in which it was believed there were minerals of any kind. Now, he can go and take that land which is mineral in character; he acquires a surface right in that land, and the minerals are reserved. We have all asked for that law out West.

Mr. THOMAS. I hope I have overstated the situation, but I have stated it as I understand it.

Mr. WALSH. The situation of the law, as I think the Senator will find, is as I have stated it.

Mr. THOMAS. I am obliged to the Senator for correcting me whenever he thinks I make a mistake or a misstatement. My impression is, however, that the present method of issuing patents is universal. If it is not so, then, of course, I stand corrected.

Mr. WALSH. If the Senator will permit me, the situation is just this: A man enters a homestead. He may now make proof in three years. The Government will not let him enter it as an ordinary homesteader if the land is known to be mineral in character; but he enters a tract of land that is not known to be mineral in character, but, between the time he makes his entry and the time that he comes to make proof, it is discovered that there is coal in the land. Under the old law he could not get title to that land at all, but now the Government gives him a patent entitling him to the surface, reserving the minerals to the Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. Does the Senator from Montana understand that these exceptions or exemptions in the patent apply only to those lands where there has been a discovery of actual metal, and so forth?

Mr. WALSH. No, Mr. President; but certain lands are marked off as coal lands, and those you may enter, knowing beforehand that they are thus classified.

Mr. BORAH. Exactly.

Mr. WALSH. And you get the same right there now. Under the old law you could not enter that land at all. That was always the law. There never was a time when you could take a homestead of land that was marked out as containing mineral of any kind.

Mr. BORAH. Permit me, then, to put it in a different way, for I do not think the Senator understood me precisely. In all instances where these exemptions are made, does the Senator contend that it has been classified as mineral land or that between the time of entry and the patent they have discovered mineral thereon?

Mr. WALSH. Exactly.

Mr. BORAH. That is the theory, but that is not the practical working of it.

Mr. WALSH. How does it work?

Mr. BORAH. There are numerous instances I know of which have come under my observation, as the Senator from Colorado [Mr. THOMAS] says, by letter, and so forth, in which, while it is claimed that there is mineral in the land, there has been no discovery whatever, and no mineral exists there, so far as any evidence now to be had can demonstrate it.

Mr. WALSH. The Senator, of course, will appreciate that in marking off these lands as coal lands, or lands valuable for oil or valuable for phosphates, they undoubtedly often embrace areas that are too large; we have all complained about that; and I stand with the Senator from Idaho on that; but that is not the point. They are classified as mineral lands.

Mr. BORAH. Exactly. You could classify the best alfalfa lands in the West as mineral lands.

Mr. WALSH. But, of course, that is a matter of administration. I admit that.

Mr. THOMAS. Mr. President, under the former policy, lands were classified generally as either mineral or agricultural. Those which were classified as mineral were presumably so, and they could be entered and prospected as such. The others, which were classified as agricultural lands, could be homesteaded, and the patent would carry everything that an ordinary private conveyance in fee simple would carry. So long as the classification stood—but, of course, it was not an actual one, not strictly correct, because there was frequently nonmineral land in mineral classifications, and vice versa—but so long as that stood, the distinction, though arbitrary, was pretty well lived up to.

The grant by the Government to the Union Pacific Railroad Co. of every alternate section was a grant of agricultural land, and the mineral lands were excluded, as was the case with all these grants. In some sections of the country which were traversed by this particular right of way, and in the northern and the northeastern part of my State the Union Pacific Railroad Co. began about 25 years ago to insert in its conveyances to individuals a reservation of any coal that might be afterwards discovered within its lands. It discovered some coal, in some instances indications of coal, in one of the most widely extended agricultural regions of my State. In that section, which is devoted almost, if not entirely, to agriculture, either because there has been a reclassification of the land as mineral, or because the Government is seeking to follow the example—the frugal example—of the Union Pacific Railroad Co., or for some other reason, these exemptions apply, and to the fellow who has taken advantage of the largess of his Government and has moved his family upon a quarter section and spent his money and his time upon it, it is a very poor comfort to know that land which is really agricultural and is or should be so classified somewhere, that a great portion of its value is withheld from him by the Government, which he is taxed to support.

Of course, as I said before, I recognize that there have been great abuses of the land laws of the United States, but I also must always reiterate the proposition that these abuses were not the outgrowth of State laws nor of State administration, but of Federal laws and of Federal administration. It is pretty hard to be punished for something for which one is not only not guilty, but which he was entirely unable to prevent.

Mr. President, I think that every man in or out of Congress is opposed to a general tenantry system in this country. We do not believe in it. There is about it that lack of genuine independence which the ownership of the soil or the freehold gives. There can be no such thing as a virile, patriotic nation composed of tenants or composed in the most part of tenants. One of the purposes of our Federal farm-loan bill is to do away with the constantly growing evil of increasing tenant farming, to the end that such assistance may be furnished through the statutes of the United States and their operation as to minimize, if not to do away with, that evil.

If I understand the reason which underlies that general feeling of antipathy to the tenantry system, apart from the experiences of other nations with whose history we are familiar, it is that the dependence, that ownership of the man which comes from ownership of the soil, is inconsistent with the institutions of a free people. I do not believe that when this Government was organized it was ever imagined that it would become the owner of a widespread continental domain, or that, if it should acquire such domain, it would pretend to hold any part of it in perpetuity. Certainly if that had been imagined, the Louisiana purchase would never have been accomplished, and the treaty of Guadalupe-Hidalgo would have contained conditions and requirements imposing upon the Government the duty which for the rest of the century it carefully observed in the disposition of its land.

What we want in this country is population. What we desire is a fine citizenship. What we desire is the spread of our institutions among a liberty-loving, landholding people. What we need above all things, Mr. President, is to attach as many people to the soil permanently as possible. The man who owns a farm is very seldom a lawless citizen; the man who has something invested in real estate somewhere is almost always a dependable citizen; and the men not so situated generally comprise within their numbers those elements which are more or less dangerous to the future and the welfare of the Republic. Of course, I am speaking in general terms. Hence, unless the ideal conditions which we strive for are compatible with the leasing system, we should not under any circumstances adopt it as a national policy.

One effect—and I think my friend from Montana will agree with me—of the wide extension of the Forest Service has been to do away very largely with the old prospector. It may be said that these lands are still open to the locator and prospector; and in a way, Mr. President, that is true. The right to prospect for and locate mining claims in forest reserves exists, or to acquire a homestead is largely an abstract right; the prospecting must be carried on under so much supervision by those in charge of the reservations that it is not as active as it once was, and I think it is becoming less and less so all the time. I thought I had a copy of what is known as the Use Book in my desk. I wanted to show it to the Senate that they might see from its bulk and from the multitude of its regulations just what seems to be necessary for the proper administration of their affairs.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. THOMAS. In just a moment. There are rules, and then there are more rules; there are regulations, and then there are counter regulations, the whole constituting a pamphlet half as thick as the one I hold in my hand and numbering, I think, some 150 pages. You encounter them from the moment you step upon the reservation; you are confronted with them at every turn of the road; and you can hear their echoes as you leave the borders on the other side. Now, I yield to my colleague.

Mr. SHAFROTH. Mr. President, does not the principal obstacle to the prospector arise from the fact that, after he has made his application for patent, an expert, or a supposed expert, is sent from the department to ascertain whether it is reasonable to suppose that his mine will become a pay mine?

Mr. THOMAS. That is expressing perhaps concretely what I was trying to say. The power of determining whether he has discovered something worth patenting or not is largely taken from him. Now, generally speaking, the prospector knows his business; he makes a great many mistakes; but he knows more about a mine and about those geological and physical indications which may justify the expenditure of money or the making of a location than the best mining engineer that I ever saw, to say nothing of the ordinary Government employee, who, whatever his theoretical knowledge may be, is not in the same class with the prospector.

Let me give you an illustration. Cripple Creek is the greatest gold camp to-day, in all probability, in the United States, and has been for years. In 1890 it was a cow pasture. It was regarded as entirely outside of the mineral belt. The central 160 acres where the town of Cripple Creek lies, were patented as an agricultural claim. Some unfortunate farmers in Kansas and western Nebraska, impoverished by drought, drifted westward, went to what is now Cripple Creek, and began prospecting for minerals. They were ridiculed by the old miners who referred to them in terms far more contemptuous than elegant. They were commiserated by men of scientific attainments. They discovered gold by digging beneath the surface, since the veins did not outcrop; and it was only after they had proven by the actual development of the ground that they had located a great gold-bearing region that the people "sat up and took notice," so to speak, and that the tyro had discovered gold where gold was not supposed to be; where geologists said it was not; where the opinion of the mining world was against it; and where it never would have been discovered, Mr. President, if at that time it had been included within a forest reserve. In other words, the spirit of enterprise and energy which peopled the West, and which is behind our mineral development everywhere, has been and is being largely paralyzed by this mistaken policy.

The oil out in the desert in California and on the plains of Wyoming, these great bodies of wealth were discovered by the energy and the expenditure and the hazard of men willing to take a chance, who thought they knew what the laws of their country are, and who believed they could find something to enrich themselves and enrich the Nation at the same time. If it had not been for that spirit, those vast reservoirs of oil, now so valuable and so necessary, in my humble judgment, never would have been exposed, and the desert would have remained the solitude that it was before they opened it up and revealed the existence of the marvelous treasure house. But the Government then came in; and since then, just as soon as a man erects a derrick on the public lands and reaches the point with his drill where the odor of oil assails his nostrils, it withdraws the land from further occupation, because, forsooth, there may be some violation of the law through the acquisition of title, or because the thing discovered should be conserved for future generations. Of course there are chances, large chances, for fraud in these conditions; but, Mr. President, that has been so ever since man came upon earth, and will continue, even under the leasehold system, until human nature shall undergo a most radical change.

I met a young man yesterday morning at the Willard Hotel, a constituent of mine. I was very much surprised to see him,

and asked him what he was doing down here. "Why," he said, "last year my friends and I entered upon some land in northern Wyoming, having gone to the land office and found that it was open. We organized a company, sunk a well, and found some oil. Our locations were all right, but a short time ago the entire tract was withdrawn, and I have come to see if it is possible to get some relief for my company." I asked him if he was making much progress, and he said, "Unfortunately, very little; but," he said, "if I do not get relief soon I am broke; I have got to take up something else." I suggested to him that he look for oil somewhere else. His reply was significant: "I may, but it will not be in the United States on the public lands." Now, I do not blame him a particle, for there is no inducement for a man to seek to better his condition by complying with the requirements of the law regarding locations, only to have the governmental authority step in at the critical moment and say "Because your efforts have been rewarded with success, therefore we will withdraw this land from occupation and purchase. Sometime, somewhere, somehow we may be able to inaugurate a leasing system, and then, if you desire to become Uncle Sam's tenant, we will see whether we can agree upon terms regarding your discovery." Such seems to be the attitude in administration circles.

Mr. President, I do not think that we should enter upon that system. I believe that the Congress should set the seal of its disapproval upon the first step in that direction; and I fervently believe, although I know that my distinguished friends from Montana are of the contrary opinion, that if this bill becomes a law it will prove a grave disappointment to its sponsors. I do not believe that it will attract capital, unless, perhaps, there be a few mighty streams not yet appropriated capable of generating enormous quantities of power, and therefore sufficiently attractive to command the capital necessary for development.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I yield.

Mr. WALSH. I trust I am not annoying the Senator.

Mr. THOMAS. The Senator is not annoying me at all.

Mr. WALSH. There are so many Senators here exhibiting their deep interest in this important question that I feel moved to address a question to the Senator now for their enlightenment. The Senator does not want to lease the power sites, these immensely valuable tracts of land; and, of course, if he does not want to lease them he wants to convey them away in perpetuity—alienate them in fee. Have I interpreted the views of the Senator correctly?

Mr. THOMAS. Well, partly; not entirely.

Mr. WALSH. I understand from the Senator's minority report that he wants us simply to convey this land away to the States, pass a simple law reading something like this: "All power sites within the public-land States are hereby granted to the States, respectively." That is the attitude of the Senator, is it?

Mr. THOMAS. Yes.

Mr. SMITH of Arizona. Why not?

Mr. THOMAS. Why, Mr. President, I do not know that the value of a piece of the public domain has anything to do with the policy of the Government toward it. I know a mine to-day that pays $250,000 a month in dividends, which the Government sold to the locator for $5 an acre. Does the value of the property have anything to do with the policy which should actuate this Government with regard to its public domain?

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. THOMAS. I yield.

Mr. POMERENE. Mr. President, as I have tried to listen to this debate, not only to-day but on other occasions in years gone by, I have observed, it seemed to me, two schools of thought, one that seems to want these lands to be held by the Federal Government and to have the Government determine the conditions on which power-plant companies may be organized; while the other school of thought desires all of these lands to be turned over to the States.

Mr. THOMAS. Either that or disposed of so that the title may be acquired by citizens of the United States.

Mr. SMITH of Arizona. And be taxable.

Mr. POMERENE. I am glad to have the suggestion of the Senator from Colorado. Now, do the students of this question, whether they belong to the first school of thought or the second, agree as to the terms and conditions which should be attached to the water companies when they are in fact organized; and, if they differ, in what respect do they differ?

Mr. THOMAS. Well, I can not say, Mr. President, that we can agree. I do not know that we have tried to agree. The water companies and power companies in my State are subject to the public-utilities commission, just as the same class of corporations are presumably under the jurisdiction of the public-utilities commission of Ohio. I do not think that is a matter of agreement; that is a matter which each State must determine for itself; but, so far as I am aware, the efficiency of the State utility commissions in their administration of these matters is quite as satisfactory—well, I will perhaps say, more satisfactory than I think a general national public-utilities commission over the same subject would be.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I yield.

Mr. WALSH. A gentleman came to my office the other day, who wants to build in the State of Montana a great paper mill. He wants to develop power to supply that paper mill. He does not intend to sell one particle of that power, but he is going to use it all to operate his mill. What jurisdiction has a public-utilities commission over him?

Mr. THOMAS. Which public-utilities commission?

Mr. WALSH. Any public-utilities commission.

Mr. THOMAS. I do not think they ought to have any jurisdiction over him if he is simply manufacturing power to be used in his own private business.

Mr. WALSH. In other words, there will be an enormous amount of this power developed and utilized by those who develop it, and it never will fall under the public utilities commission.

Mr. THOMAS. Why should it? This identical gentleman can go and purchase some plant, if he can meet the amount required as a consideration, that is already in operation, and by using the current for his own private purpose he can doubtless escape jurisdiction of the commission, and ought to, as fully as though he were using steam instead of electric power.

Mr. WALSH. I should like to have the Senator, then, tell his colleagues here what kind of a law he would like to have made that would enable that man to occupy public land to build his dam in order to operate his paper mill.

Mr. THOMAS. I shall try to do that before I take my seat.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield to the Senator from California.

Mr. WORKS. I should not like to have it understood, as suggested by the Senator from Ohio [Mr. POMERENE], that there are just two schools of thought on this subject, taking the extreme views mentioned by the Senator. My own position lies between those two extremes. I think if the Government is going to part with this land in any way, it should make an absolute sale of the land for whatever it may be worth for the purposes to which it may be applied; and in endeavoring to carry out that idea I have offered an amendment providing for just that thing.

I do not think we have quite reached the time yet when Congress is ready to turn over these properties to the States. I think it is going to come to that after a while; but I certainly should not be disposed to have this particular kind of property turned over unless the whole thing goes to the States, which I think will come about sooner or later.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. THOMAS. I do.

Mr. JOHNSON of South Dakota. I only desired to ask the Senator from Colorado if it would not remove a great deal of objection, and be better in a general way, if all the leases were made so that after a period of, say, 50 years, the water power, for instance, would revert back to the State which is now the original owner of it.

Mr. THOMAS. Well, Mr. President, to me that would be preferable to the provisions of this bill; but my antipathy to the conversion of my country into a huge landlord is so great that I do not care even to consider the milder phase of such a system.

Mr. President, I did not intend at this time to speak upon the subject; but since it has been introduced by the queries which have just been made, I want to say in passing, that for years I have believed that the one solution of this entire question is the transfer to the respective States of all of the domain within their boundaries. I believe that that is the only way. It may not be the perfect way; it may not address itself to

the judgment of others as being the only efficacious way. When I compare the administration of our land laws and our domain by the Government of the United States with that of many of the States, with the administration of their school lands, and that of the State of Texas with the administration of its great domain, I realize that it is the most fortunate State in the Union. Every Texan, before he retires, should kneel at his bedside and thank God that the Government of the United States never owned any of its land. We would long ago have avoided the expense, the controversy, the litigation, the time which Congress has been obliged to devote to the general question—all these would have been spared and done away with—had that policy been adopted, as it should have been, many years ago.

Mr. President, I have spent more time in stating my objections to the landlord-and-tenant system of Government land administration than I intended to. I have assumed, perhaps wrongly, that the proposition is too self-evident to require much more than its statement to be rejected. I want to add, however, in passing, that it is true that these water-power sites are of great value. I do not question it. But what makes them of great value? It is the water, Mr. President, which can be utilized for the generation of electricity, which belongs to the people of the States. Take away from them the use of the water for this particular purpose, and 90 per cent of them are of no value whatever.

Is it possible that because they are valuable through the easy application of this great agency to a great public purpose, therefore the Government should play the dog in the manger, and refuse to allow us to use these sites, and refuse to use them itself, except upon terms and conditions which virtually amount to a confiscation of a great State asset? I think not; and until the Senate votes to the contrary I shall believe that such is the opinion of the majority here.

Mr. President, another objection which I have outlined to this bill is that in its operation it must encounter and seriously injure a function of the States, thus affecting the political integrity of the Commonwealths where it will be made operative. It is the exercise of a sovereignty—a foreign sovereignty, in one sense—over a subject which peculiarly belongs to the State, which can not be delegated, and which the Federal Government does not possess as to the particular subject. Every community which exercises public functions of government, whether it be a city of 1,000 people or a nation of 100,000,000, has the right, which it must exercise if it is to properly discharge its duties at all times, of taking over, or authorizing others to take over, such of the property within its jurisdiction, and sometimes outside of its jurisdiction, as may be essential to the public welfare. It is a right which can not be delegated. It is a right which is absolutely inherent in every nationality. It is a right which can not be controlled except by the limitations which the community itself imposes. I allude, of course, to the power of eminent domain, which the people of the States in their sovereign capacity as a Commonwealth, or certain subdivisions of the State in their capacity as municipal organizations, or public-utility corporations organized by law and to which are delegated certain semipublic functions, may exercise.

The bill goes upon the theory that unless the General Government shall give to the States, by express law, the right in some way to occupy these power sites and these Federal reserves and the other public domain of the United States, it will be impossible for them to develop their resources or to acquire such things as may be necessary for their well-being or essential, even, to their existence. In other words, it goes upon the theory that as to all the public domain within the limits of a State the Government of the United States is supreme; that this domain is over and above and beyond the jurisdiction and the laws of the State, and many good lawyers seem to have accepted that view. Recent decisions of the Supreme Court contain some expressions which are said to justify that view. I have sometimes heard it said before the committee in discussion, and I think once or twice it has been intimated here, that unless and until the Government shall legislate with regard to this subject we of the Western States are powerless, and the generation of hydroelectric current will remain stationary in the West. I am satisfied that when the Senator from Montana asked me how I would reach this subject without some Federal legislation he assumed that we could do nothing unless we did have affirmative Federal legislation. To that I can not assent.

Mr. President, I have been greatly assisted with regard to this particular branch of the discussion by one of the most eminent young lawyers at the bar of Colorado, who had occasion to present it to the United States district court some time ago in a case entitled United States of America against Colorado Power Co. I refer to Mr. William V. Hodges, of Denver, who exhausted the subject up to the time when his brief was prepared. I shall ask the indulgence of the Senate in referring to and at times in reading the argument of Mr. Hodges, since it is much more connected and systematic than any of my own without giving an equal degree of diligence to its preparation.

I referred yesterday to section 7 of the constitution of my State, which gives the right of way across all land, public, private, and corporate, for the construction of ditches, canals, and flumes for the purpose of conveying water for domestic purposes, irrigation, mining and manufacturing, and for drainage. That constitutional provision has been the subject of appropriate legislation providing methods for its exercise, and particularly by the legislature of 1915, which enacted a statute which I will not read, but merely refer to, the title of which is:

> An act relating to the appropriation of land for corporate and public purposes, to the procedure for the appropriation of land and rights in land belonging to the United States, the State of Colorado, or any other State or sovereignty, and to actions by property owners against such corporations in possession.

The act is an interesting one to the lawyer. It consists of five sections. It was very carefully prepared; and although it is perhaps an experiment in legislation, it assumes, as I think justly, the right to legislate upon the question, and of course the power of enacting the provisions which it contains. But that law and the provision of the constitution of the State to which I refer become absolutely nugatory; they are not worth the paper they are written upon if the assumption upon which this bill is founded be a correct one, since the power stops whenever public land is encountered whether it is withdrawn or reserved or not, and if it does so stop then the power of eminent domain in Colorado, instead of being coterminous with the limits of the State as is the case in the State of Iowa, extends only to a very small fraction of its domain.

My colleague [Mr. SHAFROTH] some time ago made a statement which the Senator from California [Mr. WORKS] inserted in his report on this bill, which will give an idea of the importance of this question, from the territorial standpoint, to the people of the West. The Senator said:

> I want to call the attention of the committee to a list contained in an article by Mr. W. V. M. Powelson of the number of acres of land in the various Western States now in the ownership of the Government. In Arizona, 92 per cent of the lands within the area of that State are in Government ownership; California, 52.58 per cent; Colorado, 56.67 per cent; Idaho, 83.80 per cent; Montana, 65.80 per cent; Nevada, 87.82 per cent; New Mexico, 62.83 per cent; Oregon, 51 per cent; Utah, 80.18 per cent; Washington, 40 per cent; Wyoming, 68 per cent.

It may be seen from that statement very readily, Mr. President, how unfortunate it would be if the State or its public-utility corporations could not traverse or obtain rights of way and reservoir rights in this vast domain and could not build public roads through them whenever and wherever necessary, because although owned by the Government as a proprietor and not in its sovereign capacity it happens to be in the hands of such owner. A situation of that kind or the integrity of the proposition which this bill necessarily embodies or is founded upon would be most unfortunate, to say the least of it, if it existed as a fact.

Mr. SMITH of Arizona. Then Arizona would have eminent domain over two twenty-fifths of its territory.

Mr. THOMAS. At the time the State of Colorado was admitted the only public lands within its domain belonged to the Government of the United States. Consequently this word "public" necessarily referred to the domain of the Government. It could not have attached to anything else. This constitution was ratified, and the President, by proclamation, declared the State duly admitted into the Union. The supreme court of the State in a number of decisions has passed upon this section, and given it the operation for which I contend. I shall not read from these decisions, but refer to Lyons *v.* City of Longmont (129 Pac., 198), to the case of Lamborn *v.* Bell (18 Colo., 346), to the case of the Denver Power & Irrigation Co. *v.* the Denver & Rio Grande Railroad Co. et al. (30 Colo., 204), to the case of Sternberger *v.* Seaton Mountain, etc., Co. (102 Pac., 168), and to a decision of the district court of the United States for the district of Colorado in Cascade Town Co. *v.* Empire Water & Power Co. (181 Fed., 1011).

Mr. President, I stated yesterday the necessity for this provision, which I think, however, would exist inherently in the State if indeed it were not expressed in the constitution at all.

Mr. NORRIS. Mr. President, will the Senator read that constitutional provision again?

Mr. THOMAS. I shall be very glad to do so. It is section 7 of Article XVI.

> All persons and corporations shall have the right of way across public, private, and corporate lands for the construction of ditches,

canals, and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage upon payment of just compensation.

As I say, that is merely the expression of a power which is plenary, which is inseparable from sovereignty, which a State can not delegate, which would be nugatory if the United States required its surrender as a condition of the admission of a new State, as the Supreme Court of the United States has said.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. I yield.

Mr. WADSWORTH. Am I very far wrong, then, in stating that under that constitutional provision of the State of Colorado it is possible for a citizen of the State, in the exercise of that power granted to him by the constitution, to completely destroy a water power, but never be permitted to use it?

Mr. THOMAS. No; I do not think that could possibly result, because this is a power which can be exercised only for a public beneficial purpose and ceases with nonuse.

Mr. WADSWORTH. Well, Mr. President, as I understand it, a citizen or a corporation of the State may divert water across public lands from a stream for irrigation purposes.

Mr. THOMAS. Yes; and for manufacturing purposes.

Mr. WADSWORTH. And for manufacturing purposes. He might, then, under such a provision, using the water solely for beneficial purposes, as provided in the State constitution, take all the water out of the stream above a waterfall which he never could use.

Mr. THOMAS. He could take out of the stream every drop of water to which some one else had not originally laid claim. If he took it for manufacturing purposes, however, and other citizens needed it for domestic or agricultural purposes, those rights would be superior, and they could recapture it from him if his diversion was to use it for manufacturing.

Mr. WADSWORTH. Perhaps I stated the case in an exaggerated way. Nevertheless, it would be possible, then, for a group of citizens, acting each for himself——

Mr. THOMAS. No. It would be in their corporate capacity.

Mr. WADSWORTH. In their corporate capacity, to use a sufficient amount of the water for beneficial purposes—irrigation, agriculture, manufacturing, domestic purposes, and drainage—to destroy a water power the littoral of which is owned by the Federal Government?

Mr. THOMAS. Oh, yes; the littoral of which is owned by the Federal Government. We have no riparian rights in the West. It is not compatible with civilization and settlement in an arid region. The Government of the United States, as declared by the Supreme Court in the Kansas-Colorado case, owns no title in or to the water in any of the streams out there because of its riparian ownership. It must appropriate and divert to a beneficial purpose. The change of the law which is applicable in States like that which the Senator here so well represents is due to the imperious demands of our dry climate, and to the vast and measureless importance of water in the development of the soil and the sustenance of life.

Mr. WADSWORTH. I desire to say that I am in sympathy with the general nature of the contention made by the Senator from Colorado.

Mr. THOMAS. I thank the Senator.

Mr. WADSWORTH. It occurred to me that there was an absurdity existing in the present situation with respect to the constitution of the State of Colorado.

Mr. THOMAS. Oh, if the old law of riparian rights applied, then, of course, this would be absurd, for which I am contending, except to the extent to which the rights could be exercised without doing violence to such riparian rights.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield to the Senator from California.

Mr. WORKS. I just wanted to say that it must always be understood, in dealing with a question of that kind, that there is a limitation upon the amount of water that can be used by any appropriator. He can not acquire title or the right to the use of the water beyond the amount actually put to a beneficial use.

Mr. THOMAS. Nor can he speculate in it.

Mr. WORKS. Nor can he speculate upon it.

Mr. THOMAS. That is true.

Mr. WORKS. That, I think, is thoroughly well settled in our State, and I think it is in Colorado.

Mr. THOMAS. I know of no exception anywhere.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to ask him a question for my own information?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. With pleasure.

Mr. BRANDEGEE. I regret that I have not heard all of the speech of the Senator, which I know is a very able one. Under this doctrine that obtains in the arid land States of prior appropriation of water from the stream, is the beneficial use for which it can be appropriated any sort of a private business use?

Mr. THOMAS. Oh, yes.

Mr. BRANDEGEE. It does not have to be a use which is at all charged with a public interest, does it?

Mr. THOMAS. Except as the industry which that private use represents is a public one. But in a State like Colorado, if the Senator needs water for domestic purposes, and can not get it otherwise, he can condemn and secure it. He must have it for the support of himself and his family and his live stock. Consequently, this right is given for a way over the premises of others to anyone who needs the water for a beneficial use; and an absolutely necessary use, even of a strictly private nature, is so far public as to invoke the provisions of the Constitution and the laws.

Mr. BRANDEGEE. Now let me ask the Senator this question: There are certain industries that require a great deal of water. The silk industry is one, for instance. They use enormous quantities of water in the process of dyeing or coloring the goods. Under this law, would it be possible for the owner of land on a stream to use all the water in that stream for his own industry, and cut off the lower proprietors, simply because he used it first?

Mr. THOMAS. Not without making compensation.

Mr. BRANDEGEE. Oh, they always have to make compensation?

Mr. THOMAS. Yes. The superior right is a senior one or a right to take the water and devote it to the superior use, but due compensation must be made to the man who has previously acquired it for the inferior use.

Mr. BRANDEGEE. And to all others lower down on the stream, I assume?

Mr. THOMAS. Yes. Then, of course, the Senator will recognize another distinction in these uses: The use of water for domestic purposes and for agricultural purposes consumes what we call in the West the corpus, or body, of the water.

Mr. BRANDEGEE. Yes.

Mr. THOMAS. The use of it for generating power is merely the use of that strength which is developed by the current of running water, and does not consume the body of the water at all.

Mr. BRANDEGEE. No. It is the mere force of gravitation, practically.

Mr. THOMAS. Yes.

Mr. BRANDEGEE. I understand the Senator's view.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield to the Senator.

Mr. CUMMINS. Just to get my own mind straight in the matter, allow me to ask whether the friends of the bill claim that the State of Colorado could not condemn for a public purpose the public lands of that State?

Mr. THOMAS. Candidly, I do not know.

Mr. CUMMINS. I wondered whether it was claimed that the lands of the United States are immune or exempt from the power of a State to condemn property for a public use?

Mr. THOMAS. I must assume that those who support this bill because they think it is necessary to the development of water power in the West must at least question the power of the State to utilize its right of eminent domain in the acquisition of the sites.

Mr. MYERS rose.

Mr. THOMAS. The Senator can speak for himself, of course.

Mr. MYERS. Mr. President, speaking for myself, I will say that I know of no authority in the courts of a State to subject to the right of eminent domain the public lands of the United States. In all the discussion of this matter which I have ever heard my attention has never been called to any case where such a right has been upheld by the courts, and I do not know that it has ever been directly passed upon. I do not believe the right exists.

Mr. THOMAS. Mr. President, I intend to discuss that, and I am now about to enter upon the subject.

Mr. SHAFROTH. There was the case of Fort Dearborn, in Chicago, where an abandoned military reservation was condemned.

Mr. THOMAS. Oh, Mr. President, I have a dozen cases. A very important decision upon this subject, and I now come to the decision of the Supreme Court of the United States——

Mr. MYERS. I should like to ask a question at this point which has been suggested to my mind. If the States have a right now to subject to the right of eminent domain the public land of the United States and the States own the waters of the streams that flow within their boundaries, as is conceded by all hands in this matter, why have the States not exercised that right of eminent domain long ago and developed the water power of the West? Why is it that for the last 10 or 12 years water-power development on the public domain has been wholly arrested, if a perfect right to develop it and a way of developing it without Federal legislation already exists?

Mr. THOMAS. Mr. President, that is a very pertinent question. I confess I do not know why. I can make a conjecture.

Mr. MYERS. We are confronted with that situation.

Mr. THOMAS. I do not know why, except that the average citizen does not like to come against the power of the United States Government, partly because the extent and character of this plenary power of government in the States is not understood, because all the so-called land laws necessarily assume its nonexistence and because of acquiescence in that assumption up to this time.

Mr. SMOOT. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. SMOOT. I will say to the Senator there is a case now before the Supreme Court of the United States, the Government of the United States against the Beaver River Power Co., in which the question involved is the right of the corporation to use the public lands within forest reserves for conveying water for power purposes under the right-of-way act of 1866. That case has been decided in the United States district court, and it was brought direct from the district court to the Supreme Court, and the case is now before the Supreme Court.

Mr. MYERS. I should like to ask why that case is before the Supreme Court of the United States if there are dozens of cases, as the Senator from Colorado says there are, already decided in favor of this right? I ask the Senator from Colorado, who has the floor, if any of the cases to which he refers are decisions of the Supreme Court of the United States?

Mr. THOMAS. Yes; the case to which my colleague referred is a decision of the Supreme Court.

Mr. MYERS. If it has been already settled by the Supreme Court of the United States, I do not see why this Utah case is pending there.

Mr. THOMAS. The courts settle nothing in these days except the instant case. Every case is now brought in review upon its merits regardless of precedents. It is one of the unfortunate things in the administration of justice here that the passage of every new law, the raising of every new interest, instead of being referred to and determined by precedents are simply the subjects of fresh litigation. If the Senator asks me why that case is before the Supreme Court of the United States, I can only answer because it was appealed there. Just how this particular question is involved in that case I am not at present able to intelligently state; but I gathered the impression in listening to the argument of it that this particular question was not one upon which the case may turn, that it is one which may but not must be passed upon. But we as lawyers are aware of the fact that the courts seldom decide a case upon a proposition not absolutely involved in and necessary to the decision itself. So I shall not be surprised when that opinion is handed down if this crucial proposition should be avoided or disregarded.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I yield.

Mr. NORRIS. I wish to ask the Senator a question, so that we may get his position clearly before he starts in to cite the authorities. Does the Senator contend that under the constitutional provision of the State of Colorado which he has read a citizen or a corporation of that State acting under the law of that State for the purposes mentioned in the provision of the Constitution he has read would have the right to condemn public land of the United States?

Mr. THOMAS. The question is a little broader in one sense and not as broad in another as perhaps it should be. I contend that under the provision of the Constitution, and also if that provision were not there, any corporation holding a franchise of a public utilities character to which that principle would apply has the right to condemn any land belonging to the Government of the United States within my State which is not used for a courthouse, post office, military reservation, or some other governmental agency, and that I want to demonstrate.

Mr. NORRIS. I will listen to the Senator with a great deal of interest. I should like to suggest, however, that if that is established would it not follow that the legislation now pending before the Senate would not do any material damage to any of the Western States?

Mr. THOMAS. Mr. President, that depends upon how the courts would look at it. I recall listening, a good many years ago when I was waiting in the Supreme Court across the hall for a case to be reached in which I was interested, to an argument on an appeal of a criminal case from Oklahoma. The attorney representing the plaintiff in error was making, I think, his first appearance there. He began his argument, after stating his case, by reading an extract from Blackstone. The Chief Justice said: "Mr. Johnson, will you not give the court credit for knowing a little law?" "No, your honor," he said, "that was just the mistake I made in the trial court. I do not want to repeat it here." [Laughter.] Mr. President, I do not want to make that mistake in the trial court, because some one wittily and yet truthfully, I think, said a little while ago that in these modern times anything is constitutional which Congress sees fit to enact; that is to say, the measure of our power is in these days determined by the limitation which we put upon it; and some of the decisions which have been made, I think I can say with all respect, seem to indicate the partial justice of that statement. So I shall not take any chances with the courts, either State or Federal, upon this subject whatever. Of course, if the Senate votes the other way, I will have to content myself with having done my duty.

Mr. NORRIS. Will the Senator yield to me for a moment?

Mr. THOMAS. I yield to the Senator.

Mr. NORRIS. The Senator does not contend that if the State of Colorado has the right to delegate that authority of condemnation to a corporation under the Constitution of the United States and the constitution of the State of Colorado, Congress could take it away by an act of Congress.

Mr. THOMAS. Not legally. Such things have been done, however, in the past.

Mr. NORRIS. Does not the Senator assume that the courts, even though Congress does something illegally, will not permit it to exist if properly brought to their attention?

Mr. THOMAS. I think the courts will, in the exercise of their duties, do what they think is right. Then I must remind the Senator that I am fallible; I may be mistaken in my conception of what the powers of the States are; and I am now about to discuss my view of the effect upon that power of the statute, if it should become a law and be upheld.

Mr. NORRIS. May I ask the Senator one more question to get his view?

Mr. THOMAS. I yield to the Senator.

Mr. NORRIS. If the Senator's contention is right, then it would not be necessary even to give full effect to it for Congress to pass an act turning all these power sites over to the States, but all that would be necessary would be not to legislate at all.

Mr. THOMAS. Turning them over would be easier; it would be better. I do not think the legislation is necessary. I was about to refer——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I am glad to yield to the Senator from Montana, but I wish to remind him that I want to get through as soon as I can, and I know the Senator will believe me when I tell him that I am not unduly delaying this matter.

Mr. WALSH. I know the Senator will be glad to know that there does not seem to be any foundation for his apprehension about that general reservation bill. I addressed this letter to Mr. FERRIS, chairman of the House committee:

UNITED STATES SENATE,
Washington, D. C.

Hon. SCOTT FERRIS:

Senator THOMAS has just stated that a bill has been introduced in the House, known as the Lever bill, which provides that all the lands of the United States shall be reserved from entry to be appropriated under some leasing system.

Please write me a note about this.

T. J. WALSH.

I have this answer from Mr. FERRIS:

HOUSE OF REPRESENTATIVES UNITED STATES,
COMMITTEE ON THE PUBLIC LANDS,
Washington, D. C., January 13, 1917.

MY DEAR SENATOR WALSH: We are not aware of the introduction of any such bill, but to make sure Mr. CAMPBELL slipped up to the Agricultural Committee and asked Mr. LEVER'S clerk if the latter had any such bill pending. The clerk advises us that he thinks there is no such bill pending, and is of the opinion that Mr. LEVER did not introduce any such bill, and for the moment I can not imagine what Senator

THOMAS has in mind. I know of no such bill pending before the Public Lands Committee. I think there must be some mistake about it. Congressman LEVER could not be reached personally. If there is any more data you can give us, we will make an additional effort in the matter. Such a bill as that would not have a chance of passage over here anyway. On the contrary, we just enacted a 640-acre homestead bill to dispose of the public lands faster. The House would not countenance any such legislation as that mentioned by Senator THOMAS. I can not think Mr. LEVER would either.

Sincerely, yours, SCOTT FERRIS.

Mr. THOMAS. The bill to which the letter refers was passed, and it contains the reservations which I mentioned a few moments ago; that is, it required that those reservations should be inserted in the patent. I said when I referred to the Lever bill that my information came from one of my colleagues of the House. I received that information some time ago, possibly before the present session of Congress convened, but I am satisfied that the gentleman who gave it, and who was very apprehensive of its effect in the event it should be favorably considered, did not intentionally misstate the contents of it. In fact, I am sure of it, because he is the senior member of the House Committee on Public Lands, ranking next to the honorable chairman, whose letter has just been read. So I am satisfied that such a bill or something of the sort has been at some time before that committee for consideration. I will make further inquiry, and of course if my information is incorrect, or if I misapprehended it, I shall be very glad to acknowledge the fact here. It seemed to me, however, to be so naturally a sequence to this general course of modern land legislation that it did not surprise me very much to learn that something of the kind existed.

Mr. President, I shall refer as rapidly as possible to this general subject. Of course it is necessary in considering it to determine the extent of jurisdiction or sovereignty as an attribute of the General Government, because of its ownership of public domain in the Commonwealths of the Union.

The authorities upon that subject are numerous, so much so that it is somewhat difficult to determine what selection to make from them for the purpose of concretely stating the general proposition. The subject of ownership of lands and jurisdiction over them in the States by the General Government must necessarily be founded upon one of two provisions of the Constitution. Since it will not be questioned that the powers that are not delegated actually or by necessary implication are reserved to the States, we must either find it under Article I, section 8, paragraph 17, or Article IV, section 3, paragraph 2.

The first reads as follows:

> The Congress shall have power
>
> * * * * * * *
>
> to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

That exclusive legislation is specific. It enumerates the subjects over which it is to be exercised and can not, of course, be extended by any sort of implication; it construes itself. Hence I think it must be admitted in the absence of authority to the contrary, and I know of none, that this Federal power within the States of exclusive legislation exists only in the District and over those places the title to which is secured by the Government for purposes of necessary administration, and over which the legislatures of the respective States by express enactment have surrendered jurisdiction. And unless that surrender is absolute the sovereignty of the States may still be exercised to the extent to which it does not conflict with the cession. The other proviso reads:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Mr. President, it will be noticed that this is a power of disposition and a power of making needful rules and regulations only. But so that no question about its extent may arise it is also provided that "nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State." What claims? Is this confined to claims against the property or claims of jurisdiction or both? Is not this limitation designed to prevent the Federal exercise of this power of disposition and of making rules and regulations so that they shall conflict with any claim of the State, provided, of course, that claim is reconcilable or consistent with the power of disposition? The jurisdiction of sovereignty, the sovereign right of control over the public domain of the United States within the States, and because within the States, must be founded upon this proviso or it does not exist at all.

In the Kansas-Colorado case the Supreme Court said that the proviso last read had never been clearly defined, but it declined to recognize any jurisdiction or ownership in the Government of the United States because of its ownership of land to the waters thereof so as to permit it to intervene in that case. Consequently, its petition for intervention was denied.

Now, the Federal Government, as I said, is the owner of over 56 per cent of the lands in the State of Colorado, and of course it has the power to dispose of them, to make rules and regulations concerning them. It reserved that power in the enabling act under which the State was admitted to the Union, and of course the State was obliged to forego its right of taxation, which otherwise, I think, would have existed.

In other words, but for the reservation by the General Government of these lands from taxation and the recognition of that reservation, the power to tax might exist because of the fact that the land, not being a governmental agency or a governmental necessity, the United States simply owned it as any other proprietor of land was vested with title. To give the exact language of Mr. Justice Brewer in Kansas against Colorado, he said:

> The full scope of this paragraph has never been definitely settled.

But the history of the paragraph may throw some light upon the subject.

Mr. Rutledge, from the committee, on August 20, 1787, recommended to the convention the following:

> And to provide, as may become necessary from time to time, for the well managing and securing the common property and general interests and welfare of the United States in such manner as shall not interfere with the governments of individual States in matters which respect only their internal police, or for which their individual authorities may be competent.

It is clearly seen that the idea which Mr. Rutledge sought to express there was to give a power of disposition consistent with the police power of the State over the same subject.

Shortly afterwards Mr. Carroll moved to add the following proviso:

> That nothing in this Constitution shall be construed to alter the claims of the United States to the Western Territory, but all such claims shall be examined into and decided upon by the Supreme Court of the United States.

These subjects were debated, and as a result Mr. Morris moved the substitution of the clause which was finally embodied in the Constitution, although the Committee on Style made some minor changes in its verbal expression.

It is evident that but for some such express power in the Constitution the territory which the Colonies had conveyed to the General Government to be sold and disposed of, first, for purposes of population and, second, to provide means for paying the national debt, that the States whose rights were then far more jealously guarded than they are in these days might frequently come into collision and engender controversies with the General Government regarding the disposition of its property, the terms of conveyance, and other differences arising in the course of time. Hence to clothe the Government with a power essential to carrying out the purposes and objects of its ownership must have been too obvious to require much controversy.

In California the Code of Civil Procedure, acting upon the lines of our own Constitution, provides that the lands "owned or held by the United States in trust or otherwise may be subject to proceedings in eminent domain."

In the case of the Desert Water, Oil & Irrigation Co. against the State, in One hundred and thirty-eighth Pacific, page 981, the supreme court of that State, incidentally considering this statute, said:

> If, at the time of the proposed cession of its lands by Virginia, Congress had declared its intent to be that which it has actually executed in the State of California, little doubt can be entertained as to the answer which Virginia would have made.

In the course of the argument of the Kansas-Colorado case the Chief Justice—he was not Chief Justice then—asked the Kansas counsel this question:

> You constantly talk about the public lands. When you speak of the public arid lands, are you deducing from the fact that they are public lands a governmental right or power in Congress? Do you suppose if there is a hundred acres of public land in a State the existence of that public land in the State invests Congress as a Government with the power to destroy the law of the State, because it owns land within the State, which an individual would not have?

That question, Mr. President, answers itself, and of course counsel could have answered it but one way. Yet it contained the crux of the contention, that the ownership of land by the United States practically gave it a litigating status in that case.

In Knight *v.* The United States Land Association (142 United States, 161) the Supreme Court declared that upon the acquisition of the territory from Mexico, and of course that constitutes part of my State and all of the State of the Senator from Arizona, the United States acquired the title to tidelands

equally with the title to uplands, but with respect to the former they held it only in trust for those States that might be erected out of such territory.

That brings me, Mr. President, to a consideration of the leading and original case upon this very subject, the case of Pollard's Lessee *v.* Hagan (15 United States, 391). This case has never been overruled unless it may be said to have been overruled because it may at times have been disregarded, but it is a case perhaps as frequently quoted in subsequent decisions of the Supreme and of State Courts as any of the earlier decisions.

It arose between the claimants of certain tidelands by conveyance from the State of Alabama and those claiming possession of the same lands from the Government of the United States. These lands were transferred or ceded to the Government of the United States by the State of Georgia, and were afterwards embraced within the boundaries of the State of Alabama, the contention of Alabama being that these lands, although given to the Government of the United States and never actually conveyed by it to the State of Alabama, nevertheless passed to it by virtue of its admission and through the sovereignty which inhered to it as a Commonwealth coequal with the State of Georgia and her other sister Commonwealths; and that was the view which the court sustained.

I therefore beg the indulgence of the Senate if I read sufficient of that decision into the RECORD to make it intelligible and the principle easily understood by all who care to discuss the subject.

And we now enter into its examination—

The question which I have stated—

And we now enter into its examination with a just sense of its great importance to all of the States of the Union, and particularly to the new ones. Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments over the subject in controversy, many of the principles which enter into and form the elements of the question have been settled by previous well-considered decisions of this court, to which we will have occasion to refer in the course of this investigation. * * *

We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes.

There are no distinctions made between the tidelands in controversy and the other public lands.

The right which belongs to the society, or to the sovereign, of disposing in case of necessity, and for the public safety, of all the wealth contained in the State, is called the eminent domain. It is evident that this right is, in certain cases, necessary to him who governs and is consequently a part of the empire, or sovereign power.

Quoting Vattel, on the Law of Nations, section 244:

This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. * * *

When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States such stipulations would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

By the sixteenth clause of the eighth section—

And that is the provision which I have read about exclusive legislation, which I shall not stop to again quote. Then the court says:

And these are the only cases—

The only cases, mind you, under which the sixteenth clause of the eighth section conferred exclusive legislative jurisdiction—

in which all the powers of government are united in a single government, except in cases already mentioned of the temporary territorial governments, and there a local government exists. The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

We will now inquire into the nature and extent of the right of the United States to these lands, and whether that right can in any manner affect or control the decision of the case before us. This right originated in voluntary surrenders made by several of the old States, of their waste and unappropriated lands to the United States, under a resolution of the old Congress of the 6th of September, 1780, recommending such surrender and cession, to aid in paying the public debt incurred by the War of the Revolution. The object of all the parties to these contracts of cession was to convert the land into money for the payment of the debt, and to erect new States over the territory thus ceded; and as soon as these purposes could be accomplished the power of the United States over these lands as property was to cease.

Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever. We therefore think the United States holds the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possessed or have reserved by compact with the new States for that particular purpose.

Language could not be plainer. Indeed, I think it is unnecessary to read further from this particular decision. As I say, it is a landmark upon the subject, one which can not be successfully refuted and one which the Supreme Court has frequently approved in subsequent cases.

Mr. SMITH of Arizona. I suggest to the Senator to put into the RECORD the succeeding lines.

Mr. THOMAS. The succeeding lines are:

The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution but it is inconsistent with the spirit and intention of the deeds of cession.

I thank the Senator from Arizona.

The only difference between the deeds of cession to Alabama and the treaty of Guadalupe Hidalgo and the Louisiana cession is a difference in the source of title; the situation is identical; and if the one could not confer sovereignty the other was equally powerless to confer it upon the United States with regard to the lands of the West.

The opinion in Withers against Buckley, which was delivered shortly afterwards, was in a case which arose through an attempt by the State of Mississippi to improve the watercourses within the State, and it was declared that that was a power which the State could exercise. At that time a great part of the State of Mississippi was public land, and riparian rights attached to it, whether owned by the Government or by citizens. The Supreme Court there said:

Obviously, and it may be said primarily, among the incidents of that equality is the right to make improvements in the rivers, watercourses, and highways situated within the State.

It can not be imputed to Congress that they ever designed to forbid or to withhold from the State of Mississippi the power of improving the interior of that State. * * * although a plan of improvement to be adopted might embrace or affect the course or the flow of rivers situated within the interior of the State. Could such an intention be ascribed to Congress, the right to enforce it may be confidently denied. Clearly Congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign independent State, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very nature of the Federal compact.

Mr. President, I might refer to a large number of other cases which have been collated in this admirable brief, but I will not detain the Senate to do so. I wish, however, to assure the Senator having charge of the bill that he is at liberty to take this brief, if he desires to do so, either to examine the cases which are there collated or for such other purpose as he may wish.

Now, let me call attention to a later case, which arose in the State of Kansas. When Kansas was admitted into the Union, the Government reserved the reservation known as Fort Leavenworth. Upon that reservation it had erected buildings for military purposes, and, I think, also for a Federal prison; but its own act of reservation did not give the Government exclusive legislative authority over it. So the Legislature of the State of Kansas subsequently passed an act ceding the reservation to the United States. It had the following saving clause, however—

Saving further to said State the right to tax railroad, bridge, and other corporations, their franchises and property, on said reservation.

Now, mind you, the title to that property never passed out of the Government of the United States. The object of the reservation was a public and necessary one, and one which should have brought it under that provision of the Constitution giving the Government exclusive legislative jurisdiction; but its buildings did not occupy the entire tract. A railroad company held a right of way through the tract. Then the authorities of the county in which the reservation is located and of the State assumed to tax the railroad company upon its right of way. The contention, however, was made that the railroad company was exempt from taxation because the reservation was under the exclusive legislative control and jurisdiction of the Government of the United States. The Supreme Court refuted that contention, and at page 526 of the decision Mr. Justice Field, speaking for the court, said:

The land constituting the reservation was part of the territory acquired in 1803 by a cession from France, and until the formation of the State of Kansas and her admission into the Union the United States possessed the rights of a proprietor and had political dominion and sovereignty over it.

Just as it has to-day in Alaska and as it possesses here in the District of Columbia.

For many years before that admission, it had been reserved from sale by the proper authorities of the United States for military purposes, and kept by them as a military post. The jurisdiction of the United States over it during this time was necessarily paramount.

But in 1861 Kansas was admitted into the Union upon an equal footing with the original States—that is, with the same rights of political dominion and sovereignty, subject like them only to the Constitution of the United States. Congress might undoubtedly, upon such admission, have stipulated for retention of the political authority, dominion, and legislative power of the United States over the reservation, so long as it should be used for military purposes by the Government—that is, it could have excepted the place from the jurisdiction of the State of Kansas, as one needed for the uses of the General Government. But from some cause, inadvertence perhaps, or overconfidence that a recession of such jurisdiction could be had whenever desired, no such stipulation or exception was made. The United States therefore retained, after the admission of the State, only the rights of an ordinary proprietor; except as an instrument for the execution of the powers of the General Government, that part of the tract which was actually used for a fort or military post was beyond such control of the State by taxation or otherwise, as would defeat its use for those purposes. So far as the land constituting the reservation was not used for military purposes, the possession of the United States was only that of an individual proprietor. The State could have exercised, with reference to it, the same authority and jurisdiction which she could have exercised over similar property held by private parties. This defect in the jurisdiction of the United States was called to the attention of the Government in 1872.

The court then quotes a number of authorities.

"These authorities are sufficient to support the proposition which follows naturally from the language of the Constitution, that no other legislative power than that of Congress can be exercised over land within a State purchased by the United States with her consent for one of the purposes designated; and that such consent under the Constitution operates to exclude all other legislative authority.

"But with reference to lands owned by the United States, acquired by purchase without the consent of the State, or by cession from other governments, the case is different. * * *

Where, therefore, lands are acquired in any other way by the United States within the limits of a State than by purchase with her consent, they will hold the lands subject to this qualification: That if upon them forts, arsenals, or other public buildings are erected, for the uses of the General Government, such buildings, with their appurtenances as instrumentalities for the execution of its powers, will be free from any such jurisdiction and interference of the State as would destroy or impair their effective use for the purposes designed. Such is the law with reference to all instrumentalities created by the General Government. Their exemption from State control is essential to the independence and sovereign authority of the United States within the sphere of their delegated powers. But, when not used as such instrumentalities, the legislative power of the State over the places acquired will be as full and complete as over any other places within her limits.

As already stated, the land constituting the Fort Leavenworth Military Reservation was not purchased, but was owned by the United States by cession from France many years before Kansas became a State.

Mr. SMITH of Arizona. From what case is the Senator quoting?

Mr. THOMAS. This is the case of the Fort Leavenworth Railroad Co. *v.* Lowe (114 U. S., 525).

It not being a case where exclusive legislative authority is vested by the Constitution of the United States, that cession could be accompanied with such conditions as the State might see fit to annex not inconsistent with the free and effective use of the fort as a military post.

The comparatively recent case of Ward *v.* Race Horse (163 U. S., 504) in line with this decision is also illuminating. Prior to the admission of the State of Wyoming the Government had entered into a treaty with a certain tribe of Indians then occupying a part of the territory afterwards included within that State which gave the Indians the right to hunt upon the public domain. After the State was admitted, it enacted a law for the preservation of its game. This tribe of Indians disregarded the law, and continued to exercise what it claimed to be its hunting rights and privileges on the public domain under the treaty to which I have referred. That brought them into collision with the State authorities, and their defense was that the game law had no force and effect upon the public lands of the United States within Wyoming covered by the treaty; that the admission of the State into the Union in no wise impaired their rights, except as it might apply to lands then in private ownership. This case is a most interesting one, as will be seen from this outline. It went to the Supreme Court of the United States, where the contention of the State authorities was unanimously upheld. The court said, among other things:

* * * If the treaty applies to the unoccupied land of the United States in the State of Wyoming, that State would be bereft of such power—

That is the power of a sovereign State—

since every isolated piece of land belonging to the United States, as a private owner, so long as it continued to be unoccupied land, would be exempt [from its laws] * * *. Nor need we stop to consider the argument advanced at bar that, as the United States * * * has the right to deal with that subject, therefore it has the power to exempt from the operation of the State game laws each particular piece of land owned by it in private ownership within the State.

Here is a treaty—a part of the supreme law of the land—with an Indian tribe, conferring valuable rights over lands afterwards coming within the jurisdiction of a State, sponged out by the automatic operation of the sovereignty attaching to a State upon its admission into the sisterhood.

In a case entitled Canfield against United States, in One hundred and sixty-seventh United States, page 524, the court characterizes the Government's ownership of land within the State as a proprietary ownership; and in Kansas against Colorado, Two hundred and sixth United States, page 46, the Supreme Court, in upholding the power of the State to provide for the acquisition, tenure, conveyance, and abandonment of the right to the use of the waters of the natural streams, said:

As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner, and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that this legislation can override the State laws with reference to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original thirteen, and it would be strange if, in the absence of the grant of definite power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation * * *.

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters * * *. It may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control.

Congress can enforce neither rule upon any State, and yet, if the Government, because of its proprietorship of lands within Colorado, has the supreme and undisputed power of control and disposition of it entirely freed from the State's power of eminent domain, it can enforce the doctrine of riparian rights as to all such land; or, if you please, it can adopt the other. In either event it acts upon its own power and superior to the State. Yet the Supreme Court of the United States very properly recognizes that such an exercise of power would necessarily be a diminution of the sovereign power of the State where the land is situated, and would, therefore, reduce that power below the same power in other States where there is no public domain. Their sovereignty would at once become unequal and their equilibrium impaired.

Now, bearing upon this proposition are citations of a great many other cases, but I think I have said enough, Mr. President, to demonstrate the proposition, especially as there is no authority to the contrary, that the United States in its ownership of the public domain, none of which is used for Government essentials and agencies, is the proprietor of that land, and as such proprietor its property is within the jurisdiction of the State and subject to the sovereignty and the laws of the State.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I yield.

Mr. NORRIS. Let me ask the Senator if, in his judgment, then, it would follow that, with the exceptions noted, the State might even tax land owned by the Government of the United States?

Mr. THOMAS. That is one of the exceptions. I think that but for the exception the State could tax such land, just as it did in the Leavenworth case, although there are decisions to the contrary.

Mr. NORRIS. Well, in the Leavenworth case it did not undertake to tax the land of the Government but the property of a railroad company.

Mr. THOMAS. I am aware of the fact that in the Leavenworth case the tax was levied upon the property and franchises of a railroad company. That is very true; but, Mr. President, the theory which forbids one sovereignty to tax the property of another relates and is confined to that property which is essential to the accomplishment of governmental purposes, and not to lands simply owned as proprietor and which are not at the time of the exercise of the taxing power needed or used for governmental purposes. Of course that is my opinion. I simply draw that conclusion from my familiarity with the principles upon which the case of McCulloch against Maryland and others recognizing and enforcing the distinction are founded.

Now I come to the question whether the State has this power of eminent domain to the extent that it can exercise it against property belonging to the Government of the United States, and just here let me digress for a moment for the purpose of ascertaining what that power is. In the Cyclopedia of Law and Procedure "eminent domain" is said to be:

A right inherent in all sovereignties, and therefore would exist without any constitutional recognition, and its exercise by the Government does not involve the commission of a tort.

That is to say, it is a right so essential and so generally recognized that the agency clothed with it is free from wrong in its exercise.

The right of eminent domain antedates constitutions, which are only declaratory of previously existing universal law, and is not conferred but limited by them. The right can only be denied or restricted by fundamental law, and is "a right inherent in society." The power to take private property for the common welfare is generally held to remain dormant in the State until the terms and conditions upon which it is to be exercised have been prescribed by appropriate legislation.

I read from page 564 of the same volume, the volume being No. 15:

The United States Government has the right of eminent domain in territory acquired by the United States either by conquest or purchase. The right of eminent domain may be exercised by the United States within the several States, so far as is necessary to the enjoyment of the powers conferred upon the United States by the Constitution.

And it is sufficient to say that the United States can exercise this power for no other purposes. In that respect it is substantially different from, certainly more restricted than, the power of the States.

I read an extract from page 602:

All kinds of property of whatever description are subject to the exercise of the power of eminent domain.

We discover, therefore, Mr. President, that this is a plenary power; one which is not conferred upon a State government by its organic law. Constitutions may limit it as to States, while they confer it upon a Government like the United States, all whose powers are delegated. In my State there is no restriction so far as public land is concerned. The express recognition of the right through the recitals of the State constitution merely emphasizes its existence.

Something was said by one of the Senators during the discussion about the Federal act of 1866. That is a very brief law, which recites, in terms, that all patents issued by the Government shall be subject to rights of way for the transmission of water upon the public domain; that is to say, if my friend, the Senator from Nebraska [Mr. NORRIS], has a flume or a ditch across a piece of public land which I subsequently file upon and homestead or stake a mining claim upon, the patent to me would except his right of way from the operation of the grant.

Mr. President, the Supreme Court in many cases—I have not time to refer to any of them specifically—in upholding that law, declared that it created no right whatever; it conferred no right whatever; it merely acknowledged the existence of rights acquired by citizens of the local community or State. They could acquire them only by going upon the public domain and utilizing, by actual possession, so much of the land as was necessary to the enjoyment of the right. It is therefore, I think, a pertinent fact in this discussion that so important a statute as this, which has been upon the statute books now for nearly 51 years, instead of creating, recognized a right previously existing.

I will refer to one more case relating to this matter of proprietorship, because it is a recent one. It is the case of McGilvray against Ross, reported in Two hundred and fifteenth United States, page 70, which involved the ownership of a navigable lake in the State of Washington, the contention of the State being that the title passed to it, eo ipso, upon its admission into the Union; the claim, of course, being challenged. No deed from the United States to the State was ever executed.

Mr. Justice Van Devanter, speaking for the Supreme Court of the United States, said upon this subject:

It was settled long ago by this court, upon a consideration of the relative rights and powers of the Federal and State governments under the Constitution, that lands underlying navigable waters within the several States belong to the respective States in virtue of their sovereignty, and may be used and disposed of as they may direct, subject always to the rights of the public in such waters and to the paramount power of Congress to control their navigation so far as may be necessary for the regulation of commerce among the States and with foreign nations, and that each new State, upon its admission to the Union, becomes endowed with the same rights and powers in this regard as the older ones.

I have in mind in this connection a number of cases cited by the Senator from California [Mr. WORKS] in his minority report—two of them, I think, from the Supreme Court of the United States—which sustain the proposition that the State has absolute control over the waters of a river entirely within its boundaries. There are many streams of that sort in my State—tributaries, it is true, of others—but nearly all rivers are tributaries.

Now, why should the proprietary right of the Federal Government yield to the sovereignty of the State of Washington in that particular case, and not yield to the equally essential duty of Colorado to provide for the general welfare, and the power to take property for public use whenever it is necessary for the public interest?

I have here a number of additional cases which answer that question in the affirmative, among which is Woodruff against North Broomfield in Eighteenth Federal, 772. That case attracted great attention at the time of its pendency, and involved the right of the owners of placer claims to wash the gravel and débris of their land into the Sacramento River, which carried it down and deposited it upon the alluvial lands below. In that case this great question was involved and decided favorably to my contention by Judge Sawyer, one of the earliest and most eminent of the Federal circuit judges on the Pacific coast.

This doctrine has been applied, Mr. President, not in the rights of way for water so much as in the acquisition of lands for other purposes. Of course, the principle is identical. The leading case, because it is the first case upon the subject, is United States against Railroad Bridge Co., in Sixth McLean, 517, decided in 1855, in the circuit court of the United States; and, if I recall, for the northern district of Illinois. There the court had under consideration the right of a railroad company to construct a bridge across the Mississippi River at Rock Island for the Rock Island Railroad. Rock Island had been a military reservation, as it is now. It was abandoned then, but the use has been restored. It was not subject to sale. This is the first time the question was directly presented to the courts, so far as I know. I have endeavored to ascertain if the decision of Justice McLean was ever overruled, and I am prepared to say that it never has been. He said:

Whether a State has power, by an act of incorporation or otherwise, to authorize a rail or turnpike road through the lands of the United States has not, it is believed, been raised or judicially decided. The first impression would be, probably, that the State can not exercise such a power. But first impressions are rarely to be followed on constitutional questions. * * * Within the limits of a State Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations, but beyond this it can exercise no other acts of sovereignty, which it may not exercise in common over the lands of individuals. A mode is provided for the cession of jurisdiction when the Federal Government purchase a site for a military post, a customhouse, and other public buildings, and if this mode be not pursued, the jurisdiction of the State over the grounds purchased remains the same as before purchase.

Now, that is an important fact, although the court then said:

This, I admit, is not a decided point, but I think the conclusion is maintainable by the deductions from constitutional law, * * * and in the discharge of the ordinary functions of sovereignty a State has a right to provide for intercourse between the citizens, commercial and otherwise, in every part of the State by the establishment of easements, whether they may be common roads, turnpike, plank, or railroads. The kind of easement must depend upon the discretion of the legislature, and this power extends as well over the lands owned by the United States as to those owned by individuals. This power, it is believed, has been exercised by all of the States in which the public lands have been situated.

Not, perhaps, in such a way as to provoke controversy demanding judicial decision, but evidently to such an extent that the judge here seems to have taken judicial notice of it.

I continue the reading:

It is a power which belongs to the State, and the exercise of which is essential to the prosperity and advancement of the country. State and county roads have been established and constructed over the public lands in a State under the laws of the State without any doubt of its power and with the acquiescence of the Federal Government. In this respect the lands of the public have been treated and appropriated by the State as the lands of individuals. * * *

It is difficult to perceive upon what principle the mere ownership of the land by the General Government within a State should prohibit the exercise of the sovereign power of the State in so important a matter as the easements named. In no point of view are these improvements prejudicial to the general interest. On the contrary, they greatly promote it. They encourage population and increase the value of the land. In no respect is the exercise of this power by the State inconsistent with the fair construction of the constitutional power of Congress over the public lands. It does not interfere with the disposition of the public lands, and instead of lessening enhances their value.

Where lands are reserved or held by the General Government for specified and national purposes it may be admitted that a State can not construct an easement which shall, in any degree, affect such purposes injuriously. No one can question the right of the Federal Government to select the sites for its forts, arsenals, and other public buildings. The right claimed for the State has no reference to lands specially appropriated, but to those held as general proprietor by the General Government whether surveyed or not. The right of eminent domain appertains to the State sovereignty, and its exercise is free from the restraints of the Federal Constitution. The property of individuals is subject to this right, and no reason is perceived why the aggregate property in the State of the individuals of the Union should not also be subject to it. * * * Whether we look to principle, or the structure of the Federal and State governments, or the uniform practice of the new States, there would seem to be no doubt that the State has the power to construct a public road through the public lands. A grant to this effect is sometimes made by Congress, as in the act of 1852; but this does not show the necessity of such a grant. Generally, Congress appropriates to the road a large amount of lands. The positions are supposed to be irrefragible—first, that the right of eminent domain is in the State; and, secondly, that the exercise of this right by a State is nowhere inhibited, expressly or impliedly, in the Federal Constitution, or in the powers over the public lands by that instrument in Congress.

That is so plain that he who runs may read; and, as I have said, it has never been questioned judicially, so far as I know.

Now, let me suggest a condition that might arise if that were not true. Suppose that the Government should withdraw per-

manently all these power sites and announce its purpose to be to keep them perpetually withdrawn from any form of use. By so doing it could deprive the State and its people of the benefit and enjoyment of their property in the force generated by the flow of the waters of the natural streams. If the United States can withdraw them it can make the withdrawal absolute.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. THOMAS. I will yield in just a moment. Thus it could not only deprive the people of the State from the enjoyment of that property right, which would for all practical purposes be destroyed, but it could very seriously interfere with the development of the State by paralyzing the development of this power. Will it be said, because the Government as a proprietor of land can so determine, that the State, for the well-being of its people, for the protection and development of the State, for establishing intercourse between its various parts, for the attraction of population, for the increasing of its taxable wealth, for all those purposes and others for which the public utility is in these days such an essential of civilization and of growth, can not utilize its plenary power of eminent domain over the public lands? If it can not its usefulness as a Commonwealth is gone.

I now yield to the Senator from South Dakota.

Mr. STERLING. The Senator from Colorado has cited, I think, the decision of the Circuit Court of the United States for the Northern District of Illinois, if I remember correctly, which seemed to lay down very strongly the principle that the State had the right of eminent domain, and that that right extended to the public lands. So far as I can gather from the Senator's remarks in that connection and from the decision, the exercise of this right has been by acquiescence on the part of the General Government, either through an act of Congress or in some other way. I should like to ask the Senator if he knows of any case where there has been a proceeding on the part of a State in the exercise of the right of eminent domain as it affects Government land, a proceeding to condemn, for example, and take the land or property of the Federal Government for the purposes of the State or a municipality of the State?

Mr. THOMAS. Mr. President, of course, the Senator is aware of the fundamental distinction between a substantial right and a remedial right, and that I shall discuss before I leave the floor. Answering his question directly, I know of no instance in which such a proceeding has preceded the possession of the State or its agency. I know of a number of instances in which proceedings have followed the taking of possession. I do not, however, believe that the right is at all dependent upon or should be regulated by any question of the remedy through which it may be made applicable. That is another branch of the discussion, and I will reach it after a while.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I yield; yes.

Mr. BRANDEGEE. The Senator would not claim that a State could condemn part of a navy yard or other Government property?

Mr. THOMAS. I have made that distinction clear. Not by any means.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. THOMAS. I do.

Mr. SHAFROTH. I should like to ask the Senator whether the absence of decisions concerning eminent domain exercised by the State as against the property of the National Government does not arise from the fact that no laws are in existence giving to an individual or a company the right to sue its sovereign, the United States?

Mr. THOMAS. Partly, perhaps, but not entirely.

Mr. SHAFROTH. What would be the process in obtaining jurisdiction of the United States?

Mr. THOMAS. I prefer to answer that question when I get to that branch of the subject.

Mr. SHAFROTH. All right, if the Senator is going to cover it.

Mr. THOMAS. Mr. President, I will answer in part the query of my colleague by saying that the national legislation with regard to rights of way for railroads, canals, and so forth, was, up to the beginning of the century, so liberal and so much more easy of compliance than to invoke the power of eminent domain that they have been acquired in that way. For example, we have a general law giving right of way to railroad companies over all the public domain, passed, I think, in 1871—somewhere along there. Rights of way over the public domain for the transmission of water for all lawful purposes were recognized by the act of 1866 and were easy of acquisition over the public domain through the operation of the consent given by the Government, doubtless because of its recognition, in large degree, of the power of the State to emphasize the right through condemnation.

In Union Pacific Railroad Co. *v.* Burlington & Missouri Railroad Co. (3 Fed., 106), which involved an attempt by the Burlington to condemn a right of way across the Union Pacific right of way, it was contended that the latter company was a governmental agency, created and endowed with a right of way to subserve a great national purpose, which in a large sense was true; and it therefore invoked a public ownership of the right of way of the Union Pacific in the Government as coming under the exclusive legislative jurisdiction of the Congress under the article of the Constitution which I read yesterday. The case was tried before Circuit Judge McCrary, at one time Secretary of War and for many years upon the circuit bench in the eighth circuit. The judge said:

> Should a case of conflict between the State and Federal Government arise, the paramount authority of the United States under the Constitution would, of course, prevail. Thus, if the United States has, by proper proceedings, condemned and taken land for a fort, arsenal, * * * or lighthouse, * * * it would not be in the power of the State, in the exercise of its right of eminent domain, to take the same property. But the present case does not come within this principle. The United States has never condemned the right of way of the Union Pacific Railway, and taken it for its own use for public purposes, within the meaning of the rule just stated. * * * I am clearly of the opinion that the right of way of the Union Pacific Railway is not property of the Federal Government set apart for its own public use, so as to exempt it from the operation of the law of the State of Nebraska, above quoted, respecting the crossing and connecting of railroads, and the condemnation of the property for those purposes.

Here is the important part of the decision:

> If, however, it were conceded to be land of the United States, unless held for governmental purposes, it would, even in that case, be subject to the State's power of eminent domain. Land owned by the United States, as a mere proprietor, and not used for any of the purposes of the National Government, may be taken by the State for public use.

The Illinois Central Railroad Co. against C., B. & M. R. Co.——

Mr. STERLING. Mr. President, before the Senator passes to that, may I call his attention to another matter in this connection?

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from South Dakota?

Mr. THOMAS. Yes.

Mr. STERLING. I am referring to the case cited in the views of the minority on this bill—the case of Woodruff against North Broomfield Gravel Mining Co., in Eighteenth Federal.

Mr. THOMAS. I referred to the case myself a moment ago.

Mr. STERLING. Yes; and to this particular language from the decision, as cited in the views of the minority:

> Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

I wanted to ask the Senator if that primary disposal was not the disposal referred to in the constitutional provision which gives the Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States?

Mr. THOMAS. I have endeavored to so argue all the afternoon.

Mr. STERLING. I have not had the pleasure of hearing the Senator's argument in great part.

Mr. THOMAS. The distinction which I make, and which the authorities make, is that this clause gives the power of primary disposition to the Government, but does not invest it with sovereignty over the land in the States. There is no question but that under this provision Congress may make all rules and regulations necessary for the disposition, not for the retention, of the land; and if the Senator will refer back to the case of Pollard's Lessee against Hagan, which I read into the RECORD a while ago, he will find a full and unanswerable statement of the effect of this constitutional provision, its meaning, and its limitations.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I yield; yes.

Mr. BRANDEGEE. Has the Senator in his remarks previously instanced the case of a forest reservation or of a national park?

Mr. THOMAS. I have not. I have instanced no cases except those where the land is used as provided in another section of the Constitution.

Mr. BRANDEGEE. I was simply going to ask the Senator, then, if he would not regard the establishment by the Nation of a national park as a governmental function; and if so, whether the State could exercise its right of eminent domain against the national park or the forest reservation?

Mr. THOMAS. Of course, a national park is a sort of governmental institution, much more so for the purposes of this discussion than a forestry reservation, both, however, being reservations for public purposes. But I entertain little doubt that if it were necessary in the construction of a railroad to build it through some section of a national park the power of the State to authorize it is clearly existent. I have no doubt about its power to do so through a forestry reservation.

Mr. BRANDEGEE. Would the Senator think that the State could delegate its power of eminent domain to a corporation, for the purpose of supplying water to a town, for instance, to condemn a lake in a national park?

Mr. THOMAS. I think so. It might be that a city near the borders of a national park springing up through the unexpected discovery of large bodies of minerals, or from some other cause, might find itself absolutely dependent for a water supply upon a lake within the boundaries of a national park.

Mr. BRANDEGEE. I concede the desirability of it in that case.

Mr. THOMAS. Under such circumstances, which are among those giving rise to the exercise of this plenary power, I should hesitate to admit that it could not be exercised for the benefit of the community.

Now, I will refer rapidly to a number of other cases on this subject.

There is the case of Illinois Central Co. *v.* C. B. & M. R. Co. (26 Fed. Rep.), decided by Judge Gresham, whom Senators will remember as Secretary of State under Mr. Cleveland. He said:

> Lands owned by the United States within a State and not held for a public purpose are subject to the State right of eminent domain and taxation, the same as lands owned and held by individuals. It is only such land as the United States owns and holds within the States and upon which it maintains public buildings, arsenals, forts, etc., that are exempt from State authority and taxation.

I have called attention to the exemption from taxation of public lands by the States in the enabling acts and constitutions of the States more recently admitted to the Union.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I do.

Mr. MYERS. I want to ask a question for enlightenment. I have not been able to remain in the Chamber all the time the Senator was reading from the brief.

Mr. THOMAS. I congratulate the Senator.

Mr. MYERS. No; I am the subject of commiseration, not congratulation. I have remained all the time I could. I was very much interested, but I have been called out a number of times.

In these cases where the Senator claims that the right of eminent domain has been exercised in regard to lands of the United States, has the United States Government been made a defendant? Has the United States Government been sued? If so, how did they get around the general principle that you can not sue the United States Government without its consent?

Mr. THOMAS. I must also ask the indulgence of the Senator, as I have asked that of my colleague. I will reach that subject before I yield the floor.

Mr. MYERS. I would be glad to hear the Senator on that point.

Mr. WALSH. Mr. President, before the Senator from Colorado proceeds, if he will pardon me, I sent to the desk this morning a clipping showing the activity of the people of Italy in the development of the water powers of that country. I now send to the desk and ask to have read an editorial from the morning paper showing similar activity by the Republic of France.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Editorial from the Washington Post of Monday, Jan. 15, 1917.]

FRENCH WATER POWER.

In sharp contrast to the nonaction of the United States Government, France is now spending millions of dollars to develop the water power of the Alps, the Pyrenees, and the central mountainous regions.

It was the war that acted as an incentive to France in developing water power for the operation of mills manufacturing shells, chemicals, and other necessities for the army.

In the valley of Durance new plants, aggregating 74,000 horsepower, for the electrochemical industry are under way, while above Modane one of the biggest chemical works in France has acquired rights to about 120,000 horsepower of waterfall that will be utilized speedily. Electric energy for Paris brought from the Alps is the most ambitious project for the future. A dam 75 yards high in the Rhone at Genissiat, backing the water up 14 miles to the Swiss frontier, will furnish a fall sufficient to operate a power station of 325,000 horsepower and 240,000 kilowatts. The line of transmission will be 312 miles long. It is estimated that this enterprise alone will economize 1,800,000 tons of the 20,000,000 tons of coal France imported annually before the war.

President Wilson once remarked that the "we-will-and-we-won't policy" had been delaying progress in the United States. That this delay is apt to become a serious handicap is shown by the manner in which European nations are encouraging the development of their water power. The fear that some one will make some money out of development in the United States should no longer retard progress. The coal bill and the farmers' fertilizer bill can not be cut down except by the extensive development of the vast water power that is now going to waste in this country.

Mr. WALSH. Mr. President, if the Senator from Colorado will pardon me further, I want to call attention to the statement in this editorial to the effect that the French are constructing a dam 75 yards high, which will back water for 14 miles, thus producing an enormous power plant to supply the city of Paris. On the boundary line between the States of Wyoming and Montana is the Big Horn Canyon. A dam practically that high—75 yards, 225 feet high—will back water for 50 miles between the practically perpendicular walls of a canyon; so that there is not an acre of land, practically, that will be flooded by the erection of that dam.

I ask the Senate to contemplate for a moment what enormous power a development of that character signifies. A dam 225 feet high, no higher than the one that is being built in the Alps, yet backs the water four times as far, making a reservoir, a lake of enormous extent, and yet it can be constructed without any particular damage to adjacent lands.

Mr. THOMAS. Mr. President, there can be no question about the practical value of the subject matter of this bill nor about the usefulness of such a project as that to which the Senator from Montana has just referred. If efficiency and necessary construction were here involved as elements which could not be otherwise secured, I should not feel at liberty to oppose this bill; but inasmuch as I am satisfied that the same results can be obtained otherwise and in a manner which involves no sacrifice of the rights and powers of the States or affect the general policy of the Government—a salutary policy of disposition by proceedings entirely at variance with the details of this bill—I am not impressed that this exhibition of fact is at all pertinent to the discussion. If I thought so, I would at once, then, inquire whether, stupendous as such improvements are and useful as they must become, we should acquire them at the sacrifice of an ancient policy on the one hand and the integrity of the States upon the other.

There can be no question about the efficiency of all forms of German enterprise, which are exhibited not alone in its military strength and preparation but in its entire economic structure; and yet I am satisfied that the Senator would hardly be willing to adopt and put into operation a similar system of efficiency at the price of that autocracy for which Germany is also notorious.

Now, Mr. President, I want to digress from my discussion for a moment to refer to an episode between the Senator from Montana and myself concerning the so-called Lever bill which I mentioned, I think, on last Friday. The Senate will recall that the Senator from Montana took issue with me as to the existence of such a bill and afterwards read into the RECORD a letter from the chairman of the House Committee on Public Lands asserting that no such measure had been introduced or was pending in the House. I have here a letter from Mr. EDWARD T. TAYLOR, of the House, who is the ranking member of the committee, and which was written after his attention was called to the letter of the chairman of the committee and to my statement concerning the Lever bill. It is addressed to me, and reads as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 15, 1917.

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Concerning the colloquy between yourself and Senator WALSH regarding the public-land leasing measures, there was a misunderstanding as to the time rather than the substance of the question.

In the second session of the Sixty-second Congress Congressman LEVER, of South Carolina, introduced H. R. 19857, providing for the withdrawal from entry of all the unreserved, unappropriated public lands of the United States and authorizing the President to establish grazing districts over the public domain and regulate the use of it for grazing purposes: to issue permits of 10 years each at a charge of not less than one-half cent and not more than 4 cents per acre for the use

of the public domain. That bill was known as the "Lever bill," and was very vigorously denounced throughout the public-land States as, in effect, wiping out all public-land laws and effectually terminating homesteads. That bill is still being denounced in the West as the "Lever" bill. However, Mr. LEVER did not reintroduce it in the Sixty-third Congress, but it was reintroduced in the Sixty-third Congress by Congressman KENT, of California, as H. R. 10539, and the Public Lands Committee on March 3, 1914, entered upon and conducted an exhaustive hearing on that bill, together with bill H. R. 9582, by Mr. Ferguson, of New Mexico, which was the 640-acre homestead bill.

The American National Live Stock Association vigorously supported the Kent bill, as it had done the Lever bill, and all the large stock interests of the country and big sheep men vigorously supported both of these general public-land withdrawal and leasing bills. Those hearings extended over several days and covered 504 pages. The Kent bill appears in full at page 23 of the hearings, a copy of which I am sending you herewith. So that in the Sixty-third Congress the Lever bill was known as the Kent bill.

In the Sixty-fourth Congress neither Mr. LEVER nor Mr. KENT reintroduced this bill, but the same object is sought to be obtained in slightly different language by the bill H. R. 336, introduced at the last session by Mr. STEPHENS of Texas, a copy of which I inclose herewith. You will note it provides that "the public grazing lands in the arid States and Territories shall be leased by the Commissioner of the General Land Office under the provisions of this act." It is, in my judgment, purely a large stockmen's public-land withdrawal and grazing leasehold proposition, which would effectively put the western 17 States into a Federal cow pasture and is fully as inimicable to the development of the West as the Lever-Kent bill. This propaganda was started by Mr. Pinchot some 10 or 12 years ago, through Senator Burkett's bill and others, and is now being referred to as the Lever-Kent-Stephens bill. My understanding is that all of the ultraconservationists are supporting the American National Live Stock Association in its advocacy of this measure and in its vigorous opposition to the 640-acre homestead law.

The Lever-Kent bill was emphatically repudiated by the Public Lands Committee of the House in both the Sixty-second and Sixty-third Congresses, and the committee has not and will not during this Sixty-fourth Congress give any consideration to the Stephens bill, because it is unalterably opposed to the wholesale withdrawal from entry of the public domain for leasing or any other purpose.

Yours, very cordially,

EDWARD T. TAYLOR.

My error was one of time, Mr. President. I confounded the statement of the writer of the letter just read with bills introduced and pending in the present instead of the last and a previous Congress.

The hearings to which the letter refers are represented by this large volume which I hold, entitled "Hearings before the Committee on Public Lands on House bill 9582 and House bill 10539."

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I yield.

Mr. WALSH. I recall the Lever bill very well indeed. It had its origin a number of years before the Sixty-third Congress. In fact in the month of February, 1907, before I became a Member of the Senate or got into public life at all, I took a trip from Montana to Washington and appeared before the Committee on Agriculture of the United States Senate and opposed just exactly such a measure as that, and I have never wavered in my opposition to it. I maintain exactly the same opposition to it to-day that I did then. That bill embodied no such idea as the Senator expressed, namely, a desire and disposition to withdraw all public lands from entry with a view to disposing of them under a leasing system. The Lever bill provided for the classification of the public lands and the leasing of them for grazing purposes, but it expressly provided that they should all be subject to homestead entry under the then existing law, so that a man could take a homestead and when he got it he would have a complete title to it.

Our objection to it was that if you did that you would prevent anybody from going upon these lands because the cattlemen have a lease of the land, and therefore the homesteader would be hampered and hindered from exercising his homestead right. The Senator and I are in perfect accord about that, but I should hardly think the Senator would feel it was a bill which supported the idea which he is presenting here, that we would be likely to adopt permanently a system which would make everybody a tenant of the Government.

Mr. THOMAS. Mr. President, the bill which was introduced in the House in the Sixty-third Congress is composed of eight sections. The first opens with this recital:

> That the unreserved, unappropriated public lands of the United States shall be subject to the provisions of this act, and the President of the United States is hereby authorized to establish from time to time, by proclamation, grazing districts upon the unreserved, unappropriated public lands of the United States, conforming to State and county lines so far as practicable, whereupon the Secretary of Agriculture, under rules and regulations prescribed by him, shall execute, or cause to be executed, the provisions of this act, appoint all officers necessary for the administration and protection of such grazing districts, regulate their use for grazing purposes, protect them from depredations, from injury to the natural forage crop, and from erosion.

It is true that subsequent sections recognize homestead rights, but it is equally true that under their provisions it would be extremely easy for the Secretary of Agriculture to substitute his department for that of the Land Department, and then determine what should and what should not constitute grazing tracts for lease, since the bill subjects all unreserved and unappropriated public lands to its provisions. The departments having administration over these laws frequently surround or accompany them by rules, some of which, not intentionally, are either so restrictive or so much an enlargement of the law which is to be administered as to practically injure, if not defeat, the purpose and intention of the measure.

So far as I am concerned, I am very glad to learn from the Senator that he is not committed to but, on the contrary, will vigorously oppose any and all such legislation. I wish he could go further and agree with me that it is to the interest of the people whom we represent to oppose all these various schemes of legislation, since they have running through them all a family likeness, a tendency to withhold fee-simple title at least to the remaining public domain and reserve it, or something supposed to be in it, in the Government, giving to the citizens not the right to acquire the title but the right to the use of the lands under terms and regulations to be prescribed by the various bureaus and departments.

Mr. President, the first action of the general assembly of my State, now in session, which convened on the first Wednesday in January, was to pass a joint resolution of protest against the proposal of the Forestry Bureau to increase the rates for grazing upon the lands contained within these reservations.

Mr. SMOOT. Doubling them.

Mr. THOMAS. It is proposed to double them, Mr. President, and thus increase by 100 per cent the cost of maintaining the flocks and herds of the West upon the pastures found in these reservations.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Colorado yield to his colleague?

Mr. THOMAS. I yield.

Mr. SHAFROTH. I will state to the Senator, if he will permit me, that it is not the first increase that has been made. They have been making increases ever since the forest policy was adopted.

Mr. WADSWORTH. Mr. President——

Mr. THOMAS. I am obliged to the Senator for his information. I yield to the Senator from New York.

Mr. WADSWORTH. Can the Senator indicate the rates charged by the Government on these grazing leases?

Mr. THOMAS. I must refer the Senator to the Senator from Utah [Mr. SMOOT] and to my colleague for a reply to that question. I can not give the rates.

Mr. CLARK. They vary on different reservations.

Mr. WADSWORTH. According to the influence?

Mr. CLARK. I do not know how that is.

Mr. SMOOT. I will say to the Senator that the average, I believe, is 35 cents per head of cattle for the few months that they graze upon the forest reserves; the rate on sheep is 7 and 8 cents, and there are some reservations where the rate is even higher than that. Now, they propose to double those rates.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I yield.

Mr. WEEKS. What I wish to ask is whether or not these rates are higher or lower than those which are charged by the owners of grazing lands.

Mr. THOMAS. I yield to the Senator from Utah to answer that question.

Mr. BORAH. The difference between the private owner and the Government is that the private owner pays a tax. If the Government were paying taxes in our State we would not object to this system at all.

Mr. WEEKS. I am willing to take that into consideration, but I should like to have an answer to the question.

Mr. SMOOT. I will say that there are some public lands leased through the Reclamation Service for the grazing of cattle and sheep where the price paid is higher, the rates being fixed by the bid of those who desire the grazing of the lands. There are other cases, and I admit it frankly, where the leasing rates are higher than the rates that have been charged in the past by the Forest Service upon national forest reserves.

Mr. WEEKS. Would the Senator think the difference between the rate charged by the Government and the rate charged by the individual, less whatever suitable taxes would be paid if the land were in the hands of individuals, would be a fair rate for the Government to charge? I am asking the question for information, not because of any prejudice about the bill or what the bill contemplates doing.

Mr. SMOOT. Mr. President, the policy in establishing forest reserves and charging for grazing privileges thereon was to charge only enough for grazing privileges to help pay the administrative charges of the forest reserve, the greater part of which would be paid from the sale of timber upon the reserve. The idea was not to impose an unjust burden upon the people of the Western States using the reserves. The use of the public lands in the other States was granted without cost to the people. The object of the reservation was to protect the watersheds and the timber of the reserves and not make a profit out of the grazing privileges granted to the stockmen who live in that part of our country.

Mr. WEEKS. I hope the Senator from Colorado will pardon me for breaking in in this way, but I wish to ask him, if the Government is going to follow this system of leasing lands or of renting grazing privileges, does he think it is unreasonable that the Government should charge a fair commercial rate for the privilege?

Mr. SMOOT. Yes; I think it is unreasonable, because it is withholding the land from entry; and in the other public-land States the citizens had a perfect right to enter those lands, in which case the State could tax the land, and the taxation go toward maintaining the institutions of the State.

Mr. WEEKS. What I referred to was as long as the renting is done. I think the lands ought to be entered and in the hands of private individuals as far as possible; but, as long as the Government rents the land, is there any reason why it should not receive a fair commercial return for doing so?

Mr. SMOOT. I will say to the Senator——

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further; and if so, to whom?

Mr. THOMAS. I yield to my colleague.

Mr. SHAFROTH. I wish to suggest to the Senator that we have nothing in the way of renting land in the hands of private people similar to that by which the various reservations are rented. Whenever the State has a large quantity of land, and rents it, the average price that it rents it for is 5 cents an acre a year; it is by the acre instead of the head; and in some cases, where there is running water through the section, it is rented at 8 cents an acre; but there is nothing done by the State in the way of leasing by the head. Where there are leases that way, it is of a cultivated field, such as an alfalfa field, and, of course, that is a higher character of feed, and, consequently, they would naturally require a larger price from the owner of the cattle.

Mr. WEEKS. Let me ask the Senator from Colorado, who knows a great deal about this question, if he thinks the rates charged by the Government for grazing privileges, based on a commercial standard, are high?

Mr. SHAFROTH. I do not know. If you are going to count the land as worth so much and charge interest upon it, and if you take the value of the land and the number of people who are employed, and try to make it a paying institution, of course, it will not pay and never will pay, because the overhead charges are so enormous. There is no doubt about that. On that account it is very hard to determine what would be a fair return on the value of the land.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. We would lose sight of the real controversy so far as the West is concerned if we should stop to discuss whether the grazing privilege is worth 30 cents a head or 35 cents a head. The point is that it prevents the development of the State upon that basis which is necessary to make a new Commonwealth and build a State. We have 83 per cent of our State reserved and entirely free from tax-paying burdens.

Mr. WEEKS. May I ask the Senator from Idaho why it makes any difference about the development of this property and getting it into the hands of private individuals whether the rate charged is 35 cents or 70 cents?

Mr. BORAH. The Senator from Massachusetts misunderstood my suggestion entirely if he supposes his question is pertinent to what I said. It does not make any difference; that is precisely what I say, but the proposition with us is to prevent the leasing system as an entirety. We do not want it at all at any price. If it was 2 cents a head, we would be opposed to it.

Mr. WEEKS. I understood the objection that was being made was that there was an increase in the charges to be made by the Government.

Mr. THOMAS. I was not objecting; at least my purpose was not to object so much as to illustrate. Personally I can see no reason why, if the Government is to retain these enormous reserves in their present condition, it should not obtain some revenue by contracts with the owners of sheep and cattle whereby their grazing facilities can be utilized. My reference to the subject was a digression at the best. I called the attention of the Senate to it because of the controversy between the Senator from Montana and myself and the reference to the object and purposes of the Lever bill. But I may say for the edification of the Senator from Massachusetts and others who are interested in this matter that the establishment of reserves carrying with it the power to charge these rates carries with it also the power to make them prohibitive; and all these different changes, whether they be large or small, whether they be just or unjust, serve to increase that irritation which necessarily arises when two sovereignties come in conflict over the same subject matter and at the same time.

There is doubtless a good reason, at least in the opinion of the forest authorities, for this enhancement of the charges. But, it has its bearing upon the very important subject of the cost of living, which is becoming the most potent and insistent of all questions just at this time. It would seem therefore to be unfortunate that the Government should now, when prices for all the necessities of life are so high, propose to double its rates for pasturage in the forest reserves.

Of course, as stated by the Senator from Idaho, the fundamental attitude of men like himself and myself excludes these details of administration. We object to the reservation of large areas of land, which seems to us unnecessary, and particularly because such reservations necessarily contract the area of possible population very considerably, and, of course, the area of land which may become subject to the taxing power of the Commonwealth. I imagine that if in the State of Massachusetts the Government of the United States owned and had withdrawn from settlement even 10 per cent—to say nothing of the 80 per cent in the State of Idaho—even 10 per cent of its domain, from which the tides of population were practically excluded, which could not be absorbed, so to speak, in the common mass of property of the community, the Senator from Massachusetts would be less concerned about charges for the use of that land than he would be about the fact of withdrawal and its effect upon the prosperity and future of the State.

But, Mr. President, I have unintentionally gone far away from the argument I was attempting to present when the Senate adjourned on last Saturday evening. I was then reading authorities upon the proposition that the ownership of land by the Government of the United States within the limits of a State, not needed and used for governmental purposes, was not an ownership which in any wise affected the sovereign dominion of the State over that land; that it was just as much subject to the police laws, to the criminal laws, to the laws for the protection of property by the State, that it was just as much subject to the power of condemnation as were the lands of any private citizen; and I had reached, when the Senate adjourned, and was about to refer to the case of the Pacific Railway Co. against Leavenworth, in Twenty-ninth Federal Reporter, page 728, and to its decision by Mr. Justice Brewer, who was then upon the circuit bench. It was a case somewhat similar to the Union Pacific-Burlington case. Mr. Justice Brewer first cited with approval the Railroad Bridge case, of Judge McLean. Then he said:

> Even if it were conceded that Congress had the power to enter the territory of a State and, for any purpose, establish a line through its center over which the State had no right of crossing—a sort of Chinese wall dividing the State into two portions, inaccessible to each other, a concession I should never be willing to make—it is clear to my mind that no assertion of such a power was ever contemplated by Congress in the Pacific Railroad legislation.

The application of this doctrine to the principle of the pending bill lies in the fact that in that litigation the Union Pacific Railway Co. was resisting the right of condemnation over and across its right of way upon the ground that it was a great governmental agency, that the Government of the United States had created the corporation and had endowed it with an immense land grant and right of way 400 feet in width in order that it might be an agency, an indispensable attribute in the exercise of national administration. The proposition was rejected. It was said by Justice Brewer that, even if it were true, a proposition which he would not concede, it is clear that no such assertion of any such power was ever contemplated in the creation of the Union Pacific Railroad.

Mr. President, the other day my colleague [Mr. SHAFROTH] mentioned the case of the United States against the City of Chicago, which is found reported in Seventh Howard, page 185, and in which the city attempted to condemn streets for public use through Fort Dearborn Reservation. Of course, the Members of the Senate remember distinctly that the city of Chicago com-

prises an old reservation, called Fort Dearborn, in its business center; but at that early time the fort was the chief part of the community, and the city needing certain rights of way across the reservation proceeded to open them. The case came to the Supreme Court of the United States, where Mr. Justice Woodbury, in delivering the unanimous opinion of the court, as I recall, said:

It is not questioned that land within a State, purchased by the United States as a mere proprietor and not reserved or appropriated to any special purpose, may be liable to condemnation for streets or highways like the land of other proprietors under the rights of eminent domain.

I have called attention, so far, Mr. President, to Federal authorities, to cases in the inferior and the supreme courts of the Nation. I have given careful consideration to the subject, and have verified the brief from which I have read, and have also endeavored to discover authorities which disputed the general proposition. I have not been able to do so, unless it can be said that some recent cases—the case of the United States against Light, for example—may not be consistent with this general line of authorities. I do not think that is so, but that is the only possible conflict which I have been able to discover to this well-recognized and fundamental proposition; but the question has been before the State courts—eminent State courts—as well. It was before the Supreme Court of Minnesota at an early period in the life of that great Commonwealth in the case of Camp against Smith, Second Minnesota, page 131. The court said:

The United States has but a proprietary interest in the public lands within the several States; the sovereignty is in the State. The rights attaching to the interest do not differ from those of any other landholder in the State, except as provided by the Constitution of the United States and the terms of the contract between the general and State governments at the time the State is admitted into the Union. The Constitution merely asserts the right to dispose of, as proprietor, and to make needful rules and regulations necessary to the exercise of that right.

In State against Bachelder, Fifth Minnesota, page 178; in Simonson against Thompson, Twenty-fifth Minnesota, page 450, the proposition was reaffirmed, and the last case was decided upon the doctrine of the United States against The Railroad Bridge Co., in Sixth McLean, from which I read a long extract on Saturday.

In Burt against Mechanics' Insurance Co., One hundred and sixth Massachusetts, the supreme court of that State said:

The United States, acting through Congress, has the right to eminent domain in all purposes incidental to the exercise of the powers conferred by the Constitution, and such as exist by necessary implication, and none others: and so, on the other hand, the State, as to other purposes, has the same right even to the extent of taking public lands of the United States as was decided in United States *v.* Railroad Bridge Co.

California has spoken upon the same proposition. In the case of Moore *v.* Smaw (17 Cal., 199) the court, speaking by Chief Justice Field, afterwards Associate Justice of the Supreme Court of the United States, one of the most eminent men who ever occupied that exalted position, said:

The United States occupy, with reference to their real property within the limits of a state, only the position of a private proprietor, with the exception of exemption from State taxation, and their patent of such property is subject to the same general rules of construction which apply to conveyances of individuals.

The same court, in the case of People *v.* Shearer (30 Cal., 645), said:

The relation of the United States to the public lands since the admission of California into the Union is simply proprietary—that of an owner of the lands, like any citizen who owns lands, and not that of municipal sovereignty.

That doctrine, Mr. President, is also recognized by the text writers upon the subject. I will quote from merely one of them——

Mr. CURTIS. Mr. President——

Mr. THOMAS. In just a moment I will yield to the Senator. Lewis, on Eminent Domain, third edition, volume 2—this is a late edition of a standard work upon the subject—says:

The public lands of the United States, situated within a State and held for sale or settlement, are subject to the eminent domain of the State.

Now I yield.

Mr. CURTIS. I desire to know the date of the California case, if the Senator has it.

Mr. THOMAS. I am unable, from this brief, Mr. President, to give the Senator that information.

Mr. CURTIS. If Justice Field rendered that opinion, it must have been a long while ago.

I desire to ask the Senator if that decision has been followed in the more recent decisions?

Mr. THOMAS. If the Senator had been present on Saturday afternoon he would have heard me cite a large number of cases from the courts of the United States. I will say to the Senator that I have been unable to find a single instance in which the doctrine has been denied either in the State or the Federal courts.

Mr. BRANDEGEE. Mr. President, will it interrupt the Senator for me to ask him a question there?

Mr. THOMAS. Not at all.

Mr. BRANDEGEE. Does the court distinguish between the right of a State to tax the property, from which they say the property is exempt, and the right of a State to impose eminent domain upon it, to which they say it is subject? They are both attributes of sovereignty, are they not?

Mr. THOMAS. They are both attributes of sovereignty; but in the enabling acts, under whose provisions these States were admitted, Congress required as a condition of admission that the State should yield its power of taxation on the public domain, and in the constitutions of the several States or in their schedules there is this express reservation.

I will say to the Senator the very fact that the Federal Government required this exemption to be made, and that the State makes it, would seem to be an argument in favor of my contention, because, if it were not so, the States could probably tax all lands held by the Government of the United States as proprietors not actually used for governmental purposes.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I yield.

Mr. WALSH. Is it not a fact, let me ask the Senator from Colorado, that the Supreme Court of the United States has held that the lands of the United States are not taxable by the States, utterly regardless of the compact entered into on the admission of the State into the Union?

Mr. THOMAS. I think, Mr. President, that the Supreme Court of the United States has so determined.

Mr. WALSH. It has so determined repeatedly.

Mr. THOMAS. Mr. President, while the announcement of the Supreme Court is the law, I affirm that the decision is contrary to the fundamental principles of taxation and of exemptions therefrom, as outlined in McCullough against Maryland and subsequent cases. It is not, to my mind, in conformity with the principle of absolute sovereignty which every State possesses, except as restricted by the specific limitations which are placed upon it by its own constitution or the Constitution of the United States.

Mr. WALSH. Mr. President, if the Senator from Colorado will pardon me, I will say, for the information of the Senate, that when the bill for the admission of California into the Union was under consideration in this body, it contained such a provision as the Senator speaks of, under which the State of California undertook that it would never tax lands of the United States within the State of California; and Mr. Webster called the attention of the Senate to the fact that a provision of that kind was utterly unnecessary in the bill, because the Supreme Court of the United States had already decided that the lands of the United States could not be taxed by the States.

Mr. THOMAS. Mr. President, since that colloquy, however, a number of courts have held to the contrary, and I have just read some of the opinions to that effect. Moreover, I again remind the Senator of the express surrender of the power which Congress requires every State to make upon its admission to the Union.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. Mr. President, the leading case holding that the lands of the Government are taxable regardless of the exemption is the Tennessee case, in which the Government through the process of foreclosure or some other medium—I have forgotten just what—received back a piece of land and it became the property of the Government.

Mr. SHAFROTH. It was through a tax sale.

Mr. BORAH. Through a tax sale; that is right. The Supreme Court of the United States held that the land was not taxable regardless of the question of whether or not it had been exempted; but I am like the Senator from Colorado [Mr. THOMAS] in that I have never seen the reason or philosophy of that holding.

Mr. WALSH. Is that the case of Van Brocklin against Tennessee?

Mr. BORAH. That is the Tennessee case.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield.

Mr. WORKS. I am not familiar with the cases to which our attention has been called, but it will be remembered that the original States voluntarily ceded all of their lands to the United States Government for the purpose of paying the debts of the Government, upon the condition that those lands were not to be taxed, and it has been uniformly held that the new States that are admitted into the Union are admitted on the same terms. It may be that the decision was placed upon that ground, rather than upon any express reservation.

Mr. BORAH. No; the Supreme Court in the Tennessee case goes to the full length in reference to that property and holds that being the property of the United States, it is not taxable.

Mr. WORKS. As I have said, I have no recollection of ever examining that case, but I suggest that might be the reason for it.

Mr. THOMAS. Mr. President, such is my recollection of the decision, but I am unable at this time to detail the reasoning of the court. I believe, however, that these decisions are entirely in harmony with the proposition for which I am contending—that the right of condemnation exists and must exist if the autonomy of the State as a coequal with the sisterhood of Commonwealths is to be maintained, since otherwise the United States, as the greatest of all landed proprietors in a great many of the States, would have the power absolutely to withhold from any sort of settlement or development, if it so chose, every acre of such land, and not only arrest the growth and development of the State, but practically put it out of existence through the consequent lack of facilities and agencies for conducting the government and exercising its functions, for taking care of its citizens, furnishing means of communication, and enforcing the laws of the Commonwealth.

One of these decisions speaks of the necessity of intercommunication between the different parts of the State. Now, will it be said, if the Government should forbid the building of a highway of any sort between the 44 per cent of the State owned by citizens in private ownership and the 56 per cent in public ownership, that the State would not have eo ipso the plenary authority, which is inseparable from sovereignty, to condemn rights of way through these lands for its roads so essential not only to the welfare but to the very existence of community life? It would seem that the mere statement of the proposition carries with it its own answer.

I stated, Mr. President, on Saturday that the rights of way which the early pioneers of California, of Idaho, of Oregon, of Colorado, and of the other Western States had taken and developed for the purposes of their business and community life were an application of this principle by the people, not perhaps in their collective capacity as a State or a Territory, an exercise of that right which necessity or convenience or development demands. The act of 1866—I think our first mining law—provided, in substance, that all conveyances by the Government should be made with reservations of these rights of way. It is applicable as well to patents for mines as to patents for homesteads, and in one of the first cases in which that section was involved, the case of Brodie *v.* Water Co.—there were earlier cases than that—but in the case of Brodie *v.* Water Co. (101 U. S., 274), which was a case brought on error to the Supreme Court of the United States from the Supreme Court of California, the court said, speaking of these rights of way:

> They are rights which the Government had by its conduct recognized and encouraged and was bound to protect before the passage of the act of 1866. We are of opinion that this section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession constituting a valid claim to its continued use than the establishment of a new one.

The act, in other words, did not create these rights. They were there. They were recognized as such, and consequently the exemptions were provided for.

While I am on this subject, Mr. President, I recall that in 1908 or 1909 a client of mine who had acquired a right of way across the public domain under the act of 1866 for a flume and canal for the development of hydroelectric power—a vested right recognized by the then existing laws both of the State and of the Nation—was notified by the Forestry Bureau to apply for and take out a permit for the use of that portion of his right of way which was within the boundaries of a subsequently created forest reserve. Upon consultation with the firm, of which I was then a member, this gentleman decided to ignore the notice. He then received a second one, calling his attention to the first, and insisting upon his compliance within a given period. Upon advice, he allowed that period to lapse. He was then notified that unless he applied for and received the permit, proceedings in ouster would be instituted against him. It was then that his counsel became active, and informed the bureau of the conditions which I have just recited, and of the further fact that no permit would be taken out under any circumstances for what we believed to be an absolute, vested property right. There is no need of following up the details. Suffice it to say that the Government authorities did not see fit to press the matter any further, and it was abandoned; but I was told in that connection of instances where the same demand had been made and complied with by the owners of similar rights of way as an alternative to the disagreeable prospect of controversy with the Federal Government.

Now, let me again refer to the case of Withers *v.* Buckley—a case with which my friend from Mississippi [Mr. WILLIAMS] is doubtless familiar, since it arose in his State under an attempt on the part of the State government to develop certain watercourses within the State, and which was challenged upon the ground that the public domain through which these watercourses ran, being the property of the United States, was without the power of the State of Mississippi to interfere with or to take any action about. The court said:

> It can not be imputed to Congress that they ever designed to forbid, or to withhold from the State of Mississippi, the power of improving the interior of that State, * * * although a plan of improvement to be adopted might embrace or affect the course or the flow of rivers situated within the interior of the State. Could such an intention be ascribed to Congress, the right to enforce it may be confidently denied. Clearly, Congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign independent State, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very nature of the Federal compact. Obviously, and it may be said primarily, among the incidents of that equality is the right to make improvements in the rivers, water courses, and highways situated within the State.

The case of West River Bridge Co. *v.* Dix (6 How., p. 529), decided about the same time, announced that—

> It can not be justly disputed that in every political sovereign community there inheres necessarily the right and the duty of guarding its own existence, and of protecting and promoting the interests and welfare of the community at large. This power and this duty are to be exerted not only in the highest acts of sovereignty, and in the external relations of governments; they reach and comprehend likewise the interior polity and relations of social life, which should be regulated with reference to the advantage of the whole society. This power, denominated the eminent domain of the State, is, as its name imports, paramount to all private rights vested under the government, and these last are, by necessary implication, held in subordination to this power and must yield in every instance to its proper exercise.
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> The Constitution of the United States, although adopted by the sovereign States of this Union, and proclaimed in its own language to be the supreme law for their government, can, by no rational interpretation, be brought to conflict with this attribute in the States; there is no express delegation of it by the Constitution; and it would imply an incredible fatuity in the States to ascribe to them the intention to relinquish the power of self-government and self-preservation.

I think that is the strongest expression upon the subject to be found from the Supreme Court of the United States; and yet it is by no means too strong, because the plenary power of disposition of all property within the limits of a Commonwealth—excepting, of course, those limitations which are imposed by the Constitution, which are very few and very specific, and those imposed by its own constitution—is so much an essential to its existence that it would be worse than fatuous to propose for a moment to surrender it. Indeed, as stated in one of the decisions which I read on Saturday, if the Federal Government made it a condition to the admission of a State that it should surrender even a part of its sovereign power of eminent domain, the requirement would be absolutely void.

Mr. President, it is said—and I have encountered this statement on more than one occasion as an argument against this proposition—that the requirement by the Government, upon the admission of the State of Colorado, that it should recognize and not interfere with the Government's sole power of disposition and control of the public domain within its borders carried with it a surrender of all plenary power over such property; and attention is always called to the recitals of the enabling act and of the Constitution upon this subject. I have already endeavored to show that the provision of the Constitution of the United States giving to Congress the power of disposal of its property is not a basis for the claim of sovereignty over it. In other words, it confers merely a power of disposition, not a power of absolute political domination. It is not a power of political domination in any sense, and, as a consequence, it is merely an exemption of control by the State so far as relates to the power of disposition and proprietary control over that part of its domain the title to which still remains in the Government.

That contention, supported as it is by the authorities which I have read, is perfectly consistent with the assertion of the sovereign power of eminent domain over these lands. As a citizen of Colorado I have the sole power of disposition of my property. The Senator from Nebraska [Mr. NORRIS] has in Nebraska the sole power of disposition over his property. The Government of the United States in both these States has similar power of disposition over its property.

The fact that the constitution expressly gives that authority does not enlarge and transform it from a power of disposal to a power of sovereignty, and when we remember that that clause of the constitution which confers this power of disposition declares that it shall not in anywise interfere "with any claim of the State or of the United States" we must conclude that it was designed, by virtue of the imposition of that condition, to emphasize my contention and to limit its operation to the power of disposition. If it were otherwise, then the provision of our constitution recognizing a right of way over public lands for the disposition of waters and their use would be nugatory. It would be in conflict with the Constitution of the United States. But the Congress accepted that constitution. The President of the United States ratified it in his proclamation declaring our State admitted into the Union. It has been recognized by the practice of the people with regard to rights of way over the public domain. The supreme court of the State has emphasized it as an inherent essential sovereign power. The Federal courts have never anywhere questioned or challenged its accuracy.

So I say that the enabling act and the constitution of Colorado are reconcilable each with the other, and both with this provision of the constitution, if we carry in our minds the distinction between the proprietary, primary right of disposition and the right of eminent domain over the same lands. The assurance of the proprietary right of disposition was demanded by the United States in the enabling act. The right of eminent domain over the public lands was expressly asserted by the State of Colorado in its constitution, and there is no inconsistency between them. The executive department of the Federal Government acquiesced in the distinction when it proclaimed the admission of the State into the Union.

The most recent State case upon this subject to which my attention has been directed, where it was fully considered, is a case from Wyoming entitled Farm Investment Co. *v.* Carpenter (61 Pac., 258). The court there states the form in which the question was raised:

> It is strenuously insisted that the declaration contained in the Constitution that the waters of the natural streams, etc., are the property of the State is meaningless and of no force and effect. It is argued that the State no more than an individual can acquire property by a mere assertion of ownership, and that the United States, as the primary owner of the soil, is also primarily possessed of the title to the waters of the streams flowing across the public lands. This contention demands more than a passing notice.

I shall not take time, Mr. President, to read the long extract from that opinion in the brief which I hold in my hands, but I shall ask leave to insert it in the RECORD at this point as a part of my remarks, being pages 127 and 128 of this document.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

> So far as any proprietary rights of the United States are concerned, the question would seem to be settled in favor of the effectiveness of the declaration by the act of admission, which embraces the following provision: "and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed * * *." At the modern common law public waters are generally confined to those which are navigable, and public rights therein to navigation and fishery and privileges incident thereto. In the arid region of this country another public use has been recognized by custom and laws and sanctioned by the courts—a public use sufficient to support the exercise of the power of eminent domain. (Irrigation District *v.* Bradley, 164 U. S., 112.) This use and the doctrine supporting it are founded upon the necessities growing out of natural conditions and are absolutely essential to the development of the material resources of the country. * * * The common-law doctrine of riparian rights relating to the use of the water of natural streams and other natural bodies of water not prevailing, but the opposite thereof, and one inconsistent therewith, having been affirmed and asserted by custom, laws and decisions of courts, and the rule adopted permitting the acquisition of rights by appropriation, the waters affected thereby become, perforce, publici juris. It is therefore doubtful whether an express constitutional or statutory declaration is required in the first place to render them public.
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> In a country where the doctrine of prior appropriation has at all times been recognized and maintained an expression by constitution or statute that the waters subject to appropriation are public, or the property of the public, would seem rather to declare and confirm a principle already existing than to announce a new one. But, however this may be, we entertain no doubt of the power of the people in their organic law, when existing vested rights are not unconstitutionally interfered with, to declare the waters of all natural streams and other natural bodies of water to be the property of the public or of the State. Nor do we doubt that the legislature may make a like declaration, when in that particular unrestrained by the constitution. * * * If, as has been said, the title of the General Government to the public lands is that of proprietor rather than sovereign (Kin. Irr., sec. 145), it would seem that its rights as such are not greater to the waters of the streams flowing across the lands than those of an individual owner.

Mr. THOMAS. Mr. President, the question was asked on Saturday—and it was a very pertinent one—if it be true that the State may exercise its power of eminent domain over the lands of the United States within its borders the title to which is in the Government of the United States, how can it put that right into effective operation? I think the Senator from South Dakota [Mr. STERLING] asked me if I could refer him to a single case in which this right was asserted in the courts against the United States; and the question was asked by the Senator having charge of the bill [Mr. MYERS] whether I could cite him to a single case in which the United States appeared as a defendant. I told him that I could not, but that I preferred to discuss the proposition later on.

It is known, of course, by everyone, and certainly by the legal profession, that rights are fundamentally of two kinds. There are substantial rights and there are remedial rights. It may be true that the remedial right is in some instances essential to the enjoyment of the substantial right; but they are as fundamentally distinct and separate as the night from the day. If I am in possession of a substantial right, the fact can in no manner be influenced by the question whether or not there goes with it a remedial right. If it is my right, then, even though I may not be able to enforce it in certain directions, even though the laws of my country do not prescribe a specific method of procedure for its recognition, it is a fundamental right, substantial in its character, and from which I can not be deprived under the Constitution of my country.

If I own a bond issued by the Government of the United States I have a right to demand upon maturity the amount of its principal, and between the time I acquire it and its maturity every interest payment as it matures, but I have no remedial right that I know of through which I can enforce this demand if the Government should for any reason fail to meet its obligation. Will anyone say that because that is a fact my property right in that Government bond is not absolute, that it is not mine, that I have not a right to insist that it shall not be taxed, that I may not dispose of it and depend upon the Government, independently of any question of remedy, for its recognition and allowance?

I think this one illustration is enough to satisfy the Senate that the existence of the right must be considered as distinct from the question of remedy. If it is a right, however, it certainly should be one which can be exercised without doubt. I question whether the general proposition that the Federal Government can not be sued without its consent, or that a State can not be sued without its consent, in the event the Government of the United States should want to condemn State lands for its specific purposes, would be entirely applicable. It is true that proceedings in condemnation are controversies, Mr. President, which admit of appeal and upon which error can be assigned, but, as a matter of fact, proceedings for the enforcement of condemnation do not constitute "actions at law."

In the Cyclopedia of Law and Procedure, volume 15, page 805, it is said that—

> Condemnation proceedings are no more than a compulsory sale of all the owner's interest in the property sought to be appropriated. Under most of the statutes such proceedings are essentially proceedings in rem, although the methods by which the power of eminent domain is to be exercised vary according to circumstances and according to the provisions of the different State legislatures. The proceeding is not one according to the course of the common law, but is a special proceeding, and it is not one to determine titles, unless this is allowed by the statute, but to fix the compensation and assess the damages. It is distinct in character from proceedings by which money is raised by taxation to make compensation for the land taken.

It is a proceeding, as here stated, in rem, a proceeding in which the object sought is to acquire property by ascertaining and then paying its value, because it can not be taken without compensation.

Of course, notice must be given of some sort to the owner of the premises and those who claim to be owners. A jury trial can not be demanded as a matter of right unless the statute so provides. In my State provision is made in some instances for a jury, in others for a commission of appraisers. The court may appoint a commission consisting of three members, if you please, or five, as the statute may be, and these inquire into and determine and assess the amount, which, when paid into court, gives the right to possession.

In my State upon the filing of a petition, if it is made to appear to the court that the petitioner needs immediate possession, he is given it upon paying a certain amount in court fixed by the judge as being the probable value. If after the end of the proceeding there is an appeal, that does not operate to deprive the petitioner of the possession of the premises pending the appeal, for the whole question is one of compensation, not the ascertainment of title, not ejectment. The title can not be in dispute at all or controverted unless the local statute makes such provision.

The act of the General Assembly of Colorado upon this subject was passed in 1915. I shall not take the time to read it, but I shall ask permission to insert it at the end of my remarks. It has reference to taking over the public domain. It provides

for the filing of a petition for the purpose of determining compensation and the fixing of a time for a hearing upon it, publication of a notice in some newspaper of general circulation in the State once a week for six weeks prior to the time set for hearing, and in the event the property belongs to the United States the service of a copy of the notice and petition upon the legal representative of the Government within the State. Then follow the details, which are common, I think, to practically all acts regarding condemnation.

Mr. President, my first answer to the proposition propounded by the Senator from South Dakota is that in Colorado the legislature has, by affirmative action, sought to give the State and through the State the corporation entitled to rights of way a method of acquiring them by proceedings in the courts; and of course upon the theory that, being a proceeding in rem, the ownership of the property, because it happens to be in the Government instead of the individual, can not oust the court from jurisdiction.

In the cases of Denver & Rio Grande Company *v.* Wilson (28 Colo., 6) and Edwards *v.* Roberts (144 Pac., 856), that being a Colorado case also, the principle of the United States *v.* Bridge Company (6 McLean, 517), was recognized, and an application for injunction restraining the possession which had been acquired in those cases from continuance was denied.

I have no doubt, Mr. President, that after complying with the laws of the State regarding appropriations and the location of necessary reservoir sites and rights of way, the representatives of the right may, as has always been done in the West, enter upon the public domain and begin the work of construction. When the Government seeks to interfere the condemnor can defend his possession by pleading that he is there under the State's power of eminent domain and ask for the assessments of damages by way of compensation.

There are a number of authorities upon that proposition. Roberts *v.* Northern Pacific Railroad Co. (158 U. S., 1) was a bill by the Northern Pacific Railroad to quiet title to certain lands. Roberts became purchaser of a tract of land long after the railroad company had entered into possession of it and constructed its road. The Supreme Court of the United States, in passing upon this proposition, said:

> It is well settled that where a railroad company, having the power of eminent domain, has entered into actual possession of land necessary for its corporate purposes, whether with or without the consent of the owner of such lands, a subsequent vendee of the latter takes the land subject to the burden of the railroad and the right to payment from the railroad company, if it entered by virtue of an agreement to pay, or to damages, if the entry was unauthorized, belongs to the owner at the time the railroad company took possession.
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> So, too, it has been frequently held that if a landowner, knowing that a railroad company has entered upon his land and is engaged in constructing its road without having complied with the statute, requiring either payment by agreement or proceedings to condemn, remains inactive and permits them to go on and expend large sums in the work, he will be estopped from maintaining either trespass or ejectment for the entry, and will be regarded as having acquiesced therein and be restricted to a suit for damages.

There is another case in which the Northern Pacific Co. was a party which was decided by the Supreme Court also. It is the case of Northern Pacific Railroad Co. *v.* Smith (171 U. S., 260), the proceedings being somewhat similar to that of the first case mentioned. There the court held:

> There is abundant authority for the proposition that, while no man can be deprived of his property, even in the exercise of the right of eminent domain, unless he is compensated therefor, yet that the property holder, if cognizant of the facts, may, by permitting a railroad company, without objection, to take possession of land, construct its track, and operate its road, preclude himself from a remedy by an action of ejectment. His remedy must be sought either in a suit of equity or in a proceeding under the statute, if one be provided, regulating the appropriating of private property for railroad purposes.

Perhaps the strongest case upon this immediate subject is that of New York City against Pine, in One hundred and eighty-fifth United States, page 93:

> That was a suit by riparian owners to restrain the city of New York from completing a dam which would divert water from the plaintiff's land. The city had been building the dam for two years prior to the filing of plaintiff's bill and had spent large sums of money.
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> At the beginning of his opinion, Mr. Justice Brewer assumes that the city of New York could not have condemned the right to appropriate this water, and that if this suit had been brought prior to the beginning of work on the dam an injunction would have been granted, and after reviewing the cases, where the courts under certain circumstances have refused to interfere with the possession of railroads, he says:
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> "It is, however urged that in all the cases referred to the one party could have appropriated the property or right of the other by condemnation proceedings, and that as he could have done so he should not be disturbed for lack of those proceedings, but either given time to carry them through or else in the pending equitable suit have the compensation or damages estimated, and then, upon payment, be protected in his possession. In other words, as he could have obtained the rightful possession by legal proceedings and payment, equity will do what the law could have done, and on payment of the ascertained compensation or damages affirm the possession. Whatever may be true of these cases, we start in this with the assumption that there was no power in the city of New York, by any proceedings in the States of New York or Connecticut, to acquire the right of appropriating this water and thus depriving the plaintiffs of its continued flow."

Nevertheless in that case, Mr. President, the Supreme Court referred the owner of the property to his right of compensation. I do not know of a more extreme case than this where the right not existing originally became one which the court would not disturb since it had been exercised.

In the case of Kamper *v.* the City of Chicago (215 Fed., 706) the city of Chicago, I think, in 1897 had built a tunnel under the lake for the purpose of supplying itself with a needed quantum of pure water, and went below the surface of the land in question without any proceedings of condemnation. The action was brought within a month after the existence of the tunnel work was discovered by the owner. He was denied the mandatory injunction and relegated to his proceeding under the statutes for the ascertainment and payment of compensation.

There are other cases, quite a number of them, following the same general line of opinion, to which I shall not take up the time of the Senate by quoting.

Mr. President, I have detained the Senate unduly in the presentation of the legal phases of the proposition. I have done so not only because the question is a most interesting one, but also because it is a tremendously important one, and one which, if exercised in the public-domain States, will enable the people of those States to utilize not only the body of the waters of their natural streams for domestic and agricultural purposes, but the power as well for the development of their Commonwealths, for the expansion of their industries, for the effectuation of those objects of government for which States are created and which if they discharge their functions properly and effectually must be exercised.

It is true, Mr. President, that until recent specific acts of legislation upon this subject enacted by Congress, and prior to the time when these large reservations were made, this power of condemnation remained dormant, that it was infrequently exercised, but the reason is evident. In the first place, the statutes of the United States, recognizing the existence of these rights, made the way easy for the acquisition of title. Instead of interposing obstacles and difficulties they cleared the way, so to speak, by enactments, some general and others specific. Where the Government, for example, had given the general right of way to railroad companies across the public domain it would be an unnecessary and expensive act for a company to invoke the State power of condemnation for something that it could get so much easier by following the permissive enactments of the Federal Government, and the same has been true with regard to rights of way for water and to reservoirs.

The mere fact that the resort to the power has not been essential may explain to some extent why its discussion seems to be that of a new and strange proposition, but it certainly can not operate to divest the State of the power, if it possesses it. A sovereign power may remain dormant because its use is unnecessary, but it can not be surrendered, misuse or nonuse can not in anywise affect its existence or its extent, and it can always be invoked whenever the necessity for invoking it shall be presented.

Mr. President, if this bill becomes a law, and Congress by specific enactment declares that the power sites withdrawn may be used for the generation of hydroelectric power only by leasing arrangements with the Government itself, one can easily perceive that inevitably the Federal Government will insist that only by the method it has provided can there be any development whatever. The Government will declare, and its courts will be expected to decide, that the power of eminent domain inherent in the States of Nevada and Colorado has been diminished to the extent to which the title of the public lands remains in the Government, and while it is plenary in the State of Missouri or in the State of New York because of the private proprietorship of land within the boundaries of Nevada and Colorado, our equality has been diminished and can never be effectual with and equal to those of the other States, since the Government does not propose hereafter to part with its title to the property to which this bill relates.

Mr. President, I regard that as a condition far more serious, far more sinister as an invasion of the rights of the Commonwealths, of their sovereign power and authority, and therefore far more important, than the development of these resources, and perhaps more important than any other consideration which can present itself to our experience.

It is true, Mr. President, that since the close of the rebellion the powers of the central Government have been largely augmented, and that those of the States have been correspondingly

diminished. It is true, too unhappily true, that many of our States have voluntarily relinquished much of their sovereign power in exchange for appropriations to be expended within their boundaries, thereby relieving their people from the otherwise large taxation which might follow if these rights were retained and exercised as they should be. Indeed, it is common nowadays to assert that the States are prepared, if the appropriation is large enough, to surrender every right which they possess either in detail or in bulk, the consideration being deemed ample compensation and the burdens of taxation being shifted to the shoulders of the Nation.

I stated the other day, not entirely by way of humor, that it has become common to assume that anything is constitutional which Congress sees fit to place upon the statute book. We know that the successive steps taken by the Supreme Court in the construction given to the commerce clauses have now reached a point where we may assert and exercise all the police powers of the States. I am unable to draw a distinction between those acts which have been passed and nearly all of which have been sustained by the Supreme Court and bills which might be enacted whereby the regulation of sanitary conditions and of the lawbreaking elements may be assumed and administered exclusively by the Federal Government.

It may be, Mr. President, that such a policy is better for the people than preserving our powers of self-government. If that is so, then, of course, the sooner the march to absolute centralization shall be accomplished the better. It will do away with discussions like this and enable us in Colorado to look entirely to the city of Washington, both for our legislation and for our revenues for the expense of local administration.

But, for one, Mr. President, while I recognize the necessity of a great extension of governmental authority and activity, legislation like this and acts of a similar character, which must practically eventuate in depriving the States of the fundamental right of existence, or at least of very seriously impairing it, and acts of administration which must necessitate the appointment and employment of scores upon scores of additional employees of the Government, interfering with the laws of the locality, creating irritation, and producing expense far in excess of any revenue that can possibly be derived from the application of this law to our water powers, should only be resisted but by every possible legitimate method.

Mr. President, I know it will be answered, as it has been in the past, that we have wasted our substance, that the great and wonderful resources of this country have been squandered. We have been the spendthrift among nations and have permitted the adventurer, the unprincipled, the unscrupulous, and the criminal to absorb our vast resources and to appropriate their immense values at the expense of the people, and that their remnants will go the way of the rest if the Federal authority fails to preserve it by perpetuating its ownership of it.

Mr. SHAFROTH. Mr. President, before the Senator leaves the matter to which he has just referred, I wish to call his attention to the fact that when he speaks about scores and scores of officers he is going to the minimum of the matter. I wish to call attention to the fact that it is said Mr. Pinchot, in speaking to the Senator from Wyoming [Mr. CLARK] concerning the number of men who would be required in the Forestry Service when he got it in perfect condition, stated that it would require 100,000 employees.

Mr. THOMAS. If this bill passes and is put into operation, I am inclined to think that estimate would not be an exaggeration. Whether it will prove so under existing laws, of course I am unable to say.

I admit, Mr. President, that the land laws of the Government of the United States have frequently been shamefully abused and prostituted to private ends. No man at all conversant with land-laws administration during the last 75 years can deny it. We began by giving grants to private corporations to aid them in the development of the country through the establishment of lines of transportation. We granted empires to the Pacific Railroads and tracts of vast dimensions to institutions and enterprises of less importance, but said to be required for the development of the States. We made a mistake, in my judgment, in doing this. I firmly believe that when the benefits are measured with the evils which resulted from this universal grant of public lands the balance will be upon the side of the evils.

But that was not State, it was national legislation which accomplished this. It was not a State, it was a national policy. Unquestionably the men who organized and consummated such methods of Government aid were for the most part actuated by lofty motives and patriotic purposes. Unquestionably the Congress of the United States which initiated that policy had the best interests of the people at heart. So my strictures should be confined to the system and should not involve the good faith of the early pioneers in land legislation, who had for their purpose the development of Commonwealths and the settlement of the vast area between the Mississippi River and the Pacific Ocean.

Mr. President, that policy did recognize the tremendous importance of so disposing of the land that the citizen could ultimately secure title to it. It did place into private ownership these enormous tracts, at least to the extent of submitting them to taxation. The disposition of their lands by the railroad companies has been constant, and the occupation of the land has therefore been in accord with that element of the national policy.

In that particular, Mr. President, I am reminded that when the Union Pacific Railroad was organized, when the great enterprise was contemplated, it was the oriental traffic, and the oriental traffic only, which constituted the theoretical basis of its revenues. Every financial scheme designed for the promotion and completion of the enterprise looked for its success and its profit to the oriental traffic, passing from the Continent of Asia, across the Continent of America, and reaching the great markets of Europe. If anyone had at that time suggested any other source of revenue, and particularly a local source of revenue for the enterprise, he would not have received decent consideration.

But in 1887 the president of the road, in an article published by Scribner's Magazine in that year entitled "A great event in history," gave a graphic and interesting account of the completion of the road and the joining of the extremities of the Central Pacific and the Union Pacific near where the city of Ogden now stands. He called attention to this original basis of financing the road, and then declared that in 1885 the local development had grown so rapidly, population had come in so enormously, so many States had been formed along the line of the road, that the local traffic—the continental traffic perhaps would be a better expression—constituted 95 per cent and the oriental traffic but 5 per cent of its enormous receipts. In other words, the thing which was looked to as the financial basis of the enterprise became as nothing; the element of development of the country, which was hardly considered as one contributing to the revenues of the railroad, became its mainstay and support. So there was an element of benefit to the Nation, and certainly to that section of the country, in the building of this great highway through public aid, since it attracted this enormous population; and with the development of the country through private ownership and private enterprise, the business contributing to the road enabled it to meet its obligations and to yield a profit to its promoters and owners. That, however, was but the first step.

Mr. President, there is no doubt, and no one can dispute the fact, that between 1865, when the Civil War was brought to a close, and 1900, when the old century expired, the domain of the United States was plundered and stolen in a way shocking even to the extravagant ideas of that period. How was it done? Through the operation of Federal statutes, combined with their methods of administration by Federal employees and the heads of departments. Millions of acres of coal land, millions of acres of splendid timberland—all these were acquired, Mr. President, not from the States, not from State administration, not even through State connivance—but they were acquired through the operation of the laws of the United States, plus their administration by men who, to say the least of it, had little regard for their duties or for the rights and the welfare of the public.

One of the pitiable things about the Forestry Service is that largely through its agency the great timber reserves of the United States have passed into private ownership. It was perfectly easy. A forest reserve under the law could be created by administrative order. If a reserve was created which embraced land held in private ownership, the law gave the owners the right of exchanging it for any other nonmineral land of the United States which were open to occupation or purchase.

Why, Mr. President, the manufacture of forest reserves under the operation of that system became a business, an occupation of some of the great combinations of the country. Let me give an instance which I recall. The Santa Fe Railroad Co. secured the extension of, I think it was, the Navajo Reservation—I am not certain of the name—so as to embrace a vast area of lands reserved as a part of the grant to the old Atlantic & Pacific Railroad Corporation which had passed to it, which were worthless, and then, under the lieu law, simply exchanged those lands for an equal area of the magnificent forests of Oregon and Washington. My recollection is that through its operation they were able to secure to themselves over 500,000 acres of forest lands equal to any land in the world for as

many acres of land that would hardly sustain a jack rabbit over night. What that company did citizens of the United States did and other corporations did, until by 1900 the amount of timberland worth having in those States became a negligible quantity.

Mr. President, such a situation could not have arisen if those lands, instead of being owned by the United States, had been conveyed to the States respectively. The Santa Fe Co. could not under such conditions have exchanged its worthless desert lands in Arizona for the magnificent timberlands of the State of Washington, nor could some of the private owners of my State have secured the extension of our forest reserves so as to take in thousands of acres of land upon which a tree never grew and upon which a tree never can grow, for the purpose of securing exchanges for better territory, the prospective value of which it is extremely difficult to estimate.

Mr. SHAFROTH. Mr. President——

Mr. THOMAS. I will yield to my colleague in just a moment.

The Union Pacific Railroad Co. at one time filled the streets of Denver with men—adventurers, poor men—for the purpose of securing entries of coal lands in their names, only to be transferred to that corporation just as soon as the entries were made, all in compliance with the letter of the law and made possible, through the cooperation—passively, if you please, but the cooperation—of officials charged with the duty of administering these land laws both in the city of Washington and in the land districts of the country. I now yield to my colleague.

Mr. SHAFROTH. Mr. President, in relation to what the Senator from Colorado has just stated concerning the land grants that were made by the National Government to the various railroad companies, I wish to call his attention to the fact that there were 43 railroad grants made by Congress, and that they aggregated 155,504,994 acres, being an area equal to all of the thirteen original States.

Mr. THOMAS. And the Senator might have added, Mr. President, that the bulk of the land contained in those grants is as good as the best of the lands in the country.

Mr. President, very naturally these shocking exhibitions of personal and corporate cupidity produced a reaction; reactions nearly always go to the other extreme. A school of land administration, if I may so call it, sprang into existence, consisting of men of high character and lofty motives, intent upon serving their country from their standpoint, some of whom unfortunately have become obsessed with the notion that unless the pendulum shall not only swing to but be kept at the other end of the arc these unhappy practices will persist until nothing of the national patrimony shall be left to the people. As a result, the citizens of the United States desiring homes and willing to comply with the law's requirements, some of which are pretty hard upon a poor man, or desiring to prospect upon the public domain for gold, or silver, or lead, or copper, or for phosphates, or for oil and gas, is not only regarded with suspicion, but is treated as such from the inception to the end of his claim. I do not mean to say that that is universally true; I do not mean to say that the policy has been the outgrowth of the action of men who really believe, or would for a moment confess that that is so. I have reference to the operation of the system which has been the outgrowth of these conditions.

My State is being punished, and the good citizens of my State are being punished, as are those of the other arid States of the Union, for sins which were committed by others, which they denounced quite as severely as anyone, which they denounced before anyone else did, to which they called the attention of the Government time after time. These men are unfortunately those who suffer the consequences of that condition. The Government says to citizens of my State: "If you discover oil, or gas, or phosphates anywhere, we will reserve it." I once heard a story, when I was a boy, of a woman who was always looking out for burglars. One night she awakened her husband, saying: "There is a burglar in the house." "All right," the old man said, "let him hunt, and if he finds anything we will get up and take it away from him." [Laughter.] In a way, such is the Government's policy now with reference to its mineral domain. Let the citizen hunt, and, if he finds anything, then it arouses itself and takes it away from him.

Mr. President, what sort of an inducement does such a policy hold out to the man of adventure? This country was settled and populated by those following in the wake of men of adventure. The first man to cross the plains and to brave the dangers of an inhospitable climate, and of the more inhospitable savage, who subjected himself to thirst and to the hazard of disease, who separated himself from all the elements of civilization and penetrated those solitudes, was drawn there by the lure of gold and silver, and because he knew that if he discovered either a generous Government would recognize his possession of it and reward him accordingly. The tide of humanity now occupying that country followed the trail which the pioneer for gold and silver blazed across the desert. They devoted themselves to the cultivation of the earth; they anchored themselves to the soil; and with the prospector they built up those magnificent communities now covering the continent from the Missouri River to the Pacific Ocean.

I ask you, Mr. President, what would have been the fate of that section if the policy of which this bill is a good illustration had been enforced at that time? Would the prospector have penetrated the wilds of the Rocky Mountains in his search for gold if, as soon as it was known that he had discovered it, he had been sure that the Government would withdraw it from location? Would these splendid reservoirs of oil, which have been opened up in Wyoming and in California, and earlier than that period in my own State and in other States upon the public domain, have been revealed if such a policy had been proclaimed years ago?

I do not know, Mr. President [Mr. HUSTING in the chair], whether you have been in that section of California where these new oil reservoirs have been discovered. It is literally a desert country; a country not designed for human habitation; a country lying under the interdict of drought; a country far removed from every comfort of civilization, a country good only for the stores of wealth that lie beneath its scarred and barren and repulsive surface.

The sufferings which those men endured and the hazards which they encountered in their discovery of oil are, to my mind, but poor compensation for the benefits which they have conferred upon this Nation through the additions which they have been able to make to its stores of material wealth; but a generous Government, harking back to the things that transpired during the last century and to offenses committed by others, has said, "You can not have title to these properties; they are reserved under the principle of conservation; they are withdrawn from private ownership." We will lease some of them, provided laws are passed for that purpose. Though some of those wells are running, and all of them must be cared for, prosperity lags, and honest men are going to wreck and ruin through a policy which is not only mistaken but cruel.

Now, Mr. President, with regard to the immediate subject of this bill, every water power in my State which is still undeveloped, every water power in the great and magnificent State of Montana which is now undeveloped, can and should be developed under the laws of our respective Commonwealths, without doing injustice to anyone, without in any wise militating against that abhorrence of monopoly, which is the common sentiment of the people of the United States. Indeed, Mr. President, these monopolistic conditions are emphasized by our inability to develop these natural resources and the consequent competition that might ensue.

The great State of Montana has a magnificent public-utilities commission; the State of Colorado has one equally as good, and so have the other arid States. They are composed of men able and willing to protect the public interests, and to so regulate compensation as to relieve the people from the burdens of extortion. Under what principle, therefore, can it be said that the people who have created these Commonwealths, whose loyalty to the Government of the United States is as active and as constant and as sincere as that of the people of any other section, whose interests and the interests of whose children are identified and wrapped up in the prosperity and the growth of those great Commonwealths—upon what principle, Mr. President, can it be said that these people can not be trusted to do their own development, that they must be kept in a state of tutelage and guardianship by the National Government situated 3,000 miles away and administering its laws through its local tentacles in the shape of representatives upon the ground?

I think, Mr. President, that this bill is radically and fundamentally wrong. The only doubt I have upon the subject lies in the fact that my distinguished friend from Montana [Mr. WALSH] believes to the contrary. I have such a high opinion of the Senator as a statesman, as a lawyer, as a citizen, and as a friend that I must necessarily believe that there may be some good in this bill or it would be impossible that it should receive his loyal support; but, Mr. President, I am reminded that there was a time when the Senator and myself were more nearly together upon this subject than we seem to be at present. His views have been modified, for the best of reasons unquestionably, but I must be pardoned if I walk in the old paths and stand by the ancient ways. I certainly hope this bill will not become a law.

APPENDIX.

EMINENT DOMAIN—RIGHTS OF WAY OVER LANDS OF UNITED STATES OR STATE.

[Senate bill No. 334, by Senator Williams.]

An act relating to the appropriation of land for corporate and public purposes, to the procedure for appropriation of land and rights in land belonging to the United States, the State of Colorado, or any other State or sovereignty, and to actions by property owners against such corporations in possession.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Whenever any corporation authorized to appropriate for a public use, by the exercise of the right of eminent domain, lands, right of way, or other right or easement in lands, requires, needs, or desires to appropriate lands or right of way or other right of easement in lands which belong to the United States, the State of Colorado, or any other State or sovereignty, such corporation, for the purpose of having such lands, right of way, or other right of easement appropriated to such use, and for determining the compensation to be paid to such owner therefor, may present a petition to any court of record in the county or counties in which such lands or any part thereof are located, describing the desired property, giving the name of the owner thereof, and stating by whom and for what purpose it is proposed to be appropriated, and that it is needed and required by the petitioner for the public use to which it is proposed to devote the same, and praying that such court appropriate such property to its use and determine the compensation to be paid to the owner therefor.

SEC. 2. Such court shall fix a time for the first hearing upon said petition, and notice directed to such owner of the filing of the petition and its objects and containing a description of the property and of the time and place of the first hearing shall be published by such corporation in one or more newspapers of general circulation in the State of Colorado once a week for six weeks prior to the time set for the first hearing, and at least two weeks before the time set for the first hearing a copy of said notice shall be served on any party who shall be in actual possession of the land, and in case the State is the owner, on the secretary of state, and in case the United States is the owner, on the United States attorney for the district in which the land or any part thereof is situated. The copy of such notice shall be deemed to have been sufficiently served if delivered during the usual hours of business at the residence of the party in possession or at the office of the secretary of state or the United States attorney, as the case may be.

SEC. 3. Upon proof being filed of the publication of such notice and of such personal service where required, the court, at the time and place therein fixed, or to which the hearing may be adjourned, shall proceed to hear the allegations and proofs of all persons interested touching the matters to it committed, regulating the order of proof as it may deem best. The testimony taken by it shall be under oath. The court shall determine the truth of the matters alleged and set forth in the petition and also the compensation to be paid to such owner for the lands, right of way, or other right or easement in lands to be appropriated; but in the event that the petitioner shall have theretofore taken possession of such lands, right of way, or other right or easement in lands, the value thereof shall be determined without considering the value of any improvements that may have been constructed by such corporation and as of the date when such corporation took possession; and the court shall file among its records its findings in writing and shall give notice to the petitioner that its findings have been filed. The petitioner shall cause a notice to be published in one or more newspapers of general circulation in the State of Colorado once a week for two weeks setting forth that the findings of the court have been filed and stating the amount of the compensation fixed by the court, and if the owner shall have appeared in said proceeding by attorney a copy of said notice shall be served prior to the last publication of said notice upon the attorney so appearing.

SEC. 4. In case no appeal, as hereinafter provided, is taken within 30 days after the last publication of notice that the findings of the court have been filed, the court, upon the payment by the petitioner to the clerk of such court, of the compensation fixed by the court, shall, upon motion of the petitioner, enter an order appropriating the lands, right of way, or other right or easement in lands, as the case may be, to the petitioner, and thereafter the same shall be the property of the petitioner and a certified copy of the order may be filed for record with the county clerk and recorder of the county in which such lands, right of way, or other right of easement in lands are located, and such record shall be notice, and a certified copy of such record shall be evidence of the title and rights of the petitioner as therein set forth. The clerk of said court shall notify the owner of the property of the payment of the compensation fixed by the court and shall pay the same to such owner on demand.

SEC. 5. Upon the payment into court of the compensation assessed the court shall give judgment appropriating the lands, right of way, or other right or easement in lands, as the case may be, to the petitioner, and thereafter the same shall be the property of the petitioner. Either party to the action may sue out a writ of error from the judgment therein in like manner and with like effect as in ordinary condemnation cases, but such writ of error shall not stay the proceedings so as to prevent the petitioner from taking such lands into its possession and using them for the purposes of the petitioner or from proceeding to exercise the right of way or other right or easement appropriated.

Approved April 23, 1915.

Mr. WALSH. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Page	Sutherland
Beckham	Hughes	Phelan	Thomas
Borah	Husting	Pittman	Thompson
Brandegee	James	Poindexter	Tillman
Bryan	Johnson, Me.	Ransdell	Underwood
Chamberlain	Jones	Robinson	Vardaman
Chilton	Kenyon	Saulsbury	Wadsworth
Clark	La Follette	Shafroth	Walsh
Culberson	Lee, Md.	Sheppard	Warren
Cummins	Lewis	Smith, Ariz.	Watson
Fall	Lippitt	Smith, Ga.	Weeks
Fletcher	McLean	Smoot	Works
Gallinger	Martine, N. J.	Sterling	
Hardwick	Norris	Stone	

Mr. WALSH. I desire to announce that the Senator from Missouri [Mr. REED] is absent on account of illness.

The PRESIDING OFFICER. The Chair desires to announce the unavoidable absence of the Senator from South Dakota [Mr. JOHNSON].

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. POMERENE], who has been called out of the Chamber on official business.

Mr. PITTMAN. I desire to announce that the Senator from Montana [Mr. MYERS] has been called to one of the departments on official business.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, there is a quorum present.

Mr. WALSH. Mr. President, it was my opinion that the somewhat elaborate presentation of the principal features of this bill by my colleague [Mr. MYERS] when it was last before the Senate for consideration would render it unnecessary to consume any of the time of the Senate in discussing the bill as a whole, and it had accordingly been my purpose to reserve whatever I had to say for such occasions as might arise in connection with the presentation of amendments to the bill. However, the wide range the discussion to which we have just listened has taken has led me to the conclusion that it would be helpful to those of the Senators who have endeavored to inform themselves as to this bill if a brief statement, at least, were made concerning what the bill is about and what it is intended to accomplish. I accordingly determined this morning and gave notice that at the conclusion of the remarks of the Senator from Colorado I would address the Senate for 30 minutes. I hope to conclude within that time, and I do not think it will take me more than 40 minutes at the outside.

The discussion of this bill by the Senator from Colorado—for whom I have the very warmest affection and the very highest regard—has, if I may be justified in so saying, taken on the aspect of a general criticism of the whole administration of the public-land laws as well as of many of those laws. I am going to endeavor to direct the attention of the Senate in what I shall say to this particular bill, leaving the other things of which we justly complain in the West to be taken up and disposed of and solved in their regular order.

I sent to the desk this morning extracts from recent newspapers showing how deeply concerned some of the leading nations of Europe are to-day over the development and utilization of their water-power resources. These two articles referred to the activities of the Kingdom of Italy and the Republic of France. But, of course, it is well known that the greatest water-power development of Europe within recent years has occurred within the Scandinavian countries and in Germany. I shall show you a little later on how development has been arrested in this country.

It is not necessary, I am sure, for me to say anything more than I have heretofore said to the Senate to excite your interest in this profoundly important legislation. The President of the United States, upon taking office in the year 1913, called the attention of the Congress to this subject in a message which he delivered in accordance with the duty imposed upon him by the Constitution. In his annual message delivered at the convening of Congress on December 2, 1913, after pointing out the necessity of legislation looking to the development of Alaska and the construction of a railroad in that Territory, he said:

> But the construction of railways is only the first step; is only thrusting in the key to the storehouse and throwing back the lock and opening the door. How the tempting resources of the country are to be exploited is another matter, to which I shall take the liberty of from time to time calling your attention, for it is a policy which must be worked out by well-considered stages, not upon theory, but upon lines of practical expediency. It is part of our general problem of conservation. We have a freer hand in working out the problem in Alaska than in the States of the Union; and yet the principle and object are the same wherever we touch it. We must use the resources of the country, not lock them up. There need be no conflict or jealousy as between State and Federal authorities, for there can be no essential difference of purpose between them. The resources in question must be used, but not destroyed or wasted; used, but not monopolized upon any narrow idea of individual rights as against the abiding interests of communities. That a policy can be worked out by conference and concession which will release these resources and yet not jeopardize or dissipate them, I for one have no doubt; and it can be done on lines of regulation which need be no less acceptable to the people and governments of the States concerned than to the people and Government of the Nation at large, whose heritage these resources are. We must bend our counsels to this end. A common purpose ought to make agreement easy.

And so, Mr. President, I am very confident that if we all have an earnest desire, as we all ought to have, to open up these resources, we shall find some way to do it, at least if we shall yield our own individual ideas concerning academic principles and consider the bill as a great business proposition.

Let me explain the conditions to the Senate. It is only within the last 10 or 15 years that the people of the United

States have come to understand that these great power sites upon the public domain are of enormous value. Why, prior to that time, Mr. President, nobody paid any attention to them. All of the public-land laws were applicable to them. A man might take a homestead which would embrace ground upon which eventually a great water power would be developed.

These lands might be appropriated and title to them secured through the operation of any of the public-land laws. Many of them were taken under the mineral laws—not dishonestly, at all, but in the immediate neighborhood mineral was found and the bounds and areas of the grant were extended over the lands which had value as a power site. They were open to appropriation under all forms of scrip—forest-reserve scrip, Valentine scrip, Sioux half-breed scrip, agricultural college scrip. Any of the laws authorized and permitted one to go out and appropriate one of these exceedingly valuable properties. But, as I say, some 10 or 15 years ago it was recognized that that was an unwise, an injudicious, and an improvident disposition of lands of that character, and accordingly they were all withdrawn from all forms of entry, looking to the enactment by Congress of some legislation for their disposition appropriate to their character, considering the use to which they could most profitably be put.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I do.

Mr. HITCHCOCK. Will the Senator state whether, during the periods that they were open for entry or purchase under the various laws of the United States, any of these water-power sites went into private hands?

Mr. WALSH. Why, Mr. President, there is more developed water power per capita in the State of Montana than in any other State in the Union, and it has all been developed upon such lands which have thus passed into private ownership. The great development at Great Falls, 90,000 horsepower, is upon lands that passed out of the hands of the General Government years ago and went into the hands of private holders. The present owners purchased the land from the owners and developed the water power.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I yield to the Senator from Colorado.

Mr. THOMAS. May I ask the Senator if the same statement could not be applied to the property of the great Anaconda Copper Mining Co.? Did not the Government sell that property for $5 an acre—property worth hundreds and hundreds of millions?

Mr. WALSH. Undoubtedly.

Mr. THOMAS. Would the Senator think that that, also, could have been reclaimed?

Mr. WALSH. I do not think anything of the kind. The two stand upon an entirely different footing, as I shall endeavor to show presently. I shall show to the Senate that the only just view to take of these great water-power sites is that they are in the nature of public utilities, and are to be disposed of as franchises for public utilities are disposed of, and not as private lands.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the junior Senator from Colorado?

Mr. WALSH. I trust the Senator will allow me to go on, because I have promised to quit in 40 minutes.

Mr. SHAFROTH. I just want to ask a question right there.

Mr. WALSH. Certainly.

Mr. SHAFROTH. Is it not a fact that the leader of this great conservation movement has said time and again that it is his purpose to have all of the mineral lands in the United States subject to withdrawal and subject to a leasing system by the National Government?

Mr. WALSH. Mr. President, it does not make one bit of difference to me what the great leader of the conservation movement in the United States has said. He does not furnish me either brains or ideas. I take all responsibility myself for any ideas that I express here. I will say, however, in answer to the Senator, that I have followed this subject since it began to be agitated in the public press and in public gatherings, and I never heard the idea suggested by anybody that mineral lands valuable for the metallic contents of ores within them should ever be leased. That, I dare say, will answer the Senator's question.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. Is it not a fact that there is now upon the calendar a bill authorizing the leasing of metalliferous mineral lands upon Indian reservations?

Mr. WALSH. There is.

Mr. SMOOT. Does not the Senator believe that that is simply a first step to having it extended to the general public lands?

Mr. WALSH. I do not. I do not believe anything of the kind.

Mr. SMOOT. Of course, from what has occurred in the last four or five years, and from what I have heard a great many public men say in their utterances, that is what will take place before very long, if they have their way.

Mr. WALSH. I would not like to be diverted now, Senators, from the discussion of the water-power legislation to the discussion of legislation looking to the disposition of the mineral lands. We have a bill here on that subject coming on next. I am very much responsible for it being here. I shall be pleased to talk about that with you when it is before us for consideration. Let us talk about water power now for a while.

Mr. SHAFROTH. But, Mr. President, if the Senator will permit me, he says that he has never heard of anybody even suggesting that the mineral lands should be subject to a leasing system. I will ask the Senator if he is not a member of the Indian Affairs Committee and if that committee has not reported a bill which says:

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this act, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

Does not the Senator realize that there are of those Indian lands reserved now in the State of Arizona 19,551,045 acres, in California 436,000 acres, in Colorado 375,000 acres, in Idaho 55,000 acres, in Nevada 4,313,000 acres, in New Mexico 689,000 acres, in Oregon 1,889,000 acres, in Utah 306,000 acres, in Washington 3,150,000 acres, and in Wyoming 608,000 acres? And does not the Senator realize that the policy of opening Indian reservations heretofore has been for the purpose of entry under the system which he says is the only system which should be pursued by the Government with respect to mineral lands?

Mr. WALSH. Mr. President, I regret that the Senator felt that I yielded to him for the purpose of making a speech.

Mr. SHAFROTH. I have asked the Senator a question.

Mr. WALSH. I shall answer the Senator. I shall be very glad, in the course of what I have to say, to answer any questions that may be addressed to me by any Senator, in order to make my position more clear and to give information; but I trust now that I shall not be asked to get away from the water-power problem and talk about Indian lands or the sale of Indian lands.

I was asked by the senior Senator from Colorado [Mr. THOMAS] what I would say about the great Anaconda mine. I answered him quite frankly. Senators will understand that the lands upon Indian reservations to which this bill relates are not subject to entry in any way at all, mineral or nonmineral. One can not enter there to acquire any right whatever to the lands which are set apart for the exclusive use of the Indians. If one were to go within an Indian reservation for any such purpose, the Indian police would promptly evict him.

The senior Senator from Colorado [Mr. THOMAS] asked me if I wanted to apply the leasing system to mineral lands containing minerals like gold, silver, copper, lead, and so forth. I answered him that I did not; and I never heard anybody—the head of the conservation movement or anybody else—say that it ought to be done.

Mr. THOMAS. Mr. President——

Mr. WALSH. If the Senator will pardon me just a minute, there is no possibility now of working mineral lands within any reservation under any law; but a bill has been introduced under which the commissioner is authorized to allow one to locate a claim within an Indian reservation and to work it under a lease if he cares to, a concession to the prospector and miner never hitherto enjoyed.

Mr. THOMAS. I beg the Senator's pardon for again interrupting him. The purpose of my question was merely to ascertain whether, in the opinion of the Senator, the original cost of the land transferred from the Government of the United

States was an argument against that sort of policy; and if so, whether he would apply it to mining land as well as reserves? If I conveyed the impression that I was asking whether the Senator would apply the leasing system, I was unfortunate in my expression.

Mr. WALSH. That was the way I understood the Senator. I was asked by the Senator from Nebraska [Mr. HITCHCOCK] whether any development had gone on upon these lands which had thus passed into private ownership, and I answered him that all the development in our State, 250,000 horsepower—a greater horsepower per capita than in any other State in the Union—has been upon these lands which have thus passed into private ownership.

Mr. THOMAS. Has it not been a benefit to the State?

Mr. WALSH. I am not going to argue that matter now at all. I am not going to dispute that it has been a benefit to the State. I am simply stating the fact. Mr. President, the question before us is as to whether we shall cancel all these withdrawals and allow these great, valuable water-power sites to be appropriated in the future as they have been in the past under the general laws of the United States, or whether we shall have some law specially applicable to lands of that particular character. They are all withdrawn now.

It should be stated, Mr. President, that, although these lands were withdrawn, an act of Congress passed in 1901, when it began to be appreciated that the problem we are facing required some attention, under the provisions of which the Secretary of the Interior was authorized to grant to one a permit by which he could go upon the public lands and there develop a water-power site. That law, however, contained a clause which was to the effect that the Secretary of the Interior might at any time revoke the permit which was granted by him. In the year 1909 a large number of these permits having been theretofore granted, the Secretary undertook to exercise the power which apparently had been granted to him by the act and recalled a large number of such permits, under some of which no little development work had been done, and under not a few of which large expenditures had been made. Since that time, it being appreciated that the Secretary had the power to revoke such permits, and would revoke them whenever he felt that he ought to do so, the issuance of permits under the act of 1901 has, speaking in a large way, ceased. So that we are in this situation: Here are these wonderful power sites, capable of producing under proper development something like twenty-eight to thirty million horsepower, and there is no law whatever under which they can be appropriated or utilized for the benefit of mankind; and so the necessity rests up the Congress of the United States to legislate upon the subject.

Mr. President, I do not stand sponsor for any bill here. I do not stand sponsor even for the bill which came from the House. I do not stand sponsor by any means for many of these amendments which have been reported by the Senate Committee on Public Lands. But I am here pleading with the Senate of the United States to take this matter into prayerful consideration, and to work out some bill that will throw these great properties open to the public for development upon terms that will be fair and just to anyone who is willing to put his money into such an enterprise. A gentleman fully advised about this matter told me the other day that he had just come from the city of New York and was there informed that there are three hundred millions of dollars ready to go into water-power development in this country.

Mr. President, I referred here this morning to the great power site of the Big Horn Canyon. The Big Horn River rises in the State of Wyoming and flows northward into my State. The canyon is about 50 miles long, affording storage so extensive and full sufficient to make the site capable of producing, as my recollection is, something like 194,000 horsepower with a dam no higher than the dam which the Republic of France is now erecting in the Alps to supply power to the city of Paris. The turbulent waters of the Big Horn rush through this great canyon unrestrained. Bear in mind, Mr. President, that we are now operating 400 miles of the Chicago, Milwaukee & St. Paul road, one of the transcontinental lines, by electricity. The Great Northern Railroad Co. is preparing to electrify its road; and when it does there is not a transcontinental line that can stay in business without electrifying. The demand for the power is there.

Why, Mr. President, I told you that we have already 250,000 developed horsepower in the State of Montana, a further development of 35,000 horsepower is now going on, and all has already been sold.

Mr. HITCHCOCK. Mr. President, has the Senator any estimate of the yield in rental under this lease system?

Mr. WALSH. The Milwaukee road pays about $20 per horsepower.

Mr. HITCHCOCK. I mean, what yield would come to the United States Treasury?

Mr. WALSH. I am going to canvass that subject a little later on.

Mr. President, there is another thing. You will bear in mind now that our development, say, in the State of Montana, as in the adjacent States, has practically gone to the limit. We have utilized nearly all of the lands valuable as great power sites that have passed into private ownership. We can not go forward at all without utilizing these lands being a part of the public domain. The Government owns the land on one or both sides of the stream from the flow of which power may be generated. No one may build a dam there without the consent of the Government of the United States, which owns the adjacent land. Thus, Mr. President, it results that those who have already acquired the sites which have passed into private ownership have a monopoly of the water power. So it is in other sections of the country. The other bill pending here, dealing with another aspect of the same question, known as the Shields bill—many features of which, you will recall, I fought with some pertinacity—is intended to relieve a similar situation. That contemplates the opening up of other power sites upon the navigable streams of the country, though no public lands are involved. It, too, is hung up, and thus a monopoly is enjoyed by those companies which got in at the time grants were more freely given.

Mr. President, legislation is necessary.

Mr. SMOOT. Mr. President, before the Senator leaves that subject may I ask him a question?

Mr. WALSH. I shall be glad to answer the Senator.

Mr. SMOOT. In the report made by the Secretary of Agriculture, is it not stated that at the present time there is an overproduction of electric power in the Western States?

Mr. WALSH. Oh, yes.

Mr. SMOOT. And that the real demand is for more markets rather than for more power?

Mr. WALSH. Mr. President, I trust the Senator will not trouble himself very much about that. Maybe he does not want any power development in Utah. Maybe they have all the power development in Utah that that State can utilize. The situation in Montana is quite the contrary. My information is that money is ready to go into power development in the State of Utah and that a market can be found for more energy there. Why should we defer because some subordinate in some bureau here in Washington asserts that there has been overdevelopment? I tell you there is nothing to it. Why, Mr. President, there is the Senator from Idaho [Mr. BORAH]. I will ask him if the needs of his State are met by the power sites that have been developed in Idaho?

Mr. BORAH. Oh, no; no, indeed.

Mr. SMOOT. There is no other Western State that has developed all the water powers. Nobody has made that statement.

Mr. WALSH. Mr. President, if legislation is necessary, what are the principles, please, upon which that legislation should rest? That is the question that addresses itself as a practical proposition to the Senate at this time.

There are two schools of thought about that matter. One school of thought is that these power sites ought to be granted away in perpetuity, alienated in fee. The other school of thought says: "No; that is not right. They should be leased for a limited period, and after that limited period they should come back to the Government."

Now, you have heard a lot about the leasing system and about the landlord system and about absentee landlordism, as if it were proposed that every man who has a little home, a little farm, should pay rent to the Government for it. The history of all ages demonstrates, all writers on economy agree, every man's experience teaches him that the man who cultivates the soil ought to own what he tills, and I have never heard the contention advanced anywhere that any agricultural lands owned by the Government should pass from it by any title except a fee-simple title.

It is so as to the home of a man in the city or town. We have a law by which, when people go out on the public domain and gather themselves into communities around a mine, or at a center of trade, they may take 640 acres as a town site, and every man is entitled to the little piece of ground upon which he builds his house, and he gets title to it in fee. No one wants to disturb that. But, Mr. President, people do not build their homes upon water-power sites nor on top of coal mines. So when we discuss water-power sites or the disposition of oil lands or coal lands we ought not to be confusing by talking

about a man paying rent to an absentee landlord for his little home or for his farm.

The bill to which attention has been called, referred to as the Lever bill, which it might be supposed from the statement of the Senator who adverted to it in the course of his remarks, was to institute a system under which every one hereafter would hold whatever land he got from the Government by a lease rather than by a title in fee, even that very bill was framed by people who profess the greatest attachment to the interest of the homesteader, who whenever he got any land under it at all got a title in fee. It simply provided that instead of allowing the people of the West, as they have done from time immemorial, to run their cattle without charge over the public domain, certain areas should be classified and leased for grazing purposes, the homesteader having the right at all times to go within the leased area, acquire the land he settled upon, and get title to it. We all objected to it simply because we felt that the homesteader would be deterred from appropriating any part of the area set off to a cattleman under his lease. It had no features of a bill such as was referred to, under which agricultural lands were to be held indefinitely by the Government and disposed of only by lease.

But, Mr. President, getting back to the question as to whether these power sites shall be granted away in fee or leased for limited periods, those who have given the most earnest thought to this subject, with a sincere desire to solve the problem, have reached the conclusion that these lands should be treated exactly as we treat franchises which are granted by a city; that we ought to grant a right to occupy them for a limited period, something in the nature of a franchise, not grant them away in fee. A man applies for liberty to run a street car line in a certain city. Formerly improvident grants were made of the privilege to run a street car line in a city in perpetuity. But we have reached the conclusion that that is not a wise policy, and now we give a man a franchise or a license to run his street car line in a city for a limited period, 20 years, 30 years, 40 years, 50 years, and at the end of that time the streets come back to the city unencumbered by any burden.

So, Mr. President, it is contended that we should do with reference to these power sites. We should give the man who wants to develop and operate a power site the privilege of occupying the ground for a period of years—50 years, this bill stipulates—and at the end of that time his right to occupy the land should cease, leaving to our children and our grandchildren to deal with the sites as seems best to them in view of the conditions which will confront them at that remote period. We ought not to turn these properties potentially so valuable over in our time to private appropriators who with their successors should enjoy the advantages springing from them throughout all time.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I yield.

Mr. BORAH. I do not desire to break into the very able argument which the Senator is making, but the two schools of thought of which the Senator speaks are not the only schools of thought with regard to this matter. There are some of us who do not desire that these power sites shall be turned over to private individuals indefinitely, but who nevertheless do not desire to have them operated by a foreign government, as it were, that is, foreign to our State. If they could be turned over to the State to be operated and used as we use other franchises within the State, or if they could be turned over to the State to be owned and operated by the State, operated as public property of the State, it would present an entirely different question. I would like to see these natural monopolies owned and operated by and for the public.

Mr. WALSH. Exactly. I propose to reach that phase directly. Of course everybody understands the position taken by the Senator from Colorado. He wants you to turn these things over to the State, to pass a simple law to the effect that all power sites on the public domain are hereby granted to the State in which the same are located.

Mr. THOMAS. Will the Senator permit an interruption?

Mr. WALSH. Certainly.

Mr. THOMAS. I think that, perhaps, would be the better way of disposing of the matter, but I would be more than satisfied with the grant of the power sites to the States, subject to restrictions with regard to the business, which would require a forfeiture in the event the restrictions were not observed; or what would suit me still better would be a grant to the States upon condition that they be developed by the States and utilized by the States for the benefit of their inhabitants.

Mr. WALSH. I propose to meet that condition. I did not intend to speak about that now, but at the proper time I shall propose an amendment to the bill which reads as follows:

> The Secretary of the Interior is hereby authorized to grant, in the name of the United States, to any State, county, or municipality or other political subdivision of a State any tract or tracts of public land such as is defined in section 1 of this act, not to exceed 160 acres in one body, valuable chiefly because capable of being utilized in the generation or transmission of hydroelectric power, upon condition that such State, county, municipality, or other political subdivision shall, with all reasonable diligence, develop and utilize continuously such tract or tracts for the purpose for which they are so valuable. The tract or tracts so granted shall be inalienable and the right of the grantee shall terminate upon failure to comply with the conditions of the grant.

There is no use talking about turning the power sites over to the States, letting each State dispose of those within its bounds as it sees fit, but I believe there is a sentiment here which will justify us in enacting a law granting to every State that wants to develop a water-power site the right to do so; which will permit every irrigation district that desires to develop a water-power site for the service of the people comprising it to do so; which will give every city that wants to develop water-power sites for the purpose of supplying its inhabitants with electricity an opportunity to do so. We will reach that phase of the question directly, and I shall ask Senators who vaguely propose such a course frankly to state, when I reach that part of my argument, whether they think there is a chance on earth to secure the enactment of a law under which power sites on the public domain shall be turned over to the States. I prefer to direct the thought of the Senate to something practical, to urge consideration for something we can get through during the present generation.

Mr. President, I resume the question, shall we grant in perpetuity, shall we alienate these lands in fee, or shall we permit their occupancy for a limited period, the lands then to come back to the General Government for such disposition as the wisdom of future ages may suggest? I believe that if we should test out the sense of the Senate on that proposition there would be found little division of opinion about the matter.

The distinguished Senator from California [Mr. WORKS] has a substitute which he has offered to this bill by which it is provided that these lands shall be appraised and sold at the actual value of the same to anybody who wants to buy. When that substitute comes up I shall give you my reasons for opposing it. I shall not take the time now to do it.

I assume now, Mr. President, for the purpose of the argument, that we are going to agree that the best way is to lease these lands for a limited period and not alienate them in fee, not to give grants in perpetuity of these great rights. I assume that will be the determination of the Senate, because it did just exactly that thing with reference to the navigable waters bill and all bills that have in recent years been presented to the Senate dealing with the general subject and which have received the serious consideration of any of its committees embodied the same idea. In past times Congress again and again passed acts granting the perpetual right to occupy a navigable stream with a dam for the purpose of developing power. The Keokuk Dam was constructed under such a grant, and for all time it will have the right to occupy the bed of the Mississippi River. Congress has surrendered to the original grantees of the franchise and their assigns, so far as under the Constitution it can do so, the privilege of utilizing the flow of the river at that site. So the first development in my State, the Canyon Ferry development, was made under a grant of a perpetual right. That act was passed by Congress in the year 1890. We have, however, changed our minds about that policy, and when the Shields bill was under consideration not a word was heard in support of the idea that that feature of the bill by which the rights of the permittee ceased at the end of 50 years ought to be taken out and that a provision for a grant in perpetuity should be substituted. Everybody agreed that the license ought to be for not more than 50 years, and that at the expiration of that time the right should come back to the Government and be subject to such disposition as it might then be thought wise to make. So I assume that the Senate, in whatever form the question comes before it, will reach the conclusion that a grant ought not to be in perpetuity, but for a limited period.

If that is the case, Mr. President, let me inquire next. What are the particular matters of difference in the minds of those who have considered the question concerning the lines the legislation ought to take?

I will say, Mr. President, that exactly the same cleavage is found there. Those who are really desirous that the grant should be in perpetuity want to make the terms just as light as possible to the permittee and desire that it should be just as hard as possible for the Government to take over the property at the end of the 50-year period. On the other hand, there are those who want to make the charge and conditions burdensome meanwhile, and make it relatively easy to take over the property at the end of that period.

Let me speak about that for just a few minutes. In the first place, understand the controversy hinges about these two questions: First, Shall there be a charge made during the life of the lease or shall there be no charge? Second, Should the property taken over be paid for at what is then the fair value of the property, including the unearned increment, or should the right be reserved to take it over at what it actually cost the permittee to construct it? You will understand that at the end of the 50 years, if the Government takes over the land on which the permittee has constructed his dam, it will be necessary to take over as well the power house and its site and the transmission lines. Various industries and manufacturing establishments of one kind and another, dependent upon the plant for power, must be kept supplied. If the Government should take over the leased land it leased, he can not operate his plant, and in order to supply those who are dependent upon it with power it will become necessary for the Government to take over the adjacent and dependent property in order that it or some one authorized by it may carry on the business.

Then the question arises, What should the Government pay for the property which it thus takes over? The bill provides that the "fair value" shall be paid. During the life of the lease it provides that there shall be a charge not to exceed 25 cents per horsepower per annum. I can not agree with either of those ideas.

It is said, Mr. President, that the State owns the waters of the streams and that if the Federal Government makes any charge whatever based on the energy generated it is really making a charge for the use of something that does not belong to the Government of the United States at all, and by so doing infringes upon the rights and confiscates the property of the State.

An idea seemed to prevail in the minds of some Senators that I am a champion of the view and believe that the waters in the streams flowing over the public lands belong to the Government of the United States. As I have said heretofore, I had the honor of arguing that question before one of the great tribunals of the country even before I came to the Senate, and I argued then and now believe that the waters of the streams upon the public lands belong to the States if ownership can be predicated therein either by the Government or by the States.

But here is the situation. The Government owns the land upon one side of a stream or upon both at a point therein where a power development is possible. No one can build a dam across that stream without the permission of the Government of the United States to occupy the land on either side. The Government of the United States may say to the public, "We will let anyone build a dam across there resting upon such land upon terms which we prescribe. One may build a dam across there upon condition that he pays 25 cents, 50 cents, 75 cents, a dollar, or whatever price may be fixed for each horsepower he may generate through his occupancy of our land. We are not charging for the use of the water; we are making our own terms for the occupation of Government land."

So, Mr. President, this bill is entirely consistent with the idea that the State owns the water of the stream.

Now, bear in mind that every Western State claiming to own the waters of the streams says to everyone, "Come along, it is all yours; take it wherever you find it; we will not ask you a penny for it; just take it out and turn it to some beneficial use, and you can have it without charge upon our part." But the Government of the United States is disposing of the adjacent land, and it says—at least, I should like to have it say by this bill—"You may occupy that land by paying just such a figure as the Secretary of the Interior may agree upon with you for the privilege, an annual royalty or rental, dependent upon the use you put it to, to be figured upon a basis of the power you develop and sell or utilize."

Mr. BORAH. Mr. President——

Mr. WALSH. I yield to the Senator.

Mr. BORAH. I do not think the Senator from Montana and the other western Senators, or any Senator perhaps, who has given consideration to the subject here entertains any different views with reference to the law of this matter, but does not the Senator concede that the practical effect is the same as if the United States owned the water also, because by reason of its ownership of the land and its determination not to permit anyone to occupy that land, except upon such terms as it proposes, the practical result is that it is just the same as if it owned the water?

Mr. WALSH. It works out the same way.

Mr. BORAH. It works out the same way, and therefore upon the question of law there is no difference of opinion; it is purely a question of policy upon which there is a difference of opinion.

Mr. WALSH. Certainly; it is purely a matter of policy. The disquisitions to which we have listened on the ownership of the waters in the State are all quite beside the question. There is no legal principle in the way of the enactment of this bill.

The Senator from California [Mr. WORKS] is the author of a voluminous minority report, concurred in by several Senators, adverted to by the Senator from Colorado [Mr. THOMAS] in the course of his remarks, in which he laboriously and undoubtedly conclusively demonstrates that the States own the water of the streams. The proposition is conceded. Nobody disputes it at all—at least not in this body.

Mr. BORAH. Exactly; I think it all resolves itself into a question of policy.

Mr. WALSH. Certainly; that is all there is to it.

Mr. BORAH. The very illustration the Senator gives accentuates one of the objections some of us have to this proposition; that is, that when you admit the National Government into local concerns the National Government dominates and directs and controls local matters just the same as if it had a legal right to do so. That is one of the great objections to having the National Government operate in the local field at all.

I would not differ from the Senator from Montana very much if the municipality, the county, or the State was operating instead of the National Government, but the minute you admit the National Government into the local field it dominates the entire situation as if it had the constitutional right to do so.

Mr. WALSH. I have no capacity to consider these questions except as they address themselves to me as features of a business proposition. Senators talk about the domination of one or the other government and the admission of national activities into the field of State legislation. Let us take this up as a business proposition. Here is a man in New York who has the money to invest in a power development in the State of Idaho. How is he concerned about whether the National Government dominates or the State government? He comes to the Federal Government to secure a permit, and it says, "We will lease you this land on these terms." He says, "All right; that is perfectly satisfactory to me; I will make that agreement with you." Let me inquire of the Senator why he wants to get in the way of arrangements of that kind, and how the rights or the interests of his State or of any of its people are prejudiced by it?

Mr. BORAH. I will tell the Senator precisely. I am not at all concerned about the gentleman from New York, who wants to get a lease; I am concerned about the effect and operation of this entire system upon the people who live not in New York but live in the State of Idaho, whose affairs will be dominated and controlled at a distance of 3,000 miles from their residence. That is what concerns me.

Mr. WALSH. Now, let us consider that as a practical proposition. Let us understand now how and in what way it affects the people of Idaho and of Montana, because, of course, development in one State will be utilized in both. Let us understand now what there is about this that the Senator fears for the people of Idaho. They get a power development, and they, through their public-utilities commission, regulate the price that the developing company can charge, and all there is to it, Mr. President, is that in determining the charge the commission will have to take into consideration, as a matter of course, whatever royalty the company pays to the Federal Government. What is it, I ask, that ought to induce the people of Idaho to set their faces against power development in that State under such conditions?

Mr. THOMAS. Mr. President——

Mr. WALSH. If the Senator will pardon me just one moment. Under a leasing system the annual rental or royalty must be figured as a fixed charge to be met out of revenues. If the property was bought and a title in fee acquired, a corresponding amount must be awarded as a return on the investment in the land. The Senator from California [Mr. WORKS] has proposed a substitute bill directing the sale of the power sites at the best price obtainable. Under such a system a utility commission must authorize charges which will return interest on the purchase price of the land, as under the leasing system the annual rental charge must be taken care of.

Now I yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to suggest, in the event the gentleman from New York is ready to develop the water power of Idaho, provided this bill is passed, he is not placed under the jurisdiction of the Public Utility Commission of Idaho if the energy goes into Montana or Utah, but it at once passes under the domination, under this bill, of the Interstate Commerce Commission, 3,000 miles away.

Mr. WALSH. Certainly the Senator from Colorado would not have it any other way.

Mr. THOMAS. Indeed I would have it some other way.

Mr. WALSH. All right, I can not help that. We are developing power to-day at Thompson Falls and carrying it over into the State of Idaho. Of course, that is a detail of this bill. I am sorry to be diverted from the general argument. It is a detail of this bill; but what would the Senator want done in such a case? Suppose the Idaho commission fixes the charge at which the power is to be supplied in the State of Idaho at a very low price, and in the State of Montana it is fixed, upon investigation, at a higher figure, the same power company supplying both States, anyone who has a choice in the matter will go over into the State of Idaho to carry on his enterprise. In exactly the same way, if we make it lower in the State of Montana, we will get the business. So there will be warfare between the commissions in the two States. The only way controversies of that character can be settled or avoided is to have the charges regulated by Federal authority, should one project extend into two or more States. But, as I said, that is a detail of the bill.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. SUTHERLAND. Let me ask the Senator if the control of the whole matter, as far as the power site and development of water is concerned, was in the hands of the State where the power site and water are situated, would that prevent the Interstate Commerce Commission from dealing with the charges for power when it was transmitted from one State into another?

Mr. WALSH. I should think not.

Mr. SUTHERLAND. The Senator would not require this particular form of bill in order to vest the Interstate Commerce Commission with that power.

Mr. WALSH. Oh, no.

Mr. SUTHERLAND. It would happen in any event.

Mr. WALSH. As I said, that is not an essential feature of this bill. That, of course, is a provision which would have to go in any bill that might attempt to deal with this subject, either through continued Government ownership or through State ownership.

Mr. SUTHERLAND. That is a matter which will pass in any event.

Mr. WALSH. Mr. President, I wish to speak about the features which have aroused all this controversy. I think there is no doubt in the mind of anybody now, after the discussion which has been had, that it is entirely within the power of the Federal Government, when it disposes of these adjacent riparian lands, to say that the permittee must pay for the use of those lands a certain amount annually, dependent upon the power it develops and utilizes from the plant, and that in so doing there is no invasion of the rights of the State or violation of the compact that is the foundation of our Federal Union.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I yield.

Mr. SHAFROTH. The Senator seems to think it is conceded that that is correct. I can not concede that.

Mr. WALSH. Of course I ought to except the Senator from Colorado.

Mr. SHAFROTH. I wish to say to the Senator that the power by which these lands were obtained by the National Government was as a temporary trust to dispose of the land, and if this or any other leasing bill were to express clearly on its face that the National Government intends to hold these lands forever, the Supreme Court of the United States would declare the act unconstitutional.

Mr. WALSH. Of course, I understand the Senator contends that there is no power in the Federal Government to lease any of the public lands, but that it must sell them. That same argument was made before the Senate of the United States 80 years ago by Thomas H. Benton.

Mr. THOMAS. Such is not my contention. My contention is that it is confiscatory of property belonging to the States, and consequently the lease operates to deprive of property both the State and those within the State without due process of law.

Mr. WALSH. I understand the Senator claims that we are seizing the State's property, namely, the water, when we say we will give you this land but you must pay for it on the basis of the power you produce.

Mr. THOMAS. I concede the leasing power of the Government.

Mr. WALSH. I was referring to the Senator's colleague [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I yield.

Mr. SHAFROTH. I will concede it for a limited period, it might be for a period of 50 years, and the Supreme Court would say that is a very short time compared to the life of a nation; but if you fix a provision in your bill that it shall remain forever the property of the United States——

Mr. WALSH. But it does not so provide.

Mr. SHAFROTH. I have no doubt it would be decided as unconstitutional by the Supreme Court.

Mr. WALSH. I am very glad we agree that the United States can lease for a period of 50 years.

Mr. SHAFROTH. I did not say that. I said the court might hold it to be constitutional. The only decision I found in relation to the matter is one which approved a lease for five years, which unquestionably would be very temporary.

Mr. WALSH. The period of the leases did not seem to enter into the consideration of the question by the Supreme Court of the United States at all. The power to lease was declared in general terms.

I was about to say that Senator Benton had made exactly the argument in the Senate of the United States to which we have at times listened here, and afterwards went over into the Supreme Court and repeated it there, but that court decided against him. The report of the case gives an abstract of his argument; and you can find it elaborated in the discussions you have listened to here on the floor of the Senate from the eminent Senator from Colorado [Mr. SHAFROTH]. I pass that point and proceed to the question of the limitation of the charge. I believe it is agreed that the Government may make a charge for the use of the land graduated upon the amount of power that is developed and used in connection with the site.

Now, the question arises as to how much of a charge should be made and how the charge should be regulated. The Senator from Utah, who, by the way, I think, is the author of most of the amendments reported to the bill by the Senate committee, insists that the provision for a maximum charge should remain as it is in the bill, at 25 cents, because that amount, he thinks, will cover the cost of administering the law, and he does not want any more charged for the use of these lands than will cover the actual cost of administration. In other words, he does not want any return whatever to the Government for the lands the use of which is granted.

Mr. SMOOT. Mr. President——

Mr. WALSH. I yield to the Senator.

Mr. SMOOT. Of course, the Senator in stating that knows that I do not believe there ought to be any charge by the Government at all.

Mr. WALSH. I do. I understood the Senator to take that position—that there should be no return whatever to the National Government.

Mr. SMOOT. I do not know whether the Senator has noticed my proposed amendment to the bill which I expect to offer at the proper time, authorizing the States in which these water powers are located to make application for the land; that the Government will still hold absolute title to the land; that the application made by the State shall be granted by the Government to the State; and then the public utilities commission of a State shall regulate not only the price which shall be charged for the power but make all necessary regulations to protect the people of the State, the consumers of the power.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH. I will do so in just a moment. I have not seen the amendment proposed by the Senator from Utah, but I understand it perfectly well, for I have seen such a bill heretofore of which the Senator is the author. I understand that the Senator from Utah does not agree with this bill, but that he has one of his own.

This bill was prepared, as I have already indicated, by the heads of a number of the great committees of this and the other House in conjunction with the Secretary of the Interior, who is charged with the care of and disposition of the public lands. It was introduced in and went through the other House,

and came to the Committee on Public Lands of the Senate. In its general aspects it has received the approval of that committee. It is here before us. Of course, the Senator from Utah does not like the bill; he has his own ideas about what a bill dealing with this subject should be; but it will be for the Senate to say whether or not the bill having the history of which I speak shall get its approval or whether the ideas expressed in the bill of the Senator from Utah shall receive its approbation.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH. I yield.

Mr. POMERENE. Mr. President, I rose rather to ask a question of the Senator from Utah. As I understood him, he made the statement that, in his judgment, there should be no charge by the Federal Government for this water power. Is the Senator from Utah also of the opinion that the States should make no such charge?

Mr. SMOOT. No. I will say to the Senator——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. I will say to the Senator, that whatever charge the public-utilities commission of each State agree upon, I think ought to be the charge for this water power. If they think that it is for the best interests of the people to allow the people of the State to use the water which belongs to the State, I favor allowing the public-utilities commission to say whether it is for the best interests of the State to charge so much per horsepower developed by the water of the State or not to do so.

Mr. POMERENE. That is, to decide whether or not the State shall receive any revenue?

Mr. SMOOT. That should be left entirely with each State.

Mr. WALSH. Mr. President, perhaps the Senator from Ohio did not hear me a little while ago, but I now advise him that under the laws of every Western State one can appropriate water, without being obliged to pay one penny for it. So the man who located a water-power site would get the water from the State without paying anything for it; and the Senator from Utah would give him the right to occupy the land without paying for it. Therefore he would not pay a dollar to either the State or to the Federal Government.

Under any system the State utilities commission has the right to regulate the prices at which a power company shall sell its power? That is quite a different question.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield further?

Mr. WALSH. I yield.

Mr. SMOOT. In order that the Senator from Ohio [Mr. POMERENE] may understand just exactly the position of the Senator from Utah, I wish to state that when the State makes application for the use of the land required for the power house to develop the water system which belongs to the State, the State holds the title to the land, and either the State or the Government can impose upon the power-site people in locating the lands any rates that they may desire for the power created.

The amendment which I propose to offer as a substitute for the pending bill does not give the title to the man who erects the power house or distributes the power, but provides that it shall never go out of the possession of the State making the application. So the public-utilities commission of the State can regulate that just as it is here proposed to undertake to regulate it by charging so much per horsepower generated, and whatever charge is made goes to the State in which the power is located, and not to the Government of the United States. Not only that, but the matter will be controlled by the public-utilities commissions of the States and not by the Secretary of the Interior, as is provided in this bill.

Mr. POMERENE. Then the Senator's position is that no limitation should be placed upon the public-utilities commission whatsoever when it comes to the determination of the question as to whether or not the State should derive any revenue from this water power?

Mr. SMOOT. I think that each State ought to decide that matter for itself.

Mr. WALSH. Mr. President, I am very sorry that we have been diverted to the consideration of the amendment intended to be proposed by the Senator from Utah, instead of adhering to the bill which is now before us; but I desire to say that this matter of regulation is entirely aside from the proposition of acquiring the right in the first place. Under the proposition of the Senator from Utah the State would give the right to the use of the water free and the Government would give the use of the land free, and so the power company would not pay anything for either land or water.

So far as the regulation is concerned, we shall discuss that later; but this matter of regulation is very much misunderstood. The State has the power to regulate public utilities, but it has no power to regulate a purely private business. The trouble about this thing is that many of these power developments will never be controlled by a public utility. Suppose a man wants to build a pulp mill, and he acquires a power site in order to provide himself with power for his enterprise. He does not not sell a pound of power; he utilizes it all in the manufacture of pulp. Here is another man who wants to locate a power plant for the purpose of operating nitrate works. He does not intend to sell a pound of power; he is intending to utilize it all in his nitrate works. Your public-utilities commission can not reach him.

The Great Northern Railway owns and operates a hydroelectric power plant in the Cascade Mountains, by the aid of which it carries its trains through the great Cascade Tunnel, several miles in length. It is now looking for power sites for the development of energy with which to operate its entire road through the mountain section. It takes out those sites, it developes them, but it does not sell a pound of power to anybody. It simply utilizes the power it generates in the operation of its trains. What can a public-utility commission do in the case of power sites so developed, without a contribution of any kind either to the State or the Federal Government.

So, Mr. President, we come back to the proposition about the charge. Should there be a charge or should there not be? I think that we have arrived at that stage when the public mind demands that the Government of the United States have a return of some kind for these valuable properties, which they are willing to dispose of to those who desire to develop them. The question is, Should there be a limit? I am entirely convinced that upon reflection you will say that there should not be. There should not be, for this reason: These power sites exist in all varieties of value, in all degrees of accessibility, and at all distances from the market.

I have spoken several times about the great power site at Polson, in my State. It is on the Pend d'Oreille River. That river empties the great Flathead Lake, which is the greatest body of fresh water between the Missouri River and the Pacific Ocean—a great natural reservoir. That river tumbles over a series of cascades 7 miles in length. As I heretofore have shown upon this floor, it is capable of developing 294,000 horsepower. Mr. President, if that power site were put up for sale I feel certain there would be any number of bids for it of from two to three million dollars from people hoping to secure it. Would you let somebody go in and develop that power site and take it for merely nothing? How are you going to limit the charge? I do not know what would be a fair charge.

I can point you to other places in my State, Mr. President, in the remote mountainous sections, where a small development is possible or even a large one, but at a cost so great that it promises only a trifling yield if it can be made to pay at all. In such cases possibly the Secretary of the Interior might be permitted to say to a man: "Yes, we will give you a permit and we will not charge you anything for it for 10 years; after that we will charge you 10 cents a horsepower for the next 10 years, and possibly 25 cents for the balance of the time."

Conditions are so varied, Mr. President, that it would be the height of unwisdom in the Congress of the United States to endeavor to fix either a minimum or a maximum rate. Why can you not trust it to the Secretary of the Interior and let him fix whatever price his judgment dictates? Of course the man who desires a permit will go to him, they will discuss the matter, the Secretary will make the best bargain he can for the public, and the man who desires the power site will represent all the conditions which ought to prompt the Secretary to make the terms as reasonable as he can.

Mr. President, I desire to speak for a short time on the matter of recapture and wish it were possible to do so to a Senate with a reasonably full attendance.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH. I yield.

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Page	Stone
Bankhead	James	Pittman	Swanson
Brady	Johnson, S. Dak.	Pomerene	Thomas
Bryan	Jones	Ransdell	Thompson
Chamberlain	Kenyon	Reed	Tillman
Chilton	La Follette	Robinson	Vardaman
Clapp	Lane	Saulsbury	Wadsworth
Curtis	McCumber	Shafroth	Walsh
Fernald	McLean	Sheppard	Watson
Fletcher	Martine, N. J.	Sherman	Weeks
Gallinger	Norris	Smith, Ga.	Williams
Gronna	Oliver	Smith, Md.	
Hollis	Overman	Sterling	

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

Mr. WALSH. Mr. President, the question of the annual charge that ought to be made being disposed of, the next point over which a serious difference of opinion arises, and which occasions the greatest contention, is the amount that is to be paid for the property which the Government takes over at the expiration of the period of the lease. As I have explained to you, it must take over the works that were constructed by the permittee; and the difference of opinion arises in this way: One school insists that at the end of the period the Government, if it takes over the plant, should pay its then fair value. Another school insists that it ought not to pay its then fair value, with all the unearned increment that will arise by reason of the general development of the country, but that the money which is actually invested in the plant only ought to be returned to the investor; in other words, that he ought to have a good, reasonable, fair return upon all the money that he has invested in it during the entire period of 50 years, and then at the end of the time, if the Government takes it over, he should get his money back.

Mr. President, here is the situation: The permittee gets his privilege under the act from the United States, constructs his plant, acquires his water right under the provisions of the laws of the State, and the charges for power sold, as you have often been told, become subject to regulation all the time by the public utilities commission of the State in which the development occurs. All of his rates will be fixed upon the basis of the amount of money that he has invested in the enterprise. He is entitled to get back all of the necessary expenses of conducting the business, and then he is entitled to such a rate as will return him a reasonable profit upon the money he has invested in the plant. So it will go on for the full period of 50 years; and if, after the 50 years have expired, the Government allows him to remain in possession of the property, his rates will still be fixed on the basis of the original cost to him of the enterprise.

But we will assume now, Mr. President, that the Government concludes to take over the property and turn it over to some one else, to another and a new lessee. The Government is then called upon to pay, should this bill become the law, not only the amount which was originally invested in the plant but to pay the then fair value of it. Of course, around all of these developments industries will grow up; the entire country will have undergone a change within the period of 50 years that none of us, no matter how keen or active his imagination may be, can accurately foresee. Why, these properties, Mr. President, the power-house site, the adjacent land utilized for one purpose or another in connection with the business, the transmission line, the rights of way, and, above all, the water rights may and probably will have an enormous value after so many years. Whatever it is, under the bill as it has been rewritten by the committee, all that must be valued, and the permittee must be given the fair value of his property as it then shall be. The Government then turns it over to a new lessee at exactly what it has to pay for it. Now, Mr. President, when he starts off in his business he is entitled to a fair return upon the money that he invests, and, of course, that being more than the original cost, the rates must be higher than they were before. We had better let the man who built the plant originally continue rather than to take it from him at its "fair value" and turn it over to somebody else. The rates of the new owner are fixed upon the basis of what he has invested in the property. Fifty years pass and the Government takes it over again, and turns it to another man at the "fair value," presumably something more than it was before. So every time the Government takes the property over the rates rise and are higher than they were during the preceding period. That is not right.

Mr. WADSWORTH. Mr. President, may I interrogate the Senator at that point?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH. Certainly.

Mr. WADSWORTH. Is the Senator entirely certain that in the event the Government took over the plant at its fair value, as described by the Senator so correctly, and then leased it again to a second permittee the second permittee would invest any capital?

Mr. WALSH. Certainly. The idea contemplated is that the Government will take over the plant, having already arranged with a new lessee to operate it. The Government will simply give the lessee the right again to occupy these lands for a period of 50 years, and will turn over to him the acquired property at just exactly what the Government paid for it.

Mr. WADSWORTH. Well, Mr. President——

Mr. WALSH. If the Senator will pardon me, of course the Government might say, "We lease you the whole thing"; but if they leased him the entire plant, after paying for all but the dam site, they would, of course, lease at such a figure as would return the Government its just interest upon the fair value of the property which it purchased. In any case, the fair value, something more than the original investment, becomes the basis of subsequent charges.

Mr. WADSWORTH. I see the point raised by the Senator. I did not know whether or not my conception of the situation coincided with the idea of the Senator. Of course, the power house, theoretically then 50 years old, at the end of the term becomes the property of the Government when it is paid for.

Mr. WALSH. Exactly. It takes it over and pays for it.

Mr. WADSWORTH. My conception would be that if the Government wanted to re-lease the property, it would not be in the same position as it was at the beginning of the first 50-year period; that it would be not only leasing land which happened to have a power site upon it but would be leasing a complete power equipment.

Mr. WALSH. I apprehend that would not be the situation. I apprehend the Government would not take it over at all until it had already found a new lessee. I apprehend that very likely the Government would say to the new lessee, "We will give you a lease on the public land, land occupied under this act, on the payment of a royalty; you pay to the original lessee whatever shall be determined to be the fair value of the other property to be taken over." I have no doubt that is what the Government would do; but suppose that Congress should appropriate money enough to buy the property at what the court shall determine to be its fair value, then, you will observe, the Government will have to get from the lessee a return upon the money that it invests. In any case, whether the Government leases the whole thing or whether it simply leases the public land, and the lessee buys the other property at its fair value, as determined by the court, such fair value becomes the basis upon which subsequent charges are made.

Mr. SMOOT. Mr. President, I dislike to interrupt the Senator——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I have yielded to the Senator from New York, and I trust the Senator from Utah will pardon us until we get through with our colloquy, and then I will be glad to yield to him.

The PRESIDING OFFICER. The Senator from Montana declines to yield to the Senator from Utah.

Mr. SMOOT. I thought the Senator from New York had concluded.

Mr. WADSWORTH. Apparently, then, Mr. President, if the Senator from Montana will permit me to interject an observation, no matter how careful we may attempt to be in drafting a statute in this year 1917, we are really invading a field of conjecture as to what is going to happen 50 years hence.

Mr. WALSH. I should say so.

Mr. WADSWORTH. And the idea in my mind was that when the 50-year period had expired, and 3 years prior to the expiration of the 50-year period, if my recollection of the terms of the bill is correct, the Government has found some other lessee which at the end of the fiftieth year it decides to permit to use the property, it notifies the first permittee——

Mr. WALSH. Yes, sir.

Mr. WADSWORTH. And in its relations with the second permittee an entirely different state of affairs exists as compared with relations with the first permittee, because at the end of the 50-year period, by one method or another, the Government finds itself in possession of a completely equipped power plant with all the accessories.

Mr. WALSH. On paying for it its fair value.

Mr. WADSWORTH. After having paid for it its fair value. Then, I assume—and I hope the Senator will not think me impertinent in making this suggestion—from the conjectures of

the Senator from Montana—certainly they would be conjectures if made by me—that after that period has arrived, 50 years having gone by, from then on the Government will endeavor to charge a sufficient rental in order to earn for itself a proper rate of interest on the money expended at the end of the first 50-year period in taking over the property.

Mr. WALSH. Exactly.

Mr. WADSWORTH. Then, from that time on the Government is in the business of generating power?

Mr. WALSH. Of course, it is contemplated that the Government will not hold the property, but it will do just as it is proposed to do now, turn it over to someone else.

Mr. WADSWORTH. Simply by lease?

Mr. WALSH. Yes; the bill contemplates that.

Mr. WADSWORTH. Would the Senator be willing to give me and the Senate his idea as to what would become, in that event, of that property, so far as its being subject to taxation by the State authorities is concerned?

Mr. WALSH. If the Government retained the property and itself operated it, it would not be subject to taxation by the State authorities under the doctrine of Van Brocklin against Tennessee, to which the attention of the Senate was invited this afternoon; but if it turned the property over to a lessee, all of the property would be subject to taxation, except the lands which originally belonged to the Government, and the leasehold interest in that land would be subject to taxation. Do I make myself clear?

Mr. WADSWORTH. Is the Senator quite sure that a new lease made upon the property by the first permittee after being turned over to the Government at the end of the 50-year period and then leased by the Government, the Government never surrendering title to the improvements, would be subject to State taxation?

Mr. WALSH. The leasehold interest would be subject to taxation.

Mr. WADSWORTH. The lease itself?

Mr. WALSH. The lease would be subject to taxation; but I assumed that the Government would not hold the title to all the property. It would simply hold the title to the land which it originally owned, and the original lessee would convey to the new lessee all the other property; or, perchance, the original lessee would convey it to the Government and the Government would immediately convey it to the new lessee; so that the new lessee would own all the property that the original lessee owned, and it would all be subject to taxation, just the same as in the hands of the original lessee.

Mr. WADSWORTH. Then the second lessee, of course, would have to expend new capital in taking over the property created by the first lessee?

Mr. WALSH. That is the point I am making; and that would be a higher basis upon which rates would be fixed during the succeeding period.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. The bill specifically provides how the fair valuation shall be arrived at; and I call the Senator's attention to section 5. In the proviso it says:

> Such fair value shall not include or be affected by the value of any public lands, rights of way, franchises, or other property leased or granted under this act by the United States, or by the good will or prospective revenues.

Mr. WALSH. I understand that perfectly.

Mr. SMOOT. Then I did not understand the Senator when he stated that the fair valuation at the end of the 50 years would include the franchises and good will and the rights of way and the prospective revenues.

Mr. WALSH. I do not see how the Senator could have understood that. I made no such statement.

Mr. SMOOT. I understood the Senator to say that.

Mr. WALSH. No; I spoke about the power house, and I spoke about the generating plant, and I spoke about the transmission line, and about the right of way for the transmission line, and all those things, including the water rights.

Mr. SMOOT. The Senator does not mean to say that the power house is going to increase in value in 50 years, does he?

Mr. WALSH. I do not know why it should not.

Mr. SMOOT. It will decrease in value.

Mr. WALSH. Let me explain. Here is your power site. The water is diverted at the dam and can be carried for a mile away through a wood-stave pipe or through a steel pipe and dropped to the power house. That power house may be situated upon land a mile away from the land on which the dam is. It may not have been acquired from the Government at all, and while the house built upon the land can not increase in value the entire property—the house and the land—may have become enhanced enormously in value.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I do.

Mr. CUMMINS. The point that seemed to me somewhat obscure with respect to that part of the bill which has just been under discussion is this:

Suppose the investment in the property at the end of 50 years was a million dollars. Suppose it was earning at that time 20 per cent upon the investment. In valuing the property would the amount of its earnings be a factor or element in determining the amount the Government should pay in taking it over?

Mr. WALSH. I rather think, under the rules applicable to eminent domain, that they would not be; that is to say, that we would not be entitled to introduce proof to show what the entire plant was producing.

Mr. CUMMINS. It seems to me that is a very important matter. I was not at all sure in reading the bill somewhat hastily whether that element in value—and it is a real element in value in the case of a private property—would be taken into account or not. We had that subject somewhat under discussion when the other water-power bill was before the Senate, as the Senator will remember. I was very solicitous then that it should be eliminated by direct expression in the bill.

Mr. WALSH. Mr. President, I answered the Senator from Iowa, having in mind the question as one strictly of a legal character. I do not believe that in the estimation of value as a legal principle you could show what the entire plant is producing. Nevertheless, as a practical proposition we all know it would enter into it; that, in the first place, the value of these things is what they will bring in the market, what a man would be willing to give for them if they were put up for sale—a man willing but not obliged to buy from a person willing to sell but not obliged to sell, as it is expressed—and as a practical proposition in arriving at that figure it would be impossible to exclude the influence of the surrounding conditions, including the success or the failure of the enterprise.

Mr. NORRIS. Mr. President——

Mr. WALSH. But, if you will pardon now, I propose, if you follow me, to get rid of all those troublesome questions by simply inserting in a simple amendment at line 19 of page 15, so that instead of reading "shall pay in a lawful warrant drawn on the Treasury of the United States, or otherwise, before taking possession the fair value of such property," it shall read, "the fair value, not to exceed the actual cost, of such property."

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I yield to the Senator from Nebraska.

Mr. NORRIS. I was interrupted, and did not hear all of the colloquy between the Senator from Montana and the Senator from Iowa; but it struck me, when the Senator was talking about the cost and the fair value, that one of the elements of value at the end of the 50-year period would be the water right that is controlled by the State. It might be acquired, and would be acquired under the laws as they now exist in the several States, for nothing; but after the business had been developed for 50 years, and a great industry had grown up, and the country had developed greatly, that water right itself would be worth millions of dollars at a fair value.

Mr. WALSH. Why, of course.

Mr. NORRIS. If the Government or a subsequent lessee were required to pay the fair value of all the rights, it would have to pay that value, which cost them nothing and which was really made by the public that patronized the institution.

Mr. WALSH. The Senator is absolutely right about that.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I do.

Mr. STONE. Under the plan we are considering, the Government permits the permittee to use the land by paying a rental of a certain amount per horsepower. That is for the use of the land. Is the State forbidden, or would it be authorized, to charge that same permittee a certain amount per horsepower for the use of the water?

Mr. WALSH. It would be authorized to do so; but let me say to the Senator that none of our Western States have deemed it wise to do anything of the kind. They have said to everybody: "Come and take it, put it to a beneficial use, and we do not ask you a dollar." That is the policy of every Western State. So you need not have any fear at all that any State

is going to burden enterprise or drive capital to other States that are more liberal in their laws. We have already taken care of that.

Now let me say, Mr. President—I was discussing this matter of "fair value"—that there is another reason why we ought not to adopt that idea. I have shown you that if you adopt the idea that is expressed in the amendments tendered to this bill you merely make a stepladder of this thing, and every time you change the ownership you increase the burden that you put upon the public; and accordingly the Government never will take back the land it leases at the end of the 50 years. Mr. President, that was the very purpose with which this provision was incorporated in the bill. It originated with those who have no interest in and give no support to the idea that the property ought to come back to the Government at the end of the 50 years. They want to frame this bill in such a way as that the power site will not be taken back—in other words, that there shall be a perpetual grant.

The Senator from Utah [Mr. SMOOT] has that idea about it. He does not want this site taken back. He does not want any charge made during the continuance of the lease, and he does not want the Government to take the land back at the end of the 50 years. This provision of the bill meets his hearty concurrence.

But there is another reason, Mr. President, and an unanswerable one, in my view, why this should not be taken. Suppose you cut this provision out of the bill altogether and do not say one word about the Government taking over this property acquired in connection with the power site and necessary for its utilization. Now, the 50 years have gone by. Why, Mr. President, the people of the State can exercise the right of eminent domain and take over that property, paying for it the fair value as it then shall be. That is the law of every State.

Mr. STONE. Does the Senator mean to take over the riparian land as well?

Mr. WALSH. That belongs to the Government of the United States, and the State can not take that; but you understand that the right of the original lessee has ceased. That land belongs to the Government of the United States now. The Government can turn that land over to the new lessee, who may then appeal to the State law of eminent domain and take possession of the other property which is necessary in order to the operation of the plant; and then he must pay to the owner of that property, the original lessee, the fair value of that property.

So, Mr. President, no provision of this kind is needed in the bill. It expresses just exactly what the law would be if never a word was said about it in this bill. It is in the language of a concession, as though a valuable right were acquired by or reserved to the people, when, in fact, they would enjoy that right if the bill were entirely silent on the subject. So that from any point of view that is a radically erroneous provision in this bill; and the idea, as it seems to me, ought to receive the acceptance of everybody; that when the lessee is permitted to make a fair return on his investment during the period of 50 years he ought then to get back the money that he paid into it and quit if the Government does not desire that he shall occupy longer.

Mr. President, if we can solve whatever difficulties inhere in the two features of the bill adverted to there will be no difficulty whatever in reaching a satisfactory conclusion concerning the mere details of this bill. The whole controversy hinges upon those two questions—the charge that is to be made during the life of the lease and the basis upon which the property is to be recaptured at the end of the 50-year period.

Now, I want to say just a few words in relation to the attitude taken by the Senator from Colorado [Mr. THOMAS] and to state to the Senate his position in relation to this matter as I understand it; and I want to do so with complete fairness to him.

The Senator from Colorado joined with the Senator from Arizona [Mr. SMITH] in recommending against this bill, urging that the proper solution of this problem is to turn these water-power sites over to the States by a simple act somewhat as follows:

> All of the power sites upon the public domain are hereby granted to the States, respectively, in which they are situate.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. And all other lands within their borders.

Mr. WALSH. You can all understand that that introduces a change in our policy concerning the public lands that has been adhered to since the beginning of our Government. Why, Mr. President, away back in Jackson's administration it was argued upon the floor of the Senate that the proper disposition to make of the public lands was to turn them over to the States. The matter was thrashed out. All the great minds of that day having seats in this body, whose fame has added so much luster to its history, addressed their talents to the discussion of that question, and it was rejected; and there is no more sentiment in this country to-day, Mr. President, in favor of that idea than there was in those times.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. I do.

Mr. SHIELDS. The Senator is mistaken in his history as to the action of the General Government with relation to the States. In the case of a number of States the General Government ceded all of its lands to the respective States. I know it did so in my own State. Very early after North Carolina ceded to the General Government the territory now composing the State of Tennessee, and after the establishment of the State, the General Government ceded all the lands within that State to the State of Tennessee; and the same thing was done in the case of other States.

Mr. WALSH. Mr. President, the statement of the Senator from Tennessee is not in the nature of a correction. I was not unaware that in the case of a number of individual States general grants had been made such as those referred to by the Senator from Tennessee. In the case of all of the States specific grants of land for various purposes have been made. That is not what I am talking about. I am talking about a general act under which all the public lands everywhere were granted to the States within which they lie.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana further yield to the Senator from Tennessee?

Mr. WALSH. I do.

Mr. SHIELDS. That was the character of act I was speaking of. It was a general act in my State granting all the lands within the boundaries of the State.

Mr. WALSH. The Senator does not understand me. I appreciate that perfectly. That is not quite the character of measure to which I refer. I was talking about an act under which not all lands in the State of Tennessee were granted to the State of Tennessee, but one under which lands anywhere in the United States would be granted to the States in which they lie. I say that 80 years ago that question was debated upon the floor of the Senate, and it was rejected by the Congress of the United States at that time, and it has no more countenance in the public mind to-day than it had then. So that while it might be a wise thing the sentiment of the country is so decidedly against the idea that the suggestion is not to be harbored as offering any solution whatever of the problem before us. To advance it is to argue for the indefinite continuance of the present situation of affairs. As I told you, these power sites have all been tied up for 10 years; and the proposition of the Senator from Colorado is to let them remain tied up for 10 years more—yea, for 50 years more.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. WALSH. I shall be glad to yield.

Mr. JOHNSON of South Dakota. For the purpose of simplifying the question of property rights, could not that be eliminated by allowing the company that owned the property to retain the property, if they saw fit, at a higher price than others would give, and then permitting them to re-lease from the Government?

Mr. WALSH. Undoubtedly. The Senator from South Dakota will understand that at the end of the 50-year period there is no prohibition against leasing again to the individual who had the original lease. If he has conducted his business in a satisfactory way and if he offers as good terms as anyone else offers, in all reasonable probability the Government will let him remain in possession and give him a lease for a further period. The idea is to let our grandchildren handle that thing when they have to, 50 years from now.

Mr. JOHNSON of South Dakota. I thought, from questions that have been raised, that the question of the value of the property at that time entered largely into it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I do.

Mr. CUMMINS. I desire to call to the attention of the Senator from Montana our policy with regard to the public lands in one aspect that seems to me to be a little in conflict with his general statement, which is technically true.

We have granted, either to the States or to public-improvement companies, lands in all the western States infinitely greater in extent than the power sites. The General Government granted to my own State and to railway companies constructing lines through the State enough land to constitute an empire. Why is not the grant to the States for the purpose of developing the water-power sites exactly like the grant of lands to aid in the construction of railways or any other public utility of that character?

In my State, in addition to the railway grant, the Government granted a very large area of land—and that is true of other States as well—under what is known as the swamp act of 1850, all for the purpose of building up the State and aiding in its development. Now, why can not precisely the same thing be done with regard to water-power sites?

Mr. WALSH. Mr. President, the conditions are practically the same, as the Senator from Iowa suggests. But the trouble about the matter is that the country has had so unfortunate an experience in connection with these grants that have been made to the States that I very much fear that it does not care to persist in that policy, which was discarded quite a good many years ago. We grant lands to the States now for educational purposes, and for similar and related purposes, but we have quit granting lands to the States to aid in public improvements. I think the experience of the State of Iowa in that regard has not been particularly satisfactory to the people of that State.

Mr. CUMMINS. Undoubtedly the grant may have been too extensive, but no one has ever quarreled with its purpose. I do not think you could find any one who would question the wisdom of the aid extended by the General Government in the construction of railways. At least, I never heard it questioned.

Mr. WALSH. Of course the Nation granted the lands to the State, and the State immediately granted the lands to the railroad company for the purpose of constructing the railroad. In other instances, as you will recall, the Government made the grant directly to the railroads. The system of thus aiding in the construction of railroads by great grants of land has been the subject of the most severe condemnation in our times, brought about, I think, rather because the thing is viewed from the standpoint of the present day than from the standpoint of the day when those grants were made. But I fear very much that the country would feel that that policy had been tried and had been found wanting; so I should rather feel that that was not a solution that would avail us very much at the present time.

I was discussing the attitude taken by the Senator from Colorado [Mr. THOMAS] with respect to this matter, and explaining to you that his policy was not to pass any legislation at all dealing with this subject except a general act turning over these lands—and all public lands, for that matter, as he corrected me—to the State. He says further, however, that it is not necessary to have any legislation at all about this matter; that the State now has the right to take these lands and devote them to water-power purposes through the exercise of the right of eminent domain. He concedes that the right of eminent domain can not ordinarily be exercised except by bringing the owner of the land into court, and that there are no means by which the Government can be brought into court at the suit of the State or anyone representing the State in an action in eminent domain; but he says that if the corporation having the right to exercise the power of eminent domain gets into possession of the property, gets into possession of one of these power sites, it can not be put out, if it offers to pay the fair value of the property; and he cites the well-known authorities applying the principle of equity to lands occupied by railroad corporations either with or without the consent of the owner.

Now, let us see what the practical effect of that theory will be. Corporations organized under the laws of the State of Colorado, enjoying the right of eminent domain, may, if the view of the eminent Senator from that State is the law, go out upon the public domain and grab a power site anywhere, occupy it in defiance of the National Government, being required only to pay what may be determined to be its value at the time of the taking. Mr. President, some declarations may be found in the reports here and there, beyond a doubt, to the effect that the right of eminent domain may be exercised by a State over the public lands. The Senator called your attention to quite a number of them, most of which are reviewed by the Supreme Court of the United States in the case of Van Brockman against Tennessee, referred to by the Senator from Idaho [Mr. BORAH]. It will be found, as I think, upon reading that opinion that the Supreme Court of the United States gives no countenance whatever to the idea that a State may appropriate public lands of the United States under the right of eminent domain, and for the very plain and simple reason that the Constitution of the United States provides that Congress shall have the power "to dispose of and make all needful rules and regulations concerning the territory and other property of the United States," thus excluding any power on the part of the State to interfere with these lands at all or to attempt to dispose of them.

But, Mr. President, suppose that is not correct. Of what consequence is it that there is such a right as that? One can not raise a dollar to put into power development upon any such theory as that. It was argued by certain eminent gentlemen from the State of Colorado before the Supreme Court of the United States some six weeks ago. Suppose it is right. No one has ever been found who is willing to invest any money upon any such proposition. There is not a dollar for investment in the State of Colorado or anywhere else upon the opinion of any lawyer that the State may thus exercise the right of eminent domain. So whatever merit there may be in that view as a legal proposition it offered no practical solution of the problem before us.

Mr. President, I had not intended to talk about this matter anywhere nearly so long as I have spoken of it. I hope, however, I have given some enlightenment to the Senate upon the general aspects of the bill and directed its attention to the salient features of the measure in a helpful way. I merely want to say, in conclusion, that I am very much more concerned about the enactment of some legislation by Congress upon this subject, upon the passage by this Senate of some bill that will go over to the House and be dealt with by some conference committee, than I am about a bill which conforms to my own notions as to what it ought to be. It does seem to me there ought to be statesmanship and wisdom enough in the Senate to pass some bill representing its ideas in respect to water-power legislation. Now is the opportunity to do that, and I am going to ask those who have followed the discussion with any interest whatever to join with me in putting through the best possible bill that we can, but putting through some kind of a bill.

Mr. SHAFROTH. Before the Senator takes his seat——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. SHAFROTH. The Senator has intimated that a leasehold estate might be the subject of taxation. If that were true, under a bill which restricts and limits the money that can be derived from it, either through the public utilities commission of a State or through any regulation that is made by the Interior Department, what would a leasehold estate ever be worth?

Mr. WALSH. It would be worth just exactly what any other franchise is worth.

Mr. SHAFROTH. I will ask the Senator further, whether he knows of an instance in his own State where a leasehold estate has ever been taxed?

Mr. WALSH. Of course I do.

Mr. SHAFROTH. I must say that I have never known of one in the State of Colorado. I leased a piece of property for 99 years. I subleased it for 20 years. The tax for the entire property is paid. The tax for the real estate and the house on it is paid, and consequently everything else is merged in that.

Under the law of some States it might be the subject of taxation, but even if it were the subject of taxation it seems to me that when you curb and limit the amount of money which can be realized from an investment of that kind you must of necessity make your leasehold worth nothing. It seems to me, therefore, it can not be the subject of taxation.

Mr. WALSH. Railroad property is in exactly the same situation.

Mr. SHAFROTH. Does the Senator mean to say that where a railroad leases its road to another company to operate the lease is subject to taxation.

Mr. WALSH. Certainly.

Mr. SHAFROTH. I have never heard of an instance like that.

Mr. WALSH. That is the situation we are now in with the Northern Pacific. It occupies the public land with its railroad; it simply has a right of way over it; and that right of way is subject to taxation.

Mr. SHAFROTH. I have not any doubt that the right of way is subject to taxation, but that is not a leasehold estate. That is one of the properties which is owned by the company. We have several companies in the State of Colorado which have absolutely leased their railroads, and the lessees operate the railroads. I have never heard of anything but a tax on the roadbed and the rails and whatever the other property is worth, but never upon the pure leasehold itself.

Mr. WALSH. Of course, simply because it is an easier way to tax it, but if the Government of the United States owned the right of way and leased it there would not be any objection to taxing the leasehold.

Mr. SHAFROTH. Here is the difference between them: The United States Government owning this land is supposed to receive such benefit as that the land is exempt from taxation. If it is exempt from taxation, it is the same as if it paid for the entire value of the plant. There are some other benefits that are supposed to take its place. If the United States Government paid taxes on one of these power plants and leased it, can it be possible that the lessee would have to pay on that lease also? There is no such law in my State, and I do not believe it can be done.

Mr. STONE. I should like to ask——

The PRESIDING OFFICER. Does the Senator from Montana yield the floor?

Mr. WALSH. I yield the floor.

Mr. NORRIS. Mr. President——

Mr. STONE. The Senator from Colorado has the floor.

The PRESIDING OFFICER. The Senator from Colorado has been recognized.

Mr. SHAFROTH. I did not want to take the floor at this time. Let the Senator from Missouri go ahead.

Mr. STONE. I did not mean to take it, except to ask——

Mr. NORRIS. I should like to take it, if no one else wants it.

The PRESIDING OFFICER. Does the Senator from Colorado yield the floor?

Mr. SHAFROTH. I do not. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, I desire to address a suggestion to the Senator from Colorado with respect to the argument he is just making, which is, as I understand him, to the effect that a leasehold is not the subject of taxation. The Senator from Montana referred to railroads as being in a situation like that which would arise from these water-power sites.

Mr. President, it is true, undoubtedly, as a general proposition that railroads are taxed on their roadbeds, cars, locomotives, and so on. They are often taxed, I think usually so, on their franchises; at least, they are in many States; they are in my State. But suppose a company should be organized to lease a railroad and under the contract it would turn out in the course of time that the rental was very low as compared with the value of the lease—in other words, that the lessees developed a very profitable business under their lease, where they would if a buyer came demand a price far in excess of what they were paying—does the Senator hold that a State could not levy a tax upon the value of that lease?

Mr. SHAFROTH. I am not contending that. I am raising the query as to whether the railroad company itself that owns the road must not pay all the taxes. I have never heard of any instance to the contrary, where there was an additional assessment made upon the lessee, whose duty it is not to pay the taxes. There is a very strong reason presented by the Senator from Missouri for the position he takes, and it is possible that that might be the law, although I do not think that it has been so decided, at least not that I have ever heard of in my State.

But, Mr. President, when you consider that this is all hedged in by the fact that there shall be a utility commission that will not permit the company to earn any more than a reasonable rate, the leasehold would be absolutely of no value. Consequently, even if there was a liability, as the Senator suggests, there would not be a liability in a case of this kind for the payment of taxes, because the leasehold is made by the very act itself, so that it can not become valuable. If you limit the amount of money that can be charged by these companies, so that they can not, for instance, make more than 6 per cent per annum, what value is there in a leasehold estate? It is so tied down by the very conditions of the act itself that it is impossible to have a value.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield.

Mr. WALSH. The Senator understands, I suppose, that when the commission comes to fix a rate, it must first allow all expenses, taxes, and everything else, and then it must allow a fair return on the money invested besides.

Mr. SHAFROTH. That may be, but the difficulty about that is that what they have got as an initial investment, being curbed and limited by the utilities commission itself, it would be impossible for it ever to be worth anything of substantial value over and above the cost of the enterprise in the first instance. The very object in having utility commissions is for the purpose of restraining the levy unjustly made upon the people; and that, of course, may affect its earning capacity, and it must of necessity affect the value of any leasehold estate, even if the leasehold estate were taxable. On that account, it seems to me, that you can not have any substantial value the subject of taxation.

Mr. NORRIS rose.

Mr. SHAFROTH. Does the Senator from Nebraska desire to interrupt me?

Mr. NORRIS. No; I want to get the floor for just a moment when the Senator is through.

Mr. SHAFROTH. I should like to retain the floor if we are going to continue this afternoon.

Mr. NORRIS. I understand we are not going to continue. I understand that the Senator from Missouri is only waiting for an opportunity to make a motion to go into executive session. I am not going to try to prevent the Senator from making an argument. I want to have an amendment read.

Mr. SHAFROTH. Very well; that is perfectly satisfactory.

The PRESIDING OFFICER. The Senator from Nebraska asks permission to submit an amendment to the bill.

Mr. STONE. That there may be no misunderstanding. I really am not sitting here waiting to move an executive session if it is the pleasure of the Senator from Colorado or of the Senate to keep on with the bill.

Mr. NORRIS. I wish to offer an amendment to the bill, that I ask may be printed. I ask unanimous consent that it may be read.

The PRESIDING OFFICER. If there is no objection, the Secretary will read the amendment.

The SECRETARY. After the semicolon following the word "eleven," line 20, page 13, insert the following proviso:

After the semicolon, following the word "eleven" on line 20, page 13, insert the following:

"*Provided*, That in granting leases under this act the Secretary of the Interior shall give preference to application for leases for development of electrical power by States, counties, municipalities, and irrigation districts, and in all such leases no rent or fee of any kind shall be charged. In lieu of such leases to any State, county, or municipality, or at any time after the making of the same, the Secretary of the Interior on demand therefor from the proper authority shall execute to any State, county, or municipality a patent for the property so leased or authorized to be leased by the provisions of this act. Such patent shall contain a stipulation providing that if the said grantee shall sell, lease, or mortgage the property so conveyed, or if the said grantee shall not proceed with reasonable diligence to properly improve the same for the development of hydroelectric power, or in case any dam or other structure on such property necessary for the production of hydroelectric power be destroyed, and the said grantee shall not with reasonable diligence proceed to rebuild the same, then the said conveyance shall be void, and the said property, together with all improvements, if any, thereon, shall revert to the United States."

The PRESIDING OFFICER. The amendment will be printed.

Mr. STONE. I will ask the Senator from Colorado if he desires to proceed?

Mr. SHAFROTH. I would rather postpone my remarks until to-morrow. I will state that I do not expect to try to call up the Porto Rican government bill to-morrow.

Mr. WALSH. Perhaps we can agree upon a recess until to-morrow.

Mr. SHAFROTH. As far as I am concerned, I have no objection to a recess.

The PRESIDING OFFICER. What is the pleasure of the Senate?

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. MYERS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, January 16, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 15, 1917.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Joseph E. Kuhn to be brigadier general.

INSPECTOR GENERAL'S DEPARTMENT.

Col. John L. Chamberlain to be inspector general, with the rank of brigadier general.

CHAPLAIN.

Rev. Julius Joseph Babst to be chaplain with the rank of first lieutenant.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

First Lieut. Oliver A. Dickinson to be first lieutenant in the Field Artillery Arm.

POSTMASTERS.

ALABAMA.

James R. Horton, Altoona.
Annie M. Stevenson, Notasulga.

ILLINOIS.

Frank H. Conroy, Easton.
Walter Roy Donohoo, Pearl.
Winfield B. Jordan, Pana.
Claudius U. Stone, Peoria.

MINNESOTA.

John A. Estlund, Kennedy.
Robert B. Forrest, Lake Wilson.
Frank H. Griffin, Good Thunder.
Fred E. Joslyn, Mantorville.
Martin McGuire, Claremont.
William E. Murphy, Holdingford.
Charles A. Stewart, Howard Lake.

NEW YORK.

Dennis Dillon, Raquette Lake.
Ross N. Hudson, Sanborn.
Clarence A. Lockwood, Schroon Lake.
Herbert O'Hara, Haines Falls.
Frank B. Peck, Big Moose.

SOUTH DAKOTA.

Rowland F. Cadwell, Bruce.
John H. Parrott, Pierpont.
James D. Snow, Midland.

WEST VIRGINIA.

Henry M. Walker, Madison.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 15, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

By the marvelous disclosures Thou hast made of Thyself, O God, our Father, in the vast and stupendous universe which environs us, and in its wonderful adaptation of means to ends everywhere apparent; by Thy potent influence working in and through the hearts of men; by the love poured out on the Cross of Calvary for a dispairing world; by the mercy displayed in His last expiring breath, "Father, forgive them, for they know not what they do"; by the universal faith which has come down to us out of the past; by the hopes of yon bright heaven; help us, we pray Thee, with clear vision and dauntless courage with firm and steadfast steps to pursue the right as it is given us to see the right.

"Not enjoyment and not sorrow
Is our destined end or way;
But to act that each to-morrow
Find us farther than to-day."

"And when the tongue is eloquent no more, the soul shall speak in tears of gratitude." Amen.

The Journal of the proceedings of Saturday, January 13, 1917, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7742. An act placing Joseph Beale on the retired list of the Navy.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7742. An act placing Joseph Beale on the retired list of the Navy; to the Committee on Naval Affairs.

S. 4429. An act to amend the postal laws; to the Committee on the Post Office and Post Roads.

S. 4586. An act to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established; to the Committee on the Merchant Marine and Fisheries.

EXTRA COPIES OF THE VOCATIONAL EDUCATION BILL.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that 1,000 copies of the vocational education bill as it passed the House be printed.

The SPEAKER. The gentleman from Georgia asks for the printing of a thousand additional copies of the vocational education bill as it passed the House. Is there objection?

Mr. BARNHART. Reserving the right to object, I will ask the chairman how these copies are to be distributed—through the document room or through the folding room?

The SPEAKER. The Chair does not know. Probably they will go through the folding room.

Mr. MANN. Well, there is no object in having a thousand copies go through the folding room. I do not think the gentleman wants to do that. That would be nonsense.

Mr. BARNHART. Mr. Speaker, I doubt the propriety of printing only a thousand copies of this bill if there is any considerable demand for it. I shall probably have some demands, but if a thousand copies are printed, and they go to the document room, the chairman of the committee will probably go and get them, and the balance of us will not have any. I think the proper way for these chairmen of committees is to introduce proper resolutions and ask for a reasonable number, and let those resolutions come before the committee and have them properly considered. If there is a demand for these documents, it will be granted.

Mr. MANN. If the chairman of the committee has requests, I do not see any reason why the committee should not have a thousand copies if they want them. They are the ones who get the requests in the main.

Mr. HUGHES. I will say, Mr. Speaker, that there have been a great many requests for copies of this bill. I made my request as economical as possible.

Mr. BARNHART. If the gentleman will change his request from copies of the bill and make it a document, putting it in document form, he can have many times the number he would have in reproduction of the bill. It is a request for the reprinting of a bill. It should be in document form.

Mr. HUGHES. I am willing to accept the gentleman's suggestion.

Mr. MANN. I suppose that a good many of the people who want this bill want it for the purpose of making suggestions in regard to its terms, it having gone to conference. Those suggestions are almost valueless if made on a House document print, because the paging and the lining do not correspond with those of the copy that will be before the conferees.

Mr. DAVIS of Texas rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. DAVIS of Texas. I wanted to say in the discussion of this matter that I have a number of applications from professors of colleges and institutions in Texas for copies of the bill that has passed, together with the hearings and such speeches on both sides as may be valuable.

The SPEAKER. What is the request of the gentleman from Georgia?

Mr. HUGHES. The request of the committee, Mr. Speaker, is that 1,000 additional copies of the vocational education bill be printed.

The SPEAKER. The gentleman from Georgia asks unanimous consent that a thousand extra copies of the bill on vocational education be printed as it passed the House.

Mr. TOWNER. Mr. Speaker, I would suggest to the chairman that he make his request for 2,000 copies. Members have told me—Members who are not even members of the committee—that they have had requests for 100 copies of this bill. It occurs to me that even 2,000 copies would be a small number to answer the demands already made for copies.

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I rise to object. I want to suggest to the gentleman from Iowa [Mr. TOWNER] and the chairman of the Committee on Printing [Mr. BARNHART] that this number is only of value in conference. It is not a law. It is probable that a great many of these requests that are referred to by Members are merely requests for the bill as finally passed. What the chairman of the committee aims to secure is an extra number of copies of the bill as it is in progress through the two Houses, doubtless for the purpose of answering requests of the people

who are interested in the amending and perfecting of the bill. Now, we are not going to save any printing if we enlarge the request of the chairman of the committee. We may find that we are engaging in a task that is more or less unnecessary; but when the bill has finally become a law, then the interest of educators will be aroused in it, and we may at that time be compelled to print it in document form.

Mr. BARNHART. If the gentleman from Georgia will withdraw his request, I think we can arrange for a number that will be satisfactory to him without action by the House.

Mr. DYER. Mr. Speaker, I would like to ask the chairman of the committee how the disposal of these copies is to be made? Are they to go to the document room and be taken by anybody, regardless of how many copies others may want?

Mr. BARNHART. My idea is that the document room has the authority already to order an additional number of copies of a bill each day, a few from time to time, as it may be indicated that actual wants require, and they will have them there for distribution.

Mr. DYER. I understand; but if only a thousand copies are printed and they are not to be apportioned, a few Members will get all of them, because there are requests here, I assume, for as many as 10,000 copies, at least, of the bill now.

Mr. BARNHART. I understand; but I will say to the gentleman from Missouri that the purpose is merely to send it out to the "topnotchers," so to speak, who are very much interested in the bill in the course of its consideration. But many of these requests that are coming in are for the completed bill as finally enacted. These few copies are asked for now only to supply the needs of those who are interested in the changes that have been made in the bill, so that they may make suggestions to the Senate.

Mr. DYER. I understand that; but some Members will get two or three hundred copies or more and send them to all the schools in their districts, and those of us who have special calls, as indicated by the gentleman, will not be able to get copies. I think they ought to be divided up in some way so that we will be sure of getting at least a few copies.

Mr. BARNHART. The purpose as expressed was that the chairman of the committee should go and get them and that those who want them should make their applications to him.

The SPEAKER. No such request as that has been submitted to the Chair.

Mr. BARNHART. I know that, but the request has been withdrawn anyhow.

The SPEAKER. Has the gentleman from Georgia [Mr. HUGHES] withdrawn his request?

Mr. HUGHES. I have not.

The SPEAKER. The request is that 1,000 additional copies of this vocational education bill be printed, to be disposed of through the folding room.

Mr. MANN. No; not through the folding room.

Mr. HUGHES. Through the document room.

The SPEAKER. Through the document room. Is there objection?

There was no objection.

SWEARING IN OF A MEMBER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the oath of office be administered to Hon. TINSLEY WHITE RUCKER, elected to succeed our late lamented colleague, Mr. TRIBBLE, from the eighth congressional district of Georgia. His credentials have not arrived, but there is no question as to his election. He is present and desires to take the oath of office.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUCKER of Georgia appeared at the bar of the House and took the oath of office prescribed by law.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCARTHUR, for to-day, on account of important business.

LEAVE TO WITHDRAW PAPERS.

Mr. COX, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of H. R. 20569, Sixty-third Congress, third session, without leaving copies, no adverse report having been made thereon.

UNITED STATES SECTION OF INTERNATIONAL HIGH COMMISSION.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that there be a reprint of House document 1788, Sixty-fourth Congress, second session. I would like to have 5,000 copies printed. It is the report of the United States section of the International High Commission on the work accomplished at its meeting at Buenos Aires. It is requested in the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, January 3, 1917.

Hon. HENRY D. FLOOD,
House of Representatives, Washington, D. C.

MY DEAR MR. FLOOD: May I suggest that you move that there be a reprint of House Document No. 1788, Sixth-fourth Congress, second session, and that an edition of 5,000 copies be struck off? This is the report of the United States section of the International High Commission on the work accomplished at the meeting at Buenos Aires and since the close of that meeting. A very limited edition has been published, and inasmuch as we already have a very considerable demand for copies it is desirable that a fairly large edition be published forthwith. Furthermore, the probability of a second Pan American financial conference will cause an increasing demand for this report.

I shall greatly appreciate it if you will take the appropriate steps in connection with this matter at your earliest convenience.

Faithfully yours,

W. G. MCADOO, *Secretary.*

The SPEAKER. The gentleman from Virginia asks unanimous consent that there be a reprint of House Document No. 1788 of 5,000 copies. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, my recollection is that this high commission was given an appropriation of $40,000 to make this investigation and print report of the same. It seems to me that is a sufficient allowance. Furthermore, the letter of the Secretary of the Treasury demands of the Congress that this action be taken forthwith. This is unusual and mandatory extraordinary. There is a regular course of procedure in complying with requests like this. It is to introduce a resolution and let it go to the Committee on Printing so that committee may investigate the need and cost thereof and report to the House, so you may consider as to whether we shall take from our own allotment for printing enough money to pay for this request of the Treasury Department, for which it has a printing allotment, and therefore I object.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

PUBLIC EXPENDITURES.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of public expenditures.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of public expenditures.

Mr. MANN. We would much rather hear the gentleman talk.

The SPEAKER. Is there objection?

There was no objection.

THE CHAPLAIN.

Mr. BYRNS of Tennessee. Mr. Speaker, I hold in my hand a short editorial which appeared in the Evening Journal, a paper published in Richmond, Va., last Saturday, and which commends our worthy and beloved Chaplain, Dr. Couden. I am quite sure it expresses the sentiment of all Members of this House on both sides of the Chamber, and I ask unanimous consent to insert it in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by printing an editorial from the Richmond Evening Journal. Is there objection?

There was no objection.

The editorial is as follows:

BLIND CHAPLAIN'S DAILY OBLATION.

Not the least valuable in the storehouse of treasures yielded by the CONGRESSIONAL RECORD is the daily invocation by the House Chaplain, Rev. Henry N. Couden, who for more than 20 years has served in that capacity. No visitor to the National Capital happening into the House at the opening of the daily session can fail to be impressed by the venerable figure, whose sightless eyes visualize the Almighty as readily as the man in complete possession of the seeing faculty. For many years we have followed the gems of literary thought compressed in Dr. Couden's daily prayer. Each supplication is a marvel of condensation, an epitome of man's spiritual longings, so lofty in theme, so fervent in spirit, so reflective of true devotion that even the most pronounced skeptic in the House must be impressed and for the moment uplifted. We make no apology for reproducing on this page, so long as Congress remains in session, the blind Chaplain's offerings. Wholly aside from the spiritual qualities contained, the literary construction of each is such that the prayer would adorn any editorial page in the country. We could wish that more extended publicity were given these inspiring oblations. So far as we know the Evening Journal is the only news-

paper in the country making a practice of featuring the House Chaplain's daily intercessions, but we hope their setting forth in the manner shown will suggest itself to other editors as not unworthy of emulation. No matter to what religious denomination a reader may belong, the devotional beauties contained in the daily prayer may be assimilated with the complete approbation of conscience. Even the agnostic, if a lover of good English, can appreciate the concrete expressions, the choice of words, the multum in parvo of these wonderful petitions to Divine Grace. Read them if by chance you have overlooked their eurythmic charm.

POWERS OF COMMITTEE ON RULES UNDER HOUSE RESOLUTION 446.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to proceed for a minute or two, at the end of which I wish to offer a resolution.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, a doubt arose in the minds of some members of the Committee on Rules as to its legal authority in the matter of compelling answers of contumacious witnesses under the investigation which it has been instructed by the House to pursue, and the gentleman from Kansas [Mr. CAMPBELL] informed the Committee on Rules that he would present, and he has presented, a resolution which provides for the appointment of a select committee of five Members to make certain investigations. That is the individual action of Mr. CAMPBELL. It is not the action of the Committee on Rules. But in behalf of the Committee on Rules I present the following resolution, and I ask unanimous consent for its present consideration.

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I wish to address a parliamentary inquiry as to whether this will interfere with the regular order of business?

The SPEAKER. Not at all.

Mr. JOHNSON of Kentucky. Then I do not object.

Mr. GARRETT. Now, Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Tennessee offers a resolution and asks unanimous consent for its present consideration. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 448.

Resolved, That in the performance of the duties imposed upon it by reference to it of House resolution 446 the Committee on Rules shall have the power to send for persons and papers and to administer oaths and to employ such stenographic and clerical assistance as may be necessary. The expenses incurred hereunder shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by this committee and signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. GARRETT. Mr. Speaker, I offer another resolution, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Tennessee offers another resolution and asks unanimous consent for its present consideration. The Clerk will report.

The Clerk read as follows:

House resolution 447.

Resolved, That in the consideration of House resolution No. 446, committed to the Committee on Rules, said committee be, and it is hereby, authorized and empowered to require witnesses to answer all questions propounded by said committee, or a member thereof, touching the subject matter of said resolution, and to require any witness called before it to testify fully as to any information in his possession, whether in the nature of hearsay testimony or otherwise, relative to the matters set forth in said resolution. And said committee is specifically directed to require one Thomas W. Lawson to name any Member of Congress or other person alleged by him in his testimony before said committee on January 8 and 9, 1917, to have given him any information relating to the subject matter of said resolution.

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman from Tennessee whether the committee has taken any steps to bring Mr. Lawson before it for a further hearing.

Mr. GARRETT. In answer to the gentleman from Illinois I will state that in a very few moments after the resolution had been rereferred to the committee on Friday last a subpœna was issued to be served on Mr. Lawson to appear to-day. That subpœna was taken by the Sergeant at Arms. He was not able to find Mr. Lawson, but his secretary advised the Sergeant at Arms that Mr. Lawson would arrive in the city some time to-day, that he could not be here at 10 o'clock. Within the last hour the chairman of the Committee on Rules has received a telegram from Mr. Lawson that he will arrive in the city at 2 o'clock and be ready to appear before the committee. It is expected that the hearings will begin at 3 o'clock.

Mr. MANN. This relates to a new resolution?

Mr. GARRETT. A new resolution.

Mr. MANN. Does not the gentleman think it is a little previous to insert in this resolution a requirement that Mr. Lawson shall answer questions which were propounded to him in reference to another resolution then before the committee—this resolution under consideration not having been then introduced?

Mr. GARRETT. The resolution under consideration has been introduced.

Mr. MANN. But it had not then been introduced?

Mr. GARRETT. No; it had not.

Mr. MANN. The purpose of this is to clear up all questions of authority?

Mr. GARRETT. Yes.

Mr. MANN. But it may serve to complicate it. At first blush I should think the House in directing Mr. Lawson to answer an inquiry propounded last week, in relation to a resolution which was not introduced until last Saturday, would rather complicate than clear up the difficulty.

Mr. GARRETT. Mr. Speaker, I will say to the gentleman from Illinois that I would not personally care to express an opinion along that line at this time. I am speaking now for the committee, and I will state that it represents the judgment of the committee. There was doubt in the minds of some members of the committee as to whether House resolutions 420 and 429, or inquiries under this resolution, would reach the point that the House desired the committee to arrive at or obtain the information, or try to obtain the information, and for that reason this resolution was presented, the gentleman from Kansas [Mr. CAMPBELL] having given notice that he would present it, and because of the fact that we desired to begin at 3 o'clock the committee deemed it necessary to have additional power.

Mr. GARNER. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. GARNER. As I understand the resolution that the gentleman offers, it refers to a resolution this day introduced by the gentleman from Kansas and referred to the Rules Committee.

Mr. GARRETT. Yes.

Mr. GARNER. Then I think that goes just as far as it would if it was introduced a week ago.

Mr. LENROOT. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LENROOT. I will say that the resolution does not direct Mr. Lawson to answer the inquiry which he refused to answer last week; it merely directs him to name the Member of Congress referred to in the testimony, in so far as it is relevant to this resolution.

Mr. GARRETT. That is a very direct and clear statement of the situation.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. LONGWORTH. Was Mr. Lawson given permission to leave Washington at the time he was excused from testifying?

Mr. GARRETT. No; the instructions to Mr. Lawson were to remain subject to the call of the committee.

Mr. LONGWORTH. In Washington?

Mr. GARRETT. I can not say whether it was to remain in Washington or whether it was the general statement to remain subject to the call of the committee.

Mr. LONGWORTH. I happened to be present at the time, and my recollection is that he was instructed to remain in the city of Washington.

Mr. GARRETT. The gentleman may be correct about that.

Mr. LENROOT. After resolution 429 had been reported the committee had no power to subpœna witnesses or order Mr. Lawson to remain here. When it reported the resolution 429 its power to make further order in reference to it was gone.

Mr. LONGWORTH. As a matter of fact, he was ordered to stay here.

Mr. LENROOT. He was; but I do not think he was in contempt of the order after the resolution was reported.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

FORUM BILL.

The SPEAKER. This is Unanimous Consent Calendar day, and the unfinished business is the bill (H. R. 14816) to provide for the use of the public-school buildings in the District of Columbia as community forums, and for other purposes.

Mr. HARRISON of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON of Mississippi. Two weeks ago on the last unanimous-consent day this bill was called on the Unanimous Consent Calendar. It is the forum bill. The parliamentary inquiry I wish to make is, the bill not having been finished on that day, whether or not the Unanimous Consent Calendar should not proceed to the next bill instead of this coming up as unfinished business. I make the inquiry in order to get a ruling, not that I have any objection to the forum bill.

The SPEAKER. It seems to the Chair that the practice has been that a matter having come up and been partially disposed of goes over as unfinished business.

Mr. STAFFORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. The Chair having ruled that this is unfinished business, a question that has not heretofore arisen since the creation of the Unanimous Consent Calendar, whether in the consideration of the Unanimous Consent Calendar after completing this bill the Clerk will continue with the following bill or begin anew as is customary?

The SPEAKER. The Chair thinks he would begin anew. This identical question was up about the Potomac bridge.

Mr. MANN. If the House does not want to consider the bill it has a very easy remedy.

The SPEAKER. Yes; if the House does not want to consider the bill it can raise the question of consideration.

Mr. HARRISON of Mississippi. That was not my object. I propounded the question to find out what the rule was.

The SPEAKER. It seems to the Chair that the ruling heretofore made ought to be adhered to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14816, known as the forum bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 50, noes 64.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-nine Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Kentucky that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the forum bill.

The question was taken; and there were—yeas 132, nays 203, answered "present" 1, not voting 98, as follows:

YEAS—132.

Abercrombie	Dyer	Keating	Roberts, Mass.
Adair	Emerson	Kent	Rubey
Adamson	Evans	Key, Ohio	Rucker, Mo.
Alexander	Farley	Kincheloe	Russell, Mo.
Allen	Fields	Konop	Schall
Almon	Flood	Lenroot	Shackleford
Anthony	Focht	Lewis	Shallenberger
Ashbrook	Foster	Lindbergh	Sherley
Austin	Frear	Linthicum	Sherwood
Ayres	Freeman	Littlepage	Sims
Bailey	Gallagher	Lloyd	Sinnott
Barkley	Gard	London	Sisson
Barnhart	Gillett	McAndrews	Slayden
Blackmon	Glynn	McKellar	Slemp
Booher	Gordon	Mapes	Smith, Mich.
Browne	Gray, Ala.	Mooney	Smith, N. Y.
Buchanan, Ill.	Gray, Ind.	Moore, Pa.	Sparkman
Burgess	Hamill	Moores, Ind.	Steele, Pa.
Burke	Harrison, Miss.	Neely	Stephens, Nebr.
Cantrill	Hayden	Nelson	Stone
Carlin	Heflin	Nolan	Stout
Cary	Helgesen	Norton	Sutherland
Cooper, Wis.	Helvering	Oakey	Taggart
Copley	Hilliard	Oliver	Tague
Cox	Holland	Overmyer	Talbott
Cramton	Houston	Padgett	Tavenner
Crosser	Huddleston	Parker, N. J.	Taylor, Ark.
Cullop	Hughes	Phelan	Tilson
Dewalt	Hull, Tenn.	Pou	Tinkham
Dill	Humphreys, Miss.	Rainey	Towner
Dixon	James	Raker	Van Dyke
Doolittle	Johnson, Ky.	Ramseyer	Williams, W. E.
Dupré	Johnson, Wash.	Reilly	Young, N. Dak.

NAYS—203.

Anderson	Butler	Chandler, N. Y.	Curry
Aswell	Byrnes, S. C.	Charles	Dale, Vt.
Bell	Byrns, Tenn.	Clark, Fla	Dallinger
Borland	Campbell	Cline	Danforth
Britt	Candler, Miss.	Coady	Decker
Britten	Cannon	Collier	Dempsey
Browning	Capstick	Connelly	Denison
Buchanan, Tex.	Caraway	Cooper, Ohio	Dent
Burnett	Carter, Okla.	Crisp	Dickinson
Dies	Hicks	Miller, Minn.	Snyder
Dillon	Hinds	Montague	Stafford
Doremus	Hollingsworth	Moon	Steagall
Doughton	Hood	Morgan, La.	Stedman
Dowell	Hopwood	Morgan, Okla.	Steele, Iowa
Dunn	Howard	Morrison	Steenerson
Eagle	Howell	Mott	Stephens, Miss.
Ellsworth	Hull, Iowa	Mudd	Sterling
Elston	Husted	Murray	Stiness
Esch	Igoe	Nicholls, S. C.	Sulloway
Estopinal	Jacoway	North	Sumners
Fairchild	Johnson, S. Dak.	Oldfield	Sweet
Ferris	Kahn	Olney	Switzer
Fess	Kearns	O'Shaunessy	Taylor, Colo.
Fitzgerald	Kelley	Paige, Mass.	Temple
Fordney	Kennedy, Iowa	Park	Thomas
Foss	Kennedy, R. I.	Parker, N. Y.	Thompson
Fuller	Kettner	Platt	Tillman
Gandy	King	Porter	Timberlake
Garner	Kinkaid	Powers	Treadway
Garrett	La Follette	Pratt	Vare
Godwin, N. C.	Langley	Quin	Venable
Good	Lazaro	Ragsdale	Vinson
Gould	Lee	Randall	Volstead
Green, Iowa	Lehlbach	Rauch	Walker
Greene, Mass.	Longworth	Rayburn	Walsh
Greene, Vt.	Loud	Reavis	Ward
Gregg	McClintic	Ricketts	Wason
Guernsey	McCracken	Roberts, Nev.	Watkins
Hadley	McCulloch	Rogers	Watson, Va.
Hamilton, Mich.	McFadden	Rouse	Webb
Hamlin	McKenzie	Rowe	Wheeler
Hardy	McKinley	Rucker, Ga.	Williams, T. S.
Harrison, Va.	McLaughlin	Scott, Mich.	Williams, Ohio
Hastings	McLemore	Sears	Wilson, Ill.
Haugen	Madden	Shouse	Wilson, La.
Hawley	Magee	Sloan	Wingo
Hayes	Mann	Small	Winslow
Heaton	Matthews	Smith, Idaho	Wise
Helm	Mays	Smith, Minn.	Woods, Iowa
Hensley	Meeker	Smith, Tex.	Young, Tex.
Hernandez	Miller, Del.	Snell	

ANSWERED "PRESENT"—1.

Whaley

NOT VOTING—98.

Aiken	Davenport	Hill	Nichols, Mich.
Bacharach	Davis, Minn.	Hulbert	Oglesby
Barchfeld	Davis, Tex.	Humphrey, Wash.	Page, N. C.
Beakes	Dooling	Hutchinson	Patten
Beales	Driscoll	Jones	Peters
Benedict	Drukker	Keister	Price
Bennet	Eagan	Kiess, Pa.	Riordan
Black	Edmonds	Kitchin	Rodenberg
Bowers	Edwards	Kreider	Rowland
Bruckner	Farr	Lafean	Russell, Ohio
Brumbaugh	Finley	Lesher	Sabath
Caldwell	Flynn	Lever	Sanford
Callaway	Gallivan	Lieb	Saunders
Carew	Gardner	Liebel	Scott, Pa.
Carter, Mass.	Garland	Lobeck	Scully
Casey	Glass	Loft	Sells
Chiperfield	Goodwin, Ark.	McArthur	Siegel
Church	Graham	McDermott	Stephens, Tex.
Coleman	Gray, N. J.	McGillicuddy	Swift
Conry	Griest	Maher	Watson, Pa.
Cooper, W. Va.	Griffin	Martin	Wilson, Fla.
Costello	Hamilton, N. Y.	Miller, Pa.	Wood, Ind.
Crago	Hart	Mondell	Woodyard
Dale, N. Y.	Haskell	Morin	
Darrow	Henry	Moss	

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. STEPHENS of Texas with Mr. SIEGEL.

Mr. WILSON of Florida with Mr. SWIFT.

Mr. HENRY with Mr. ANTHONY.

Mr. FLYNN with Mr. HAMILTON of New York.

Mr. FINLEY with Mr. GRAY of New Jersey.

Mr. CAREW with Mr. BACHARACH.

Mr. BEAKES with Mr. GRIEST.

Mr. GOODWIN of Arkansas with Mr. WATSON of Pennsylvania.

Mr. DALE of New York with Mr. HASKELL.

Mr. SCULLY with Mr. MCARTHUR.

Mr. AIKEN with Mr. CHIPERFIELD.

Mr. KONOP with Mr. SANFORD.

Mr. HART with Mr. HILL.

Mr. BRUCKNER with Mr. BARCHFELD.

Mr. BRUMBAUGH with Mr. WOOD of Indiana.

Mr. CALDWELL with Mr. WOODYARD.

Mr. CALLAWAY with Mr. BENNET.

Mr. CASEY with Mr. BOWERS.

Mr. CHURCH with Mr. CARTER of Massachusetts.

Mr. CONRY with Mr. COLEMAN.

Mr. DAVENPORT with Mr. COOPER of West Virginia.

Mr. DAVIS of Texas with Mr. COSTELLO.

Mr. DOOLING with Mr. CRAGO.

Mr. DRISCOLL with Mr. DARROW.

Mr. EAGAN with Mr. DAVIS of Minnesota.

Mr. EDWARDS with Mr. DRUKKER.

Mr. GALLIVAN with Mr. EDMONDS.

Mr. GLASS with Mr. FARR.
Mr. GRIFFIN with Mr. GARLAND.
Mr. HULBERT with Mr. GRAHAM.
Mr. JONES with Mr. HUMPHREY of Washington.
Mr. KITCHIN with Mr. HUTCHINSON.
Mr. LESHER with Mr. KEISTER.
Mr. LEVER with Mr. KIESS of Pennsylvania.
Mr. LIEB with Mr. KREIDER.
Mr. LIEBEL with Mr. LAFEAN.
Mr. LOFT with Mr. MARTIN.
Mr. MCDERMOTT with Mr. MILLER of Pennsylvania.
Mr. MCGILLICUDDY with Mr. MONDELL.
Mr. MAHER with Mr. MORIN.
Mr. MOSS with Mr. NICHOLS of Michigan.
Mr. OGLESBY with Mr. PETERS.
Mr. PATTEN with Mr. BEALES.
Mr. PRICE with Mr. ROWLAND.
Mr. RIORDAN with Mr. RUSSELL of Ohio.
Mr. SABATH with Mr. SCOTT of Pennsylvania.
Mr. SAUNDERS with Mr. SELLS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. FERRIS. Mr. Speaker, without having any hearing on the merits of this bill—reserving the right to object, is this bill in regular order on the Calendar for Unanimous Consent and subject to call?

Mr. JOHNSON of Kentucky. This bill has to be disposed of some way before there is any other business in order.

Mr. MANN. Not at all.

Mr. FERRIS. Mr. Speaker, I desire to know if this bill is on the regular call under the regular procedure on Unanimous Consent Monday. I repeat the inquiry, Is this bill on the regular call in the regular method of procedure of unanimous-consent call? If not, I shall feel constrained to object. I have no views on the bill one way or the other. I merely want each bill to have a fair chance.

The SPEAKER. This bill is the unfinished business coming over from the regular order of two weeks ago. Does the gentleman object to the request of the gentleman from Kentucky?

Mr. FERRIS. How can there be unfinished business from one unanimous-consent day to the other? Under this procedure one bill might hold the calendar indefinitely. This would practically do away with this day.

The SPEAKER. It has been ruled on two or three times and it seems to be the most orderly way of proceeding. You get a bill up here and fool away a whole day on it——

Mr. FERRIS. Mr. Speaker, reserving the right to object, there are about 25 or 30 Members coming from the far Western States that have little bills—bills that will only require a few minutes. This is their only chance to get them considered, on unanimous-consent day, and that is, indeed, a very slim one, because we have to run the gantlet of unanimous-consent objection. We have little or no consideration under suspension of the rules, and I do not think it proper to take up a bill of this importance reported from the District Committee, when they have a District day, and consume an entire day for the consideration of bills from that committee. I have nothing to say whatever about the merits of the bill.

Mr. MANN. Mr. Speaker, I submit that where unanimous consent was given for the consideration of a bill which requires consideration in the Committee of the Whole House on the state of the Union and the House declines on motion to go into the Committee of the Whole House on the state of the Union that that ends the unanimous consent given.

Mr. JOHNSON of Kentucky. Not at all, Mr. Speaker; I have the right and I do make the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering H. R. 14816.

Mr. MANN. That has been made and voted down.

The SPEAKER. It is clear——

Mr. JOHNSON of Kentucky. There has been intervening business and this bill still retains its place on the calendar until disposed of in the regular way.

Mr. MANN. The gentleman from Kentucky is in error.

The SPEAKER. The House clearly expressed itself about it by voting 202 against to 132 in favor.

Mr. JOHNSON of Kentucky. The House, Mr. Speaker, may have expressed its desire, but it has not expressed it on the parliamentary question. The question of "consideration" is the only way by which this bill can be gotten out of its position on this calendar now.

Mr. RAGSDALE. Then, Mr. Speaker, I demand the question of consideration.

Mr. MANN. Mr. Speaker, it has always been held, even though a bill under a special rule should be in order and goes over, you can raise the question of consideration on it when it comes up again. This is a bill that requires consideration in the House, but the same rule as to the question of consideration in the House applies to a motion to go into the Committee of the Whole House on the state of the Union on a Union Calendar bill. That has been decided, and that ends the unanimus consent that has been granted.

The SPEAKER. The Chair will not rule on that point. The Chair will rule, though, that the motion of the gentleman from Kentucky is not in order.

Mr. JOHNSON of Kentucky. Mr. Speaker, I insist this bill is yet before the House and undisposed of. There is but one motion that will dispose of it and that is the "question of consideration."

The SPEAKER. The motion to go into the Committee of the Whole House on the state of the Union is equivalent.

Mr. JOHNSON of Kentucky. If the Chair holds that way——

The SPEAKER. The gentleman from Kentucky asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. RAGSDALE. Mr. Speaker, I object.

The SPEAKER. The gentleman from South Carolina objects.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for its consideration.

Mr. MANN. Mr. Speaker, I believe under the rules that motion can not be made a second time in a day.

Mr. JOHNSON of Kentucky. There is no rule for it; there is but one way to get rid of this bill and that is to raise the "question of consideration."

The SPEAKER. Well, a motion to go into Committee of the Whole House on the state of the Union is precisely the same thing.

Mr. JOHNSON of Kentucky. Not at all, Mr. Speaker.

Mr. GARNER. Mr. Speaker, I suggest the Chair must at some time rule on this question.

The SPEAKER. What question?

Mr. GARNER. The question of whether, after a bill has gotten permission to be considered by unanimous consent, and the motion is made to go into the Committee of the Whole House on the state of the Union and that motion is voted down, whether that disposes of the bill. If it is equal to that of consideration, it certainly disposes of it, because if you raise the question of consideration, and the House refuses to consider, that certainly disposes of the bill.

Mr. JOHNSON of Kentucky. Not at all.

Mr. MANN. It does not dispose of the bill, but it disposes of the question of unanimous consent.

Mr. GARNER. Yes; so the House has just voted on the question of whether it will go into the Committee of the Whole House on the state of the Union to consider this bill, and, by a vote of 202 to 132, it declined to go into the Committee of the Whole House on the state of the Union. The gentleman from Kentucky then asked that the House consider in the House, as in the Committee of the Whole House on the state of the Union, this bill, and the gentleman from South Carolina [Mr. RAGSDALE] objected. Now the gentleman makes a motion to go into the Committee of the Whole House on the state of the Union.

If the House votes it down again, then the gentleman asks unanimous consent to consider it in the House, as in the Committee of the Whole, and if objection is made we again vote on going into the Committee of the Whole. It would be an endless proceeding.

Mr. JOHNSON of Kentucky. There is but one proposition that can parliamentarily come before this House, and that is the "question of consideration." That is all that is left. And as soon as they decline to make that motion I shall insist in one way or another in getting this matter up for consideration.

Mr. RAGSDALE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. How can they raise that question when the Chair has ruled that this motion that is now made by the gentleman from Kentucky is out of order and can not be considered, and that this is not before the House?

Mr. JOHNSON of Kentucky. Then, until the gentlemen avail themselves of their one remedy the House will sit here doing nothing.

Mr. MANN. Does the gentleman from Kentucky contend you can keep going through this process all day?

Mr. JOHNSON of Kentucky. I do when they have a remedy of which they will not avail themselves.

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. SHERLEY. If the Speaker will permit, I do not have any doubt about the facts. I voted for the bill, and I would like to see it considered; but there is not any question whatever that under the procedure of this House the voting down of the motion to go into the Committee of the Whole House on the state of the Union to consider a bill is tantamount to and the same thing as refusing to consider, and that the bill is out of the way of the House for consideration now.

Mr. LENROOT. Mr. Speaker, I desire to call the attention of the Chair to the Manual, on page 337, which has this note to section 753:

On a motion to go into Committee of the Whole to consider a bill the House expresses its wish as to consideration by its vote on this motion.

And citing volume 5 of Hinds' Precedents, pages 4973 to 4976.

Mr. MANN. Mr. Speaker, permit me to call the attention of the Chair to the rule on a similar matter. Under the rules, when there is a call of the committee not on Calendar Wednesday the committee calls up a bill on the House Calendar, and at the end of an hour it is in order to move to go into Committee of the Whole on a Union Calendar bill.

Paragraph 5 of Rule XXIV expressly provides if that motion be determined in the negative it shall not be in order to make motion again until the disposal of the matter under consideration or discussion, which would be the House bill. Now, what we are having under consideration to-day is the Unanimous Consent Calendar. Here is a bill where it was in order to go into the Committee of the Whole on that calendar. That vote was decided in the negative. While the rule does not expressly cover it, it is a similar case, and I think a similar ruling ought to be made.

Mr. JOHNSON of Kentucky. The position of the gentleman from Illinois, Mr. Speaker, is not at all well taken. The Unanimous Consent Calendar is not the business under consideration.

Mr. MANN. Oh, yes.

Mr. JOHNSON of Kentucky. The business under consideration is a bill which is upon the Unanimous Consent Calendar.

Mr. MANN. But it comes on the call of the Unanimous Consent Calendar.

The SPEAKER. There are several precedents about this matter, and the Chair will take the trouble to read only one of them. They all rule the same way. On page 21, volume 5, section 4975, of Hinds' Precedents is the following:

On February 23, 1901, Mr. William P. Hepburn, of Iowa, under the terms of a special order which made his motion the regular order, moved that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5499) to promote the efficiency of the Revenue-Cutter Service.

Mr. OSCAR W. UNDERWOOD, of Alabama, rising to a parliamentary inquiry, asked if it would be in order to raise the question of consideration.

The Speaker said:

"The Chair thinks not; but the question can be tested on the motion to go into Committee of the Whole. That presents the same situation as if the question of consideration were raised."

There are four or five precedents, all of which are along the same line. Therefore the Chair declines to recognize the gentleman from Kentucky [Mr. JOHNSON] to move to go into the Committee of the Whole again.

HOUSE RESOLUTIONS 447 AND 448.

On motion of Mr. GARRETT, a motion to reconsider the vote by which House resolutions 447 and 448 were agreed to was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. BOOHER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of George Welty, no adverse report having been made thereon.

SECTION 20, ACT TO REGULATE COMMERCE.

The SPEAKER. The Clerk will call the first bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman having charge of the bill, the Rayburn bill, whether, if he takes this up for consideration, it will be considered in the House or in the Committee of the Whole?

Mr. ADAMSON. It is immaterial to me. I intended to move to go into the Committee of the Whole House, but I prefer, if the House is willing, to consider it in the House as in Committee of the Whole.

Mr. STAFFORD. The gentleman will realize it will take most of the day if we enter into the consideration of this important bill.

Mr. ADAMSON. I do not think it ought to do so. We have had this up at a previous session and passed it with only 12 dissenting votes.

Mr. STAFFORD. I think this is too important a bill to be considered on the Unanimous Consent Calendar, and, therefore, I object.

Mr. ADAMSON. Will the gentleman consent to leaving it on the calendar?

Mr. STAFFORD. I will.

Mr. ADAMSON. Mr. Speaker, I ask that.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks that the bill be passed over without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, it seems to me there ought to be some limit of time on some of these bills at the top of the Unanimous Consent Calendar. There are not very many more unanimous-consent days in this Congress. Every gentleman who has a bill on the calendar, which he knows will not be considered under unanimous consent, still asks to have the bill retained on the calendar. I am not going to object to this bill just to further demonstrate what would happen. You could not finish this bill in three days.

Mr. ADAMSON. Mr. Speaker, "while there is life there is hope." So long as it remains on the calendar there is a chance for its consideration.

Mr. MANN. And it is a good bill at that.

Mr. STAFFORD. Mr. Speaker, I withdraw my objection to the consideration of this bill.

The SPEAKER. The gentleman from Wisconsin withdraws his objection to the consideration of the bill. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would be very glad to have this bill considered, but the House has just indicated that it did not desire to-day, on unanimous-consent day, to consider a very worthy bill. That bill could be discussed in one-third of the time that it will take to dispose of this bill. If, however, gentlemen want to go ahead with the stock-and-bond bill and take up to-day, and the next unanimous-consent day, and the next unanimous-consent day with it, with the certainty that even then the bill will not become a law in this Congress, I am not going to object to it.

The SPEAKER. Is there objection?

Mr. ADAMSON. Mr. Speaker, replying to the gentleman from Illinois, if the Chair will permit, there is really no necessity for prolonged debate on that bill. We passed this bill two years ago in one day, after having it thoroughly debated, and there is no necessity for long debate on it now, if gentlemen do not want to speak. It will, in my judgment, settle the whole railroad controversy that is now before the country.

Mr. MANN. Oh, the gentleman knows very well that this is probably the most important legislation proposed at this session of Congress. I would have been willing to spend a week working at it, so far as I am concerned.

Mr. ADAMSON. Will not the gentleman admit that the bill was thoroughly considered when the House passed it two years ago?

Mr. MANN. I will not admit that it was proper to call it up when the committee called it up. That is not a proper thing to do.

Mr. ADAMSON. I stand pat in my advocacy of this bill, and here is another opportunity, Mr. Speaker, and I do not feel at liberty to slight this opportunity.

Mr. FERRIS. Mr. Speaker, reserving the right to object, does the gentleman say there will be free debate on this bill?

Mr. ADAMSON. As full and free debate as has already been had.

Mr. MANN. I do not think that this bill was ever debated to any great extent in this House. I have no recollection of it, at least.

Mr. ADAMSON. I have a higher opinion of Members' recollection than that.

Mr. MANN. If there was any considerable debate on it, it made no impression on Members' minds.

Mr. ADAMSON. I do not think I would be performing my duty if I withdrew the bill now.

Mr. FERRIS. I have no personal interest in these bills, Mr. Speaker; but let me appeal to the gentleman from Georgia and ask him, Does he think he ought to bring up a bill of this kind that will take up all the unanimous-consent days at this session?

Mr. ADAMSON. I shall not retaliate in kind, I will say to the gentleman from Oklahoma; but I believe this bill is more important than all the other bills on the calendar at this time.

Mr. FERRIS. If the gentleman thinks it so important, I shall not object to it.

Mr. DENISON. Mr. Speaker, I do not think a question that affects all the railroads in the country ought to be settled in an hour. I object.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] objects.

Mr. ADAMSON. Mr. Speaker, I ask that this bill be passed over without prejudice. Gentlemen may have a change of mind by the time the next unanimous-consent day comes along.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

GRANT OF PUBLIC LANDS TO THE STATE OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The title of the bill was read.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. JOHNSON of Kentucky. I object, Mr. Speaker, on the theory that this bill would not be concluded to-day if taken up.

The SPEAKER. The gentleman from Kentucky objects, and the gentleman from Oklahoma [Mr. McCLINTIC] asks unanimous consent that it be passed over without prejudice. Is there objection?

There was no objection.

UNCOMPAHGRE INDIAN RESERVATION, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting on lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. MAYS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Utah asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

CLAIM OF THE SIOUX TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4371) authorizing the Sioux tribe of Indians to submit claims to the Court of Claims.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that this bill and the next, numbered 281 and 282 on the calendar, be passed over without prejudice.

The SPEAKER. The gentleman from South Dakota [Mr. GANDY] asks unanimous consent that Nos. 281 and 282 be passed over without prejudice. Is there objection?

There was no objection.

NATIONAL INSURANCE FUND.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 250) to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund, and for the mitigation of the evil of unemployment.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I do not see that on the calendar.

The SPEAKER. It is right after No. 282.

Mr. MANN. It is on the Unanimous Consent Calendar, No. 305.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I want to say that this bill involves an appropriation and the appointment of a commission. It is too important a bill to be disposed of by unanimous consent, and therefore I object in order that there may be a more careful consideration of it.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. LONDON. Mr. Speaker, will the Speaker recognize me for a motion to suspend the rules?

The SPEAKER. The Chair will recognize the gentleman at about half past 4 or 5 o'clock.

Mr. LONDON. Then I ask, Mr. Speaker, that the bill retain its place on the calendar without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this resolution be passed over without prejudice. Is there objection?

There was no objection.

AVIATION IN THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15736) to provide for aviation in the Coast Guard.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. COX. I reserve the right to object.

Mr. LONDON. I object, Mr. Speaker.

Mr. MONTAGUE. Mr. Speaker, will the gentleman from New York withhold his objection for a moment?

Mr. LONDON. I will.

Mr. MONTAGUE. I ask unanimous consent, Mr. Speaker, in view of the fact that the object of this legislation has been accomplished in two other bills, namely, the Army bill and the Navy bill, that this bill in particular be laid on the table. I apprehend that that is the parliamentary step to take.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be laid on the table. Is there objection?

There was no objection.

ASSESSMENTS FOR OPENING STREETS, ETC., DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15460) to provide for the payment of assessments for benefits for the opening of streets, avenues, roads, and alleys in the District of Columbia, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BORLAND. I object.

The SPEAKER. The gentleman from Missouri objects, and the bill is stricken from the calendar.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Maryland asks that this bill be passed over without prejudice. Is there objection?

Mr. VARE. Reserving the right to object, I should like to ask the gentleman if the same purpose has not been attained in the Adamson bill?

Mr. COADY. I think so; yes.

The SPEAKER. Is there objection?

Mr. ADAMSON. There are some skeptical people who pretend that the Adamson bill will not stand. If it should fail, we might have to legislate again, you know, and it is well enough to let this stand for the present, out of respect to the skeptics.

The SPEAKER. Is there objection to this bill going over without prejudice?

There was no objection.

MISBRANDED ARTICLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10496) to prohibit the manufacture, sale, or transportation in interstate commerce of misbranded articles, to regulate the traffic therein, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. BARKLEY. I ask unanimous consent——

Mr. MOORE of Pennsylvania. If the gentleman from Kentucky wants to discuss the bill, I will reserve the right to object. It is too important a bill to be passed in this way.

Mr. BARKLEY. I do not want to discuss it, but I ask unanimous consent to pass it over without prejudice.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to pass it over without prejudice. Is there objection?

There was no objection.

AUXILIARY RECLAMATION PROJECT, YUMA, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14825) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I should like to have that bill reported.

The SPEAKER. The Clerk will report the bill.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to substitute the Senate bill of similar title for this bill.

The SPEAKER. Is it of similar tenor?

Mr. HAYDEN. Of similar tenor and similar title, S. 5718.

The SPEAKER. Where is that bill?

Mr. HAYDEN. Is is on the Unanimous Consent Calendar.

Mr. MANN. It is Unanimous Consent Calendar 394 (S. 5718).

Mr. BORLAND. Mr. Speaker, it seems to me we should have the bill reported.

The SPEAKER. If the gentleman from Arizona [Mr. HAYDEN] is going to ask to have the Senate bill considered instead of the House bill, the Chair thinks it best to have the Senate bill read.

The Clerk read the bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to set apart any lands in the State of Arizona heretofore or hereafter withdrawn under the reclamation law, in connection with the Yuma reclamation project, as an auxiliary reclamation project or unit, and sell, in tracts of not more than 160 acres to any one purchaser, the lands so set apart and believed to be susceptible of irrigation, at public sale under suitable regulations, for not less than the reasonable value per acre of the land plus the estimated cost per acre of reclamation works to be constructed for the reclamation of said lands so set apart plus the proportionate cost per acre of the works previously constructed and available therefor. That appurtenant water rights for lands in private ownership may be sold for not to exceed 160 acres to any one person, at a price which shall not be less than the highest price per acre paid for public land sold under the provisions of this act, payment thereof to be made under the same terms as for public land under the provisions of section 2. Final water-right certificate shall not be issued to such private land until payment has been made in full. No works shall be constructed nor water delivered through any of the works of the Yuma project for the irrigation of any such private lands unless application has been made to purchase a water right for such land under the terms and provisions of this section. The Secretary of the Interior, at or prior to the time of sale, shall fix and determine (a) the reasonable value of the land per acre; (b) the estimated cost per acre of the works to be constructed; and (c) the proportionate cost per acre of the works previously constructed and available for the lands offered for sale.

SEC. 2. That all bidders at such public sale shall be required to make a deposit of 10 per cent of the amount bid for the tract proposed to be purchased, and upon notice from the Secretary of the Interior that such bid has been accepted shall be required to pay 15 per cent additional within 60 days after such notice. In case of failure to do so the deposit shall be forfeited and the corresponding lands shall be available for further sale. In case the bids for the lands shall not aggregate a sufficient amount within six months from the time fixed for the filing of bids to meet the probable cost as announced, all deposits shall be returned. The remaining 75 per cent of the purchase price shall be paid in three annual installments, with interest at 6 per cent per annum on deferred payments until paid, running from the date of notice to pay the additional 15 per cent, but advance payments may be received at any time. Upon full payment of the purchase price patent shall issue for the lands, and no qualification or limitation shall be required of any purchaser or patentee except that he be a citizen of the United States or have declared his intention to become such citizen. Such patent shall also contain a grant of a water-right appurtenant to the land.

SEC. 3. That the moneys received under the provisions of this act shall be paid into the Treasury of the United States and be covered into a separate fund known as the auxiliary reclamation fund of the Yuma project, Arizona.

SEC. 4. That the money in the said auxiliary reclamation fund of the Yuma project, Arizona, shall be available for the construction or completion of irrigation works for the said auxiliary project or unit to the extent of the moneys received on account thereof in connection with the sale of the lands therein. The landowners shall pay the cost of operation and maintenance, and the charges to cover such cost as fixed by the Secretary of the Interior shall be paid each year in advance of the delivery of water. Upon the announcement by the Secretary of the Interior of the completion of the said auxiliary project or unit thereof, the operation and maintenance of the irrigation works shall, as soon as practicable, be turned over to an organization representing a majority of the landowners, to be operated and maintained by them at their expense in accordance with a contract therefor to be made with the Secretary of the Interior.

SEC. 5. Any surplus of funds paid on account of construction remaining after completion thereof, and that any money remaining in said separate fund known as the auxiliary reclamation fund of the Yuma project, Arizona, after completion of the said auxiliary project and after reimbursement of the reclamation fund for the proportionate share of works built by means of the latter fund shall be credited to the cost of operation and maintenance of the works of the said auxiliary project, and any balance thereof on hand when the said auxiliary project is taken over, as provided in section 4, shall be paid to the contracting organization.

SEC. 6. That the provisions of the reclamation act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law, shall be applicable to such auxiliary project, except any portions of such acts as may be in conflict with the provisions hereof.

SEC. 7. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

With the following committee amendments:

Page 2, line 4, after the word "for," strike out the remainder of line 4 and lines 5, 6, 7, 8, 9, and 10, down to and including the word "two," and insert in lieu thereof the following:

"That appurtenant water rights for lands in private ownership may be sold for not to exceed 160 acres to any one person at a price equal to the estimated cost per acre of the works to be constructed plus the proportionate cost per acre of the works previously constructed and available for the lands, if any there be, payment to be made under the same terms as for public land under the provisions of section 2."

Page 3, lines 23 and 24, strike out the words "or have declared his intention to become such citizen."

Page 4, line 1, after the word "land," add the following to section 2:

"*Provided*, That any person who has made an entry which is now valid and subsisting, or who has a preference right to make entry, for any irrigable land embraced within the limits of the auxiliary project, may purchase said land at the price of $2.50 per acre and shall be subject to the same payments for the irrigation works as is required of persons holding private lands under the provisions of section 1 hereof: *Provided further*, That the purchasers or owners of the land to be irrigated under said auxiliary reclamation project shall also agree to pay to the United States the total actual cost of the works of said auxiliary reclamation project in the event that the actual cost of said works shall exceed the estimated cost thereof."

The SPEAKER. Is there objection to the present consideration of the Senate bill, it being a bill of similar tenor on the calendar.

Mr. BORLAND. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman will proceed.

Mr. BORLAND. This is rather a novel reclamation project, and I would like to have the gentleman in charge of the bill give us some explanation of it before we proceed with it. As I understand it, the purpose is to irrigate what is known as the mesa lands connected with the Yuma project.

Mr. HAYDEN. The gentleman is correct.

Mr. BORLAND. These mesa lands have heretofore been withdrawn as lands susceptible of irrigation, but in order to reclaim them it is going to be necessary to install a pumping plant operated by power obtained from the Laguna Dam. Is that the idea?

Mr. HAYDEN. That is the idea.

Mr. BORLAND. And the water will be pumped up to the level of the mesa?

Mr. HAYDEN. Yes.

Mr. BORLAND. How much of the mesa land is going to be irrigated in that way?

Mr. HAYDEN. About 40,000 acres.

Mr. BORLAND. It is that auxiliary plant to pump the water up to the mesa lands, and the power therefor, and of course the canals and ditches in the mesa, that are included in this so-called auxiliary project?

Mr. HAYDEN. Yes.

Mr. BORLAND. Does the bill contemplate that the holders of these mesa lands shall pay also a portion of the cost of the original project?

Mr. HAYDEN. Yes; the purchasers and owners of the mesa lands are to pay the proportionate cost, the bill says, per acre of the work previously constructed and available for the land.

Mr. BORLAND. What is meant by the words "available for the land"?

Mr. HAYDEN. Available for the irrigation of this land is the Laguna Dam, the canal extending from the Laguna Dam on the California side to where it returns to the Colorado River, the siphon under the river, and the main canal on the Arizona side of the river down to the point where the pump is to be located.

Mr. BORLAND. This pump is to be wholly available for the mesa land?

Mr. HAYDEN. Yes.

Mr. BORLAND. Nobody else can use that?

Mr. HAYDEN. And the holders of the mesa land are to pay the estimated cost per acre of the works to be constructed; that is, the cost of the pump and the canals and laterals that will be built on the mesa.

Mr. BORLAND. As I understand the plan, it is intended that the Government shall sell so much of the mesa land as is public land and put the money received therefor in a separate fund for these auxiliary works.

Mr. HAYDEN. Yes; for the reason that there is now no money available in the reclamation fund to construct any such auxiliary project.

Mr. BORLAND. Is the money in the auxiliary fund to apply only on the auxiliary work, or will it apply also on the proportionate cost of the original work?

Mr. HAYDEN. It will apply on both. The bill says that the money placed in this fund shall be used to construct new works, and to pay the proportionate cost of the works that have already been constructed. So if this plan is carried out, money will be available and paid into the reclamation fund to reimburse that fund for the proportionate share of the works already built. Let us suppose, for example, that there are now 70,000 acres served under the existing project, to which the whole cost is charged. When these 40,000 acres in the mesa unit are added to the entire project, then four-elevenths of the cost of the works heretofore constructed will be charged to this new unit and paid for in cash.

Mr. BORLAND. The only difference between this plan that the gentleman has evolved and the present reclamation law is that under the present law we retain some sort of a lien on the land for the cost of the project paid in 20 annual payments, and under this it is equal to the purchase price.

Mr. HAYDEN. Yes. That is the plan.

Mr. BORLAND. The Government sells the land and the purchase price received goes into the project. But suppose the Government sells a portion, say, 25 or 40 per cent, of the available public land in the 40,000 acres on the mesa. In doing so it pledges its faith to this portion that it will construct the auxiliary work. Suppose there is not a ready market for the remaining 60 or 75 per cent, how is the auxiliary work to be constructed?

Mr. HAYDEN. If the Government does not receive enough money to entirely construct the works, then the money is to be returned to the people who bid, and nothing is accomplished.

Mr. BORLAND. Does the gentleman contemplate that one sale is going to dispose of the whole 40,000 acres?

Mr. HAYDEN. Yes; one sale should be all that is required.

Mr. BORLAND. Within the limited time?

Mr. HAYDEN. Yes; within six months after the Secretary of the Interior estimates the cost and announces that the land is for sale, and if he does not get money enough to do the work all the money so far paid in is to be returned.

Mr. BORLAND. Is that in the bill?

Mr. HAYDEN. Yes.

Mr. BORLAND. Where is it?

Mr. HAYDEN. In section 2:

> In case the bids for the lands shall not aggregate a sufficient amount within six months from the time fixed for the filing of bids to meet the probable cost as announced, all deposits shall be returned.

Mr. BORLAND. The gentleman is confident that the land will find a ready market.

Mr. HAYDEN. I am.

Mr. BORLAND. I have seen the land. I realize that it is supposed to be good for citrus fruit.

Mr. HAYDEN. It is, and within eight hours' ride on the railroad of the great citrus-fruit country of southern California.

Mr. BORLAND. Yes; and quite in demand for oranges. Let me ask the gentleman why is it that he places the limit at 160 acres to each purchaser?

Mr. HAYDEN. That is the limit fixed in the reclamation law.

Mr. BORLAND. But that is subject to the discretion of the Secretary of the Interior.

Mr. HAYDEN. And so it is in this bill, not to exceed 160 acres. The gentleman will find that in line 7, page 1:

> And sell, in tracts of not more than 160 acres to any one purchaser.

Mr. BORLAND. Does the gentleman think that under that the Secretary can offer it in tracts of 40 acres?

Mr. HAYDEN. Yes; in tracts of 5 acres, 20 acres, or 40 acres.

Mr. BORLAND. The gentleman will realize that heretofore there has been a great temptation for a man to take up more land for irrigation than he could profitably work.

Mr. HAYDEN. The thought of the committee was that in selling the lands close to the town of Yuma and the railroad that such lands would bring a greater price if divided into small tracts. Lands at a greater distance, down by the Mexican border, might be sold in tracts as large as 160 acres, but that is all within the discretion of the Secretary of the Interior.

Mr. BORLAND. I think the gentleman is not quite accurate about that. I doubt whether the language "not to exceed 160 acres to any one person" leaves it in the discretion of the Secretary of the Interior. It might be claimed that the purchaser had the right to buy any number of acres up to 160.

Mr. HAYDEN. So far as I know, it is the intention of the Interior Department to sell much of this land in small tracts. If the gentleman thinks it would improve the bill to add the words "within the discretion of the Secretary of the Interior," I shall not object.

Mr. BORLAND. I think it would. I want to say to the gentleman in charge of the bill that, in my judgment, this may be an isolated case where his plan will work. It will work if the gentleman is right in saying that the bidders are ready to take approximately the whole 40,000 acres.

Mr. HAYDEN. I think it will work well on this project.

Mr. BORLAND. What is going to be the attitude of the bidders in case the gentleman is disappointed and the project does not work?

Mr. HAYDEN. Then they will have their money paid back to them.

Mr. BORLAND. I want it made very clear. I do not want it started as a reclamation project and have the faith of the Government pledged to its continuation.

Mr. HAYDEN. The Government is not bound to continue the work. To make it clear that the Government is not obligated to do that we state that if enough money is not received the amount collected shall be returned. And we state further that when the purchasers or owners do agree to make payments for the reclamation of their land they shall pay the total actual cost of the new work, if it is in excess of the estimated cost, and the proportionate cost per acre of the work previously constructed and available for the land.

Mr. BORLAND. Mr. Speaker, we are under obligation to build a large number of reclamation projects, and such money as is available ought to be devoted to completing those projects already begun, but it seems to me that if these people are locally able to take care of this situation they ought to have an opportunity to try it. With the assurance of the gentleman from Arizona that if the scheme failed they will have no demand on the reclamation fund to continue it, I think they ought to try it. I shall not object.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Arizona as to the value of the land involved in this transaction?

Mr. HAYDEN. It is absolutely valueless without water. With water it is valuable citrus-fruit land.

Mr. MOORE of Pennsylvania. Who built the canal to which reference is made?

Mr. HAYDEN. The canal from which water will be pumped has been constructed by the United States Reclamation Service.

Mr. MOORE of Pennsylvania. The Government furnishes the capital for this enterprise of 40,000 acres?

Mr. HAYDEN. No; the purchasers of these lands advance all the money.

Mr. MOORE of Pennsylvania. But the Government puts up the land as a basis for the entire operation.

Mr. HAYDEN. Of course, if there was no land, there could not be an irrigation project.

Mr. MOORE of Pennsylvania. What would be the value of the land after it was irrigated?

Mr. HAYDEN. It is worth the cost of reclamation at least, which I imagine will be about $100 an acre.

Mr. MOORE of Pennsylvania. Four hundred thousand dollars? I did not hear accurately.

Mr. HAYDEN. Four million dollars.

Mr. MOORE of Pennsylvania. Four million dollars is the estimated value of the land when it is properly irrigated?

Mr. HAYDEN. When it is properly irrigated, cultivated, and the purchasers have expended their money and time upon it.

Mr. MOORE of Pennsylvania. But the Government furnishes the basis of that investment by contributing the land? That is what I want to know.

Mr. HAYDEN. Yes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The gentleman from Arizona asks unanimous consent to substitute the bill S. 5718, of similar tenor, for the House bill and to consider the Senate bill. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill has been read. The Clerk will read the committee amendments.

The Clerk read as follows:

Page 2, line 4, strike out the following language: "That appurtenant water rights for lands in private ownership may be sold for not to

exceed 160 acres to any one person, at a price which shall not be less than the highest price per acre paid for public land sold under the provisions of this act, payment thereof to be made under the same terms as for public land under the provisions of section 2," and insert in lieu thereof the following: "That appurtenant water rights for lands in private ownership may be sold for not to exceed 160 acres to any one person at a price equal to the estimated cost per acre of the works to be constructed plus the proportionate cost per acre of the works previously constructed and available for the lands if any there be, payment to be made under the same terms as for public land under the provisions of section 2."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, lines 23 and 24, strike out the words "or have declared his intention to become such citizen."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, after the word "land," insert: "*Provided*, That any person who has made an entry which is now valid and subsisting, or who has a preference right to make entry for any irrigable land embraced within the limits of the auxiliary project, may purchase said land at the price of $2.50 per acre and shall be subject to the same payments for the irrigation works as is required of persons holding private lands under the provisions of section 1 hereof: *Provided further*, That the purchasers or owners of the land to be irrigated under said auxiliary reclamation project shall also agree to pay to the United States the total actual cost of the works of said auxiliary reclamation project in the event that the actual cost of said works shall exceed the estimated cost thereof.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. BORLAND. Mr. Speaker, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 8, after the word "purchaser," insert the words "in the discretion of the Secretary of the Interior."

Mr. MANN. Does the gentleman mean to say that he is willing to give the Secretary of the Interior authority to sell more than 160 acres of this land to one person?

Mr. BORLAND. No; that is not the intention. The intention is to give him discretion to sell in tracts of less than 160 acres each. I am not at all clear that I have reached that purpose.

Mr. MANN. This authorizes the Secretary of the Interior to prescribe tracts of less than 160 acres now, or of not more than 160 acres. The gentleman's amendment will provide not more than 160 acres, in the discretion of the Secretary of the Interior, which would allow him to sell 10,000 acres in one tract. As the bill is now, this is authority to grant not more than 160 acres, and he can make it 40 acres or 10 acres, and I suppose very often it will be 40 or 80 acres.

Mr. BORLAND. Mr. Speaker, it struck me that the Secretary of the Interior would be authorized to receive bids from these private individuals for any sized tract up to 160 acres, but that language did not vest in the Secretary of the Interior the right to offer the land in tracts of less size, but authorized him to accept bids up to that sized tracts. What the gentleman has spoken of is what we desire to accomplish.

Mr. MANN. I take it that this is what will be done, though the gentleman from Arizona [Mr. HAYDEN] may know better than I in that respect. The Secretary sets aside certain of these lands, and will indicate the size of the tracts which will be sold. That is the authority given him here, but in any case he must not sell more than 160 acres to an individual.

Mr. HAYDEN. That, I understand, is the purpose of the department.

Mr. STAFFORD. The gentleman could obtain his purpose by an amendment along these lines: After the word "tract" insert the language "of varying size, in the discretion of the Secretary of the Interior, but of not more than 160 acres to any one purchaser."

Mr. BORLAND. I had that in mind.

Mr. MANN. I think that is exactly what this means.

Mr. BORLAND. I was going to insert there, after the word "tracts," the words "that he may determine," so as to make it read:

That the Secretary of the Interior is hereby authorized to set apart any lands in the State of Arizona—

And so forth—

and sell in tracts he may determine, of not more than 160 acres—

And so forth.

Mr. MANN. After all, that is what the original language means.

Mr. BORLAND. I think it is well to put it in there, because the temptation is always to bid for the largest amount of land that the Government can be induced to sell.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to amend my amendment and to offer in its place the following.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to withdraw his amendment and offer another. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 1, line 7, after the word "tracts," insert the words "of such size as he may determine," so that the line as amended will read: "and sell in tracts of such size as he may determine, of not more than 160 acres," etc.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 14825) was, by unanimous consent, laid on the table.

UNCLAIMED BANK DEPOSITS, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16070) to dispose of unclaimed bank deposits in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

BALANCE DUE LOYAL CREEK INDIANS, ETC.

The next business on the Unanimous Consent Calendar was the bill (H. R. 9326) to pay the balance due the Loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill remain on the calendar without prejudice.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

REPUBLIC COAL CO.

The next business on the Calendar for Unanimous Consent was S. J. Res. 50, authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

Mr. HILLIARD. Mr. Speaker, I am disposed to object, but I reserve the right to object.

Mr. STOUT. Mr. Speaker, I understand the gentleman reserves the right to object. Mr. Speaker, I desire to explain the purpose of this little joint resolution for the benefit of the gentleman from Colorado and others who may be interested. The joint resolution provides, in brief, that the Republic Coal Co., which is a subsidiary company of the Chicago, Milwaukee & St. Paul Railroad Co., may lease 640 acres of this land. This joint resolution provides for a greater amount of land than that, but I have an amendment which I propose to introduce which will cut it down to 640 acres, making it the same size tract as any association of private individuals can take up under the present law.

As we all know when the original railroads were built through that western country a number of them were given vast tracts of coal lands and others had opportunities to acquire great quantities of coal lands at very reasonable figures or at no figure at all. When the Chicago, Milwaukee & St. Paul Railroad was built through from the Missouri River to the Pacific coast all the avenues for the acquisition of coal lands by railroads

had been closed. The only way that they could get coal lands was to purchase them from their competitors and their competitors were naturally very loath to sell to any railroad company. This company finally did get control of 640 acres of land. It expended $850,000 to $1,000,000 in the development of that coal. That is the only source of coal between the Missouri River and the Pacific coast, and naturally that little tract of coal land has now been exhausted, and this bill gives them the privilege of leasing—it was originally sale and purchase—but it is a lease upon terms to be fixed by the Secretary of the Interior. This additional 640 acres of land immediately joins that which they have about worked out. Now, the facts are these: This coal is of low quality steam coal. We are compelled to use it in the section of the country where I reside. We get coal from this little camp where this mine is located. This railroad company, if it can not get coal from its own mine, will be compelled to purchase coal from independent mines of which there are three or four in the camp. That will necessarily, as it has done this year, produce a coal famine in that part of the State. My own town, a little city of 8,000 people, has been face to face with a coal famine for the last five months, and I think this would relieve the situation a good deal. At least this railroad company could get its coal and permit these independent companies to use their entire output for the supply of domestic needs. I can see no possible objection to this bill in any sense of the word. It is not giving this railroad company any special advantage because, as I say, any four citizens, the gentleman from Colorado, two other gentleman, and myself, could go there and take this land under very much more advantageous conditions than the railroad company is permitted under this bill, but we would not do it for the reason that the coal is 350 feet deep and it would cost, as competent engineers have reported, $300,000 to put down a shaft so it would produce in paying quantities. The railroad has its machinery in there. Its shafts and tunnels are right there. It has $850,000 worth of machinery ready to work and it can get out this coal more economically than it can be extracted by any other corporation or individual under these conditions. The fact that the railroad company has got to have coal, the fact if it does not get it in this manner it has got to purchase and thereby inflict a hardship upon the communities near the property, and perhaps 150,000 people around there are supplied from this camp, I think makes it in the interest of public policy that this measure should become the law, and in the light of this statement I trust the gentleman from Colorado, who is a man from the West and understands the conditions out there, will see fit to withdraw his objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HILLIARD. Mr. Speaker, I regret very much I am not able to come to the conclusion of my distinguished friend from Montana [Mr. STOUT], who is so persuasive that if this land were mine I would quickly give it to the railroad company. But it is not mine, and I am familiar with the West. I know how the railroad companies have grabbed all the coal lands out there. The fact that the Chicago, Milwaukee & St. Paul Railroad did not get as much as the Union Pacific, as the gentleman states, is no reason why it should now get some land upon terms upon which neither he nor I could get land out there. This is simply an act for the purpose of giving the railroad a chance to get the land which neither the gentleman nor myself could get under the terms proposed to be given to the railroad company.

Mr. DYER. Mr. Speaker, regular order.

Mr. HILLIARD. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Colorado objects.

FLANDREAU BAND OF SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13165) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. DILLON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

RECLAMATION OF ARID LANDS IN NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2519) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I desire to submit a unanimous-consent request that this bill be committed to the Committee on Public Lands. I do that with the consent of the author of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk will report the next bill.

TREATY OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 649) making appropriations for expenses incurred under the treaty of Washington.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects, and the Clerk will report the next bill.

CLAIMS OF STATE OF NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 3654, to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of North Carolina.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. POU. Mr Speaker——

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. POU. Mr. Speaker, I would like to make a short explanation of this bill. The various States of the Union made contributions providing for the military indebtedness of the Government in prosecuting the War of 1812. All of the States which made these contributions have had a settlement with the Government except the State of North Carolina. Now, I do not know whether the Government owes the State of North Carolina anything, or whether my State owes the Government. But the matter ought to be ascertained, and this bill only provides that the accounts shall be audited. There is no appropriation carried in the bill, and the matter ought to be settled at some time or other.

Mr. MANN. There is no appropriation carried in this bill. If there is, it is buried in the claim, and it would require an appropriation, of course, in a deficiency bill, if the claim is approved. It authorizes the auditing of a claim, which claim, when audited, is paid as a matter of course without controversy through a deficiency bill.

Mr. POU. I did not understand that there was any appropriation. It was not so intended, and I am willing to have it amended.

Mr. MANN. There is no appropriation directed, but it authorizes the auditing of a claim. These claims when audited are paid through the deficiency bill, just like judgments against the Government, without controversy and without consideration except just nominally.

Mr. POU. I am willing to have the bill amended.

Mr. MANN. And I am not saying that is an improper course.

Mr. POU. In view of the fact that a similar settlement has been had with almost every other State, and, I believe, with every other State, it would seem that North Carolina ought to have its account audited.

Mr. MANN. North Carolina has been so modest and has held itself under such self-restraint that it has waited for more than 100 years to present this claim. Is not the gentleman afraid of its losing its self-restraint?

Mr. POU. I shrug my shoulders, too.

Mr. STAFFORD. Mr. Speaker, I took occasion last session to go over this bill and the report very carefully, and also the copy of the brief prepared by the attorney for the claim in this case. There is a great difference between the claim of North Carolina, as set forth in this case, and the claims of the other States. I shall be constrained to object to its consideration, but have no objection to the bill retaining its place on the calendar, if the gentleman will make the request.

Mr. POU. I am much obliged to the gentleman for granting that small favor.

The SPEAKER pro tempore. Does the gentleman object?

Mr. DYER. I think the gentleman from North Carolina wanted the bill to remain on the calendar without prejudice.

Mr. POU. Yes.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

RETIREMENT PAY OF JUDGES IN TERRITORIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11152) to provide retirement pay in certain cases for judges of the United States district courts in the Territories.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COX. Mr. Speaker, reserving the right to object——

Mr. DYER. I object.

TABLET IN MEMORY OF COL. DAVID DU B. GAILLARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15076) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the Memorial Amphitheater at Arlington, Va.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I will ask to have the bill passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

BATTLEFIELD OF GUILFORD COURT HOUSE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. STEDMAN. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

ABANDONMENT OF PINEY BRANCH ROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12035) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901."

The title of the bill was read.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from Georgia [Mr. VINSON] has charge of this bill, and he is necessarily absent from the floor for a moment. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

DONATION OF LAND TO THE CITY OF ST. AUGUSTINE, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the Powderhouse Lot.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

Mr. SEARS. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I do.

Mr. SEARS. I was wondering whether, if I were to move an amendment on page 2, line 5, after the word "purposes," making it read "or if the Government should decide to use said lands for public buildings or military purposes," that would not meet the gentleman's objection?

Mr. STAFFORD. I will state to the gentleman, as I said when this bill was last under consideration, that my objection is fundamental in that I believe it should not be the policy of the Government, when it has no further need of public land, to donate it to a municipality or to the public. The policy pursued in the case of public buildings no longer needed for public-building purposes, where a municipality wishes to take over the building, has been for the Government to sell it to the municipality at a reasonable price.

Mr. SEARS. If the Government prefers to take this back, should not the Government be allowed to do it, and in the meantime let the municipality improve it?

Mr. STAFFORD. I am perfectly willing to give the preference to the municipality, but the land should not be given away.

Mr. MANN. Mr. Speaker, will the gentleman from Wisconsin yield for a moment?

Mr. STAFFORD. I shall be glad to yield.

Mr. MANN. Has the gentleman taken into consideration the fact that this is the oldest settlement in the United States and that always we "young people" owe a little to age? I am reaching that period myself where I sometimes think some people owe a little to age, although I am afraid I have had very little respect myself at times for age in the past.

Here is the oldest city in the country, the oldest settlement in the country, filled with history and romance. It never has asked very much from the Government, although it has contributed largely to the people of all the country through its history and through the romances connected with it.

They can not afford to buy the land, probably. I suppose there are more people go to St. Augustine because of the age of the city and its historical connections than go to any other locality in the United States. I went there myself once or twice just because of that fact. We spend a considerable amount of money in our parks, national parks, and in our local parks. We really expend the money for the benefit of the sightseers. We spend a very large sum of money in Washington—not as large as I would like to see spent—for the benefit of those who come here. We spend nothing in St. Augustine, the father of the country in a way, the mother of the country in a way—the beginning of the country.

Why not, in deference to what they are doing for our visitors who go there, give them a little land which is of no value to us, but which they will fix up and make of value to everybody who goes there? [Applause.]

Mr. STAFFORD. Mr. Speaker, the appeal made by the gentleman is quite potent, and yet I can not see any reason why we should make any exception in dealing with this city. If our tourists go there, certainly they go there with their money to contribute to the business and support of the city. As I said on other occasions, I do not see any reason why we should not give the preference to this municipality, but I can not see any reason why we should make an exception in this case. Therefore I object.

Mr. SEARS. If I should offer an amendment to the effect that the land should revert to the Government, will the gentleman object?

Mr. STAFFORD. I have no objection to its going over for two weeks. In the meantime I will give it my further consideration.

Mr. SEARS. I thank the gentleman from Illinois [Mr. MANN] for his expression in behalf of this bill, and in the meantime, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

LANDS WITHIN THE BLACKFEET INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Kentucky. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky objects. The bill is stricken from the calendar.

Mr. EVANS. Mr. Speaker, I ask unanimous consent that this bill be permitted to remain on the calendar without prejudice.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill be permitted to remain on the calendar without prejudice. Is there objection?

There was no objection.

PUBLIC-SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14816) to provide for the use of public-

school buildings in the District of Columbia as community forums, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Mr. Speaker, I object.

The SPEAKER. The gentleman from Oklahoma objects. The bill will be stricken from the calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar and be passed over without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

ACTIONS UNDER INTERSTATE COMMERCE ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16733) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, be further amended by inserting between the seventh and eighth paragraphs thereof the following paragraph:

"All actions by carriers subject to this act for the recovery of all or any part of the schedule charges for any service subject to this act shall be begun within three years from the time the cause of action accrued, and not after: *Provided, however*, That any such action may be brought at any time prior to January 1, 1917, if such action would not then have been barred by some statute of limitations except for this act. Nothing in this paragraph shall be construed as changing in any way the duty of a carrier to promptly demand and collect its lawful charges or as relieving it from any liability or penalty for failure so to do."

SEC. 2. That the last sentence of the second paragraph of section 16 of said act to regulate commerce reading as follows: "All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the circuit court or State court within one year from the date of the order, and not after," shall be amended to read as follows:

"All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after, unless the cause of action shall have accrued in respect of or in connection with some service subject to this act done or undertaken to be done by a carrier subject to this act, for which the carrier shall have begun action for the recovery from the complainant of all or any part of the schedule charges after said two years shall have expired or within 90 days before the expiration of said two years, in either of which cases his complaint may be filed with the commission within 90 days after such action shall have been begun by the carrier, and not after.

"A petition for the enforcement of an order for the payment of money shall be filed in the district court or State court within one year from the expiration of the time limit set for the payment in the order, and not after."

Mr. ESCH. Mr. Speaker, neither the author of this bill nor the member of the committee who reported it is present at this moment. Three separate measures were introduced and referred to the Committee on Interstate and Foreign Commerce, and were by that Committee submitted to the Interstate Commerce Commission. The result is the bill before you. The Interstate Commerce Commission has in its last three or four annual reports, as I understand it, recommended provisions along these lines. In the present statute I understand there is no limitation as to time of the right of the carrier to bring its action for the recovery of undercharges. This fixes a limit of three years on claims of that kind. The testimony before the committee was that there were many cases instituted by common carriers on claims for undercharges after the lapse of three, four, five, and even six years. This will remedy that evil.

Mr. BARKLEY. Mr. Speaker, the chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON] has stepped out of the Hall temporarily. He is very anxious that this bill shall be passed at this time. As the gentleman from Wisconsin [Mr. ESCH] says, it has been recommended by the Interstate Commerce Commission, and was unanimously reported by the committee, and I believe it ought to be enacted.

Mr. STEENERSON. I should like to ask the gentleman from Wisconsin a question. I move to strike out the last word. From the reading of the bill as I caught it, it fixed the date of January 1, 1917, which date has already passed. Should not that be changed?

Mr. ESCH. I move to amend that by making it March 4, 1917. The bill was reported to the House prior to the date set forth in that paragraph.

Mr. STEENERSON. Might it not be better to make it March 5, so as to have it after the passage of the act?

Mr. ESCH. I will act on that suggestion. I move to amend by striking out in line 2, page 2, the words "January 1" and inserting in lieu thereof "March 5."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, in line 2, by striking out "January 1" and inserting "March 5."

Mr. MANN. Mr. Speaker, the gentleman from Wisconsin [Mr. ESCH] is as well posted on matters of this sort as anyone in the House, but I am inclined to think the gentleman overlooks the purpose of this provision. A bill of this sort ought to be explained. The amendment offered by the gentleman from Wisconsin is not the amendment he wants to propose. This bill undertakes to limit the time within which a suit can be brought by a railroad company for the recovery of certain schedule charges, and provides for a limitation of time within which such action shall be commenced—within three years from the time the cause of action accrued. I believe that that is a reduction of the time, although I am not certain. Then follows a provision, provided, however, regardless of the limitation of three years, that the action may be brought before January 1, 1917. That is for the purpose of not cutting out anybody.

Now, if this bill becomes a law, in all probability it will not become a law before March 4, and it would be useless to give the right to bring an action by March 5 which could not already be brought within the three-year limitation, because no attorney, agile though he might be, would be able to get his clients into court by March 5.

Mr. ESCH. I am willing to accept any suggestion that the gentleman may make.

Mr. MANN. Am I not correct about that?

Mr. ESCH. Yes; I think the gentleman's point is well taken.

Mr. STEENERSON. They ought to have 60 days, anyway.

Mr. ESCH. Of course the President might not sign this by the 5th of March.

Mr. MANN. Oh, yes; this is the short session, and he must sign it before March 5 or it will not become a law. If you are going to extend the right to bring the action contemplated, you ought to give a substantial time within which the action may be brought. I think this bill was drawn by the Interstate Commerce Commission. I know they are interested in its passage, it being designed to rectify discrepancies between the rights of the railroad companies and of the shippers.

Mr. ADAMSON. The bill was drawn in conformity with their wishes.

Mr. MANN. The date was fixed as January 1, 1917, when the bill was introduced in June, 1916. If I were changing it, I should fix it at July 1, 1917.

Mr. ADAMSON. I agree with the gentleman from Illinois. I think that ought to be done.

Mr. ESCH. I accept that amendment.

The SPEAKER. What is the amendment?

Mr. ESCH. Strike out "January" in line 2, page 2, and insert "July."

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] withdraws his pro forma amendment, and the gentleman from Wisconsin [Mr. ESCH] withdraws his amendment and offers another, which the Clerk will report.

The Clerk read as follows:

On page 2, line 2, strike out "January" and insert "July."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

NATIONAL SOCIETY UNITED STATES DAUGHTERS OF 1812.

The next business on the Calendar for Unanimous Consent was House joint resolution 230, authorizing the National Society of United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual report to the secretary thereof.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I notice from the report of Secretary Walcott that he criticizes the general purpose of this bill, claiming that the Institution has not file space to take care of the archives of this organization. What was the moving cause of the committee in reporting this bill in opposition to the adverse report by the secretary?

Mr. MAPES. Mr. Speaker, I think if the gentleman from Wisconsin will read the letter of Mr. Walcott more carefully he will find that his objection is not on the ground that there is

not sufficient room, but on the ground that it would cause a little more editorial work for the officials of the Institution.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. STAFFORD. I might reply in kind, that if the gentleman from Michigan would read the letter more carefully he would not make that retort. I call the gentleman's attention to that portion of the letter upon which I predicated my statement:

I desire further to state that the Institution has not the facilities to provide exhibition or storage space for the great mass of books, manuscripts, and other material which might be expected were a number of societies authorized to deposit their collections here.

Mr. MAPES. Yes; he says, "A number of societies being authorized to deposit their collections." We are only asking for one. Mr. Walcott is anticipating that a lot more will ask for the same opportunity. I will say to the gentleman that the language of this bill contains a clause which is very similar to the language in the bill incorporating the Society of the Daughters of the Revolution. For some reason, when the charter incorporating the Daughters of 1812 was passed, it did not contain the provision that is in the other charter allowing the Daughters of the Revolution to file their valuable historical material with the Smithsonian Institution. This is a similar provision, giving the Daughters of 1812 the same right which the Daughters of the American Revolution now have.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. STAFFORD. I may be in error, but I will ask whether the Daughters of the American Revolution have not the general authority to file their historical matter in the Smithsonian Institution if the secretary deems it of sufficient historical importance? I direct the gentleman's attention to the last paragraph in the secretary's letter, in which he says:

I may add in this connection, however, that the Smithsonian Institution is already authorized by law to receive collections for the United States National Museum from any source and will be glad to place on exhibition any objects which are found to be of sufficient historical importance to warrant such action.

Mr. MANN. Mr. Speaker, the president of this organization is a constituent of mine, Mrs. Robert Hall Wiles, a woman very active in doing historical work, especially in connection with the Daughters of 1812. The gentleman will recall that it was this organization which a year or two years ago was active in connection with the return of a certain Confederate flag to Louisiana, upon which we heard considerable eloquent discussion in the House.

The Smithsonian Institution is, I think, authorized to receive almost any kind of donation that it wants to. I would not be in favor of permanently loading up the Smithsonian Institution Building with old junk of any kind, but here is an organization that is collecting now some very valuable material concerning the War of 1812, which, by the way, just at present is of particular interest in view of our relations with European countries at this time. They have no place in which to preserve this information which they acquire. In the course of time we are going to construct in Washington a hall of archives. I do not know what we are going to put into it. It is in process—I will not say of incubation, because it was incubated some time ago—but there is a movement of some kind. Probably things of this sort will be put in the archives in the end, but the Smithsonian Institution now has a considerable amount of room which may be profitably used for storing any of these documents, if later it may be found that they should be moved away from the Smithsonian Institution.

I think these ladies are doing a very good service to the country, both the Daughters of 1812, the Daughters of the American Revolution, the Daughters of the Confederacy, and various other daughters in collecting information. I feel certain of one thing, that they are doing a great deal more good to our country, to our people, and to womanhood than those misguided, unfortunate-minded people who are engaged now in patrolling the White House. [Laughter and applause.]

Mr. STAFFORD. Will the gentleman yield? I would like to ask the gentleman a question as to the amount of editorial work that is purposed to be imposed on the Institution by the deposit of their various reports year after year.

Mr. MANN. I may say that the editorial work is very little. The reports of the Daughters of the Revolution are now transmitted to Congress. These people will make a report to the Smithsonian Institution. Of course, if it contained a great mass of documents the editorial work would be in cutting them out in making the report to us; that is all. There is no writing to be done, none that calls for editorial work. It is like we receive reports here, sometimes ordering a part of them printed and a part not; it is a very simple process.

Mr. STAFFORD. Mr. Speaker, I am swayed by the statement of the gentleman from Illinois, who has served as a Regent of the Smithsonian Institution for a number of years, and I will take his judgment that it will not cumber up the archives against the judgment of the secretary.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution as follows:

House joint resolution 230, authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof.

Resolved, etc., That the National Society United States Daughters of 1812 is authorized to report its proceedings annually to the Secretary of the Smithsonian Institution, and that the Secretary of the Smithsonian Institution shall communicate to Congress such portions thereof as he may deem of national interest and importance. The Regents of the Smithsonian Institution are authorized to permit said National Society United States Daughters of 1812 to deposit its collection of manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MAPES, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

UNALLOTTED LANDS OF CREEK INDIANS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent, at the request of the gentleman from Oklahoma [Mr. MURRAY], that this resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FIVE CIVILIZED TRIBES IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 108) to confer upon the superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled members of the Five Civilized Tribes and their individual moneys.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have received letters from the representative of the Indian Rights Association protesting strongly against this bill, and from some others interested in the bill. I am strongly opposed to the bill, and I do not see any purpose to be obtained in keeping it upon the calendar.

Mr. HASTINGS. Mr. Speaker, this is a bill that affects the Five Civilized Tribes in Oklahoma. I venture the assertion, and I make the statement now on the floor of this House, that there is not a single Indian in Oklahoma who is opposed to this bill; and if the gentleman has any letters from any Indians, certainly they are from Indians outside of the State of Oklahoma. I know of no Indian and of no white man who is not in the employment of the United States Government who is opposed to this bill. It is the only bill that has been introduced into this House that meets with the unanimous approval in the State of Oklahoma of every person, white, black, and red.

Mr. STAFFORD. Mr. Speaker, replying to the gentleman's statement, I know and I assert it on my own knowledge that the representative of the Indian Rights Association in this city, Mr. Brosius, is strongly opposed to this bill. I have received letters from a former member of the Committee on Indian Affairs protesting against the bill, and I have received a letter from a person who has Indian blood in him in my own city protesting against the bill. For these reasons, I object.

The SPEAKER. The gentleman from Wisconsin objects to the bill going over without prejudice, and it will be stricken from the calendar.

DENISON COAL CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease, and to include within said lease other lands within the segregated coal area.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. JOHNSON of Kentucky. I reserve my objection; yes.

Mr. CARTER of Oklahoma. Mr. Speaker, I desire to make a short statement for the benefit of the gentleman from Kentucky. This provides for the taking up of some lands by S. P. Aucker, of the Denison Coal Co., who had originally a coal lease under the firm name of W. C. Fordyce. The land upon which the lease was taken was found to be barren of coal. We passed an act on July 25, 1910, which attempted to rectify that error and to give the man land which had coal underneath it; but on account of an error in the description of the bill, which was introduced by me, the description having been furnished me by the Indian Bureau, the land was not given contiguously. A part of it was described in section 30 when it should have been described in section 32, so that the department could not issue a lease to this man. This poor fellow has paid some nine or ten thousand dollars royalty in advance, which should be applied upon the coal when it is mined; the coal when it is mined will, of course, be distributed among the people there, and the royalties above the nine or ten thousand dollars already paid will be paid into the Treasury for the benefit of the Indians. Subsequent to the time referred to before—I think it was on March 3, 1913—an act was passed which attempted again to rectify the error, but unfortunately that act related only to those people who were at that time operating coal. This gentleman could not operate coal upon his leasehold, because there was no coal there; it was barren of coal. All others in the same situation as this gentleman and his associates have been taken care of, but this poor fellow is left there with his money paid into the Treasury, and he can not get any coal and the Indian can not get any further royalty.

Mr. JOHNSON of Kentucky. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how long does the gentleman think it will take to consider this bill in the House? Is the consideration of it nearly through?

Mr. CARTER of Oklahoma. So far as I am concerned; yes.

Mr. MANN. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act of Congress approved June 25, 1910 (36 Stat. L., p. 832), entitled "An act granting to Savanna Coal Co. right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to permit the Denison Coal Co. to relinquish the lands embraced in its existing Choctaw and Chickasaw coal lease, all of which lands have been demonstrated to be not valuable for coal, and to include within the said lease in lieu thereof the following-described lands which are within the segregated coal area and unleased: The southwest quarter of the northeast quarter, and northeast quarter of the northwest quarter, and south half of the northwest quarter, and north half of the southwest quarter, and southwest quarter of the southwest quarter, all in section 6, township 3 north, range 14 east; and south half of the southeast quarter of the northeast quarter, and east half of the southeast quarter, and south half of the northwest quarter of the southeast quarter, and southwest quarter of the southeast quarter, and southeast quarter of the southwest quarter, and south half of the southwest quarter of the southwest quarter, all in section 1, township 3 north, range 13 east; and northwest quarter of the northeast quarter, and north half of the northwest quarter, and southwest quarter of the northwest quarter, all in section 12, township 3 north, range 13 east; and east half of the northeast quarter, and south half of the northwest quarter of the northeast quarter, and southwest quarter of the northeast quarter, and northwest quarter of the southeast quarter, and southeast quarter of the northwest quarter, and north half of the southwest quarter, all in section 11, township 3 north, range 13 east, 960 acres, more or less: *Provided*, That if the surface of said lands has not been sold in accordance with the provisions of the act of February 19, 1912 (37 Stat. L., p. 67), the said Denison Coal Co. shall have the right to use only so much of the surface of said lands as may be reasonably necessary for the purpose of carrying on mining operations, not to exceed 5 per cent of such surface, the number, location, and extent of the tracts to be so used to be approved by the Secretary of the Interior, and said company shall purchase the surface of the tracts so used for mining operations in accordance with section 2 of said act: *Provided further*, That should the surface of said lands have been sold in accordance with the provisions of said act of Congress approved February 19, 1912, the said Denison Coal Co. shall acquire such portions of the surface as may be reasonably necessary for prospecting or for the conduct of mining operations as provided in section 3 of said act: *Provided further*, That the said Denison Coal Co. shall pay all amounts due and unpaid under its existing lease before the said company shall be permitted to include the above-described lieu lands in the lease, and that all moneys which shall have been paid by the said company under its lease as advance royalties shall be credited on the royalty on production from the lieu lands in accordance with the terms of the lease."

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALARY OF UNITED STATES DISTRICT ATTORNEY, RHODE ISLAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10110) to increase the salary of the United States district attorney for the district of Rhode Island.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, I reserve the right to object. I wonder why it is that all of this legislation, not only as regards United States district attorneys, clerks, and marshals, goes to the Committee on the Judiciary, as well as legislation in regard to the salaries of those in the Department of the Interior and clerks in the War Department and the Navy Department. This bill is without the jurisdiction of the Committee on the Judiciary. It belongs to the Committee on Expenditures in the Department of Justice. We have had a good deal of talk here in the last three weeks about the increase in the salaries of the various offices, and it is always made the effort to put them through on an appropriation bill as a rider, or by referring them to committees that have not jurisdiction of that subject. Now, I want to call the attention of the House to this bill. This is the first clean opportunity I have seen for the last three weeks in which to present this question. Subdivision 36 of Rule XI provides—

The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public money; the security of the Government against unjust and extravagant demands; retrenchment; enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several departments, as follows.

Now, this bill is for the increase of the salary of the district attorney and ought to have gone to the Committee on Expenditures in the Department of Justice. Presumably and possibly under the rule laid down that after a bill has been referred to a wrong committee and a report given by that committee and it is on the calendar it is too late to object, but I wonder whether the author of this bill will object to unanimous consent to rerefer this bill to the Committee on Expenditures in the Department of Justice?

Mr. O'SHAUNESSY. Mr. Speaker, answering the gentleman from California, I would not have any objection to it being referred to that committee were it not for the fact that the matter has been pending for so long a time that to refer it to that committee would be to participate in an act of delayed justice.

Mr. RAKER. This matter has been in my mind for some three months. I have sat here on the floor of this House when hours upon hours of this House's time have been taken up with increases of salaries in various departments, the jurisdiction being either assumed by the Committee on Appropriations, the Committee on the Post Office and Post Roads, or the Committee on Agriculture. Now, the Committees on the Judiciary, on Appropriations, on the Post Office and Post Roads, and on Agriculture already have more legislation before them than they can attend to, of vast importance; with 11 committees of the House fully equipped with clerks and assistants, without a meeting, without work, and without attention, and important matters relating to the jurisdiction of each one of those committees, the opportunity is presented so clearly in this bill where there can be no possibility of question as to jurisdiction, I think the author of the bill ought to send it to that committee having jurisdiction of this matter, not to go into this one subject, but go into all kindred subjects to which this bill relates, not only the salaries of United States district attorneys, but the salaries of marshals, the salaries of clerks, and the salaries of commissioners, and the salaries of clerks in particular where they charge fees instead of getting a lump salary, and other reform legislation in regard to this matter that would give a litigant an opportunity to present his case to the court without being swamped with expenses before he can get before the court for a final hearing. In other words, the law is such that a litigant with little means is absolutely bankrupted by the man with a large sum of money before he can get into these courts, and I hope the gentleman in this instance, while I am in favor of this legislation, will see to it that the committee having jurisdiction of this bill will meet so there will be something definite before them; that the gentleman will yield and permit it to go to that committee so that they may have an opportunity to meet and consider all the conditions that bear upon this question.

Mr. O'SHAUNESSY. Now, does not the gentleman think it would be a very logical thing for me to do to have it referred to any committee, at this time, in order to justify the existence of that committee? Why should I be the vicarious victim of somebody's mistake?

Mr. RAKER. There is no vicarious victim in this matter.

Mr. O'SHAUNESSY. It is all very well for the gentleman to insist upon having a proper reference of bills hereafter, but he should not make me the vicarious victim of somebody's mistake at this time.

Mr. RAKER. It is not the gentleman from Rhode Island, because my regards of him are of the highest, not only as a gentleman but as a lawyer, as a man, and as a legislator, and one who represents his constituents, always here on the job, and nine-tenths of the time right.

Mr. O'SHAUNESSY. I thank the gentleman.

Mr. MANN. How does the gentleman know? Will the gentleman yield?

Mr. RAKER. I will yield.

Mr. MANN. The gentleman has referred to the rule and quoted from paragraph 36 of Rule XI, part of which reads:

Shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several departments, as follows.

And to show how brilliant and consistent the gentleman from California and his Democratic colleagues are in adopting the rules of the House they say "the nine standing committees as follows" and then enumerate eleven. That is as near as you ever get to the facts.

The SPEAKER. Whatever the reference ought to have been in the beginning, it is too late to raise the question of reference now.

Mr. RAKER. I said that from the decisions.

The SPEAKER. The Chair does not know how it happens these things are referred to the Committee on the Judiciary. The Chair knows he has found it that way, and he expects to leave it that way. Is there objection?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I would like to inquire why this one district attorney should have his salary increased when all the others are not included. Why do you not make a systematic inquiry as to all United States district attorneys and make a horizontal increase for all those that are clearly entitled to it, if any of them are? I am not going to object. The facts may warrant this increase, but there should be a very clear showing made for singling out this one man.

Mr. O'SHAUNESSY. The facts as examined by the Committee on the Judiciary bore out any statement I have made in reference to the bill, that the district attorney of Rhode Island was not proportionately paid; that is, considering the salary of the other district attorneys, his salary was not equal.

Mr. TAYLOR of Colorado. How much does he now get?

Mr. O'SHAUNESSY. Two thousand five hundred dollars, and he gives his whole time and attention to it.

Mr. TAYLOR of Colorado. How much do the other district attorneys get—I mean generally speaking?

Mr. O'SHAUNESSY. I will give that.

Mr. TAYLOR of Colorado. How much more business does the district attorney of Rhode Island have to perform than the other district attorneys throughout the country?

Mr. O'SHAUNESSY. I have the whole thing here.

Mr. TAYLOR of Colorado. Are these facts in the report on the bill?

Mr. O'SHAUNESSY. The report on the bill?

Mr. TAYLOR of Colorado. Yes; does the report on this bill contain the data showing by comparison with the work performed by other district attorneys that this one is clearly entitled to an increase? I doubt the wisdom of this kind of legislation.

Mr. CRAMTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. CRAMTON. If the time of the House is of any value, I expect to save some of it by saying that I intend to object.

Mr. O'SHAUNESSY. Will the gentleman withhold his objection until I state my reason for the bill?

Mr. CRAMTON. Briefly; yes. The report, I will say, however, does not carry any of the information and has not the recommendation of the Department of Justice——

Mr. O'SHAUNESSY. It has.

Mr. CRAMTON. And I am opposed to this class of legislation.

Mr. O'SHAUNESSY. It has the recommendation of the Department of Justice.

Mr. CRAMTON. They state that they do not make a specific recommendation.

Mr. O'SHAUNESSY. They need not make a specific recommendation. We are not splitting hairs on recommendations. The question is whether they recommend it, and they do.

Mr. DYER. Will the gentleman yield?

Mr. O'SHAUNESSY. I will.

Mr. DYER. I will say this is a very meritorious bill, in my judgment. I think it has the unanimous report of the Committee on the Judiciary, and there is no question but that the bill ought to pass.

Mr. O'SHAUNESSY. Now, if the gentleman will permit me for a moment. Quoting from the report of the committee, it says:

This bill seeks to increase the salary of the district attorney for the district of Rhode Island from $2,500, which is his present salary, to $3,500. The reasons that influenced the committee to make the recommendation are that the business in connection with the district court of Rhode Island has greatly increased in recent years and much important litigation is now pending in the district; that the district attorney is compelled to devote practically his entire time to the duties of his office, and it appears to the committee that $2,500 is inadequate for a lawyer whose ability and attainment would warrant his appointment to such an important position. Furthermore, the present district judge suggests that the salary should be $4,000. The Department of Justice, however, suggests $3,000. The committee has thought it wise to so amend the bill so as to make the salary $3,500.

And the letters of the district judge and the Department of Justice are appended to the report. And let me say to the gentleman that I wrote the district attorney in order to get more detailed information in support of this measure, and he wrote me under date of December 15, 1916:

Since July 1 the work has not decreased a particle. We are now engaged in a number of matters that tax the utmost capacity of the office, and have as yet been unable to institute all the proceedings that are pending in the office.

The work at present requires practically all the time of the United States attorney and both assistants, and oftentimes it is necessary to have the clerks and attorneys do extensive night work to keep up with the matters on hand.

We have just completed the trial of an important prosecution under the Harrison law, in which we secured the conviction of persons who were the center of the illegal traffic in drugs in this district. The result was due to the very efficient work of Peter C. Cannon in the trial of the case.

This fall the civil work has piled up so that the demands on the office are even greater than during the periods shown on the inclosed reports.

Now, answering the gentleman's questions as to the relative importance of the office and the work done there, I will quote from the annual report of business transacted in the district of Rhode Island for the fiscal year ending July 30, 1916. It says:

In 1916 there were 36 criminal prosecutions begun; 37 civil cases have been commenced.

The May term of the grand jury, which comes in on the fourth Tuesday in May, will have not less than 10 cases for consideration.

There will therefore be between 50 and 60 criminal prosecutions commenced during the fiscal year 1916.

There are pending in the office at the present time approximately 35 matters in which civil suit should be commenced at once.

Some of these cases involve liability for revenue taxes amounting to $2,000,000.

There are also several suits on internal-revenue bonds, which total over $100,000 in amount.

The criminal prosecutions are important and bitterly contested. The cases in several instances involve the determination of new questions of law, and so involve a large amount of work.

The amount of business in the office has practically quadrupled since October, 1914, as an inspection of files of the office will show.

The increased importance of the military and naval posts in Rhode Island and the addition of an immigration station at Providence have all added to business that requires attention.

Since the 1st of January the office has gotten out approximately 425 pages of brief in various law matters before the district court, besides attending to routine matters.

There are 10 or more cases now awaiting argument in which briefs will have to be written. Consequently it is safe to say that it will be necessary to prepare 250 more pages of brief before June 30, 1916, or the end of the fiscal year.

When the amount of time required to examine authorities, etc., is considered, the enormous amount of time and labor required will become evident.

There seems no immediate prospect of a let up. The work as it stands can not be cleaned up within a year by the present office force working eight hours per day.

During the past year everyone in the office has worked, on the average, from 10 to 12 hours a day, and at long periods the men in the office have worked until midnight and after.

Aside from the actual work in preparing cases, etc., there is necessarily considerable executive work required in directing the work of two assistants, two and sometimes three stenographers, and various special agents and accountants.

And I can go on quoting from this report for the benefit of the gentleman who objects, but I trust that my reading so far will silence his objection to letting this bill go through.

Mr. CRAMTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CRAMTON. Mr. Speaker, reserving the right to object. I am one Member of the House who really believes it is time the House took economy as its watchword. I have been doing a great deal of voting that way, and this is the first time I have had anything to say. While this is a small matter, I think it is

typical. The bill comes in without a favorable report from the department. I will read what they say. This is from the Assistant Attorney General:

As compared with other districts, it would seem that $3,000 would be reasonable compensation for the district attorney.

And the committee comes in with a bill for $3,500, $500 more than the department says would be reasonable. It adds:

But the department does not care to make any specific recommendation in the matter.

And the letter from the district judge makes it plain that this district attorney does not give all his time to the duties of the position.

Mr. O'SHAUNESSY. I know he does.

Mr. CRAMTON. But that he is engaged in private practice. He is engaged in private practice; and, furthermore, the report gives no data as to the office.

Mr. O'SHAUNESSY. Will the gentleman yield? May I say to the gentleman——

Mr. STINESS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STINESS. I ask the gentleman to yield that I may answer his question.

Mr. O'SHAUNESSY. I was gratified when I found the gentleman from Rhode Island had risen in order to enlighten the objector.

Mr. STINESS. I would say, Mr. Speaker and gentlemen, that it was my fortune to hold the office of United States district attorney and this office in question from September 1, 1911, to September 15, 1915, until I came to Congress, and I wish to say that the salary is entirely inadequate for the office.

Mr. CRAMTON. But still my friend will admit that they are getting singularly high-grade men in that position? [Laughter.]

Mr. STINESS. The duties of the office necessitate a man giving all his time to them. I gave practically all of my time to them during the three years I was in the office, and during the time I was in office there were a great many prosecutions started, one against the Atlantic National Bank, where now the president is serving a term in State's prison. That case was finished after I left the office.

There have been a large number of prosecutions for fraudulent voting and things of that kind. Assistants have been granted to the office since I left it. The man who succeeded me was a very good Democrat, a very able man. I got out of the office, and I have no reason to withhold my praise for him and his administration of the office.

I do not think that where we spend the amounts of money that we do here in Congress, giving experimental positions large salaries, we can afford in a district like Rhode Island, taking the whole State, to give a pitiful $2,500 to the United States district attorney. You can not get a man qualified for the office to hold it at that salary.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. STINESS. Yes.

Mr. TAYLOR of Colorado. Why does not the Attorney General take up all these salaries throughout the country and make a systematic investigation of them? And if there is a necessity for a raise, why does not the Attorney General make a recommendation for a systematic raise, and raise all of them? Why should we raise only one in a separate bill?

Mr. STINESS. I can not say why the office of the Attorney General does not act. While I was United States attorney I am free to state that the conduct of that office was beyond my comprehension. I want to say in behalf of the man who succeeded me that $2,500 is inadequate for his compensation, and that $3,500 would not be an exorbitant salary. There is no graft in this proposition, and no "pork" of any kind. It is simply to pay a capable man a fair salary.

I hope the objection will not be pressed and that the bill will be passed. [Applause.]

Mr. O'SHAUNESSY. Mr. Speaker, I just wish to answer a question or two about the salaries. In Connecticut, where they have no assistant, the salary is $3,500. In Alabama, Maine, and Vermont it is $3,000, and in Florida it is $3,500. That is the amount recommended in this case.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. O'SHAUNESSY. Yes.

Mr. MOORE of Pennsylvania. How much is the salary involved here?

Mr. O'SHAUNESSY. We are trying to raise it from $2,500 to $3,500.

Mr. MOORE of Pennsylvania. For a United States district attorney?

Mr. O'SHAUNESSY. Yes.

Mr. MOORE of Pennsylvania. I will mention the fact, merely for the information of the House, that during the consideration of the Agricultural appropriation bill we found in numerous instances that experts and scientists were being paid $3,000 at the dictum of the Secretary of Agriculture, and on the passage of the grain-grading act and the cotton-futures act it developed in the course of inquiries on the subject, that the Secretary, without direction from Congress, fixed the salaries as high as $3,000 for all sorts of men coming into the service, who unquestionably would not have the professional knowledge or the talent of a man capable of filling the office of United States district attorney.

It seems to me that that ought to appeal to the gentleman from Michigan [Mr. CRAMTON] and other Members of the House. If the idea is to hold that a Secretary should report a plan for fixing salaries, we might begin with the Secretary of Agriculture, where Congress is now scarcely consulted at all.

The SPEAKER. Is there objection?

Mr. CRAMTON. I do not know whether my friend desires to refer this matter to the Secretary of Agriculture or not. [Laughter.]

Mr. MOORE of Pennsylvania. I am simply comparing the cases. I do not know anything about the merits of this case at all.

Mr. CRAMTON. This salary was not fixed by the department, but the recommendation from the department, if you are to call it a recommendation, is for a lower salary than we are asked to pass upon here. I know of a woman here in one of the departments performing a work which could not be performed by anybody else in the country—a woman employed in the Treasury Department, who is an expert in deciphering mutilated money, a position of the very highest trust, and she is getting only $1,500 a year, after having been in the employ of the Government for 40 years. Now, I do not propose to consent to have the bill go through here without the necessary data before us, allowing a man to continue in private practice and to raise his salary to $3,500 a year, against the recommendation, as you might call it, of the department under which he serves, and without any data in support of it.

The SPEAKER. Is there objection?

Mr. CRAMTON. I will have to object if the gentleman wants to press it.

Mr. O'SHAUNESSY. I wish to ask the gentleman a question.

A MEMBER. Regular order!

The SPEAKER. The regular order is, Is there objection?

Mr. CRAMTON. I object.

The SPEAKER. The gentleman from Michigan objects.

Mr. O'SHAUNESSY. Will the gentleman accept an amendment from me in the line that the Department of Justice suggests, that it be made $3,000?

Mr. CRAMTON. I do not want to do the man an injustice. We are told positively that this man is worth $3,500 a year. I could not accept that. [Laughter.]

The SPEAKER. Is there objection?

Mr. O'SHAUNESSY. I thank the gentleman from Michigan for his magnanimity. [Laughter.]

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] objects. The Clerk will report the next bill.

PAY OF COMPOSITORS AND BOOKBINDERS, GOVERNMENT PRINTING OFFICE.

The next business on the Calendar for Unanimous Consent was the bill (S. 6626) to fix the rate of pay for compositors and bookbinders in the Government Printing Office.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. COX. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects, and the bill goes off the calendar.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 244) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. DOOLITTLE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas objects.

Mr. CANNON. Will the gentleman withhold his objection for a moment?

Mr. DOOLITTLE. I shall have to object.

Mr. CANNON. Object absolutely, without permitting any explanation?

Mr. DOOLITTLE. I will withhold the objection.

Mr. CANNON. Will the gentleman withdraw his objection?

The SPEAKER. No; he says he will withhold it.

Mr. CANNON. This is a unanimous report from the Committee on Military Affairs. The terms of office of these four people expire, and under the law they continue to hold office until their successors are chosen. There is one of these members who was president of the board of managers. On investigation he was shown to be fearfully short of honesty, and, as the evidence shows, willfully, maliciously, and for his profit, mulcted the post fund to the amount of over $45,000 in worthless securities, and he is still a member of that board. He resigned. I am satisfied from the examination that was given that if he had not resigned he would have been removed as president. Now, it seems to me that with a unanimous report from the Committee on Military Affairs this resolution ought to be considered. That is all I have to say.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, I reserve the right to object.

Mr. CANNON. By the way, I ought to have stated that the gentleman was then, and I presume is still, a constituent of the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. No; the gentleman is quite wrong about that.

Mr. CANNON. He had his office in the gentleman's district.

Mr. BORLAND. The gentleman to whom the gentleman from Illinois [Mr. CANNON] refers was appointed from the State of Kansas.

Mr. DYER. Kansas City, Kans.

Mr. BORLAND. And is still a resident of Kansas City, Kans.; and, if I am not mistaken, he is now off the board. He was a constituent of my colleague [Mr. TAGGART]. I do not know what motive or reason ruled the judgment of the Committee on Military Affairs. I do know that the members whose terms of office expired were two of them Democrats and two of them Republicans. The resolution which is offered here, for some strange reason differing from the ordinary rule, recommends three Republicans and one Democrat, and it does seem to me that a thing like that ought hardly go through this House by unanimous consent, although it might go through under other circumstances.

Mr. ANTHONY. Will the gentleman permit me to make a short statement for his information?

Mr. BORLAND. If the gentleman will permit me to make a slight amendment to the resolution, I shall be glad not to object.

Mr. ANTHONY. The board now consists of seven members, four of whom are Democrats and three of them Republicans. The Committee on Military Affairs think it would be entirely proper to allow another Republican to go on the board, which still gives the Democrats four members and the Republicans three. It does not interfere with the Democratic control of the board.

Mr. BORLAND. I realize, Mr. Chairman——

Mr. ANTHONY. There has never been any partisanship on that board.

Mr. BORLAND. I realize that that board formerly consisted of nine members. The Democrats are left with four members, and with a change in the political complexion of the House it would be quite possible to increase the number again to nine members, making it five Republicans and four Democrats. But I do not see any reason why, when there are two Democrats and two Republicans whose terms expire, we should bring in at this particular juncture a resolution recommending three Republicans and one Democrat, nor do I think that that resolution ought to go through by unanimous consent.

Mr. MANN. Does the gentleman remember the last resolution that passed?

Mr. BORLAND. The last resolution, if I recollect rightly, was the one when Maj. Warner——

Mr. MANN. Oh, no; the last resolution named all Democrats and no Republicans.

Mr. BORLAND. I do not recollect that.

Mr. MANN. The gentleman's memory is very capricious.

Mr. BORLAND. If so, it was a very much better resolution than this one.

Mr. HELVERING. The board previous to the present one were all Republicans and no Democrats.

Mr. BORLAND. If the gentleman from Kansas will permit me to make a slight amendment to that resolution, I shall be glad to withdraw my objection.

Mr. RAKER. I hope the gentleman will let it go over for two weeks.

Mr. DYER. The gentleman from Missouri has objected.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, I object.

Mr. MANN. Let it go over until the next Congress, and then we will show you. [Laughter.]

The SPEAKER. The gentleman from Missouri objects.

Mr. ANTHONY. I ask unanimous consent to make a short statement.

The SPEAKER. The gentleman asks for three minutes. Is there objection?

There was no objection.

Mr. ANTHONY. I think the House is making a mistake in failing to fill these vacancies. The Committee on Military Affairs has considered the matter very carefully, and has done what it considered to be the fair thing. The gentleman from Illinois [Mr. CANNON] alluded to a very unpleasant incident which happened on that board within the last year, only he did not tell the whole story. Not only has the post fund, with which the member whom we are trying to supplant on that board had been intrusted, been looted to the extent of $47,000, but since that disclosure was made another incident has been brought to light where that same member of the board has violated the law by taking from an inmate of the hospital of one of the homes $300 of pension money against the law.

Mr. FERRIS. Why do they not prosecute him?

Mr. ANTHONY. I say it is hardly in comport with the dignity of the House in the face of such circumstances to refuse to supplant such a public official as that, and I am surprised that the gentleman from Missouri or any gentleman from Kansas should object to it.

Mr. BORLAND. Bring in a proper resolution, then.

Mr. HOWARD. How many indictments have been brought against this man?

Mr. ANTHONY. No indictments; but the board of managers has placed the whole affair in the hands of the Department of Justice, and it is up to the Attorney General to act.

Mr. BORLAND. If the committee will bring in a proper resolution, the House will agree to it, I am sure.

The SPEAKER. The gentleman from Missouri has objected.

Mr. CANNON. I ask unanimous consent for a minute.

The SPEAKER. The gentleman from Missouri has objected, and that is the end of that controversy. The gentleman from Illinois asks two minutes. Is there objection?

There was no objection.

Mr. CANNON. It has been stated that heretofore the action of the Republican Congress was partisan. I have some familiarity with the history of the National Soldiers' Home. Gen. Franklin held the responsible place as chairman of the board of managers for from 16 to 20 years. He was a valiant major general in the war for the Union, and a Democrat. He was succeeded by a New York judge, whose name now escapes me, who held the place as successor of Gen. Franklin for 8 or 10 years.

SEVERAL MEMBERS. Gen Black.

Mr. CANNON. No; Gen. Black was on the board, but this was a New York judge who succeeded Gen. Franklin, and held the place until his decease, and was an efficient official and a Democrat. Then he was succeeded by a Republican, Hon. James C. Wadsworth, and he was succeeded by the man who defaulted. That is all I desire to say in justice to the management of the National Soldiers' Home, in which, so far as I know and believe, there never has been a partisan administration under the Republicans.

TRANSFER OF RETIRED ARMY OFFICERS TO ACTIVE LIST.

The next business on the Unanimous Consent Calendar was the bill (H. R. 17424) authorizing transfer of certain retired Army officers to the active list.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. I object.

Mr. MILLER of Delaware. Will the gentleman reserve his objection?

Mr. MOORE of Pennsylvania. I will reserve the objection.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed for eight minutes.

The SPEAKER. The gentleman from Dalaware asks unanimous consent to proceed for eight minutes. Is there objection?

There was no objection.

Mr. MILLER of Delaware. Mr. Speaker, this bill was introduced by the gentleman from Texas [Mr. McLEMORE] and has been reported by the Committee on Military Affairs. My interest in the matter is purely from the standpoint of the merits of the bill. It is a long story as to how I became interested in the bill of the gentleman from Texas. I have gone into every detail of it, because certain of my colleagues on this side were informally talking of the bill one day and I saw that they were badly and erroneously mistaken about the matter. This bill provides that five officers who took advantage of the so-called Panama Canal act, the act of March 4, 1915, which gave officers who had served a certain number of years on the Panama Canal the privilege of retiring, may be transferred to the active list, if the President nominates them and the Senate confirms the appointment, provided they are appointed within one year of this act becoming a law. Certain officers took advantage of the Panama act. It was perfectly proper, they had every right to do it under the law. It was passed for that purpose.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MILLER of Delaware. Certainly.

Mr. MOORE of Pennsylvania. Were these officers, any of them, educated at West Point or Annapolis?

Mr. MILLER of Delaware. Some of them were. In fact, I think all except the officer who is a chaplain were West Point graduates.

Mr. MOORE of Pennsylvania. They left the service for another opportunity that presented itself?

Mr. MILLER of Delaware. I am coming to that, the gentleman should not anticipate my remarks.

Mr. MOORE of Pennsylvania. The gentleman is speaking partly by my courtesy and I may reply to him.

Mr. MILLER of Delaware. I do not mean to be discourteous to the gentleman. In the letter of the Secretary of War, under date of December 4, 1916, to the chairman of the House Committee on Military Affairs, he has the following paragraph:

> The act making appropriations for the support of the Army for the fiscal year 1916 contains a provision authorizing the transfer to the active list of officers of the Army previously transferred to the retired list for physical disability, and provides that each officer so transferred be carried as an additional number and be given the place on the active list he would have had if he had not been retired. This act does not include officers who have been retired under the Panama Canal act, approved March 4, 1915, which deficiency in legislation the bill S. 6850 would remedy.

I submit that these officers who had every right under the law which you gentlemen passed here to retire could go into whatever profession they wanted to, notwithstanding the opinions to the contrary. I will be perfectly frank to the House and say to you that because certain of these gentlemen were employed by what is termed war-order factories—I do not know to which places they did go for employment—is no reason why, when the War Department and the Secretary of War says it is a good business investment for the United States Government to take them back, that they should be denied that right. To-day the particular officer in question which this bill will affect will draw down for the rest of his days $3,750 as retired pay of a colonel. I understand of the five affected only one desires to return.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. MILLER of Minnesota. Can the gentleman inform us whether any man affected by this act occupies what might be called a subordinate position in the construction of the Panama Canal—I do not refer to Gen. Goethals, but Gen. Siebold and Gen. Hodges. What was the grade and rank of these men?

Mr. MILLER of Delaware. Lieutenant colonel of ordnance, the next was a major, who was a chaplain, and the other three were captains.

Mr. MILLER of Minnesota. That was before we promoted them?

Mr. MILLER of Delaware. Under the Panama Canal act they could retire on the next higher grade. This bill provides that they shall go back to a grade lower than that they were retired on.

Mr. MILLER of Minnesota. The gentleman will remember that we promoted some men down there and denied it to others, which was a crime.

Mr. MILLER of Delaware. This bill provides that they must go back to the grade below the one they retired on. Now, they raise the point, and I will state that there is an amendment which was prepared in the War Department which provides that these men shall never be eligible to a grade higher than the one they are now holding as retired officers. For instance, one of the men is a colonel, retired as such, and he will go back and be a lieutenant colonel, but he can never be eligible for a grade higher than colonel. If he should go back and be eligible for a brigadier generalship some time, he could not be considered.

Mr. HOWARD. Will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. HOWARD. What is the reason for that? If you put a man back, why deprive him of the right of promotion under general military law?

Mr. MILLER of Delaware. If I was managing the matter, I would not consent, but nevertheless the War Department and the people most interested are willing for it to go in so as to remove all objection.

Mr. HOWARD. The gentleman knows that under the general rule of retirement a man is retired in the next higher grade. Now, then, these men hold this rank and they go back to their former rank, and then under that you propose to prevent them from ever receiving the promotion that they would have in the general promotion in the Army.

Mr. MILLER of Delaware. I will say that in this particular case if a man goes back as a lieutenant colonel he is eligible for colonel, but for no higher rank.

Mr. HOWARD. That is the very thing I am objecting to. If he is entitled to go back at all into the Army—and I agree with the gentleman from Delaware that we will only be paying a little more than he gets on the retired list if he is put on the active list and we will have his services—but if he goes back he ought to go back as a full-fledged officer with all the rights and immunities thereto pertaining.

Mr. TILSON. Will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. TILSON. Does the act allow him to again take advantage of the Panama Canal act?

Mr. MILLER of Delaware. In reply to the gentleman from Connecticut I will say there is a further proviso reported from the committee that any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act except for age or physical disability incurred in the line of duty.

I am only interested, as I say, because this seems to be one of those bills of real merit. Here is a man who will get retired pay for 16 years at the rate of $3,750 a year. During that time the Government can not get any official use of that man. If this bill is passed, he can go back into the Army. It will not hurt anybody because he goes back, and he will draw down for active work for 16 years a salary of $4,500 a year while a lieutenant colonel, or $5,000 a year if a colonel. I submit that when the War Department and the Secretary of War and the Bureau of Ordnance asks that this be done, and they all say that it is a good move, that we should consider it as merited legislation.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. STAFFORD. Why does not the bill provide that they shall be examined professionally before reinstatement, and let the examination be both medical and professional? Usually in the reinstatement of persons who have voluntarily retired, their reinstatement is conditional upon examination extending to their profession, as well as to medical fitness.

Mr. MILLER of Delaware. The bill provides such on page 2.

The SPEAKER. The time of the gentleman from Delaware has expired.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to proceed for five minutes more, in as much as I have yielded to interruptions.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARLAND. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. GARLAND. I would like to ask the gentleman this question. These men, as I understand, were employed by some of the private munition factories, were they not?

Mr. MILLER of Delaware. I will say to the gentleman that one of them is a chaplain, so I do not see how the question of a munition factory could very well be raised. Two were so employed; the rest were not.

Mr. GARLAND. As a matter of fact, it is understood that some of these officers who went into the private munition factories failed in their duties, and the private manufacturers let them out. Does this bill apply to some of that kind? Do you expect them to go back without examination as to ability and be in the department and operate on the question of munitions for the United States Government?

Mr. MILLER of Delaware. I am very glad that the gentleman has raised that point. I can answer his query in the negative. This bill will only concern one man, because there is only one of the five who will take advantage of it. In regard

to what the gentleman from Pennsylvania [Mr. GARLAND] has said, I will say that the bill provides that the Senate must pass upon the confirmation of these men before they get back, and they must pass a medical examination.

Mr. CARAWAY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Delaware. I have been very patient, and I can not yield. I would like to cover a little bit of ground. I say that in all courtesy to the gentleman. It is merely gratuitous upon my part that I am presenting this case here to-day. It is nothing to me. I do not want the gentleman to take any offense, but what is the gentleman's question?

Mr. CARAWAY. I have no question.

Mr. MILLER of Delaware. Very well. I submit that a man who has rendered good service in the department, when the department wants him back, when there is nothing against his record, should be given the opportunity to come back. I can show by documents which I could introduce, if I had the time, that the man wanted to stay in the service of the United States, but that he left it because of the ill health of his wife on the Isthmus of Panama. That illness resulted in her death. Since her death he desires to come back into the service. I do not know what my friend from Pennsylvania, Mr. MOORE, with his legislative and parliamentary experience, is going to say about this bill, but I submit that whatever he does say, there is nothing that can be raised against this man as to his fitness, and as to the desire of the Secretary of War and the War Department to have him back, especially as his coming back will tread on nobody's toes, and especially as he must be confirmed first by the Senate. A bill (S. 6850) has already passed the Senate in this Congress, and is similar in every way to this one.

Mr. Speaker, I herewith append as a part of my remarks a copy of a letter sent by the Secretary of War to the chairman of the House Committee on Military Affairs, under date of December 4, 1916, as well as copy of a letter sent by the Chief of Ordnance, United States Army, both of which attest to the fairness and merit of this proposed legislation:

DECEMBER 4, 1916.

Hon. S. H. DENT,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. DENT: I wish to bring to your attention Senate bill 6850, which is the same as H. R. 17424, now on the Union Calendar.

The act making appropriations for the support of the Army for the fiscal year 1916 contains a provision authorizing the transfer to the active list of officers of the Army previously transferred to the retired list for physical disability, and provides that each officer so transferred be carried as an additional number and be given the place on the active list he would have had if he had not been retired. This act does not include officers who have been retired under the Panama Canal act approved March 4, 1915, which deficiency in legislation the bill S. 6850 would remedy.

Officers transferred to the active list under the present law have been advanced one or two grades in rank, whereas officers transferred under bill S. 6850 would return to the rank each held at the time of his retirement, or, as it happens, one grade lower than that held by each on the retired list.

The officers retired under the Panama Canal act were physically and mentally sound, well trained, and had had unusual experience for their age, and I consider it a good business proposition for the Government to obtain the active services of those who desire to return to the active list under the conditions of bill S. 6850.

One of the officers served 21 years in the Ordnance Department, and his return to the active list would help to meet a pressing shortage of experienced officers brought about by the increased burden placed upon that department through recent appropriation acts and by the loss of a number of such officers taken from the department by the inducements of private employment, which shortage could be relieved in no other prompt manner. There are now several demands for such an officer which there is no way of meeting.

I consider the enactment into law of bill S. 6850, as passed by the Senate on September 8, 1916, to be for the best interests of the Government.

Sincerely, yours, NEWTON D. BAKER,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, September 7, 1916.

Hon. THOMAS W. MILLER,
House of Representatives.

DEAR SIR: I have your letter of September 7, inquiring whether the bill H. R. 17424, current session, providing for the transfer of certain retired officers of the Army to the active list is of a personal character or might be considered as general legislation for the best interest of the Government. I am familiar with the bill, which would render eligible for restoration to the active list in the Ordnance Department an officer who was retired from active service in this department under the Panama Canal beneficiary act—Lieut. Col. T. C. Dickson. I officially advised the Secretary of War concerning the bill, and in doing so I stated to him that the restoration of Col. Dickson to active duty in this department would be greatly to the interest of the Government, in that it would help to meet a pressing shortage of experienced officers brought about by the increased burden placed upon the department through recent appropriation acts and by the loss of a number of such officers taken from the department by the inducements of private employment, which shortage could be relieved in no other prompt manner. I have now several demands for such an officer which I have no way of meeting.

Whatever personal character the proposed legislation may have is, to my mind, of no importance in comparison with the public interest which is involved.

Very respectfully, WILLIAM CROZIER,
Brigadier General, Chief of Ordnance,
United States Army.

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). Is there objection to the consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object——

Mr. CARAWAY. Mr. Speaker, I object.

Mr. MOORE of Pennsylvania. I would like the attention of my friend from Arkansas for a moment. The gentleman from Arkansas could have some of my time if he desired it; but as the gentleman from Delaware [Mr. MILLER] has had 13 minutes upon this question and has directed some of his remarks to me, I think I ought to be permitted to reply.

Mr. CARAWAY. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill on the calendar.

Mr. MILLER of Minnesota. Mr. Speaker, will not the gentleman withhold his objection for a moment?

Mr. CARAWAY. I will withhold it, but I am going to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I call the Speaker's attention to the fact that I did object to this bill, but reserved the objection so that the gentleman from Delaware [Mr. MILLER] might be heard; and, now that I have the floor, I am willing to object if the gentleman from Arkansas does not object.

Mr. SISSON. Mr. Speaker, the regular order was demanded.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

LAND PATENTS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill H. R. 17055, providing when patents shall issue to the purchasers or heirs on certain lands in the State of Oregon.

The SPEAKER pro tempore. Is there objection?

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CITIZENSHIP OF DIRECTORS IN BANKS ON STATE BORDER LINES.

The next business on the Calendar for Unanimous Consent was the bill S. 4256, to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not see the gentleman from Arkansas [Mr. WINGO] present at this time. I think some one ought to make a statement concerning the bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MISSOULA NATIONAL FOREST, MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5082) adding certain lands to the Missoula National Forest, Montana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects and the bill is stricken from the calendar.

Mr. EVANS. Mr. Speaker, I ask unanimous consent that the bill retain its place upon the calendar.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

PAYMENT UNDER HOMESTEAD ENTRIES, FORT PECK INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky objects.

Mr. TAYLOR of Colorado. Mr. Chairman, I will ask the gentleman to reserve his objection for a moment.

Mr. JOHNSON of Kentucky. I will reserve the right to object.

Mr. TAYLOR of Colorado. Mr. Speaker, let me say this bill is for the relief of a large number of settlers in certain conditions up in Montana on the reservation, and that a very great hardship is being worked upon them. It is nothing to me personally, but it would relieve a lot of deserving people. I think the time ought to be extended so they will not lose their homes and have their lands forfeited, and the department has very earnestly recommended it, and I hope the gentleman will not insist upon his objection, because this a humane measure really and it does apply to a lot of deserving people. I hope the gentleman will let this bill go through.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is getting late in the afternoon and this bill might go over as unfinished business and might not be considered on the next unanimous-consent day, and I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

ADDITIONAL ENTRIES UNDER ENLARGED HOMESTEAD ACT.

The next business on the Calendar for Unanimous Consent was the bill (S. 1061) to allow additional entries under the enlarged homestead act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

LANDS WITHIN FORMER FLATHEAD INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 1059) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

LANDS FOR RESERVOIR PURPOSES, TWIN FALLS, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman from Kentucky withhold his objection for a moment?

Mr. JOHNSON of Kentucky. I withhold the objection.

Mr. SMITH of Idaho. Mr. Speaker, this is a very worthy piece of legislation recommended by the Secretary of the Interior. There is no objection to it from any source by anyone informed as to its merits and I hope the gentleman will not object. It would not take two minutes to pass this bill, and it will certainly gratify me very much.

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman asks that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

CERTAIN LANDS FOR RESERVOIR PURPOSES, TWIN FALLS, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 1740) to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, will the gentleman reserve his objection?

Mr. JOHNSON of Kentucky. I reserve the objection.

Mr. MANN. Mr. Speaker, this bill is so unusual in character that I think that it ought to pass with a little celebration. The city of Twin Falls, Idaho, got authority by special act of Congress to take certain public lands. Now, this bill proposes to revoke that, with their consent, it is true. It is such an unusual thing for us to take back public land that I do not think the gentleman from Kentucky, even under the unusual circumstances, ought to delay for a moment the passage of such a bill, and I hope he will not object to this.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects, and the bill is stricken from the calendar.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill retain its place on the calendar.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

THE SALE AND DEVELOPMENT OF CERTAIN PUBLIC LANDS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 11258) to provide for the sale and development of certain public lands and for the construction and maintenance of public roads.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill retain its place upon the calendar without prejudice.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count.

Mr. BARKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois makes the point of no quorum and the gentleman from Kentucky moves that the House adjourn.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. RAKER. A division, Mr. Speaker.

The SPEAKER. The gentleman from California demands a division. The Chair will count.

The House divided; and there were—ayes 49, noes 39.

Mr. LONDON. Mr. Speaker, is it in order to call for tellers? I ask for tellers.

The SPEAKER. Does the gentleman demand tellers?

Mr. LONDON. I demand tellers.

The SPEAKER. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Thirty gentlemen have risen, not a sufficient number.

Mr. HOWARD. Mr. Speaker, I demand the yeas and nays.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. Since learning of some matters that other gentlemen are interested in I withdraw my motion to adjourn.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Kentucky has a right to withdraw his motion.

Mr. MADDEN. Does the Speaker rule he has the right after the vote is taken and while the House is determining——

The SPEAKER. He has the right to withdraw it clear up to its finish.

Mr. RAGSDALE. Mr. Speaker, a majority having voted to adjourn, can the gentleman then come back and withdraw his motion to adjourn? The House has voted to adjourn.

The SPEAKER. The House has not finished the process of voting to adjourn.

Mr. RAGSDALE. A majority of the House has put itself in favor of adjourning.

The SPEAKER. Not a majority of the House.

Mr. RAGSDALE. A majority of those voting.

Mr. BARKLEY. Mr. Speaker, I withdraw the motion to adjourn.

Mr. HOWARD. Mr. Speaker, I withdraw my demand for the yeas and nays.

The SPEAKER. The gentleman from Georgia withdraws his demand for the yeas and nays. But the point of order is made

by the gentleman from Illinois [Mr. MANN] that there is no quorum here.

Mr. GARLAND. I make the motion that we now adjourn.

The SPEAKER. We want to get through with this other thing first. Did the gentleman from Illinois [Mr. MANN] withdraw his point of no quorum?

Mr. MANN. I did not. I wanted the whole House here to see the monkey work.

The SPEAKER. The Chair will count. [After counting.] One hundred and twelve Members are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names.

Adair	Drukker	Kahn	Pou
Aiken	Eagan	Kearns	Price
Bacharach	Edmonds	Keister	Reavis
Barnhart	Edwards	Kiess, Pa.	Riordan
Beakes	Estopinal	Kreider	Roberts, Nev.
Beales	Farr	Lafean	Rowe
Benedict	Finley	Lenroot	Rowland
Bennet	Fitzgerald	Lesher	Rucker, Mo.
Bruckner	Flood	Lever	Russell, Ohio
Caldwell	Flynn	Lewis	Sabath
Callaway	Focht	Lieb	Sanford
Campbell	Foster	Liebel	Saunders
Cantrill	Gallagher	Lindbergh	Schall
Carew	Gallivan	Linthicum	Scott, Pa.
Carter, Mass.	Gardner, Mass.	Lobeck	Scully
Casey	Garrett	Loft	Sells
Chandler, N. Y.	Goodwin, Ark.	Longworth	Sherley
Chiperfield	Graham	McArthur	Sherwood
Cline	Griest	McCracken	Slayden
Coleman	Griffin	McDermott	Slemp
Conry	Hamill	McKinley	Steagall
Cooper, W. Va.	Hamilton, N. Y.	Maher	Steele, Pa.
Costello	Harrison, Miss.	Miller, Pa.	Swift
Crago	Hart	Mooney	Volstead
Cullop	Haskell	Morin	Watkins
Dale, N. Y.	Henry	Mudd	Watson, Pa.
Dale, Vt.	Hill	Nelson	Williams, Ohio
Darrow	Hinds	North	Wilson, Fla.
Davenport	Hulbert	Oglesby	Wilson, Ill.
Dewalt	Hutchinson	Page, N. C.	Winslow
Dooling	Igoe	Patten	Woods, Iowa
Driscoll	Jones	Peters	Woodyard

The SPEAKER. On this vote 304 Members—a quorum—have responded to their names.

Mr. KITCHIN. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from North Carolina is recognized.

BATTLE FIELD OF GUILFORD COURT HOUSE, N. C.

Mr. STEDMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, as amended.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

Be it enacted, etc., That in order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Guilford Courthouse, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

Those certain tracts or parcels of land in the county of Guilford and State of North Carolina, Morehead Township, more particularly described as follows:

First tract: Beginning at a stone on the west side of the Greensboro macadam road; thence north 86 degrees 5 minutes west 877.1 feet to a stone; thence north 7 degrees 55 minutes west 408.8 feet to a stone; thence north 7 degrees 5 minutes east 190.8 feet to a stone; thence north 60 degrees 45 minutes east 265.4 feet to a stone; thence north 14 degrees 15 minutes west 701.6 feet to a stone; thence north 8 degrees 45 minutes west 348.1 feet to a stone; thence north 71 degrees 35 minutes east 937.8 feet to a stone; thence south 50 degrees 45 minutes east 157.2 feet to a stone; thence north 70 degrees 45 minutes east 875.5 feet to a stone; thence north 27 degrees 28 minutes west 202.9 feet to a stone; thence north 27 degrees 8 minutes west 226.8 feet to a stone; thence north 69 degrees 45 minutes east 265.9 feet to a stone; thence north 68 degrees 50 minutes east 37.8 feet to a stone; thence south 53 degrees 50 minutes east 892 feet to a stone; thence south 83 degrees 20 minutes east 291.4 feet to a stone; thence south 29 degrees 20 minutes west 655.7 feet to a stone; thence south 12 degrees 55 minutes west 843 feet to a stone; thence about west 10 feet to a stone; thence south 6 degrees 5 minutes west 133.4 feet to a stone; thence north 60 degrees west 38 feet to a stone; thence north 49 degrees west 52.6 feet to a stone; thence north 87 degrees 10 minutes west 1,427.3 feet to a stone; thence north 12 degrees 40 minutes east 196.5 feet to a stone; thence south 71 degrees west 237.9 feet to a stone; thence south 3 degrees 55 minutes west 1,011.3 feet to the beginning.

Second tract: Beginning at a stone on the south side of Holt Avenue; thence south 9° 45′ west 109.8 feet to a stone; thence south 84° 45′ east 249 feet to a stone; thence northeasterly to Holt Avenue; thence with Holt Avenue north 87° 10′ west to the beginning, on which is located the Joe Spring.

Together with all privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate 125 acres, more or less, and being the property of the Guilford Battle Ground Co., according to a survey by W. B. Trogdon and W. B. Trogdon, jr., made June 8, 1911. And the area thus inclosed shall be known as the Guilford Courthouse National Military Park.

SEC. 2. That the establishment of the Guilford Courthouse National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the Guilford Battle Ground Co., a corporation chartered by the State of North Carolina, a deed of conveyance to the United States of all the lands belonging to said corporation, embracing 125 acres, more or less, and described more particularly in the preceding section.

SEC. 3. That the Secretary of War is hereby authorized and directed to acquire at such times and in such manner such additional lands adjacent to the Guilford Courthouse National Military Park as may be necessary for the purposes of the park and for its improvement.

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by him, one of whom shall be a resident of Guilford County, State of North Carolina; such resident commissioner shall be chairman of the board so appointed and shall also act as secretary of the commission. Said commissioners shall have an office in the city of Greensboro, State of North Carolina, and shall be paid such compensation as the Secretary of War shall deem reasonable and just, not to exceed, however, $2,000 per annum for the resident commissioner and $1,500 each per annum for the nonresident commissioners.

SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

SEC. 6. That it shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War, which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park.

SEC. 7. That if any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Guilford, State of North Carolina, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more $50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the said county of Guilford, State of North Carolina.

The SPEAKER. The gentleman from North Carolina moves to suspend the rules and pass the bill. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEDMAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from North Carolina is recognized for 20 minutes and the gentleman from Illinois [Mr. MANN] will be recognized for 20 minutes.

Mr. STEDMAN. Mr. Speaker, this bill has received a favorable report from the Committee on Military Affairs. There would seem to be no reason why it should not receive the unanimous vote of the House. It provides that the battle field of Guildford Court House shall be made a national military park whenever the title to the same shall have been acquired by the United States. The area so to be conveyed embraces 125 acres, more or less, and is now owned by the Guilford Battle Ground Co., a corporation organized by a distinguished North Carolinian, Hon. David Schenck, whose early days were spent under the shadow of Kings Mountain, and whose natural instinct of love for the heroic was later in life intensified by a residence amongst people who had inherited by tradition the great deeds of their fathers.

The battle field is even now very attractive and beautiful. It is adorned by many monuments to the memory of Revolutionary heroes, some of them of rare beauty. Amongst others is the

statue of Gen. Nathanael Greene, presented to the Guilford Battle Ground Co. by the United States. The expense incurred by the Government will be small.

The bill provides that the military park so created shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners to be appointed by him, one of whom shall be a resident of Guilford County, State of North Carolina. Said resident commissioner shall be chairman of the board so appointed and shall also act as secretary of the commission. Said commissioners shall have an office in the city of Greensboro, State of North Carolina, and shall be paid such compensation as the Secretary of War shall deem reasonable and just, not to exceed, however, $2,000 per annum for the resident commissioner and $1,500 each per annum for the nonresident commissioners.

All property conveyed to the Government by the Guilford Battle Ground Co. will be absolutely unencumbered. There will be no indebtedness to be provided for. All expenses hitherto have been met by subscriptions made by private citizens, and assistance has been rendered to a moderate extent by the State of North Carolina. I think there was an appropriation of $750 made by the legislature of that State several times. I can not be accurate as to how often this appropriation has been made. So it will be seen that the expense has been reduced to a minimum.

In its consequences the Battle of Guilford Court House was of transcendent importance to our Revolutionary fathers. Upon that battle field was given the blow which staggered the power of the British Empire, made the surrender of Cornwallis at Yorktown an inevitable necessity, insured the independence of the Colonies, and laid the foundation of a Republic whose beneficent example and teachings should be felt to the uttermost ends of the earth.

It is of the highest importance to every nation that the memories of the great deeds of its children should be preserved and transmitted from generation to generation. Such is the chief object of this bill. Its passage is demanded by every impulse of patriotism and would be greeted by the people of our entire country with high approval.

The SPEAKER. The gentleman from North Carolina reserves the remainder of his time, 15 minutes. The gentleman from Illinois [Mr. MANN] is recognized for 20 minutes.

Mr. MANN. Mr. Speaker, I can see one very strong and powerful argument in favor of this bill, and that is the distinguished and beloved Member of this House from North Carolina, Gen. STEDMAN. [Applause.]

There are a very great many propositions made to Congress constantly, and a very large number are now pending in Congress for the purchase of various sites to create national parks in commemoration of battles in which other heroes of the past engaged and a great many other places. However, what I want to do is not to discuss the general proposition of the purchase of battle grounds but some of the details of this bill, a discussion which, if it does not have any effect on this bill, as I hope it might, may have some effect on the committee which reports such bills or on the gentleman who presents the next bill to the House.

The affairs of this military park, under the terms of the bill, shall be in charge of three commissioners to be appointed by the Secretary of War, one of whom shall be a resident of Guilford County, State of North Carolina, which resident commissioner shall be chairman of the board so appointed and also secretary of the board so appointed. It provides that he shall receive $2,000 a year salary. He is the resident local commissioner; he is made chairman of the board; he is made secretary of the board—Poo Bah, I think, is the expression. Then there are two other commissioners, to draw $1,500 each for staying away. That is pure graft. There is absolutely not the slightest excuse for providing for two nonresident commissioners to draw $1,500 each when they have nothing to do. The local commissioner, who is to get $2,000, is to be the chairman of the board. He is to be the secretary of the board. He is to be the whole thing, and the other two positions are sinecures. I do not know whether it is a very good time just now for our Democratic friends to be creating sinecure positions at $1,500 each. I have read in the papers that another distinguished body which sometimes believes that it is greater in importance than this body does not even propose to permit any increase in the salary of anybody in the Government service, and there is some merit in that proposition; but I would far rather increase the salary of some of the Government employees who are not getting high salaries than to create two sinecure positions to be held by two Democrats or Republicans of importance, to do nothing except draw their salaries. [Applause on the Republican side.]

There is another provision of this bill to which I wish to call attention. I do not propose to detain the House very long. There are a number of provisions in this bill that I would like to discuss, but there is one in particular. We have passed a number of laws in reference to the committing of crimes and misdemeanors in national parks, and have provided methods for enforcing the law. This bill provides that if anyone does damage in the park, in various ways described, it shall be a misdemeanor which shall be prosecuted before the local justice of the peace in Guilford County, and for each and every such offense shall forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, not less than $5 nor more than $50, one half for the use of the park and the other half to the informer. Well, in the first place, I doubt the advisability of giving a justice of the peace in Guilford County original and final jurisdiction over some misdemeanor committed in this park. In the second place, I doubt the advisability of Congress entering upon the scheme of paying the informer one-half the penalty. Years ago that was the law of the United States in a great many cases. Informers were invited to begin prosecutions. But those laws have been repealed.

Mr. STEDMAN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEDMAN. I will say to the gentleman from Illinois that I am perfectly willing to ask unanimous consent to change the maximum limit of the salaries of the nonresident commissioners. The provision of the bill is not exactly as the gentleman states it. The salaries are not fixed at $1,500, but they are not to exceed, $1,500, to be fixed by the Secretary of War. I do not desire to have them exceed $500, and I ask unanimous consent to modify the bill in that way, to make the salaries of the nonresident commissioners not to exceed $500.

Mr. MANN. I think that would be a very good modification, I will say to the gentleman, and I am not going to object to it.

Mr. STEDMAN. I ask unanimous consent to do that.

The SPEAKER. The gentleman from Illinois has the floor. The Chair will recognize the gentleman from North Carolina [Mr. STEDMAN] at the conclusion of his remarks.

Mr. MANN. I do not believe we ought to encourage informers anywhere by the payment of money to them. We have some penalties now, where we pay the informer when we obtain information of violation of the immigration laws, and we put a specific provision in the appropriation bill to that effect. It may be necessary sometimes to do that, but it ought not to be the law of the United States that we hire informers to bring prosecutions for cutting the branch of a tree. In this case the man who picks a leaf off of a tree out of idle curiosity or interest may have somebody bring him up and cost him a penalty, to go to the informer. Now, there are a good many other things in this bill that I would like to correct; but, of course, I know fairly well the temper of this House and am usually able to guess, in a way, when I am up against it.

I reserve the balance of my time, and yield to the distinguished gentleman from North Carolina.

Mr. STEDMAN. I ask unanimous consent to amend my motion, and instead of $1,500 for the salaries of the two commissioners I ask to make it $500. I ask unanimous consent to make that modification.

Mr. MADDEN. Reserving the right to object, I wish to ask the gentleman from North Carolina if it might not be wise to make one commissioner, the resident commissioner, the entire commission; why not have one man?

Mr. STEDMAN. That was considered very carefully by the Committee on Military Affairs. I know a good deal about that myself. There ought to be three commissioners, one who ought to be from Rhode Island, as Gen. Greene commanded the Revolutionary forces there. We went over the whole matter and decided that there ought to be three commissioners.

Mr. NORTON. Will the gentleman yield?

Mr. STEDMAN. Certainly.

Mr. NORTON. Does not the gentleman from North Carolina think that two nonresident members of this commission could be secured for less than $500 a year? What I had in mind was about $5 a year, but perhaps $50 would be more appropriate.

Mr. STEDMAN. I think that a man who has enough character and is responsible enough to be a commissioner for one of the great parks comprising a battle field of the Revolutionary War, considering the responsibilities connected with it, and who, for instance, should reside in Rhode Island, ought to have at least $500 to pay any expenses that might be necessary in connection with the office.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to modify the bill by an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 17, strike out "$1,500" and insert "$500."

Mr. BURNETT. Will the gentleman yield?

Mr. STEDMAN. Certainly.

Mr. BURNETT. Is there any provision in the bill for the payment of the expenses of these commissioners?

Mr. STEDMAN. No; there is no provision of that sort, and no expense connected with it.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. STEDMAN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have visited this battle ground during the past summer. If I recollect right, there was a small appropriation made for the purpose of marking the lines in whole or in part and erecting monuments. I believe that this expenditure ought to be made, as the bill proposes. [Applause.] From history, as well as somewhat from tradition that I have received from time to time, this was one of the most important battles of the Revolution.

Perhaps I feel more than an ordinary interest in this appropriation. The battle ground of Guilford Court House is about 5 miles from Greensboro. There is a Friends settlement, that was made in 1720 or 1725, near the site of this battle ground at New Garden. The immigration was largely from Nantucket. Many families, the Coffins, the Maceys, the Starbucks, and many other families were early settlers at New Garden. Perhaps some of them in Greensboro. There was a very large immigration from North Carolina to Ohio, Indiana, Illinois, and across the continent, especially of Moravians and Quakers and Scotch-Irish, from the central and especially the western part of the State.

I grew up in a settlement substantially on the Wabash of North Carolinians. They used to meet in the log houses of the settlers, way back within my recollection, during the long winter nights and talk about North Carolina. The most of them were Whigs, especially the Friends. In 1840 John Motley Morehead was elected governor on the Whig ticket of the State of North Carolina. The most of that North Carolina settlement supported him and believed him to be a man of high character and great enterprise, who perhaps founded whatever there was in industries, outside of agriculture, in North Carolina at Greensboro. The conversation was concerning the old North State, and largely about Gov. Morehead.

I recollect asking my father after they had gone from the house one long winter evening as I had sat and listened there—I said, "Daddy, when we die will we go to Gov. Morehead?" [Laughter.] It is wonderful, but those immigrants, not only Friends, but those who were not Friends or Quakers who came to Illinois and Indiana, first to Ohio, and so on across the continent, were of sterling worth. I never knew a North Carolinian that was a receiver of public or private charity or that did not pay his debts and who was not a good citizen. [Applause.] They made their mark not only in Indiana but clear across the continent. A Member of this House was born on the Wabash and his forbears were from Guilford County. I refer to the gentleman from Washington [Mr. HADLEY]. Ex-Gov. Hadley, of Missouri, was of that stock. The Coffins held high positions, many of them industrially and otherwise, in various States in the Northwest territory. S. V. White, who was formerly a Member of the House, for a long time a resident of and, I believe, a citizen of the State of New York, eminent as a business man, was from that county.

Mr. Speaker, North Carolina has a great history. They used to call it the Botany Bay State. I once asked why they called it the Botany Bay State, and the answer came—and to the best of my knowledge I have verified the truth of it—that as a colony or as a State there never was imprisonment for debt there. I think there is no imprisonment for debt now in any State of the Union, and in the absence of fraud there should not be.

Mr. Speaker, I believe it is for the benefit of the oncoming generation in North Carolina and throughout the country that this battle ground should be marked. After all, there is much in sentiment. You may say away with sentiment, but after all is said and done, sentiment well founded lies at the very base of our civilization. [Applause.] Without detaining the House further, I trust that this motion may prevail without a dissenting voice in this great body. [Applause.]

Mr. STEDMAN. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I think that we have been just a little reluctant as a Nation to preserve permanently the tablets of American history. We are too prone to efface the records, and when an opportunity is offered us to make a national park, under the protection of the National Government, of the battle ground which proved to be the turning point of the struggle that ultimately led to our independence, we ought to do it. The Battle of Guilford Court House was fought just about six months before the inevitable surrender at Yorktown. This defeat was the preliminary step to the final surrender and the close of the war. It was the battle that cleared up the struggles further in the South to await Yorktown. It was led by the man who is known in history to have never gained a victory, but whose each and every defeat was equivalent to a victory, and that man, great in his military career, rests in this famous battle ground. I think that from the standpoint of the meaning of the Revolutionary War, which President Seeley said the English people had agreed voluntarily never to mention more often than they were compelled to, we should pass this proposed measure. Knowing that the war planted the greatest Republic the world has yet seen, and knowing also that it struck from the first phase of that Republic, as it first appeared after 1763 and before the Revolutionary War, certain effete elements which had been fastened upon it, such as the feudal system, the law of primogeniture, the law of entail, life tenure in office, hereditary government, and other things, such as taxation without representation, and this being one of the battle fields of that war and one which was fought just before the close of the great struggle, we ought to here and now make it a national military park under the control of the National Government. [Applause.]

Mr. STEDMAN. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I am glad that this bill, introduced by the gentleman from North Carolina [Mr. STEDMAN], is to meet with no considerable opposition in the House. Not alone because its passage is especially desired by the gentleman whom we have all learned to love and honor, but because of its intrinsic merits. A proposition to establish a national military park at the battle field of Guilford Courthouse, in order to preserve for historical and military study one of the most memorable battles of the Revolutionary War, is in every respect commendable, and should be approved by all those who believe that patriotism can be inspired and strengthened by the reservation and preservation of the great battle grounds of the Republic.

Gentlemen of the House will remember that after the surrender of Burgoyne at Saratoga the campaign of the British in the northern colonies seemed to pause. The British cabinet finally determined to carry the war into the southern colonies. Savannah, the capital of Georgia, was captured after an ineffectual resistance and was made the base of further opertions. Sir Henry Clinton proceeded to invest Charleston, the principal port and city of the South. The combined attack of the British fleet and army was successful, and Charleston was forced to surrender. This left the way open for the complete conquest as the British planned, of the Carolinas, Georgia, and finally Virginia and Maryland.

Washington fully realized the danger of such a campaign. The forces of the colonies in the South were small and scattered. They were poorly equipped. The British had been largely reinforced and were placed under the command of Lord Cornwallis, one of the ablest of the British commanders. Washington appointed Gen. Gates, the hero of Saratoga, to the command of the southern army and sent him with such forces as could be secured to stop the British advance. A battle was fought at Camden, and the colonists were disastrously defeated.

Cornwallis advanced into North Carolina, boasting that he would soon conquer all the territory south of the Susquehanna River. He sent his subordinates throughout the country to subdue and reduce the revolutionists. One of his ablest officers, Maj. Ferguson, with a large command penetrated into the mountains. He was met by the mountaineers under the command of Shelby, Sevier, Cleaveland, McDowell, Campbell, and Williams, and at the battle of King's Mountain the British force was utterly defeated and destroyed.

Upon learning of this defeat Cornwallis withdrew into South Carolina and there concentrated and reinforced his army. To meet the new offensive which Cornwallis planned and which was certainly formidable and might be determinative was supremely important.

It was evident that with the Carolinas and Georgia in the hands of the British defense of Virginia was difficult. The fate of the war and the cause of the Colonies now seemed dependent on the preservation of the South. Another loss like that of Charleston, another disaster like that of Camden would have

been irreparable. It was felt by Washington, it was realized by Congress that there was but one man equal to the emergency, and that man was Gen. Nathanael Greene.

Gen. Greene was appointed, and at once commenced to organize and equip an army. This appeared an almost impossible undertaking. The colonists were without money or credit. Their armies already in the field were poorly armed, were not even comfortably clothed, they were underfed, and had not been paid. The resources of the Colonies seemed practically exhausted. It was necessary for Greene to create an army, to equip it, and to train it.

When Greene took command in the field he found that his effective force numbered little over 2,000 men. He was largely outnumbered by the British force. Under these conditions it was unwise to give battle until his force could be strengthened. But reenforcements must come from the North. He resolved to move his little army as rapidly as possible to northern North Carolina, and to avoid a battle until he could meet the British on at least equal terms. In order to accomplish this with greatest safety, he adopted the daring plan of dividing his forces, placing one half in command of Gen. Morgan and retaining the command of the other half himself. This compelled Cornwallis to divide his forces and assume the offensive. He sent Gen. Tarleton to attack Morgan, while with his remaining forces he swiftly followed Greene.

Tarleton and Morgan met at the Cowpens, and in the battle which there occurred the British were defeated with great loss.

In a masterly retreat of over 200 miles Greene succeeded in reaching his objective point, and was able there to concentrate his forces and receive his expected reenforcements from Virginia. He resolved to give battle and selected Guilford Courthouse as the place to meet Cornwallis.

The battle was admirably managed by both commanders and stubbornly fought. At its conclusion the British held the field, but with the loss of one-third of their number. Cornwallis's position was untenable, and he was forced to retreat pursued by Greene. The British reached Wilmington in safety, and Greene at once returned to South Carolina to carry on a campaign which finally drove the British into Charleston, there to remain until the close of the war. A distinguished historian says:

Among all the campaigns of history that have been conducted with small armies there have been few, if any, more brilliant than Greene's.

Although he never won a distinctive victory, after each of his battles it was the enemy who retreated and he who pursued.

The Battle of Guilford Courthouse, as can readily be seen, was the culmination of the southern campaign. It was the prelude to Yorktown, Cornwallis's surrender, and the final victory of the Colonists. It was a campaign in which the honors were divided between the North and the South.

When the southern invasion by the British began the southern Delegates in Congress asked that Gen. Lincoln, who had distinguished himself in northern campaigns, be sent South and placed in command. This was done, and for 15 months Lincoln kept the field. For 30 days he defended Charleston against the combined forces of Arbuthnot and Clinton. Finally Lincoln was forced to surrender.

Then Gen. Gates, the commander at Saratoga, was placed in command of the southern armies. "Take care not to exchange your northern laurels for southern willows," was the warning given Gates by Charles Lee. The defeat of Gates at Camden made the warning a prophecy.

After these disheartening experiences the Colonists, as we have seen, turned to the ablest and most trusted of Washington's generals—Nathanael Greene. Greene was born in Rhode Island in 1742. He was the son of a Quaker preacher, but he was an ardent patriot. He became convinced that independence must be achieved if American liberty was to be preserved. This meant war. Notwithstanding his faith and pacific environment, he began the study of military tactics and history. He organized and drilled militia companies. When the news came of Lexington the Assembly of Rhode Island authorized the organization of a brigade and placed Greene in command. He soon joined Washington, and for nearly five years served with him. He was soon recognized as a military genius. Washington depended on him as on no other of his generals. No one except Washington himself so held the confidence of the troops.

After the war Greene settled in the South, for which he had acquired a great affection. He died there at the early age of 44 years, and is there buried. Alexander Hamilton, in an address on his life and public service, said:

In forming our estimate of his character we are not left to supposition or conjecture. We have a succession of deeds as glorious as they are unequivocal to attest his greatness and perpetuate the honors of his name.

Great as was the value of Greene's service in this southern campaign, success could not have been secured without the aid of a number of brilliant and daring commanders who aided him.

Among these were three Virginians of remarkable ability—Daniel Morgan; William Washington, who was a distant cousin of the commander in chief; and Henry Lee, familiarly known as "Light Horse Harry," father of the great general, Robert E. Lee.

Names ever dear to the lovers of the heroic and the romantic are those of Thomas Sumter and Francis Marion. Names which recall not only patriotic service but thrilling deeds of desperate adventure, surprises at midnight, sudden attacks in the gray twilight of the morning, lurking places in the depths of the forests, and long marches under the silent stars. Nothing in fiction exceeds in wonder or interest the marvelous stories of their exploits. Sumter and Marion will ever remain among the favorite characters of American history.

I have already alluded to the mountaineer commanders who won the battle of Kings Mountain. The record of their heroic exploits would make an interesting story never so far adequately told. Their history and exploits should be recorded as an act of justice to those able and daring leaders, and as an incentive to heroic deeds throughout the years to come.

Mr. Speaker, it is well to recall those heroic days. It is well to recount those heroic deeds. We do not live in heroic times. But the spirit of 1776 is not yet died out in American manhood, and we must not smother it with our materialism and our commercialism.

It is for these reasons that I am glad of an opportunity to support the present bill. I sincerely hope that it may pass this body and become a law.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 250.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass House joint resolution 250.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois makes the point of order there is no quorum present, and the gentleman from North Carolina moves that the House do now adjourn.

ADJOURNMENT.

Accordingly the motion was agreed to; and (at 5 o'clock and 18 minutes) the House adjourned to meet to-morrow, Tuesday, January 16, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Labor submitting an estimate of appropriation to enable the Secretary of Labor to carry into effect the provisions of the act entitled "An act to prevent interstate commerce in the products of child labor" (H. Doc. No. 1939); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting a supplemental estimate of appropriation for completion of installation of a hydroelectric power plant in Yosemite National Park, Cal. (H. Doc. No. 1940); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLINE, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, reported the same without amendment, accompanied by a report (No. 1292), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the resolution (H. Res. 418) authorizing certain members of the committee on the Public Lands of the House of Representatives to make investigation relative to natural resources of the public domain, reported the same without amendment, accompanied by a report (No. 1293), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COPLEY: A bill (H. R. 20112) for the erection of a public building at Woodstock, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20113) to acquire a site for a public building at Harvard, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 20114) designating October 27 of each year a legal holiday to be known as National Fraternal Day, to conserve the home, fraternalism, and happiness; to the Committee on the Judiciary.

By Mr. SMITH of New York: A bill (H. R. 20115) for the control, regulation, and use of the waters of the Niagara River below Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KETTNER: A bill (H. R. 20116) to provide for an auxiliary reclamation project in connection with the Yuma project, California; to the Committee on Irrigation of Arid Lands.

By Mr. CAMPBELL: Resolution (H. Res. 446) providing for an investigation regarding whether persons connected with the Government profited by fluctuations in the stock market growing out of advance information as to executive actions; to the Committee on Rules.

By Mr. DAVIS of Texas: Resolution (H. Res. 449) to amend the rules of the House of Representatives; to the Committee on Rules.

By Mr. HARRISON of Mississippi: Joint resolution (H. J. Res. 339) amending first paragraph of section 6 of Article I of the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20117) granting a pension to George W. Cordray; to the Committee on Pensions.

By Mr. BENEDICT: A bill (H. R. 20118) granting an increase of pension to Edward Pfeifer; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 20119) for the relief of Jacob Kesner; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina (by request): A bill (H. R. 20120) granting a pension to Jeter Cornwell; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 20121) granting a pension to Helen Larsen; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 20122) granting an increase of pension to Julia Pugh; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 20123) for the relief of the East End Loan & Savings Association, of Baltimore, Md.; to the Committee on Claims.

Also, a bill (H. R. 20124) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. COLLIER: A bill (H. R. 20125) granting a pension to Rachael S. Dobbs; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 20126) granting a pension to Isaac H. Griffith; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 20127) granting a pension to J. R. Hunter; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 20128) for the relief of the widow of Edward Kelly; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 20129) granting a pension to Clyde C. Dickinson; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 20130) for the reimbursement of Parnell M. Cameron; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 20131) granting an increase of pension to Cassius M. Myers; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 20132) granting a pension to Harry Owen; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20133) granting an increase of pension to Simon C. Bennett; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 20134) granting an increase of pension to Israel Dunn; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20135) granting a pension to John E. Jamison; to the Committee on Pensions.

By Mr. NORTH: A bill (H. R. 20136) granting an increase of pension to George W. Shaw; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 20137) granting a pension to Marie M. Meyer; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 20138) granting an increase of pension to William H. Hindman; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 20139) to appoint James H. Biggar a captain on the retired list of the Army; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 20140) granting an increase of pension to Dudley B. Call; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20141) for the relief of William R. Bozeman; to the Committee on Claims.

Also, a bill (H. R. 20142) for the relief of Charles H. Wilson; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 20143) granting an increase of pension to John Whelchel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20144) granting an increase of pension to Perry H. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20145) granting an increase of pension to Horace Standish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20146) granting an increase of pension to Lucy A. Hetherington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20147) granting a pension to Susan Lautzenheiser; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20148) for the relief of certain desert-land entrymen; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of sundry rural carriers of the ninth district of Missouri, asking for equipage allowance and equitable compensation in salaries; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of Henry B. Jay, of Detroit, in re preparedness; to the Committee on Military Affairs.

Also, petition of Michael A. Smith, of New York, in favor of Tague bill; to the Committee on Agriculture.

Also, memorial of American Association of State Highway Commissioners, in re topographic map of United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens and firms of New York, against prohibition bills; to the Committee on the District of Columbia.

Also, memorial of Piel Bros., of New York, against Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, memorial of the Pictorial Review Co., in re increased second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, memorial of Troy Chamber of Commerce, in re river and harbor improvements; to the Committee on Rivers and Harbors.

Also, petition of citizens of New York, protesting against practice of polygamy and asking for legislation prohibiting same; to the Committee on the Judiciary.

Also, memorial of Nation Society, Daughters of the American Revolution, favoring purchase of Monticello; to the Committee on Public Buildings and Grounds.

Also, memorial of Brooklyn Civic Club, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New York, in re Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Petition of the six rural mail carriers of West Bend, Wis., petitioning that the Post Office appropriation bill be amended so as to provide that rural mail carriers serving a route longer than a standard route be granted an increase in salary at the same ratio above $1,200 as now applies to routes of less than 24 miles; to the Committee on the Post Office and Post Roads.

Also, petition that all rural mail carriers be granted an allowance for maintenance of equipment, etc., and that the time element be eliminated as it applies to serving rural routes; to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petition of sundry citizens of Illinois, favoring legislation excluding liquor advertisements from the mails; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Business Men's Association of Watertown, Wis., inclosing resolutions unanimously adopted protesting against legislation pertaining to railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Milwaukee Grain for Feed Co., protesting against the passage of House bill 18196, House joint resolution 84, House bill 17850, and Senate bills 4429 and 1082; to the Committee on the Judiciary.

Also, resolutions adopted by Mauston Commercial Club, of Mauston, Wis., in re legislation affecting railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of W. B. Bruckner, president Milwaukee Lodge, Fraternal Order of Eagles, protesting against passage of section 10 of Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Insurance Federation of Wisconsin, protesting against rider on Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, memorial of the Packer, of Kansas City, Mo., opposing increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, memorial of Select and Common Councils of Philadelphia and the Chamber of Commerce of the State of New York, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens, against prohibition measures; to the Committee on the Judiciary.

By Mr. COADY: Protest of 5,000 citizens of Maryland against prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Albany Chamber of Commerce, in re bridge across Hudson River; to the Committee on Military Affairs.

Also, memorial of Brooklyn Civic Club, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, memorial of Order of Washington, in re legislation affecting immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Texas: Memorial of the executive board of the Baptist General Convention, in re preaching in military camps; to the Committee on Military Affairs.

By Mr. DOOLING: Memorial of the Crockery Board of Trade of New York in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, memorial of Brooklyn Civic Club and Chamber of Commerce of the State of New York, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. DOWELL: Petition of residents of Truro, Iowa, favoring the passage of the constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of residents of Nevada, Iowa, favoring the passage of the constitutional prohibition amendment; to the Committee on the Judiciary.

Also, resolution relative to education of aliens in civic government and that the use of the surplus of naturalization funds should be used for that purpose; to the Committee on Immigration and Naturalization.

By Mr. DRUKKER: Petition of citizens of Moorestown, N. J., in favor of woman suffrage; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of employees of the engravers' division, Bureau of Printing and Engraving, for increase in salaries; to the Committee on Appropriations.

Also, petition of sundry citizens opposing prohibition bills; to the Committee on the Judiciary.

Also, petition of Letitia Keiser, of Hohokus, N. J., for woman suffrage; to the Committee on the Judiciary.

By Mr. ELSTON: Protest of Berkeley (Cal.) Committee, against compulsory military training; to the Committee on Military Affairs.

By Mr. McFADDEN: Protest from S. W. E. Kingsley, president Fraternal Order of Eagles, Towanda, Pa., against section 10 of the Post Office appropriation bill providing for rate of postage by the zone system on newspapers and magazines; to the Committee on the Post Office and Post Roads.

Also, petition of John W. Deeming, of Pleasant Mount; W. M. Stephens, of Rummerfield; George E. Carey, of South Montrose; W. E. Brown, of Hopbottom; L. R. Davis, of Warren Center; Leon C. Burroughs, of Milan; B. R. Kinne, of Wyalusing; Burton L. Ely, Frank H. Sechler, George M. Palmer, Benjamin R. Lyons, Willis L. Bailey, and Olin B. Tingley, all of Montrose; Richard T. Bird, of Overton; and David Lake, of Pleasant Mount, all in the State of Pennsylvania, asking favorable consideration of a bill to fix the compensation of carriers upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

Also, petition from sundry citizens of Canton, Pa., protesting against the manipulation of the prices of food products; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of American Association of Creamery Butter Manufacturers, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Van Allen, of Waterville, Kans., for House bill 18531, concerning proof of widowhood in pension cases; to the Committee on Invalid Pensions.

Also, petition of Philadelphia Chamber of Commerce, opposing the abandonment of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, petition of Marsden G. Scott, president of International Typographical Union, protesting against the zone system and increase of rate on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Union Label Trade Department of the American Federation of Labor, opposing prohibition measures; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petitions of numerous and sundry citizens of New York, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens, organizations, and firms, opposing increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. HERNANDEZ: Papers to accompany bill for relief of Henry Owen; to the Committee on Pensions.

By Mr. HILL: Memorial of Hartford Chamber of Commerce, of Hartford, Conn., in favor of Federal control of railways; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of Hartford, Conn., in favor of universal military training; to the Committee on Military Affairs.

By Mr. KAHN: Petitions signed by 42 residents of the city of San Francisco, Cal., protesting against the enactment of House bill 18986 and Senate bill 4429, mail-exclusion bills; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of sundry citizens of Maryland, opposing Kenyon-Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Maryland, opposing prohibition measures; to the Committee on the Judiciary.

Also, petition of E. P. Murray, of Baltimore, Md., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Montgomery Farmers' Club, opposing embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of Alman Machinery Co., of Baltimore, Md., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Baltimore Bargain House and Adpress, both of Baltimore, Md., opposing House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of Maryland, opposing prohibition in the District of Columbia without a referendum being held; to the Committee on the District of Columbia.

By Mr. MOORES of Indiana: Petition signed by 552 citizens of city of Indianapolis, Ind., protesting against the passage of House bills 17850, 18986, and House joint resolution 82; to the Committee on the Judiciary.

By Mr. NORTH: Petitions of Punxsutawney Aerie, No. 1231, Fraternal Order of Eagles, representing 225 members; of Freeport Aerie, No. 1732, Fraternal Order of Eagles, representing 110 members; of Blairsville Aerie, Fraternal Order of Eagles, representing 68 members; of Ford City Aerie, No. 606, Fraternal Order of Eagles, representing 256 members; and of East Brady Aerie, Fraternal Order of Eagles, representing 75 members, all in the State of Pennsylvania, protesting against the provisions in the Post Office appropriation bill which seeks to apply the zone system to newspapers, magazines, and periodicals, and which changes the rates of postage on such mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of 17 rural mail carriers of the twenty-seventh congressional district of Pennsylvania, petitioning for an allowance for rural mail carriers for equipment, maintenance, and increase in salary for serving routes longer than a standard route, in the same ratio as reductions are made for serving routes shorter than a standard route; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Petition of citizens of New Britain, Conn., opposing mail-exclusion and prohibition bills now before Congress; to the Committee on the Judiciary.

By Mr. REILLY: Petitions of citizens of Manitowoc, Wis., opposing House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petitions of citizens of Manitowoc, Wis., opposing House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. TAGUE: Memorial of Boston Wool Trade Association in re freight rates on wool; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Brotherhood of Maintenance of Way Employees in re working of Adamson eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Massachusetts State Legislature, relative to old-age pensions; to the Committee on Rules.

By Mr. WILLIAMS of Ohio: Petition of 120 citizens of Akron, Ohio, protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District of Columbia prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of John M. Joos, of Eckelson, N. Dak., and 24 others, favoring the increase of salaries of rural mail carriers; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *January 16, 1917.*

(Legislative day of Monday, January 15, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fall	Kenyon	Overman
Brady	Fernald	La Follette	Page
Brandegee	Fletcher	Lewis	Phelan
Bryan	Gallinger	Lippitt	Pittman
Chamberlain	Hitchcock	Lodge	Poindexter
Chilton	Hollis	McCumber	Ransdell
Clapp	Hughes	Martine, N. J.	Reed
Clark	Husting	Myers	Robinson
Colt	James	Nelson	Saulsbury
Culberson	Johnson, Me.	Norris	Shafroth
Curtis	Jones	Oliver	Sheppard
Sherman	Sterling	Thompson	Walsh
Smith, Ga.	Stone	Tillman	Watson
Smith, Md.	Sutherland	Townsend	Weeks
Smith, S. C.	Swanson	Vardaman	Williams
Smoot	Thomas	Wadsworth	Works

Mr. WATSON. I was requested to announce the unavoidable absence of the Senator from Ohio [Mr. HARDING].

Mr. VARDAMAN. I desire to announce the unavoidable absence of the Senator from Oklahoma [Mr. GORE], who is detained at his home on account of illness. I will let this announcement stand for the day.

Mr. CLAPP. I was requested to announce the unavoidable absence of the Senator from Arizona [Mr. ASHURST], the Senator from South Dakota [Mr. JOHNSON], the Senator from North Dakota [Mr. GRONNA], and the Senator from Oregon [Mr. LANE] on work of the Senate.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness. I ask that this statement may stand for the day.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. I ask the Senator from Montana if he will not lay aside the water-power bill that we may take up the legislative, executive, and judicial appropriation bill?

Mr. WALSH. Will the Senator indicate how long it will take?

Mr. OVERMAN. It ought to be finished in two or three hours. I think I have a right to call up the appropriation bill.

Mr. WALSH. How long did the Senator say?

Mr. OVERMAN. It ought not to take over two or three hours. That is my judgment, but I can not tell. The appropriation bill is ready to be taken up, and, with the Senator's consent, I will ask unanimous consent that the Senate proceed to its consideration.

Mr. WALSH. I ask unanimous consent, on the suggestion of the Senator from North Carolina, that House bill 408, the unfinished business, be temporarily laid aside for the purpose of considering the bill suggested by the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the bill under consideration be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. OVERMAN. I ask unanimous consent that the Senate proceed to the consideration of House bill 18542, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. OVERMAN. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," on page 8, after line 3, to strike out:

For compiling the Navy Yearbook for the calendar year 1916, under the direction of the chairman of the Committee on Naval Affairs, $500.

The amendment was agreed to.

The next amendment was, on page 11, after line 1, to insert:

For rent of warehouse for storage of public documents, $1,800.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

Senate resolutions Nos. 421, Sixty-third Congress, second session, 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $2,000 per annum, in monthly installments, $880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commis-

sioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments.

And to insert:

Clerks to Members and Delegates: For clerk or clerks to each Member, Delegate, and Resident Commissioner, $2,000 per annum, in monthly installments, $880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, are authorized to appoint a clerk or clerks from the date of the commencement of their terms, respectively, whose compensation shall be paid from this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointment and be paid in the same manner as other employees of the House are paid.

Mr. SMOOT. Mr. President, I am not going to object to the amendment, but I wish to make an explanation of it. I believe this is the first time that the Senate has undertaken to make any change whatever in reference to the employees of the other House. I have always understood that in the past it has been the practice of the Senate to adhere to that rule.

I am further advised, Mr. President, that there are many Members of the other House who are deeply interested in this amendment and who are in favor of it. The Senate will notice that we have not changed the rate of increase proposed to be paid to the clerks of Members of the other House. That increase was inserted upon the floor of the House, from $1,500 to $2,000. The only effect of the amendment proposed to the bill by the Senate committee is that clerks of the Members of the other House shall be put upon the rolls; that they shall draw their salaries the same as the clerks of the Senate or any other employees of the Senate do, instead of the money being paid to Representatives, and they in turn paying their clerks.

Mr. President, I have always thought it was a proper thing for each House of Congress to provide the appropriations for paying the expenses of the respective Houses, and it is for that reason that I have simply called attention to the change proposed by the Senate committee amendment.

Mr. BORAH. Mr. President, may I ask a question?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. I desire to ask if this amendment relates solely to the clerks of the other House?

Mr. SMOOT. It does.

Mr. BORAH. It would seem rather strange that the House of Representatives should not have gotten the matter in such shape as the House wanted it.

Mr. SMOOT. The House had it in the shape it desired it, and the House voted upon the proposition; but, as I have stated, the Senate committee thought that it was proper and right that all clerks of Members of the House should be placed upon the rolls the same as are the clerks of Members of the Senate. That is about the only change made.

I will say to the Senator from Idaho that we did not change the amount of compensation provided for in the other House, from $1,500 to $2,000 for their clerks. I will frankly say to the Senator that I should very much have preferred not to have had this amendment placed in the bill by the Senate committee, but the majority of the committee saw proper to take such action, and therefore the amendment is here.

Mr. THOMAS. Mr. President, I desire to ask the Senator from Utah before he takes his seat whether this provision increases the amount of compensation to employees of the other House over that which has heretofore been paid them?

Mr. SMOOT. The allowance is increased $500 for each Member of the House.

Mr. THOMAS. What does that amount to in the aggregate?

Mr. SMOOT. It amounts to about $217,000.

Mr. THOMAS. Well, the Senator from Utah was very active, and commendably so, during the last days of the last session in his efforts to economize, to reduce expenses. I recollect sundry speeches which he made on the subject, criticizing, and I thought very justly so, some of the appropriations made by Congress at the last session. I want to inquire whether conditions have so changed, or have changed at all, as to justify this increase now?

Mr. SMOOT. I will say to the Senator from Colorado that since I have been on the Appropriations Committee, and, indeed, ever since I have been a Member of this body, the Senate has never interfered with an appropriation made by the House affecting the employees of the House. This proposed amendment has reference only to the employees of the House. The universal practice in the past has been that the House has not interfered with appropriations made for the expenses of the Senate, nor has the Senate interfered with appropriations which have been made for the expenses of the other House.

Mr. THOMAS. Does the Senator from Utah think it good policy that either House should not interfere with the other?

Mr. SMOOT. That has been the policy, and I think it has been a wise one. I think that each House knows better as to what its requirements are than one House knows what the requirements of the other House may be.

Mr. THOMAS. Of course, there is the necessity of equal dealing and fair dealing between the two Houses, a recognition by one of the rights and privileges of the other; but if what the Senator states is the custom, it is one which, in my judgment, is "more honored in the breach than the observance." Each House should inspect the demands and suggestions of the other House, rather than give them blind approval.

I do not think this is any time, Mr. President, to stand on ceremony. I think that we should be frugal and that we should retrench the expenses of the Government in every possible direction. If the other House presented a clause in this bill increasing the compensation of its employees by four or five million dollars—which it would be perfectly justified in doing from the standpoint of noninterference to which the Senator from Utah has referred—I think the people would hold us responsible if, at least, we did not inquire into and ascertain where there was any necessity for such increase. I do not think this a time, Mr. President, when we should be prone to give even silent approval to anything which increases the public expenditures, unless conditions make it essential to proper administration. I hope that this proposed amendment of the Senate committee, together with its action in striking out the lines on page 20, from line 1 to line 19, also will be approved.

Mr. SUTHERLAND. Mr. President, I think this is an unfortunate amendment. It has always been the custom, so far as I recall, for each House to refrain from interfering with appropriations of this character made by the other. The House of Representatives knows far better than does the Senate what it needs in the way of appropriations for the payment of the clerks of its Members, and I think an amendment of this character is calculated to interfere with the good relations which have always existed, and which ought to continue to exist, between the two Houses. If the other House interferes with the appropriations which the Senate thinks ought to be made for the assistance required for Senators and for employees of the Senate, I am quite sure the Senate would resent it, and I am inclined to think the House of Representatives will resent this interference on our part. I think the amendment ought to be rejected, and that the provision as it came from the other House ought to be agreed to by the Senate.

Mr. OVERMAN. Mr. President, it is true that there is a comity between the two bodies. The House of Representatives has not interfered with the Senate in making appropriations for its clerks and employees, and neither has the Senate heretofore interfered with the House of Representatives in such matters. In this instance we have not interfered with the amount of the appropriation. The only thing we have done is to provide that, like all other employees, these particular employees of the House shall be placed upon the rolls of that body. Each Member of the House can appoint one, two, three, or more clerks out of the increased sum of money for which a large number of Members of the other House voted. If he desires a session clerk and then a secretary or if he desires three clerks, he can appoint them out of the sum of $2,000.

A great many Members of the House favored the increased appropriation and voted for it, and the amendment reported by the Senate committee, as I have said, merely requires that these employees be placed upon the roll.

I desire to say that nothing was done until after I conferred with the chairman of the Appropriations Committee of the other House, Mr. FITZGERALD. I knew it was a very delicate matter, and so I conferred with him. He said that he did not think the House would have any objection to the provision, and we would go into conference and thrash it out. I think what has been said here will give the House to understand that we do not want to interfere with the compensation of their clerks, but we do think that their clerks, like our clerks, ought to be put upon the rolls. It will be better for them, better for us, and better for everybody. That is the reason we felt called upon to recommend this amendment.

I wish to say further that we have been importuned by some Members of the House to insert this provision in the bill. This, however, is not a final settlement of the matter. If the House insist that they do not want this provision, we will readily agree to strike it out. It is designed merely to bring the question before the House of Representatives, with the understanding

that if the House of Representatives in any way resent this amendment the conferees will agree at once without argument to strike it out.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from North Carolina whether or not the amount of compensation will also be in conference if the amendment proposed by the committee is adopted?

Mr. OVERMAN. No.

Mr. HITCHCOCK. It seems to me that it ought to be. The Senator suggests that there is a strong sentiment in the House of Representatives that these employees should be placed upon the roll, and steps should be taken to see that they get the salaries which they are supposed to get directly from the Treasury. It seems to me equally important, in view of the large sentiment which we know exists in the House of Representatives in opposition to this 33⅓ per cent increase, that the amount should also be in conference, because unquestionably there is a strong sentiment there which resents at this time the proposed increase. Under the amendment, however, as presented by the committee, that matter will not be in conference.

Mr. OVERMAN. We have struck out the entire provision in which the compensation of clerks to Members was fixed at $2,000, and have written a new provision, including in it the amount of $2,000, as determined by the House.

Mr. HITCHCOCK. So that the amount of compensation will not be in conference at all?

Mr. OVERMAN. I doubt it very much.

Mr. HITCHCOCK. Would it not be better to provide in the amendment for the present amount of salary received by these employees, so as to get the matter into conference?

Mr. OVERMAN. If the Senator wants to do that he will have to move to strike out in our amendment the appropriation at the rate of $2,000 each and make it some other sum. It is now $1,500. That is all each Member of the House now gets for clerk hire. After considerable discussion in that body they adopted an amendment increasing the compensation of these employees to $2,000. In order to get the amount in conference, I suggest to the Senator that an amendment would have to be offered reducing the amount to be paid to $1,800 or $1,500, which would throw the whole thing into conference.

Mr. HITCHCOCK. Mr. President, I think it ought to be in conference. I think that the House ought to be confronted fairly with the proposition whether or not it proposes to make this 33⅓ per cent increase in the pay of clerks of Members at this time; and I therefore move to substitute "$1,500" for "$2,000" in the amendment reported by the committee.

Mr. OVERMAN. I desire to suggest to the Senator that whenever we interfere with the appropriations made for the clerks of the other House our action is going to be resented and will be reflected back upon the Senate, and criticism perhaps made of the number of employees we have. For example, every Senator has three clerks, while Members of the House only have one; and if we interfere with their clerks they would have the same right to criticize us for having three clerks that we have to criticize them for the amount paid.

Mr. HITCHCOCK. Mr. President, is there any objection to that? They are as much guardians of the Treasury as we are; and if we have more employees than we ought to have the other House ought to restrain us, and ought to raise that issue.

Mr. STONE. But who will judge as to that?

Mr. HITCHCOCK. Well, that is a matter for the conference committee of the two Houses to decide.

Mr. OVERMAN. I have referred to the general custom which has prevailed and of the courtesy and comity existing between the two Houses. So far as I am concerned, I have been in favor of decreasing the appropriations, and should like to do so, but we are confronted with this idea of courtesy between the Houses and the necessity for avoiding friction. If the Senator had been here, as I have been, for 12 or 14 years, he would realize that any friction between the two bodies brings about hard feelings. I know there are some Senators on the floor who have been Members of the other House, as has the Senator from Nebraska, and they know the feelings and jealousies in the other House in regard to such matters.

Mr. HITCHCOCK. It is true that I have served in the other House. I also know that there has been at all times a strong sentiment in that body in opposition to this loose method by which there has been appropriated every year $1,500 for clerk hire for each Member of the House, when it has been a notorious fact, referred to a number of times on the floor of the House itself, that those employees were not sure to get the money appropriated for them. If that is the fact, it ought to be brought right face to face to the attention of the House of Representatives; and if the House insists upon having that practice continued, then it will be an issue, and it will be time for us to yield.

Mr. OVERMAN. I assume the Senator understands that we have provided for that in the amendment.

Mr. HITCHCOCK. Yes, Mr. President, and I favor the change; but we are also confronted by another issue at this time. We are attempting to avoid the increase of expenditures in order to avoid, as far as possible, increasing the deficit with which we are confronted now. Is it possible that if the issue is raised the House of Representatives is going to insist on increasing the pay of its employees 33⅓ per cent at this time? Possibly they are; but they should be given the opportunity of considering the matter. It is a fair issue, and it should be raised and made, and it should be met. Therefore I move that the amendment reported by the committee be amended by substituting "$1,500" for "$2,000."

Mr. LODGE. Mr. President, it is the unwritten law in both bodies—it certainly is the unwritten law here; a rule which is always carefully observed, and it is common to parliamentary bodies everywhere—not to criticize or discuss the debates or action of the other House. Both Houses are extremely careful in that respect, and the debate that has arisen on this amendment is an illustration of the wisdom of that rule. A most unfortunate situation would be presented in Congress or in Parliament or in any great legislative body if one House were to criticize the other. Instead of being concerned in public business, the activities of the two bodies would very soon degenerate into quarrels between the Houses about matters relating to each House separately.

I am very sorry that this amendment has been offered. I think it would have been much better to have let it alone. I think if we begin to criticize the House for the lack of economy and attempt to cut down their expenditures they will retaliate, and there will be constant controversy of the worst kind between the Houses. In the interest of the proper conduct of legislation—general legislation—I think the two Houses should be extremely scrupulous about interfering with each other's peculiar business. This is the affair of the House. They are responsible for it. If there is wrong done, it is theirs to bear the blame. If we enter upon this business of criticizing the House and cutting down the appropriations for their clerks or interfering with matters which concern them alone, we are opening the door to conflict between the Houses, which can not be but very prejudicial to the general public business.

It is not a question of ceremony at all. This practice of the Houses of not criticizing each other or interfering with each other's affairs rests on the solid ground of common sense. It is not a matter of ceremony; it is to avoid controversy and wrangles between the two Houses about matters which will excite personal hostility and the hostility of one body to the other. I think it a great mistake to meddle with provisions concerning the House alone, which would be certain to lead, as it has led this morning, to criticisms of the action of the other body and imputations on the conduct of their own business. It is not our business to take up what a minority of the House may say. What we receive, and what we alone receive and deal with, is the action of the House as the House, and we can not enter into their debates and say we sympathize with the minority. We must take as a body what comes from them officially as a body. They have passed this after due consideration, and they have sent it over as the action of the House. We can not walk behind it and say, "Why, there are Members of your House who do not approve this any more than we do." I think we are opening the door to a great deal of trouble and a great injury to the conduct of the public business if we put this amendment on this bill.

Mr. THOMAS. Mr. President, the Senator from Massachusetts has been a Member of this body for a much longer time than myself. His acquaintance with the methods of procedure is, therefore, much more extensive than mine, and generally speaking I am inclined always to accept his statements upon such subjects without any qualification. I am disposed to do so now, if the result does not carry me to a point where the observation of the practice conflicts with the necessity of limiting our expenditures to our revenues.

I have not the slightest desire even seemingly to infringe upon a rule which experience is said to have established as an essential to good legislation and harmony between the Houses. It seems to me, however, that if the rule is as broad as I understand it to be from the Senator's statement, it would be difficult for a Member of this body, as it would be for a Member of the House, to attack a provision in an appropriation bill sent by the one to the other without reflecting upon the good faith of the body in some degree, or without infringing

that courtesy which is said to be due from one House to the other. Indeed, Mr. President, it may be that the rigid observance of such a rule is responsible for much of the extravagance which can be laid at the door of Congress—not one body any more than the other, but both alike.

My purpose is not to criticize the action of the House with regard to this particular section of the bill any more than it would be if the section related to any other than the subject of House employees. I think it would be a good idea, as suggested by the Senator from Nebraska, were each House—with due regard to the rights of the other, of course, and with due respect for the integrity of purpose and intention of the Members—to scan more carefully than seems to have been done in the past the appropriations which are designed to be exclusive to each. Now, it may be that this body has too large a clerical force. If so, nothing would be more salutary than for the House to call attention to it. Nobody else may do it or be able to do it so effectually. It may be that our expeditures in certain other directions might be limited, and the same efficiency secured; and so with regard to expeditures at the other end of the Capitol.

Mr. President, we are now confronted, among other items of financial legislation, with an organized effort to increase the salaries of all employees of the Government here in the District, and largely elsewhere. That movement seems to be supported by a lobby somewhat powerful and influential in its character, and, if successful, will largely swell the aggregate of our permanent appropriations. I do not think it ought to be done at present, and as far as I am individually concerned I shall vote against it; but I can readily see how those who are interested in such a measure can very properly complain if the amount of compensation received by any class of employees of the Government, however small, is increased while the favor is refused—I will not speak of it as a demand now—as to all others who claim the right to be considered from the standpoint of employees of the same class, in the sense that they are paid from the same Treasury.

I do not believe, Mr. President—and I hope I am right—that I can be accused of any lack of courtesy or regard for the rights of a coordinate branch of the legislative department of the Government in objecting at this time to an increase in expenditure which is not absolutely necessary to a fair and a proper and a liberal administration. I should like to see competition between the two Houses in the direction of economy rather than a friendly or any rivalry in the other direction; and that, we know, has been going for a long time. Nearly every appropriation bill which comes from the House is increased here. I am not now criticizing the fact. I am merely stating it. There may be the best of reasons for it, and I can very readily see how the same feeling of courtesy which powerfully promotes and augments such a practice, when directed in proper channels, would lead to an increase of such economy, and the taxpayers of the country would receive the benefit.

Mr. BRYAN. Mr. President, I realize that a discussion of this amendment is a delicate matter, and I had hoped the amendment would be adopted without being debated at all. I do not understand whether the Senator from Utah [Mr. SMOOT] opposes the amendment or not.

I drew this amendment. It has been before Congress before. It has been presented before in conference committees by the conferees upon the part of the House. I agree with the Senator from Massachusetts that we ought not to adopt the amendment of the Senator from Nebraska to lessen the amount from $2,000 to $1,500 because a committee of the House reported it at $1,500 and the House itself raised that amount. So, whether $1,500 is the proper amount or $2,000 is the proper amount, the House itself has settled that question. But I do not concede, Mr. President, that the Senate is not in any way concerned about this proposition.

Here is the situation as stated in the newspapers since it has been known that this amendment was adopted, that Members of the House are accused of profiting out of this allowance. It is unfortunate that a charge of that kind could be made against a Member of the House. For myself, I would not make any such insinuation. But, Mr. President, there is an easy way to so provide that such an insinuation can not be made, and that is to adopt the plan of placing this clerical force upon the rolls; and that action is for the benefit of the Members of the House of Representatives.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Idaho?

Mr. BRYAN. I do.

Mr. BORAH. It seems to me we are placing ourselves in the attitude of morally censoring the conduct of the Members of the House. Now, those men are elected every two years. They are responsible to their constituency. If the people want to correct this thing, it is rather for the people to do it than for another legislative body to sit in judgment upon their conduct. We can scarcely mention this subject here without seeming to impute something to the individual Members of the House which we certainly would not want to do. I think those gentlemen are perfectly capable of taking care of this peculiar question which is so peculiarly personal.

Mr. BRYAN. Mr. President, I have not imputed any unworthy motive to any Member of the House. I have only said that the method of appropriation heretofore indulged in has given rise to that criticism. Every Senator knows it. Every Member of the House knows it. The language now carried is "to pay each Member," and so forth. Then the provision that has been usual in appropriation bills proceeds to place them upon the roll. But when you pay to the Member himself the compensation, it makes no difference whether his clerk is upon the roll or not, so far as this criticism is concerned. You may place them upon all the rolls you please, but so long as the money is paid directly to the Member the criticism stands. Many Members of the House of Representatives have resented this insinuation, and they say there is no way for them to protect themselves except to have the clerical force placed upon the roll. As the Senator from North Carolina [Mr. OVERMAN] said, this amendment was offered with the approval of many Members of the House of Representatives.

Mr. BORAH rose.

Mr. BRYAN. I yield further to the Senator from Idaho, if he wishes to interrupt me.

Mr. BORAH. It seems extraordinary to me that the situation should present itself as it does at this time, because every Member of the House must know the effect of this general appropriation just the same as we know it, and if the membership of the House as a body desires to protect itself it would be the most simple thing in the world for them to have passed this matter as we now propose it.

Mr. BRYAN. No; it is not so simple, Mr. President. A provision of that kind would have been subject to a point of order. Provisions of this kind have been offered in the House before and are subject to a point of order, and the point of order has been made; and that is why it is not such a simple matter there.

Mr. BORAH. Well, of course I know it is not simple if you assume that somebody in the House is going to object to it; but when you assume that you assume that there is some one there who desires to perpetuate a situation which reflects upon the individual integrity of Members of the House.

Mr. BRYAN. No; I think as far as you could go would be that the individual who objected might be interested, but it is unfair then to say that all the other Members of the House are subject to the same censure; and that is the purpose that was in view when this amendment was drafted. I think it would have been much better if it could have been passed without any discussion, and it was about to be done; but since it is here I do not hesitate to say that I think not only is the House involved in it, but the Senate too. I think it is an injustice to the House to have honest men unjustly accused of that sort of petty graft, and I think it is a reflection upon the Senate if we stand by, with that sort of thing going on, and do not do our share to stop it.

Mr. BORAH. Mr. President, when we do that we simply put ourselves on record here as considering that the House is unable, by reason of its rules or something else, to correct an unwise practice.

Mr. BRYAN. No, Mr. President; we do not, because if the House of Representatives want this amendment rejected, let them reject it, and I apprehend that the Senate will not then insist. Many Members of the House want it done, and I do not blame them.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I do.

Mr. VARDAMAN. Will the Senator state why they did not do this in the first instance?

Mr. BRYAN. I have already stated that.

Mr. VARDAMAN. I could not hear the Senator.

Mr. BRYAN. Any amendment to that effect is subject to a point of order.

Mr. VARDAMAN. Did anybody propose it in the House?

Mr. BRYAN. Oh, it has been proposed there numbers of times, and the point of order has been raised.

Mr. BORAH. If the amendment had come out of the committee as it is here proposed, it would not have been subject to a point of order, would it?

Mr. JONES. Yes; it would in the House.

Mr. BRYAN. Yes; I think so. It would be a change of existing law, and that is the rule in the House.

Mr. BORAH. Then all the House has to do is to introduce a bill dealing with the matter.

Mr. BRYAN. Mr. President, what chance would it have of passing? This is the way these matters are controlled—on appropriation bills—and they always have been. Let me say to the Senator from Idaho, suppose we send this amendment to the House and let the House express its will? If the House says: "We want this provision to go out," then the Senate will undoubtedly let it go out.

Mr. LODGE. Mr. President, if the Senator will allow me, the Senator must know that under the practice of the House they could have brought in a rule making that amendment in order.

Mr. BRYAN. Yes; I know that, Mr. President; but the House Committee on Rules has been busy upon other matters, I have no doubt. [Laughter.]

Mr. LODGE. That is quite true.

Mr. BRYAN. I think it is a good plan for one House not to go into the practice of the other House. Senators say they may retaliate; they may point to expenditures here in the Senate for clerical help that ought not to be made. Well, Mr. President, they would do no more than Senators themselves have done. I think the Senate ought to abolish these inactive committees, because by maintaining them they leave themselves open to an imputation that ought not to be placed upon Members of the Senate, and you need not try to disguise the fact that attention is called to that. That is discussed. For instance, this appropriation bill will be taken up by the papers. They will say that here in the Senate are appropriations for committees that never meet—appropriations for the Committees on Canadian Relations, on Coast Defenses, on Conservation of National Resources, Cuban Relations, Disposition of Useless Papers in the Executive Departments, to Examine the Several Branches of the Civil Service, Expenditures in the Department of Agriculture, in the Department of Commerce, in the Interior Department, in the Department of Justice, in the Department of Labor, in the Navy Department, in the Post Office Department, in the Department of State, and in the War Department, on the Five Civilized Tribes of Indians, Forest Reservations and the Protection of Game; Geological Survey, Indian Depredations, to Investigate trespassers upon Indian Lands, Irrigation and Reclamation of Arid Lands, Mississippi River and its Tributaries, Pacific Islands and Porto Rico, Pacific Railroads, Private Land Claims, Public Health and National Quarantine, Railroads, Revolutionary Claims; Standards, Weights, and Measures; Territories, Transportation and Sale of Meat Products, Transportation Routes to the Seaboard, and the University of the United States.

We ought to strike those out ourselves. It does not amount to anything to any Senator when the Senate leaves them in. We understand that it is simply a method of distributing the clerical help. Since we have added an additional clerk to each Senator it serves no useful purpose at all, yet it stands in our legislation so that any one who wants to attack the Senate or any individual Member of the Senate can point to the maintenance of these useless and inactive committees and say we are extravagantly voting the public money for the maintenance of such committees.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Washington?

Mr. BRYAN. Certainly.

Mr. JONES. It does furnish a very inequitable and unjust basis of determining the pay of the different clerks who are appointed.

Mr. BRYAN. Yes; it does that. In other words, if I understand the Senator, it means this: That the clerk of one of these committees gets $220 more than the clerk of a Senator who is not chairman of a committee; but we might as well meet that frankly and say that clerks of the majority should get $220 more than clerks of the minority. That is all it is done for. I have tried time and again, and I have had the assistance of the Senator from Washington [Mr. JONES], to have those committees stricken out. In fact, I went so far, Mr. President, when the present majority assumed control of the Senate as to have a resolution adopted to do it. It was adopted, but it has not been done, and why has it not been done? It has not been done because the opportune time has never come, because the time when it should be done never arrives, because we never get to it, except when it comes on an appropriation bill, just as Members of the House never get an opportunity to correct this injustice done to them except upon an appropriation bill. Because some one in the House raises the point of order is no justification either for the House or the Senate to refuse to do the right and the honorable and the manly thing, and that is to place these men to be appointed by Members of the House upon the rolls, so that the wildest muckraker can not accuse the humblest Member of the House of taking any of the allowance for his clerk hire and putting it in his own pocket.

That is the reason why this amendment was drawn. Many Members of the House are smarting under this unjust and unfair criticism. They have not reached a time when the House has acted upon it; it comes up hurriedly upon an appropriation bill. They have asked the Senate conferees time and again to put it in the bill. The Senate conferees have refused to do it upon the ground that they would seem to criticize the House, and they will not do it.

Mr. BORAH. Do I understand that the representative of the Appropriations Committee of the House is willing that this should go in?

Mr. BRYAN. Undoubtedly; not only he but many other Members of the House are insisting upon it, and they would be very much gratified if it should be done. One of them stated to me they are under embarrassment about it, and he considered offering a resolution asking the Senate to do this very thing. I will not call his name; but the Senator can understand how, if an imputation were made against him that he was profiting by reason of the method of the payment of his clerks, he would want to correct it. The Members of the House feel the same way about it.

Mr. BORAH. It is a sorry situation if we have a legislative body that can not correct evil practices. I do not propose as yet to assume that fact.

Mr. BRYAN. I want to correct it, and I know of no other way to correct it.

Mr. STONE. Mr. President——

Mr. BRYAN. I yield to the Senator.

Mr. STONE. I can not understand how it can be said that any Member of the House is profiting by the appropriation for his clerk, whether it be $1,500 or $2,000, when the statute requires that he shall put the name of his clerk on the rolls of the House.

Mr. BRYAN. That protects him from the possibility of criticism, and that is what I want to do.

Mr. STONE. Then, if this criticism signifies and means anything, it has the abominable meaning, whether intended or not, that some Member or Members of the House of Representatives who receive a certain stipend fixed by the statute to pay clerks, after putting the name of his clerk on the roll takes a part of the money appropriated to pay the clerk and puts it into his own pocket. That would not only be dishonest, but it would come very close to the border of criminality.

I think such observation, such intimation, Mr. President, on the floor of the Senate are so ill timed, so utterly improper, that I believe if we sought to do it or cared to do it in the circumstances such assertions would be so unparliamentary as to be subject to a point of order.

Mr. BRYAN. Let me ask the Senator from Missouri if he understood me to make any such insinuation?

Mr. STONE. I understood the Senator from Florida to say—and if I am wrong I apologize; but, of course, the RECORD will show—I understood not only the Senator from Florida but the Senator from Nebraska [Mr. HITCHCOCK] to say that there were newspaper reports that had gone out, rumors through the press, of this character.

Mr. HITCHCOCK. Did the Senator understand me to make any statement of that sort?

Mr. STONE. The Senator certainly did, as I understood him, refer to newspaper reports.

Mr. HITCHCOCK. Not at all. I only referred to my experience in the House of Representatives and to the sentiment in the House of Representatives and to speeches upon the floor of the House of Representatives. I made no criticism of the House. I only want to have this issue raised and let it confront the House, and then if the House desires to take up——

Mr. STONE. I know the Senator said that, but I ask the Senator if he did not refer to newspaper reports.

Mr. HITCHCOCK. I did not.

Mr. STONE. And so did the Senator from Florida.

Mr. BRYAN. I do not think the Senator from Nebraska did.

Mr. STONE. If he did not, I am mistaken and apologize.

Mr. BRYAN. Put that on me.

Mr. STONE. But the Senator from Florida says he did, and the report referred to was of the nature I have indicated. Also, I understood the Senator from Florida to say that Members of the House had complained that they were subject to this criticism and were not able to remedy it.

Mr. BRYAN. Yes.

Mr. STONE. I do not see how or why. In any event it is a most unfortunate debate, Mr. President, and a most unfortunate thing, in my judgment, that the proposition was ever brought to the Senate.

Mr. BRYAN. Mr. President, that may be the view of the Senator from Missouri, but it is not my view. I believe there is a duty resting upon the Senate to place this thing so that no man need be under suspicion at all. That is what this amendment does, and that is all any honest man should ask for. Every other employee at either end of the Capitol is upon the pay roll.

Mr. LODGE. Mr. President, I desire to call the attention of the Senate to the practice and rule of both Houses. I read first from Jefferson's Manual one of those statements in the Manual which has in practice formed a part of the rules of both Houses:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

I am reading it from the House Manual. Of course it is in our Manual, but the House Manual has some statements about our practice:

This rule of the parliamentary law is in use in the House of Representatives to the full extent of its provisions, and it has always been held a breach of order to refer to debates or votes on the same subject in the other House (V., 5095–5097), or to the action or probable action of the other House (V., 5101–5105), or to its methods of procedure, as bearing on the course to be taken on a pending matter (V., 5100). In one instance the Senate declined to have read from the CONGRESSIONAL RECORD the proceedings of the House, even as the basis of a question of order relating to the rights of the Senate. (V., 6406.)

The House decided:

After examination by a committee a speech reflecting on the character of the Senate was ordered to be stricken from the RECORD, on the ground that it tended to create "unfriendly conditions between the two bodies * * * obstructive of wise legislation and little short of a public calamity."

That was the declaration of the House, and that is the broad ground on which this rests, something much more important than the amount of money the House pays to its clerks and that we pay. Again, the further rule in the Manual is—

Where the complaint is of words disrespectfully spoken by a Member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of Members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. (3 Hats., 51.)

Jefferson's Manual:

In the House of Representatives this rule of the parliamentary law is considered as binding on the Chair. (V., 5130.)

That merely refers to words spoken in debate, and it takes the broad ground that whoever else may criticize the Houses either in the press or the public they are debarred from criticizing each other. We are the only people in this country who can not with propriety undertake to criticize the House of Representatives on this floor.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. LODGE. I yield.

Mr. BRYAN. I will say to the Senator I am familiar with that rule, and I ask him if anything I said would be in contravention of that rule.

Mr. LODGE. You can not discuss this amendment proposed, you can not give the reason for the amendment submitted from the committee, without imputing scandalous conduct to Members of the House.

Mr. BRYAN. I undertake to say that I did not do it. There is not a word in anything I have said——

Mr. LODGE. I do not say there was.

Mr. BRYAN. That impugns the motives of any Members of the House.

Mr. LODGE. I do not say the Senator did, but if you justify that amendment and ask that you put their clerks on the roll and give the real reason you have got to impute scandalous conduct to the House, as was pointed out very carefully by the Senator from Missouri.

Now, I think it is most unwise for us to take that position. In voting the salaries for the clerks of the other House I think it would be even more unwise to undertake to fix their salaries.

It is no reply to say that we have got a lot of dead committees. I know that. I should like to see them all swept away. I should like to see the Senate have the courage to abolish all the dead committees that never meet and give frankly to each Senator the number of clerks he ought to have in his capacity as a Senator, with a proper salary for each of them. Those dead committees are used as a convenient veil to cover up the real fact which we ought to have the manliness to stand out on. Each Senator ought to have, in the interest of his constituents and of the country, just as it is with Members of the House, clerical assistance, well paid, sufficient to enable them to perform their very burdensome duties in this body. I should like to see the dead committees swept out of existence, but I do not want the House to undertake to reform the Senate. I think the Senate ought to reform itself, and I think if a reform is needed in the House it is their duty to do it.

As I said before, we are the one body of people in this country who have no right to criticize the conduct of the House of Representatives, because if we enter on that field it can lead to nothing but ill feeling and miserable quarrels between the two bodies.

If there are Members of the House who do not like something that is done by the House, it is not their place to come running to us to get us to change it. They can change these things. I know their rules about changing the law. If an amendment had been offered to enroll these clerks, a point of order would have thrown it out; but the Committee on Rules can bring in special rules in the House and make anything in order. If they had chosen to make that in order, this could have gone in and compelled those men to be placed on the roll. The House did not do it, and we can not go behind the action of the House and take the word of Members who run over here and tell us privately what they think ought to be done.

We can deal only with the House of Representatives through its official organ, and I should deeply regret anything being done by the Senate, either in the way of criticism or debate or by amendment in a bill, which would seem to interfere with that public business which exclusively belongs to the House and for which they are responsible to their constituents, or to indulge in a criticism of what they have done which relates solely to themselves. I think that is far more important than the amount of money involved, because it would create a condition of feeling between the two Houses in a very little while. One House would retaliate on the other, and the condition would be one equally to be regretted, in my opinion, in the conduct of the public business.

Mr. HITCHCOCK. Mr. President, the Senator from Massachusetts seems to be laboring under the delusion that in exercising the right as a legislative body of disagreeing with certain amendments by the House of Representatives this body will be "criticizing" the House. He seems also to be laboring under the delusion that Senators who have spoken here to-day are criticizing the House. Neither of these is correct. The House of Representatives in the past has disagreed with the Senate upon the payment of Senate employees. It is not more than about a year ago when the Senate voted certain extra pay to certain Senate employees and the House disagreed to the same and the Senate abandoned it.

All that I desire, at least—and I think it is all that other Senators desire in this matter—is that the Senate shall take this position and that the issue shall be placed squarely up to the other legislative body. If when that issue is raised, the House of Representatives insists that in its judgment the clerks of Members of the House should receive a 33⅓ per cent increase, or if the House insists that those employees shall not go upon the rolls and be paid directly from the Treasury their monthly stipend, then it will be time enough for the Senate to bow to the will of the House in the employment of its own employees. At the present time, however, the responsibility is upon the Senate. Will the Senate, without any effort to modify it, consent to this increase suggested by the other House of 33⅓ per cent? Will the Senate propose to the House that the employees of the House, like the employees of the Senate and like the employees of every other branch of the Government, shall go upon the pay rolls and shall themselves receive the compensation from the Treasury, instead of having each of them receive it secondhand? That is the issue. There is no disposition to criticize the other House for the position it has taken, and it is only the Senator from Massachusetts [Mr. LODGE] who insists that criticism is intended.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. I do.

Mr. NORRIS. From what my colleague has stated, I understand that there has been a contention about the amount of the appropriation?

Mr. LODGE. The colleague of the Senator from Nebraska has moved an amendment to that effect.

Mr. NORRIS. I was not in the Chamber when that amendment was offered.

Mr. HITCHCOCK. I will say to my colleague that before he entered the Chamber I had proposed an amendment to the amendment offered by the committee. I had moved to change the amount from "$2,000" back to what it has been heretofore—that is, "$1,500." I am not a stickler for that; as a matter of fact, the law allows only $1,200 to clerks of Members of the other House; but by consent and acquiescence the salary named in the appropriation bill has been for a number of years $1,500. There is no law to justify it, except as we find it in the appropriations; but I am not insisting that these clerks should receive no advance. What I want to do by offering this amendment at this time, and what I should like to do, if the Senate will accept this amendment, is to have the issue raised in conference and to have the responsible representatives of the House of Representatives settle that issue.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. BORAH. I should very much prefer to have the question of salaries discussed and made an issue in conference than the question of whether or not some Member of the other House is going to improperly distribute the salary of the clerk after he gets it. If we are going to discuss this subject, we ought to be candid about it. We know that there is implied in this situation the proposition that we should guard against that money going to the wrong place. I much prefer to take jurisdiction of the salaries paid than to take jurisdiction of the matter which implies its placement.

Mr. HITCHCOCK. Mr. President, I think the Senator from Idaho states the issue too narrowly. There is a principle involved here that when money is paid out of the Treasury of the United States for the services of an employee it ought, as a matter of fact, to go to the employee, and no intermediary should receive the money and be given any control over it.

Mr. BORAH. Mr. President, the basis of this amendment is the assumption that the money does not all go to the employees. No severer charge could be made against the Members of the other House than to say that they can not be trusted to convey to their employees the money that is given to them. I do not want, by implication, to legislate along any such lines.

Mr. HITCHCOCK. Well, that charge is being made by the Senator from Idaho and not by me.

Mr. BORAH. I know it. I am making it because I am speaking candidly. No one will understand it otherwise when we have adopted this amendment. We should not touch a subject about which we are not willing to be candid. I do not think there is any occasion for the legislation.

Mr. HITCHCOCK. Well, if the Senator from Idaho desires to make that imputation or if he desires to draw that inference, of course he has a perfect right to do so, but I do not. I am standing here for the principle that money appropriated for the payment of an employee should go to the employee of the Government directly and should not pass under the control or discretionary power of any other individual. That is a principle, and we can all afford to stand on that. I believe that this issue is raised by the amendment now before the Senate; and if raised in conference, it will be, I believe, approved by the overwhelming voice of the House of Representatives.

The Senator from Massachusetts [Mr. LODGE] has spoken here about unwritten law; he spoke of an unwritten law the other day; but he felt justified in disregarding that unwritten law when it served his purpose to mention the ambassador of a certain nation on the floor of this Chamber, in violation of that unwritten law.

Mr. LODGE. There is nothing about that in Jefferson's Manual.

Mr. HITCHCOCK. So there may be, as he says, unwritten law in this case, but here we have a principle involved.

Mr. LODGE. If the Senator will excuse me, we have a written law in this case. I just read it to the Senate, but the Senator probably did not hear it.

Mr. HITCHCOCK. The written law which the Senator from Massachusetts read refers only to disclosing in the Senate of the United States the proceedings or debates of the House of Representatives. I am not doing that. I am here asserting the right——

Mr. LODGE. What is the Senator talking about——

The PRESIDENT pro tempore. Senators must first address the Chair before speaking. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield to the Senator.

Mr. LODGE. I should like to ask the Senator what he is talking about, if he is not talking about proceedings of the other House?

Mr. HITCHCOCK. I am talking about an amendment now pending in the Senate, and I am advocating the adoption of the amendment in order that it may go into conference, and in order that there in conference the matter may be discussed.

Mr. LODGE. To what does the Senator's amendment relate?

Mr. HITCHCOCK. Well, it relates—if the Senator is unaware of what he has been discussing I am rather amazed—but it relates——

Mr. LODGE. Never mind whether I am unaware of it, I ask the Senator to what the amendment relates?

Mr. HITCHCOCK. If the Senator would address the Chair, I should like to enlighten him.

Mr. LODGE. I will wait and take my own time.

Mr. HITCHCOCK. I thank the Senator. I stated here that a few days ago the Senator from Massachusetts, after admitting that there was an unwritten law which made it improper to mention the name of an ambassador of a friendly country who had been accredited to the United States and was resident in Washington, nevertheless, for his own purposes, disregarded an unwritten law and mentioned the names of the country and the ambassador. If it was justifiable for the Senator to take that course for his personal purposes in that case, certainly it is now proper to disregard the custom; and, as the Senator has indicated an unwritten law, in asserting the right of the Senate to disagree to a provision offered in the House of Representatives by inserting an amendment in this bill, to raise the issue in the conference committee, I ask for nothing more. I have not contended that the Senate should insist on dictating to the House of Representatives, and, so far as I know, no Senator who has discussed the matter has done so. All I ask is that the Senate take a position on the question, Shall employees be paid directly from the Treasury of the United States, and shall a 33⅓ per cent increase be made? If the House of Representatives by its conference committee advises the Senate that it takes that position, then it will be time enough for the Senate to bow to the will of that House; but it is the duty of the Senate, in the interests of the public, to raise that issue.

Mr. KENYON, Mr. LODGE, and Mr. ROBINSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and, if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Iowa.

Mr. KENYON. I wish to ask the Senator from Nebraska, how does it happen that the clerks and secretaries of Senators are on the rolls? Is it a matter of law or a matter of an appropriation bill?

Mr. HITCHCOCK. I have not investigated that question, Mr. President.

Mr. KENYON. Does the Senator think there is any imputation against the honor of Senators that their secretaries and clerks are on the rolls?

Mr. HITCHCOCK. Certainly not; I think that is the common practice; it is the reasonable practice; and it is justice to the employees.

Mr. KENYON. If that is no imputation of dishonor to Senators, I fail to see how it could be any imputation of dishonor to Members of the other House.

Mr. HITCHCOCK. There is certainly no intention on the part of anybody to reflect upon the House of Representatives nor upon any Member of the House of Representatives. It is the principle to which I refer that is wrong; it is the practice which should be cured; and I have not any doubt in the world that the overwhelming sentiment of the House of Representatives, as soon as the issue is raised, will agree to the sentiments which I have here expressed.

Mr. SHAFROTH and Mr. ROBINSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. SHAFROTH. Mr. President, I think the Senate is taking too seriously the proposition which was presented by the Senator from Florida [Mr. BRYAN]. Perhaps it might be well to go back a little into history as to how these clerks were given to Members of the other House. It was done in the Fifty-third Congress. The first appropriation which was made was for the employment of clerks during the sessions of Congress. Of necessity a Representative in Congress could not bring with him from his home and could not take back with him to his home a clerk who received a salary of but $100 per month during the session. Consequently the amount for clerk hire was made payable to each Member of the House. There was nothing wrong in it, and it seems to me no wrong could be imputed to a Member of the other body, unless he used the money for his

own purposes; and I think only a small fraction, if, indeed, any of them, have done so. Accordingly, I do not think that they should be criticized.

Mr. President, at the following session of the Fifty-third Congress, during its closing hours, a resolution was adopted, or a provision of law enacted, that the clerks of Members of Congress should be paid $100 per month per annum. I remember the vote in the House and the discussion that preceded. That provision made a little change; and yet it can be readily seen that, even in that instance, it was perfectly proper for the law to be so worded that the amount should be paid to the Member. Why? Because the Member in many instances would not take his stenographer home with him, but would have to employ a stenographer in Washington during the session, and would have to employ another stenographer at his home when he returned there. Where a Member of Congress lived a long distance from Washington, necessitating considerable travel, it would be unfair to a stenographer for the Government to only pay him $100 a month and require him to travel back and forth. For that reason it was deemed best and proper under those conditions that the amount for clerk hire should be paid to the Member himself. Subsequently there was some increase in the amount paid, but no change as to the manner of payment.

Now, however, comes the proposition of paying the Member's clerk $2,000 a year, and it is a very appropriate time to say that no longer can excuses be made on the ground that there is necessitated a change of stenographers when the Representative is in Washington during the session and when he returns to his home. It is a very appropriate time, now that such a salary is being given to these men, to say, "You can bring with you your stenographer from your home and can utilize him all the time during the session of Congress and can take him home with you on your return, and thus can have a man to aid you in your official duties all the time." That being the case, it is very proper now, without any reflection upon anybody, having made the salary sufficiently large for a stenographer to be brought from a Representative's home, to stay with him all the time, and to become familiar with the work, to provide that this stenographer should be an employee of the United States.

Mr. President, the Congress and the people of the United States are interested in getting good service. I do not believe that to any extent the practice has prevailed of the money for clerk hire being put in the pockets of the Representatives for their own use; I believe that in ninety-nine cases out of one hundred it has gone to the employee; but the Government of the United States has an interest now in seeing that the best service shall be performed for the Government by the clerk who may be appointed. Under the present system in force in the House of Representatives a Member can employ a man for three months during the short session of Congress, and when he goes home he can employ another stenographer there. Of course, he could do that perhaps under the amendment proposed, although it will have a tendency to prevent that practice, as it would require a discharge and appointment of another each time; besides, the clerk employed in Washington will have a knowledge of the work of the Representative, and it will be desirable to keep him all the time. That is of great importance. When we determine that the clerk shall be an officer of the Government and shall be paid out of the Treasury of the United States the best service will be performed.

It seems to me, Mr. President, in view of those facts, that our action can not be considered a reflection upon the other House, even if they have done to some extent that which has been suggested here—and I do not believe that they have—any more than it is a reflection on us for a Member of the other House to say that the obsolete committees of the Senate ought to be abolished. Would any Senaeor take it upon himself to be offended if any Member of the other House should say that the obsolete committees of the Senate should be abolished? Certainly not. I do not see how he could; and yet it is said that Senators derive certain advantages by reason of the fact that obsolete committees are still in existence. Whether that be true or not, I can not conceive of any reflection being made upon any individual Senator or upon this body by reason of that statement, and I do not think that our suggestion that an employee should be placed upon the rolls of the Government, when he is paid $2,000 a year, should be considered a reflection upon any person, no matter what his past conduct may have been. Perhaps the Member has been justified under the language of the law by which the money has been paid to him directly to divide it in any way that he desired. Consequently I do not see that it can be a reflection upon him to have done so, unless he has put some of it in his pocket for his own use; and, as I have said, I do not believe that that has been done. This provision will result in better service, and, in my judgment, the amendment reported by the committee should be adopted.

Mr. LODGE. Mr. President, I only desire to say a word. The Senator from Nebraska [Mr. HITCHCOCK] seemed to think it was important to point out that I was inconsistent. The tu quoque argument never seemed to me, at best, a very vigorous one; but, however that may be, I did say the other day, in speaking of the peace note, that it was an unwritten rule not to refer in either House to foreign ambassadors or ministers. That is the unwritten rule, I repeat; but it has been departed from, and justly departed from, when an ambassador or minister has gone beyond his province. Before doing what I did, I cited the case of the Spanish minister who was justly criticized here, and deliberately, intentionally, I referred to what the German ambassador had said in public through the newspapers, because I considered that he had passed entirely beyond the bounds which should be observed by an ambassador from a foreign country. I deeply regret that my quotation of the eloquent and beautiful words of the German ambassador should so exasperate my friend from Nebraska. I did not realize that he felt so strongly about it.

One word more. I am under no delusion whatever, Mr. President, in regard to this matter. I know why that amendment is in the bill; we all know why it is there; we know the reason for that particular amendment. I think nothing can be said about it without implying a criticism of the House, and whether the criticism is just or unjust makes no difference to my mind. I do not want to incite or promote quarrels with the House of Representatives.

Mr. ROBINSON. Mr. President, I think it is regretable that the debate on this amendment has taken the course that has characterized it. It violates no confidence of the committee when I say that the aspect of the controversy which has been presented by the Senator from Massachusetts [Mr. LODGE] was fully presented to the subcommittee and, I think, comprehended by the full committee, which considered this amendment.

I served in the House of Representatives for a period of several years, as have other members of the Appropriations Committee, and I believe I know the temper of that body. No implication such as has been suggested can fairly arise as to any Member of the House. I think upon the whole it is a general rule that each House should be left to determine matters of this kind for itself; but in this particular case the amendment was not presented to the full committee until an investigation of the subject had been made by the subcommittee and it had been determined that it was the best thing to do and that it would meet the approval of the House of Representatives.

It is unfortunate that this amendment should be based by anyone here upon the idea that in order to guard the proper expenditure of the public funds it is necessary to adopt it. It is desired, I believe, by the House of Representatives, and if it is objectionable to that body, if the House insists upon its provision, there will be no insistence upon the part of the Senate that this amendment be agreed to. There is no impropriety in requiring that these clerks shall be placed upon the rolls. The House of Representatives, in my judgment, does not and will not object to it. I believe that the amendment will be agreed to unanimously.

Mr. OVERMAN. Mr. President——

Mr. ROBINSON. I am morally sure that it would have been unanimously agreed to but for the fact that some one here on the floor of the Senate has injected into this debate the idea that some one is attempting to reflect upon the House of Representatives or its membership by the amendment. The amendment was inserted in this bill at the suggestion of Members of the House of Representatives; and the chairman of the subcommittee conferred about it with the chairman of the Committee on Appropriations in the House of Representatives.

Mr. OVERMAN. That is the suggestion I wished to make.

Mr. ROBINSON. We declined to insert the amendment in the bill until that had been done. The chairman of the House committee stated that it was entirely acceptable to him, and he believed that it would be acceptable to the Members of the House of Representatives.

Mr. President, we are wasting our time here in an unfortunate and an unnecessary discussion, in my judgment. If the House of Representatives objects to this amendment, if the Committee on Appropriations in the House of Representatives objects to it, if the conferees upon the part of the House object to it, it will go out of the bill. That is the agreement. That is the understanding.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK]

to the amendment of the committee, which will be stated by the Secretary.

The SECRETARY. On page 20, line 22, it is proposed to strike out "$2,000" and insert in lieu thereof "$1,500."

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martine, N. J.	Smith, Md.
Bankhead	Hughes	Myers	Smith, S. C.
Borah	Husting	Norris	Smoot
Brady	James	Overman	Swanson
Brandegee	Johnson, Me.	Page	Thomas
Bryan	Jones	Pittman	Tillman
Chamberlain	Kenyon	Poindexter	Vardaman
Chilton	Kern	Robinson	Walsh
Clapp	Lane	Saulsbury	Watson
Culberson	Lee, Md.	Shafroth	Williams
Curtis	Lodge	Sheppard	
Fletcher	McCumber	Smith, Ariz.	
Gallinger	McLean	Smith, Ga.	

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present. The question is on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of this committee.

Mr. CURTIS. Mr. President, I should like to have that amendment stated, please.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. In the amendment of the committee on page 20, in the portion proposed to be inserted, the Senator from Nebraska [Mr. HITCHCOCK] moves to strike out "$2,000" where it appears on line 22, and to insert in lieu thereof "$1,500," so that, if amended, it will read:

Clerks to Members and Delegates: For clerk or clerks to each Member, Delegate, and Resident Commissioner, $1,500 per annum..

Mr. CURTIS. Mr. President, I am in favor of the committee amendment requiring the clerks of the Members to be placed upon the House roll. I think they should be paid directly; but I doubt very much the propriety of the Senate trying to fix the salaries of the clerks to Members, and therefore I shall oppose this amendment to the committee amendment,

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nebraska, which has just been stated by the Secretary, to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on the adoption of the committee amendment.

Mr. THOMAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS and Mr. THOMAS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NORRIS. Mr. President, it does not seem to me that we can justly criticize the committee for this amendment, even though we feel that the amendment ought to be defeated. I am satisfied with the statement made by the Senator from Arkansas [Mr. ROBINSON]. I believe that ought to be the policy. If this amendment is agreed to here, and the House does not agree to the amendment, we ought not to stand on it. I concede—I believe it ought to be conceded—that we should pay more respect to the opinion of the House on this particular amendment than to our own judgment. I do not believe this amendment of the committee is a reflection upon any Member of the House of Representatives. I think its principal object—and that is the principal reason why I shall vote for it—is that it takes away the possibility of a reflection being cast upon Members of the House of Representatives.

I know from an experience of 10 years in the House of Representatives that it is often charged in the country, through the newspapers, in campaigns, against members of all political parties, that Members of the House take advantage of the peculiar wording of the law when they come to distribute the pay for their employees.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I will yield to the Senator in just a moment.

Mr. TOWNSEND. I desire to ask the Senator a question along that line.

Mr. NORRIS. I just want to finish this sentence, and then I shall be glad to yield to the Senator. The peculiarity of the law as it has existed heretofore has given the only excuse that exists for that kind of a charge. In my service in the House of Representatives I have never seen anything to indicate that it was true in any case. I know that in my case I had to pay on an average more than $500 a year out of my own salary to get the help that I of necessity had to have.

I now yield to the Senator from Michigan.

Mr. TOWNSEND. Along the line of the suggestion of the Senator that the present method is a reflection upon the House, is it not equally, in many instances, a reflection upon the Senate? There are people whom I have met who recognize this as an act of Congress, thinking that Senators also have this same privilege of receiving money and paying it out to their clerks.

Mr. NORRIS. Yes.

Mr. TOWNSEND. The public do not always discriminate between the action of the House and the action of the Senate in these matters. So in that regard, at least, it seems to me that the Senate is interested.

Mr. NORRIS. I am glad to have the Senator's suggestion. I think there is much merit in it. It seems to me that when the House of Representatives has put into a bill something that has a peculiar relationship to the House itself we ought to approach the consideration of the subject just a little bit differently from the way we would under ordinary circumstances; but because one House puts something into the bill pertaining to its own membership or its own organization it does not follow that the other House shall not have a voice in regard to that provision, and it has happened often in the past where things of this kind have occurred.

I remember when a provision was put into the appropriation bill providing for paying the expense of the Speaker's automobile. It was stricken out in the House and was put in in the Senate. As I remember, that occurred on several different occasions, different years, and finally became a law after it had been put in by the Senate, although it was a matter applying peculiarly, particularly, and solely to the House of Representatives. Nobody seemed to care about that. It was not considered a reflection.

I believe that the membership of the House, as a rule, would welcome this change. I speak, I think, from some knowledge of the subject, because I know I would have been glad if the clerk I had when I was in the House of Representatives had been put on the roll and paid without having to have the money pass through my hands. I believe that as a general rule the Members of the House will welcome the change. If they do not, if they reject the amendment, as far as I am concerned, I am willing to recede at once. But I think we have a right to make the change, and if we exercise that right as Members of one of the branches of the Legislature we can not be justly criticized.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I do.

Mr. OVERMAN. I want to say to the Senator that the Senate committee has done the courteous thing through its acting chairman going and consulting with the chairman of the committee on the part of the House, and he did not object. What else could we do? So that the thing courteous has been done.

Mr. NORRIS. I think so.

Mr. OVERMAN. We went to see him, consulted with him, and he did not object to it. There was no resentment on his part, with the statement on my part that if the House itself resented it we would not insist on it.

Mr. NORRIS. Mr. President, there is a great difference in the difficulty presented by the clerks both of the House and of the Senate in relation to the geography of the situation. A Member of the House of Representatives coming from California and bringing his clerk with him for the short session will very likely be required to pay the traveling expenses of his clerk both coming and going, because the clerk could not afford to pay them under the salary as it has heretofore existed, at least. I know that many Members of the House who come from a distance have a clerk at home and employ one here. Everybody knows that that is a very unsatisfactory way of doing business. Everybody who has had any experience, or who will even give the matter a moment's thought, must realize that a Member is greatly handicapped if he has but one clerk, and must pick up a new clerk here in the city of Washington, and then another one when Congress adjourns and he goes home.

These clerks ought to be paid a mileage sufficient to pay their traveling expenses coming and going. That objection does not apply to a Member of Congress living near Washington, where the expense is not much in coming here or going home, but to others it is a large item. In a short session it means the difference between a profit and a deficit to the clerk of a Member. I presume most Members of the House of Representatives coming from a distance in a short session have often been presented with the proposition from their clerks that they would not come to attend the short session, that they would be compelled to give up their position if they were required to do it unless

the Members paid their expenses. I have had that presented to me and I could not find fault with the clerk. I knew he could not afford it. Universally clerks have paid their expenses and lost money in a short session, and they would now in view of what it costs to live here.

Another thing, the Member of the House must be confined under the old salary that he was allowed to pay a clerk to unmarried men or unmarried women for clerks. A man with a family could not afford to come here and live and support his family at home on the salary he got, and I doubt whether he can much more than do it under the salary that is now fixed in this amendment.

It is no reflection upon the membership of the House to put them in a position where newspapers and other people who are attacking them at home or in their campaigns or at other times will not be permitted to say that this money going to their clerks must first go through their hands and that often the whole of it does not reach the clerk. I would put it beyond the power of anyone to make that assertion and that charge. It seems to me that this provision ought to be welcomed by every Member of the House, and as Members of the coordinate branch of the legislature it seems to me that we are interested, although not so greatly, I confess, that such a charge should not truthfully be made.

As a matter of justice it ought to be this way: If the clerk is working for the Government and being paid indirectly by the Government through the instrumentality of a Member of Congress, it is not fair to the Government, to the clerk nor to the Member of Congress that that method should be pursued. The clerk ought to be paid directly from the funds of the Government and thus remove all possibility of suspicion or opportunity for slanderous tongues to find fault.

Mr. VARDAMAN. Mr. President, the House of Representatives may not at all times be altogether capable of taking care of itself. Sometimes investigations and things of that kind are indulged in as mere harmless diversion, which lead us to conclude that our fellow patriots at the other end of the Capitol need advice from somebody. But ordinarily when it comes to determining how their assistants, clerks, and secretaries should be appointed and what salaries should be paid them, I think the House ought to have a free hand and be permitted to determine such questions for itself. I see no reason why the House of Representatives should not express itself first on this question, why the suggestion should come from the Senate.

As has been so forcibly and admirably stated by Senators, there is a comity which should be observed and a courtesy shown by each House of Congress in their dealings with each other, which, I think, is a matter of more importance than some Senators seem to think. Whatever the minority may think or express in private regarding certain matters of legislation, the House of Representatives as a whole will very naturally resent any interference on the part of the Senate in the performance of a function which belongs of right exclusively to the House. It is a matter of personal privilege.

The House has manifested its wishes, has clearly outlined what it wants, and I can see no reason or excuse whatever for Senators proposing something else. Personally I am not so well pleased with what we do in this Chamber as to think that this end of the Capitol is nearer the source of infinite wisdom than the other end of the Capitol. In this connection, Mr. President, I wish to say I am very much in favor of the increase in pay for the secretaries to the Members of Congress carried in the amendment. I am fully aware of the condition of the National Treasury and I realize that our disbursements should be in keeping at all times with the income of the Government, but it strikes me that we might economize in some other way than by taking bread out of the mouths of honest employees of the Government and force them to starve while we are spending countless thousands and millions of dollars for battleships that will never fire a hostile shot and for armies that will only be used in dress parade and for ammunition that will be wasted in target practice. I believe in economy, but I do not think we ought to begin with the already underpaid employees of the Government. There are men working for the Government today, rendering efficient service, the emoluments of whose places or offices are scarcely enough to keep the wolf of want from the door and give to their children the opportunities for intellectual development which should be vouchsafed to every child born beneath the American flag. The high cost of living may bring anxiety to the parental heart, but the apprehension of poverty and the mother's solicitude for her children's future count for nothing and are passed over as inconsequential by the Congress, while millions upon millions of dollars are wasted in preparing for war. Mr. President, I do not like the tendency of things. I have no sort of patience with the policy which seems to have been adopted by the majority of this body. It has been called to my attention that in another section of this bill the appropriation made by the House for investigation and reporting upon matters pertaining to the welfare of children and child life and the investigation of the question of infant mortality has been cut in half. Was there every a greater travesty on Christian civilization? "Oh, the rarity of Christian charity under the sun." Think of cutting appropriations down for matters of that character, matters of such vital importance to the human race, while we are squandering money extorted by taxation from the toilers of this country and employing it in building needless battleships and organizing armies, which not only robs the taxpayer and consumes the products of the laborers' toil, but threatens our republican form of government. Well may we exclaim, in the language of Kipling, "Lord God of Hosts, be with us yet, lest we forget, lest we forget."

The PRESIDENT pro tempore. The yeas and nays have been ordered and the Secretary will call the roll.

Mr. THOMAS. Mr. President, I merely wish to say that I shall vote against this amendment, or substitute, although I believe it is a better provision than the House provision. I intend to vote against both.

Mr. STONE. I should like to know just what the question is that we are to vote upon.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee to the bill.

Mr. STONE. On agreeing to the entire amendment?

The PRESIDENT pro tempore. Yes.

Mr. STONE. May I ask what became of the amendment of the Senator from Nebraska [Mr. HITCHCOCK]?

The PRESIDENT pro tempore. It was defeated. The Secretary will call the roll on agreeing to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Observing that he is absent and not knowing how he would vote, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent, and not knowing how he would vote I will withhold my vote.

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I am paired with the junior Senator from Rhode Island [Mr. COLT]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I wish to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN], I vote "yea."

The roll call was concluded.

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Arizona [Mr. SMITH];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], but he being on the committee, voted like I did. I voted "yea" and will let my vote stand.

Mr. UNDERWOOD. I ask if the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDENT pro tempore. He has not.

Mr. UNDERWOOD. Then I will withhold my vote. If the junior Senator from Ohio were present, I would vote "yea."

Mr. OLIVER (after having voted in the affirmative). I observe that the senior Senator from Oregon [Mr. CHAMBERLAIN] has not voted. I have a pair with that Senator, but as he is one of my associates upon the Committee on Appropriations, which reported the bill, I take the liberty of allowing my vote to stand.

The result was announced—yeas 50, nays 7, as follows:

YEAS—50.

Ashurst	Husting	Norris	Shields
Bryan	James	Oliver	Smith, Ga.
Chilton	Johnson, S. Dak.	Overman	Smith, S. C.
Clark	Jones	Page	Smoot
Culberson	Kenyon	Phelan	Swanson
Cummins	La Follette	Pittman	Tillman
Curtis	Lane	Poindexter	Townsend
Fall	Lewis	Ransdell	Wadsworth
Fletcher	Lippitt	Reed	Walsh
Hardwick	McCumber	Robinson	Weeks
Hitchcock	McLean	Shafroth	Williams
Hollis	Myers	Sheppard	
Hughes	Nelson	Sherman	

NAYS—7.

Lodge	Stone	Thomas	Watson
Martine, N. J.	Sutherland	Vardaman	

NOT VOTING—39.

Bankhead	Dillingham	Kirby	Simmons
Beckham	du Pont	Lea, Tenn.	Smith, Ariz.
Borah	Fernald	Lee, Md.	Smith, Md.
Brady	Gallinger	Martin, Va.	Smith, Mich.
Brandegee	Goff	Newlands	Sterling
Broussard	Gore	O'Gorman	Thompson
Catron	Gronna	Owen	Underwood
Chamberlain	Harding	Penrose	Warren
Clapp	Johnson, Me.	Pomerene	Works
Colt	Kern	Saulsbury	

So the amendment of the committee was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Library of Congress," on page 23, line 18, after the words "Washington library," to insert "one in room for the blind, $900," and in line 26, after the words "in all," to strike out "$59,220" and insert "$60,120," so as to make the clause read:

Reading rooms (including evening service) and special collections: Superintendent, $3,000; assistants—2 at $1,800 each, 5 at $1,200 each (including 1 in room for the blind), 2 at charging desk at $1,080 each, 5 at $960 each (including 1 for Toner library and 1 for Washington library), 1 in room for the blind, $900, 10 at $840 each, 4 at $600 each; stenographer and typewriter, $960; attendants—Senate reading room, $960, Representatives' reading room—1 $960, 1 $840, 2 in cloakroom, at $780 each; 2 for gallery and alcoves, at $540 each; telephone operator, $660; 4 junior messengers, at $420 each; 2 watchmen, at $780 each; evening service, assistants—5 at $960 each, 15 at $840 each, 2 at $600 each; in all, $60,120.

The amendment was agreed to.

The next amendment was, on page 28, line 18, after "$1,400," to insert "to be immediately available," and in line 20, after "$8,500," to insert "to be immediately available," so as to make the clause read:

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, including $1,400, to be immediately available, additional for waterproofing parts of east driveway and over machinery; $1,075 for fire hose and fittings; $8,500, to be immediately available, for repairing tunnel and mechanical book carrier connecting the Library Building and the Capitol; $2,300 for repairing passenger elevators; $500 for painting portions of roof of building and $2,000 for pointing exterior stonework of building, $28,000.

The amendment was agreed to.

The reading of the bill was continued to line 7, on page 29, the last item read being as follows:

BOTANIC GARDEN.

For superintendent, $2,000.

Mr. GALLINGER. Mr. President, I offered a proposed amendment to the item just read for Superintendent of the Botanic Garden, proposing to increase the salary to $2,500. As it was the policy of the committee not to increase salaries in the bill, I did not urge it before the committee, and I do not urge it now, but I want to call attention to the fact, which I think is universally admitted, that this official is underpaid. The man at the head of the Botanic Garden is a gentleman of large experience who understands his business thoroughly. He has passed the civil-service examination and is entitled to an adequate salary, considering his experience and the responsibilities especially that are upon him.

I simply call attention to this fact for the reason that I hope when the stress is removed, as I trust it will be so far as appropriations are concerned in the near future, Mr. Hess may be allowed a larger salary than he is receiving at the present time.

Mr. FLETCHER. Mr. President, I quite agree with what the Senator from New Hampshire has said. I think $2,000 is an inadequate compensation for this officer, and that he ought to receive at least $2,500. I would be willing to vote for the increase if the Senator offers it as an amendment now. I think the Senate ought to make the salary $2,500.

Mr. THOMAS. May I inquire of the Senator from Florida if that is not the contention underlying the general request for larger salaries? If that is so in individual instances are we consistent in denying it as a general proposition?

Mr. FLETCHER. I think this is quite a different thing from proposing a general increase. I think we should do justice when we can apply it in particular instances. There may be instances where a man in one position would require in all equity and right a certain amount of salary whereas it might not obtain as to others. I am not speaking with reference to others, but I know something of the duties of this official, I know something of the requirements and qualifications of the position. Two thousand dollars is not ample compensation.

Mr. GALLINGER. Mr. President, an added word. I meant to say that the increased salary was estimated for, but I was confronted with this situation in the committee, that if the amendment was offered many other amendments increasing salaries would likewise be offered by members of the committee, and I did not feel like raising that question, recognizing the fact that we ought to be as economical as possible at the present time. I regret exceedingly that the circumstances are such that this amendment could not be by unanimous consent agreed to because it is an exceptional case, but as a member of the committee I do not feel that I would be justified in pressing it upon the Senate.

Mr. OVERMAN. I wish to say that this is one of the increases the committee would like to have made, but the committee had to be consistent and we have not increased the salary of a single employe. In the case of this man and several others we thought under ordinary circumstances we would recommend an increase of their salaries, but under the present conditions the committee determined that they would not increase any salaries at all.

Mr. SMOOT. Mr. President, I do not think it is in any way divulging the secrets of the committee when I say that the committee passed upon an increase of this salary in the beginning of the hearings on the bill, but later decided to strike out all increases and therefore this salary remained as it passed the House.

I wish to add this much in justification of the committee's first action. The present superintendent of the Botanic Garden is called upon each year to attend exhibits and conventions at which superintendents of parks and botanic gardens from all parts of the country are present. The Government of the United States has received from exhibits made rare flowers and rare plants gathered from all over the world worth many thousands of dollars, and the superintendent, Mr. Hess, has been instrumental in bringing this about.

Mr. THOMAS. May I ask the Senator if, in view of the present action, he does not think the superintendent is being taken pretty good care of at his present salary?

Mr. SMOOT. I will say to the Senator from Colorado that this is an additional labor that has been put upon him recently.

I am not asking now as a member of the committee that this increase be made, although I do know that he is being paid less than many, many employees of the Government who are not doing one-half of the work he is doing.

Mr. THOMAS. Let me ask the Senator when were these later duties placed upon the superintendent?

Mr. SMOOT. I believe they began two years ago.

Mr. THOMAS. Recently?

Mr. SMOOT. Very recently.

Mr. GALLINGER. And he is so efficient that he was elected to an office in that national organization. The fact is that this man is receiving less salary than the average clerk is receiving in this body and the same salary the clerks in the other body receive if the amendment goes through.

Mr. THOMAS. I have no doubt that inequalities of compensation are painfully evident in all our departments. I believe an impartial examination will show that while some men may be well paid, others are very poorly paid, and still others paid not perhaps with such glaring inequality. But, nevertheless, we have also to consider a proper compensation, and that situation suggests to my mind the necessity of a careful and deliberate investigation of the whole subject, which, when reported back to the committees of the two Houses having the matter in charge, will enable us to legislate intelligently.

I have no doubt the statements of the Senator from Utah and the Senator from New Hampshire with regard to this particular officer are absolutely correct, but perhaps no more so than would apply to a very large proportion of others whose payment is involved in the bill.

My objection to the consideration of an individual amendment is that we can not well do it and at the same time do justice to those whose claim seems to be based upon the same proposition, and we would be making distinctions which I do not think are fair.

Mr. CUMMINS. Mr. President, I can not allow the matter to pass without saying a word with regard to two items in the bill. Everybody recognizes that we have not a botanic garden of the kind we ought to have. I hope that before long it will be reorganized, so that the United States may not lag so far behind other nations and municipalities and States with regard to this subject; but when we get that sort of a botanic garden we will be compelled to pay for a superintendent a very much larger salary than is here proposed. However, the $2,000 a year for our present Botanic Garden and for a superintendent who is competent to manage it is absurdly low; it is very inadequate as compensation compared with the money we pay to other employees.

The present superintendent of the Botanic Garden is a man of accomplishment. He possesses a vast fund of knowledge, with regard to this subject, and I have wondered ever since I have been connected with the Library Committee that he was willing to work for the Government at any such salary. I do not believe he would be willing were it not that he hopes at some time the Government will be more just and equitable in its dealing with him. I should like to support an amendment increasing his salary to $3,000 a year, at least.

But there is another item which I think is really absurd. I suppose it will be found in a great many places in the bill. It is an item that says:

> For assistants, and skilled laborers, and laborers at not exceeding $2 per diem, under the direction of the Joint Committee on the Library.

I think it is inhuman to ask any man to work in these times for $2 a day. I simply record my dissent from that standard of compensation. No man can live comfortably in the city of Washington with a family upon $2 a day; and I would much rather myself diminish the appropriation for battleships and armor, hoping that we may not need them so soon as some people believe we will need them, and add something to the compensation of the men who are endeavoring to raise their families in this locality upon $2 a day.

I am in favor of a minimum compensation of $3 a day for the laborers whom the Government employs. That amount is barely sufficient to enable men, with the utmost economy, to discharge their duties to society. I do not intend to make a motion to change these salaries, but I was not willing to allow this instant to pass without expressing my opinion with respect to the matter.

Mr. LANE. Mr. President, if the Senator will permit me, if he feels that way about it, is it not his duty to offer an amendment increasing the pay at least to $2.50 a day?

Mr. CUMMINS. I had supposed that it would be out of order to do so. I suppose that a point of order would lie against such an amendment.

Mr. LANE. Would the Senator not be willing to take the chance on that? I will make the motion if the Senator does not.

Mr. OVERMAN. I will raise the point of order against the amendment. I do not want to go into a discussion. The salary has been increased by the other House, and it is the only increase which has been made in the bill.

Mr. GALLINGER. It does not apply to the superintendent, but to the laborers. Of course, that has not been estimated for.

Mr. OVERMAN. It has not been estimated for.

Mr. CUMMINS. That is the only reason why I did not offer the amendment.

The PRESIDING OFFICER (Mr. PHELAN in the chair). The point of order is sustained.

Mr. VARDAMAN. Mr. President, do I understand that a point of order would lie against an amendment to increase the salary of the superintendent of the Botanic Garden?

Mr. GALLINGER. If the Senator from Mississippi will permit me, that salary is estimated for at $2,500. In view of that, I offered an amendment increasing the salary to $2,500.

Mr. VARDAMAN. The Senator has offered that amendment?

Mr. GALLINGER. I offered the amendment, and it was sent to the committee, but I have not offered it here. The amendment was rejected by the committee. The point of order would not lie against a motion to increase the salary to the amount of $2,500.

Mr. CUMMINS. I did not know that. Then, I shall offer an amendment to strike out "$2,000" and to insert "$2,500."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

Mr. VARDAMAN. Mr. President, I want to say that I hope the amendment offered by the Senator from Iowa [Mr. CUMMINS] will be adopted. It does seem to me that the salary paid for the work which this man does at the head of such an institution is ridiculously low. I have had occasion to discuss matters with him, and his knowledge of botany and everything pertaining to that office is so vast and varied that it was really a matter of marvel to me how a man with such accomplishments could well afford to keep a place of this kind for that small salary. I understand he is now getting only $1,800. This Government has no right to receive the services of a man of that character, a man of his accomplishments, and pay so little for them. It is not fair; it is not just; it is not in accord with the eternal fitness of things. I think Congress ought to raise his salary and pay him fair and just compensation for the splendid services he is rendering the American people. The United States can not afford to be unjust or unfair with its employees.

Mr. SMOOT. Mr. President, I could readily agree with all that the Senator from Mississippi has said, but I want to call his attention to the fact that I can point to 20 or 25 cases in this bill where an injustice is being done to Government employees.

Mr. VARDAMAN. If the Senator will pardon me just one moment—if his statement about that is absolutely true, then this Government can not afford to do that. This Government is not a pauper; it has no right to ask a man to serve it for less than that man is worth and for less than his services are worth to the American people.

Mr. SMOOT. I will say to the Senator that not only is that the case with the men of whom I speak, but this bill has been stripped of every request made by every head of a department, no matter how just the request was. Not only are some of the men dealt with unjustly, but there are one or two bureaus in the departments that are being unjustly dealt by. The policy adopted by the majority of the committee is that there shall be no increases in the salaries of the employees of the Government. At the proper time I shall offer an amendment, which I have reserved the right to offer, increasing the salaries of all employees receiving $1,000 a year or less.

I wish, however, to say to the Senator now that if we undertake to increase this salary—which I frankly admit ought to be increased—we would be doing a double injustice to the other men who ought also to receive increased salaries.

In this connection, I wish to say to the Senator from Mississippi that the proper way to arrive at justice between all of the employees of the Government is, in my opinion, to have a committee appointed to make a thorough investigation. If that investigation is ever made, I will assure the Senator from Mississippi it will be found that there are salaries paid to employees in the different departments of the Government that are away above what they ought to be, while there are other salaries that are away below what they ought to be. There is an inconsistency in the amount of salaries paid in all of the departments of this Government, and it ought to be corrected; but we can not do it on this bill.

Mr. VARDAMAN. Mr. President, I will say, in reply to the Senator from Utah, that I do not know of and I am not familiar with the cases to which he refers; but I do know that the salary paid in this case is so manifestly inadequate, so far below what it ought to be, that I do not think the Senate ought to hesitate to correct the wrong not only to this man who occupies the office to-day, but to the American people, whose servant he is.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Utah who established the policy that no compensation for a Government employee should be raised by this Congress?

Mr. SMOOT. So far as the salaries contained in the bill reported to the Senate are concerned, I will say that policy was established by a majority of the Committee on Appropriations.

Mr. CUMMINS. I can understand that, and I am not quarreling with the desire to practice the utmost economy. I know of the inequalities of which the Senator from Utah speaks, and I hope that we very soon will be able to readjust these salaries upon an equitable and fair basis; but that is no excuse for not considering an obviously low salary and raising it. We ought not to put off all the reform until we can make it complete. This man is now receiving, as I understand, $2,500 a year.

Mr. SMOOT. He is now receiving $1,800.

Mr. ROBINSON. His salary is only $1,800 now.

Mr. CUMMINS. I think he formerly got $2,500.

Mr. ROBINSON. He accepted this salary and is now getting $1,800.

Mr. OVERMAN. The former superintendent, Mr. Smith, who served 40 or 50 years, never got over $1,800.

Mr. CUMMINS. I think the Senator from North Carolina is right; but I was under the impression that he got more. However, whether the present incumbent is getting it or not, he earns more than $2,000 a year; but what attracted my attention was the limitation upon the skilled laborers to $2 a day. What kind of a skilled laborer do you expect to employ for $2 a day? I know that there are some poor, miserable fellows around Washington who are working for the Government, who have never had access to the avenues of influence, who are getting only $2 a day, and some of them less; but it does not require any investigation to enable us to reach the conclusion that a man ought to be paid more than $2 a day if he gives his time to the Government, whether he is skilled or unskilled. Therefore, why not raise the salary to the proper point?

Mr. SMOOT. Mr. President, I desire to say to the Senator in that connection that the laborers provided for under the head of the Botanic Garden at $2 per day are not even employed the year round. I think they work only about three or four months in the year.

Mr. CUMMINS. That is all the more reason for increasing their compensation.

Mr. SMOOT. They are men generally who have no work to do. The work is light, I will say to the Senator; and yet I agree with him that $2 a day is a very low compensation for any class of work. I will tell the Senator what these laborers generally do.

Mr. CUMMINS. I know just as well what they do as does the Senator.

Mr. LANE. I wish the Senator from Utah would tell me; I should like to hear it.

Mr. SMOOT. Mr. President, these men generally work on the lawns, and they see that the edges of the lawns are kept even. They also work around the flower beds and trees and do whatever work they are told to do by the men having the Botanic Garden in charge.

Mr. LANE. They work for the men who are paid to do the work.

Mr. CUMMINS. I desire to say that the work described by the Senator from Utah [Mr. SMOOT] is just as hard as any other work, save, possibly, the shoveling in a ditch, or something of that sort. The Senator from Utah has never had the experience, or he would know that to get down on one's knees and clip a hedge or to clip grass around the border of a walk is not easy, physically speaking.

Mr. SMOOT. I did not say that, but I will say to the Senator——

Mr. CUMMINS. So far as that is concerned, this bill does not seem to provide for paying anybody in the Botanic Garden more than $2 a day. So, I can not understand who is above these men who are getting $2 a day except the superintendent himself. Is there anybody above them?

Mr. OVERMAN. The salary is fixed at $2 a day, because a lump sum is provided.

Mr. CUMMINS. The Senator from Utah said there were some men higher up who directed these men how to work or what to do, and that those men got more.

Mr. OVERMAN. That is the superintendent himself.

Mr. CUMMINS. But nobody else?

Mr. OVERMAN. No.

Mr. OLIVER. Mr. President, I think that the limitation of $2 a day only applies to the laborers. The commas would remove the assistant skilled laborers from that category. It says:

For assistants, and skilled laborers—

Then—

and laborers at not exceeding $2 per diem.

Mr. CUMMINS. I looked at that, but I doubt whether that construction is the right one.

Mr. OLIVER. It is a little ambiguous.

Mr. OVERMAN. If the Senator desires the information, I will give him the salaries paid to the employees of the Botanic Garden. The superintendent now receives $1,800. The other employees are paid as follows: Assistant superintendent, $1,400; clerk, $1,200; second clerk, $840; seed distributor, $720; shipping clerks, $780——

Mr. CUMMINS. I did not know but that it was proposed to reduce them all to $2 a day.

Mr. OVERMAN. The carpenter receives $1,170; gardeners, $1,020 and $960. Then come skilled laborers, and so forth. The item now being discussed applies only to the lowest class of labor.

Mr. CUMMINS. I rather assumed that when I first began speaking, but from the statement of the Senator from Utah I took it that it included them all.

Mr. LANE. Mr. President, the man who does an actual day's physical labor requires just as much food—in fact, he needs more—and gets just as hungry as the man who has a more sedentary occupation; and $2 a day is not enough money for a good hard-working laboring man to support himself and family. You will never get first-class work done until you pay fair wages for labor.

If the places the compensation of which is provided for in this bill were carefully analyzed and equitably adjusted and the wages were made proportionate to the amount and character of work that each employee performs, it would be possible to increase the pay of the more skilled and faithful employees—for instance, such men as the capable Superintendent of the Botanic Garden, to whom reference has been made. By a general analysis and proper adjustment of these matters a saving of thousands upon thousands of dollars could be effected and there would be money left to pay laboring men what their labor is worth; but increasing one at a time and picking out special employees to grant increases to is not the right way to proceed. I think that all these matters should be analyzed and the compensation should be paid on the basis of merit, which would be fair and square alike to the employee and to the Government.

A day or two ago I was riding on a street car and overheard two men behind me talking. One of them said he had left the Government service, while the other one was still a clerk in one of the departments. I did not understand which department it was. The man who had left the service said he had left it because there was no use remaining in it. He said, "No one can get anywhere in Government work, for the reason that faithful work is not appreciated. One can work as hard as he wishes hoping for promotion, and you may reach $1,200 or $1,500 a year, but that is the limit; while some fellow who does but little work but who schemes and uses influence gets the $2,500 job." He said, "If I had to work for the Government again, I would not work as hard as I formerly did, but I would hunt up political help and influence on Capitol Hill and I would be a $2,500 man." I have heard the complaint very often that the pay is not proportioned to the results which the Government receives and that special favors are the rule, and that complaint is general in nearly every bureau, according to the employees who have talked with me.

I repeat, there could be a great saving to the Government and an increase in the value of the work if a proper analysis and investigation were made. The official to whom reference has been made may be worth three or four or five thousand dollars a year, and he ought to have it if that is the case; but the laboring man should not be made to suffer; he ought to be paid what he is worth; and I hope that the committee will authorize such an analysis and investigation to be made in this bill. I myself would be willing to make a motion to employ experts to go through the different departments, analyze the work, and readjust the pay scale on a basis of fairness.

Mr. OVERMAN. Mr. President, I desire to say to the Senator, in connection with his very wise suggestion, that the Committee on Appropriations have in this bill provided for a board of experts to make an investigation and reclassify positions in the Government departments. We are trying to bring about the very thing the Senator has suggested.

Mr. LANE. I am very glad to hear that.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. CUMMINS. In view of the discussion, it is perfectly obvious that my amendment would not prevail, and I withdraw it.

The PRESIDING OFFICER. The amendment is withdrawn.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Botanic Garden," on page 29, line 16, after "$25," to insert "office equipment," so as to make the clause read:

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds; services, including skilled laborers, and laborers at not exceeding $2 per diem, materials, and miscellaneous supplies, traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200, street car tickets not exceeding $25, office equipment, and contingent expenses in connection with repairs and improvements to Botanic Gardens, care and maintenance of motor-propelled delivery vehicle, under direction of the Joint Library Committee of Congress, $12,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Efficiency," on page 31, line 10, after the words "in all," to strike out "$43,000" and insert "$60,000," so as to make the clause read:

To enable the Bureau of Efficiency, authorized by the urgent deficiency appropriation act approved February 28, 1916, to establish and maintain a system of efficiency ratings, to investigate administrative needs of the service relating to personnel in the several executive departments and independent establishments, required by the legislative, executive, and judicial appropriation acts for the fiscal years 1913 and 1914, respectively, and to investigate duplication of statistical and other work and methods of business in the various branches of the Government service; for purchase or exchange of equipment, supplies, stationery, books and periodicals, printing and binding, traveling expenses not exceeding $3,000, and street car fare not exceeding $50; in all, $60,000: *Provided*, That no person shall be employed hereunder at a compensation exceeding $4,000 per annum.

The amendment was agreed to.

The next amendment was, on page 31, after line 12, to insert:

The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements and shall submit a report to Congress, with recommendations, at its next regular session.

The amendment was agreed to.

The next amendment was, on page 31, after line 17, to insert:

The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government or banks of the Federal Reserve System, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

The amendment was agreed to.

The next amendment was, at the top of page 32, to insert:

The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to the Senate through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this resolution.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to insert:

The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States and shall submit to the Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services.

The amendment was agreed to.

The next amendment was, on page 32, after line 14, to insert:

Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 33, line 15, before the word "field," to insert "five," so as to make the clause read:

For five field examiners at the rate of $1,500 per annum each, for work in connection with members of local boards and other necessary work as directed by the commission, $7,500.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," in the item of appropriation for office of the Secretary of State, on page 35, line 16, after the word "operators," to strike out "driver, $840; hostler, $720," and insert "chauffeur, $1,080," and in line 17, after the words "in all," to strike out "$321,140" and insert "$320,660," so as to read:

Clerks—17 of class 4, 19 of class 3, 25 of class 2, 43 of class 1 (3 of whom shall be telegraph operators), 18 at $1,000 each, 18 at $900 each; chief messenger, $1,000; 6 messengers; 23 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; 2 telephone switchboard operators; chauffeur, $1,080; in all, $320,660.

The amendment was agreed to.

The next amendment was, on page 36, after line 7, to insert:

For the further additional force, now paid from appropriation for emergencies arising in the Diplomatic and Consular Service for the fiscal year 1917, as follows: Clerks—1 of class 4, $900; 2 at $720 each; in all, $4,140.

The amendment was agreed to.

The next amendment was, on page 37, line 5, after the words "Secretary of State," to insert "to be immediately available," so as to make the clause read:

For purchase of an automobile for official use of the Secretary of State, to be immediately available, $4,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 6, to insert:

The Public Printer is directed to remove, within 30 days after the passage of this act, all printing machinery, material, etc., from all rooms in the State, War, and Navy Building now assigned to the Department of State.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 37, line 13, after "$12,000," to insert "assistant to the Secretary, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of $5,000 per annum, from March 1, 1917, to June 30, 1918, both dates inclusive, $6,666.67," so as to read:

Office of the Secretary: Secretary of the Treasury, $12,000; assistant to the Secretary, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of $5,000 per annum, from March 1, 1917, to June 30, 1918, both dates inclusive, $6,666.67.

Mr. JONES. Mr. President, I make the point of order against that amendment that it is legislation on a general appropriation bill. It creates a new office and provides for its filling by appointment by the President by and with the advice of the Senate.

Mr. OVERMAN. Mr. President, I will say that it is estimated for.

Mr. BRYAN. Mr. President, I desire to say that I do not see on what theory the Senator from Washington construes the amendment as subject to a point of order. In the first place, it is not general legislation, but merely provides for the appointment of an officer to fill a position; and, in the second place, as I understand, it has been estimated for; but if not estimated for, it is reported by a standing committee of the Senate, and an estimate would not be necessary. I think the point of order is not well taken.

Mr. JONES. The fact that it is reported by a standing committee of the Senate would not make legislation in order.

Mr. BRYAN. Certainly not——

Mr. JONES. This amendment creates a new office.

Mr. BRYAN. But it would obviate the necessity of having an estimate; that is all.

Mr. JONES. Yes; but there is no such office as "assistant to the Secretary of the Treasury."

Mr. BRYAN. The amendment is not general legislation.

Mr. OVERMAN. Mr. President, if the Senator will examine the statutes he will find that the law provides for the creation of such offices as may hereafter be provided.

Mr. JONES. I understand; but we have got to provide for it by legislation.

Mr. OVERMAN. Not at all; this is not new legislation.

Mr. JONES. It is a provision for an assistant to the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate.

Mr. OVERMAN. Mr. President, the Treasury Department was established by law. That is the legislation governing the matter. Now, we are providing machinery to carry on that department. There is no new legislation in this matter at all; no more so than if we were appropriating for a half dozen additional clerks.

Mr. SMOOT. Mr. President, I am interested in the point of order made by the Senator from Washington [Mr. JONES]. I certainly do not believe that the point of order will lie against this amendment. It is not general legislation. It proposes to appropriate for a specific office and for a specific amount. Furthermore, it has been estimated for and has been reported by a standing committee of the Senate. So I can not see how the point of order will lie against it. I am not speaking as to the merits of the amendment or as to whether it should be adopted; but my interest is in the rules of the Senate, and I do not believe that a point of order lies against the amendment.

Mr. THOMAS. Mr. President, before the Senator from Utah takes his seat I should like to ask him a question. If I understood him correctly, he said that this amendment limits this office to June 30, 1918.

Mr. SMOOT. The appropriation is for service until June 30, 1918.

Mr. THOMAS. My reading of it is that the assistant to the Secretary is provided for that period of time only; but the Senator knows that when one of these offices is provided for it remains to be taken care of.

Mr. SMOOT. I will agree with the Senator that it is almost an unheard-of thing whenever an office is created that it ever is abolished.

Mr. THOMAS. Once this provision is enacted into law the assistant to the Secretary of the Treasury becomes a permanent official of the Treasury Department.

Mr. SMOOT. So long as the office is appropriated for.

Mr. THOMAS. It will be appropriated for right along.

Mr. SMOOT. I rather think the Senator is right.

Mr. THOMAS. Because the conditions which make it necessary to have this officer now will be continuing conditions. Now, independently of the point of order, which may or may not be well taken, I hope the Senate will not agree to this

amendment, because I believe that the Treasury Department can get along with its present force, and it must get along with its present force if we are mindful of the situation of the Treasury.

Mr. SMOOT. I will say to the Senator that I thought the Chair would rule upon the point of order, and then we could discuss the merits of the provision.

Mr. THOMAS. I beg pardon for interrupting the Senator; but I thought I would say what I wanted to say upon the subject of the point of order.

Mr. OVERMAN. Mr. President, I desire to say to the Senator from Washington [Mr. JONES] that, so far as being estimated for in the regular channel, this item is found in the Book of Estimates. I have sent for and obtained a copy of the Book of Estimates, and I find it is there. So I do not think the point of order lies.

Mr. JONES. I will leave it to the Chair.

The PRESIDING OFFICER. May the Chair inquire of the Senator from North Carolina does or does not the Secretary of the Treasury recommend the establishment of this office as a permanent office?

Mr. OVERMAN. It is estimated for in the language found in the amendment, and has been reported by a committee; so that, whether it has been estimated for or not, it is in order and is not new legislation.

The PRESIDING OFFICER. The Chair is in doubt as to the question whether provision being made for the office in an appropriation bill it thereby establishes permanently the office.

Mr. OVERMAN. It does not. It only establishes the office for a certain particular time; but suppose it establishes it permanently, what difference would that make?

The PRESIDING OFFICER. The Senator's construction is that it is not the establishment, therefore, of a permanent office?

Mr. OVERMAN. It is not, according to the language used.

The PRESIDING OFFICER. And it has been estimated for?

Mr. OVERMAN. It has been estimated for.

The PRESIDING OFFICER. The Chair is disposed to rule that the point of order is not well taken.

Mr. SUTHERLAND. Mr. President, do I understand that the Chair has ruled on the point of order?

The PRESIDING OFFICER. The Chair is disposed to rule, but the Chair will hear the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I am opposed to this amendment because I think in these times when we can not afford to increase the salaries and wages paid to the exceedingly underpaid clerks and laborers in the employ of the Government of the United States we ought not to create a new office in the office of the Secretary of the Treasury when he can get along with the assistance he now has. I think, however, the point of order is well taken, because clearly this is general legislation. The creation of an office is a legislative act; the filling of the office is an executive act, but before the office can be filled by appointment it must be created by legislation. This amendment provides for an "assistant to the Secretary, to be appointed by the President, by and with the advice and consent of the Senate," so that clearly by this act of legislation the office of assistant to the Secretary has been created.

It makes no difference that next year we might fail to appropriate for it or that we might appropriate for it next year and fail the following year, the office itself has been created, and when the Congress creates an office it can only do so by general legislation. It is not private legislation, it is public legislation; it is not special but general legislation.

Now I call the attention of the Chair to the very general definition which is contained in the first volume of the Precedents, at page 60:

The Century Dictionary says:

"General legislation, that legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities.

"Local legislation, local statute, such legislation or statute as is in terms applicable, not to the State at large, but only to some district or locality and to the people therein."

Bouvier (vol. 1, p. 877):

"General law (legislation), laws which apply to and operate uniformly upon all members of any class of persons, places, or things requiring legislation peculiar to themselves in the matters covered by the laws."

Of course, the fact that there is only one in a class does not prevent it from being a class.

Statutes which relate to persons and things as a class. Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves.

And further on:

"General," with reference to the subject matter of the statute, is synonymous with "public" and opposed to "private."

That is one view of it. It is public legislation as opposed to private legislation.

But with reference to the extent of territory over which it is to operate, is opposed to "local" * * * and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction. * * * Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class. * * * In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves and the purpose of the legislation is germane thereto, they will be considered as a separate class, and legislation affecting them will be general; but if the distinctive characteristics of the class have no relation to that purpose of the legislature, or if objects which would appropriately belong to the same class have been excluded, the classification is faulty, and the law not "general." The effect, not the form of the law, determines its character.

It seems to me that this is as much general legislation as if we were to provide in a bill for the appointment of an additional judge of the Supreme Court of the United States or to create any other office. It is not private legislation; it is not special legislation. It is public, general legislation, operating upon all of that particular class.

I hope, whether the point of order is sustained or not, that the amendment proposed by the committee will not be agreed to.

Mr. OVERMAN. We will discuss that later.

Mr. CURTIS. Mr. President, I desire to call the Chair's attention to a decision of the Senate in the Fifty-third Congress, where this question was raised on an item or amendment to the legislative appropriation bill.

The PRESIDING OFFICER. At what page?

Mr. CURTIS. It is on page 124 of the Precedents and Decisions.

The Senate, by a vote of yeas 15, nays 29, decided that an amendment proposed to the legislative, executive, and judicial appropriation bill providing one clerk for the Supreme Court, to be employed by the Chief Justice, at a salary of $2,500, for the service of the court in obtaining books and making notes of references, etc., and one messenger for the court, at $750, to be employed by the Chief Justice for the convenience of the court and removal of books, was general legislation to a general appropriation bill, and that it proposed to add a new item of appropriation and was not within the exceptions contained in clause 1, Rule XVI, and was not in order.

It seems to me that decision of the Senate, which does not seem to have been overruled, is decisive of the point, and that the amendment is clearly subject to a point of order.

Mr. OVERMAN. Mr. President, that was a case where the Chair submitted the question to the Senate. The Senate frequently rules that way when the questions are left to it. It is in order for the present Presiding Officer of the Senate to rule upon the rules as he finds them. As we all know, when the Chair is in doubt about these questions they are sometimes submitted to the Senate; but it seems to me that if you will read Rule XVI you will see that this is plainly in order:

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

Which this does—

unless it be made to carry out the provisions of some existing law.

What is that law? The very law that puts into effect the different departments here—the Treasury Department, for example. The establishment of that department is provided for by law, and the machinery for the execution and administration of the Treasury Department must be carried out in an appropriation bill. That is the general law; that is the existing law; and this is adding a new appropriation under the Treasury Department for the carrying out and administration of the statute law.

The rule proceeds:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate—

This has been reported by a standing committee, and is in order on that ground—

proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least, one day before they are considered, be referred to the Committee on Appropriations.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. OVERMAN. I do.

Mr. CURTIS. The Senator does not contend, does he, because this amendment has been reported by a standing committee, that that relieves it from the point of order that it is general legislation?

Mr. OVERMAN. No; I did not say that. I said that the point made by the Senator that it was not estimated for would not be applicable. This is reported by a standing committee, and therefore is taken out of that class.

Mr. JONES. Oh, I did not suggest that this had not been estimated for. I assume that it has been estimated for. I

made the point that it was general legislation on an appropriation bill. That can not be covered by the report of a committee. The mere fact that we have a general law creating the Treasury Department does not authorize the Committee on Appropriations to report every proposition that may be submitted by the Secretary of the Treasury. That will have to be provided by a legislative bill.

Mr. OVERMAN. The Senator is on the Appropriations Committee. In this bill and all other bills that have ever been before us we do add new clerks, do we not, in the different departments?

Mr. JONES. Oh, we do add some.

Mr. OVERMAN. Does the Senator think that is general legislation? If this point can be successfully interposed, we can block every appropriation for every department of this Government on the ground that it is general legislation, and we could not have any legislation at all. We could not have any increases. We could not have an office created or a clerk added. We could not carry on the Government.

Mr. JONES. The mere fact that points of order may not have been made against other provisions does not make this point of order unavailable.

Mr. OVERMAN. As I say, the Senator knows that there is not a single, solitary bill that has ever come here in which we do not create new offices. We are bound to do it as the necessity comes up.

Mr. JONES. But there is a way to do it.

Mr. OVERMAN. The way to do it is by a standing committee, in pursuance of an act of Congress providing for this department, that department, and the other department, the obligation being upon us to administer it fairly and justly and as economically as possible.

Mr. JONES. While I have not had time to look up the precedents in another body, to which I suppose it might be proper to refer here, I am sure it will be found that points of order have been uniformly sustained there to the addition of new offices not provided by law in the appropriation bill as it is originated and sent over to us.

The PRESIDING OFFICER. Subject to appeal from the decision of the Chair, the Chair will rule that the point of order is well taken, based upon the precedent quoted on page 124 of the Precedents of the United States Senate holding that the creation of an office is general legislation. This office necessarily is created as precedent to providing a salary for the payment of the officeholder. The Chair will invite an appeal from the decision of the Chair in order to get a determination of the matter by the Senate.

Mr. SMOOT. Mr. President, I am so confident that the ruling of the Chair is contrary to the practice of the Senate and I think contrary to the rules of the Senate that I must appeal from the decision of the Chair and ask the Senate to determine the question.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. McCUMBER. Mr. President, I should like to ask the Chair what the holding of the Chair was—whether the Chair held that the amendment was in order or was not in order?

The PRESIDING OFFICER. That it was not in order.

Mr. OVERMAN. I understood the Chair to rule that the amendment was subject to the point of order, and that it goes out. Is that the ruling of the Chair?

The PRESIDING OFFICER. Yes; the Chair has ruled that the amendment is subject to the point of order and goes out. The Chair will ask the reporter to read the ruling of the Chair.

The reporter read as follows:

> The PRESIDING OFFICER. Subject to appeal from the decision of the Chair, the Chair will rule that the point of order is well taken, based upon the precedent quoted on page 124 of the Precedents of the United States Senate, holding that the creation of an office is general legislation. This office necessarily is created as precedent to providing a salary for the payment of the officeholder. The Chair will invite an appeal from the decision of the Chair in order to get a determination of the matter by the Senate.

Mr. SMOOT. I have not the CONGRESSIONAL RECORD before me in order to examine what case that was. That may have been, Mr. President, a case where there was an amendment proposed upon the floor of the Senate, or even where the amendment was reported from the committee and no estimate made for it. There was, however, an estimate made through the regular Government channels to pay for this office, and therefore it seems to me that it is clearly within the power of the committee to insert the amendment, and that it is not subject to the point order. Therefore, Mr. President, I appeal from the decision of the Chair.

Mr. OLIVER. Mr. President, I wish to explain the way I intend to vote upon this question by saying that I am strongly in favor of this amendment. I think that a man occupying the position of Secretary of the Treasury, under the present circumstances, ought to have the help provided for by the amendment; but I can not in all good conscience get around the fact that it is general legislation. It provides for the creation of a new office. While I should like to see the amendment adopted, I must vote to sustain the Chair in the ruling he has made.

Mr. McCUMBER. Mr. President, I simply wish to call the attention of the Senator from Utah to quite a number of precedents found on pages 134 to 142, inclusive; and I read this one of them on page 134:

> The naval appropriation bill (H. R. 26394) being under consideration, and the reported amendment, on page 16, after line 11, that the President is hereby authorized to appoint, by selection and promotion, a vice admiral on the retired list of the Navy, having been read,
>
> Mr. Rayner made the point of order that it was "general legislation, creating an entirely new office in an appropriation bill."
>
> The Vice President (Mr. Fairbanks) sustained the point of order.

There are quite a number of them along the same line, and all support the ruling of the Chair.

Mr. SMOOT. Mr. President, I remember the case referred to by the Senator; but in that case there had been no estimate for it. The amendment was put in by the Naval Affairs Committee, and simply reported from the committee. In this case, however, it has been estimated for by the department through the Secretary of the Treasury; and not only that, but it has been passed upon by the committee and reported to the Senate.

Mr. McCUMBER. Mr. President, although it may have been reported on by a Senate committee, I do not think the Senator will claim that that takes it out of the objection that it is general legislation.

Mr. SMOOT. No.

Mr. McCUMBER. That does not relieve it of that objection. There are a number of cases, all along the same line, and in every instance it has been sustained.

Mr. SMOOT. The reporting of the amendment by the committee would not take it out of that class to which the objection would apply; but the reporting of the committee and the estimate of the Government for the place take it out of that class.

Mr. GALLINGER. Oh, no, Mr. President. Neither of those touches the question of general legislation at all.

Mr. SMITH of Georgia. That would not affect its status as general legislation.

Mr. GALLINGER. Not at all.

Mr. SMITH of Georgia. The report of the committee would be just as good as both. The report of the committee, under the rules, is sufficient. The recommendation of the department is sufficient, provided it is not general legislation.

Mr. GALLINGER. That is right.

Mr. SMITH of Georgia. But if it is general legislation the combination of both does not relieve it any more than the action of one would relieve it.

Mr. OVERMAN. Does the Senator think it is general legislation when this is simply a specific appropriation for one particular bill?

Mr. SMITH of Georgia. I am not expressing an opinion as to whether or not it is general legislation. I was answering the suggestion of the Senator from Utah that the fact that the department had estimated for it, and the committee also had recommended it, freed it from an objection as being general legislation, if it was general legislation.

Mr. GALLINGER. Mr. President, on that point the rule is very clear—Rule XVI, paragraph 3—and that does not at all relate to the points that the Senator from Utah has made:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

Now, Mr. President, that stands by itself, and if it is general legislation it is obnoxious to the rule. There is no doubt about that.

Mr. SMOOT. I will say to the Senator that that is true if it is general legislation.

Mr. GALLINGER. Yes; certainly. That is all.

Mr. SMOOT. But the present Vice President of the United States in ruling many times has asked the Senate whether an appropriation for a specific case is general legislation, and the Vice President has held time and time again that in order to be general legislation it should apply generally throughout the country.

Mr. GALLINGER. Does not this office?

Mr. SUTHERLAND. Mr. President, let me ask my colleague a question. Does not my colleague recognize that the creation of an office is general legislation? If we were to pass a bill to-day providing that hereafter there should be in the office of the Secretary of the Treasury a new officer to be known as assistant to the Secretary of the Treasury, would not that be general legislation?

Mr. SMOOT. Yes; if it were legislated in that way, it would be.

Mr. SUTHERLAND. The authorities have said over and over again that we are to look at the substance of the proposed legislation and not at the form, and when we come to do that and analyze this provision we find that it does two things: First of all, it creates an office, and that is a legislative act, because the office could not exist until Congress had spoken; and then it provides for filling the office by an appointment. Obviously this piece of legislation creates an office, and it is general legislation. I never have heard it doubted heretofore that the creation of an office was general legislation. There are precedents here, one after another. Here is one that catches my eye, on page 134, Forty-seventh Congress:

The President pro tempore (Mr. Davis) decided that an amendment to the naval appropriation bill adding 140 surgeons, of whom 50 shall be designated as surgeons of the first class, etc., was not in order under Rule XXIX, and was general legislation to a general appropriation bill.

On appeal, the decision was sustained—yeas 26, nays 21.

Now, if it is general legislation to provide for an additional 140 surgeons, it is general legislation to provide for an additional 1 surgeon. The fact that there is only one in the class does not prevent it from being a class.

Mr. SMOOT. The Senator takes the position, then, that no increase can be made in an office on an appropriation bill?

Mr. SUTHERLAND. No; the Senator does not take that position. We can increase the salary paid to an office already in existence, but we can not create a new office. They are two very distinct and different things.

Mr. SMOOT. I recognize that entirely. There is not any question about that, and that has been universally held. But the Senator takes the position, then, that the only way in which we could have an assistant to the Secretary of the Treasury is by a general bill creating the office?

Mr. SUTHERLAND. The only way is to pass legislation; and when the legislation is passed it may become a question as to whether it is general legislation or special legislation—general legislation as distinguished from special, or general legislation in the sense that it is public, as distinguished from private legislation—and if it is proposed to an appropriation bill there is a rule which says that if it is general legislation it will not be admitted.

Mr. OVERMAN. This is not general legislation.

Mr. SMOOT. There is not an appropriation bill passed but that there is the creation of some kind of an office by the appropriation bill.

Mr. GALLINGER. A point or order could be made against every one of them.

Mr. SMOOT. Of course, if it is general legislation, then the only way you can create a new office is to pass a bill through Congress creating it, and then appropriate the money to pay whatever salary is attached to it.

Mr. SUTHERLAND. We do that sometimes, but it is done because no one objects. If the point was made——

Mr. OVERMAN. Could we appoint a clerk? Would that be general legislation?

Mr. SUTHERLAND. How does the Senator mean?

Mr. OVERMAN. Instead of saying that there should be 40 clerks for a certain department, suppose we put in 46; would that be general legislation?

Mr. SUTHERLAND. Additional clerks?

Mr. OVERMAN. Yes.

Mr. SUTHERLAND. I think undoubtedly it would be general legislation if it is the creation of a new office.

Mr. OVERMAN. Well, if that is so, it would be the end of all legislation. We never would be able to keep the Government going. The wheels would be clogged. The Government could not move. We could not get along at all. We never could pass general bills through Congress for these clerks. That would be the end of it. This is simply special legislation; it is not general.

Mr. SMOOT. If that were the case, Mr. President, the House of Representatives might just as well make up the appropriation bill and have it become a law in that shape and never come to the Senate of the United States for amendment by them.

Mr. GALLINGER. Oh, well, if the Senator will permit me, an appropriation bill is not entirely composed of clerks. There are some other things in appropriation bills.

Mr. OVERMAN. There is not much else in the legislative bill.

Mr. BRANDEGEE. Mr. President, I have heard this question discussed over and over again as to what was general legislation. I never have been able to form an exact standard which it was safe to operate under. I wish to ask the Senator from Utah, if he will permit me to do so, what he thinks is the distinction between general legislation and special legislation. Does he think that everything that is not general legislation has to be, so to speak, private legislation?

Mr. SUTHERLAND. No; it may be distinguished in a variety of ways.

Mr. BRANDEGEE. What would be some special instances of special legislation which could go on an appropriation bill?

Mr. SUTHERLAND. It may be distinguished along the line that it applies geographically to the whole country or that it applies only to a limited portion of the country. Legislation, for example, that applies to the whole State, in the case of State legislation, would be general legislation. If it applied to a local subdivision, it would be special legislation. But it is sufficient for this purpose to say that, so far as I know, it never has been doubted that the creation of an office by legislation was general legislation as distinguished from special legislation. It is not always easy to draw the distinction. It is one of those difficult things where the division, instead of being a line, is a zone. You may be quite certain, when you are outside of the zone on one side, that you have got general legislation and quite certain, when you are outside of the zone on the other, that you have got special legislation. Now, intermediately there are a number of cases which it is sometimes difficult to assign to the appropriate class; but here is a case which by all the authorities falls clearly outside of the zone on the side of general legislation. So it is unnecessary to refine about it.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Utah if he does not think there is a clear distinction between merely adding a clerk in a department and a provision which empowers the President to make an appointment, subject to the confirmation of the Senate?

Mr. SUTHERLAND. There is a very clear practical distinction, and it is quite likely that there is a distinction in the law; but, as it seems to me, it is not necessary to refine upon it, because we have here a case where by the proposed legislation an office is to be created which is to be filled by presidential appointment. Now, if that is not general legislation, I do not know what general legislation is.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

The ruling of the Chair was sustained.

Mr. OVERMAN. Mr. President, I desire to put in the RECORD the remarks made before the Appropriations Committee by the Secretary of the Treasury himself in regard to the necessity for having this office created, so that Senators may see that the reason why the committee put it in was because it was just and right and ought to be done.

I therefore ask to have the statement incorporated in the RECORD.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Chair hears no objection.

The matter referred to is as follows:

ASSISTANT TO THE SECRETARY OF THE TREASURY.

Secretary McADOO. Gentlemen, there is one other item here which I confess I present with an extreme degree of diffidence, and if it were not practically imperative I would not present it. That is the question I presented here two years ago to the House committee, of an assistant to the Secretary of the Treasury.

Senator OVERMAN. You have a letter on that, also?

Secretary McADOO. Yes.

Senator OVERMAN. Is that an official estimate?

Secretary McADOO. That is my letter, transmitting the official estimate to the President of the Senate.

Senator OVERMAN. You want that to go into the record?

Secretary McADOO. Yes; you can put in the estimate and the letter also if you wish.

(The letter and estimate referred to are as follows:)

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 26, 1916.

The PRESIDENT OF THE SENATE:

SIR: I have the honor to submit herewith for the favorable action of Congress an estimate of appropriation for salary of an assistant to the Secretary of the Treasury, to be appointed by the Secretary, with compensation at the rate of $5,000 per annum, the same to be available from the date of the approval of the act.

The duties that have been recently imposed upon the Secretary of the Treasury through the creation of the Federal Reserve Board, the Federal Farm Loan Board, the new tariff and internal-revenue legislation, the income tax, and taxes upon inheritances, munitions, etc., and the promotion of increased financial and commercial relations with the several Republics of Central and South America, together with the tremendous growth of the business of the Treasury Department, make it imperative that the Secretary be granted additional assistance, and I can not too strongly urge upon the Congress the granting of this request, inasmuch as the Secretary himself and his three assistants and their respective staffs are driven to the utmost to discharge the duties of their offices.

Respectfully, W. G. McADOO, *Secretary.*

Secretary McADOO. Not only has the work of the Treasury Department increased tremendously in the last three years, but new duties have been imposed upon the Secretary which are very exacting. For

instance, take the Federal reserve act. Under that law the Secretary of the Treasury is chairman of the Federal Reserve Board, being a member of the board ex officio. While the Secretary can not attend every meeting of the board, he must attend meetings frequently, and I do attend just as often as I can. Sometimes those meetings require two hours, and sometimes more, out of the day.

In addition to that, the Federal farm-loan act created the Federal Farm Loan Board as a new bureau in the Treausry Department, which, of course, must be administered under the direction of the Secretary. This law also makes the Secretary of the Treasury a member, ex officio, and chairman of the Farm Loan Board.

That work requires a great deal of time and patience, and as time goes on the Secretary of the Treasury will be obliged to give a great deal of attention to those two organizations. It is literally impossible for me to keep up with all of the work which the Secretary has to do with the present assistance I have. I must have, in order to be fully effective in the work, an assistant who is at my hand to take up the most important parts of the work. For instance, there are a great many matters relating to official correspondence for which I should have a man sitting next to me, intimately familiar with the matters and having full knowledge of all that is going on in the Secretary's office, so that he may relieve the Secretary of a lot of the detail work which he now has to try to do himself. I think that any Secretary of the Treasury will be more effective in the future if he can devote his time and his abilities to the larger affairs of the department. I can not get that relief through any of the assistant secretaries of the Treasury, because each of them, under the organization of the department, has a very large division of the bureaus under him, and he has got to administer those particular bureaus. For instance, we have an assistant secretary in charge of public buildings and miscellaneous offices. He has absolutely no time to devote to any other work.

Then we have an Assistant Secretary in charge of the fiscal bureaus. Under him are the Internal-Revenue Service, the National Banking System of the country, in regard to which the Comptroller of the Currency reports to the Assistant Secretary, and many other important bureaus. He consequently has no time to devote to the matters which immediately concern the Secretary's office.

Then we have another Assistant Secretary who has charge of the Customs Division. His time is fully absorbed in that work.

So the Secretary of the Treasury is constantly hampered, and in fact finds it impossible to meet the demands of the thousand and one details which he now has to consider in the daily work of the office, and which it would take a long time to describe to you. The correspondence of the Secretary's office alone is a prodigious undertaking, and many people resent it—and I think it is not unnatural—if the replies to their letters are not signed by the Secretary himself. They do not think that the matter has received attention unless it gets to the head of the department. So that if the Secretary had only the two new activities which I have mentioned added to his many duties, I should think that the assistant for which I am now asking is imperative.

In addition, during the last two years we have been making, as you know, a very earnest effort in the Treasury Department to improve our commercial and financial relations with South and Central American countries. Out of that grew the first Pan American financial conference of 1915, which was held by authority of Congress, and which created an international high commission composed of nine men from each of the Latin American Republics and the United States, the minister of finance or the Secretary of the Treasury of each country being chairman of each section of the commission. The commission met at Buenos Aires last April and effected an organization by the creation of a central executive council. The delegates at Buenos Aires paid the United States the compliment, as well as the courtesy, of electing the officers of the United States section of the international high commission as the officers of the central executive council. So long as that organization continues, and unless a change should be made, the Secretary of the Treasury will remain at the head of that commission; and as long as the commission keeps its headquarters in the city of Washington, I feel that that work is of the utmost importance to the country at this juncture.

I do not think it is going to be necessary to maintain this as a permanent organization, but certainly at this time and for the next two years it will be of great value to continue it. Diplomacy, as you know, deals more particularly with political questions between governments, and commercial and financial questions are not so much the subject of diplomatic attention and negotiation. Having this direct touch with the ministers of finance of the countries of Latin America through an organization authorized by each country to look after the commercial and financial questions arising between them and this country, we have the means of rather direct communication and of direct action, and as we go along we find that we are establishing relations of the utmost cordiality through these sections and that we are getting many tangible and practical results. In my annual report for 1916 I have referred somewhat copiously to the work that has been done recently, and the commission itself has made a report to the President which has been filed with the Congress. For the time being this work imposes upon the Secretary a very large responsibility and a very large burden, but as I regard that as perhaps of a temporary character I do not urge it as a special reason for the appointment of an assistant to the Secretary of the Treasury. I am requesting it on other grounds.

The reading of the bill was resumed.

The next amendment was, on page 37, line 25, after the words "in all," to strike out "$61,420" and insert "$68,086.67."

Mr. OLIVER. Mr. President, I suggest that that amendment is not necessary now, since we struck out the provision for an assistant to the Secretary of the Treasury.

Mr. OVERMAN. No. I ask that the clerks at the desk be allowed to arrange the totals after the bill is passed. That is usual.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

Mr. OVERMAN. In this case, however, we should disagree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 41, after line 17, to strike out:

Federal Farm Loan Bureau: For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the salaries of four members at the rate of $10,000 each per annum, and their actual necessary traveling expenses and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees as the Farm Loan Board may find necessary, $300,000. A detailed statement of expenditures hereunder shall be made to Congress.

And to insert:

Federal Farm Loan Bureau: For four members of the board, at $7,500 each; chief, bond division, $3,000; secretary to the board, $3,000; publicity agent, $2,000; four private secretaries, at $1,800 each; clerks—1 of class 4, 1 $900, 3 at $720 each, 1 $600; clerk and stenographer, $1,200; stenographers—7 at $1,000 each, 4 at $900 each, 3 at $720 each; messenger; and 3 assistant messengers; in all, $67,620.

For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees as the Farm Loan Board may find necessary, $182,380; in all, $250,000. A detailed statement of expenditures hereunder shall be made to Congress.

Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates.

Mr. HOLLIS. Mr. President, I make the point of order that this amendment changes existing law and is not estimated for, and pending the decision of that point of order I desire to say to the Senate that this matter comes as a complete surprise to me. It is a matter which I have very much at heart, and I want to——

Mr. OVERMAN. One minute, if the Senator please. Does he mean the whole amendment?

Mr. HOLLIS. Yes; I mean the whole amendment.

Mr. OVERMAN. Does the Senator mean the amendment fixing the salaries of the clerks, and so on, or simply the reduction of the salaries of the members of the board to $7,500 each?

Mr. HOLLIS. The point is, if the Senator will permit me, that I just want to make——

Mr. OVERMAN. The Senator has the floor, and I am inquiring of him. Does the Senator make the point as to the whole amendment?

Mr. HOLLIS. The point is that I have not had an opportunity to examine it, and I do not know whether the point of order would lie to the whole amendment or not. I am going to ask the Senator to allow this amendment to be passed over and postponed until to-morrow, so that I can have an opportunity to look it up.

Mr. OVERMAN. I have no objection to that. Let it be passed over.

Mr. HOLLIS. Therefore, I ask unanimous consent that the entire amendment be passed over, with the point of order pending, to be taken up to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. FLETCHER. I raise the further point of order against the amendment that it is general legislation on an appropriation bill. The whole amendment violates that rule.

The PRESIDENT pro tempore. The Chair understands that under unanimous consent the amendment is passed over.

Mr. HOLLIS. And that it goes over until to-morrow?

Mr. OVERMAN. It is understood that it goes over until to-morrow.

The next amendment was, on page 44, after line 6, to insert:

For law books, including their exchange, to be expended under the direction of the Comptroller of the Treasury, $250.

The amendment was agreed to.

The next amendment was, on page 45, line 4, after the word "clerks," to strike out "clerks—13 of class 4, 24 (including 1 transferred from register's office)," and insert "14 (including 1 transferred from register's office) of class 4, 23," and in line 11, after the words "in all," to strike out "$152,910" and insert "$153,110," so as to make the clause read:

Office of Auditor for Navy Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division, $2,000; assistant chief of division, $2,000; clerks—14 (including 1 transferred from register's office) of class 4, 23 of class 3, 21 of class 2, 25 of class 1, 8 at $1,000 each, 7 at $900 each (including 1 transferred from register's office); helper, $900; messenger; 2 assistant messengers; 3 laborers; in all, $153,110.

The amendment was agreed to.

The next amendment was, on page 45, line 17, after the word "assorter," to insert "(unapportioned)," so as to make the clause read:

Office of Auditor for Interior Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division, $2,000; clerks—14 of class 4, 17 of class 3, 17 of class 2, 22 of

class 1, 12 at $1,000 each, 11 at $900 each; check assorter (unapportioned), $900; 2 messengers; 2 assistant messengers; laborer; in all, $139,430.

The amendment was agreed to.

The reading was continued to page 48, line 25.

Mr. OVERMAN. I offer a committee amendment at this point. It makes no change in the appropriation whatever, but is merely transferring one clerk to the proper place.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 48, line 23, strike out the word "two" where it first occurs and insert in lieu thereof "one"; in the same line strike out "one" and insert in lieu thereof "two"; and in line 25, in the total, strike out "$27,300" and insert "$27,100," so as to read:

Office of Register of the Treasury: Register, $4,000; Assistant Register, $2,500; chief of division, $2,000; clerks—1 of class 4, 2 of class 3, 2 of class 2, 3 of class 1, 3 at $1,000 each, 3 at $900 each; messenger; laborer; in all, $27,100.

The amendment was agreed to.

The reading was continued.

The next amendment was, on page 51, line 6, after "$1,500," to insert "private secretary for captain commandant, $1,400," and in line 10, after the words "in all," to strike out "$72,710" and insert "$74,110," so as to make the clause read:

Office of the Coast Guard: Two chiefs of division, at $3,000 each; 2 assistant chiefs of division, at $2,200 each; title and contract clerk, $2,000; law and contract clerk, $1,800, and $200 additional while the office is held by the present incumbent; topographer and hydrographer, $1,800; civil engineer, $2,250; draftsman, $1,500; private secretary for captain commandant, $1,400; clerks—4 of class 4, 9 of class 3, 5 of class 2, 8 of class 1, 7 at $1,000 each, 5 at $900 each; 2 messengers; assistant messenger; laborer; in all, $74,110.

The amendment was agreed to.

The next amendment was, on page 52, line 24, after the word "Chief," to strike out "$4,500" and insert "$4,000"; on page 53, line 1, before the word "clerks," to strike out "$3,500" and insert "$3,000"; and in line 3, after the words "in all," to strike out "$17,120" and insert "$16,120," so as to make the clause read:

Secret Service Division: Chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 of class 1, 1 $1,000; assistant messenger; in all, $16,120.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 59, line 5, after the word "law," to strike out "including per diem not to exceed $4 in lieu of subsistence," so as to make the clause read:

For salaries and expenses of 40 revenue agents provided for by law, fees and expenses of gaugers, and salaries and expenses of storekeepers and storekeeper-gaugers, $2,200,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Collecting the income tax," on page 59, line 20, after the word "districts," to strike out "including not to exceed $4 per diem in lieu of subsistence," so as to read:

Collecting the income tax: For expenses of assessing and collecting the income tax as provided in Title I of an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, including the employment of agents, inspectors, deputy collectors, clerks, and messengers in the District of Columbia and the several collection districts, to be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, $1,700,000.

The amendment was agreed to.

The reading of the bill was continued to line 20, page 62.

Mr. NELSON. Mr. President, I desire to call the attention of the Senate for a moment and especially the Committee on Appropriations to the fact that we have reached a point in the bill where they can easily save $332,000 in this appropriation bill. During the existence of the last Bank of the United States the fiscal operations of the Government were carried on through that bank. After the bank suspended and went out of existence as a sequel to that there was established what we call a Subtreasury system, an Independent Treasury system in a number of cities of the country through which the Government carried on its fiscal operations. That system still remains.

Under the act which we passed two years ago establishing the Federal Reserve System we provided for reserve banks. There is no occasion in those cities where we have a Federal reserve bank for the Government to maintain a Subtreasury such as we have now. The Independent or Subtreasury was established for the purpose of having a place where the Government in the large cities could carry on its fiscal operations and for the purpose of distributing the money of the country in the Subtreasuries instead of having it all congested and piled up here in Washington.

There are nine Independent Subtreasuries provided for in the bill. In five of the places we have a Federal reserve bank, and there is no reason under the sun why the Federal Government should not carry on its fiscal operations at those points where we have a Federal reserve bank.

Let me call your attention in detail to this matter. At Boston there is a Federal reserve bank. The bill appropriates $46,570 to maintain a Subtreasury or Independent Treasury at that point. There is no need of that. It is a duplication and nothing else. The Government can carry on all its fiscal operations in the reserve bank at Boston, and there is no occasion for the Independent Treasury or Subtreasury system at Boston.

I come next to Chicago. There is another Independent Treasury. Chicago under the Federal reserve law has a Federal reserve bank, and there is no reason why the Federal Government can not carry on its fiscal operations in that Federal reserve bank. There is no occasion for the maintenance of the Independent or Subtreasury system at that point.

The expense for the Subtreasury at Chicago is $71,420. as appears in the bill.

New York is another place where there is a Subtreasury or Independent Treasury. We have a Federal reserve bank in that city. There is no occasion to maintain an Independent Subtreasury as we did under the old system, and there is no reason under the sun why the Federal Government can not carry on its fiscal operations through the Federal reserve bank at New York. The total cost as appears from the bill of the Subtreasury system at New York is $154,460.

St. Louis is in the same category. We have a Federal reserve bank there.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. NELSON. Certainly.

Mr. OVERMAN. Does the Senator move an amendment?

Mr. NELSON. I will move to strike it out.

Mr. OVERMAN. I was going to say that I shall not resist it, and we will let it go into conference. We agreed in the committee that probably this will be done next year, if it is not done this year; but we did not have facts sufficient to guarantee us in striking it out after the opposition made by the Secretary of the Treasury, but if the Senator will introduce an amendment to strike it out I shall not resist it.

Mr. NELSON. I am just explaining where the Government can save $332,000 a year. There is no reason why the Government can not carry on its fiscal operations through its own bank at that city. The cost of the Subtreasury system at St. Louis is $33,860. The same holds good as to San Francisco. We have a Subtreasury system at San Francisco provided for in the bill at a cost of $25,720. We have a Federal reserve bank at San Francisco. Here are five cities—Boston, Chicago, New York, St. Louis, and San Francisco—where we have five Government reserve banks, and there is no reason under the sun why the Government should not carry on its fiscal operations through those banks. There is no necessity for keeping the Independent Treasury system alive in those cities.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly, I yield.

Mr. VARDAMAN. Will the Senator state what are the peculiar functions of the Subtreasuries there? Is there any reason why——

Mr. NELSON. If I recall the date, it seems to me that they were established in the administration of President Van Buren. I am not clear about the date, but they were inaugurated by the Government to relieve a situation which had grown out of the fact that the Bank of the United States was extinguished and we had nothing left except a system of State banks. The Government established Subtreasuries in these cities in order to carry on its fiscal operations and to distribute the money in the country so as not to have it all congested at one central point. That was the purpose and that is what has kept the system alive. There was some justification for it up to the time we created the Federal Reserve System.

Now, under the Federal Reserve System the Federal reserve banks that we have established are Government institutions. The Secretary of the Treasury is authorized to deposit as he sees fit all the Government funds in those institutions and to check upon them. Such being the case, these reserve banks can perform all the functions that are required, and there is no use to retain the Subtreasury system at those places.

Mr. VARDAMAN. I quite agree with the Senator from Minnesota. The thing I can not understand is how they happened to be retained in the bill. It seems to me——

Mr. NELSON. I can account for that. The bill came from the House in that way. If the Senator will allow me, I will state that the total amount at these five places is $332,000.

Mr. VARDAMAN. That is the cost of running the Subtreasuries?

Mr. NELSON. Of running these Subtreasuries, which are utterly needless, utterly useless. There is a third of a million dollars that could be saved as easy as not.

Mr. VARDAMAN. Well, it ought to be done.

Mr. NELSON. Subtreasuries are provided in the bill at four other places for which there may be some justification, because there is no reserve bank in those cities. They are Baltimore, Cincinnati, New Orleans, and Philadelphia; but the total amount for those four Subtreasuries is only $131,390. As I said, there may be some excuse and some justification in those four places where there is no Federal reserve bank to retain the Subtreasuries for the present, but there certainly is no occasion to retain them in the cities where we have a reserve bank.

So if the Senate wants to economize and do no injustice to anybody, but a benefit to the Government, it ought to strike out from the bill Boston, Chicago, New York, St. Louis, and San Francisco, because each of them has a Federal reserve bank, while they might leave in for the present, though I hardly think it is necessary, the other four places, that have no reserve bank. The total amount at those four places is only $131,390, while at the five places that have a reserve bank it is upward of a third of a million dollars.

I call the attention of the committee to this because I believe we ought to persist in a spirit of economy, and there is no occasion to maintain these Independent Treasury systems where we have Federal reserve banks.

Mr. HITCHCOCK and Mr. ROBINSON addressed the Chair.

Mr. ROBINSON. Will the Senator yield to me for a moment?

Mr. NELSON. I ought to yield first to the Senator from Nebraska, I think.

Mr. VARDAMAN. I have elicited from the Senator all I desired. I quite agree with him that that economy should be looked after, and I hope the Senator will propose an amendment.

Mr. NELSON. If the Senator from Arkansas will excuse me, I will yield first to the Senator from Nebraska. I think he asked me first to yield.

Mr. HITCHCOCK. I defer to the member of the committee. I had only a question to put.

Mr. NELSON. I yield to the Senator from Arkansas.

Mr. ROBINSON. I presume the Senator from Minnesota has observed the fact that the Committee on Appropriations inserted in the bill an amendment which has already been agreed to by the Senate, instructing the Bureau of Efficiency to "investigate the work performed by the Subtreasuries and report to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government or banks of the Federal Reserve System," and so forth.

I presume the Senator from Minnesota is also aware of the fact that this proposition was the subject of debate in the House of Representatives, and the House of Representatives declined to strike out the Subtreasuries.

The Senate Committee on Appropriations considered the advisability of adopting and recommending to the Senate an amendment similar to that now suggested by the Senator from Minnesota, but were unable to gain sufficient information on the subject to determine on the advisability of its adoption, in view of the fact that the Secretary of the Treasury recommended the retention in the bill of the Subtreasuries. The Senate committee thought, under those circumstances, it was best to have the matter investigated by the Bureau of Efficiency, and procure full and reliable information with regard to the subject, with a view of action upon the matter the next time the question arises, probably during the next session of Congress.

Mr. NELSON. I apprehend the Bureau of Efficiency could not by any possibility throw any new light on the subject. It is not a matter, if Senators will reflect, that requires any investigation.

What is the occasion of having the Government services duplicated at these points? If we have a Federal reserve bank, why can not the Government carry on its fiscal operations as it has a right to do in those banks, and why should we retain this other system side by side in those places?

Out of extreme caution I have segregated the places. It may be that at the four places—Baltimore, Cincinnati, New Orleans, and Philadelphia—where they have no reserve banks, it would be a proper subject for investigation; but I conceive in the five cities which I have named—Boston, Chicago, New York, St. Louis, and San Francisco—where they have a Federal reserve bank, there is no occasion for maintaining this Independent or Subtreasury system.

I want to say further I express my individual view—I belong to this side of the Chamber. It is up to your side. If you are in favor of economy, as you say you are, if you are in favor of retrenchment, there never was a better opportunity than you have in this bill to cut out in one cut a third of a million dollars, without doing harm to anybody, without injuring the public service in the least, and leaving the public service intact with all the financial equipment that it needs in the cities I have named. In fact, when the bill creating the Federal reserve banks was under consideration it was a serious question at that time whether we ought not to require the Government to carry on all its fiscal operations through the reserve banks; that is, to have the revenues go into the banks and then the Government check against the revenues and in that way keep the money of the country in circulation.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. NELSON. Certainly.

Mr. ROBINSON. The Senator realizes that it is necessary to have legislation upon the subject transferring the functions of the various Subtreasuries to the reserve banks and that it requires some degree of careful consideration?

Mr. NELSON. I do not think it is necessary at all because the Secretary of the Treasury under the Federal reserve law has the right to deposit the Federal funds in the reserve banks, and if you remove entirely the Subtreasury system you have the reserve banks and the Secretary of the Treasury has ample power to deposit all the funds in those banks.

Mr. HITCHCOCK. I should like to ask——

Mr. NELSON. As I said, I will not quarrel with you gentlemen. I have presented the facts in this case to you and shown you where you can economize to the extent of a third of a million dollars. I have shown you the way of grace, and if you do not care to accept it it is up to you; I have done my duty.

Mr. HITCHCOCK. I desire to ask the Senator from Minnesota whether it is not true that the Subtreasuries in some cases perform functions that are hardly possible for the reserve banks to perform under existing law?

Mr. NELSON. I do not think so.

Mr. HITCHCOCK. I am not sure that I know, but I notice in the press from time to time when gold is imported from abroad in large quantities the banks or bankers who import it deposit the gold in the Subtreasuries. I infer that they do it for the purpose of getting gold certificates. I have the impression that that is not possible under the existing law to be done through the Federal reserve banks.

Mr. OVERMAN. If the Senator will allow me to interrupt him, that is exactly one of the reasons the Secretary of the Treasury gives here in his report.

Mr. NELSON. I wish to call the attention of the Senate to a matter that transpired during the last portion of Mr. Cleveland's last administration. Certain bankers of New York, when gold was at a premium, were in the habit of going to the Subtreasury. They would go there with their greenbacks. They would get Treasury notes—what we call greenbacks—and go to the Subtreasury of New York and draw out gold and ship it to Europe. They could go on repeating that operation, and they can repeat it to-day in the Subtreasuries. If there is any gold in the Subtreasury, you or I or any of those New York bankers can go there with the greenbacks and say we want gold and deplete the Subtreasury. That is one of the causes that brought out the stringency Mr. Cleveland had to overcome with his gold alone during the last two years of his administration. They can not carry on the same operation to that extent in the Federal reserve banks. But, as I said, I will not argue with you. If you want to keep these two systems going, if you want this luxury, in God's name, take it.

Mr. HITCHCOCK. Mr. President, I have not any desire to get into a discussion with the Senator from Minnesota, because I am rather in sympathy with the idea of abolishing these Subtreasuries, if possible; but it has occurred to me that there are certain functions which they perform in the large cities that under existing law can not be performed by the Federal reserve banks. I suggested to the Senator that this country during the last two years has been importing hundreds and millions of dollars of gold which under the present practice is deposited with the Subtreasuries and those certificates taken out in its place, and that function can not be performed under existing law by the Federal reserve banks.

Now, as to what the Senator says about the Treasury being depleted, he will recall the fact that that danger has been remedied by a change of law under which greenbacks are im-

pounded or may be impounded in the Treasury so that the endless chain of withdrawing gold from the Treasury may be stopped. That is not a danger in existence now; it has been obviated.

I have not any desire to antagonize the Senator's suggestion of an amendment, but it occurs to me that before we make it we ought to be sure that the Federal reserve banks are in a position to perform all the functions of the Treasury.

Mr. OVERMAN. Mr. President, I merely want to read along the line the Senator mentions exactly what is stated in the report of the Secretary of the Treasury. He says:

> Since the Federal reserve banks are, as I have already stated, private corporations, just as are the national banks, the duty of providing the necessary storage vaults and of assuming the custody and control of these trust funds could not be imposed upon the Federal reserve banks by legislation. It could only be accomplished by negotiation and agreement, involving, necessarily, compensation for the service performed. Whether or not arrangements could be made with Federal reserve banks, or any private institutions, for the custody of these trust funds upon terms and under conditions satisfactory to the Government, and at a saving in cost over the Subtreasury methods, while at the same time providing all of the conveniences in handling these funds and the same measure of security as now afforded by the Subtreasury system, is a matter upon which I am unable to express an opinion.

He says he has $152,979,000 gold in the Subtreasuries. He adds:

> I desire to repeat, however, my earnest conviction that it would be unwise to commit the custody of these trust funds to any private institution or institutions.

It is a long report. I believe I will have it printed in the RECORD. When this matter was before the Senate committee it was our disposition to take some action in regard to the Subtreasuries. We did not know anything about the necessity for them, and we began to inquire and had this report sent to us. We made inquiries of the Treasury Department as to whether they could not be dispensed with. The Secretary of the Treasury says finally in this report:

> I am of the opinion that it would be inadvisable at this time to abolish all, or any, of the Subtreasuries. It is an important matter and should be considered deliberately. With the test of further experience it may develop that the functions of the Subtreasuries, or some of them, may be transferred to Washington or to some other agency, but action should not be taken hastily or inadvisedly.

Therefore, as the Senator from Arkansas [Mr. ROBINSON] has stated, in order to get all the information before us so as to understand the matter thoroughly we have provided in the bill an appropriation for the purpose of investigating the subject so that we can act intelligently upon it at the next session of Congress.

I ask that the report of the Secretary of the Treasury be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD.

The report of the Secretary of the Treasury referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 16, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In the legislative, executive, and judicial appropriation act approved May 10, 1916, it is provided that—

"The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the Subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued the reasons in full for such continuance; also, if any or all of said Subtreasuries may be discontinued, what legislation will be necessary in order to transfer their duties and functions to some other branch of the public service or to the Federal reserve banks."

In accordance with the above authorization and direction, I have the honor to report as follows:

There are nine Subtreasuries located, respectively, in the cities of Boston, Mass.; New York City, N. Y.; Philadelphia, Pa.; Baltimore, Md.; Cincinnati, Ohio; Chicago, Ill.; St. Louis, Mo.; New Orleans, La.; and San Francisco, Cal. The Subtreasury system was authorized by the act of August 6, 1846, and subsequent acts amendatory thereof.

The duties and functions of the Subtreasuries may be stated generally as follows:

Issue of gold order certificates on gold deposits.
Acceptance of gold coins for exchange.
Acceptance of standard silver dollars for exchange.
Acceptance of fractional silver for redemption.
Acceptance of minor coins for redemption.
Acceptance of United States notes for redemption.
Acceptance of Treasury notes for redemption.
Acceptance of gold and silver certificates for redemption.
Cancellation (before shipment to Washington) of unfit currency.
Laundering of unfit currency which permits of this process.
Exchange of various kinds of money for other kinds that may be requested.
Remittances from United States depositary banks of their surplus deposits of internal-revenue, customs, money-order, postal, and similar funds.
Deposits of postal-savings funds direct.
Deposits of money-order funds direct and indirect.
Deposits of post-office funds direct and indirect.
Deposits on account of 5 per cent redemption fund.
Deposits of interest on public deposits.
Deposits of funds belonging to disbursing officers.
Funds deposited for transfer to some other point through a payment by a Subtreasury located thereat.
Encashment of checks, warrants, and drafts drawn against the Treasurer of the United States and presented at the Subtreasury for payment.
The payment of United States coupons and interest checks.

In addition to the foregoing the Subtreasuries have the custody of a large part of the reserve and trust funds, consisting of the gold coin and bullion and silver dollars deposited to secure gold and silver certificates and greenbacks.

The receiving of deposits and payment of checks has been assumed to a large extent since the establishment of the Federal Reserve System by the designation of Federal reserve banks as Government depositaries in those Subtreasury cities where Federal reserve banks are located. Federal reserve banks are located in the Subtreasury cities of Boston, New York, Philadelphia, Chicago, St. Louis, and San Francisco. New Orleans has a branch of the Federal reserve bank of Atlanta, while neither Baltimore nor Cincinnati has a Federal reserve bank.

It has always been deemed advisable to deposit the gold reserve and trust funds of the Government in several places rather than to concentrate them in one, for reasons of security as well as public convenience.

The Federal reserve act does not expressly, or by implication, contemplate the substitution of the Federal reserve banks for the Subtreasuries, nor would it, in my opinion, be possible, or advisable if possible, to attempt such a substitution. While the general or current fund of the Treasury may, in the discretion of the Secretary, be deposited in the Federal reserve banks, the reserve and trust funds of the Government, viz, gold coin and bullion and silver dollars held in trust by the Government against outstanding gold and silver certificates and greenbacks, are not included in this authorization. The gold coin and bullion held against gold certificates, amounting at present to more than $2,000,000,000, a considerable part of which is deposited in the Subtreasuries, should not, in my opinion, be committed to the custody of any private corporations—and the Federal reserve banks are private corporations—but should be in the physical control of the Government itself. This applies with equal force to the $152,979,025 of gold reserve held against United States notes and Treasury notes of 1890 and the silver dollars held against silver certificates. If, however, it should be deemed advisable to transfer the custody of these trust funds to Federal reserve banks or to any other private corporation or corporations, it would be necessary to make a special deposit of such funds in vaults especially constructed for the purpose and to maintain a Federal guard or some form of adequate Government control over such vaults.

Since the Federal reserve banks are, as I have already stated, private corporations, just as are the national banks, the duty of providing the necessary storage vaults and of assuming the custody and control of these trust funds could not be imposed upon the Federal reserve banks by legislation. It could only be accomplished by negotiation and agreement, involving, necessarily, compensation for the service performed. Whether or not arrangements could be made with Federal reserve banks, or any private institutions, for the custody of these trust funds upon terms and under conditions satisfactory to the Government, and at a saving in cost over the subtreasury methods, while, at the same time, providing all of the conveniences in handling these funds and the same measure of security as now afforded by the subtreasury system, is a matter upon which I am unable to express an opinion. I desire to repeat, however, my earnest conviction that it would be unwise to commit the custody of these trust funds to any private institution or institutions. The custody of these trust funds, their maintenance, direction, control, and administration are distinctly a governmental function and should be exercised only by the Government.

Aside from the custody of the trust funds of the Government, the Subtreasuries perform a highly useful service to the public in making exchanges of money, supplying money and coin where needed, and reducing the cost and expense of shipments of money and coin from a common center. It is necessary to maintain the facilities and conveniences provided by the Subtreasuries in the large centers of business in the country, such as the cities in which the Subtreasuries are now located. Even if these particular functions could be transferred to Federal reserve banks where they exist, the services rendered by the substituted agencies would have to be compensated for. This would involve expenses to the Government, while, at the same time, the facilities provided might not be as thorough and satisfactory as those supplied by the Subtreasuries themselves.

It has been suggested that the Subtreasuries are merely conveniences and not necessities, and that their duties might be performed entirely by the Treasury in Washington. This is in a sense true, but the cost of handling all the business from a common center, in a country so extensive as the United States, might be greater than the expense of the Subtreasury system, whereas the delays and inconveniences which the public would have to suffer might prove a very serious handicap upon business. It could with equal force be argued that internal-revenue offices throughout the United States could be abolished and all of the work done at Washington, and, in like manner, that many of the customs offices throughout the country could be abolished and all of the work done from Washington. It is the duty of the Government to provide adequate facilities to meet the convenience and necessities of the public in all parts of the country, and the problem must be considered as a whole and not merely in detail.

It may be possible to reduce the expense of administration of some, or all, of the Subtreasuries. It has been only one year since the Federal reserve banks were made Government depositaries and fiscal agencies and the current or general funds of the Government in such cities transferred to Federal reserve banks. About that time I appointed an improvement committee (described in my annual report of 1915) to make a careful study of departmental methods in all directions and to report upon the best means of improving the general administration of the Treasury service in its various important branches. The administration of the Subtreasuries is one of the subjects for investigation, and I sincerely hope that within another year it may be found possible to reduce the expense of operating these institutions in some, if not in all, of the cities where they are now located.

The amount of the Government funds in each Subtreasury, the volume of the total transactions annually performed by them, and the cost of maintaining these institutions are set forth in the following table:

Subtreasury.	Government funds held June 30, 1916.	Total transactions, fiscal year 1916.	Expense of maintenance, fiscal year 1916.
Baltimore	$12,573,371.07	$108,215,675.59	$33,749.53
Boston	34,452,695.24	217,020,680.17	52,051.29
Chicago	120,537,589.79	597,365,033.95	84,325.04
Cincinnati	31,388,654.90	105,703,081.30	28,819.14
New Orleans	31,917,751.13	73,990,519.44	27,481.22
New York	329,402,485.45	2,464,715,492.12	187,587.75
Philadelphia	26,183,266.27	473,623,903.18	57,792.76
St. Louis	48,629,847.19	193,370,692.54	37,385.63
San Francisco	99,088,010.01	291,058,033.53	25,812.27
Total	734,173,671.05	4,525,063,111.82	535,004.63

It will be seen that the cost of maintaining these institutions, treating the Subtreasury system as a whole, is only one one-hundredth of 1 per cent, approximately, on the total transactions involved—an insignificant sum compared with business done, the important service performed, and the conveniences afforded to the public. Aside from New York, the cost of maintaining the other eight Subtreasuries is $347,416.88, which is a comparatively small sum to pay for the service and convenience they provide. If these institutions were abolished, the total cost of operating them would not be saved, as a counter expenditure by the office of the Treasurer in Washington, resulting from the increased work that would be thrown upon that office, would be entailed.

I am of the opinion that it would be inadvisable at this time to abolish all, or any, of the Subtreasuries. It is an important matter and should be considered deliberately. With the test of further experience it may develop that the functions of the Subtreasuries, or some of them, may be transferred to Washington, or to some other agency, but action should not be taken hastily or inadvisedly.

I regret exceedingly that my necessary absence from Washington, in connection with the establishment of the Federal farm-loan banks and other public business, made it impossible for me to submit this report to the Congress at an earlier date.

Respectfully, W. G. McADOO, *Secretary.*

Mr. WEEKS. Is there a motion before the Senate?

The PRESIDENT pro tempore. There is no motion in connection with the matter.

Mr. WEEKS. I ask the Senator from Minnesota if he is going to make a motion?

Mr. NELSON. I have pointed out the path of duty to the majority of the body; I have shown them the true light, and I think I will leave it to them to say whether they will follow the path I have blazed out for them and be as economical as they can well be, if they so desire, under the amendment I have suggested. If they have not sufficient interest to offer amendments themselves, I am sure I will not draw them out of the Democratic slough of despond.

Mr. WEEKS. I will not take the time under those circumstances to discuss this proposition. I will merely say that I think the Senator from Minnesota is probably right in the contention which he has been making. I am not sure about the details in the matter of Subtreasuries and Federal reserve banks, and I am not quite clear in fact in my own mind to say that it can be done without any possible detriment to the service. If there is a provision in the bill, as I understand from the Senator from Arkansas, that this matter shall be investigated and a report made to Congress next December, I think that is the better way to proceed, although I would vote, if the motion were made, to strike out the appropriation for the Subtreasuries and vote for that proposition. I think, however, when the bill goes to conference, the proper Treasury officers should be brought before the conferees and full knowledge obtained from them as to its desirability or what reasons they may have for not taking such action.

The PRESIDENT pro tempore. The reading of the bill will be continued.

Mr. THOMAS. I ask permission to turn back to page 51, line 6. There is a committee amendment on page 51, line 6, which reads, "Private secretary for captain commandant, $1,400." I make against that amendment the same point of order which was made by the Senator from Washington a few moments ago to the amendment on page 37.

The PRESIDENT pro tempore. The Chair did not understand to what amendment the Senator referred.

Mr. THOMAS. The point to which I referred was made against the amendment on page 37, beginning at line 13, providing for an assistant to the Secretary of the Treasury and fixing his salary. The point was made the amendment seeks to incorporate general legislation into an appropriation bill, and the point of order was sustained. I make the same point of order to a similar provision on page 51, line 6.

Mr. OVERMAN. Mr. President, of course, this amendment has been adopted.

The PRESIDENT pro tempore. The amendment as stated by the Senator from North Carolina has been adopted.

Mr. THOMAS. Then I reserve the right to make a point of order against the amendment when the bill reaches the Senate.

Mr. OVERMAN. If the Chair was correct in his preceding ruling, we might let everything which is in the bill relative to the fixing of salaries go out.

Mr. THOMAS. I think everything which increases the number of employees ought to go out.

Mr. NELSON. Mr. President, at the instance of a number of my colleagues and without taking more time than is absolutely necessary, I move to strike from the bill all under the title of "Independent Treasury," pertaining to Boston, Chicago, New York, St. Louis, and San Francisco, in five places. The language is found on pages 63, 64, and 65; and I move to strike out the language relative to Boston.

Mr. OVERMAN. Does the Senator make the motion as to all of those places?

Mr. NELSON. No; I leave out four of them.

Mr. OVERMAN. I shall not consent to that. If the Senator will let them all go out and if there is a necessity for any of them going out, the matter can go into conference and there be considered. I shall not object to that.

Mr. NELSON. Would the Senator rather I should make the motion as to all of them?

Mr. OVERMAN. I would rather the Senator would make the motion as to all of them, so that if we make an investigation at all, we may investigate as to all of them.

Mr. NELSON. Very well, then, I will move that they all go out.

Mr. GALLINGER. Mr. President, pending that motion, I suggest the absence of a quorum.

Mr. OVERMAN. That suggestion is not in order now under the agreement under which we are proceeding.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Chair, however, desires to call the attention of the Senator from Minnesota [Mr. NELSON] and of the Senator from North Carolina [Mr. OVERMAN] to the fact that we are proceeding by unanimous consent, first, to consider amendments reported by the committee.

Mr. OVERMAN. I myself made that point of order just now, and I was going to say to the Senator from Minnesota that when he made this motion I wanted him to make it in accordance with that agreement, and that he was proceeding out of order.

The PRESIDENT pro tempore. The Chair did not hear the Senator from North Carolina when he made that point.

Mr. NELSON. I was not aware of the situation. If the Senator objects——

Mr. OVERMAN. I do not object, but we are proceeding under a unanimous-consent agreement, and I was going to suggest that to the Senator when I was called down.

Mr. NELSON. Very well, I will wait.

Mr. GALLINGER. Under those circumstances I shall not insist upon my suggestion. I withdraw the suggestion.

The PRESIDENT pro tempore. The Chair thought possibly the Senator from New Hampshire would do so. The Chair did not want to control the action of the Senate, but he thought it proper to call the attention of Senators to the fact.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "War Department," on page 71, line 7, before the word "assistants," to strike out "61" and to insert "40," so as to read:

Adjutant General's Office: Chief clerk, $2,500; 10 chiefs of divisions, at $2,000 each; clerks—58 of class 4, 74 of class 3, 116 of class 2, 231 of class 1, 93 at $1,000 each; engineer, $1,400; assistant engineer, $900; 2 firemen; skilled mechanic, $1,000; 11 messengers; 40 assistant messengers; 4 watchmen.

Mr. GALLINGER. Mr. President, it was at my instance in the committee that that amendment was placed in the bill. I received a letter from a friend on the outside who called attention to the number of assistant messengers in the office of The Adjutant General, the bill, as it came from the other House, providing for 11 messengers and 61 assistant messengers. The statement is made that they did not require any such number of messengers. For the purpose of sending the matter to conference, I moved the amendment which was agreed to by the committee. Since that time I have learned from Adjt. Gen. McCain, one of the most accomplished officers in the Government, as I look upon him, that an injustice has been done to his office by that amendment. I asked Adjt. Gen. McCain to make a written statement as to the matter, and, if Senaors will listen to me, I should like to read it. It is not long.

I will say, before reading the letter, Mr. President, that I was laboring under the impression that The Adjutant General's office, while of great importance, yet did not include enough rooms to require the assistance of such a number of messengers and assistant messengers—61 in all, I believe—but The Adjutant General writes arguing to the contrary. He says:

The Adjutant General's Office occupies approximately 150 rooms in the State, War, and Navy Building, and has branches of its divisions located in four outside buildings, two of which are occupied exclusively by the office, which is charged with their custody, maintenance, and cleaning. The office is also required to clean those portions of the other two outside buildings which it occupies as well as all of its rooms in the State, War, and Navy Building.

Adequate communication by means of messengers must be maintained between the main office and the branches, and internal messenger service must be provided for these branches also. In three of the outside buildings the floor space occupied is large—the Ford's Theater Building and annexes, with three floors; the building at 610 Seventeenth Street NW., with five floors; and a large area in the Army Medical Museum Building.

It will readily be seen that the work of cleaning 150 rooms in one building, and a large number of rooms in other buildings, providing ice water for their occupants (the ice being brought daily from the subbasement of the building), and the messenger work that necessarily is required in an office as large as this fully occupies the time of the present messenger force.

The increase in the Army authorized by recent legislation has added largely to the work of the office, and the demand for communication by messenger with other bureaus of the department has correspondingly increased. In addition to this, there has been transferred to this office the work of distributing practically all the publications of the War Department, work which was heretofore done at the War College.

One of the most effective means by which the work of the office is kept up to date is its five-minute mail messenger service, by means of which cases are carried to every part of the office with the utmost promptness. There are 12 messengers engaged on this mail route, with the necessary number of substitutes.

All of the assistant messengers estimated for are absolutely necessary for the work of the office, and the reduction proposed in the Senate report on the legislative bill, by which there is a reduction of assistant messengers from 61 to 40, would render it impossible for the office to maintain its present state of efficiency.

Mr. President, it was a revelation to me that The Adjutant General's Office occupied 150 rooms in the main building, and also had the Ford's Theater Building at its command, and likewise a building on Seventeenth Street. I confess that after reading that statement by Adjt. Gen. McCain, and having asked him to come and talk with me about the matter, I felt that I had done an injustice in moving the amendment. I now think that we ought to recede from the amendment. That is my personal feeling.

Mr. STONE. Mr. President, can the Senator from New Hampshire state the compensation for these messengers and assistant messengers?

Mr. OVERMAN. They receive, respectively, $840 and $720.

Mr. GALLINGER. I am informed that the messengers receive $840 and the assistant messengers $720. It is very low pay.

Mr. ROBINSON. Will the Senator from New Hampshire yield to a question?

Mr. GALLINGER. I yield.

Mr. ROBINSON. In the same paragraph is carried an item for 21 laborers in connection with The Adjutant General's Office. What service do those laborers perform?

Mr. GALLINGER. I do not know; I did not make any inquiry of The Adjutant General on that point.

Mr. ROBINSON. I should like to ask the Senator one further question. Has his investigation satisfied him that the amendment should not be agreed to and that the Senate should disagree to the amendment?

Mr. GALLINGER. That is the feeling I have after talking with The Adjutant General about the matter. I confess that I knew little about it at the time I offered the amendment in committee.

Mr. OVERMAN. Does the Senator not think the matter had better go to conference?

Mr. GALLINGER. As I was saying, when I offered the amendment in committee I confess I knew but little about it, except from a letter I had received from an outside party, saying that that office was loaded down with unnecessary employees, and he particularly mentioned assistant messengers. When I saw the number which was appropriated for, it struck me that it was very large, and perhaps unnecessarily large.

Mr. OVERMAN. Mr. President, I suggest to the Senator that we ascertain all about the matter in conference. I am glad the Senator brought the amendment to our attention, and I myself suggested to Gen. McCain that I thought the matter ought to go to conference. We could there better investigate it than we can here. If it is right that the amendment should go out, I think the conferees will agree to let it go out.

Mr. WARREN. Mr. President, I hope that the amendment will go out of the bill. It is rather invidious that we should attack that particular department. There is certainly no more ably conducted department than that of The Adjutant General, and it has almost always been so. It is a department that is made up of several others combined. There are some 500 clerks or more, and they are scattered over different parts of the town. To dispense with the messengers would simply put the clerks to doing that messenger service, and there would then be a demand for more clerks.

Mr. GALLINGER. The Senator from Wyoming is wrong in suggesting that we have attacked that department. There is no such purpose at all.

Mr. WARREN. I understand there is no such intention on the part of the Senator, but it really amounts to that when we depend on the statements of some one on the outside who wishes us to reduce the employees of any one particular department.

Mr. GALLINGER. I will say that this gentleman on the outside had had service in the departments of the Government and is a pretty well informed man.

Mr. ROBINSON. Mr. President, will the Senator from New Hampshire yield to a further question?

Mr. GALLINGER. Certainly.

Mr. ROBINSON. The Senate committee amendment now under consideration involves the striking out of the language down to line 12, on page 71.

Mr. GALLINGER. Yes.

Mr. ROBINSON. I will ask the Senator from New Hampshire if he has advised himself as to whether that language should go out or whether his amendment should be rejected?

Mr. GALLINGER. Mr. President, I was likewise responsible for that amendment. I moved the amendment for the reason that I had found that that seemed to be the only office where the inhibition could be found that there should be no transfer of the employees from that particular office. It did not apply to the others. I noticed also in my investigation that the Commission on Economy and Efficiency, approved by President Taft, had recommended the change. I was unable to see why that exception should be applied to this particular office. In talking with The Adjutant General I found him very insistent that the law should remain as it is, but I was not fully persuaded that he was correct about it. He intimated that his clerks would be transferred and that his work would be thereby crippled. Of course, if I believed his work was going to be crippled I would not advocate the amendment at all; but it has occurred to me that there is no adequate reason why the exception should be applied simply to one office in the War Department. There may be some good reason why the change should not be made, but it does not appeal to me.

Mr. WARREN. Mr. President, that occurred in this way: During the administration of a former Adjutant General, Gen. Ainsworth, affairs in that office and others had become rather offensive to all parties on account of the frequent transfers and the calling on the offices at times when they might be busiest for a dozen, more or less, clerks for use in some other bureau. The matter was brought before the Military Committee, and from there before the Appropriations Committee, and the effort was made to provide each office or bureau with the proper number of clerks and, in so far as was possible, to break up the objectionable system then prevailing. In this particular office we cut out, as I remember, a very large number of clerks because of that. Gen. Ainsworth reduced the number of clerks materially when he brought together the Record and Pension Office and The Adjutant General's and other offices, each year disposing of a number of clerks for some three or four years. It was for that reason that this amendment was recommended, and the Committee on Appropriations adopted it.

I am not prepared to say whether or not it is necessary now. I am prepared to say, however, that I should prefer to follow the earnest desire of the head of that office, who, I believe, is trying not only to conduct it properly but with the least expense. I should very much like to see both of those amendments disagreed to; but certainly the one as to the reduction in the number of messengers should not remain in the bill.

Mr. GALLINGER. Mr. President, beyond a question there is a great deal of red tape in that particular office, as well as in all the other offices of the Government. I had thought of reading from the report of the Commission on Economy and Efficiency a paragraph on that point, because, as I said to Gen. McCain frankly this morning, it was more interesting than any novel I have read in recent years; but as we have provided in the bill that the Bureau of Efficiency shall inquire into all these matters connected with the departments I have no disposition to prolong the debate.

Mr. WARREN. The War Department is not the only one which has been excoriated.

Mr. GALLINGER. No, Mr. President; I did not say that it was. I said all departments. I am going to read from the report of the Economy and Efficiency Commission for the information—and I do not know but for the amusement—of the Senate, because it is a most extraordinary showing. Here is what the commission says:

Pvt. Rentz made application to purchase his discharge from the Government, and his superior officer recommended that the discharge be granted. The application came to the War Department, and, according

to the report of the Commission on Economy and Efficiency, this is what happened in that case:

OPERATION NO. 1.

Mr. Bevans, distributing clerk (salary, $1,200), took the jacket from the box, removed the papers from the jacket, took off the rubber band holding the papers together, wrote on the record card the time he received the case, and then unfolded Pvt. Rentz's letter and examined it.

OPERATION NO. 2.

Mr. Bevans, noting that it would be necessary to have a report from the rolls division of the status of Pvt. Rentz, placed on the record card a request for such report, with a notation of the time, as follows:

"Rolls division: For report.

"MORTON, T. H."

OPERATION NO. 3.

Mr. Bevans then selected from a file containing jackets numbered according to the rooms with which he has need for communication a jacket containing the number of the room occupied by the rolls division. He placed a rubber band around the correspondence, put it within the jacket, and threw the package in his "out" mail box.

OPERATION NO. 4.

The messenger carried the correspondence to the rolls division and threw it in the "in" box on the desk of Mr. Huckleberry, a reviewing clerk.

OPERATION NO. 5.

Mr. Huckleberry (salary $1,200) examined the papers to determine whether they needed special attention by particular clerks. This paper needed no special treatment, and was thrown by Mr. Huckleberry in a box on his desk containing miscellaneous cases, from which they are taken from time to time by searchers.

OPERATION NO. 6.

Mr. Dimond, searcher (salary $1,200), walked from his desk in room No. 58 to the distributing box in room No. 60 and selected one case from the collection of cases therein for the purpose of making appropriate search.

OPERATION NO. 7.

Mr. Dimond then examined the case to ascertain the nature and extent of the report desired and searched the records to obtain the requisite information. His search involved a consultation of the original contract of enlistment of the enlisted man and the muster roll of his company for May and June, 1912.

OPERATION NO. 8.

Upon conclusion of Mr. Dimond's examination of the enlistment papers and muster roll he returned to his desk and wrote in longhand the following report on the record card:

"E. M. Div.

"Thomas J. Rentz enl. Mch. 1, 1908; and was dischg'd Feb. 28, 1911, by expr. of service, pvt. 102d Co. C. A. C. Char. excellent.

"Reenl. Apr. 26, 1911, and was present June 30, 1912, pvt. Gen'l Serv. Inf. at Atlanta, Ga.

"STAFFORD,

"2.57." "G. C. D."

Mr. Dimond then wrote below the indorsement the time of conclusion, "2.57."

OPERATION NO. 9.

After writing the above indorsement, Mr. Dimond blotted the indorsement, gathered the papers together, placed a rubber band around the same, and walked over to the desk of Mr. Sattes, to whom he delivered the papers for the purpose of review.

OPERATION NO. 10.

Mr. Sattes, reviewing clerk (salary $1,600), examined the papers and report to determine whether the report was adequate to the case and whether it was correctly framed.

OPERATION NO. 11.

Mr. Sattes gathered together the papers after his examination, put a rubber band around them, selected a reversible jacket from his box file, and inclosed the papers in them, throwing the jacket in the "out" box.

OPERATION NO. 12.

The jacket was transmitted by the messenger service to room No. 43 and thrown in the box on desk of T. B. Bevans.

OPERATION NO. 13.

Mr. Bevans examined the papers, wrote on the record card the time, "3.20," he received them, and, noting that the man was in the recruiting service, wrote on the record card the following indorsement, with a notation of the time, "3.25":

"3.20.

"Recruiting division: For remark, Morton.

"3.25.

"F. A."

OPERATION NO. 14.

Mr. Bevans then selected a jacket from his file and placed the papers therein for transmission to the recruiting division.

OPERATION NO. 15.

The messenger service transported the correspondence to the recruiting division and placed it in the box on the desk of Mr. Hughes.

OPERATION NO. 16.

Mr. Hughes, clerk (salary, $2,200), examined the papers and wrote on the record card the following:

"To Col. Kernan, A. G., to ascertain if there is any objection.

"3.35.

"J. D. H."

OPERATION NO. 17.

Mr. Hughes then noted the time of his writing the above indorsement.

OPERATION NO. 18.

Mr. Hughes sent the papers by special messenger to Col. Kernan, the adjutant general in charge of recruiting matters.

OPERATION NO. 19.

Col. Kernan noted in writing his approval on the record card, as follows:

"No objection. "M., A. G."

OPERATION NO. 20.

The card and correspondence were taken back to the recruiting division by special messenger.

OPERATION NO. 21.

Mr. Hughes wrote on the record card the following indorsement, with a notation of the time:

"To E. M. div.

"SHELTON.

"J. D. H.

"4.00.

"4.05."

OPERATION NO. 22.

Carried by the messenger service to the enlisted men's division and placed in mail box of Mr. Bevans.

OPERATION NO. 23.

Mr. Bevans examined the papers, noted on record card time of receipt, and handed them to Mr. Wilson, assistant chief of the division.

OPERATION NO. 24.

Mr. Wilson (salary, $1,800) examined the case to see whether all relevant requirements of laws and regulations governing discharge by purchase had been complied with. His examination showing that the case had met all the requirements, he handed it to Mr. Tillman to prepare a special order.

OPERATION NO. 25.

Mr. Tillman (salary, $1,400) prepared the following draft of an order:

"WAR DEPARTMENT,

"*Washington, August —, 1912.*

"(Memorandum for ——— ———.)

"Special orders, No. —.

"Par. Private Thomas J. Rentz, general service, Infantry, recruiting station, 3 Carnegie Way, Atlanta, Georgia, will be discharged from the Army by the officer in charge of that station by purchase, under the provisions of General Orders, No. 90, War Department, 1911. (1941619, A. G. O.)

"By order of the Secretary of War:

"———— ————,

"Adjutant General."

OPERATION NO. 26.

After preparing the above draft, Mr. Tillman typed on the record card the following:

"Approved.

"A. G.

"A. G. O., Aug. 6, 1912.

"9.30 F. D. T."

OPERATION NO. 27.

Mr. Tillman then stamped on the record card with a rubber stamp the following:

"Approved draft of order sent to Orders Division ———, 19—.

"————

"S. O. ———, par. ———, ———, 19—."

OPERATION NO. 28.

The draft of the order was then examined by the clerk handling the case, the papers gathered together and personally carried to the desk of the assistant chief of the division for review.

OPERATION NO. 29.

Mr. Wilson examined the papers for typographical errors and accuracy of ruling or statement.

OPERATION NO. 30.

Mr. Wilson placed the papers in the "out" basket on his desk.

OPERATION NO. 31.

Mr. Bevans collected case, with any others which had accumulated in Mr. Wilson's basket, made notation of the class of each case handled for the administrative record, and then indorsed on the record card in each case the time of disposal.

OPERATION NO. 32.

Mr. Bevans handed accumulated mail to the messenger assigned to the division for delivery to Col. Kerr for his signature.

OPERATION NO. 33.

The messenger carried the papers to Col. Kerr for approval.

OPERATION NO. 34.

Col. Kerr signed the draft and also signed his initials on the record card following the word "approved," as shown below:

"Approved.

"J. S. K.

"A. G.

"A. G. O., Aug. 6, 1912.

"9.30 F. D. T."

OPERATION NO. 35.

The case was returned by a special messenger to the Enlisted Men's Division and placed on Mr. Bevan's desk.

OPERATION NO. 36.

Mr. Bevans then inserted the time of sending to the Orders Division of the draft, as follows:

"Approved draft of order sent to Orders Division Aug. 6, 1912, 1.15.

"J. B.

"S. O. 184, par. 10, Aug. 6, 1912."

OPERATION NO. 37.

Mr. Bevans examined the papers to see that they were complete, made a tally of the class of case disposed of, and indorsed on the record card the time this operation was concluded.

OPERATION NO. 38.

Mr. Bevans then sent the record card to the Mail and Record Division.

Mr. THOMAS. Mr. President, will the Senator allow me to interrupt him for a moment to say that that sounds very much like the course which a western application for the right to divert water for irrigation purposes has to go through, first in the Interior, then in the Agricultural, and then in the War Department?

Mr. GALLINGER. This is from the report of the Commission on Economy and Efficiency. I am not at all responsible for it. There is one other case here——

Mr. WARREN. Will the Senator tell us how long a time that took?

Mr. GALLINGER. I do not know. There is one other case here that went through 39 operations, and one, I think, that went through 42 operations. The Adjutant General says it does not take much time. He says that the different trips are made by a messenger, or an assistant messenger, and that it does not require a great deal of time. But, Mr. President, of all the red tape that I ever heard of or expect to hear of, that certainly deserves to be placed at the head. The idea that a soldier in the Army asking to purchase his discharge, which he is entitled to have under the law, if his case is a good one, and having the recommendation of his superior officer, on sending it to the War Department, has to go through such a rigmarole as that to secure his discharge surpasses my comprehension; and yet it may not be a very serious matter. As I said a moment ago, however, we have provided in this bill that the Bureau of Efficiency, which is now looking into the question of economy, shall take up all these matters in the departments and make a report to Congress. For that reason, I do not feel like occupying any special time in the discussion, and had thought I would not read this; but it is certainly very interesting, particularly in view of the fact that the commission has suggested in a parallel column that those 39 operations can be reduced to a very few, and the same results can be reached without any detriment to the public service.

Mr. WARREN. Mr. President, I think we are apt to go from one extreme to another. If the Senate believes that money is well spent in making that kind of a report, without telling us at the end how long the operation took, and so forth, we might consider what would be the effect if we should try to draw the line on action here, we will say, of a Senator. A Senator going to luncheon rises in his seat—that is No. 1; looks at his colleague, No. 2; looks at the Presiding Officer, No. 3; he leaves the room, No. 4; he draws out a chair in the room below, No. 5; he concludes to sit in it, No. 6; finally he sits in it, No. 7; he puts his hand toward the fork, No. 8; he grasps the fork, No. 9; he starts the food toward his mouth, No. 10; and so on and so forth. A line of comment could be made fully as interesting and just about as valuable, I think, as that quoted by the Senator from New Hampshire. The report read from is the old Taft Efficiency Board report, and not that of the present board.

The statement as to how long it takes to conduct a matter of that kind could be made in fewer words and would possibly do fully as much good. I dislike to think that at any time we have had a Bureau of Efficiency presided over by men who are like many of those sent out West, and of whom I presume my colleague from Colorado [Mr. THOMAS] who just spoke knows. They consider their only duty is to find fault; and no matter what they attack, they must fight it in the severest manner instead of taking, following, and recommending a practical business course.

Now, so far as results in The Adjutant General's Office are concerned, I shall challenge any Senator in this body to say that when he writes to The Adjutant General's Office about a soldier's record, or about anything else, he does not receive almost an immediate answer; in fact, generally the same day or in the next morning's mail; and if it is a matter that takes longer time and goes further, he receives of course an early additional reply.

Now, I do not believe that even a length of time is used in a transaction of that kind as it takes perhaps to read these numbers and this specific charge of the various stages.

Mr. STONE. Mr. President, I should like to ask the Senator from Wyoming if he can tell the Senate how long it did take to get through these 39 operations in the case of Pvt. Rentz?

Mr. WARREN. I have no information on that point. I have not inquired. I will say to the Senator that if he will go to the telephone he can probably find in three minutes just how long it took; and probably if he would direct a letter there he would certainly find out by morning.

Mr. STONE. I presume I could.

Mr. WARREN. But I do not happen to be advised about it, I will say to the Senator.

Mr. STONE. If it took the usual time it takes a clerk drawing a salary of only $1,200 to $1,800, I think it would take about 39 days, anyhow, to get through—a day for each operation.

Mr. WARREN. I will say to the Senator that that case is made up very much as it would be to-day: "Motion 1: Put your hand down. Motion 2: Take the book. Motion 3: Bring it up."

Mr. STONE. Well, I hardly accept the parallel.

Mr. WARREN. It sounds very much like that.

Mr. STONE. I think that is putting it in rather an extreme way. I was wondering, while the Senator from New Hampshire was reading that amusing account, if these are the multiplied and divergent uses to which these messengers are put, and whether there is not a surplus of messengers because of this method of circumlocution and red tape, and if it could not be remedied by a more systematic way of doing business; and I also wondered whether it was for this kind of employment that these overworked men are organizing to compel a material increase in their compensation. But that is another story which will come up later.

Mr. GALLINGER. Mr. President, I did not ask The Adjutant General the length of time it took to go through that circumlocutory process. He assured me that it did not take a great deal of time, and that it was done by an assistant messenger. But the same commission has a word to say on that point:

> What is there to this case which requires so much detail in clerical procedure? Here is a man enlisted in the Army, who, having an opportunity to take a civil position, applied for discharge by purchase in accordance with the Army Regulations. His superior officer approves the request. Now, what is necessary to pass this case safely through the department? This: (1) An examination of the man's record, as shown by the muster roll; (2) drafting of the order of discharge in final form for signature; (3) submission for initialing to the office in charge of recruiting matters (the man being in that service); (4) transmission to The Adjutant General for signature; (5) dispatch of the communication.

And then the commission says:

> It is safe to say that the present method takes ten times as long as that proposed, and contains no reasonable safeguard which is not provided for by the present method.

Mr. President, I very gladly second every word of commendation which the Senator from Wyoming [Mr. WARREN], who was a distinguished soldier—I was not a soldier, either distinguished or otherwise—has said in regard to The Adjutant General. He is a most efficient officer and a most courteous gentleman, and I have no doubt that he is administering the office in a very successful way. But, after all, there is nothing in this world, or very few things in this world, that can not be improved upon; and I feel quite sure that if this commission, which is charged with that duty in an amendment that has been placed on this bill, will take up these matters it will be found that great economies can be made and much money saved to the taxpayers of the country by a careful, thorough, and impartial investigation.

I had no intention of attacking anybody. I do not know that there is any officer in the War Department who has done me as courteous favors as The Adjutant General, and the last thing I should contemplate would be to say anything that would be discreditable to the administration of that office. But, after all, we know that without the man at the head of a department or a bureau being to blame, matters creep in which are perhaps expensive to the Government, and that by a proper investigation they can be changed without doing any harm to the public service.

That is the only feeling I had about the matter. So far as the amendments are concerned, it matters not to me whether they remain in the bill or go out of the bill; my own impression being that under the statement made by The Adjutant General certainly the first amendment reducing his force, pending an investigation by this commission, might well be rejected.

Mr. WARREN. I want to ask the Senator a question before he sits down. I think the Senator will agree with me that all of us want to have better service. We are all looking in that direction. We have received rather poor encouragement, I think, because where we have had these efficiency tests—where they have reported, for instance, the Taylor system in the arsenals, and so forth—the Congress has believed that they were incorrect and has failed to profit by them. In fact, I think now, as the legislation stands, that it is against the law to check up a body of operatives with a time limit, or rather a stop watch, as you may say, or to put them onto job work instead of daily labor, and so forth. The Senator is aware of that, is he not—that we, the Congress, have given rather poor encouragement to the departments to bring out this very efficiency that we are now seeking to have reported upon?

Mr. GALLINGER. Mr. President, I am quite aware of the fact that so far as the arsenals and manufacturing concerns of the Government are concerned, Congress has acted adversely upon the efficiency systems recommended; but there were reasons for that which I will not stop to detail. I will say, further, that in the great private manufacturing concerns of the country that system is largely in vogue and is said to be accomplishing great results.

Mr. OVERMAN. The report the Senator read from was not a report of the present Bureau of Efficiency, I think, but what is known as the Taft Bureau.

Mr. GALLINGER. Yes; not the present one, but the one that was appointed under President Taft.

Mr. VARDAMAN. Mr. President, without desiring to take up the time of the Senate, because I realize that all possible haste should be made in the passage of these bills, yet I can not permit the opportunity to pass to join in what has already been said to pay tribute of my respect and admiration to Gen. McCain, the present Adjutant General of the Army. I have known Gen. McCain since his boyhood. He was appointed to West Point from my State. He comes of upright, clean-lived, pure-blooded American stock. His record in the academy was brilliant, and in the Army, since his graduation, he has made an extraordinary record. He is a man of the very highest character, brave, honest, patriotic, exceedingly well informed in his chosen profession, and especially well equipped to meet the duties of the place which he now holds. I most heartily agree with what has been said regarding his qualifications, that a more efficient, obliging, prompt, and courteous officer is not to be found in the service of the United States in the city of Washington. Mr. President, it has given me great pleasure to say this much, because Gen. McCain deserves it.

Mr. OVERMAN. Mr. President, on the question of agreeing to this amendment, we did look with some doubt upon the 66 messengers for one department, and the committee reduced the number to 41. I have investigated the matter somewhat. I think probably we reduced it too many; but I will say to the Senator from New Hampshire that I think it had better go to conference, and we will do what is right about it. We will give them a hearing on the subject.

It seems to me that 66 is a large number of messengers for the work they are doing. They may be all necessary; I do not know; but that is a large number for one bureau. We will investigate the matter in conference, and I think the committee is inclined to do what is right about it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 71, line 8, after the words "in all," to strike out "$852,540" and insert "$837,420."

The amendment was agreed to.

The next amendment was, on page 71, to strike out all of lines 9 to 12, in the following words: "All employees provided for by this paragraph for The Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1918."

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 91, after line 23, to insert:

For the purchase and installation of a modern blue-printing plant in the Bureau of Steam Engineering, Navy Department $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 95, line 7, before the words "of class 3," to strike out "51" and insert "53"; in line 8, before the words "of class 2," to strike out "74" and insert "77"; in line 9, before the words "of class 1," to strike out "77" and insert "81," in the same line, before the words "at $1,000 each," to strike out "65" and insert "69"; and in line 18, after the words "in all," to strike out "$631,250" and insert "$647,450"; so as to make the clause read:

General Land Office: Commissioner, $5,000; assistant commissioner, $3,500; chief clerk, $3,000; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of divisions—1 of surveys $2,750, 1 $2,400, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 53 of class 3, 77 of class 2, 81 of class 1, 69 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000, who may, with the approval of the commissioner, designate a clerk of the General Land Office to act as such depositary in his absence; clerk and librarian, $1,000; in all, $647,450.

The amendment was agreed to.

The next amendment was, on page 95, after line 19, to insert:

The appropriation for surveys and resurveys of public lands for the fiscal year ending June 30, 1917, provided for by the sundry civil appropriation act (Public, No. 132, 64th Cong., p. 42) is hereby made immediately available for the services in the General Land Office of a sufficient number of competent surveyors detailed from the field during the winter season for the purpose of bringing up the arrears of office work in said office on surveying returns, not to exceed $6,500 of said appropriation to be so used.

The amendment was agreed to.

The next amendment was, on page 98, line 1, before the word "chiefs," to strike out "eight" and insert "seven," and in line 20, after the words "in all," to strike out "$1,434,670" and insert "$1,432,670," so as to make the clause read:

Pension Office: Commissioner, $5,000; deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 10 medical examiners, at $1,800 each; 7 chiefs of divisions, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 39 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 11 assistant chiefs of divisions, at $1,800 each; 3 stenographers, at $1,600 each; disbursing clerk for the payment of pensions, $4,000; deputy disbursing clerk, $2,750; 3 supervising clerks in the disbursing division, at $2,000 each; clerks—97 of class 4, 89 of class 3, 259 of class 2, 328 of class 1, 69 at $1,000 each; 39 copyists; 28 messengers; 10 assistant messengers; skilled laborer, $660; 9 mesenger boys, at $400 each; superintendent of building, $1,400; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; painter and cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 19 watchmen; 2 firemen; in all, $1,432,670.

The amendment was agreed to.

Mr. OVERMAN. In connection with that amendment I offer the amendment which I send to the desk, as I want to get this matter in conference.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 98, line 2, it is proposed to strike out the words "law clerk" and insert in lieu thereof the words "chief, law division."

The amendment was agreed to.

Mr. SMOOT. I ask that the provision beginning on line 21, page 98, down to and including line 6 on page 99, go over for the day.

The PRESIDENT pro tempore. In the absence of objection, that will be done.

Mr. OVERMAN. Mr. President, I asked some time ago that general authority be given to the clerks at the desk to change the totals to comply with the Senate amendments.

The PRESIDENT pro tempore. That has been done. It has been so ordered.

Mr. OVERMAN. I did not know whether it had been put in the RECORD that the clerks had that authority, and I wanted it in the RECORD.

The reading of the bill was resumed.

The next amendment was, on page 100, after line 18, to insert:

For special and temporary services of typewriters certified by the Civil Service Commission, who may be employed in such numbers, at $2.50 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, $10,000.

The amendment was agreed to.

The next amendment was, on page 100, line 24, before the word "professional," to insert "law," so as to make the clause read:

For purchase of law, professional, and other reference books and publications and scientific books and expense of transporting publications of patents issued by the Patent Office to foreign Governments, $3,000.

The amendment was agreed to.

The next amendment was, on page 105, line 7, after "$16,875," to insert "Geological Survey, $20,000; Bureau of Mines, $6,000; in all, $42,875," so as to make the clause read:

For rent of building for the Civil Service Commission, $16,875; Geological Survey, $20,000; Bureau of Mines, $6,000; in all, $42,875.

The amendment was agreed to.

The next amendment was under the head of "Post Office Department," on page 109, after line 4, to strike out:

Office Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; appointment clerk, $2,000; assistant to chief clerk, $2,000; confidential clerk to Postmaster General, $2,000; chairman, board of inspection, $2,000; clerks—6 of class 4 (including 1 in lieu of bookkeeper and accountant and 1 in lieu of printing clerk, at $1,800 each), 9 of class 3 (1 transferred from Second Assistant's office, 1 from Division of Postal Savings, and 2 in lieu of 2 stenographers at $1,600 each), 5 of class 2 (1 transferred to Division of Purchasing Agent and 1 to First Assistant's office), 5 of class 1 (1 transferred to Third Assistant's office), 2 at $1,000 each (1 transferred from Division of Purchasing Agent), 9 at $900 each (1 transferred from Solicitor's office); telegrapher, $1,400; typewriter repairer, $1,200; 3 telephone switchboard operators; assistant telephone switchboard operator; messenger in charge of mails, $900; 2 messengers (1 made a painter at $840); 4 assistant messengers (1 transferred from Second Assistant's office); pages—2 at $480 each, 3 at $420 each; engineer, $1,400; 8 assistant engineers, at $1,000 each; electrician, $1,400; 2 assistant electricians, at $1,200 each; 2 dynamo tenders, at $900 each; 2 blacksmiths or steam fitters, at $900 each; 10 elevator conductors, at $720 each; 15 firemen; carpenters—1 $1,200, 1 $1,000, 2 at $900 each; captain of the watch, $1,000; additional to 2 watchmen acting as lieutenant of watchmen, at $120 each; 22 watchmen; foreman of laborers, $800; 43 laborers; plumber, $900; awning maker, $900; painter, $840 (in lieu of a messenger); female laborers—1 $540, 3 at $500 each, 5 at $480 each; 43 charwomen; in all, $192,550.

Division of Post Office Inspectors: Chief inspector, $4,000; chief clerk, $2,000; clerks—3 of class 4 (1 transferred from First Assist-

ant's office), 11 of class 3 (1 omitted and 1 in lieu of a clerk at $1,400), 18 of class 2 (1 made a clerk at $1,600, 1 transferred to Third Assistant's office, and 6 in lieu of 6 at $1,200 each), 12 of class 1 (6 made clerks at $1,400 each), 14 at $1,000 each (1 transferred from Third Assistant's office), 7 at $900 each (1 omitted); messenger; 2 assistant messengers; laborer; in all, $91,840.

Division of Purchasing Agent: Purchasing agent, $4,000; chief clerk, $2,000; clerks—1 of class 4, 3 of class 3, 2 of class 2 (1 omitted and 1 transferred from Postmaster General's office), 2 of class 1, 1 $1,000 (1 transferred to Postmaster General's office), 1 $900; 2 assistant messengers; actual and necessary expenses of the purchasing agent while traveling on business of the department, $500; in all, $21,640.

Division of Solicitor: Assistant attorneys—1 $2,750, 1 $2,500, 2 at $2,000 each; bond examiner, $2,500; law clerk, $1,800; clerks—3 of class 4, 2 of class 3, 4 of class 2, 5 of class 1, 2 at $1,000 each; assistant messenger; in all, $36,470.

Washington, District of Columbia, post-office building: Two assistant engineers, at $1,000 each; 3 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 3 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of watch, $120; 15 laborers; assistant plumber, $840; 2 female laborers, at $480 each; 15 charwomen; in all, $38,120.

Office First Assistant Postmaster General: First Assistant Postmaster General, $5,000; chief clerk, $2,500; division of post-office service—superintendent $4,000, assistant superintendent $3,000, assistant superintendent $2,250; 2 assistant superintendents at $2,000 each; division of postmasters' appointments—superintendent $3,000, 2 assistant superintendents at $2,000 each; superintendent division of dead letters, $2,500; chief division of correspondence, $2,000; clerks—12 of class 4 (2 omitted, 1 transferred to division of post-office inspectors and 1 to Second Assistant's Office), 19 of class 3 (4 omitted and 1 made a clerk at $1,400), 41 of class 2 (1 transferred from Postmaster General's Office, 1 from Fourth Assistant's Office, 2 in lieu of 2 at $1,200 each, and 1 in lieu of 1 at $1,600), 43 of class 1 (1 transferred from Second Assistant's Office, 1 from Fourth Assistant's Office, 3 made clerks at $1,000 each, 2 made clerks at $1,400 each, and 4 omitted), 36 at $1,000 each (3 in lieu of 3 at $1,200 each, 2 transferred from Second Assistant's Office and 1 from Third Assistant's Office, and 6 omitted), 16 at $900 each (3 omitted); 5 messengers (1 transferred from Third Assistant's Office), 6 assistant messengers (1 transferred from Second Assistant's Office, and 2 transferred to Third Assistant's Office); 4 laborers (3 omitted); 3 female laborers, at $480 each; in all, $256,250.

Office Second Assistant Postmaster General: Second Assistant Postmaster General, $5,000; chief clerk, $2,500; division of railway adjustments—superintendent $3,000, assistant superintendent $2,250; division of foreign mails—superintendent $3,000, assistant superintendent $2,000; clerks—12 of class 4 (1 transferred from First Assistant's Office), 16 of class 3 (1 transferred to Postmaster General's Office and 1 to Fourth Assistant's Office), 12 of class 2 (1 transferred from Third Assistant's Office and 1 made a clerk at $1,200), 7 of class 1 (1 in lieu of 1 at $1,400, 1 transferred to First Assistant's Office, 1 made a clerk at $1,000), 7 at $1,000 each (1 in lieu of 1 at $1,200, and 2 transferred to First Assistant's Office), 6 at $900 each (1 made a messenger at $840); messenger in charge of mails, $900; 2 messengers (1 in lieu of a clerk at $900 and 1 transferred from Fourth Assistant's Office); 2 assistant messengers (1 transferred to Postmaster General's Office and 1 to First Assistant's Office); page, $420; in all, $106,990.

Division of Railway Mail Service: General superintendent, $4,000; assistant general superintendent, $3,500; chief clerk, $2,000; clerks—2 of class 4, 5 of class 3, 4 of class 2, 9 of class 1, 2 at $1,000 each, 1 $900; in all, $40,400.

Office of Third Assistant Postmaster General: Third Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendents of divisions—stamps $2,750, finance (who shall give bond in such amount as the Postmaster General may determine for the faithful discharge of his duties) $2,250, classification $2,750, registered mails $2,500; division of money orders—superintendent $2,750, chief clerk $2,250; clerks—20 of class 4, 27 of class 3 (1 made a clerk at $1,400), 54 of class 2 (1 in lieu of 1 at $1,600 and 1 transferred to Second Assistant's Office), 82 of class 1 (1 transferred from Postmaster General's Office), 46 at $1,000 each (1 transferred to division of post-office inspectors and 1 to First Assistant's Office), 18 at $900 each (1 transferred from division of postal savings); 5 messengers (1 transferred to First Assistant's Office); 4 assistant messengers (2 transferred from First Assistant's Office); 2 laborers; in all, $346,550.

Postal Savings System: Director, $4,800; assistant director, $3,000; chief clerk, $2,500; clerk in charge of administrative section, $2,000; clerk in charge of audit section, $2,000; clerks—7 of class 4, 13 of class 3 (1 made a clerk at $1,400 and 1 transferred to Postmaster General's Office), 21 of class 2 (1 in lieu of 1 at $1,600, 1 transferred from division of post-office inspectors, and 1 made a clerk at $1,200), 38 of class 1 (1 in lieu of 1 at $1,400), 29 at $1,000 each, 3 at $900 each (1 made a messenger at $840 and 1 transferred to Third Assistant's Office); 2 messengers (1 in lieu of clerk at $900); 3 assistant messengers; pages—2 at $480 each, 1 $420; in all, $159,620.

Office Fourth Assistant Postmaster General: Fourth Assistant Postmaster General, $5,000; chief clerk, $2,500; division of rural mails—superintendent $3,000, assistant superintendent $2,000, chief clerk $2,000; division of equipment and supplies—superintendent $2,750, assistant superintendent $2,500, chief clerk $2,000; topographer, $2,400 (in lieu of a draftsman at $1,800); clerks—12 of class 4, 25 of class 3 (1 transferred from Second Assistant's Office), 34 of class 2 (1 transferred to First Assistant's Office), 52 of class 1 (1 transferred to First Assistant's Office), 41 at $1,000 each (1 in lieu of a mechanic at $1,000), 17 at $900 each; skilled draftsmen—3 at $1,800 each (1 made a topographer at $2,400), 6 at $1,600 each, 7 at $1,400 each, 4 at $1,200 each; map mounter, $1,200; assistant map mounter, $840; map copyists—4 at $1,000 each; 3 messengers (1 transferred to Second Assistant's Office); 8 assistant messengers; 19 laborers; in all, $308,510.

And to insert:

Office Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; appointment clerk, assistant to chief clerk, confidential clerk to Postmaster General, and chairman board of inspection, at $2,000 each; chief inspector, $4,000; chief clerk to chief inspector, $2,000; purchasing agent, $4,000; chief clerk to purchasing agent, $2,000; assistant attorneys—1 $2,750, 1 $2,500, 3 at $2,000 each; bond examiner, $2,500; law clerk, $1,800; clerks—82 of class 4, 128 of class 3, 200 of class 2, 259 of class 1, 179 at $1,000 each, 53 at $900 each; skilled draftsmen—3 at $1,800 each, 8 at $1,600 each, 5 at $1,400 each, 4 at $1,200 each; map mounter, $1,200; assistant map mounter, $840; 4 map copyists, at $1,000 each; blue printer, $900; telegrapher, $1,400; typewriter repairer, $1,200; 3 telephone switchboard operators, assistant telephone switchboard operator; 2 messengers in charge of mails, at $900 each; 21 messengers; 41 assistant messengers; captain of the watch, $1,000; additional to 3 watchmen acting as lieutenant of watchmen, at $120 each; 34 watchmen; engineer, $1,400; 10 assistant engineers, at $1,000 each; 2 blacksmiths or steamfitters, at $900 each; 3 oilers, at $720 each; 15 firemen, 20 elevator conductors, at $720 each; electrician, $1,600; 2 assistant electricians, at $1,200 each; 3 assistant electricians, at $900 each; 2 dynamo tenders, at $900 each; carpenters—1 $1,200, 2 at $1,000 each, 1 at $900; awning maker, painter, and plumber, at $900 each; assistant plumber, $840; foreman of laborers, $800; 79 laborers, at $720 each; 7 laborers, at $660 each; female laborers—1 $540, 3 at $500 each, 10 at $480 each; 58 charwomen; actual and necessary expenses of the purchasing agent while traveling on business of the department, $500; in all, $1,483,560.

Mr. WADSWORTH. May I ask the Senator from North Carolina if he will be kind enough to explain that portion of the committee amendment which commences in line 6, on page 117, and extends to the middle of line 11 on that page?

Mr. OVERMAN. We had this referred to a subcommittee composed of the Senator from Florida [Mr. BRYAN] and the Senator from Utah [Mr. SMOOT], who took up the matter and investigated the question thoroughly. I will ask the Senator from Utah to explain it.

Mr. SMOOT. Will the Senator state his request again? I did not hear what it was.

Mr. WADSWORTH. I asked the Senator to explain that portion of the amendment which is found on page 117 commencing in line 6, which apparently permits the Postmaster General to reduce the salary of an employee by $100 and take the money and give it to some other employee.

Mr. SMOOT. The law now requires the Postmaster General in making a demotion to reduce the salary of certain clerks $200 and also to increase them a raise of $200. This provision gives him authority to make an increase of $100 or a demotion of $100. In other words, in the department there are a number of clerks classified as clerks of class 2. After working for some time the Postmaster General wants to make certain changes, but to-day he can not increase the salary unless he increases it $200, or he can not demote a man from any position unless he demotes him $200. He finds very often that it will be satisfactory to the clerk but profitable to the Government to increase the salary $100 instead of $200, and in the case a demotion to reduce it $100 instead of $200.

I will say to the Senator it will save the Government many, many thousands of dollars in increased efficiency in the department.

Mr. WADSWORTH. This is a "consummation devoutly to be wished." Do I understand from the Senator from Utah that the provision of law which is now on the statute books giving the Postmaster General the right to demote $200 or to promote by $200 is in effect repealed by the substitution here made?

Mr. SMOOT. Yes; as far as that department is concerned. It comes in this way: There are first-class clerks, second-class clerks, third-class clerks, and fourth-class clerks. The salary of a fourth-class clerk is $1,800 a year; of a third-class clerk, $1,600; of a clerk of class 2, $1,400; and of clerks of class 1, $1,200. They are fixed by statute, and in increases or demotions it means a change of $200. There are many clerks in the Post Office Department whom the Postmaster General thinks should be demoted or promoted, and the amount in either case should not be more than $100. It is a just provision.

Mr. WARREN. Is it the expectation that there will be any demotions where there will not be promotions?

Mr. SMOOT. As the Senator knows, of course it means mostly promotions.

Mr. WADSWORTH. As I read this language, there can not be a promotion unless a demotion accompanies it.

Mr. SMOOT. Yes; it says:

> In making readjustments hereunder, the salary of any clerk in any class may be fixed by the Postmaster General at $100 below the salary fixed by law for such class, and the unused portion of such salary may be used to increase the salary of any clerk in any class by not exceeding $100 above the salary fixed by law for such class.

In other words, if there is a demotion of $100, a hundred dollars can be used in the increase of a salary instead of increasing it to $200 as the statute now provides for an increase of each salary.

Mr. WADSWORTH. It occurs to me, however, that it would be impossible for the Postmaster General to pay a salary $100 larger than that now fixed by law unless he finds the hundred dollars somewhere else by demoting somebody. Otherwise, he can not get the money to pay the increased salary.

Mr. CLARK. That is the way it reads.

Mr. SMOOT. That is true; but even in that case, I want to say to the Senator that many times the Postmaster General finds that there are clerks who can not fill satisfactorily the requirements of the positions which they hold, and if they are demoted $100 instead of $200 then he can take the best clerks

within that class and give them the hundred dollars' increase for more efficient work.

I have not the time to-night if the Senator desires an explanation of the whole amendment, but in this connection I wish to say that the Postmaster General has made greater effort than the head of any other department of the Government to regulate and also to economize in the employment of clerks in the Post Office Department here in Washington.

I have figures here to show that; but unless the Senator requires it, I would prefer to do it to-morrow.

Mr. WADSWORTH. I am entirely willing that the amendment shall go over until to-morrow.

Mr. SMOOT. I ask, then, that it go over until to-morrow.

Mr. CURTIS. I suggest that the whole amendment go over.

Mr. SMOOT. That is what I ask, that the whole amendment go over until to-morrow.

The PRESIDENT pro tempore. Without objection, the amendment now under consideration will go over until to-morrow.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head of "Department of Commerce," on page 125, line 3, before the word "chief," to strike out "four" and insert "five," and in line 11, after the words "in all," to strike out "$673,460" and insert "$676,460," so as to make the clause read:

Census Office: Director, $6,000; 5 chief statisticians, at $3,000 each; chief clerk, $2,500; geographer, $2,000; stenographer, $1,500; 9 expert chiefs of divisions, at $2,000 each; clerks—15 of class 4, 25 of class 3, 40 of class 2, 283 of class 1, 83 at $1,000 each, 81 at $900 each; skilled laborers—2 at $900 each, 1 $720; 3 messengers; 5 assistant messengers; 4 unskilled laborers, at $720 each; 3 messenger boys, at $480 each; in all, $676,460.

The amendment was agreed to.

The next amendment was, on page 126, line 3, after the words "per day," to strike out "$512,000" and insert "$647,000," so as to make the clause read:

For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stocks of baled cotton in the United States and of the domestic and foreign consumption of cotton; quarterly reports of tobacco; per diem compensation of special agents and expenses of same and of detailed employees, whether employed in Washington, D. C., or elsewhere; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside of the District of Columbia; for supervising special agents, and employment by them of such temporary service as may be necessary in collecting the statistics by law, including $15,000 for collecting tobacco statistics authorized by law in addition to any other fund available therefor: *Provided*, That the compensation of not to exceed five special agents provided for in this paragraph may be fixed at a rate not to exceed $8 per day, $647,000.

The amendment was agreed to.

The next amendment was, on page 129, line 19, after the words "Revised Statutes," to strike out "$110,000" and insert "$120,000," so as to make the clause read:

Contingent expenses: For fees to witnesses; traveling and other expenses when on official business of the Supervising Inspector General, supervising inspectors, traveling inspectors, local and assistant inspectors, and clerks; instruments, furniture, stationery, janitor service, and every other thing necessary to carry into effect the provisions of title 52, Revised Statutes, $120,000.

The amendment was agreed to.

The next amendment was, on page 131, line 23, before the word "traveling," to strike out "$7,150" and insert "$8,050"; so as to make the clause read:

Wireless-communication laws: To enable the Secretary of Commerce to enforce the acts of Congress "to require apparatus and operators for radio communication on certain ocean steamers" and "to regulate radio communication" and carry out the international radio telegraphic convention, and to employ such persons and means as may be necessary, this employment to include salaries of employees in Washington not exceeding $8,050 traveling and subsistence expenses, purchase and exchange of instruments, technical books, rent, and all other miscellaneous items and necessary expenses not included in the foregoing, $45,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," at the top of page 143, to strike out:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

Mr. KENYON. Mr. President——

Mr. OVERMAN. Let that amendment be passed over.

Mr. KENYON. I ask that the amendment be passed over and also the amendment in line 21 on the same page. The two amendments go together.

Mr. STONE. If the Senator in charge of the bill does not object I should like to have the first item on page 142 go over.

Mr. OVERMAN. There is no objection to that.

The PRESIDENT pro tempore. On what page?

Mr. STONE. Page 142; the item relating to immigration.

The PRESIDENT pro tempore. That is the text of the bill. The amendments on page 143 will be passed over.

The reading of the bill was continued to page 148, line 3.

Mr. OVERMAN. I desire to offer a committee amendment at this point.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 147, line 25, strike out "four stenographers, at $1,200 each," and insert in lieu thereof the following:

Five stenographers, at $1,200 each, one of whom may be appointed by the Chief Justice and one by each judge without regard to existing law.

The amendment was agreed to.

Mr. OVERMAN. On page 148, line 3, I move to correct the total so as to read "$60,280."

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 151, after line 4, to strike out section 7, in the following words:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. OVERMAN. Let that amendment go over.

The PRESIDENT pro tempore. It will go over without objection.

Mr. OVERMAN. I ask that the bill be laid aside for to-day, and I shall ask the Senate to proceed with its consideration in the morning. I suppose the Senator from Montana desires to get the unfinished business before the Senate, and I ask that the appropriation bill be laid aside.

WATER-POWER DEVELOPMENT.

Mr. MYERS. I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 408.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. THOMAS. My colleague [Mr. SHAFROTH] has the floor upon the pending business. I suggest the absence of a quorum.

Mr. SMOOT. We are going to adjourn.

Mr. STONE. First, I will move an executive session.

Mr. THOMAS. Very well. Of course, I withdraw the suggestion.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area.

The message also announced that the House had passed the bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 8229. An act to establish a national military park at the battle field at Guilford Courthouse;

H. R. 16733. An act to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; and

H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of sundry citizens of Fitzwilliam, N. H., praying for the adoption of an amendment to the Constitution, granting the right of suffrage to women; which was ordered to lie on the table.

Mr. HUGHES presented a petition of sundry citizens of Raritan, N. J., praying for the enactment of legislation to prohibit liquor advertisements from the mails; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Minnesota State Synod of the Presbyterian Church of America, praying for national prohibition; which was ordered to lie on the table.

Mr. PHELAN presented a telegram in the nature of a petition from the Chamber of Commerce of San Francisco, Cal., praying for the passage of the so-called oil-land leasing bill; which was ordered to lie on the table.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. TILLMAN, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 7257. A bill providing a fine for whoever shall forge, counterfeit, or falsely alter any certificate of discharge from the military or naval service of the United States (Rept. No. 934);

S. 7258. A bill to further amend an act entitled "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, as amended by the act of March 3, 1901 (Rept. No. 935);

S. 7720. A bill to amend section 1570 of the Revised Statutes of the United States, relative to additional compensation to seamen, landsmen, and marines (Rept. No. 936);

S. 7721. A bill to reestablish the United States Naval Reserve, created by the act of March 3, 1915 (Rept. No. 937);

S. 7723. A bill to amend section 1496 of the Revised Statutes of the United States, relative to the examination of officers of the Navy for promotion (Rept. No. 938);

S. 7724. A bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916 (Rept. No. 939); and

S. 7330. A bill to amend section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (Rept. No. 940).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 7889) granting an increase of pension to John R. Sutherland (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7890) granting a pension to Ernest Wesche, jr.; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7891) granting a pension to W. D. Davis; and

A bill (S. 7892) granting an increase of pension to J. P. Johnson; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7893) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Commerce.

AMENDMENTS TO DISTRICT APPROPRIATION BILL.

Mr. CURTIS submitted an amendment authorizing the location of the Bartholdi Fountain at the intersection of Sixteenth Street and Columbia Road, in the city of Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. VARDAMAN submitted an amendment proposing to appropriate $5,000 for aid and support of the National Library for the Blind, located in Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER submitted three amendments intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which were referred to the Committee on Commerce and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on January 15, 1917, approved and signed the following joint resolutions:

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. J. Res. 190. Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee.

YUMA RECLAMATION PROJECT, ARIZONA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona, which were: On page 1, line 7, after "tracts," to insert: "of such size as he may determine"; on page 2, line 1, after "for," to strike out all down to and including "two" in line 7, and insert: "That appurtenant water rights for lands in private ownership may be sold for not to exceed 160 acres to any one person at a price equal to the estimated cost per acre of the works to be constructed plus the proportionate cost per acre of the works previously constructed and available for the lands if any there be, payment to be made under the same terms as for public land under the provisions of section 2"; on page 3, in lines 13 and 14, to strike out "or have declared his intention to become such citizen"; and on page 3, line 15, after "land," to insert: "*Provided*, That any person who has made an entry which is now valid and subsisting, or who has a preference right to make entry, for any irrigable land embraced within the limits of the auxiliary project, may purchase said land at the price of $2.50 per acre and shall be subject to the same payments for the irrigation works as is required of persons holding private lands under the provisions of section 1 hereof: *Provided further*, That the purchasers or owners of the land to be irrigated under said auxiliary reclamation project shall also agree to pay to the United States the total actual cost of the works of said auxiliary reclamation project in the event that the actual cost of said works shall exceed the estimated cost thereof."

Mr. SMITH of Arizona. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 8229. An act to establish a national military park at the battle field of Guilford Courthouse was read twice by its title and referred to the Committee on Military Affairs.

H. R. 16733. An act to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof was read twice by its title and referred to the Committee on the Library.

ADJOURNMENT.

Mr. STONE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 17, 1917, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 16 (legislative day of January 15), 1917.

APPRAISER OF MERCHANDISE.

Robert H. Clancy, of Detroit, Mich., to be appraiser of merchandise in customs collection district No. 38, with headquarters at Detroit, in place of Joseph M. Weiss, superseded.

UNITED STATES DISTRICT JUDGE.

Robert T. Ervin, of Mobile, Ala., to be United States district judge for the southern district of Alabama, vice Harry T. Toulmin, deceased.

RECEIVER OF PUBLIC MONEYS.

Arthur J. Ewing, of Sandpoint, Idaho, to be receiver of public moneys at Coeur d'Alene, Idaho, vice Frank A. McCall, resigned.

REGISTER OF LAND OFFICE.

John L. Irvin, of Phoenix, Ariz., to be register of the land office at Phoenix, Ariz., vice Thomas F. Weedin, deceased.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Lieut. Col. Winthrop S. Wood, Quartermaster Corps, to be colonel from January 12, 1917, vice Col. Thomas Cruse, appointed brigadier general, Quartermaster Corps.

Maj. William C. Cannon, Quartermaster Corps, to be lieutenant colonel from January 12, 1917, vice Lieut. Col. Winthrop S. Wood, promoted.

FIELD ARTILLERY ARM.

Second Lieut. Clarence E. Bradburn, Eighth Field Artillery, to be first lieutenant from August 17, 1916, vice First Lieut. Cortlandt Parker, Fourth Field Artillery, promoted.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

To be second lieutenants with rank from November 30, 1916.

Ernest Leslie Osborne, of New York (late second lieutenant, Coast Artillery Corps).
Harold Ward Sibert, of Alabama.
Howard Granville Borden, of Massachusetts.
Thomas Francis Farrell, of New York.
Kenneth Swank Jones, of Virginia.

CAVALRY ARM.

To be second lieutenants with rank from November 30, 1916.

Robert Chapin Candee, of New York.
Joseph Leon Philips, of Louisiana.
Kenneth McCatty, of New York.
Joseph White Geer, of New York.
Edwin Denison Morgan, jr., of New York.
Leslie Bryant Cullen Jones, of California.
Kramer Thomas, of Washington.
James Randlett Finley, of the District of Columbia.
Willard Stratton Wadelton, of New York.
Hale Scoville Cook, of Missouri.
John Murray Jenkins, jr., of Ohio.
Beverly Hare Coiner, of Washington.
Albert Dewitt Chipman, of Michigan.
Arthur Henry Truxes, of South Dakota.
Gordon Joseph Fred Heron, of Pennsylvania.
Hugh McNair Gregory, of Colorado.
Oron Allston Palmer, of South Carolina.
Stanley Bacon, of Oregon.
Jay Drake Billings Lattin, of New York.
Samuel Victor Constant, of New York.
William Curtis Chase, of Rhode Island.
Norman Edgar Fiske, of California.
Donald Octavius Miller, of Missouri.
Richard Dexter Gile, of Colorado.
Arthur Dale Conner, of the District of Columbia.
Wilson Tarlton Bals, of Indiana.
Cyrus Jenness Wilder, of California.
Harold Charles Fellows, of New Hampshire.
Leander Russell Hathaway, of New Hampshire.
John Theodore Pierce, jr., of Wyoming.
Henry Hill Anderson, of New York.
George Macdonald Herringshaw, of the District of Columbia.
Thomas Forrest Limbocker, of Kansas.
Cornelius Martin Daly, of Connecticut.
Richard Brogdon Trimble, of Georgia.
Arthur Sandray Harrington, of Massachusetts.
Frank Lawrence Whittaker, at large.
Philip Hyde Sherwood, of New York.
Robert Smith LaMotte, of Washington.
George Martin Gillett, jr., of Maryland.
James Frederic Dewhurst, of Washington.
Donald Strong Perry, of Illinois.
Thomas Sprigg Poole, of Maryland.
Frederick Griswold Rosenberg, of New Jersey.
Frederick Reid Lafferty, of California.
Carl Humphrey Strong, of Connecticut.
Robert Lamar Beall, of North Carolina.
Meade Frierson, jr., of Tennessee.
Arthur Titman Lacey, of New York.
David Wilson Craig, of Massachusetts.
Edmund Maginness Barnum, of Illinois.
Thomas Abner Dobyns, jr., of the District of Columbia.
John Thomas Minton, of Ohio.
William Tecumseh Haldeman, of Ohio.
Edward Sebring Bassett, of New York.
Edward Fondren Shaifer, of Maryland.
George Morris Peabody, jr., of Massachusetts.

FIELD ARTILLERY ARM.

To be second lieutenants with rank from November 30, 1916.

John Stevenson Winslow, of Pennsylvania.
Erskine Simpson Dollarhide, of Maryland.
Barnwell Rhett Legge, of South Carolina.
Thomas Troy Handy, of Virginia.
Frank Benjamin Tipton, jr., of Nebraska.
Stanley Fisk Bryan, of California.
Oliver Lincoln Haines, of California.
Oscar Irving Gates, of Arkansas.
Gerald Evans Brower, of New York.
William John Jones, of Maryland.
Yarrow Daniel Vesely, of Iowa.
Frederic Charles Dosé, of Massachusetts.
Charles Benjamin Thomas, of Maryland.
Oliver James Bond, jr., of South Carolina.
Robert Hayes Ennis, of Illinois.
Benjamin Estes Carter, of Massachusetts.
Henry Burr Parker, of the District of Columbia.
Francis Fielding-Reid, of Maryland.
Harold Holmes Ristine, of Indiana.
Edmund Bernard Edwards, of Texas.
Oscar Louis Gruhn, of Wisconsin.
Theodore Woodward Wrenn, of Virginia.
Harold Whitaker Rehm, of Pennsylvania.
John Ballantine Pitney, of New Jersey.
Clifford Hildebrandt Tate, of New Jersey.
Ottomar O'Donnell, of Colorado.
Oliver Patton Echols, of Virginia.
Clement Ripley, of Washington.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from November 30, 1916.

Arvid Marcy Pendleton, of Massachusetts.
Leslie Vance Jefferis, of Delaware.
Stuart Adams Hamilton, of Connecticut.
Howard Francis Gill, of Virginia.
Gerald Robison Butz, of Massachusetts.
Joseph Warren Barker, of Massachusetts.
Shuey Earl Wolfe, of Pennsylvania.
Frank Jarvis Atwood, of Pennsylvania.
Carl C. Terry, of Illinois.
Fred G. French, of Ohio.
Edward Aloysius Murphy, of the District of Columbia.
Jep Casey Hardigg, of Indiana.
Dale Durkee Hinman, of Colorado.
George Drummond Davidson, of Connecticut.
Robert Edgar Turley, jr., of Illinois.
Richard Bruce Webb., of South Carolina.
Moses Goodman, of North Carolina.
Kenneth Sinclair Purdie, of Virginia.
Jules Eugene Piccard, of New York.
Robert Ellsworth Phillips, of Massachusetts.
William Robert Stewart, of Pennsylvania.
Edgar Nash, jr., of Virginia.
Vincent Bargmant Dixon, of Virginia.
Wilmer Stanley Phillips, of Maryland.
Edgar Harrison Underwood, of Tennessee.
Howard Standish Thomas, of New York.
Paul Hills French, of Ohio.
Horace Lincoln Whittaker, of Massachusetts.
Gordon de Lanney Carrington, of California.
James Quan Rood, of Illinois.
James Lindley Hatcher, of Virginia.

INFANTRY ARM.

To be second lieutenants with rank from November 30, 1916.

Armand Durant, of Georgia.
Alexander Wood Dillard, of New York.
Edward Mallory Almond, of Virginia.
Charles Paul Stivers, of Illinois.
Robert Campbell Van Vliet, jr., of New Jersey.
Charles Livingstone Chaffee, of Texas.
Bohun Baker Kinloch, of South Carolina.
Richard Keene Smith, of Minnesota.
Percy William Clarkson, of Texas.
Lee Saunders Gerow, of Tennessee.
Stuart Gardiner Wilder, of California.
Harry Innes Thornton Creswell, of California.
Charles Emmet Purviance, of Utah.
Lloyd Harlow Cook, of Massachusetts.
John Trentini Bossi, of Kansas.
Charles Timothy Senay, of Connecticut.
Egmont Francis Koenig, of Washington.
Arthur Herbert Goddard, of Massachusetts.
Peter Kenrick Kelly, of Maryland.
Edward McClure Peters, of New York.
James Alfred Edgarton, of New York.
Lawrence John Ingram Barrett, at large.
Wendell Howard Woolworth, of New York.
John Rutter Brooke, jr., of Washington.
Frank Lewis Culin, jr., of Arizona.
Daniel Sidney Appleton, of Pennsylvania.
Ralph Emerson McLain, of Massachusetts.
Ralph Corbett Smith, of Colorado.
Thomas Seelye Arms, of Ohio.
Raymond Duffield Bell, of the District of Columbia.
Archelaus Lewis Hamblen, of Maine.
William Henry Humphreys, of Virginia.
Paul Whitten Mapes, at large.
Robert Chauncey Macon, of the District of Columbia.
Edward Martin Smith, of Maryland.
Stephen Perry Jocelyn, jr., of Vermont.
John Dunham Townsend, of New York.
Henry Higbee Worthington, of New Jersey.
George Lester Kraft, of the District of Columbia.
John Singleton Switzer, jr., of Kansas.
James Christopher Cook, of Illinois.
Allen Frederick Kingman, of Massachusetts.
Abraham Tabachnik, of Missouri.
William Andrew Rawls, jr., of Florida.
Hamilton Knight Foster, of New York.
Constant Louis Irwin, of Wyoming.
Willis Edwin Comfort, of Kansas.
Leven Cooper Allen, of California.
Joseph Quesenberry, of New Mexico.
Robert Otis Jones, of Maryland.
Oliver Arlington Hess, of New York.
Edward Amende Allen, of Alabama.
Carroll Melbourne De Witt, of Maine.
Clarence Barnabus Carver, of New York.
Jedediah Huntington Hills, of New York.
Edwin Eugene Schwien, of Missouri.
Dan Dunbar Howe, of Virginia.
John Eubank Copeland, of Alabama.
John Horace Humbert, of New Jersey.
Joseph LeTourneau Lancaster, of Iowa.
David Renwick Kerr, of New York.
Everett Grant Smith, of Massachusetts.
Lyman Sheridan Frasier, of New York.
Howard Edwards Hawkinson, of New York.
Julius Andrew Mood, jr., of South Carolina.
Sidney Sohns Eberle, of Washington.
Joseph Nicholas Dalton, of Tennessee.
Charles Nash Stevens, of Massachusetts.
James Stanley Bailey, of New York.
Henry Cyrus Long, jr., of North Carolina.
William E. Lucas, jr., of Illinois.
Victor Parks, jr., of Virginia.
Walter Alexander Pashkoski, of Pennsylvania.
Roscius Harlow Back, of Washington.
Oscar Fredrick Carlson, of Washington.
Richard Gentry Tindall, of Missouri.
Roy LeGrand Taylor, of Texas.
Athael Barry Ellis, of Texas.
German Wallace Lester, of Mississippi.
Seely Bernard Fahey, of Oklahoma.
Karl Engeldinger, of Iowa.
Francis Artaud Byrne, of the District of Columbia.
Harry Joseph Selby, of Maryland.
Farragut Ferry Hall, of Pennsylvania.
Orville Monroe Moore, of Maryland.
William Henry McCutcheon, jr., of Pennsylvania.
Walter Rayburn McClure, of Oregon.
Charles Edward Speer, of Maryland.
Baldwin Williams-Foote, of Colorado.
Edmund Wilhelm, of Pennsylvania.
George Howland Butler, of Illinois.
Frank Cornelius Foley, of Kansas.
Leonard Russell Boyd, of California.
Withers Alexander Burress, of Virginia.
Arthur Joseph Hoffmann, of New York.
Harry Lee Bennett, jr., of Texas.
Joseph Jerome McConville, of Pennsylvania.
John Cheney Platt, jr., of New Jersey.
Thomas Henry Ward, of Connecticut.
Edward Hunter Nichols, of Pennsylvania.
Alfred Dorr Hayden, of the District of Columbia.
Melville Weston Fuller Wallace, of the District of Columbia.
Paul Murray Ellis, of Massachusetts.
Kirk Alexander Metzerott, of the District of Columbia.
Thomas Ernest Mount, of Maryland.
John Porter Pryor, of Texas.
Jewett Casey Baker, of Illinois.
Robert Byron Moore, of the District of Columbia.
Charles Winship Jones, of Indiana.
Edward Harry Cotcher, of Michigan.
Robert Starkweather Miller, of Virginia.
Paul Nutwell Starlings, of Maryland.
Charles Porterfield, jr., of Minnesota.
Beverly Grayson Chew, of the District of Columbia.
Sevier Rains Tupper, of Illinois.
Frank Elmer Royse, of Kansas.
Lawrence Fielding Stone, of Idaho.
Irving Carrington Avery, of Connecticut.
Wilson McKay Spann, of South Carolina.
James Vernon Ware, of Virginia.
Robert Washington Frown, of Arkansas.
James Russell Manning, of Maryland.
Charles Lowndes Steel, of Maryland.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 16, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Jehovah, Author of all that is purest, noblest, best in man, we wait upon Thee with open minds and hearts. May we not stand upon the order of going, but move forward to greater and nobler achievements individually and collectively, that we may fulfill our appointed mission upon the earth and be ready for whatever awaits us in the Great Beyond, after the similitude of the Master who taught us the unbroken continuity of life. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill to consolidate our financial system.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the bill to consolidate our financial system. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Post Office appropriation bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the Post Office appropriation bill. Is there objection? [After a pause.] The Chair hears none.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. By a special order the unfinished business is the Post Office appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MOON. Mr. Speaker, I ask for a separate vote on the amendment to the pneumatic-tube section, on line 15, page 15, of the bill, and on that I ask the yeas and nays.

The SPEAKER. The gentleman from Tennessee asks a separate vote on the pneumatic-tube proposition.

Mr. BLACKMON. Mr. Speaker, I demand a separate vote on the following amendment:

Add at the end of the bill the following as a new section:
"The Postmaster General may, under such rules and regulations as he may prescribe, when the senders of mail matter so desire, accept for mailing the replies thereto without the prepayment of postage thereon, and collect from the addressees at the time of delivery postage at the regular rates and 50 per cent in addition thereto."

The SPEAKER. Is that the last section in the bill?

Mr. BLACKMON. Yes, sir.

The SPEAKER. The gentleman from Alabama demands a separate vote on the last section of the bill, the proposition concerning returned mail.

Mr. LLOYD. Mr. Speaker, on that proposition I demand the previous question.

Mr. MOON. The previous question has been ordered on all of the bill.

The SPEAKER. The previous question was ordered last Saturday.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Was the portion of the bill on which a separate vote is asked by the gentleman from Alabama [Mr. BLACKMON] offered as an amendment to the bill or was that a portion of the bill reported by the committee? My recollection is that it was a portion of the bill reported by the committee.

The SPEAKER. It was offered as an amendment by the chairman of the committee.

Mr. BLACKMON. Mr. Speaker, I ask for the yeas and nays on the separate vote on that amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. Those in favor of taking this vote on the pneumatic tubes by the yeas and nays will rise and stand until they are counted. [After counting.] Evidently there is a sufficient number, and the Clerk will call the roll. The question is the amendment in favor of using, or continuing to use, the pneumatic tubes for the transmission of mail. Those in favor of the pneumatic tubes will vote "yea," and those opposed will vote "nay."

Mr. CANNON. I ask that the amendment be read.

Mr. MOON. That is not exactly as I understand the amendment. The question is on the increase of appropriation from $449,500 to $1,061,000.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TAGUE: Page 15, line 15, after the word "devices," strike out "$449,500" and insert in lieu thereof "$1,061,000 for continuance of service now existing in New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn."

The SPEAKER. When the roll is called those in favor of that amendment will vote "yea" and those opposed will vote "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 193, nays 153, answered "present" 5, not voting 83, as follows:

YEAS—193.

Austin	Dewalt	Gray, N. J.	Kennedy, R. I.
Benedict	Dooling	Greene, Mass.	King
Bennet	Dowell	Greene, Vt.	Kinkaid
Bowers	Dunn	Griest	Lafean
Britten	Dupré	Griffin	La Follette
Browne	Dyer	Guernsey	Langley
Browning	Eagan	Hadley	Lehlbach
Bruckner	Edmonds	Hamilton, Mich.	Linthicum
Buchanan, Ill.	Ellsworth	Harrison, Va.	London
Butler	Esch	Haskell	Longworth
Caldwell	Estopinal	Hawley	Loud
Cannon	Fairchild	Hayes	McAndrews
Capstick	Farley	Heaton	McArthur
Carew	Farr	Helgesen	McCracken
Carter, Mass.	Fess	Hernandez	McCulloch
Cary	Fitzgerald	Hicks	McDermott
Chandler, N. Y.	Flood	Hollingsworth	McFadden
Coady	Focht	Hopwood	McGillicuddy
Coleman	Fordney	Howell	McKenzie
Conry	Foss	Hulbert	McKinley
Cooper, Ohio	Frear	Hull, Iowa	McLaughlin
Cooper, W. Va.	Freeman	Humphrey, Wash.	McLemore
Cooper, Wis.	Fuller	Husted	Madden
Costello	Gallagher	Igoe	Magee
Curry	Gardner	James	Maher
Dale, N. Y.	Garland	Johnson, S. Dak.	Mann
Dale, Vt.	Gillett	Johnson, Wash.	Mapes
Dallinger	Glynn	Kahn	Martin
Danforth	Good	Kearns	Matthews
Darrow	Gould	Kelley	Meeker
Dempsey	Graham	Kennedy, Iowa	Miller, Del.
Miller, Minn.	Powers	Smith, N. Y.	Treadway
Miller, Pa.	Pratt	Snell	Van Dyke
Mondell	Raker	Snyder	Vare
Moore, Pa.	Ricketts	Steenerson	Volstead
Moores, Ind.	Riordan	Sterling	Walsh
Morgan, Okla.	Roberts, Mass.	Sullivan	Ward
Morin	Rodenberg	Sutherland	Wason
Mott	Rogers	Sweet	Watson, Pa.
Mudd	Rowe	Swift	Wheeler
Nolan	Schall	Switzer	Williams, T. S.
North	Scott, Mich.	Taggart	Williams, W. E.
Oakey	Siegel	Tague	Wilson, Ill.
Olney	Sinnott	Talbott	Winslow
Paige, Mass.	Sloan	Temple	Wood, Ind.
Parker, N. J.	Small	Tilson	Woods, Iowa
Parker, N. Y.	Smith, Idaho	Timberlake	
Phelan	Smith, Mich.	Tinkham	
Platt	Smith, Minn.	Towner	

NAYS—153.

Abercrombie	Dent	Johnson, Ky.	Rubey
Adair	Dickinson	Keating	Rucker, Ga.
Adamson	Dies	Kent	Rucker, Mo.
Alexander	Dill	Kettner	Russell, Mo.
Allen	Dillon	Key, Ohio	Sells
Almon	Dixon	Kincheloe	Shackleford
Anderson	Doolittle	Kitchin	Shallenberger
Aswell	Doremus	Konop	Sherwood
Ayres	Doughton	Lazaro	Shouse
Bailey	Elston	Lee	Sims
Barkley	Emerson	Lesher	Sisson
Barnhart	Evans	Lewis	Smith, Tex.
Bell	Ferris	Lindbergh	Sparkman
Black	Fields	Littlepage	Stafford
Blackmon	Gard	McClintic	Steagall
Booher	Garner	McKellar	Stedman
Borland	Godwin, N. C.	Mays	Steele, Iowa
Brumbaugh	Gordon	Montague	Stephens, Miss.
Buchanan, Tex.	Gray, Ala.	Moon	Stephens, Nebr.
Burgess	Gray, Ind.	Morrison	Stephens, Tex.
Burke	Green, Iowa	Moss	Stone
Burnett	Gregg	Murray	Sumners
Byrnes, S. C.	Hamlin	Neely	Taylor, Ark.
Byrns, Tenn.	Hardy	Nelson	Taylor, Colo.
Candler, Miss.	Hastings	Nicholls, S. C.	Thomas
Caraway	Hayden	Nichols, Mich.	Thompson
Carlin	Heflin	Oldfield	Tillman
Church	Helm	Oliver	Venable
Clark, Fla.	Helvering	Page, N. C.	Vinson
Cline	Hensley	Park	Walker
Collier	Hilliard	Quin	Watson, Va.
Connelly	Holland	Ragsdale	Webb
Cox	Hood	Rainey	Whaley
Cramton	Houston	Ramseyer	Wilson, La.
Crisp	Howard	Randall	Wingo
Crosser	Huddleston	Rayburn	Young, Tex.
Cullop	Hughes	Reavis	
Davenport	Hull, Tenn.	Reilly	
Davis, Tex.	Jacoway	Rouse	

ANSWERED "PRESENT"—5.

Carter, Okla.	O'Shaunessy	Sears	Slayden
Decker			

NOT VOTING—83.

Aiken	Edwards	Kiess, Pa.	Roberts, Nev.
Anthony	Finley	Kreider	Rowland
Ashbrook	Flynn	Lenroot	Russell, Ohio
Bacharach	Foster	Lever	Sabath
Barchfeld	Gallivan	Lieb	Sanford
Beakes	Gandy	Liebel	Saunders
Beales	Garrett	Lloyd	Scott, Pa.
Britt	Glass	Lobeck	Scully
Callaway	Goodwin, Ark.	Loft	Sherley
Campbell	Hamill	Mooney	Slemp
Cantrill	Hamilton, N. Y.	Morgan, La.	Steele, Pa.
Casey	Harrison, Miss.	Norton	Stiness
Charles	Hart	Oglesby	Stout
Chiperfield	Haugen	Overmyer	Tavenner
Copley	Henry	Padgett	Watkins
Crago	Hill	Patten	Williams, Ohio
Davis, Minn.	Hinds	Peters	Wilson, Fla.
Denison	Humphreys, Miss.	Porter	Wise
Driscoll	Hutchinson	Pou	Woodyard
Drukker	Jones	Price	Young, N. Dak.
Eagle	Keister	Rauch	

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. STINESS with Mr. O'SHAUNESSY.

Mr. HILL (for) with Mr. GOODWIN of Arkansas (against).

Mr. MUDD (for) with Mr. WISE (against).

Mr. HAMILL (for) with Mr. CARTER of Oklahoma (against).

Mr. HART (for) with Mr. ASHBROOK (against).

Mr. LOFT (for) with Mr. DECKER (against).

Mr. ANTHONY (for) with Mr. SLAYDEN (against).

Mr. GALLIVAN (for) with Mr. SEARS (against).

Mr. SCOTT of Pennsylvania (for) with Mr. WATKINS (against).

Mr. SCULLY (for) with Mr. OVERMYER (against).

Mr. CHIPERFIELD (for) with Mr. WILSON of Florida (against).

Mr. PATTEN (for) with Mr. POU (against).

Mr. KREIDER (for) with Mr. FINLEY (against).

Mr. PETERS (for) with Mr. AIKEN (against).

Mr. YOUNG of North Dakota (for) with Mr. MORGAN of Louisiana (against).

Until further notice:

Mr. GARRETT with Mr. CAMPBELL.

Mr. FOSTER with Mr. LENROOT.
Mr. LLOYD with Mr. HAMILTON of New York.
Mr. PADGETT with Mr. SANFORD.
Mr. BEAKES with Mr. BACHARACH.
Mr. CALLAWAY with Mr. BARCHFELD.
Mr. CANTRILL with Mr. BEALES.
Mr. CASEY with Mr. BRITT.
Mr. DRISCOLL with Mr. CHARLES.
Mr. EAGLE with Mr. CRAGO.
Mr. FLYNN with Mr. DENISON.
Mr. GANDY with Mr. DRUKKER.
Mr. GLASS with Mr. HAUGEN.
Mr. HENRY with Mr. HINDS.
Mr. HARRISON of Mississippi with Mr. HUTCHINSON.
Mr. HUMPHREYS of Mississippi with Mr. KEISTER.
Mr. JONES with Mr. KIESS of Pennsylvania.
Mr. LEVER with Mr. MOONEY.
Mr. LIEBEL with Mr. NORTON.
Mr. OGLESBY with Mr. ROBERTS of Nevada.
Mr. PRICE with Mr. ROWLAND.
Mr. RAUCH with Mr. RUSSELL of Ohio.
Mr. SABATH with Mr. SLEMP.
Mr. SAUNDERS with Mr. WILLIAMS of Ohio.
Mr. SHERLEY with Mr. DAVIS of Minnesota.
Mr. STEELE of Pennsylvania with Mr. WOODYARD.
Mr. TAVENNER with Mr. COPLEY.
Mr. STOUT with Mr. PORTER.

Mr. DECKER. Mr. Speaker, I desire to withdraw my vote. I voted "nay." I wish to vote "present." I am paired against the amendment.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DECKER, and he answered "Present."

Mr. NORTON. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. NORTON. No, sir; I was down at the Treasury Department.

The SPEAKER. Then the gentleman can not vote.

Mr. SLAYDEN. Mr. Speaker, I discover that I am paired with the gentleman from Kansas, Mr. ANTHONY. I wish to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SLAYDEN, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

At the end of the bill add, as a new section, the following:

"The Postmaster General may, under such rules and regulations as he shall prescribe, when the senders of mail matter so desire, accept for mailing the replies thereto without the prepayment of postage thereon and collect from the addressees at the time of delivery postage at the regular rates and 50 per cent in addition thereto."

Mr. BLACKMON. On that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays on that amendment. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-one gentlemen have arisen in the affirmative, not a sufficient number.

Mr. BLACKMON. I demand the other side, Mr. Speaker.

The SPEAKER. The gentleman from Alabama demands the other side. Those who oppose the taking of this vote by yeas and nays will rise and stand until they are counted.

Mr. MANN. Mr. Speaker, 51 is one-fifth. Is not that one-fifth of a quorum?

The SPEAKER. Not on the basis of the last vote. There were 351 Members present.

Mr. MANN. Well, I know; but it is one-fifth of a quorum.

The SPEAKER. The Chair knows; but the last vote shows 351 men in the House. Those opposed to taking the vote by yeas and nays will rise and stand until they are counted.

Mr. GARLAND rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. GARLAND. I wish to say, Mr. Speaker, that quite a number of gentlemen around here do not understand what the question is now.

The SPEAKER. The question now is whether you will take this vote by yeas and nays. Those who are opposed to taking it by yeas and nays will rise and stand until they are counted. [After counting.] One hundred and six gentlemen have arisen in the negative. Fifty-one is a sufficient number, and the yeas and nays are ordered.

Mr. SNYDER rose.

The SPEAKER. For what purpose does the gentleman from New York arise?

Mr. SNYDER. May we have the amendment read again?

The SPEAKER. The Clerk will report it again.

The Clerk read as follows:

Add at the end of the bill, as a new section, as follows:

"The Postmaster General may, under such rules and regulations that he shall prescribe, when the senders of mail matter so desire, accept for mailing the replies thereto without the prepayment of postage thereon and collect from the addressees at the time of delivery postage at the regular rates and 50 per cent in addition thereto."

The SPEAKER. The Clerk will call the roll. Those in favor of that amendment will answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 75, nays 277, answered "present" 2, not voting 80, as follows:

YEAS—75.

Alexander	Fordney	London	Platt
Bennet	Frear	Longworth	Porter
Borland	Fuller	McAndrews	Powers
Bowers	Gallagher	McArthur	Randall
Britten	Gardner	McCulloch	Rowe
Butler	Glynn	McDermott	Rubey
Caldwell	Gordon	McKinley	Rucker, Mo.
Carter, Mass.	Green, Iowa	Madden	Russell, Mo.
Cox	Griest	Mann	Smith, N. Y.
Cramton	Guernsey	Mapes	Stafford
Crosser	Hensley	Miller, Minn.	Steenerson
Danforth	Hernandez	Mondell	Stephens, Nebr.
Dempsey	Hicks	Moores, Ind.	Taggart
Dickinson	Hollingsworth	Morgan, Okla.	Taylor, Colo.
Doremus	Kiess, Pa.	Murray	Temple
Dupré	Kinkaid	Nelson	Tilson
Dyer	Lafean	Nolan	Vare
Elston	Lewis	Paige, Mass.	Wilson, Ill.
Fairchild	Lloyd	Parker, N. Y.	

NAYS—277.

Abercrombie	Dunn	Kent	Schall
Adair	Eagan	Kettner	Scott, Mich.
Aiken	Edmonds	Key, Ohio	Sears
Allen	Ellsworth	Kincheloe	Sells
Almon	Emerson	King	Shackleford
Anderson	Evans	Konop	Shallenberger
Anthony	Farley	La Follette	Sherley
Ashbrook	Farr	Langley	Sherwood
Aswell	Ferris	Lazaro	Shouse
Austin	Fess	Lee	Siegel
Ayres	Fitzgerald	Lehlbach	Sims
Bailey	Flood	Lesher	Sinnott
Barkley	Focht	Lever	Sisson
Barnhart	Foss	Lindbergh	Slayden
Bell	Freeman	Linthicum	Sloan
Benedict	Gard	Littlepage	Small
Black	Garland	Loud	Smith, Idaho
Blackmon	Garner	McClintic	Smith, Mich.
Booher	Gillett	McCracken	Smith, Minn.
Browne	Godwin, N. C.	McFadden	Smith, Tex.
Browning	Good	McGillicuddy	Snell
Bruckner	Gould	McKellar	Snyder
Brumbaugh	Graham	McKenzie	Steagall
Buchanan, Ill.	Gray, Ala.	McLaughlin	Stedman
Buchanan, Tex.	Gray, Ind.	McLemore	Steele, Iowa
Burgess	Gray, N. J.	Magee	Steele, Pa.
Burke	Greene, Mass.	Maher	Stephens, Miss.
Burnett	Greene, Vt.	Martin	Stephens, Tex.
Byrnes, S. C.	Gregg	Mays	Sterling
Byrns, Tenn.	Griffin	Meeker	Stone
Candler, Miss.	Hadley	Miller, Del.	Sulloway
Cannon	Hamilton, Mich.	Miller, Pa.	Sumners
Capstick	Hamlin	Montague	Sweet
Caraway	Hardy	Moore, Pa.	Swift
Carew	Harrison, Va.	Morin	Switzer
Carlin	Haskell	Morrison	Tague
Carter, Okla.	Hastings	Moss	Talbott
Cary	Haugen	Mott	Tavenner
Chandler, N. Y.	Hawley	Mudd	Taylor, Ark.
Charles	Hayden	Neely	Thomas
Church	Hayes	Nicholls, S. C.	Thompson
Clark, Fla.	Heaton	Nichols, Mich.	Tillman
Cline	Heflin	North	Timberlake
Coady	Helgesen	Norton	Tinkham
Coleman	Helm	Oakey	Towner
Collier	Helvering	Oldfield	Treadway
Connelly	Hilliard	Oliver	Van Dyke
Conry	Holland	Olney	Vinson
Cooper, Ohio	Hood	O'Shaunessy	Volstead
Cooper, W. Va.	Hopwood	Overmyer	Walker
Cooper, Wis.	Howard	Page, N. C.	Walsh
Costello	Howell	Park	Ward
Crisp	Huddleston	Parker, N. J.	Wason
Cullop	Hughes	Phelan	Watson, Pa.
Curry	Hulbert	Pratt	Watson, Va.
Dale, N. Y.	Hull, Iowa	Quin	Webb
Dale, Vt.	Hull, Tenn.	Ragsdale	Whaley
Dallinger	Humphrey, Wash.	Rainey	Wheeler
Darrow	Husted	Raker	Williams, T. S.
Davenport	Igoe	Ramseyer	Williams, W. E.
Davis, Tex.	Jacoway	Rayburn	Williams, Ohio
Dent	James	Reavis	Wilson, La.
Dewalt	Johnson, Ky.	Reilly	Wingo
Dies	Johnson, S. Dak.	Ricketts	Winslow
Dill	Johnson, Wash.	Riordan	Wood, Ind.
Dillon	Kahn	Rodenberg	Woods, Iowa
Dixon	Kearns	Rogers	Young, Tex.
Dooling	Keating	Rouse	
Doolittle	Kennedy, Iowa	Rucker, Ga.	
Dowell	Kennedy, R. I.	Saunders	

ANSWERED "PRESENT"—2.

Houston Moon

NOT VOTING—80.

Adamson	Edwards	Hutchinson	Rauch
Bacharach	Esch	Jones	Roberts, Mass.
Barchfeld	Estopinal	Keister	Roberts, Nev.
Beakes	Fields	Kelley	Rowland
Beales	Finley	Kitchin	Russell, Ohio
Britt	Flynn	Kreider	Sabath
Callaway	Foster	Lenroot	Sanford
Campbell	Gallivan	Lieb	Scott, Pa.
Cantrill	Gandy	Liebel	Scully
Casey	Garrett	Lobeck	Slemp
Chiperfield	Glass	Loft	Sparkman
Copley	Goodwin, Ark.	Matthews	Stiness
Crago	Hamill	Mooney	Stout
Davis, Minn.	Hamilton, N. Y.	Morgan, La.	Sutherland
Decker	Harrison, Miss.	Oglesby	Venable
Denison	Hart	Padgett	Watkins
Doughton	Henry	Patten	Wilson, Fla.
Driscoll	Hill	Peters	Wise
Drukker	Hinds	Pou	Woodyard
Eagle	Humphreys, Miss.	Price	Young, N. Dak.

So the amendment was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. SCOTT of Pennsylvania (for amendment) with Mr. YOUNG of North Dakota (against amendment).

Mr. ADAMSON (for amendment) with Mr. ESCH (against amendment).

Until further notice:

Mr. GLASS with Mr. MOONEY.

Mr. JONES with Mr. DAVIS of Minnesota.

Mr. LOFT with Mr. WOODYARD.

Mr. DECKER with Mr. COPLEY.

Mr. GALLIVAN with Mr. PETERS.

Mr. WATKINS with Mr. CHIPERFIELD.

Mr. SCULLY with Mr. BARCHFELD.

Mr. WILSON of Florida with Mr. KREIDER.

Mr. GOODWIN of Arkansas with Mr. KELLEY.

Mr. FINLEY with Mr. MATTHEWS.

Mr. KITCHIN with Mr. ROBERTS of Massachusetts.

Mr. VENABLE with Mr. SUTHERLAND.

Mr. HOUSTON with Mr. STINESS.

Mr. WISE with Mr. HILL.

Mr. PATTEN with Mr. BRITT.

Mr. FIELDS with Mr. ROBERTS of Nevada.

Mr. COPLEY. Mr. Speaker, I desire to vote yea.

The SPEAKER. Was the gentleman in the Hall of the House listening when his name should have been called?

Mr. COPLEY. No, sir.

The SPEAKER. Under the rule the gentleman can not vote.

Mr. SUTHERLAND. Mr. Speaker, I desire to vote yea.

The SPEAKER. Was the gentleman in the Hall of the House listening when his name should have been called?

Mr. SUTHERLAND. I was in the gallery listening.

The SPEAKER. The gentleman can not vote under the rule.

The result of the vote was announced as above recorded.

The bill was ordered to a third reading, and was accordingly read the third time.

Mr. RANDALL. Mr. Speaker, I move to recommit the bill to the Committee on the Post Office and Post Roads with instructions to report the same back forthwith with the following amendment, and upon that motion I demand the previous question.

The SPEAKER. The gentleman from California moves to recommit with instructions that the Clerk will report.

The Clerk read as follows:

Mr. RANDALL moves to recommit the bill to the Committee on the Post Office and Post Roads with instructions to report it back forthwith with the following amendment: Page 34, line 10, after the word "advertisement" insert "or whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, to be conveyed, or delivered by the mails of the United States, any letter, postal card, circular, pamphlet, newspaper, or publication of any kind containing any advertisement, or solicitation of a sale, of any spirituous, vinous, malted, fermented, or other intoxicating liquors."

Mr. SHERLEY. Mr. Speaker, I make a point of order——

Mr. STAFFORD. I make the point of order that that is not germane.

The SPEAKER. The gentleman from Kentucky and the gentleman from Wisconsin make points of order against the motion to recommit.

Mr. CRISP. I desire to be heard on the point of order.

The SPEAKER. The Chair will hear everybody, in reason. The gentleman from California moves the previous question.

Mr. FITZGERALD. I object to that. The question is——

The SPEAKER. What is the gentleman objecting to?

Mr. FITZGERALD. I am objecting to the Speaker putting the motion.

The SPEAKER. But the Speaker was not going to put the motion.

Mr. MANN. Mr. Speaker, I make the point of order that the motion for the previous question is not now in order.

The SPEAKER. No; it is not; but it will be after a while.

Mr. SHERLEY. Mr. Speaker, I desire to suggest that the proposal would not be in order in the consideration of the bill, the amendment being legislative and therefore not in order, and, further, that it is not germane.

The SPEAKER. Why is it not germane?

Mr. SHERLEY. This is a bill making provision for the Post Office Department for the fiscal year, and this is an amendment undertaking to change existing law touching mailable matter. I would like to hear from the other side upon what grounds they claim that it is in order.

Mr. CRISP. Mr. Speaker, I agree with the gentleman from Kentucky that this being a motion to recommit with instructions, it would not be in order unless the instructions would have been in order had they been offered as an amendment to the bill. I do not think there will be any dispute among the parliamentarians of the House as to that proposition.

What is the bill before the House? It is an appropriation bill making appropriations for the Postal Service of the country, and the bill carries legislation in addition to the appropriation. The bill has a number of sections, 3, 4, 6, 7, that are purely legislative in character, and the able chairman of the Committee on the Post Office and Post Roads, Judge MOON, announced in Committee of the Whole that all of that legislation was new, or features of it were new legislation, and it was subject to a point of order if anyone lodged the point of order against it. It is the practice of this House that where legislation subject to a point of order is allowed to pass on an appropriation bill without the point of order being made against it it is in order to offer additional legislation that is germane. There will be no dispute that the legislation contained in this additional section of this bill is new legislation.

What is that legislation, Mr. Speaker? It is a substantive piece of legislation taking up the question as to what is mailable in the mail of the United States. It takes up certain matters and is not confined to one subject, but takes up a number of them and denies the use of the mail to those articles. For instance, the legislation before the House. The subject matter of the bill denies the use of the mails for carrying lottery or any gift enterprise advertisement, or any scheme or device pertaining to a lottery or any game of chance. It also denies the use of the mails to carry counterfeit money, counterfeit bonds of States, corporations, or municipalities, or any scheme that pertains thereto. The subject matter of the legislation in the bill is that articles of many different kinds shall not be permitted to go through the mails.

What is the amendment in the nature of instructions? It simply adds to the nonmailable matter other matter. It says in addition to the counterfeits, lottery tickets, devices, and so forth; newspapers, postal cards, or letters containing whisky advertisements are also barred from the mails. The Chair will recollect that there are precedents where a bill deals with one particular matter, an amendment adding additional matter is not in order; for instance, the decision that has been often cited that a bill admitting one Territory is not open to an amendment admitting an additional Territory. But a bill admitting two Territories has been held to be open to an amendment admitting a third Territory. It has been held that in a bill authorizing the erection of a public building in one city, an amendment providing for a public building in another city is not in order; but it has been held that in a bill authorizing the construction of public buildings in two or more cities an amendment providing for an additional city was in order.

Now, Mr. Speaker, the subject matter of the legislative part of this bill before the House is denying the use of the mails to sundry articles. The amendment to which the point of order is made simply adds to and provides additional matter to which the mails are denied, and, in my judgment, the amendment is in order, and I do not believe the point of order is good. [Applause.]

Mr. STAFFORD. Mr. Speaker, there was carried in the Post Office appropriation bill three paragraphs seeking to amend various sections of the Criminal Code, respectively, sections 213, 215, and 217. Section 213 pertains to lotteries, gift enterprises, and similar schemes. In the bill itself, on page 31, we find, "Section 213 of the act of March 4, 1909, the Criminal Code, be and is amended to read as follows."

Now, what is the scope of that paragraph. It is limited to lotteries exclusively, and the Speaker can find nothing in the whole provision of that paragraph that does not relate to lotteries. That is the single subject matter of that paragraph. The next amendment of the Criminal Code is contained in sec-

tion 7, amending section 215 of the Criminal Code. It is found on page 32 of the bill to which the amendment of the gentleman from California is proposed.

The question before the Speaker is whether it is germane to the provisions of this section. The Speaker must put himself in the situation as the paragraph is in the bill, whether if the Criminal Code was under consideration in the House an amendment of the character of the amendment proposed by the gentleman from California is germane to section 215 of the Criminal Code.

What is the scope of section 215 of the Criminal Code? The marginal note, as found in the Statutes at Large, is "Using mails to promote fraud." If the Chair will scan the phraseology in the section, he will find nothing anywhere which will bear any other construction than that it is for the purpose of preventing the use of the mails for the purposes of fraud. Read it closely, and liberally as well, and yet you will find only one purpose running throughout the entire provision of the section, and that is to forbid the mails to accomplish fraud. That was the very purpose of it.

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish, or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or any scheme or artifice to obtain money by or through correspondence by what is commonly called the "sawdust swindle" or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice, or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside of the United States, in any post office or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the Post Office Establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

The Speaker will see that the purpose of that section is limited exclusively to preventing the perpetration of frauds by the use of the mails. The gentleman's amendment is an entirely extraneous affair. It is not seeking to prevent the use of the mail for the purpose of preventing fraud. It seeks to prevent the use of the mail to newspapers and other publications which carry liquor advertisements. I direct the attention of the Speaker further to the fact that section 217 of the Criminal Code, which was carried in the Post Office appropriation bill and which might have been used as a handle on which to hold in order this character of amendment, because it related to forbidding liquor being sent through the mail. That is to be found on page 34 of the bill, but on the point of order made by the gentleman from California [Mr. RANDALL] was stricken out. That is not before the House for the Speaker to consider. That is section 8 of the bill, and is found on page 34. It carries a slight amendment to the existing section 217, and was, on the motion of the gentleman from California, stricken out on a point of order because it was new legislation. That is not before the Speaker for consideration. The argument might be made, if that were carried in the bill, that it would be a means of carrying an amendment similar to the one now proposed. The Speaker will see that that part of the Criminal Code which forbids the use of the mails in the shipment of intoxicating liquors is contained in section 217 of the Criminal Code, which is not now before the Speaker or the House for consideration. The Speaker can only consider this measure as the bill is reported to the House from the Committee of the Whole House on the state of the Union by the chairman of that committee.

It has been held by the present Speaker time without number, and by other Speakers, that in a motion to recommit a proposition that is not germane will not be in order. That was the basis of that very general opinion of the Speaker on December 5, 1912, when he reviewed many of the precedents and which was based on decisions of other Speakers. We find that summarized in section 777 of the Manual:

To a bill amending a general law on a specific point, an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane.

I wish to direct the attention of the Speaker further to this point, that the amendment proposed by the Post Office Committee to the section under consideration does not in any way amplify the general character of the substantive law of the Criminal Code. All that was offered as an amendment by the Committee on the Post Office and Post Roads reporting the bill to the House, which was adopted, is the following language, which is to be found on page 33 of the bill, lines 10 to 13, being language inserted:

Or to sell, dispose of, loan, distribute, supply or furnish, or obtain for unlawful use any unfair, dishonest, or cheating, gambling device or appliance.

The very amendment that was offered by the committee on the recommendation of the Post Office Department sought to amplify the powers of the department over fraudulent matter. That amendment was germane. It would have been subject to the point of order in the committee, because it changed existing law, but not on the ground of germaneness, because it is of the same general character as the subject under consideration.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRISP. In answer to that part of the gentleman's argument that there was nothing in the criminal statute by way of legislation in the bill——

Mr. STAFFORD. I just stated and read the part that was changed.

Mr. CRISP. I misunderstood the gentleman. I desire to read from the testimony of the solicitor of the Post Office Department, Mr. Lamar——

Mr. STAFFORD. I am acquainted with that. If the gentleman had followed me he would have learned that I called to the attention of the Speaker the identical language which changes existing law and which is as follows, contained in lines 10 to 13 on page 33 of the bill:

Or to sell, dispose of, loan, distribute, supply or furnish, or obtain for unlawful use any unfair, dishonest, or cheating, gambling device or appliance.

I repeat that that is of the same character and general scope as the section itself. It merely amplifies the power to prevent fraudulent devices by sending them through the mails which would carry a fraud to the public.

Mr. Speaker, it is a very simple proposition before the Chair. The Chair is in a position to determine, should this amendment have been presented in the Committee of the Whole House on the state of the Union and he was acting as Chairman, whether the amendment would have been germane. That is the one question here. If you are going to read the Criminal Code as it is here section by section, you must come to the conclusion that this section 215 can not under any possible means be broadened to hold subject matter different from that relating to frauds. The compilers recognized this in the marginal note, "Use of mails to promote frauds."

Mr. RANDALL. Will the gentleman yield for a question?

Mr. STAFFORD. I will.

Mr. RANDALL. If the amendment is adopted, will not the new compilers recognize that also?

Mr. STAFFORD. The compilers will recognize the phraseology as it is in the language involved, not in conjectures as to what might be placed in it in the future by an irrelevant and nongermane amendment. Mr. Speaker, following the thread of thought when interrupted, I desire to say that just because the Post Office appropriation bill carries an amendment to amend the Criminal Code that is no warrant to the Speaker for holding that a motion to recommit opens the door to an amendment of all the Criminal Code. The amendment was not offered by the gentleman in the committee, but that does not, of course, militate against it being considered here. The one question for the Speaker to determine is whether it is germane to the paragraph under consideration. I respectfully contend that if this section was a part of a separate bill under consideration by the House that the amendment of the gentleman from California would not be germane, and not being germane it can not be the basis of a motion to recommit.

Mr. FITZGERALD. Mr. Speaker, the question to be determined by the Speaker is whether the proposed amendment is germane to what was section 7 of the bill as reported from the Committee on the Post Office and Post Roads. That section purported to exclude from the mails certain designated mail matter and to prohibit and to provide for the issuance of fraud orders against persons engaged in certain designated devices to defraud the public by the use of the mail. First, whoever having devised or intended to devise any scheme or artifice to defraud, or for obtaining money or profiting by means of false or fraudulent pretenses, and so forth, or to sell, dispose of, loan, exchange, alter, or give away counterfeit or spurious notes or coins, bank notes, or to sell, dispose of, loan, distribute, or supply or obtain for unlawful use any dishonest, cheating, or gambling

device or appliance, or who deals in "green goods" or any similar matters, is liable to have a fraud order issued so as to prevent the receipt of mail, and a penalty is imposed for violations of the provision. The proposed amendment relates to advertisements of malt or spirituous liquors and is not within the decisions of the House germane to the matters enumerated in the bill.

Mr. Speaker, it is not always easy to determine just what is or is not germane to any particular provision, but to be germane the matter proposed must be intimately related, or akin, to the pending provision. An amendment purporting to perfect a provision is germane, but matters unrelated, or if related not so intimately connected as to logically follow or be suggested from the contents of the provision, is not germane.

The Speaker himself made a ruling upon a proposed motion to recommit that was somewhat analogous and equally close. A bill prohibiting the importation of goods made in whole or in part from materials which were made in whole or in part or in any manner manipulated by convict or prison labor had proposed to it a motion, or an amendment, to include the products of child labor. The Speaker held that the class of labor mentioned in the bill, or enumerated in the bill, was practically of one class, and child labor was unrelated to prison or convict labor. The frauds enumerated in section 7 of this bill are practically of one class. They deal with "green goods" devices, as they are popularly known. To attempt to cheat or to defraud by selling spurious notes or coins or cheating by gambling devices or counterfeit money are the practices denounced. If the Speaker will read the section, he will notice that the various expressions and terms are intended to cover every conceivable device or scheme to defraud the public by means of "green goods" devices. They are in a class by themselves, and any other proposal to incorporate additional matters to be included must be of a similar class. It is urged that because a number of different definitions of the character of devices that come within this class are employed any amendment incorporating new matters to be excluded would be in order. Mr. Speaker, I can illustrate in a way that will show conclusively that that argument is not sound. I have pending a bill to exclude from the mails papers, pamphlets, or periodicals of an indecent, immoral, or scurrilous character. It would not be germane to this provision, because it is wholly unrelated to and unconnected with the subject matter of the section, which deals with cheating devices, fraud devices through certain definite designated methods, and a proposition to amend such a section by adding papers that were indecent could not possibly be held germane. The pending proposition is to exclude the particular advertisements proposed, advertisements of malt or spirituous liquors, in periodicals or papers or magazines. Such papers or periodicals or magazines containings such advertisements are no more related to this provision and to the character of the devices included within them than would be the bill to which I have referred. It is a mistaken notion that simply because new legislation is incorporated in a bill any other new legislation can be incorporated under the guise of germane amendments. Germane amendments must be so intimately connected with and related to the matter in the bill that the reasonable view would be that such matters would be considered in connection with the bill. I have an elaborate ruling which I had the privilege of making myself, and therefore I consider it very good. [Laughter.]

But my opinion of the ruling is not based so much upon the fact that I made it myself as upon the fact that it has been quoted so many times by other occupants of the chair since it was made. And in that instance, Mr. Speaker, the public-land leasing bill was under consideration. It contained a provision that a certain percentage of the moneys received from the royalties should be paid into and appropriated as a part of the reclamation fund under the reclamation act. An amendment was proposed to provide that the money should be paid into a fund for the construction of good roads. Fortunately, notice of the amendment had been given some time in advance, so that I had an opportunity to examine carefully the entire question. The leading precedent upon the question of germaneness is that by Mr. Speaker Carlisle in 1882. In that decision he said:

> When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that the proposed amendment is a motion or proposition upon a subject different from that under consideration.

The subject under consideration is the exclusion from the mails of mailable matter containing information or advertisements or of offers to deal in the class of devices known as "green-goods" devices. That is a distinct, well-known, well-understood class of devices for defrauding the public. It stands out distinct and apart from all other schemes to defraud the public. And so any suggestion of an addition to this provision upon a subject outside of that distinctive class of devices is upon a proposition different from, unrelated to, not germane to that particular provision.

It seems to me, Mr. Speaker, that when the provision in the bill is carefully analyzed and we grasp exactly what is contemplated in that amendment, it is easy then to determine the question. If this proposed amendment is intended to include some other method of defrauding the public not enumerated in this paragraph, of a similar character, it unquestionably would be germane. But when it is proposed to add to the paragraph a provision to exclude matter upon a subject wholly unrelated to the matter, disconnected with it, in no way associated with it, then it is clear that the proposed amendment is not germane to the pending section and is subject to the point of order interposed by the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, in view of what has been said, it is not necessary that I should say a great deal further in support of the point of order, but I want to call the attention of the Chair to the position that is taken by the proponent of the motion to recommit, and that is this, broadly speaking, that inasmuch as a particular amendment to the law is made by a section in the bill that itself was subject to a point of order, that point not being made, therefore any other amendment to that section is in order. The mere statement of that proposition, in its bald form, is sufficient to a parliamentarian to condemn it.

Now, what is the fact? The fact is, if this was not an appropriation bill at all and you were undertaking to amend a section in the Penal Code, you could only amend it in order by offering an amendment that was germane to it, and in point of fact that was true as to the amendment carried in the bill.

Now, the reason that the amendment that was reported by the Post Office Committee as a section of the appropriation bill was subject to a point of order was not because it represented an alien matter to the section of the Penal Code being amended, and not because it brought in another subject matter. It does not; but it simply was because it was changing existing law, which, on an appropriation bill, is not permissible. But the proposition that is now presented is not only whether you are legislating on an appropriation bill, but whether the proposition which you present in your motion to commit is germane to the amended provision in the bill. This would not be in order to this section if we had up the Penal Code and did not have up an appropration bill at all, for the very plain reason that it is not in any sense germane to the section to which it is offered.

Everybody knows the rule to the effect that if you are dealing with two subjects it is germane to add an additional subject, but if you are dealing with one class it is not germane to add another class to that particular paragraph or section.

Now, here we are dealing with a particular thing. We hit at that thing in many ways. We are dealing with schemes to defraud, and in order that the language of a penal statute may not be evaded by some new device to defraud we enumerate with particular care the various methods whereby the fraud can be practiced and prohibit them. But the one matter that is in this section, the one matter that the section deals with, is a matter of intent to defraud, and the prohibition is upon various schemes and methods to accomplish that purpose. Now, the proposal of the gentleman from California [Mr. RANDALL] is not to offer a new method of defrauding that shall be prohibited or made penal, not to enlarge the provision so as to embrace different kinds of schemes, but is to make penal the doing of a thing that has no relationship to fraud and which it is not charged is fraudulent, and is not and would not be unlawful unless the amendment proposed is adopted.

Now, to say that you can take a paragraph dealing with a matter of fraud, and simply because it enumerates various methods of perpetrating that fraud which are made illegal, you can open it to amendments to prohibit the mails for any purpose whatever, is to absolutely throw away all the rules that exist in this House to prevent hasty and ill-considered legislation.

Mr. Speaker, the rules that are in the House and that control it are not put there blindly with an idea of interfering with the liberty of Members. They are put there to guarantee to the Members that they shall not be taken by surprise; that they shall not be required to pass upon matters which have not had a chance to be fully considered and debated; and that is the reason why legislation upon an appropriation bill is so vicious as a general proposition.

Mr. RANDALL. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. RANDALL. I suggest from the line of argument that the gentleman is making that he has not been taken by surprise.

Mr. SHERLEY. I will say to the gentleman that the first I heard of the matter was when he made his motion, and if I have not been taken by surprise it is not the fault of the method that has been employed, because the method that has been employed is one calculated to take the House by surprise, which is further emphasized by the very motion that the gentleman undertook to make following his motion to recommit, a motion for the previous question, where, if it be in order, and his motion for the previous question should prevail, the House would be required to vote upon a proposition that there are not three men in this body now could repeat in substance.

Mr. CRISP. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CRISP. I know the gentleman wants to be fair.

Mr. SHERLEY. Certainly.

Mr. CRISP. I think the statement of the gentleman is unjust to the gentleman from California [Mr. RANDALL].

When this bill was reported the gentleman from Tennessee [Mr. MOON] demanded the previous question, which cut off all debate, and the gentleman knows that the only effect of demanding the previous question on his motion to recommit was to prevent that motion from being amended.

Mr. SHERLEY. But that is a very important right, one of the most important to the House; and it is a further illustration of just what happens as the result of this kind of legislation, that a single proposition is presented at the instance of one man and the House is then called upon suddenly to pass upon it.

I mention that, Mr. Speaker, not because it is directly in line with the discussion of the point of order, but to emphasize what we are apt to forget here at times, that the making of points of order and the protection of the orderly procedure of this House is an important matter, not to be lightly set aside, even for an object that gentlemen may consider highly desirable. And, I repeat, if you can take a section of a penal statute dealing with one matter of fraud, a section which from beginning to end deals only with frauds—I am familiar with that statute; I had something to do with putting it in its present form when the penal code was adopted—if you can take that section, which simply deals with the matter of defrauding by various devices, and make it the machinery to carry amendments prohibiting any or every thing in connection with the use of the mails, we would be proceeding in an improper and disorderly way. If you can prohibit advertisements in regard to alcoholic liquors, you can prohibit any other sort of advertisement or regulate the very character of mailable matter; you can make in order the most pronounced bill fixing a censorship upon publications. If you can do that, we cease to be a body that observes orderly procedure, and we have made our rules a farce, and any bill that amends a law in any particular becomes a vehicle for making in order any amendment for any purpose whatsoever.

Mr. BENNET rose.

The SPEAKER. Which side is the gentleman on?

Mr. BENNET. On the same side as the gentleman from California [Mr. RANDALL], although I differ from him in detail.

The SPEAKER. The Chair will hear the gentleman.

Mr. BENNET. Mr. Speaker, it seems to me that when the House inserted these three sections, amending different sections of the Criminal Code, all of which were subject to a point of order——

Mr. STAFFORD. Mr. Speaker, will the gentleman yield there for a correction?

Mr. BENNET. Certainly.

Mr. STAFFORD. Section 8, one of the three sections, was stricken out by a point of order made by the gentleman from California [Mr. RANDALL].

Mr. BENNET. But the two remain in. The third, as the gentleman from Wisconsin reminds the House, was stricken out on a point of order made by the gentleman from California himself.

And possibly at the threshold of the discussion it would not be entirely inappropriate to say a word or two in relation to the attitude of the gentleman from California, who gave the House a plain intimation last Friday that when this subject came before the House on the passage of the bill he was going to do what he could, because, when asked by the gentleman from Wisconsin [Mr. STAFFORD] whether he was going to attempt to add any prohibition legislation to section 8, he responded by himself making the point of order which struck the section out. I refer the House, without taking time to put it in the RECORD, to the very frank colloquy that took place at that time between the gentleman from Wisconsin and the gentleman from California.

Now, as to the matter before the House, the Committee of the Whole House on the state of the Union has seen fit to report to the House amendments of two sections of the criminal code which deal with the same subjects as the subject matter of the amendment suggested by the gentleman from California. Clearly, it seems to me, the amendment suggested by the gentleman from California is germane to the bill. I am not sure in my own mind that it is germane to this particular section. I am a good deal in sympathy with the gentleman from Kentucky [Mr. SHERLEY] in that regard, but that is not particularly important, because if the Chair sustains the present point of order, then the Chair has ruled heretofore with undoubted accuracy as to cases where one motion to recommit goes out on a point of order that none has been made and another motion to recommit embracing the same subject matter as a separate section would, it seems to me, be entirely in order, and would be germane to the two sections, because those two sections relate to matters which can be prohibited from the mails.

No citizen has an absolute right to have anything carried in the mails. The Congress can prohibit the transmission of all religious newspapers, for instance, if it sees fit, and it is not necessary that the Congress should take the view that a liquor advertisement is in itself bad. If they want to prohibit it, they can prohibit it. And Congress having seen fit to amend those portions of the Criminal Code, it seems to me clear that if the present motion to recommit is ruled out of order another one embracing the subject matter as a separate section would be in order.

I hope the Chair will not sustain the present point of order.

By leave of the House, I insert the following from Life:

BIRMINGHAM, ALA.

When I open the pages of Life the first advertisement my eyes rest upon begins, "Are you curious to know what is in this space in the regular edition of Life? We can not tell you here. It's against the law in this State."

I am not curious; I know.

For 16 drab years I was the wife of a drunkard. We are childless. I gave birth to one living child that died in infancy; then came one stillborn; and after that years of suffering. I have heard my husband rave like a madman, drivel like an idiot. I have known hunger, have felt the blow of a drunkard's fury.

Six years ago a change came; he drinks no longer and is to-day a sober man.

You offer a prize of $500 for a criticism of Life. Not for $5,000 would I forego the satisfaction of telling you how I loathe a magazine that will publish a liquor advertisement. Not for $5,000,000 would I go back to the day when your bold headlines, "Are you curious?" would have the power to lure my husband on to drink, drink, drink.

AN ALABAMA WOMAN.

The SPEAKER. The Chair will rule. Some of these things have been talked about and some of these points have been suggested so often and decided so frequently that there is no longer any controversy about them. One of them is that where a section treats of only one subject another can not be added, but when it treats of two or three another may be added. That much has been settled so often, not only by this Speaker but by others, that there is no use in wasting time upon it.

The gentleman from Georgia [Mr. CRISP] made a very ingenious and interesting argument, as he always does, but he left out a connecting link. The Chair will read the heading to paragraph 5811 of Hinds' Precedents, Volume V:

Under the later decisions—

He might have said, running back several years—

the principle has been established that an amendment should be germane to the particular paragraph or section to which it is offered.

That is the guiding rule, in addition, of course, to the one that it must be germane. This paragraph in the bill, page 34, line 10, is taken up entirely with the preventing of swindling through the mail, counterfeiting, and swindling devices of every kind. Now the merits of this proposition offered by the gentleman from California [Mr. RANDALL], the question whether it is a good thing or a bad thing to do, has nothing to do with this point of order. The Chair does not think it is germane to that section, and sustains the point of order against the motion to recommit. The question is——

Mr. RANDALL. Mr. Speaker, I desire to submit a motion to recommit the bill to the Committee on the Post Office and Post Roads, with instructions to report it back forthwith with the following amendment, and on that motion I demand the previous question.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. RANDALL moves to recommit to the Committee on the Post Office and Post Roads, with instructions to report the same back forthwith, with the following amendment: Page 34, after line 13, insert a new section as follows:

"SEC. —. No letter, postal card, circular, pamphlet, newspaper, or publication of any kind, containing any advertisement or solicitation

of a sale of any spirituous, vinous, malted, fermented, or other intoxicating liquors, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or who shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of this act, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000, or imprisoned not more than two years, or both. Any person violating this act may be tried and punished either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

Mr. SHERLEY. Mr. Speaker, I make the point of order upon the motion, that it is legislation upon an appropriation bill and that it is not germane to anything contained in the bill.

The SPEAKER. Does anybody desire to be heard for it?

Mr. CRISP. Mr. Speaker, I should like to renew the argument I made to the Chair before, with this additional statement, that the legislation engrafted on this bill is an entirety, and that legislation is amending a penal statute by enlarging the matters that are nonmailable by prohibiting certain other things from going through the mail. The subject matter of the legislation is to deny certain articles to the mails. The amendment in question simply provides a new section, dealing with the same subject matter—the denial of the use of the mails to certain articles—and I believe the argument I made before certainly applies to this as a new section, and I do not believe the point of order is good.

Mr. MADDEN. I would like to ask the gentleman from Georgia whether he thinks the addition of this matter to the section of the bill would add a new fraud?

Mr. CRISP. If this amendment prevails, it would make it a fraud to deposit in the mails letters, postal cards, or other publications containing liquor advertisements.

Mr. SHERLEY. I suggest to the gentleman that it does not make it a fraud, but a crime.

The SPEAKER. The Chair would like to ask the gentleman a question.

Mr. CRISP. I will answer it the best I can.

The SPEAKER. Is this new legislation?

Mr. CRISP. Undoubtedly.

The SPEAKER. Did not the gentleman, as Chairman of the Committee of the Whole House on the state of the Union, rule out section 8 on the point of order made by the gentleman from California [Mr. RANDALL]?

Mr. CRISP. I did, because the chairman of the Committee on the Post Office and Post Roads, Judge MOON, conceded the point of order, and I did not look further into it. [Laughter.]

The SPEAKER. The Chair sustains the point of order. [Applause.] The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I call up from the Speaker's table the conference report on the immigration bill (H. R. 10384), and move that the House concur in the conference report; and on that I desire to move the previous question.

Mr. BENNET. The previous question can not be moved until the report is read.

The SPEAKER. Of course not. The clerk will read the report.

The report and statement are as follows:

CONFERENCE REPORT (NO. 1291).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, 37, and 38, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "unless otherwise provided for by existing treaties persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view of detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "taken up his permanent residence in this country"; and the Senate agree to the same.

JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.
E. D. SMITH,
THOMAS W. HARDWICK,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the House bill (H. R. 10384) regulating the immigration of aliens submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

Amendment No. 1: Amendment No. 1 provides that the act shall be enforced in the Philippine Islands by officers of the general government thereof unless and until it is superseded by an act passed by the Philippine Legislature as authorized in the Philippine government act. The purpose of this, of course, is to avoid any conflict between this act and the recently passed Philippine government act.

Miscellaneous unimportant amendments: Amendments Nos. 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, 37, and 38, with respect to all of which it is recommended that the House recede from its disagreement and agree to the same, are merely changes perfecting the text by correcting clerical and grammatical errors and errors of punctuation or improving the language without materially changing its effect or bringing different provisions into textual consonance with each other. These, therefore, call for no special comment.

Amendment No. 4: The effect of amendment No. 4, with respect to which it is recommended that the Senate recede, would be to exclude aliens whose intention it is to return to the

country whence they come after temporarily engaging in laboring pursuits in the United States and those who, after having been admitted to the United States, return to the country whence they came there to reside or for the purpose of taking part in any war in which such country is involved, unless aliens of the said two descriptions were otherwise qualified for admission and came voluntarily from contiguous foreign territory to seek employment in harvesting crops. Although of apparently but slight practical value because its enforcement would necessitate the accurate ascertainment of the intention of the persons thereby affected, it would not have been difficult for the committee of conference to have agreed to the first part of this amendment (to the second there would seem to be additional obvious objections); but on the attention of the committee being directed to the fact that the entire amendment is in conflict with treaties between the United States and certain foreign countries the recommendation that the Senate recede was determined upon. While amendments Nos. 23 and 28 were inserted by the Senate largely because of the insertion of this amendment, they both seem useful in themselves and, with the change suggested in that numbered 28, unobjectionable.

Amendment No. 5: Concerning the effect of Senate amendment No. 5, with respect to which it is recommended that the House recede from its disagreement and agree to the same with amendments, it should be pointed out that two separate and distinct provisions are involved:

(a) The managers on the part of the House agree to so much of this amendment (inserted by the Senate Committee on Immigration) as substitutes for the provision contained in the bill as passed by the House excluding Hindus and persons who can not become eligible for naturalization a provision excluding aliens who are natives of certain islands and mainland territory of Asia defined by longitudinal and latitudinal lines; but with an amendment to the Senate amendment by which a parallel of latitude is selected to form the northern boundary of the continental territory defined, so that Siberia will be excluded therefrom.

(b) So much of this Senate amendment (inserted on the floor of the Senate) as purports to be a nonrepealing clause could not be agreed to in the form in which proposed because it was found, on carefully considering its relation to other parts of the act, that much inconsistency and confusion would be created thereby. It is sufficient to point out that the matter proposed would render the next succeeding provision of the act incorrect in its reference to "the provision next foregoing," and would be in direct conflict with section 38 of the act containing a carefully drawn nonrepealing clause. Therefore the recommendation is made for the insertion, not as a separate provision, but as a part of the provision excluding by geographical lines, of words calculated to accomplish the purpose of the latter part of the Senate amendment has in view.

Amendment No. 6: This amendment is closely related to the preceding one. The conclusion to recommend that the Senate recede therefrom was reached because the difficulty intended to be met thereby is solved by the suggested amendment to amendment No. 5 fixing a northern boundary for the territory geographically defined, taken in conjunction with the exempting provision to which amendment No. 6 relates.

Amendment No. 7: The effect of this amendment, from which it is recommended that the Senate recede, would be to require that aliens who might claim exemption from the operation of the "illiteracy clause" on the ground that they were fleeing from religious persecution should show that the persecution had been such as to deny them the means or opportunity to obtain an education.

Amendments Nos. 8 and 9: With respect to both of these amendments the recommendation is that the House recede from its disagreement. The principal effect of amendment No. 8 and of the latter part of amendment No. 9 is to remove from the law provisions calculated to encourage aliens to declare for ulterior purposes their intention to become citizens of the United States. The first part of amendment No. 9 strikes from the bill a provision of a retaliatory nature, contained therein, when it passed the House authorizing immigration officials to exclude from the United States, whenever any foreign country contiguous thereto excludes certain classes of United States citizens, similar classes of citizens of such contiguous foreign country.

Amendment No. 22: By this amendment the Senate proposed to strike from the measure all of section 11a. When the immigration bill (H. R. 6060) was under consideration in the Sixty-third Congress, the eleventh section thereof was worded substantially the same as section 11a inserted in this measure on the floor of the House. But it was found advisable to change section 11 of that bill to read substantially as section 11 of the present measure reads, because objection had been made by certain foreign countries to the detailing of inspectors and matrons of the United States Immigration Service for duty on vessels sailing under the flags of such foreign countries. The effect of the amendment now proposed to the Senate amendment will be to authorize the Secretary of Labor to negotiate with foreign countries with a view to accomplishing the principal objects of section 11a as passed by the House.

Amendments Nos. 23 and 28: One of the purposes of these amendments was to give effect to amendment No. 4, from which, for reasons hereinbefore stated, it was concluded to recommend that the Senate recede. However, as before stated, that recommendation regarding amendment No. 4 does not destroy the value of those two amendments and requires only a slight change in the latter of them.

Amendment No. 32: The effect of the recommendation that the House recede from its disagreement to this amendment and agree to the same with the suggested amendment is to permit any alien who, after taking up a permanent residence in this country, sends for his wife or minor child to join him, to have such wife or child, if found on arrival to be afflicted with an easily curable disease, treated in the hospital at the station where examined until cured, or admitted if it is found that admission can occur without danger to other persons.

Amendment No. 35: The recommendation that the Senate recede from this amendment does not involve any change in the meaning of the act. Section 3 provides for the exclusion of aliens convicted or who admit the commission of crimes involving moral turpitude, and also for the exclusion of certain other carefully described classes closely related to the criminal class. But a proviso is attached to said section exempting from exclusion all of those who have been convicted, or who admit the commission, or who teach or advocate the commission of political offenses. The clause to which amendment No. 35 relates makes it a misdemeanor to assist a member of one of the said excluded classes to enter. Of course, no one could be prosecuted for assisting in the entry of one who was within the exempting clause, for such person would have a right to enter.

JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.

Mr. BENNET. Mr. Speaker, I make a point of order against the conference report, upon the ground that the conferees have exceeded their authority in connection with the amendment of the Senate numbered 5. Inasmuch as the Chair has on a previous occasion, I regret to say, ruled on this point, I would like to be heard very briefly.

The SPEAKER. The Chair will hear the gentleman.

Mr. BENNET. The Chair is so familiar with the difference in the language that I will not take the time of the House to restate that. The gentleman from California [Mr. HAYES]——

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Which amendment is this?

Mr. BENNET. The amendment as to Hindus and Japanese.

Mr. GARDNER. What is the number of it?

Mr. BENNET. Amendment numbered 5, on page 7. The gentleman from California, when this matter was before the House on Friday, said that the language inserted by the conferees, which is:

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States—

Was germane to the language stricken from the bill, which had been inserted in the House, which was:

> Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization—

And then the exception. It seems to me clear that if the gentleman from California was correct, then the language which was inserted was clearly outside of the powers of the conferees, because the language, as it was in the House provision, is very plain. It says:

> Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization—

Shall be excluded. The language inserted by the conferees was:

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

The SPEAKER. Will the gentleman read the language inserted by the Senate?

Mr. BENNET. The Senate language was:

> Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possessions thereof.

Now, the gentleman from California, in his argument, conceded in effect that the language inserted by the conferees was not germane to the Senate language, because he said that the House conferees objected to leaving the possible avenue of immigration open in case the gentleman's amendment should for any reason be annulled, either by agreement of parties, the act of one party, or by lapse of time.

The SPEAKER. What does the gentleman himself say as to the sameness of these three provisions?

Mr. BENNET. As to the sameness of the three, they are all dissimilar, and I will take up first the Senate language.

The SPEAKER. The Chair will ask the gentleman if in the end these three provisions do not amount to the same thing?

Mr. BENNET. They do not, and I think I can demonstrate that to the Chair in about two minutes. The language of the Senate is:

That nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possessions thereof.

I called attention the other day to the fact that that language pertained only to legislation, and has no direct application to the person. Therefore it is dissimilar to the language inserted by the conferees, which was inserted for the express purpose, as the gentleman well said in his argument, of applying directly to the person. So there is no similarity between those two.

The SPEAKER. Is not the whole sum and substance of the three propositions to keep out undesirable classes?

Mr. BENNET. No; because the language inserted by the conferees would keep out a white man born in Europe who never had seen a Chinaman or a Japanese, but who the day prior to this becoming a law had been under existing law excluded from the United States because he was liable to become a public charge.

The SPEAKER. Does the gentleman suppose that the immigration authorities would make any such ruling as that?

Mr. BENNET. They would if they followed the law; they would have to.

The SPEAKER. Does the gentleman from New York think that is the reasonable interpretation of the law?

Mr. BENNET. I think it is a reasonable interpretation.

The SPEAKER. Suppose a man came to Ellis Island with the smallpox, and they excluded him because he had the smallpox; that he went back to Europe, got well, and then came back to Ellis Island and wanted to come in. Would this law keep him out?

Mr. BENNET. Certainly, if he was excluded yesterday or the day before the law took effect, because that is what this language says:

No alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

If that is not plain language, I do not know what is. There must be a difference, because if they intended only the other thing—that is, that nothing in this section should repeal any statute—why did they strike the Senate language out? They struck the Senate language out because that only applies to statutes. It provides:

Nothing in this act shall be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

The gentleman from California [Mr. HAYES] said, and he said truly, that the conferees did not think that went far enough, that it left an opening under which Hindus and Japanese and others could get into the United States. So they struck that out and then put in this wide language:

No alien in any way excluded from or prevented from entering the United States shall be admitted to the United States—

That is, no alien, white, black, red, yellow, brown, or any other color.

Mr. GARDNER. It was the Senate and not the conferees that struck out the Hindu provision, was it not?

Mr. BENNET. I was not talking about the Hindu provision.

Mr. HAYES. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAYES. Will not the gentleman admit that another part of the statute provides for the admission of the class to which he refers and to which the Speaker refers?

Mr. BENNET. I think section 19 would provide for that class, but that is one of the grounds of my criticism. Here they are inserting in the bill language diametrically opposed to another portion of the bill. I believe it is a good canon of construction that the court would say the last provision that went into the bill, according to the two Journals, would control.

Mr. HAYES. But the gentleman will admit that the first rule of construction is that the courts shall so construe it as to harmonize all parts of it.

Mr. BENNET. I know that, but where there are sections in the bill that can not be harmonized, the mere existence of a good rule of construction does not confer power on the court to repeal or annul any part of the statute.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Is a man who has recovered from smallpox excluded under the law to-day?

Mr. BENNET. No.

Mr. GARDNER. Does not the conference amendment say that it is only those who are excluded under the law to-day that shall be kept out?

Mr. BENNET. It does not. It says any person now excluded.

Mr. GARDNER. Oh, I will ask the gentleman to read the words and not to paraphrase them.

Mr. BENNET. The words are worse for the gentleman—"No alien now in any way excluded."

Mr. GARDNER. But the gentleman says he is not excluded. A recovered smallpox patient is not excluded to-day and would not be if the law were passed.

Mr. BENNET. The vice of this language is as the gentleman from California [Mr. HAYES] correctly described it with great accuracy, that it is an amendment which was intended to apply to the persons who had been originally covered by the language of the House bill, and it does cover them with great accuracy and a good deal of intention. Let us take the exact situation. Let us paraphrase the act a little bit, let us imagine that John Smith came along to-day suffering from smallpox—taking the Speaker's illustration—and because he was suffering from smallpox he is necessarily excluded. He becomes actually an alien "now in any way excluded from or prevented from entering the United States." Then to-day we pass this conference report, and let us make the violent assumption that the President should sign the bill; or, at any rate, that the bill should become a law. When John Smith recovered from smallpox he comes back, a year from now, as he might normally do without this provision, and he starts to come in. They would say to him, "Have you ever tried to come here before?" "Yes." "When?" "On the 16th of January, 1917." "What happened to you?" "I had the smallpox, and I was excluded." And then they would say, "Well, on the 16th of January the act of February 20, 1907, was in force, and after that time the act of January or February, 1917, superseded it, and that act contains a provision that any person at the time of the signing of the act—that is now, because the word 'now' speaks either as to the date of the signing of the act or when it took effect, and both would be subsequent to the 16th of January, 1917. Any person who on the 16th day of January, 1917, any alien who was in any way excluded from or prevented from entering the United States, can not be admitted into the United States," and therefore they would send John Smith back.

The gentleman from California [Mr. HAYES] asks, Is there not another portion of the bill that takes care of this? That is a confession that this part of the bill absolutely upholds the argument I am making, and that if this introduces an entirely new class of excluded people, to wit, persons other than Hindus and Japanese who are excluded because of liability to become a public charge or because of disease or anything of that sort, and who might otherwise be admitted at the end of the year and, therefore, the conferees have introduced new matter and have exceeded their authority.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. Is a recovered smallpox patient forbidden from coming now under the law?

Mr. BENNET. Not if he stays out for a year.

Mr. DAVIS of Texas. Then, how would it be possible for this law to exclude him if it only applies to those who are excluded now?

Mr. BENNET. Because in the case of specific individuals, the way the law is drawn he would be excluded. I believe they could take these words and with very slight change obviate the defect, but they have not, and we take the bill as it is and the defect of this statute is that with malice aforethought, as one might say, they have put in a provision which is intended to apply to individuals who are at present excluded from the United States of America for any reason, and they so say.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Is it not classes and not individuals that it is intended to exclude?

Mr. BENNET. Oh, no. That is the vice of it. No alien, no John Smith, no Paul Jones who now in any way—by any statute, vi et armis any way—is excluded from or prevented from entering the United States shall be admitted to the United States.

The SPEAKER. The Chair is ready to rule. Everyone knows what the Congress was trying to do. There is no need for remarks in respect to that. Here is what happened: The House puts in one provision and the Senate is very fond of changing the language of House bills. There can be no question about that proposition. So they put the same idea into the bill in different language, varying a little bit, so that the Senate may have an amendment. In the case of one of these tariff bills that comes back here with six or seven or eight hundred amendments, nine-tenths of them do not amount to a bawbee. They just change a word here and there. The Senate fixed this amendment, and then the conferees got together, and the conferees of the Senate and the conferees of the House are in favor of doing precisely the same thing, but pride of opinion keeps the House conferees from agreeing to the Senate amendment, and then the conferees draw it up, changing the verbiage a little, so as to arrive at precisely the same idea, and all three of these propositions mean the same thing. The point of order is overruled.

Mr. BENNET. Mr. Speaker, will the gentleman yield to me for three minutes?

Mr. BURNETT. Yes. Mr. Speaker, I desire to make the motion for the previous question, but before doing so I desire to yield to the gentleman from New York for three minutes, and to the gentleman from Texas [Mr. SLAYDEN] for 10 minutes.

Mr. BENNET. Mr. Speaker, I have fought the literacy test for 12 years, but with this amendment in the bill, bad as the literacy test is, it is a mere incident. I am one of the men who wrote into that bill of 1907 the provision by which we peaceably arranged matters so that two nations should be accommodated, Japan and the United States of America. We did not particularly want the Japanese to come, and the Japanese Government did not want their people to come, but they are a proud people, and they said, "We must retain in our own hands the power of keeping our own people out of your country," and we arranged it, and for nine long years they have kept the faith. I said when that Hindu provision went through this House that it would never go through the Senate. Gentlemen laughed at me. The Japanese Government protested to our Government in no uncertain terms, and the provision went out of the bill. Now, the gentleman from California [Mr. HAYES] says, and the Chair has ruled, that the language, "and no alien in any way prevented from entering the United States shall be permitted to enter the United States" is synonymous with the language stricken out of the House bill. All right. The House will pass the conference report with that in, but it will never become the law of the land, because the executive departments, and I am not in close touch with the executive departments, but I have confidence that the President of the United States and the Department of State, knowing what they do about our condition, about conditions on the Pacific coast, about Japan, will never let that bill become the law of the United States and take the chances——

Mr. FOCHT. Will the gentleman yield?

Mr. BENNET. I have only three minutes, and I can not yield. Take the chances of their just wrath, because it would be the just wrath of a people that have kept their word with us for nine years by saying to them, "Although you have kept your word with us, and have shown that you are a faith-keeping nation, notwithstanding we will put you under bonds," and I say frankly to the membership of this House now, before it is too late, that you can not put the Japanese people, that brave, militant, and aggressive people, under bonds where they are in the right.

Mr. BURNETT. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I do not know how many years I have supported the literacy test. I can only say I have supported it as long as I have known about it and as long as it has been considered an active legislative proposition in this House. I believe as firmly as I believe anything that this legislation is in the interest of the country, and that some such legislation must be enacted in order that we may preserve the Republic of the United States. [Applause.] I mean to preserve it as it was and as we would like to have it.

Mr. Speaker, a few days ago I made some notes for this brief address. Since then I ran across a piece of news printed in a Washington paper, the Washington Post, and I will read part of it and print the balance in my remarks:

Disclosure that Japan is insisting on a "Monroe doctrine" for China, so far as Chinese financial affairs are concerned, was made here yesterday in discussion of pending plans for the financing of Chinese industries by American and Japanese capital.

This subject is under consideration by the financiers of interest in the United States and Japan, but strong intimation is given in Japanese circles that if American bankers decline to recognize the Japanese financial "Monroe doctrine" the Japanese Government will take up the question with the Government in this country. The basis for Japan's adoption of this policy in China was explained in the phrase, "The political stability of China is essential to Japan."

It is explained that Japan can not permit American financiers to foreclose on a Chinese railroad for which they might have provided the capital and which defaulted on its interest charges. Nor would Japan be willing for Americans to take as security for loans any taxes of any nature, as this might involve the taking over of control of some customs stations and the sequestration of receipts, which would be entirely unsatisfactory to Japan.

The United States, it is explained, hardly would tolerate Japanese control of customs in any country on the American Continent, or in Santo Domingo or Cuba; conversely, Japan does not purpose that the United States shall exercise any such power in China.

That, Mr. Speaker, bears on what I have to say so directly that although I ran across it after I had prepared the notes for this brief address I have taken the liberty of reading it to the House.

The adjustment of the difference between the two Houses on what has been called the Japanese clause of this bill is about the best that could have been reached under the circumstances. No reasonable objection can be urged against it. It is not to be expected that the conferees could do anything that would quite suit the Japanophobe, or meet the full approval of that class of our fellow citizens who believe that this country ought to be the human dumping ground of the universe. But it is a reasonable, if temporary, settlement of the difficulty, and we owe the conferees a debt of gratitude for their skillful work.

Yet, all this sort of thing is patchwork and a makeshift. Some day we must frankly face this question of oriental immigration and try to find a solution. The sooner we undertake in a perfectly candid way its courteous and serious consideration the better it will be for all. There is a just way of solving its perplexities, and no other sort of settlement will do—no other will last. That task should be allotted to men who can understand the situation, and they should also be men who will work in the spirit of the Golden Rule, for which my friend from New York [Mr. BENNET] has just pleaded.

We already have such a mixture of peoples in the United States that many of us believe the situation is full of danger. That is the feeling behind this legislation, and it is a feeling that, sooner or later, is sure to express itself in law.

We can not add an indefinite number of millions of people of alien races without vastly increasing that danger. In my opinion, republics can not thrive with a heterogeneous population, and we want our Republic to live. Neither Japan nor China can have any just quarrel with us for that position, for we accord them the same privilege of invoking the law of self-defense.

My reading convinces me that in the comparatively near future we will have to give attention, not to the Chinese question alone, not to the Japanese question alone, but to the oriental question of immigration, and probably consider it with China and Japan in association. That may seem unlikely now, but when one goes beneath the surface in the study of this particular race problem it begins to appear more reasonable.

While still remembering that in recent times they have been at war, and still have their quarrels, I think I can see many signs that China and Japan are coming together on some questions. At the moment this coming together of the two great countries of Asia may not be exactly to the taste of China, or of her seeking, but it is a fact, none the less. Why should not that be the case? Ethnologically they are of the same general family, and geographically they are neighbors. The control of either by any power of Europe or America would be distasteful to the other. Indeed it will not be tolerated when there is sufficient physical force to prevent it. "Asia for the Asiatics" is an answering cry to our "America for the Americans."

Japan has been nominally at war for two years, but has not been so occupied with her fighting that she has not been diligent in her business. She has prospered amazingly. Her merchants and manufacturers have made a great deal of money. They have actually made Japan a creditor nation and have invested a hundred million dollars in the war loan of her richest ally. That is an important fact that has a bearing on international politics and may concern us more than the casual observer would believe.

Japan has an inadequate supply of certain essential minerals of which China has an abundance. She must perish for lack of them or supply herself from China, either by honest and fair

trade, conducted on an amicable basis, or otherwise. Naturally she would be disturbed if these minerals were to pass under the control of citizens of any western country.

Is that an unreasonable position? How would we feel under such circumstances? We all remember the indignation in some quarters and the alarm in others when just a few years ago it was reported that Japanese had acquired fishing rights of doubtful commercial value on the Pacific coast of Mexico in a bay of no great importance surrounded by an arid waste in a region of desolation.

The oriental is beginning to ask what moral right we have to say they shall not colonize in the Western Hemisphere while we exercise political control over a part of Asia.

Such questions as these, if not honestly and courageously met and adjusted in a spirit of perfect fairness, may lead to trouble. Patchwork treaties and agreements are not the statesmanlike way of dealing with them. They are so important that they deserve a thoroughgoing study, and that is why I hope to see a carefully selected body of first-rate men allotted the task of finding their solution. The authorization and naming of such a committee should not be delayed. Let us, then, in time of peace prepare for peace by dealing justly and fairly with other countries.

We mean to keep from our people the dangers of too much alien immigration, but we should not forget that God permits His sun to shine on the other side of the world also, and that the oriental is entitled to his place in a sun that shines on his own continent, and whenever any part of it is occupied by people of the western country it is done to the exclusion of so many Asiatics. [Applause.]

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, I desire to say a few words in view of the statement made by the gentleman from New York [Mr. BENNET]. I want to say that the language inserted by the conferees and no language in the bill makes any reference to the Japanese Nation or to Japanese immigration. The bill leaves that immigration to be handled just as it is handled now by the agreement between this country and Japan.

Mr. McCRACKEN. Will the gentleman permit?

Mr. HAYES. I will.

Mr. McCRACKEN. Is not that agreement between this country and Japan a tacit or gentleman's agreement, and not a written agreement?

Mr. HAYES. It is a written agreement, but it has not the dignity of a treaty. The agreement is in writing. I will admit that while it is true it is left that way it is not entirely pleasing to the people of the Pacific coast. The people of the Pacific coast like the language of the House bill very much better and the only reason why it is changed is because we were advised that the Japanese people thought that that language was intended to affect them only; and therefore the conferees put in a provision which is very general in its nature and does not affect the Japanese agreement at all, leaving it in operation just as it is now. Now, the reason why the Pacific coast would like to have some strong section in this statute is, as is well known, because they are opposed to any large incursion of orientals of any kind into this country; but, yielding to the desire of other sections of the country and especially to the executive officers of the United States, the provision inserted in the bill has been incorporated in it in order that no nation may have any just cause for offense.

Mr. FESS. Will the gentleman yield for a question?

Mr. HAYES. I do.

Mr. FESS. Is there anything in the bill, as it is now written, that the gentleman has any doubt about controvening any existing treaty between us and any nation?

Mr. HAYES. Not any at all. The bill was very carefully gone over with the office of the Secretary of State to see that nothing in the bill should controvene any treaty or agreement with any nation, and I believe I may state that we are all satisfied that no such treaty or agreement will be affected at all by this bill.

So far as the Japanese keeping faith is concerned, I have no doubt myself that they intend to keep the agreement with us to keep their laboring people out of this country, and yet our people have complained latterly that many laborers have been allowed to come into this country under conditions that we think are not covered by that agreement.

But I have no doubt that when this matter is called to the attention of the Japanese authorities they will see that this cause for criticism on our part, if there be cause, is removed. I hope it will be so. I, for one, desire no misunderstanding and no friction of any kind with the Japanese people or anybody else, and I believe the conferees have gone as far as they could in justice to themselves and the people of the United States in order to avoid such friction. I desire to assure the gentleman from New York [Mr. BENNET] that his fears are entirely groundless, in my judgment.

I repeat what I have before stated on this floor, that the people of the Pacific coast are not in any way unfriendly to the Japanese nation or its people. They admire their courage and industry. But they are an alien race to us, and we believe that it will be best for both nations that there be no large immigration of the people of one of them into the territory of the other. We want the freest possible friendly and commercial intercourse with them, but we can not consent, any more than they would consent, under like circumstances, that their laborers may come to the Pacific coast in large numbers and by their fierce competition drive our own laborers across the Sierra Nevada Mountains.

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, the House bill and the provisions in it, in addition to excluding those who can not become citizens of the United States by naturalization, directly excluded by name Hindus, which was much desired in the West from every standpoint, and ought to be the law. Those who can not become citizens of the United States are still excluded in this bill by a different method. Some two years ago my purpose was to bring about general exclusion irrespective of the gentlemen's agreement. There was some discussion, and some thought it did not apply, but I find to-day that the Senate of the United States and the conferees of the Senate and the House have adopted and placed in the bill a method of exclusion by territory, by longitudinal and latitudinal lines, instead of by specific designation as to country, with the exception of the territory of Japan and its adjacent islands, which is provided for in the conference report by virtue of the language:

> And no alien now in any way excluded from or prevented from entering the United States shall be permitted to enter the United States.

In other words, as long as the treaty is in existence, as long as the gentlemen's agreement is in existence, those in the territory not provided in the conference report are permitted to enter. But so soon as that treaty should be set aside, by either party, or the gentlemen's agreement on either side should have been set aside, then the provisions of the bill would apply, and all within that territory would be excluded, including the Japanese, Chinese, and Hindus.

There has been some statement here in the East to the effect that the gentlemen's agreement has been stretched to some extent. I use the word "stretched" to make it as mild as I can. There have been a great many Japanese coming to the western coast, as I am advised, that do not belong there under the gentlemen's agreement. Furthermore, there have been those that are known as "picture brides" coming to the country, notwithstanding the gentlemen's agreement, that ought to exclude them, but we believe that under this law, eventually, with the action of the State Department, they will be in the future.

This bill is a step in the right direction, although it is not strong enough. It is not the real attitude of the American Congress upon the exclusion of Asiatic labor as it ought to be. We are going to meet the question some time face to face, and we ought to meet it fairly and squarely, and to say to the people of the world that this country has a right to determine who shall enter its portals, not those whom we know will bring about a racial question, one that can never be settled and ought not to be continued by the Congress, and ought not to be permitted upon a part of our territory—a question that is bound to increase and bound to get worse from time to time.

Now, I want to call the attention of the House in this connection to how our friends across the water view the situation, as published in the Washington Post here on Wednesday, December 20, 1916. The following is supposed to come from Tokyo:

[From the Washington Post, Wednesday, Dec. 20, 1916.]

SEES UNITED STATES-JAPAN CRISIS.

[By Dr. Suehiro, professor in the Kyoto Imperial University.]

TOKYO, *December 19.*

We admit that the United States has not the slightest cause to quarrel with Japan, but Japan has very good reason to quarrel with the United States.

Every day the American movement against the Japanese immigration on the Pacific coast is becoming more and more critical, and sooner or later Japan will find herself no more able to submit to the American arrogance with humility.

Very few people, and not one American, will believe me if I state that the Japanese in the United States are being treated like cats and curs; nevertheless, I am telling the truth.

Thus we can never hope to secure the respect of China until we first command the respect of the United States. We will never be able to do this unless we first obtain equal rights and treatment with other civilized nations of the world in the United States of America.

To me the very mention of the so-called friendship between Japan and America is a cruel joke, so long as our nationals in America are not allowed to live under the same conditions that are freely offered to other Europeans. There are three major issues between the two nations of the Pacific, and unless these three outstanding issues are settled, and settled justly, we hardly expect peace.

The first issue is that the American Government is not willing to recognize or admit our conquest of the South Sea Islands from Germany.

The second is that the American Government persists in interfering with Japan's policy of peaceful progress in China.

The third issue is the increasing economic rivalry between Japan and America and the consequent increase of armaments by the United States.

I maintain that Japan will never permit America to interfere with our plans of economic expansion in China. Japan will never permit America to meddle there. Unless America recognizes our supremacy in the Far East and radically changes her anti-Japanese policy within her borders there will never be a real peace between the two countries.

Also as published in the San Francisco Chronicle-Post of date December 18, 1916:

[From the Chronicle-Post Dec. 18, 1916.]

JAPAN LEADER WARNS UNITED STATES ON IMMIGRATION.

["Japan will never permit America to interfere with our (Japan's) plans of economic expansion in China. * * * Sooner or later Japan will find herself no more able to submit to American arrogance with humility."—Dr. Suehiro, professor of Kyoto Imperial University.]

[From Tokyo to-day, through its exclusive news sources, the International News Service obtained the following highly significant statement from Dr. Suehiro, professor in the Kyoto Imperial University. Dr. Suehiro brings an entirely new angle to bear on the peace situation. He opens the issue of whether Japan will be allowed to keep the South Sea Islands, which she captured early in the war, when peace is declared:]

"TOKYO, *December 19.*

"We admit that the United States have not the slightest cause to quarrel with Japan, but Japan has very good reason to quarrel with the United States.

"Every day the American movement against the Japanese immigration in the Pacific coast is becoming more and more critical, and sooner or later Japan will find herself no more able to submit to the American arrogance with humility.

"Very few people, and not one American, will believe me if I state that the Japanese in the United States are being treated like cats and curs; nevertheless, I am telling the truth. Thus we can never hope to secure the respect of China until we first command the respect of the United States. We will never be able to do this unless we first obtain equal rights and treatment with other civilized nations of the world in the United States of America.

"To me the very mention of the so-called friendship between Japan and America is a cruel joke, so long as our nationals in America are not allowed to live under the same conditions that are freely offered to other Europeans.

"There are three major issues between the two nations of the Pacific, and unless these outstanding issues are settled and settled justly we hardly expect peace.

"The first issue is that the American Government is not willing to recognize or admit our conquest of the South Sea Islands from Germany.

"The second is that the American Government persists in interfering with Japan's policy of peaceful progress in China.

"The third is the increasing economic rivalry between Japan and America and the consequent increase of armaments by the United States.

"I maintain that Japan will never permit America to interfere with our plans of economic expansion in China. Japan will never permit America to meddle there. Unless America recognizes our supremacy in the Far East and radically changes her anti-Japanese policy within her border there never will be a real peace between the two countries."

That is the attitude of those in high authority, as published not only in this paper but in others, to the effect that they are not going to submit to what they consider American arrogance with humility. We, on the other hand, with a country strong in resources, in wealth, and in patriotism, knowing that the subject is one that is bound to bring humility upon this country if permitted, allow legislation to pass along, glossing it over, making it smooth, so that it may be swallowed without naming anyone, and at the same time permit those to come to our country who from every standpoint—while we are not criticizing them as a nation, their ability, or their strength as a nation, or criticizing their ability—can not assimilate with our people; and the queston can be settled no easier than could the question be settled in the South. We are only taking another ground that it will make it stronger than that, and we ought to make our laws sufficiently strong so as to prohibit and exclude all Asiatic laborers now, so that there will be no question in the future. The California alien-land law referred to in these articles is in full, as follows:

CHAPTER 113.

An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

[Approved May 19, 1913. In effect Aug. 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this State, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

SEC. 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 3. Any company, association, or corporation organized under the laws of this or any other State or Nation of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, and convey real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this State which but for said provisions said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title 8, part 3, of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings the title to such real property shall pass to the State of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien company, association, or corporation acquiring the same in such manner.

SEC. 6. Any leasehold or other interest in real property less than the fee hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section 5 of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold or other interest in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale the amount of the judgment rendered for the State shall be paid into the State treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.

SEC. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

(Statutes and amendments to the code, California, 1913, p. 206–208.)

The SPEAKER. The time of the gentleman has expired.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have the right to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD.

Mr. HAYES. Mr. Speaker, I make the same request.

Mr. MANN. Reserving the right to object, we had a controversy in the House the other day about revising remarks, and I would like to ask the gentleman what he means by asking unanimous consent to revise his remarks?

Mr. RAKER. I mean that if I have made any grammatical mistake that I may correct it, and I further mean that I may put in my remarks some data.

Mr. MANN. That is the extension.

Mr. RAKER. The extension; yes, sir.

Mr. MANN. Any gentleman has the right to correct grammatical errors.

Mr. RAKER. I want both.

Mr. MANN. I have no objection to the extension, but I do not believe any gentleman ought to be permitted on the floor to get into the habit of making remarks, and having them replied to, and then, under authority to revise, change what he said.

Mr. RAKER. That does not apply here.

Mr. MANN. I do not know whether it would or not.

Mr. RAKER. I do not change what I say.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7561. An act to amend an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to fix the terms of office of the superintendent of prisons, the wardens, and the

deputy wardens, to provide for their appointment, and for other purposes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolutions of the following titles:

On January 11, 1917:

H. J. Res. 306. Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

On January 15, 1917:

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. J. Res. 190. Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity for further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee.

PRESIDENT'S MESSAGE—EXPENDITURES IN STATE DEPARTMENT (H. DOC. NO. 1941).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on the Expenditures in the State Department and ordered to be printed:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the Department of State for the fiscal year ended June 30, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *January 16, 1917.*

WITHDRAWAL OF PAPERS.

Mr. BOOHER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of George Welty, no adverse report having been made thereon.

SHIPMENT OF ARMS AND MUNITIONS INTO MEXICO.

Mr. WEBB. Mr. Speaker, I desire to file from the Committee on the Judiciary an adverse report (No. 1300) on House privileged resolution 423.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Adverse report on House resolution 423 from the Committee on the Judiciary.

The SPEAKER. Ordered printed and referred to the calendar.

Mr. MANN. That is a privileged report, I suppose?

Mr. WEBB. It is a privileged report.

The SPEAKER. Yes; it is a privileged report.

Mr. MANN. It is reported to the House and then it is moved to lay it on the table? It does not go through the basket?

Mr. WEBB. No; I do not present it through the basket.

Mr. MANN. It should be presented to the House.

The SPEAKER. Does the gentleman ask to lay it on the table?

Mr. WEBB. No; because the gentleman from California [Mr. KAHN] wished to be present when that motion is made. I may do it at some later day.

Mr. MANN. Does the gentleman wish it to go on the calendar?

Mr. WEBB. Yes. I thought that was the regular order of procedure.

REGULATION OF IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. GALLAGHER].

The SPEAKER. The gentleman from Illinois [Mr. GALLAGHER] is recognized for three minutes.

Mr. GALLAGHER. Mr. Speaker, this House, in passing this immigration bill, is about to change the policy of this Government ever since its foundation. You are about to exclude men and women who come here who can not read or write. Representing a great district in Chicago made up largely of foreigners and the children of foreigners, I can not afford to remain silent and let this bill pass without a protest.

The men you are about to exclude, or the people you are about to exclude, have come here and were welcome ever since this country was discovered, and have done just as much in the work of developing this country and making the country great as many who came here with a college education. It would shut out many friends and relatives of people who live in my district, city, and State, and it certainly is, in my opinion, an unjust law.

If you pass this bill, I am sure you will find later on that you have made a bad mistake. With many of the States passing compulsory educational laws, preventing the youth of the country from going to work before they are 14 or 16 years of age, and Congress lately passing a vocational education law to instruct the youth of our country in trades and other callings, where, in God's name, are you going to get the people to do the work that these poor immigrants would do whom you are shutting out under this bill? And what seems stranger still is that the Representatives here who are strongest for the exclusion of immigrants and who are lined up to-day most solidly for the passage of this act are the men who represent a section of this country that needs these toilers more than any other part of the United States.

It is amazing that the Members who represent States that need these immigrants are so short-sighted, because I do not know where, in God's world, they are going to get the people to do the hard manual labor that these poor aliens have to do that come here, and with conditions as they are to-day I can not see for the life of me who is going to do the hard work the poor laboring man is now compelled to do in the future. I am sure the graduates of our schools will not do it. I am sure that the youth of our country you are going to prepare for toil under the new vocational education bill that you have just passed will not do it, and the work will remain undone, because you will not be able to get men to work upon the streets, in the sewers, upon the railroads, or upon the farms, and the need for domestic servants will be even greater than ever.

Now, go ahead and pass this bill—I know you are going to do it—and you will find that you are doing a great injustice to the immigrant as well as to the country at large. But I protest against its passage, and I hope that the President in his wisdom will veto it as he did before, and I am pretty sure he will. [Applause.]

Mr. BURNETT. Mr. Speaker, I want only five minutes to conclude, and then I shall move the previous question.

Mr. Speaker, the matter of the illiteracy test that the gentleman from Illinois [Mr. GALLAGHER] has referred to has been thrashed out so often on this floor that it is unnecessary for me to waste any time on that proposition now. The gentleman from Illinois says it is amazing how shortsighted the 307 men are who last spring voted for this bill in this House, with the illiteracy test in it, with only 87 so farsighted that they could see the shortsightedness of all the rest of us. It is another illustration, Mr. Speaker, of the case of the 11 stubborn jurors.

Now, as I said, the illiteracy test does not come into this question now, because it has been settled. The gentleman from New York [Mr. BENNET] has made an appeal, warning us against getting the bill into such shape that the President will veto it, foretelling a veto because it contains the provision he objected to.

The gentleman seems to have changed his views in regard to the poor immigrants. Heretofore he posed as the great friend of the poor immigrant, but only the other day, when our conference agreement gave the immigrant until the 1st day of July to study this bill and prepare for its requirements, the gentleman's desire to pose as a great parliamentarian got the better of his love for the poor immigrant, and largely at his instance the bill was sent back to conference, and we were forced to make it effective May 1, two months' shorter time than the conferees desired to give him. Now, the gentleman is foretelling what the President is going to do to the bill because we have in it a provision which he criticizes in regard to the Japanese.

Mr. Speaker, the President vetoed the bill two years ago, but at that time we had in the bill a reference to a gentleman's agreement and excluding those who could not become citizens by naturalization. And yet our President then made no reference whatever to that as being any ground for his veto.

The gentleman from New York [Mr. BENNET] is mistaken and is stirring up an unnecessary mare's nest when he talks about our undertaking to embarrass or to insult the great, brave Japanese people. Mr. Speaker, there was in the bill as it passed the House a reference to an agreement, and there were some gentlemen who believed that it might be thought by our Japanese friends that that language was directed against them; and

therefore, in order that we might remove the idea of any purpose to intentionally insult the Japanese Government, we have stricken out even that little word and provided that no alien now in any way excluded from or prevented from coming to this country shall be admitted.

I do not challenge the statement of the gentleman from New York that the Japanese people have kept that agreement for these nine years, and that very fact, Mr. Speaker, entitles them to the very consideration which I think we have given them, that nothing should be in the bill that could be fairly understood or interpreted as an insult to those people.

I agree with gentlemen from the Pacific coast that these questions are racial and not economic, but we desire to accomplish the best that we can for the whole people without giving offense to any nation, and if, as my friend from New York has said, they are observing that gentlemen's agreement—a statement which I will not question—there is not a word or a syllable in this bill at which that great nation can take any just offense.

Mr. Speaker, having said this much, I move the previous question. [Applause.]

The SPEAKER. The gentleman from Alabama moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the immigration bill.

Mr. GALLAGHER. I make the same request.

Mr. LANGLEY. I make a similar request.

Mr. SIEGEL. I make a similar request.

Mr. PLATT. I make a similar request.

Mr. BENNET. Mr. Speaker, I desire to extend my remarks in the RECORD on the point of order on the Post Office appropriation bill.

The SPEAKER. Is there objection to any of these requests?

There was no objection.

PUBLIC BUILDINGS.

Mr. HENRY. Mr. Speaker, I offer a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 408 (H. Rept. No. 1301).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18994) to increase the limit of cost of certain public buildings, etc.; that in the committee the first reading of the bill shall be dispensed with; that there shall be not to exceed four hours of general debate, two hours to be under the control of the gentleman from Florida, Mr. CLARK, and two hours to be under the control of the gentleman from Ohio, Mr. MOONEY, said debate to be confined to the subject matter of the bill; that at the conclusion of the general debate the bill shall be read by paragraphs for amendment; that at the conclusion of such reading the committee shall rise and report the bill to the House, whereupon the previous question shall be considered as ordered upon the bill and amendments to final passage without intervening motion, except one motion to recommit.

Mr. HENRY. Mr. Speaker, I move the previous question on the rule.

Mr. MANN. Before the gentleman moves the previous question——

Mr. HENRY. I withhold the motion for a moment.

Mr. MANN. I understand that the gentleman from Ohio [Mr. MOONEY] is absent on account of illness, and therefore will not be here to control the time on the minority side. I think perhaps the gentleman had better give me the time.

Mr. HENRY. Does any other gentleman desire the time?

Mr. ASHBROOK. I am a member of the committee, and I have no objection to the gentleman from Illinois [Mr. MANN] controlling the time, but it does seem to me that the time ought to be controlled, not by party complexion, but by members of the committee who are in favor of the bill, and members of the committee who are opposed to the bill.

Mr. MANN. I have no objection whatever to the gentleman from Ohio [Mr. ASHBROOK] controlling the time, if I can be sure of getting some time for this side of the House.

The SPEAKER. Is the gentleman from Ohio [Mr. ASHBROOK] opposed to the bill?

Mr. ASHBROOK. I am.

Mr. HENRY. So is the gentleman from Illinois [Mr. MANN].

Mr. ASHBROOK. But he is not a member of the committee.

The SPEAKER. The usual practice is for the control of the time to go to the minority.

Mr. MANN. I suggest to the gentleman from Ohio [Mr. ASHBROOK] that his name be substituted in the place of that of Mr. MOONEY to control the time in opposition to the bill.

Mr. HENRY. I ask unanimous consent that that be done.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the name of the gentleman from Ohio [Mr. ASHBROOK] be substituted for that of Mr. MOONEY, Mr. ASHBROOK being opposed to the bill. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas moves the previous question.

The previous question was ordered.

Mr. HENRY. Mr. Speaker, I reserve my time.

Mr. CAMPBELL. I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 20 minutes.

Mr. LENROOT. Mr. Speaker, I am opposed to this bill; but even though I were in favor of it, I would be opposed to this rule, which brings up this bill for consideration at this time, for the reason that there are bills now pending before this House, and applications now pending before the Committee on Rules, for the consideration of bills of very much greater importance to the country than is this bill. I am opposed to the bill itself, not because I am opposed to public buildings being very generously provided throughout the United States. I am not opposed to Federal buildings being eventually constructed in all towns in the United States whose postal receipts are in excess of $10,000 a year. I need not go into the reasons for that now, but I say this to make it plain that I am not opposed to this bill because there are items in it providing for buildings in small cities, but because in the present condition of the Treasury there is absolutely no defense for the consideration of this bill involving an expenditure of $38,000,000. And the amazing thing is that the Democratic side of this House, responsible for the appropriations that are made, with a $300,000,000 deficit staring them in the face to-day, with the Committee on Ways and Means at their wit's end to know where revenue is to be found to meet the absolutely necessary expenditures of this Government, should bring in this $38,000,000 proposition at this time, when no man will stand on this floor and say that the major portion of the items of this bill are absolutely necessary at this time, although they may be desirable when the Treasury is in a condition to warrant them.

That is the situation that we have on this floor to-day. I said a moment ago that there were bills now pending on the calendars with applications before the Committee on Rules for special rules for them of very much greater importance to the country than is this bill. Yet those bills must wait, and in all probability never will be considered at this session at all, in order that the membership of this House, not treating this question as a national question, not looking at these things from the standpoint of the national good, may be able to go home on the 4th of March and say to their constituents, "I got so much money out of the National Treasury for a public building in my district."

One of the bills that I refer to came up yesterday on the Unanimous-Consent Calendar and was objected to because it was stated that it would take three or four days to consider it. That was the bill known as the stock and bond bill, relating to the issuance of securities by railroads. Every one knows that that bill is a hundredfold more important to the United States at this moment than is this public-biuldings bill, and yet in a few moments I anticipate that the membership of this House is going to vote to bring the public-buildings bill before the House, which will mean that the regulation of the stock and bonds of railroads, affecting all the people of this country and involving millions and millions of dollars to all the people of this country must sleep in the pigeonhole in order that Members of this House may go home to their constituents and say, "We got something for you."

Now, Mr. Speaker, I appreciate fully the position that Members feel that they are in with reference to this bill. Nearly every Member of this House has an item in this bill. Many Members feel that if they oppose this bill that when it comes to the particular item affecting their own district, they will be estopped from opposing any motion to strike out their particular item. I have an item in this bill for my own district, one that comes within the law in the rule laid down of $10,000 postoffice receipts, and is just as meritorious as the majority of items in the bill. I want to serve notice now upon anyone

that when it comes to this item in this bill, if the bill is to be considered, I shall feel perfectly free to oppose a motion to strike out that item unless you will also at the same time strike out all other items of a like character, and that I will be willing to do.

We have a perfect right, Mr. Speaker, to oppose a policy as I am opposing it now, but if that policy is to be adopted by the House, then we who oppose it on the floor have the right to insist that because of our opposition to it in the public interest our own district shall not be discriminated against, but be treated exactly the same as the other districts are treated.

I am confident that if the membership of this House could fully realize that consistent position, we might be able to defeat this bill now. For I will undertake to say that if every Member of this House would consult his own conscientious conviction, under the condition of the Treasury to-day, knowing the uncertainty of the future with regard to it, he would not at this time vote either for the rule or for the bill. Mr. Speaker, how much time have I occupied?

The SPEAKER. The gentleman has occupied eight minutes.

Mr. LENROOT. If I should occupy as much as 15 minutes, I would like to be notified.

I anticipate that it will be said by those in favor of the rule and the bill that this bill makes no appropriation. That is true, but with each authorizing section you find this language: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion," and so forth.

When this bill is once adopted and enacted into law an appropriation must follow as a matter of course, and the liability is as clearly fixed in this bill as if the appropriation itself was contained in it.

Now, Mr. Speaker, it has been stated informally, and I presume will be stated on the floor, that this bill only carries about $28,000,000. I have here a statement from the Secretary of the Treasury which I shall not take the time to read in full, but after analyzing the bill, he says:

> The entire amount therefore authorized in the new bill is $39,376,200. Deducting the amount that is already authorized, which involves only reappropriation of previous amounts, and revised methods, $1,185,000, the net authorization contained in the bill is $38,191,200.

Why, Mr. Speaker, because of the exigencies of the case, because the Treasury is in such a condition that it can not stand the drain, the clerks of the United States Government, with the high cost of living, will be compelled to forego that little 5 and 10 per cent increase that has been granted to them in the various bills by the House. We can not give the clerks working for $800 a year or less a little increase of 10 per cent—$80 a year in order to keep themselves and their families from absolute hardship and want for the necessities of life, but we can, if we adopt this rule, take $38,000,000 out of the Treasury of the United States for the purpose of erecting public buildings in various districts of this country where no one will say, except in some cases, that they are absolutely necessary at this time.

But, Mr. Speaker, it will be said, I anticipate, that there is some beneficial legislation contained in this bill that will be of great benefit in the way of economy in the future. Granted, and if that is the desire, gentlemen could bring in a bill with that legislation alone, without any new expenditure, and there would be no difficulty in passing it; there would be no opposition to it on either side of the aisle, if that is the result desired. But the real purpose of incorporating in this bill some beneficial legislation is to use it as a means for defending the real purpose of the bill, the $38,000,000 in money. Oh, Mr. Speaker, it is a sad commentary upon the membership of this House when this thing shall be done. It means that the membership of this House, when it comes to appropriations for their own districts, are willing to forget their Nation, are willing to forget the great national purposes of this Government, are willing to forego the consideration of great matters of legislation of tremendous importance to this Government in order that they may enact legislation taking money out of the Treasury of the United States for the benefit of our own particular districts.

Mr. Speaker, this can not be defended. This bill at this time can not be passed on its merits, because of the condition that the Treasury is now in, with every reason to believe that it will so continue when appropriations will have to be made under this bill. We have every reason to believe the same conditions will then prevail as now prevail. I suppose it is useless to appeal to the Members of this House, but I do ask you to remember this country as a whole rather than your own particular district; and if you do, you will vote down this rule to-day.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I did not deem it necessary to say anything on the rule. I want to state that the rule presented by the Committee on Rules is absolutely fair. I want to say that this is the first time I think during my service in Congress when a public-buildings bill has been thrown absolutely open to inspection for discussion and for amendment in its every paragraph. The time is equally divided, and there has been so much talk in the press of the country about this particular bill that I think this House owes it to itself to consider it and pass upon it. Let the House determine whether these statements are true. It is true, as the gentleman from Wisconsin [Mr. LENROOT] has said, that we have annexed to this bill legislation which we think is valuable, provisions for the standardization of buildings, provisions for the purchase of sufficient land, so as to be able to add to buildings in the future without selling them at a sacrifice and building others, provisions for the building of office or box-type buildings for post offices in this country. This bill carries in its authorization from 40 to 50 per cent less for the same sized towns as was carried in former bills. There can be no possible objection to the consideration of this measure now, because four years have passed since a public-buildings bill was reported to this House.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. BARKLEY. Will the gentleman inform the House how near up with the authorizations already made the Treasury is with the construction of these buildings?

Mr. CLARK of Florida. I can not do that. I think it is considerably behind, but the purpose of this legislation is to reorganize the public-building force of this Government in such a way that they can keep abreast of the authorizations, and we believe that if this legislation, while not perfect, is adopted it will be a long step in that direction, and will result ultimately in economies that mean millions and millions of dollars to the people of the United States.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. CRAMTON. In answer to the question of the gentleman from Kentucky, I may say of one case with which I am familiar, and I think it is typical of many in the bill of 1913, where a building was authorized, but that nothing has been done except to buy the site, and I think there are several other similar cases.

Mr. CLARK of Florida. That is the difficulty. The delay is costing the Government hundreds of thousands of dollars in the purchase of sites alone, and it has cost the Government many more hundreds of thousands of dollars because of the advance in building materials.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. LANGLEY. Lest the House should infer that all the sites authorized by the bill of 1913 have been purchased, I desire to state that there are still a great many sites authorized by that bill that have not been purchased.

Mr. CLARK of Florida. A great many have been, and contracts have been made for some buildings authorized in that bill, I understand; but, Mr. Speaker, the point is that we are taking a long step in advance in this legislation toward the correction of the evils which we all admit exist.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. COOPER of Wisconsin. By any possibility could the aggregate amount appropriated in this bill be expended in one year?

Mr. CLARK of Florida. It is not possible.

Mr. COOPER of Wisconsin. Over how many years would the expenditure of this aggregate sum be extended?

Mr. CLARK of Florida. If the Treasury Department pursued its usual course, it would be at least four years, because they have issued orders to build only 25 per cent in any one year.

Mr. COOPER of Wisconsin. About how much would that be each year?

Mr. CLARK of Florida. A little over $7,000,000; and none of this money, practically none of it, except for the purchase of a few sites, will be needed for a year and a half or two years hence, and surely the Treasury of the United States will not be forever in the deplorable condition in which gentlemen depict it now.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. LENROOT. Did not the gentleman state before the Committee on Rules when he appeared before that committee that if

this bill were passed the Treasury Department could catch up in eight months?

Mr. CLARK of Florida. I think not. I think I said about a year and a half. The gentleman misunderstood me. I think I said 18 months.

Mr. LENROOT. I may have misunderstood the gentleman.

Mr. CLARK of Florida. I think the gentleman certainly did, because I never have had that in mind, but I do think that with the reorganization of the building force in the department, as we propose to reorganize it, they will catch up within a year and a half or two years at the furthest.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I am going to vote for this rule, and I hope that I am going to vote for the bill; but I am not going to vote for the bill unless the items which have no merit are cut out by amendment.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GORDON. For the information of the House would the gentleman give us those items that are without merit?

Mr. GARDNER. I have no doubt that that will be done. I hope that those items, of which there are many, that are without merit will be cut out by amendment, but if they are not cut out, in spite of the fact that this bill contains an appropriation for a post office in the city of Salem in my district, a city of over 40,000 inhabitants without a post office, nevertheless I shall vote against the bill.

I listened very carefully to the very intelligent discussion of the gentleman from Wisconsin [Mr. LENROOT]. He made three principal arguments against this bill. They may all be sound, but only one of them goes to show that we ought not even to consider the measure. The gentleman says or implies that this bill contains items which are not meritorious. Obviously that is the case. It also contains many items which are highly meritorious. Must this House confess beforehand that it has so little self-control that it can not even consider a bill which contains items which are not meritorious. Are we so much afraid of ourselves that we do not even dare to go into the Committee of the Whole House on the state of the Union and at least make an attempt to cut the pork out of his bill? The gentleman from Wisconsin went on to say that the Treasury could not afford an omnibus public-building act this year, even if each of its items were meritorious.

There never was a time in the history of this country and there probably will not be a time for a good many years to come when taxes will be as little felt as in the flush times that we have at present. If there ever was a time when it was wise to go ahead and complete these needed improvements that the gentleman from Wisconsin admits that we ought to have, now is that time.

The gentleman made a very impressive presentation of the case; but there was only one of his arguments which tended to show us why we ought to vote against this rule for the consideration of the omnibus public-buildings bill. The argument did not convince me, but it was a strong argument. He says that there are pending before the Committee on Rules a great many meritorious propositions which we can not find time to consider in this House. I admit that this bill, if we vote to consider it, will use up at least two days. Somehow or other my experience in Congress leads me to the conclusion that if the Committee on Rules is really desirous of bringing matters before this House, time will be found in which to do so.

Mr. Speaker, if the Members of long standing in this House would look over that assortment of propositions pending before the Committee on Rules I venture to say that they would recognize many old friends which, no matter how meritorious they may be, the Committee on Rules invariably finds that the House has not the time to consider.

Mr. HENRY. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I very much regret to see a difference of opinion between my distinguished friend from Massachusetts [Mr. GARDNER] and my other distinguished friend from Wisconsin [Mr. LENROOT], and I trust it forebodes no political disaster. [Laughter and applause.]

Mr. FOCHT. I would like to inquire whether you prefer the word "caucus" to "conference"?

Mr. MOORE of Pennsylvania. We will cross that bridge when we reach it.

I am not surprised that the gentleman from Wisconsin [Mr. LENROOT] opposes this measure, but I am surprised that in doing so he should appeal to our consistency, because in the same breath the gentleman from Wisconsin informs us that while he proposes to vote against this bill because it is in substance a graft measure, he does not propose to vote against those particular items in the bill in which he is interested. This is a new form of consistency which I commend in particular to the gentleman from Massachusetts [Mr. GARDNER].

Now, the State of Wisconsin is a great State and is worthy of consideration in a bill of this kind, and apparently it has had such consideration in the formation of this bill. So I challenge some of the gentlemen from Wisconsin to rise in their own time, when I am through, and say whether they will move to strike out the particular items in this bill in which Wisconsin is interested. Will the gentleman from Wisconsin [Mr. LENROOT] move to strike out the item of $100,000 for Westside, Wis.? Will he or any other gentleman from Wisconsin rise in his place and move to strike out the item of $50,000 for Appleton, Wis.? Will he or any other gentleman from Wisconsin rise and move to strike out the item of $75,000 for Kenosha, Wis.? Will any other gentleman from Wisconsin—and I am particularly interested in all the gentlemen from Wisconsin just now—oppose an appropriation of $70,000 for Grand Rapids? Will my friend from Wisconsin, Mr. FREAR, who has spoken eloquently on this bill, and whose speech caused a great deal of newspaper comment, rise when the time comes and move to strike out any of these items? Will he move to strike out $35,000 for Ladysmith, Wis.? Will he rise and move to strike out $57,000 for Portage, Wis.? Will any Member from Wisconsin rise and move to strike out $40,000 for Reedsburg, $40,000 for Sturgeon Bay, $10,000 for Menasha, Wis., or $10,000 for Two Rivers, Wis.? The gentleman from Wisconsin will not permit graft in this bill—oh, no—so here is the opportunity of a lifetime for some one to rise and move to strike out any one of 10 Wisconsin items in this bill. [Applause.] Will the gentleman do it?

Mr. GARDNER. I would like to ask the gentleman if there is any reason why the gentleman from Wisconsin [Mr. FREAR] should get up and move to strike out a particular item?

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. FREAR] will speak for himself in his own time as the gentleman from Massachusetts always does, on any side of a question. [Laughter.]

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I voted in the committee for this rule, and I shall vote for it in the House. I shall then listen to the discussion on the bill, and when that is concluded I shall vote for or against the bill as I may then be advised, but I shall not join the gentleman from Wisconsin [Mr. LENROOT], my colleague on the committee, in any attempt to gag this House.

Away back in the Sixty-first Congress he and I were on opposite sides of this question. He was opposed to the Rules Committee, because it deprived the majority of the House of the opportunity of voting on bills. I was the other way. I have come to the conclusion that the gentleman from Wisconsin was then right, and having once been converted on a subject I do not intend to be a backslider. I shall not be a party to any proposition which prevents this House from voting on a bill it wants to vote on, a bill of much size and importance.

I used to vote with the gentleman from Illinois [Mr. CANNON] in those days. I came to the conclusion that he was unselfishly, gloriously, governmentally wrong, and that the Democrats and the gentleman from Wisconsin [Mr. LENROOT] and his friends were selfishly, governmentally, accidentally right. [Laughter.] The gentleman from Wisconsin can go back to the old system if he wants to; I would not. The defect of the position of the gentleman from Illinois, the then Speaker, was this—the same mistake Porfirio Diaz made in Mexico, and the same that great, strong leaders always make and always will make who realize that they can do a good thing for a country at a particular time—Mr. CANNON saved Congressmen their seats and, which was of much more importance, saved the country millions of dollars, saved the country from bad legislation. But the tendency of concentration of rule in the hands of a few was then, and always will be, to keep the others, who ought to have had an equal share in the responsibilities, from cultivating that fiber necessary to continued good government.

The Democratic Party and the gentleman from Wisconsin were right governmentally, although there is much to be said in admiration of the generous, splendid statesmanlike course of the gentleman from Illinois [Mr. CANNON] and those who followed him. I do not regret having voted with him and having gone down with him in 1910. [Applause.] But he was governmentally wrong and I am not going to now, under the leadership of my colleague on the Committee on Rules, the gentleman from Wisconsin [Mr. LENROOT], go back to the old system where

any three or four men, whether their names are LENROOT, BENNET, and HENRY, or CANNON, Dalzell, and CLARK—I am not going back again to the old system whereby, when the majority felt that they wanted to vote on a bill for or against it that three or four men sitting in some room in secret session for reasons that seemed best to them could deprive the House of its right to vote on a bill. [Applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. BENNET. I will.

Mr. LENROOT. Is the gentleman in favor of bringing in a special rule upon every bill that is on the present calendars of this House?

Mr. BENNET. Oh, certainly not.

Mr. LENROOT. Then the gentleman's argument falls to the ground.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. BENNET. In a moment; let me answer this. But a question of large importance which has filled columns in the public press and on which a majority of the House is informed one way or the other can be and ought to be considered. I yield to the gentleman from Michigan.

Mr. CRAMTON. Does the gentleman in his reformed faith feel that there is any impropriety in action on a bill being refused not by three or four Members, but by a majority of the House?

Mr. BENNET. Why, certainly not.

Mr. CRAMTON. Then a man can vote against the rule.

Mr. BENNET. Of course; but I am in favor of bringing it up and letting it be voted on and not of keeping it in the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET. Under leave of the House I desire to say, simply, that I have confidence to believe that in time, if the Committee on Rules remembers that it is merely an agency of the House and that it is the duty of the committee to permit the House to vote on the larger questions as to which the House has formed an opinion, the House will develop a quality of courage which will lead it to do for itself just what Speaker CANNON and the then Committee on Rules used to do as its substitute—that is, save the country from a whole lot of bad legislation. Until the House does develop that courage it will continue to pass undesirable legislation and to waste money. That the House shall develop that courage is essential to the Government itself.

An attempt on the part of the Committee on Rules to constitute itself a reservoir of courage for the House would merely retard the development of the House.

The deposition of Speaker CANNON has cost the country millions upon millions. In the abstract, though, Speaker CANNON was generously and patriotically wrong. Whether it was worth the money it has cost to maintain an abstract principle I do not know; but having lost the money anyway, we must not now substitute a new oligarchy in the place of the old and then, some years later, again start to develop courage in another Congress.

Porfirio Diaz was a power for good in Mexico, but his autocratic sway prevented the development of governmental ability in anyone else. Mexico, therefore, is now governmental chaos. The exercise of power by Speaker CANNON was a good thing for our country. His power was taken from him and the House has not developed, collectively, the skill and ability which he displayed individually. Will it ever? If the theory on which popular government rests is correct, it will. At any rate, we must try it out fairly.

I append two remarkable editorials from the New York Sun:

[From the New York Sun, Jan. 1, 1917.]

IS THE MODERN PORK BARREL BORN OF CHANGES IN THE HOUSE RULES?—CANNONISM, WHICH NOW IS HELD TO HAVE BEEN VINDICATED, LODGED POWER IN THE SPEAKER TO CHECK EXTRAVAGANCE.

"Cannonism!" replied one of the Democratic leaders of the House when asked to explain the drawing power of the pork barrel. "Cannonism threw the House into a fit of hysteria which led directly to the pork barrel under various names for progressive legislation, all of which reached into the Federal Treasury. We downed Cannonism, doubled the annual appropriations, and changed a Treasury surplus into a deficit. There you have the short and simple annals of the pork barrel of to-day, traced right back to Uncle JOE, and he sitting on the floor laughing at the Democratic predicament. We got a lot of temporary glory out of Cannonism as the arch enemy of democracy and progress, but there are few Democrats in the House conscious of their responsibility who do not wish we had something like Cannonism to hold back the rush on the pork barrel and act as a brake on the riot of extravagance which now prevails at both ends of the Capitol.

"Funny, significant, too, that the first outburst against Cannonism was over a pork-barrel public-building bill 10 years ago. The balance in the Treasury was low, or Speaker CANNON thought is was, and so did Jim Hemenway, chairman of the Committee on Appropriations. They combined to hold down appropriations to necessities; but the boys wanted a public-building bill, and the Committee on Public Buildings and Grounds prepared one of the most generous and general bills I ever saw, carefully distributing the pork so that fully three-fourths of the Members had a slice. They did not forget the Speaker and the chairman of Appropriations, for the committee realized that the passage of the bill depended on the consent of those two important officials of the House. The bill was practically agreed to by the committee, but as it was not privileged under the rules the chairman called on Speaker CANNON to arrange for a place for the bill on the legislative program.

"Uncle JOE talked about the possibility of a Treasury deficit, the necessity for economy, and other things, but showed no interest in even a new public building for Danville, Ill. Chairman GILLETT was discouraged and reported the situation to his committee. The members of the committee consulted others who were interested in the proposed distribution of pork, and the agreement of opinion was that they were numerous enough to force the Speaker's hand. They got up a round robin addressed to the Committee on Rules, and the signatures of full two-thirds of the Members of the House were attached to it. They petitioned the Committee on Rules for a special rule to consider the public-building bill, and Chairman GILLETT was accompanied by all the members of his committee when he presented his petition.

"The Speaker was then chairman of the Committee on Rules, and the round robin had to be presented to him. He greeted the boys pleasantly, read the text, looked down the long list of signatures, and began to talk about the condition of the Treasury. He did not think it a good time for a public-building bill, however desirable Federal buildings were when scattered over the country as monuments of national unity and authority. Then he pulled out of his desk a carefully prepared analysis of our bill, showing that the cost of maintenance of the new buildings would in many instances be double the rent and cost of fuel, light, and janitor service then paid by the Government, not to mention the millions to be spent for sites and new marble and granite buildings. Uncle JOE was prepared for the attack and we were flabbergasted for a minute, but Chairman GILLETT perked up and, calling attention to the long list of Members who had signed the round robin, asked if the Speaker proposed to ignore a respectful petition from two-thirds of the membership of the House. He reminded the Speaker that he was the servant of the House, and he made quite a clever speech, we thought.

"Uncle JOE looked us over and smiled as he said that he realized the truth of all the chairman had said. He was the servant of the House, and the House had placed certain responsibilities upon him, one of them to use his best endeavors to keep the expenditures within the revenues, and he proposed to consider that responsibility while it rested upon his shoulders. If as Speaker he recognized Mr. GILLETT to call up that bill, the House would shift responsibility to his shoulders because the House in its standing rule had given the Speaker the power of recognition in bringing forward such legislation. It had given no such power to the Committee on Public Buildings and Grounds. If as chairman of the Committee on Rules he voted for a special rule to consider the bill, he again had to assume responsibility for the bill. He did not see how he could help the committee get its bill before the House.

"'But,' asked the chairman, 'is there no way by which a majority of the House can work its will?'

"'Yes,' promptly replied Uncle JOE, still smiling, but quite seriously. 'You elected me Speaker, conscious of the power you placed in my hands, and you can declare the chair vacant at any hour of any day when a majority of the House believes or pretends to believe that I am abusing that power; and you can elect a new Speaker, even on this issue, one committed to this bill. If you believe that your bill comes within the necessary legislation of this session I would advise that course, for while I remain in the Speaker's chair I will not use the power of that office to enact such legislation so long as there is danger of exceeding the revenues and creating a deficit in the Treasury.'

"We all realized that Uncle JOE was seriously considering his duty as the chief servant of the House and was not simply stubborn. We went back to the committee room and after full discussion concluded not to report the bill. It was left in the committee as though never considered, for none of us was willing to assume the responsibility which the Speaker would not shoulder.

"That was the incident which inspired the first outburst against Cannonism. It did not come from our committee, but from some of those whom we had disappointed in the nondistribution of pork. Representative Adams, of Wisconsin, had been disappointed over his failure to double the appropriation for the agricultural experiment stations, and in a speech in New York he assailed the Speaker as a czar. A little later Representative SHACKLEFORD, father of the good-roads bill, made a bitter speech in the House against Cannonism. SHACKLEFORD was, I think, author of the new word. It attracted attention, made headlines in the newspapers, especially after the publishers had failed to secure from the Ways and Means Committee a favorable report for their bill to remove the duty on print paper, and Cannonism became such a slogan that Mr. Bryan had it written into his platform in 1908.

"Cannonism became the biggest political bugaboo we had in years, and in some parts of the country it was used to frighten children into obedience. The Democratic Party was committed to opposition to all the old order of procedure in the House, going back to the beginning of the Government, because the name of Cannonism had been given it. So in 1910 we joined the Republican insurgents in a revolution to overthrow Cannonism and create a new Committee on Rules, of which the Speaker should not be a member. When the Democrats came into control of the House they had to go a step further and elect the standing committees, leaving the Speaker as a sort of parliamentary eunuch, who could exercise no influence on legislation—not as much as he had as minority leader. We have seven committees preparing appropriation bills and a Committee on Rules jealous of its new power to control legislation. We have rivalry all along the line, and appropriations have become the chief work of Congress, until the annual appropriations are now more than double those in the days of Cannonism.

"Public buildings and river and harbor appropriations are not alone responsible for the conditions. There is much other legislation under various titles, such as good roads, to bring the producer and consumer closer together; flood control, to prevent the ravages of the Mississippi River; rural sanitation, to conserve the health of the people; agricultural extension; vocational education; and many other new national projects which sound well, but all of it running direct to the Federal Treasury, for the purpose of disbursing public money in various parts of the country, and it is all promoted in the same way that the more common pork appropriations are promoted. It all helps to strain the hoops on the pork barrel, and there is the smell of pork about much of it because the appropriations behind the projects are the motive power.

"We have gained such momentum with the pork barrel pushing us that we are in the position of Sut Lovengood's father when he yoked himself up with the bull calf, and like him we are yelling for somebody to head us off to prevent the runaway from ending in a complete smash. It's all due to Cannonism, or the overthrow of the old system, which placed responsibility on the organization of the House and enabled the Speaker to secure cooperation and coordination from the chairman of the committee so that Congress could be held responsible for the conservation of the Treasury and protect it from the pork barrel. If we only had Cannonism back, we would not be in such a muddle with Treasury deficits, new taxes, and bond issues staring us in the face. Did any statesman or politician, as you will, ever have a sweeter revenge on those who created a revolution to strip him of power? Uncle Joe is here to smile at our struggle with the pork barrel, which he had the power to control."

ECONOMIST.

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[From the New York Sun, Jan. 8, 1917.]

THE GRAVEST RESULT OF THE ABOLITION OF CANNONISM, SO CALLED—BY CHANGING ITS RULES THE HOUSE OF REPRESENTATIVES HAS FORFEITED ITS INDEPENDENCE AND ABDICATED TO THE PRESIDENT.

I have read with much interest the article on "Cannonism" signed "Economist," appearing in the Sun of January 1. Having been in a position where I could not fail to observe, I am able to indorse all the writer says concerning the results which have followed the abolition of "Cannonism," so called. The path has been straight to the Treasury, it is true, and inevitably so, as must always follow a diffusion of power such as was formerly lodged in the Speakership. But this has not been the only nor yet the most direful result of the change in the rules of the House of Representatives.

It was confidently expected by Mr. CLARK and Mr. (Senator) UNDERWOOD that in stripping the Speaker of power that power would pass to the floor and be lodged in the chairman of the Committee on Ways and Means, the majority floor leader. The Norris resolution removing the Speaker from the Committee on Rules meant nothing, so far as curbing the Speaker's power was concerned, and really did nothing more than provide a platform on which to stage a spectacular all-night session for sparring purposes, because after it had passed and the Speaker was removed from the Committee on Rules the right in the Speaker to appoint that committee and all other committees was in no wise changed.

It will be recalled that when the real change in the rules of the House of Representatives occurred Mr. Taft was President. The Sixty-second Congress, which came in following the rejection in Canada of Mr. Taft's Canadian reciprocity pact, was overwhelmingly Democratic. Mr. CLARK was elected Speaker, and when it came to adopting rules he was stripped of power, for there was taken from him the right to name committees, and that right, the source of the Speaker's power, was lodged in the Committee on Ways and Means.

Until that time responsibility for leadership in legislation and parliamentary control in the House of Representatives rested with the speakership. The Speaker became, as "Economist," well says, "a parliamentary eunuch." Mr. UNDERWOOD was chairman of the Committee on Ways and Means, and as such became floor leader. This change in the rules of the House of Representatives, however, instead of reposing in one committee or in its chairman this great power of leadership in legislative and parliamentary control, brought about a vastly different result. It soon became evident that what had resulted was a diffusion and not a concentration of legislative and parliamentary control. The legislative ship began to drift, there was no one at the helm.

Now, if the only result of the theatrical execution of "Cannonism" had been that to which "Economist" refers, a saturnalia of profligate appropriation, we might view the wake it left with nothing more than mild alarm, for that is a condition incidental which can be readily though tardily corrected. But something else has happened, something infinitely worse, something insidious in its workings—something going to the very vitals of our institutions. The legislative branch of our Government has been practically eliminated. When Mr. Wilson became President, leadership in the legislative and parliamentary control of the House of Representatives, with its tremendous responsibilities, reposed in no one committee, in no one man. In fact, it reposed nowhere. It had been diffused.

The floor leader had lost control of the helm, the Speaker was a figurehead (for a time even his right of recognition was impaired), he was like a moderator in a town meeting—there was not even a steering committee. What happened? Naturally the Executive stepped in and assumed control, and in that moment and so swiftly no one noticed it, there was eliminated, in so far as its independent existence safeguarded the rights of the people, the legislative branch of our Government, and there remains now only the judicial branch to stand between an elective monarchical form of government and what remains of a republican form of government. Unless the legislative branch is redeemed how long does anyone suppose the judicial will remain a bulkwark?

The President to-day has complete legislative and parliamentary control in the House of Representatives, and exercises it. A glance at the legislative history of the past three years will convince a skeptic that whatever public legislation has been accomplished has been at the positive direction of the Executive. So complete has been the revolution in our form of government that at this moment there is before the President the river and harbor appropriation bill, that he may examine it before it is subjected to the necessary form of mere legislative enactment. The blame for this must not be laid at Mr. Wilson's door. He is merely employing a situation he found upon his becoming President. Any other Executive would have done likewise. The structure which a short-sighted Democratic minority raised, in combination with a band of disgruntled Republican insurgents, has fallen upon them. They thought they would destroy a hideous monster called Cannonism, and in doing so they have shorn the legislative branch of our Government of its independent existence.

It seems to me that a political revolution so momentous in its consequences as to eliminate a coordinate branch of our Government should be called to public attention; and it is because it is momentous that I ask your indulgence in taking up so much of your valuable space; and also because I want to enlist in an effort to redeem the legislative branch of our Government the most potent editorial voice in the country.

ONLOOKER.

WASHINGTON, *January 1.*

Mr. HENRY. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, there was no division in the Committee on Rules upon this question along party lines, just as the divisions in the Committee on Public Buildings and Grounds touching the bill itself were not along party lines, as I understand. I was one of those who felt constrained to oppose this rule, not because there is anything unfair about the rule itself, because there is nothing unfair about the rule in itself, but because on the policy that is involved in it I had and have very decided convictions. I feel quite certain that my duties elsewhere as a member of the Committee on Rules during the next two or three days, while this bill will be under discussion, will be of such a character that I shall not have an opportunity to express my views when the bill itself is under debate, and in consequence I take advantage of this opportunity to say just these few words.

I believe the House should think quite calmly upon this question, and I say to you that according to the statement of the gentleman from Florida himself, my very good friend, whom I regret exceedingly to oppose, that according to the statement of the gentleman from Florida himself made just a few minutes ago there exists no present exigency for the passage of this bill, and no such exigency will exist during this session of Congress, because the gentleman himself told us that in all events it must be at least a year and a half before there can be a movement looking toward the enforcement of any of the authorizations that are being made in the bill which is shortly to be brought before the House. I say that as a Democrat, due to the conditions of the Treasury, I have been alive to the suggestions which have been forcibly made by the gentleman from Wisconsin, placing it up to the Democrats that the responsibility rests upon them. We do know, as was stated by him, that now the revenue-raising committee of this House, the Democratic members of that committee, are struggling night and day to find the revenues with which to meet the immediate demands of this Government. And yet we are called upon here at the short session of Congress, with matters of great importance and moment pressing upon us from every direction, to take up and consider a bill, the chairman of the committee which reported it himself admitting there can not exist a single necessity for its passage for at least a year and a half or two years from this time. For that reason I try to exercise what I hope I have—that is, common sense—and so oppose this rule and the bill. [Applause.]

Mr. HENRY. Mr. Speaker, the Committee on Rules carefully considered this question, and they came to the conclusion that the bill is full of merit. For one, Mr. Speaker, I believe that the smaller towns of this country are as much entitled to public buildings as the larger cities. I voted, or at least favored, the proposition for the pneumatic-tube service in the cities because I believe the country is entitled to that service in the cities, but I think the people who live out in the sparsely populated sections of this country, in towns of sufficient size, are entitled to some consideration. For one I do not believe that all of our money should be squandered on great armies and navies and great buildings for the cities. I believe this bill is all right, and, Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. ASHBROOK. A division, Mr. Speaker.

The House divided; and there were—ayes 141, noes 47.

Mr. ASHBROOK. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Ohio makes the point of no quorum present——

Mr. ASHBROOK. Mr. Speaker, in deference to the wishes of my friends I will withdraw the point of no quorum, but I give notice I will demand a roll-call vote on the passage of the bill.

So the resolution was agreed to.

PUBLIC BUILDINGS.

The SPEAKER. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18994, and the gentleman from Indiana [Mr. CLINE] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18994, the omnibus public-buildings bill, with Mr. CLINE in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18994, the omnibus public-buildings bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or im-

provement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a Bureau of Public Buildings and define its duties, powers, and jurisdiction; to create and establish the office of Commissioner of Public Buildings; to fix the salary and prescribe the duties and powers of the said Commissioner of Public Buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The first reading is dispensed with under the rule.

Mr. CLARK of Florida. Very well. Mr. Chairman, when I have proceeded for 40 minutes I wish to be notified.

The CHAIRMAN. Very well.

Mr. CLARK of Florida. Mr. Chairman, I crave the indulgence of the committee while I present certain facts with relation to this bill. This bill has probably been more widely discussed in the metropolitan press of the country and in the magazines of the land than any other bill which has appeared in this Congress during my membership in it.

I want to say that for very many years it has been the practice of Congress—and gentlemen now opposing this bill have participated in that practice—to "railroad" through the House public-buildings bills with only a few moments of discussion, without any opportunity for amendment or anything of that character. These gentlemen are now the loudest opponents of this bill, a bill which we throw wide open for inspection, wide open for discussion, wide open for amendment. And I desire to say here and now, as chairman of this committee, that the sole purpose of the committee has been to attempt to reconstruct the public-buildings laws of the country and get the public-building operations of the Government placed upon a common-sense, economical, and expeditious basis; and if any gentleman upon this floor can offer an amendment looking to the perfection of the legislation so as to reach these ends, I think he will find a practically unanimous committee approving his suggestions.

Mr. Chairman, the bill has not only been commented upon in the public press, but it has been commented upon in speeches upon this floor by gentlemen who, to say the least of it, were not advised as to the facts.

Mr. Chairman, I want to ask unanimous consent at this point to revise and extend my remarks in the RECORD, because I can not confine myself to my manuscript.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. As I was saying, gentlemen on the floor have delivered speeches in which they have sought to bring this bill into disrepute. They have selected scattered items here and there, small towns, and have paraded them before the country and given the country to understand that the whole bill is made up of items such as they present in their speeches.

I want to call the attention of the committee to these facts: The act of 1913, the last public-buildings act, approved by President Taft on the 4th of March, 1913, carried a provision of law suggested at the other end of the Capitol and agreed to in conference. That provision was to the effect that thereafter no site should be provided for a public building unless the postal receipts amounted to $6,000 per annum, and that no building should be provided unless those receipts amounted to $10,000 per annum. I say that proposition came from the other end of the Capitol and was accepted by the House conferees, and finally was written into the law.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. LANGLEY. That was confined to cases where the buildings were for post-office purposes alone?

Mr. CLARK of Florida. Yes; that was confined to cases where the buildings were intended for post-office purposes alone. The gentleman can see that no particular rule could be established for those towns where there were activities other than those of the post office, and for that reason this rule was made to apply solely to post-office towns where there were no other activities. Yet gentlemen in discussing this subject have referred to the post-office receipts in towns below $10,000, and have given the Congress and the public to understand that there were no activities there other than those of the post office, when that was not true.

Take the town of Lewisburg, W. Va., as an example. The gentleman from Wisconsin [Mr. FREAR], in his speech on this subject, quoted that as one of the places where the Treasury had been ravished by a committee of Congress. The fact is that the census of 1910 did show that there were only eight hundred and some odd citizens of Lewisburg, W. Va.; but the hearings, which were accessible to the gentleman, show the further facts that Lewisburg is one of the oldest towns in the State of West Virginia, that a Federal court sits there, and that the limits of the town were contracted to the original lines, and that those lines have never been extended, but that as a matter of fact—and that fact was stated by the judge of their court, and by the postmaster of that town, and by the clerk of the court, three prominent gentlemen from there—the population to-day, and at the time of the hearings, amounted to over 2,500 people. With a post office and a Federal court also to be housed, the committee allowed only some $82,000 to build the Federal courthouse and post office at Lewisburg; and yet we are said to be "ravishing the Treasury" when we do a thing of that sort.

Ah, Mr. Chairman, that is not all. Lewisburg to-day, as shown by the receipts of the last quarter, has gone beyond $10,000—it went beyond $10,000 before this bill was ever considered in the House. It has been the practice of the committee, I want to say, to do this: When we have a hearing with reference to a particular town we get the record of the receipts, not only for the last fiscal year when there is any doubt about it, but when we find they fall below the $10,000 limit we get the receipts for the last quarter, and the last half year, and sometimes for the last calendar year; and in these cases the growth in receipts has been found to be so much, sometimes, that the committee had the right to conclude that it would go beyond the limit before the bill ever came up in Congress. In a few instances of that kind, in the case of live, progressive towns, the committee has allowed a site for a building. In the law of 1913 a number of sites were purchased by the Government at places where the receipts were under $10,000. They were provided for in the bill and bought.

When this bill came to be considered by the committee, the question came up as to what should be done at these places. The Government already owned the land. The receipts in some cases did not come up to the $10,000 limit. The committee was acting upon the theory that hereafter under this legislation, if it is adopted, we propose to cut out this site proposition entirely. We propose to fix one limit for site and building, and we propose to have the receipts go to $10,000 or over for three successive years, so as to show substantiality before the committee provides for a site or a building. But we had these sites. The Government owned them, the money had been paid, and the land had been bought, and the committee said, "Shall we let these sites lie there idle for years to come with the money of the Government invested, or shall we authorize modest buildings to be placed upon them?" And the committee decided that in all those cases, where the sites had already been bought and the Government's money had been invested, they would provide for modest buildings to be put upon them, and that has been done in this bill.

I want to say this, too, gentlemen. I have made this statement repeatedly upon this floor, and I want to say that it is bearing fruit down in the Treasury Department. Lately they have let some contracts for several thousand dollars less than the authorizations, a thing almost unheard of before in the history of the Government. But we have been calling attention to this matter; that if there was any waste, if there was any wrongful or useless expenditure of public money, it did not lie upon the shoulders of Congress, but it lay upon the officials who were executing the law. We called attention to the fact that they had the right and it was their duty under every authorization to visit the place through their agents, to examine the town, and to place there such a building as in their judgment would meet the necessities of the case, the only limitation being that they should not go beyond the authorization we had fixed. They could go as far below it as they saw fit, but not beyond it. And I say that lately they have been letting some contracts for a good many thousands of dollars less than the authorization. But in this bill we have fixed it so that there can not possibly hereafter be any question about it. We have solemnly declared in the bill itself that it is our purpose in naming these limits of cost simply to name a figure beyond which they shall not go, and that they are at liberty in their discretion to build for as much less as they see fit.

So in all these cases where sites have been bought heretofore they could put up a $10,000 building, if they thought that would answer the purpose, or they could put up a $5,000 building, and there is no power on earth to stay their hands. It is absolutely in their discretion, and nobody else has any control over it, and necessarily we have got to have somebody in whom to lodge discretion. Congress can not tell, no committee of Congress can tell to a dollar what a building should cost in a town in any

State in the Union. We have to fix a limit and then lodge discretion in some officials and let them determine the character of building that ought to be put there.

Now, Mr. Chairman, I do not want to do the gentleman from Wisconsin [Mr. FREAR] an injustice, but I never see him here unless there is a river and harbor bill or a public-buildings bill to be considered. In the speech of my friend from Wisconsin he says it is a sectional bill; that the South is in the saddle; and that we are taking all the money out of the Treasury to build monuments at crossroads in the Southern States. Now, my friend, I am going to show you how much sectionalism there is in this bill and where it goes if there is any sectionalism in it. I believe every gentleman on this floor will give me credit for being at least conservative. I want to say that no man has ever been known before, on this side or on that side of this House, since my time here of 12 years, to charge the Public Buildings Committee with being either sectional or partisan until the gentleman from Wisconsin [Mr. FREAR] made the charge. I have served upon that committee under Republican administrations. I have served upon it under Democratic administrations, and there has never been any politics, any partisanship, or any sectionalism of any character in that committee. [Applause.] But the gentleman says it is a sectional bill. I would not refer to this if he had not started it. I do not think we ought to discuss it, but the gentleman from Wisconsin [Mr. FREAR] constantly refers to "the Democratic public-buildings bill of 1913." My dear Christian friend, it was not a Democratic public-buildings bill. The truth of history is against you. A Democratic House originated the bill, a Republican Senate added millions to it, and a Republican President signed it. How can you get a Democratic bill out of that? It is a hybrid. That is what I call it. It is one-third Democratic and two-thirds Republican. It was a pretty good bill, too. But my friend says it was sectional. Let us see. I have not time to state all the figures, but I will put them all in the RECORD. The gentleman goes on to compare a Southern State with a Northern State. He takes Alabama and Michigan, for instance, and he says Alabama has 10 Representatives in Congress, Michigan has 13; that Alabama paid only a very small amount of income tax, and that Michigan paid a whole lot of income tax. Yet Alabama got 10 items in the bill and Michigan got 10. I presume the gentleman meant by that sort of reasoning that we ought to construct these buildings according to congressional districts and give every congressional district an item. If that would not be pork barrel I do not know what it would be. That would be the very height of logrolling.

But perhaps the gentleman thought these buildings ought to be constructed according to the amount of income tax paid. That would be another pork proposition, I think. I want to remind my friend that the income tax is not the only tax paid by the people of the United States. They pay internal-revenue taxes, they pay tariff taxes and corporation taxes, and various other kinds of taxes. The income tax is not all. But take that, and what do you find when you figure up these 10 items for Alabama and 10 items for Michigan? You find that Alabama got $460,000 in the bill and Michigan got $1,712,500. That is sectionalism with a vengeance, is it not? [Applause.]

Mr. LANGLEY. About four times as much.

Mr. CLARK of Florida. About four times as much goes to Michigan, and yet the gentleman says it is a sectional bill. I want to tell the gentleman that if he will go further and take the 11 strictly Southern States, and count up every dollar they have got in this bill, the State of Illinois alone gets almost as much as the entire 11 Southern States. Take Illinois, Massachusetts, and New York and add them together, and then take the 11 Southern States and the five border States of Oklahoma, Missouri, Kentucky, West Virginia, and Maryland, making 16 in all, and these three Northern States get more than $3,000,000 more than the 16 States. [Applause.] Yet the gentleman says it is a sectional bill. Oh, gentlemen!

The gentleman from Wisconsin [Mr. FREAR] compares my own State with the State of Minnesota. Florida gets in this bill $135,000; that is all. Minnesota gets $776,000, or over six times as much as Florida gets. Yet it is a sectional proposition. Mr. Chairman, if you will take the facts and go through the bill, you will be able to see how sectional a bill this is. I want to say right here that, as an American citizen, and as a Member of this Congress, under my oath as a Member, and serving upon that committee as an American citizen, it never entered my head where the State was that got the appropriation. We were looking to the towns and to their necessities, and the man who is not broad enough to do that has no business holding a seat in Congress, let alone a place on this committee. [Applause.]

Nobody considered whether it was one State or another. We took care of the necessities of the different cities and towns as far as we could. Why, Mr. Chairman, there are a number of small items to which the gentleman from Wisconsin called attention, but I will not take up the time of the House to go through them now. I will put in the RECORD every one that he has called attention to or animadverted upon. I have discussed the gentleman's figures, and I want to say that in practically every case the gentleman was wrong, and we stuck to the law as it was laid down in the books.

Now, some gentlemen may have all they want in the way of "pork." That may explain the opposition of some other gentlemen to this bill. I know gentlemen who have gotten buildings heretofore, when bills were put through under whip and spur, who never opened their mouths in opposition, and yet they are violently opposed to it to-day. These gentlemen have many items in their district.

I want to say, as chairman of this committee, that if there had been any pork in this bill the chairman would have managed to get his part. [Laughter.] I represent a district in this House, and you know how much goes to my district—the measly little sum of $45,000. That is every dollar that goes to the district I represent. In all these items I think you will find that those for the members of the committee are exceedingly small.

Now, I want to say with reference to these items that you will find upon investigation that the receipts to-day—and this is the test that we settled upon—that practically not one of them which we authorized falls below the limit of the act of 1913, or they have other Federal activities to be taken care of, one or the other. It is barely possible that there may be one or two items in this bill where we do not come up to that, and it may be, gentlemen, if I had had the absolute drafting of the bill all by myself, I would have drawn a different bill. But this bill represents the best judgment of this committee, with one or two exceptions. We are proposing legislation here which provides that hereafter the towns must show postal receipts for three successive years of $10,000. We have provided in this bill that in any advertisement for bids to construct buildings in the future the department must ask for three separate bids, contemplating three different kinds of material, and a local material shall be one of them—that is, one bid shall involve the use of local material if there be any in the State where the building is to be erected.

Talk about waste! The Treasury Department a few years ago advertised for bids for the construction of a building in the State of Washington and prescribed that the material should be Indiana limestone and southern pine. The result was that the building stone was hauled from the middle of the country across the continent, and the pine timber went from my own State, in the southeastern end of the Nation to the northwestern corner of it, went into a State that has more timber than any other State in the Union. [Laughter.] We put that provision in the bill to stop that kind of practice by the Treasury.

Mr. GOOD. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. GOOD. The gentleman has referred to legislation requiring towns to show at least postal receipts to the amount of $10,000. Does that apply to the sites in this bill and to the post offices provided for in this bill?

Mr. CLARK of Florida. It does not.

Mr. GOOD. So that any town in this bill, if it has a population of 300 or 400 and receipts of one or two thousand dollars, could get a post office?

Mr. CLARK of Florida. I do not think there is any such item in the bill.

Mr. GOOD. There are some items where the receipts are only $3,000 or $4,000.

Mr. CLARK of Florida. I do not think so, but if there are there are other Federal activities at those places.

Mr. GOOD. If such items are authorized in this bill they would be entitled to have a post office, notwithstanding this language.

Mr. CLARK of Florida. Undoubtedly, if Congress passes the bill. I say there might possibly be a case or two where they did not come up to the limit of the receipts, but if they do not there are other Federal activities.

Mr. GOOD. The information I was trying to get is whether or not this language in the bill applied to the provisions of this bill or was put in to govern it in the future.

Mr. CLARK of Florida. To govern it in the future. It says that hereafter they are to come up to that limit for three successive years.

Now, we have in this bill provided for a system of standardization. The Treasury Department—and that is one reason why they are so behind in their work to-day, because for every one of

these little buildings they have had to draw separate plans and specifications, at a great expense and loss of time.

Mr. BARNHART. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. BARNHART. The chairman of the committee says they had to draw separate plans and specifications. That was purely a whim of the department, was it not?

Mr. CLARK of Florida. They did do it, but they did not have to do it. The fact is they did do it, and wasted time and incurred great expense. We put this provision in to force them to abandon that method. We have divided the States of the Union into groups by letter, according to topography and climate, and we have divided the towns and cities into classes, numbering them according to the postal receipts, and the smallest being $10,000 receipts a year. We have provided that whenever they draw plans and specifications for a town in one of these groups under a certain authorization they must use it for towns of that same size in the same group thereafter. That will save a great deal of money to the Government of the United States.

Mr. BURNETT. Will the gentleman yield?

Mr. CLARK of Florida. Certainly.

Mr. BURNETT. Those were divided into groups on the theory that a building that suited one section of the country would not be economically fit for another section, and therefore we have taken into consideration the contiguity and the climate.

Mr. CLARK of Florida. Exactly. In other words, what would suit Florida would not suit Vermont. And, gentlemen, we have done another thing here. It has been the case heretofore, especially in the larger cities, that when the public business outgrew the building—the monumental buildings that have been constructed more for show than for service—when they were outgrown by business they have come to Congress every time and asked to sell the old one, buy a new site, and erect a new building, because they could not add to the old one without destroying its appearance, and in many cases they did not have the land upon which to permit an addition to it, and they could not build higher because the foundation was not sufficient. We provide that they shall buy sufficient land, so that hereafter they may add to the structure when the business expands, without being forced to buy additional adjoining land at an exorbitant price and without destroying the symmetry of the building itself. That provision is in this bill.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. Is there any provision in this new legislation recommended by the committee changing the law as to the distance the building line of the post office must be from other adjacent buildings?

Mr. CLARK of Florida. Yes; we have a provision in the bill which provides that hereafter the Commissioner of Public Buildings, who is to supplant the Supervising Architect, and the Bureau of Public Buildings are to purchase land without regard to whether it is bounded on the sides by more than one street, and they are given specific power to buy inside lots, if they see fit, in the middle of a block in a town or city.

Mr. STAFFORD. What provision has been made as to the building lines of the Government buildings to be erected? Do we require them to be so many feet distant from other buildings, as at present?

Mr. CLARK of Florida. We have not any requirement of that sort in the bill. We have it fixed so that they can buy a lot right in the middle of a block, if they desire to do so, but they may never have to do it. The fact has been that in all the towns and small cities in the country there are usually two or three corner lots, and when it is known that the Government is forced to buy a corner lot the price goes up at once, and if they have the power to buy an inside lot they then are apt to get the corner lot at something like its fair value.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. BURNETT. Is it not true that in a number of cases we have had to pass special laws authorizing the purchase of land not corner lots, because the corner lots could not be obtained without paying an exorbitant price, in a number of cases?

Mr. CLARK of Florida. Absolutely. Then I want to say that we have provided in this bill for the abolition of the Office of the Supervising Architect of the Treasury. To-day we have no Supervising Architect of the Treasury. A lawyer down there is pretending to act as Acting Supervising Architect of the Treasury, a departmental lawyer—not even a real lawyer, but one of these departmental lawyers who has been there for ages drawing contracts with printed blanks, with nothing in God's world to do but to fill in the date, the names of the parties, and the contract price.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. BARNHART. What experience in the way of training had the Assistant Secretary of the Treasury, who has charge of this public-buildings business, before he took that position?

Mr. CLARK of Florida. I do not think that he had any, but I want to say that the fact is that the Office of the Supervising Architect of the Treasury has been all of the time drafting plans for monumental buildings. Nobody wants a marble palace in a small town in which to transact the public business. It overshadows everything else in the community, and looks like a man with a pair of blue-jean trousers stuck in his boots, wearing a plug hat.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. ASHBROOK. I would like to inquire of the chairman if this proposed legislation abolishing the Supervising Architect's Office and creating a bureau of public buildings has any provision for carrying on the various buildings now under construction, and if not, what will be the consequence?

Mr. CLARK of Florida. The provision of the law is that there shall be a commissioner of public buildings to be appointed by the President and confirmed by the Senate; that there is also to be a bureau of public buildings in the Treasury Department composed of the commissioner of public buildings and two others to be appointed by the Secretary of the Treasury from among the officers and employees now in the Supervising Architect's Office. This will be organized, and they will go right on with the work, of course as it is being carried on now, or in a good deal better shape, I should say.

Mr. ASHBROOK. Has any consideration been given in this proposed legislation to the repealing of the existing laws?

Mr. CLARK of Florida. We simply abolish the Supervising Architect's Office. That is about the best way to repeal it. When we abolish it, that knocks it clean out of the box. I do not think we ought to say that the law establishing the Supervising Architect's Office is hereby repealed. We put him out of business and put this other fellow in.

Mr. BURNETT. If we take the jurisdiction from him there certainly is nothing left for him.

Mr. CLARK of Florida. Absolutely nothing. We get the commissioner of public buildings, and we have provided also for a bureau of estimates in the Bureau of Public Buildings, and they are to gather certain facts. Whenever a bill is introduced in Congress asking for a public building the bill is to be immediately referred to the commissioner of public buildings, and he is to refer it to the field force in the group of States where the place is located. They are to make an investigation of the city or town and report to the chief inspector of that group and he in turn is to forward it to the commissioner of public buildings, and then it is to be forwarded to the committee having jurisdiction of the bill. He is to find out all of the following facts: The postal receipts for the last three fiscal years, the different Federal activities to be provided for, the number of employees for each Federal activity to be housed, the population according to the last Federal census and the preceding one, the estimated population at the time of making the report, what important industries, if any, are located in or adjacent to the town or city, how many railroads, whether a county seat or not, the character of the public and business buildings, of the municipal improvements, the present needs as to space and probable needs within 10 years, the character of the rented quarters occupied by the Government at the time of making the report, the amount of rent being paid annually in the town or city by the Government at the time of making the report, the distance of the post office from the union station or the depot of the railroad to which the bulk of the mail is brought at the time of making the report, the amount being paid annually by the Government for the carriage of mail to and fro between the depots and wharves and the post office at the time of making the report, and any further fact or facts showing or tending to show the advisability of providing for a Federal building at the place named in the bill.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. ADAIR. Is there anything in all this information intended to be obtained through this agent that could not be obtained from the local postmaster without any cost whatever to the Government?

Mr. CLARK of Florida. There might be; but I want to say this: That we have provided for a chief inspector and inspectors of buildings in these groups who are to have charge of the custody and maintenance of the public buildings.

They are there now. They are there to look after these buildings and report upon them from time to time as to their condi-

tion, the number of employees housed there, whether repairs are needed, whether an addition is needed or anything of that kind, and they are on the ground, and therefore we thought it wise to ask from them this information.

The CHAIRMAN. The Chair desires to notify the gentleman he has occupied 40 minutes. The gentleman desired to be notified at the expiration of that time.

Mr. JAMES. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. JAMES. Is there anything regarding the cost of the proposed buildings and interest on the investment?

Mr. CLARK of Florida. I want to talk just a moment on that. I want to say this: I want to say right here, gentlemen, the fight against these small buildings is not the main fight against the bill. I do not mean this with reference to the position of certain gentlemen here, but the fight that has been inaugurated against the bill is not because of a few little buildings in small towns here and there. The American Institute of Architects is the Architectural Trust of the United States. They have been getting the "pork" for all these years. [Applause.] They hung around the committee room for days and weeks, and they wanted to write the legislation in this bill. The Supervising Architect's Office has not for years constructed one of these large buildings in the great cities or in the city of Washington. It has always been farmed out to the American Institute of Architects or their members, and they got 6 per cent on the gross cost of the building. On a $3,000,000 building they would pull down $180,000 for drawing the plans and specifications, and I am here to say I believe, and the committee believes, that the United States Government ought to have men competent to do that work in their own public-buildings office without going outside to hire these people to do it.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. CLARK of Florida. Yes; if the gentleman will make it a brief one.

Mr. HULBERT. I will make it very brief. In the town I was brought up in there was an authorization for the construction of a post office so many years ago I do not remember when it was. It has been advertised now, I think, three times, and each time it has been advertised bids have been within a couple of thousands of dollars within the amount appropriated, and each time the bids have been thrown out by the Treasury Department, necessitating readvertisement. While the population is only about 4,000, and while the receipts of the post office may be only $10,000, there are distilleries located in that town which pay a revenue to the Government of more than a million dollars per annum, and it is intended to place a deputy collector of internal revenue in this building. That condition has obtained now for a matter of 10 or 15 years, and I would like to know whether there is anything in this bill that will seek to correct such a system of inefficiency as that?

Mr. CLARK of Florida. I do not think there is any doubt about it when we get this legislation enacted and get this public-buildings commission, with the machinery which we have attempted to give them in motion. I want to say this: We do not claim that this legislation is perfect. It is going to take years to perfect it, but we do say that this is a long step in the right direction toward the economical and exepditious construction of public buildings.

Mr. DUPRÉ. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. DUPRÉ. I wanted to ask the gentleman if he had any information as to the approximate percentage of the buildings authorized in the act of 1913 which are now even under way?

Mr. CLARK of Florida. No; I have not; but very small, I am sure.

Mr. DUPRÉ. Will the gentleman give some of the proportions?

Mr. CLARK of Florida. No; I can not.

Mr. DUPRÉ. Are any completed?

Mr. CLARK of Florida. Hardly any——

Mr. LANGLEY. Not a single one.

Mr. KENT. If the gentleman will permit, I was very much interested in what the gentleman said about the American Institute of Architects. I have been told that one of the great difficulties with these buildings in the past was the common practice of insisting upon increases in cost, thereby adding extras to both the contract and the architect.

Mr. CLARK of Florida. Absolutely, and I was going to touch on that. I was going to say this: It has been the practice of these people to contract to draw the plans and specifications at these enormous figures. In nearly every case they have come back to Congress—come back to the committee and asked for an increased limit of cost by reason of the addition of these new gewgaws and jimcracks to the building. Now, I want to say this: As I said a moment ago the fight is not on this bill because of a few little buildings here and there, but these gentlemen could not write the bill. We want to save this 6 per cent for the Government and get architects, if we have not got them, who are capable of drawing plans for any building Congress will authorize. Then, I want to say another thing about this upkeep business. It is the most ridiculous proposition on God's earth. The gentleman asked me about the Assistant Secretary of the Treasury. The Assistant Secretary of the Treasury is in charge of public buildings, and whenever a bill is introduced we send a copy of it and ask for a report of facts. That is all we ask for. He got in the habit of not only giving the facts as to the postal receipts, but also he began to stick a little paragraph down at the bottom of his report to the effect that the department "felt constrained to advise against this building," and I sat down one day, after three or four of these came, and I wrote to him and I said we wanted from him a very simple statement of the facts, and that whenever we wanted his advice as to the advisability of constructing a building at a particular place we would ask him for it, but in the meantime we would be obliged if he would confine himself to the simple statement of the facts asked for. Well, then he began to put in these reports estimates as to the upkeep charges of these buildings, and, gentlemen, this bill cuts half in two the authorizations of towns of the same size in former bills. In other words, where we used to authorize $50,000 and $60,000 for a building of a certain size, we cut the authorization down to $25,000 and $30,000 for the same size town in this bill.

Now, then, he puts in his upkeep charges, and what are they? Janitor service, $1,200; supplies, $900. Do you know what the supplies are? They are soap and towels and things like that in a little one-horse post office.

Mr. JAMES. Does he not also include fuel, electric light, and things of that kind in the $900?

Mr. CLARK of Florida. It may be possible. A large part of it is for soap, towels, and things of that kind for the use of the employees.

Mr. SMITH of Idaho. The gentleman has stated that the larger buildings are constructed by the Institute of American Architects.

Mr. CLARK of Florida. Not constructed. The plans and specifications are drawn by them.

Mr. SMITH of Idaho. Do you know whether the city post office in Washington came under that institute or not?

Mr. CLARK of Florida. Yes; I think so.

Mr. SMITH of Idaho. I am told that the tables in the corridors in the new city post office cost over $3,000 and that some of the chandeliers there cost $6,000.

Mr. CLARK of Florida. Yes; and they have bronze slips in the doors for letters to be put through, and there is no use on earth for them at this time, and they cost a lot of money.

Mr. ASHBROOK. While I believe it is true, the amounts authorized in this bill are somewhat less than formerly.

Mr. CLARK of Florida. Do you not know that they are a great deal less?

Mr. ASHBROOK. Does not the gentleman believe that the buildings will be constructed for the amounts authorized in the bill? As a matter of fact, will they not come back and ask for more than we appropriate?

Mr. CLARK of Florida. If this legislation is enacted, they will be constructed for less than the authorizations, and a good deal less. You take a town to-day with a post office that is rented, and the owners of the property are going to get—and they do get, for I have gone over it—from 6 to 15 per cent as rental from the United States Government. Now, then, they do not have any janitors to take care of these rented buildings. How are they kept clean? They are kept clean, and the Government-owned building can be kept in the same way, and there is no necessity for a janitor at $1,200 a year in a little one-horse town to take care of a little one-horse building.

Mr. ASHBROOK. As a matter of fact, is not a janitor provided for all public buildings?

Mr. CLARK of Florida. Yes.

Mr. ASHBROOK. Is it not a fact that they should be provided for these buildings that are authorized under this bill?

Mr. LANGLEY. Certainly not, at $100 a month.

Mr. CLARK of Florida. Certainly not, at any such price as that. And I think the committee will stand by me and agree to put an amendment in this bill that there shall not be any at these places. You can get a charwoman for $5 or $10 a month to go there occasionally and clean it up.

Mr. ADAIR. These janitors in some places receive $55 a month, with $50 for the assistant.

Mr. CLARK of Florida. And I know places in this country where they put elevators in little one-horse buildings, when there was not another elevator within 100 miles of the place. People would go there for miles around, in order to ride up and down, in order to see what the thing looked like.

Mr. ALMON. You say but a very small percentage of buildings authorized four years ago have been constructed?

Mr. CLARK of Florida. The number is very small. I do not think any of them have been constructed.

Mr. ALMON. Is it not true that it is usually four to six years after authorization before they are constructed?

Mr. CLARK of Florida. Yes.

Mr. ALMON. To what do you attribute that delay, and do you not think it unreasonable?

Mr. CLARK of Florida. For one thing, I attribute it to the lack of standardization. I attribute it to erecting monumental buildings in small towns. I asked the Supervising Architect once, the architect who preceded the present acting architect, why they did not put up the building at Smyrna, Del., where a site had been purchased and a building authorized for several years, and he said he could not draw plans for a little $20,000 building. I said, "You do not mean that you can not draw plans for a $20,000 building?" He said, "I mean that I can not draw plans for a $20,000 building."

Mr. TOWNER. In any event, whatever expense is incurred for janitor and upkeep of the building is exclusively within the control of the Post Office Department and the Treasury Department?

Mr. CLARK of Florida. Absolutely.

Mr. TOWNER. And if extravagance is used or shown in the executive department this bill is not responsible for it?

Mr. CLARK of Florida. Not at all.

Now, I want to say, gentlemen, that there was a public buildings bill in 1906. There was another in 1908, and there was another in 1910—four omnibus bills within a period of four years—and they carried approximately $94,000,000 altogether. Here is one bill in four years. There has not been another; and when the deductions are made which should be made, it carries only $31,000,000 and a few hundred thousand. The bill foots up about $37,000,000, but we have provided in Dallas, Tex., for $1,800,000, but with the sale of the property there which we already now own for $1,000,000 it reduces it to $800,000 there.

The building for the Department of Justice is carried in here for $3,000,000, but that was provided for by a former Congress and should not be charged to this bill. And in a number of other instances deductions should be made, which will put the bill at approximately $31,000,000 in four years, a little over $7,000,000 a year.

I want to say further that out of the $31,000,000 only about $6,000,000 goes to the small cities and towns throughout the United States. [Applause.] That is, about a million and a half a year for four years goes to the rural communities of this Republic. And yet they say it is a "pork barrel." These people, they say, are entitled to nothing at the hands of the Government. They pay their taxes. They fight the battles if war comes upon us. They support the Nation in time of peace, because they are the producers of the land. And all that they ever see in a beneficial way of the Government is the mail that is handed out to them by the postal employees.

Ah, the gentleman talks about the income tax; that it is paid by these great States. Take New York; it pays millions. But I remember that there are a good many people in New York, like ex-Senator Clark, of Montana, for instance, with his millions of money, paying his income tax, where the great State of New York gets credit for it, but the wealth that enables him to pay it he dug out of the bowels of the State of Montana. [Applause.]

Again, take Mr. Hines, the great lumber magnate of Chicago. He pays a great part of the income tax, and Illinois gets the credit for it. But the wealth that enables him to pay it comes from the rural districts of the South and the West, the timberlands of the country——

Mr. LANGLEY. And the coal mines of Kentucky and Virginia.

Mr. CLARK of Florida. Yes; and the coal mines of Kentucky and Virginia. Ah, my friends, take the Southern Railway, that permeates every section of the Southland, that goes into every nook and corner of it. The bondholders of the Southern Railway live in New York, in Boston, in Chicago. They pay their income taxes. New York and Illinois and Massachusetts get the benefit and credit of it, but the wealth that enables them to pay it comes from that much abused southern land. Take also the case of the Seaboard Air Line, another railroad going into the farthermost recesses of my section of the country, pouring the wealth of that land into the laps of these people in New York and Chicago and Boston. The stockholders and bondholders pay the income tax, but they get it from that supposedly impoverished country. Where do they get it from? Who should have the credit for it—the man who sits in New York in a swivel chair and pays it or the toilers in the mines and in the forests and on the farms who produce it?

Yet gentlemen would raise that question of the payment of the income tax. Destroy the western and southern country to-day if you will. Let it be destroyed and wiped off the map. New York and Chicago and Boston and the other great cities of the land will see the grass growing in their streets and the cattle straying into their brownstone fronts. [Applause.]

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. CLARK of Florida. Yes.

Mr. HULBERT. Of course there is no doubt but that the Seaboard Air Line and the Atlantic Coast Line and the Southern Railway have made the South what it is?

Mr. CLARK of Florida. Well, there is a good deal of difference of opinion. The South made them, while they made the South.

Mr. HULBERT. Well, you raised the money in cities like New York, Chicago, Boston, Baltimore, and Philadelphia for investment in the railways of the South.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. DAVIS of Texas. They forged mortgages on the living and plastered the unborn with fictitious debts to get the money. [Laughter and applause.]

Mr. CLARK of Florida. Yes. Mr. Chairman, I did not raise that question myself, and if I could not defeat a bill without appealing to sentiments that ought to have been dead years ago I would not stand upon the floor of Congress and attempt to do it. I view this from a national standpoint. I want to see the day come when there shall be a building, modest though it may be, in every town of presidential size to take care of the post-office business of this country. You can do it, and do it for less money than the present service is now costing you. The Government can get money for 3 per cent. You are paying from 6 to 15 per cent for rent for inferior, unsuitable, and insanitary quarters in almost all the cases. And you can put up a pretty nice little Government building in some of these towns for $10,000 or $15,000, or $20,000. It can be done; a building that will be a credit to the Government, and one that will be economical in the administration of its affairs. I want to see the time come when this will be done, and when the flag of the United States shall float upon every one of these buildings for every secular day in the year. [Applause.]

The bill now under consideration, and which has caused such a storm of criticism and misrepresentation to be leveled at the heads of the members of this committee and of Congress, carries upon its face total authorizations amounting to $37,201,200, but a considerable portion of this amount should not be charged to the pending bill.

The Department of Justice building, carried in this bill, was authorized by a previous Congress, and the $3,000,000 which it is to cost should be deducted from the total.

In the case of Dallas, Tex., the committee has provided for the sale of the present Government holdings in that city for not less than $1,000,000, which likewise should be deducted.

The item for Rock Hill, S. C., appears upon its face to carry $125,000, but provision is made for the sale of the present property, which at the lowest estimate will bring $25,000, which should be deducted.

At Okmulgee, Okla., there is on the face of the bill an authorization of $135,000—$65,000 for the purchase of property from the Creek Nation worth more than $100,000, and therefore $35,000 should be deducted from that item.

At Pittsburgh, Pa., the bill carries an item for $50,000 for the enlargement of the present post-office building, and it also carries an authorization for the sale of the lot purchased by the Government several years ago at a cost of $940,000. The amount for which this lot is to be sold is left to the discretion of the Secretary of the Treasury, but surely it should bring as much as $500,000, which would entitle the bill to a further reduction of $450,000.

The National Guard Armory in the city of Washington appears upon its face to carry an authorization of $800,000, but it is provided that one-half of this shall be paid for by the District of Columbia, and therefore the bill should be further reduced $400,000.

Greenwood, S. C., $25,000; San Juan, P. I., $62,200; Washington, D. C., equipment shops, $200,000.

It should be further reduced by subtracting $62,200 for property at San Juan, P. I., and $25,000 for property at Greenwood, S. C., to be sold, and $200,000 for equipment shops at Washington, D. C., stricken from the bill.

Hagerstown, Md., carries an authorization of $100,000, but $30,000 of this has been authorized in a previous bill, and therefore that amount should be deducted.

Then there is an item in the bill for an increase of $250,000 for Syracuse, N. Y., but it is likewise provided that the present property shall be sold for not less than $250,000, which is to be covered into the Treasury, and therefore the total of the bill should be further reduced by $250,000 on this account.

It will be seen further that for Duluth, Minn., there is an item for $300,000 for the construction of a building upon a lot now owned by the Government. There is a further provision for the sale of the building now occupied for a price not less than $150,000, which, of course, should be deducted from the total of the bill.

These deductions amount to $5,627,200, which, subtracted from the total as stated, leaves the bill carrying in new authorizations $31,574,000.

The gentleman from Wisconsin repeatedly in his speech refers to the omnibus public-buildings bill of March 4, 1913, as a "Democratic public-buildings bill." Mr. Chairman, the act of March 4, 1913, did originate in a Democratic House of Representatives, but a Republican Senate sat at the other end of the Capitol and a Republican President, Mr. Taft, sat in the White House.

When the 1913 bill left the House it carried a little over $25,000,000; but when it was finally approved by the President, it carried over $42,000,000, this increase being made by the Senate. The fact is, that if it had not been for the insistence of the House conferees, the bill would have carried vastly more than $42,000,000. I mention these facts in no spirit of political controversy, but simply in the interest of the truth of history. The act of March 4, 1913, was constructed by a Democratic House and a Republican Senate, and was approved by a Republican President, and therefore it is not what the gentleman from Wisconsin says it is: "The Democratic public-buildings bill of 1913."

Mr. Chairman, this is the first omnibus public-building bill reported by the Public Buildings Committee since 1913, and therefore a period of about four years has elapsed since the approval of the last omnibus public-buildings bill. In 1906 an omnibus public-buildings bill was passed and approved by the President on June 30 of that year. That this bill when reported to the House carried a total of $21,061,000, from which $500,000 should be deducted on account of the sale of the old buildings at Atlanta, Ga., and Houston, Tex., leaving a net authorization of $20,561,000. To this the Senate added $7,038,000, and the act as finally approved carried $27,599,000.

The next omnibus public-buildings bill was approved on May 30, 1908, and when it was reported to the House, it carried authorizations amounting to $23,128,000. The Senate added amendments of over $10,000,000, and the act as it was finally approved carried $33,368,500.

The next omnibus public-buildings bill was approved June 25, 1910, and when reported to the House carried a total of $22,383,500, and to this the Senate added over $10,000,000, and the act as finally approved carried $33,011,500. It will be noted that these three omnibus public-buildings bills, running from June 30, 1906, to June 25, 1910, were all passed and approved within a period of four years, and that they carried in the aggregate $93,979,000.

Now, in no spirit of controversy, but as stated, simply in the interest of the truth of history, I desire to say—and I would not say this if the gentleman from Wisconsin had not raised the issue—that these three bills carrying $93,979,000 in a period of four years were every one passed when the Republican Party had absolute and undisputed control of the House, Senate, and the Presidency. Since the Democratic Party has been in absolute control of both Houses of Congress and the Presidency, for a period now of four years, we have reported but one omnibus public-buildings bill, and it carries only $31,574,000, or about one-third of what the three bills referred to carried in the four-year period mentioned.

I mention these facts, Mr. Chairman, not to condemn our friends on the other side of the aisle; not to intimate that they did anything wrong; because I believe that this Government can indulge in no better legislation than in taking care of the internal improvements of the country and having proper facilities for the conduct of the public business. But, Mr. Chairman, I am not attempting to follow the gentleman from Wisconsin in his wild meanderings with reference to the 1913 bill. That bill has passed into and belongs to history. I desire to discuss the pending bill, and meet, if I may, the objections that have been raised to it.

It has been charged by various metropolitan newspapers and magazines, and reiterated by the gentleman from Wisconsin upon this floor, that this bill is a sectional bill; and in order to prove his statements, he undertakes to draw comparisons as to the number of items contained in the bill for certain Southern States and the number of items contained in the bill for certain Northern States.

The utter fallacy of his reasoning is apparent upon the face of it. For instance, he compares the States of Alabama and Michigan. Alabama, he says, has 10 items in the bill and Michigan, he states, has 10 items in the bill. He then proceeds to show the amount of income taxes paid by Alabama and the amount of income taxes paid by Michigan, with the idea, I presume, that these buildings should be handed out to the States in proportion to the amount of income taxes they pay. I desire to say, Mr. Chairman, that the oldest legislator upon this floor has never heard such a theory of legislative government advanced. He makes the statement that Alabama has 10 congressional districts and that Michigan has 13. Therefore, I presume, he means us to infer that if Alabama gets 10 items in the bill, Michigan ought to have 13. The gentleman from Wisconsin, if his ideas were to obtain in the construction of an omnibus public-buildings bill, would have a real scientific "pork" distribution.

But, Mr. Chairman, let us see if Michigan has been discriminated against. I judge that he states the items correctly and Alabama has 10 items and Michigan has 10 items. If you will foot up these items in dollars and cents you will find that while Alabama gets $460,000 in the bill, Michigan gets the munificent sum of $1,712,500, and yet we have discriminated against Michigan.

The gentleman right on the next page of his speech compares Kentucky and Massachusetts. He says that Kentucky and Massachusetts each have 13 items in the bill, but Kentucky only paid $576,957 income taxes in 1915, whereas Massachusetts paid $4,536,141 of income taxes the same year. He also mentions the fact that Kentucky has only 11 congressional districts while Massachusetts has 16. If the gentleman will again count up these items in dollars and cents he will find that Kentucky gets $310,000 in this bill, while Massachusetts gets the magnificent sum of $2,805,000, or more than nine times as much. This is indeed a sectional bill and Massachusetts has been very much discriminated against.

Again, he compares Illinois and North Carolina; that Illinois has 13 items in the bill and North Carolina has 16. Illinois paid income taxes of $5,654,151, while North Carolina only paid $381,078. He also mentions the further fact that North Carolina has only 10 congressional districts, while Illinois has 27. Again I call on the gentleman to take his pencil and figure up in dollars and cents what these two States get in the pending bill. North Carolina items amount to only $334,000, while Illinois gets the princely sum of $4,865,000.

The gentleman then compares my own State of Florida with the State of Minnesota. He says each State has 7 items in the bill. Florida has only 4 congressional districts while Minnesota has 10, and Florida paid only $229,509 in income taxes, while Minnesota paid $2,033,523. If the gentleman will take his pencil again, he will find that the entire State of Florida only gets $135,000 in this bill, while Minnesota gets $776,000 in the bill.

I suppose, Mr. Chairman, that the gentleman from Wisconsin in his wonderful figuring thought he had reached a point where there could be no discussion when he compared the State of Georgia to the three States of Iowa, Maine, and New Hampshire. He figures that Georgia has only 12 congressional districts; that there are 17 districts in the three States; that Georgia only paid $440,000 in income taxes, whereas these three States, including Vermont, four States, paid $1,859,091 in income taxes. Again, Mr. Chairman, I call upon the gentleman from Wisconsin to consider the matter in dollars and cents. If he will do this, he will find that while those three States that he mentions got 19 items in the bill, and the State of Georgia also got 19 items in the bill, he will find that Georgia's items only amount to $216,000, while the three States he mentions get, in the aggregate, $1,126,500.

The gentleman then compares his own State of Wisconsin with the State of Tennessee. He says that Wisconsin gets 10 items and Tennessee gets 9 items; Wisconsin has 11 congressional districts and Tennessee has 10; Tennessee paid $410,204 in income taxes and Wisconsin paid $875,352, or a little more than twice

as much, and yet when we come to dollars and cents we find that the State of Tennessee in this entire bill gets only $100,000, while the State of Wisconsin gets $487,000, and while Wisconsin pays twice as much income taxes as Tennessee, she gets in the bill nearly six times as much in appropriations.

The gentleman then compares the great State of New York with the State of Missouri. He says that each of them has 21 items in the bill; that Missouri has only 16 congressional districts and New York has 43; that Missouri paid only $2,789,965, while New York paid $45,230,685. Let the gentleman again abandon the idea of items and come to dollars and cents. He will find that Missouri gets $1,679,000 in this bill, while New York gets $2,268,000.

The gentleman from Wisconsin states that the 32 most important House committeees, Mr. FITZGERALD is the only chairman from any Northern State. I do not know which he designates as the 32 most important, but the fact remains that the Hon. WILLIAM A. ASHBROOK, of Ohio, is chairman of the Committee on Coinage, Weights, and Measures, an important committee; Hon. ISAAC R. SHERWOOD, of Ohio, is chairman of the Committee on Invalid Pensions, one of the most important committees; Hon. MARTIN D. FOSTER, of Illinois, is chairman of the Committee on Mines and Mining; Hon. MARTIN A. MORRISON, of Indiana, is chairman of the Committee on Patents; Hon. JOHN A. KEY, of Ohio, is chairman of the Committee on Pensions; and there are others. Why, in the face of these facts, does the gentleman make such a statement?

The gentleman makes the statement that it is not a rule to consider places of less than $6,000 postal receipts for the purchase of a site, or less than $10,000 for the construction of a building, and states further that one hundred or more projects in this bill violate the $10,000 rule, and that the House rejected such a proposition by nearly 100 majority. The fact is, Mr. Chairman, that the rule to which he refers is a part of the law of the land, enacted in the omnibus bill of March 4, 1913. I shall not go through with all of the misstatements which occur in the gentleman's speech against this bill. Time will not permit it. However, I desire to call attention to one statement which he makes which is a fair sample of his criticism of the entire bill. In referring to the 1913 bill, he says:

> Think what joy came to Marianna, Fla., with its 1,915 souls, upon learning that a good shepherd has given to its people a $70,000 monument at $35 per capita. Think of Kissimmee, with 2,157 souls, now living on a stream dry eight months in the year—

And so forth.

Mr. Chairman, it is true Marianna shows by the 1910 census to have a population of 1,915, but Marianna is one of the most rapidly growing towns in Florida, located in a rich agricultural region, and to-day has a population of at least 3,000 people, and in addition to the post office, which has the required amount of postal receipts, the United States District Court for that district holds terms at Marianna, and the $70,000 was to provide a building capable of taking care of the post office and Federal court.

With reference to Kissimmee, I desire to say that Kissimmee is a town to-day of at least 4,000 people and it is not on a "stream" at all. The gentleman is a member of the Rivers and Harbors Committee and he has had a great deal to say about the river and harbor bill, and it would be supposed that the gentleman would have some little knowledge as to the geography of this country, at least, so far as it affected navigable streams. The city of Kissimmee, Fla., is located on Lake Tohopekaliga and is at least 70 miles from the Kissimmee River, to which the gentleman from Wisconsin refers.

Again, he refers to Key West—the "little city" gets $80,000—and asks this question, "Is that the site secured by a representative of the Flagler road who haunted the committee before the 1913 bill was reported?" Mr. Chairman, I can not understand the recklessness with which some gentlemen will make statements about an important matter. The gentleman does not say that the "representative of the Flagler road haunted the committee," but he does make that charge, by inuendo, by asking the question, "Is that the site secured by the representative of the Flagler road who haunted the committee?" I want to say, Mr. Chairman—and I speak with authority—that no "representative of the Flagler road," either verbally or in writing, ever said one word to the committee about the item of a site for the city of Key West. No representative of the Flagler road ever offered any intimation that the Flagler road desired the Government to buy a site at Key West. I think I know to what the gentleman refers, but he is sadly off with reference to the facts. The city of Key West at one time had a representative in Washington, in the person of Col. T. J. L. Brown, now deceased. The city of Key West paid him a salary to look after certain matters of theirs in the departments. He was in no sense a representative of the Flagler road, but was a representative of the city of Key West. I desire to say, Mr. Chairman, that the city of Key West is peculiar to itself. It sits in the Gulf of Mexico on a very small island. It is a thriving city of some thirty or forty thousand population. It is the extreme southern point in the United States and occupies a very strategic position for this Government. It will undoubtedly at some time in the progress of our affairs be made a great naval base for the United States. It has already a great harbor and is a flourishing, thriving little city, and lots are extremely high. Mr. Flagler had just finished building his road "across the sea" from the mainland of Florida to the city of Key West, at an expense of millions of dollars to himself, and Key West, with its Federal court, with its post-office business, with its internal revenue, with its customs service, with its immigration officials, and all these activities of the Government, needed, and now needs badly, more room in which to conduct the public business. If ever an item was justified in the bill, the item for Key West is certainly justified.

Mr. Chairman, as another evidence that the gentleman from Wisconsin does not understand the pending bill, I want to call attention to the fact that he states that in this bill Nogales, Ariz., gets $120,000, while the fact is that the 1913 bill authorized $110,000 to secure a site and building for a customhouse and $10,000 for a separate post-office site. The present bill simply consolidates these items and makes the $120,000 available to buy one site and erect one building for all purposes. This the gentleman from Wisconsin could have ascertained by simply reading the bill.

The gentleman also inveighs against Flagstaff and Yuma, both of these towns being located in the State of Arizona. Flagstaff in 1905 had postal receipts amounting to $5,972.02, but in 1915, so rapid had been the growth of the place, they showed $15,850.55. The bill carries $7,000 for a site at Flagstaff, and yet the gentleman from Wisconsin denounces this as unwarranted extravagance. Yuma, Ariz., had postal receipts in 1905 amounting to $5,807.77, but in 1915 the annual postal receipts were $14,038.77. In addition to the post office, the customs service, Interior Department, Department of Agriculture, and the Department of Labor each have officials at Yuma to be housed, and the bill only carries $6,000 for a site. But, Mr. Chairman, I shall take up the items in the bill separately and demonstrate that the committee has not been extravagant and has not violated any rule. Let it be understood in the beginning that the act of March 4, 1913, provided that no building should be erected in a town or city unless the postal receipts amounted to $10,000 annually and that no site should be authorized to be purchased unless the annual postal receipts amounted to $6,000. This, of course, applied to towns and cities where there was no Federal activity other than the post office. Under the rule and under the law, if a town had other Federal activities, then it was not within this inhibition. In other words, a town might have only six or seven thousand dollars in postal receipts, but if a Federal court was held there, or if there was a customs office, internal revenue, Forestry Service, and other Government activities, this $10,000 and $6,000 limit would not apply. I want to say that in the framing of the bill now pending it appeared that there were a number of towns and cities with no Federal activity except the post office; and where the receipts did not reach $10,000 annually but where the Government had already purchased a site, the committee decided that it would be better to arrange for the erection of a building along modest lines at such places rather than to allow the land which the Government already owned to lie idle, and it will be found that there are a number of cases of this character in the bill. With that understanding, I invite your attention to the bill itself, and in discussing it I shall only refer to those places which have been criticized either by the gentleman from Wisconsin or some of the newspapers and magazines which have seen fit to attack it.

ARKANSAS.

Van Buren: Postal receipts, 1915, $9,884.36. The committee provided for the purchase of a site.

Forest City: Site already acquired. Committee allowed building only; $25,000 authorized. Postal receipts, 1915, $9,687.77; 1916, $10,999.58.

Blytheville: Committee allowed a site, $9,000. Postal receipts, 1915, $11,683.91; 1916, $13,652.13.

Brinkley: Site already acquired, and the committee allowed a building. Postal receipts, 1915, $6,114.53; 1916, $6,750.97.

Conway: Site previously acquired. Building provided. Postal receipts, 1915, $13,126.17.

Stuttgart: Site already acquired. Building only was provided. Postal receipts, 1915, $12,940.02.

Eldorado: Site already owned. Postal receipts, 1916, $10,571.64.

CALIFORNIA.

Placerville: Site only authorized. Postal receipts, 1915, $10,038.38. Federal activities, post office and Department of Agriculture. Annual rentals paid, $1,517.

Susanville: Site only authorized. Activities to be housed, post office, civil service, Interior Department. Rent being paid, $600 per annum. Postal receipts for 1915, $7,058.08.

GEORGIA.

Sandersville: Activities to be housed, post office, agriculture, and internal revenue. Postal receipts, 1915, $7,855.16. Building only provided. Site already owned.

Pelham: Receipts for 1915, $6,719.12. Committee provided a site for this place.

Cairo: Postal receipts, 1915, $7,273.48. Committee provided a site only.

Blakely: Postal receipts, 1915, $6,327.50. Site only was authorized.

Waynesboro: Site already owned by the Government. Postal receipts, 1915, $7,022.26. Building provided.

Covington: Postal receipts, 1915, $7,031.21. The committee provided a site.

Monroe: Site previously provided. Receipts, 1915, $7,361.51. Committee provided a building.

Commerce: Postal receipts, 1915, $6,290.89. Committee provided a site.

Decatur: Receipts, 1915, $7,230.65. Committee provided a site.

East Point: Receipts, 1915, $11,425.61. Committee provided a site.

Rossville: Site previously acquired. Receipts for 1915, $8,062.48. The committee provided a building. It should be known here that Rossville is situated partly in Georgia and partly in the State of Tennessee. The post office is on the Georgia side, but the State line divides the town. The census report for 1910 only shows a population for the Georgia side of the State line. The fact is that the entire town has a population of three or four thousand people.

Hawkinsville: Receipts, 1915, $8,129.91. Committee provided a site.

Cuthbert: Receipts, 1915, $7,813.40. Committee provided a site.

Ashburn: Receipts, 1915, $6,468.82. Committee provided a site.

Thomaston: Receipts, 1915, $6,144.63. Committee provided a site.

Jackson: Receipts, 1915, $6,647.65. Committee provided a site.

Winder: Site only. Post-office receipts, 1916, $8,002.73.

Baxley: Site only. Post-office receipts, 1916, $6,046.18.

Fort Valley: Site only. Post-office receipts, 1916, $10,726.64.

IDAHO.

Coeur d'Alene: In a former bill $100,000 was authorized for a site and building, of which $13,200 was paid for a site. In the present bill there is an increase allowed of $88,200, which would make available for a building the sum of $150,000. The activities to be housed at Coeur d'Alene are the post office, Federal court, Interior Department, Department of Agriculture, and civil service. The rent now being paid by the Government is $5,592 per annum. Postal receipts for 1915, $19,499.84.

Blackfoot: The committee in this instance provided for a site and building. The activities to be housed are the post office, land office, and civil service. Rents being paid, $1,468. Postal recepts, 1915, $18,414.45.

ILLINOIS.

East Moline: Site and building provided in the bill for East Moline. Postal receipts, 1915, $14,252.47. The Treasury Department estimated $65,000 for this building and site and the committee allowed $45,000.

Pittsfield: Site and building were allowed for Pittsfield. Postal receipts, 1915, $11,289.17. The Treasury Department estimated for a site and building $40,000 and the committee allowed $35,000.

Galva: Site and building provided in the bill for Galva. Postal receipts in 1915 were $15,691.44, and the Treasury Department estimated $55,000 for a site and building. The committee allowed $45,000.

IOWA.

Marengo: A site had been previously acquired for Marengo and the committee in the present bill provided for a building only. Postal receipts, 1915, $7,503.33.

KANSAS.

Holton: A site had previously been acquired at Holton. The postal receipts for 1915 were $12,501.30, and the estimate of the Treasury Department was $35,000 for a building. The committee allowed $35,000.

Olathe: The committee provided a site and building for Olathe. The postal receipts for 1915 were $15,919.26, and the rent being paid is $1,320 annually. The Treasury Department estimated $55,000 and the committee allowed $55,000.

Columbus: Site and building. Post-office receipts, 1916, $13,904.71.

Council Grove: The committee provided for a site and building. The postal receipts for 1915 were $9,141.27, but the last two quarters of the year had shown such growth as to satisfy the committee that it would soon go more than the $10,000 limit, and the postal receipts for 1916 show $10,285.42. The Treasury Department estimated $52,500 for a site and building and the committee allowed $35,000.

Junction City: The committee allowed a site and building for Junction City. The postal receipts for 1915 were $17,777.05, and the rent being paid is $900 per annum. The Treasury Department estimate is $60,000 for a site and building and the committee allowed $55,000.

Norton: The committee allowed a site and building for Norton. The postal receipts of 1915 amounted to $9,389.69, but the last two quarters showed such an increase as to satisfy the committee that it would soon go beyond the $10,000 mark. In 1916 the postal receipts were $11,605.88. The Treasury Department estimated $40,000 for a site and building and the committee allowed $35,000.

Dodge City: The committee allowed a site and building for Dodge City. The postal receipts for 1915 were $21,246.73, and the rent being paid is $1,680 annually. The activities to be housed are the post office, Interior Department, the Department of Agriculture, and civil service. The Treasury Department estimated $67,000 for a building and site and the committee allowed $60,000.

Oswego: The postal receipts for 1915 were $15,166.97. The committee allowed a site only for $5,000.

KENTUCKY.

Murray: Site owned; building only. Post-office receipts, 1916, $6,616.59.

Madisonville: Site previously acquired at Madisonville. The committee allowed a building. The receipts for 1915 were $12,615.03, and the rent being paid is $660. The population for 1910 was 4,996, and the activities to be housed are the post office, Department of Agriculture, and civil service.

Central City: Site already acquired. Postal receipts for 1915 were $5,707.92. The committee allowed a building.

Falmouth: Site already acquired, and the committee allowed a building. The postal receipts for 1915 were $5,638.24, and in 1916 they were $5,808.30.

Eminence: Site already acquired. Postal receipts for 1915 were $4,402.53. Building allowed.

Pikeville: Site already acquired and a building was allowed. Postal receipts for 1915 were $6,149.72, and for 1916 they were $6,803.70.

Barbourville: Site already acquired. Building was allowed. Receipts for 1915 were $4,532.95, and for 1916, $5,203.48.

Hickman: Site only allowed. Receipts for 1915 were $8,538.80, and for 1916, $9,263.77.

Russellville: Receipts for 1916, $8,470.35.

Stanford: Receipts for 1916, $7,317.54.

Pineville: Site allowed. Receipts for 1915 were $6,149.72, and for 1916, $9,144.68.

Hazard: At Hazard there is the post office and mine-rescue station, and the postal receipts for 1915 were $4,477.43, but in 1916 they showed $5,320.95. A site and building were allowed.

MISSOURI.

Milan, Paris, and Salisbury were each allowed a site in the pending bill. Each have been criticized, but each of them in 1915 showed postal receipts of more than $6,000. Milan in 1916 has receipts of $6,769.81. Paris in 1916 has receipts of $7,419.64, and Salisbury in the same year had $6,808.28.

NORTH CAROLINA.

Wilson: The act of May 30, 1908, provided for a site and building at Wilson, at a cost of $60,000. A site was purchased at a cost of $10,000, leaving a balance of $50,000. Since this authorization a Federal court has been established at Wilson, and now, in addition to the post office, they have the courts, Department of Agriculture, and civil service to be housed. The Government is paying an annual rental there of $1,420, and the

population in 1910 was 6,717. The postal receipts for 1915 were $24,500.94. In 1916 they showed receipts of $27,092.50.

Wadesboro: The act of March 4, 1913, authorized $5,000 for a site. Investigation showed that a suitable site could not be had for that amount, and the department recommended an increase of $5,000, which was allowed.

Rockingham: The act of March 4, 1913, authorized a site at $5,000, but investigation showed that a suitable one could not be purchased within the limit of cost authorized. The department recommended an increase of $5,000, which was allowed.

Edenton: The act of March 4, 1913, authorized a site. The postal receipts for 1915 were $8,861.03, and in 1916 they were $9,064.29. The rent now being paid is $600 per annum. The Treasury Department estimated $35,000 for a building at Edenton, and the committee allowed $25,000 for that purpose.

Mount Olive: Site already authorized. Postal receipts for 1915 amounted to $5,679.28, and in 1916, $6,381.86. The department estimated $35,000 for a building at Mount Olive and the committee allowed $30,000. Rent being paid is $420.

Mount Airy: Site heretofore authorized. The postal receipts at Mount Airy for 1915 were $11,692.02, and for 1916, $12,755.16. Rent being paid, $860 per annum. In addition to the post office, the Department of Agriculture, Internal Revenue, and Civil Service are to be housed. The Treasury Department estimated $55,000 would be necessary for a building. The committee allowed $55,000, $5,000 of which is to be used in the purchase of additional land.

Lumberton: A site had already been acquired, costing $10,000. The postal receipts for 1915 were $12,433.98, and for 1916 they were $13,954. Rent being paid amounts to $780 per annum. The Treasury Department estimated $45,000 for a building and the committee allowed $30,000 for a building.

Lenoir: Site already acquired. Postal receipts for 1915, $9,827.27, and for 1916, $10,685.74. Rent being paid, $846 per annum. The Treasury Department estimated $55,000 for a building and the committee allowed $30,000.

Morganton: Site and building allowed in the pending bill. Postal receipts for 1915, $10,211.35, and for 1916, $11,361.53. Rent being paid, $660 per annum. Federal activities to be housed, in addition to the post office, are Internal Revenue, Department of Agriculture, and Civil Service. The Treasury Department estimated $61,000 and the committee allowed only $35,000 for both the building and site.

Williamston: Site only allowed. Postal receipts, 1915, $6,043.18.

Clinton: Site only allowed, $5,000. Receipts, 1915, $6,254.73.

Louisburg: Site only allowed; $6,000 authorized. Receipts for 1915 were $8,128.04.

Dunn: Site only allowed; $7,000 authorized. Postal receipts, 1915, $9,252.97. Receipts for 1916, $10,033.89.

Sanford: Site only allowed; $7,000 authorized. Receipts for 1915 were $9,568.04. Receipts for 1916, $10,653.99.

Albemarle: Site only allowed; $8,000 authorized. Receipts for 1915 were $8,759.99. Receipts for 1916, $9,745.82. Rent being paid, $606 annually.

Marion: Site only allowed. Receipts for 1916, $8,873.75.

OKLAHOMA.

Hobart: Site already owned by the Government. The building occupied by the post office was destroyed by fire on March 14, 1916. The post-office receipts for 1915 were $14,134.97, and for rent the sum of $884 is being paid annually. The Treasury Department estimate for a building is $45,000 and the committee allowed $40,000.

Alva: Site already acquired. Postal receipts for 1915, $15,853.05, and for 1916, $16,917.96. Rent being paid, $624 per annum. The Treasury Department estimated $45,000 and the committee allowed $45,000.

Vinita: The committee allowed a site and building in the pending bill. Postal receipts for 1915, $17,817.53; 1916, $19,607.77. Rents being paid are $1,244 per annum. Other Federal activities to be housed besides the post office are Federal courts, Interior Department, Department of Agriculture, and Civil Service. The Treasury Department estimated $155,000 and the committee allowed $100,000 for the purchase of a site and the construction of a building.

Hugo: A site and building are allowed in the pending bill. The postal receipts for 1915 were $16,275.38. Rent being paid, $950 per annum. Other activities to be housed, Interior Department, Department of Agriculture, and Civil Service. The Treasury Department estimated for both the building and site $58,000 and the committee allowed $58,000.

Sapulpa: Site and building authorized. Postal receipts for 1915, $25,803.09. In 1905 there were no postal receipts. In 1916 the postal receipts were $30,162.36. Rents being paid amount to $601 per annum. The Treasury Department estimated $70,000 for both building and site, and the committee allowed $70,000 for that purpose.

Bartlesville: The committee allowed a site only. The postal receipts in 1915 were $37,892.21, and in 1905 there were no postal receipts at all. In 1916 the receipts were $41,429.28. The population in 1910 was 6,181. Rents now being paid, $1,560. The committee allowed $15,000 for the purchase of a site.

Norman: Site only allowed. Receipts in 1915, $17,904.49; in 1916, $20,228.27. Rents, $936 annually. The committee allowed $7,000, for a site only.

Stillwater: Site only allowed; $7,000 authorized. Postal receipts, 1915, $15,591.84, and in 1916, $16,359.98. Rent, $996 per annum.

Anadarko: Site only allowed. Authorized $7,000 for the purchase of the same. Receipts, 1915, $10,894.26, and 1916, $11,476.74. Rent, $540 per annum.

Duncan: Site only allowed. Postal receipts, 1916, $9,102.63.

Waurika: Site only allowed; $5,000 authorized. Receipts for 1915, $6,480.82; 1916, $7,574.84.

Ponca City: Site only allowed. Postal receipts for 1916, $12,351.41.

Okmulgee: This provides for the purchase of the Creek Nation's capitol and the land upon which it stands and improvement of the State building. The bill carries $65,000 for the purchase of the property, which is estimated at a low value to be worth at least $100,000. The bill also carries $70,000 for the repair and improvement of the building. The postal receipts for 1915 were $25,645.80 and for 1916, $28,634.30. The rent being paid is $1,460 per annum.

SOUTH CAROLINA.

Aiken: The bill provides for the remodeling, etc., of the present building. The present building was erected for and is being used solely by the post office. The purpose of this authorization is to build another story and a small extension at one end. This is for the use of the Federal courts, which have been established at Aiken. The Treasury Department estimated that the remodeling and extension of the present building will cost $75,000, and $90,000 if a new building was erected for the Federal court. The committee allowed $75,000 for the remodeling and extension of the present building. The 1916 postal receipts were $13,727.33. In addition to the post office, the Federal courts and other activities of the Government are to be provided for.

Dillon: Site already acquired. Postal receipts for 1915 were $7,733.63. The department estimated $30,000 for the building, and the committee allowed $25,000.

Greenwood: Site and building provided for at Greenwood. The present site and Government building at Greenwood is to be sold and the proceeds turned into the Treasury as a miscellaneous receipt. The present site is not large enough to permit the enlargement of the building so as to accommodate the Federal court and other governmental activities, in addition to the post office. The Treasury Department estimated that a site and building for the court and other branches of the service other than the post office would cost $145,000. The committee allowed $120,000 for a site and building for all the Federal activities at Greenwood. The postal receipts for 1916 were $24,872.81.

Manning: Site only allowed; $5,000 authorized. Postal receipts for 1916 were $5,846.33.

Summerville: Site only allowed; $5,000 authorized. Postal receipts for 1916, $8,541.97.

Bamberg: Site only allowed. Five thousand dollars authorized. Postal receipts for 1916, $6,289.06.

Easley: Site only allowed. Five thousand dollars authorized. Postal receipts for 1916, $6,035.91.

Greer: Site only allowed. Five thousand dollars authorized. Postal receipts for 1916, $7,376.60.

York: Site only authorized for $9,000. Postal receipts for 1915, $8,596.98, and 1916, $9,783.49. Rents, $600 per annum.

Conway: Site only allowed. Three thousand dollars authorized. Receipts for 1916, $6,205.88.

Hartsville: Site only allowed. Five thousand dollars authorized. Receipts for 1915, $9,884.33, and for 1916, $11,592.64. Rent, $480 annually.

Rock Hill: The committee provides a site and building for all the Federal activities, including the post office, Federal court, Department of Agriculture, and civil servce. The postal receipts for 1916 were $26,341.39. The committee has only allowed $125,000 for a site and building, and the present property is to be sold, which, it is estimated, will bring $25,000.

TENNESSEE.

Rogersville: Site already acquired. Postal receipts, 1916, $6,031.37. Twenty-five thousand dollars authorized for a building.

Huntingdon: Site already acquired. Postal receipts, 1916, $4,712.52. Building only allowed at $25,000.

Lafollette: Site only allowed. Ten thousand dollars authorized. Postal receipts for 1916, $6,262.38.

Lenoir City: Site only allowed. Ten thousand dollars authorized. Postal receipts for 1916, $6,997.35.

Rockwood: Site only allowed. Ten thousand dollars authorized. Postal receipts for 1916, $7,227.66.

McMinnville: Site only allowed. Five thousand dollars authorized. Postal receipts for 1916, $9,483.89. Rent, $540 per annum.

Lewisburg: Site only allowed. Five thousand dollars authorized. Postal receipts for 1915, $9,430.44.

Dickson: Site only allowed. Five thousand dollars authorized. Postal receipts for 1915, $7,451.91.

Brownsville: Site only allowed. Five thousand dollars authorized. Postal receipts for 1916, $9,169.77. Rent, $660 annually.

TEXAS.

Paris: The committee provides for a building on a lot already owned by the Government. On the 22d day of March, 1916, a disastrous fire swept Paris, and it destroyed the Federal court building and practically destroyed the post-office building. The Treasury Department estimated that $200,000 would be necessary to erect a building for all purposes, and the committee allowed $170,000 to erect a building which will take care of all the Federal activities centered at Paris. The postal receipts for 1916 were $50,506.84.

Crockett: Site previously acquired. The committee allowed a building. The postal receipts for 1915 were $7,801.03, and for 1916, $9,203. Rents, $632 per annum. The Treasury Department estimated a building would cost $40,000, and the committee allowed $25,000.

Huntsville: The committee allowed a building only. The postal receipts for 1915 were $10,707.61 and the postal receipts for 1916 were $12,125.92. Rents, $900 per annum. The Treasury Department estimated $55,000 for a building, and the committee allowed $30,000.

Georgetown: Site already acquired. Building only authorized. Receipts for 1915, $12,281.22. Rents, $984 per annum. The Treasury Department estimated $45,000 for a building, and the committee allowed $30,000.

Coleman: Site previously acquired. Building only allowed by the committee. Postal receipts, 1915, $10,723.84. Receipts for 1916, $11,295.93. Rents, $711 per annum. In addition to the post office, the Department of Agriculture and the civil service have officials there. The Treasury Department estimated $50,000 for a building, and the committee allowed $30,000.

Seguin: Site already acquired. The site at this place was donated by the city. The committee allowed a building. Postal receipts, 1915, $10,884.68, and 1916, $11,952.20. Rent being paid, $588 per annum. The Treasury Department estimated $45,000, and the committee allowed $30,000.

Sweetwater: Site previously acquired. The committee allowed a building. Postal receipts, 1915, $14,349.94, and for 1916, $18,868.39, whereas the receipts for 1905 were $2,905.22. Rent being paid, $625 per annum. The department estimate was $55,000, and the committee allowed $35,000.

Kingsville: Site and building allowed. Postal receipts for 1915, $13,261.14, and for 1916, $13,781.96. Receipts in 1905 were only $1,454.72. Rent being paid, $480. The department estimated for both site and building $55,000, and the committee allowed $40,000.

Lufkin: The committee allowed a site and building. The postal receipts for 1915 were $12,026.45, and for 1916, $13,274.82. Rent, $660. The Treasury Department estimated $55,000, and the committee allowed $35,000.

Mexia: Site and building authorized. The Treasury Department estimated $51,000, and the committee allowed $35,000 for both site and building. The postal receipts for 1915 were $10,500.86. Rent, $585 per annum.

Fort Worth: Site and building authorized. The Treasury Department estimated $700,000, and the committee authorized $600,000. Postal receipts for 1915 were $411,999.85 and for 1916 they were $441,830.80.

Plainview: Site and building authorized. Treasury Department estimated $50,000 for a site and building, and the committee authorized $45,000. Postal receipts for 1915, $16,330.20, and for 1916, $19,447.87. Rent, $600 per annum.

San Benito: Site only allowed. Postal receipts for 1915 were $8,199.12. In addition to the post office, the customs officials must be housed at San Benito. The committee allowed $6,000 for a site.

Henderson: Site only allowed. Five thousand dollars authorized. Postal receipts for 1915 were $6,666.76, and for 1916, $7,843.42.

Alvin: The committee allowed a site only, to cost $6,000. Postal receipts for 1915 were $9,051.14.

Lockhart: Site only allowed. Six thousand dollars authorized. Postal receipts for 1916 were $11,487.64.

Dallas: The committee allowed a new site and building for all the Federal activities at Dallas, $1,800,000. The committee provides in the bill for the sale of the present property owned by the Government for not less than the sum of $1,000,000, which will make this net authorization $800,000. Rents now being paid for outside properties, $3,000 per annum. The postal receipts in 1915 were $1,070,751.49, and in 1916 they were $1,231,367.50. The activities to be housed are the post office, courts (including the court of appeals), internal revenue, Customs Service, Interior Department, Departments of Labor and Agriculture, Navy and War, and the civil service.

VIRGINIA.

Norfolk: The item in the bill provides for the purchase of adjoining land and the extension and remodeling of the present building. The Treasury Department estimates that additional land, etc., will cost $825,000. The committee allowed $650,000 for this purpose. The postal receipts for 1915 were $408,084.53, and for 1916, $444,811.61. Rents now being paid for outside quarters, $6,003 per annum. Activities to be housed are the post office, Federal courts, Interior Department, Labor Department, Department of Agriculture, Department of the Navy, Department of War, and the civil service.

Roanoke: Extension to the present building is provided for in the pending bill. The Treasury Department estimates $75,000, and the committee allowed $75,000. The postal receipts for 1915 were $174,315.84, and for 1916, $179,049.90. Outside rents being paid, $240 per annum. Activities to be housed are the post office, Department of Agriculture, Navy Department, Federal court, internal revenue, civil service.

Harrisonburg: The bill provides for the extension of the building now at Harrisonburg. The Treasury Department says that the need for such extension is very urgent. The activities to be housed are the post office, courts, and Forestry Service. The postal receipts for 1916 were $26,635.05. The Treasury Department estimated $60,000, and the committee allowed $60,000.

Alexandria: The bill provides for additional land and the extension of the building. The postal receipts for 1915 were $36,547.46 and for 1916, $37,924.59. Activities to be housed are the post office, courts, internal revenue, and civil service. The Treasury Department estimated $100,000, and the committee allowed $75,000.

West Point: Building only allowed. Site already acquired. The postal receipts for 1916 were $5,682.35. The post office and customs service are the activities to be house. The Treasury Department estimated $25,000, and the committee allowed $25,000.

Bristol: The committee allowed a site and building. The postal receipts for 1915 were $45,283.59. Population in 1910, 6,247. Rent being paid, $1,500 per annum. The Treasury Department estimated $75,000, and the committee allowed $80,000.

Staunton: The committee allowed a site and building at a limit of cost not to exceed $85,000. Postal receipts for 1916, $49,979.96.

WASHINGTON.

Hoquiam: Site and building allowed. Postal receipts for 1915 were $23,230.21. Rent being paid, $2,580 per annum. The Treasury Department estimated for both site and building $60,000, and the committee allowed $75,000.

Seattle: The bill provides for an immigration station at Seattle. The committee authorized $275,000, on condition that the city donate a suitable site.

McNeil Island: Ten thousand dollars, authorized to buy additional land for United States penitentiary.

WEST VIRGINIA.

New Martinsville: The committee allowed a building only. Site already acquired. Postal receipts for 1915, $10,538.29, and for 1916, $11,027. Rent being paid, $622 per annum. Activities to be housed are the post office and Department of Agriculture and civil service. The Treasury Department estimated $50,000, and the committee allowed $40,000.

Keyser: The committee allowed a site and building. The postal receipts for 1915 were $13,733.34, and for 1916, $15,288.89. Rent being paid, $840. The Treasury Department estimated $55,000, and the committee allowed $55,000.

Lewisburg: The committee allowed a site and building. The postal receipts for 1915, $8,017.37. According to the census of

1910, the population of Lewisburg was only 803 people, but the fact is, as shown by the hearings, that Lewisburg is one of the largest towns in West Virginia and the corporation lines have never been extended in its history. The actual population of Lewisburg is between 2,500 and 3,000 people. The activities to be housed are the post office, district court of the United States, Department of Agriculture, and civil service. The committee allowed $82,000 for a site and building.

Princeton: The committee allowed a site and building. The postal receipts for 1916 were $11,918.21. The committee allowed $45,000.

Beckley: Site only allowed. Ten thousand dollars authorized. Postal receipts for 1916 were $10,901.94.

Mannington: Site only allowed. The postal receipts for 1916 were $13,284.69. Ten thousand dollars authorized.

Berkeley Springs: Site only allowed. Ten thousand dollars authorized. Postal receipts for 1915 were $6,485.23. Rent being paid, $450.

WYOMING.

Green River: Site already acquired. The committee allowed a building. Postal receipts for 1915 were $4,370.18. The committee allowed $25,000.

Newcastle: Site already acquired. Building only allowed. Postal receipts, 1915, $4,174.70. Activities, post office and Forestry Service to be housed.

Mr. Chairman, I think I have shown that this is not a sectional bill. I think I have shown that conclusively. I think I have pointed out all the items against which attacks have been made; but if gentlemen point out other particular items in addition, I will make answer to them and put them in the RECORD.

But I would like to know why this sudden change of mind has come on the part of some gentlemen who have always stood for this kind of legislation, who have stood for rushing it through without its being considered at all, and who now oppose it when we propose to consider the bill in all its details.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. ASHBROOK. I yield 15 minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, I am in a sort of a paradoxical situation. I am a member of the Committee on Public Buildings and Grounds, and have been for a good many years. I have helped to report and pass some bills in the past, and I have no patience with a whole lot of the criticism that is being heaped upon public-building propositions in general. I think that the cry of "pork" is very largely buncombe; but I am opposed to this bill for other reasons.

In the beginning I am going to say this much for the chairman of the committee [Mr. CLARK of Florida]: I agree with him in many of his positions, and he is an accomplished authority on public-buildings matters.

Some one here has said that public buildings in the smaller cities do not pay. Courthouses do not pay in cash returns, schoolhouses do not pay, jails do not pay, libraries do not pay, and even good comfortable homes do not pay in a cash sense of the word.

Another thing: It is charged that in these public-buildings bills cities are provided for that are not deserving, and you will observe that that hue and cry usually comes from the big city newspaper and the big city Representatives, who have had all the so-called pork they want, and, dog-in-the-manger like, do not want anybody else to have any.

But I am opposed to the enactment of this bill at this time for two or three reasons. First of all, I want to disagree with the chairman of my committee in the proposition that we ought to couple the good legislation that is in this bill with the provisions for a whole lot of public buildings, because we can not place the two before the country without exciting suspicion that we are trying to put something across. I am heartily in favor of the provisions of this bill providing for doing away with the present inefficient management of the public-buildings department of this Government. I am heartily in favor of taking out of the hands of the Treasury Department the possibility of so manipulating the planning and construction of public buildings that certain interests apparently have influence in the work that is done. I know you men on the other side of the aisle who smile and nod assent to this statement are agreeing with me, and will also do so when I say that this situation is not of recent origin. It has been prevailing there in all of the 9 or 10 years that I have been here, and will continue to prevail there until we enact some legislation that will correct it. Therefore that part of this bill is wholesome, necessary, and important legislation. But the fear I have is that when this bill goes to another branch of the Congress of the United States the influence of the Treasury Department and of the American Institute of Architects, which, I hear, are opposing this bill, might be sufficient that this feature of the bill will be stricken out and the public buildings will be left in, and the present inefficient management of public-buildings construction in the United States will continue to have charge of these improvements that we know are needed, and which under the present course of procedure can not be accomplished economically nor within the next 6 or 8 or 10 years.

There is another thing that I ought to speak of, to be fair to the committee. I have not been as active in the consideration of this bill and this legislation as I might have been, because a misfortune of life prevented my being present during much of the time the most important consideration of the bill was being given. And still another thing, I have to talk a little about my own political household affairs in this speech, and I do not like very well to do that; but I am here as a representative of the best interests of people of my district and of my country. I have been sent here a good many times, regardless of politics, and therefore I do believe that I ought to say what I am going to say about this bill, and that I ought to vote against it, and continue to vote against public-buildings bills until we can have matters corrected in the Treasury Department, in such a way as to give the country what it needs, and give it in such a way that the people will not be unduly taxed in order to do it. Also, we are expending at this time enormous sums of money, and no one of us individually is responsible for that. It seems to be the emotion of the hour that we shall indulge in costly and experimental enterprises like Alaskan railway building, ship purchases, high commissions, and so forth, and we are piling up these expenses on the people so rapidly that our Ways and Means Committee are now sitting up and burning the midnight oil in order to try to provide ways by which we can get the money from the people to pay for these unusually heavy and more or less questionable appropriations of the Congress.

But what I especially want to say in this respect is that the present organization of the Public Buildings Division in the Treasury Department is incompetent. From many Members of Congress I hear complaints of the utter disregard of public opinion by the Treasury Department in locating and building public buildings in out-of-the-way and objectionable places and in ridiculously extravagant ways. I say I have heard this from many Members, and in all fairness to my own home city and to myself I want to give you one instance of my own observation. In my home city every business man who could be seen by an unbiased committee petitioned the Treasury Department to locate the public building there in the business center, and agreed to raise the necessary money to pay the extra cost of the location, where the post office has been satisfactorily located for many, many years. But instead, a location was selected immediately across a narrow street from the county and city jail, fronting the cell department of the jail, and immediately across an alley from a large horse-breeding barn.

When I appealed to the officials, stating that it was not fair to the people of my city that the women and children for all time to come should be compelled to betake themselves to such an environment to get their mail and to look after their post-office business, the reply came back virtually that it was none of the public's business, that the Treasury Department assumed full responsibility, and I understand that reply came from a man whose chief qualification for the important business position which he holds was a schooling as publicity agent for some special interests or some special man. Under the present conditions, gentlemen, when we put through an authorization like this, the Treasury Department's Public Building Division takes it, and by the time it gets ready to act, by the time it has delayed matters sufficiently, so that it can go to the Secretary of the Treasury and say, "We have to have outside help from architects," the price of real estate in that city has so increased that the lands that might have been secured to the satisfaction of the people have so rapidly increased in value they can not be purchased for the amount of the appropriation. The result is that they come back to Congress for increased authorizations or else go out to some out of the way place that is unsatisfactory and inconvenient to all concerned and who must necessarily furnish the money to pay for the improvement.

Mr. BURNETT. Will my colleague permit me just a brief question?

Mr. BARNHART. Yes.

Mr. BURNETT. Is it not the purpose of this bill to remedy just that condition by taking it away from the control of these very officials? And let me ask the gentleman, if we do not pass this bill, will not that same condition prevail as to all the authorizations that have heretofore been made?

Mr. BARNHART. Mr. Chairman, I answered that in my opening statement by saying that this feature of the bill is indeed commendable, and I heartily subscribe to it. But I fear that this feature of the bill being opposed, as I understand it is, by the Treasury Department and the American Institute of

Architects there might be sufficient influence exerted on another branch of the Congress to defeat that feature of the bill and then we would be left with simply the appropriations and expenditures in charge of men who I say—and I know what I am talking about—are unfit to take charge of public-building enterprises. That is the difficulty about this legislation.

Another thing, Mr. Chairman, is that we ought to be careful in our course of procedure at this particular time. You know that the frenzy of militarism seems to so possess the people of our country, and especially in the big cities, that we have been called upon to make enormous appropriations. We have to raise the money to pay these bills somehow and some time, and therefore I am opposed to this bill as I have opposed a good many others when we have appropriated funds for things for which we could well afford to wait. I believe that the burden of taxation that we are now shouldering on the people of this country is going to be felt for almost a generation to come.

Mr. TOWNER. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. TOWNER. I know that the gentleman is honestly opposing this bill, judging from his experience and perfect fairness, but I would like to ask him this question: Will it make any difference in the amount of money actually appropriated whether we pass this bill or not? In other words, is it not true that the total sum appropriated for each year runs from eight to ten million dollars, and that this bill will not increase the yearly amount appropriated if we do pass the bill?

Mr. BARNHART. I might answer that best by saying that if it does not cost anything to build $40,000,000 worth of public buildings it will not increase the appropriation, but if it does cost $40,000,000 it is some time going to cost it.

Mr. TOWNER. That does not hardly answer my question. My proposition is that, no matter what authorizations are made, the Treasury Department is sending to the Committee on Appropriations never exceeding eight or ten million dollars a year. I think the gentleman knows that, and if we do pass this bill these annual appropriations will not be increased. Of course, I do not mean that the total amount eventually will not be increased. The gentleman knows that we must build new buildings, and unless the present policy is changed, the annual appropriation for this purpose will not be over eight or ten million dollars each year.

Mr. BARNHART. The answer to that is that it simply authorizes so much more for appropriations, and when the buildings are authorized it becomes the duty of the Committee on Appropriations under existing law to make appropriations and provide the money from time to time to carry out the building program that we are attempting to adopt. Yes; it is spending money.

Mr. ASHBROOK. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. ASHBROOK. I would like to say a word in reply to what the gentleman from Iowa has said, that if the assertion of the chairman of the Committee on Public Buildings and Grounds can be relied upon, and I think it can, if the Supervising Architect's Office is abolished, that in 18 months they will get caught up in the work, then this $40,000,000 would be appropriated for, as the plans for the buildings would be ready.

Mr. BARNHART. Mr. Chairman, I know that the doctrine that the needs of our home people should have some share of the plunging we are doing in expenditures is forceful and consistent, and yet, if we are to save our country from oppressive tax burdens, we must quit piling up appropriations. And especially is this important where we have men in charge of expenditures who are demonstrating that they are not competent to make practical use of the money to be expended by them. For these reasons I believe that this bill ought to be defeated. [Applause.]

Mr. ASHBROOK. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, on December 16, 1916, the gentleman from New York [Mr. FITZGERALD], the chairman of the Appropriations Committee, said in part as follows:

> I have heretofore referred to the fact that the estimates submitted to Congress disclose that there will be a deficit in the next fiscal year of $284,000,000, but that does not tell all. * * * Other items will be submitted from time to time, of which we now have no knowledge, but it is clearly apparent that in the next fiscal year there will be a deficit in the Treasury in excess of $300,000,000.

In the Washington Times of January 7, 1917, we read in part as follows:

> REVENUE PROBLEM PUZZLE TO SOLONS—FINANCE COMMITTEES OF BOTH HOUSES WRESTLING WITH PROSPECTS OF DEFICIT—COFFEE TARIFF PROPOSED—LEADERS FEAR IT WILL RAISE STORM OVER COUNTRY IF INSISTED UPON.
>
> While the Ways and Means Committee are wrestling with the revenue question at one end of the Capitol, Senators on the Finance Committee, especially Democrats, are racking their brains over it.
>
> Stared in the face by prospects of an enormous deficit, the leaders are wondering how to meet it and not stir up the wrath of the country.
>
> COFFEE TAX PROPOSED.
>
> The coffee tariff is one of the things that is proposed. It seems sure to make trouble if insisted upon. Strong opposition is felt in the country either to a tariff on tea or coffee, and this feeling is reflected in Congress.

Why should the "wrath of the country" be stirred up because it is proposed to tax the necessities of life in order to give Eminence, Ky., with its population of 1,274, its postal receipts of $4,402.53 a $40,000 building at an expense of $3,700 per annum to the Government? In addition, Eminence was granted a $6,850 site in 1915.

Mr. LANGLEY. Will the gentleman yield?

Mr. JAMES. Certainly.

Mr. LANGLEY. What place is the gentleman referring to?

Mr. JAMES. To Eminence, Ky.

Why should the people of the country complain about paying a tax on every cup of tea they drink as long as they have the satisfaction of knowing that Falmouth, Ky., with its population of 1,180 and its postal receipts of $5,638.24 is to receive a public monument of $25,000 at a yearly expense of $3,480? This in addition to the site of $5,000 granted in 1914.

Mr. CLARK of Florida. Will the gentleman state what place he is referring to?

Mr. JAMES. Falmouth, Ky., where the receipts are $5,638.

Will not every cup of coffee taste sweeter, although taxed, when you think that part of your tax goes to maintain a public building in the little town of Rossville, Ga., with its $5,000 site and $25,000 building and its postal receipts of $8,062.48? Why worry about the $3,742.50 it costs each year to maintain? Population, 1,201.

Would not your chocolate or cocoa taste better if you knew that your tax was being used for the partial benefit of a public building of $82,000 in Lewisburg, W. Va., with its 803 population and its postal receipts of $8,017.37? Why worry about the $7,000 annual expense?

Mr. CLARK of Florida. Will the gentleman permit me?

Mr. JAMES. I will.

In the late campaign in my district some of the supporters of my Democratic opponent criticized me, because they claimed I had not been sufficiently active in securing public buildings, pensions, and so forth, for my district.

One Democratic orator who calls himself "colonel"—and whose claim to "colonel" is as much a fake as the affidavits he used in securing himself a pension—claimed that if my opponent was elected he would secure "a public building inside of two years or he would know the reason why."

Mr. CLARK of Florida. I want to state that the last quarter receipts at Falmouth show $1,105.15, which multiplied by four would make $6,020.64. That is one of the towns in which a site had already been provided.

Mr. JAMES. I so mentioned.

Mr. CLARK of Florida. Now, as to Rossville, Ga., that is directly across the line from Tennessee, and Georgia runs right through the town, and the population is only given for the Georgia side, and the post office is on that side. The receipts are $9,582.96.

Mr. STAFFORD. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. STAFFORD. Does the gentleman in these estimates give the receipts of the returns for the last quarter as a basis for the yearly returns?

Mr. CLARK of Florida. We have receipts for the last fiscal year, and in order to determine what it would be for this fiscal year we take the last quarter.

Mr. STAFFORD. Does not the gentleman realize that the receipts of the quarter ending January 1 are much larger than the receipts for the other three quarters, because it is the holiday season?

Mr. CLARK of Florida. Not always.

Mr. LANGLEY. I will say to the gentleman that I have seen a number of instances where it was directly the contrary to what is stated by the gentleman from Wisconsin; that is, where the receipts for the last quarter were not as large as the receipts for the preceding quarters.

Mr. JAMES. Mr. Chairman, I admitted that I was against public buildings in towns where the population and the postal receipts did not warrant their erection. I admitted that I had voted against the Key bill, the Ashbrook bill, and that I expected if sent back to continue to vote that way.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JAMES. Yes.

Mr. SMITH of Michigan. Has the gentleman determined upon what figure would warrant a town in having a building erected?

Mr. JAMES. I will come to that later. I stated further that I expected to vote against any pension bill that was intended to aid wealthy pensioners, deserters, and those whose only sickness resulted from indecent diseases.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. JAMES. Not now. Every one of my Spanish War comrades, except one, who secured a pension by false affidavits, and another who wanted to, but could not, approved of my stand. Neither of these belonged to my regiment. I am willing to state that under the law to-day it is possible for a man who is in the Regular Army for two months to desert and be apprehended, tried at a general court-martial, and found guilty of desertion, and sent to jail for one or two years for desertion, receive a dishonorable discharge at the end of that time for desertion, and still be eligible for a pension.

Mr. SMITH of Idaho. How could that be possible? Will the gentleman please explain?

Mr. JAMES. Under the law all that is necessary is for a man to receive a discharge. A man who served four years in the Civil War and who received an honorable discharge, or who served in the Spanish-American War, and who received an honorable discharge, is exactly upon the same basis as the man who deserts. All that is necessary is that you shall have a discharge.

Mr. SMITH of Idaho. But he must have an honorable discharge?

Mr. JAMES. No.

Mr. LANGLEY. What pension law does the gentleman refer to? I am afraid my friend has not carefully examined the pension laws of the country, although he is on one of the committees, I know. I am curious to know.

Mr. JAMES. Mr. Chairman, this is the last time I shall yield for an interruption, but I want to read a letter that I received from the Bureau of Pensions in order to prove what I say. I had introduced a bill, after finding a man could desert and get a pension, providing that a deserter could not receive a pension. A short time afterwards I had a letter from one Stuhlmann, and upon looking him up I found that he not only deserted the Army but deserted his wife and family. He had read an editorial in the St. Louis Post-Dispatch favoring the bill. He had a wrong impression of what my bill was. He thought it was to pension deserters, although it was the exact opposite. I found that he had applied for a pension, and I shall read a letter from the Bureau of Pensions to show that it is possible to do this:

In reply to your letter of the 5th instant, relative to the claim for pension under the general law, No. 1408625, of William D. Stuhlmann, whose address is Evansville, Mont., and who served in Troop G, Eleventh United States Cavalry, Regular Establishment, I have the honor to inform you that Mr. Stuhlmann enlisted May 12, 1904, deserted July 21, 1904, was apprehended August 15, 1904, tried by a general court-martial, found guilty of desertion, and sentenced to be dishonorably discharged and to be confined at hard labor for 12 months. So much of the sentence as provided for confinement at hard labor for 12 months was remitted, and the soldier was dishonorably discharged December 3, 1904.

Mr. Stuhlmann has never been allowed pension. His claim based on disease of kidneys and bladder was rejected April 17, 1913, on the ground that said disabilities were not incurred while in line of duty, but, according to the claimant's statement, were incurred about August 12, 1904, at which time he was in desertion from his command, as shown by the records of the War Department.

Mr. LANGLEY. Let me interrupt, please. There is only one class of pensioners who have a status notwithstanding a dishonorable discharge, and that is where they prove their suffering now is on account of a disability contracted while they were in the service and in the line of duty.

Mr. JAMES. But they get it in spite of the fact that they have received a dishonorable discharge for desertion.

Mr. LANGLEY. Certainly; and that is the only class of cases; but the great mass of pensioners are now pensioned under other statutes. I do not want the gentleman to create the idea that deserters are pensioned.

Mr. JAMES. I stated in the Regular Army. The letter then goes on as follows:

On January 21, 1916, he filed another claim based on disease of kidneys and bladder, and on February 19, 1916, said claim was dismissed as a duplicate of the former rejected claim.

Papers recently filed here now being considered with a view to determining whether reopening of the soldier's rejected claims is warranted, and the result of such consideration will be promptly communicated to both you and the claimant.

Very truly, yours,

G. M. SALTZGABER,
Commissioner.

Mr. SMITH of Idaho. But he did not get the pension.

Mr. JAMES. He will get it. Mr. Chairman, in spite of the fact that my opponent, through financial assistance from the Democratic national committee, the Democratic State central committee, Democratic postmasters, and those who were willing to be, spent about seven times as much money as myself, he is still practicing law, while his Republican opponent was elected by over ten thousand. This is good evidence that one's constituents are not so anxious that their Congressman shall "bring back the bacon" that some people would lead us to believe.

This Congress has spent far more money than it should have spent as it is. Some measures carrying millions this year and millions for years to come went through the House with practically no consideration.

The Ashbrook bill went through very quickly. No one advocating the bill, in report or on the floor, was in position to state very accurately what it would cost. Some thought about $6,000,000 the first year. There have been 144,000 claims filed for increase already, of which 133,000, or approximately $13,300,000, have already been allowed, and the bill has only been in effect a few months. In addition, there have been 10,664 original claims from widows who remarried and whose second husbands are dead; 24,863 claims have been filed on account of the year having been moved from 1890 to 1915 and about 12,825 other claims. It will cost closer to $25,000,000 than to $6,000,000.

Mr. LANGLEY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LANGLEY. My recollection is that the rule provides that this discussion shall be confined to the subject matter of the bill.

The CHAIRMAN. The gentleman is correct in that. The gentleman must confine himself to the subject matter of the bill.

Mr. MANN. He is confining himself to it by giving illustrations.

Mr. LANGLEY. A deserter is not an illustration of a public-buildings bill.

Mr. HAMILTON of Michigan. I think he is making a very valuable contribution to this debate.

Mr. LANGLEY. Very well; I do not insist upon the point, though I think the point is well taken.

Mr. MANN. The gentleman ought not to be so tender when he is hit.

Mr. LANGLEY. I will answer that in my own time.

Mr. JAMES. Mr. Chairman, when you add to this the flood-control bill, the nitrate-plant bill, the rivers and harbors and similar bills, we have gone far enough, without adding this $35,000,000 more.

The Secretary of the Treasury in his late report, page 21, was absolutely right when he said in part:

I am convinced that the methods pursued by the Congress for the past 15 years of providing Federal buildings through so-called omnibus building bills have resulted in the construction of many public buildings in small towns and localities where they were not needed, and at a cost which is clearly unjustified by any actual requirements of the communities in which they are erected. The conclusion is irresistible that authorizations for public buildings in these small communities are too frequently dictated by local reasons and without regard to the best interests of the Government. In the past two decades the Congress has authorized and appropriated approximately $180,000,000 for public buildings, and the major part of this great sum has been expended on costly structures in small localities, where neither the Government business nor the convenience of the people justified their construction; and while the initial cost of these buildings represents a large waste of public funds, this is not the worst of it. The most serious aspect is this: The annual operation and maintenance of these buildings impose on the Treasury a permanent and constantly increasing burden. There are now more than 1,000 Federal buildings to be operated and maintained, and this number is being increased at the rate of a new building every fourth day in the year. * * * Common sense and business judgment would seem to demand that structures for the transaction of Government business should be authorized only in localities where they are imperatively needed, and that buildings should not be erected where no public necessity can be shown. This result could be accomplished by divorcing the public-buildings question from all local or political considerations, and authorizing no public buildings until a thorough and intelligent investigation of each proposed building or project has been submitted to the Congress. If such reports were followed by the introduction and passage of separate measures to cover each proposed building project, the abuses and evils of the omnibus-bill method would be eradicated.

Part of section 29, pages 61 and 62, provides, in part, that the following information shall be secured: Postal receipts of the last fiscal year; different Federal activities to be provided for; population last Federal census and the preceding one; estimated population; important industries; present needs as to space and probable needs within 10 years; and amount of rent being paid annually. This is very good as far as it goes. It ought also to provide for the reference to the Secretary of the Treasury of every bill for investigation and report; this report should include among the things mentioned above: Approximate cost annually of maintaining such new building, the estimated cost of equipment, estimated cost of repairs, depreciation, and interest on cost of site and building. In his report the Secretary of the Treasury should also state whether in his judgment the needs and interests of the Government service require the enactment of the bill, whether the expense is justified, and also the lowest cost at which a building found necessary or advisable may be erected consistently with economy and efficiency.

I introduced a bill along these lines on April 12, 1916, which was referred to the Committee on Public Buildings, and which reads as follows:

A bill (H. R. 14535) requiring all public-building bills to be submitted to the Secretary of the Treasury for investigation and report as to whether proposed buildings and sites are needed and the expenditure justified, and as to the lowest cost at which buildings found necessary may be erected with economy and efficiency.

Be it enacted, etc., That whenever a bill is introduced for the erection of a Federal building, or the purchase of a site therefor, or for both such building and site, said bill shall be referred to the Secretary of the Treasury for investigation and report. The report of the Secretary of the Treasury shall set forth the following specific information:

First. Population of the municipality, according to the latest Federal or State census, wherein such building is proposed to be erected, and the population as shown by the next preceding Federal census.

Second. Total postal receipts of the office of such municipality for the preceding year; also the postal receipts for the preceding tenth year and the estimated postal receipts for the tenth succeeding year.

Third. Total square-foot space at present occupied by the several branches of the public service and estimated square-foot area required in new building to accommodate the present business and for the increase of business during the succeeding 10 years.

Fourth. Annual rental of building, or buildings, then being used for such post-office purposes and for other branches of the Federal service.

Fifth. Amount of expenditures for the erection of such new building recommended by the Treasury Department.

Sixth. Approximate annual cost of maintaining such new building, the estimated cost of equipment, estimated cost of repairs, depreciation, and interest on cost of site and building.

Seventh. The branches of the Government to be accommodated and such other items as may enable him to make a comprehensive report to Congress.

SEC. 2. That in ascertaining the needs of the Government service he shall consult such other departments of the Government as require accommodation in the city or town for which the bill has been introduced, and in such cases as he deems it necessary or desirable, shall cause examinations of the conditions involved to be made locally and reported upon to him by employees especially designated for the purpose.

SEC. 3. That the Secretary of the Treasury shall lay before Congress the result of his investigation, and shall state whether, in his judgment, the needs and interests of the Government service require the enactment of the bill, whether the expense is justified, and also the lowest cost at which a building found necessary or advisable may be erected consistently with economy and efficiency.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to submit to Congress annually estimates of appropriation for the compensation, traveling expenses, and subsistence of such force of inspectors as he deems necessary to make the examinations locally as authorized in section 2 hereof.

The following bills have been introduced in the present Congress where the receipts are less than $1,000 annually:

KENTUCKY.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
McKee	146	$526.00	$75,000	Representative Langley.
Booneville	236	829.00	75,000	Do.

Neither of these bills were allowed.

The following bills have been introduced where the receipts are less than $3,000 annually:

GEORGIA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Greenville	909	$2,848.00	$60,000	Representative Adamson.
Dahlonega	829	2,773.00	60,000	Representative Tribble.

Neither of these items is in this bill.

KENTUCKY.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Hindman	370	$1,173.00	$75,000	Representative Langley.
Saylersville	310	1,161.00	75,000	Do.
Inez	.....	1,016.00	75,000	Do.

None of these items are in this bill.

NORTH DAKOTA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Pembina	717	$2,027.00	$75,000	Senator McCumber.

This item is not in this bill.

TENNESSEE

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Pikeville	.....	$2,743.00	$50,000	Representative Moon.

This item is not in this bill.

WEST VIRGINIA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Webster Springs	500	$2,362.00	$150,000	Representative Littlepage.

This item is not in this bill.

WYOMING.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Sundance	281	$2,989.00	$75,000	Representative Mondell.

This item is not in this bill.

The following bills have been introduced where the receipts are less than $5,000 annually:

ALABAMA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Attalla	2,513	$4,610.00	$50,000	Representative Burnett.

The committee allowed $30,000.

ARKANSAS.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Clarendon	2,037	$4,754.00	$50,000	Representative Oldfield.

This item was not allowed.

CALIFORNIA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Quincy (not in census).	.....	$4,601.00	$50,000	Representative Raker.

This item was not allowed.

COLORADO.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Mancos	567	$4,040.00	$50,000	Representative Taylor.

This item is not in this bill.

GEORGIA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Buena Vista	1,016	3,857	$60,000	Representative Adamson.
Talbotton	1,081	3,628	60,000	Do.
Tennille	1,622	4,561	60,000	Representative Vinson.
Lawrenceville	1,518	4,278	50,000	Representative Tribble.
Buford	1,688	4,649	50,000	Do.
Jefferson	1,207	4,085	50,000	Representative Bell.
Baxley	831	4,700	50,000	Representative Walker.

The only item in this bill is Baxley, which received $5,000 for a site.

KENTUCKY.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Barbourville [1]	1,633	4,532	$100,000	Representative Powers.
Eminence [2]	1,274	4,402	50,000	Representative Cantrill.
Jenkins [3]	1,897	3,847	75,000	Representative Langley.
Hazard [2]	537	4,477	75,000	Do.
Prestonburg [3]	1,120	3,059	70,000	Do.

MISSOURI.

St. Genevieve	1,967	4,598	[4] $5,000	Representative Hensley.

This item was not allowed.

NEW MEXICO.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Socorro	1,560	4,813	$75,000	Senator Catron.
Santa Rosa	1,031	3,308	[4] 10,000	Do.

Neither of these items were allowed.

NORTH CAROLINA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Franklin	379	4,433	$75,000	Representative Britt.

This item was not allowed.

SOUTH CAROLINA.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Woodruff	1,880	3,468	$50,000	Representative Nicholls.

This item was not allowed.

TENNESSEE.

Town.	Population.	Post-office receipts.	Amount of appropriation asked for.	Bill introduced by—
Clinton [3]	1,090	3,677	$60,000	Representative Austin.
Jefferson City [3]	1,328	4,877	160,000	Do.
Madisonville [3]	.....	3,367	50,000	Representative Moon.
Huntington [1]	1,112	4,427	50,000	Representative Sims.
Kingsport [3]	.....	3,266	75,000	Representative Sells.

UTAH.

Nephi [1]	2,759	4,935	$50,000	Senator Smoot.
Cedar City [3]	1,705	3,214	50,000	Do.
St. George [3]	1,737	3,965	50,000	Senator Sutherland.
Springville [3]	3,356	4,156	50,000	Do.
Ephraim [3]	2,296	3,251	25,000	Do.
Manti [3]	2,423	3,849	50,000	Representative Howell.
Beaver City [3]	1,899	3,560	50,000	Do.
Mount Pleasant [3]	2,280	3,854	50,000	Do.

VIRGINIA.

Coeburn [3]	645	3,949	$50,000	Representative Slemp.

WYOMING.

Green River [1]	1,313	4,370	$75,000	Representative Mondell.
Newcastle [1]	975	4,174	75,000	Do.

[1] Amount allowed by committee, $25,000.
[2] Amount allowed by committee, $40,000.
[3] Amount allowed by committee, nothing.
[4] Site.

Mr. KELLEY. Will the gentleman yield?

Mr. JAMES. I will yield to the gentleman.

Mr. KELLEY. Are these towns in the bill?

Mr. JAMES. I do not say they are all in the bill, but these are bills introduced.

Mr. CLARK of Florida. I would like to ask the gentleman this: Greenville, Ga., is not in this bill.

Mr. JAMES. I do not say Greenville; I said Booneville, Ky.

Mr. CLARK of Florida. Well, it is not——

Mr. JAMES. I did not say it was in the bill. I said the following bills have been introduced.

Mr. LANGLEY. Mr. Chairman, I make the point of order against the gentleman on the ground that he is not discussing the subject matter of the bill. There is no provision for these towns.

Mr. JAMES. I will say, Mr. Chairman, these are bills gentlemen would like to put in if they could.

Mr. MANN. Mr. Chairman, the whole subject matter of public buildings and grounds is under discussion.

Mr. STAFFORD. Although it may affect the risibilities of the genial gentleman from Kentucky.

Mr. LANGLEY. The gentleman from Kentucky is not out of humor, he will say to the gentleman from Wisconsin, but he merely wanted to see orderly procedure.

Mr. JAMES. I would like to talk a little while about McKee, Ky., because that seems to be the worst pork item introduced at this session of Congress.

Mr. LANGLEY. Suppose the gentleman discusses Hazard, Ky.; that is in the bill.

Mr. JAMES. I believe that Congress ought to be as careful in spending the people's money as they would their own.

No business man doing a business of $1,000 a month would think of putting up a $60,000 building to carry on his business, as the interest would more than equal his net profits, and yet Uncle Sam is doing this every year.

The gentleman from Texas [Mr. GARNER] well expressed the truth when he said some time ago, "There are half a dozen places in my district where Federal buildings are being erected at a cost to the Government far in excess of the actual needs of the communities. Take Uvalde, my home town, for instance. We are putting up a post office down there at a cost of $60,000 when a $5,000 building would be entirely adequate for our needs."

One of the worst examples is the bill introduced for a $75,000 post-office building at McKee, Ky., with a population of 146. The postal receipts amount to only $526 annually, and yet this happy community expects to be favored with a gift from the Treasury of the United States equal to $500 for every man, woman, and child in McKee.

As the postal receipts are only $526 annually I was a little curious to know what it would cost this Government for a post office in this town of 146 people and took the matter up with the Treasury Department, and the following letter explains itself:

TREASURY DEPARTMENT,
Washington, December 15, 1916.

Hon. W. FRANK JAMES,
House of Representatives.

MY DEAR CONGRESSMAN: Referring further to your leter of the 17th ultimo in regard to the pending public-building bill, and requesting information relative to the probable cost of maintenance, etc., of a Federal building in places similar in size to McKee, Ky., the following data is furnished you:

The department estimate for a building at a place of this size and of similar postal receipts, for post-office purposes only, would probably be $25,000 for the building itself and $5,000 for the site. It is estimated that to furnish the building would require $3,000 additional, making a total outlay of $33,000.

Calculating 3 per cent on this investment, the interest charge would be $990. The yearly depreciation of the building and furniture, together with the approximate cost of annual repairs, would amount to 2½ per cent on the amount invested in the project, exclusive of cost of site, viz, on $28,000, which would be $700. Janitors are not provided for buildings of this size, but an employee known as fireman-laborer at $665 per annum, with a charwoman at $300 per annum, making a total expenditure for this service of $960. The cost of fuel, lights, and other supplies is estimated at $960 per annum.

Very truly, yours,

B. R. NEWTON, *Assistant Secretary.*

You will note that the Treasury Department figures interest at $990; depreciation on building and furniture at $700 annually; janitor, and so forth, at $960; fuel, lights, and so forth, at about $900; or a total of $3,550. You will also note that the department figures that building would cost $25,000, whereas the bill calls for a $75,000 building. If we figure interest on an additional $50,000, it would make an additional $1,500 for interest alone. What business man would think of spending from $3,550 to $5,000 per year when his receipts amounted to $526 annually?

Sundance, Wyo., with a population of 281 people—only one-half of what it was 20 years ago—is asking for a $75,000 building.

Susanville, Cal., 628 people, wants a $60,000 building.
Booneville, Ky., 236 people, wants a $75,000 building.
Saylersville, Ky., 310 people, wants a $75,000 building.
Franklin, N. C., 379 people, wants a $75,000 building.
And there are many others in the same class.

When a business man gets into a bad business venture, he can go into bankruptcy, but your Uncle Sam keeps on paying out $3,000 and more each year on buildings where the receipts are $526 or less. Indirectly we are all paying the loss.

Personally I believe that only towns that need them should get public buildings, and that the cost of the buildings should depend upon the receipts of the office, and the prospective growth of the town.

In making appropriations for public buildings, some attention ought to be paid to the postal receipts in a town, and its prospective growth.

In 1906, Lander, Wyo., was granted $7,500 for a site, and in 1908 it was granted $115,000 for a building, a total of $122,500. Its population in 1910 was only 1,812, and its postal receipts in 1913 were $7,502.86.

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. JAMES. Certainly.

Mr. CLARK of Florida. Does the gentleman know what other activities were at Lander, Wyo., except the post office?

Mr. JAMES. I do not.

Mr. CLARK of Florida. Does the gentleman think it is fair to state it that way without stating that there are other activities or there were not, whatever it was there?

Mr. JAMES. When the time comes I will put information in the RECORD showing where I get that information.

Mr. CLARK of Florida. I think I know where the gentleman got it.

Mr. JAMES. Park City, Utah, had nearly twice the population in 1910, its postal receipts were $8,352.76 in 1913, and yet it only received $30,000 for building and site. Population in 1910, 3,439. Nearly twice the population of Lander, more receipts, and only gets about one-fourth as much money.

In the present bill, Tyrone, Pa., asks for $125,000 and receives $80,000—$42,500 less than Lander, Wyo., although its population in 1910 was 7,176 in comparison with the 1,812 of Lander. Its receipts this year are $98,485, as compared with about $7,502.86 of Lander. I can not account for this very material cut except for the fact that the committee knew that the introducer of the bill [Mr. BAILEY] was a pacifist and would not fight for his bill.

In the present bill Newburgh, N. Y., with its population of 27,805 in 1910, its postal receipts of $91,896, receives the same amount as Norwalk, Conn., with its population of 24,211 in 1910, and its postal receipts of $27,246. Each is granted $140,000 in this bill.

The postal receipts of Eminence, Ky., Falmouth, Ky., Green River, Wyo., Mount Olive, N. C., Rossville, Ga., Huntingdon, Tenn., Clearwater, Fla., Hazard, Ky., Lewisburg, W. Va., Norton, Kans., Pittsfield, Ill., Albertville Ala., Attalla, Ala., Barbourville, Ky., combined, amounts to $91,528.62, while Newburgh, N. Y., alone has postal receipts of $91,896, or $367.38 more than the above 14 towns. The population of the 14 towns combined makes 19,234, while Newburgh has 8,571 more than this, or 27,805. Were Newburgh, N. Y., to be judged by the same standards as these 14 towns it would be given $517,350 for building and site instead of the $140,000 granted in this bill. The above towns, some dead and others dying, are granted $487,000 in this bill, in addition to $30,350 previously granted for sites, or a total of $517,350.

Mr. CLARK of Florida. I know the gentleman wants to be correct.

The CHAIRMAN. Does the gentleman yield?

Mr. JAMES. I do.

Mr. CLARK of Florida. The gentleman referred to Norwalk, Conn. I call the gentleman's attention to the fact that Norwalk and South Norwalk and Rowayton have all been consolidated and that the receipts for those three places for 1913 were $74,041.20. That is the place the building is provided for.

Mr. JAMES. I have not talked about Norwalk.

Mr. CLARK of Florida. Norwalk, Conn.?

Mr. JAMES. No, sir.

Mr. CLARK of Florida. I thought the gentleman said something about that place.

Mr. JAMES. In 1908 Goldfield, Nev., was awarded $75,000 for building and site. At that time the population was about 18,000. In 1910 it was 4,838, or a decline of about 13,000. The Treasury Department has not yet closed a deal for even a site.

Although the following places have declined in population in the last 10 or 20 years they have been granted additional money to complete buildings. The average business man would not make this error.

Bath, Me., had 10,477 in 1900 and 9,396 in 1910, or a loss of 1,083 in 10 years, and still it received an additional $10,000.

Hinton, W. Va., declined from 3,763 in 1900 to 3,656 in 1910, or a net loss of 107, and yet it received $15,000 more out of Uncle Sam's Treasury.

Narragansett Pier, R. I., had 1,523 in 1900 and only 1,250 in 1910, or a loss of 273—but this remarkable loss of nearly 30 per cent of its population does not prevent it from getting an additional $10,000. It might be said in passing that it has 158 less than it had in 1890.

Park City, Utah, had 3,759 in 1900 and only 3,439—a loss of 320—in 1910, and it also received an additional $10,000 in this bill.

Findlay, Ohio, declined from 18,553 in 1890 to 17,613 in 1900, and a still further decline to 14,858 in 1910—or a net loss of 3,695 in 20 years—and still it gets an additional $50,000 in this bill.

Fort Scott, Kans., has about 1,500 less population than it had 20 years ago, but it has the good fortune to get an additional $5,000 in this bill. Fort Scott had 11,946 in 1890, 10,322 in 1900, and 10,464 in 1910.

Very few business men would think of putting up buildings in towns that are on the decline, but Uncle Sam and his servants are far more generous.

This bill provides for buildings in at least 26 towns that have less population than they had in 1890 or 1900.

Bath, N. Y., had 3,884 in 1910 and 4,994 in 1900, or a loss of 1,010 in 10 years, and asks for $75,000 and received $50,000 for building and site in this bill.

Edenton, N. C., had 3,046 in 1900 and only 2,789 in 1910, a net loss of 257, but is given the sum of $25,000 in this bill.

Green River, Wyo., declined from 1,723 in 1890 to 1,361 in 1900, and a still further decline to 1,313 in 1910—a net loss of 410 in 20 years. Regardless of the fact that it has lost about 25 per cent of its population in 20 years it has the courage to ask for $75,000 for building and site. The committee only allows $25,000 in this bill—$25,000 too much. Postal receipts, by the way, are $4,370.

Holton, Kans., had 2,842 in 1910 and 3,082 in 1900—loss of 240—but is allowed $35,000.

Huntingdon, Tenn., boasted of 1,332 in 1900 and only 1,112 in 1910—a loss of 220—and it secures $25,000 in this bill.

Huntsville, Tex., declined from 2,485 in 1900 to 2,072—a loss of 413 in 10 years—and it gets a $30,000 post-office building and site.

Lyons, N. Y., had 4,475 in 1890 and 4,460 in 1910—a loss of 15 in 20 years—and received $40,000.

Marengo, Iowa, had 2,007 in 1900 and only 1,786 in 1910, and it asks for $50,000 and received $30,000.

Provincetown, Mass., claimed a population of 4,642 in 1890, 4,247 in 1900, and 4,369 in 1910, or a loss of 273 in 20 years, but manages to get away with $30,000 in this bill.

Bowling Green, Mo., declined from 1,902 in 1900 to 1,585 in 1910, or a loss of 317. Bowling Green gets a $40,000 appropriation.

Circleville, Ohio, gets a $65,000 amount, although its population shows a loss of 247 in 10 years—6,744 in 1910 and 6,991 in 1900.

Corning, Iowa, does not fare so well, having to be content with an appropriation of $35,000. Corning shows a loss of 443 in 10 years, having declined from 2,145 in 1900 to 1,702 in 1910.

Eagle Grove, Iowa, also received $35,000 in this bill, although its population also shows a decrease during the last 10 years. It had 3,557 in 1900 and only 3,387 in 1910, or a net loss of 170.

Farmington, Me., although showing a net loss of 78 people in 10 years, receives a $45,000 building and site. It shows a net gain of 3 people in 20 years. Farmington had 3,210 in 1910, 3,288 in 1900, and 3,207 in 1890.

Lewisburg, W. Va., had over 200 less in 1910 than in 1890, and still it gets an $82,000 appropriation. It declined from 1,016 in 1890 to 872 in 1900 to 803 in 1910, a net decline of 213 in 20 years—more than a 20 per cent decline in 20 years. Postal receipts, $8,017.

Lewiston, Ill., declined from 2,504 in 1900 to 2,312 in 1910, and it received $30,000 in this bill.

Galva, Ill., declined from 2,682 in 1900 to 2,498 in 1910, or a loss of 184 in 10 years, and received $45,000 in this bill.

Rogersville, Tenn., has 144 less people in 1910 than it had 10 years before, but gets $25,000 in this bill—1910, 1,242; 1900, 1,386.

Unionville, Mo., goes from 2,050 in 1900 to 2,000 in 1910, but is allowed a present of $30,000.

Algona, Iowa, had 3 less in 1910 than it had in 1900, but does a little better than Unionville in the matter of appropriation, receiving $45,000. Algona had 2,908 in 1910 and 2,911 in 1900.

The population of a town in my own State of Michigan—Marshall—declined from 4,370 in 1900 to 4,236 in 1910, and received a $75,000 appropriation. As the receipts, postal, are over $60,000 annually, it helps the situation somewhat.

Olathe, Kans., had 4,351 in 1900 and only 3,272 in 1910, or a decline of 1,079—practically a 25 per cent decrease in 10 years—and yet it has the good fortune to receive a present of $55,000 from the Treasury of Uncle Sam. Olathe had 3,294 in 1890, or a net loss of 22 in 20 years.

Middletown, Pa., also shows a decline—5,608 in 1900 and 5,374 in 1910, or a loss of 234—and yet it receives an allowance of $65,000 in this bill.

Oswego, another Kansas town, gets a good appropriation, although showing a net loss in 20 years. It lost 257 in 20 years. Oswego had 2,574 in 1890, 2,317 in 1910, and 2,208 in 1900. Oswego gets $50,000 in this bill.

Pittsfield, Ill., went from 2,295 in 1890 to 2,293 in 1900 and to 2,095 in 1910, or a net loss of 200 in 20 years, and still it is allowed $35,000.

Portage, Wis., had a population of 5,459 in 1900 and 5,440 in 1910, and received a public-building appropriation of $57,000 in spite of its 19 loss in 10 years.

St. Johns, another town in my own State, had 3,388 in 1900 and only 3,154 in 1910, or a loss of 234 in 10 years, and yet believes it is entitled to a little gift from the Treasury. It asks for $75,000 for building and site and receives $55,000.

Appropriations are also asked for in this bill for sites in 13 or more towns that have declined in population in the last 10 or 20 years; some of them show very material declines.

Eaton Rapids, of my own State of Michigan, had 2,103 in 1900 and only 2,094 in 1910—loss of 7 in 10 years—and yet is allowed $7,500 for a site.

Ellicott City, Md., declined from 1,488 in 1890 to 1,331 in 1900, and a still further decline to 1,151 in 1910—or a net loss of 337, nearly 25 per cent loss—in 20 years, and yet it asks for and received $7,500 for a site.

The town of Galion, Ohio, declined from 7,282 in 1900 to 7,214 in 1910—loss of 68 in 10 years—and asks for $20,000 for a site alone, and is granted the sum of $15,000 by the committee.

Lawrenceburg, Ind., boasted of a population of 4,326 in 1900 and only 3,930 in 1910—or a loss of 396 in 10 years—and still it is allowed $10,000 for a site by the committee. Lawrenceburg had 4,284 in 1890, or a loss of 354 in 20 years. As the bill as introduced called for $100,000 for building and site, it seems to be doing fairly well for a declining town.

Lewisburg, Pa., received $10,000 for a site, although it shows a loss of 376 in 10 years and a loss of 167 in 20 years. Lewisburg shows 3,081 in 1910, 3,457 in 1900, and 3,248 in 1890. Notwithstanding this remarkable decrease, the bill as introduced called for $100,000 for building and site.

Paris, Mo., declined from 1,487 in 1890 to 1,474 in 1910—loss of 13 in 20 years—and asks and receives the sum of $5,000 for a site.

Ponca City, Okla., gained 1 vote from 1890 to 1900 and then lost 8 from 1900 to 1910—or a net loss of 7 in 20 years—and yet it receives $7,500 for a site. There is nothing slow about Ponca City. The fact that its population declined from 2,528 in 1890 to 2,521 in 1910 does not prevent it from asking for an appropriation of $150,000 for a building and site.

Another town in Missouri, Rich Hill, declined from 4,053 in 1900 to 2,755 in 1910, or a loss of 1,298 in 10 years. This is over a 30 per cent loss, and still it asks for and received $5,000 for a site. I might say in passing that Rich Hill had 4,008 in 1890, or a loss of 1,255 in 20 years. Its postal receipts are $7,611.

Westboro, Mass., only shows an increase of 46 in 10 years. Westboro had 5,400 in 1900 and 5,446 in 1910. It had to be content, however, with a $15,000 site.

Winona, Miss., with postal receipts of $8,716, wanted another one hundred thousand appropriation for post office and building, and received $7,500 for a site only. Winona shows a net increase of 57 in 10 years—2,455 in 1900 and 2,512 in 1910.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. JAMES. Not now.

The following towns have had an increase of less than 100 in the last 10 or 20 years, and still are granted appropriations for buildings and sites—10 towns in all.

Brinkley, Ark., had 1,688 in 1900 and 1,740 in 1910, or a gain of only 92 in 10 years, and yet it received $25,000 in this bill.

Falmouth, Ky., had 1,180 in 1910 and 1,134 in 1900 and 1,146 in 1890, or a gain of only 34 in 20 years, and it receives an allowance of $25,000 in this bill. Postal receipts, by the way, only amount to $5,638.

Vermilion, S. Dak., can only show a gain of 4 in 10 years, and it has the good fortune to get a $35,000 present in this bill. Vermilion had 2,183 in 1900 and 2,187 in 1910.

West Plains, Mo., does a little better both in increase in population and allowance for building and site. West Plains makes a gain of 12 in 10 years—2,902 in 1900 and 2,914 in 1910—and receives as a reward $40,000.

West Point, Va., shows a little larger increase in population, showing a gain of 90 in 10 years, and is allowed $25,000 in the present bill. West Point grew from 1,307 in 1900 to 1,397 in 1910.

A little town in Michigan, Clare by name, grew from 1,326 in 1900 to 1,350 in 1910—not much to brag about—net gain of 24 in 10 years, and yet has the good fortune to get an appropriation of $35,000 in this bill, or a little over $25 for every man, woman, and child lucky enough to live in the town.

Easton, Md., does a good deal better. It showed an increase of 9 in 10 years, and only 143 in 20 years, and received a $65,000 present. Easton had 2,939 in 1890, 3,074 in 1900, and 3,083 in 1910.

Eaton, Ohio, had 3,155 in 1900 and 3,187 in 1910, or a gain of only 32 in 10 years, and received a $35,000 gift.

Litchfield, Minn., received $35,000 in this bill, although it only shows a gain of 53 in 10 years—2,280 in 1900 and 2,333 in 1910.

Another Minnesota town, Northfield, received $51,000, although the population only increased from 3,210 in 1900 to 3,265 in 1910, or a net gain of only 55.

Great Barrington, Mass., only gains 72 in 10 years—5,926 in 1910 and 5,854 in 1900—but is granted $50,000 in this bill.

This bill awards to the following towns, nine in all, appropriations for sites, although they show less than 100 gain in population in the last 10 or 20 years:

Berkeley Springs, W. Va., never had the population to warrant putting up a Government building, having only 864 in 1910 and 781 in 1900, and yet it asks for and receives an appropriation of $10,000 for a site alone.

There is nothing slow about Cameron, Mo. It has only gained 1 vote, Democratic or otherwise, in 10 years, and yet it has the courage to ask for $100,000 for a public building and site, and received $5,000 from the committee for a site alone at this time. It has only gained 63 people in 20 years. It had 2,917 in 1890, 2,979 in 1900, and 2,980 in 1910.

Duncan, Okla., also asked for a $100,000 building and site, and it also received $5,000 for a site alone. Duncan has gained 26 persons in 10 years, having 2,477 in 1910 and 2,451 in 1900. Postal receipts only amount to $8,272, but that does not prevent them from asking for a $100,000 grab.

Indianola, Iowa, shows an increase of 118 in 10 years, and believes that it is entitled to $50,000 of Uncle Sam's money. It has to be content at this time with $5,000 for a site. Indianola had 3,261 in 1900 and 3,283 in 1910.

Owenton, Ky., shows the remarkable increase of 10—1 per year—from 1900 to 1910, and asks for and receives $7,500 for a site. Real estate must be high in that dead town—1,024 in 1910 and 1,014 in 1900. The postal receipts annually are only $4,760.

Pineville, another Kentucky town, wants $100,000 of Uncle Sam's money for a public monument, although it only had a population of 2,072 in 1900 and 2,161 in 1910, or a net gain of 91 in 10 years. The postal receipts, by the way, are only $7,369. Pineville has to be contented at this time, however, with $5,000 for a site.

Wayne, Nebr., received $5,000 for a site, although only showing a gain of 21 in 10 years—2,140 in 1910 and 2,119 in 1900.

Another town in Missouri—Salisbury—declined from 1,847 in 1900 to 1,834 in 1910, or 13 in 10 years; and it also asks for and receives $5,000 now for a site and more to follow for a building. Salisbury's postal receipts are only $6,808.

Seward, Nebr., had 2,108 in 1890 and 2,106 in 1910, or a net loss of 2 in 20 years, and gets $6,000 for a site. The bill as introduced called for $60,000 for building and site.

Stanford, Ky., showed 129 less people in 1910 than in 1900, and asks for $10,000 for a site, and receives $5,000. Stanford had 1,651 in 1900 and 1,532 in 1910. Stanford has postal receipts of $6,228.

Summerville, S. C., decreased from 2,420 in 1900 to 2,355 in 1910, a loss of 65 in 10 years, and it also asks $10,000 for a site, and it also has to be content at present with $5,000.

Thomaston, Ga., loses 69 people in 10 years and asks for $60,000 for a building and site, but receives $5,000 for a site in this bill. In 1900 Thomaston had 1,714 and only 1,645 in 1910. Postal receipts are $6,144.

Page 8, House Document No. 936, Sixty-third Congress, second session, reads, in part, as follows:

It is recommended that no building shall be authorized where the post-office receipts are less than $10,000.

In the consideration of each project a comparison of rental value for suitable quarters, together with the cost of maintenance and operation, including interest at 3 per cent on the investment for the building proposed, shall be made, in order that it may be determined whether its erection should be a desirable or proper investment.

Many of the items in this bill could not qualify under the above.

We read in the Sunday Star, January 14, 1917, in part, as follows:

By a strict party vote the subcommittee on appropriations of the Senate yesterday afternoon struck from the legislative appropriation bill the increases in salaries to employees granted by the House. Democratic members of the committee would not discuss their action, but they insisted in committee that the refusal to grant the increases made by the House was due entirely to the state of the finances and the revenues and not to any spirit of hostility to the clerks and their appeal for better compensation.

In view of the above action, the statement made upon the floor of the House by Mr. FITZGERALD, chairman of the Committee on Appropriations, and other members of that committee, members of the Ways and Means Committee, and the prospect that we shall soon be asked to vote for bonds to take care of part of the deficit, it seems to me that it would be unwise to pass this bill at this time, and I hope it will be defeated.

Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18994 and had come to no resolution thereon.

CHANGE OF BILL TO UNION CALENDAR.

The SPEAKER. The bill H. R. 20047, a bill for the control and regulation of the waters of the Niagara River above the Falls, and for other purposes, is on the House Calendar, and ought to be on the Union Calendar. Without objection, it will be rereferred.

There was no objection.

HOUR OF MEETING ON THURSDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Thursday.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 a. m. on Thursday. Is there objection? [After a pause.] The Chair hears none.

BOARD OF REGENTS OF SMITHSONIAN INSTITUTION.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 194, which provides for the appointment of John B. Henderson as a member of the Board of Regents of the Smithsonian Institution.

The SPEAKER. Without objection, the Chair lays before the House the joint resolution, which the Clerk will report.

There was no objection.

The Clerk read as follows:

Joint resolution (S. J. Res. 194) providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur on March 1, 1917, by reason of the expiration of the term of Mr. John B. Henderson, of the city of Washington, be filled by the reappointment of the said John B. Henderson for the ensuing term.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate resolution.

The resolution was read a third time and passed.

On motion of Mr. LLOYD, a motion to reconsider the vote by which the Senate resolution was agreed to was laid on the table.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Wednesday, January 17, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a message from the President of the United States, transmitting a statement by the Secretary of State of appropriations, expenditures, and balances of appropriations under the Department of State for the fiscal year ended June 30, 1916 (H. Doc. No. 1941), was taken from the Speaker's table, referred to the Committee on Expenditures in the Department of State, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 16855) for the relief of Riverside Military Academy, reported the same with amendment, accompanied by a report (No. 1296), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 4417) for the relief of George L. Thomas, reported the same without amendment, accompanied by a report (No. 1297), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 8950) for the relief of Robert Hildebrand, reported the same with amendment, accompanied by a report (No. 1298), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 17304) for the relief of W. L. Rose, reported the same with amendment, accompanied by a report (No. 1299), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14402) for the relief of George E. Pickett 3d, reported the same adversely, accompanied by a report (No. 1294), which said bill and report were laid on the table.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 12536) for the relief of the heirs of Benjamin Holladay, deceased, reported the same adversely, accompanied by a report (No. 1295), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9308) granting a pension to Emelia McNicol; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18698) granting an increase of pension to John West; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18062) granting a pension to William P. Robinson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 20149) to remove discrimination against certain captains, Philippine Scouts, United States Army, retired; to the Committee on Military Affairs.

Also, a bill (H. R. 20150) authorizing the President of the United States to date the commissions of graduates of the United States Military Academy two years ahead of the date of their graduation; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 20151) to regulate promotion in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 20152) to amend an act entitled "An act making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. LINDBERGH: Resolution (H. Res. 450) providing for the appointment of a committee to investigate the banks and stock exchanges in the reserve cities; to the Committee on Rules.

By Mr. DILL: Memorial from the Legislature of the State of Washington, favoring the adoption of constitutional amendment to Constitution of United States providing for national prohibition; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 20153) granting an increase of pension to Albert Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20154) granting an increase of pension to John T. Criswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20155) granting an increase of pension to William R. Smith; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 20156) granting an increase of pension to Emma Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20157) granting an increase of pension to Jeremiah Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20158) granting an increase of pension to Julia A. Stoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20159) granting an increase of pension to Caroline Rively; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20160) granting an increase of pension to William Riddle; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 20161) for the relief of William Blair; to the Committee on Claims.

By Mr. DILL: A bill (H. R. 20162) authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 20163) granting an increase of pension to Amanda E. Wells; to the Committee on Invalid Pensions.

By Mr. GARLAND: A bill (H. R. 20164) granting an increase of pension to Albert Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20165) granting an increase of pension to George C. Worley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20166) granting an increase of pension to Eliza Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20167) granting an increase of pension to George N. Welsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20168) granting an increase of pension to Ellen K. Weaver; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 20169) granting an increase of pension to George Hord; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 20170) granting an increase of pension to Charles Boyce; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20171) granting an increase of pension to Nathan M. Davis; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 20172) granting a pension to James A. Swaim; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 20173) granting an increase of pension to Charles Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20174) granting a pension to Calvin Shults; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20175) granting an increase of pension to Joseph Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20176) granting an increase of pension to W. R. Pinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20177) granting an increase of pension to George S. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20178) granting an increase of pension to Jackson Cornett; to the Committee on Pensions.

Also, a bill (H. R. 20179) granting a pension to Caleb Akers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20180) granting a pension to Sheridan Bailey; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 20181) granting a pension to Harvey L. Shure; to the Committee on Pensions.

Also, a bill (H. R. 20182) granting a pension to Clara Larish; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 20183) granting a pension to Elsie Hoffman; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 20184) granting a pension to William Strawn; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 20185) for the relief of Horace G. Knowles; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 20186) granting an increase of pension to Hiram H. Shaw; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20187) granting a pension to Ella Drake; to the Committee on Pensions.

Also, a bill (H. R. 20188) to correct the muster of William Ramsey, late servant for the officers of Company B, Seventy-eighth Regiment Pennsylvania Reserves; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 20189) granting a pension to Grace E. Syar; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 20190) granting an increase of pension to Velma Lehr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20191) granting an increase of pension to Kate Low; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20192) granting an increase of pension to John H. Leeper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20193) granting an increase of pension to Howard F. Hartzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20194) granting an increase of pension to Henrietta C. Ilgenfritz; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 20195) granting a pension to Sarah C. Hyers; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 20196) granting pension to Edward Vetter; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 20197) granting an increase of pension to John C. D. Lower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20198) granting an increase of pension to John W. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20199) granting an increase of pension to Mercy K. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20200) granting an increase of pension to David Mitzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20201) granting an increase of pension to Christopher C. Olewiler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 20117, for relief of George W. Cordray; to the Committee on Invalid Pensions.

By Mr. BROWNING: Petitions of St. Paul's Methodist Episcopal Church Sunday School, of Paulsboro, and 46 people of Paulsboro, for national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Memorial of National Association of Vicksburg Veterans, in re national memorial reunion; to the Committee on Military Affairs.

Also, petition of James Brady, of New York, in re ex-prisoners of war bill; to the Committee on Military Affairs.

Also, petition of E. La Montague's Sons, of New York, opposing prohibition bill for District of Columbia; to the Committee on the District of Columbia.

Also, petition of Remington Typewriter Co., of New York, in re House bill 18542; to the Committee on Appropriations.

Also, petition of the American Printer, in re legislation contained in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of New York against House bill 18986; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Memorial of Brooklyn Board of Real Estate Brokers, opposing tax on real estate mortgages; to the Committee on Ways and Means.

Also, memorial of Brooklyn Civic Club, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Coopers' International Union, of Milwaukee, Wis., protesting against the passage of prohibition measures; to the Committee on the Judiciary.

Also, petition signed by many voters of the fourth Wisconsin district, protesting against the passage of House bills 17850 and 18896, Senate bills 1082 and 4429, and House joint resolution 84; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of department of education, city of New York, in re methods of education of immigrants; to the Committee on Appropriations.

Also, memorial of Brooklyn Board of Real Estate Brokers, in re tax on mortgages; to the Committee on Ways and Means.

Also, memorial of select and common councils of Philadelphia, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of Brotherhood of Maintenance-of-Way Employees, asking to be included in the workings of the Adamson eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Superintendents and Foremen's Association and Associated Shoe Industry, of Philadelphia and vicinity, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. J. Gilbert Meares, of Hohokus, N. J., for woman suffrage; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of the Brooklyn Civic Club, of Brooklyn, N. Y., opposing the discontinuance of the pneumatic-tube service in that city; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of De Kalb (Ill.) Aerie, No. 1316, Fraternal Order of Eagles, opposing increase of postal rates on fraternal magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Central Federated Union of Greater New York and vicinity, against House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of Common Council of the city of Philadelphia, opposing the abandonment of the pneumatic-tube service in that city; to the Committee on the Post Office and Post Roads.

Also, petition of Winnebago National Bank, of Richfield, Ill., concerning proposed amendments to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of Central Federated Union of Greater New York, opposing prohibitory legislation; to the Committee on the Judiciary.

Also, petition of rural mail carriers of the twelfth district of Illinois, for readjustment of salaries and for maintenance allowances; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorials of the Massachusetts Legislature, in re old-age pensions; to the Committee on Appropriations.

Also, memorial of Boston Wool Trade Association, in re water rates on wool; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY of Indiana: Petition and statement by Sennil E. Vertreez, Richmond, Ind., favoring legislation to prevent the slaughter of young cattle under certain ages; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of rural carriers at Houlton, Springfield, Lisbon, Auburn, Newport, Dixmont, Oakfield, Milo, Fort Fairfield, Brownville, and Carmel, all in the State of Maine, asking consideration of bill to fix compensation of carriers upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of New York: Papers to accompany House bill 17446, for relief of Chauncy A. Crook; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Papers to accompany House bill for relief of Nathan M. Davis; to the Committee on Invalid Pensions.

Also, memorial of John Salzu, secretary, East Liverpool, Ohio, against prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of 59 residents of the city of St. Louis, protesting against the enactment of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, resolutions adopted by the Bohemian-Slavonia Benevolent Association of St. Louis, filed by August Triska, secretary, favoring an additional appropriation for the field service of the Bureau of Naturalization; to the Committee on Appropriations.

Also, petition filed by Mr. Charles Jerabek, secretary of the American-Bohemian Citizens' League of St. Louis, Mo., favoring an additional appropriation for the field service of the Bureau of Naturalization; to the Committee on Appropriations.

Also, petition of the Bohemian Gymnastic Association of St. Louis, Mo., favoring an additional appropriation for the field service of the Naturalization Bureau; to the Committee on Appropriations.

By Mr. KING: Petition of the Quincy Order of Eagles, signed by Mr. P. W. Reardon, president, and O. F. Robb, secretary, of Quincy, Ill., protesting against passage of section 10 of House bill 19410; to the Committee on the Post Office and Post Roads.

Also, petition of the Henry County Antisaloon League, signed by Mr. C. W. Watson, president, of Kewanee, Ill., praying for the passage of all temperance measures; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial passed January 10, 1917, by Select and Common Councils of Philadelphia, objecting to discontinuance of pneumatic-tube service in that city; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of H. A. Bokel, of Baltimore, against prohibition measures; to the Committee on the Judiciary.

Also, memorial of J. A. Bokel Co., of Baltimore, Md., in re postal legislation; to the Committee on the Post Office and Post Roads.

Also, petition of E. Raine, of Baltimore, opposing House bill 18986; to the Committee on the Post Office and Post Roads.

By Mr. MOORES of Indiana: Petition of 95 citizens of Indianapolis, Ind., asking for the passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. NOLAN: Petition from Mr. Leon Sloss, president Northern Commercial Co., San Francisco, Cal., asking that the Territory of Alaska be not declared by law to be dry before January 1, 1918; to the Committee on Insular Affairs.

By Mr. OVERMYER: Petitions of 384 citizens of Sandusky and Erie County, Ohio, protesting against the enactment of the following bills: House bill 18986, by Congressman RANDALL; Senate bill 4429, by Senator BANKHEAD; Senate bill 1082, by Senator SHEPPARD; House joint resolution 84, by Congressman WEBB; and House bill 17850, by Congressman HOWARD; to the Committee on the Judiciary.

By Mr. PATTEN: Petition of sundry citizens of New York, against prohibition legislation; to the Committee on the Judiciary.

By Mr. REILLY: Petitions of the citizens of Fond du Lac, opposing House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. ROGERS: Petitions of sundry citizens of Massachusetts, against prohibition measures; to the Committee on the Judiciary.

By Mr. SINNOTT: Petitions of 13 people of Klamath Falls, 20 people of Klamath Falls, 14 people of Klamath Falls, and 15 people of Klamath Falls, Oreg., for national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Resolutions adopted by the Fairfax-Andover Social Club, of Crookston, Minn., protesting against the proposed embargo on foodstuffs and farm products; to the Committee on Interstate and Foreign Commerce.

Also, petition of 193 voting members of the Swedish Baptist Church of Fergus Falls, Minn., for a law requiring or permitting daily Bible readings in public schools; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of sundry citizens of Massachusetts, opposing prohibition measures; to the Committee on the Judiciary.

Also, petition of employees of the customs district of Massachusetts, for increase in salaries; to the Committee on Appropriations.

Also, memorial of Massachusetts Legislature, in re "old-age pensions"; to the Committee on Appropriations.

By Mr. TREADWAY: Petitions of sundry citizens of Westfield and Springfield, Mass., against the passage by Congress of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of sundry citizens of Berkshire County and vicinity, for members of Brotherhood of Maintenance-of-Way Employees to be included in workings of the eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Greenfield, Mass., for suffrage amendment to the Constitution; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *January 17, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

We come before Thee, Almighty God, that we may discharge faithfully and well the duties of this day. Help us to make permanent and secure the things that are true; help us to change the things that are false, and apply the principles of Divine revelation to all the problems of life. To this end do Thou give to us the power to look upon the issues that are before us from God's point of view and to decide the questions that are at issue in the light of that righteousness which Thou hast revealed to us in Thy word. Above all, give us a regard for God's name and the honor and glory of Thy kingdom in the earth. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Hollis	Oliver	Smoot
Brandegee	Husting	Overman	Sterling
Bryan	James	Page	Stone
Chamberlain	Johnson, Me.	Phelan	Sutherland
Chilton	Johnson, S. Dak.	Pittman	Swanson
Clapp	Jones	Poindexter	Thomas
Clark	Kenyon	Ransdell	Thompson
Colt	La Follette	Robinson	Tillman
Culberson	Lewis	Saulsbury	Vardaman
Curtis	Lodge	Shafroth	Wadsworth
Fernald	McCumber	Sheppard	Walsh
Fletcher	McLean	Sherman	Williams
Gallinger	Martine, N. J.	Shields	Works
Gronna	Myers	Smith, Ga.	
Hitchcock	Nelson	Smith, Md.	

Mr. JONES. I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

Mr. SAULSBURY. I was requested to announce that the Senator from Arizona [Mr. ASHURST] is detained from the Senate because of illness in his family.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] on account of illness. I ask that this announcement may stand for the day.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, January 15, 1917, when, on request of Mr. POINDEXTER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

ELECTORAL VOTES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of the final ascertainment of electors for President and Vice President of the United States chosen at the election on the 7th day of November, 1916, in the States of New Jersey, Nebraska, Nevada, South Dakota, and Wyoming, together with a supplemental certificate from Texas, which were ordered to be filed.

THE MILITARY ACADEMY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a report of the board appointed to ascertain the needs of the Military Academy, together with a copy of a letter from the Superintendent of the Military Academy on the subject, which, with the accompanying papers, was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 194) providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

The message also announced that the House had passed a bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented a memorial of sundry citizens of Luzerne, Pa., remonstrating against the enactment of legislation to prohibit liquor advertisements from the mail, which was ordered to lie on the table.

He also presented a memorial from Typographical Union No. 270, of New Castle, Pa., remonstrating against the enactment of legislation providing a zone system for all second-class mail, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lancaster County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER. I present a memorial from the Legislature of the State of Washington, in favor of an amendment to the Constitution providing for national prohibition, and I ask that it be printed in the RECORD.

The memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

STATE OF WASHINGTON,
DEPARTMENT OF STATE,
OFFICE OF THE SECRETARY,
Olympia, January 11, 1917.

Hon. MILES POINDEXTER, M. C.,
Washington, D. C.

DEAR SIR: In compliance with the provisions of senate joint memorial No. 1 of the fifteenth session of the Legislature of the State of Washington, I am inclosing herewith certified copy of the memorial passed on January 8, 1917.

Yours, very truly,

I. M. HOWELL,
Secretary of State.

—

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial, as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the Capitol, at Olympia, this 11th day of January, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

—

Senate joint memorial No. 1.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Fifteenth Legislature of the State of Washington, respectfully represent:

Whereas it appears that a majority of the people of the United States are in favor of prohibiting the manufacture and sale of intoxicating liquors for use as a beverage; and

Whereas there is now pending before the Congress of the United States a measure proposing an amendment to the Federal Constitution designed to effect such prohibition:

Wherefore your memorialists pray that such measure proposing an amendment to the Constitution of the United States so prohibiting the manufacture and sale of intoxicating liquors be passed immediately and submitted to the several States for ratification.

The secretary of state is hereby directed to furnish a certified copy of this memorial to each of our Senators and Representatives in Congress.

Passed the senate January 8, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 8, 1917.

GUY E. KELLY,
Speaker of the House.

(Indorsed:) Filed 12.13 p. m., January 10, 1917.

I. M. HOWELL,
Secretary of State.
By J. GRANT HINKLE,
Assistant Secretary of State.

Mr. GRONNA. I present a letter in the form of a memorial from the North Dakota State Federation of Labor, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

NORTH DAKOTA STATE FEDERATION OF LABOR,
Grand Forks, N. Dak., January 12, 1917.

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SENATOR: There is before the Congress of the United States a rider to the Post Office appropriation bill which the members of the State Federation of Labor of the State of North Dakota believe is going to work a great hardship upon hundreds of thousands of people in the United States, especially in the printing trades.

There is no question but what if this rider is passed in its present form, it is bound to put completely out of business a great number of nationally circulated newspapers, magazines, and other periodicals.

You gentlemen have heard enough of the print-paper situation to know that the daily papers, magazines, and all allied products are now laboring under a strain which has already forced a large number entirely out of business, and which seriously threatens the life of even our largest and strongest periodicals. To add the burden of increased postal rates at the present time will be placing the last straw upon the camel's back, and a great many will sink under the load.

You may not be sufficiently familiar with the printing business to realize what a very large portion of the expense of any periodical is invested in labor which it employs in the form of editors, reporters, linotype operators, stereotypers, pressmen, binders, and various other kinds of allied labor. Therefore, you may not realize that when a printing establishment is put out of business it forces out of employment a larger proportion of individual citizens to the volume of business done than most any other line of endeavor.

We can not too forcibly impress upon you the untold hardships that the enforcement of the zone-rate plan will bring to our vast body of people who are endeavoring to become good citizens of the State of North Dakota and of the United States.

If action on this bill can even be deferred until after the news-print situation becomes normal again, it will prove a great relief to all periodical publishers and will insure continued employment for many

who will doubtless be forced to seek vocations other than those for which they are equipped, should the bill be passed in its present form.

Therefore the State Federation of Labor of the State of North Dakota trusts that you will use every effort to defeat or even delay the passage of this measure. May we have an expression from you?

Respectfully submitted.

NORTH DAKOTA STATE FEDERATION OF LABOR,
WM. ENGLISH, *Secretary.*

Mr. GRONNA. I also present a letter from Dr. Aline Bradley, legislative superintendent of the Fourth Division Drys, of Fairbanks, Alaska, which I should like to have printed in the RECORD. It refers to prohibition. It shows that out of 12,000 votes cast in the election, more than 8,000 votes were cast in favor of abolishing the saloon. It also has reference to the school question. If it has not been printed, I ask that it be printed in the RECORD.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

THE FOURTH DIVISION DRYS,
Fairbanks, Alaska, December 20, 1916.

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.

HONORABLE SIR: You are aware that Alaska voted dry on November 7 by a majority of more than 2 to 1 in her four judicial divisions.

You will admit that when the Alaska of dance-hall, gambling, and saloon fame thus registers her protest against the liquor traffic—when more than 8,000 voters out of approximately 12,000 sign their names to such a gigantic petition against alcohol—the petitioners are entitled to their demand.

Make no mistake, liquor has had the ruling hand in Alaska as well as the robbing hand, hence the vote against it; which vote was not simply a protest against alcohol, but even more a vote against Alaska's rule by alcohol in all channels—local, Territorial, and judicial.

The plebiscite asked that Alaska be made dry after January 1, 1918. There is no good reason, however, why Alaska should wait for the memorial from her Territorial legislature before securing the passage of a bill by Congress prohibiting the sale, manufacture, and importation of alcoholic beverages into Alaska.

We therefore beg to ask your earnest consideration of the reasons why Alaska's prohibition bill should be passed during the present session of Congress.

1. Section 410, Compiled Laws of Alaska, creating a Legislative Assembly for Alaska provides that "the authority herein granted * * * shall not extend to * * * the establishment and maintenance of schools * * *."

Before the 1917 spring session, the authority of the Alaska Territorial Legislature as regards the "establishment and maintenance of" her schools must be given with absolute certainty. Otherwise the school revenue, which will begin to fail as licenses expire in 1917, would not be replaced in time; district schools (Nelson) would be closed for lack of funds, while those in incorporated towns would be crippled for the same reason. Our helpless Territorial legislature could not remedy the condition until its next session in the spring of 1919.

Alaska's children simply can not face two years without proper school revenue.

2. Barring the beers of domestic manufacture, all liquors consumed in Alaska come into the southeastern portion through its ports of entry and into the interior by one of three routes—St. Michael, White Pass R. E. via Skagway, and via Valdez or Cordova over the trail into Fairbanks and other points. Hence, Alaska can be made dry as a bone if Congress so elects.

3. Having no fear that Alaska would go dry on her first vote, the liquor interests shipped into interior Alaska last summer only the usual tonnage of liquors, which supply must last the vast interior territory until the summer of 1917, unless brought in over the trail at a prohibitive cost.

Should the importation of liquors go unchecked next summer, the quantities shipped in will be beyond computation. The liquor interests, through their three wholesale dealers in Alaska, can afford to place as large a stock as they may wish—no limits. The liquor remaining on hand after licenses expire and after January, 1918, will supply material for a profitable bootlegging business for several years to come.

After reading the foregoing we believe you will admit that Alaska needs three things:

1. A prohibition measure which will prohibit the sale and manufacture of liquor in Alaska after January 1, 1918.

2. A clause in the above prohibition measure prohibiting the importation of liquors into Alaska after May 31, 1917. This last and most important clause in order to cut off the bootleggers' supply and settle the bootlegging problem.

3. A sister measure giving Alaska the right to control her schools, bearing in mind that from the Territorial revenues must come the substitute for the liquor license revenues. These two measures must be enacted concurrently by this session of Congress.

In conclusion, will you introduce and support or secure and work for the introduction and passage of the above measures for Alaska? Telegraph rates from Alaska are prohibitive. Alaska too far away for the usual methods of influencing Congress. We are therefore appealing to your sense of fairness and justice in the only manner open to us. Will you aid us and work for us?

Respectfully, yours,

ALINE BRADLEY,
Legislative Superintendent.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were ordered to lie on the table.

Mr. BRYAN presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

Mr. WEEKS presented a petition of sundry citizens of Shelburne Falls, Mass., praying for national prohibition, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Dried Fruit Association of California, praying for the enactment of legislation to standardize food products, which was referred to the Committee on Education and Labor.

Mr. JOHNSON of Maine presented a petition of the Woman's Christian Temperance Union of South Portland, Me., and a petition of Merrill Rebekah Lodge, No. 84, of Farmington, Me., praying for national prohibition, which were ordered to lie on the table.

Mr. COLT presented resolutions adopted by the Medical Association of Pawtucket, R. I., expressing appreciation for the enactment of legislation providing for the enrollment of physicians in the Officers' Reserve Corps, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Newport, R. I., remonstrating against the deportation of Belgians, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Rhode Island Press Club, remonstrating against any change being made in the present postal rates, which was referred to the Committee on Post Offices and Post Roads.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. MARTINE of New Jersey. I present the following communication which I have received from Mr. Santiago Iglesias, president of the Porto Rico Federation of Labor, and I ask to have it printed in the RECORD. In conjunction with it I have a telegram on the same subject which I ask to have printed in the RECORD.

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C.

Senator JAMES E. MARTINE.

DEAR SIR: Your attention is respectfully called to an important subject matter which received the consideration of the Thirty-sixth Annual Convention of the American Federation of Labor held in Baltimore, Md., November 13–25, 1916.

When, as a result of the Spanish-American War, the United States took possession of Porto Rico in 1898, the promise was made that the inhabitants of Porto Rico would be recognized in all respects as Americans and that citizenship with all its inherent rights and benefits would be fully accorded. Thus far this promise of citizenship has remained unfulfilled. The people of the island are practically without a country they may call their own.

There is now pending before the Senate H. R. 9533, which, if it becomes a law, will grant American citizenship to the people of that island, defining forever the status of the people of Porto Rico. The bill, however, contains several features to which the labor people as well as the people in general of Porto Rico emphatically protest.

For your information I inclose extracts of a letter I have received from Mr. Santiago Iglesias, president of the Free Federation of Workingmen of Porto Rico, which are important and self-explanatory.

The recent convention of the American Federation of Labor indorsed the petitions of the workers of Porto Rico that they should not be deprived the civil rights that they now possess and enjoy.

I trust that the above matters may commend themselves to your favorable consideration and action, and request that your support be given to maintaining the rights of the people of Porto Rico.

Very respectfully, yours,

SAML. GOMPERS,
President American Federation of Labor.

WASHINGTON, D. C., *December 4, 1916.*

STATEMENT BY SANTIAGO IGLESIAS, PRESIDENT OF PORTO RICO FEDERATION OF LABOR, ON PORTO RICAN BILL.

[This statement in full was handed to President Wilson by President Gompers, of the American Federation of Labor, at the White House, Dec. 4, 1916.]

I now want to make particular reference to the constant failure of Congress during the last few years to enact a law as to the status of the people of Porto Rico. There is now pending before the Senate a bill which, if it becomes law, certainly will define forever the status of the people of Porto Rico. The bill contains several clauses of a reactionary character, against which the Free Federation of Workingmen of Porto Rico emphatically protest.

Before entering into the presentation of the features of the bill to which the labor people, as well as the people in general, of Porto Rico protest, let me quote the Hon. JOHN J. SHAFROTH, chairman of the Committee of the Senate on the Pacific Islands and Porto Rico, in an address to the Senate:

"Mr. President, in the formation of our Republic we put forth to the world new principles of government, which seemed so plain to us that we declared them to be self-evident truths. We declared that all men are created equal, not in intellect, not in height, not in strength, not in color, and not in many other respects, but equal in rights. We declared that man is entitled, as an inalienable right, to life, liberty, and the pursuit of happiness. We said in that declaration that so sacred are these rights against tyranny that they not only shall not be invaded by others, but they can not be bartered away even by ourselves."

The working people of Porto Rico wonder why Senator SHAFROTH has not followed the splendid policy he outlined in the framing of the Porto Rican bill.

Section 26 of the Jones bill, with amendments by the Senate committee of which Senator SHAFROTH is chairman, says:

"No person shall be a member of the senate of Porto Rico * * * who does not own * * * taxable property in Porto Rico to the value of no less than $1,000 * * *."

Section 27 of the same bill says:

"No person shall be a member of the house of representatives * * * who does not own * * * and pay taxes upon property of the assessed value of no less than $500 * * *."

The only argument which Gov. Yager advanced in advocating the property and the literacy qualifications is that he has proof that the

corporations practically control the votes of large groups of working people.

The labor movement of Porto Rico, as expressed through the Free Federation of Workingmen, affiliated with the American Federation of Labor, has been and is now the most potential and influential factor in the island to Americanize the people of Porto Rico to the American standard of political action and freedom, and it has succeeded in a great measure in freeing them from the influence of the employers, politically as well as economically. It is a dangerous proposition at this time to impose a property qualification on members to be elected for the senate, as well as for the house of legislature of Porto Rico. To give to only those with property qualification the right to control the affairs of the people of the island will have a tendency to strengthen and encourage the agitation and propaganda of those who are already preaching anti-American sentiments and striving for the independence of the island.

Section 35 of the same bill states "that no person shall be allowed to register as a voter or to vote in Porto Rico unless * * * he is able to read and write or * * * he is a bona fide taxpayer." This has been amended by adding these words: "That all legally qualified electors of Porto Rico at the last election shall be entitled to register and vote at elections for 10 years from and after the passage of this act."

If Congress enacts the bill containing the clause quoted, it will disfranchise three out of every four voters of Porto Rico; the provision will practically disfranchise 175,000 workingmen out of a total of 205,000 voters of the whole island. The adoption of that clause would be a great political mistake and a national wrong imposed upon the people of the island.

The people of Porto Rico exercised the franchise for the last 16 years, and even under the Spanish Monarchy. Such rights were accorded to our people by the Cortes of Spain and our local legislature, and now the Congress of the United States is being advised to take away those rights that our people enjoy and possess. It is, indeed, a very serious question that the same bill which purports to grant American citizenship to the people of Porto Rico shall take away the civil rights that our people enjoy and possess, so it will clearly appear to the minds of the people that in being honorably granted citizenship of the United States they are going to lose their civil rights, and a property qualification is to be required for those who make the laws and rule the working people, who constitute ninety-odd per cent of the people of the island.

On the other hand, no means are provided to enable some 300,000 children to attend schools, which amounts to 60 per cent of the total electoral population, who, because of the inability to obtain an education, will be deprived of the right of franchise. Moreover, under the proposed law only such citizens as pay a tax will be privileged to be representatives in the legislature of the island. Workingmen, however bright and intelligent they may be, if they pay no taxes, will be disqualified and robbed of the right to be representatives.

Recently Gov. Yager, of Porto Rico, was quoted by the press as saying that it is absolutely necessary that the Jones bill be passed in Congress before the holiday recess in order to check forever the anti-American and independence agitation in the island.

Recently in a conversation with Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs in the War Department, I tried to convey to him the influences, ideas, and political conditions that now exist in Porto Rico, and he made the following remark, referring specially to that section of the bill relative to the civil rights of Porto Rico: "Those clauses are not essential to the principles of the bill and could very well be eliminated." While the Jones bill grants to the people of Porto Rico American citizenship, that same bill forces upon our people theories of government which have long ago been repudiated by the progressive force of American democracy, as well as the progressive force of Porto Rico.

If the condition of the people of Porto Rico is ever to be raised to a standard at all compatible with that prevailing in the United States, the civil and political rights that we now enjoy and possess must be guaranteed and extended in the new organic law now pending before the Senate.

The Free Federation of Workingmen of Porto Rico maintains fully the same declarations and petitions duly made to the President of the United States in Congress year after year.

The people of the island want to solve a great economic problem by the right guaranteed by the new constitution to use the government, whose upholders they are, to obtain loans at a low rate of interest, the government in making such loans to do away with the dreadful usury prevailing through the country. In so doing the government would also hamper and lessen the social and industrial oppression of the masses and help thereby in diffusing the wealth.

The banking system and the credit have both been left in the hands of private manipulation. Both speculation and monopoly, as well as the control of the local government, has fallen into the hands of the most powerful corporations.

The private monopoly of vital interests of the community of the island is detrimental to the well-being of the people, and such monopoly and control of the wealth produced by the people are creating among the popular minds a moral state of indignation against the hateful industrial oppression which has been the cause of so much wretchedness, privation, and hunger among the working masses.

We hope the United States Congress will enact a constitution furthering the common good of all the people of Porto Rico, and in the general interest of the island, relieving the masses of the social and industrial oppression they suffer, oppression which is casting discredit upon the American flag. Congress should suppress the monopoly effected by the corporations, the exportation of the wealth produced by Porto Rican workers should be regulated so as to retain the great part for the benefit of the inhabitants of the island. Now, more than 60 per cent is exported, a circumstance which turns the island into a trading post operated by underfed and barefoot laborers, and in this way the constitution would benefit the whole people, and not a specially privileged class or party. Such a measure would promote the diffusion of wealth and comfort, intelligence, virtue, and equal opportunity, which are the chief aims and aspirations of the wise, democratic American institutions.

NEW YORK, *January 16, 1917.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

We, the undersigned, representing over 2,000 Porto Ricans, workers in several occupations, resident of the city of New York, respectfully indorse the statements of Mr. Santiago Iglesias, labor commissioner of Porto Rico, before the Senate. We certainly believe that if the Jones bill, now pending before the Senate, is passed with the clauses that practically disfranchise three of every four votes of the workers of Porto Rico and impose a property qualification on members to be elected to the senate as well as for the house of Porto Rico, that will have a tendency to strengthen and encourage the anti-Americanism of those who are discontent and want the independence of the island. This very Jones bill, that purports to grant us American citizenship, is taking away the civil rights that our people enjoy and possess since the Spanish domination there. We have the right to vote and to be elected to the legislature without any property qualifications whatever, and have had it for the last 19 years, and we want the same rights at this time. We also have about 300,000 children without any facilities to attend school, therefore even the future generations are being menaced with the unjust and reactionary clauses of the Jones bill.

P. San Miguel, E. Rosario, M. Domenech, F. Amilibia, F. Hernandez, M. Franquiz, U. T. Roura, O. Omero, T. Martinez, T. Navarro, R. Sanchez, M. Nieves, T. Yera, E. Vargas, M. Roman, T. J. Agilar, B. Nater, S. Parrilla, R. Te Ferrer, T. M. Alvaraz, B. Vega, T. Ocasio, T. Regio, A. Lopez, T. Osarcia, A. Raueirez, L. Marcia, B. Diaz, T. Cantero, T. M. Rodriguez, T. Otreu, F. Guzman, A. Perez, L. G. Lopez, T. Quinonez, G. Ortiz, G. Rodriguez, R. Rabelo, T. Bernavel, G. Garcia.

CHANGE OF NAME OF STEAMERS.

Mr. FLETCHER. From the Committee on Commerce I report back favorably without amendment the following bills:

A bill (S. 7779) to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss* (S. Rept. No. 941);

A bill (S. 7780) to authorize change of name of the steamer *Frank T. Heffelfinger* to the *Clemens A. Reiss* (S. Rept. No. 942);

A bill (S. 7781) to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss* (S. Rept. No. 943); and

A bill (S. 7782) to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss* (S. Rept. No. 944).

The Senator from Ohio [Mr. POMERENE], who introduced these bills, is not here. I see no objection to action upon the bills, and I prefer a request for unanimous consent that they be acted upon at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. May I ask that the titles be read.

Mr. FLETCHER. The bills change the names of four steamers.

Mr. GALLINGER. It simply changes the names?

Mr. FLETCHER. It simply changes the names. The Department of Commerce does not object.

Mr. GALLINGER. I really can not understand it. There must be a good reason for it. Has not the owner of a steamer the right to change the name?

Mr. FLETCHER. No; he could not. It requires special legislation.

Mr. GALLINGER. Of course, I do not object.

The bill (S. 7779) to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 7780) to authorize change of name of the steamer *Frank T. Heffelfinger* to the *Clemens A. Reiss* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 7781) to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 7782) to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. MYERS:

A bill (S. 7894) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the State of Montana; to the Committee on Public Lands.

By Mr. THOMPSON:

A bill (S. 7895) for the relief of Winona May Devers and Emma McElvaine; to the Committee on Indian Affairs.

By Mr. FERNALD:
A bill (S. 7896) granting an increase of pension to Charles A. Holmes (with accompanying papers); to the Committee on Pensions.
By Mr. WEEKS:
A bill (S. 7897) granting a pension to Phillip H. Vose (with accompanying papers); to the Committee on Pensions.
By Mr. SHIELDS:
A bill (S. 7898) to provide for the erection of a public building at Newport, Tenn.; to the Committee on Public Buildings and Grounds.
By Mr. SMOOT:
A bill (S. 7899) granting an increase of pension to Daniel Loftis (with accompanying papers); to the Committee on Pensions.
By Mr. BORAH:
A bill (S. 7900) granting an increase of pension to George F. Thayer (with accompanying papers); to the Committee on Pensions.
By Mr. JONES:
A bill (S. 7901) granting an increase of pension to Thomas R. Alway (with accompanying papers); to the Committee on Pensions.
By Mr. JOHNSON of Maine:
A bill (S. 7902) granting an increase of pension to James S. Moore (with accompanying papers);
A bill (S. 7903) granting an increase of pension to Michael Burns (with accompanying papers); and
A bill (S. 7904) granting an increase of pension to George E. Cross (with accompanying papers); to the Committee on Pensions.
By Mr. LEWIS:
A bill (S. 7905) to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.; to the Committee on Commerce.
By Mr. POMERENE:
A bill (S. 7906) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars (with accompanying paper); to the Committee on Military Affairs.
By Mr. SHEPPARD:
A bill (S. 7907) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Lubbock, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.
By Mr. POINDEXTER:
A bill (S. 7908) granting an increase of pension to Thomas Mullen (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. CURTIS submitted an amendment providing that the creditable Civil War service of survivors still in the Navy shall be accounted as having been equivalent to incident of service wherever requisite, but without change of any present pay, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

EDUCATION OF IMMIGRANTS.

Mr. STONE. Mr. President, I desire to offer an amendment intended to be proposed by me to the sundry civil appropriation bill, making an appropriation in aid of the education of immigrants to the United States in the public schools of the States, to be expended under the Naturalization Bureau of the Labor Department. I ask to have the amendment printed and referred to the Committee on Appropriations.

The VICE PRESIDENT. That action will be taken.

APPOINTMENT OF DIPLOMATIC REPRESENTATIVES.

Mr. WORKS. I submit a resolution, which I send to the desk and ask for its present consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from California will be read.

The Secretary read the resolution (S. Res. 320), as follows:

Whereas it is understood that certain persons have been appointed or designated to represent the Government or the President of the United States in foreign countries, and to negotiate with such Governments and report to and advise with the officials of this Government as to conditions in other countries, and to perform the duties of diplomatic officials, or to perform other duties, without being nominated to or confirmed by the Senate; and

Whereas the standing of such persons and their authority to act as such diplomatic representatives, or otherwise, is in doubt: Now, therefore, be it

Resolved, That the Secretary of State is hereby directed to report to the Senate:

1. What, if any, persons have been appointed or designated, without confirmation by the Senate, to represent the Government or the President in any other country.

2. The nature of their appointments and by whom made, the services required of them, to what countries they were appointed and for what term, how long they have served, their names, where located, what was the designation of their offices, respectively, and the salary paid to each of them, respectively, and who of them are still in service under such appointments or designations without being confirmed by the Senate.

The VICE PRESIDENT. The Senator from California asks unanimous consent for the present consideration of the resolution which has just been read.

Mr. HITCHCOCK. Mr. President, I object. I should like to suggest that the resolution embraces a matter which evidently ought to go to the Foreign Relations Committee.

Mr. WORKS. Mr. President, it is only a resolution inquiring for information, and I see no good reason why it should not be adopted by the Senate, as is usual in cases of that kind.

Mr. HITCHCOCK. Then I will let the resolution go over until to-morrow, so that we may have an opportunity to examine it.

Mr. WORKS. Of course, if the Senator desires it, I have no wish to prevent the consideration of the resolution by the Committee on Foreign Relations. We are now just about to resume relations with somebody in Mexico; hardly the government of Mexico, because I think there is no government down there. If we are to take up our diplomatic relations in the regular way, I think it is a good time to inquire about who is to represent us down there now. That is the only object of the resolution—to get information on the subject.

Mr. HITCHCOCK. Well, I prefer to have the resolution go to the committee; but if the Senator desires to have the resolution go over until to-morrow he has that right.

Mr. WORKS. I have no desire to have the resolution go over until to-morrow for the purpose of discussing it, for I have no such intention. The resolution is not offered with that object in view at all. It is simply offered for the purpose of obtaining the information that is asked for. If, however, the Senator from Nebraska insists upon the resolution going to the committee, I shall not object.

Mr. HITCHCOCK. I ask that the resolution go to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

REPORT OF NAVY-YARD COMMISSION (H. DOC. NO. 1946).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, as required by the provisions of the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917, the first preliminary report of the Navy Yard Commission, the appointment of which was authorized by said act.

WOODROW WILSON.

THE WHITE HOUSE, *January 17, 1917.*

HOUSE BILL REFERRED.

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

LEGISLATIVE, ETC., APPROPRIATIONS.

The VICE PRESIDENT. If there are no further concurrent or other resolutions, the morning business is closed.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the legislative, and so forth, appropriation bill.

Mr. OLIVER. Mr. President, on Monday last there was some sort of an understanding that to-day we should proceed, at the close of the routine morning business, with the calendar. I do not want to interfere with the consideration of this important appropriation bill, but I desire to repeat what I said on Monday. There are a great many Senate bills upon the calendar as to which, if they are not considered here very soon, there will be no chance at all of getting them to the other House, so that they can be considered there and passed at this session. All that is necessary as to many of these bills is merely to have them come up, for there is no objection to them; some of them are private bills, and I think Members of the Senate have a right to insist

upon some time being given for the consideration of these bills on the calendar. The Senator from Montana [Mr. WALSH] on Monday stated that he would endeavor to have an arrangement made with Senators on the other side of the Chamber, so that the calendar would be taken up to-day. I should like to ask what has become of that assurance?

Mr. WALSH. Mr. President, if the Senator from North Carolina [Mr. OVERMAN] will permit me, the Senator from Pennsylvania [Mr. OLIVER] evidently refers to a colloquy on the floor of the Senate between himself and me. I then supposed that the Senate would now be devoting most of its time to the consideration of the water-power bill, the unfinished business. The appropriation bill, however, as the Senator knows, has taken up most of the intervening time. I trust that we shall get that bill out of the way as speedily as possible. I continue to feel, as I did on Monday, that the request made by the Senator from Pennsylvania is a very reasonable one; and I assure him that I shall make every effort to get an agreement upon this side to take up by unanimous consent the calendar at the very earliest convenient moment.

Mr. OLIVER. Mr. President, I realize that it is important that the appropriation bills should be considered as soon as possible, and I would not want to stand in the way of the consideration of the legislative appropriation bill at this time even if I could do so; but I sincerely hope that there will be some sort of management upon the other side of the Chamber, and that the routine business of the Senate on the calendar may be disposed of at an early date.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The first committee amendment passed over will be stated.

The SECRETARY. The first committee amendment passed over is, on page 41, beginning in line 18, where the Committee on Appropriations report to strike out the following clause:

Federal Farm Loan Bureau: For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the salaries of four members at the rate of $10,000 each per annum, and their actual necessary traveling expenses and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees as the Farm Loan Board may find necessary, $300,000. A detailed statement of expenditures hereunder shall be made to Congress.

And in lieu thereof to insert:

Federal Farm Loan Bureau: For 4 members of the board, at $7,500 each; chief, bond division, $3,000; secretary to the board, $3,000; publicity agent, $2,000; 4 private secretaries, at $1,800 each; clerks—1 of class 4, 1 $900, 3 at $720 each, 1 $600; clerk and stenographer, $1,200; stenographers—7 at $1,000 each, 4 at $900 each, 3 at $720 each; messenger; and 3 assistant messengers; in all, $67,620.

For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees as the Farm Loan Board may find necessary, $182,380; in all, $250,000. A detailed statement of expenditures hereunder shall be made to Congress

Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates.

Mr. HOLLIS. Mr. President, when this amendment was brought up yesterday I asked to have it go over until to-day. I made the point of order that it was contrary to existing law, and the Senator from Florida [Mr. FLETCHER] made the point of order that it was general legislation. I desire to make a parliamentary inquiry before I address myself to the point of order. I understand that this is a motion to strike out and insert, and therefore that the whole proposition to insert must be considered together and can not be divided. I inquire if that is a proper understanding?

Mr. OVERMAN. What is the point? I did not understand the Senator.

Mr. HOLLIS. The proposition is to strike out and insert; and I understand that the proposed amendment therefore can not be divided, but that it must all stand or fall together.

Mr. SMOOT. Oh, no; Mr. President, it is just the reverse of that. Under the rule a substitute can be perfected, and Rule XIX, I think, provides that wherever a substitute is offered it can be perfected at any time.

Mr. HOLLIS. Mr. President, that was not the proposition. There is no new amendment proposed, as I understand, and as the matter stands now it is a plain proposition to strike out a paragraph and insert in lieu thereof three paragraphs. I ask for a ruling on that.

Mr. SMITH of Georgia. Mr. President, will the Senator yield for a moment?

Mr. HOLLIS. Certainly.

Mr. SMITH of Georgia. Of course the Senator does not in any sense mean that an amendment can not be made to the matter submitted by the committee?

Mr. HOLLIS. Certainly not; but no amendment has been offered as yet.

Mr. SMITH of Georgia. Naturally there will be amendments offered before we get through.

Mr. HOLLIS. There may be; I am not informed as to that.

Mr. SMITH of Georgia. It will be subject to amendment and correction before we are finally compelled to vote upon the motion to substitute.

Mr. SMOOT. Mr. President, in that connection I desire to say that there is one provision in the Senate committee amendment that is clearly subject to a point of order, because it changes existing law, and that provision has reference to the salaries of the four members of the Farm Loan Board. I frankly state that, in my opinion, the point of order will lie, unless their salary is raised in the amendment from $7,500 to $10,000. I wish to say to the Senator that, so far as I am concerned, if the Senator having the bill in charge does not offer an amendment changing the amount from $7,500 to $10,000, I shall do so myself; but I understand the Senator from North Carolina is perfectly willing to do that in order to obviate the point of order made by the Senator, but for no other reason.

Mr. HOLLIS. Mr. President, I understand this is an amendment offered by the Committee on Appropriations. If the Committee on Appropriations changes the amendment, then we will have that amendment to consider; but until the Committee on Appropriations does change the amendment I understand we are now obliged to consider the amendment reported by the committee.

Mr. OVERMAN. The Senator having made the point of order, I will propose an amendment if the Senator will yield to me. I want to say, Mr. President, that I voted against this reduction because I thought it subject to a point of order. The committee thought they would bring to the attention of the Senate this particular item in the amendment, and whether any Senator would make a point of order upon it we did not know. I now move to amend the amendment by striking out "at $7,500 each" and inserting in lieu thereof "at $10,000 each," and then correcting the total.

Mr. HOLLIS. Mr. President, I should like, first, a ruling on the point of order I have raised. I would rather proceed under the rules of the Senate, and I should like an answer as to whether the amendment can be divided.

The VICE PRESIDENT. The Chair understands that this is the text of the bill as it came from the House:

Federal Farm Loan Bureau: For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the salaries of four members at the rate of $10,000 each per annum—

And so forth.

The Chair also understands that $10,000 per annum is the salary that is fixed in the law creating the Federal Farm Loan Board. The Senate committee offers to amend by striking out that language and inserting "Federal Farm Loan Bureau: For four members of the board, at $7,500 each," with other additional clauses.

The rules of the Senate are that where there is a motion to strike out and to insert, each may be separately amended and perfected before a final vote upon the motion to strike out and to insert, and that in such amendments the portion to be stricken out has precedence in the matter of amendment; but the Chair believes that when a point of order is raised it is the duty of the Chair to decide, or to have the Senate decide, the point of order, unless withdrawn. The Chair does not believe that when a point of order is raised to an amendment the amendment is divisible at all; but the point of order must be either sustained or overruled. Of course, if sustained, there is no reason why another amendment may not be immediately presented avoiding the point of order. That is the ruling of the Chair. Unless the point of order is withdrawn, it must be ruled on.

Mr. SMITH of Georgia. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. I desire to make this suggestion: This amendment or substitute does not change the law fixing the salary of the Farm Loan Board at $10,000 each. It leaves that the law. It simply neglects to appropriate to them what their salary is as fixed by law, but it would leave the United

States liable to them for the balance of the salary. It is not a change of existing law. The statute fixes their salary. This is a failure to appropriate the money fixed by the statute as their salary, and does not change the statute, or pretend to change the statute; and I am very much gratified to know that the committee recognize the fact that the salary will continue to be $10,000, and are ready to appropriate for the salary fixed by law.

Mr. HOLLIS. Mr. President, I should like to inquire of the distinguished Senator whether he believes that it is good policy for the Senate of the United States to leave a statute fixing a salary at $10,000 a year, and then, in the face of that statute, neglect to appropriate the full amount?

Mr. SMITH of Georgia. I have just said that, although I would vote under a general bill introduced to change the law and fix the salary at $7,500, while the law leaves the salary at $10,000 I would not vote for an appropriation bill that undertook to appropriate less than the general statute fixed as the salary.

Mr. HOLLIS. Mr. President, will the Senator from Georgia yield for a question?

Mr. SMITH of Georgia. I will.

Mr. HOLLIS. I desire to ask the Senator whether he has examined the books and come to a decision or opinion that the balance of the salary would be due?

Mr. SMITH of Georgia. I think that it has been held that it was due, and collections have been made through the Court of Claims for salaries fixed by law when not appropriated for.

Mr. HOLLIS. I looked the matter up yesterday, and I found the authorities were the other way; but there may be some later authorities that I did not perceive.

Mr. GALLINGER. Mr. President, if my colleague will permit me the suggestion, I have in mind one case—I will not recite it because it occurred several years ago—where portion of a salary was withheld for several years and the officer never recovered the balance. I know that to be the fact.

Mr. HOLLIS. That was the case of a United States judge in Wyoming, I think. I looked the case up yesterday. That is true.

Mr. SMITH of Georgia. I think there have been cases before the Court of Claims in which the salaries not appropriated were subsequently collected. I have made no recent investigation of the subject.

Mr. FLETCHER. Mr. President——

Mr. HOLLIS. I yield to the Senator from Florida.

Mr. FLETCHER. Will the Senator allow me to suggest that whatever may be said upon that subject the whole amendment as offered is subject to the objection of being general legislation on an appropriation bill?

Mr. GALLINGER. Mr. President, if my colleague will permit me, the case I allude to was one in which I took a great deal of interest, and protested against the reduction year after year for several years, but it was continued, and that official died without ever receiving the balance of his salary, which was manifestly his due.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from New Hampshire another question. Is it not a fact also that the Federal farm-loan act provided that the Federal Farm Loan Board should fix the salaries of its employees; and does not the amendment now offered by the committee propose to fix those salaries which are subject to be fixed only by the Farm Loan Board?

Mr. HOLLIS. That is absolutely accurate.

Mr. HITCHCOCK. That is a change of existing law.

Mr. HOLLIS. We will reach that in the course of the unwinding process, and I shall have something to say about that when it is reached.

Mr. HITCHCOCK. That is, then, an attempt to change existing law by this amendment.

Mr. HOLLIS. Yes; it is, and I shall have a good deal to say about it at the proper time. At the present time I understand that this amendment offered by the committee is out of order. When somebody offers another amendment to change the bill as it came from the House I shall have something to say about that; but I understand that this will dispose of the committee amendment. Then, some one will have to bring it to life again.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from New Hampshire or the Senator from Georgia to point out any rule of the Senate which prohibits an amendment which would change existing law, as that seems to be the basis of the objection. I know of no such rule; and if there is a rule of that character, I should like to have it pointed out.

Mr. HOLLIS. I shall be very glad to address myself to that. The distinguished Senator will find in the Precedents of the Senate, on page 128, two cases where that was given as a reason, that the amendment proposed changed existing law; but it is very true that that provision, referring to a change in existing law, is not found in the rules of the Senate. There is, however, found in the rules of the Senate a provision that general legislation may not be proposed to a general appropriation bill; and a change of existing law would be obviously general legislation, and therefore it comes under the rule.

Mr. McCUMBER. Not necessarily, by any means, Mr. President.

Mr. OVERMAN. Mr. President, I want to call the attention of the Chair to the ruling on yesterday, and to the fact that if these rulings continue in this way the Committee on Appropriations need not have any bill referred to it at all. All this bill deals with is salaries, either reductions or increases; and if the rulings go on as they did yesterday we might as well pass the bill exactly as it comes from the House, because everything the Senate does, either a reduction or an increase of salary, is changing existing law.

The present occupant of the chair will have that question presented to him again, and it will be seen whether his ruling will be along the same line. So I say that if the rulings go on as they have, and anything this committee does in the way of changing or reducing salaries is ruled out on the ground of being a change of existing law, this being a bill for salaries, why send any bill to the committee? The committee will have nothing to do but to accept the House bill.

Mr. JONES. Mr. President, I do not think I can agree with the Senator from North Carolina with reference to that. This is an entirely different proposition from the one we had before us yesterday. Yesterday we had before us a proposition to create an office, and then provide a method of filling it, and then provide a salary. So I do not think this is a question like that at all.

I can not agree with the Senator from Utah that this amendment changes existing law, or that it changes the salary heretofore fixed. It does not even pretend to do that. The Senator from Georgia [Mr. SMITH] pointed out very clearly that all that this amendment proposes to do is simply to appropriate $7,500 instead of $10,000 a year. That is all there is to it. These gentlemen may have a legal claim against the Government for the additional amount. They will never get it unless we appropriate it, however. My recollection is that the law provides that the surveyors general of many of the different Western States shall receive a certain salary, and yet for many years Congress has refused to appropriate that amount. We have appropriated what we thought the salary ought to be. Those gentlemen have not collected the difference from the Government. They might get a judgment in the Court of Claims, but that does not pay itself.

I can not agree with the suggestion of the Senator from Utah that this amendment changes existing law. It does not change existing law. It does not pretend to change existing law.

Mr. SMITH of Georgia. Mr. President, will the Senator pardon me a moment? A change of an existing law can be made on an appropriation bill. It is only general legislation that can not be added to an appropriation bill.

Mr. JONES. Well, I take it that the change in existing law might be general legislation.

Mr. SMITH of Georgia. It might or it might not.

Mr. JONES. Yes, I know; but the mere fact——

Mr. SMITH of Georgia. There can be a change of existing law without its amounting to general legislation.

Mr. JONES. Well, Mr. President, if this amendment goes so far as to change the salaries of these officers, then I take it that it is general legislation; but I do not think it goes that far at all. It does not pretend to change the salaries. It simply refuses to appropriate $10,000 this year; that is all.

Mr. OVERMAN. Mr. President, if the Senator will yield, suppose we refused to make any appropriation at all. Could we do that, if we wanted to?

Mr. JONES. Why, certainly.

Mr. OVERMAN. That does not change an existing law. Suppose Congress says, "We will not make any appropriation for this office at all." That is often done.

Mr. JONES. Why, certainly.

Mr. OVERMAN. If we can do that, why can we not diminish the amount?

Mr. JONES. We can, in my judgment.

Mr. OVERMAN. I do not see why we can not.

Mr. JONES. It is not a question of being in order or otherwise. It is simply a question as to whether we will appropriate this amount of money, or appropriate the amount that the law provides for their salaries.

Mr. SAULSBURY. Mr. President, my friend the Senator from North Carolina [Mr. OVERMAN], in charge of the bill, in speak-

ing to the point raised by the Senator from New Hampshire [Mr. HOLLIS] stated that there were decisions made yesterday in such a way that if it went on the committees of the Senate would be unable to transact any business. I want to call his attention to this fact, which I think is correct—that there were not decisions made yesterday, as I understand, to which he objects. So far as I know, there was only one decision made by the Chair yesterday in regard to a Senate amendment which was opposed to the views of the Senator from North Carolina. That decision was made while the President pro tempore was out of the Chamber, and was, I think, overwhelmingly sustained by the Senate itself.

Mr. OVERMAN. That is true.

Mr. SAULSBURY. I want to call his attention to the fact that the statement that there were decisions made by the Senate is incorrect, and I also think it just to call attention to the fact that the decision of the temporary occupant of the chair was overwhelmingly sustained by the Senate.

Mr. OVERMAN. That is true. I simply say that if that decision and this decision on the point made by the Senator from New Hampshire—the two decisions—are carried out, the result will be that I do not see what we will have to do in an appropriation bill. The Senator from Delaware was not in the chair at all, and the Senate sustained the occupant of the chair. That is true.

Mr. SAULSBURY. I thought it was only fair to the occupant of the chair at that time that attention should be called to the fact.

Mr. OVERMAN. That is true.

Mr. WORKS. Mr. President, I quite agree with the Senator from Washington [Mr. JONES] that the proposed amendment would not have the effect of repealing an existing statute. It is rather an attempt on the part of Congress to repudiate a statutory obligation. That is precisely what it amounts to.

I am satisfied myself that the salaries fixed for these officials are unreasonably high. If there were an opportunity to vote upon it, I should vote to reduce those salaries; but I do not believe in this means of repudiating an honest debt of the Government. That is precisely what it amounts to.

Mr. HOLLIS. I desire to say further, Mr. President, on the point that it is general legislation, that the third paragraph, providing how estimates shall be made hereafter, both for the year 1919 and every other year that may come forever, is general legislation, and that that also would be sufficient to rule the amendment out of order.

Mr. SUTHERLAND. Mr. President, the question which was before the Senate yesterday was an altogether different one from that which is presented now. The question there was whether or not the creation of an office by an act of Congress was general legislation, and the Chair very properly held that it was. There are numberless precedents to sustain that decision of the Chair. But a provision in an appropriation bill by which the salary of an officer is changed for a single fiscal year, it seems to me, is clearly not general legislation. That has been ruled upon; and I have one case before me now, in the first volume of the Precedents, at page 78, where the District of Columbia appropriation bill was pending, and an amendment was offered to provide for two commissioners at $6,000 each, instead of the amount fixed by law, which, I think, was $5,000 each. The point of order was made that it was general legislation, and after some colloquy upon the matter the Vice President [Mr. Sherman] said:

> The Chair thinks that if it were general legislation the Senator's contention would be correct, but the Chair thinks it is not general legislation to change the amount of a salary for a fiscal year. It does not change the law, but it changes the salary for this fiscal year, and on that ground the Chair overrules the point of order.

The Chair then proceeds at some length to discuss the question.

So it seems to me that all this proposed amendment seeks to do is to change the salary for the ensuing fiscal year from $10,000 to $7,500. It carves that exception out of the general law for that limited period of time.

The VICE PRESIDENT. Will the Senator from Utah permit an interruption from the Chair in order that we may get the facts?

Mr. SUTHERLAND. Certainly.

The VICE PRESIDENT. Does the Chair understand that the farm-loan law provides that the Farm Loan Board shall appoint the various officers therein provided for and fix their salaries?

Mr. HOLLIS. It does. I shall be glad to read that law to the Chair.

The VICE PRESIDENT. The Chair desires the opinion of the Senator from Utah on that branch of the amendment.

Mr. SUTHERLAND. I have given that branch of the amendment no thought. I am simply directing my suggestions to the one item. I think, however, speaking without much reflection, that there is a distinction between the two things.

Mr. SMITH of Georgia. Mr. President, will the Senator from Utah speak a little louder? I am anxious to hear the Senator from Utah, and I can not.

Mr. SUTHERLAND. I say I think the particular amendment which appropriates $7,500 to each of the members of the Farm Loan Board, instead of $10,000, the amount fixed by law, simply has the effect of carving out of the general law an exception for this particular fiscal year and allowing them $7,500 for this year without repealing the general provisions of the law. I think that is special, as distinguished from general, legislation.

Mr. FLETCHER. Mr. President, let me call the Senator's attention to the provisions of the act. In the first place, the farm-loan law provides that the salaries of the members of the board shall be $10,000 per annum. Then it provides:

> The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board.

The law says, further:

> All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal Farm Loan Board.

That is the law. The amendment proposes that the members of the board shall be paid $7,500 each, which the Senator says will not be general legislation, because they will have a right to do that, perhaps; but the general legislation certainly is found in the provision in this amendment that there shall be a chief of the Bond Division, whose salary shall be $3,000. The law says that all salaries shall be fixed by the board and shall be paid in the same way as the salaries of the members of the board, and there is not in the law anywhere any provision for such an officer as the chief of the Bond Division.

Then this amendment says that there shall be a secretary to the board, at $3,000. The law says that the board shall fix all salaries and shall employ all agents and assistants. There is not any provision in the law for a secretary, as far as that is concerned.

The amendment says there shall be a publicity agent, at $2,000. The law says the board shall fix the salaries of all agents and shall employ all of these people.

Mr. SUTHERLAND. Mr. President, I have not been able to hear all that the Senator from Florida has said; but let me ask him if there is a provision in the law that the Farm Loan Board shall fix the salaries?

Mr. FLETCHER. Absolutely.

Mr. SUTHERLAND. The Senator did not read it, then, or else I did not catch it.

Mr. FLETCHER. I read it, but the Senator did not hear it.

Mr. SUTHERLAND. No.

Mr. FLETCHER. I will read it again:

> The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance——

Mr. SUTHERLAND. Will not the Senator read that part about the salaries again?

Mr. FLETCHER (reading)—

> All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board, and shall be paid in the same manner as the salaries of the Federal Farm Loan Board.

That is the law—"shall be fixed in advance by said board." You now propose in this bill to specify what employees this board shall engage, and designate them as publicity agent and secretary and superintendent of bond issues, and fix their compensation in this bill.

Mr. OVERMAN. Mr. President, that is the way the board themselves have fixed them. We have given the language of the Farm Loan Board.

Mr. HOLLIS. Mr. President, I am sure——

Mr. FLETCHER. I am simply raising the point that the whole amendment is subject to the objection that it is general legislation. If the board fix these salaries themselves, it is up to them to fix them. It is not for us to legislate upon the subject. This is general legislation, undoubtedly, in those respects.

Mr. OVERMAN. Mr. President, will the Senator yield to me right there to elicit some information along the lines he has suggested?

Mr. SUTHERLAND. I yield to the Senator from North Carolina.

Mr. OVERMAN. The Senator's contention is that that board have a right to fix the salaries at any sum they please, and Congress has nothing in the world to do with it. Now, the first example here is that the Farm Loan Board have fixed the salary of their secretary at $6,000—more than the Assistant Secretary of the Treasury gets.

Mr. SUTHERLAND. As much as a district judge of the United States gets.

Mr. OVERMAN. As much as a district judge of the United States gets. The question I want to bring to the Senator's attention is this: Has not Congress the right to fix a salary, and, when it makes its appropriation, to say what that salary shall be? If the board fix the salary in advance, it is for Congress to say whether they will appropriate the money out of the lump sum for the payment of salaries. For example, they fix the salary of the bond-division man at $3,900, and they give their secretary as much money as the judges of the United States court get.

Mr. SUTHERLAND. I think, Mr. President, that the proposed amendment, and I have read it over carefully during the colloquy, does not seek to change existing law. No part of it seeks to do that. It simply makes appropriations for the coming fiscal year.

The question might arise as to whether or not, under the farm-loan act, the action of the board in fixing the salaries was binding upon the Government, but that is not the question presented here. We are simply appropriating for the next fiscal year, and I think that no part of this proposed amendment is open to the objection that it is general legislation.

Mr. SMITH of Georgia. Will the Senator yield?

Mr. SUTHERLAND. I yield.

Mr. SMITH of Georgia. While the Senator is on the floor I wish to call his attention to and ask that he express himself upon the difference between changing general legislation and changing an existing law. An existing law might not amount to general legislation. I now call your attention to a definition contained in our work on precedents:

> General legislation—that is, legislation which is applicable throughout the States generally as distinguished from special legislation—

And so forth.

What I want to ask the Senator to consider, because I have great confidence in his capacity to give a correct construction, is the difference between a rule limiting our right to put upon an appropriation bill general legislation and our right on an appropriation bill to change an existing law which does not amount to general legislation.

Mr. SUTHERLAND. I think——

Mr. SMITH of Georgia. Just one word further.

Mr. SUTHERLAND. I yield to the Senator.

Mr. SMITH of Georgia. In all, the bills that we first pass creating a bureau we do not know just what they will need, and we give them a lump sum and let the new organization distribute it. As soon as we have had time to find out what they need we then in the appropriation bill specify the amount we allow them to use for each one of the particular branches of work or for each of the employees whom they have selected. That has been done for the five years since I have been here, and I have never before heard it suggested that it was general legislation. I am agreeing entirely with the Senator in his conclusion, and I thought the Senator might perhaps make it even a little broader than he has made it.

Mr. SUTHERLAND. I agree with what the Senator from Georgia has said, because the two things may be utterly different—general legislation and a proposition to change existing law. The rule in the House is that an amendment can not be received which changes existing law. The rule in the Senate is that an amendment will not be received which amounts to general legislation. If we were to provide here, instead of the language appropriating for four members of the board at $7,500 each, a provision that "hereafter" each member of the Farm Loan Board should receive $7,500, that would be general legislation; but to simply make an appropriation of $7,500 for the fiscal year, which is all that the appropriation bill seeks to do, is not general legislation.

It seems to me, also, that neither is any other part of the amendment, which proposes to give to the chief of the bond division $3,000, general legislation. That is limited to the fiscal year, and it does not fix the salary for the future. So far as the Farm Loan Board is concerned, the effect of it is simply to carve out from the operation of the general law an exception so that for the coming year they shall receive $7,500.

Mr. WATSON. I should like to ask the Senator from Utah a question. Is it or is it not a change of existing law, modifying the power of the board as fixed by the law creating it?

Mr. SUTHERLAND. It may be a change in existing law, but it is not general legislation. Let us take a very simple illustration. At the last session we passed an act granting a pension to some particular individual. That is clearly private legislation; it is not general legislation. If we were to undertake to change that particular law so as to cut down the amount of that pension it would be a change of existing law, but it would not be general legislation.

Mr. WATSON. Does or does not the Senator believe that in legislation of this character we should take notice of the House rule?

Mr. SUTHERLAND. Oh, no.

Mr. WATSON. You do not do that?

Mr. SUTHERLAND. We have nothing to do with the House rule.

Mr. WATSON. Not being familiar with the custom here, I was not aware of the procedure, the rule there being that there should be no legislation on an appropriation bill. In my judgment, it is legislation when you change the power of the board from that which was conferred on the board by the organic law creating it, and that is precisely what this does; and yet it might not be inimical or hostile to the rule of the Senate, because I concede it is not general legislation.

Mr. NORRIS. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me a moment, it does not even change the power of the board. It simply makes an appropriation of $3,000 for the Chief of the Bond Division for the coming fiscal year.

Mr. BRYAN. I suggest to the Senator from Utah if he will notice the second paragraph of the committee amendment, he will see that there was no attempt to limit the power granted to the board by the act creating it. The language read by my colleague from the act authorizes the board to fix salaries, fees, and expenses. So paragraph 2 of the Senate committee amendment provides "for salaries and expenses under the Federal Farm Loan Board created by the act"—giving the date—"including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees," and so forth.

The committee did not undertake to change the provision of the act at all. What the committee did was to fix the salary of the employees they already have for the ensuing year, the salaries enumerated in the first paragraph of the amendment. If the Senate has not a right to lower a salary fixed by the Farm Loan Board or to raise the salary of an employee of that board, then we have very little right, and the rule of the Senate is used to take away any power at all to control the amount that should be paid to clerks, secretaries, and so on. I have never thought that the provision inhibiting the Senate from making general legislation upon an appropriation bill could be given so narrow a construction as is contended for.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from Utah a question. Could the right of Congress to make appropriations be limited by any rule of the Senate? Is not the authority of Congress to appropriate for any purpose, its right to determine what it will appropriate for this purpose and that purpose, a constitutional right which could not be taken away by any rule which the Senate could possibly adopt?

Mr. SUTHERLAND. I think it would be correct to say that the power of Congress to make an appropriation could not be taken away by any rule of the Senate. That is obvious; but the Senate could by rule limit the way in which it shall legislate, the way in which it shall make appropriations.

Mr. McCUMBER. But not the amount which it can appropriate for any particular purpose.

Mr. SUTHERLAND. I think not. I have said all I care to say about the matter.

Mr. HITCHCOCK. I should like to ask the Senator a question. I am interested in his definition of general legislation. I should like to ask him if an amendment should be offered here that the act known as the farm-loan bank act is hereby repealed, would it be general legislation?

Mr. SUTHERLAND. I have no doubt it would be.

Mr. HITCHCOCK. Then does the Senator argue that a provision which would nullify a part of that act is not general legislation?

Mr. SUTHERLAND. Mr. President, I have evidently been unhappy in stating my position. I have already said that if this provision was that "hereafter" the salaries of the members of the Farm Loan Board shall be $7,500, that would be general legislation. But this proposed amendment does not do that. It does not change the law at all.

Mr. HITCHCOCK. Let me ask the Senator another question.

Mr. SUTHERLAND. The effect of it simply is to make an appropriation of $7,500 for each of the members of the Farm Loan Board for the coming fiscal year, leaving the law to stand as it is.

Mr. HITCHCOCK. Suppose an amendment were offered here that the Federal farm-loan act is hereby suspended for one year, would that be general legislation?

Mr. SUTHERLAND. I think that would be general legislation.

Mr. HITCHCOCK. The Senator now proposes to suspend for one year one of the provisions of the Federal farm-loan act.

Mr. SUTHERLAND. No; we do not suspend it at all.

Mr. HITCHCOCK. It does in effect.

Mr. SUTHERLAND. No; we make an appropriation of $7,500 for each of the members of the Farm Loan Board. The question may arise hereafter, as suggested by the Senator from Georgia, as to whether, notwithstanding this appropriation of $7,500, there may not in some way be some sort of an action to recover the remaining $2,500. That is a matter to be determined hereafter, about which I express no opinion; but I do insist that, so far as this proposed amendment is concerned, it does no more than to make an appropriation of $7,500 for each member of the Farm Loan Board for the fiscal year 1917–18; it does not attempt to change the existing law, and it is not general legislation.

Mr. SMOOT. Mr. President, there has never been created in any of the departments of the Government a division or a bureau that was not created almost in the exact language of the act creating the Federal Farm Loan Board. The employees in those divisions or bureaus for the first year have been paid from a lump sum the salaries fixed by the superintendent or head of the division or bureau, and following the first year the House of Representatives have always requested the head of the bureau or division to itemize the principal officers and the classes of clerks that they require in the division or bureau; and there never has been a question raised in the Senate of the United States that it was general legislation.

Now, I want to tell the Senate why the Committee on Appropriations made this change at this time, because this is the first year we have appropriated since the board has been organized in this specific way. We asked the members of the board to submit to the committee their present monthly pay roll. We did that, Mr. President, to find out how the salaries paid out of that lump sum compare with the salaries that are being paid by the other departments of our Government. This is what we found, and I want to say I hold in my hand the report which was made by two of the members of the board, and they appeared before the subcommittee of the Committee on Appropriations of the Senate:

FEDERAL FARM LOAN BUREAU,
TREASURY DEPARTMENT,
Washington, D. C., January 11, 1917.

Present monthly pay roll of the Federal Farm Loan Board:
Members: Salary, $10,000 per annum; total, $40,000.
* * * * * * *
Secretary to board: Salary, $6,000 per annum.
* * * * * * *
Publicity agent: Salary, $3,900 per annum.
Chief Bond Division: Salary, $3,600 per annum.

Private secretary's salary, $2,500; there being four of them, $10,000. Clerks of class 4 and other clerks are, of course, paid the same as the law provides, and I shall not take the time of the Senate to show how many they have of the different classes of clerks.

Stenographers, $1,200—and they give the names of the stenographers drawing $1,200. Then, there are two stenographers they have—clerks, they call them—at $720. They are paying the messengers $900. Every other department is paying $840.

Now, let me call the attention of the Senate to some of the salaries that are paid for similar work in other departments. Here is the secretary of the board, at $6,000. Senators, do you know that that is $1,000 more than we appropriate for the Commissioner of the Land Office, for the Commissioner of Pensions, for the heads of all the bureaus of our departments? One thousand dollars more is paid to the secretary of the board than is paid to the heads of these great divisions of our Government.

Mr. WARREN. To the Assistant Secretary of State or Assistant Secretary of the Interior.

Mr. SMOOT. I am coming to that. The Assistant Secretary of State does not get as much as the secretary of this little board which has never done one dollar's worth of business up to the present time.

Mr. KENYON. Mr. President, I should like to ask the Senator if the secretary is a man of special attainment or special training along such lines, and if that has anything to do with his salary?

Mr. SMOOT. I do not know whether it is proper for me to speak of that. I could answer the Senator by giving the information that was given to the committee by two members of the board, but I do not think that is proper to do. However, I will say to the Senator that it is not the case.

The VICE PRESIDENT. It might perhaps help the Chair to rule on the point of order.

Mr. SMOOT. I am perfectly willing if the Chair desires to rule on it, but I was going simply to call attention to the other reasons why the change was made and also why we have always followed the course that has been followed in the past, and no question was ever raised before.

The VICE PRESIDENT. The Chair is ready to rule. The Chair does not know what he ruled before. He is going to rule now upon it and the ruling is based upon these views.

The Chair does not agree with the discussion that has been going on as to what constitutes general legislation. It is not as broad as the definitions have gone. It is not necessary to have a law applied to everybody in the United States in order to be general legislation.

But the Chair does not think that the question of salary is general legislation. Whatever the definition of general legislation may be, however broad or however constricted it may be, the rule of the Senate, it seems to the Chair, with reference to changes was based upon the idea that rights had been acquired under the legislation that could not be summarily changed in an appropriation bill.

No man, as the Chair understands it, is entitled to a fixed salary. The Chair does not agree with the Senator from Georgia that you are just making an appropriation here of a part of a salary and that at some time you may come along and pay the rest of it if you want to do it. The salary is nothing but the salt money that is paid to all of us when we earn our salt, and the Chair thinks that in an appropriation bill it is perfectly legitimate for the Congress of the United States to either increase or decrease the salary of an official. He has no vested interest in his salary. He has a vested interest in his office until lawfully removed therefrom.

The Chair does not want this ruling to go out with the opinion of the Chair that, if the salary be decreased to $7,500, the members of the Farm Loan Board will have a $2,500 claim against the Government of the United States. The Chair does not think so. When a man takes an office he is subject to the legislative will with reference to his salary.

The Chair would have been inclined to sustain the point of order made by the Senator from New Hampshire [Mr. HOLLIS], with reference to salaries and expenses, had it not been for the fact that the amendment seems to still give the Farm Loan Board the identical right which it has under the statute, and that the only salary which this amendment is decreasing, as it seems from the discussion, is that of certain officials of the Farm Loan Board now holding office. The Chair would have sustained the point of order had not the amendment contained exactly the language of the bill, because the Chair believes that it would have been general legislation for the Congress of the United States to summarily take away from the Farm Loan Board their general power, which in the statute is conferred upon them. If it had been confined to that, the Chair would have sustained the point of order; but as the statute seems to be contained in the amendment the point of order is overruled.

Mr. HOLLIS. Mr. President, from the decision of the Chair I wish to appeal.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. NORRIS. Mr. President, it does not seem to me that the fact that that language is contained in the general law giving to this board the right and the power to fix various salaries has anything to do with the point at issue; in other words, it does not make this general legislation. I do not believe it is legislation, and I do not believe it even goes far enough to change existing law. If these salaries had been fixed by Congress, as Congress might have done and may yet do, it still would be proper in an appropriation bill, if Congress saw fit to do so, to appropriate one-half of the salary, and the fact that it is proposed to appropriate all of the salary would not make the provision subject to a point of order. A motion to amend it and to increase the salary is in order and is proper, and is one of the motions that can be made; but if Congress failed to appropriate at all for some particular officer, it would not put the amendment in such a position that it would be subject to a point of order.

Mr. WARREN. Mr. President, if the Senator from Nebraska will permit me, along the ling he is speaking——

Mr. NORRIS. Certainly.

Mr. WARREN. For many years in the Territories the law provided certain sums for the payment of the governors and certain sums for the salaries of the judges. They were cut down from $500 to $1,000 a piece. Suits were afterwards brought by those governors and judges who received the reduced salaries in one or two cases for the balance they claimed to be due, but those suits failed.

Mr. NORRIS. Yes. The fact that we do not appropriate in a bill the entire sum that is due under the law to an officeholder does not make such a provision subject to a point of order, because it does not change existing law, even though that were the rule here.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. If the Senator will permit me, I wish to say that we had some years ago a national board of health. The salaries were pretty liberal. They used up a large amount of money, and finally Congress, in its discretion, absolutely refused to make any appropriation, and the board went out of existence.

Mr. NORRIS. And Congress had a perfect legal right to so refuse. As to whether they would have a claim against the Government has nothing to do with the question as to whether it is in order here as a parliamentary proposition. They may have had such a claim or they may not have had.

Mr. FLETCHER. Mr. President, let me ask the Senator this question——

Mr. NORRIS. I yield to the Senator.

Mr. FLETCHER. Suppose the law provided that this board was authorized to employ a secretary, that it specified the duties of the secretary and fixed his salary, and that then in a general appropriation bill the proposition was made to fix the salary of that officer at $1 per annum, does the Senator think that that would be general legislation in effect?

Mr. NORRIS. I will say to the Senator that if that were put in a bill as a proposition of law—that is, if you provided in the bill that the salary of this particular official should be $1 per annum—that would be legislation. That is an entirely different proposition from appropriating to pay a salary. Congress can appropriate anything in an appropriation bill so long as it does not go above the salary fixed by law, and it is not subject to a point of order as changing existing law; it makes no attempt to change the law.

Mr. FLETCHER. I understand that if the appropriation item is fixed at $1 per annum as his salary, that fixes the salary.

Mr. NORRIS. In effect, it might do that——

Mr. FLETCHER. It destroys the power of the board.

Mr. NORRIS. In effect it might do that for the fiscal year for which the appropriation was made, but it only does that from the fact that he could not sue the Government of the United States. The salary would still be the same, but he would have no method of collecting it. That would be the only difference. It would be an impossibility to collect it unless Congress should consent for the suit to be brought.

Mr. FLETCHER. Is it not, in effect, changing such salary upon an appropriation bill changing general legislation which Congress has previously enacted?

Mr. NORRIS. No.

Mr. FLETCHER. The board would be powerless to do what Congress authorized it to do in the organic act creating the board.

Mr. NORRIS. No; the board is not powerless, but the fact that the law gives the board the authority to fix the salary does not give the board the authority to pay it. There is only one way to get money out of the Treasury of the United States, and that is through an appropriation by Congress. If Congress refused to appropriate anything for the President's salary or for Senators' salaries they could not get anything; there is not any way to get it; but they might have a claim for the money, if they had some tribunal in which they could enforce it. Unfortunately, however, for them in that case, there would not be any such tribunal.

Mr. SMITH of South Carolina. Mr. President, will the Senator allow me to ask him a question?

Mr. NORRIS. I yield to the Senator for a question.

Mr. SMITH of South Carolina. I want to get the matter clearly in my mind. The law creating this board said that the members of the board should name such officers as seemed best to them, and should determine in advance how much their pay should be. This bill now not only names the officers but also names the pay. How can the Senator from Nebraska or how can any other Senator on this floor say that that is not general legislation? You have usurped a power clearly given to the board, that they shall name whatever officers in their judgment are proper.

Mr. NORRIS. Now, Mr. President——

Mr. SMITH of South Carolina. Just let me make the idea clearer.

Mr. NORRIS. Very well.

Mr. SMITH of South Carolina. It does not affect the status of the Senate and of this board to say that the Appropriations Committee has taken exactly the names of the officers that the board had fixed. The mere fact that those are put in here, that the other House and the Senate are naming these men and fixing the salaries does not change the situation, when the statute says that the board shall name the men and fix the salaries.

I agree with the Senator that when it comes to paying the money we are the ones to say whether or not it shall be paid, but in this case you are usurping a prerogative of the board.

Mr. NORRIS. All we are attempting to do here is to appropriate for the salaries. Now let us read it:

> Federal Farm Loan Bureau: For four members of the board, at $7,500 each; chief, bond division, $3,000—

And so forth, making in all an appropriation of $67,620 in that paragraph. There is an appropriation of $67,620 divided among the officials named in the paragraph in the amount designated after each. There is no attempt to fix anybody's salary. If the official who is given by that appropriation $7,500 is entitled under the law to a salary of $10,000, as I understand he is, it is simply an act of Congress refusing to appropriate for his entire salary; that is all.

Mr. SMITH of South Carolina. Mr. President——

Mr. NORRIS. Just a moment. Let me take that thought a little further. Suppose that Congress did not appropriate anything for any member of this board. Then they would not get any money. Suppose they undertook to get it. There is no tribunal in the United States where they could go and get it; there is no way to sue the United States, and they would not get anything. We have not changed any law; we have merely refused to pay them, and there is nobody who can compel us to do so. It is perfectly in order under this bill while the bill is pending for the Senator from South Carolina or any other Senator to move to strike out "$7,500" and insert "$12,000." I am not making an argument against the reduction in salary; I am saying nothing about that. This is strictly a question of order.

Mr. SMITH of South Carolina. Now, if the Senator will allow me——

Mr. NORRIS. But if the Senator's position is right, that we can not provide for any amount in the bill except the full amount of the salary, then what is the use of considering any of these matters? Why not pass a blanket resolution and say that every official shall go to the Treasury of the United States and get the amount of money that the law provides his salary shall be? If that contention is true, then all our appropriation bills are practically useless; there is no sense in them, and there is no use in devoting our time to them.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me——

Mr. NORRIS. I yield further to the Senator.

Mr. SMITH of South Carolina. I am not arguing that we have not the right to decrease salaries if we see fit to do so. The point I am making is that a statute, a law, provides that this board shall name these officers—they may name a dozen or may curtail the number to six or to five—and they shall also fix their salaries. Now, we on this appropriation bill have clearly changed existing law by doing what the statute says the board shall do. If the board were called in and asked how many offices they had created and they told the committee "We have created a dozen or a half dozen, and the total amount is so much," then it would have been clearly within the province of the Appropriations Committee to have said whether or not they would appropriate a sum sufficient to cover the amount; but I do maintain that the Appropriations Committee went into the field of general legislation when they named the officers and the salaries, whereas the statute says that the board beforehand and in advance should name the officers and fix their salaries.

Mr. OVERMAN. Mr. President, I should like to correct the Senator. We have not named the officers.

Mr. NORRIS. Mr President——

Mr. OVERMAN. Will the Senator from Nebraska allow me a moment to correct the Senator from South Carolina?

Mr. NORRIS. I yield to the Senator.

Mr. OVERMAN. The Senator said we have named the officers. We sent to the board and asked them to let us know what offices they had established, the designation of those offices, and what salaries were authorized. They did that. We have not fixed them at all.

Mr. SMITH of South Carolina. If the Senator from Nebraska will allow me, I should like to answer the Senator from North Carolina. The committee, then, should have appropriated an amount sufficient to have covered the entire number and not designated the offices.

Mr. OVERMAN. We appropriated for the salaries exactly as the board fixed them and in the same number.

Mr. SMITH of South Carolina. But it was their province to name the officers, and the province of the committee to appropriate a lump sum. The law provides that the Farm Loan Board shall name the officers and fix their salaries.

Mr. OVERMAN. We did not name the officers; the board named them.

Mr. SMITH of South Carolina. Of course, they may have named the officers; but the point I am contending for is that it was not within the province of the committee to name the officers and fix their salaries.

Mr. NORRIS. Mr. President I think I will claim the floor for a while. This bill does not change or attempt to change any law. I think, even if it did change the law we have been speaking of, it would not be general legislation; but I am not admitting that it changes any law whatever. The law provides that the board shall fix the salaries. The law has never provided that the board should appropriate money to pay them. That law remains the same as it was. The board still has the power to fix the salaries; and to-day while we are deliberating that board can change the salaries if they want to, either by increasing them to some other amount or reducing them, as they see fit.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I will yield in just a moment.

Mr. SHIELDS. Right in that connection I should like to direct the Senator's attention to a matter. I understand that the Senator's opinion is that the Farm Loan Board has a right to fix the salaries?

Mr. NORRIS. I understand the law provides for that; yes.

Mr. SHIELDS. And that this section does not change that?

Mr. NORRIS. The section does not change that.

Mr. SHIELDS. Well, now, what is the effect of the first clause of this paragraph appropriating so much money for some dozen designated officers?

Mr. NORRIS. That means that those officers will get the amount of money appropriated.

Mr. SHIELDS. Does not that limit the power of the board to pay those specific officers the salaries the board have fixed?

Mr. NORRIS. No; the board has never had the power to pay them. We are the paying power.

Mr. SHIELDS. Then, does it not limit the amount at which the board can fix those salaries?

Mr. NORRIS. No; they are already fixed. It seems to me that Senators ought to get out of their minds that the fact that the board has the power to fix these salaries gives any greater force to the salaries when fixed than though Congress itself had fixed the salaries. It is legal in either case.

Mr. SHIELDS. I will ask the Senator this question: Out of the lump sum appropriated in the second paragraph, can the board pay the officers and employees mentioned in the first paragraph a larger sum than is there provided?

Mr. NORRIS. I do not understand what particular appropriation the Senator is referring to. There is not any lump sum provided in the second paragraph to cover appropriations made in the first paragraph.

Mr. OVERMAN. If the Senator will yield to me——

Mr. SHIELDS. One moment. I did not catch the Senator's suggestion.

Mr. NORRIS. If the Senator is looking at the same paragraph I am, the first paragraph of the amendment on page 42, he will find that the first paragraph carries a total appropriation of $67,620. There is no attempt in the next paragraph which follows to appropriate anything in addition for the items contained in the first paragraph.

Mr. SHIELDS. The first paragraph names certain employees.

Mr. NORRIS. Yes.

Mr. SHIELDS. It appropriates so much money for their salaries.

Mr. NORRIS. Yes.

Mr. SHIELDS. The second paragraph reiterates the general power of the board to appoint officers and fix their salaries, and appropriates the gross sum of $182,380 for that purpose. Now, is not the first paragraph a limitation upon that general power by pointing out certain officers and fixing their salaries?

Mr. NORRIS. I think not. The second paragraph——

Mr. SHIELDS. Let me conclude my question.

Mr. NORRIS. Let me read the second paragraph.

Mr. SHIELDS. Then, if it is not a limitation on them, can not the board under the second paragraph pay the salaries in their own discretion to the full amount they have heretofore paid?

Mr. NORRIS. They could pay them, of course, but they could not use public money to pay them; they would have to pay them out of their own funds.

Mr. SHIELDS. Then, the first paragraph is a limitation upon their power to name the officers and fix their salaries.

Mr. NORRIS. No; they have never had that power; there is no law that gives them the power to pay these men. They can fix their salaries.

Mr. SHIELDS. But there is a law giving them power to name employees and fix their salaries.

Mr. NORRIS. Yes, sir; nobody disputes that.

Mr. SHIELDS. And the second paragraph contains a general appropriation, a lump sum, to pay salaries of that kind.

Mr. NORRIS. No.

Mr. SHIELDS. The two sections are certainly in conflict; and if in any way the power of the board given under the original act to name employees and to fix their salaries is limited by the first section, then that section is general legislation under the ruling of the Chair; and it seems to me to that extent the point of order ought to be sustained under the Chair's designation of what is general legislation.

Mr. NORRIS. Mr. President, we ought to get clearly in mind the distinction between an appropriation and the fixing of a salary. There have been instances by the hundred in which the law has provided for a particular salary for a public official, and in which Congress has refused, in passing appropriation bills, to pay the entire salary, and sometimes has refused to pay any of the salary. Now, under the law, if it were an individual—if it were not the Government of the United States—the people aggrieved could go into court, could sue, and could recover. Next year, when this appropriation bill comes up—assuming now that no change is made in this amount—Congress may appropriate a different sum. It may appropriate, for instance, for the salary of the members of the board $12,000 instead of $7,500, and it would be in order. It is in order now to make that kind of an amendment. But to say absolutely that the committee, in bringing in this bill, have only one thing to do—to wit, to put in the amount of salary fixed by law—is to take away from them and from Congress any discretionary power whatever in making appropriations.

I am not contending that this is just. I am not making that point now. It is purely a question of law; and if the contention is correct that is made by those who think this point of order is good, then there is only one item that can be put in an appropriation bill for the salary of the members of this board, and that is $12,000. If the board next year raised that salary to $50,000, it would be out of order in an appropriation bill to put in any item except $50,000; and next year they could raise it to a million dollars, and we would have to appropriate a million dollars. Anything else would be out of order, because they have authority to fix it.

Why, Mr. President, Congress can not be mandamused to make an appropriation. For the purpose of the argument, let us assume that it is unjust and unfair. That makes no difference so far as the law that is involved is concerned. Congress has the right—and it is a right under the Constitution of the United States which can not be taken away by any statute or rule—to refuse to appropriate to pay any Federal official's salary. It can likewise refuse to appropriate the entire amount, and pay any smaller amount.

Several years ago the question arose, at one session of Congress, as to whether Members of Congress were entitled to mileage. It was claimed on the one side that they were entitled to mileage for an extra session that ran over into the regular session. It was contended on the other hand that they were not. I will say that the appropriation was defeated. There was one Member of the House who claimed that as a matter of law he was entitled to mileage. Congress did not appropriate it. There was only one way for him to get it. He came before Congress and asked Congress to pass a joint resolution permitting him to bring suit in the Court of Claims, and we passed it in order to enable him to bring suit to see whether he was entitled to it or not.

There is not any way to get money out of the Treasury of the United States except by appropriation of Congress, under the Constitution of the United States, and from the fact that a man has by law a salary coming to him it does not necessarily follow that he will get it. He must get Congress to appropriate the money, or he can not get it, and the fact that the salaries of these particular officials are fixed by a board gives to their salaries

and gives to the men to whom the salaries are to be given no greater privilege and no greater right than if those salaries had been originally fixed by an act of Congress.

Mr. HOLLIS. Mr. President I am going to ask the Senate to indulge me while I remind them of what took place when this statute—the Federal farm-loan act—was passed.

We were all more or less in the dark as to what was needed to carry out the purposes of the act. It was a new project—one that was needed by the farmers in order that they might finance their business. We had provided for commercial loans and commercial banks under the national-bank act in 1864, and the time came when farmers were to be given the same facilities under the Government that merchants and manufacturers have enjoyed for 50 years. No one could tell in advance just what officers would be needed for the Farm Loan Board, and it was intended by the Senate and House of Representatives, and by the President when he signed the act, that these men should be given a free hand until the law which established the board should be changed. The time has not come when a limit should be set. The time probably will come in a year, or two years, or five years, when Congress can intelligently legislate; and the vice of this sort of legislation is shown by the situation that exists to-day.

If this amendment to the appropriation bill is adopted, the board is absolutely saddled for the next fiscal year, for a year from the 1st of next July, with some useless officers—for instance, the publicity agent at $2,000 per year. There is no need of such an agent after the banks have once been started; but there is to be such a one under this provision of the amendment, and he is to be paid.

Something has been said about the secretary of the board. He is a man that I never knew until the rural-credits legislation was before Congress. He then came and volunteered his services, and for a year he worked with me on this bill without any pay of any sort. Later, when Congress provided a special joint committee on the subject, he was made secretary of that joint committee. When the time came to appoint the members of the Farm Loan Board I recommended him for a place on the board as being one of the two men in the United States that I had found who was best fitted to be upon the board. He was not appointed to the board, but the board appointed him secretary, and fixed his salary, as I am informed, at $6,000 a year. I had nothing to do with fixing his salary, and I did not know what it was until this bill came up. He is a highly accomplished man. I undertake to say that he knows more about rural credits than any other man in the United States. For us to undertake to say now that the board can not have a highly accomplished man of that sort unless it can get such a man for $3,000 is in the teeth of the statute.

We passed this statute deliberately. We knew what we were doing. This was done following the precedent established by Congress in creating the Federal Reserve Board. There, again, we were a good deal in the dark as to what the board would have to do, what agents and employees it would need, and we merely followed that precedent. We provided in section 3 of the act that the board shall consist of five members, and that they shall receive an annual salary of $10,000 each, payable monthly, together with their actual and necessary traveling expenses.

I did not know one of the members of this board at the time they were appointed. I did not know one of them to speak to. They were no friends of mine, except that every man who is interested in this measure and is trying to carry it out is a friend of mine, constructively. But for the Congress now to assume the right, in the teeth of what it has formerly done, to cut down the salaries of those men is obviously intended to cripple this act, and it will be resented by the farmers of the United States in that way, and it rightly should be.

The members have not had a chance to prove themselves. We do not know whether they are going to prove to be $10,000-a-year men or not. Personally I think they have done well and are $10,000-a-year men. Later, if it proves that they are not, and that the services they render the country are not entitled to that recompense, then Congress should meet the issue man fashion and amend the Federal farm-loan act and reduce the salary; or, if it is found that they are worth more, Congress ought to amend the act and increase the salary. Instead of the Congress of the United States fixing the salary of these important officials, the Appropriations Committee undertake to do indirectly what they could not do by an amendment, and they may marshal the help of all the members of the Appropriations Committee to carry through what they could not do in any other way I do not know about that.

Now, to proceed about the other employees, we provided in the same section:

> The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board.

The board has done that, and I wish to have the Senate understand that no annual salary has been fixed by the Farm Loan Board yet. All of these men are employed by the month. Some of them will not be required a few months later; others will be required in their places. The board have not yet set up the 12 banks. They were required by the act to investigate to see what the farm-loan needs of the country are. They have been busily engaged. They have traveled over the entire country, and they have held hearings, and have finally located the 12 banks; and I have heard very little dissatisfaction expressed with the location of the banks. I think the farming interests of the country are back of them in the locations they have made.

The next step is to open the books of the banks for subscriptions to stock. They are obliged to do that under the act for 30 days. They have opened the books, and until the subscriptions are all in, after the 30 days have expired, they can not take the next move, but after the subscriptions are in the Government will take the rest of the stock which has not been subscribed for. Then it is the duty of the Farm Loan Board to select five directors for each of the 12 Federal land banks. That will be done, and then the land banks will be set up. Then the duties of the Farm Loan Board will instantly change again, and they will have to be supervisory instead of creative, and they will need a different set of officers. They will need men of a different sort.

Take this bond man that is provided in the amendment—the chief of the bond division. I am informed that the board has employed a man who is skilled in the sale of bonds. This board will have to supervise the issue of more bonds than any other bond house that ever existed in this country or any other. There will be millions and millions of them, and they ought to have the best bond man that can be obtained in the country. It will be good economy. This committee, sitting up here in the Capitol, with no special knowledge of the issue of bonds or the farm-loan act, assume to say that instead of paying a man $3,900—if that is it—they shall pay him $3,000. They assume to say that they shall have a publicity agent at $2,000 a year instead of $75 a week, which is what they are paying him now; and they assume to say that he must be paid that.

I undertake to say that legislation of this sort on an appropriation bill controls the general functions and purposes of the board, it controls the purposes of the act, and is general legislation; and I hope the Senate will take that view of it. So far as the salaries of the board are concerned, I am not afraid that the board members are not going to get their $10,000. I do not think even the committee will stand for that now.

Mr. GRONNA. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. HOLLIS. I yield.

Mr. GRONNA. I want to call the Senator's attention to the first part of the appropriation bill, which reads as follows:

> That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1918, namely.

Of course, that clearly places a limitation upon the amount to be paid to the members of the board. I agree with the Senator from Nebraska [Mr. NORRIS] that the provision itself would not be a change of existing law; but, taking the act as a whole, it clearly is legislation and it clearly does change existing law, because it would be impossible to pay these men any more than the $7,500.

Mr. OVERMAN. Mr. President, will the Senator from New Hampshire yield to me? I want to get in the RECORD at this point something along that line.

Mr. HOLLIS. I yield to the Senator.

Mr. OVERMAN. The Senator read this language:

> The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year.

Mr. GRONNA. Yes.

Mr. OVERMAN. That question has been decided by the courts several times. I have one decision here to the effect that when Congress appropriates a sum in full compensation of the salary of a public officer the incumbent can not recover an additional amount, notwithstanding the prior statute fixes the salary at a larger amount than the sum so appropriated. That is a case in the United States Supreme Court, United States

against Fisher, One hundred and ninth United States, page 143. This is exactly in line with the point the Senator makes.

Mr. HOLLIS. That is the case I referred to this morning in One hundred and ninth United States, and it is followed immediately by the case of United States against Mitchell, which holds the same thing. Those cases are well known; but that is exactly the point. These men who have been selected to draw $10,000 a year and who have been given terms of two, four, six, and eight years, have given up their other occupations and have come to Washington and have established themselves on a $10,000 a year basis. Now, in this indirect way the old fight on their salaries is renewed, the fight that went on here last summer, both in the Committee of the Whole and in the Senate, where eventually the salary was fixed at $10,000; and to undertake to change an important act of this kind in this indirect way I believe is general legislation.

Mr. GRONNA. Mr. President, may I ask the Senator from New Hampshire another question?

Mr. HOLLIS. I yield further.

Mr. GRONNA. Does the Senator from New Hampshire believe that it will be possible to carry on this work for the amount appropriated here, $67,000?

Mr. OVERMAN. The amount is $280,000. The Senator is mistaken about that.

Mr. HOLLIS. They are given $250,000 altogether under this amendment.

Mr. GRONNA. That is for all the employees; not only for the bureau, but for all the farm-loan banks.

Mr. OVERMAN. That is what they have asked for.

Mr. HOLLIS. They asked for $300,000. The House provided $300,000 and the Senate committee cut the amount to $250,000. I do not know whether that will be enough or not. If it is not, I hope they will proceed and come to Congress for a further appropriation, and I believe they will get it.

Mr. OVERMAN. There is no trouble about that.

Mr. HOLLIS. I am not troubled about that.

Mr. OVERMAN. No; there is no trouble about that.

Mr. HOLLIS. Now, if I may be permitted to finish, I will not be long.

The effect of the first paragraph of this amendment, if it is adopted, is, of course, to fix these offices and fix these salaries for a year in contravention of the act. It does not make any difference what the second paragraph says.

The VICE PRESIDENT. Just at this point: The Senator from New Hampshire is, to the certain knowledge of the Chair, a fine lawyer. What is his construction of this language of the act?—

> All salaries and fees authorized in this section and not otherwise provided for.

It does not read "not otherwise provided for herein," but "not otherwise provided for."

Mr. HOLLIS. I understand that to mean "provided for in the act," because the salaries of the board are fixed, and other fees are fixed in the act. That is my understanding of it.

The VICE PRESIDENT. The language of it, however, is not "not otherwise provided for herein."

Mr. HOLLIS. It might be taken to apply generally.

The undoubted effect of the first paragraph will be to fix these positions and fix the salaries of these positions for the next year; and the second paragraph will not be taken by the board to be authority to exceed those salaries. For instance, the board would not feel authorized under this amendment, if it should be adopted, to increase the salary of the secretary. I think that would be highly improper if it were done. It would not be permitted, I should say, to employ two publicity agents, or more than four private secretaries, if those are needed. The result would be to cripple the act.

I think the third paragraph of the amendment has not been properly considered. That is undoubtedly general legislation. It reads as follows:

> Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates.

When we passed the farm-loan act we especially avoided that, and intended to do so, because no one can tell in this new field what will be needed the next year or the year after. The time will undoubtedly come when that may be put in the annual Book of Estimates and the Senate Committee on Appropriations may be guided and bound by it to a certain extent, but it has not come yet. The board has not been appointed six months. The act has been passed for only a little less than six months, and it is impossible to tell.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH. I ask my colleague, I suppose it is for the purpose of continuing the consideration of the appropriation bill?

Mr. MYERS. Certainly.

The VICE PRESIDENT. The Senator from New Hampshire will proceed.

Mr. HOLLIS. Mr. President, the distinguished Senator from Utah called attention to page 79 of Senate Precedents, in which the matter of general legislation is thoroughly considered and decided by Vice President Sherman. The distinction is there made by the Vice President:

> Of course it would be general legislation were it in the words suggested by the Senator from Georgia [Mr. Bacon] "that hereafter," etc. That would make it general legislation, but in the form in which it is presented, being an appropriation for the one fiscal year, it seems to the Chair the amendment is in the nature of a limitation upon the appropriation for that fiscal year, and does not become general legislation.

The amendment that we are considering provides not only for the fiscal year but annually thereafter, bringing it clearly within the ruling of Vice President Sherman, and on these grounds I ask the Senate to decide the appeal contrary to the ruling of the Chair.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. I wish to have the attention of the Senator from New Hampshire [Mr. HOLLIS] for just a minute.

Mr. HOLLIS. I beg the Senator's pardon.

Mr. BRANDEGEE. Does the Senator consider those three paragraphs as one amendment, which are all subject to the same point of order?

Mr. HOLLIS. Yes; they can not be divided under the ruling of the Chair. It is a motion to strike out and insert, and a motion to strike out and insert can not be divided.

Mr. BRANDEGEE. I understand; but the third paragraph proposing that annually hereafter a return shall be submitted to Congress in the annual Book of Estimates is clearly general legislation.

Mr. HOLLIS. I think so.

Mr. BRANDEGEE. In my opinion, Mr. President, the other two paragraphs are not general legislation. I will not ask the Senator to stand and listen to me. I have finished the question I wanted to ask him.

Mr. HOLLIS. I should like to add before I take my seat that the point has already been ruled on by the Chair and decided.

Mr. BRANDEGEE. And there is an appeal.

Mr. HOLLIS. No; the point that the amendment must be considered as one has been ruled on by the Chair and not appealed from.

Mr. BRANDEGEE. I accept that statement.

Mr. HOLLIS. The question now is whether the point of order shall be sustained.

Mr. BRANDEGEE. The Chair overruled the point of order, I understand.

Mr. HOLLIS. He did.

Mr. BRANDEGEE. Mr. President, as to the question whether this changes any existing law, even if that were subject to making a point of order, I simply want to say that the first paragraph, it seems to me, does nothing but make an appropriation. It fails to appropriate the full amount of salary provided for in the farm-loan act. It does not in any way repeal the farm-loan act nor purport to amend it at all. I understand that under this amendment the members of the board will get only three-quarters of the salary which was provided for in the act. The next Congress may give them the full amount. The farm-loan act would stand right straight through untouched and unmodified in any respect whatever.

Mr. OVERMAN. Congress could give them $25,000.

Mr. BRANDEGEE. Yes. The mere failure to appropriate does not constitute an act of general legislation, of course. The point of order is that this is general legislation, whereas it is a mere failure of Congress to appropriate the amount of salary which some previous Congress had provided by legislation. Clearly the first two paragraphs would not be legislation; but the third paragraph clearly is legislation, in my opinion.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him?

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. I wish to call the attention of the Senator before he takes his seat to the fact that our fight on

the floor has been really with reference to the first and second paragraphs.

Mr. BRANDEGEE. Yes; that is what I heard.

Mr. SMITH of Georgia. The third is really a very immaterial paragraph.

Mr. BRANDEGEE. It is utterly unrelated to the other two paragraphs.

Mr. SMITH of Georgia. It is immaterial. The really important issue has been whether the Appropriations Committee can classify the salaries to be paid to employees of the Farm Loan Board when the act originally creating the board gave them a lump sum and let them classify them themselves. I regard it as very important to sustain the right of the Committee on Appropriations to get away from lump-sum appropriations and to classify and specify the amount to be paid to each individual. I think if that were done everywhere it would result in a very large saving and economy to the Government.

I wanted to call the Senator's attention to this provision which the Chair called to the attention of the Senator from New Hampshire:

All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance—

And so forth.

That language itself was intended, it seems to me, to clearly reserve the right to Congress in an appropriation bill to fix the salaries of the various employees to suit themselves.

Mr. OVERMAN. Mr. President, I did not think anyone would make a point of order on the paragraph which simply asks these men to submit estimates in detail for all expenditures under the bureau for the fiscal year 1919 and annually thereafter, and when the time comes I will agree to strike out the words "and annually thereafter," which would make it in order according to the ruling of the Chair.

Some years ago both Houses provided that the details should be given. We found some astonishing facts under the lump-sum appropriations that were made. We found that in departments, when Congress had refused to raise the salaries of clerks, they were transferring clerks from one department at $1,800 and paying them $2,700 and $3,600 and $4,000 at their own sweet will without Congress knowing anything about it. So the policy since that time has been to require them to furnish a detailed statement of what they have been doing. When these bureaus are established we have to give them a lump sum, and then require them to furnish us the details so that Congress can keep an eye on what they are doing. If we did not do that, they might provide $6,000 or $10,000 for an official, and the committee wants to know every year by a detailed statement what has been done with the lump sum of money.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I yield.

Mr. GALLINGER. The contention of the Senator from Connecticut [Mr. BRANDEGEE] has a great deal of force, that in the third paragraph of the proposed amendment the words "and annually thereafter" may be general legislation, but the Senator from North Carolina can, in behalf of the committee, modify the amendment by withdrawing those words.

Mr. OVERMAN. I do modify it by striking out the words "and annually thereafter."

Mr. HOLLIS. Mr. President, a point of order. Do I understand the Senator in charge of the bill, without consulting his committee, can change the amendment?

Mr. OVERMAN. I have consulted some of the members of the committee, and they agreed to strike out the words "and annually thereafter."

Mr. HOLLIS. I should like to ask the chairman of the subcommittee if he has held a meeting of the committee?

Mr. OVERMAN. The Senator will excuse me. I think the chairman of a subcommittee, the Senator in charge of a bill, always has a right to change any wording, providing it does not change the substance. I have always exercised that authority.

Mr. HOLLIS. The very purpose of the change is to alter the substance so as to have the amendment ruled in order.

Mr. OVERMAN. Not at all. Instead of requiring an estimate every year, I simply modify it to ask for one next year.

Mr. HOLLIS. The Senator does not understand me. He purposely withdraws certain words in order to make the amendment in order. Then he says he has the right to change something that is not material.

Mr. OVERMAN. I have the right simply——

Mr. HOLLIS. It is either material or it is not. He does not assume the right to change anything material, and if he does not make the proper change it is not material. So, either way, I do not see that he accomplishes what he desires.

Mr. OLIVER. Mr. President, as a member of the committee, I wish to say that I think the Senator in charge of the bill will have no difficulty in getting the consent of the committee to the change, but I suggest that he make the motion from his place in the Senate, and I think the committee will sustain him in voting for it.

Mr. VARDAMAN. Mr. President, I desire to ask the Senator in charge of the bill a question. I thoroughly agree with the Senator in his desire to get from the Farm Loan Board information with reference to the salaries of employees of that department to be appropriated for by the Congress. I think that is a very wise provision in all legislation of this character. Having been detained from the Senate during the discussion of the first paragraph of the amendment, to get the information I desire, I may be compelled to ask the Senator to repeat, but I should like for the Senator to explain to me, if he has already explained it to the Senate, what process of reasoning the committee pursued in reaching the conclusion that the salaries of the members of the Farm Loan Board should be reduced from $10,000 to $7,500?

Mr. OVERMAN. Mr. President——

Mr. VARDAMAN. Before the Senator answers that question I will state that I was one of the Senators who insisted when the bill creating the office was before the Senate on fixing the salary at $7,500. I should like to have had that done but my judgment was not accepted by the Senate and the law as we find it on the statute books was passed, the members of the board were appointed, and they have entered upon the discharge of their duties under the law. It does not seem to me that it would be acting in good faith with them now to reduce the salary. Will the Senator answer that question?

Mr. OVERMAN. The Senator voted to fix the salary at $7,500 when the act was before the Senate. I thought as the Senator did, but inasmuch as the salary had been fixed at $10,000 by the law I voted against it. However, the committee thought $7,500 was a sufficient amount to pay these men, and our policy is, whenever an appropriation bill comes in, to reduce other salaries along the line of retrenchment and give such salary as in the judgment of the committee is a sufficient amount for the services performed. For example——

Mr. VARDAMAN. I want to act in perfect harmony with the committee, I want to be in complete accord with the Members of my party in this body, but I do not think it is honest, I do not think it is the clean, proper thing to do after these men have been appointed to this office for the Appropriations Committee to come along and fix their salary at $2,500 less than Congress agreed to pay them in creating the office. It is bad faith, and I can not understand the process of reasoning which led the committee to such an erroneous conclusion.

Mr. THOMAS. Might we not on the same principle reduce the salaries $2,500 more and compel the resignation of the board?

Mr. VARDAMAN. We could abolish the office or make the salary so small that no self-respecting man would retain the office.

Mr. OLIVER. Mr. President——

Mr. VARDAMAN. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I suggest to the Senator from Mississippi that at the time these salaries were fixed the necessities of the National Treasury were not so urgent as they are now and the necessity for economy was not so apparent. The salaries were fixed at $10,000 each by a very close vote, and afterwards the salaries of the members of a far more important commission were fixed at a lower sum, $7,500. I refer to the Tariff Commission. I think if we are going to attempt to economize, and apparently we are, because we are refusing to increase the salaries of employees who are lower paid, we ought to try to economize on the salaries of the highly and extravagantly paid heads of bureaus and commissions that have been created of late years.

Mr. VARDAMAN. In reply to what the Senator has said, I want to remind him that the committee is the servant of Congress and not its master. It is not the province of the Appropriations Committee to change a law of this character in this way. If it desired to change the salaries fixed in the bill creating the Federal Farm Loan Board, it should have done so by reporting a bill for that purpose rather than reducing the salaries in the appropriation bill. Nor do I agree with the Senator that the salaries of far more important commissions have been fixed at $7,500. There is no more important commission created by this Congress or any other Congress than the one we are now considering. If you want to economize in the interests of the American people, in the interest of Democratic-Republican

government, cut out the appropriation for some of the battleships and reduce the expenses for military preparation which are not needed. This Farm Loan Board was created to serve that class of American people who, unfortunately, receive less attention at the hands of Congress than any other class of our citizenship—the class whose toil produces the wealth of this country, maintains its commerce in time of peace, and who in time of war fight the Nation's battles. This Farm Loan Board was created to serve the farmer. It is the first time in the history of the Government that an effective scheme has been provided under Government control by which the man who tills the soil shall be enabled to get cheap money with which to develop his farm, improve his home, and make farm life more tolerable. This insidious effort to discriminate against the farmer, to cripple and destroy this great scheme, especially designed to serve the farmer, is not creditable to Congress. The operation of the board is to be hindered, delayed, embarrassed, its members are to be insulted by withholding the necessary funds with which to carry out the purposes of the bill, reduce the salaries of the members thereof. I repeat, to put the matter mildly, it is not fair, it is not just, it is not honest.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. VARDAMAN. I yield to the Senator from Utah.

Mr. SMOOT. I wish to call the Senator's attention to a fact which perhaps he and other Senators have not taken into consideration, that the salaries paid to this board are higher than the salaries paid for just as important work performed in other departments of the Government. When asked to increase salaries in other departments, heads of divisions, or heads of bureaus, the Commissioner of Pensions, the Commissioner of the General Land Office, and hundreds of other important positions, our attention is called to salaries paid to the recent commissions created by Congress, and we are asked why similar salaries are not paid the officials and employees of the other departments of the Government. I think there ought to be at least a reasonable equality.

Mr. VARDAMAN. The Senator is talking about something now that I am not criticizing the committee for doing at all. I am not animadverting upon the action of the committee with reference to the minor officers or employees of this board. I do not know anything about that; you may have fixed the salaries large enough; but I am discussing the question as to whether Congress can afford to treat in this way the commissioners who were appointed with the understanding that they were to receive $10,000 a year, and after they had been appointed and entered upon the discharge of the duties of their office and now in this appropriation bill to reduce the salaries. I do not really think it is decent to do it.

Mr. SMOOT. This is the only way to reduce the salary. I want to say to the Senator now that the salary provided by the committee of $7,500 is 50 per cent greater than the salary provided for the Commissioner of Pensions or the Commissioner of the General Land Office.

Mr. VARDAMAN. I agree with the Senator that the salary of $7,500 is enough. I voted for it originally. But you do not propose to change that law by this enactment. You are only making it applicable for one year. You promised these men $10,000 a year, and that was done by Congress, by this very body, and now it is proposed that after they have been appointed and entered upon the discharge of their duties to say to them, "You shall have only $7,500." Now, the Senator does not think that is right. He would not do that in dealing with an employee of his. I submit that the same moral law should govern the Nation in dealings with its employees that controls honorable men in their dealings with each other in the affairs of private life.

Mr. SMOOT. No, Mr. President; but it is not for this year; it is for the next year. If the Senator's position was right the salary would never be changed. You never hear any objection at all when increases of salary are made. Nobody ever speaks of that——

Mr. VARDAMAN. I should object to it very earnestly.

Mr. SMOOT. I mean upon the same ground the Senator states.

Mr. VARDAMAN. I have no personal interest in this matter. No member of the board is anything to me, except as an officer of this Government.

Mr. SMOOT. Of course not.

Mr. VARDAMAN. I think $7,500 a year is a large enough salary and all that the law should have promised in the beginning, but it is not all they are entitled to under the act creating the office and to which they were appointed.

Mr. SMOOT. But this bill, if enacted into law, will not take effect until the 1st day of July this year, and it provides a salary from that time on for one year.

Mr. VARDAMAN. Is not this the first salary that is paid them?

Mr. SMOOT. No; they have been drawing $10,000 a year.

Mr. VARDAMAN. How long have they been drawing it?

Mr. SMOOT. Since their confirmation, and they will receive a salary at the rate of $10,000 per year until the 30th of June of this year even if this bill passes reducing their salary.

Mr. VARDAMAN. But they will not draw it for a year?

Mr. SMOOT. They will draw it from the time they were confirmed by the Senate until the 30th day of June, 1917.

Mr. VARDAMAN. But that will not be a year.

Mr. SMOOT. I think it is nearly a year. The law was approved July 17, 1916, and they were appointed shortly after that date. I have not here the journal record showing the exact date, but from the date they were confirmed they have been drawing at the rate of $10,000 a year and will do so until the 30th of June, 1917.

Mr. VARDAMAN. I should be very glad to vote to reduce the salary to $7,500 to take effect after the terms for which these men were appointed expires, but I do not think it is treating them fairly to reduce the salary for the terms for which they were appointed. I do not think it is just to that great function created by the Government in the interest of the agriculturists of the Republic, and therefore I hope the Senate may not agree to the proposition to reduce in this way the salaries.

Mr. OVERMAN. Mr. President——

Mr. VARDAMAN. I yield.

Mr. OVERMAN. I wish to say, as the Senator knows, that this is upon a question of order now. If the Chair is sustained and the Senator desires to offer an amendment of that kind after the Chair is sustained, it will be in order. We can amend it at any time or as we please after we vote on the pending question.

Mr. VARDAMAN. I have nothing further to say, Mr. President. I simply wanted to protest against what I believe to be a great injustice both to the Senate and the members of the Farm Loan Board.

Mr. SMITH of South Carolina. Mr. President, I think that the committee of the Senate is likely to act in direct opposition to what was intended when the act was formulated and passed. The Senator from New Hampshire [Mr. HOLLIS], who had charge of the bill in its passage and who has been very zealous in getting it to become a law, has stated the case more exactly than any other that I have heard yet, and that is that here is a universal proposition, one fraught with more interest to the American people than any bill that has been passed in the history of Congress in their material welfare. It is a bill to enter an entirely new field, without precedent. None of us can determine what are going to be the developments under the operation of the Farm Loan Board and what is going to be the result in the offering of its bonds on the market. One of the most important things is to get started right at the beginning, and for that reason in the discussion of the measure on its passage particular care was taken to guard against any specific legislation which might be ill advised and cripple the board in its general work.

Now, as a specific case, in carrying out that idea none of the subofficers under the Farm Loan Board were named in the body of the act, but the discretion was given the board to get just such men as in their judgment would best carry out the provisions of the law. They were to name in advance the amount to be paid these employees and the duties that they were to perform specifically for the reason that neither we nor they were competent to judge just what was going to be the development when they came to establishing a rural-credit system in America, a thing that had never been attempted before.

There was debate as to the amount of salary to be paid these men. The Senator from Utah [Mr. SMOOT] has compared the salary of $10,000 with that of other heads of bureaus. There is not a department nor a bureau in the Government that has as grave responsibility laid upon it as these men charged with the relief of the agricultural States of this country in the development of that upon which we all depend, covering the entire United States under their immediate observation. These men have to travel throughout the country and locate the land banks. They are now charged with the responsibility of deciding who are the proper persons to carry on the banking business in the several districts created.

It seems to me that the House acted wisely and showed evidence of seasoned statesmanship when, in the initial period, in the beginning of the operation of the Farm Loan Board, they carried out the intent and purposes of Congress in enacting the

law by simply observing strictly the terms of the act in their appropriation.

I appreciate what the Senator from North Carolina [Mr. OVERMAN] who has charge of the bill said, that there has been perhaps an abuse of the lump-sum appropriation; but is that any reason why we, as wise men in such an important piece of legislation, should follow the report of the committee? Necessity demands that at the initial period of the life of the Farm Loan Board, when we can not legislate intelligently as to the specific officers and the functions of the office, we should give them a lump sum. It will be ample time for us to see that they make specific appropriations when the overhead charges, as manufacturers and business men call the establishment of a plant, shall have been provided for, when the machinery is in operation. When by process of elimination and substitution we have all the different functions of this new undertaking clearly defined and in working order, then an amendment such as is proposed by the Senate committee would be in order. But you have a brand-new thing that none of us knows anything about. We have tried to select men who know something about it. We have clothed it with certain privileges and certain freedom of action that would not be proper if the thing were already established and in working order.

As to the change from $10,000 to $7,500. That question was debated on this floor. This is identically the same body that said to them in the statute you shall get $10,000. We said it by a majority vote. Now, the Appropriations Committee proposes to say to these men in effect, "We did not know that you were going to be selected. We have made your salary $10,000 in the original act. Now that you have been selected we do not believe you are worth it." If I were a member of that board, I would resign instanter if it were done. If I knew the men, I do not believe that a reduction to $7,500 would have any effect, so far as their financial relations to the office are concerned. I do not believe that they would hesitate to continue their work if it were clearly understood that we have reduced it because we have gotten so miserably poor that we can not afford to pay it, or that there was some good substantial reason why we should not pay it; but to let it go out before the public that we by some legal enactment promised unknown men $10,000 and the minute we knew them reduced it to $7,500 is not only a breach of contract but an insult to the men who have not yet proven whether they are worth it or not.

I had rather reduce the salaries in every established bureau whose officers are now known, whose capacity is known, than to take three men who were promised a salary of $10,000 when the matter was merely academic, and then, when we know the specific personnel, to say to them, "We will only give you $7,500; you do not look like you are worth any more." I waive the question of honesty which the Senator from Mississippi [Mr. VARDAMAN] has brought out. We have made a contract with these men, and I should like to keep it.

Mr. BRADY. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BRADY. I want to call the Senator's attention to the fact that the $10,000 salary for this board is the only salary that this body specifically fixed, and now, at the first session after passing that law, we are trying to reduce the salary.

Mr. SMITH of South Carolina. Precisely. I want to emphasize one other point, Mr. President. I am not going to attempt to array class against class, but we have been creating commission after commission—a Federal Trade Commission, a Civil Service Commission; we have created an Interstate Commerce Commission to look after trade; we passed a Federal reserve act to look after banking; we provided ample means for their support; and here, right on the threshold of the first time that the agriculturists of this country have been recognized upon the footing of business men, when we have organized great institutions, our farm-loan banks, our special organization, with its tributaries throughout the different districts—right in the beginning, before we have had time to test whether or not these men are worth a salary of $10,000, we propose to cast an insinuation on them to the effect that the functions of this board are on a parity with the functions of other departments of the Government.

I mean to say here to-day that, if the Farm Loan Board discharges the functions for which we created it and realizes that for which we have been striving, its members are not only worth $10,000 a year, but they would be worth $50,000 a year to this country in actual returns in the development of our undeveloped resources in an agricultural sense.

Mr. President, from every standpoint I still maintain that when the Farm Loan Board was clothed with the power to name the officers under them—their clerks, their bond listers, and the different offices that must be created to carry out the purposes of the act—when Congress said that they should have the right to name those officers and we in an appropriation bill name them, we have been guilty of an usurpation in violation of the clear, express terms of the statute.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH of South Carolina. I do.

Mr. HARDWICK. The Senator from South Carolina does not think the ruling of the Vice President is wrong, does he?

Mr. SMITH of South Carolina. I want the Senator to get the point that I am making. It seems to me not quite clear in the minds of others, though it is so in my own mind. I do not say that Congress has not the power to appropriate any amount it pleases for this purpose, but it has not the power to name these officers, because the statute says the Farm Loan Board shall name them, and yet we propose to name them.

Mr. HARDWICK. The pending proposition, if the Senator will pardon me, was whether or not Congress had the power in an appropriation bill to fix the salaries of the Farm Loan Board.

Mr. SMITH of South Carolina. No; this other question was brought in—the question as to whether or not this was general legislation.

Mr. HARDWICK. The Vice President did not rule on both those questions together.

Mr. SMITH of South Carolina. Yes; he did. The Vice President ruled, as I understood the ruling of the Chair, that this was not general legislation.

Mr. HARDWICK. I understand——

Mr. SMITH of South Carolina. General legislation is the change of a statute that is general, and if this is not general legislation it is a modification of general legislation, and is in its nature to that extent general. The act says that the Farm Loan Board shall name its subofficers, leaving out the question of salary.

Mr. HARDWICK. Will the Senator pardon me just a moment? Would the Senator mind having the Secretary state the proposition which the Vice President ruled on, for I do not agree with him exactly about what the precise pending question is?

Mr. SMITH of South Carolina. I do not object to having that done.

Mr. HARDWICK. I should like to have that done if it will not bother the Senator, because I want to know, and I might agree with him. What is the amendment with respect to which the ruling was made?

The PRESIDING OFFICER. The Secretary informs the Chair that he is unable to state the exact point.

Mr. HARDWICK. Does the Chair know which amendment the Vice President held was not subject to the point of order made against it?

The PRESIDING OFFICER. Beginning at the bottom of page 41 and extending on through the amendment to the bottom of page 42.

Mr. SMITH of South Carolina. It was in the amendment of the Senate committee which was proposed in lieu of the House text.

Mr. ROBINSON. Mr. President, my understanding is——

The PRESIDING OFFICER. The Chair will suggest to the Senator from Georgia that the Chair ruled that the amendment could not be divided.

Mr. HARDWICK. So the point of order was made against it all and it remained in that shape.

Mr. ROBINSON. Will the Senator from South Carolina yield to me a moment?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH of South Carolina. I do.

Mr. ROBINSON. It seems to me that the ruling of the Chair is correct, as a matter of law; and it is my purpose, if the Chair is sustained, to offer an amendment to the committee amendment making the salaries of these officers $10,000; that is, restoring the salary that is authorized by existing law.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield the floor?

Mr. SMITH of South Carolina. No; Mr. President.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. BRANDEGEE. I do not ask the Senator to do so. I thought the Senator had yielded the floor.

Mr. SMITH of South Carolina. I will yield if the Senator desires me to do so, but he says he does not.

Mr. President, I am clearly convinced in my own mind, as a matter of course, if the ruling of the Chair is sustained that this is not general legislation, then amendments will be in order; but I wanted particularly to emphasize the importance of not crippling this board, or indirectly or directly doing or saying anything at the very beginning of the work of this board in its relation to the agriculturists of this country, in its relation to the farmers, which would be so injurious as this proposed action.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, the Vice President's ruling, in my opinion, was undoubtedly correct, and if the Senate sustains that ruling, that still leaves the Senate full liberty of action.

Mr. SMITH of South Carolina. I understand that; but I am now arguing that we shall reverse the action of the Senate committee and sustain the House of Representatives in the proposition to pay these officers the $10,000 salary, at least until we have proven whether or not it will be money well spent both in the salaries of the men and in what they shall achieve in the discharge of their duty.

Mr. HARDWICK. Mr. President, I want to say but a word or two about this question. I am somewhat in sympathy with the view expressed by the Senator from South Carolina and with the view of other Senators, to the effect that we ought to give the Farm Loan Board every reasonable facility to discharge its functions and to carry out the business for which it has been appointed. I admit my further sympathy for the proposition that when men have been appointed to office with the understanding expressed in the statute that they were to receive certain compensation, it does look rather hard for Congress to reduce that compensation quite so soon as is proposed here, although I will say that originally I thought that $7,500 was quite enough to pay them, and I still think so. There may be, however, some element of equity in the contention which is now made on their behalf, that after they were appointed with the understanding that they would get $10,000 a year, we ought not right away to reduce the salary to $7,500.

Mr. SMITH of South Carolina. Will the Senator from Georgia permit me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. HARDWICK. I do.

Mr. SMITH of South Carolina. I voted for the salary of $7,500 when the bill was on its passage.

Mr. HARDWICK. I know the Senator did, and he and I, as I recall it, voted together on that proposition; but, Mr. President, I do not want the Senate to get away from the precise point at issue, because I think we would be making a very serious mistake if we were to establish the precedent here of overruling the Vice President's decision in this matter when it is eminently correct, and when, to overrule it and to establish the contrary precedent, would be most dangerous to the future conduct of the business of this body.

The Vice President of the United States ruled that the point of order that this was general legislation in connection with an appropriation bill was not good when directed against that part of the bill as is contained on page 42, providing for this Farm Loan Board and its various officers. The contention made was that Congress was compelled to appropriate $10,000 as salary to the members of the Farm Loan Board, because the statute creating these offices fixed the salary at $10,000. As a matter of fact, Mr. President, if the Senate of the United States were to ever hold that, it would abdicate a great part of its power—the power of the Congress of the United States over the purse. That power is absolute and exclusive and ought never to be impaired by limiting it or fettering it in any manner whatsoever. One Congress of the United States can not by law create an office and provide a compensation for it which a future Congress may not either decrease or increase according to its will at the moment when it makes an appropriation.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. I do.

Mr. HOLLIS. If the Senator will allow me, does he not think that the proper way to do it would be to amend the bill by reversing the prior action of Congress and changing the salaries in the act itself, and not indirectly?

Mr. HARDWICK. There would be nothing improper in that; but I want to say to the Senator that in the legislative and parliamentary history of this country it never has been held to be necessary to do that in either House of Congress, and the Senator can not point to a single such instance. On the contrary, in the other House of Congress, by express rule, any proposition to reduce a salary is in order at any time on any appropriation bill. The rule there, Mr. President, is that you shall not change existing law in an appropriation bill. The rule here is that you shall not enact general legislation in connection with an appropriation bill—an entirely different thing, as Senators will observe.

My proposition is—and the Senator from New Hampshire must recognize its force—that no Congress of the United States by a statute creating an office and fixing its salary can commit future Congresses not to either reduce or increase that salary at at a subsequent time if, in their judgment, it is then proper to reduce or to increase the salary.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. HARDWICK. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The third paragraph of this amendment reads:

Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter—

Does not the Senator think that is clearly general legislation which prescribes what shall be done hereafter?

Mr. HARDWICK. Well, I do not think so.

Mr. VARDAMAN. The provision continues:

shall be submitted to Congress in the annual Book of Estimates—

The Senator in charge of the bill admitted that that was general legislation——

Mr. HARDWICK. It is not; it is a mere regulation.

Mr. VARDAMAN. And the Senator in charge of the bill accepted an amendment striking at that part of the paragraph.

Mr. HARDWICK. Let me answer the Senator's question. Of course, if he wants to ask it and answer it, too, then I will not trouble to answer it; but I can answer it, I think.

Mr. VARDAMAN. I should be very glad to have the Senator answer it if it will not inconvenience the Senator to do so.

Mr. HARDWICK. My answer to it is this: That provision is a mere regulation of the expenditures, and provides for a report only. It is a mere regulation of a detail in connection with money that Congress appropriates. It is to secure for Congress information on which to base its action, and for that reason I do not regard it as a legislative provision.

Mr. BRANDEGEE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I desire to make a parliamentary inquiry, which is whether the modification suggested by the Senator from North Carolina [Mr. OVERMAN] striking out the words "annually thereafter"——

Mr. HARDWICK. That would certainly relieve it from any possible criticism.

Mr. BRANDEGEE. I was going to ask whether that modification suggested by the Senator from North Carolina had been made in the amendment?

The PRESIDING OFFICER. As the Chair understands the parliamentary situation, the only question before the Senate is whether the ruling of the Chair shall stand as the judgment of the Senate; and pending that the amendment of the Senator from North Carolina would not be in order.

Mr. VARDAMAN. Mr. President, will the Senator from Georgia permit me further?

Mr. HARDWICK. I do not yield to the Senator for a moment.

Mr. BRANDEGEE. There was an appeal from the ruling of the Chair.

The PRESIDING OFFICER. The appeal is now pending.

Mr. HARDWICK. I should like to know whether the language has been modified by striking out those words?

Mr. BRANDEGEE. That is what I am trying to find out.

Mr. SMOOT. The words "annually thereafter" have only reference to "estimates in detail for all expenditures under the Federal Farm Loan Bureau." They have nothing whatever to do with the appropriations.

Mr. HARDWICK. They have nothing whatever to do with the other provisions, except to say that Congress shall have such estimates in the future.

Mr. BRANDEGEE. But it is a provision that extends beyond the life of the appropriation bill.

Mr. HARDWICK. Suppose it is?

Mr. BRANDEGEE. Then it is general legislation.

Mr. HARDWICK. No.

Mr. BRANDEGEE. Because it requires it to be done by this board every year; and that is clearly inappropriate on an appropriation bill. I supposed that the Senator from North Carolina had been allowed to modify that language.

Mr. HARDWICK. He did suggest that he would modify it in that connection, but I do not really take the same serious view of that provision as the Senator does, because it looks to me like it is a mere way of getting information that Congress is entitled to have.

Mr. BRANDEGEE. It is; but sometimes it is necessary to provide legislation in order to get information.

Mr. HARDWICK. Even if, Mr. President, that part of the amendment is subject to the criticism the Senator makes—and there is some doubt in my mind as to that—I did not pay any particular attention to that——

The PRESIDING OFFICER. The Chair will state——

Mr. BRANDEGEE. If I may be allowed——

Mr. HARDWICK. I yield to the Senator.

Mr. BRANDEGEE. I am very certain the Senator from North Carolina [Mr. OVERMAN] in charge of the bill, when he left the floor a few moments ago, thought that he had been allowed to strike those words out, so as to relieve it of that objection, but I can not so state positively.

The PRESIDING OFFICER. It is the Chair's understanding that the only question now is on the appeal, and until that is withdrawn the amendment would not be in order.

Mr. BRANDEGEE. It was not an amendment. It is a question of whether the Senator who had proposed the original amendment could modify his own amendment.

Mr. HARDWICK. Pending the point of order.

The PRESIDING OFFICER. The Chair will state that the committee proposed it, according to the Senator from North Carolina, and it would be a committee amendment.

Mr. BRANDEGEE. I thought the Senator from North Carolina was substantially authorized by the members of his committee to make the modification.

Mr. HARDWICK. Be that as it may, Mr. President, if the language is modified so as to meet that objection, I do not see how anyone could possibly contend with any degree of either force or plausibility that the Vice President's ruling was wrong. Congress can not by what are loosely called "organic laws" create offices and fix salaries that any subsequent Congress can not modify in an appropriation bill, and I think we would be in a very bad condition if any such precedent as that were established in this body. Consequently I hope the ruling of the Vice President will be sustained by the Senate.

Mr. JOHNSON of South Dakota. Mr. President, very naturally there is a difference of opinion as to the ruling of the Chair, but I do not believe there is any division in opinion as to the rights which this ruling affects. I think we all agree that Congress has the authority to create positions of trust at a certain prescribed compensation, but that to enable their incumbents to receive their salaries there must be an appropriation made of the amount prescribed by law.

The consideration which shall most influence me in casting my vote on this matter is the duty of Congress, as I see it, after having taken action on this matter heretofore, during this session of Congress, when they do not know how important this board may be to the people of the Nation. We have no way of finding out until they shall have been tried.

These men were authorized by this Congress to fill certain positions at a certain salary prescribed by law, and until they have had a chance to demonstrate their ability and their worth to the people, personlly I shall not cast my vote for any proposal to reduce their salaries.

When the Federal farm-loan act was before Congress, I went to those in charge of the measure and endeavored to have them make the salary of the members of the board $7,500 each. They did not see fit to do so, but told me they had given long and studious consideration to this question, and as they had had the bill in their hands for many months I finally acquiesced in their wishes and opinions and voted for the salary which the law provides.

If the matter were to come before Congress to-day in its first stages, I might not cast my vote as I did then; and when I am asked to cast my vote in this body on a question of reducing salaries of those who have been legally appointed and authorized by law to perform this work, I should not feel that I was treating either the board or any of those under them fairly or honestly, if I did not cast my vote in such a way as to carry out the provisions of the law which now exists.

Mr. THOMAS. Mr. President, before the Senator takes his seat——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. JOHNSON of South Dakota. I do.

Mr. THOMAS. I should like to ask the Senator if he does not think that such action taken so soon after the creation of this board would seem to be a reflection upon the board and upon the object for which it was created; in other words, an act of unfriendliness to it, which those who are to be the beneficiaries of the system would naturally and properly resent?

Mr. JOHNSON of South Dakota. Yes; I certainly would consider it very unwise and unbusinesslike, as well as unjustifiable, at this time, for the same Congress which created the amount fixed by law to be paid to take such action, and it would undoubtedly humiliate the board before they had really started in with the work as a board which they are authorized to do or been given the chance to even demonstrate their efficiency or ability to perform the duties given them under the law, or to give Congress some intelligent idea of their real worth to the people they are endeavoring to benefit.

Mr. BRADY. Mr. President, I desire to say a word in explanation of the vote which I intend to cast in support of the ruling of the Chair upon the point of order raised by the Senator from New Hampshire [Mr. HOLLIS]. I do not believe that the amendment is new legislation. I am very much opposed to lump-sum appropriations whenever they can possibly be avoided. On the other hand, I believe that under existing conditions we should permit the salary of the members of the Farm Loan Board to remain at $10,000 per annum, the amount fixed in the original bill.

These men are working in a new field. They have a very hard task before them, and they are making, in my judgment, very good progress in the work which they have to do. They accepted these positions after Congress had passed a law fixing their salaries at $10,000 per annum, and I believe that before we change their salaries we ought at least to give them an opportunity to demonstrate what they can do in the way of the organization of this new and very large institution, which we all hope will be of great benefit to the farmers of this country. For that reason I expect to vote to sustain the Chair, and I hope to have an opportunity to vote to increase the salary of the members of the board from the amount named in the amendment, which is $7,500, to $10,000.

The Senator from Utah [Mr. SMOOT] called attention to the fact that these men were the highest paid men in the employ of our Government. I want also to call attention to the fact that they are going out into a different field than that occupied now by any other department of our Government. They are going out in competition with the business world, and it is only fair to compare their salaries with the salaries of men employed by large financial institutions handling similar amounts of money and conducting as large a volume of business as the Federal Farm Loan Board will conduct. Every Senator on this floor realizes and knows that there is no man in the United States managing the affairs of a bank that conducts the amount of business that the Federal Farm Loan Board will conduct or having the responsibility that these men will have who does not receive from $15,000 to $50,000 a year. For that reason I believe that at this time it is only fair that we should at least give the members of the board a full year's time to demonstrate what they may be able to do without attempting to cut down their compensation before they have even had time to inaugurate the work to be done by the Farm Loan Board or to demonstrate their ability to perform the duties assigned them.

Mr. BRYAN. Mr. President, the remarks of the Senator from Idaho [Mr. BRADY] lead me to make to him this suggestion, that in voting upon sustaining the ruling of the Chair we are not considering whether or not we will raise the salaries of the members of the Farm Loan Board back to $10,000, as provided by the statute. That is a distinct and separate proposition, and the Rules of the Senate will allow us to express our will upon that proposition; in other words, the Senator does not have to vote against the ruling of the Chair in order to get an opportunity to vote to leave the salaries at $10,000.

Mr. BRADY. Mr. President, I think the Senator must have misunderstood my remarks, as I intend to vote to sustain the ruling of the Chair.

Mr. BRYAN. Very well. The Senator from South Dakota [Mr. JOHNSON] also seemed to have the idea that the only way he could do justice to these men was to vote against the ruling of the Chair. I think the Senator in charge of the bill has already indicated that at the first opportunity—which is not now available because of the pendency of the point of order—he will move to increase the salaries of the members of the board to $10,000 a year; but if he does not do so, any Senator in favor of that proposition can do so, and the Senate can express its real will with reference to the amount of salary which should be paid, and be free from any parliamentary complication when it does so.

Mr. President, one word further. The Senator from Connecticut [Mr. BRANDEGEE] expressed the opinion that perhaps the last paragraph of the committee amendment did contain general legislation because it had in it the words "annually thereafter."

In the first place, I do not believe that a mere requirement of an estimate to be made by a bureau should be considered general legislation; but, passing that by, I call the attention of the Senator to the fact that we are amending the text of the House provision. That provision has in it this language:

A detailed statement of expenditures hereunder shall be made to Congress.

We can go as far as we like upon that.

Mr. BRANDEGEE. It says "of expenditures hereunder."

Mr. BRYAN. We can go as far as we like in amending that language. We reproduce it, and then add this third paragraph. It seems to me, therefore, that, even under the most strained construction, the ruling of the Chair is correct.

Mr. OVERMAN. Mr. President, I want to read from the statutes a general law that was passed on an appropriation bill:

That there shall be submitted hereafter in the annual Book of Estimates, following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

I wanted to put this in the RECORD not only to show that general legislation of this kind has been put on appropriation bills, but as showing that this is really carrying out what is provided by the general law.

Mr. BRANDEGEE. Mr. President——

Mr. BRYAN. Mr. President, the committee put that in out of the abundance of caution.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. What law did the Senator just read from?

Mr. OVERMAN. The sundry civil act of a certain date.

Mr. BRANDEGEE. Was the point of order made against that provision?

Mr. OVERMAN. It was not. It is a law. It is general legislation on an appropriation bill. It became a law and is a general law that requires all departments to send estimates.

Mr. BRANDEGEE. Unless the Senator can produce a ruling of the Presiding Officer showing that that point of order had been made against it and it had been ruled in order he is simply hoisting himself by his own boot straps.

Mr. OVERMAN. I simply wanted to get that in the RECORD to show not only that it had been done, but that every department must do it.

Mr. BRANDEGEE. I do not doubt that there have been violations of the law by putting general legislation on appropriation bills.

Mr. SMITH of Georgia. The position of the Senator from North Carolina, as I understand it, is that this is not general legislation; that it is a mere repetition of existing legislation. It changes no existing law. It changes nothing. It merely repeats what is now a general rule applicable to everybody.

Mr. BRANDEGEE. Mr. President, does the Senator claim that if there is some general legislation in existence and it is clapped onto an appropriation bill it ceases to be general legislation?

Mr. SMITH of Georgia. Oh, no. I do, however, claim that the provision contained in the third section of the committee amendment is not of any effect, because it is a mere repetition of a general law already of force.

Mr. HOLLIS. Mr. President, as I understand the provision read by the distinguished Senator from North Carolina, that was tacked onto the sundry civil act. This has nothing to do with the sundry civil act. Nothing that is provided by the sundry civil act can affect the legislative, executive, and judicial appropriation act.

Mr. OVERMAN. It is a general law on an appropriation bill.

Mr. SMOOT. No matter what the appropriation bill may be, if the words "annually hereafter" are used in an appropriation bill, it then becomes permanent law.

Mr. HOLLIS. The trouble is that it does not apply to the legislative, executive, and judicial bill; it applies only to the sundry civil bill.

Mr. SMOOT. Oh, no; it may apply to all.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. FLETCHER. On that I call for the yeas and nays.

The yeas and nays were not ordered.

The ruling of the Chair was sustained.

Mr. ROBINSON. Mr. President, I offer the following amendment to the committee amendment: On page 42, line 5, strike out the numerals "$7,500" and insert in lieu thereof "$10,000," so that it will read:

For four members of the board, at $10,000 each—

And so forth; and I also move to change the totals on page 42.

Mr. SMOOT. Of course that will be done if the amendment is agreed to.

Mr. OVERMAN. The clerks have authority to change the totals.

Mr. ROBINSON. Mr. President, the arguments in favor of this amendment have already been presented to the Senate so fully, in my judgment, that I am not justified in going into the matter now in great detail.

When the bill creating the Farm Loan Board was considered by the Senate a proposition was presented here to fix the salary of the members of the board at $7,500 per annum. That amendment was discussed at great length, was fairly considered by the Senate, and the Senate finally determined to fix the salary at $10,000. Upon the basis of that legislation the board has been organized and is proceeding with its work. The task is great and difficult. We are all interested in promoting the success of the rural-credits plan, and nothing should be done here which may have a contrary effect.

This is a critical time, in so far as the effectiveness of the farm-loan act is concerned. The manner in which the organization of the various banks provided for in the system is completed will determine in large part the success of this great measure or its failure. To reduce this salary now, after having determined that it shall be fixed at $10,000 and after giving full consideration as to the amount of salary justified by the duties prescribed by the act, in my judgment, would tend to impair the successful operation of the law.

It has been urged by other Senators already that it might be regarded by the public as a reflection upon the existing members of the board. I feel sure that no one who supports an amendment to reduce this salary would base his argument upon that premise. Nevertheless it might be so regarded by the public. More than anything else in connection with the farm-loan measure, Congress is interested now in drawing to the organizations to be effected, or bringing to the organizations to be effected under the measure, the confidence of the public. If that end is not attained, the law will prove a failure. There may be some interests in this country which would rejoice to see that end accomplished. I know that no Representative in either branch of Congress would be actuated by a motive of that kind. I believe it is unfair and unwise in an appropriation bill, under the circumstances in which this amendment arises, to reduce this salary, and for that reason I have offered the amendment to restore it to $10,000.

Mr. SMOOT. Mr. President, I am in favor of paying each member of the Federal Farm Loan Board $7,500 per annum. When the bill creating the board was under consideration, on May 1, 1916, I offered an amendment decreasing the salary provided for in the bill as reported to the Senate from $10,000 to $7,500. That motion carried by a vote of 26 to 25. The junior Senator from New Hampshire [Mr. HOLLIS], having the bill in charge, gave notice that when the bill reached the Senate he would ask for a separate vote upon that item. On May 4 that vote was taken, by way of reconsideration of it, and the salary was increased from the amount provided in the amendment offered by myself and agreed to by the Senate to $10,000 per annum by a vote of 29 to 31, one Senator voting who was absent May 1 and one Senator changing his vote.

I do not think there will be any reflection upon any member of the board if this salary is reduced to $7,500, nor am I going to take the time of the Senate now to repeat what I said when I offered the amendment to the bill creating the office providing a salary of $7,500 for each member of the board; but I say now, without a question of doubt in my own mind, that there are many men in the employment of the Government of the United States who are doing and will do more work than the members of this board, and who are receiving but $5,000 per annum.

I do not want to go into the details, but I want to say to the Senate that we are soon to consider in connection with this bill the question of an increase of the salaries of certain employees of the Government. I fully believe that if a proper investigation were made it would be found that there are enough employees of the Government receiving salaries greater than they are actually earning to take care of all of those who are receiving salaries less than they are rightfully earning.

Mr. President, a practice is becoming quite common among the departments of late that can result in only one thing, and that is an undue increase in the salaries of certain Government employees. I have a letter, in answer to my letter asking for certain information, from one of the bureaus of our Government showing that the Treasury Department, the Department of Labor, the Coast and Geodetic Survey, the Department of Agriculture, the Federal Trade Commission, and the Bureau of Fisheries within the last few weeks have taken from this bureau alone a number of employees of the Government, and, upon the initiative of the heads of these departments or bureaus, have increased their salaries from $100 to $600 per annum.

Mr. OVERMAN. Mr. President, since that letter was written I want to say that four men have been taken, and one man was taken who was receiving $1,800 and transferred to one of these bureaus and given $2,500, thus increasing his salary by transfer $700.

Mr. SMOOT. And that has been done since the committee have passed upon this legislative bill and reported it to the Senate. I believe that some legislation must be passed in the near future to stop this kind of work. I want to say, however, in justification of the Farm Loan Board, that I do not know of the board taking from any of the other departments a single employee. While a couple of the members of the board were before the committee, without the information before me, I did bring up the question of transfers, thinking the Farm Loan Board had done the same thing; but I am only too glad to say that I know of no transfers of that kind that have been made by this board.

Mr. President, I want to say to the Senate that I have not the least feeling against a member of the Federal Farm Loan Board. I want the law to be a success. I voted for the law; and I know that it will be just as great a success with the members of the board drawing $7,500—50 per cent more than heads of other great divisions and bureaus of our Government—as if they drew $10,000. It is not going to make one particle of difference as to the result of the law. When the sundry civil appropriation bill comes before this body I want to see the salaries of the members of the Federal Trade Commission reduced. Take the Tariff Commission which was created by law a short time ago; by a vote of this body the salaries paid to the members of that commission were fixed at $7,500. That is the amount that a Senator of the United States receives. That is more than the United States district judges receive. That is more than the head of any bureau or division within a department of the Government receives; and I do not believe that we ought to be extravagant in the appropriation of money for one commission or for one department or for one bureau unless we are extravagant in the appropriation of money for all the others.

There is never a time when the legislative appropriation bill is being considered by the Appropriations Committee but that representatives appear from nearly every department of this Government asking for increases. The consideration of this bill was no exception to the rule; and whenever there are salaries paid to a commission or to the employees of a commission that are greater than the salaries paid in the departments already established, and which have been in operation since the Government started, they point to the new salaries of the commission, and say: "We are not being treated rightly. We are being discriminated against." We shall never have a feeling of contentment among the employees of the Government as long as there is a discrimination made.

Mr. President, it is for the purpose of paying the employees of the Federal Farm Loan Bureau in conformity with the salaries paid employees in the other departments of the Government that this amendment has been recommended by the committee, and I do not believe it ought to be changed. In fact, Mr. President, the salaries fixed, in my opinion, are generally higher than the salaries in other departments that are required to do similar work.

I am not saying, nor would I have Senators understand me to believe, that there are not salaries that should be increased in all of the departments, even above $1,000, many of them; but I want to say now that I know of employees in the Government departments who are receiving 50 per cent more than they can make anywhere else on earth, and they know it. I want to say, also, that there are employees in the Government service who are not receiving half of what they can make outside of the employment of the Government.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. I think that is true. I think it is true in all instances where a large number of people are employed. I am in sympathy with the sentiment of the Senator from Utah; but I want to ask him if he thinks it is good legislation, or even fair legislation, to place in appropriation bills, for salaries of offices created by other acts of Congress, amounts which are below the amounts fixed in the acts creating those offices? Is it good legislation?

We pass to-day an act creating a bureau, providing certain members and fixing their salaries. The appointments are made in accordance with the law, and presumably the incumbents are entitled to the compensation which is found in the act creating the offices. Now, is it fair or right, in making appropriations to meet fixed expenditures of the Government, by indirection—for that is what it amounts to—to reduce the salaries by providing an amount which must be accepted if the incumbent remains in the office? And, of course, he takes his chances with the action of other Congresses thereafter with regard to securing the difference. Does not the Senator think that such a course of legislation, in addition to being unfair, will only result in the applications and the increasing applications of those so treated to subsequent Congresses for appropriations for their reimbursement to the extent provided by the law of their creation, because this does not repeal the other law? It remains just where it was before. We ignore it, virtually.

It seems to me we ignore our own duty when we fail to meet its requirements, instead of amending the law itself so as to fix a salary at a sum commensurate with what we think it ought to be.

Mr. SMOOT. I will say to the Senator that I think it is perfectly fair for the Committee on Appropriations, in considering the amount of salaries paid, to reduce a salary where it is so manifestly inconsistent with the salaries paid to employees in other departments. I also believe that if the Senate of the United States becomes convinced that any law fixed a salary at a sum greater than was justified, or if the salary is greater than the conditions would justify, then I think it is the duty of the Committee on Appropriations to reduce that salary.

The salaries of the members of this board will not be reduced until the 1st day of July of this year. The bill that passed last year provides for that; so they have ample notice, just the same as any other employer ought to give notice to an employee, that for the year beginning on July 1, 1917, the salary of this office will be $7,500 per year.

Mr. THOMAS. Then, the Senator would substitute for the action of Congress the opinion of one of the committees of one of the Houses?

Mr. SMOOT. Oh, no; I would not do that, because it has to be finally passed upon by the Senate itself.

I will say to the Senator that the very amendment which is being considered now, as far as it affects the salaries paid to the members of the board, was agreed to by this body. It took three days, however, to secure two more votes to override and reconsider the vote. But even as it passed the Senate one additional vote would have defeated it; and now, if the majority of the Members of the Senate of the United States feel that in justice to all other employees of the Government the salary ought to be $7,500, I can not see any inconsistency in reducing the salary.

Mr. THOMAS. Of course, the Senator knows that the amount of the majority by which a bill passes has but very little, if anything, to do with the question. I presume that pretty nearly every measure enacted in the next House of Representatives will have a slender majority one way or the other.

The Senator said a few minutes ago, I presume in justification of his position, that there were many officials of the Government occupying humbler positions and receiving smaller salaries who were actually earning more than the members of this board. I think that is true; but is it not also true, or may it not be true, with regard to some members of the Cabinet? If so, would not the same reasoning justify the Committee on Appropriations in reporting salaries of $7,500 for such members of the Cabinet, whose salaries are now fixed, I think, at $12,000 a year? Why should it not be done, as a matter of justice, in the one case as well as in the other?

Mr. SMOOT. There would be a discrimination in that case between members of the Cabinet.

Mr. THOMAS. Well, take the President of the United States. It might be considered that some one is doing more work than he is, and receiving less compensation.

Mr. SMOOT. There is no discrimination here, because every member of the board is paid the same salary that every other member receives.

Mr. THOMAS. I thank the Senator for allowing me to interrupt him.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield to the Senator.

Mr. VARDAMAN. The Senator from Utah stated a moment ago that he thought it was well within the province of the committee to reduce a salary when it was disproportionate or not in accord with other salaries. I think that in that he is absolutely correct and that the committee would be warranted in recommending to the Congress a reduction of a salary if anything to justify it had occurred between the time that the Congress first fixed the salary and the time that the committee was making an appropriation to pay the salary.

The question that we are considering now was thoroughly considered by the Congress. It was a matter that engaged the attention of the Senate for several days, and the Senate finally reached the conclusion, against my protest and over my vote, that $10,000 was the proper salary to pay to these officers. Now, nothing has transpired since that act of this particular Senate to change the character, the nature, the scope, or the work of the board; and I do not see where the committee obtained information that led them to consider that the Congress would change its mind about this matter at this time. Appropriations committees, as I understand, are for the purpose of appropriating money to meet the expenses of the Government as they are prescribed by law, not to legislate; and I submit to the Senator that nothing has transpired since the exhaustive discussion of this question to justify the Congress in changing its opinion as to what the salary ought to be.

Mr. SMOOT. I will remind the Senator that there has been something that has transpired that, at least, led me to believe that there was a change in the attitude of the Senate. There was reported to the Senate a bill creating a tariff commission, providing a salary of $10,000 per annum for each member of the commission. After an exhaustive discussion of the amount to be paid to the members of that commission—I believe it was on motion of the Senator from Georgia [Mr. SMITH]—the amount was reduced to $7,500. During that discussion the question of the amount that was being paid to the members of the Federal Farm Loan Board, to the members of the Federal Trade Commission, and to the other commissions was discussed, and it was freely stated by Senators that they thought the salaries paid the members of those commissions were too high.

Mr. VARDAMAN. I am one of the Senators who voted to fix the salary at $7,500, but there was nothing said by the majority of the Senators who voted to give the members of the Farm Loan Board $10,000 which would justify the Senator from Utah in concluding that they had changed their minds about it. I think it ought to have been $7,500, as I have heretofore stated; but it was not done, but the salary was fixed at $10,000, and I believe it is unfair and unjust for Congress now to refuse to pay it.

Mr. SMOOT. I know the Senator voted that the salary of the members of the board should be $7,500. I took time to look up the vote, and it was not a party vote. Senators on both sides of the Chamber voted for an increase to $10,000, and Senators on both sides of the Chamber voted against it.

Mr. President, I wish to say that it was not the unanimous vote of the committee, but a majority of the committee, that these salaries should be fixed at $7,500.

Mr. BRYAN. The Committee on Appropriations?

Mr. SMOOT. The Committee on Appropriations.

Mr. BRYAN. It was carried by a majority of 1 or 2.

Mr. SMOOT. I simply wanted to show that.

Mr. BRYAN. The subcommittee decided to leave it at $10,000, but the full committee reduced it to $7,500.

Mr. SMITH of Arizona. Will the Senator from Utah permit an interruption?

Mr. SMOOT. I yield to the Senator.

Mr. SMITH of Arizona. I call the attention of the Senator from Utah to the long custom in both Houses of reducing salaries whenever both Houses see fit to do it. We know that for a great many years the governors of the Territories got $3,500 a year by an unrepealed law, and for 20 years in my experience the Appropriations Committee of either House never did give them more than $3,000, and they always stated in the bill that it should be considered in full of any claim that the person had against the Government. The result was that the two Houses, acting on the advice of the Committees on Appropriations, kept the salary down with an open law standing in their face, and that was the common practice of both Houses for 25 years. So, on the mere question of the reduction of salary, that can be done at any time by the two Houses whenever they get ready to do it. The party is left either to hold the office or resign, as he sees fit.

Mr. SMOOT. The statement made by the Senator from Arizona is absolutely correct. I know there was an effort made to bring suit against the Government of the United States to recover the amount unpaid, but it fell by the wayside and was never heard of but once.

It seems to me that the only excuse which could possibly be offered to vote for the amendment offered by the Senator from Arkansas, increasing the salary from $7,500 to $10,000, is that within a year Congress voted that their salaries should be $10,000. In my opinion, if you are going to deal justly with the other employees of the Government, we ought to decrease their salary from $10,000 to $7,500.

Mr. FLETCHER. Mr. President, it seems to me the position of the Senator from Utah is rather remarkable. The claim he makes is that some people are getting more than they ought to get and others are getting less. I am in favor of raising the salary of those who ought to get more, and I would change the law in that respect.

But the Senator does not seem to be impressed with the idea that when the law has settled the question of the compensation of members of this board we ought to pay any attention to that law, and we ought to be governed by it. He makes the suggestion that we are increasing these salaries from $7,500 to $10,000. That is not the situation at all. The effort here is to decrease by indirection, not directly, the compensation fixed by Congress for the members of this board. Every member of the board took the responsibilities and duties of the office with the statute before them that they were to receive a salary of $10,000 per annum. Now, the committee proposes that after that contract has been entered into under the law to evade the contract indirectly by providing that the appropriations shall be only $7,500 each, and not according to the law $10,000 each.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. FLETCHER. I do.

Mr. JONES. The Senator does not claim that we could not pass legislation reducing the salary to even $5,000 if we saw fit.

Mr. FLETCHER. Certainly, I do not claim that Congress could not do it.

Mr. JONES. Without violating any contract with these people?

Mr. FLETCHER. But Congress can only do it by an act for that purpose by general legislation. It can not do it on an appropriation bill. That is the reason why the rule is made. It is to prevent a general appropriation bill from carrying general legislation which would repeal a general statute upon a general subject.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. I yield.

Mr. SMOOT. Is it not true that upon an appropriation bill the salary of Representatives and Senators was increased, and if an increase can be made on an appropriation bill why can not a decrease be made?

Mr. FLETCHER. If there was any increase of salaries carried upon an appropriation bill, it would have been subject to a point of order, had the point of order been raised against it, under our rule.

Mr. BRADY. Mr. President——

Mr. FLETCHER. That question has been settled, and I will not go into it further. I yield to the Senator from Idaho.

Mr. BRADY. Let me ask the Senator if he can call to mind any instance where the salary of a Senator or Representative in Congress has been decreased?

Mr. FLETCHER. I think there is no instance of that sort.

Mr. SMOOT. Does the Senator claim that when on the legislative appropriation bill the salary of the President was increased that that item could have gone out on a point of order?

Mr. FLETCHER. No; not on a point of order. That is not the question. If the law fixed the salary at a given figure, and an attempt was made to change it upon a general appropriation bill, I think it would have been subject to a point of order.

Mr. SMOOT. That is done very, very often.

Mr. FLETCHER. It may be done, but it is in violation of the rule, in my judgment.

Mr. President, aside from that, for we have wasted five times as much time on it as we have any business to waste, we get right down to the proposition that the only reason why the amendment offered by the Senator from Arkansas should be favored is because the statute fixed the compensation at $10,000, not because the work of the board or the importance or significance of it justifies it. I contend just the contrary. Here is an act passed establishing a financial system which is altogether new in this country. We have been for 50 years confined to the only financial system we had under the national banking act of 1864, which was a commercial system, pure and simple, and it not only did not meet the needs of agriculture but discriminated against agriculture, because written into the very body of the law was a prohibition against accepting real estate as a security for loans. Real estate, the farmer's chief asset, was stricken down as security for a loan under the only financial system we had in operation in this country. We reached out to discover a means, a method and a way whereby proper, reasonable, just, and fair accommodation financially might be extended to those engaged in agriculture in this country. There was admitted need of it. The experience of the older countries in Europe had demonstrated that they had to come to it and that it was a wise and a just and a proper thing to do. We thereupon began to study the subject and devised this scheme, and the system has been established under the law.

It is a new thing. It had to be put into operation. You can not pick up any man and put him in that position and have him organize, as it should be organized, and put into operation, as it should be put into operation, this broad and wise system which we have provided for under the law. You must have men of judgment, men of capacity, men of experience, men who understand the agricultural needs of the country, men who know how to accomplish the relief intended to be accomplished by the act.

We are not paying these men one cent more than they are worth. It would be absurd and ridiculous to expect any man capable of discharging the responsible duties of that position to give his whole time and attention and his skill and his efforts to it upon a meager compensation of $5,000 or $6,000. No man could afford to do it without great sacrifice. No man ought to undertake that work who is not in a position to give it his entire time, and especially is that true at the very inception of the organization.

The success of the system is going to depend largely upon the wisdom and the energies of this board. The success of the system will inevitably, to a very great extent, depend upon the way in which they organize it and put it into operation. They have given their time to it; they have given their attention to it; they are performing those duties faithfully and industriously, and I think, so far as I have ever heard, so far as I know or have observed, efficiently and properly. They deserve it; their work justifies it; their character and their ability call for this amount of compensation. It is not one cent more than they are entitled to receive.

There is a proposition in this amendment also to make the salary of the secretary of the board $3,000. The gentleman who is now serving as secretary of that board is not merely an amanuensis. He does not merely keep the records and the files and the documents that are submitted to the board; he is an expert. He understands this law; he has studied it from its beginning; he has had to do with it in his work as clerk to the joint committee which thrashed it out; he knows it from beginning to end; he knows the purposes of Congress in enacting the law. His heart and soul are in the work. He desires it to succeed. He understands what we have been driving at in establishing this system. He realizes its importance. His advice, his counsel, his services are valuable to the board not merely as an ordinary secretary to a committee or something of that sort but because he is a man of capacity. He is thoroughly equipped as a banker. He thoroughly understands also the needs of the farmers of the country. He appreciates the difficulties in establishing this system, and he is faithfully assisting in working out a plan and a program under which will be accomplished what it has been the hope of the friends of the measure would be accomplished under it.

So I say such a man is worth more than any $3,000 per annum. He could not afford to give his time and attention and his services to this or any other work wholly and entirely as he will have to do for a compensation so meager and insignificant as that.

You do not want cheap men in positions of great responsibility where a measure of vast, tremendous consequences, capable of inestimable benefit and value to the people who produce the food of the Nation is to be worked out.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I yield to the Senator.

Mr. WEEKS. I ask the Senator what the secretary was doing before he was employed in his present position?

Mr. FLETCHER. I have not inquired as to that.

Mr. HITCHCOCK. I can tell the Senator something on that point. He was something like a year or more employed as an expert to assist the joint committee of the two Houses in framing the law.

Mr. WEEKS. What was he doing before that time?

Mr. HITCHCOCK. I am not able to answer.

Mr. FLETCHER. I presumed the Senator's question had reference to that, because he undoubtedly knows the present secretary of the board was occupied in connection with the framing of legislation as clerk to the joint committee which had the subject under consideration.

Mr. WEEKS. I understood that.

Mr. FLETCHER. Prior to that time I am not advised. At one time in his career he was president of a national bank in the city of New York. I do not know what business he was engaged in subsequent to that time.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Jersey?

Mr. FLETCHER. Certainly.

Mr. MARTINE of New Jersey. If the Senator will permit me, I think I can answer the question of the Senator from Massachusetts. I have known the secretary, Mr. Flannagan, for a good many years. He is a gentleman of infinite ability and very high repute in the State of New Jersey. He was, when I first knew him, a banker; after that the acting president of a very prominent bank in New York, and latterly, as has been stated, the secretary of the joint committee. He is a high order of gentleman, a man of capabilities, an honor to the position he holds, and a credit to all those around him. I think he is richly worth $6,000 in the capacity in which he is serving.

Mr. WEEKS. The Senator from New Jersey seems to know about the secretary's past history. Did he ever receive $6,000 in any position he occupied?

Mr. MARTINE of New Jersey. I can not respond as to what pecuniary returns he may have received, but I know he is a gentleman of standing, and I think the Senator as a banker, if he knew as I know his high ability and his standing, would hardly question that he was overpaid at $6,000 in this capacity.

Mr. WEEKS. The indorsement which the Senator from New Jersey gives will have great influence in deciding my course, but I wished to know what the past history of the man had been, if I could.

Mr. MARTINE of New Jersey. He is a gentleman of a very high order.

Mr. FLETCHER. I did not expect in this matter to make any personal references; but, speaking of Mr. Flannagan, I do not think the question of $5,000 or $6,000 a year is a particularly tempting proposition to him. I think he prizes the importance of the system and desires to see it succeed, and is willing to contribute largely his best efforts toward its ultimate success, and the salary perhaps is not a matter that influences him very greatly one way or the other. At the same time, I am dealing with it from the standpoint of what is just and fair and right and independent of any question as to who holds the position now. The question is as to the duties and responsibilities of the office itself. Mr. President, I am not going to detain the Senate longer in discussing this matter. If the Farm Loan Board wants some one in that position who merely does the loose and ordinary work of a stenographer, a typewriter, or a secretary in the usual sense of the word, that is another thing. The secretary of this board does something more than that. The position is one that calls for work of a very much higher grade than that ordinarily performed by what we usually designate a secretary. I instanced the present occupant of that position by way of indicating that the position is one of great responsibility and was so considered when the board selected Mr. Flannagan to fill it. Of course, the question of compensation of the secretary is not now before us, but while I was up I thought I would refer to it, because if some one does not offer an amendment to increase the amount named in the proposed amendment of the committee, I shall do so myself.

Mr. BRADY. Mr. President, I fear we are wandering rather far afield from the discussion of the amendment before the Senate. We are now considering simply the salary of members of the Farm Loan Board. I am in favor of the amendment of the Senator from Arkansas, Mr. ROBINSON. While I am just as much in favor of practicing economy as any Member of this body, I do not believe that this is a proper place to commence. The tendency for the last year has been rather to increase than to decrease salaries, for the reason that the cost of living has increased so materially in the last few years.

These men accepted the position under a law that we recently passed, naming their salary at $10,000 a year, after full discussion by this body. They left their vocations, moved to Washington in the faith and belief that they had made a satisfactory contract with a responsible Government. It has been suggested that the present salary will continue until July 1, 1917, and that the members of the board have ample notice that $7,500 is the salary that will be paid to them after that date. It seems to me that the defeat of this amendment is notice from this body that we have changed our minds since passing the act, and have decided that their services are not worth $10,000 a year and we proceed to cut their salaries down without consulting them or even giving them any notice of our intention.

I do not believe it is fair to them. I do not believe it is fair to the country to take such action. We may differ as to the value of this farm loan bank; we may differ as to the methods of handling the matter by the board, but none of us differ as to our hopes for good results from this institution. We can not secure them, in my judgment, by commencing to lower the salaries of these men before they have had an opportunity to demonstrate what they can do.

I can not see the force of the argument in comparing what has been done in other bureaus or departments by citing cases where salaries have been raised or transfers have been made from one department to another for the purpose of increasing the salary of an employee, for the reason that by our action to-day in sustaining the ruling of the Chair we decided that we would not have this appropriation administered in a lump sum, but that we would name the salary, thus correcting that which we are complaining of in the departments; that is to say, we are correcting the very fault in the departments by fixing these salaries ourselves.

The only question at the present time before the body is whether this salary should be increased to $10,000 or permitted to remain at $7,500, as named by the committee. It does not matter what our vote was when the act was passed. It does not matter whether we favored $10,000 or $7,500 at that time. At this moment it is a question of pure, simple, business methods. This bureau is different from other departments of the Government. It is a business undertaking and should be handled along business lines. While we are discussing the question of economy we should also at the same time discuss the question of good business methods. I do not believe it would be good business for us at this time to change this particular salary. These men have their work well in hand. They have organized 12 different districts. They have applications on their desks not only for hundreds of thousands but for millions of dollars in loans. All that must be passed upon this coming year. At the present moment, with conditions as they are, I think it is not only fair but that it is the duty of the Senate to support the amendment of the Senator from Arkansas and name the amount at $10,000 instead of $7,500. Let us keep faith with these men, and let us give the agricultural interests of the country with their bank an equal chance with the Federal reserve bank, which we so recently created.

Mr. CHILTON. Mr. President, I have not been in the Senate during the whole of this discussion, and the thought which is in my mind about this subject may have been expressed by others while I was out of the Chamber. If that shall be the case, I can console myself with remembering that it is not the first time that there have been some repetitions of arguments upon this floor, and I will take the chance to say to the Senate what I think about this amendment.

Mr. President, this argument was gone into very fully when we passed the Federal farm-loan bill. The advocates of the $10,000 salary, and also of the lower salary, were heard, and the deliberate judgment of the Senate, of the House of Representatives, and of the President, by his ratification, was that the character of the employment, the character of the duties to be discharged by the members of the board, and the fact that we were putting into execution a new department of the Govment, justified the Senate and the House of Representatives in voting for the $10,000 salary. We discussed the possibility of getting the kind of men whom we had in mind as the men who should inaugurate this system, and whether or not there was a possibility or a probability of getting the kind of men that we had in mind at a salary of less than $10,000; and it was the deliberate judgment of the Senate that it would require the greater salary in order to induce that kind of men to accept these appointments. So we went forward and we fixed their terms—one of them at two years, one of them at four years, one of them at six years, and one of them at eight years. The President made his selections. These men accepted these positions with the understanding—not a legal contract, but with the honorable understanding on the part of the Government—that one of them should have $10,000 for two years, another $10,000 for four years, another $10,000 for six years, and another $10,000 for eight years.

I will admit that that is not a binding contract upon the Government or upon the Senate, and yet it is in a way binding upon honorable men. If we now change that salary, we must march up to the proposition that we either are intending to make an assault upon this system or else that we have some criticism as to the appointments which have been made by the President, or some criticism of the men who are discharging the duties of the office.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. CHILTON. I do.

Mr. THOMAS. Let me ask the Senator if he does not consider that the understanding is binding to this effect: That if we propose to make a change in these salaries, we should do it by amending the law creating the board instead of by this indirect method of starving the commission, so to speak, partially at least, by a meager appropriation?

Mr. CHILTON. I thank the Senator from Colorado. That is the very thought that was in my mind.

Now, Mr. President, these gentlemen have started in to inaugurate this great system, one that the people have been calling upon us to put into operation, one that the great farming interests feel should have been put into operation years ago, and feel that our failure to do so has been a neglect upon the part of this great Government. We have selected from different walks of life four men, all of whom stand high. They have been successful in private life; they have been money-makers; they are men who have given up their private employment; they have accepted these positions—one of them for two years, another for four years, another for six years, and another for eight years, respectively. They are starting in to put the system into operation, and at the first succeeding session of Congress we are now asked not only to amend that act of Congress—a deliberate act of Congress—but we are asked indirectly to either assault this system or indirectly to criticize the men who are holding the positions, and to put them in the unfortunate position of having to go back to private life or to accept the salary, which in all probability they would not have accepted but for the understanding which our act held out to them would be the salary for the term for which they were appointed.

Mr. VARDAMAN. And to accept it under the terms under which they would be required to accept it would be rather discreditable to them.

Mr. CHILTON. It would be so.

Mr. President, this is not right; it is not the way to legislate; it is not fair to these gentlemen. It puts them in an embarrassing position in which we should not put them; and I do hope that the Senate will not legislate in this way, but that we shall keep these salaries at $10,000 per annum.

Mr. CUMMINS. Mr. President, I was not in sympathy with the point of order which was made against the committee's amendment, for I believe that we ought to have at all times the right and the power to fix the salaries of the persons who labor for the Government. I am, however, in favor of the House provision, and I sincerely hope that the entire Senate amendment will be rejected.

There is no such thing as a standard for reasonable compensation. We pay the President of the United States $75,000 a year. Why? We could undoubtedly secure candidates for that high office if the compensation were but a tithe of the amount the law now provides. We pay the President $75,000 a year largely because that amount is fairly necessary to enable him to discharge with dignity the duties of his exalted office, believing at the same time we shall secure men of the highest competency and the purest patriotism.

Not very long ago we organized a Federal Reserve Board. We passed a law which provided that each member of that

board should receive $12,000 per annum. That could not be measured by any mathematical standard. In my judgment, the duties to be performed by the members of the Federal Farm Loan Board are more important and will require, if successfully performed, a higher degree of capacity than is required of the members of the Federal Reserve Board. The one is a bankers' institution—and I do not use that term disparagingly at all—but the path is reasonably plain, the learning for the creation of the system was at hand. That is not true of the Federal Farm Loan Board. As the Senator from Florida [Mr. FLETCHER] has said, we are beginning an experiment. I believe it will be successful; but whether it is or is not, will depend very largely upon the character and the attainments and the fidelity of the men who compose the board during the first two or three years of its work.

That board has now divided the country into 12 districts; it is now engaged in organizing 12 farm-loan banks. It must select the presidents of those banks, it must select the directors of those banks, it must give color and complexion to those banks, and their work will in large measure determine whether these farm-loan banks that are to be established throughout the country do their business in such a way as to commend the system to the people of the country or to condemn it in the minds of the people of the country.

I think the one danger before the Federal Farm Loan Board will be its disposition, or a temptation rather than a disposition, to loan too much money upon a given tract of land. If it shall happen that the Federal Farm Loan Board shall encourage or permit the Federal farm-loan banks to loan more money upon a given tract of land than ought to be loaned, we shall soon usher in a period of insolvency, a period of foreclosure; and that is but a synonym for a period of failure of this institution, for which so much is hoped, and which I believe can be of as much value to the people of this country as any commission or board or tribunal which we have organized in many years.

Something has been said about the men who have been appointed to these positions. I do not know how much they earned before they were so appointed, but I am very intimately acquainted with two members of this board. They are, of course, men of the highest character; they are men who have succeeded in life; who were not lifted out of obscurity in order to be given a place upon this board, but who had established their title to the confidence of the country long before they were selected. They are men of the highest competency as well; they are students; men who have explored deeply and thoroughly the problems which are connected with this new and, I hope, successful undertaking on the part of the Government.

If anyone should ask me, I do not know what is a reasonable compensation for such service and such men. I could not reduce my answer to the inquiry to anything like a mathematical precision, but it is folly to assert that they are not of as much value to their countrymen as are the members of the Federal Reserve Board; and I am not touching or even suggesting a doubt with regard to the propriety of the rate of their compensation. I know of hundreds of men in private life, who are not better qualified than are these two men, who are earning five times as much in the pursuits of civil industry. I know a great many men, on the other hand, who may be just as competent, who are earning less than $10,000 per year. You can not reduce the question to anything like a standard that would be accepted by everybody.

I think it would be in the highest degree unfortunate if in the very formative period, the critical moment, of this undertaking, we were to declare that the salaries which we established in the passage of the law were too high and that they should be reduced. The inference that the particular men selected for the places do not measure up to the proper standard would be inevitable. We established a salary of $10,000 a year for men in those positions believing that to be, as far as we could understand, a fair compensation. The men have been appointed; they are at work. Should we reduce their salary to $7,500 per year, I do not see how it would be possible to avoid the implication that we believe that the President has not selected for these offices men of the type we had in mind when we established the offices.

So much for the salaries of the members of the board. I, however, have a graver objection to the remainder of this amendment than to the mere compensation of the members of the board itself.

It may be recalled that when the Federal farm-loan act was passed I was vigorously opposed, as I am now, to withdrawing the employees of the board from the operation of the civil-service law of the country. I think, with the exception of those confidential employees who occupy peculiar relations to the head of the enterprise, they ought to have been chosen according to the law of the land, which, while it now and then fails of perfection in its operations, yet, on the whole, is the best system for the ascertainment of merit that we have been able to devise; and I do not want anything that I say now to be understood as approving that departure in the passage of the original law; but I do believe—I believed then and I believe now—that the board ought to be given discretion in the selection of its employees—I mean the determination of the number of employees who may be necessary to carry on its work; I mean the classification of those employees and a discretion with regard to the bureaus, if you please, that should be organized in the Federal Farm Loan Board. The members of this board do not know and can not know; the Members of Congress do not know and can not know just how many employees are necessary or just what their final fixed titles will be in the service.

Mr. OLIVER. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield.

Mr. OLIVER. Mr. President, I will say to the Senator that the classification of these employees in this amendment is exactly as proposed by the members of the board themselves, and it is only with regard to the amount of salary that the amendment differs from the estimates or recommendations of the board.

Mr. CUMMINS. I think the Senator from Pennsylvania is technically right, but he does not state the whole fact, as I understand it. They have selected certain employ es, or, at least, they have established certain classes or classincation, but they are purely tentative. I believe that the members of the board told the Appropriations Committee that they might desire within a year to change these very matters; that they could only determine by actual experience when the work had been fairly set on foot just what employees were desirable and just what those employees should be termed in the language of the service.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. SMOOT. I will say to the Senator that the members of the board who appeared before the committee informed the committee that the employees provided for in the first paragraph of the Senate committee amendment would be essential and would be always needed by the board. The second paragraph provides for salaries and expenditures under the Federal loan act, and $250,000 is appropriated for that purpose. It is true that the members of the board stated they did not know how many employees they would require within the next year; but the bill provides something like $187,000 to take care of the extra help that may be required and the expenditures that may be incurred during the year. I will say to the Senator also, that if the board had had more permanent employees, we would have included them in paragraph 1, the same as we do for employees in every other department.

Mr. CUMMINS. Mr. President, I am perfectly willing to do that eventually. I agreed with those who discussed the matter this morning that we can not to any bureau or department permanently delegate the authority to employ persons in an unlimited way or to fix their salaries. I have no difference of opinion with you gentlemen about that; but I am only insisting that the board has just begun its work; its important work is yet to come. It is not organized, so far as the work in Washington goes. I am saying this on account of representations made to me by the members of the board. They are feeling their way to an efficient organization, trying to ascertain just what work will be required to be done in Washington and what kind of men will be required to do it. Now, I think in all fairness we ought to give the board this discretion this year. I am not saying that a year hence, assuming then that the work of organization is complete, that we ought not to determine what employees shall remain in the service and what their compensation shall be; but this is not, in my judgment, the time to do that thing.

Mr. OVERMAN. Mr. President, will the Senator allow me to interrupt him?

Mr. CUMMINS. I yield to the Senator.

Mr. OVERMAN. I do not exactly understand the Senator. The positions and the salaries attached to them as fixed in the bill are the same as fixed and determined by the board. In addition to that, we have given them more money than they had before, namely, $250,000, for the purpose of allowing them to select such officers as they think ought to be appointed and to fix their salaries. All that we require them to do is when they have created the places and fixed the salaries to send to us the names and the amounts and the designation of the offices.

Under this $250,000 appropriation they can appoint and will appoint lawyers, for instance, and fix their salaries. They will appoint clerks and fix their salaries, whether clerks of class 2, class 3, class 4, or class 5; or they may not classify them, just as they please. Under this lump sum of money which we have given them they can appoint as many officers as they please and fix their salaries. But, having appointed certain men and fixed their salaries, we thought it was our duty to fix the salaries of the few men they have appointed according to the standard of wages applied in other departments for the same class of work.

Mr. CUMMINS. Mr. President, I do not intend to be led into a discussion with regard to the proper salary for a secretary or a proper salary for the chief of the bond division. I do not know what a proper salary would be for such officers. As I said a while ago, there is no standard for work of that character. All that I am insisting upon is that for this year, until the organization is complete, the board shall be given the liberty, the discretion, which it had under the act which created it and which is preserved in the House bill.

Mr. OVERMAN. Does the Senator think that they have not that discretion under the Senate committee amendment?

Mr. CUMMINS. I do not think so. If so, why was the amendment suggested?

Mr. OVERMAN. We suggested the amendment to fix the salaries of those whom the board have already appointed, not intending to limit them at all in any way whatever in fixing the salaries of other employees. That is what the lump sum of $250,000 is for.

Mr. CUMMINS. I have been told—I do not know whether it be accurate—that up to this time they have employed merely stenographers.

Mr. OVERMAN. That is correct.

Mr. CUMMINS. And they have been simply trying to answer the 1,500 or 2,000 letters a day which have been coming to the board. They expect that they will have a man at the head of the bond division, but they do not know. They gave the committee that tentative opinion.

Mr. OVERMAN. No; they have appointed a man for that position.

Mr. CUMMINS. Well, they do not know that he is the man whom they will ultimately desire or that the title of the place will be a permanent or a fixed one.

Mr. OVERMAN. There is nothing to prevent them under this amendment from appointing another bondman or calling him anything they please and giving him $5,000 if they so desire.

Mr. CUMMINS. There is possibly nothing in the amendment that would prevent that, but of course the Senator from North Carolina knows that it would be impossible—that is, they would not do it.

Mr. OVERMAN. I think they are very honorable men and will do the proper thing, but if the man was worth it and was the right sort of a man the salary they fixed would probably not be questioned, although it might not suit me.

Mr. CUMMINS. All that I am asking is that they be given a fair show until the organization is complete.

Mr. SMOOT. I should have said a while ago that we give the board $250,000, all told.

Mr. CUMMINS. Of course, the committee does not give them $250,000 in addition to the salaries of the men specifically provided for.

Mr. SMOOT. No.

Mr. CUMMINS. The House gave $300,000. Whether that is right, whether it is too much or too little, I do not know. I would not venture an opinion as to that; but I am quite willing to accept the view of the Senate committee that $250,000 in all may be sufficient.

Mr. OVERMAN. Now, Mr. President, I want to read the paragraph in the committee amendment providing the lump sum for salaries and expenses. I will not read it all, but it includes:

> And such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees as the Farm Loan Board may find necessary, $182,380; in all, $250,000.

That shows that they have been given this amount to appoint such officers as they desire. We had that question up with them, and, as the Senator has said, they did not know who they were going to appoint. They have only thus far appointed a few stenographers to answer letters. These stenographers, for example, are paid $1,200 per annum. We fixed the salaries of such employees at about the same rate that stenographers are getting in other departments.

Mr. CUMMINS. Mr. President, the very fact that the committee found it necessary to make a bulk appropriation of $182,380 indicates that the work of the board is yet incomplete, so far as organization is concerned. I have founded my entire argument upon a sincere belief that it would be infinitely better to permit the board, during this period of preparation for its real work, to enjoy the discretion and the liberty given to it in the original act. I have such implicit confidence in the fidelity of the members of the board and their desire to render an unselfish service to the people of this country that I am not plagued a moment with any fear that one penny of the appropriation will be misspent or inefficiently spent.

Mr. BORAH. Mr. President, I desire to say just a word with regard to this matter, which involves, as I understand, the question of the salaries of the members of the Farm Loan Board.

I am not in favor of reducing the salaries of this board and leaving at as the sole accomplishment of the Congress, but I am opposed to these high salaries. I voted for a salary of $7,500 when the bill was pending for the creation of this board. I felt then that that was sufficient, and I feel now that it is sufficient. I should dislike, however, to see this particular board singled out and the salaries reduced, and have certain other commissions which have been created retain their salaries. I think this is a very important board, and of course it ought to be treated upon a par with all others; but I think all these salaries are too high. Having voted for the salary of $7,500 when the bill was before us, my vote can in no sense be regarded as a reflection upon the gentlemen now constituting the board. It is simply my deliberate judgment as to what the salary should be.

It seems to me that it is a rather serious condition that confronts us in this country. We have, in the first place, our municipal officers; we have our county officers; we have our State officers and our Federal officers, layer upon layer of officers; and if the salaries are to be increased, as we are disposed to increase them in these days, the expenses of the Government will become almost unendurable.

Under a form of government such as ours men must necessarily enter the service contributing something in the way of service over and above that for which they are actually compensated. If we can not have a performance of public service on any other basis than that of actual compensation, the same as a man employed by a corporation would expect, we are going to be confronted with a budget for the year's running expenses of the Government which will be something simply stupendous. The best service in the world is the service of the man who understands perfectly that he is contributing something over and above that for which he is actually compensated. He must be willing to serve the public as well as himself.

I shall vote, therefore, to reduce these salaries, and I shall hope to have an opportunity to do the same thing with at least two, if not three, other commissions before this session closes. I am not unfriendly to this law, although I entertain no doubt the law will have to be radically and fundamentally changed before it will be of service to that class of farmers which needs it most. But while not unfriendly to the principle of the law or to the board, I am most earnestly against all these high salaries.

Mr. CURTIS. Mr. President, when the farm-loan bill was up I voted for the amendment offered by the Senator from Utah fixing the salary of its members at $7,500. I am not here this afternoon to discuss the question of salary. It does seem to me that this amendment, as reported by the Senate committee, has other features in it which will do the board more harm than the reduction in the salaries of the members of the board.

As I understand it, this board asked for $400,000 to carry on their work. They were heard in full by the members of the House Committee on Appropriations, and the bill came to this body carrying $300,000.

Mr. OVERMAN. Mr. President, if the Senator will permit me, I should like to correct that statement. The estimate was not $400,000, but $300,000.

Mr. CURTIS. I stated that they asked for $400,000.

Mr. OVERMAN. No; the Senator is mistaken. They estimated for $300,000.

Mr. CURTIS. I read the following from the hearings before the House Committee on Appropriations:

> There was allowed in the farm-loan act the sum of $100,000, and also, by way of a deficiency appropriation, an additional $100,000, making $200,000 in all for the current year for the administration of the farm-loan act. You are asking for the next fiscal year the sum of $400,000.

Mr. OVERMAN. Mr. President, I see that I was mistaken about that. The House gave $300,000.

Mr. CURTIS. So they asked for $400,000. After complete hearings, the bill comes to the Senate giving them $300,000, and

the Senate reduces the amount to $250,000. That is a reduction of $150,000 below the amount they asked.

I do not believe any bill should be passed by the Congress that would interfere with the work of this board, and I think the reduction of the amount asked will do more harm than the simple reduction in the salary. I think this board should have more money with which to carry on its work.

Mr. SMOOT. Mr. President——

Mr. CURTIS. I yield to the Senator from Utah.

Mr. SMOOT. As I understand, one member of the board who appeared before the committee was asked whether he thought that in the present condition of the Treasury of the United States the appropriation of $250,000 would be sufficient for them to get along on, with the strictest economy. He answered the committee and said that he thought that it would; and that is why the amount was reduced from $300,000 to $250,000.

Mr. CURTIS. I examined the hearings before the Senate committee, and I saw nothing on this subject, and that is why I referred to the matter. Of course, if a member of the board informed the committee that $250,000 would be sufficient, I would not insist upon a larger amount.

Mr. OVERMAN. The Senator is on the committee, and I want to explain how that happened. He was absent at the time.

Mr. CURTIS. I yield to the Senator from North Carolina.

Mr. OVERMAN. We gave hearings day after day to everybody who wanted to be heard, as we usually to. The Senator, being a member of the committee, knows how that is. After we had given all the hearings, and everybody had been heard, some two weeks afterwards—we had two weeks of hearings—when we came to mark up the bill, as we usually do, we found this Farm Loan Board in a separate section; and, as we usually do, we sent for them to know who was employed and how much they needed, and so on. They said they would like to be heard and they came down—Mr. NORRIS and Mr. SMITH, I think—and we went over the whole matter with them. My recollection is that the Senator from Utah [Mr. SMOOT] took up with them the question of the lump sum and the question of these salaries, and went into the subject thoroughly with the members of the board themselves. We did not have a stenographer present that morning, because the hearings had closed, and the volume of hearings had been printed.

Mr. CURTIS. Mr. President, I do not question, of course, the statement of either of the Senators. I know they state what is so on this question. I read the hearings and found nothing on the subject, and therefore I supposed that the committee had acted without giving the members of the board full opportunity to be heard. They had asked for $400,000 from Congress, and had received $300,000, and then there was a further reduction to $250,000. Of course, if the board is satisfied with it, I know I am; but I should hate to see the appropriation so reduced as to hamper the work of the board.

Mr. SHAFROTH. Mr. President, as I understand, the motion that is now before the Senate is the amendment offered by the Senator from Arkansas [Mr. ROBINSON], and that is to restore the amount fixed by law for the salary of the members of the Federal Farm Loan Board, but to leave the salaries of the employees of the board as they are fixed by the committee.

I am in favor of that amendment. After the consideration which was given to the matter when the Federal farm-loan bill was discussed and acted upon in this body, and the amount fixed at $10,000 per year, I do not believe it should be changed. These men have been appointed to those positions, and they have accepted. They have no doubt left businesses that paid equal or perhaps greater compensation than that which they are to receive as emoluments for occupying these offices. In view of the law as it was originally fixed, after careful deliberation on the part of the Senate, they have concluded to accept these offices. The salary was fixed at $10,000. After we have gotten them installed in office, after they have performed some of the duties, after they have severed their connection, no doubt, with other businesses in their respective homes and States, I can not see the justice of now cutting down the amount to $7,500.

I must say that I was originally in favor of making the salary $7,500. I thought that was a fair compensation. In fact, I believe that very few officers should get salaries in excess of those which Senators of the United States receive; but that idea did not prevail. The other idea did prevail.

When the salary has been fixed in this way, it seems to me it is doing an injustice to these men, if now, after they have made their status in accordance with this salary, we conclude that it is too much, and that it should be reduced. If we are going to reduce it, the reduction ought to take effect at some future time, a considerable time off, so that they can, as a matter of fact, get the benefit of this salary which they have accepted in view of the offer and appointment which were made. It is unfair to them; and it seems to me we ought to adhere to the provision which was made in the Federal farm-loan act, and keep the salary at $10,000.

Mr. GALLINGER. Mr. President, I have a vivid recollection of the debate on the farm-loan bill and the very close vote on the fixing of the salaries at $10,000. I believe those salaries were reduced in Committee of the Whole by one vote, and I have forgotten what the precise vote was when the matter went to the Senate. Perhaps there was a majority of one or two in favor of the higher salary.

Mr. SMOOT. One.

Mr. GALLINGER. One, the Senator from Utah says, in favor of the bill as it stands; so that there was no very loud declaration on the part of the Senate in favor of fixing these salaries at $10,000.

Mr. President, I gladly voted to fix the salaries of the members of the Tariff Board at $7,500, believing that to be sufficient. I have believed that there are two or three other boards getting $10,000 a year that ought to be reduced to $7,500; and, having voted for the $7,500 salary in the first place, I have seen no reason why I should change my vote.

It will be remembered, Mr. President, that not only do these men get as much as Members of the two Houses of Congress, but they have all their traveling expenses paid, and they are at very little expense to themselves, certainly, when they are away from Washington, and they have been away from Washington a very considerable part of the time since the board was established. They have had the privilege of seeing the country, which is not allowed to men in public life, as a rule, at the expense of the Government.

I should be loath, Mr. President, to do anything that would in any way injure the agricultural interests of the country. I have a very warm regard for the men who toil on the farms and who are producing the necessaries of life. It does seem to me, however, that the salary that is given to these men as the bill now stands is entirely adequate in every sense of the word; and I hope that the amendment submitted by the Senator from Arkansas [Mr. ROBINSON] will not prevail. These men will continue to serve. If they do not, there are hundreds of other men of equal capacity who will very gladly take their places. There is no danger of there being any vacancies on this board, Mr. President, certainly not long at a time; and in view of the fact that we are denying increases of salary to the lower paid employees of the Government on the plea of economy and the stress so far as the revenues of the Government are concerned, I think it would be a very great mistake if we should agree to the amendment that is now under consideration.

Mr. SHAFROTH. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. GALLINGER. Certainly.

Mr. SHAFROTH. Does not the Senator think that if he were appointed to a position for a term of six or eight years at a fixed salary, and the first year after he accepted the office the salary were reduced one-fourth, it would be unfair to him?

Mr. GALLINGER. I do not think so. I would have the option of resigning, if I chose.

Mr. SHAFROTH. Yes; but you have changed your situation. You have changed your status. You have given up your position at home. You have given up your salary there.

Mr. GALLINGER. I simply do not take that view of the case at all. If, in the wisdom of Congress, my salary should be reduced, I might make the same plea, that I accepted it when I was elected at a given figure, and that Congress in its wisdom had reduced it, and hence had done me a wrong. I would not think Congress had done me any wrong. I could either stay or leave, as I thought was to my best interest.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee.

Mr. SMOOT. On that I call for the yeas and nays.

Mr. HOLLIS. Mr. President, when the Farm Loan Board act was originally drawn the Federal Reserve Board had been established with salaries of $12,000 for each member. It was the intention to make the Farm Loan Board of commensurate dignity, and to have its members of commensurate ability; and the original bill fixed the salaries at $12,000. Later it was voted to make the Farm Loan Board a bureau in the Treasury Department; the number of members was cut from five to four, and the salary was reduced from $12,000 to $10,000. When the bill was on the floor of the Senate the Senator from Utah [Mr. SMOOT] moved to reduce the compensation still

further, and the Senate finally voted that it would not reduce the compensation further.

The Senator from Utah is a persistent and industrious Member of the Senate. He has the advantage of being an important member of the Appropriations Committee, and when the time came around to make the appropriations for the Farm Loan Board for this session he asked the Appropriations Committee to cut the salary to $7,500. The matter was referred to a subcommittee. The subcommittee reported against the Senator from Utah, but he was not discouraged. He carried it before the full committee and got a majority of one or two in favor of his contention. Now he assures us that he is not unfriendly to the farm-loan act and that he voted for it; but his whole attitude throughout the debate on the floor was hostile, and I for one was very much surprised when he finally declared his intention of voting for it, and did so.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I yield.

Mr. SMOOT. The only justification the Senator has for saying that my attitude was hostile is because I offered certain amendments to the bill that I thought would improve the bill; and I still believe that if those amendments had been adopted the law would have been a better law than it is to-day. I never was hostile to the bill. I never intended to vote against the bill, and I did vote for it, as I stated to the Senate a short time ago.

Mr. HOLLIS. Then the Senator, on his statement, is not satisfied with the law as it stands to-day.

Mr. SMOOT. No.

Mr. HOLLIS. If the Senator never has been hostile to it, if his amendment prevails to-day, it will always be understood that he is hostile to it and that the Senate of the United States is hostile to these four men, who have performed their duties very intelligently, very economically, and very fairly—men who were not known to me at all before they were appointed, but whose actions I heartily indorse now that I know them; men who have been learning the duties of the office at the expense of the Government; men who, if they are self-respecting men, will resign if this slap is made at them by Congress. We will lose the benefit of what they have learned, the training they have received. We will have to have a new set of men go in, who will have to learn it all over again, and the continuity will be broken up. The Senator suggests that when the Federal Trade Commission appropriations come in he will make the same movement against them; and the same action will be construed by the country as a belief on the part of the Senator from Utah that they are not properly performing their functions.

I hope that those who believe in the Federal farm-loan act, and who believe that it should be administered in accordance with the original idea, will vote in favor of this amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee. On that question the yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and vote "nay."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. OVERMAN (when Mr. SIMMONS's name was called). My colleague [Mr. SIMMONS] is absent on account of illness. I will let this announcement stand for the day.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. JONES (when Mr. TOWNSEND's name was called). I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

Mr. UNDERWOOD (when his name was called). I desire to ask whether the junior Senator from Ohio [Mr. HARDING] has voted?

The VICE PRESIDENT. He has not.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Indiana [Mr. KERN], I vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. MYERS. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. BECKHAM (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior senator from Wisconsin [Mr. HUSTING] and will allow my vote to stand.

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. LODGE (after having voted in the negative). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. I see that the Senator is absent. I transfer my pair to the senior Senator from California [Mr. WORKS] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to state that the senior Senator from Oregon [Mr. CHAMBERLAIN] is detained on official business. He has a pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CURTIS. I have been requested to announce that the Senator from New Mexico [Mr. CATRON] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 43, nays 18, as follows.

YEAS—43.

Bankhead	James	Phelan	Sterling
Beckham	Johnson, Me.	Pittman	Stone
Brady	Johnson, S. Dak.	Poindexter	Swanson
Bryan	La Follette	Pomerene	Thomas
Chilton	Lane	Ransdell	Thompson
Cummins	Lee, Md.	Robinson	Underwood
Fletcher	Lewis	Shafroth	Vardaman
Gronna	Martine, N. J.	Sheppard	Walsh
Hitchcock	Myers	Shields	Watson
Hollis	Norris	Smith, Ariz.	Williams
Hughes	Overman	Smith, S. C.	

NAYS—18.

Borah	Gallinger	Nelson	Tillman
Brandegee	Jones	Page	Wadsworth
Clark	Kenyon	Reed	Warren
Fall	Lodge	Sherman	
Fernald	McCumber	Smoot	

NOT VOTING—35.

Ashurst	du Pont	Lippitt	Simmons
Broussard	Goff	McLean	Smith, Ga.
Catron	Gore	Martin, Va.	Smith, Md.
Chamberlain	Harding	Newlands	Smith, Mich.
Clapp	Hardwick	O'Gorman	Sutherland
Colt	Husting	Oliver	Townsend
Culberson	Kern	Owen	Weeks
Curtis	Kirby	Penrose	Works
Dillingham	Lea, Tenn.	Saulsbury	

So Mr. ROBINSON's amendment to the amendment of the committee was agreed to.

Mr. HOLLIS. I wish to offer an amendment.

Mr. JONES. Mr. President——

Mr. OVERMAN. Before any more business is done——

Mr. JONES. I desire merely to offer an amendment for printing.

Mr. HOLLIS. I yield to the Senator from Washington.

Mr. JONES. I submit an amendment which I intend to offer to the bill proposing to strike out all the unnecessary committees of the Senate. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Without objection, the amendment will be printed and lie on the table.

Mr. OVERMAN. Will the Senator from New Hampshire yield to me?

Mr. HOLLIS. I yield.

Mr. OVERMAN. I wish to lay the appropriation bill aside for to-day, and I call the attention of the Senator from Montana

[Mr. MYERS] to it so that the unfinished business may not lose its place. After it is laid aside and the unfinished business is laid before the Senate, I will then ask that a message from the President of the United States be read. The appropriation bill will be laid aside until to-morrow, and I give notice that at the close of the morning business I shall ask the Senate to resume its consideration.

NAVAL OIL SUPPLY.

Mr. PHELAN. Mr. President, I should like to insert in the RECORD correspondence with the Secretary of the Interior on the subject of the oil-leasing bill growing out of a discussion in this body a few days ago. I am sure it will elucidate the matter.

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

JANUARY 15, 1917.

MY DEAR MR. SECRETARY: Referring to your letter of January 10, 1917, addressed to Senator THOMAS, which was recently read in the Senate and which appears in the CONGRESSIONAL RECORD of January 12, I beg to say that your reference to the original amendment proposed by me has led to some confusion in the minds of Senators as to the attitude of the department toward the general leasing bill in so far as it grants relief to the California locators.

You seem to be ignorant of the fact that on calendar day, January the 5th, 1917, I introduced two amendments to H. R. 406 as a report from the Committee on Public Lands of the Senate—one to section 9 and one to section 10—which amendments I herewith inclose for the purpose of eliciting an expression of your views.

Senator THOMAS stated correctly that the attorney from your department, Mr. Finney, gave his approval to the amendment to section 9, and when asked made no objection to section 10, with the concurrence of Mr. Clay Tallman, Commissioner of the General Land Office, who was present. These two gentlemen represented your department at the conference where the Public Lands Committees of the Senate and the House, the Department of the Navy, and the Department of Justice were represented. The amendment proposed by me to section 9, with the exception of the date, is the same amendment in words and form that was submitted by Mr. Tallman and Mr. Finney as agreeable to the department and offered as a compromise measure to the conference, but which was not finally approved, although received hospitably by the Navy Department and the Department of Justice.

I assume that these departments are standing upon their legal victories where the courts, in interpreting the Pickett Act, very strictly construed its provisions against the locators of oil lands, whereas it was the legislative intent to grant them relief. As lawmakers, we are endeavoring to correct the relief legislation as originally intended, to meet the legal objections raised by the courts.

Now, as Mr. Finney and Mr. Tallman, representatives of your department at the conference, submitted and approved the amendment to section 9 as above, which I introduced on January 12 in the Senate, I desire to know from you if this amendment has your approval. I would also like to know your opinion as to the amendment to section 10, considered independently of the amendment to section 9.

I have the assurance of the California Oil Association that the holders of patented lands in naval reserve No. 1 will relinquish their claims provided the relief proposed in this bill is granted and by that means I believe the conference has accomplished much for the Navy by insuring it an undisputed reserve in naval reserve No. 1. Naval reserve No. 2, which is practically the only reserve affected by this proposed amendment, can not, in any event, on account of the large number of wells therein now in operation and held in private ownership, be regarded as a reserve at all, no matter what action may be taken by the Congress.

Very truly, yours,

JAMES D. PHELAN.

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THE SECRETARY OF THE INTERIOR,
Washington, January 17, 1917.

MY DEAR SENATOR: As you assume, I was ignorant of the new Phelan amendment to which you refer. I did not know that there was a new Phelan amendment when I wrote to Senator Thomas. I did know, however, that there had been an effort made by your committee to arrive at an adjustment with the Secretary of the Navy and the Attorney General, but I did not know that this had ever been put into the shape of an amendment to the general oil-leasing bill, or that it had been submitted formally to your committee or the Senate. In this effort Commissioner Tallman and Mr. Finney, of this department, were authorized by me to give all the help possible to your committee and to make suggestions that might lead to breaking the deadlock that keeps our oil lands undeveloped. I understand that this amendment was in part suggested by them as a possible basis for compromise.

In advocating the passage of the general oil-leasing bill in my report for 1915 I touched upon one phase of the oil situation, saying:

"President Taft withdrew a large acreage in California and in Wyoming after much of it had been filed upon and after some development had been begun on a part of the lands. This withdrawal took place in September, 1909, and withdrew part of the lands for the benefit of the Navy as a fuel reserve and other of the lands were to be held awaiting appropriate legislation for their disposal. The total acreage withdrawn was 3,041,000 acres, of which perhaps one-half was then in private ownership. There was doubt at the time of these withdrawals as to their legality, there being no specific statute on the books authorizing the action. So serious was this doubt that as a precautionary measure Congress at its next session passed an act authorizing such withdrawals, and the same lands were subsequently, in July, 1910, withdrawn again. It was the opinion of many of the most competent members of the bar that the withdrawal of 1909 was void and the operators proceeded to act in accordance with this advice. The result was that when the second withdrawal, that of 1910, was made, there were a large number of operators engaged in drilling and some had already found oil on these lands. The Government insisted upon the validity of the 1909 withdrawal, and after failing to have its view sustained in the lower courts, was at last successful before the Supreme Court. So that to-day those who were not engaged in actual development of the lands at the time of the first withdrawal have no legal title to the lands. If the full measure of the Government's right is acted upon as a basis of our policy in dealing with these lands, it will bankrupt many oil companies and do what appears to me to be an injustive and an unnecessary injustice to those who have invested many millions of dollars under a mistake as to the law. I shall not assume to say what policy should be followed as to naval reserves, but as to the other withdrawn lands I believe Congress (which is the one forum wherein relief can be sought) should so act as to recognize the equitable rights of those operators. This might be done by saying that those who would to-day be entitled to patent were the land not withdrawn may have leases under which they will pay a liberal royalty to the Government. This plan will doubtless be urged. I am of the opinion that it is too liberal. We might draw a line at the time of the second withdrawal. If this were done, leases could be made to all who were actually operating upon this land at that time. And if it is thought advisable, there could be imposed a higher royalty than would be called for under the general development bill. I feel that this is one of those situations often arising in the life of the individual and of the State when it is not wise to exact all that the law allows even as to those who are in the wrong."

As you will note from the above quotation, I did not assume to say what policy should be followed as to the naval reserves, but urged that as to the other withdrawn lands Congress should so act as to recognize the equitable rights of those operators who had gone upon the lands and developed them. There are now withdrawn from public entry a total of 6,570,232 acres of oil lands. These withdrawals have been made upon the advice of the Geological Survey. Of this great body of land there are reserved for naval purposes, Naval Reserve No. 1, 38,068 acres in California; Naval Reserve No. 2, 30,181 acres in California; Naval Reserve No. 3, 9,481 acres in Wyoming; a total of 77,730 acres, exclusive of two withdrawals recently made of naval oil shale in Utah and Colorado, totaling 132,024 acres. So that we have oil withdrawals of nearly six and a half million acres which are not held as naval reserves. Two of the naval reserves, No. 1 and No. 3 (estimated to contain approximately 130,000,000 barrels), are either free of private claims or can be made so. Naval Reserve No. 2 is within the patented land grant of the Southern Pacific Co., and also includes several thousand acres patented to the State of California and private individuals. So that there is comparatively a small amount of land, perhaps less than 5,000 acres, which would be affected by the relief provisions of your amendment. The Government has sued for the alternate sections within these reserves, and if these are recovered these lands would not be subject to the provisions of this bill, as I understand it.

It had seemed to me that to withhold such legislation as the proposed general leasing bill, and thus keep over 6,000,000 acres of oil lands locked up indefinitely, because there is doubt as to the policy that should be pursued as to part of one naval oil reserve, is not the wisest course, as it would permit one obstacle to master a truly national need. Therefore I had hoped that a plan could be developed by which these conflicts could be avoided and a bill agreed upon that would, perhaps, not be entirely satisfactory to anyone and yet be so reasonable as to insure its passage by both Houses.

If it is your desire to secure my personal view as to the wisdom of compromising, as proposed, with the locators on the one naval reservation involved (No. 2), I would say that I can not properly give such opinion because another department of the Government is primarily involved in such action.

It is not to be overlooked that the present bill involves not only oil but phosphate, potash, and sodium lands, of which we have several millions of acres under withdrawal. The time is ripe for the development of these lands to furnish fertilizers for our soil and chemicals that are invaluable to the Army and the Navy, as well as to many industries.

Cordially, yours,

FRANKLIN K. LANE.

Hon. JAMES D. PHELAN,
United States Senate.

WATER-POWER DEVELOPMENT.

Mr. MYERS. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 408.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I understood the Senator from North Carolina to state that he was going to ask that a message from the President of the United States be laid before the Senate.

Mr OVERMAN. I make that request. I merely yielded to the Senator from Montana to call up the unfinished business.

DEATH OF ADMIRAL DEWEY (H. DOC. NO. 1945).

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The message was read, as follows:

To the Senate and House of Representatives:

It is with the deepest regret that I announce to the Congress the death of Admiral George Dewey at 5.56 o'clock on the afternoon of yesterday, the 16th of January, at his residence in this city.

Admiral Dewey entered the naval service of the country as an acting midshipman from the first congressional district of Vermont on September 23, 1854; was graduated from the Naval Academy as midshipman June 11, 1858; served with distinction throughout the war of 1861–1865; and 30 years later had risen to the rank of commodore. It was as commodore that he rendered the service in the action of Manila Bay which has given him a place forever memorable in the naval annals of the country. At the time of his death he held the exceptional rank of the

Admiral of the Navy by special act of Congress. During the later years of his life he was the honored president of the General Board of the Navy, to whose duties he gave the most assiduous attention, and in which office he rendered a service to the Navy quite invaluable in its sincerity and quality of practical sagacity.

It is pleasant to recall what qualities gave him his well-deserved fame—his practical directness, his courage without self-consciousness, his efficient capacity in matters of administration, the readiness to fight without asking any questions or hesitating about any detail. It was by such qualities that he continued and added luster to the best traditions of our Navy. He had the stuff in him which all true men admire and upon which all statesmen must depend in hours of peril. The people and the Government of the United States will always rejoice to perpetuate his name in all honor and affection.

WOODROW WILSON.

THE WHITE HOUSE, *January 17, 1917.*

Mr. TILLMAN. Mr. President, our country has lost another great naval hero. George Dewey, Admiral of the Navy and hero of Manila Bay, died last evening at 5.56 o'clock. His spirit was the spirit of John Paul Jones, of Stephen Decatur, of James Lawrence, of Oliver Hazard Perry, of David Farragut. He upheld and illustrated the traditions which these men and others like them established. He knew no fear. His first thought always was the Navy and his duty to it, as was his last thought. John Paul Jones, with his ship sinking under, replied, in answer to a summons to surrender, "I have not yet begun to fight"; Perry's message after his famous victory was "We have met the enemy and they are ours"; James Lawrence, mortally wounded, shouting with his last breath, "Don't give up the ship"; Farragut, sailing into Mobile Bay, which was said to be filled with torpedoes, said, "Damn the torpedoes; go ahead"; and Dewey, entering Manila Bay, with mines and torpedoes under him and shore batteries and enemy ships firing on him, uttered not a word until he gave the famous order, clearly and quietly, as if he were talking of another matter, "You may fire when you are ready, Gridley."

Admiral Dewey was a lineal descendant of the heroes who preceded him. We can not do him too much honor.

I ask immediate consideration of the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 321) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has learned with profound grief of the death of Admiral of the Navy George Dewey, who has served his country brilliantly for more than 62 years.

Resolved, That the President of the Senate is directed to transmit to his bereaved family a copy of these resolutions and an assurance of the sympathy of the Senate in the loss they have sustained.

Resolved, That the President of the Senate appoint a committee of seven Members to confer with a like committee of the House, and, after consultation with the family of the deceased, to take such action as may be appropriate in regard to the public funeral of Admiral Dewey.

The VICE PRESIDENT, under the third resolution, appointed as the committee on the part of the Senate Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. JOHNSON of Maine, Mr. CLAPP, Mr. LODGE, and Mr. PAGE.

Mr. TILLMAN. Mr. President, I move, as a further mark of respect, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 18, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 17, 1917.*

The House met at 12 o'clock noon.

Rabbi Isidore Lewinthal, of Nashville, Tenn., offered the following prayer:

O Lord God, to Thee do we come in this hour and ask for Thy guidance. Do Thou grant wisdom and understanding to the Members of this House, so that they may acquit themselves of and discharge their duties as fully as their hearts desire to do so.

We thank thee, O Lord, that the lines have been cast to us in pleasant places. We have indeed a goodly heritage. We stand upon a shore unshaken, to look out upon the nations of the earth that are rocked and tossed as a ship upon the sea bestormed. We are in peace, while they are in tumult; we are without blood, while they are walking in garments rolled in blood. O do Thou grant that these struggles may speedily tend toward peace.

We beseech Thee that Thou wilt unite the hearts of men together in common citizenship; may they be inspired with a common desire for purity, for uprightness, for integrity in civil things.

O grant that in this great Nation there may be none that shall shrink from duty, none shall fear to speak and act for truth and for liberty. Grant that evil be smitten down and pierced through and destroyed, justice established, purity in the place of corruption stand forth, and all nations see the beginning of Thy salvation in the midst of this people. Into Thy keeping do we commend the President of these United States, the Speaker of this House, the Members of this Congress, and all the constituted authorities, so that through them order may be preserved and right and liberty be fostered. And Thine alone, O God, shall be the praise and glory, now and evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10384. An act to regulate the immigration of aliens to, and the residence of aliens in, the United States.

LEAVE OF ABSENCE.

Mr. PRATT, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business to-day.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense with Calendar Wednesday business to-day. Is there objection?

Mr. KEATING. I object, Mr. Speaker.

Mr. KITCHIN. I move, then, Mr. Speaker, that we dispense with the business of Calendar Wednesday to-day.

The SPEAKER. The gentleman from North Carolina moves that the business of Calendar Wednesday be dispensed with to-day. The question is on agreeing to that motion.

The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds——

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. KEATING. Mr. Speaker, I desire to withhold the point of no quorum in order that the Committee on Rules may present a matter to the House.

The SPEAKER. The gentleman withholds the point of order.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was the motion of the gentleman from North Carolina [Mr. KITCHIN] agreed to?

The SPEAKER. No. The gentleman from Colorado [Mr. KEATING] raised the point of no quorum, and the Chair started to count, and then he withdrew his point of no quorum long enough for the gentleman from North Carolina [Mr. POU] to make some kind of a motion or report. The motion of the gentleman from North Carolina [Mr. KITCHIN] is still pending.

Mr. MANN. What is the effect of it, then?

The SPEAKER. The gentleman from Colorado [Mr. KEATING] withdrew his point of order that there is no quorum present.

Mr. MANN. Then the motion of the gentleman from North Carolina [Mr. KITCHIN] was agreed to?

The SPEAKER. No. It never was put.

Mr. MANN. Oh, yes; the Chair put it and declared it was carried.

The SPEAKER. The Chair had forgotten that.

Mr. KEATING. Mr. Speaker, the Chair will recall that I withdrew the motion for the purpose of allowing the gentleman from North Carolina [Mr. POU] to present this matter from the Committee on Rules.

The SPEAKER. The gentleman "withheld"—that is the language he used—his point of order that there was no quorum present and stated specifically that he did it to give the gentleman from North Carolina [Mr. POU] a chance to do something. I do not know what it is that he wants to do.

Mr. MANN. He may renew his point of no quorum, but it will not have any effect on the vote that was taken.

Mr. KEATING. Then I can not withdraw my point of no quorum?

Mr. MANN. The gentleman can not do what he tried to do.

The SPEAKER. What was the point the gentleman from Illinois makes?

Mr. MANN. A vote was taken, and the Chair must declare the result of it.

The SPEAKER. The Chair was going to do it, and the gentleman from Colorado intervened with the point of order that there was no quorum present.

Mr. MANN. I understand; but you can not bring in, before the Chair disclosed the result of it, some other matter.

Mr. KITCHIN. Except by unanimous consent. I think the gentleman from Illinois is correct. The Chair had already announced the vote, and the gentleman from Colorado made the point of no quorum.

The SPEAKER. If the gentleman from Colorado insists upon his point of order, the Chair will have to sustain it.

Mr. KEATING. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. The Chair will count.

Mr. KEATING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEATING. In case the Chair finds a quorum is not present, will a vote come on the motion of the gentleman from North Carolina?

The SPEAKER. It will. [After counting.] One hundred and fifty-eight gentlemen present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on dispensing with Calendar Wednesday business for to-day.

The question was taken; and there were—yeas 319, nays 31, answered "present" 0, not voting 84, as follows:

YEAS—319.

Abercrombie	Davenport	Harrison, Miss.	McLaughlin
Adair	Davis, Tex.	Haskell	McLemore
Adamson	Decker	Hastings	Magee
Aiken	Dempsey	Haugen	Maher
Alexander	Denison	Hawley	Mann
Allen	Dent	Hayden	Martin
Almon	Dickinson	Hayes	Matthews
Anthony	Dies	Heaton	Mays
Aswell	Dill	Heflin	Miller, Minn.
Austin	Dillon	Helm	Miller, Pa.
Ayres	Dixon	Helvering	Mondell
Bailey	Doolittle	Hensley	Montague
Barkley	Doremus	Hernandez	Moon
Barnhart	Doughton	Hicks	Moore, Pa.
Bell	Dowell	Hilliard	Moores, Ind.
Black	Drukker	Holland	Morgan, La.
Blackmon	Dunn	Hollingsworth	Morgan, Okla.
Booher	Dupré	Hood	Mott
Borland	Dyer	Hopwood	Mudd
Bowers	Eagan	Houston	Murray
Britt	Eagle	Howard	Nelson
Britten	Edmonds	Howell	Nicholls, S. C.
Browne	Elston	Huddleston	Nichols, Mich.
Browning	Emerson	Hughes	North
Bruckner	Esch	Hulbert	Norton
Brumbaugh	Estopinal	Hull, Iowa	Oldfield
Buchanan, Tex.	Evans	Hull, Tenn.	Oliver
Burgess	Fairchild	Husted	Olney
Burke	Farley	Hutchinson	O'Shaunessy
Burnett	Farr	Igoe	Page, N. C.
Byrns, Tenn.	Fields	James	Paige, Mass.
Caldwell	Fitzgerald	Jones	Park
Campbell	Flynn	Kahn	Parker, N. J.
Candler, Miss.	Focht	Kearns	Parker, N. Y.
Cannon	Fordney	Kelley	Patten
Capstick	Foss	Kettner	Phelan
Caraway	Foster	Key, Ohio	Platt
Carew	Freeman	Kiess, Pa.	Porter
Carlin	Fuller	Kincheloe	Pou
Carter, Okla.	Gallagher	King	Powers
Chandler, N. Y.	Gandy	Kinkaid	Quin
Charles	Gard	Kitchin	Ragsdale
Clark, Fla.	Garland	Konop	Raker
Cline	Garner	Lafean	Ramseyer
Coleman	Garrett	Lazaro	Randall
Collier	Gillett	Lee	Rayburn
Connelly	Glynn	Lehlbach	Ricketts
Conry	Godwin, N. C.	Lesher	Riordan
Cooper, Ohio	Gordon	Linthicum	Rodenberg
Cooper, W. Va.	Gould	Littlepage	Rogers
Cooper, Wis.	Gray, Ala.	Lloyd	Rouse
Copley	Gray, N. J.	London	Rowe
Cox	Green, Iowa	Loud	Rubey
Crago	Greene, Mass.	McAndrews	Rucker, Ga.
Crisp	Greene, Vt.	McArthur	Rucker, Mo.
Crosser	Gregg	McCracken	Russell, Mo.
Curry	Griest	McCulloch	Saunders
Dale, N. Y.	Guernsey	McDermott	Scott, Mich.
Dale, Vt.	Hadley	McFadden	Sears
Dallinger	Hamilton, Mich.	McGillicuddy	Sells
Danforth	Hamlin	McKellar	Shackleford
Darrow	Hardy	McKinley	Shallenberger
Sherwood	Stedman	Talbott	Wason
Shouse	Steele, Iowa	Taylor, Ark.	Watkins
Siegel	Steele, Pa.	Temple	Watson, Pa.
Sims	Steenerson	Thomas	Watson, Va.
Sisson	Stephens, Miss.	Thompson	Webb
Slayden	Stephens, Nebr.	Tillman	Whaley
Slemp	Stephens, Tex.	Tilson	Wheeler
Sloan	Sterling	Timberlake	Williams, T. S.
Small	Stone	Tinkham	Williams, Ohio
Smith, Mich.	Stout	Towner	Wilson, Ill.
Smith, Minn.	Sullivan	Treadway	Wilson, La.
Smith, N. Y.	Sumners	Van Dyke	Wingo
Smith, Tex.	Sutherland	Venable	Winslow
Snell	Sweet	Vinson	Wood, Ind.
Snyder	Swift	Volstead	Woods, Iowa
Sparkman	Switzer	Walker	Young, N. Dak.
Stafford	Taggart	Walsh	Young, Tex.
Steagall	Tague	Ward	

NAYS—31.

Anderson	Frear	La Follette	Moss
Ashbrook	Good	Lenroot	Nolan
Buchanan, Ill.	Gray, Ind.	Lindbergh	Oakey
Butler	Helgesen	McKenzie	Reavis
Cary	Humphrey, Wash.	Madden	Reilly
Cramton	Johnson, Ky.	Mapes	Schall
Ellsworth	Johnson, Wash.	Miller, Del.	Tavenner
Fess	Keating	Morrison	

NOT VOTING—84.

Bacharach	Ferris	Kennedy, R. I.	Price
Barchfeld	Finley	Kent	Rainey
Beakes	Flood	Kreider	Rauch
Beales	Gallivan	Langley	Roberts, Mass.
Benedict	Gardner	Lever	Roberts, Nev.
Bennet	Glass	Lewis	Rowland
Byrnes, S. C.	Goodwin, Ark.	Lieb	Russell, Ohio
Callaway	Graham	Liebel	Sabath
Cantrill	Griffin	Lobeck	Sanford
Carter, Mass.	Hamill	Loft	Scott, Pa.
Casey	Hamilton, N. Y.	Longworth	Scully
Chiperfield	Harrison, Va.	McClintic	Sherley
Church	Hart	Meeker	Sinnott
Coady	Henry	Mooney	Smith, Idaho
Costello	Hill	Morin	Stiness
Cullop	Hinds	Neely	Taylor, Colo.
Davis, Minn.	Humphreys, Miss.	Oglesby	Vare
Dewalt	Jacoway	Overmyer	Williams, W. E.
Dooling	Johnson, S. Dak.	Padgett	Wilson, Fla.
Driscoll	Keister	Peters	Wise
Edwards	Kennedy, Iowa	Pratt	Woodyard

So the motion to dispense with Calendar Wednesday was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. GOODWIN of Arkansas with Mr. STINESS.

Mr. LOBECK with Mr. CHIPERFIELD.

Mr. LEVER with Mr. DAVIS of Minnesota.

Mr. HUMPHREYS of Mississippi with Mr. MOONEY.

Mr. HAMILL with Mr. SCOTT of Pennsylvania.

Mr. GALLIVAN with Mr. HILL.

Mr. FLOOD with Mr. KENNEDY of Rhode Island.

Mr. CASEY with Mr. ROBERTS of Nevada.

Mr. CALLAWAY with Mr. SANFORD.

Mr. BEAKES with Mr. HAMILTON of New York.

Mr. SCULLY with Mr. HINDS.

Mr. TAYLOR of Colorado with Mr. LONGWORTH.

Mr. NEELY with Mr. PRATT.

Mr. BYRNES of South Carolina with Mr. BACHARACH.

Mr. CANTRILL with Mr. BARCHFELD.

Mr. CHURCH with Mr. BEALES.

Mr. COADY with Mr. BENEDICT.

Mr. OVERMYER with Mr. BENNET.

Mr. DEWALT with Mr. CARTER of Massachusetts.

Mr. DOOLING with Mr. COSTELLO.

Mr. DRISCOLL with Mr. GRAHAM.

Mr. WISE with Mr. JOHNSON of South Dakota.

Mr. FERRIS with Mr. KEISTER.

Mr. FINLEY with Mr. KENNEDY of Iowa.

Mr. FLOOD with Mr. KREIDER.

Mr. GLASS with Mr. LANGLEY.

Mr. GRIFFIN with Mr. MEEKER.

Mr. HARRISON of Virginia with Mr. MORIN.

Mr. SABATH with Mr. PETERS.

Mr. RAUCH with Mr. ROBERTS of Massachusetts.

Mr. JACOWAY with Mr. ROWLAND.

Mr. SHERLEY with Mr. RUSSELL of Ohio.

Mr. RAINEY with Mr. SINNOTT.

Mr. LIEBEL with Mr. SMITH of Idaho.

Mr. LOFT with Mr. VARE.

Mr. MCCLINTIC with Mr. WOODYARD.

The result of the vote was announced as above recorded.

RULES COMMITTEE COMMITTEE HEARINGS.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I ask unanimous consent that the time within which to report on House resolution 429 be extended to 30 days.

The SPEAKER. From to-day?

Mr. POU. From this day.

The SPEAKER. The gentleman from North Carolina, by the direction of the Committee on Rules, asks unanimous consent that the time for the investigation which the committee has been making be extended 30 days from to-day. Is there objection?

Mr. STAFFORD. Reserving the right to object, I assume that the Committee on Rules is proceeding with the idea that the committee itself will go on with the investigation rather than to have a separate committee of the House appointed to investigate the leak charges?

Mr. POU. Not entirely so. I think most of the majority and the minority of the committee feel that we should go further.

Mr. STAFFORD. I believe the gentleman has a further resolution authorizing the committee to employ counsel aiding in the investigation of these charges?

Mr. POU. That is true.

Mr. STAFFORD. Is not that predicated on the idea that the committee itself should go into an investigation of the various charges rather than to permit an investigation by another committee?

Mr. POU. It is.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. CAMPBELL. Reserving the right to object, Mr. Speaker, I want to state for the minority members of the Committee on Rules that they have felt and now feel that a special committee should have been appointed to make the investigation; but if that is not to be done, they do feel that the Committee on Rules should proceed with the investigation and that that committee should be equipped in every way to make a thorough investigation.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. GREEN of Iowa. Would not the acceptance of this proposition mean that there would be no special committee?

Mr. CAMPBELL. That may be the result of the action here to-day, that the investigation shall be made by the committee, as stated by the gentleman from North Carolina.

Mr. BARNHART. Will the gentleman yield to me?

Mr. CAMPBELL. Yes.

Mr. BARNHART. What reason does the minority entertain for saying that a special committee would be more efficient than the Committee on Rules?

Mr. CAMPBELL. In the first place, this is the short session, and the Committee on Rules has a great deal of work to do. As one member of that committee I have thought that a special committee should be appointed and the Committee on Rules left to do the usual work of that committee.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I want to ask the gentleman from North Carolina a question. In response to a question propounded by the gentleman from Wisconsin [Mr. STAFFORD] the gentleman from North Carolina stated that he had a resolution authorizing the Committee on Rules to employ counsel. I would like to ask the gentleman if he intends to give the House, after the introduction of the resolution, any time in which to debate that particular portion of this investigation.

Mr. POU. I have no objection to a reasonable time.

Mr. HOWARD. The reason that I reserved an objection and asked the question is that I am basing what I am about to say on what I have seen in the morning press. I want at least two or three minutes to make some observations on the character of counsel that will probably be employed and the amount that is going to be paid to him, and so forth and so on. If the previous question is going to be moved on this resolution immediately upon its being read, I shall necessarily, viewing this important matter from my own standpoint, interpose an objection to any unanimous-consent agreement.

Mr. LENROOT. But the only question now is the unanimous consent for extension of time.

Mr. HOWARD. I have no objection to the extension of time as long as this committee thinks it is wise for a thorough investigation. If the press report is true, I would like one or two minutes to say a few things.

Mr. COOPER of Wisconsin rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. To reserve the right to object. I want to ask the gentleman from North Carolina how long a time there will be to discuss the question of the appointment of counsel.

Mr. POU. I think the gentleman from Kansas and myself will have no trouble in agreeing on the time.

Mr. CAMPBELL. The gentleman from North Carolina will have an hour, and can divide up that time if he sees fit. I have no doubt he will give half of an hour of the time to this side of the House.

Mr. POU. I certainly will.

Mr. COOPER of Wisconsin. Mr. Speaker, this investigation, this whole business, is not only vastly important but in some respects it is also deplorable, because thus far the proceedings have tended to confirm the suspicions already too prevalent throughout the country that there is no fine sense of honor in the public life of this Nation. Already it has degenerated into a partisan struggle. I regretted exceedingly, during the debate the other day, to hear members of the Committee on Rules—the committee conducting this investigation—charge that this side of the House was actuated only by a desire to cripple the efforts of the President in his negotiations for peace—a motive as thoroughly despicable as any that could actuate the members of a legislative body. And yet three members of the Rules Committee declared here in debate that we on this side of the aisle were prompted by that motive in urging an investigation of charges which put a stain upon the reputation of the American House of Representatives.

Now, it is in my mind a serious question what sort of counsel a committee whose majority hold such views and make such charges would employ, and what kind of an investigation we would have?

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this discussion is not in order at this time.

The SPEAKER. Does the gentleman from North Carolina mean 30 calendar days or 30 legislative days?

Mr. POU. Thirty calendar days.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to extend the time for this investigation for 30 calendar days?

Mr. GREEN of Iowa rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GREEN of Iowa. To reserve the right to object, and to ask the gentleman from North Carolina a question. Does the gentleman from North Carolina think that it is entirely proper that the Committee on Rules should proceed with an inquiry and investigation which involves a charge against one of its members?

Mr. POU. I think the committee will not be subject to any criticism in that respect; that is all I can say about it.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 451.

Authorizing the Committee on Rules to employ counsel and accountants, to sit during the sessions of the House and outside of Washington, and providing for expenses.

Resolved, That in the consideration of House resolutions 420, 429, and 446, referred to the Committee on Rules, said committee be and is authorized and empowered to employ counsel to aid in conducting the investigations which it has been directed by the House to make, and also to employ such expert accountants familiar with stock-exchange transactions as may be found necessary in conducting said investigation.

The Committee on Rules or any subcommittee thereof is authorized in the consideration of said resolutions to sit during the sessions of the House in Washington or elsewhere.

The expenses incident to the employment of counsel and accountants and those of the committee or subcommittee when sitting outside of Washington shall be paid out of the contingent fund of the House on vouchers signed by the chairman or acting chairman of said committee.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether the committee has considered a limitation upon the amount that might be expended? It is customary in resolutions delegating authority to investigating committees to place some maximum amount on the sum to be expended by the committee. At least such was the practice in connection with the famous Michael Mulhall investigating committee, and it had a commendable effect upon the committee in its procedure. That committee, it is true, did not see fit to employ counsel. Members of the committee themselves performed the work of counsel. True, it was laborious work, but I do not question that counsel would be a valuable aid to this committee, and also an accountant in the investigation under consideration. I wish to submit the query whether there should not be some safeguarding of the interests of the Treasury, some limit beyond which the committee may not go in the matter of expenditures, so that they would not employ counsel without having some understanding in the beginning as to the amount counsel would charge for the work performed for this committee.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object in order that I may propound that inquiry.

Mr. HASTINGS. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. STAFFORD. If the gentleman can not give me an opportunity to propound an inquiry, I shall have to object.

Mr. GARRETT. Mr. Speaker, if the gentleman will withhold that demand for the regular order for a moment, I would like to state that I think there will not be any objection to placing a limitation upon the amount, if it is desired by the House to do so, and, so far as the Committee on Rules is concerned, it is simply performing the duty thrust upon it by the House. We want the House to direct us what to do and what to expend. I do not think there will be any objection whatever to that course, if it is deemed desirable by the House.

Mr. LLOYD. Mr. Speaker, I wish to call the attention of the House to the fact that in all these matters where there has been an opportunity to employ counsel there has been serious complaint in this House when the amount of fees that were to be paid were known. The H. Snowden Marshall case that is now pending in this Congress has cost the Congress nearly $20,000. The attorneys' fees are somewhere between $11,000 and $15,000. In the Pujo investigation it will be remembered what a contest we had upon the floor of the House about the fees that should be paid the attorneys in that case. In that case they amounted to $15,000.

Mr. FITZGERALD. Mr. Speaker, if the House of Representatives is to employ counsel it ought to have the best counsel that can be had, and it can not afford to haggle about the price. If we can not afford to pay the ordinary charges that eminent lawyers in this country would charge some one else for the same service, we ought to quit and not try to get them. If we want somebody who is not competent, who is unfit, if we want to haggle over the price that he is to charge for his services, we better keep out of the market and not try to get any legal counsel.

Mr. LLOYD. Mr. Speaker, I have no objection to the employment of good counsel. Personally I have no objection to the fees. I am simply calling the attention of the House to the fact now that if they want counsel the House must expect to pay good fees. That is the purpose I had in stating what I did. There ought not to be any haggling about it, as the gentleman says, but the House ought to understand in advance that if counsel is to be employed, and it desires to employ good counsel, it should be prepared to pay them the usual fees.

Mr. POU. Mr. Speaker, I do not believe that the amount that I am going to indicate will be used, but I am perfectly willing to have a proviso placed on the resolution that the amount expended shall not exceed $15,000.

Mr. STAFFORD. That would be entirely satisfactory. The purpose of drawing attention to this is not to limit the activities of the committee unduly, but merely to place some restriction on the amount, so that it could employ the character of counsel that this investigation demands, but keep it within bounds.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BURNETT. Mr. Speaker, I reserve the right to object in order that I may ask a question. Are not the majority of the members of this Committee on Rules lawyers themselves?

Mr. POU. Well, they have got licenses to practice, I believe.

Mr. BURNETT. That would seem to indicate that they are not real lawyers. If that is so, then I think the committee ought to have counsel, and I should vote for the resolution, but I dissent from the imputation of the gentleman from North Carolina. I think that every one of them is a good lawyer; and that being so, why should any lawyer be employed to conduct that investigation?

Mr. GARRETT. Mr. Speaker, will the gentleman from North Carolina permit me to make a suggestion?

Mr. POU. Certainly.

Mr. GARRETT. Mr. Speaker, this matter has taken such a range that the members of the committee, whose ultimate duty is going to be as we see it now very largely judicial in character, labor under a very considerable embarrassment in any effort on the part of themselves to conduct the examination of witnesses. I feel sure that the gentleman from Alabama, if he has followed the hearings closely, can appreciate that fact. It is true that substantially all the members of the committee, nearly all the members of the committee except two, I believe, are lawyers, but in many investigations it would not be necessary, I think, to have attorneys. We never found it necessary, as has been stated by the gentleman from Wisconsin, who was a very worthy, able, and efficient member of the special committee, to employ counsel in the Mulhall investigation, because it never reached that point where there was any embarrassment to the committee acting both as attorneys in the question and as judges on the final result, but in this investigation that situation has arisen. Then, there is this additional reason, I will say to the gentleman, while we are lawyers on the committee, most of us, there are certain things none of us know very much about; that is, the ins and outs of the stock exchange in New York, which will be involved in this investigation.

Mr. BURNETT. Then, the idea would be to employ some one familiar with those technical details and not a general lawyer like members of the committee are?

Mr. GARRETT. That is my idea.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GARRETT. By permission of the gentleman from Tennessee, I would suggest if we possibly could get to the point of considering this resolution, then debate can follow that.

Mr. MOORE of Pennsylvania. I have heard several names mentioned, one is that of Samuel Untermyer, of New York, and some gentlemen have indicated that such an appointment might not be wise. I have no suggestion to make about it, because the committee is able to handle that question itself, but names of men like Charles E. Hughes have been suggested and may be worthy of consideration. [Applause on the Republican side.]

SEVERAL DEMOCRATIC MEMBERS. Who is he?

Mr. RAGSDALE. Mr. Speaker, reserving the right to object, if the gentleman will permit——

Mr. GARRETT. I yield to the gentleman.

Mr. RAGSDALE. Does not the gentleman think that the embarrassment to which he refers on the part of members of the committee may be relieved by selecting, say, three lawyers from the Committee on the Judiciary to conduct this investigation, and empower them, if they found it was necessary, to get outside counsel to assist them, if they so desired?

Mr. GARRETT. Well, I do not see, Mr. Speaker, where that would make any difference to the committee. It is not on account of anything in that way that makes embarrassment. It is by virtue of the relation by which members occupy to it and the duties they have to perform. The duties they have to perform are largely judicial in character. I think the same thing applies to any special committee created.

Mr. RAGSDALE. But my position was this, if the gentleman will permit me. The gentleman's committee discharges the duty of judges. Why not select from another committee three lawyers who can handle this investigation. The President of the United States can find judges from the floor of the House; why can not he find lawyers here?

Mr. GARRETT. Well, I do not know. Does the gentleman mean to get Members of the House who will perform the function of examiners before the committee?

Mr. RAGSDALE. Yes, sir.

Mr. GARRETT. Well, that might be done, but whether or not they would be willing to perform the duty is another thing.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman permit one question?

Mr. GARRETT. I will.

Mr. MILLER of Minnesota. Can the gentleman state what will be the probable scope of this inquiry?

Mr. GARRETT. I can not. The resolution is, of course, familiar to the gentleman, but I understood the gentleman to mean, if I understood him correctly, just how far the committee would go. I can not state that.

Mr. MILLER of Minnesota. As I understood, the original proposition was to authorize this committee to make a preliminary hearing to ascertain if there existed facts to justify the appointment of a special committee to make the investigation.

Mr. GARRETT. That was the original purpose.

Mr. MILLER of Minnesota. Now, is it the purpose of the Committee on Rules to conduct the special investigation themselves without contemplating the appointment of any special committee?

Mr. GARRETT. I wish to say to the gentleman that I can not at this time answer the question, because I can not speak for the committee. I would venture the opinion that there has been a difference of sentiment in the committee upon the matter. At any rate we are all agreed that up to date we have not gone far enough to make an intelligent report to the House, and I feel that this resolution ought to be passed. As to how far we will

go, that is a matter which will yet have to be determined by the committee. We have not yet gone far enough. That is all I can say, in answering the gentleman as frankly as I can; we feel that the character of report the House would expect us to make—that is, to give the information to the House that we anticipate the House would expect us to make—is beyond any report that we might now make.

Mr. MILLER of Minnesota. It seems to me that the committee can without the aid of counsel specially employed arrive at a decision as to whether there probably exists a state of facts justifying an investigation. If it is the opinion of the committee that they should proceed with the investigation, having arrived at a conclusion that there exists that state of facts, then they ought to have counsel.

Mr. GARRETT. Of course, I can not answer the gentleman more fully than I have as to that.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none. The gentleman from North Carolina is recognized for one hour.

Mr. POU. Mr. Speaker, I yield to the gentleman from Georgia [Mr. HOWARD] five minutes.

Mr. HOWARD. Mr. Speaker, I would like in my time to offer this amendment.

The SPEAKER. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: After the last word, insert:
"*Provided*, That the aggregate expenses incurred by the committee shall, in the furtherance of said investigation, not exceed the sum of $15,000."

Mr. HOWARD. Mr. Speaker and gentlemen of the House, I have introduced this amendment——

Mr. GARRETT. Will the gentleman yield before he begins his remarks?

Mr. HOWARD. With pleasure.

Mr. GARRETT. I presume that what the gentleman really desires is to limit the expense as to counsel fees and accountants. Now, for instance, if the gentleman will permit me, he provides there for the entire expenditure. The law provides witness fees and attendance, and I do not know how much has already been expended for witness fees. There have been a large number of people subpœnaed, and maybe a large number of others will be subpœnaed. I have no objection to what I think the gentleman has in mind, but it ought to be so worded as to apply simply to counsel and accountant fees, and personal expenses of the committee, if you want to apply it to them, but it ought not to affect witness fees.

Mr. HOWARD. In reply to the gentleman I would like to ask him a question. What do you anticipate this investigation is going to cost, exclusive of counsel fees and expert accountants?

Mr. GARRETT. I can not give the gentleman the slightest idea. That is utterly impossible.

Mr. HOWARD. Mr. Speaker and gentlemen of the House, from my experience in matters of this kind, and especially those dealing with the intricate machinery of the New York Stock Exchange as it is conducted, I had as soon undertake to track a spider on water as to track one of these operators in the New York Stock Exchange if he desires to hide his operations. The main purpose of my introducing this amendment was to confine the expense of this committee to an economical basis. If what I believe is the truth—and gentlemen on this committee will follow me and make an answer to this proposition—I have seen in the morning press a statement to the effect that a certain prominent New York attorney is to be employed, but whether there is any prearrangement fixing his fees and the terms of his employment or not I do not know. Without the least reflection on anybody—and he may know all about the inner workings of the New York Stock Exchange—he may be the most expert man in the United States to investigate certain phases of the New York Stock Exchange, I want to say, and I say it only in my individual capacity as a Representative of my people on the floor of this House, that that man's services are not satisfactory to me.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. HOWARD. Yes, sir; for a question.

Mr. MOORE of Pennsylvania. Does the gentleman care to give the name of the attorney referred to?

Mr. HOWARD. Of course, I will.

Mr. MOORE of Pennsylvania. Will the gentleman answer this: Did he read also that the name of that attorney was suggested by Mr. Lawson himself?

Mr. HOWARD. I did. Now, I always try to be frank, honest, and fair with my colleagues in the House. I have nothing to hide, and I say this on my responsibility as a Representative on this floor, that the services of Samuel Untermyer are not satisfactory to me and are not satisfactory to 90 per cent of my constituents. [Applause.] Men are judged by their reputations, and so far as I am concerned—and I do not reflect in the least on my distinguished colleagues on this committee—I have been a prosecuting attorney in my lifetime, and I never did allow a defendant's counsel to select the witnesses he would introduce and prescribe the procedure to which I was to be confined. And here it is being heralded from one end of this country to the other in our great daily press that Mr. Lawson, the man who has drawn the attention of the country to what I believe to be a myth, and who has shown himself in many instances to be an enigma to the great minds on this committee, so far as extracting anything material to the investigation of any probative value, on the train coming from New York to Washington had practically agreed to the employment of Samuel Untermyer to conduct this investigation. Investigate what? Lawson's side of the controversy, or the side of the country? The latter wants the truth to be known as to the vile insinuations against the highest officials connected with the public affairs of this country.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes, sir.

Mr. FESS. Would the pending amendment exclude the employment of Mr. Untermyer?

Mr. HOWARD. No, sir. But I am putting out a feeler right now. [Laughter.] That is why I introduced the amendment.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HOWARD. May I have two minutes more?

Mr. POU. Mr. Speaker, I yield to the gentleman two minutes more.

Mr. HOWARD. I am putting out a feeler, and, if this House will back me, I will put in that resolution, "*Provided further*, That the services of Samuel Untermyer as attorney shall not be procured by this committee." [Applause.] There are other men in the country that know as much about stock exchanges as he. I can refer you to half a dozen of them.

Mr. GORDON. What does the gentleman think of the amendment of the gentleman from Pennsylvania [Mr. MOORE]?

The SPEAKER. The Chair will state that it is against the rules for a Member to sit in his seat and interrupt a Member who is speaking.

Mr. HOWARD. I do not mind answering, Mr. Speaker.

The SPEAKER. I know; but the Chair insists on order. That is a disorderly proceeding.

Mr. MOORE of Pennsylvania. I suggest the gentleman make a comment on the suggestion that Charles E. Hughes, who has had vast experience, be employed by the committee.

Mr. HOWARD. Mr. Speaker, I have been taught by my good mother to speak respectfully of the dead, and I must refrain from comment. [Laughter and applause.] There are plenty of attorneys—plenty of them—who will think $10,000 for an investigation running over 15 or 20 days and the examination of probably 50 or 100 witnesses, thereby performing a patriotic duty to purify certain sources in this Government, if they are polluted, will be willing to take such a fee, from a patriotic standpoint, that will be reasonable and just. I am like the distinguished gentleman from New York [Mr. FITZGERALD]; I have always condemned the miserly and niggardly manner in which the Government of the United States has dealt with its district attorneys throughout this country, and I am not so much concerned about the size of the fee as I am about the character of the man who is to receive it.

And I believe that we ought to have in this particular instance men or a man to represent this committee of unquestioned integrity, a man at whom the finger of suspicion can not be pointed. This is an investigation of importance to the membership of this House, and we should not deal with it slightly. It involves the integrity of the very source of the Nation's Government, and if we permit men to act as attorneys for this committee, men whom the people could say were selected by the very man who brought about this investigation, to conduct it as he pleases, then we will surely be subject to the most severe and deserved criticism. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I believe that, so far as the remarks of the gentleman from Georgia [Mr. HOWARD] are concerned, the employment as counsel for this committee of either Samuel Untermyer or Mr. Hughes would be an act of such gross impropriety that it will not be considered for a moment by the committee. [Applause.]

I do not favor the limitation of the amount which this committee may expend on counsel or expert fees. I hope and believe that a thorough investigation of this matter will show that no public official in high place has been guilty of what would be treason to the country and the people by betraying the trust reposed in him. [Applause.]

But there is suspicion in the air. There are rumors of all kinds going from mouth to mouth in this Chamber, in this city, and doubtless throughout the country. Not only ourselves but these officials ought to have a thorough investigation. If they should prove to be guilty, they ought to suffer. But it is for the honor of our country to ascertain whether they are guilty, in the hope that they may be proven innocent, and when this committee proceeds, with 30 days in which to make an investigation, and they employ counsel, they ought to have the right, when the trail apparently leads to some place, to have a lawyer follow it up and bring the testimony before the committee. They may need a dozen counsel. They may need dozens of experts. There is not a long time. It has to be done quickly. They should have every facility which can be afforded to them.

This is not a partisan matter, and you can not injure this country, our Government, by proof against a Democrat in high place without injuring all of us; you can not make proof against high officials of betrayal of trusts without injuring the country and all of us. I want to see an investigation, if there be no truth in these charges, which will show to the world that high officials in the American Government, a Government of the people, are not betraying their trust; or if they are, that they shall be punished.

I would not stop on the expenditure of paltry sums of money. It would be better to spend in a case like this and know the facts than to leave it to idle rumor and have no one believe the report of a committee. [Applause.] Whoever has a suspicion, let us find out, and I hope and pray in behalf of a Republic of the people that it will be shown that our officials have not betrayed their trust. [Applause.]

Mr. POU. Mr. Speaker, I yield to the gentleman from New York [Mr. CALDWELL] two minutes.

The SPEAKER. The gentleman from New York [Mr. CALDWELL] is recognized for two minutes.

Mr. CALDWELL. Mr. Speaker, I desire to call to the attention of the House the fact that the New York Stock Exchange has 1,100 members. There is a stock exchange firm for each member, except in about 100 instances, where there are two or more members of the stock exchange belonging to a firm. In a great many instances a firm—what we call a stock exchange house, that is, a firm engaged in stock exchange business, at least one of whose members is a member of the stock exchange—has branch houses scattered throughout the United States. Some of them have as high as 40 or 50 branches.

My own personal experience has taught me that the examination of a single stock broker's books, covering the accounts of a single active trader, will require the services of an expert accountant, taking one or two or three weeks, and will cost about $250. If we undertake this investigation in the manner that Mr. Lawson asks that it be undertaken, according to his formula, we would have to have a corps of 1,000 expert accountants to finish it in 30 days.

Not only that, but after the expert accountants have gotten through with accumulating their detail you have got to take it and put it into a room where other experts can match together the evidence they have accumulated on this great fishing expedition. Are you going to get anywhere between now and the 4th day of March?

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. COOPER of Wisconsin. Will it take a thousand experts to examine the two whose names have been mentioned?

Mr. CALDWELL. No.

Mr. COOPER of Wisconsin. Well, that is all that has been suggested so far.

Mr. CALDWELL. If you take the suggestion of Mr. Lawson, who is reported as having stated in coming down on the train what counsel they are to employ, and who furnishes the formula, you will. Examine the record of Mr. Samuel Untermeyer, you will find that for many years he has been endeavoring to get some kind of a legislative body to employ him to go on this kind of a fishing excursion for his own or somebody else's benefit, not for the purpose of accumulating any evidence against any public official, because no man has found anything upon which he could base such a charge.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Is it not true that Mr. Untermyer accompanied the Secretary of the Treasury on his recent South American trip and has received honor from him?

Mr. CALDWELL. I do not know as to that.

Mr. MOORE of Pennsylvania. It is true. He was appointed by this administration to be one of the commissioners of the United States section of the International High Commission.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FOSTER. Mr. Speaker, I want to ask the gentleman from New York if Mr. Lawson did not state that Mr. Untermyer was not employed, but that he did see him on the train and talked with him in a general way only about this matter?

Mr. CALDWELL. I have repeated what I read in the newspaper reports. But I assure you in my opinion this kind of an investigation, followed along this line, will result not in an expenditure of $15,000, not $100,000, but as a matter of fact, perhaps $250,000 before you got through with it, if you followed leads of this kind and went on this kind of a fishing excursion. I favor an investigation, not a fishing expedition for ulterior purposes.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. POU. Will the gentleman from Kansas yield some of his time?

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I am opposed to this resolution. It has been charged on the street, charged in the public press, charged on the stock exchange that members high in this Government have corruptly profited by advance information as to its action. To that charge has now been added, in the same locality, a more serious one, to the effect that the majority of this committee and the majority of this House do not desire to have these matters investigated and to ascertain whether the charge is in fact true.

Let me say at the outset that I place no credit in these charges, but at the same time the Committee on Rules owes it to itself and this House owes it to itself to have the truth or falsity of those charges shown and demonstrated and passed upon by some body other than that committee. Who ever heard of a committee being appointed to investigate charges which involved one of its members? True it is that the gentleman from Texas [Mr. HENRY] is not himself charged with having performed any corrupt act, but the charge made against him in the testimony is such that if true it would necessarily lead to the conclusion that he did not desire to pursue this investigation. Still this committee proposes to keep the investigation in its control and will proceed to conclusions upon which the gentleman from Texas will vote, as to whether this investigation shall be carried further.

With what the gentleman from Illinois [Mr. MANN] has said as to the manner in which this investigation ought to be conducted I entirely agree. But that is by a true investigating committee and not the Committee on Rules, which, to a certain extent, is itself the subject of investigation. My understanding is that the minority of the committee desire to have a special committee appointed. Who believes that any special committee will be appointed if this investigation is carried on in this manner? In my opinion they need no counsel to ascertain as to whether this investigation should be carried on not by themselves but by a special committee. For that reason I am opposed to this resolution in its entirety.

Mr. POU. I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise to oppose the amendment offered by the gentleman from Georgia [Mr. HOWARD]. This proposition has become of such importance that the committee in charge of the investigation should not be handicapped, and the House can not afford to have it handicapped for the sake of economy. While this question involves the reputation or the integrity of certain citizens of this country, it goes much further than that. It involves the integrity of the American Government because of the high official positions held by some of the parties whose names have been connected with it. Therefore, if the charges are true, the truth should be known. If they are untrue, as I believe they are and as I believe a thorough

investigation will disclose, it is due not only to the men whose names have been brought in question, but it is also due to the people of the United States that their names be cleared of these charges, because of the high official position that they hold. We have had many investigations in this country, but in my opinion this is the most important investigation of them all, not because of the merits of the charges which led to the adoption of the resolution directing the investigation, but because of the range which the investigation has taken, and I for one Member of this House am unwilling to handicap this committee in the name of economy, thereby rendering it unable to thoroughly sift the whole affair, without which it may not arrive at a proper conclusion. I disagree with the gentleman from Iowa [Mr. GREEN] who preceded me, and who contends that the Committee on Rules should not be permitted to go further with the investigation, but that a new committee should be appointed. These charges do not involve the names of any of the committee investigating them, and my confidence in the membership of the committee prompts me to believe that they will deal fairly with the evidence that is presented before the committee. Therefore I think the course taken by the gentleman from Iowa [Mr. GREEN] is unjust to the Committee on Rules, and that his accusations are unwarranted. I hope in the interest of truth that this question, which has attracted the attention not only of the country but of the world, may be settled and settled right, which can not be done without a thorough investigation, which the Howard amendment would prevent. I therefore hope that this House will vote down the amendment and give the committee a free hand to make a thorough investigation, so that the truth and the whole truth may be fully known.

I am frank to say that I believe the charges are without foundation, and that the whole affair is a mean conspiracy designed to injure the reputations of certain men in high official positions by persons unfriendly to them or by "Wall Street" gamblers who have been robbed by other gamblers on the stock exchange, and who hope to precipitate a controversy which will result in an investigation of the stock exchange. Therefore the matter should not have received congressional notice. The Wood resolution should not have been adopted, but it was adopted by this House; and the very fact that it was makes it incumbent upon the House to go to the bottom of the charges which it contains. The House having dignified the charges and the resolution by notice and adoption can not now afford to permit itself to be charged with dereliction of duty in investigating same; having put its hand to the plow it can not now turn back, but must fully meet the responsibilities which it assumed by doing so or make itself ridiculous in the eyes of the country.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I do.

Mr. REAVIS. Does the gentleman believe that the chairman of the Committee on Rules, Mr. HENRY, will be enabled to weigh the testimony of the witness Lawson impartially and judicially?

Mr. FIELDS. I will say to the gentleman that the chairman of the Committee on Rules does not constitute the whole membership of that committee.

Mr. REAVIS. I am speaking with reference to a member of that committee. Do you believe that the chairman of that committee, under the circumstances, will be able judicially and impartially to weigh the testimony of the witness Lawson?

Mr. FIELDS. I will say that I think the chairman of the Committee on Rules is an honest man, and I believe that he would deal fairly with it from his point of view. I understand, of course, that because of certain phases of the controversy you might not be willing, or others might not be willing, to risk the chairman of the Committee on Rules to decide the whole question; but I want to repeat what I said, that the chairman does not constitute the whole committee, neither do I think that he, as a member of the committee, would participate in the weighing of any matter pertaining to the controversy between himself and the witness Lawson. He would leave questions of that character to the balance of the committee.

Mr. POU. Mr. Speaker, I yield one-half minute to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I desire to withdraw the amendment offered by myself.

The SPEAKER. The gentleman withdraws his amendment.

Mr. CAMPBELL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, like the gentleman from Georgia [Mr. HOWARD], I wish to give expression to my convictions and my sentiments alone. Men are governed in their actions by their environment and by their knowledge of situations and conditions, and before this Congress I wish to go on record to-day on this question. I want to say, gentlemen, that I believe this is a most colossal farce and that we are being imposed upon as no legislative body ever has been anywhere on earth. [Applause.] I believe that not for one minute does any Member of this Congress or any sensible, sane man who has knowledge of the methods of Wall Street and of men like Lawson, believe Mr. HENRY is guilty of any wrong. [Applause.] Nor do they believe that any member of the Cabinet is guilty of any wrong, or that any United States Senator is guilty of any wrong. Let me tell you why this appears to me to be such a monstrous farce. I understand that this investigation is based upon a so-called leak. What leak? A leak that the President was in favor of peace? How absurd to anyone who knows the roosters of Wall Street. Why, my friends, did not the President of the United States, early in December, declare from that stand that within a week—yea, perhaps within a day—this country might become involved in war; that, in fact, the sparks were sputtering about us then? Did the market break as a consequence of this deliverance? No; it was not rigged to break. The market breaks only when it is rigged to break. It breaks only when the country suckers are on board long, and then Wall Street waits for the opportunity. The opportunity came. [Applause.] When the market goes up, it is when the country suckers are short, and they are given the squeeze. The one thing above all other things that convinces me that this is a farce, that we ought to wash our hands not only of this amendment but that we ought to throw it all into the street as damaged, worthless goods and beneath the dignity of this self-respecting legislative body—the one thing among others which convinces me that this is a fake and sham and travesty is not only the fact that around Wall Street many of Mr. Lawson's performances are regarded counterfeit, but because it is alleged that somebody "outside" and in Washington made money on the leak, for Wall Street never allows anybody "outside" to make any money.

To save the time of Congress, to maintain our self-respect, and to save the people's money let us dismiss this whole unwarranted and unmerited investigation and consign it to the garbage can, where it belongs. [Applause.]

Mr. Speaker, if there is any motion in order that will lead to the dismissal of this whole proceeding, I desire to make it. [Applause.]

Mr. POU. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. CANDLER] three minutes.

Mr. CANDLER of Mississippi. Mr. Speaker, while some persons may be inclined to some extent to agree with some of the remarks made by the distinguished gentleman from Pennsylvania [Mr. FOCHT], who has just preceded me, we all must recognize the fact that this House, by unanimous consent, only a few days ago sent these resolutions now pending before the House back to that committee with instructions to further investigate. The investigation has gone to that extent that it is believed it is necessary to go further, and this morning, by unanimous consent of this House, the committee was granted 30 days' additional time to make a full and complete and thorough investigation of all the charges, complaints, and insinuations connected with this whole affair.

Now, Mr. Speaker, I believe we mean what we say and are in real earnest about this investigation; and if so, there should be no limitation placed on this committee, upon its powers of investigation, or upon the funds to be used by it in making the investigation. Whether there is anything in the charges or not is to be determined, but there is no question but what they are floating around from one end of the country to the other, and headlines in the newspapers indicate that they permeate not only the cities, the towns, and hamlets, but are traveling up and down every rural route in this land. When these charges, suggestions, and insinuations of wrongdoing go out to the people of this country, not only the honor and integrity of the membership of the House is involved and the good name and fair fame of every Member sitting in this body, but Cabinet officers and other people are involved; and the duty now confronting us is to see that no obstructions are put in the way of a full, complete, searching, and unsparing investigation being made, to the end that the flood light of truth be turned on in all its power. [Applause.] I want them to have authority and money to go to the very deepest depths of the whole thing, and expose the roots of every charge, dig them up to the fullest extent, and if there is anything wrong, expose every particle of wrong and corruption, and lay on and spare not. The innocent have nothing to fear and the guilty, if there be any, deserve no consideration. "The wicked flee when no man pursueth; but the righteous are as bold as a lion." The innocent will stand and

welcome this investigation, and if the wicked attempt to flee give this committee money and authority to pursue and catch them. If there is nothing in these charges, let that be demonstrated and satisfy the people throughout the land. If there is anything in them, let the people have the truth, and whoever is the guilty party let it be known that punishment may be visited upon him. It is just as important to the people that the innocent against whom these charges are made should be vindicated as it is to find those who are guilty. Therefore, again I say, give the committee full authority and necessary funds, and say to them, "Go to it!" Let no guilty man escape, high or low, and remove every doubt as to the innocent. Dissipate the clouds and let in the sunshine and make happy the innocent and make miserable the guilty, if there be any guilty. [Great applause.]

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman from Iowa [Mr. GREEN] is opposed to this resolution because in his opinion any further investigation should be conducted by a special committee and not by the Committee on Rules. I want to remind the gentleman from Iowa and this side of the House that whatever opinion he may entertain in that respect that matter is not within the control of either the minority members of the committee or of this side of the House. The majority members of the Committee on Rules have determined that they will proceed further with the investigation. The minority members have agreed that there should be further investigation. Every Member of this House, in view of what has transpired, must also agree to that. It is not within our power to say that a special committee shall be created. That lies on that side of the aisle, and we are therefore left with this proposition: The investigation will be continued by the Committee on Rules. Shall it be continued longer without the benefit of counsel? And that is the only question there is before the House to-day.

Mr. EMERSON. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. EMERSON. I would like to hear in all fairness why a committee with such good lawyers as the gentleman from Tennessee [Mr. GARRETT], the gentleman from Mississippi [Mr. HARRISON], the gentleman from Kansas [Mr. CAMPBELL], and the gentleman from Wisconsin [Mr. LENROOT] on that committee, the committee should be in need of requiring the aid of counsel.

Mr. LENROOT. I was just coming to that, and would have come to it without the gentleman's question. That is a perfectly proper and pertinent question and I am glad to state the reason as far as I am concerned.

With me it is not primarily for counsel in order to gain information concerning the intricacies of the New York Stock Exchange, but this is the proposition: The names of certain men have now become involved in this proceeding. Presumably these men will come before the committee, and presumably these men will testify that they are absolutely innocent. Presumably that is the fact, but the country is not going to be satisfied with any general denial upon the part of any witness coming before that committee. The country is not going to be satisfied unless there is a proper cross-examination of that man, we have gotten the truth, whatever it may be.

Now, the members of the Committee on Rules are not the proper ones to make that cross-examination. If the minority members of the committee make it—if they make such an examination as ought to be made, they will at once be charged with being actuated by partisan motives in the questions they ask. They will have to, if they desire to get at the truth, assume the rôle of prosecuting counsel. They ought not to be called upon to do it. Presumably the majority members of the committee in the questions they ask of the witnesses will ask such questions as will support the claim of innocence, and they will bear the rôle of counsel for the defense.

Mr. Speaker, that ought not to be done on either side, but we ought to have counsel, not selected by the Democratic members alone, not selected by the Republican members alone, but counsel of eminence in the United States, a man who has not been active partisan in either Republican or Democratic politics, a man who will serve the Committee on Rules not with the idea of prosecuting or shielding any man, but only to get at the truth, wherever it may lie, and be free to ask any question of that witness that will either draw out the guilt, if guilt there be, or support by corroborative evidence the innocence of the man before the committee.

Mr. ANDERSON. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. ANDERSON. Has the gentleman any hopes of securing such a man?

Mr. LENROOT. I have. I believe there are counsel of that kind in the United States.

Mr. ANDERSON. I have no doubt there are counsel, but on account of the rumors that are going around the House, and in view of the debate we have had here to-day, I have very serious doubts about the committee securing such counsel.

Mr. LENROOT. With reference to Mr. Untermyer, I want to say for the committee on both sides, Republicans and Democrats, that there has not been the slightest suggestion by any member of the committee that Mr. Untermyer shall be employed. I want to say to the Democratic side of the House that if this resolution shall pass and if the counsel that is employed shall not be satisfactory to the Republican members of the committee, if he shall be known as a partisan of this administration, if there is the slightest suspicion that the examination he shall conduct will be had for the purpose of shielding anybody, the purpose of this resolution will fail. But I believe it will be possible for both Republicans and Democrats to agree upon some counsel who will not only have the confidence of the membership of this House upon both sides of the aisle, but the confidence of the country as well, so that when our examinations are concluded this House and the country will feel that we have got the truth, whatever it may be.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MILLER of Minnesota. I understand the purpose of this inquiry is to ascertain if any officials holding official positions with our Government were guilty of giving advance information of governmental action by reason of which they or others profited upon the stock market.

Mr. LENROOT. Yes.

Mr. MILLER of Minnesota. Is it necessary, in order to ascertain that fact, that there be an investigation of the whole New York Stock Exchange?

Mr. LENROOT. I think not; and, so far as I am concerned, there has not been any suggestion of that purpose so far as the Committee on Rules is concerned.

Mr. MILLER of Minnesota. The gentleman from New York [Mr. CALDWELL] seemed to advance that idea.

Mr. CALDWELL. Mr. Speaker, if the gentleman from Wisconsin will permit me to answer the gentleman's question, the reason I said that was because Mr. Lawson, in putting down his scheme by which he was going to find out who was guilty, suggested if they brought in the books they could find who was guilty. He gave what he called a formula by which he was going to find who was crooked in the administration, and if you follow his formula you have to make that investigation.

Mr. LENROOT. Mr. Speaker, I can not yield further. I will simply say that, so far as the preparation of this resolution is concerned, the reason for the employment of counsel and an accountant was not with an idea that this committee would make any general investigation of the New York Stock Exchange.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. REAVIS. If this resolution should pass, is it the purpose of this committee to make the investigation or to determine whether an investigation should be had?

Mr. LENROOT. I can only speak for myself and, I believe, for my associates upon the minority side of the committee. Our view is that there ought to be an investigation now by a special committee, because of the peculiar conditions which now exist and surround this entire matter. Secondly, our position will continue to be that the moment from now on there is any evidence establishing a prima facie case within the subject matter of this resolution this Committee on Rules should suspend its investigation and report the resolution to the House for the creation of a special committee.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. CRAMTON. If the gentleman feels at liberty to answer such a question, I should like to ask whether he feels that he has substantial grounds for a belief that he himself and other minority members of the Committee on Rules will receive consideration, substantial consideration, in the choice of counsel, or will their views be largely neglected?

Mr. LENROOT. I have not, nor do I think my associates have, received that impression, because it has not yet reached that point in the discussion, but I think I can safely say to the gentleman from Michigan that the majority members of this committee, when it comes to the selection of counsel, will not select any counsel who is not satisfactory to the minority members of the committee, because the moment they do they will add to the suspicion that already exists throughout the country, and

if that suspicion be unfounded, then this committee as a whole ought to do its best to remove it.

Mr. RAGSDALE. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, I want to give my entire approbation and support to every honest effort to find all the facts in connection with these accusations. I felt a good deal like the distinguished gentleman from Pennsylvania [Mr. FOCHT] all during this matter. I felt at times that I would like to close the whole matter by repeating a sentence of David's prayer, and say, "Let lying lips be put to silence that speak grievous things falsely and contemptuously against the righteous"; but the matter has gone on until now there is no reason in stopping. I am in favor of the present committee continuing its investigations until they find overt acts and prima facie facts upon which they can make a tangible report. I do not want to substitute a new committee for the present committee at this time, for they will have to begin back at the beginning and start up and fish and smell a week or two before they find anything like what this committee knows. I want to continue the investigation until some specific condition is developed, and so far as the chairman of the committee, the Hon. R. L. HENRY, being discolored by Lawson's foul, exuding stench, I just want to suggest that if you create another committee, then that social, political, and commercial polecat that maliciously fumed that stench on HENRY could blow his breath on the new chairman and discolor him at once as he has this chairman. [Laughter.] So I am in favor of going on with the investigation and I am not stickling about the amount of money. If you expend $100,000 to vindicate the honor, stability, character, and official integrity of prominent and national characters, which are at stake, who now, in my opinion, suffer under the rancor of irresponsible rumor and slander, the money will be well spent. Let us develop the truth. If there is no official turpitude, then let these slanders stand to convict the men who uttered them as infamous. [Applause.]

Mr. POU. Mr. Speaker, I move the previous question on the resolution.

Mr. CAMPBELL. Do I understand the gentleman is not going to use any more of his time?

Mr. POU. No.

Mr. CAMPBELL. I have a little time left on this side, but it is not important.

Mr. POU. I will withhold the motion if the gentleman desires.

Mr. CAMPBELL. The gentleman may make the motion, with this suggestion.

Mr. POU. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. POU, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

PUBLIC BUILDINGS.

The SPEAKER. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18994, the public-buildings bill, and the gentleman from Indiana [Mr. CLINE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the public-buildings bill, with Mr. CLINE in the chair.

Mr. ASHBROOK. Mr. Chairman, the gentleman from Florida [Mr. CLARK] in charge of the bill is not present. I wish to know how much time the gentleman from Florida has used and how much I have remaining?

The CHAIRMAN. The gentleman from Florida has 60 minutes left; the gentleman from Ohio has 1 hour and 20 minutes left.

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, by the admission of this administration there will be during the next year a deficiency of about $300,000,000, and by the military-defense program which we have marked out for ourselves extraordinary taxation to meet that deficit and perhaps bond issues are likely to continue for several years. Obviously, then, it is a time when the Government ought to be prudent and sparing in all its routine expenses. Necessities, of course, we should not neglect; we can afford to keep house in a moderate, perhaps in a generous way, but we certainly can not afford luxuries. Now, it seems to me that nobody can deny that the greater part of the buildings provided by this bill are pure luxuries. And they are not only luxuries, they are extravagant luxuries. Nobody, I think, claims that the post-office administration needs these buildings to carry on its business well, but, on the contrary, the very enactment of this law and the very construction of these buildings will increase the expenses of the Post Office administration.

Under the law no building can be built where there is less than $10,000 postal receipts. That law shows that in the opinion of Congress and the committee the necessity for the building is dependent on the size of the postal receipts, and yet, in a great majority of the post offices, where the receipts are over $10,000 the records show that they are now paying for rent, light, heat, and service less than $1,000 a year. Simply to operate the cheaper buildings of $50,000 costs nearly twice that, without including the cost of the building or interest on investment. Therefore if you put in these buildings you increase the current expenses of the department. Now, we all know this bill is not brought in here to improve the post-office efficiency. It is brought in largely to improve congressional fences. It is not peculiar to this committee; it has always been so. These public-building bills are brought in the interest of Members.

My colleague [Mr. GARDNER] on yesterday suggested that he voted for the rule because he hoped that the House would strike out the unnecessary items, and then he could vote for the bill. I do not believe any man in the House shared that hope, because as soon as you strike out one item the bill loses one vote, and if you keep on striking out unnecessary items you keep losing votes until at last there will not be enough enthusiasm for the bill to call for the yeas and nays. You can not amend, improve, and perfect a bill when each Member is personally interested in it, because we are none of us impartial to the matters which affect our personal interests.

The very way in which this bill was prepared shows that it was not prepared for the public interest. It was prepared for the private interest of Congressmen. The chairman of the committee last year sent out letters to every Congressman suggesting that he send in an item for the bill. Is that the way the other committees go to work? Is that the way any appropriation bill would be prepared?

Mr. CLARK of Florida. Will the gentleman yield?

Mr. GILLETT. Certainly, I will yield if the gentleman will give me time. The gentleman has plenty of time, I believe.

Mr. CLARK of Florida. I have not.

Mr. GILLETT. Then I will have to wait and see if I have the time.

Mr. CLARK of Florida. I wanted to ask the gentleman a question. I presume the gentleman does not want to make a misstatement?

Mr. GILLETT. No; I am glad to have a correction if I have made a misstatement.

Mr. CLARK of Florida. I call the gentleman's attention to the fact that I sent out no such letters as that.

Mr. GILLETT. I received one.

Mr. CLARK of Florida. I sent out letters asking the gentlemen to indicate what place in their district they thought was entitled to more consideration than the others when the committee made up its bill.

Mr. GILLETT. I forget the phraseology of the suggestion which was sent in, but what did the gentleman do in preparing his bill? Suppose a Member of Congress thought that under the present condition of the Treasury no public-buildings bill would be passed this year. Did the gentleman's committee then consider that district, or, contrary, if no suggestion was made by the Congressman, did he ask the Post Office Department what place in that district should be appropriated for, or, on the contrary, did he entirely neglect the district? I say there are districts where no public buildings are provided for in this bill, and yet which have cities of 10,000 and 20,000 inhabitants without post offices, whereas to the friends, the favorite Members, there are scattered broadcast buildings for small villages of two or three thousand.

Mr. CLARK of Florida. If the gentleman will permit me, I will state——

Mr. GILLETT. Yes.

Mr. CLARK of Florida. Those districts are not provided for because the Members from the districts for some reason or other did not look after the interest of the districts.

Mr. GILLETT. The gentleman just corrected me a moment ago by saying that they only asked Members which of the places in their district they thought should be the favored one.

Now, the gentleman is apparently intimating that he asked Members whether they should have one or not.

Mr. CLARK of Florida. I asked them that when they had more than one bill pending.

Mr. GILLETT. The gentleman asked them when they did not have any bill pending. The gentleman sent it to every Congressman and the gentleman knows it.

Mr. CLARK of Florida. It may have been sent indiscriminately to everybody on the assumption that Members of Congress would look after the interests of their respective districts.

Mr. GILLETT. If the gentleman is looking after the business of the Nation and not simply looking after the interests of Congressmen why does he not look after each district, and when there is no suggestion from a Congressman, when he has not suggested one rather than another, why does not he find out from the Post Office Department what is needed?

The truth is, the gentleman knows and we all know it was intended to make a combination of Congressmen. Now, I do not like to use, and I do not use, and I do not like to hear others use, these words "graft" and "pork" in connection with Congress. I think we are a great deal better men than the public generally thinks we are, and yet I think it is bills like this, bills which appeal to the private interests of the Congressmen rather than to the public interest of the Nation, that make the people credulous and readily believe such unsubstantiated attacks as are now being investigated. I believe there ought to be a new system and method of making up these bills. I admit this has always been the method, but this limitation of $10,000 of receipts is ridiculously lax. It is more economical for the Post Office Department to rent buildings than it is to erect them until the business of the city or town gets so large that it needs a whole building for itself.

Mr. CLARK of Florida. Will the gentleman permit me to answer that question?

Mr. GILLETT. If you will give me time; otherwise I can not.

Mr. CLARK of Florida. I can do it in this time if you will take it now.

Mr. GILLETT. I can not yield to the gentleman unless he gives me time.

Mr. CLARK of Florida. All right; I have not got it.

Mr. GILLETT. You have plenty of time.

What we ought to do, in my opinion, is not to pass a bill for any town until a special building is required for the post-office business. When a special building is required it is time enough for us to say that we will erect buildings, but otherwise let us rent. That is business; that is economy. Now, I have no doubt that such a rule is too rigid to meet the views of a majority in this House, but in my opinion in business administration the time is coming when such a rule will have to be adopted, and it seems to me that the danger of the present practice is vividly illustrated in this very bill. I can not believe that those who are responsible for the financial condition of the Treasury to-day will allow it to become a law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I wish to give some of the reasons why I am opposed to this bill and why I shall vote against it. I am a member of the Committee on Public Buildings and Grounds, and have been for the past six years, but I had nothing whatever to do with the making up of this bill. I expressed myself, however, as opposed to an omnibus bill on numerous occasions in the committee, and when the committee finally determined to report a bill declined to further participate in its consideration. Chairman CLARK told you the bill was the sentiment and best judgment of the committee, with possibly one or two members opposed. I violate no confidence when I say at least three members of the committee have been steadfastly opposed to this bill, and I know there are several other members on the committee who doubt seriously the wisdom of passing this bill. The bill, however, is doubtless favored by a majority of the Committee on Public Buildings and Grounds, and I claim no irregularity in any respect. I dislike very much to disagree with my colleagues on the committee, for whom I have the highest regard and who have always treated me with the greatest consideration, and none to a greater degree than the charming chairman of the committee.

I wish to concur in the statement of the chairman that this bill is not sectional. I doubt if there is a committee of the House where partisan prejudice is less manifest. It is unfair, therefore, for anyone who is opposed to the bill to charge that it is sectional. Republicans have had just as generous a piece of pie as the Democrats. In fact, the boys have all been pretty well cared for, and that is what makes it difficult to defeat a bill of this character. To vote against this bill means a vote against a piece of bacon for the folks back home for at least two-thirds of the Members of this body.

The chairman referred to certain gentlemen who heretofore have favored this sort of legislation but who are now violently opposed to it, intimating that it was because they had secured all the public buildings they desired for their district. I did not oppose the public-buildings bill four years ago, and would not oppose this bill now if the conditions were the same as they were at that time, although there are towns in this bill that have as little need for a public building as a pig has for two tails. I have an item in this bill, although I did not ask for it, for a town which now has 14,000 population, and whose postal receipts for the past year were over $30,000. It is a better proposition than at least 150 items in this bill. I have four other towns in my district that do not have a Government building which are fully equal to 100 of the items in this bill. The shoe flung by the chairman does not, therefore, fit me. I expect to vote against the bill, and will vote to strike out all items which have no more merit than the one from my district. But, like the gentleman from Wisconsin [Mr. LENROOT], I will not offer an amendment to strike out the item for my district unless all items of like merit go out.

Mr. MOORE of Pennsylvania. Will the gentleman yield at that point?

Mr. ASHBROOK. I will.

Mr. MOORE of Pennsylvania. The gentleman says he will not move to strike out the item in which he is interested.

Mr. ASHBROOK. Unless all like items are stricken out.

Mr. MOORE of Pennsylvania. That is the question that is troubling me. How are we to determine which is the best item? The gentleman from Wisconsin [Mr. LENROOT] says he will not strike out his item because it is a proper one, and the gentleman from Ohio says he will not strike out his item because it is a proper one; and how are we to distinguish between the propriety of these items except as the committee recommends them?

Mr. ASHBROOK. If the gentleman will offer an amendment to the bill to strike out all the items where the postal receipts do not exceed $35,000, which will include my item, I will vote for it.

Mr. BURNETT. Will the gentleman yield?

Mr. ASHBROOK. I will.

Mr. BURNETT. How many items has the gentleman had in that bill since he has been in Congress?

Mr. ASHBROOK. Well, I have been cared for pretty well. I will refer to that before I conclude my remarks.

Mr. BURNETT. You will state that, then, before you get through?

Mr. ASHBROOK. If I do not, I am perfectly willing the gentleman should.

Mr. KEY of Ohio. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Will the gentleman permit an interruption?

Mr. ASHBROOK. I will.

Mr. CLARK of Missouri. Has the Committee on Public Buildings and Grounds ever considered passing this kind of a law, namely, to fix the conditions under which public buildings shall be erected, as to the income of a post office, the size of the town, and whether they have free delivery or not? After that the erection of public buildings would be purely an automatic performance. Is it possible to do it and get this method out of here?

Mr. ASHBROOK. I will say to the gentleman that in the last public-buildings bill the limitation was made at $6,000 receipts, I believe, and in this bill it is fixed at $10,000 postal receipts.

Mr. CLARK of Missouri. I know; but this bill and the other bill did not make the thing work automatically.

Mr. CLARK of Florida. If the gentleman will permit, the committee has never considered the proposition of fixing a limit of receipts or any other standard by which buildings could be cosntructed automatically.

Mr. CLARK of Missouri. What I am driving at is this: Is it possible to rig up a law like that, that will take this everlasting squabble out of the House?

Mr. CLARK of Florida. I think it is. So far as I am concerned, I would be perfectly willing to do so.

Mr. ASHBROOK. I can hardly conceive how a law of that kind could be passed, because it would be impossible for the Government to build public buildings for all the towns that would be entitled to a building under a limitation we most likely would fix.

Mr. CLARK of Missouri. Why?

Mr. ASHBROOK. For instance, if we should fix the postal receipts at $15,000 or $25,000, it would be impossible for the Government, within a considerable number of years, to build public buildings at all the towns that would meet this requirement.

Mr. CLARK of Missouri. Suppose we say $15,000 or $25,000? It does not make any difference where the limit is, so that you can get a law that relieves the House of this continual squabble and from being slandered by every newspaper that wants to slander it.

Mr. ASHBROOK. The only way that could be handled would be by fixing the postal receipts so high, say $50,000, that it would not include two-thirds of the items that come in these omnibus building bills. Such a bill in my judgment would not be popular with the Members.

Mr. BORLAND. If the gentleman will permit?

Mr. ASHBROOK. Certainly.

Mr. BORLAND. The suggestion that is made that a law might be passed fixing conditions under which a public building could be constructed, and then permit them to be constructed automatically, would require, of course, an affirmative action of some executive officer, and then it would also require that he have control of an appropriation sufficient to construct the building or else he would have to simply report to Congress the number of buildings that he had decided that year came within the conditions, and leaving Congress then to make the appropriation at that time for the construction of the buildings. It would not get around the question of the authorization by law for the appropriation of public money.

Mr. ASHBROOK. And in that event it would work out as most of these things do along that line, the gentlemen at the other end of the Capitol would get most of the buildings.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield there?

Mr. ASHBROOK. Yes.

Mr. SHERLEY. There is another matter that is of importance other than the question of rental. That is the question of the type of building. Has it been considered. I know of some instances where buildings have been erected, costing a great deal of money, buildings which, although handsome, were not in keeping from an architectural standpoint with their environments. It was like putting a string of pearls around the neck of a woman who has on shoes with holes in them. [Laughter.]

Mr. ASHBROOK. Along the line of the standardization of public buildings, there is legislation in this bill which I believe would remedy the condition to which you refer.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield again right there?

Mr. ASHBROOK. Yes.

Mr. CLARK of Florida. There is a box type of building which is now proposed which would answer the purpose very well.

Mr. CLARK of Missouri. I think the committee deserves the thanks of Congress for doing that, and it would be a good thing, also, to set a limit for the sites.

Mr. CLARK of Florida. I want to say that in this bill we have drawn no distinctions between sites and buildings, but have fixed the same limit—$10,000—for both sites and buildings, requiring that the city or town show $10,000 of receipts for three successive years.

Mr. ASHBROOK. A man perhaps is justified in buying a twin six if the condition of his exchequer will warrant it, but if he must put a mortgage on his home to buy the speeder he would be a very poor business man, to say the least. A Ford ought to be his limit. A man may have bought a diamond ring and a sealskin coat for his wife when he was flush, but he would be a very foolish man, indeed, to make expenditures of this kind when he was hard pressed for the necessities of life. Because certain Members did not oppose public buildings 4, 6, and 10 years ago is no argument why they should now favor a bill authorizing appropriations of upwards of $40,000,000 when we have a deficit of $300,000,000 staring us in the face and we know not where or how to raise the money.

There are numerous items in this bill which can be defended by all. It is not wholly a bad bill, but there are items in this bill making authorizations for villages which had less than 1,000 population, according to the census returns of 1910, to wit, Susanville, Cal., population 688; Baxley, Ga., 831; Hazard, Ky., 537; Las Vegas, Nev., 945——

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield there for another question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Florida?

Mr. ASHBROOK. Yes; I yield to the gentleman.

Mr. CLARK of Florida. The gentleman is a member of the Committee on Public Buildings and Grounds, is he not?

Mr. ASHBROOK. Yes.

Mr. CLARK of Florida. The gentleman knew that the subcommittees were engaged in these hearings, did he not?

Mr. ASHBROOK. Yes.

Mr. CLARK of Florida. I will ask the gentleman if he attended any of those hearings and objected to the insertion of any of these items in this bill?

Mr. ASHBROOK. I want to say to the chairman of the committee—and if I do not assert the truth, I ask him to rise in his place and dispute it—that upon every occasion during this Congress when an omnibus public buildings bill was proposed and suggested I opposed it, and when the committee finally determined to report a bill I gave notice that I would not attend the hearings, and did not participate in making up this bill. Is that true?

Mr. CLARK of Florida. That is true; but does not the gentleman think he ought to have attended those hearings as a member of the committee, and ought to have done what he could to keep out objectionable items?

Mr. BURNETT. And was not the gentleman chairman of one of the subcommittees?

Mr. ASHBROOK. Yes; but declined to act as such. I want to say, Mr. Chairman, in answer to the query of my friend from Florida [Mr. CLARK] that I do not waste my ammunition in trying to bring down birds out of range and reach. You had too many votes in the committee to make it worth my time to attempt to oppose this bill. I demanded a roll call on several occasions to determine the temper of the committee, and when I found the temper of the committee was to report a bill I acted as I have stated.

At Lewisburg, W. Va., there is a population of 803; at Berkeley Springs, W. Va., 864——

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield there?

Mr. ASHBROOK. Yes.

Mr. CLARK of Florida. Will not the gentleman be fair enough to state that a term of the Federal court is held at Lewisburg, W. Va., and we provided for a courthouse there as well as the post office?

Mr. ASHBROOK. Well, if that is true, I am perfectly willing to have the gentleman interrupt me to make the statement. It is a town, however, of 864 inhabitants.

Mr. LITTLEPAGE. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. LITTLEPAGE. Does not the gentleman know that I got a building at Berkeley Springs, and that that is in my district?

Mr. ASHBROOK. Well, I dislike to oppose anything in which the gentleman is so much interested.

Mr. LITTLEPAGE. Did you not help me get that bill through?

Mr. ASHBROOK. I think not. If the gentleman had listened to my statement, he would not say so.

Mr. LITTLEPAGE. Do you not think that there should be a Federal building at a place where 5,000 people get their mail and live within a certain radius of the place?

Mr. ASHBROOK. I doubt that. I know that 864 people are said to live in this village.

Mr. LITTLEPAGE. Did you not attend the hearings on that item?

Mr. ASHBROOK. Did I attend the hearings?

Mr. LITTLEPAGE. Yes.

Mr. ASHBROOK. I do not think I had anything to do with the making up of this bill.

Mr. LITTLEPAGE. I beg the gentleman's pardon. Does not the gentleman remember Judge Boyce and his brother, who appeared before the committee, and also Mr. RUCKER? Mr. RUCKER is a native of Lewisburg.

Mr. ASHBROOK. How long ago was that?

Mr. LITTLEPAGE. About a year, perhaps.

Mr. ASHBROOK. If the gentleman says it is true, I will not dispute it.

Mr. LITTLEPAGE. I want to say that there are two colleges in that town.

Mr. ASHBROOK. It is a growing town, no doubt.

Lewisburg, W. Va., 803; Berkeley Springs, W. Va., 864; and Newcastle, Wyo., 975. The postal receipts at Susanville for the last fiscal year were $7,058.08.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield there for just one moment?

Mr. ASHBROOK. I yield.

Mr. CLARK of Florida. Does not the gentleman know that at Susanville, Cal., there is a post office, a land office, a courthouse, and a station of the Forest Service to be housed?

Mr. ASHBROOK. How much is the rental for those activities?

Mr. CLARK of Florida. Well, I can tell you later. I do not know it just now, but we are building a building there to take care of the Federal activities of the Government. The gentleman knows it has always been customary not to follow the rule of postal receipts when there are other Federal activities, and here are four or five to be taken care of.

Mr. ASHBROOK. Well, the gentleman knows that those activities are not of great importance. If there is a court there it would be more important.

Mr. CLARK of Florida. Does the gentleman think that a United States land office is not important?

Mr. ASHBROOK. It is the most important of those activities.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. ASHBROOK. Certainly.

Mr. SHERLEY. It may be very important, and yet it could be perfectly well taken care of in a rented building.

Mr. ASHBROOK. Yes. I doubt whether all of these Federal activities would amount in rental to more than $1,000. I may be mistaken but——

Mr. CLARK of Florida. The Government ought to have a building there.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. JAMES. The amount of rental for the post office activities at Susanville is $600 a year.

Mr. ASHBROOK. I suppose that is for the post office.

For Baxley, $6,639.50; for Hazard, $4,447.43; for Las Vegas, $7,198.68; for Lewisburg, $8,017.37; for Berkley Springs, $6,485.23; and New Castle, $4,174.70. This bill authorizes $10,000 for a site at Susanville, and the Treasury Department estimates the maintenance of the public building would be $4,800 per annum. The rental is now $600.

Mr. CLARK of Florida. What does the bill carry for Baxley, Ga.? I will say to the gentleman, to save his time, that it carries $5,000 for a site, and that is within the law, is it not, the postal receipts being over $6,000?

Mr. ASHBROOK. I do not question that it is within the law as passed in the last public building bill, but at this time I do not like the law.

Mr. BURNETT. And the gentleman voted for that bill, did he not?

Mr. ASHBROOK. I believe I voted with my friend at that time. I have listened very generally to my friend, and often voted with him. But I will say to him that—

While the lamp holds out to burn
The vilest sinner may return.

Mr. BURNETT. That applies to the gentleman, I suppose, not to myself.

Mr. ASHBROOK. It might, of course, and will work as well one way as the other no doubt. However, we are occupying different pews at this time.

Mr. BURNETT. I see—you are.

Mr. ASHBROOK. At Baxley $5,000 is authorized for the site; estimated upkeep $4,200, the rental now $480. At Hazard $40,000 is estimated for a building, the site, I believe, having already been acquired; estimated upkeep $3,800, rental now $240. At Las Vegas $5,000 is authorized for a site, estimated upkeep $5,100, and the Government now pays no rental at this town.

Mr. CLARK of Florida. Will the gentleman permit me to state that a newspaper published at Hazard, Ky., was sent to me showing that they have over 1,000 voters in the town of Hazard to-day.

Mr. ASHBROOK. I received a copy of the newspaper referred to, which is not published at Hazard but at Lexington, but it may be that the conditions are similar to those mentioned by my friend from West Virginia [Mr. LITTLEPAGE], that if you take in a radius of two or three miles from the town the number of people is larger.

Mr. LITTLEPAGE. May I ask the gentleman a question?

Mr. ASHBROOK. The gentleman may.

Mr. LITTLEPAGE. I see that in the hearings on the Lewisburg post office the gentleman from Ohio [Mr. ASHBROOK] asked certain questions. Does the gentleman now recall being there?

Mr. ASHBROOK. I made no denial, although I do not remember. I stated if the gentleman said I was present at the hearings, I accepted his statement; but he said the hearings were held a year or so ago.

Mr. LITTLEPAGE. All right.

Mr. ASHBROOK. I do not think I promised my friend from West Virginia that I would favor his bill, though. At Lewisburg $82,000 is authorized, estimated upkeep $6,800, rental now $540; at Berkeley Springs, $10,000 is authorized for a site, estimated upkeep $3,700, rental now $450; at Newcastle $25,000, estimated upkeep $3,800. The Government pays no rental at Newcastle.

Mr. RANDALL. Will the gentleman yield?

Mr. ASHBROOK. I yield.

Mr. RANDALL. I understand publications like Collier's Weekly and the Saturday Evening Post have denominated this a pork-barrel bill. Is that correct?

Mr. ASHBROOK. I will leave it to the gentleman to draw his own conclusion as to the character of this bill, but believe the magazines have so designated it.

Mr. RANDALL. I believe that is correct, that various publications, including Collier's Weekly and the Saturday Evening Post, have denominated this a pork-barrel bill. Now, is it not true that the Postmaster General and various commissions which have investigated the cost of carrying these papers in the mails have stated that the net loss on the carriage of the Saturday Evening Post, for instance, is about $5,000,000 a year out of the Treasury? Would that be pork, in the gentleman's opinion?

Mr. ASHBROOK. I am not discussing the Saturday Evening Post or Collier's Weekly or second-class postal rates. The gentleman is free to form any opinion that he chooses on that question. I do not quite understand why we should issue bonds to provide public buildings for the villages mentioned.

Mr. CLARK of Florida. Mr. Chairman, may I ask the gentleman a question right there?

Mr. ASHBROOK. I yield.

Mr. CLARK of Florida. Does not the gentleman think it would really be more in accord with good sense to knock out one or two battleships that we do not need and put up some buildings that we do need?

Mr. ASHBROOK. I am in favor of erecting public buildings where there is absolute necessity for them, and the gentleman knows that I have been in favor during the past Congress of reporting out bills that would stand on their own legs.

In this bill there are 118 items for towns which had less than $10,000 postal receipts for the last fiscal year. Nine of these have less than 5,000 population, to wit, Attalla, Ala.; Eminence, Ky.; Barbourville, Ky.; our old friend, Hazard, Ky.; Owenton, Ky.; Huntingdon, Tenn.; Nephi, Utah; Green River, Wyo.; and Newcastle, Wyo. At three of these villages the Government now pays no rental.

Mr. CLARK of Florida. Does not the gentleman know, having been a member of the Committee on Public Buildings and Grounds for several years, that that committee has never attached a great deal of importance to population, but that it has been controlled practically by the business done at the post office; in other words, the annual postal receipts?

Mr. ASHBROOK. That is true, but all of these towns mentioned have very small postal receipts, as the gentleman will find if he will examine the same. There are eight villages provided for by this kind committee where the postal receipts are less than $6,000 per annum, to wit: Albertville, Ala.; Central City, Ky.; Falmouth, Ky.; Perryville, Mo.; Mount Olive, N. C.; Bamberg, S. C.; Easley, S. C.; Manning, S. C.; Lafollette, Tenn.; West Point, Va.

Mr. CLARK of Florida. Now, if the gentleman will pardon me, there is a customhouse at West Point.

Mr. ASHBROOK. Can the gentleman advise me of the amount of the customs receipts at that point?

Mr. CLARK of Florida. I can not, but there is a customs office there.

Mr. ASHBROOK. I accept the gentleman's statement as a fact. At three of these thriving towns no rent is paid by good Uncle Sam. Twenty-eight towns in this bill are provided either sites or buildings where the postal receipts for the past fiscal year were less than $7,000, to wit: Ozark, Ala.; Brinkley, Ark.; Monticello, Fla.; Perry, Fla.; Ashburn, Ga.; Baxley, Ga.; Blakely, Ga.; Commerce, Ga.; Jackson, Ga.; Pelham, Ga.; Thomaston, Ga.; Murray, Ky.; Pikeville, Ky.; Stanford, Ky.; Ellicott City, Md.; Okolona, Miss.; Pascagoula, Miss.; Unionville, Mo.; Milan, Mo.; Salem, Mo.; Clinton, N. C.; Williamston, N. C.; Waurika, Okla.; Conway, S. C.; Greer, S. C.; Rockwood, Tenn.; Lenoir, Tenn.; Henderson, Tex.; Berkeley Springs, W. Va.

Mr. CLARK of Florida. Does the gentleman mean that buildings were provided for those places?

Mr. ASHBROOK. Either buildings or sites.

Mr. CLARK of Florida. Well, the gentleman knows that under the law we are permitted to provide sites where places have receipts of $6,000 a year. I want to state that Monticello, Fla., has more than $6,000 receipts, and I think every one of the towns the gentleman has mentioned has more than $6,000 annual postal receipts.

Mr. ASHBROOK. I have the statement of the Post Office Department which, I believe, is for the last fiscal year. If that is incorrect, it is an error on the part of the Post Office Department. I have used the figures furnished me. I believe the gentleman also has the figures before him.

Mr. CLARK of Florida. Does the gentleman mean to say we have provided sites for places whose postal receipts are less than $6,000, the places that he is naming now?

Mr. ASHBROOK. I am now naming towns where the postal receipts are $7,000.

Mr. CLARK of Florida. Less than $7,000?

Mr. ASHBROOK. Yes. I am in that class now.

Mr. CLARK of Florida. That may be true.

Mr. ASHBROOK. There also appears to be 28 fine, growing villages cared for in this bill where the postal receipts for the past fiscal year were under $8,000, to wit: Sylacauga, Ala.; Union Springs, Ala.; Sheffield, Ala.; sister Susanville, Cal., before mentioned; Monroe, Ga.; Sandersville, Ga.; Waynesboro, Ga.; Cairo, Ga.; Covington, Ga.; Cuthbert, Ga.; Decatur, Ga.; Winder, Ga.; Carrollton, Ill.; Marengo, Iowa; Pineville, Ky.; Laurel, Md.; Indianola, Miss.; Paris, Mo.; Salisbury, Mo.; Eldorado Springs, Mo.; Rich Hill, Mo.; Windsor, Mo.; Las Vegas, Nev.; Dillon, S. C.; Summerville, S. C.; Rogersville, Tenn.; Dickson, Tenn.; and Crockett, Tex.

Mr. POWERS. Will the gentleman yield?

Mr. ASHBROOK. Certainly.

Mr. POWERS. I believe the gentleman mentioned Pineville, Ky.

Mr. ASHBROOK. Yes; I did.

Mr. POWERS. And he stated that the postal receipts were less than $8,000.

Mr. ASHBROOK. I did.

Mr. POWERS. I want to say that the postal receipts for Pineville in 1916 were over $9,000.

Mr. ASHBROOK. The receipts seem to be growing nicely.

Mr. CLARK of Florida. The receipts for the fiscal year of 1916 were $9,144.68. The last quarter's receipts show that it will go beyond $10,000 this next fiscal year.

Mr. ASHBROOK. I am quoting from figures furnished me by the Treasury Department.

Mr. BURNETT. And those are for the fiscal year ending June 30, 1916.

Mr. ASHBROOK. That is true, I believe.

Mr. CLARK of Florida. The gentleman got his figures from the Treasury Department?

Mr. ASHBROOK. I did.

Mr. CLARK of Florida. These I am reading are from the Post Office Department, who know much better as to the receipts than the Treasury Department.

Mr. ASHBROOK. I am willing that the gentleman should read from any figures that suit him best, but I assume the Post Office Department furnished the figures to the Treasury Department.

Mr. BORLAND. Will the gentleman yield?

Mr. ASHBROOK. I will.

Mr. BORLAND. Perhaps the gentleman will come to it later, but has he made any estimate of the gross amount included in this bill that, according to his opinion as a member of the committee, ought not to be included, so that we may compare the gross amount he thinks is unauthorized with the balance of the bill?

Mr. ASHBROOK. There are an even 200 items where the postal receipts are less than $15,000.

Mr. BORLAND. How much do they aggregate in the total amount of $38,000,000?

Mr. ASHBROOK. I have not figured that out.

Mr. BORLAND. My understanding is that there is less than $6,000,000 that could be subject to criticism. Is that true?

Mr. ASHBROOK. I have not figured the amount; I can not say. Of course, that is a mere bagatelle.

I find 20 towns snugly tucked away in this bill with less than $9,000 postal receipts for the past fiscal year, to wit: Essex, Conn.; Rossville, Ga.; Hawkinsville, Ga.; Lewiston, Ill.; Hickman, Ky.; Russellville, Ky.; Morgan City, La.; De Riddle, La.; Clare, Mich.; Eaton Rapids, Mich.; Lexington, Miss.; Winona, Miss.; Bowling Green, Mo.; O'Neill, Nebr.; Ely, Nev.—who seems to belong to the old and well-known family of Get-There-Ely—Albemarle, N. C.; Louisburg, N. C.; Marvin, N. C.; Duncan, Okla.; Brownsville, Tenn.; McMinnville, Tenn.; San Benito, Tex.; and Lewisburg, W. Va.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. SMITH of Michigan. I telephoned yesterday and have the figures of the postal receipts for Eaton Rapids; they are $9,641.

Mr. ASHBROOK. Then the receipts of that town also seem to be growing.

Seventeen more or less prominent towns having postal receipts under $10,000 here find safe refuge, to wit: Greenville, Ala.; Athens, Ala.; El Dorado, Ark.; Forest City, Ark.; Van Buren, Ark.; Highland, Ill.——

Mr. CARAWAY. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. CARAWAY. I was wondering how inaccurate the gentleman's information may be. I hold in my hand the record of the postal receipts at Forest City at $10,994.58 received.

Mr. ASHBROOK. I believe my figures are for the fiscal year ending June 30 last, but possibly it is for 1915.

Mr. CARAWAY. I am curious to know if all the gentleman's information is as inaccurate as that.

Mr. ASHBROOK. There seems to be a difference of $1,000.

Mr. MANN. Will the gentleman yield?

Mr. ASHBROOK. Certainly.

Mr. MANN. Are not the gentleman's figures for the fiscal year 1915? Do not his figures relate to the fiscal year of 1915?

Mr. ASHBROOK. My understanding is that it is the fiscal year ending June 30, 1916; but I say it may be for 1915.

Mr. MANN. I suspect the gentleman is confusing the fiscal years. The original bill was reported July 7, 1916, and the figures for the fiscal year 1916 were not then available.

Mr. CLARK of Florida. I hold in my hand a report of the Auditor of the Post Office Department, and he fixes the receipts of Forest City at $10,999.58.

Mr. MANN. When this bill was first reported no one knew what the figures were for the fiscal year 1916.

Mr. CLARK of Florida. Oh, yes; the first bill was reported July 16, and the fiscal year ended on June 30, 1916.

Mr. ASHBROOK. Did the gentleman have the figures at the time the bill was reported?

Mr. CLARK of Florida. No; not these figures. But during the hearings we took pains not only to get the report of the fiscal year 1915 but to get the report of the last preceding quarters, and before the bill was reported, in order to determine whether there was such a growth as would guarantee that the fiscal year 1916 would carry them beyond the limit. In these cases where we were satisfied with that, we allowed the item.

Mr. ASHBROOK. I am aware of the custom of the committee of applying for the information, and I believe the committee does invariably make the request and consider the information.

Mr. WINGO. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. WINGO. The gentleman says that Van Buren, Ark., has less than $10,000 postal receipts?

Mr. ASHBROOK. I did.

Mr. WINGO. Where did the gentleman get those figures?

Mr. ASHBROOK. Those figures were furnished me by the Treasury Department. I understood they were for the last fiscal year, but it may be for 1915.

Mr. WINGO. Does the gentleman know anything about the city of Van Buren?

Mr. ASHBROOK. I do not, but if the gentleman comes from there I know it must be a fine city.

Mr. WINGO. Does the gentleman know anything about the street car system?

Mr. ASHBROOK. No.

Mr. WINGO. Or its smelters?

Mr. ASHBROOK. No; I never smelt 'em. [Laughter.]

Mr. WINGO. Does the gentleman know anything about it or have any idea of it?

Mr. ASHBROOK. No; but I would like to ask the gentleman what is the size of the city?

Mr. WINGO. There is no way to determine the present size by the last census, for the reason that it was incomplete. I could name personally more people living in one city in my district than that census gave as the population of the entire county.

Mr. ASHBROOK. There, then, must have been something wrong in the census returns.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. KEY of Ohio. Is it largely on account of the present condition of the Treasury that the gentleman objects to this bill?

Mr. ASHBROOK. The gentleman states my position correctly.

Mr. KEY of Ohio. If that is true, I would like to have the gentleman tell the House why it was that in the closing days of the last session he introduced and was responsible for a widows' pension bill being put through the House that carried with it more than $16,000,000 of claims that have already been adjudicated, and thousands still unadjudicated, probably carrying some six or eight million dollars more?

Mr. ASHBROOK. Mr. Chairman, I will say to my colleague that I introduced that bill for the same reason that he introduced a bill for the Spanish War widows, and the only difference is that I got my bill through and he did not get his bill through. [Laughter.]

Mr. KEY of Ohio. Mr. Chairman, I just want to say to the gentleman that I am not complaining, but that my colleague is complaining about the present conditions of the Treasury.

Mr. ASHBROOK. I am very proud to be the author of the widows' pension bill.

Mr. KEY of Ohio. Yes; but the gentleman's statements are not consistent. He is now very solicitous about the condition of the Treasury when this bill is up for consideration, while he was not when his bill was up for consideration.

Mr. ASHBROOK. I understand the gentleman has an item in this bill, and it is for a town where the population decreased in the last decade—Galion, Ohio.

Mr. KEY of Ohio. I do not think that is true.

Mr. ASHBROOK. I have made the statement, and if the gentleman thinks it is not true let him furnish the facts to convince the House that I have made a misstatement.

Mr. CLARK of Florida. Will the gentleman state what are the postal receipts for Galion, Ohio?

Mr. ASHBROOK. I have all of those figures, but I left them on my desk there, and I guess the gentleman has them now. [Laughter.]

Mr. CLARK of Florida. I will state, if the gentleman will permit me, for his information that the postal receipts at Galion, Ohio, for the last fiscal year were $26,587.67, and for the year before that they were $24,930.60, showing a steady growth.

Mr. ASHBROOK. Can the gentleman tell me the population in 1900 and the population in 1910?

Mr. CLARK of Florida. The postal receipts have increased over $2,000 in a year.

Mr. ASHBROOK. Can the gentleman tell me the population of the town?

Mr. CLARK of Florida. I can not, because the committee has not acted upon the population, but according to the business done.

Mr. ASHBROOK. Very well.

Council Grove, Kans.; Norton, Kans.; Winnfield, La.; Charleston, Mo.; Lenoir, N. C.; Dunn, N. C.; Sanford, N. C.; Hartsville, S. C.; Lewisburg, Tenn.; Alvin, Tex.; Beckley, W. Va.; 82 towns with postal receipts for the past fiscal year ranging between $10,000 and $15,000 can be found in this bill, which, added to the 118 under $10,000 specifically mentioned, make even 200 of the 309 items in this bill with receipts under $15,000. Two hundred and fifty-four of the 309 towns and cities provided for in this bill had less than 5,000 population in 1910. Eleven of these towns for which authorization is here made now pay no rental.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield there?

Mr. ASHBROOK. Yes.

Mr. CLARK of Florida. Will the gentleman permit me to ask that he put into the RECORD the list of the 118 towns that he says are under $10,000?

Mr. ASHBROOK. I have already read them into the RECORD.

Mr. Chairman, I have no desire to longer take up the time of the committee and have already used much more time than I had expected to use. I believe I have given good and sufficient reasons why at this time it is unwise to pass this bill. Those gentlemen who believe that bonds should be issued, or tax burdens increased on the people, in order that public buildings may be erected at small and insignificant towns will vote for this bill. Those who desire to protect the Federal Treasury from raids of this sort will vote against the bill. I believe the bill should not pass. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we have had notice served upon us that the Treasury is facing a deficit approximating $300,000,000 for the coming fiscal year, and gentlemen who have and shall have blithely, cheerfully, and in a great many cases enthusiastically voted for approximately all of the appropriations constituting the enormous total which will create that appalling deficit, now suddenly seek to qualify as guardians of the Public Treasury and arrogate to themselves the merit of superior virtue in opposition to a bill that does not carry a penny of appropriation, which will not increase by any appreciable sum the burdens of taxation or the deficit of the coming fiscal year, but which simply proposes to carry out in a very moderate and economic way a long and well-established policy of the Federal Government. I am willing to admit that there is much in the argument that gentlemen make that these public buildings are not absolutely necessary. I am willing to admit that it can be mathematically demonstrated beyond a question that it would be possible for the Government to house in some sort or kind of quarters all of its activities in all of the towns, big and little, provided for in this bill, for a less sum than a reasonable interest upon the investment that we propose, and the cost of upkeep. That same proposition holds true, in my opinion, on almost every building that the Government ever has built for these purposes, or will build, including this magnificent structure in a portion of which we have our sittings, and in which we take such great pride. I have no sort of doubt that with a much less sum than a reasonable or even a small interest charge upon $24,000,000 that have been invested in this magnificent Capitol, added to the annual cost of upkeep, we could make arrangements with private parties whereby in some sort of a shack the Legislature of this great Government, its Supreme Court, and its other activities might be otherwise provided for. I have no sort of doubt or question but that with a much less sum than a reasonable interest return upon the five millions of investment in that magnificent Library Building across the Plaza and the cost of its upkeep, we could make arrangements with private parties whereby some sort of a structure could be built and maintained for the housing of the library that we have gathered and are gathering. If this rule of three, this proportion of mathematical calculation as to the possible returns of governmental investments and the cost of public activities which is sought to be applied to this proposition of public buildings were applied to all of the activities of the Federal Government, then our appropriations instead of amounting to over a billion and a half a year could well be reduced.

If we did only those things that are absolutely necessary and essential in this country to maintain order and enforce the laws against crime we could reduce our appropriations at least by half, if not more, and we could completely wipe out the great deficit that is facing us. We are at peace with all the world and gentlemen claim that we are tremendously prosperous. Then why, in the name of high heaven, should we halt in carrying out in a proper and decent and very conservative way, as in the case of this bill, a policy upon which the Government embarked many years ago, which has been justified in all of the running of the years by practically everybody except a few gentlemen who apparently seek to make political capital out of an assumption of superior virtue and certain metropolitan journals that are not interested in any kind of governmental expenditures and activities unless they are for alleged public defense or unless the investment is made in or in the vicinity of the great cities of the country. I am one of those who believe that the Government makes no better investment in all the appropriations we make than these investments that house in decent, well-constructed buildings the useful public activities of the people throughout the length and breadth of the land.

Some of these buildings in these so-called small villages, which our friends from the large cities seem to regard so lightly, will represent when erected the only visible sign and evidence of the existence and the presence of the Federal Government in areas almost as large as some of the States of the Union. The flag will float from the summit of buildings which will be erected, if this bill becomes the law, some time in the distant future in my State, where there is not another visible sign or symbol of Federal activity within 100 miles. In my opinion an appropriation to decently house the activities of the Federal Government not only in the great cities of the land but in the smaller towns of the land and in every part of the land, is not only a wise investment of Federal money, but to provide in reason for such building and expenditure is a patriotic duty which we should perform. Gentlemen who are opposing this bill, and yet have items in it, most realize that they are playing a perfectly safe game. They can assume the virtue of opposition to a bill that some assail as a pork-barrel measure and yet be absolutely certain that the item or items in which they

are interested will be provided for. I will go further than those gentlemen. I will vote for this bill, whether it contains the items in my district and State or not, and I will do it because I believe there are few expenditures which we make which are more meritorious than these to decently house the activities of the Federal Government in communities large and small. [Applause.]

Mr. CLARK of Florida. Did the gentleman use all of his time?

The CHAIRMAN. The gentleman used all of his time.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, the only practicable means of obtaining governmental appropriations to provide adequate postal facilities to meet imperative public needs is in an omnibus bill. There is no probable chance of affording relief through the enactment of an individual bill. Consequently if those denouncing the present bill as "pork" should have their way the result must be extremely prejudicial to public interests in many instances.

The Post Office Department is expected by the public to perform its vast and manifold duties with efficiency and economy. The department manifestly can not do this unless adequate facilities are provided by the Government.

In the city of Syracuse less than 14,000 square feet of floor space are provided for post-office work in the Federal building, while the actual amount required to perform the work satisfactorily is 30,000 square feet. Some additional space outside the Federal building has been provided at a rental of more than $10,000 per annum.

I have no doubt that in the pending bill there are many instances authorizing appropriations where the public needs are as urgent and imperative as in Syracuse.

It is apparent that so far as the public business is concerned we can not get anywhere by berating ourselves and indulging in acrimonious discussion about "pork." It seems to me that we might better devote our energies in the institution and carrying out of such legislative reforms as will remove for all time to come the cause of the existence of "pork" in bills authorizing appropriations of public funds and in bills appropriating the same. [Applause.]

The public may not generally know, but we well know that the only remedy is in amending the Federal Constitution, thereby conferring upon the President the right to use the pruning knife upon such bills. As long as the President is required to approve or reject a bill as a whole the cry of "pork" will justly continue.

It has been stated by the distinguished chairman of the Committee on Appropriations that the Government will probably face a deficit of some $300,000,000 for the next fiscal year. In this statement is food for serious thought. It becomes at once apparent that Congress ought to devise and carry to completion some real legislative reforms which will result in material saving to the Government. The power to tax should not be exercised to impose unnecessary additional burdens upon those who have to pay the taxes.

Under the Constitution of the State of New York the governor, in the consideration of any bill presented to him containing several items of appropriation of money, has the right to object to one or more of such items while approving of the other portion of the bill, and the appropriation so objected to shall not take effect unless on reconsideration it shall be approved by two-thirds of the members elected to each house of the legislature of the State. The Federal Constitution ought to be amended along these lines giving to the President at least as much power. [Applause.]

Our forefathers, wise as they were in the framing of the Federal Constitution, could not anticipate everything, and probably least of all "pork." In view of present governmental financial conditions it seems to me that the time is most opportune for aggressive action. And I want to say, as far as I am concerned, that while I temporarily remain a Member of this House, I pledge myself to act with any of my colleagues, regardless of party affiliations, in the institution and carrying out of such legislative reforms as will eliminate "pork" in bills authorizing appropriations and in bills making appropriations of public funds.

It is probably not to be assumed that Congress will of its own initiative reform itself in this respect. And I trust that the time will come when some President, as the leader of a great political party, will advocate, recommend, and persistently urge such an amendment to the Federal Constitution which will result in the saving of millions upon millions of dollars annually to the Government. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MAGEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman used all of his time.

Mr. CLARK of Florida. I yield 10 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I was impressed a good deal with what the gentleman from Wisconsin [Mr. LENROOT] stated about the merit of each one of the items, but I wish to confine myself largely to the items contained in this bill for the projects in my district. What I may say, however, need not be confined to the particular items which I will mention, but I will say that I believe all the items in the State of Michigan are meritorious, they are economical, and they are needed, and they ought to be provided. Take Detroit, if you please. There is only a million and a quarter dollars provided for that city. This city is making wonderful strides in increase in population and manufactures, and they are absolutely without adequate facilities there for carrying on their postal business.

It is true in the other places they are fair and just, and I think the bill, so far as they are concerned, ought to be allowed.

Mr. Chairman, I want to say something about two items carried in this bill—one for a post-office building and site at Marshall, Mich., at an authorization not to exceed $75,000; the other for a site for a post-office building at Eaton Rapids, Mich., costing not to exceed $7,500.

It is sometimes said that the items carried in the public buildings bill are extraordinary and needless. The bill is sometimes characterized by harsh names, and the Members voting therefor held up to derision. I am not saying anything in particular about the other items in the bill. Let the Member who introduced his bill present his own case. I do not feign to give any Member a standing in presenting the merits of his project further than to say that the membership of this House is composed of men of the highest probity, integrity, and honor, for whom I have the highest respect, and I know you would not be here to-day if you were not such. I do not want to shield myself from any just criticism because of including these items for my district contained in the bill or for being a member of the Public Buildings Committee, to which I was assigned, or my action on such committee. That committee is composed of some of the leading Members of the House, who worked zealously and hard to present a good bill. I think I am only doing my duty in presenting these items. I think they are needed and necessary to properly carry on the Government's business in those cities. If you think likewise, then I ask you to favor them; if you do not, then vote against them. I am sure the items are favored in my district, as I have received no protest against them, but many letters in their favor. So I repeat that if those items can not stand on their own merits it would be a mistake to pass them, and they should be excluded.

I live in a district remarkable in many respects. It is naturally level, fertile, and at one time heavily timbered. It comprises five counties, each of them having an old, historic, well-known, and well-established college of high standing, save one, and that one has a State public school. All have magnificent and commodious buildings. Every city, town, and village supports a high or graded school, while the country schools are situated almost within sight of each other throughout the district. Well-improved farms line each side of the highways, most of the farms comprising from 40 to 160 acres. In the city of Kalamazoo is located the largest book paper mills in the Republic. It is the largest city. Battle Creek, with its health-giving sanitarium and food products known the world over, is the second city. Cities of lesser population dot the district from border to border. Michigan is a pioneer of the public-school system, and before the woodman's axe had felled the timber John C. Pierce, living at Marshall, where this building is to be erected, had planned for the State graded school. So that you are not asked to have this building erected in a wild, arid, or sparsely settled region, but in a prosperous, populous district where the people manufacture machinery, do extensive farming, build substantial structures, and patronize the schools and churches.

Without at this time taking up the question of pork, or the great American hog, I want to say something about the necessity of a post-office building at Marshall—Marshall is the county seat of Calhoun County. It is a city of over 5,000. At one time

a bill passed the House of Representatives of the State of Michigan to make it the State capital. It is surrounded by a thickly settled agricultural community. It has no Federal building, but rents a store building in which to conduct the post-office business. This building was not originally constructed for a post office, but for mercantile purposes. It is not fireproof, has no vault, and, although repaired recently for the post office, it is only a make-shift, and a new building adapted to the needs of the post office should be constructed. Mr. Chairman, I wish to quote a letter dated May 22, 1916, written by the Assistant Secretary of the Treasury, as to this building:

WASHINGTON, *May 22, 1916.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Under date of April 6, 1916, a report was submitted on H. R. 3109, which provides for the erection of a public building at Marshall, Mich.

The Congressman for this district, Hon. J. M. C. SMITH, has presented a letter from the Post Office Department which shows that the postal receipts for the calendar year 1911 were $43,368.47, and for the last calendar year were $62,763.35.

Under the classification which was adopted in June, 1915, this would entitle Marshall, Mich., to a stone-faced building.

From the information which Mr. SMITH has furnished it appears that a suitable site centrally and conveniently located can not be purchased for $6,000, but would cost in the neighborhood of $10,000.

In view of the foregoing and supplemental to the report of April 6 it is estimated that a one-story building, stone faced, of the size required, would cost $65,000, and that a suitable site can be acquired for $10,000 additional.

Respectfully, B. R. NEWTON, *Acting Secretary.*

This letter shows the receipts for the calendar year 1915 to be $62,763.35. I also wish to submit a letter from the Auditor for the Post Office Department, Mr. Kram, showing the cost of operating the post office at Marshall for the years 1911 to 1915, inclusive:

WASHINGTON *April 17, 1916.*

Hon. J. M. C. SMITH,
House of Representatives.

MY DEAR MR. SMITH: Receipt is acknowledged, by reference from the First Assistant Postmaster General, of your letter of the 8th instant, requesting to be advised as to the cost of operating the post office at Marshall, Mich., during the fiscal years from 1911 to 1915, inclusive. You will find stated below the total in expenditures at the post office in question during each of the fiscal years referred to:

Fiscal year—	
1911	$20,291.70
1912	21,072.70
1913	21,316.30
1914	21,908.65
1915	22,340.25

Sincerely, yours,

CHAS. A. KRAM,
Auditor for the Post Office Department.

This letter shows that the operating cost for 1915 was $22,340.25, leaving the net receipts of the Marshall post office for the year 1915 at $40,423.10, or more than 10 per cent on $400,000. Here is a post office that pays out. The bill calls for only $65,000 for a building and not to exceed $10,000 for a site. If the people of Marshall pay more than $40,000 over current expenses to the post office, why are they not entitled to a suitable building, costing not to exceed $65,000, in which to conduct their business? The people who pay this money into the Post Office Department ought to get this benefit out of the surplus. This bill was regularly heard by the committee, the estimate and type of building suggested and proposed by the Secretary of the Treasury and favorably reported.

I want to state as a sound business proposition that if a person were to permanently engage in business in a city or town requiring a building, I think he would be short-sighted if he did not procure a building of his own if he could afford it. But some will say it is cheaper to rent. The same thing could be said about renting a home, but we all want to own one. If it will pay another to construct a building and rent it to the Government for a post office, it is difficult to see why it would not pay the Government, which estimates its interest at 3 per cent per annum, to build one of its own. I am not talking about an architectural monument, but a substantial building, say, of the type of the Ford Building here on Pennsylvania Avenue and of proportionate cost. The authorizations for post-office buildings are not to exceed a certain amount. That they are not always kept within the authorization is not the fault of a bill or of Congress. The Supervising Architect gives the best building he can for the money and the type, and the cost is usually determined before the bill is passed.

I believe we should have a uniform standard type of structure for buildings to be erected in the same zone, where the temperature and conditions are the same.

Taking for an example all of southern Michigan, the ground is usually level with a gravelly subsoil, of equal temperature, of like winds and weather. And it would seem that a typical building at a reasonable price could be used in each one of the county seats and smaller cities, which would be uniform, serviceable, and satisfactory.

However, I am no architect. That should be determined by the Supervising Architect's Office. The authorizations made for these buildings are not mandatory. It is not compulsory to use the full appropriation, and the authorization is more of a limitation within which the cost of construction ranges than it is that the full amount should be used.

In the case of the site at Eaton Rapids, Mich., not to exceed $7,500 is authorized by this bill. The city of Eaton Rapids has a population of about 3,000; has paved streets, electric lights, sewer, large woolen mills, public library, fine school buildings, two banks, artesian wells, two railroads, and a splendid community within and surrounding it. It has free mail delivery, which was granted after the receipts had increased to the $10,000 mark. It has no Federal building. The building where the post office is situated is grossly inadequate, with a lobby of around 10 feet square.

Now, a splendid location on Main Street could be secured. Eaton Rapids is growing and this opportunity may not always be available.

If it would further acquaint you with Eaton Rapids I might add that this was the home at one time of Austin Blair, the great war governor of Michigan, who first commissioned Gens. Sherman, Custer, and Alger. The Montgomeries, one a former Commissioner of Patents, and the other now judge of the Customs Court in this city, were born there. Senator CUMMINS as a young man resided there. Hon. Ray Woodworth, a Member of the Sixty-third Congress, was born there. And many others who have achieved distinction and success resided or began in Eaton Rapids. For a number of years I myself was in business there and am familiar with the conditions and needs of the city.

To purchase a site on one of the principal corners of the city approximately this amount might be sufficient.

I for one am opposed to placing these Government buildings on side or back streets wherever a suitable location can be procured upon the main or business thoroughfare. By placing the post office on the main street it is more accessible and of greater utility to the business of the city. From its flag pole the Stars and Stripes can be seen by every one going and coming. The building itself would cost no more and its service on Main Street would certainly enhance its value and utility.

We are often told that the construction of these buildings is extravagant. If they are extravagant now, they always have been in the past, and possibly to an extent of limiting the amount therefor according to the population by standardizing the buildings or otherwise curtailing the cost.

Abraham Lincoln, back in 1832 in a speech at Salem, Ill., stated that he was in favor of a protective tariff, a national bank, and internal improvements. If this was wholesome legislation at that time it is to-day. No one need hesitate about following the sainted Lincoln.

Some think this bill ought not to pass on account of the present condition of our national finances. As to that, I beg to say that the spirit of economy has not manfested itself very strongly in the recent administration of our affairs. The World's Almanac, 1917, estimates our national wealth at $187,739,071,000. We have been appropriating money for many public improvements.

Some think we might get along without $40,000,000 paid for rivers and harbors improvement. Others think that $50,000,000 for flood control and a like sum for ship purchase too high. I, myself, am inclined to think that $11,000,000 for an armor plant at this time, when the largest steel plant in the world agrees to manufacture armor plate for any price named by the Government, might be saved for a time. Possibly $25,000,000 for the purchase of San Domingo, and a like sum for a bonus to Nicaragua could wait a little; $9,000,000 taken bodily out of the Treasury for rural credits, $20,000,000 for the Muscle Shoals might also wait. Marching the Army to Mexico and marching it back again, at a cost of $100,000,000 or more, being no nearer the border than we were when we started, might have a tinge of extravagance. It shows, however, that we could do it. No one knows what our Mexican policy is. I think we have as much reason and right to go there as we had to go into Cuba or the Philippines, and it is observable now that we possibly made a mistake in the beginning which has been costly to us. We have now conceded to Mexico her own terms. Possibly we will be making a loan to her before long. But in the end I am of the opinion that it will be necessary to go there to restore order, and if we do the Stars and Stripes ought not to be taken down

until she has liquidated for the destruction of life and property of American citizens and other countries for which we may or may not be legally liable.

The passage of this bill will not be heralded throughout the country as a grand achievement. Possibly some not very complimentary statements will be made about those voting for it. But the question should be whether or not these items are necessary for the welfare or proper conduct of the business of our Postal Department, and possibly whether or not we should pursue a tenure of tenantry or ownership. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ASHBROOK. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman and gentlemen of the committee, I regret very much that I can not support this bill at this time. I am not fundamentally opposed to public buildings, but there is a time for everything, and I do not believe the time is here now to undertake to make appropriations or to even make authorizations for the large amount of appropriations to be made later on. Especially do I believe this argument should appeal to my Democratic friends when the Ways and Means Committee day and night is racking its brains for the purpose of finding some way, some manner, somehow, to raise the money to meet the enormous amount of deficit.

One of the latest propositions I have observed floating through the press is to impose a tax of a certain per cent of over and above 8 per cent net income on corporations, copartnerships, and so forth, which is a direct tax. Another proposition is to issue bonds. Another proposition is to issue certificates of indebtedness. For these reasons, staring me in the face, as they do, it strikes me the time is inopportune and inappropriate to undertake to fasten upon the Government of the United States a liability that must be met some time in the near future. It is true these authorizations do not make appropriations, but they constitute a moral obligation on the part of the Government to later on assume and pay them off by means of an appropriation.

Now, the Architect's Office has come in for considerable criticism on the floor of this House. I am not here to defend it at all. It needs no defense. The Architect's Office in the last year has completed practically a building for every four working days in the year; and during that period of time it turned into the Treasury of the United States nearly $2,000,000 as money saved, economies effected by the Architect's Office over the appropriations made for the purchase of the site and for the erection and construction of the building.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. COX. Yes.

Mr. CLARK of Florida. I want to ask the gentleman if he does not think that they ought to have been doing that for many years past?

Mr. COX. They probably ought to have done so.

Now, Mr. Chairman, as I have only five minutes of time, and I have not the time to take up all these little items, probably under the five-minute rule, I shall avail myself of time to call the attention of the committee to some of them, but if I do I shall not raise the question where the appropriation is in excess of $30,000, so far as the appropriation for the building is concerned, and if I refer to section 5 I shall not raise the question where the postal receipts are in excess of $10,000 a year.

Now, it does strike me that it is bad policy, gentlemen, and I am at a loss to understand upon what ground any man can defend himself in voting to build a post office at every little crossroad country town in the United States—little third-class post offices. Where does the economy come in? Where does the business of the proposition come in?

Here is one item as to Alfredville, Ala. It is a third-class office. Population, 1910, 1,544; receipts, 1915, $5,663.04; receipts, 1916, $5,978; present rental, $500; site authorized, $5,000; site contracted for, $2,500; saving, $2,500; pending bill, $2,500; department estimate, $30,000; decrease by bill, $5,000. Three per cent upon the appropriation of $25,000 is $750. You have got to add a janitor. That will come, and you can not keep that away from here at all. That will be from $50 to $70 a month, conservatively $600 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to insert in the RECORD three tabulations prepared by the Architect's Office, showing the number of buildings completed in 1916 and 1917, and the number of buildings now under contract and not completed.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend certain data in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following are the data referred to:

Buildings under contract and not completed Jan. 1, 1917.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
ALABAMA.								
Opelika	$7,500	$105,000	$4,500	$99,146	$3,000	$5,854		$8,854
ARIZONA.								
Douglas	15,000	100,000	14,000	84,525	1,000	15,475		16,475
ARKANSAS.								
Arkadelphia	5,000	55,000	1	49,773	4,999	5,227		10,226
Eureka Springs		57,500		57,500				
COLORADO.								
Grand Junction	10,000	175,000	9,800	171,257	200	3,743		3,943
CONNECTICUT.								
Greenwich	20,000	90,000	19,961	77,173	39	12,827		12,866
Middletown	30,000	140,000	28,000	108,707	2,000	31,293		33,293
Naugatuck	30,000	80,000	25,000	52,642	5,000	27,358		32,358
Rockville	20,000	55,000	19,000	50,541	1,000	4,459		5,459
Seymour	15,000	60,000	12,000	53,240	3,000	6,760		9,760
DELAWARE.								
Smyrna		35,000					$4,069	4,069
DISTRICT OF COLUMBIA.								
Washington								
Interior Department		2,596,000					110,000	110,000
Power plant		1,669,104					25,786	25,786
FLORIDA.								
Orlando	5,000	60,000	5,000	53,655		6,345		6,345
St. Petersburg	20,000	102,500	20,000	102,420		80		80
IDAHO.								
Boise		125,000				7,282		7,282
ILLINOIS.								
Taylorville	15,000	60,000	12,000	50,434	3,000	9,566		12,566

Buildings under contract and not completed Jan. 1, 1917—Continued.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
INDIANA.								
Huntington	$20,000	$95,000	$20,000	$78,529		$16,471		$16,471
Newcastle		90,000					$17,062	17,062
Seymour		75,000					6,766	6,766
Washington	10,000	60,000	5,340	54,213	$4,660	5,787		10,447
IOWA.								
Charles City	10,000	70,000	8,500	50,449	1,500	19,551		21,051
Grinnell	15,000	90,000	15,000	66,405		23,595		23,595
Washington	10,000	80,000	10,000	52,136		27,864		27,864
KENTUCKY.								
Ashland	20,000	100,000	20,000	64,633		35,367		35,367
LOUISIANA.								
Minden		50,000					580	580
MAINE.								
Gardiner		105,000					19,292	19,292
Rumford	10,000	60,000	10,000	58,689		1,311		1,311
Skowhegan	20,000	65,000	13,335	61,799	6,665	3,201		9,866
MARYLAND.								
Baltimore immigrant station		550,000					83,708	83,708
MASSACHUSETTS.								
Attleboro	20,000	100,000	20,000	92,068		7,932		7,932
Boston appropriation		1,250,000					68,802	68,802
North Attleboro		70,000					1,718	1,718
MICHIGAN.								
Albion		70,000					3,073	3,073
Ypsilanti		75,000					15,971	15,971
MINNESOTA.								
Anoka	5,000	50,000	4,000	47,662	1,000	2,338		3,338
Little Falls	5,000	65,000	5,000	57,471		7,529		7,529
MISSOURI.								
Fulton		60,000					2,496	2,496
MONTANA.								
Kalispell	15,000	100,000	15,300	87,924		12,076		12,076
NEBRASKA.								
Alliance	15,000	75,000	15,000	62,887		12,113		12,113
Aurora	6,000	50,000	6,000	48,742		1,258		1,258
Falls City	6,000	65,000	5,700	47,202	300	17,798		18,098
NEW JERSEY.								
Hackensack	25,000	100,000	25,000	78,955		21,045		21,045
NEW YORK.								
Batavia	15,000	85,000	15,000	68,160		16,840		16,840
Gouverneur		70,000					5,735	5,735
Hornell	20,000	85,000	11,000	69,847	9,000	15,153		24,153
Salamanca		85,000					13,698	13,698
NORTH CAROLINA.								
Charlotte		250,000					43,286	43,286
Shelby	10,000	55,000	8,000	52,812	2,000	2,188		4,188
Waynesville	7,500	65,000	5,945	57,726	1,555	7,274		8,829
Wilkesboro		60,000					1,244	1,244
Wilmington, customhouse		600,000					90,693	90,693
NORTH DAKOTA.								
Dickinson	10,000	90,000	9,500	78,033	500	11,967		12,467
Valley City	10,000	75,000	4,800	74,902	5,200	98		5,298
OHIO.								
Alliance		135,000					2,771	2,771
Ashland	25,000	100,000	23,000	97,537	2,000	2,463		4,463
Elyria	25,000	100,000	25,000	87,948		12,052		12,052
Logan	15,000	60,000	12,500	47,519	2,500	12,481		14,981
Middletown	10,000	100,000	10,000	82,144		17,856		17,856
Newark		190,000					37,266	37,266
Sidney	20,000	70,000	20,000	58,350		11,650		11,650
Van Wert	10,000	70,000	10,000	63,222		6,778		6,778
OKLAHOMA.								
Tulsa	20,000	310,000	14,800	228,523	5,200	81,477		86,677
OREGON.								
Portland	340,000	1,000,000	340,000	983,166		16,834		16,834
Roseburg	10,000	100,000	10,000	91,750		8,250		8,250
PENNSYLVANIA.								
East Pittsburgh		100,000					2,302	2,302
Monongahela		80,000					2,473	2,473
Pottstown	25,000	90,000	17,000	75,824	8,000	14,176		22,176
Ridgway	10,000	80,000	10,000	77,728		2,272		2,272
South Bethlehem	20,000	100,000	18,000	78,055	2,000	21,945		23,945
Titusville	25,000	75,000	25,000	59,355		15,645		15,645

Buildings under contract and not completed Jan. 1, 1917—Continued.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
RHODE ISLAND.								
Newport		$400,000					$51,769	$51,769
SOUTH DAKOTA.								
Redfield	$10,000	65,000	$6,600	$63,798	$3,400	$1,202		4,602
TENNESSEE.								
Humboldt	5,000	50,000	4,000	46,947	1,000	3,053		4,053
Maryville	10,000	60,000	10,000	58,851		1,149		1,149
Nashville		400,000				12,454		12,454
TEXAS.								
Belton	5,000	55,000	4,000	53,100	1,000	1,900		2,900
Brenham	10,000	60,000	9,850	49,336	150	10,664		10,814
Corpus Christi		140,000					747	747
Cuero	7,500	45,000	3,750	38,329	3,750	6,671		10,421
Navasota	5,000	50,000	4,500	46,714	500	3,286		3,786
New Braunfels	7,500	50,000	6,300	45,199	1,200	4,801		6,001
Yoakum	5,000	65,000	1	49,060	4,999	15,940		20,939
VIRGINIA.								
Franklin	5,000	45,000	5,000	41,684		3,316		3,316
Norton		75,000					6,867	6,867
South Boston	5,000	50,000	4,800	47,389	200	2,611		2,811
Warrenton	12,000	50,000	12,000	48,207		1,793		1,793
WASHINGTON.								
Aberdeen	12,500	112,500	12,500	81,441		31,059		31,059
Ellensburg	7,000	75,000	7,000	59,941		15,059		15,059
Vancouver	12,500	140,000	12,500	89,363		50,637		50,637
WEST VIRGINIA.								
Buckhannon	10,000	60,000	10,000	42,562		17,438		17,438
Elkins	10,000	135,000	10,000	124,646		10,354		10,354
Huntington		225,000				50,282		50,282
WISCONSIN.								
Antigo	10,000	70,000	8,250	65,366	1,750	4,634		6,384
Fort Atkinson		60,000					5,874	5,874
Merrill	7,500	75,000	4,463	59,482	3,037	15,518		18,555
Neenah	7,500	80,000	5,000	64,585	2,500	15,415		17,915
Total					98,804	908,140	624,048	1,630,992

Under construction, 99.

Buildings completed between Jan. 1, 1916, and Jan. 1, 1917.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
Mobile, Ala	$125,000	$300,000	$125,000	$292,987		$7,013		$7,013
Chico, Cal		100,000					$1,216	1,216
Hanford, Cal		75,000						
La Junta, Colo		85,000					6,187	6,187
Danbury, Conn		115,000					6,112	6,112
Stamford, Conn		150,000					17,839	17,839
Live Oak, Fla	7,500	60,000	7,000	51,144	$500	8,856		9,356
Palatka, Fla		60,000					4,727	4,727
Augusta, Ga	35,000	325,000	35,000	322,964		2,036		2,036
Quitman, Ga		50,000					938	938
Idaho Falls, Idaho		100,000					909	909
Pocatello, Idaho	10,000	100,000	1	96,670	9,999	3,330		13,329
Beardstown, Ill		55,000					2,840	2,840
Canton, Ill		85,000					5,497	5,497
Collinsville, Ill		70,000					1,475	1,475
La Salle, Ill		100,000					15,847	15,847
Mount Vernon, Ill		90,000					8,123	8,123
Princeton, Ill		70,000					989	989
Robinson, Ill		70,000					4,938	4,938
Gary, Ind		125,000					20,497	20,497
New Albany, Ind		73,000					601	601
Portland, Ind		60,000					3,279	3,279
Chanute, Kans		75,000					5,760	5,760
Garden City, Kans		66,050					2,236	2,236
Winfield, Kans		75,000					2,677	2,677
Georgetown, Ky		90,000					8,992	8,992
Jackson, Ky		100,000					575	575
Middlesboro, Ky		85,000					6,213	6,213
Greenfield, Mass		100,000					17,000	17,000
Ishpeming, Mich		75,000					2,817	2,817
Lake City, Minn		55,000					3,258	3,258
Canton, Miss		50,000					1,731	1,731
Clarksdale, Miss		115,750					1,176	1,176
Laurel, Miss	12,500	80,000	8,000	72,298	4,500	7,702		12,202
Moberly, Mo		35,000					9	9
Webb City, Mo		70,000					5,927	5,927
Bozeman, Mont		75,000						
Miles City, Mont		150,000					39,787	39,787
McCook, Nebr	8,000	120,000	5,750	114,568	2,250	5,432		7,682
Morristown, N. J	35,000	125,000	35,000	114,210		10,790		10,790
Orange, N. J	30,000	100,000	30,000	95,423		4,577		4,577
Glens Falls, N. Y		100,000					7,010	7,010
Port Jervis, N. Y		80,000					12,200	12,200
Gastonia, N. C		85,000					3,729	3,729
Kinston, N. C		90,000					13,690	13,690

Buildings completed between Jan. 1, 1916, and Jan. 1, 1917—Continued.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
Rocky Mount, N. C.		$86,000					$6,686	$6,686
Wahpeton, N. Dak.		50,000					1,582	1,582
Tiffin, Ohio		97,500					444	444
Ardmore, Okla.		150,000					4,409	4,409
Blackwell, Okla.		50,000					1,576	1,576
El Reno, Okla.		100,000					19,621	19,621
Medford, Oreg.		110,000	$1	$109,374			626	626
Pendleton, Oreg.		130,000					13,217	13,217
The Dalles, Oreg.		104,000					5,266	5,266
Carnegie, Pa.		80,000					1,086	1,086
Narragansett Pier, R. I.		60,000					959	959
Cookeville, Tenn.		100,000					7,646	7,646
Covington, Tenn.		45,000						
Jellico, Tenn.	$10,000	70,000	10,000	66,234		$3,766		3,766
Shelbyville, Tenn.	5,000	60,000	4,600	57,118	$100	2,882		3,282
Amarillo, Tex.		200,000					11,018	11,018
Bryan, Tex.		50,000					1,146	1,146
Ennis, Tex.		60,000					728	728
Longview, Tex.		50,000					2,739	2,739
Marlin, Tex.	7,500	57,000	7,450	47,900	50	9,100		9,150
Uvalde, Tex.		60,000					3,238	3,238
Hampton, Va.		80,000					1,035	1,035
Wellsburg, W. Va.		60,000					1,773	1,773
Milwaukee, Wis., appraisers' stores	50,000	115,000	48,500	104,295	1,500	10,705		12,205
Casper, Wyo.	10,000	55,000	9,000	49,984	1,000	5,016		6,016
Douglas, Wyo.	10,000	65,000	8,000	62,915	2,000	2,085		4,085
Total					22,199	83,290	321,596	427,085

Total buildings, 71.

Buildings completed between Jan. 1, 1916, and Jan. 1, 1916.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
Newport, Ark.		$59,500					$4,771	$4,771
Searcy, Ark.	$6,000	45,000	$1,500	$43,645	$4,500	$1,355		5,855
Berkeley, Cal.		180,000					14,899	14,899
Grass Valley, Cal.	10,000	55,000	10,000	53,684		1,316		1,316
Pasadena, Cal.	50,000	200,000	50,000	193,115		6,885		6,885
San Francisco, Cal., Subtreasury	375,000	500,000	375,000	469,594		30,406		30,406
Denver, Colo.	500,000	2,000,000	486,801	1,974,907	13,199	25,093		38,292
Greeley, Colo.	15,000	110,000	15,000	102,937		7,063		7,063
Lewes, Del.	5,000	40,000	4,990	30,730	10	9,270		9,280
Pensacola, Fla.		130,000						
Bainbridge, Ga.	7,500	50,000	7,500	48,713		1,287		1,287
Cartersville, Ga.	7,500	51,250	7,500	47,565		3,685		3,685
Cedartown, Ga.	7,500	50,000	6,500	47,526	1,000	2,474		3,474
Thomasville, Ga.		70,000					2,617	2,617
Blue Island, Ill.		70,000					2,349	2,349
Duquoin, Ill.		65,000					1,859	1,859
Edwardsville, Ill.		70,000					1,388	1,388
Evanston, Ill.		50,000						
Macomb, Ill.		70,000					2,263	2,263
Sycamore, Ill.		60,000					987	987
Urbana, Ill.		80,000					658	2,638
Frankfort, Ind.	15,000	70,000	10,500	67,210	4,500	2,790		7,290
Mishawaka, Ind.		75,000					3,566	3,566
Le Mars, Iowa.	10,000	50,000	3,000	48,338	7,000	1,662		8,662
Perry, Iowa.		60,000					1,358	1,358
Arkansas City, Kans.		75,000					1,065	1,065
Concordia, Kans.	7,500	70,000	7,500	64,155		5,845		5,845
McPherson, Kans.		50,000					1,126	1,126
Osage City, Kans.		57,000					206	206
Ottawa, Kans.	7,500	65,000	7,450	61,586	10	3,414		3,424
Salina, Kans.		70,000						
Topeka, Kans.		100,000						
Bardstown, Ky.	10,000	60,000	10,000	58,486		1,514		1,514
Fulton, Ky.		50,000					60	60
Hopkinsville, Ky.	12,000	85,000	12,000	75,473		9,527		9,527
Crowley, La.		55,000						
Jennings, La.		50,000					574	574
Lafayette, La.		65,000					2,758	2,758
New Orleans, La.		1,657,000						
Bangor, Me.		440,000					2,423	2,423
Camden, Me.	10,000	75,000	9,500	74,862	500	138		638
Boston, Mass., customhouse		2,070,324					10,287	10,287
New Bedford, Mass.	125,000	350,000	108,000	328,777	17,000	21,223		38,223
Plymouth, Mass.		117,000					3,438	3,438
Big Rapids, Mich.		70,000					6,719	6,719
Cadillac, Mich.		105,000					14,818	14,818
Holland, Mich.		100,000					14,513	14,513
Petosky, Mich.	10,000	65,000	10,000	60,744		4,256		4,256
Three Rivers, Mich.		60,000					879	879
Minneapolis, Minn.	350,000	900,000	349,900	892,087	100	7,913		8,013
Moorhead, Minn.	5,000	63,500	4,900	63,500	100			100
Owatonna, Minn.		58,000					1,961	1,961
Grenada, Miss.		50,000					969	969
Tupelo, Miss.		60,000					803	803
Vicksburg, Miss.	15,000	110,000	11,000	109,014	4,000	986		4,986
Boonville, Mo.	10,000	50,000						
Brookfield, Mo.	10,000	65,000	9,100	65,000	900			900
De Soto, Mo.		60,000					1,475	1,475
Excelsior Springs, Mo.		60,000					86	86
Rolla, Mo.	5,000	50,000	4,340	47,475	660	2,525		3,185
Springfield, Mo.		100,000						
Rochester, N. H.	15,000	75,000	15,000	70,848		4,152		4,152
Burlington, N. J.		55,000					383	383

Buildings completed between Jan. 1, 1915, and Jan. 1, 1916—Continued.

Buildings.	Limit of cost.		Cost.		Saving.			
	Site.	Building.	Site.	Building.	Site.	Building.	Site and building.	Total.
Long Branch, N. J.		$125,000					$6,413	$6,413
Auburn, N. Y.		50,000						
Cortland, N. Y.	$20,000	80,000	$20,000	$77,784		$2,216		2,216
Fulton, N. Y.	10,000	75,000	10,000	75,000				
New Rochelle, N. Y.		125,000					10,611	10,611
New York, N. Y., marine hospital		250,000					1,141	1,141
Oneonta, N. Y.	20,000	75,000	19,516	75,000	$484			484
Charlotte, N. C., assay office		25,000						
Greenville, N. C.	10,000	55,000	9,500	51,650	500	3,350		3,850
Hendersonville, N. C.		70,000					1,657	1,657
Monroe, N. C.	10,000	53,000	10,000	52,937		63		63
Raleigh, N. C.		225,000					1,748	1,748
Tarboro, N. C.		75,000					5,197	5,197
Mandan, N. Dak.		66,000					2,019	2,019
Minot, N. Dak.		150,000					3,436	3,436
Williston, N. Dak.		100,000					238	238
Bellaire, Ohio		95,000					662	662
Cambridge, Ohio		85,000					727	727
Canton, Ohio		20,000					296	296
Dayton, Ohio	310,000	550,000	310,000	549,927		73		73
Piqua, Ohio		175,000					4,003	4,003
Salem, Ohio		85,000					1,590	1,590
Chickasha, Okla.	15,000	135,000	13,500	135,000	1,500			1,500
Guthrie, Okla.		125,000					3,904	3,904
Muskogee, Okla.		560,000					30	30
Albany, Oreg.		75,000					4,389	4,389
Bedford, Pa.		80,000					9,272	9,272
Corry, Pa.	18,000	100,000	14,100	99,930	3,900	70		3,970
Huntingdon, Pa.		80,000					18	18
Bennettsville, S. C.		50,000						
Camden, S. C.		50,000					419	419
Brookings, S. Dak.	7,500	75,000	7,250	75,000	250			250
Fayetteville, Tenn.		50,000					1,444	1,444
Lebanon, Tenn.	5,000	50,000	4,000	48,665	1,000	1,335		2,335
Morristown, Tenn.	5,000	70,000	5,000	63,526		6,474		6,474
Pulaski, Tenn.	7,500	50,000	4,500	48,782	3,000	1,218		4,218
Springfield, Tenn.	5,000	45,000	5,000	44,979		21		21
Winchester, Tenn.		57,300					1,644	1,644
Clarksville, Tex.	5,000	45,000	5,000	44,696		304		304
Hillsboro, Tex.		70,000						
Brigham, Utah		55,000					427	427
Bedford City, Va.	7,500	45,000	7,500	44,916		84		84
Covington, Va.	7,500	45,000	4,500	45,000	3,000			3,000
Wytheville, Va.	5,000	60,000	5,000	59,000		1,000		1,000
Moundsville, W. Va.		90,000					14,115	14,115
Delevan, Wis.		62,500					4,927	4,927
Menomonie, Wis.	10,000	50,000	10,000	47,554		2,446		2,446
Sparta, Wis.		60,000					1,454	1,454
Total					67,113	173,433	185,039	425,585

Total buildings, 111.

[Mr. REILLY addressed the committee. See Appendix.]

Mr. ASHBROOK. Mr. Chairman, I yield two and one-half minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Now, Mr. Chairman, may I have the two minutes?

The CHAIRMAN. The gentleman is recognized for two minutes.

Mr. FESS. Mr. Chairman and members of the committee, I know that one subjects himself to criticism as being inconsistent when there is an item in the bill coming from his district, placed there by a suggestion of the Member, and then he refuses to support the bill. The item in this bill from my district was first introduced in 1910. A site was purchased. The receipts of the post office of that town are $26,000 a year. There are 18 mails every day. There are 9 rural routes. The town is on 3 trunk lines. It has 3 banks, with a capital of $1,308,000. It ought to have a building. I introduced a measure. It is put in an omnibus bill that has in it, according to my colleague from Ohio [Mr. ASHBROOK], 200 items that are not within the Postmaster General's rules.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield there?

Mr. FESS. Yes.

Mr. CLARK of Florida. Did not the gentleman introduce four bills?

Mr. FESS. The gentleman introduced the same bills that had been introduced before. And that again shows, Mr. Chairman, the viciousness of this legislation. A man says that you ought not to introduce a bill unless you stand for it. I have 18 towns in my district that ought to have public buildings if this bill becomes the policy of the Government, and everybody knows that that is perfectly impracticable. The suggestion of my friend is just as far afield as the viciousness of this sort of legislation is apparent.

Mr. Chairman, I shall vote against this measure, because omnibus legislation is vicious and ought to be omitted from this Congress. [Applause.]

Mr. Chairman, the city of Urbana, Ohio, is located in a very rich agricultural section of the country. As I have just stated, it has three trunk lines passing through it—one interurban line. It has a population of about 9,000, and its postal receipts are nearly $26,000 per year. It is a growing city which at the time of the last census of 1910 had a population equal to 57 per cent of the towns already provided with Federal buildings prior to 1916.

In 1910 a site was authorized and later purchased for $13,000. Bills were introduced in the Sixty-second and Sixty-third Congresses. I reintroduced a bill in the Sixty-fourth Congress which was made a part of the present omnibus bill.

This item is worthy. It falls within the requirements of the recommendations of the Postmaster General. My people want it, and expect me to urge it; which I would like to do. But, Mr. Chairman, I have examined the measure before us. Note what I am asked to indorse in order to have the people of Urbana provided with what they merit. Take the State of the chairman of the committee. There are seven Florida towns included in this bill. Urbana has a population equal to the total of the two highest of the Florida towns, and seven times that of the lowest. Its population is six times that of one town, four times that of any one of three others, and greater than the sum of five out of the seven. If I compare my own district with the provisions of this bill for Florida, I have one town which is one and one-half times the size of the greatest of the seven Florida towns, and 19 towns greater than the smallest of the Florida towns. I have 14 greater

than any one of the two smallest in Florida. None of the towns referred to in my district are provided for.

The same is true when compared with Georgia, which has 19 items in this bill. Its greatest town is not half as large as Urbana. This town has seven times the population of two of the Georgia towns, four times the population of seven of the Georgia towns, three times the population of 11 of the Georgia towns, and twice the population of 19 of the Georgia towns.

Take my district in comparison with Georgia in the bill. It has 3 towns with population equal to that of the highest of 19 in Georgia, 4 equal to that of any 1 of 13, 7 equal to that of any 1 of 3, 18 greater than either 1 of 2, and 24 greater than that of the lowest.

The same is true when compared with North Carolina, which has 16 items. Urbana has a greater population than that of the highest of the 16 and greater than the next 2 highest put together. Her population is three times that of any 1 of 12 of the 16 in North Carolina and four times that of any 1 of 6, and five times that of any 1 of 4 and seven times that of the lowest of the 16. My district has 2 other towns, each with a population greater than that of any 1 of 14 of the 16 in North Carolina provided for in this bill. It has 16 towns with a population greater than the lowest of the 16 North Carolina towns.

The same comparison could be made with Kentucky and Missouri, as well as other States, with similar results.

If the comparison is made by receipts of the office, the same conclusions are reached. In 130 items picked out in this bill about 30 would meet the recommendation of the Postmaster General. I note that at least 1 item falls under $5,000 annual receipts, 8 under $6,000, 27 under $7,000, 46 under $8,000, 56 under $9,000, 65 under $10,000, 100 under $15,000.

When these items are compared in receipts with those of Urbana, we find that Urbana has five times those of 1 item in the bill, four times those of any 1 of eight items in the bill, three times those of any 1 of 46, twice those of any 1 of 65 items in the bill, and one and one-half times those of any 1 of 100 items in the bill.

If we take it by district, the same conclusions must be drawn. That is, if the principle of this bill is to be the policy of the Government; then, instead of recognizing 1 town in the seventh Ohio district for Federal attention in the public-buildings act we should have at least 18 towns in this bill. Aside from the county seats, we have the following:

Post office.	Population.	Gross receipts.	Rent, light, and fuel.	Other expenditures—compensation, clerk hire, etc.	Class.	Salary.
Bell Center	889	$3,577.23	$440.00	$1,813.68	3	$1,500
Blanchester	1,813	15,788.01	500.00	5,444.18	2	2,400
Cedarville	1,059	3,691.89	300.00	1,818.56	3	1,500
De Graff	1,082	3,862.51	294.00	1,817.04	3	1,500
Franklin	2,659	9,654.12	783.33	5,043.09	2	2,100
Jamestown	1,133	4,796.90	360.00	2,027.20	3	1,600
Jeffersonville	716	2,822.67	144.36	2,005.64	3	1,300
Mechanicsburg	1,446	8,348.10	350.00	2,378.49	2	2,000
Milford Center	685	2,573.94	96.00	1,218.98	3	1,100
Morrow	832	3,041.07	160.00	1,543.92	3	1,400
Mount Sterling	1,071	5,827.71	328.00	2,127.22	3	1,700
New Carlisle	1,058	4,634.25	368.00	2,013.92	3	1,600
New Vienna	793	3,070.55	252.00	1,608.64	3	1,400
Osborn	866	3,070.58	194.02	1,711.28	3	1,400
Plain City	1,407	4,769.70	265.00	1,918.04	3	1,600
Richwood	1,729	7,135.80	240.00	3,179.84	3	1,900
Sabina	1,514	5,240.56	250.00	2,270.08	3	1,600
South Charleston	1,181	3,907.81	500.00	1,723.84	3	1,500
St. Paris	1,261	5,120.62	325.00	2,099.88	3	1,700
Waynesville	705	2,920.14	360.00	1,503.54	3	1,300
West Jefferson	1,043	2,166.35	143.96	1,243.36	3	1,100
West Liberty	1,288	4,630.97	400.00	2,010.66	3	1,600
West Mansfield	913	3,212.76	272.00	1,589.20	3	1,400
Yellow Springs	1,360	4,305.34	360.00	1,834.24	3	1,600

The figures for the county seats are as follows:

Post office.	Population 1910.	Gross receipts.	Rent, light, and fuel.	Other expenditures.
Bellefontaine[1]	9,237	$23,364.88	.....	.....
Lebanon	2,698	17,613.14	$1,080.00	$10,384.19
London	3,530	14,931.21	900.00	10,533.92
Marysville	3,576	14,813.79	800.00	12,092.14
Springfield[1]	51,550	481,026.79	.....	.....
Urbana	7,739	25,676.54	1,000.00	16,542.60
Washington Courthouse	7,277	27,844.32	1,163.85	16,742.89
Wilmington	4,491	18,343.98	1,050.00	11,199.29
Xenia[1]	8,712	28,147.60	.....	.....

[1] Have public buildings.

The status of county seats in my district, to say nothing about the before-mentioned villages herein contained, is stated by the Treasury Department as follows:

TREASURY DEPARTMENT,
Washington, May 27, 1916.

Hon. S. D. FESS,
House of Representatives, United States.

MY DEAR CONGRESSMAN: The following information in regard to public buildings in your district is furnished in response to your request of the 20th instant:

Lebanon, Ohio: There is no Federal building at this place and no bill pending at the present time for the construction of one. A bill, H. R. 15353, was introduced in the Sixty-second Congress by Mr. Denver, and reported on by this department January 27, 1912, but no legislation resulted.

Wilmington, Ohio: The act of March 4, 1913, authorized the acquisition of a site and construction of a building at this place, at a limit of cost of $75,000. While land offered for this site has been examined and reported upon, no selection of the site has yet been made.

Xenia, Ohio: A site was authorized at this place on May 30, 1908, and the construction of a building on June 25, 1910. In accordance with this legislation a building was constructed and occupied in 1914.

Springfield, Ohio: A site and building at this place were authorized March 3, 1885, and additional land and extension to the building authorized June 30, 1906. The extension was completed and occupied in 1909.

London, Ohio: There is no Federal building at this place, and no bill has been introduced providing for one.

Washington Court House, Ohio: The act of March 4, 1913, authorized a site and building at this place at a limit of cost of $80,000. A site has been acquired for $15,000, and it is probable that the building will be placed under construction during the coming calendar year.

Urbana, Ohio: The act of June 25, 1910, authorized the acquisition of a site at this place at a limit of cost of $15,000. A site was acquired for $13,000. No bill is now pending for the construction of a building, but bills H. R. 13914 and 12239 were introduced in the Sixty-second and Sixty-third Congresses, respectively.

Bellefontaine, Ohio: The act of May 30, 1908, authorized a site at this place, and act of June 25, 1910, the construction of a building. In accordance with this legislation a building has been constructed, and was occupied in 1914.

Marysville, Ohio: There is no Federal building at this place, and no bill has been introduced providing for one.

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

Mr. Chairman, it is but natural for a community to desire a public building erected and maintained at Federal expense. It is an adornment for any town of which the people would be proud. But such an institution entails expense, to be met by public taxation. The upkeep of such a building would be costly, whether the mail was great or small. The Congressman, naturally desirous of pleasing his people, must not forget that the burdens of the Government are what he makes them. To-day, when the Government is using a fine-toothed comb to find revenue to meet the expenses of the Government, it is a poor time to waste the public funds as here proposed.

Already the Government is so far behind the authorizations that our people have become impatient over the delay. In the early part of 1913 an act was passed authorizing the purchase of a site at Washington Court House, a building at a limit of cost of $80,000. The site was purchased, but the building has not yet been advertised. My request for information from the office brought the following instruction:

TREASURY DEPARTMENT,
Washington, February 26, 1916.

Hon. SIMEON D. FESS,
House of Representatives of the United States.

MY DEAR CONGRESSMAN: Referring to the telephone message from your secretary on February 24 relative to the Federal building to be erected at Washington Court House, Ohio, no definite statement can be made at this time as to when the work will be advertised. In accordance with the present program, bids for the construction of this building should be invited during the third quarter of the calendar year 1917.

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

Mr. Chairman, I had hoped to see a building erected in Urbana, a modern city of over 8,000 people, with 7 schools, including a college, 18 daily mails, 9 rural routes, 12 churches, 20 fraternal societies, the domicile of Company D of the Ohio National Guard, and 3 banks, with $1,308,000 deposits, a city which meets the requirements of the recommendations of the Postmaster General, and equal to any one of the 922, or 62 per cent of the 1,479 post-office buildings already erected by the Government. But when I am compelled to vote for a bill which contains over 200 items excluded, not only by the recommendations of the department, but by the sheerest common sense, it is too high a price to pay. While the people of Urbana will be disappointed, their common sense will justify my course.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, were received.

PUBLIC BUILDINGS.

The committee resumed its session.

Mr. ASHBROOK. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. KENT].

[Mr. KENT addressed the committee. See Appendix.]

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

The CHAIRMAN. The gentleman from Ohio [Mr. EMERSON] is recognized for five minutes.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, I desire to say that I agree with what the gentleman from Montana says, that it is folly and useless to attempt to rent all public buildings. That is nonsensical.

Now, this bill should be treated just the same as any other bill that comes into this House. Every bill, I take it, has some good points in it, and every bill has, I presume, some bad points in it. Now, it should be read as other bills are read. The good features of the bill should be retained and the bad features of the bill should be stricken out.

Now, that is my position with respect to this bill. I feel that it is unjust and improper to attack the bill in its entirety because a few places are undeserving of having public buildings. The bill should be treated in the same manner that we treat other legislation. I have a provision in this bill for $70,000 for a site and building in the city of Painesville, in my district. There is no public building in my district now. The city of Painesville has a population of something like 5,000 people, with post-office receipts of $43,354.37, over four times the amount required by the rule laid down in this bill.

Now, I want to say to these gentlemen that the committee has not bound me in this matter. If these gentlemen who have provisions in this bill for post-office buildings for their districts and who are opposing this bill are not kind enough to move to strike those provisions out if they should not be in the bill, I want to notify them that I shall be in the House when the bill is read, and I shall move to strike them out; and they will either go on record to vote against the provisions for their districts or they will go on record as being in favor of them. [Applause.]

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Certainly.

Mr. REILLY. Then, the gentleman believes a post office should be a bribe for a Congressman to vote?

Mr. EMERSON. I do not believe anything of the kind. I feel that there should be post offices in the places where they should be, where the places are large enough, and where the receipts warrant it, and where it would be for the benefit of the public to have such buildings. I regret that there is no way of getting a public building in a place that deserves it except by a bill of this character.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. KENT. Supposing a man has an item in this bill for a place that does deserve a post office, and suppose he conscientiously objects to the form it takes and the district-by-district manner in which it is distributed?

Mr. EMERSON. That is not the position I take. I would give a man a chance to defend it. I do not say that I would vote against it, but I would give him a chance to vote against that particular item in the bill, or show why it should remain in the bill.

Mr. PLATT. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. EMERSON. Yes.

Mr. PLATT. Did not the gentleman say he thought this bill should be considered like any other bill, and that items that are not deserving should be stricken out?

Mr. EMERSON. Yes; I did.

Mr. PLATT. And yet you are going to ask them to strike them out?

Mr. EMERSON. No. I will ask them to defend it as I do mine. The city of Painesville, Ohio, by all that is just and right deserves a public building. We could easily withdraw the National Guard from the Mexican border, where it is not needed, and save enough money to take care of this appropriation.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield back his time?

Mr. EMERSON. I thought I had used up my time.

The CHAIRMAN. No. The gentleman has used four minutes.

Mr. EMERSON. Mr. Chairman, I submit the following as a part of my remarks:

The following facts and figures abundantly prove Painesville's right to the $70,000 proposed appropriation for a new Federal building, and also speak most elegantly on the growth of our city. In the face of this evidence further comment is unnecessary:

The postal receipts for the fiscal year ending June 30, 1916, were $43,354.37.

The postal receipts for the quarter ending March 31, 1916, were $16,087.37, the largest amount received in any one quarter in the whole history of the office.

The month of May this year shows postal receipts of $3,948.90, a gain of about 40 per cent over a year ago, and a little better gain over two years ago.

The quarter ending June 30 this year shows a gain of $1,437.91 over the corresponding time last year.

The postal receipts of Port Clinton and Eaton are, respectively, somewhere between $11,000 and $13,000, while the receipts of Painesville office for the one quarter ending March 31, 1916, were $16,087.37.

Bowling Green, Ohio, has an elegant Federal building, with postal receipts of less than one-half of the revenue of Painesville.

The gain in revenue, one year over the preceding one, at the Painesville post office represents a greater amount of money than the entire annual revenue of many places in the United States where Federal buildings have been provided.

Nothing indicates the growth of a place more certainly than an increase in sale of 2-cent stamps at the post office of any place. There were sold at the Painesville post office this year in May 76,300 2-cent stamps, in June 59,400, which sales break all previous records for May and June.

In money-order business the Painesville office outranks many places four times the size of this city. There were 50,378 transactions in the money-order department of the local office for the year ending June 30, 1916.

The deposits in the postal savings bank are, per capita, four times the average of the whole country.

The revenue of the local office for the year ending June 30, 1916, met approximately all the local expenses, and there was a balance of $15,756.99 turned in to the Post Office Department.

POSTAL RECEIPTS PER ANNUM OF THE PAINESVILLE OFFICE FOR 10 YEARS.

In each case the revenue is computed for the fiscal year, which is from July 1 to June 30, inclusive:

1906–7	$27,465.25
1907–8	28,148.93
1908–9	29,912.84
1909–10	31,589.99
1910–11	33,049.20
1911–12	33,730.11
1912–13	36,946.42
1913–14	38,012.46
1914–15	41,743.85
1915–16	43,354.37

Mr. CLARK of Florida. I yield five minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for five minutes.

Mr. KAHN. Mr. Chairman, I do not know the merits of all the items in this bill, but I believe that this country can well afford to put up public buildings in the various cities to represent the majesty of the people of the United States. [Applause.]

I have an item in this bill for a new marine hospital at San Francisco. The buildings that stand there now were put up in 1875, with the understanding that they were to last 10 years, and then new substantial buildings would be erected. It is now 42 years since those buildings were put up. They are frame buildings, mere shells. The men who are in them are invalids, sick men, and if ever we have a fire in the marine hospital in San Francisco there is no doubt but that the casualty list will be exceedingly great.

Not long ago the grass in the vicinity of the marine hospital began to burn. The officers in charge of the hospital were fearful then that the buildings would take fire. They had to call out the soldiers from the Presidio to put out the fire, so as to save these buildings. Within the last three years we have had four fires in similar buildings in the Presidio of San Francisco, occupied by commissioned and noncommissioned officers and their families. In the four fires eight people lost their lives. Do we want to allow any condition of that kind to continue in this country? Do we want to have public buildings of that character representing the dignity and the power of the people of the United States? I think not. I believe there are many provisions in this bill that are equally meritorious with this one regarding a new marine hospital in San Francisco. I for one am not afraid to vote for this bill, and I shall do so with pleasure. [Applause.]

I yield back the remainder of my time.

Mr. CLARK of Florida. Mr. Chairman, how much time did the gentleman yield back?

The CHAIRMAN. The gentleman yielded back two minutes.

Mr. CLARK of Florida. I yield five minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Chairman, Texas has several items in this bill. There are very few towns in Texas with which I am not reasonably acquainted; and having examined those towns to my entire satisfaction, I take it for granted that they bear the same relation to public necessity that the other buildings in this bill bear to the rest of the country. If they do, there is no pork and no graft in this bill.

We are told that we do not need to build these post offices because we could rent and make out in some sort of other buildings. Why, certainly; and by the same reasoning we do not

need to build any splendid schoolhouses, because we could make out in a shack, and sit on a three-legged stool, like I did when I was a boy; but we have outgrown that system, and we stand to-day for progress. All this talk about voting for something we do not need does not appeal to me in this case, because I am sure if we do not absolutely need them now in most of the towns the time is not far distant when we will need them. And I remember that we nearly all voted practically to turn the whole Treasury over to the building of battleships and magnificent floating palaces; and, my God, I know we did not need them, and I pray to God that the time will never come when we shall need them. [Applause.] However, they may serve a good purpose yet. It is possible that we can lariat them to the bank of the ocean and have some of those vast military fandangoes and dances on the decks, where magnificent men with military bearing and epaulets on their shoulders and with coats cut away can waltz to music with women whose clothes are at half-mast. [Laughter.] And so it is possible that we can use them in that way; but so far as the service for which they are built is concerned, I see no immediate use for them, and anticipate that at least during the 18 years of their supposed efficiency we will never need them. Yet we spend hundreds of millions of dollars in anticipation of possible needs. So I am willing to risk a thousand dollars here and five thousand dollars there in the great interior of our country, in some town where the fellow who baptizes the earth with the briny dew that drops from the brow of industry in our fields can lift up his eyes and once in a while behold the flag that waves over a Government agency and a Government institution. [Applause.]

Mr. ASHBROOK. I yield the remainder of my time to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] is recognized for 18 minutes.

Mr. FREAR. Mr. Chairman, a few days ago, on December 7, I placed in the RECORD some suggestions and criticisms in regard to the pending public-building bill. It has been charged that I did not deliver the speech on the floor. I secured all the time to which I was entitled—an hour and a quarter—and I endeavored during that time to answer all questions that were presented. I am not going to add to the information based on official data presented in that speech, but before we proceed to the consideration of this bill I wish to offer one or two further suggestions, which ought to be thought out carefully by this membership.

Mr. GORDON rose.

Mr. FREAR. I can not yield now. I have just started. The gentleman from Ohio may be with me, but I want to get this matter clearly before the House in the limited time allotted to me.

I call your attention to the fact that the two bills now awaiting immediate consideration before this House are the $38,000,000 public-building bill and the $38,000,000 river and harbor bill, which are both awaiting recognition from the Chair. A sum total of $76,000,000 is asked for by these two bills at this time, and in the river and harbor bill only $9,000,000 cash is asked out of $47,000,000 authorizations, so the two bills really represent a total of $114,000,000, with a $300,000,000 deficit facing us in the Treasury, and direct taxation to be imposed to meet these extravagant bills.

Mr. Chairman, I desire to reply briefly to one or two things that have been suggested by committee members during the discussion. The chairman of the committee [Mr. CLARK of Florida], who has treated me with unusual courtesy, made the statement yesterday that this is a nonsectional bill, and that the comments made in my speech on the subject were unfortunate in that respect. I did not intend it to be understood as sectional because of any mere matter of locality. I wish to say that there is not a proposition in the river and harbor bill, North or South, or in this public-building bill, that is a worthy project that ought not to be given to the South as well as to the North. There is no distinction in locality. Extravagant projects in Wisconsin are just as bad as they are in Florida or in any other State. I will say this, too, that no matter where the project is located, it ought to be considered entirely upon its merits. But in my other speech I showed conclusively that 19 projects in this bill for one State in the South were in towns all having less than 4,000 people, and that brings right to my mind the remarks of the gentleman from Ohio [Mr. FESS], who said that he had, I think, 28 projects in his own district worthy of immediate consideration, but these were ignored by the committee.

Mr. FESS. Eighteen.

Mr. FREAR. Eighteen projects in his own district that are on all fours with those in this bill—larger and more worthy, doubtless, than a majority of the 19 villages cared for in one southern State which is of average size. I gave many such comparisons to indicate methods of distribution by the committee. The relative importance of projects is not considered here. It is the division of 300 projects among the membership of this House that makes it invulnerable. Do you not believe it? Is there any question about it? I leave it to members of the committee like the gentleman from Ohio [Mr. ASHBROOK] and others who have here said that it is the fact. I do not need to emphasize it. No amendment can strike out one item from the bill because of that fact. What is the character of reports that are made before this committee in order to show value of projects? Who have appeared at the hearings? Does the committee ask for the opinions of experts? Do its members ask for advice from the Post Office Department or from the Treasury Department, or do these departments furnish reports as to the value of projects? No; the Public Buildings Committee declares to the Treasury Department, "We do not want to know your opinion about these things. You are asked not to give your judgment as to the necessity for a public building." That has been stated here by the chairman himself. These hearings as to public necessity are made up of statements by Congressmen alone, without exception men of high character, it is conceded, but that is the way the hearings are held which determine the character of items in the bill and their necessity. Congressmen want them in every case. The hearings show this to be a fact; and so, based on these hearings, in spite of protests of extravagance and waste of public funds, 300 buildings are distributed around the country in every State and in a large majority of the districts. Buildings and sites are mathematically and geographically distributed. That is the vice of omnibus bills. The pressure is hard in every community for public buildings. I do not believe, primarily, it is the fault of Members themselves. I say this in all fairness to the chairman of the committee, that his bill is as good, as he says, and as bad, as past bills—as good and bad as the bill of 1913. The chairman said two-thirds of the responsibility for that 1913 bill belonged to the party on this side of the aisle. There is no question about that, and I do not criticize individuals or political parties in this matter. They are nonpartisan bills, and that makes them so dangerous. The present bill contains hundreds of items. The Treasury Department of the present administration has said that 200 or more of these items are unprofitable for this country. How many of them? Two hundred; and I believe it can be established that far more than that number are unprofitable and wasteful, judging from the letters of the department—wasteful at any time, and particularly at this time.

Now, the chairman made another statement to which I will refer, but I am not going to reply to personalities. I have been criticized severely in the past on the floor of the House by Members for opposing wasteful omnibus bills, but it will not make the slightest difference with my attitude on this bill or on any other bill which I think is wrong and ought to be defeated. It has been suggested that it is unfortunate I am on the floor of the House. But I have recently been given the greatest indorsement ever given from that district. This indorsement, Mr. Chairman, I did not consider personal. I assumed it was in justification of the course that has led me in part to aid in defeating two river and harbor bills which thereby saved to the Government $42,000,000. These were the 1914 and 1915 river and harbor bills, and I trust we will witness the defeat of this public-building bill, even though it has got some good items in it. And so with the $38,000,000 river and harbor bill that is waiting to follow, and which, with this bill, has a tortuous course to travel before it ever becomes a law.

Mr. Chairman, it is an unpleasant duty, and I conceive it to be a duty, to attack many wasteful items when there are good items in the bill. It is unfortunate that the good are linked up with the bad, but it has been declared time and time again by Members in debate that not a single item can be stricken from the bill. They stand or fall together. Why? There are 300 Members here, and the assertion is made that if an item is dropped it loses the vote of that individual Member. That is the general understanding, and the effect is to hold the bill intact, like a river and harbor bill; you can not cut out any items, the only way is to defeat the bill.

Now, the gentleman from Pennsylvania [Mr. MOORE] yesterday made some statements that I do not expect to reply to in a personal way, but to discuss impersonally. He said, "Will the gentleman from Wisconsin strike from the list the Wisconsin items, will he be consistent?" That has been the trouble with all the discussion in the House. Will you be consistent? I care not for the charge of inconsistency. A man trying a lawsuit tries to win if he believes it is right to win, even though

yesterday he thought it was wrong. You are not trying men's consistency by the merits of this bill. Consistency is only a jewel at rare times. It is an argument that will not deter those who realize the weakness of it. My own course I trust has been consistent in opposition to waste, but the measure and not the man is alone to be enacted into law or defeated.

Why should the gentleman from Pennsylvania ask if I am going to strike out the items for Wisconsin? I do not know whether the gentleman from Pennsylvania is here to-day or not, but I would like to make a suggestion to him. If the chairman of the River and Harbor Committee is here, he will bear testimony that I moved to strike out three-quarters of the upper Mississippi river proposition, involving $2,000,000, in the pending bill; and upon that motion the committee struck out $800,000. It runs about 125 miles past my district—the only project that touches the district—but it is waste, and I know it. I will put in the proof when the bill is reached. It is not a question of individual interest that should govern, if the item is wasteful. Why should the gentleman from Pennsylvania, with his two-million-dollar item for Philadelphia, in the river and harbor bill, and his $750,000 in this bill, question what my action is going to be? What will his action be on bad items in both bills and on the bills themselves? If he believes the Wisconsin items should go out, he ought to move to strike them out. It is his duty as much as mine. I am not a prosecuting officer, but I am trying to give information as best I can as to the items in the bill. When the items are reached, let the record show for itself.

Mr. Chairman, the question has arisen about the accuracy of the Treasury Department's figures. To my mind the question whether $10,000 in annual receipts should govern, as proposed by the committee, is immaterial; it is not material whether the annual receipts are $15,000 or $20,000, although I believe that the suggestion of the distinguished Speaker of this House is a good one. We ought to fix some permanent limit and make it a good large limit in receipts and then make it work automatically without bringing these omnibus bills into the House for discussion.

What possible justification can there be for having one locality where perhaps only one manufactory buys all of the postage stamps and thereby raises the receipts above $10,000—why should that be justification for building a public building there? Receipts have no more relation to the necessity of putting up public buildings than has the collections of a street-car conductor to the cost of the car that he is running.

What is the ordinary business test to be applied by any municipality? Is it not a question of present expense and what will be the future and natural expense of administration? I will later discuss this matter of annual receipts when the bill comes up for amendments, but I have not the time to do so now.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. FREAR. Yes; I yield to the chairman.

Mr. CLARK of Florida. Would not the gentleman accept the postal receipts at a post office as a basis as to the needs of a public building?

Mr. FREAR. Not on any such basis as some items in this bill offer where the present rental, for illustration, is $500 and the future cost of maintenance will reach approximately ten times that amount, or $5,000 annually.

Mr. CLARK of Florida. Does the gentleman believe that the Government is established for the purpose of being remunerative from its public buildings?

Mr. FREAR. No; not necessarily.

Mr. CLARK of Florida. Does the gentleman believe that schools and churches should be destroyed because they do not pay in dollars and cents?

Mr. FREAR. Oh, no. I will go a little further than that, and I will say that I will give the benefit to the Government in certain cases, but I would not pay $10 for a useless, extravagant building where we are paying $1 now. The justification for a building must be based upon actual necessity for its use and reasonableness of the additional expense.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield further.

Mr. FREAR. Yes; certainly.

Mr. CLARK of Florida. Does not the gentleman think that in determining the question of the inequality, the upkeep, and the rental, etc., there ought to be taken into consideration the character of the quarters that the Government is now occupying, the rented quarters, as to their making for efficiency, and their sanitary condition and all that sort of thing?

Mr. FREAR. I will say this, that the chairman of the committee himself signed the report which says that in order to determine what should be taken into consideration——

Mr. BARKLEY rose.

Mr. FREAR. I can not yield further at this moment to the gentleman. I wish to reply to the gentleman from Florida. He declared in his report—and it is the right policy—that there should always be taken into consideration the interest, the cost of the janitor service, the cost of maintenance, in comparison with present rents, when considering new buildings, and I think that is the proper system.

Mr. CLARK of Florida. As one of the elements?

Mr. FREAR. Yes; but not necessarily the controlling element.

Mr. CLARK of Florida. Not the controlling element?

Mr. FREAR. I said that. Then, let us take the case of the gentleman who to-day is the Postmaster General of the United States. He was formerly a Member of this House. In that same report he says that there should be $15,000 receipts annually instead of $10,000, as proposed in the majority report of the Public Buildings Commission, $1,000 annual rent, and that there should be at least a population of 5,000 people. That is his basis of determination of necessity. Then the Treasury Department placed the receipts at $25,000 or more as the proper basis. But here we have in some cases in this bill receipts of not $6,000 annually. What is the object of putting in a legal limit here attempting to govern the next Congress? You can not govern the next Congress. You do not recognize any such law in this Congress, because you have put in such items here as you choose. Who is governed by any law passed by a preceding Congress? No one; nor have they attempted to be, because these propositions are found before us in this bill.

Mr. Chairman, the waste in this bill reaches to something like 200 items, according to the Treasury estimates. The chairman gave two illustrations yesterday; and I speak of this briefly because they are characteristic of many of the items in the bill. For instance, he said that in the case of Lewisburg, W. Va., there was a population of 803 people, as I recollect, and postal receipts of $8,017, according to the 1915 report, which was available at the time the bill was introduced. That office was paying $540 a year rent.

The estimated expense of a new building will be $6,800 a year, at the amount named. This is twelve times as much as the rental there now, and that represents the additional cost of erecting a building at Lewisburg. Oh, you say, but there are other governmental activities.

Mr. Chairman, one member of the Public Buildings Committee introduced 11 building bills this session, and in 8 of those bills for his district which he proposed there were other governmental activities. Other offices were to be accommodated. It is easy to put governmental activities of various kinds at these places in order to qualify in insignificant villages, but you can form an idea of the unimportance of such arguments when I say that in Kentucky they ask for extra courthouses, while they have 12 Federal courthouses in that State to-day, twice as many as they have in Illinois. Think of the absurdity of this situation. Chicago, it is said, has a larger amount in the bill than many of the small towns put together. I do not know whether the necessity and cost is right or not; I do not know whether it is a proper item. No question has been raised. I think there may be some question, however, about some of these larger items as to their necessity at this time, but there are receipts in Chicago of over $19,000,000 every year, enough to meet 600 of these other items which boast of annual receipts of $10,000—more than enough to counterbalance 600 such items, or double the entire number contained in this bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MADDEN. Chicago has postal receipts of $27,500,000 a year.

Mr. FREAR. Then, think how much greater the disparity. That represents eight or nine hundred of these struggling village items which have postal receipts of $10,000 a year each. So that you see the relative importance is not determined by this question of $10,000 revenue. Why should you build a $30,000 post office simply because there is an annual revenue of $10,000 obtained by the sale of postage stamps? You put a postage stamp on a letter to carry it to England or all around the world or to some point in this country. The revenue is not used to build public buildings, and when a public building is going to cost to maintain some five or six thousand dollars, as is shown to be the case at Lewisburg, W. Va., why do you want to increase it to that amount from $500 or $600 a year, which is now being paid for rent? That is what I have attempted to set forth in this discussion as a fundamental proposition. As I said, there is no question of sectionalism, but I have shown that in one State with 19 items for 12 districts every one of these items is in a town containing less than 4,000 inhabitants—items

placed in small towns in order to divide up the bill geographically and secure the support of a majority of the membership of the House for the bill. As the gentleman from Ohio [Mr. FESS] said, the omnibus bill is the vice permeating the whole proposition.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CLARK of Florida. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama [Mr. BURNETT]. [Applause.]

Mr. BURNETT. Mr. Chairman, I am the oldest member of the Committee on Public Buildings and Grounds, in point of service. I was placed there first by the distinguished ex-Speaker of this House, my personal friend, Mr. CANNON. I have served through Democratic and Republican administrations. I believe that I can say with truth, that no matter whether this committee has been composed in its membership of a majority of Democrats or of Republicans, it has been an absolutely impartial committee. We have tried to do right and to do fairly. We have not recognized the argument that gentlemen have made here frequently, that only the great cities were entitled to recognition from this Government in their post-office buildings or for the housing of other governmental activities. We believe that the people in the country, who pay the majority of the taxes of the Nation, ought sometimes to have a look-in on what the Government is doing. We do not believe that merely because brick and mortar and people have been concentrated in some particular center, that therefore the people of all the other sections of the country have no right to recognition by their Government. I have served under various chairmen of this committee. It was my privilege, as the acting chairman of the committee four years ago, when the chairman of the committee, Mr. SHEPPARD, of Texas, was made Senator, to have charge of the bill that was adopted at that time. I remember that the same kind of arguments were made at that time as have been made to-day by gentlemen who are members of this committee, but who to-day have taken very different positions from those they maintained at that time.

I remember when the gentleman from Indiana [Mr. BARNHART] and the gentleman from Ohio [Mr. ASHBROOK] had an opportunity to vote for a motion for instruction to the conference committee, offered by Mr. HARDWICK, of Georgia, in which the Senate put on this provision:

> No contract authorized by any section of this act for the erection of a building to be used exclusively as a post office, or for the purchase of sites for such buildings, shall be entered into nor shall public money be expended for such purposes until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum.

On that motion, Mr. Chairman, a yea-and-nay vote was demanded, and among the distinguished gentlemen—consisting of 190 for to 86 against the adoption of that amendment—I find the names of ASHBROOK and BARNHART among those who led the opposition. [Applause.] And yet, my friends, wonderfully consistent, now come up four years later—it was a Republican administration then and it seems that the gentlemen at that time did not care how much might be expended, I will not say for the purpose of embarrassing a Republican administration, but at any rate they did not want that kind of an amendment put on to hold us down to items for buildings and sites where the receipts did not exceed $10,000.

Mr. ASHBROOK. Will the gentleman yield?

Mr. BURNETT. I will yield for a question.

Mr. ASHBROOK. I would like to inquire of the gentleman if the conditions of the Treasury, the general conditions, were very much different four years ago from what they are now. [Applause on the Republican side.]

Mr. BURNETT. Unfortunately, Mr. Chairman, that is true [applause on the Republican side], comparatively; but still, Mr. Chairman, we are to-day a richer Nation by perhaps one hundredfold, or at least fiftyfold, than we were at that time. [Applause on the Democratic side.] Our resources have increased and the revenues of the Government have proportionately increased. Democrats ought to be the last men to change their position by reason of a change in the condition of the Treasury [applause], because, Mr. Chairman, under the four years of Democratic administration the bow of prosperity has hung over this country from the rock-ribbed coast of Maine to the golden shores of California and from where the aurora borealis spans the Alaskan coast to the orange groves of Florida. [Applause.] And I believe that the gentleman from Indiana and the gentleman from Ohio are the only two gentlemen under the Stars and Stripes who do not realize the increased prosperity of our country. But, Mr. Chairman, has the gentleman again been consistent? I am not criticizing him for passing under his leadership the bill for an increased pension to the widows of Union soldiers. Nor did his colleague from Ohio [Mr. KEY] criticize him by the question he asked him, but only pointed out his inconsistency. I have more pensioners of Union soldiers and more widows of Union soldiers in my district than any five districts in the State of Alabama, and I do not chide the gentleman for that. Mr. Chairman, when the gentleman believed it was in his political interest to get the votes of the people in those splendid districts of the North he was willing then to increase the burden upon the Treasury from twelve to fifteen and perhaps twenty million dollars without ever blinking an eye at the increase. Oh, the consistency of the gentleman!

Mr. ASHBROOK. I would like to ask my friend if he was not in favor of that pension bill?

Mr. BURNETT. Absolutely, and in favor of this bill, too; and hence I am not inconsistent. [Applause.] We are not a pauperized Nation, and I am sorry to hear a Democrat here admit that we are. [Applause.] Oh, shame upon any man who in four brief years has changed his position when he said then that no matter how small a town was or how short its receipts were it ought then to have received an appropriation for a public building and yet who now, under the administration of his party, in effect says we are too poor to let the people in the rural districts of this country receive a slight evidence of the great prosperity of a great and grand Nation. [Applause.]

Mr. SIMS. Mr. Chairman, will the gentleman yield for a question?

Mr. BURNETT. I will.

Mr. SIMS. Mr. Chairman, I want to ask the gentleman if the condition of the Treasury, so far as the revenue receipts are concerned, is not in a better condition than it ever was at any time during the Republican rule?

Mr. BURNETT. Absolutely; far better. And, Mr. Chairman, I am one of those who stood against the amendment of the Senate to an increase of more than $100,000,000 for battleships in days of profound peace, when there is less reason for our fearing war than there has ever been, and if the gentleman and other gentlemen had been as consistent as I have been, there would not have been even the trouble in regard to Treasury receipts and Treasury deficit.

Mr. SIMS. Emphasizing what the gentleman says, is it not a fact that all the deficit and all the arrears in payment of bills is due to the fact of the instrumentalities of destruction instead of production?

Mr. BURNETT. Absolutely; and I have——

Mr. SIMS. And these Republicans are the very men who howled louder than anybody?

Mr. BURNETT. Mr. Chairman, I do not want to be discourteous to any gentleman, but I want to say just a word or two about the great pork-barrel statesman from Wisconsin [Mr. FREAR], who has been posing for years, at least I have not heard of his doing anything else, as the great pork-barrel reformer.

Mr. Chairman, first answering one or two statements of the gentleman from Indiana, the gentleman says this is a fair bill, but he is opposed to it because he is afraid another body will destroy the efforts of this body to reform the administration of these authorizations. The gentleman is a good parliamentarian and yet he certainly forgets that we will have a say on the action of that other body, and that, following the usual course, the distinguished chairman of this committee and myself, as Democratic members of the conference committee, and the distinguished gentleman from Tennessee [Mr. AUSTIN], as the minority member, will have something to say about that, and that this House will finally pass on the action of that other body. It is a strange kind of argument that the gentleman from Indiana uses when he says that he is opposed to this bill on account of the present condition by which the architect's office is four years behind and puts a building where it ought not to be in his town, and yet the gentleman admits that if this bill is defeated that very condition will continue, and that this bill itself remedies that very condition.

That is a strange kind of inconsistency in the gentleman. Although, Mr. Chairman, I have been here for 18 years I have secured but two buildings for the district which I have the honor to represent, and the gentleman from Indiana [Mr. BARNHART] in a brief service of 8 or 10 years has, I believe, secured three. And the gentleman from Ohio [Mr. ASHBROOK], from whose eyes the scales have so suddenly fallen, who has undergone this wonderful conversion, aye, almost resurrection, in the course of a few years, has himself been the beneficiary of two buildings and two sites. But now it is "pork barrel." And the gentleman from Wisconsin——

Mr. FESS. Will the gentleman yield?

Mr. BURNETT. With pleasure, but just briefly.

Mr. FESS. Was the gentleman who is now on his feet the one to whom the gentleman referred, the gentleman from Ohio? Who was the one?

Mr. BURNETT. I referred to the gentleman leading this fight against the bill, a member of this committee [Mr. ASHBROOK]. I do not know how much the gentleman, Mr. FESS, has in the bill. If he had a good case and was active for his people he has gotten something. If he has not, then it is his own fault and not the fault of the committee. And all I can say is—and I do not say that, because I love the gentleman, and he knows it——

Mr. FESS. Will the gentleman yield?

Mr. BURNETT. For a question.

Mr. FESS. For just one statement. This present gentleman has not received anything in his district, and if this bill is the policy he ought to receive 18.

Mr. BURNETT. Has the gentleman even asked for one for his people?

Mr. FESS. Yes.

Mr. BURNETT. He has? Has the gentleman come before the committee and asked the committee to give him one?

Mr. FESS. It was not necessary.

Mr. BURNETT. The gentleman has a proposition in the bill?

Mr. FESS. Yes.

Mr. BURNETT. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR], the great opponent of the "pork barrel," the great reformer, is scarcely accurate in any statement he makes, though not intentionally inaccurate. I believed when the gentleman first began his fanfaronade against pork it was a matter of pure cussedness. I was with the gentleman and 40 or 50 other gentlemen over in Hawaii two years ago, and the close association that I enjoyed with the gentleman led me to believe that it was not pure cussedness, but that the gentleman goes off without information and is willing to take the unverified statements of the Architect's Office in the Treasury Department, or of the American Institute of Architects, in order to get his basis for an attack on this bill without an investigation.

Three years ago the gentleman made an attack on a proposition for Dam 12 on the Coosa River, Ala. He read a letter from some one who purported to be from Montgomery, whom my colleague [Mr. DENT] representing that district never could find, and whom I never could find. He read it and inserted it in the RECORD. In this letter it was stated that as a result of backwater from that dam there was a grave malarial condition produced, that bacteria was present, and that the people were suffering disease and death from it.

A number of suits were brought involving that very proposition, and one of the most distinguished physicians in the world, Dr. Gorgas, visited the place, and examined it and analyzed the water. The board of physicians of that county visited the place and made careful investigations, and every one of them decided that there was no such thing. Case after case was tried by juries of the neighbors of the people bringing them, and in each case they decided there was not a word of truth in the statement in regard to the prevalence of bacteria to an extent to produce sickness or death.

Now, I am not charging that my good friend has made those charges on his own initiative and on his own responsibility, but he goes off halfcocked, on half-baked statements of people who are interested. I ask him now, when he attacks projects that are in the river and harbor bill or other measures, that he inform himself and find out the source of his information.

What are we going to do about it?

SEVERAL MEMBERS. Pass it.

Mr. BURNETT. There is no doubt about that. Somebody says the Senate is not going to pass it. Mr. Chairman, I thank God that as a result of an initiative in this administration within the last few years the American Senators have been made responsible to the American people—those who elect them. And if it is true that there are Senators who are willing to fritter away millions on great armies and on immense battleships, while their constituents never see the eagle upon an American "twenty," or even the buffalo on an American nickel, so far as Government expenditures are concerned, and if those Senators are willing to take that responsibility, gentlemen, let them do it. It is not your responsibility and it is not mine. I never yet, Mr. Chairman, "crooked the pregnant hinges of the knee that thrift might follow fawning."

Men say it will receive a veto. That is not your responsibility, Mr. Chairman, nor mine. What do we owe to the boy and the girl and the man and the woman back in your district? What do we owe to our own consciences? It is a question for every man to decide upon his oath. And the man who shirks his responsibility because he is afraid of the President, afraid of the Postmaster General, afraid of the Secretary of the Treasury, or afraid of the Senate is a coward and unworthy the position of representative of brave American people. [Applause.]

Now, they talk about the upkeep. The distinguished gentleman, my colleague on the committee, Mr. ASHBROOK, referred to what the upkeep of these buildings would be, according to statements of the Treasury Department. Mr. Chairman, in all common sense, ought there to be any more expense in the upkeep of a $25,000 building in Hazard, Ky., or in some little place in my district or yours, than there is in the upkeep of a good rented post office now at the same place?

Why is it necessary to employ janitors and charwomen? And yet for the purpose of trying to deter Members of Congress from doing their duty that kind of stuff is undertaken to be rammed down the throats of men who are responsible to the people who sent them here. Every man knows that that is merely for the purpose of creating sentiment against the bill.

The CHAIRMAN. The Chair notifies the gentleman at his request that he has used 20 minutes.

Mr. MURRAY. Give it to them, little giant! [Laughter.]

Mr. BURNETT. Mr. Chairman, the appropriations in this bill are not all or the majority part of it. As long as I have been serving on this committee, through Democratic and Republican administrations, we have been trying to get the Supervising Architect's Office to adopt standards for buildings so far as it is possible to do so. We have not been able to do it. I believe that if this bill is adopted, by the expeditiousness that will be gained and the economy that will be secured there will be a worthy achievement.

But that is not all. We provide for the reorganization of the Supervising Architect's Office and the inauguration of a commission. Suppose we do pay a good architect $10,000 or $15,000 a year. Is not that cheaper than to pay these high-priced architects 6 per cent commission on every two or three million dollar building for which they prepare the plans and specifications? A $3,000,000 building at 6 per cent makes an architect's commission of $180,000. I believe it will take $10,000 a year to get an absolutely competent architect; but if it did, would it not be better than to pay an outside architect $180,000 every time a $3,000,000 building, a building of monumental size, is constructed? The big architects, many of them, throughout the country are fighting this bill because they know it will deprive them of the graft they are now getting from the Government, sitting like vultures, eager to prey upon the American Treasury, and crying "Pork barrel!" and getting the great metropolitan newspapers of the country to denounce this bill as "pork." [Applause.]

Mr. Chairman, I yield back the remainder of my time to the chairman of the committee.

The CHAIRMAN. The gentleman yields back the remainder of his time.

Mr. BURNETT. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. BURNETT. Now, Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR], in answer to the challenge of the gentleman from Pennsylvania [Mr. MOORE], says it is not his duty to move to strike out the items from his own State. Mr. Chairman, if it is his duty to criticize them, is it his duty to sit stolidly here and see them go in without attempting to strike them out?

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FREAR. Does not the gentleman think he is anticipating the situation?

Mr. BURNETT. Oh, the gentleman himself anticipated it in trying to answer the unanswerable argument of my friend from Philadelphia [Mr. MOORE] when he said it is not his duty to strike them out, but our duty to leave them out, or the chairman's duty to move to strike them out if the items are wrong. Then the gentleman can not sit here under his oath and refuse to make the motion, whether he comes from Wisconsin or Alabama.

Mr. Chairman, there is no sectionalism in me. I came on in the dark days of the Civil War. I thought at one time that gentlemen away up in the cold regions of the North had hoofs and horns. [Laughter.] But when I met gentlemen from that section all over the country, and especially since it has been my honor and my privilege to associate with them here, I have learned that on great questions among gentlemen of honor there is no North and no South, there is no East and no West.

I hear some small men here raising that cry. It reminds me of Mose Smith, a boy who used to go to the Methodist camp meetings in Alabama. I am an orthodox Methodist, Mr. Chair-

man—orthodox on the doctrine of "falling from grace." I not only believe in the doctrine, but I practice the faith. Mose Smith was one of the bad boys that used to attend our camp meetings. One night, when the altar services grew warm, he got one of those black racer snakes that we have down in Alabama and threw it over the altar, created consternation, and broke up the meeting. The next day he was captured and put into the chain gang for 12 months for disturbing religious worship, a punishment which he deserved, and a year later, when he had been released from the chain gang, he came to the meeting again, a much wiser and better boy. Among us Methodists we think the presiding elder is the "big gun," and we put him up to preach on Sunday. The presiding elder began his sermon with these words as his text, "As Moses lifted up the serpent in the wilderness." Mose Smith thought that had some reference to the serpent that had gotten him into prison 12 months before, and he could not stand it any longer. He jumped up and threw the hymn book at the preacher and said, "Parson, stop that right now. I don't want to hear another word about that darned old snake story. I am willing to let bygones be bygones." [Laughter.]

Mr. Chairman, when I hear men raising a sectional cry on any of these questions, I am reminded of Mose Smith—"I don't want to hear any more about that darned old snake story. I am willing to let bygones be bygones." [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I should like to inquire of the chairman of the committee whether under the phraseology of the paragraph that has just been read the Secretary of the Treasury would have authority to purchase a site, for which an appropriation has already been authorized in the act of three years ago, to the extent of the additional appropriation herein carried?

Mr. CLARK of Florida. I do not exactly understand the gentleman's question. Was the site authorized in the bill of 1913?

Mr. STAFFORD. Yes. Now, with the additional authorization here, would the Secretary of the Treasury have the authority to use the entire amount for the site only?

Mr. CLARK of Florida. Is the amount increased in this item?

Mr. STAFFORD. It is indefinite. It is provided for in one of the items following here.

Mr. CLARK of Florida. Which is the item?

Mr. STAFFORD. I am referring particularly to the United States post office, west side, Milwaukee, $100,000.

Mr. CLARK of Florida. There is no question about that. This is an increase of the limit of cost heretofore paid. I understand the gentleman's question now. This says:

That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows.

Mr. STAFFORD. The gentleman stops there, but let him read on—

and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site.

Mr. CLARK of Florida. Certainly.

Mr. STAFFORD. Would not that mean that the aggregate expenditure for such a building must be within the total amount appropriated for at that place?

Mr. CLARK of Florida. Oh, no; not at all. This is the language that has always been used in this bill.

Mr. STAFFORD. I was fearful that that latter clause would limit the prior phraseology, so that the full amount could not be expended for site alone.

Mr. CLARK of Florida. No; the full amount can be expended for site. There is no question about that.

The Clerk read as follows:

United States post office at Bath, Me., $10,000.

Mr. JAMES. Mr. Chairman, I move to strike out the last word. I notice that the bill as introduced called for $30,000, and that $10,000 was allowed by the committee. I note that the population in 1900 was 10,477, and that 10 years afterwards the population was 9,396, a loss of over 1,000 people.

Mr. CLARK of Florida. What place is the gentleman talking about?

Mr. JAMES. Bath, Me. I would like to ask the chairman of the committee if he knows the amount that was originally appropriated?

Mr. CLARK of Florida. I do not quite understand the gentleman's question.

Mr. JAMES. I would like to ask the chairman of the committee what was the amount originally granted for the post office and site at Bath, Me.?

Mr. CLARK of Florida. The act of May 30, 1908, authorized the extension of the building, with a limit of cost of $35,000; the act of June 25, 1910, increased that limit to $55,000. In awarding a contract for the extension of the building it was found necessary to omit work in connection with the approaches which were originally intended, and also some other items in order to bring the amount within the balance estimated. It is estimated that the increase of the limit of $10,000 would be sufficient to make the approach work along the lines originally contemplated. That is the report of the committee.

Mr. JAMES. Making it $35,000 altogether?

Mr. CLARK of Florida. No; $65,000.

The Clerk read as follows:

United States post office at Chicago, Ill., $4,250,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. The story of Chicago's growth and progress is more marvelous than can be told by man. I have seen its population grow from 150,000 to 2,500,000. When we put up a building for a post office in 1896 it had 121,000 square feet of floor space. It soon proved to be inadequate. We erected a new building in 1906, with 246,000 feet of floor space, which was inadequate from the day we entered it. By remodeling the building in several ways we were enabled by the use of the basement, to get 423,000 square feet. The revenues of the post office when we entered that building were $12,000,000 a year. For the calendar year closed December 31, 1916, the revenues were $27,500,000. To-day the needs of the postal service in Chicago require 1,000,000 square feet of floor space. Ten years from to-day, I have no doubt, if the present rate of growth continues, we will need 1,500,000 square feet of floor space. The city continues to grow with such marvelous rapidity that no man can to-day prophesy what space will be adequate for the postal service of the future.

It is because of the experience of the past and because of the present needs and also the needs of the days to come that we require so large an amount of money as we provide in this item to add to the appropriation which we already have available for the purchase of a site for a new building in which to conduct the postal business of Chicago. To-day there are 7,300 men employed in the Chicago post office. They are growing in number every year to meet the needs of the increased population and the increased business of this great office.

Fifty-eight per cent of all the mail arriving in the city of Chicago comes within less than 80 rods of the site which is proposed to be purchased for the new building. It may be said that we are asking for a lot of money, but the site upon which we have the present building cost $1,000,000, and if the Government of the United States wishes to sell that site to-day, it can be sold for $12,000,000. We can not meet Chicago's growing needs by even the appropriation which we are making for the purchase of a site to-day. The sooner the Government of the United States begins the erection of a new building in which to conduct this great business of Chicago's postal service the sooner we will be able to conduct the business with the dispatch with which it ought to be conducted in order that the rest of the country may be properly served by the expeditious movement of the mails through Chicago.

Chicago is the clearing house for the movement of the mails from the East, from the West, from the North, and the South into every section of the Union. There is not a city anywhere within the confines of the Union that is not as much interested in having adequate facilities for the Postal Service in Chicago as is Chicago itself. To-day the people of Chicago out of their private purse are spending more than $100,000,000 every year in the construction of 65 miles of buildings to house the ever-increasing population of that great city.

There are 1,121 mail trains arriving and departing every 24 hours over the 39 trunk-line railroads entering Chicago, representing more than 150,000 of 250,000 miles of iron track, reaching every section of the Union.

Chicago has its hands upon the traffic of the Nation and notes every pulse beat of the business of the continent. Chicago is the great center, the commercial heart throb of the American Continent, whence more than 4,000 passenger trains arrive and depart every day. Seven hundred million people ride on the trains in the United States every year, and 1 out of every 7 must pass through Chicago in order to reach his destination. So that when we get the $4,250,000 appropriation which this bill proposes and the site for the post office is purchased with it and the $1,750,000 now available we will still be obliged to come to Congress for money to erect the building; and you need not be surprised if when we come we shall be compelled to ask for not five millions, not six millions, but fifteen million dollars with which to construct a building which will be adequate for the business of the Postal Service in that great city. It is not alone the postal business of Chicago which we seek to facilitate by this appropriation, but it is the postal business of the Union as well. We of Chicago realize that this appropriation is not being made on the recommendation of any Member of the House or of the 10 men who represent Chicago here; it is being made because of the needs of the growing Postal Service of the country, for Chicago is so situated geographically that it has become the clearing house for the Postal Service, reaching every section of the Nation. Chicago comes to you through her Representatives, then, to bespeak early and favorable action not only on this appropriation for the purchase of a site but a further appropriation of money necessary to erect a building in which to conduct the business of the country which goes through the post office of this imperial city of the Central West.

Now is the time to prepare for the future. Land values are increasing every day; available sites are few. The new building should be located to the best advantage, having the future in mind. Economy of operation is more important than all else, and it is with this in view that we urge present action to the end that the only available site may not pass beyond the possibility of purchase. [Applause.]

The Clerk read as follows:

United States post office at Narragansett Pier, R. I., $10,000.

Mr. JAMES. Mr. Chairman, I move to strike out the last word. The amount asked for at Narragansett Pier, R. I., was $10,000, of which $5,000 was allowed. The population of this town in 1890 was 1,408, and in 1900 it was 1,523, and 1,250 in 1910. I would like to ask the gentleman the original amount appropriated for Narragansett Pier?

Mr. CLARK of Florida. The gentleman wants to know the original amount authorized?

Mr. JAMES. Yes.

Mr. CLARK of Florida. Sixty-nine thousand dollars.

Mr. JAMES. I would like to ask the gentleman if any hearings were held on the request of an increase of the amount by $5,000?

Mr. CLARK of Florida. I think there were no hearings other than the reports of the Treasury Department, which I will give the gentleman, if he desires to hear them.

Mr. JAMES. I just want to know the original amount.

The Clerk read as follows:

United States post office at York, Pa., $25,000.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to return to line 4, page 4, for the purpose of offering an amendment. My attention was distracted at the time that the Clerk read that portion of the bill.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to line 4, page 4. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, following line 4, insert the following:
"United States post office at Waterloo, N. Y., $9,000."

Mr. CLARK of Florida. Mr. Chairman, I will state that the original amount authorized for this place was $55,000. There were some expenditures on the part of the Supervising Architect's Office for advertising, and so forth. The amount available now is $47,700. They have advertised several times for bids, and the bids were $54,750 and $52,000, and along there. The Supervising Architect's Office states that it is absolutely necessary to have $9,000 more before they can get a bid within which they can construct this building. The matter has been pending for a long time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman respecting the item in lines 9 and 10 for the post office at York, Pa. There is an increase provided here of $25,000. It has been my good fortune on more than one occasion to visit the magnificent building in that city, which was constructed in commemoration of the fact that the Continental Congress back in 1778 happened to hold a session there. The building must have cost several hundred thousand dollars, as I estimate it, and it seemed to be entirely complete and finished. What is it that calls for the additional appropriation? It is a new building, completed only within the last few years. It is very ornate in the interior, finished with marble and bronze. I can not conceive of a more lavishly ornamented and furnished building than the one at York, Pa., and it is hard for me to conceive why there should be any additional appropriation called for.

Mr. CLARK of Florida. Mr. Chairman, I will state that the Treasury Department says, in response to an inquiry as to the necessity for the increase, that the original design of the building contemplated the use of statuary. The statues were not included in the general contract, but the sum of $15,000 was set aside for the purpose. Afterwards there was found necessity for the construction of a wall in connection with the approaches, and that exhausted the amount reserved for statuary. The building is now completed and equipped and there are no funds available for the statuary, which would add greatly to the appearance of the structure. It is estimated that the increase in the bill, $25,000, will be sufficient to provide for the statuary in keeping with the design of the building. This being a historical building, it was originally contemplated that this statuary should be placed upon it.

Mr. STAFFORD. Mr. Chairman, the information furnished by the gentleman gives me what I desired to know. I could not conceive how the building could be otherwise than finished, except for some further ornamentation.

The Clerk read as follows:

United States post office and Subtreasury at Boston, Mass., $250,000.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting between lines 15 and 16, on page 4, the following:
"United States post office and courthouse at Aberdeen, Miss., limit of cost, $20,000."

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. It is quite a mooted question whether there is need of Subtreasuries throughout the United States except those at New York, Chicago, and San Francisco. The matter has been seriously considered by the Committee on Appropriations of abolishing the other Subtreasuries. It has been contended that the Federal Reserve banks would ultimately and in the near future take over the work of the Subtreasuries. The House declined, when this question was under consideration this session, to discontinue the use of these Subtreasuries; but I wish to inquire what is the need, in view of the unsettled condition of the policy of the Government, to provide for the Subtreasury at Boston as an adjunct to the post office?

Mr. TAGUE. Mr. Chairman, I will say to the gentleman from Wisconsin the Subtreasury occupies a very small portion of the post office in the city of Boston. They are both in the same building, but the Subtreasury occupies only part of the second floor in the post office. The greater part of this appropriation is to go for repairs on the post office itself. The courts are in the post-office building, the United States district attorney's offices are in the building, so that all of this appropriation is to be used almost exclusively to make repairs in the post office itself.

Mr. STAFFORD. If the money is not to be utilized for Subtreasury purposes, I have no objection to the item. If it is going to be used for such purpose and applied to the Subtreasury part, why, there could be good argument raised against it. I withdraw the pro forma amendment.

Mr. BORLAND. Mr. Chairman, I renew the amendment of the gentleman to strike out the last word. I assume the condition in Boston in postal matters is similar to the condition now in most of the big centers of business population in the United States. The postal business of those centers is growing very rapidly on account of two factors. One is the parcel post and the other is the postal savings bank. Additional quarters have to be provided in all city post offices for postal savings banks. But, more than that, a great deal of additional space is made necessary for the parcel post. I do not know what the plan adopted in Boston is or what the plan adopted in Chicago or other big centers, but not very long ago we had to meet that condition in my city of Kansas City, and it was decided, after a personal visit from the Secretary of the Treasury and Assist-

ant Secretary Newton, that the only solution in the future for this tremendous growth of postal business was to separate, so far as possible, the parcel-post business and the blue-tag mail and second-class mail from the first-class mail and provide a system in the big cities of a terminal post office. Now, when we reach the Kansas City item you will notice that that is purely the terminal post office. The uptown post office is built on high-priced ground, which now can not be enlarged to meet the growing postal needs of the city, and will be entirely devoted to the courts, and the down-town post office, with all the Federal activities located there—the Immigration Service, and the railway valuation, and the grain inspection, and the pure food and drugs act, and the Department of Justice, and so on—all of the mail will be collected and distributed at the terminal post office, which adjoins the Union Terminal. That will not be transported uptown and back again, as it has been in the past. That is the only possible way in which provision can be made for an extension of this business. Now, I take it that the expansion in Boston is not due to any Subtreasury they have there, and I would not be surprised if it were not true they are going to use all of this space for legitimate postal needs and, in addition, to the probable needs of the activities of the Government housed elsewhere in the city of Boston. When we reach the item of the terminal post office I want to state to the committee what I think will be the future plan of the Government in regard to providing for the expansion of mail facilities in the great mail centers of the country.

The Clerk read as follows:

United States post office at Decatur, Ill., $50,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 5, line 14 after the figures "$50,000," insert:
"United States post office at Iowa City, Iowa, $100,000."

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, this is an item for Iowa City, Iowa, one of the largest growing cities of Iowa, and the first capital of Iowa, a place where one of the great universities of this country is located. Now, this item is not one for which I have asked. It is one that the post-office inspectors themselves have recommended. Now, gentlemen, talk about consistency and about being fair; I am not afraid to defend the things you are doing in this bill, but you do not do the things that you ought to do, you are not consistent. I am not going to take up very much of the time of this great committee, but I am going to read to you a letter written to-day from the Treasury Department in regard to this item.

Mr. GORDON. Will the gentleman yield for a question right there?

Mr. HULL of Iowa. Yes, sir.

Mr. GORDON. What was the population of this town at the last census?

Mr. HULL of Iowa. I will tell the gentleman all about that before I get through.

Mr. GORDON. Has the gentleman presented this matter to the committee?

Mr. HULL of Iowa. I did and I will let the committee explain why the item is not in if they have any explanation.

TREASURY DEPARTMENT,
Washington, January 17, 1917.

Hon. HARRY E. HULL,
United States House of Representatives.

MY DEAR CONGRESSMAN: Referring to your personal call in regard to the proposed enlargement of the Federal building at Iowa City, Iowa, you are advised that the department is in receipt of a communication from the Postmaster General, under date of August 26, 1916, containing the following information:

"In view of the fact that the workroom contains only 1,500 square feet of floor space, while 3,400 square feet are needed at the present time, and approximately 4,500 square feet will be required 10 years hence, it is recommended that the necessary steps be taken looking to the extension of the building so that not less than 4,500 square feet of floor space will be available in the workroom."

The department is also advised that the rural carriers are located in the basement of the building, without proper supervision, and much time is wasted in carrying the mail there from the workroom floor. The parcel-post mail, it is understood, is also handled in the basement without adequate facilities for protection. These conditions are not only unsatisfactory, but the mailing division is cramped for room and the conditions appear to be constantly growing worse because of the increase in business. The postal receipts for the fiscal year 1905 were $41,006.40, for the fiscal year 1915 were $81,936.73, and for the fiscal year 1916 were $83,496.13.

The report of this department to the Committee on Public Buildings and Grounds, under date of July 15, 1916, on bill H. R. 16581, estimated that an extension covering 5,500 square feet ground area would be required, and that the cost of same would be $80,000, including the necessary alterations and repairs to the present building. As the lot is not of sufficient area to accommodate the required extension, it is thought necessary to acquire more land adjoining the site, which it is estimated will require $20,000 additional, making a total of $100,000 for the purchase of additional land and the construction of the extension.

Respectfully,
B. R. NEWTON,
Assistant Secretary.

That is the report of the Treasury Department. The population of Iowa City has nearly doubled since 1905. It is over 12,000 to-day.

Mr. GORDON. What was it by the census in 1910?

Mr. HULL of Iowa. It was 10,007 in 1910.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I dislike very much to oppose an amendment of this kind, but the bill was introduced very late. There is a building at Iowa City now. I have no doubt it is inadequate; but there never has been any hearing upon this proposition, and there never has been any report from the department on it. For that reason I shall certainly have to oppose this amendment.

Mr. HULL of Iowa. May I ask the gentleman a question?

Mr. CLARK of Florida. Yes.

Mr. HULL of Iowa. Was it my fault that there was not any hearing? Did not I ask for one?

Mr. CLARK of Florida. I do not know whose fault it was. The subcommittee has had it in charge and held the hearings. All I know is that there was not any hearing on this; but the gentleman did have a hearing upon a bill which was included in this bill and taken care of, but we could not, of course, put this item in the bill without knowing anything more about it than we do, and I shall therefore have to opposite it.

Mr. HULL of Iowa. May I ask a question?

Mr. CLARK of Florida. Certainly.

Mr. HULL of Iowa. Have you held a hearing upon any more evidence than you have right there in the letter of the Post Office Department?

Mr. CLARK of Florida. I do not know. We might want more evidence than that; yes. We have differed very materially with the department on some of these propositions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

I think it is evident that the Postmaster General and the Secretary of the Treasury are against this bill, or are certainly opposed to many items in it. Now, both of these officials of the administration, in the letter read in the hearing of the committee here, have practically indorsed this proposition, so that it meets with the approval of those in high authority who are criticizing most of the items in this bill.

This is one of the most congested post offices to which the attention of the Committee on Public Buildings and Grounds has been called, and I exonerate the gentleman from Iowa [Mr. HULL] from any failure to do his duty. It was not his fault that the Committee on Public Buildings and Grounds had no opportunity to hear his case, for he was persistent, he was anxious, and through no fault of his did the committee fail to have his case presented; and I want to say it is just as meritorious and deserving of the support of this House as the other items contained in this bill, and I hope this amendment will be adopted.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. AUSTIN. Always.

Mr. FITZGERALD. Is this excluded from the bill because it had the indorsement of both the Secretary of the Treasury and the Postmaster General? [Laughter.]

Mr. AUSTIN. No. Their indorsement came here under to-day's date, and I am always anxious and willing to vote for any recommendation for an appropriation the Secretary of the Treasury or the Postmaster General or anybody else will recommend. [Laughter.]

Mr. TILSON. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. TILSON. Was not the real reason why this was not included because it happened that this gentleman had two meritorious projects in his district and he was given only one by the committee?

Mr. AUSTIN. That is not any argument against his amendment.

Mr. TILSON. That is so; and I am in favor of it.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. STEENERSON. I would like to ask the Chairman if it is a fact that the reason why this district is not given this post office is because the gentleman from Iowa [Mr. HULL] already has a project in this bill?

Mr. CLARK of Florida. There is another project in this bill.

Mr. STEENERSON. Is it the plan of the committee to give only one project to each district?

Mr. CLARK of Florida. No; it is not.

Mr. STEENERSON. I know I have had two very meritorious projects. [Laughter.] The receipts in one place were $18,000, and in the other $20,000, and the committee gave me only one.

Mr. CLARK of Florida. I want to say to the gentleman that this bill is not constructed as to districts at all. We have attempted to sift out from the various districts what we consider to be the most meritorious projects.

Mr. STEENERSON. Does not the gentleman think if he adopted this amendment he would be giving a precedent favorable to my case?

Mr. CLARK of Florida. If this bill is loaded down by amendments the whole thing will fall. That is the size of it.

Mr. STEENERSON. But mine are meritorious.

Mr. CLARK of Florida. Well, others are equally meritorious all over the country. But it is utterly impossible to take care of them all, and if the committee undertakes to load this bill down with amendments, then the whole bill falls.

Mr. STEENERSON. Is it not a fact that one district in the United States is given three distinct projects in this bill, or in fact four projects?

Mr. CLARK of Florida. It may be possible; but as I told the gentleman before, we have not constructed this bill upon the line of giving each district an item. We have constructed it upon the line of taking care of the meritorious projects as far as we could.

Mr. STEENERSON. Oh, well, the populations of one district are approximately the same as of the other, and they ought to receive about the same consideration.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. CRAMTON. The gentleman from Florida has stated that the bill is not constructed upon district lines. Has he in mind any district in a Northern State which had already received more than one project? If so, I would be glad to know the district.

Mr. CLARK of Florida. Well, the gentleman from Wisconsin [Mr. REILLY], I think, has two. I think I could name many more if I tried.

Mr. CRAMTON. I would be very much interested in hearing them.

Mr. CLARK of Florida. Does the gentleman insist that this is a sectional bill after the figures that have been produced here?

Mr. CRAMTON. I am asking for information from the chairman on that very point.

Mr. CLARK of Florida. I am trying to give the information to the gentleman.

Mr. CRAMTON. If the gentleman from Florida does not know, surely I do not know.

Mr. CLARK of Florida. I am naming the district of the gentleman from Wisconsin. He has two items in the bill.

Mr. CRAMTON. Is that the only case?

Mr. CLARK of Florida. No; the district represented by Judge TOWNER has more than one, and the district of the gentleman from Massachusetts over here has three.

Mr. STEENERSON. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Minnesota withdraws his pro forma amendment. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office at Flint, Mich., $100,000.

Mr. KELLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLEY: Page 5, line 16——

Mr. MANN. Mr. Chairman, before the amendment is reported, will not the gentleman from Florida move that the committee rise? There is another little matter to come before the House.

Mr. CLARK of Florida. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a Bureau of Public Buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, and came to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area.

PRESIDENT'S MESSAGE—REPORT OF NAVY-YARD COMMISSION (H. DOC. NO 1946).

The SPEAKER laid before the House the following message from the President of the United States, which was read and (with the accompanying papers) referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, as required by the provisions of the Act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917 (the First Preliminary Report of the Navy Yard Commission), the appointment of which was authorized by said Act.

WOODROW WILSON.

THE WHITE HOUSE, *January 17, 1917.*

PRESIDENT'S MESSAGE—DEATH OF ADMIRAL DEWEY (H. DOC. NO. 1945).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

It is with the deepest regret that I announce to the Congress the death of Admiral George Dewey at 5:56 o'clock on the afternoon of yesterday, the sixteenth of January, at his residence in this city.

Admiral Dewey entered the naval service of the country as an acting midshipman from the first congressional district of Vermont on September 23, 1854; was graduated from the Naval Academy as Midshipman June 11, 1858; served with distinction throughout the war of 1861–1865; and thirty years later had risen to the rank of Commodore. It was as Commodore that he rendered the service in the action of Manila Bay which has given him a place forever memorable in the naval annals of the country. At the time of his death he held the exceptional rank of The Admiral of the Navy by special Act of Congress. During the later years of his life he was the honored President of the General Board of the Navy, to whose duties he gave the most assiduous attention and in which office he rendered a service to the Navy quite invaluable in its sincerity and quality of practical sagacity.

It is pleasant to recall what qualities gave him his well-deserved fame; his practical directness, his courage without self-consciousness, his efficient capacity in matters of administration, the readiness to fight without asking any questions or hesitating about any detail. It was by such qualities that he continued and added luster to the best traditions of our Navy. He had the stuff in him which all true men admire and upon which all statesmen must depend in hours of peril. The people and the Government of the United States will always rejoice to perpetuate his name in all honor and affection.

WOODROW WILSON.

THE WHITE HOUSE, *January 17, 1917.*

NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I present a conference report on Senate joint resolution 186, authorizing the Secretary of War to issue temporary permits for additional diversion of the water from Niagara River, for printing under the rule.

EXTENSION OF REMARKS OF PUBLIC-BUILDINGS BILL.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the public-buildings bill may have liberty to revise and extend their remarks for five legislative days.

The SPEAKER. The gentleman from Florida asks unanimous consent that all gentlemen who have spoken on the public-buildings bill may have five legislative days to revise and extend their remarks. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GOODWIN of Arkansas, for five days, on account of illness.

To Mr. BENNET, for five days, on account of important business.

MONTICELLO.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I want to state to the House, as perhaps Members probably know, that a bill has been pending before the Committee on Public Buildings and Grounds for some time looking to the purchase of Monticello. The committee decided a day or two ago to visit Monticello on next Saturday. As many members of the committee and as many Members of the House as would like to go will be welcome, but everybody who goes will be expected to pay his own expenses.

EXTENSION OF REMARKS.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to revise and extend remarks that I made on the rule brought in this morning.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks on the rule considered this morning. Is there objection?

There was no objection.

ELECTION TO COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I wish to present for nomination to the Committee on Banking and Currency and the Committee on Election of President, Vice President, and Representatives in Congress the name of Hon. TINSLEY WHITE RUCKER, of the eighth congressional district of Georgia.

The SPEAKER. Are there any other nominations?

There were no other nominations.

The report was agreed to, and Mr. RUCKER was declared elected to the two committees mentioned.

UNIVERSAL MILITARY SERVICE.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks on universal military service.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on universal military service. Is there objection?

There was no objection.

HOUSE BILL 386 (H. REPT. NO. 964, PT. 2).

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. GORDON], a member of the Committee on Military Affairs, may be permitted to file minority views on House bill 386 within the next 10 days.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from Ohio [Mr. GORDON], a member of the Committee on Military Affairs, have 10 days in which to file minority views on House bill 386. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on international commerce.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEATH OF ADMIRAL DEWEY.

Mr. PADGETT. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
January 17, 1917.

House resolution 454.

Resolved, That the House has learned with profound grief of the death of the Admiral of the Navy, George Dewey, who has served his country brilliantly for more than 62 years.

Resolved, That the Speaker of the House is directed to transmit to the bereaved family a copy of these resolutions and an assurance of the sympathy of the House in the loss they have sustained.

Resolved, That the Speaker of the House appoint a committee of seven Members to confer with a like committee of the Senate, and, after consultation with the family of the deceased, to take such action as may be appropriate in regard to the public funeral of Admiral Dewey.

The resolutions were agreed to.

The SPEAKER appointed the following committee: Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. RIORDAN, Mr. BUTLER, Mr. ROBERTS of Massachusetts, and Mr. BROWNING.

The Clerk read the further resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

The resolution was agreed to; accordingly the House (at 5 o'clock and 34 minutes p. m.), under its previous order, adjourned until to-morrow, Thursday, January 18, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Rainy River, with a view to removing obstructions in the channel at Ranier; and Rainy Lake, with a view to the construction of a breakwater at Ranier to form a shelter harbor at the western end of the lake (H. Doc. No. 1942); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting estimates of appropriation for inclusion in some deficiency bill or the sundry civil appropriation bill (H. Doc. No. 1943); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an additional estimate of appropriation for St. Elizabeth's Hospital, for the fiscal year ending June 30, 1918 (H. Doc. No. 1944); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 5916) authorizing an investigation to determine the true north and west boundaries of the Warm Springs Reservation in Oregon, reported the same with amendment, accompanied by a report (No. 1302), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River near the borough of Lowellville, in the county of Mahoning and State of Ohio, reported the same without amendment, accompanied by a report (No. 1303), which said bill and report were referred to the House Calendar.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (S. 789) providing for an additional judge for the district of Montana, reported the same without amendment, accompanied by a report (No. 1310), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 6207) for the relief of Isabel E. Rockwell, reported the same with amendment, accompanied by

a report (No. 1305), which said bill and report were referred to the Private Calendar.

Mr. BROWNING, from the Committee on Claims, to which was referred the bill (H. R. 17406) for the relief of Eugene Fazzi, reported the same with amendment, accompanied by a report (No. 1306), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 3743) to reimburse John Simpson, reported the same without amendment, accompanied by a report (No. 1307), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 4807) for the relief of James W. Cross, reported the same without amendment, accompanied by a report (No. 1308), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911, reported the same without amendment, accompanied by a report (No. 1309), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 11498) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States, reported the same with amendment, accompanied by a report (No. 1311), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 20185) for the relief of Horace G. Knowles, reported the same with amendment, accompanied by a report (No. 1312), which said bill and report were referred to the Private Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 8573) for the relief of the estate of John C. Phillips, deceased, reported the same without amendment, accompanied by a report (No. 1313), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 19978) for the relief of Janna Stoppels, reported the same without amendment, accompanied by a report (No. 1314), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 11284) for the relief of the Gilroy Winery & Distillery Co., Gilroy, Cal., reported the same adversely, accompanied by a report (No. 1304), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 20202) authorizing the erection of a building for the housing and accommodation of Government-owned automobiles on the Federal building site at Plymouth, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 20203) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. RANDALL: A bill (H. R. 20204) to establish rates of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Minnesota: A bill (H. R. 20205) to regulate interstate and foreign commerce in cold-storage food products; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 20206) for an equestrian statue of William Frederick Cody (Buffalo Bill); to the Committee on the Library.

By Mr. MURRAY: A bill (H. R. 20207) for the purchase of a site and the erection thereon of a public building at Coalgate, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of South Dakota: A bill (H. R. 20208) to aid navigation and control floods on the boundary waters of Minnesota, North Dakota, and South Dakota; to the Committee on Flood Control.

By Mr. WEBB: A bill (H. R. 20209) to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. WILLIAMS of Ohio: Resolution (H. Res. 452) requesting the Ways and Means Committee to report a bill repealing the act of October 3, 1913, and restoring the provisions of the act of August 5, 1909, for providing revenue for the Government, and for other purposes; to the Committee on Ways and Means.

By Mr. SUMNERS: Resolution (H. Res. 453) authorizing the payment of $600 to Sebe Newman for extra services rendered in connection with the sending out of blanks, receiving, filing, and compiling expense statements filed by candidates for Representatives in Congress in accordance with H. R. 2958, of the Sixty-second Congress; to the Committee on Accounts.

By Mr. RAINEY: Resolution (H. Res. 455) directing the Secretary of War to make a survey of the bar in Lake Michigan in front of Lake Bluff naval station, Illinois; to the Committee on Rivers and Harbors.

By Mr. EMERSON: Joint resolution (H. J. Res. 340) to investigate dealings on Wall Street and the New York Stock Exchange; to the Committee on Rules.

By Mr. GRAY of New Jersey: Joint resolution (H. J. Res. 341) to provide for a conference of representatives of the Army and Navy of the United States and of representatives of the Department of Public Instruction and the National Guard organization of each of the several States of the Union for the purpose of devising a uniform system of public-school instruction and training in military and naval science, to be reported to the Sixty-fifth Congress, and to provide the necessary expenses for said conference; to the Committee on Military Affairs.

By Mr. McKELLAR: Joint resolution (H. J. Res. 342) creating offices of congressional examiners; to the Committee on Expenditures in the State Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 20210) granting a pension to Christ Clausen; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 20211) granting a pension to George B. Robinson; to the Committee on Pensions.

By Mr. BENEDICT: A bill (H. R. 20212) granting a pension to Lou M. Young; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 20213) granting an increase of pension to James G. Young; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: A bill (H. R. 20214) granting a pension to Henry J. Schlosser; to the Committee on Pensions.

By Mr. CHIPERFIELD: A bill (H. R. 20215) granting a pension to Joseph J. Johnson; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20216) for the relief of James M. Connally; to the Committee on Naval Affairs.

By Mr. DENISON: A bill (H. R. 20217) granting an increase of pension to Thomas Eckols; to the Committee on Invalid Pensions.

By Mr. EAGLE: A bill (H. R. 20218) for the relief of the estate of Thomas J. Roberts; to the Committee on Claims.

By Mr. ELSTON: A bill (H. R. 20219) granting a pension to William D. Cole; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 20220) for the relief of J. C. McConnell; to the Committee on Claims.

By Mr. GORDON: A bill (H. R. 20221) for the relief of Samson Davis; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 20222) granting a pension to Elizabeth W. Jones; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 20223) granting a pension to Peter McLaughlin; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 20224) for the relief of Levi S. Conright; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 20225) granting an increase of pension to George W. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20226) granting an increase of pension to Irving A. Hubbard; to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 20227) granting an increase of pension to Ingabow Falls; to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 20228) to renew patent No. 25909; to the Committee on Patents.

By Mr. MUDD: A bill (H. R. 20229) for the relief of Eleanora Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 20230) for the relief of Hugh A. Ernst; to the Committee on Claims.

By Mr. NEELY: A bill (H. R. 20231) granting an increase of pension to Jeremiah Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20232) granting an increase of pension to Jacob Grandstaff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20233) granting an increase of pension to Stewart Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20234) granting an increase of pension to Frank Shaver; to the Committee on Pensions.

Also, a bill (H. R. 20235) granting a pension to Anna Hall Richmond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20236) granting a pension to Miller Kincaid; to the Committee on Pensions.

By Mr. PHELAN: A bill (H. R. 20237) granting an increase of pension to Gustave Pinksohn; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 20238) granting an increase of pension to Jacob Grandstaff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20239) granting an increase of pension to Jeremiah Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20240) granting an increase of pension to Stewart Wells; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 20241) granting a pension to Harriett A. Boles; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 20242) granting an increase of pension to George E. Smith; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20243) granting an increase of pension to Ezra H. Keniston; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 20244) granting a pension to Elizabeth M. Keefe; to the Committee on Pensions.

Also, a bill (H. R. 20245) granting a pension to Albert Krick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20246) granting an increase of pension to Carrie C. Washburn; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 20247) granting a pension to George W. Paul; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 20248) granting an increase of pension to Edwin A. Jeffries; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Petition of Junior Order of American Mechanics, of Hackensack, N. J., in re work of the Bureau of Naturalization and extra appropriation of $30,000; to the Committee on Appropriations.

By Mr. BARNHART: Petition of citizens of the United States in favor of reduction of high cost of living; to the Committee on Ways and Means.

By Mr. BRUCKNER: Memorial of Bronx Chamber of Commerce, indorsing the Post Office bill; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of Vicksburg Veterans, in re national reunion; to the Committee on Military Affairs.

Also, memorial of the Life Underwriters' Association, of New York, indorsing House bill 19617; to the Committee on the Judiciary.

Also, petition of Marlin Arms Co., in re "preparedness"; to the Committee on Military Affairs.

Also, memorial of Central Bronx Taxpayers' Association, in re postal service in Bronx; to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petition of publishers of Danville Searchlight, of Danville, Ill., and Machinist Lodge 4739, Danville, opposing House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of 22 citizens of Milwaukee, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of New York State Fish, Game, and Forest League, in re game conservation; to the Committee on Agriculture.

By Mr. FITZGERALD: Memorial of New York State Fish, Game, and Forest League, favoring the enactment of a Federal law which shall permit the promulgation of regulations fixing uniform bag limits and prohibiting the sale of domestic game throughout the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Junior Order of American Mechanics, of Hackensack, N. J., favoring the using of moneys received from the naturalization of aliens for their education; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Memorial of New York State Fish, Game, and Forest League, in re methods of control of game supply; to the Committee on Agriculture.

Also, petition of sundry citizens, opposing various prohibition measures; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Papers to accompany House bill 20052, for relief of Samuel P. Buns; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20057, for relief of Christian Bechtel; to the Committee on Invalid Pensions.

Also, petitions of rural letter carriers of the seventeenth Pennsylvania district; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Board of Education of Chicago, favoring the Smith-Hughes vocational education bill; to the Committee on Education.

Also, petition of Bricklayers, Masons, and Plasterers' International Union, Local No. 11, of La Salle and Peru, Ill., opposing the Shields and Phelan water-power bills; to the Committee on Rivers and Harbors.

Also, memorial of executive committee of the National Housewives League, favoring the Stephens-Ashurst price-maintenance bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, favoring legislation to exclude from the mails liquor advertisements; to the Committee on the Post Office and Post Roads.

Also, petition of Moulders' Union, of Peru, Ill., opposing the mail-exclusion bills (H. R. 18986 and S. 4429); to the Committee on the Post Office and Post Roads.

Also, petition of Rotary Club of Ottawa, Ill., favoring the Chamberlain bill (S. 1695), for universal military training; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of American Federation of Teachers, in re House bill 19119; to the Committee on the District of Columbia.

Also, memorial of Brotherhood of Maintenance-of-way Employees, in re eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. HADLEY: Petition of Woman's Rural Club of Kent, 25 people of Port Angeles, and 52 people of Quilcene, Wash., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 13303, for relief of Samuel Massey; to the Committee on Invalid Pensions.

By Mr. HELGESEN: Petition of sundry citizens and church organizations of Bowesmont, Drayton, and Galesburg, N. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Henry Bennett and 57 other citizens of East Liverpool, Ohio, against prohibition and mail-exclusion bills; to the Committee on the Judiciary.

Also, memorial of John J. McKeenie and 25 other post-office clerks and carriers, of East Liverpool, Ohio, asking for wage increase; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petition of W. S. Conger, manager, The Evening Index, San Bernardino, Cal., opposing House bill 17290 and Senate bill 6925, providing for registration of designs; to the Committee on Patents.

Also, petition of Albert M. Brobst, Chula Vista, and other veterans of the Civil War, favoring Townsend Civil War veterans' retirement bill; to the Committee on Invalid Pensions.

Also, petition of William H. Rogers, State organizer, U. N. Association, Holtville, Cal., favoring passage of House bill 17896 and House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petition of A. Reynolds, jr., cashier, United States National Bank, San Diego, Cal., favoring House bill 17606, the Kitchin bill, amendment to Federal reserve act; to the Committee on Banking and Currency.

Also, petition of William E. Colby, secretary, Board of Directors of Sierra Club, San Francisco, Cal., favoring appropriation of $300,000 for Yosemite Park, enlargement of Sequoia National Park, and creation of Grand Canyon National Park; to the Committee on the Public Lands.

Also, petition of Patrick Flynn, secretary, Marine Firemen, C. & W. U. O. T. P., and John Tennison, secretary, Sailors' Union of the Pacific, San Francisco, Cal., favoring new marine hospital building at San Francisco; to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. G. Havens, El Centro, Cal., favoring change in House bill 406; to the Committee on the Public Lands.

Also, petition of J. R. Molony, president, Insurance Federation of California, San Francisco, Cal., opposing insurance section of Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Norman S. Dayton, Palm Springs, Cal., and James P. Cadman, San Diego, Cal., opposing rider in Post Office bill re postal rate according to distance for second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Arthur H. Marston, the Marston Co., San Diego, Cal., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of A. Morris Carey, of Baltimore, opposing universal military training; to the Committee on Military Affairs.

Also, petition of sundry citizens of Maryland, opposing prohibition; to the Committee on the Judiciary.

Also, petition of Julius Gutman & Co., of Baltimore, Md., opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER of Pennsylvania: Petition of 48 citizens of Greenville, Pa., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of sundry citizens, opposing prohibitory measures; to the Committee on the Judiciary.

By Mr. OAKEY: Petition of citizens of Hartford County, Conn., opposing mail-exclusion and prohibition bills pending before Congress; to the Committee on the Judiciary.

By Mr. PHELAN: Petition of sundry citizens, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Charles E. Turnbull, of Addison, N. Y.; Clarence A. Ketcham, of Lounsbury, N. Y.; and sundry other rural mail carriers of Addison, Lounsbury, Bolivar, Nichols, Prattsburg, Hornell, Arkport, Alpine, and Westfield, all in the State of New York, favoring a resonable allowance for equipment maintenance and the placing of rural carriers' compensation upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. John R. Adams, Henry O. Dorman, Frank P. White, Hon. Warren J. Cheney, and 86 other citizens and voters of Corning, N. Y., favoring legislation for national prohibition and other prohibition measures; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of Church Federation of Los Angeles, indorsing the Randall bill excluding liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS: Petitions of sundry citizens, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. WARD: Petition of Rev. W. J. Clarke Agnew and other residents of High Falls, N. Y., in favor of the passage of several prohibition mensures now before Congress; to the Committee on the Judiciary.

By Mr. WASON: Petition of Mrs. Lilly C. Howes, Mrs. Eleanor Hall, Mrs. Gadys M. Wilkins, Mrs. Julia B. Robbins, Mrs. Alicia C. Newton, Mrs. Juliet M. Lawrence, Mrs. Helen M. Fisher, Mrs. Lillie E. Plummer, Mrs. Obed M. Gordon, Mrs. John S. Blair, Bertha K. Whipple, Grace G. Blodgett, Mary Caroline Blair, Harriet Carpenter, Mrs. Bernice L. Brennan, Mrs. Jennie L. Holman, Mrs. Maud Marshall, Mrs. Carrie L. Bliss, Mrs. Elizabeth U. Fletcher, Mrs. Lillian E. Winters, Mrs. Isabell M. White, Mrs. Mary L. Towns, Mrs. Myra A. Fairbanks, Mrs. Lolie R. Pierce, Mrs. Effie E. Hayden, Ethel Farnsworth, and Mrs. Elise C. Schaff, all residents of Fitzwilliam, N. H., favoring equal political privileges for men and women; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petitions of Rev. Calvin Delony and 6 other citizens of East Greenville, Pa.; Henry S. Hunsbeyer and 10 other members of the Montgomery County Christian Endeavor Union; and William S. Clapp and 6 other citizens of Skippack, Pa., requesting the passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. WINSLOW: Petitions of citizens of Worcester, Mass., protesting against antiliquor legislation; to the Committee on the Judiciary.

SENATE.

THURSDAY, *January 18, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, a thousand years in Thy sight are but as yesterday when they are past, and our years, how swift they fly! We are swept into the great current of Thine own vast eternity. Yet our years are related to Thy eternity. We come to Thee in the midst of the sorrow of the Nation on the death of one of the national heroes. We bless Thee to-day that Thou hast laid Thy hand from time to time upon men who in the crises of our national history have served us well, that Thou hast prepared them before for the coming crisis, and that Thy hand is seen in every turn of the affairs of our national life. We bless Thee that Thou hast led us on. We see to-day how dependent we are upon Thy guidance, and Thy providence, and Thy care to prepare mighty men for the issues of our national life. We pray that we may put ourselves under Thy command and in Thy control, and that we may be guided by the Divine counsel to accomplish God's great purpose in us as a Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

WHITE-PINE BLISTER RUST (S. DOC. NO. 683).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting a supplemental estimate of appropriation for inclusion in the Agricultural appropriation bill for the fiscal year 1918, under the Bureau of Plant Industry, for the eradication or control of the white-pine blister rust, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Alice O. Munn, widow of Daniel W. Munn, deceased, *v.* United States (S. Doc. No. 680);

Julia F. Haskell, widow of Edward P. Haskell, deceased, *v.* United States (S. Doc. No. 681); and

Laura Long, widow of Silas Long, deceased, *v.* United States (S. Doc. No. 682).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

SENATOR FROM INDIANA.

Mr. WATSON. I take pleasure in presenting the credentials of Senator elect HARRY S. NEW, of Indiana, which I ask may be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, HARRY STEWART NEW was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness his excellency our governor, James P. Goodrich, and our seal hereto affixed at Indianapolis, Ind., this 15th day of January, in the year of our Lord 1917.

[SEAL.] JAMES P. GOODRICH, *Governor.*

By the governor:

E. O. JACKSON,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River.

The message also transmitted resolutions of the House on the death of Admiral Dewey, and announced that the Speaker of the House had appointed Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. RIORDAN, Mr. BUTLER, Mr. ROBERTS of Massachusetts, and Mr. BROWNING a committee on the part of the House to attend the funeral of the late Admiral Dewey.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. JONES. I have a letter in the nature of a petition from Dr. Aline Bradley, legislative superintendent of the Fourth Division Drys, of Fairbanks, Alaska, setting out the conditions there and the result of the vote at the last election. I ask that it may be printed in the RECORD without reading.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

THE FOURTH DIVISION DRYS,
Fairbanks, Alaska, December 20, 1916.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

HONORABLE SIR: You are aware that Alaska voted dry on November 7 by a majority of more than 2 to 1 in her four judicial divisions.

You will admit that when the Alaska of dance-hall, gambling, and saloon fame thus registers her protest against the liquor traffic—when more than 8,000 voters out of approximately 12,000 sign their names to such a gigantic petition against alcohol, the petitioners are entitled to their demand.

Make no mistake—liquor has had the ruling hand in Alaska, as well as the robbing hand, hence the vote against it, which vote was not simply

a protest against alcohol, but even more a protest against Alaska's rule by alcohol in all channels—local, Territorial, and judicial.

The plebiscite asked that Alaska be made dry after January 1, 1918. There is no good reason, however, why Alaska should await the memorial of her legislature before securing the passage of an act by Congress prohibiting the sale, manufacture, and importation of alcoholic beverages into Alaska.

We therefore beg to ask your earnest consideration of the reasons why Alaska's prohibition bill should be passed during the present session of Congress:

1. Section 410, Compiled Laws of Alaska, creating a legislative assembly for the Territory, provides that "The authority herein granted * * * shall not extend to * * * the establishment and maintenance of schools * * *."

Before its 1917 spring term the authority of the Alaska Territorial Legislature as regards the "establishment and maintenance" of her schools must be fixed with absolute certainty. Otherwise the school revenue which will begin to fail as licenses expire in 1917 could not be replaced in time; district schools (Nelson) would be closed for lack of funds, while those in incorporated towns would be crippled for the same reason. Our helpless Territorial legislatnre could not remedy the condition until its next session, in the spring of 1919.

Alaska's children simply can not face two years without proper school revenues.

2. Barring the beers of domestic manufacture, all liquors consumed in Alaska come into the southeastern portion through its ports of entry, and into the interior by one of three routes—St. Michael, White Pass Railroad via Skagway, and via Valdez and Cordova over the trail into Fairbanks and other points. Hence Alaska can be made as dry as a bone if Congress so elects.

3. Having no fear that Alaska would go dry on her first vote, the liquor interests shipped into interior Alaska last summer only the usual annual tonnage of liquors, which supply must last the vast interior territory until the spring of 1917, unless shipped in over the trail at a prohibitive cost.

Should the importation of liquor go unchecked next summer the quantities shipped in will be beyond computation. The liquor interests, through their three wholesale dealers in Alaska, can afford to place as large a stock as they may wish—no limits. The liquors remaining on hand after licenses expire and after January, 1918, will supply material for a profitable bootlegging business for several years to come.

After reading the foregoing we believe you will admit that Alaska needs three things:

1. A prohibitory measure, which shall prohibit the sale and manufacture of liquors in Alaska after January 1, 1918.

2. A clause in the above prohibition measure prohibiting the importation of liquors into Alaska after May 31, 1917. This last and most important clause in order to cut off the bootleggers' supply and settle the bootlegging problem.

3. A sister measure giving Alaska the right to control her schools, bearing in mind that from the Territorial revenues must come the substitute for the liquor-license revenues. These two measures must be enacted concurrently by this session of Congress.

In conclusion, will you introduce and support, or secure and work for the introduction and passage, of the above measures for Alaska? Telegraph rates from Alaska are prohibitive—Alaska too far away for the usual methods of influencing Congress. We are therefore appealing to your sense of fairness and justice in the only manner open to us.

Will you aid us and work for us?

Respectfully, yours,

ALINE BRADLEY,
Legislative Superintendent.

Mr. KENYON presented a petition of Federal Employees' Union No. 15332, of Davenport, Iowa, praying for the passage of the so-called Nolan minimum-wage bill, which was ordered to lie on the table.

He also presented a petition of the Iowa State Federation of Labor, praying for the enactment of legislation to provide for the use of all surplus moneys received from naturalization sources for the education of immigrants, which was ordered to lie on the table.

He also presented a petition of the Worth County Union of the American Society of Equity, of Iowa, praying for an investigation of the charges now being made for sisal fiber, which was ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Austin, Minn., praying for national prohibition, which was ordered to lie on the table.

Mr. TILLMAN presented a petition of sundry citizens of Aynor, S. C., praying for national prohibition, which was ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Worcester, Fitchburg, Sharon, Northampton, Bolton, and Holliston, all in the State of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Women's Auxiliary of the Railway Mail Association of Boston, Mass., praying for an increase of the salaries of employees in the Railway Mail Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, and the Brotherhood of Locomotive Firemen and Enginemen, all in the State of Massachusetts, remonstrating against the proposed legislation for compulsory arbitration of disputes between the railroads and their employees, etc., which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying that teachers in the public schools whose combined salaries would exceed $2,000 be eligible for both day and night school service, which was referred to the Committee on Appropriations.

Mr. TOWNSEND presented a petition of sundry citizens of Kalamazoo County, Mich., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. KERN presented a memorial of sundry citizens of Portland, Ind., remonstrating against an increase of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented a memorial of sundry citizens of Worcester, Mass., remonstrating against the enactment of legislation to prohibit liquor advertisements from the mail, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Fitchburg, Mass., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the Real Estate Exchange of Boston, Mass., praying for an investigation into the subject of old-age pensions, which was referred to the Committee on Pensions.

Mr. POINDEXTER presented a petition of Local Branch, Farmers' Education and Cooperative Union of America, of Ione, Wash., praying for the enactment of legislation to amend section 4 of the interstate-commerce law relating to long and short hauls, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry electricians employed in the Puget Sound Navy Yard, Bremerton, Wash., remonstrating against the proposed schedule of wages for electricians for the year 1917, which was referred to the Committee on Naval Affairs.

Mr. WATSON presented a petition of Meredith Nicholson, Booth Tarkington, Charles A. Bookwalter, and John C. Ruckelshaus and sundry other prominent citizens of Indiana, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

WHITE-PINE BLISTER RUST.

Mr. GALLINGER. Mr. President, I have a petition signed by very influential parties in the State of New Hampshire in favor of an added appropriation to care for the white-pine blister rust, a matter that is engaging the attention of the people of New England as well as of other parts of the country. I ask that it be printed in the RECORD with the few names which are attached to it.

There being no objection, the petition was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

WARNING—WHITE-PINE TREES BEING DESTROYED—THEY ARE VALUED AT $261,000,000, AND THE WHITE-PINE BLISTER RUST IS KILLING THEM.

A disease known as the white-pine blister rust threatens the destruction of all the white pine and other five-leaved pine trees in the United States.

It has already appeared in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Wisconsin, Minnesota, and in Quebec and Ontario.

There is no known cure for it. It kills the white pines infected and it spreads steadily. The spores or seeds are blown from diseased pines to currant and gooseberry bushes. They germinate on the leaves of these bushes. The leaves then produce millions of spores or seeds of the disease which are blown by the wind from the bushes to the pines, and these, even those several miles distant from the nearest bushes, are infected, become diseased, and die.

The white pines in New England are worth $75,000,000; in the Lake States, $96,000,000; in Western States, $60,000,000; and in the national forests, $30,000,000, or a total of $261,000,000.

Unless the ravages of the white-pine blister rust are stopped these pines will be destroyed.

The American Forestry Association urges people in all the regions where the disease has been discovered to destroy at once all currant and gooseberry bushes, diseased pines, and others exposed to infection.

This will help to stop the spread of the disease.

AMERICAN FORESTRY ASSOCIATION,
Washington, D. C.

HON. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: The undersigned, being especially interested in the preservation of millions of dollars worth of white pine in southern New Hampshire, and realizing the danger to this tree from the white-pine blister rust, and that the destruction of the white pine would seriously affect the industries of southern New Hampshire, herewith respectfully beg to call your attention to the necessity of obtaining sufficient funds from the Government to carry on an effective campaign against this most serious disease, and beg to urge you to lend your assistance toward obtaining such appropriation as may be sufficient to combat in an effective manner this disease, which is threatening the business interests of southern New Hampshire.

Keene Forestry Association; Charles Gall Shedd; the Keene Natl. Bank, by W. L. Mason, cashier; Ashuelot Natl. Bank, Keene, N. H., by J. E. Weightlees; Jerome E. Wright; Keene Woodenware Co.; Cheshire County Savings Bank, C. L. Sturtevant, treasurer; Elgin A. Jones, 10,000 to 12,000 acres in charge, representing William A.

Yaston, Robert M. Burnett, and Robert F. Ruhms, owners; Horatio Colny; Frank Huntress; L. M. Norwood; Sentinel Printing Co.; C. J. Woodward; Bertram Ellis; H. J. Fowler; Jonas Fred Whitcomb; Keene Commercial Club, by W. C. Coughlin, president; Philip H. Fassedin; the New England Box Co.; La Fell Dickinson; Cheshire National Bank, W. R. Porter, cashier; C. C. Abbott; Faulkner & Colony Mfg. Co., R. E. Faulkner; Impervious Package Co., N. H. Batchelder, treasurer; Geo. W. Holmes; A. L. Wright; Geo. H. Eames, jr.; C. L. Russell Sons; W. H. Prentiss; the Beaver Mills, R. P. Hayward, general manager; Burdett Chain Mfg. Co., William Parson, treasurer; Geo. H. Eames.

REPORTS OF COMMITTEES.

Mr. HARDWICK, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendments and submitted reports thereon:

H. R. 13788. An act for the relief of Joseph A. Prat (Rept. No. 947); and

H. R. 14826. An act for the relief of F. M. Barfield (Rept. No. 948).

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 7758) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States, reported it without amendment and submitted a report (No. 949) thereon.

He also, from the same committee, to which was referred the bill (S. 7759) to amend the general deficiency appropriation act of June 30, 1906, and the act of Congress of March 4, 1909, regarding payment of judgment of Court of Claims in favor of Cherokee Nation, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations, which was agreed to.

Mr. HARDING, from the Committee on Claims, to which was referred the bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck, reported it without amendment and submitted a report (No. 950) thereon.

Mr. SHAFROTH, from the Committee on Banking and Currency, to which was referred the bill (S. 7583) to amend the Federal farm-loan act by providing for the establishment of the thirteenth Federal farm land bank district, to be composed of the States of Colorado, Wyoming, Utah, and New Mexico, and to establish a Federal land bank therein at Denver, Colo., reported it without amendment and submitted a report (No. 951) thereon.

WILLIAM LOWELL HILL.

Mr. LODGE. From the Committee on Naval Affairs, I report back favorably without amendment the bill (S. 7288) providing for the appointment of Chief Boatswain William Lowell Hill as a commander in the United States Navy, and I submit a report (No. 946) thereon. I ask that the letter of the Secretary of the Navy and the memorandum accompanying it may be printed as a part of the committee report.

The VICE PRESIDENT. It will be so ordered, and the bill will be placed on the calendar.

SELECTION OF INDEMNITY LAND.

Mr. STERLING. From the Committee on Public Lands, I report back favorably without amendment the joint resolution (S. J. Res. 198) providing for the confirmation of the agreements between the States of South Dakota, Montana, and Idaho and the United States relating to the selection of lieu or indemnity lands, and I submit a report (No. 945) thereon.

In view of the emergency which exists in my State now in regard to this agreement relating to indemnity lands, I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Senate joint resolution 198.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreements between the States of South Dakota, Idaho, and Montana and the United States relating to the selection of lieu or indemnity lands, dated January 4, 1910, October 4, 1911, and August 23, 1912, respectively, so far as heretofore consummated in accordance with the proclamations of the President, dated February 15 and June 4, 1912, and March 3, 1913 (37 Stats. L., pp. 1729, 1743, and 1777), are hereby ratified and confirmed.

Mr. STERLING. I offer a formal amendment to come in at the end of the joint resolution.

The VICE PRESIDENT. It will be stated.

The SECRETARY. At the end of the joint resolution insert a comma and the following words:

And that the Secretary of the Interior is authorized and directed to approve all selections made in pursuance of said agreements as so consummated.

Mr. CLARK. It seems to me that that is a direction affecting the discretion of the Secretary of the Interior. It occurs to me the Secretary will act according to his discretion without the direction of Congress.

Mr. STERLING. So far as that is concerned, I will agree to strike out the words "and directed."

Mr. MYERS. Mr. President, may we have order, or will Senators speak louder? We are interested in this measure and would like to hear what is going on.

Mr. STERLING. I will modify the amendment by striking out the words "and directed."

Mr. MYERS. May I ask what is to be stricken out?

Mr. STERLING. I have agreed to modify the amendment by striking out the words "and directed."

Mr. CLARK. There was an amendment directing the Secretary of the Interior to approve the agreements that had been made between the Forestry Service and the States named. I interposed the query as to whether Congress should direct the Secretary in the exercise of his discretion. The Senator from South Dakota says it is perfectly agreeable to have the words "and directed" stricken out.

Mr. MYERS. It is merely proposed to strike out the words "and directed" and to leave the amendment otherwise stand?

Mr. STERLING. Yes; to authorize the Secretary of the Interior to approve the selections.

Mr. MYERS. I should like to have the amendment read as modified.

The SECRETARY. It is proposed to add at the end of the joint resolution:

And that the Secretary of the Interior is authorized to approve all selections made in pursuance of said agreements as so consummated.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution as amended was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE:

A bill (S. 7909) to amend section 1 of the act approved July 1, 1916, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; to the Committee on Immigration.

By Mr. NELSON:

A bill (S. 7910) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place; to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 7911) for the relief of the immigrant Cherokees or heirs thereof who were moved under Chief Ross's advisement under treaties of 1835, 1836, and 1846, and who were parties to said treaties; to the Committee on Indian Affairs.

A bill (S. 7912) granting an increase of pension to Ada M. Kennedy (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7913) granting an increase of pension to Nelson W. Adams; and

A bill (S. 7914) granting an increase of pension to Charles W. Lindsay; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7915) authorizing the President of the United States to appoint Col. William B. Gordon to the rank of brigadier general on the retired list; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 7916) granting an increase of pension to David F. Rudd; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7917) granting a pension to Everett L. Stokes (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7918) granting an increase of pension to John M. Lenhart;

A bill (S. 7919) granting an increase of pension to James M. Gwinn;

A bill (S. 7920) granting an increase of pension to Joseph Grounds;

A bill (S. 7921) granting an increase of pension to Jeremy Walker;

A bill (S. 7922) granting an increase of pension to James H. Knight (with accompanying papers); and

A bill (S. 7923) granting a pension to Hester A. Doyle (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment authorizing the Chief of Engineers, United States Army, to grant permission to the Women's Titanic Memorial Association for the erection on the public lands in the city of Washington, D. C., of an appropriate memorial as a lasting tribute to the heroes who sacrificed their lives in the sinking of the steamship *Titanic*, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS submitted an amendment proposing to increase the appropriation for the investigation and improvement of cereals and methods of cereal production, etc., from $176,505 to $179,005, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the number of clerks of class 3 in the General Land Office to 57, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was ordered to lie on the table and be printed.

Mr. CLAPP (for Mr. OWEN) submitted an amendment providing that the surface of any segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in the State of Oklahoma which have been or may be condemned under the laws of the State of Oklahoma or State penal institutions, etc., shall be construed to include the entire estate except the asphalt reserved lands, intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to increase the appropriation for all necessary expenses for investigations and experiments in animal industry from $250,300 to $252,800, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JONES submitted an amendment relative to the salaries of clerks and messengers to committees of the Senate, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHAFROTH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

WATER-POWER DEVELOPMENT.

Mr. SMITH of Arizona submitted an amendment in the nature of a substitute for the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which was ordered to lie on the table and be printed.

DECISION ON WEBB-KENYON LAW.

Mr. NORRIS. Mr. President, I have received—and I presume all other Senators have received—a great many requests for copies of the opinion of the Supreme Court on the so-called Webb-Kenyon law. All the copies are exhausted, and it is impossible to get any more. I have here one copy, and I ask unanimous consent that the opinion be printed as a Senate document.

Mr. SMOOT. Will the Senator consent to its reference, as all such matters are referred, to the Committee on Printing?

Mr. STONE. Mr. President, it is utterly impossible to hear what is going on.

Mr. NORRIS. I will say to the Senator from Missouri that I have asked that a copy of the opinion of the Supreme Court in passing on the Webb-Kenyon law be printed as a Senate document. The Senator from Utah asks that it may go to the Committee on Printing, and I have no objection to that course. I will say, Mr. President, that I think the committee ought to act upon it without any delay, because requests are coming in by every mail. If the opinion is to be printed at all, it ought to be done immediately.

Mr. SMOOT. I agree with the Senator absolutely.

Mr. NORRIS. Let the matter be referred to the Committee on Printing.

The VICE PRESIDENT. It will be so referred.

NOMINATION OF WINTHROP M. DANIELS.

Mr. NORRIS. Mr. President, I offer a Senate resolution which I ask may be read and go over under the rule until to-morrow.

The resolution (S. Res. 322) was read, as follows:

Whereas in secret executive sessions of the Senate on January 3 and 6, the Senator from Iowa [Mr. CUMMINS] delivered an address in opposition to the confirmation of the Hon. Winthrop M. Daniels to become a member of the Interstate Commerce Commission; and

Whereas said address was printed in confidence for the information of Senators; and

Whereas after said address had been thus printed and before the injunction of secrecy was removed therefrom the said Winthrop M. Daniels prepared in writing a reply thereto, which reply was afterwards printed in the CONGRESSIONAL RECORD; and

Whereas said reply shows on its face that at the time of its preparation the said Winthrop M. Daniels had in his possession a copy of the said address delivered by the said Senator from Iowa; and

Whereas the said Winthrop M. Daniels could not at said time have procured a copy of said address without a violation of the rules of the Senate by some Member or officer thereof; and

Whereas the rules of the Senate provide that any Senator who discloses the secret or confidential business or proceedings of the Senate shall be liable to expulsion, and that any officer of the Senate who is guilty of such violation shall be dismissed from the service of the Senate; and

Whereas the furnishing to the said Winthrop M. Daniels of a copy of said address was a flagrant violation of the rules and ancient and time-honored landmarks of the Senate: Therefore, be it

Resolved, That a committee of three Senators be appointed by the Presiding Officer to make an investigation for the purpose of ascertaining the Senator, or officer of the Senate, who has been thus guilty. Said committee is hereby directed to take the testimony of said Winthrop M. Daniels and such other persons as may be necessary to ascertain the means by which, and the persons through whom, he obtained a copy of said address. The said committee is authorized to issue subpœnas, compel the attendance of witnesses, administer oaths, and do all things necessary to fully carry out the purposes of this resolution.

Mr. SMOOT. I wish to ask the Senator from Nebraska whether there will be any expense attached to the proposed investigation?

Mr. NORRIS. I think not. I have not included any expense.

Mr. SMOOT. The only reason why I spoke of it is because the resolution provides that subpœnas shall be issued and papers sent for, and I thought there would be expense attached to it. If so, under the law the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NORRIS. I presume if it should be found, for instance, that Mr. Daniels could not appear without a subpœna or something of that kind the committee would have to get authority. I assumed that there would not be any difficulty of that kind.

Mr. HUGHES. There is no provision for counsel?

Mr. NORRIS. No; I do not think the Senate will care to have counsel.

Mr. HUGHES. I think the committee ought to be represented by counsel. But, of course, it is not my resolution.

The VICE PRESIDENT. The resolution will go over under the rule.

COMPLAINTS OF AMERICAN SHIPPERS.

Mr. PHELAN submitted the following resolution (S. Res. 324), which was ordered to lie on the table and be printed:

Resolved, That the Senate hereby requests the Interstate Commerce Commission to supply it with a list of complaints made by American shippers against discriminations practiced by belligerent carriers.

COMMUNITY FORUMS.

Mr. CHILTON. Mr. President, I have received a communication from the Commissioner of Education, transmitting a copy of a bill to provide for and regulate the use of public schools as community forums. I desire to have the matter printed as a public document, and I ask that it be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, that will be done.

POWER AT NIAGARA FALLS.

Mr. SMITH of Arizona submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 186) entitled "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2 and 3.

That the Senate recede from its disagreement to the amendment of the House numbered 1 and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"Any such permittee who without further authority of Congress diverts after the time herein named for the expiration of such permit any part of the additional amount of water authorized by Congress to be diverted for the first time under this resolution shall be guilty of a misdemeanor and be punished by a fine not exceeding $2,000 nor less than $500, or by imprisonment not exceeding one year nor less than 30 days, or both, in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *Provided*, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same."

And the House agree to the same.

MARK A. SMITH,
JOHN K. SHIELDS,
Managers on the part of the Senate.
H. D. FLOOD,
CYRUS CLINE,
Managers on the part of the House.

The report was agreed to.

EMBARGO ON FOOD PRODUCTS.

Mr. McCUMBER. Mr. President, a few days ago I gave notice that I would ask permission to address the Senate to-day at the conclusion of routine morning business on Senate resolution 316. I now ask that that resolution be read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and lays before the Senate the resolution referred to by the Senator from North Dakota, which will be read.

The Secretary read the resolution (S. Res. 316) which had been submitted by Mr. McCUMBER on the 13th instant, as follows:

Resolved, That an embargo against the exportation of any food products, or any legislation which would narrow or destroy the markets for such products, or in any other way interfere with the operation of the law of supply and demand in establishing their prices, in the face of the great increase in the price of land, labor, and every article which the food producer must purchase would be an act of the grossest injustice to a most important portion of our population.

Mr. McCUMBER. Mr. President, one of the most frequent subjects of journalistic discussions, of magazine contributions, of fiction writers, Chautauqua lecturers, college and high-school essayists, commencement orators, and embryo presidents is the infidelity of public officials to the interests of the people whom they represent; that the Member of Congress as soon as elected is either afflicted with a loss of memory touching preelection promises or metamorphosed from a Dr. Jekyll to a Mr. Hyde. So persistently has this falsehood been poured into the public mind that the whole body politic has become saturated with it and poisoned with its virus.

No greater error ever rooted itself in the public mind. Every day's record of the proceedings of Congress writes the word "lie" across these insinuations; every day's record discloses a deluge of bills to meet every wave of public sentiment and answer every complaint, great and small, real and imaginary.

If Congress is subject to any criticism concerning its responsiveness to public thought or sentiment, it is that in the alertness of individual Members of that body to respond to public desires in their eagerness to initiate the first measure designed to meet any complaint they fill the RECORD with bills and ofttimes press with patriotic zeal measures detrimental to the people as a whole. The result of this proneness to curry favor from every society, class, or organization seeking legislation for its special benefit has shown itself in class legislation that is rapidly undermining our whole economic structure and threatening the very life principle of our Government—the equality of all under the law.

An analysis of this ardent responsiveness will disclose in very many instances a strong admixture of political consideration and interest, the desire to earn the approbation of the greatest number of the constituency of any Member with the hope that such approbation may return as bread upon the waters at the next election.

Now, all this would be most commendable and beneficial to the country were all our interests homogenous, and that which is demanded by one constituency never inimical to the interests of any or all of the others. But, Mr. President, it so happens that we are a country of vast and diverse interests which, if allowed to adjust themselves under the great law of supply and demand, will yield the greatest possible blessing; but which, if disjointed and antagonized by special legislation conceived to benefit one class or one constituency at the expense of the other, will not only diminish or destroy their natural beneficence but will engender a discord and social upheaval that can end only in paternalism with all its degenerating influences.

Were all these bills responsive to public demand enacted into laws, the great commercial and industrial structure builded by the architect of adaptation, through centuries, would, through discordant and antagonistic legislation, collapse and come tumbling to the earth. Happily the same spirit which seeks to promote the interests of one class or the majority of one constituency also operates as a potent force to guard the interests of some other class or constituency against the demands of the first, and thereby acts as a check against most of this proposed legislation.

With 48 States and about 430 congressional districts, each one of which has special industries to be promoted or safeguarded, we may confidently look for such an equilibrium in legislation as will be beneficial to the whole without injury to the parts. It is only when the interests of a class, permeating all these States and districts, are sought to be advanced at the expense of the other classes throughout the country—when the contest is purely a class conflict rather than a sectional one—that the danger and injustice become acute and imminent.

If, to promote the interests of a national political party, we bribe one class of voters who may hold the balance of power by legislation which will advance their interests at the expense of some other class; or if, actuated by political exigency, we legislate for the interests of the majority at the expense of an important minority, we are nearing the end of true popular government. There is no autocracy so dangerous, so tyrannical, as the autocracy of mere numbers. The only true government is that which, capable of comprehending the interests of the whole, never loses sight of the interests of the smallest part, and which so legislates as to afford the individuals engaged in all the diverse industries of the Nation equal opportunity. And, Mr. President, as we must purchase our comforts and pleasures in this world, equal opportunity must mean equal compensation for labor expended, measured by its character and the preparation and intelligence necessary for its performance. Toward this great end should all legislation, so far as legislation can promote it, be directed.

In this very Congress we have been tempted by the demon of political exigency to depart from this purpose. And, Mr. President, we have fallen. That glaring evidence of our weakness prompts me at this time to raise my voice against a repetition of an error of the same character, a crime against one class of our citizens at the behest of another. I refer, Mr. President, to the many bills introduced at the beginning of this session for an embargo against the export of food products from this country. I refer to the purpose of one class of our citizens to deprive another class of its just compensation for its labors; to overcome the law of supply and demand by destroying the market of our farming population; to drive one class to penury that the other may continue to revel in extravagance.

Most of the dangers from these bills, responding to the demands of special interests, would be mitigated were we not misled by the persistence or violence of any complaint as to its relative importance. If the cry for relief or for special legislative favor increased in volume in proportion to the numbers affected or the justice of the demand, we might be able to measure out a relief which would approximate a standard of fairness to all. But a very casual observation will convince any thoughtful person that the volume of noise is no indication whatever of the severity of the ailment. One man of stoical character will endure any amount of pain without a murmur. Another will groan at the scratch of a pin. One class, accustomed to self-denial and a life of rigid economy, adapts itself to any financial stringency that may overtake it. Another class, pampered with luxury and spoiled by extravagance, regards any condition which would diminish those luxuries or check those extravagances as a national injustice which can only be remedied by a heavier toll on the frugal and industrious. One section cries loud and reaches long into the Federal Treasury to compensate it for every loss by bursting dike or torrential flood; another, with grim and manly resolution, sees its whole year's crop annihilated by storms or drouths with never a thought that the Government should stand as an underwriter against the blighting visitations of Providence. And as the honest, the industrious, the frugal of human society must always in the end pay for the debts of the dishonest, the sluggard, the prodigal, or the beggar, the rights of that portion of the public entitled to the most considerate attention of the Govern-

ment are generally sacrificed that the clamorous may be satisfied.

I might give a little illustration, which is very apt in this connection, by citing the fact that almost every year Congress appropriates vast sums of money to relieve those whose homes and crops have been destroyed by floods occasioned by the overflow of the Mississippi River near its southern end, and yet in a single year in the Red River Valley, in my State, we have lost more by floods than has been lost in all the years of the history of the section to which I refer; but we have not asked, and are not asking, that the Government should make good our losses.

And so to-day, Mr. President, the self-indulging, leisure-loving, pleasure-chasing portion of our population, sensitive to every condition that will check their extravagances or diminish their pleasures, observing in the rise of the price of bread and other food products a possible necessity for the practice of some little economy in their other expenses, and without the slightest consideration for the welfare of those they would injure or the justice of their demands, cry out for an embargo on food products. And Congressmen, responding to that cry, and with the same lack of consideration, proceed immediately to press measures for an embargo against the exportation of food products.

That these bills spring from the desire of one class to acquire special benefits at the expense of the other is clearly shown in a recent article in the Modern Miller. The writer of that article sent out inquiries to all classes of our people to ascertain their attitude on the question of an embargo on food products, and he summarized the responses as follows:

Consumers are for it; producers are against it!
Town people are for it; country people are against it!
Laborers are for it; farmers are against it!
Common people are for it; agriculturists are against it!
The "shorts" are for it; the "longs" are against it!

It is true, Mr. President, that notwithstanding our vastly increased wheat acreage, the world crop this year was exceptionally short, and the United States crop somewhat below the average. These causes, combined with a great world war, has increased the demand and enhanced the price of wheat and flour, and hence the cry for an embargo. The fact that the price of every other commodity (that which the wheat producer must purchase) has advanced as much as or more than those commodities, seems in no wise to enter into the equation in the mind of those who favor this destruction of farm prices by legislation.

Are the prices of farm products exorbitant to-day? This is the first question which presents itself for consideration. On the answer to this must rest the whole of proponent's case. That the producer of food cereals is entitled to a just reward for his labor expended in producing them and a reasonable return upon the capital employed in their production, every one will admit, at least in debate. The difficulty arises in determining what is a just reward. Here, I regret to say, I find the sentiment everywhere prevalent in our great cities—a sentiment hoary with age and hardened by time—that the vocation of the tiller of the soil is of such a menial character that he ought not to aspire to the standard of ordinary urban living; that if he receives such prices for his products as will enable him to have sufficient food and clothing for his physical comfort during his working years and enable his children to supply his few necessities in his declining age, it ought to satisfy him; that he ought not to expect any degree of affluence in his chosen vocation beyond this.

Numerous, Mr. President, as are those holding this view, it is a waste of time to attempt to convince them of its wrong and injustice. Their ailment, atrophy of conscience, complicated by chronic selfishness, can only be reached by a change or reversal of environment. I speak only to those whose sense of justice enables them to accept as axiomatic that all labor should reap a reward proportionate to its arduous character and the preparation and intelligence required in its performance; that like labor, whether performed in the field or in the factory, whether rural or urban, ought to assure like comforts to the toiler; and that capital invested in one legitimate enterprise has the same right to reasonable return as when employed in any other enterprise.

From this viewpoint and measured by this standard, are the grain and cattle producers of this country receiving more than a just compensation for their products? I maintain, Mr. President, that not only are they not receiving more than they ought, but measured by the earnings in other vocations and trades and other lines of business their compensation to-day is far below their just deserts.

Mr. President, in all other lines of production in which advancing cost requires a doubled or quadrupled capital to conduct it, we naturally look for higher-priced products and accept the result with equanimity. Do you realize that the price of land throughout the wheat-raising sections of the United States during the last 20 years has increased from fivefold to tenfold? Do you realize that labor has doubled in price during the last 20 years? With such increase in required capital and labor, what right have you to expect the maintenance of the old price for farm products?

Mr. President, I have had some experience in farming and have given the subject no little consideration, and I know that if farming were carried on the same as other lines of business, if all the work employed was paid for on the basis of like labor employed in other vocations, no farm would ever pay a dividend upon the capital invested under ordinary market conditions. It is only because the labor of the farmer and his entire family is employed without any standard of compensation that the business has not collapsed. With the present prices of land, present prices of labor, and the price the farmer must pay for his necessities, he should receive for his several products in normal times as much as he is now receiving during a great world war and a short world crop, and a greater sum for many of the products of his farm than he is now receiving.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I do.

Mr. SHAFROTH. I am very much interested in the speech which the Senator is delivering; and I want to ask him whether the low price of farm products has not been the cause of that drift of the people from the farms to the cities which has been such a curse, or supposed curse, to the welfare of the Republic; and if stable and fair values are given for farm products, whether that will not remedy the very evil that is supposed to exist by reason of this drift and make the people of the overcrowded cities come back to the free life of the farm?

Mr. McCUMBER. Mr. President, population will always drift to the point of greatest compensation for a given amount of expended energy. That applies the world over. Whenever you make farming produce such a return upon its labor and upon its investment that those who follow the vocation can reap the same comforts and luxuries and live upon the same standard as the average life in the city, the population will drift again from the city to the farm.

If I were to enumerate what I should consider a minimum farm price for the products of my State, in order to make farming reasonably profitable, I should give about the following:

Wheat	per bushel	$1.50
Oats	do	.65
Barley	do	.85
Flax	do	2.00
Corn	do	.70
Potatoes	do	.70
Rye	do	1.25
Beans	do	2.50
Beef on hoof	per pound	.07
Pork on hoof	do	.08
Butter	do	.35
Eggs	per dozen	.45

I am dealing now only with farm prices, and not retail prices.

With such prices assured for a period of 10 years, making allowance for the average losses, partial or total, farming could be conducted on a fair basis.

I read from a recent report in the Nation's Business the following:

Wheat is dear in 1916. For 34 years, however, during which generation of time boys became men, with homes and cares of their own, the farm price of wheat was less than a dollar a bushel, except in case of corner. The farm price of wheat on December 1, 1881, was $1.19 a bushel. On the same day during every year that followed down to 1915 the farm price was less than a dollar a bushel. On October 1, 1916, the farm price was $1.36.

And, of course, that means only the highest quality or grade.

Let me ask those who are now wishing to strike down the market price of wheat with a legislative bludgeon if they really think that a raise in price above the dollar mark once in 34 years, and which price to-day is not sufficiently high to enable the farmer to pay going wages for labor employed, is so excessive as to merit the assault which they are making against the wheat producer?

Do you not know that the moment that this war ceases and the moment we reap a normal world's crop there will come upon the farmer such a diminution in the value of his products, due to stagnation, that will be nothing less than a calamity? And are you not willing that he should have this little ephemeral prosperity, which has come to him after 34 years, if prosperity it can be called, to compensate him for the long years of underpay in the past and the other years of stagnation in the future?

Those who propose this measure attempt to deceive the public, if not to deceive themselves, by comparing the 1916 crop of the United States with the 1915 crop. They make this comparison for the purpose of pointing out the danger of a catastrophe in the food supply of the country. They are careful to compare this year's shortage with the most phenomenal crop ever raised in the United States. As a matter of fact and truth, it ought to be known that the 1916 crop of 639,886,000 bushels is but little below the average crop of this country. During the last decade the average crop of this country, including the nearly double crop of 1915, has been 732,839,000 bushels.

During the past decade we have had five crops, each of which fell below 700,000,000 bushels. The 1915 crop of wheat in the United States was 1,011,500,000 bushels, or about 400,000,000 bushels above the normal. And this phenomenal yield is being put forth as a basis of comparison for the purpose of frightening the American people into the idea that there has been an enormous shortage in our wheat supply. If we should simply tell the truth, that an average yield is about 700,000,000 bushels, and our consumption for seed and bread about 550,000,000 bushels, and our crop this year is nearly 640,000,000 bushels, the phantom of starvation would immediately vanish. No, Mr. President, the whole trouble is that these people do not want to pay the price fixed by the law of supply and demand.

Has it ever occurred to you that the farmer can not eat this unground wheat or corn, but must buy his flour and many manufactured products of which he furnishes the raw material and pay as much for it as you do? Can you not understand that the farmer pays higher prices for his labor, higher prices for his machinery, higher prices for his shoes, higher prices for his clothing, higher prices for his drugs, higher doctors' bills, and that all of these have increased in the last few years far beyond the increase in the price of his products, even in war times? And do you expect that you alone shall be the elect of Providence and go right on with ever-increasing charges for the things you sell him and he should sell you for the same old prices?

A friend of mine in Washington who keeps an account of the prices paid at retail for all items entering into household expenses gave me the following table of comparisons between what he paid for certain articles in December, 1915, and December, 1916, as follows:

Articles.	1915	1916	Per cent increase.
Women's shoes	$5.00	$6.50	33
Men's shoes	7.00	8.00	15
Matches, per box	(1)	(2)	33
Boy's suit	10.00	14.00	40
Coal	7.00	8.25	18
Ice per 100 pounds	.30	.40	33

[1] 3 for 5 cents. [2] 2 for 5 cents.

Of course, the cost of ice was caused by the war!

Do you stop in your everlasting arrogance, your extreme selfishness, to contemplate that while you, and I mean every man of you, from the lowest-paid laborer on the streets to the moneyed magnate of the country, insist on taking advantage of the law of supply and demand wherever it affects your products, you deny that right to the farmer?

Mr. President, wheat and barley have advanced greatly in price since 1914. But their advance is due entirely to scarcity. Can you not therefore understand that if the farmer in my State harvested only one-fourth of a crop of wheat, that one-fourth of a crop would have to advance 300 per cent in value to yield him the same returns, and that an increase in value of 60 per cent will still leave him far below an average return? On the other hand, you know that the enormous advance in the price of everything the grain raiser must purchase is not due to shortage. There is no shortage whatever in clothing, shoes, matches, and coal. There is no shortage whatever in ginghams, and prints, and shirtings, and sheetings, and drills, and hickories, and piquots. The manufacturers and dealers in these articles have got both the goods and the higher prices. The farmer has the higher prices, but he has not got the goods. And in the face of this natural hardship to the grain producer we find men either so ignorant of the real situation or so deaf to the voice of justice that they are aiming their blows at the only real sufferer.

Comparing the fall of 1914 with that of 1916, I find that beef cattle increased just 7 per cent. I find that in one year, from 1915 to 1916, round steak increased at retail in this city 40 per cent. I find that hogs increased in price during those two years 20 per cent, but the retail price of pork has increased more than 40 per cent. I find that calves increased in price 10 per cent, and that sirloin steak increased in one year 40 per cent. I find that from December 1, 1914, to December 1, 1916, corn increased in price 36 per cent, but I find also that a boy's suit increased in the last year 40 per cent. I find that oats increased in two years 15 per cent, but brown sheetings increased from 90 to 100 per cent. I find that rye increased 37 per cent, but prints increased from 75 to 80 per cent. I find that butter increased in two years 22 per cent, but that coffee increased 80 per cent. I find that eggs increased per dozen 21 per cent, but that ginghams increased from 50 to 75 per cent.

To bear out these statements I ask to have inserted at this point a table taken from the Monthly Crop Reporter, showing the farm prices of farm products in November and December of 1914 and November and December of 1916, together with the percentage of increase.

Mr. CURTIS. Mr. President, may I ask the Senator if that table gives the prices in the local markets and then the prices in the cities?

Mr. McCUMBER. No; this gives the farmer's price—an estimate of what the farmer receives at the elevator, direct.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator ask unanimous consent to insert the table in the RECORD?

Mr. McCUMBER. Yes; I do.

The PRESIDING OFFICER. Without objection, the request will be granted. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

Farm prices of farm products.

[Monthly Crop Report.]

Articles.	Nov. 15, 1914.	Nov. 15, 1916.	Per cent increase.
Hogs, per 100 pounds	$7.00	$8.74	20
Beef cattle, per 100 pounds	6.02	6.44	7
Veal calves, per 100 pounds	7.78	8.60	10
Sheep, per 100 pounds	4.68	6.41	36
	Dec. 1, 1914.	Dec. 1, 1916.	
Wheat, cents per bushel	98.6	160.3	60
Corn, cents per bushel	64.4	88.9	36
Oats, cents per bushel	43.8	52.4	15
Barley, cents per bushel	54.8	88.2	62
Rye, cents per bushel	86.5	122.1	37
Butter, cents per pound	28.4	34.4	22
Eggs, cents per dozen	29.7	38.1	21

Mr. McCUMBER. I desire to have this followed by a table showing the increase in the price of canned goods, on which many of the people in the cities depend, for the same period, taken from the American Grocer, and for the purpose of showing this enormous increase in the price of canned goods as compared with the increase which the farmer receives for his product which goes into the canned goods.

For instance, I find that asparagus increased 90 per cent; that canned beets increased 65 per cent; that standard corn increased 100 per cent; that even sauerkraut, when canned, increased from 80 cents to $1.55, or 95 per cent. I find that granulated sugar increased 50 per cent; that corn increased 50 per cent; that coffee increased 80 per cent, and so on. I ask to insert this table.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The table referred to is as follows:

Canned goods.

[From Price Current in American Grocer for December, 1914 and 1916.]

Vegetables.	1914	1916	Per cent increase.
Asparagus, ½ bottles glass, dozen	$2.40	$4.25	90
Asparagus tips, No. 1	2.00	2.30	12
Beans, lima, No. 2, dozen	1.10	1.35	12
Beets, Maryland, No. 3, dozen	.90	1.40	65
Corn, standard, No. 2, dozen	.65	1.30	100
Peas, No. 2, standard, dozen	.65	.85	30
Sauerkraut, dozen	.80	1.55	95
Flour:			
Patents, spring, carload lots, barrel	6.25	8.75	35
Patents, winter, carload lots, barrel	6.00	8.15	35
Oatmeal, barrel	5.60	6.80	20
Sugar:			
96 per cent, 100 pounds	4.01	5.14	25
Granulated, 5-pound bags, 100 pounds	5.15	7.55	50
Molasses, common, gallon	.22	.31	50
Coffee, Central America, common, pound	.06½	.11	80
Tea, India	.21	.30	50
Cheese, whole milk, pound	.15	.23	50
Skim, choice	.13	.19	50

Mr. McCUMBER. I wish now to insert a table taken from the American Wool and Cotton Reporter, showing the wholesale price list of fabrics of general consumption by the agriculturists of the country on December 24, 1914, and on December 24, 1916, and the percentage of increase. This table ought to be very interesting.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears none.

The table referred to is as follows:

Wholesale price list.

[From American Wool and Cotton Reporter.]

Articles.	Dec. 24, 1914.	Dec. 28, 1916.	Per cent increase.
Ginghams, cotton:			
Amoskeag, staple ginghams, per yard	$0.06½	$0.09	45
Everett classics, per yard	.07	.09½	33
Everett shirtings, per yard	.08	.14	75
York dress	.07½	.11	50
Silver book seersucker, per yard	.07½	.11	50
Amoskeag XX seersucker, per yard	.07½	.11	50
Eastworth seersucker, per yard	.08	.13½	50
Pilgrim prints:			
Indigoes, yard	.04½	.08	80
Black and whites, yard	.04½	.07½	75
Shirtings:			
Massachusetts, P. N., yard	.05½	.08½	50
Massachusetts, W. J., yard	.06¾	.10½	55
Brown drills, 30 inches, yard	.06½	.11¾	80
Piedmont, 30 inches, yard	.07	.13	80
Brown sheetings:			
Father George, L. L., yard	.05	.09½	90
Midland, L. L., yard	.05	.09½	90
White Star, yard	.04¾	.09½	100
Bleached sheetings:			
Fruit of the Loom, yard	.07½	.11½	50
Lonsdale, yard	.07	.11	55
Forget Me Not, yard	.06	.10	66
Dwight Anchor, yard	.12½	.18	50
Pillowcases, Piquot:			
42 by 36, bleached, dozen	1.74	2.38	50
50 by 36, bleached, dozen	2.16	2.86	30
54 by 36, bleached, dozen	2.35	3.34	45
Sheets, Piquot:			
54 by 90, bleached	5.80	8.10	50
63 by 90, bleached	6.10	9.00	50
Hickories: Iron Mountain, yard	.06¼	.09½	50

Mr. McCUMBER. I find, for instance, that staple gingham increased 45 per cent; that Everett shirtings increased 75 per cent; that seersuckers increased 50 per cent; that prints increased 80 per cent; shirtings, from 50 to 80 per cent; brown sheetings increased from 90 to 100 per cent; bleached shirtings increased from 50 to 66 per cent; pillow cases, Piquot, increased from 30 to 50 per cent; hickories increased 50 per cent. All these are things which the farmer must purchase with the articles which he sells, most of which have increased from 7 to 20 per cent.

Another table taken from the American Wool and Cotton Reporter shows the price of woolen yarn, December, 1914, and December, 1916, with the percentage of increase. I am assuming that the farm wife, to a considerable extent at least, still knits these yarns into socks and stockings for the family. It will be interesting for those who purchase the manufactured product to comprehend the increase in prices to her and her family. I will simply state generally that worsted yarns increased from 65 to 90 per cent and ordinary woolen yarns from 60 to 75 per cent.

Woolen yarns.

[Wholesale prices from American Wool and Cotton Reporter of December, 1914, and December, 1916.]

Articles.	1914.	1916.	Increase.
			Per cent.
Worsted yarns, Bradford system:			
2-12s to 2-16s, carpet stock	$0.57½	$1.05	90
2-40, fine Australian	1.10	1.80	65
Braid yarns:			
1-24s, Canadian braid	.90	1.02	11
2-36, Canadian braid	1.05	1.22	20
Woolen yarns:			
18 to 20 cut	.50	.80	60
22 to 24 cut	.51	.90	75

These tables are all instructive, and ought to be read and understood by the American people, and especially would I submit them to the thoughtful consideration of the Association of Bakers who are asking for an embargo on food products.

Now, you people right here in the cities fix your own prices for what you sell. Think, then, a moment of the injustice, aye, the criminal injustice, of the people who themselves fix the prices of everything they sell, proposing to boycott the only class of American people who are compelled to take just what the other people see fit to give them for their products! The farmer never fixes the prices of his products. Of course, he wants to get all he can; but when he brings his products to the market he does not say, "This is what I am charging for my wheat, my corn, and my potatoes." He simply asks, "What are you paying to-day?"

Here is a question I wish to ask the boycotter:

Are you willing to give the farmer in my State 6 per cent interest on his investment in land and equipment and allow him to pay his wife and adult daughters what you pay for a colored cook and housemaid, to pay himself and his adult sons what you pay a carpenter? If you are, then drop your embargo nonsense and prepare to vote him a bonus, for, even at the present high prices, he is not receiving a quarter of that.

Mr. President, there is probably considerably less profit made by the middleman on flour and grain than on other farm products. And yet on these articles the spread between the farm price and the consumer's price is far greater than it should be. Prof. Ladd, of the agricultural college of my State, made a report a very short time ago showing clearly that the grain raiser of the State of North Dakota and, of course, of every other State, is euchred out of his legitimate compensation for his product when compared with the price charged by those who purchase from him.

The experiments made at the agricultural college of North Dakota by Prof. Ladd showed that the milling value of grain purchased from our State under the term "D feed" was far greater than the price allowed would indicate. I will give an example of one carload of "D feed": Price to the farmer who raised it, $653.01.

It is probably proper to explain here that on account of the blight of the wheat crop of the Dakotas and western Minnesota the vast majority of the bushels of wheat taken in are taken in as rejected or under these new terms.

It will be seen, therefore, that this carload of wheat brought the farmer only about $635. There are probably not less than 1,200 bushels in that carload; from that up to 1,500 bushels. So you can see that he really received probably for this grain from 40 to 65 cents per bushel.

Minneapolis price on track, $992.06; the mill product as wholesaled, $1,660.15; the mill product as retailed, $2,107.03. It will be observed, therefore, that this grade increased in value at wholesale two and a half times and at retail about three and a half times what the farmer received. Allowing for all freight and labor charges, the profit would still be exorbitant.

Mr. President, the Society of Bakers of New York and vicinity have sent to each Member of Congress a petition for an embargo on wheat. While they are asking the Members of Congress if they are aware of the deficit in the American wheat crop, it might not be amiss to ask them a few questions.

Mr. Baker, are you aware of the fact that the wheat farmers in my State raised only about one-quarter of a crop in actual weight? Are you aware of the fact that with that little one-quarter of a crop they must pay the same taxes as they paid with a full crop; that they must buy coal at a vastly increased price; that they must pay higher prices than ever before for clothing to keep them from freezing? Are you aware of the fact that everything they must purchase has advanced in price even more than the farm prices of the things which they produce, and that while there is the excuse of shortage and war demand to explain the considerable increase in the price of wheat, there is no excuse on earth for the advance in the price of most of the other articles of common use in this country, but that such prices represent imposition of the highest degree? Are you aware of the fact that most of them have mortgages on their farms, and that the mortgages will grow just the same whether there is any crop or not? Are you aware of the fact that with one-quarter of a crop they must still pay for a full crop of interest? Are you aware that while you fix the price of the bread which you make and never sell it at a loss, the farmer does not fix the price of his product and is often compelled to sell at a loss? Are you aware of the fact that if the farmer charged for his own labor in producing wheat what you pay for your labor who produce the bread for you, there is not one of them in the whole Northwest that would not run behind, and that he is only able to keep his head above water by putting in his own labor and that of his wife and children for their board and cheap clothing? Are you aware that the American farmer, his wife, and adult children, earn in this country with normal crop only an average of 20 cents net per day? Are you aware that in the face of that meager earning under normal conditions, and in the face of nearly a crop failure in my State, when most farmers have lost heavily, that the present administration, to purchase four more years of control, added 25 per cent to the wages of railroad employees who are now receiving from $5 to $8 per day; and that the farmer in my State, who this year has not earned one penny, and who has on the average only a net earning capacity of 20 cents per day, will in the end

pay, in higher freight charges, this added sum to his brother who already receives from $5 to $8 a day? If you are aware of that fact, have you no consideration then for them and for their necessities? When you are crying "Feed the American first," has he not just as much right to cry to you, "Clothe the American first, shoe the American first, doctor the American first"?

If the American consumers of food products could once get thoroughly impregnated with the conviction that the food producer is not a class designed by Providence solely to produce food for them and in turn to be exploited by the balance of humanity, but that not only their interests but their right to enjoy the average standard of living is mutual, we would hear less complaining about farmers' prices and make a greater effort to increase the farm value of their products. I admit that he himself is partly responsible for your rather low estimate of his vocation. I admit that he does not give the same thought to his business interest that you give to yours. I admit that his acts are often inconsistent and unexplainable. I admit that he is often misled by demagogic and pretended leaders who seem to create prejudices which they capitalize for their own purpose. I have known him, forgetting his own true interest, to vote to destroy one President because he was willing to put some of his products on the free list, as between this country and a single other country, and then turn around and vote for another for President who would put everything he produces on the free list as against the whole world. Of course, I can not always understand his reasoning, but I do understand his interest and his rights, whether he sometimes makes a mistake or not. And one of his sacred rights is to market his products at a reasonable profit.

Now, Mr. American Baker, as you are the complaining witness against the American wheat producer, will you please submit yourselves to a little sidelight inquiry. Why is it that while the English miller pays about 20 per cent more for his American wheat than the American miller he nevertheless sells his bread at least 33 per cent lower than you charge for yours? Why is it that even in these stringent war times the English baker purchases in America the same flour which you purchase, transports it across the ocean at now enormous expense, makes it into bread, and sells at a less price than you receive for your bread?

My colleague in the House, Mr. HELGESEN, presented the other day a statement from the Agricultural Department, quoting the Bureau of Chemistry, that 325 pound loaves could be made from a barrel of hard wheat flour and 320 pound loaves from a barrel of soft wheat flour. He also asserted—and I assume after inquiry—that the best grade of flour costs the baker in the District of Columbia $8.50 per barrel. We then have cost of flour to the baker, $8.50; 325 loaves of bread, at 6 cents per loaf, $19.50; leaving a margin of $11. A pretty large margin to be easily explained. But this is only about two-thirds of the whole truth. As a matter of additional truth, your loaves of bread, retailing at 6 cents, weigh only about 11 ounces, moisture and all. To be accurate on this I had a friend purchase and weigh 13 different classes of bread sold in the District on December 11, 1916. Here is the result. I will give the kind and the price and the weight in ounces. Of course, a pound loaf of bread ought to weigh 16 ounces, but here is what it does weigh. First, here is the Corby 10-cent loaf. That is supposed to be what we call a 2-pound loaf. It sells for 10 cents and it weighs 21 ounces instead of 32 ounces.

I will ask to insert this table at this time and then comment on it.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it will be inserted.

The table referred to is as follows:

On December 11, 1916, on weighing different loaves of bread, he found the weights as follows:

Kind	Price.	Weight in ounces.
	Cents.	
Corby's	10	21
Corby's rye bread	6	10½
Corby's lunch bread	12	26
Havenner's	12	24
Corby's Mother's	6	11
Corby's table cream	6	11½
Butter Krust	6	11½
Schneider's	6	12
Havenner's Vienna	6	10½
Corby's Vienna	6	11
General Baking Co.'s Grandma's	6	11
Corby's	5	9½
Rolls	6	7

Mr. McCUMBER. Now, quoting again from the Department of Agriculture, referred to by Mr. HELGESEN, we find this declaration: "We get about 1½ pounds of bread from a pound of flour, household methods." In other words, a barrel of flour of 196 pounds weight will make 294 pounds of bread, or 4,704 ounces. Dividing this by 11 ounces, the average weight of a loaf in the District, we have 427 loaves. Now, making the computation, 427 loaves at 6 cents per loaf amounts to $25.62.

RESULT.

Cost of flour to the baker	$8.50
Cost of bread to the consumer	25.62
Gross profits	17.12

Mr. President, it will require considerable explaining to satisfy either the producer or the consumer of the justice of this increase from flour to bread of 300 per cent. May not the public justly ask you, Mr. Baker, are you aware of the fact that the increase in price of wheat ought not to add more than 1 cent to the cost of a 16-ounce loaf of bread, not an 11-ounce loaf of bread? Are you aware of the fact that, taking advantage of this comparatively slight increase in the price of wheat, the bakers of the city of Washington, and undoubtedly yourselves as well, sell 11 ounces for a pound loaf of bread? Are you aware of the fact that in doing this, you are actually defrauding the consuming public out of nearly one-third of a pound of bread in every loaf you sell, and yet in addition adding 1 cent to the price of every loaf?

So much for you, Mr. Baker.

Now, a word about the cause of the high cost of living. It is true that a dollar does not purchase as much as it did a few years ago, and the dollar as a purchasing agency is getting cheaper every day. Why? First, because the quantity of dollars is rapidly increasing. I shall not now discuss that feature. Second, we ourselves by making ourselves "easy marks" have contributed to the increase, and, third, because of our senseless extravagances.

Mr. President, the tramp who begged for 30 cents with the explanation that he wanted 5 cents for a sandwich and 25 cents to tip the waiter is but a fair illustration of the attitude of the American people toward the question of the high cost of living, and of the reasoning, I may be permitted to say, of those who introduce bills in Congress to strike a blow at the producer of food products to offset general public extravagances.

What elements enter into the cost of any commodity in this country?

A little retrospection would be most valuable to the American public along this line. For the most part prices are fixed by the gullibility of the purchasing public. And I wish that they would put that sentence into their notebooks. Prices are only partly governed by the law of supply and demand. At least another factor must be taken into consideration, namely, the ability and willingness of people to pay whatever is demanded. People who have the power to fix prices charge what the public are willing to pay and never what the thing is worth. The average American purchaser simply goes into a store and orders this and that, or more often orders by phone. If he is running a bill, he seldom even asks what the price of the article is. How often do you hear one of them say, "This is too expensive; I won't take it"? In the old country the idea of bargain and sale is still extant. The merchant may ask an exorbitant price to start with. The purchaser may offer half what the article is worth, and they finally arrive at a figure which gives a fair profit to the one and a reasonable charge to the other. I do not, of course, commend that system in the least, and especially I would not commend it to Americans who go over there to make purchases; but if this country were inhabited by French people you would purchase your products for at least 35 per cent less than you do to-day.

Again, Madam Boycotter, yesterday you went into a millinery store and you selected a hat. The wire frame in that hat can be sold at a profit for 8 cents. Add to that a nickel buckle worth about 5 cents, velvet covering worth 30 cents, ribbon worth 30 cents, total 73 cents. The girl who sewed on the velvet, the buckle, and ribbon may have received 75 cents. That makes about a dollar and a half. That hat ought to have retailed for $3. What did you pay for it? You paid $18, or more than five times what you ought to have paid. That $15 of excess would have bought you 300 eggs, at 60 cents per dozen, and no self-respecting hen ought to be required to lay an egg for less than a nickel—enough to have lasted you and your family three months. Now, honestly, did it ever occur to you that you might boycott those criminally extravagant prices? You purchase a flimsy dress that will not wear you three evenings for $75. You ought to have been able to have purchased it for $20, and you could have purchased it for $20 if you just would not pay the extravagant prices.

I read the other day an article concerning the price of refrigerated eggs. A Chicago food speculator admitted that he had 72,000,000 eggs in cold storage, and, asked why the excessively high price of eggs, he merely stated that the people were willing to pay it, and that it was his duty to get all he could for his product. So long as the people are willing to be imposed upon, then the imposition will be dished out to them with ever-increasing prodigality.

Why is it that everything is cheaper in Windsor, Ontario, than in Detroit, Mich.? One reason is that the Canadian woman has not lost her sense of prudence and frugality; the American woman has.

There are two things, Mr. President, that stand out clear and distinct in this investigation of the cost of living. First, that the labor expended upon our farms is the poorest paid labor in the United States; second, that there is practically no proper relation between the meager price the farmer ordinarily receives for his products and the excessive price charged the ultimate consumer for the same product, either in its original or manufactured state. The proponents of the embargo seem to be perfectly oblivious to these facts.

But here again, Mr. President, the consumer has the remedy in his own hands as against the last vendor. That weapon is substitution. There are so many substantial foods in the country that he need not confine himself to the most expensive kinds.

How many people give the slightest consideration to the subject of substitutes in the daily necessities of life? We do this in the larger concerns. When lumber becomes too expensive the builder begins to compute the cost of a cement or brick building. And this demand for the more economical will decrease the demand for the more expensive and operate as a lever to bring down its price. You say that wheat flour at $8.50 per barrel is too expensive. All right, then, substitute. Are you aware of the fact that in this country we raised in 1916 nearly 3,000,000,000 bushels of corn, selling for about 80 cents per bushel, and that corn meal makes the finest hot Johnny cake and corn bread imaginable, and that if the consumer could get it served good and hot he would usually take it in preference to the wheat bread? Are you aware of the fact that this country raised in 1916 about 1,230,000,000 bushels of oats, selling for about 40 cents a bushel, and that no cereal on earth makes such nourishing breakfast food as oat meal? Are you aware of the fact that we raised in this country in 1916 about 184,000,000 bushels of barley, selling for about 75 cents per bushel, and that barley meal is a most nourishing diet? So if wheat flour is too high, just diminish your consumption in that direction and make a corresponding increase in one or more of these other directions, and down will come the price of wheat flour.

Of course, I do not expect any one of you to do this. Why? Because you know and I know that what you pay out for your flour and, in fact, what you pay out for your food materials generally, is such a mere bagatelle as compared with your other living expenses that you will not stop to give it serious thought. Just look at this rise in the price of bread proposition squarely in the face and see how insignificant it is after all. An average family in the United States, according to Government figures, is composed of five members. Those five persons will eat two loaves of bread per day. On account of the increased price of wheat, bread has advanced from 5 cents per loaf, the price for half a century, to 6 cents per loaf, entailing upon that family the awful increase of 2 cents per day; if the family purchases the bread already baked, $7.30 a year, and if the family does its own baking, probably less than half of that. Just think of it, to save those 2 cents per day to a city family you would club to death the farmers who have dared to breathe for one little year the fragrant air of American prosperity.

Mr. President, our real ills to-day are not because of the cost of the things we put into our stomachs to sustain life, but because of our vast expenditures for ever-increasing extravagances, which do not leave us sufficient means to meet just food prices. The whole trouble with us is that while we measure with critical eye what we pay for the necessaries of life, we fail wholly to take into consideration what we expend for pure extravagances.

What we need most in this country is some form of education that will bring home to us our criminal extravagances. There is not a paper in the whole country that will attempt to educate the people along this line, and very naturally we can hope for little sentiment for reform from this source when we realize that our great dailies are themselves denuding our forests and making a wilderness of vast tracts of what might be a matter of pride and wealth to the country in order that they may feed the public with their Sunday stuff, 60 per cent of which is worse than useless. You have a paper famine. Well, cut down the size of your paper to real legitimate business. One-half of the country is crying for condensed information, and the other half is becoming mental dyspeptics because of the character of the literary conglomeration devoured by them.

From the lowest paid laborer to the highest salaried official, there is not one that does not expend from ten to one hundred times as much for unnecessaries as he pays for the reasonable necessaries of life. I have before me a table which indicates what four beers a day for a year will buy for the support of a family. It is but just to say that I took this table from some prohibition literature, but the items which are enumerated are:

One man's overcoat, 1 man's suit, 1 man's sweater, 1 man's hat, 2 suits men's underwear, 1 woman's suit, 1 woman's separate skirt, 1 silk blouse, 1 petticoat, 1 woman's hat, 1 pair woman's shoes, 2 suits underwear, 2 boy's suits, 2 boy's overcoats, 6 blouses, 2 hats, 2 sweaters, 6 pairs hose, 2 little girl's coats, 4 little wash dresses, 4 suits of underwear, 2 girl's hats, 12 children's handkerchiefs.

These prices were advertised in a Washington paper of January 28, 1916. I think they are a little below the prices one would have to pay for those articles to-day, as I have previously shown in the tables which I have presented.

It is estimated that we pay for—

Confectionery annually	$178,000,000
Furniture	245,000,000
Public education	325,000,000
Boots and shoes	450,000,000
Flour	455,000,000
Soda-fountain products	500,000,000
Potatoes	225,000,000
Cotton goods	675,000,000
Meats	1,500,000,000
Tobacco	840,000,000
Beers and liquors	2,500,000,000
Auto repairs and gasoline	5,000,000,000
Other amusements	5,000,000,000

Now, Mr. Tobacco User, you spend 40 cents a day for the weed, or $146 a year, on yourself alone. You spend for flour $8.50 a year. Do you not really think that before you crack your throat with your shrieks about an $8.50 barrel of flour a year you had better consider the $146 you pay for tobacco? Madam Housekeeper, a loaf of bread advanced from 5 cents to 6 cents, and you are weeping your eyes out about the extra penny. Have you given any consideration to what you pay out for theaters in a year? Have you for a single moment thought that what you pay for yourself alone for a box in an ordinary theater or a seat at a grand opera for just one evening's entertainment will equal the increase on 500 loaves of bread? You say you are paying 5 cents apiece for eggs. Have you stopped to think that you are also paying 5 cents apiece for apples, and that there is more food in one egg than there is in half a barrel of apples? Do you stop to consider that you are paying 10 cents for 1 grapefruit, and that there is more nutriment in 1 egg than there is in 40 grapefruits? Do you realize that while you are paying 30 cents a pound for good ham you are paying 30 cents for food for half a dozen persons, and that there is more nutriment in a pound of ham than there is in a hundred of these fruits? And before you get so hysterical that you can't reason at all, hadn't you better just cut out your morning grapefruit or your evening apple and invest the savings in eggs and butter and meat?

Among the extravagances that might well be mentioned is the enormous amount paid out in gasoline and auto expenses for pleasure rides only; and yet I think they are the most excusable of all. The automobile has come to stay. We are glad it has come. It has given the people of the country the fresh air, the exhilarating sunshine, the rest, the ability to see their own country—an enjoyment that no other instrumentality of human progress has given to them. And were it not for the worries and vexations and exasperations due to inefficient workmanship and exorbitant prices for repairs, it ought to reduce the doctor bills. Some time ago I read a statement of just what the American people pay out yearly for gasoline, tires, and automobile upkeep. The amount was more than $5,000,000,000 annually, far more than the cost of the entire Civil War. That was a couple of years ago, before gasoline had reached its present price, or before so many people owned autos.

I have no data to determine the amount paid out annually for jewelry; I simply know that it is vast. The vast number of multimillionaires, with their wildest extravagances, their palatial mansions, their retinue of servants, speak the enormous sums paid out by the American people for patent medicines, the greater proportion of which is far more dangerous than the ailments they are advertised to cure. I would not deny them their right to indulge in such extravagances, but I would ask them to cease their cry against what the farmer receives for his wheat until they have reduced their expenses along other lines.

Mr. President, I am not concerned alone in the fact that the increased leisure and vastly increased extravagances of city life have blinded the eyes of those people to a fair sense of justice toward our rural population. There is a far deeper significance, a real peril, to the Nation. This revelry in extravagant habits, this unquenchable demand for amusements, for continuous mental intoxicants, is undermining the sturdiness of our younger generation, filling the country with boys who can not bring themselves down to the stern realities of life, filling the country with I. W. W.'s, who, though well educated in our public schools, despairing of making their own way in the world, fall back on the only alternative that the country owes them a living.

There are few boys of 18 years and over in the United States who to-day could not tell you the relative standing of all the baseball teams in the United States and discourse intelligently on the qualities and characteristics of every actress in the United States; but the number who would be able to tell you how many Senators each State has would be amazingly small. The bulletins of your city dailies may describe an event that will change the whole current of thought, of life, of geography in the world, and you may observe a dozen people reading them. If you would go a few blocks farther, where the returns from a national game are being thrown upon the board, you would find the streets for two blocks closed with a dense mass of humanity. The man who fails to note this almost total surrender to the intoxication of amusement and its effect upon the younger generation has but little patriotism in his make-up. Fabulous prices are paid to footlight favorites. The American people are spending not only enormous sums of money to make this possible, but seem to be obsessed with the idea that the main thing in life is amusement, play, entertainment. This undermining of our American and world character, destroying the ability for sober, philosophic thought, is vastly increasing the number of people who can not make a living and yearly adding hundreds of thousands to the ranks of socialism.

The aimless cigarette victim who spends his money and his time to satisfy this insatiate, abnormal propensity throws down his $2 for a theater ticket for a play that is not worth 15 cents, waits at the door to supply the chorus girl with flowers, is then compelled to go to a cheap restaurant where he expects to be supplied with ham sandwiches at a penny apiece, and, failing, joins in the cry to boycott the farmer, who would pinch a 50-cent piece an hour before he could wrestle down his conscience to spend it for a like seat. It is not the price we pay for our food products that we need think so much about, it is our everlasting extravagance, our failure to bring about a proper adjustment between the prices of necessities and what we are paying out for excesses. The best thing that could ever happen the American people would be the closing of every theater and place of amusement in the United States for 10 years. There should be a closed season that would allow the people to regain some of their old stability, some of their old composure, that would allow them time to accustom their minds to the consideration of the real things in life rather than the artificial things.

Nor is this the only evil flowing from the extreme prodigality of urban life as compared with the extreme economy enforced upon rural vocations. Extravagant earnings lead to extravagant spendings; extravagant spendings to an increase of prices; increase of prices adds to the cost of lots and buildings. Higher cost of buildings means higher rents, and higher rents lead to higher charges for commodities sold within such buildings. And so every turn of this jackscrew of prodigality pushes prices higher and higher in our cities without producing corresponding advances in the price of farm products.

There is just one remedy against this urban increase. With the handle of frugality let the public begin to turn the jackscrew the other direction and prices will go down. Then make up your mind that you will not be robbed, and your high-priced articles will go down to meet your just demands, and all of these inflated city prices will go down to a normal and healthful state.

We hear of no attempt to boycott the enormous prices paid for real estate in our great cities and consequent fabulous sums paid for rents. We have a vacant lot down on the corner of Vermont Avenue and H Street where once stood the Arlington Hotel—a splendid hotel, fit for kings—but it was torn down to meet the more extravagant demands of the American public. That little piece of earth to-day is valued at $1,250,000. The owners are now trying to figure out what use they can make of that corner that will pay the enormous interest upon that investment—what business for whose necessarily excessive charges the American people will stand. They will find a way; they must find it or lose the capital invested. If a hotel is erected, I assume the gentleman who will pay $4 for a pound of sirloin steak will charge that high cost of living to the farmer who receives 8 cents for it, and will be demanding an embargo.

Mr. President, I have presented these facts and these sentiments not with the expectation that they will have a hearing, much less an influence in checking prodigal habits that can not continue without disastrous results sooner or later, but rather with the hope of showing to these people who are seeking to compel the food producer, by a reduction of his income, to relieve them from extravagant habits, the injustice of an attempted embargo upon those food products, and to make them realize, if possible, their own duty to begin their economy in the field of prodigality. By so doing they can pay the increased value of flour and food products which this war and scarcity have produced and still have left a reasonable abundance for these unnecessaries of life, and thereby confer a blessing upon themselves as well as upon all their countrymen.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). What disposition does the Senator desire made of his resolution?

Mr. McCUMBER. I ask that it may be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It will be so referred.

CALLING OF THE ROLL.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will please call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hollis	Norris	Sterling
Brady	Hughes	Oliver	Stone
Brandegee	Husting	Overman	Sutherland
Bryan	James	Page	Thomas
Chamberlain	Johnson, Me.	Pittman	Thompson
Chilton	Johnson, S. Dak.	Poindexter	Tillman
Clapp	Jones	Pomerene	Townsend
Curtis	Kenyon	Ransdell	Wadsworth
du Pont	La Follette	Saulsbury	Walsh
Fall	Lee, Md.	Shafroth	Warren
Fernald	Lippitt	Sheppard	Watson
Fletcher	Lodge	Sherman	Weeks
Gallinger	McLean	Smith, Ariz.	Works
Gronna	Martine, N. J.	Smith, Ga.	
Harding	Myers	Smoot	

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained on official business.

The PRESIDING OFFICER. The Chair begs to announce that the junior Senator from Oklahoma [Mr. GORE] is detained at his home through illness. This announcement may stand for the day. Fifty-eight Senators have responded to their names. A quorum is present.

WATER-POWER DEVELOPMENT.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 408.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. SMITH of Arizona. I ask unanimous consent to offer a substitute for the pending bill.

The PRESIDING OFFICER. The substitute will lie on the table and be printed.

Mr. MYERS. I ask unanimous consent that the unfinished business be laid aside temporarily for the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. SHIELDS. Mr. President, the Senator from Montana [Mr. WALSH] put in the RECORD a few days ago an article in regard to the development of water power in Italy, and it was very interesting. I have a similar article in regard to water power now being developed in the Republic of France along the same line that I desire to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

FRENCH WATER POWER.

In sharp contrast to the nonaction of the United States Government, France is now spending millions of dollars to develop the water power of the Alps, the Pyrenees, and the central mountainous regions.

It was the war that acted as an incentive to France in developing water power for the operation of mills manufacturing shells, chemicals, and other necessities for the army.

In the valley of Durance new plants, aggregating 74,000 horsepower, for the electrochemical industry are under way, while above Modane one of the biggest chemical works in France has acquired rights to about 120,000 horsepower of waterfall that will be utilized speedily. Electric

energy for Paris brought from the Alps is the most ambitious project for the future. A dam 75 yards high in the Rhone at Genissiat, backing the water up 14 miles to the Swiss frontier, will furnish a fall sufficient to operate a power station of 325,000 horsepower and 240,000 kilowatts. The line of transmission will be 312 miles long. It is estimated that this enterprise alone will economize 1,800,000 tons of the 20,000,000 tons of coal France imported annually before the war.

President Wilson once remarked that the "we-will-and-we-won't" policy had been delaying progress in the United States. That this delay is apt to become a serious handicap is shown by the manner in which European nations are encouraging the development of their water power. The fear that some one will make some money out of development in the United States should no longer retard progress. The coal bill and the farmers' fertilizer bill can not be cut down except by the extensive development of the vast water power that is now going to waste in this country.

Mr. SHIELDS. I have an editorial from the Washington Post, which I also ask to be printed.

The PRESIDING OFFICER. Without objection, it will be done.

The editorial is as follows:

A WATER-POWER PLAN.

Legislative progress is made by compromise. Where there are so many Members of Congress coming from different sections of the country, having different constituencies to satisfy, it is inevitable that there should be much conflict of opinion as to what is best for the country, and it is only by general concessions that any progress at all can be made.

For many years there has been general recognition of the need for water-power development. The House has passed a water-power bill, known as the Adamson measure, and the Senate has passed a conflicting bill, known as the Shields measure. The two bills have been in conference for many months, and apparently the effort to reconcile the two measures has been abandoned.

The point upon which the two branches of Congress have failed to agree concerns the right of the Government to collect a tax upon each horsepower developed. It is urged that if such a tax were fixed as a principle of the general water-power bill all new development projects would be taxed, while well-established successful plants would go untaxed.

As a feasible compromise it has been suggested in the Senate that instead of this tax there should be included in the new revenue-raising bill an excise tax on all water-power development in the United States. This would apply to established plants as well as to new projects.

In view of the present revenue needs, and especially because of the need for development of the power now going to waste, the two Houses might do worse than agree upon this compromise.

Secretary Lane, of the Interior Department, sums up the arguments in favor of immediate action by Congress in this statement:

"It is generally conceded that the water-power resources upon the public domain can not be developed under existing laws, because of the uncertain tenure involved by revocable permits: (a) Because the engineer and the promoter fear to embark upon an enterprise under such conditions; (b) because the capitalist will not loan money upon such security; (c) because the consumers can have no positive assurance that they will be supplied for a fixed and definite period. It is an established fact that numerous responsible persons who have obtained permits to develop water-power sites under the existing law have been unable to construct because of the foregoing."

Any group of business men would have been able to compromise their differences of opinion in a matter of this kind after several conferences. The failure of Congress to take action is an unnecessary handicap to the national prosperity.

Mr. SHIELDS. Mr. President, the article I have presented in regard to the development of water power in the Republic of France, notwithstanding that country is engaged in a war that almost involves the existence of the nation, challenges attention to what we are doing in this country along the same line. We have, as shown by official reports, about 61,000,000 horsepower of water power. About 27,000,000 of it is in navigable rivers, the remainder upon the public domain. According to official reports, only about one-tenth of this vast natural energy has been developed and the remainder is going to waste. The cause of that is our present impractical and prohibitory laws.

Mr. Secretary Garrison, in a statement made before the Interstate Commerce Commission while a water-power development bill was pending in the House, said that under those laws only about 140,000 horsepower of water power had been developed since their enactment in the navigable rivers, and that those laws were the direct cause of stagnation in water-power development.

Mr. Secretary Lane, while the bill which has lately been occupying the time of the Senate, the Myers bill, was before the House committee, said:

WATER POWER OF THE WEST CAN NOT BE DEVELOPED UNDER THE PRESENT LAW.

It is generally conceded that the water-power resources upon the public domain can not be developed under existing laws because of the uncertain tenure involved by revocable permits—(a) because the engineer and the promoter fear to embark an enterprise under such conditions; (b) because the capitalist will not loan money upon such security; (c) because the consumers can have no positive assurance that they will be supplied for a fixed and definite period.

It is an established fact that numerous responsible persons who have obtained permits to develop power sites under the existing law have been unable to construct because of the foregoing.

Mr. President, a few days ago in an address in the Senate I called attention to the provision of the present restrictive laws which are causing stagnation in the development of water power in the United States, authorizing the imposition of royalties to go into the Federal Treasury upon all water-power developed, and I suggested that if there must be Federal charges upon such development it should be in the form of a general tax, which is the only constitutional charge that Congress can impose upon the water powers of the several States, and at the proper time I will offer an amendment to the revenue bill for that purpose, in these words:

That all persons, associations, and corporations engaged in the business of operating plants for the production of water power shall pay an excise tax of 10 cents per horsepower year of energy produced and used or sold or otherwise disposed of.

All persons, associations, and corporations subject to this tax shall annually file with the Commissioner of Internal Revenue, on January 1 of each year, a detailed statement of the horsepower produced, sold, used, or otherwise disposed of by them for the previous year, duly verified by a person having knowledge of the facts: *Provided*, That this tax shall not apply to any person, association, or corporation during the five years next after having begun the business of producing, using, selling, or disposing of water power, nor to persons, associations, or corporations producing, using, or selling less than 100 horsepower: *Provided further*, That no person or company required by the terms of the permit granted to them by Congress, or any authorized agent of the United States, to construct a dam or dams in navigable streams for the development of water power to pay any rent, royalty, or charge of any nature, or of any amount, shall be subject to the said tax, and no such royalty or charge shall exceed the tax hereby levied.

The rate is tentative and may be increased if deemed advisable.

Not only have these laws caused stagnation in the development of the water power of the United States but they have driven millions of dollars of American capital into Canada and Norway, there to be invested. Further, I am reliably informed that not only have they driven this capital out of this country but France in the great movement it now has to develop the water power of the Republic is negotiating with the greatest hydraulic and electrical engineer in this country, Mr. Hugh L. Cooper, the engineer who built the Keokuk Dam in the Mississippi River, with a view of getting him to leave this country and take charge of the development of water power in that country.

I think these facts ought ot have some bearing upon those who are now attempting to maintain the present proscriptive legislation upon the statute books and thus defeating all water-power development in the United States.

FUNERAL OF ADMIRAL DEWEY.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, anounced that the House had agreed to a concurrent resolution (No. 68) providing that appropriate funeral services over the remains of the late Admiral George Dewey be held in the Rotunda of the Capitol on Saturday, January 20, 1917, at 11 o'clock a. m., and that the Houses of Congress attend the services, etc., in which it requested the concurrence of the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the following concurrent resolution (No. 68) of the House of Representatives, which will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered the Nation by Admiral George Dewey appropriate funeral services be held in the rotunda of the Capitol on Saturday, January 20, 1917, at 11 o'clock a. m., and that the two Houses of Congress attend said services.

That as a further mark of respect his remains be removed from the Capitol to Arlington Cemetery for burial in charge of the Navy Department, attended by the Sergeants at Arms and the committees of the two Houses.

That invitations be extended to the President of the United States and the members of the Cabinet, the Chief Justice and the Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), such officers of the Navy as may be designated by the Secretary of the Navy, and the Chief of Staff of the Army to attend the exercises in the rotunda of the Capitol.

Mr. TILLMAN. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

Mr. TILLMAN. I offer the following resolution, and ask that it be read.

The resolution (S. Res. 323) was read, as follows:

Resolved, That the President of the Senate appoint a committee of 12 Members of the Senate, to join the committee to be appointed by the House, to attend the funeral services of Admiral George Dewey at Arlington, Va.

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to take such steps as may be necessary for carrying out the provisions of this resolution, and that the necessary expenses in connection therewith on the part of the committee of the Senate be paid out of the contingent fund of the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SHAFROTH subsequently, from the Committee to Audit and Control the Contingent Expenses, to which was referred the

foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent and agreed to.

The VICE PRESIDENT, under the first clause of the resolution, appointed as the committee on the part of the Senate Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. CLAPP, Mr. LODGE, Mr. PAGE, Mr. DILLINGHAM, Mr. KERN, Mr. GALLINGER, Mr. OVERMAN, Mr. SAULSBURY, and Mr. SMOOT.

LEGISLATIVE, ETC., APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending amendment will be found on pages 41 and 42, Federal Farm Loan Bureau.

Mr. CHILTON. Mr. President, on page 42, line 6 of the pending bill, I move to strike out "$3,000" and insert "$6,000." This refers to the salary of the secretary of the Farm Loan Board.

The gentleman who is occupying this position, Mr. Flannagan, prepared a digest of the Federal farm-loan act which, I think, was printed as Senate Document No. 500. He testified and was examined as an expert before the joint committee upon the general subject of Federal farm loans. In other words, he is not the ordinary clerk; he is an expert who has made a study of this subject, and because of his knowledge his advice is sought by those who want to understand generally the subject. Therefore he is not to be treated as being in the class of an ordinary clerk.

Mr. President, the secretary of the Farm Loan Board corresponds to the secretary of the Federal Reserve Board, and that official gets $9,000 a year. I think the Senate would be making a mistake to take a backward step. If the four gentlemen who constitute the Federal Farm Loan Board fixed this salary at $6,000 it means that they think they ought to have a $6,000 man, and they picked an experienced, cultivated, educated man to fill the position. He is discharging the duties satisfactorily, and he is doing a great work there in organizing the board.

I, in a way, resent an attempt to do anything that might affect the policy of the Federal Farm Loan Board. It is something that the farmers are interested in; they feel that they have been kept out of it for many years. This Congress has taken the forward step. The right kind of men have been appointed. We yesterday set a precedent by retaining the salary at $10,000 as fixed by the original act. I do not think we ought to give the secretary of the board the same salary that we give the chief of the bond division who is under that secretary. I think the committee has made a mistake. No doubt it did it honestly, but I think the Senate ought to correct it promptly.

I therefore offer the amendment to increase the salary to $6,000.

Mr. OVERMAN. Mr. President, this man was not appointed as an expert. The act allows the board to appoint such experts as they may think necessary. This man was not appointed as an expert; he was appointed as secretary to the board, and his salary, as I said yesterday, is more than that of an Assistant Secretary of the Treasury of the United States. The committee fixed his salary about on a par with that of other secretaries who perform similar service done by secretaries of boards. I wish to hasten this bill as far as possible. There has been a great deal of discussion over this matter. I hope the Senate will vote down the amendment.

Mr. BRYAN. Mr. President, the Senator might have gone further and said if we adopt the amendment of the Senator from West Virginia we would pay the secretary of the bureau a higher salary than the secretary of a department.

Mr. HOLLIS. Mr. President, when the Farm Loan Board was established originally it was established as an independent board, as I said yesterday, and then later it seemed wise, in order to bring it closer to the Treasury Department, to make it a bureau in the Treasury Department, and to make the Secretary of the Treasury a member ex officio of the board; and that was done.

It is stated that Mr. Flannagan was not appointed as an expert, but was appointed as secretary. In appointing Mr. Flannagan as secretary and getting the services of an expert the board has acted economically. If this salary is put at $3,000, the board will have to hire a $3,000 man and then employ Mr. Flannagan, or some one else who knows the subject, as an advisor.

In the Federal Reserve Board the secretary not only receives $9,000 a year but he has an assistant who receives $7,500 a year. The secretary of the Federal Reserve Board occupies the same relation to the Federal reserve act that Mr. Flannagan occupies toward the farm-loan act.

I was personally introduced to Mr. Flannagan by the chairman of the Committee on Appropriations, the Senator from Virginia [Mr. MARTIN]. The Senator from Virginia has known Mr. Flannagan all his life, and he vouched for him to me. Mr. Flannagan worked with me on the farm-loan act without compension of any sort, and paid his own expenses in Washington for a year. Then, when the joint committee was established by statute and was given an appropriation of $10,000, Mr. Flannagan was made its secretary.

There is no man in the United States who knows the farm-loan act as intimately as Mr. Flannagan does. Mr. Flannagan is an expert on financial matters. When the Federal reserve act was under consideration he was invited to testify as an expert before the House Committee on Banking and Currency, and also before the Senate Committee on Banking and Currency. The Senator from Virginia [Mr. MARTIN] recommended Mr. Flannagan as a member of the Federal Reserve Board. He later asked me to go with him to see the President and recommend Mr. Flannagan as a member of the Farm Loan Board, and later I think he recommended Mr. Flannagan as secretary of the Farm Loan Board. I read an extract from a confidential letter written by the Senator from Virginia [Mr. MARTIN] regarding Mr. Flannagan. He said:

> I have known Mr. Flannagan for many years, and not only hold him in high esteem as a friend, but I entertain a very high opinion of his ability and capacity. When he left Virginia many years ago I considered him the best equipped bank officer in the State. I do not know a man who in my judgment is better equipped, or even so well equipped, as Mr. Flannagan is for a position on this Federal Farm Loan Board. He was born and raised in my home county. He and his father before him have been my warm friends from boyhood. I have had the fullest opportunity to know all about his character, habits, attainments, and ability. If the rural-credit system is to be made a success, it must be through just such men as Mr. Flannagan. I have no hesitation in recommending him in the most unreserved manner.

It was said on the floor yesterday—I do not know whether it got in the RECORD or not—that Mr. Flannagan is just an ordinary secretary. He is decidedly not an ordinary secretary. He is a man who knows banking and currency and finance intimately. He is a real expert. He has worked over the farm-loan act as no other man has. He knows every part of it. He knows the relation of one part to another.

The idea of the Appropriations Committee acting on their information, if they really had it, that he is just an ordinary secretary points to the vice of this whole system. Here is a Farm Loan Board and a farm-loan system set up by the Senate and the House and the President. It is provided that there shall be a board to run it, and that that board shall select such assistants as it needs, and when the board has been in operation only a few months the Committee on Appropriations, the members of which do not pretend to be particularly skilled in banking and currency or with the farm-loan act, on their meager information, information so meager that it is not even reported in the report of their proceedings, say that the salary of the secretary should be cut from $6,000 to $3,000. That merely shows that this is not the proper way to treat the board or the act.

Expert knowledge of banking and economics and law and general office management are required. The four members of a Farm Loan Board tour the country, as they are required to do by the act; and from the time they were appointed up to a month ago the entire direction of the office was under Mr. Flannagan. He has from 1,200 to 2,000 letters to handle every day. He attends to the office management. He is the one who had to provide the technical system and to get out the circulars of information that were required by the act, and he has done it.

If the Senate, following the lead of the Appropriations Committee, reduces this salary it will simply mean under the act that they will have to hire a stenographer to act as secretary and pay him $3,000, it may be more than he is worth, and get the benefit of Mr. Flanagan's services or that of some other expert by paying him a higher salary.

Mr. THOMAS. I should like to ask the Senator if the board has by any rule or resolution assigned an annual salary to the secretary?

Mr. HOLLIS. It has not. The board is simply employing men temporarily. No man is hired by the board except by the month.

Mr. THOMAS. What is Mr. Flannagan's age?

Mr. HOLLIS. I do not know. I know that he worked with me for two years on the farm-loan act, nights and at all times, and he had all the activities of an able-bodied man. I never asked him how old he was.

Mr. THOMAS. I asked the question because it has been said that he is a man of advanced years.

Mr. HOLLIS. He is not a young man, but I do not know how old he is.

Mr. OVERMAN. Mr. President, the amendment of the committee does not reflect on Mr. Flannagan in the least. It proposes to fix the salary of the secretary of the board, and that is all it does. The Senator from Virginia [Mr. MARTIN] has been referred to. The truth of what he said about this man no one can doubt; but if the Senator from Virginia were here, I know him so well that I have no idea he would agree to any such salary as is proposed in the amendment of the Senator from West Virginia.

Mr. MARTINE of New Jersey. Mr. President, I made a few remarks yesterday in answer to a question by the Senator from Massachusetts [Mr. WEEKS] as to what salary Mr. Flannagan had been receiving before. I know Mr. Flannagan. While he is a Virginian, he has been for a number of years a resident of Montclair, N. J., very close to my home town. I know him very well. I know that his reputation stands very high among banking men and in many banking circles.

I can state this fact, and I know it to be a fact, that when president of a bank—I can not just recall the name of the bank—in the city of New York he was receiving a salary of $12,000. I mention this to show his standing in the city of New York among banking men and in New Jersey. At the same time he was employed as president of another organization or corporation, and receiving a salary from it as well. He was considered an exceptionally efficient gentleman in that direction. Matters of health involved a cessation of obligations at that time.

Whether the salary proposed is too much or not is left for the judgment of the Senate to determine, but I do feel that I would be far short of my duty, knowing him as I do and knowing his general reputation and the estimation in which he is held in the State of New Jersey, did I not mention this fact.

Mr. SMOOT. Mr. President, I want to say to the Senator that there is no Senator who will take the time to examine this appropriation bill and compare the salaries paid to employees in the other departments of the Government who can justify the payment of $6,000 to the secretary of the board. If the members of the board do not understand the intent of the law and can not manage its affairs and are dependent upon the wisdom of Mr. Flannagan, the secretary, then we did wrong yesterday in providing a salary of $10,000 to each member of the board, and we ought to reconsider our action and pay the salary provided for the board to Mr. Flannagan and reduce the salary of the members of the board.

Mr. President, we pay the Assistant Treasurer of the United States $3,600 a year. The highest-paid chief clerk in any of the departments of the Government is $3,600. The salary of the chief clerks runs from $2,000 to $3,600, according to the amount and importance of the work they do. The committee, in considering the salary to be paid to the secretary of this board, took into consideration what we were paying to employees in other departments, men who are doing work at least as important as that in which he is engaged.

I wish to say now that there are chief clerks of divisions in the departments who are receiving $2,500 who have just as much work and just as much responsibility as the secretary of this board will have. You can not justify a salary of $6,000, Mr. President.

Another thing, if the members of the board had in the first place been required to submit to the Committee on Appropriations an estimate of the amount to be paid to the secretary of the board, I know the Appropriation Committee of the House of Representatives would not have allowed $6,000 for the place. I also know the Senate committee would have objected. As long as it remains at $6,000, how are we going to refuse to increase the salaries of the chief clerks in the other departments of our Government?

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from Utah yield to the Senator from West Virginia?

Mr. SMOOT. Yes.

Mr. CHILTON. What does the Senator say to the proposition that the secretary of the Federal Reserve Board gets $9,000? Does not the Senator recognize that there is a distinction? Does he think there ought to be less ability and experience on the part of the secretary of the Federal Farm Loan Board than there is in administering the Federal reserve act?

Mr. SMOOT. There is a great deal of difference and never will be as much responsibility. The work of the two boards are not to be compared.

Mr. CHILTON. The Senator, of course, can say there is; but I think even with his ability he would have a great deal of difficulty in convincing me that there is. I should like to hear him try it.

Mr. SMOOT. I would not undertake to convince the Senator, but I want to say to the Senate that there is a great deal of difference in the responsibility and work of the two boards. The members of the Federal Reserve Board receive $12,000, and there is a reason for this large salary. The fact that that board has the whole financial system of the Government under its control was considered in fixing the salary. Not only does it have the finances of the Government to direct but their action in directing the same may affect the finances of the world.

There is just as much difference between the two boards, Mr. President, in the responsibilities and the duties of the board as there is between some of the bureaus of our departments and the departments themselves.

I could not be justified in voting for more than $3,000 for the salary of the secretary of the board, and the Committee on Appropriations decided it could not justify any greater amount, if we intend in the future not to pay greater salaries to employees of one department of the Government than to another.

It is entirely with the Senate as to what they shall do. If they want to single out one man in one bureau and pay him twice as much as is done for work of a similar nature by men in other bureaus of the Government, then vote for the salary of $6,000. But if the Senate wants to have justice done between the employees of the Government it will vote for the salary of $3,000 provided for in the bill, as reported by the committee.

Mr. HOLLIS. Mr. President, the Senator from Utah is a very distinguished and a very experienced member of the Committee on Appropriations. His inability to distinguish between the duties of the secretary of the Farm Loan Board and the chief clerk of some bureau in a department indicates the very reason why Congress should not leave the salaries to be fixed at the outset by the Committee on Appropriations. The act treats the whole matter from an entirely different standpoint and for the very reason that the Committee on Appropriations is one that has practical hard sense but is not supposed to be gifted with very much imagination.

In inaugurating an important system of this kind it is possible that in some cases high salaries may be paid. My fear is that the salaries paid will be too low and the system will not have a fair chance. My criticism of the Farm Loan Board up to the present is that they have not hired enough men or good enough men to do the work; that they have been somewhat cramped. They have tried to go very carefully, and I think they have gone carefully.

The secretary of the Federal Reserve Board does not begin to occupy so important a position relative to the country as does the secretary of the Farm Loan Board. In the first place, the Federal Reserve Board do not run any banks; they do not issue any bonds; they do not have to perform any one of the manifold duties which the Farm Loan Board have to perform. The Federal Reserve Board found the national banks—75,000 of them—all in existence, all running, with their officers, but the Farm Loan Board have to create a system; they have got to pick out officers and establish 12 Federal land banks. They therefore need the very best help and the very best advice they can get. The idea of comparing the secretary of a board like that with a chief clerk of some bureau of the Government is entirely outside of the field of argument.

I feel that the Appropriations Committee has undertaken to administer the farm-loan act itself, and that, too, without information, as was shown by their reference yesterday to Mr. Flannagan as just an ordinary secretary. One would think, therefore, that he is merely a stenographer, who has shown a little executive ability. That shows the lack of ability on the part of the Appropriations Committee to appreciate the situation.

I hope the amendment offered by the Senator from West Virginia [Mr. CHILTON] will be adopted.

Mr. STONE. Mr. President, what are the special duties of the secretary of the Farm Loan Board?

Mr. HOLLIS. The secretary of the Farm Loan Board, in the first place, while the members were investigating the farm-loan needs of the country, had to establish the office curriculum; he had to send out the circulars and forms to farmers' associations throughout the country telling what the farm-loan act was. He has had to answer the correspondence, which is voluminous in amount, some 1,200 to 2,000 letters a day. He has had to formulate a plan for issuing farm-loan bonds and to do the thousand other things in an executive capacity that the board have to pass on in their official capacity. He is the right-hand man of the members of the Farm Loan Board.

The members of the Farm Loan Board, so far as I am informed, had not made a study of the farm-loan act. They were men who had been selected because of their experience and

ability as shown in other directions, but they were not any of them men who had had to do intimately with the farm-loan act. I know that they would have been at a great loss if they had not had the services of a man who was intimately acquainted with the act to guide them.

Mr. OLIVER obtained the floor.

Mr. FLETCHER. Mr. President, I desire to interrupt the Senator for just a moment to say, in order to see whether he agrees with the statement——

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. OLIVER] has the floor.

Mr. OLIVER. I will postpone taking the floor until the Senator from Florida shall have concluded.

Mr. FLETCHER. What I desired to say was merely in line with the answer of the Senator from New Hampshire [Mr. HOLLIS] to the question propounded to him by the Senator from Missouri [Mr. STONE] as to the duties and work of the secretary of the Farm Loan Board. I would remind the Senator from New Hampshire, also, that the correspondence in the office is enormous. I have been told that they have received as many as a million inquiries with regard to this act; how it can be put into operation; the methods whereby the farm-loan associations may be organized; the steps to be taken in order that the people of the country may avail themselves of the credit facilities afforded by the act, and so forth. There are questions embodied in inquiries coming to the secretary, which go to the very gist and meaning of the operation of the act. People will inquire from one part of the country as to the steps necessary to be taken there to form local associations, as to the details of their organization, and the requirements generally of the board respecting the steps to be taken in order that the benefits of the act may be enjoyed. Those questions are answered by the secretary of the board. I know that, because every day I get letters from various parts of the country asking questions of me as to what effect this will have, as to whether this can be done, whether that can be done, and various other things under the act. I have frequently referred those letters to the secretary of the board, and he is called upon to answer those inquiries, and also to send out and distribute the literature on the subject. In addition to that, he prepared Senate Document No. 500, which is the farm-loan act annotated by him, and carefully prepared, so as to be in the most useful form.

I merely wanted to suggest that to the Senator from New Hampshire as somewhat enlarging upon his answer to the Senator from Missouri.

Mr. OVERMAN. Mr. President, does not the Senator from Florida know that all those questions which are asked are incorporated in the pamphlet the board is sending out to everybody. They have been sending that pamphlet out to my constituents—just one pamphlet.

Mr. FLETCHER. Precisely; but there are questions asked regarding that pamphlet.

Mr. OVERMAN. If the secretary is doing all that, what is the board doing?

Mr. FLETCHER. The board have a great deal to do with organizing this whole system. In the first place, they had to divide the country into 12 districts; that has been done. They then had to locate those banks, and that has been done. They have to select the officers and the five directors for those banks. They have also to select appraisers throughout the country, so many for each State. They have a thousand and one things to do to establish the system and to put it into operation.

Mr. OLIVER. Mr. President, when the subcommittee which had charge of this bill entered upon its duties the members of that committee were confronted by requests from every department of the Government for increases of salaries, and particularly for increases of salaries of men holding positions corresponding exactly to this one, very few of whom are in receipt of as high salaries as that fixed by the committee for this secretary. The subcommittee was unanimous in recommending the reduction of this salary from $6,000 to $3,000; and, if I am not mistaken, I think the committee was unanimous in sustaining that action of the subcommittee. There was some division in the subcommittee, as well as in the full committee, with regard to the salaries of the members of the board because of those salaries having been fixed by statute, but there was no difference of opinion as to the salary of the secretary. The committee decided that, although the increases of salaries demanded were in many instances justified, on account of the condition of the Treasury they would grant no increases.

I tell you, Mr. President, that the Senate, if it fixes this salary at above $3,000, will be making a mere pretense of any attempt at economy in the consideration of this bill, because there are thousands of employees covered by this bill who are much more deserving of higher salaries than is the secretary of the Farm Loan Board. I hope the committee will be sustained in this one attempt at economy.

Mr. SHAFROTH. Mr. President, I wish to say a word in relation to this matter. I know the gentleman who is occupying the position of secretary to the Farm Loan Board; he is a very able man; but it seems to me we have reached that period in the affairs of our Government when it has become absolutely necessary that we should economize. As a usual rule, when a business is running behindhand, instead of even keeping salaries at the rate which employees have previously been receiving, there is a tendency to reduce the salaries. That is true in all business transactions; and I do not see any reason why it should not obtain as to Government transactions.

In committee I favored the payment of $10,000 for the salaries of the members of the board, although originally I was opposed to it. I voted for that rate of salary yesterday only upon the ground that these gentlemen had, under the law which provided for $10,000 salaries, left their homes and left their business for long periods of time, expecting to occupy these places, and that consequently they should receive the salaries which they really entered into a contract with the Government to receive. When, however, it comes to fixing the salaries of men in the first instance, at least in view of the present condition of the Treasury, I feel that it is our duty to be as economical as we reasonably can be. I believe, in view of the present condition of the Treasury, a fair compensation for this officer is $3,000. For that reason, it seems to me, if we are going to economize at all, that we must begin at some place. It may be that it is disagreeable for one to do it; it is certainly disagreeable for me to do it, but, nevertheless, we have got a duty to perform here, and, so far as I am concerned, I feel that we ought to perform that duty and support the proposition of the Committee on Appropriations to fix this salary at $3,000 per annum.

Mr. GALLINGER. Mr. President, when this bill was under consideration by the committee we were told that we must be economical in view of the condition of the Treasury, and the committee endeavored to follow out that injunction on the part of the majority members of the committee, who have a more direct interest perhaps in this matter than have the minority.

It will be recalled, Mr. President, that two or three days ago I called attention to the salary of the superintendent of the Botanic Garden, a man with great responsibilities, a man of great experience and fitness for the place, who is getting the meager salary of $2,000 a year. The salary was estimated by the Treasury Department at a higher rate, but I was deterred from pressing that matter in committee upon the plea that we must not increase salaries this year, or must not agree to large salaries this year. I called attention to it in the Senate, and Senators on both sides of the Chamber agreed with me that the increase should be made, but contended that, unfortunately, this was not a good time to do it. I therefore did not press the amendment which I had offered and submitted to the committee.

Now, Mr. President, if the secretary to a commission is to receive more than $3,000 a year, I shall offer the amendment to which I have referred when the bill gets to the Senate, and shall do everything in my power to see that an adequate salary—at least a decent salary—is given to that man, who is deserving certainly of as much pay as a secretary to a commission can possibly be entitled to.

What is true of that item of the bill will be equally true as to other items of the bill. There is no reason why one man should be singled out and given an exorbitant salary while the claims of other men who are underpaid should be ignored on the ground of the necessity for practicing economy because of the condition of the Public Treasury.

Mr. CHILTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McLean	Smith, Ariz.
Beckham	Gronna	Martine, N. J.	Smith, Ga.
Borah	Harding	Norris	Smith, Md.
Brandegee	Hardwick	Oliver	Smoot
Bryan	Hollis	Overman	Sterling
Chamberlain	Hughes	Page	Stone
Chilton	Husting	Pittman	Sutherland
Clapp	James	Poindexter	Swanson
Clark	Johnson, S. Dak.	Pomerene	Thomas
Culberson	Kenyon	Ransdell	Tillman
Curtis	La Follette	Saulsbury	Vardaman
Fall	Lane	Shafroth	Warren
Fletcher	McCumber	Sheppard	Williams

Mr. HOLLIS. The Senator from Maine [Mr. JOHNSON] is unavoidably absent on public business.

Mr. CHILTON. I desire to announce that the Senator from Indiana [Mr. KERN] is absent on account of illness and that my colleague [Mr. GOFF] is absent for the same reason. I will let this announcement stand for the day.

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from Washington [Mr. JONES], who is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The question is on the amendment of the Senator from West Virginia [Mr. CHILTON] on which the Senator from Utah [Mr. SMOOT] has asked for the yeas and nays.

Mr. CHILTON. Mr. President, after consulting with several of my colleagues on this side of the Chamber, I have decided to ask leave to modify my amendment by changing the amount from "$6,000" to "$5,000."

The PRESIDING OFFICER. The Senator from West Virginia modifies his amendment as indicated by him. The question is on the amendment as modified.

Mr. CHILTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. OVERMAN]. I am advised, however, that if present he would vote as I intend to vote. Therefore I feel at liberty to vote and vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. I transfer that pair to the Senator from Washington [Mr. JONES] and vote "nay."

The PRESIDING OFFICER (when Mr. GRONNA's name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote if present, I withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. Not knowing how he would vote if present, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. STERLING (when his name was called). In the absence of my pair, the Senator from South Carolina [Mr. SMITH], I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. VARDAMAN. I inquire if the junior Senator from Idaho [Mr. BRADY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. VARDAMAN. I have a pair with that Senator, which I transfer to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand that if he were present he would vote "nay" on the pending question. So I vote "nay."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. CHILTON (after having voted in the affirmative). I inquire if the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. CHILTON. I have a general pair with that Senator, which I transfer to the Senator from Illinois [Mr. LEWIS], and will let my vote stand.

Mr. OLIVER (after having voted in the negative). I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. OLIVER. I transfer my pair with that Senator to my colleague [Mr. PENROSE] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New York [Mr. WADSWORTH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Minnesota [Mr. NELSON] with the Senator from New Jersey [Mr. HUGHES];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. SHERMAN (after having voted in the negative). I inquire if the Senator from Kansas [Mr. THOMPSON] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. SHERMAN. I transfer my pair with that Senator to the Senator from Michigan [Mr. TOWNSEND] and will allow my vote to stand.

The result was announced—yeas 19, nays 31, as follows:

YEAS—19.

Ashurst	Husting	McLean	Pomerene
Chilton	Johnson, S. Dak.	Martine, N. J.	Sheppard
Culberson	La Follette	Myers	Swanson
Fletcher	Lane	Pittman	Walsh
Hollis	Lee, Md.	Poindexter	

NAYS—31.

Beckham	Hardwick	Ransdell	Thomas
Borah	James	Shafroth	Tillman
Brandegee	Kenyon	Sherman	Vardaman
Bryan	Lodge	Smith, Ariz.	Warren
Clapp	McCumber	Smith, Ga.	Watson
Clark	Oliver	Smoot	Weeks
Curtis	Overman	Stone	Williams
Gallinger	Page	Sutherland	

NOT VOTING—46.

Bankhead	Gore	Martin, Va.	Simmons
Brady	Gronna	Nelson	Smith, Md.
Broussard	Harding	Newlands	Smith, Mich.
Catron	Hitchcock	Norris	Smith, S. C.
Chamberlain	Hughes	O'Gorman	Sterling
Colt	Johnson, Me.	Owen	Thompson
Cummins	Jones	Penrose	Townsend
Dillingham	Kern	Phelan	Underwood
du Pont	Kirby	Reed	Wadsworth
Fall	Lea, Tenn.	Robinson	Works
Fernald	Lewis	Saulsbury	
Goff	Lippitt	Shields	

So Mr. CHILTON's amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. HOLLIS. Mr. President, the action of the Senate on the salary of the secretary of the board indicates their desire not to have large salaries paid, and no doubt the Farm Loan Board will take notice of the vote and govern themselves accordingly. I am afraid, however, that if the action of the Senate stands as the Appropriations Committee has recommended, that action will be misunderstood. There is no movement that I know of to attack the Federal Reserve Board or the Federal reserve act in any such way, to interfere with the authority of the Federal Reserve Board to employ their assistants and experts as they think wise, and to pay them such salaries as they think are deserved. I know that some of the Members on this side were governed in their votes on the last motion by their desire to economize, and some of them were governed by other considerations.

The Farm Loan Board came before Congress and asked for $400,000 in this bill to carry on their necessary work. They said frankly that they did not know how much of that it would take, and nobody can tell how much it will take, because it is a new business; it is an untried country; and they have asked for what they thought they should have. The House of Representatives cut that request from $400,000 to $300,000, but otherwise left the farm-loan act as it was originally, without undertaking to dictate to the Farm Loan Board as to the officers they should have and the officers they should not have, or the salaries they should pay.

If this amendment is agreed to as it has been perfected, it will result in saddling on the Farm Loan Board a publicity agent for one year from the 1st of next July whether they want a publicity agent or not. It will saddle on them the chief of a bond division at $3,000 a year, whether they want him or not, and a certain number of clerks and stenographers that may be needed or may not be needed.

Mr. OLIVER. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Pennsylvania?

Mr. HOLLIS. I yield.

Mr. OLIVER. Does the Senator mean to say that the Farm Loan Board will be compelled to employ these officials simply because their salaries are appropriated for in the appropriation bill? I rather think not.

Mr. HOLLIS. I think if they have any heed to their future appropriations they will follow very strictly the rule that the Appropriations Committee has laid down for them here. I certainly should if I were on the board.

Mr. OLIVER. If it is good policy for them to spend this money, no doubt it will be spent; but there is certainly nothing to compel them to employ a publicity agent unless that publicity is necessary for the transaction of the business. I think, however, they will find that these officials are necessary, and they will spend the money.

Mr. HOLLIS. The Senator, as a member of the Appropriations Committee, thinks so, or he undoubtedly would not have favored it. The point is that the Appropriations Committee ought not to assume, four months after the establishment of this board, to run their business for them. It was not intended by Congress that they should.

Mr. OLIVER. If the Senator will allow me again to interrupt him——

Mr. HOLLIS. I will.

Mr. OLIVER. I will state, for the information of the Senator, that all of these positions were inserted by the committee at the suggestion and upon the request of the Farm Loan Board.

Mr. HOLLIS. There is nothing in the record to show that. My information is that that is not the way it came up; that the Farm Loan Board were asked to produce a list of the officials and assistants and salaries, and they did so.

Mr. OLIVER. Yes.

Mr. HOLLIS. They stated that this was a temporary list; that none of them were hired by the year; that they were all hired by the month, and that there would likely be changes. That is what I understand to be this case.

Mr. OLIVER. I was present at the meeting when they appeared, and, of course, they submitted this list in response to a request from the committee. They stated that these officials or employees were the ones for whom they had arranged; and in accordance with that the committee provided for these positions, but reduced some of the salaries.

Mr. HOLLIS. Mr. President, I do not desire to prolong this discussion. We went through it all yesterday. I want the Senate to understand just the effect of the committee amendment, however. The effect of it is that after the Farm Loan Board has been in office four months the Appropriations Committee undertakes not only to cut down the appropriation asked for, and the appropriation made by the House, but to legislate on certain offices and certain salaries, before the Farm Loan Board has had a fair trial. The members of the board were inexperienced. They had not been before Congress before, and they very likely did not give to the committee full information. I ask that the amendment may be rejected, so that the provision of the House may stand, and that the board may be left for one year to work out the provisions and objects and purposes of the farm-loan act as Congress originally intended.

Mr. OVERMAN. Mr. President, I was very much surprised to hear the Senator from New Hampshire say that this was a veiled attack on the Farm Loan Board, when nothing was further from the truth.

Mr. HOLLIS. Mr. President, if the Senator will pardon me, I did not say it was. I said I thought it might be so construed; but I made no charge of the kind.

Mr. OVERMAN. I beg the Senator's pardon, then.

I want to say, Mr. President, that we went into this matter fully. We took no action until we had these gentlemen before us, talked to them in confidence, and conferred with them; and we took this action for what purpose? They told us they had appointed their office force. That was about as far as they had gone. Then we asked them for a list of the officers and their salaries; and when we found that their salaries were all out of proportion to the salaries of the Assistant Secretary of State, the Assistant Secretary of the Treasury, and the Assistant Secretaries of the great departments of this Government, we made the salaries of the officers of the Farm Loan Board conform to the salaries of other officers of the great departments of this Government, and it was our duty to do so.

The idea that any man on the committee wants to cripple the Farm Loan Board is preposterous. There are as good friends of the Farm Loan Board on the Committee on Appropriations as the Senator from New Hampshire himself; and we desired to do nothing whatever to cripple that board.

Why, Mr. President, we knew that those gentlemen—excellent gentlemen, splendid men—were strangers to Washington, and to appropriations, and to the salaries that other officers here were getting. They came before us fairly and honestly and spoke to us like fair men, expressing their ignorance of these matters. I am satisfied, Mr. Chairman, that if the board knew, as we knew, the salaries that were given—they so expressed themselves—they would not have fixed these salaries at the figures they did. Why, sir, if they had known that the Chief of the Bond Division of the Treasury Department was getting only $2,000, do you tell me that those four men would have appointed a man at $3,900?

Mr. HOLLIS. Mr. President, the trouble is that the committee made exactly the mistake that I indicated a little while ago. The clerk in charge of the Bond Division in the Treasury Department has no such duties as the man who will look after issuing the farm-loan bonds, billions of them. He has nothing of the kind to do. His duties are entirely technical and administrative, and are not at all in the line of constructive work of this kind.

Mr. OVERMAN. Mr. President, I know that it is the same name—the same office.

Mr. HOLLIS. That is it exactly.

Mr. OVERMAN. I suppose that when there are any bonds for sale in the Treasury, he will have the same thing to do. In fact, this man will not have much to do. I believe these bonds will sell themselves. I do not believe this man will have to go up and down the country hawking bonds. I think all he will have to do will be simply to sit in his office there and do an administrative act, because I believe these will be the best bonds on the market, and they will sell like hot cakes.

Mr. President, I resent the idea that this committee were in any way trying to cripple the Farm Loan Board. We were sitting there trying to legislate in behalf of the taxpayers of the country who will have to pay this money; and we did not believe that at this time, with $300,000,000 deficit staring us in the face, we ought to be extravagant. We were perfectly satisfied that this board, if they knew what other officers were getting in the different departments, would have fixed the salaries of their employees on the same standard; and it was practically admitted, in talking to us, that they did not know about these things.

So far as the appropriation of $250,000 is concerned, we asked them about that. We wanted to give them everything they needed. They do not know—it is impossible for them to tell—how much money they need; so we made it $250,000. If they need more, all they will have to do is to come here with a request for a deficiency appropriation, and they will get it. If they need $150,000 or $200,000 more in the deficiency bill, the Committee on Appropriations will be glad to give it to them. We want to give them such amount of money as they need; but nobody knows; they could not tell themselves within $50,000 or $100,000 of how much they will need. So we concluded that we would give them a lump sum of $250,000 to spend in their discretion as they thought best. Then, if there is a deficiency, they can come back, and they will get it without any trouble.

Mr. SMOOT. Mr. President, just one word.

The Senator from New Hampshire [Mr. HOLLIS] intimates that we are dealing with this board differently than we have with other boards, or differently than we have with other bureaus of this Government; but we are not. Whenever there has been a bureau created in the Government service, it has always been created in exactly the same way that this board was created. The first appropriation bill passed after the creation of a bureau with a lump-sum appropriation to begin operation has provided for specific salaries, just the same as we have done for the Federal Farm Loan Bureau in this bill.

We have not dictated to the board. We have not interfered with any rights of the board. We have no idea of crippling the board in any way. As I stated yesterday, when the question of reducing the appropriation from $300,000 to $250,000 was being considered, one of the subcommittee asked one of the members of the board, "Is it possible for you to get along with $250,000 for the coming year?" He frankly admitted that perhaps it would be, and no doubt it will be possible for them to do it; and it was upon that statement that we reduced the amount. Not only that, but in considering the matter after the members of the board left the subcommittee of the Appropriations Committee decided that upon the answer of the member we would make the amount $250,000, but that if there was a deficiency Congress would be in session again before the time expired for expending the whole of the money, and it would take care of whatever deficiency there was in a deficiency appropriation bill.

That is the case as it really happened, Mr. President, and I sincerely trust that the amendment of the committee will be agreed to.

Mr. FLETCHER. Mr. President, I do not desire to prolong the discussion at all; but I really believe that the House provision is preferable to the Senate provision, everything considered, in connection with this item covering the Federal Farm Loan Bureau. That leaves it open, as the Senator from New Hamp-

shire has said, for the board to arrange their affairs and adjust their work and engage such employees as they need, as the circumstances and conditions may warrant. They need not pay $3,000 if they can get a good, capable man to do the work for less, and so on. But just as an instance, it seems to me the committee is short-sighted in providing in this amendment that three clerks must be employed at $720 each—that is to say, clerks in this important bureau, attending to duties which must require first-class ability, at $60 a month—and then one at $600. What sort of a clerk do you suppose is going to be of any help to any board anywhere that you can get for $50 a month? Then there are these stenographers, three of them, at $720 a year.

Mr. OVERMAN. Mr. President, they fixed those salaries themselves at $720.

Mr. FLETCHER. That is the committee's recommendation in this amendment.

Mr. OVERMAN. I am talking about what the board furnished us. They furnished us a list of their clerks—one of them at $600. We did not disturb that.

Mr. FLETCHER. They can not get very good clerks very long at that figure.

Mr. OVERMAN. Well, that is the figure at which they fixed the salary.

Mr. FLETCHER. But those are all temporary employees.

Mr. OVERMAN. We did not touch that.

Mr. FLETCHER. You put it in the law. You have fixed it. You have limited it by this act for the next year so that they must employ three clerks at $720 each and one at $600.

Mr. OVERMAN. Mr. President, I do not want the Senator to be in error about this matter. If the Senator will read the section, he will see this language.

For salaries and expenses under the Federal Farm Loan Board, created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act—

That is in the second paragraph.

Mr. FLETCHER. I know; but I am talking about the first paragraph.

Mr. OVERMAN. The first paragraph only fixes the office force that they have now. It does not attempt to interfere with the salaries of any other offices of any kind.

Mr. FLETCHER. I understand that perfectly well. It fixes the office force that they now have. They have said that it is a temporary force. They have said that they do not know when they may need changes. The employees at present are only employed by the month; but you are putting it in the law so that they will be obliged in the next year to employ such clerks as they need; three of them, say, at $720 each, and one at $600; and then you provide for one stenographer at $1,200, seven at $1,000—I do not complain of that; that seems to me to be fair—but four at $900 each. I doubt if you can get proper stenographers, stenographers capable of doing this work, for that compensation.

Mr. OVERMAN. Why, let me interrupt the Senator again. Here is what they furnished us. The Senator complains of the clerks being paid $720:

Mr. Francis W. Weeks, Miss Caroline Collins, Mr. Albert W. Finch, $720.

They fixed it themselves. We did not change these lower salaries.

Mr. FLETCHER. I know they fixed them at that figure to begin with.

Mr. OVERMAN. That is the way they fixed the salaries themselves.

Mr. FLETCHER. To begin with, yes; but you are putting in the law a provision requiring them to employ these people for the next year at this figure, and that is too low; that is not enough. Any stenographer who is thoroughly capable ought to get more than $60 a month.

Mr. GALLINGER. Mr. President, I assume that my friend the Senator from Florida knows that there are thousands of stenographers in the departments who do not get more than that. I say "thousands"; I think I am within bounds when I say that.

Mr. SMOOT. The Senator is within bounds.

Mr. FLETCHER. If so, they are not doing the work that the stenographers in this bureau will be required to do. This is technical work of a very important character and requiring skill and ability.

Mr. OVERMAN. Mr. President, I think if the Senator will look at this list of salaries that they sent us he will find that we have not changed those at all.

Mr. FLETCHER. It is possible that at the start they have been able to employ people temporarily at low salaries.

Mr. CLARK. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER (continuing). But I do say that to limit this board to those figures for the next year for the employees they need is not fair to the board. I do not believe they can get capable work, such as they ought to have, for that figure.

Mr. CLARK and Mr. OLIVER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. OLIVER. Mr. President, these salaries are exactly the same as the salaries that are fixed for clerks of the same class in all departments of the Government; and why the Farm Loan Board should be authorized to pay more than other branches of the Government I can not understand.

Mr. FLETCHER. The Senator will not say that all stenographers in the other departments of the Government get only $60 a month.

Mr. OVERMAN. All the stenographers here do not get $60 a month.

Mr. FLETCHER. You have one stenographer at $1,200 a year and seven at $1,000 a year, which I say is fair.

Mr. OLIVER. There are stenographers in this list that get more than that. The stenographers to the members of the board, for instance, get more, and I do not see why the Farm Loan Board should be allowed more. Besides, Mr. President——

Mr. FLETCHER. You have here four at $900.

Mr. OLIVER. We are giving them in this bill exactly what they asked.

The VICE PRESIDENT. If they could take this chorus, they would be worth more than $60 a month. [Laughter.] One at a time.

Mr. CLARK. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. I have said all that I care to say on the subject.

Mr. CLARK. I wanted to ask the Senator a question, in view of one of his statements. I understood the Senator to say that if we agreed to this amendment as reported by the committee it would compel the employment of these clerks and stenographers, and so forth, at the salaries herein fixed.

Mr. FLETCHER. No; I do not say you compel the employment of them; but if they need these stenographers, then you limit them to this pay.

Mr. CLARK. Then my question will not be asked, because it would be of no use. I understood the Senator to say that we were compelling them to employ these clerks and stenographers at this salary.

Mr. FLETCHER. No; I say you are compelling them to pay only $60 a month for three stenographers, if they need those, and $50 dollars a month for one of the clerks.

Mr. CLARK. Does the Senator mean that under this bill they could not pay more than $60 for a stenographer? What is the purpose of the second paragraph of the section?

Mr. FLETCHER. I say that they are limited to the employment of four stenographers at $900 each and three at $720.

Mr. OVERMAN. Not at all. There is no limit at all.

Mr. CLARK. I can not agree with the Senator about that.

Mr. FLETCHER. That is the language of the amendment.

Mr. OVERMAN. I wish the Senator would show me where they are limited.

Mr. FLETCHER. Why put it in the bill, then?

Mr. OVERMAN. Why, we fix the salaries of those that are already employed, giving them the power hereafter to employ as many as they think necessary.

Mr. FLETCHER. Why put in this amendment then, that this board are allowed—for that is what it means—one clerk of class 4 at $900, three at $720, and one at $600? Why put that in there, if they can employ clerks without regard to that provision? And then why put in there a provision that they are allowed to employ one clerk and stenographer at $1,200, seven at $1,000 each, four at $900 each, and three at $720 each? If they can go on and employ stenographers at salaries to suit themselves without regard to that provision in the law, why put it in there?

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Pennsylvania?

Mr. FLETCHER. I do.

Mr. OLIVER. I will say to the Senator that if he will turn to page 37 he will find, in the office of the Secretary of the Treasury, that it is specified that he shall have "three assistant secretaries at $5,000 each, clerk to the Secretary $3,000, executive clerk $2,400, stenographer $1,800, three private secretaries, one to each Assistant Secretary, at $1,800 each," and so on.

In all the departments of the Government we specify, as far as possible, the number of clerks that shall be employed by each department and in each bureau, and specify the salary that shall be paid to each. We are only doing the same thing in reference to the Farm Loan Board. Why should they be placed upon a different plane from all the other departments or bureaus of the Government?

Mr. FLETCHER. That is precisely what I have been contending for—that you have specified and expressed these figures and these items and these clerks, and that means they are limited thereby.

Mr. SMOOT. Oh, no.

Mr. FLETCHER. But the Senator sees fit to cite the other provision, the second paragraph of the amendment, and to present the thought that the board is not confined at all to these provisions with reference to these stenographers and clerks.

Mr. SMOOT. Mr. President, I will say to the Senator that if the board had all their employees engaged that it intends to have for the next year, and all had been specified, there would have been no lump-sum appropriation provided for in this bill; but in paragraph 2 the amendment provides for a lump sum, and out of that lump sum the board can employ whatever experts, stenographers, and clerks they may desire for the coming year within the appropriation. If they had the force completed, the same as the other departments of the Government are, there would have been no lump sum, but every clerk and every employee of the board would have been specifically provided for, as the clerks in other bureaus or departments of the Government are legislated for.

Mr. BRYAN. Mr. President, I wish to say only a word on the action of the committee in reducing the lump-sum appropriation from $300,000 to $250,000. In the House hearing Mr. Norris, of the board, estimated that their annual expenses in the office would be from $125,000 to $150,000. It will be observed that the office expenses, which include the office force, are only $67,000, and that is somewhere between $60,000 and $70,000 more than they need.

I think it would be a great mistake to leave any board with a lump-sum appropriation after the board is established. This is nothing different from what has always been done upon the establishment of every board. We have in the nature of things to make a lump-sum appropriation until they get started, and after they get in operation they are required, and ought to be required, to furnish an estimate, not leaving them do as they please but requiring them to submit an estimate and let Congress fix the salaries. That has been the uniform practice of Congress, and the Farm Loan Board is not of such dignity rising above all the others as that an exception should be made in this case.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. HOLLIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer, I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. CHILTON (when Mr. KERN's name was called). The Senator from Indiana [Mr. KERN] is absent on account of illness.

Mr. SAULSBURY (when his name was called). I make the same announcement as before and withhold my vote.

Mr. VARDAMAN (when the name of Mr. SMITH of Arizona was called). I have been requested to announce that the Senator from Arizona [Mr. SMITH] is absent from the Senate in the performance of official duty.

Mr. VARDAMAN (when his name was called). I desire to ask if the junior Senator from Idaho [Mr. BRADY] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a pair with that Senator. I transfer the pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand from his colleague that if he were present he would vote "yea" upon the pending proposition. I therefore consider myself at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. TILLMAN. I have a general pair with the Senator from West Virginia [Mr. GOFF]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. SHERMAN. I have a pair with the Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Utah [Mr. SUTHERLAND] and vote "yea."

Mr. GRONNA. I am paired with the Senator from Maine [Mr. JOHNSON]. He is not present and I withhold my vote.

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.

Bankhead	Jones	Ransdell	Tillman
Borah	Kenyon	Reed	Wadsworth
Bandegee	Lane	Shafroth	Warren
Bryan	Lodge	Sherman	Weeks
Clapp	McCumber	Smith, Ga.	Williams
Clark	Norris	Smoot	Works
Culberson	Oliver	Sterling	
Gallinger	Overman	Stone	
Hughes	Page	Thomas	

NAYS—20.

Brady	Hollis	McLean	Pomerene
Chamberlain	Husting	Martine, N. J.	Sheppard
Chilton	James	Myers	Smith, S. C.
Cummins	Johnson, S. Dak.	Pittman	Vardaman
Fletcher	Lee, Md.	Poindexter	Watson

NOT VOTING—43.

Ashurst	Gore	Lippitt	Simmons
Beckham	Gronna	Martin, Va.	Smith, Ariz.
Broussard	Harding	Nelson	Smith, Md.
Catron	Hardwick	Newlands	Smith, Mich.
Colt	Hitchcock	O'Gorman	Sutherland
Curtis	Johnson, Me.	Owen	Swanson
Dillingham	Kern	Penrose	Thompson
du Pont	Kirby	Phelan	Townsend
Fall	La Follette	Robinson	Underwood
Fernald	Lea, Tenn.	Saulsbury	Walsh
Goff	Lewis	Shields	

So the amendment of the committee as amended was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next amendment of the committee passed over is on page 109, under the heading "Post Office Department," where the committee proposes to strike out the House text down to and including line 19, on page 115, and to insert the matter in italics from line 20, on page 115, to line 4, on page 119.

Mr. JONES. Mr. President——

Mr. GALLINGER. I suggest that the amendment ought to be read. I do not think we are in such haste that we ought not to have the amendment read.

The VICE PRESIDENT. It will be read.

The Secretary proceeded to read the amendment.

Mr. BRYAN. On an examination of the RECORD I find that the amendment has already been read, and unless some Senator particularly desires it the reading might be dispensed with.

The VICE PRESIDENT. The Senator from New Hampshire asked that it be read.

Mr. GALLINGER. If it has been read, I withdraw the request. I was not aware that the amendment had been read before.

Mr. JONES. Mr. President, when this matter came up in the committee I inquired with reference to the paragraph on page 117 providing for a readjustment of the salaries of clerks under this provision. The matter came up in the committee several times and the committee considered it. It was stated that it made no change in existing law except to authorize the Postmaster General to make the adjustments within the limits of $100, as herein provided, instead of $200, as now provided by law. I have looked the matter up as carefully as I could within the time that I have had, and I do not believe that the paragraph ought to remain in the bill.

The paragraph proposes to make a change in the law with reference to the Post Office Department in its conduct. We have a Post Office Committee that is thoroughly familiar with matters of this kind, and that, I think, has now before it the Post Office appropriation bill which is to be passed at this session of Congress. That bill will go into effect just as soon as this bill will go into effect, and, if this change ought to be made, it can be taken care of in that committee, by a committee that is thoroughly familiar with the matter and which can give it all the consideration that is desired.

So I feel constrained to make a point of order against it.

Mr. SMOOT. Will the Senator withhold the point of order?

Mr. JONES. I will withhold the point of order if the Senator from Utah desires.

Mr. SMOOT. Mr. President, perhaps it would be just as well at this time for me to explain in as few words as possible what changes from the House bill the Senate amendment makes.

In the past the clerks in the office of the Postmaster General, the First Assistant, the Second Assistant, the Third Assistant, and the Fourth Assistant have been appropriated for separately. Under the Senate amendment all the clerks appropriated for in the Post Office Department come under the head of the Postmaster General; or, in other words, the Postmaster General in the future will assign clerks to the offices of the First Assistant, the Second Assistant, the Third Assistant, and the Fourth Assistant Postmasters General in numbers as he thinks proper, or as the exigencies require. In giving the Postmaster General this power there is no question but that he can get more efficient work and better results and at the same time save money to the Government.

Mr. CURTIS. Will the Senator state that, in making those reductions and increases, the Postmaster General must now either reduce or increase at the rate of $200?

Mr. SMOOT. I am not discussing that question right now, but I will say that under the present law that is the only way he can make them.

Mr. CURTIS. In classes.

Mr. SMOOT. In classes—fourth class, third class, second class, and first class. A fourth-class clerk gets $1,800, a third-class clerk gets $1,600, a second-class clerk gets $1,400, and a first-class clerk gets $1,200.

Mr. JONES. Mr. President, may I interrupt the Senator just a moment?

Mr. SMOOT. Certainly.

Mr. JONES. I do not know whether the Senator understands my position or not. I make no question about anything in the amendment except that one paragraph.

Mr. SMOOT. I understood the Senator to complain only of the one paragraph in the amendment.

Mr. President, the effect of the amendment will be a saving under the current law of $23,280 and a reduction of 31 in the number of employees in the department. That result comes about, Mr. President, by the recognition that has been given to efficient workers by the Postmaster General in the past. Whenever better work has been demonstrated on the part of an employee he has been given a promotion and paid a higher salary. For the last three years there has been a steady decline in the number of employees in the department here at Washington, and every year there has been a decline in the amount appropriated to run the Post Office Department, notwithstanding the increased amount of business that has come to the department by the increase of business in the country.

As to the necessity of the paragraph referred to by the Senator from Washington, I wish to say that the Postmaster General under existing law in making promotions can only make a promotion by granting an increase of salary of $200 in a clerkship of the fourth, third, second, or first class. The proposed provision allows him in case of a demotion to make it with a reduction of salary of the clerk demoted of $100, and in case of a promotion he can increase the salary $100 instead of $200.

I would have no objection to that provision; in fact, I think it a splendid provision to enact into law. Then, wherever an efficient clerk is found and is worthy of an advance of $100 he can receive it without having to wait for a chance to obtain an increase of $200. In case of a demotion it can be $100 instead of $200.

I have here a diagram showing the steady decline of the appropriations made for the Post Office Department in Washington. I have nothing to say in relation to the work of the Post Office Department outside of what we are now appropriating for.

This shows, beginning with July, 1915, a steady decline in not only the number of employees but in the amount of appropriations, notwithstanding, as I said before, the amount of increased work that has come to the department.

Mr. President, I recognize that the paragraph objected to by the Senator from Washington is general legislation upon an appropriation bill and subject to a point of order. The Senator expressed the opinion that the subject could be attended to by the Post Office Appropriation Committee. I do not know whether the Post Office Committee would consider the question or whether it should be considered by that committee, as it affects only the clerks of the Post Office Department here in Washington, and the salary of those clerks is provided for in the legislative appropriation bill. I recognize of course the Post Office Committee could handle the question, but I believe that the Appropriations Committee in handling the legislative appropriation bill is the proper one to legislate upon this subject.

If the Senator from Washington desires that that paragraph shall be stricken from the bill by way of an amendment, I will say now to the Senator rather than to have a point of order made against the amendment entirely I will agree, as far as I can agree as a member of the committee, to strike out from the bill the paragraph on page 117, beginning with line 6 down to and including line 18, but I do hope the Senator will not insist upon his point of order.

Mr. CURTIS. I understand the Senator from Washington has made a point of order against that part of the amendment.

Mr. JONES. To one paragraph; but it is all one amendment. Then the chairman of the committee can reoffer the other as a separate proposition, and doubtless it will be adopted.

Mr. BRYAN. The point of order of the Senator from Washington has not been withdrawn?

Mr. JONES. No; it has not been withdrawn.

Mr. BRYAN. Let me supplement what the Senator from Utah has said and see if the Senator from Washington will not withdraw his point of order. In the first place, it is doubtful if the point of order is good; but passing that by for the present here is the situation in the post office in Washington: A clerk may be half the time placed on work assigned to a clerk of class 3 and is thereby entitled to receive $1,600 per annum. The other half of the time may be spent on work assigned to a clerk of class 2 at $1,400 per annum. The Postmaster General under the present law has to leave him at $1,400 or advance him to $1,600. This plan only allows him, considering the work balanced through the year as a whole, to fix the salary at $1,500 when it ought to be on an average that amount. It is represented to us that that would mean a saving of a great deal of money to the Government. I can very easily see how the present system would prevent a man entitled to increase of pay from receiving it. Under the plan outlined and under the illustrations given that particular clerk ought to be paid $1,500 a year; but the Postmaster General must keep him underpaid at $1,400 or advance him to the $1,600 rate. It means a great deal to the department.

Furthermore, I will say to the Senator from Washington that the Postmaster General more conspicuously than any other head of a department in Washington has been endeavoring to economize and to so adjust the treatment of the employees of that department as to keep them satisfied, to pay them larger salaries than they have been receiving when they deserved an increase, so that when the new post-office building was opened up here it was done without an increase of the clerical force in Washington. With a big building opened up, with the cooperation of the Post Office Department with the Bureau of Efficiency, they so worked out the matter that it did not cost any more money.

Now, the Postmaster General feels that when men are loyal to him in that way he ought to be allowed to treat them with more consideration than he can do because of limitation of the increase to $200 or nothing. I do not see what possible harm it can do. If I understand the Senator from Washington, that is the only objection he has to the whole amendment.

Mr. JONES. It is the objection I have to that paragraph.

Mr. BRYAN. If we do not do that, we then go back to the text of the House bill, and the saving which is proposed to be made here will be lost. I am sure the Senator from Washington does not desire to bring that about.

The Postmaster General can to-day promote or demote. The only difference is he would have to do it in steps of $200, and here he would be allowed to do it in steps of $100. The whole amendment is in the interest of efficiency in the department; it is in the interest of proper pay for the work done. I am sure if the Senator from Washington had had time to consider it he would not be making the point of order against it. Not only the subcommittee of the Committee on Appropriations considered this matter, but it was referred by that subcommittee to the Senator from Utah [Mr. SMOOT] and myself to thoroughly consider it, and we did so. We examined the House hearings, where the matter was gone into at considerable length.

I will say, first, that the House committee was favorable to the plan, but did not have time to adopt it. It was there shown that a saving would be made, but pending the time when the bill was considered in the House committee and when the representatives of the department were before the Senate committee the plan had been worked out, and a further saving had been effected. It is poor encouragement to the Post Office Department, when they have done these things, to have the Senate or the other House refuse to recognize the work they have been doing.

The Senator from Washington says that this legislation should go on the Post Office appropriation bill. So it could; but on

this bill—the legislative, executive, and judicial appropriation bill—the salaries of the Postmaster General, his assistants, and his clerical force are taken care of.

Mr. GALLINGER and Mr. JONES addressed the Chair.

Mr. BRYAN. I first yield to the Senator from New Hampshire.

Mr. GALLINGER. I have not carefully looked into this matter, but it struck me at first blush as being an innovation, and I question its advisability; but, as I say, I have not examined it carefully. If we give this authority to the Postmaster General to readjust salaries, shall we not also have to give it to the heads of all the other departments?

Mr. BRYAN. It would be a most excellent thing to do if we did so.

Mr. GALLINGER. The Senator from Florida thinks it would be?

Mr. SMOOT. I will say to the Senator from New Hampshire that the Postmaster General has that authority now. He can demote or promote any clerk in the department, but it must be done $200 at a step; the clerk must be demoted or promoted at the rate of $200 at a time.

Mr. GALLINGER. Has the Postmaster General that authority by law?

Mr. SMOOT. He has that authority by law.

Mr. BRYAN. Yes; he can do that now by law.

Mr. GALLINGER. Have the heads of all of the departments authority to demote and to promote at will?

Mr. SMOOT. They have.

Mr. GALLINGER. Notwithstanding that their employees are civil-service employees?

Mr. SMOOT. They have that authority under the law.

Mr. GALLINGER. Then the civil service does not count for much.

Mr. BRYAN. This only changes it to steps of $100, instead of making him take steps of $200.

Mr. JONES. Mr. President, I want to ask the Senator from Florida a question in connection with the remark he made a moment ago, that this is the proper bill for such legislation, because it is the bill on which the salaries for the employees of this department are made. I want to ask the Senator if this proposition were introduced as a separate measure would it not go to the Post Office Committee?

Mr. SMOOT. No.

Mr. JONES. I refer to this particular paragraph.

Mr. BRYAN. No. The Senator from Washington understands that this is for the purpose of making appropriations.

Mr. JONES. I want to ask the Senator if a separate measure were introduced giving the Postmaster General certain authority in the demotion or classification of promotion of clerks, and so on, as a legislative proposition would it not go to the Post Office Committee?

Mr. BRYAN. I think not.

Mr. JONES. I think it would.

Mr. BRYAN. I am sure it would not.

Mr. President, I want to read to the Senator from Washington, from the hearings before the Senate committee, just a paragraph from the testimony of Mr. Denning, the chief clerk of the Post Office Department. A committee was appointed by the Post Office Department upon the question of whether their force was well enough paid in comparison with those engaged in like work in private employment. A committee of three visited New York and Philadelphia. They went into the offices of some of the great companies like the Metropolitan Life Insurance Co., the Pennsylvania Railroad Co., and others. They were under instruction as to the post-office employees to adjust their pay 20 to 30 per cent higher than the pay being given to men in private employ doing the same character of work. They selected the companies which they visited for the reason that their hours were the same as the hours in which the employees of the Post Office Department were employed. They want now to pay more money—20 to 30 per cent more—and they have drawn up this plan. They have the cooperation of the employees, which is a valuable thing to have; but if they have to hold a man to $1,400, say, when, according to their own records, he ought to be paid $1,500 by reason of half of his time being spent upon $1,600 work, they are hampered by the law. So the Senator may understand that I am correct in that, Mr. Denning, the chief clerk, says:

> We suggested there legislation that will permit us to pay $100 more or $100 less than the grade fixed. It frequently happens that an employee, based on the standard that we have worked out, will be earning $1,500. It is manifest injustice to him to keep him at $1,400 when, comparing his work with that of other clerks, he is earning and ought to receive $1,500. If we promoted him we would have to pay him $1,600. In other words, he would be placed in the position of receiving more than he was earning. It would help us a good deal if we could have this provision which would authorize us to pay $100 more or less than a grade.

So much for the merits of the proposition, Mr. President.

The Senator from Washington and the Chair will observe that in the text of the House bill numerous references are made to the transfers of clerks from the office of one of the Assistant Postmasters General to that of another. These transfers are indicated in parentheses, and there are a great many of them. That does not occur in the Senate committee amendment. The reason why it does not occur is because by this paragraph we make it unnecessary.

Mr. President, I believe that covers the case as laid before the committee.

Mr. SMOOT. Mr. President, in connection with what I have already said, I wish to call attention to the fact that the average salaries of employees between the ages of 20 and 45 have been increased from $1,185 in 1914 to $1,248 in 1916, or $63 per capita in two years. The average increase during the last four years of all employees has been $13.50 a year. That average increase has come about, and yet a saving in the amount appropriated for running the Post Office Department here in Washington has occurred. As I stated before, there has been a reduction of hundreds of employees in the Post Office Department in Washington in the last few years brought about by the adoption of business principles by the Postmaster General in dealing with the clerks of that department. I think we ought to encourage the Postmaster General in the work he has done so well, and I would like to see the same work accomplished in all the departments. The Postmaster General has shown us all what can be done by applying business principles in Government work.

Mr. JONES. Let me ask the Senator if the Postmaster General saw fit to demote one of the employees by $100 under this bill, and sitting beside that employee was another employee who really deserved promotion, there is nothing here to require him to promote that employee, is there?

Mr. SMOOT. No, Mr. President; there is nothing here to require him to do it, but it authorizes him to do it.

Mr. JONES. But there is nothing to require him to use the money that he has saved by demoting one employee to promote another deserving employee?

Mr. SMOOT. That is the object of the provision.

Mr. BRYAN. That is the whole purpose of it.

Mr. JONES. But it does not say so. It says he may do it, but it does not say that he shall do it.

Mr. SMOOT. Under the present law, I will say to the Senator, the Postmaster General has the power to demote any clerk in the department from one grade to a lower grade, and he has the power to promote any clerk from one grade to another, provided he does not exceed the number of clerks in the particular grade appropriated for; in other words, under the present law, if we appropriate for 54 clerks, the Postmaster General can not promote to that particular grade a clerk if the promotion would bring the number above 54, but he could demote, or if there were a vacancy in that grade he could promote from a lower grade into that higher grade under the present law.

Mr. SHERMAN. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. SHERMAN. The language of the bill is that "the unused portion of such salary may be used to increase the salary of any clerk in any class by not exceeding $100 above the salary fixed by law for such class." In the event the Postmaster General advanced this one clerk $100, and should give the clerk $5 of it, what becomes of the other $95?

Mr. SMOOT. I take it for granted that the Postmaster General would use the whole amount saved by the demotion.

Mr. SHERMAN. Then it is a discretionary power with the head of the department, instead of fixing it by an act of Congress?

Mr. SMOOT. Under this provision, if the Postmaster General made any increase at all, it would have to be $100, whilst under the present law, if there is any increase made, it must be $200. So if the clerk were given an increase at all, he would get the entire $100 under this provision.

Mr. SHERMAN. Does the Senator from Utah think that that would be the necessary effect of it—that, for instance, $25 of the amount would not be called an increase and the other $75 be carried to the surplus?

Mr. SMOOT. No; because of the fact that the present law provides that any increase in the case of a clerk shall be in steps of $200. So to-day the Postmaster General could not increase a third-class clerk to a fourth-class clerkship and pay him anything but $1,800, while this provision will allow him to increase or decrease the salaries of clerks in steps of a hundred dollars, instead of $200.

Mr. GALLINGER. I will ask the Senator from Utah when that provision was placed in the statute giving this authority? Is it an old provision?

Mr. SMOOT. It is an old law, and it has been in force ever since the classification of clerks was made, at the time when the salaries were fixed for the four different classes of clerks.

Mr. GALLINGER. It is a delightful provision, so far as favoritism is concerned.

Mr. SMOOT. That authority has long been given to the Postmaster General. I think, as the Senator says, that there may be favoritism under the pending provision; but, even at that, it is better than the present law, because favoritism to-day can be shown by granting an increase of $200, whereas under this provision an increase of only $100 might be allowed.

Mr. President, I ask the Senator from Washington not to make the point of order against the amendment. I know the provision will save the Government of the United States money, and I am certain that it will not be abused any more than the present law is, and not so much.

Mr. GALLINGER. Will the Senator from Utah explain how it is going to save money?

Mr. SMOOT. Two constructions have been put upon this provision of the bill; but the object was wherever there was a demotion there could be a promotion made to the extent of a hundred dollars instead of $200, and therefore there would be a hundred dollars saved on the promotion.

Mr. GALLINGER. Mr. President, I do not understand the Senator's mathematics. Under the present law when $200 is taken off one man's salary and given to another man there is no saving. Under this bill if $100 is taken off one man's salary and given to another man I do not see that there will be any saving.

Mr. SMOOT. As I have said, there are different constructions of the wording of the provision. If an increase could not be granted without a demotion, then there would be no saving; but suppose there is a death or a vacancy occurring otherwise in the service? At the present time the Postmaster General can not make a promotion except in steps of $200, but under this provision if a vacancy occurs the Postmaster General can make a promotion to the extent of $100 instead of $200. In that case there will be a saving to the Government of the United States.

Mr. GALLINGER. Well, I am still dense on that point.

Mr. SMOOT. That is exactly what the result will be if this provision shall be adopted by the Senate and become a law.

Mr. GALLINGER. If there is a vacancy it is filled by the Civil Service Commission, of course; that vacancy does not stand permanently.

Mr. SMOOT. I will say to the Senator this is how it will work: If a vacancy should happen in a clerkship by death or resignation, then the vacancy is filled by the Civil Service Commission; but the Postmaster General is not compelled to call for a clerk to fill the vacancy occasioned by death. He may promote a clerk from one of the other divisions into the division where the vacancy occurs and then ask for a clerk from the Civil Service Commission to fill the clerkship in the division below. That is the way many of the promotions are made in the departments of the Government.

Mr. GALLINGER. But the idea that it will bring about a saving to the Government is still nebulous in my mind.

Mr. SMOOT. It seems rather strange, I will say to the Senator, to think of such a thing; but this is one of the departments that has accomplished that very thing, and it is so rare in the history of the Government service that I think we ought to encourage the head of any department who will undertake it.

Mr. BRYAN. It has been done in this way: The clerical force has been decreased, or it has not been increased. As I said a moment ago, when the new post-office building was occupied no additional expense was incurred, because clerks were transferred from other divisions of the department.

Mr. GALLINGER. I will simply say that, so far as I am concerned, I am not antagonizing the amendment, because I know very little about it, and I take the word of Senators who know more about it than I do; but when it comes to a question of saving I think I might well quote the words, "It would spoil it if you tried to explain it."

Mr. BRYAN. It is claimed that it will save $23,000 or $24,000 per annum. Now, let me suggest this plan to the Senator from Washington: I am sure it is not the intention of the Postmaster General to promote in less than $100 steps. Furthermore, it is his intention to use whatever money is saved by demotions in granting promotions. If the Senator thinks that the Postmaster General would not do that without positive instruction, we can so change this language as to require him to do it. Of course the reason why it was put as it stands in the amendment was in order not to require him to advance a clerk every time another clerk was demoted, and we ought to be careful to get the language in such shape that that situation can not be brought about; but I believe that the Senator's purpose would be accomplished by changing in line 9 the word "may" to the word "shall"; then in line 10, after the word "class," by inserting the words "entitled thereto." Furthermore, in order to meet the objection of the Senator from Illinois [Mr. SHERMAN] that not the whole $100 might be used but a mere fraction of it, we might strike out the word "exceeding" and insert the words "less than." It seems to me that would cure any possible objection to the provision.

Mr. JONES. Mr. President, I will say to the Senator from Florida that I think I shall not insist upon the point of order, if it is understood that those amendments are to be made. I will say that the modification does not entirely meet my objection. I really do not think this provision ought to go in the bill. We have a law approved August 23, 1912, one section of which reads as follows:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary.

Then there follows a provision for punishing violations of the act. The pending provision may not affect that section, but I am not sure as to that.

Mr. BRYAN. I am sure it does not.

Mr. JONES. I am not sure what effect it may have upon it; but, with the suggestions made by the Senator from Florida and in view of his assurance and the assurances of the Senator from Utah [Mr. SMOOT], I withdraw the point of order. Of course, I am just as much interested in economy and efficiency in the service as are other Senators.

Mr. BRYAN. I understand that, Mr. President.

Mr. JONES. I know that they know more about this matter than I do, because they have given it special consideration; but I do think that it is legislation of such importance that it ought to be considered separately. However, because they have investigated it very carefully and are satisfied that it is in the interest of the service and in view of the suggestion of the Senator from Florida, I will withdraw the point of order.

Mr. BRYAN. I offer to the amendment reported by the committee the amendment which I have already suggested.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 117, line 9, after the word "salary," it is proposed to strike out the word "may" and insert "shall"; in line 10, after the word "class," to insert the words "entitled thereto"; and in the same line, after the word "not," to strike out "exceeding" and insert the words "less than," so as to read:

In making readjustments hereunder, the salary of any clerk in any class may be fixed by the Postmaster General at $100 below the salary fixed by law for such class and the unused portion of such salary shall be used to increase the salary of any clerk in any class entitled thereto by not less than $100 above the salary fixed by law for such class.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is at the top of page 143, to strike out:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

Mr. CURTIS. Mr. President, while I am a member of the committee, I was unable to attend the hearings or the meetings of the committee when this item was considered.

Mr. KENYON. Mr. President, there are a number of Senators interested in this matter, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Jones	Poindexter	Swanson
Bryan	Kenyon	Pomerene	Thomas
Chilton	La Follette	Saulsbury	Thompson
Clapp	Lane	Shafroth	Tillman
Cummins	McLean	Sheppard	Vardaman
Curtis	Martine, N. J.	Sherman	Warren
Fletcher	Myers	Smith, Ga.	Watson
Gallinger	Norris	Smith, S. C.	Williams
Hollis	Overman	Smoot	
Husting	Page	Sterling	
Johnson, S. Dak.	Pittman	Stone	

Mr. CHILTON. I desire again to announce that the Senator from Indiana [Mr. KERN] is absent on account of illness.

Mr. VARDAMAN. I have been requested to announce the absence of the junior Senator from Arizona [Mr. SMITH] on account of official business.

Mr. CHILTON. I wish to announce that the senior Senator from Arizona [Mr. ASHURST] is absent on official business.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. BRANDEGEE, Mr. CHAMBERLAIN, Mr. LEE of Maryland, Mr. SHIELDS, and Mr. WADSWORTH answered to their names when called.

Mr. BRADY, Mr. JAMES, Mr. OLIVER, and Mr. NEWLANDS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. CURTIS. Mr. President, as I stated a few moments ago, while I am a member of the Committee on Appropriations which considered this bill, I was busy working on another committee and was unable to attend the meetings when this question was up. I should like to have the chairman of the subcommittee having charge of this bill inform the Senate why the provision on the top of page 143 was stricken out. It provides as follows:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

I find from the reports that this bureau is doing a good and wonderful work and covering a great field. It looks into the care of children; dependent, defective, and delinquent classes; examines the laws of the various States relating to mothers' pensions; also the administration of such laws; inquires into infant mortality, which covers many fields; the child-labor question; amendments to the child-labor laws; the administration of child-labor laws. All these questions are of great importance to the people of this country.

It does seem to me that the item stricken from the bill is of great importance to the bureau. I have read the report of the hearings before the House, and it appears that at said hearings Miss Lathrop and others representing this bureau made a showing which would justify not only the House but the Senate in giving to the bureau the $72,120 for the purposes mentioned in the item; and I should like to have the chairman explain why the item was stricken from the bill.

With the information now on hand, so far as I am personally concerned, I am opposed to the committee amendment, and hope it will be rejected, and that the bureau will be given this $72,120 to carry on the splendid work that it has been doing and will continue to do. There should be no lack of funds for carrying on this vitally important work.

I notice also that the general appropriation in line 21 has been reduced from $95,000 to $58,000. The bureau asked, instead of $95,000, for $173,400 to do the work covered by this appropriation. After a hearing in the House we have the bill coming to the Senate carrying $95,000. That was reduced by the committee, and the bill comes to the Senate carrying $58,000.

I do not intend to take up the time of the Senate to have read the report of the hearings before the House; but I want to say that they are very complete, and in my judgment they justify the bureau in asking for these two appropriations. I hope the action of the committee will not be sustained in reducing it.

Mr. GALLINGER. Mr. President, will the Senator look on page 143, line 9?

Mr. VARDAMAN. Mr. President, I should like very much to hear what the Senator is saying, and we can not hear him on this side on account of the noise in the Chamber.

Mr. GALLINGER. If the Senator will examine page 143, line 9, he will notice that in the case of the employment of experts and temporary assistants—I do not know how numerous they are—the compensation is reduced from $8 to $6 per day, so that that will somewhat account for the reduction in line 21. I do not know whether it covers it all or not. Like the Senator from Kansas, I was not present when it was considered.

Mr. CURTIS. I did not have time to look over the estimates to see how many they have and how many experts were asked for, and so I can not tell the Senator how great a reduction will be made on account of the change from $8 to $6 a day; but it would seem to me that it would not make a very great reduction.

Mr. GALLINGER. "Experts and temporary assistants," it will be observed, is the language.

Mr. CURTIS. Yes.

Mr. BRYAN rose.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. CURTIS. I yield the floor.

Mr. KENYON. If the Senator from Florida is going ahead, I will not take up the time; but it seems that the committee has placed the amounts just as they were last year. The amount last year for traveling expenses, per diem, and so forth, was $58,000. I doubt if they have calculated at all the reduction that will come from reducing the salaries to $6 a day in getting at that result.

Mr. BRYAN. Yes; the House committee did that. The House committee allowed a per diem of $6, and the House raised it to $8. That explains the difference between $58,000 and $95,000. The committee thought $6 enough.

Mr. KENYON. Does that cover the whole difference in that item?

Mr. BRYAN. That is my understanding of it. The Senate committee put it back as the House committee reported it to the House, to have it in conference, after having read, however, the hearings before the House committee. My understanding is that that is what it is due to.

Mr. KENYON. I do not understand how that could be, because the number of experts and temporary assistants to be employed under this section is optional with the bureau head, apparently. There is no stated number that could be employed.

Mr. BRYAN. Oh, well, of course; but then they stated before the committees how many people they had. That explains that item, so far as I understand it.

Now, coming to the item stricken out of the bill at the top of page 143—an appropriation of $72,120 for the Children's Bureau to investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality—the reasons that induced the committee to strike that out, I think, can be best stated by reading from the House hearings the testimony of Mr. Wood, of the Efficiency Bureau. I will not read it all, but here is the situation which exists now. The Bureau of Health is engaged in this same kind of work. The Bureau of Labor is engaged in the same sort of work. For instance, under the heading "Field investigations," in the Bureau of Health, I find the following:

For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation, etc., $250,000.

That is in the sundry civil bill of last year. In this very bill, on page 102, we find the following:

For investigation of rural education, industrial education, and school hygiene, including personal services in the District of Columbia, etc., $45,000.

Then there is an appropriation in the Bureau of Education.

Here is what is said by this member of this board that has been directed to investigate duplication of work in these various bureaus and departments:

Mr. GOOD. I have noticed that the Department of Labor published last year Bulletin No. 162, Vocational Education Survey of Richmond, Va. The Bureau of Education is publishing a similar work of that kind. Have you investigated duplication of that kind?

Mr. WOOD. We have examined the publications of the departments for the past year and found many places where, if there was no real duplication there was at least an overlapping of functions. For example, the Bureau of Education and Health Bureau are both pursuing studies of school hygiene, though not in the same districts. Each is doing work that might be done by the other. Similarly, the Children's Bureau and the Health Bureau both publish bulletins on the care of babies.

Mr. GOOD. That necessitates the keeping in two or more separate bureaus the same character of employees that ought to do the work in one bureau?

Mr. WOOD. The trouble seems to be that the authorizations given to the different bureaus cross or overlap. For example, the Children's Bureau is authorized to investigate anything pertaining to children. That includes children's health and education and various other matters. The Health Bureau is authorized to investigate health, whether of children or adults.

I have just shown that they have a quarter of a million dollars for that.

The Bureau of Education is authorized to investigate questions pertaining to education. Again, the Labor Bureau has always concerned itself with health insurance among laboring men. The Bureau of Public

Health has recently taken up health insurance as a health measure. Both have issued publications on that subject.

Mr. GOOD. You have not gone into that?

Mr. WOOD. We have made a partial list of cases in which different bureaus seem to cover the same field, but we came to the conclusion that it would be better to get every bureau to report to us every job it is working on, to index those jobs so that all relating to health would fall in one place, all relating to children in another, etc., and then to go carefully through the index, make note of cases in which there is duplication or overlapping, and bring them, first, to the attention of the various bureaus, in order to get their statements of the case, and then to the attention of Congress. We hope to do that by the next Congress.

So I beg to assure the Senator from Kansas and the Senator from Iowa that it is not due to any opposition on the part of the committee to this work being done that this amendment is proposed; but there is no need to have the work done by four or five bureaus. That is the principal reason, or one of the principal reasons, why the committee recommended one year ago that Congress authorize this efficiency staff to go into these various departments and cut out duplications of work. It is done not only here in the work of the Children's Bureau, but it exists in many places, and we have been trying to cut that out.

With $45,000 appropriated here to the Bureau of Health on this last subject, and a quarter of a million dollars more carried in the sundry civil bill upon a general subject covered by each of the departments, and the Department of Labor, under which this bureau is, having an appropriation to do the very identical work, it did seem that it was not necessary to repeat it. Of course, if you let each bureau do the same work, duplication of expenditures, at least, is bound to come, whether duplication of work does or not.

Mr. VARDAMAN and Mr. BORAH addressed the Chair.

Mr. BRYAN. I yield first to the Senator from Idaho.

Mr. BORAH. Do I understand that the work which was contemplated to be covered by the appropriation which has been stricken out would be the same work which is being done by another department for which an appropriation was made?

Mr. BRYAN. The language I read here explains it. I do not know how better to express it, if the Senator heard it.

Mr. BORAH. I heard the reading; but the difficulty I have in determining the question is whether this appropriation which is asked for by the Children's Bureau covers work which actually would be done by some other department. As much as I am interested in the Children's Bureau, I do not want any duplication there or in any other bureau; but if it is not a duplication, I certainly feel disposed to support the appropriation. Even if it were a duplication, I should rather have the work done by the Children's Bureau, in my judgment, than by the other department.

Mr. SMITH of Georgia. Rather than by the Department of Health?

Mr. BRYAN. Of course, the language is not exactly the same, but I will read it to the Senator. Here is an appropriation in the Bureau of Education:

For investigation of rural education, industrial education, and school hygiene, including personal services—

And so forth. Under that language they make the same sort of an investigation.

Mr. BORAH. Well, do they?

Mr. BRYAN. That is what this bureau tells us.

Mr. BORAH. The head of the Children's Bureau contends that that is incorrect; that it is not the same kind of work; that it is not the same work at all; and some of us are a little at a loss to know whether it is the same work or not, because we have to rely upon the statements of those who are doing it, and they seem to differ. I am disposed to rely upon the statements of Miss Lathrop.

Mr. BRYAN. Yes; I suppose naturally the Senator would be.

Mr. BORAH. Not because I would make comparisons as to veracity, but because she seems to know whereof she is speaking.

Mr. BRYAN. Yes; she does.

Mr. OVERMAN. Mr. President, I want to say that there were exhibited before the committee a document gotten out by the Bureau of Health and one gotten out by the Child Labor Bureau that looked very similar to me. I did not have time, of course, to examine them in detail, but it looked as though they were doing the same kind of work. The headings were the same, and it looked like exactly the same work.

I want to say to the Senator from Idaho that we have instructed the Efficiency Board to inquire into this matter and report on it thoroughly. If other departments are doing the same work that the Children's Bureau is doing we want to strike it out of their appropriation and give the Children's Bureau the right to do it. That is all there is about it. We wanted to know about it, and we did not think we ought to make this appropriation until we got the final report.

Mr. VARDAMAN. Why not let the Children's Bureau go on and do the work it is doing and take it from some other bureau?

Mr. OVERMAN. That is the very point.

Mr. VARDAMAN. Why not take it from some other bureau where there is some doubt as to whether this particular work is within the scope of its duties? The character of that work being done by this bureau is of such vital importance that it will not be prudent to take any chances on it.

Mr. OVERMAN. That is the very point I am making. I will say to the Senator from Mississippi that this other bureau is doing the same kind of work now. Shall we cut them off or give them an additional appropriation to begin this work and let these three departments go on? Then, when we get a report, your committee will say: "This work must be done by the Children's Bureau, and not by these other two."

Mr. VARDAMAN. The question with me is whether it is not better to let this bureau, that is engaged upon this work and have it so well in hand, do it rather than permit some other bureau to undertake it.

Mr. BRYAN. The trouble is that the other bureau was doing it before this one was created.

Mr. SMITH of Georgia. Mr. President, will the Senator let me make a suggestion? Is not a bureau composed of physicians and experts in matters of health better prepared to study children's diseases than the Children's Bureau?

Mr. VARDAMAN. I think not.

Mr. SMITH of Georgia. Well, I think it is vastly more so, unless they organize a corps of physicians in the Children's Bureau.

Mr. VARDAMAN. This bureau investigates not alone the physical conditions of the child, but the moral conditions also. It looks after child life, which embraces every question touching the moral, mental, and physical status of the child.

Mr. SMITH of Georgia. I supported the bill creating the Children's Bureau, and believe there is a great work for it to do; but we have the Health Bureau, in which there are men skilled in the science of medicine. We are spending money to develop it in the study of all kinds of diseases. To transfer the subject of children's diseases to the Children's Bureau, where they are not equipped with physicians, where they have no students of the problem of health, would seem to take it from where we can hope to have the best work done and to put it where it would not be nearly so well done, unless we duplicate in the Children's Bureau the medical force found in the Health Bureau.

Mr. LANE. Mr. President, I would like to say, for the information of the Senators, that there seems to be some confusion on this subject. The work of the several bureaus is entirely distinct and separate, and neither one should by right infringe upon the others.

The Health Bureau is organized for the inspection of children attending school, to prevent contagion and epidemics of disease, to trace them to their source and remove the cause of them, to test food supplies, to trace the source of infection in case of typhoid fever, and so forth, and look out for the health and welfare of children and the general public, and in that way keep them healthy and from infecting other people with their diseases. The physician in charge of that has no time to look into the general welfare of children or their home lives further than it is brought to his notice by particular cases, whereas the duty of the Children's Bureau would be to look into the general management of homes, the sanitary conditions existing in them, the nourishment of the child, and the attention which it receives in the way of cleanliness and proper care from its parents.

Mr. OVERMAN. Mr. President, that is what they are doing.

Mr. LANE. That is what they are doing; and that is a separate and distinct matter from going as a physician and taking your test tubes and tracing the disease and making tests to enable him to diagnose the case.

Mr. OVERMAN. This is for another matter.

Mr. LANE. This is for another matter. I say they are separate and distinct, and there is room for all of them if they do their duty.

Now, the Bureau of Education do in a way look out for the welfare of the child; but what is their immediate duty? To go to the school, to visit it, to see if it is kept in sanitary condition, if the drain pipes are in order, to ascertain conditions there—the conditions of light as they affect the eyesight, the condition of the air, whether it is foul or whether it is pure and fresh, and so on. The effect of foul air upon children is disastrous, and so is bad light; and many children come to school who are defective in some way. The investigators find them to be defective; then they refer them to the Health Bureau to inspect their vision and examine the condition of their nasal passages; and a small

operation sometimes makes of a dull child one of the brightest students in the school.

Mr. OVERMAN. That is what they are doing now.

Mr. LANE. Their duties are separate and distinct from that of the Child's Bureau, and you will make a mistake if you do away with either of them. You may be appropriating too much money for this bureau. I do not know.

Mr. OVERMAN. The Senator is right.

Mr. LANE. You can not appropriate too much money, however, to keep young, growing children healthy. A child's life has a potential value of $5,000 to the country, and a loss of more than that if it becomes an illy developed and an underaverage citizen of the country, while the difference in cost in the beginning would be but a trifle.

I read an article the other day, in the issue of the Literary Digest of about two weeks ago, relating what a correspondent had seen over in Belgium. He saw 1,200 children in a bread line, where each child received a piece of bread and some broth—not much bread or broth, but just barely enough to keep it alive until the next day when it came for food again. He said he saw several women on guard, and once in a while one would rush in and grab a child and pull it to one side, and the child would cry and scream and kick. He saw another one do that, and he went to one of them and asked, "Why do you pull the child out of that line? It is hungry." She said, "Yes, the child is hungry, but there is not enough bread and broth to give it any to eat. We can not give to a hungry child anything to eat until it shows signs of starvation. They must be losing weight—must be actually starving—before we can feed them. This child will stay out of this row until it shows signs of starvation. When it does so, we will put it back for a minimum of food to save its life, but not enough to keep its appetite satisfied." Just about the time I read that, only a few days ago, three little children came to a friend of mine, to the back door, begging for stale bread. They said, "It does not matter how stale it is, we want it; we are hungry."

Now, here is where your Child Bureau ought to be, and we should busy ourselves to help them to meet that condition in this great Capital City of the Nation. The doctor would never learn of that child; it would die of starvation without being brought to his attention. But here are women making an investigation of those conditions and suggesting to you and me that we have a duty to perform.

I read another article two or three weeks ago which stated that there was a banquet given, in Philadelphia I think, where each guest's meal cost the host $500 a plate; and you saw day before yesterday an item in the morning papers stating that in New York City the "down-and-outers" were selling the blood out of their veins for $25 a head. It was too much to pay for the meal and too little to pay for the blood.

Here is where we can afford to make a change, not to be too liberal, not overgenerous with the people's money, but to be fair, and thus guard the future of the Nation, where your children and mine and our grandchildren and their children will have to live. I would not forget them. I would make my analysis of the last year, and make it as economical as we can in the salaries which they receive, but I would give warm-hearted, generous attention to the needs of little children. "Suffer little children to come unto me, and forbid them not."

Mr. THOMAS. I should like to ask the Senator from Oregon before he takes his seat what the connection is between a banquet costing $500 a plate and the investigation of infant mortality?

Mr. LANE. It has this effect, that there is an inequitable, unjust amount being paid for human blood at the time the market value of a high-priced dinner is $500. The money of the country, for that matter, is not equitably distributed among the people, but the ill-nourished child to-day is a down-and-outer; in 25 years from now he will have to sell his blood.

Mr. VARDAMAN. If the Senator will pardon me, I should like to suggest, in response to the question asked by the Senator from Colorado, that if the Treasury of the United States is so depleted that we have to economize, the best thing to do, instead of cutting on questions of this kind, is to tax the fellow who can give the $500 dinner and raise the money.

Mr. THOMAS. Of course, I can understand that proposition easily, but still I can not understand the connection between a dinner at $500 a plate and the investigation of infant mortality. As to what the Senator has said in regard to infant mortality and the question of food, surely these things can be ascertained and provided against by the health authorities, whose duty it is to look after such things. The other part of the matter, pertaining to the welfare of children and child life, I can very readily see is entirely within the province of the Children's Bureau.

Mr. LANE. Allow me to say that you do not have the knowledge, perhaps, it being something to which you have not paid much attention, but it harks back to the underfed child, the baby in arms, that lies on its back with its little head sweating on the pillow. That child has a form of disease known as softening of the bones, the scorbutic child, the scurvy child, the one that is the most easily attacked by tuberculosis or any other disease, and which dies in a larger ratio than others better fed. The little child that is illy nursed, or where there are mistaken methods of nursing and of food, needs the Child's Bureau. That is the child which in larger percentage becomes a derelict later along, for the reason that as a baby it never had enough nourishment to put the vitality into it, to make of it a fighting man whom we may need to go out and defend the country or to fight to protect your property or the national honor. He is the man who can not go far, or the woman when she arrives at maturity—the mother—does not bring forth a healthy and fine type of physical citizenship to the country's need. You can not do better than to send some one out to search for these children and turn them over to some beneficent instrument of the Government for advice and care. The doctor has not the time, but let the Child Bureau go from one house to another in the poor districts and pick out the underfed and undernourished children, and then refer them to the Health Bureau for medication and the type of food they need. It does not usually call for medication to bring them around to a proper and normal state of health.

Mr. JONES. Mr. President, yesterday I offered an amendment to this bill. We are not going to get through with the measure to-day. I have consulted with several Senators and made several changes in the amendment. So I desire to present it for printing. It is the amendment which I intend to propose relating to employees of the Senate when personal amendments are in order. I ask that it may be printed and lie on the table.

The PRESIDING OFFICER (Mr. POMERENE in the chair). It is so ordered, without objection.

Mr. KENYON. I should like to ask the chairman of the committee if he desires to go on further with the bill to-night? It can not be finished to-night.

Mr. OVERMAN. I should like to go on until 6 o'clock, if the Senator pleases.

Mr. CHILTON. We are going to have an executive session, I understand.

Mr. OVERMAN. I asked the Senator from Missouri [Mr. STONE], and he said he did not think we would.

Mr. STONE. I have not inquired of the executive clerk as to the business, but I will say that there is a very small calendar.

Mr. CHILTON. There ought to be an executive session.

Mr. OVERMAN. I should like to go on for at least half an hour.

Mr. KENYON. If there is to be no executive session, as far as I am concerned, I am ready to go on.

Mr. KENYON. Mr. President, I wish to take 20 or 30 minutes on this matter. I believe it is an exceedingly important provision we are now considering. I am very strongly in favor of all kinds of proper economy. We sometimes differ as to what is proper economy, it is true, but I am not in favor of crippling one of the best bureaus of the Government for the purpose of economy or trying to save any money by curtailing work which may be of benefit to the children of the country.

This bureau was created by an act of Congress of April 9, 1912, and the bureau, in the law creating it, was ordered to report on all matters pertaining to the welfare of children and child life. It will be observed that this bureau has been in existence for but a comparatively short time. The first two years there were 15 people employed. The appropriation was $35,540 per year. In 1914 the staff was increased to 76 persons and the appropriation was $164,640. I think there has been no change in the staff or the appropriation since that time. Indeed, the bill as amended by the committee would carry that amount of appropriation. I think it is exactly the same.

Mr. OVERMAN. It is the same appropriation that we have made heretofore.

Mr. KENYON. In the estimate of appropriations submitted by the Secretary of the Treasury the amount which has been desired for the Child Labor Bureau which is set forth would be substantially the amount allowed by the House, with the exception, I think, of about $20,000, which was considered to be the cost of an exhibition car to go around the country and exhibit the work of the Children's Bureau. The bill came to us from the House in that condition.

I think perhaps, to make it plainer, I ought to say that the committee reporting to the House did not report this amount,

but it was put on in the House. The purpose of the provision at the top of page 143 is to increase the statutory roll in the bureau itself. The amount suggested on line 21, before amendment by our committee, was to cover the work of experts in the field and the collection of data, books of reference, newspapers, and matters of that kind. The two are somewhat interwoven, so that the two should be discussed together.

The objection is raised that there is some duplication of work. There may be some slight duplication of work. This work should be carried on by the Children's Bureau; though in talking with Miss Lathrop, who is at the head of the Bureau, she suggests that there is practically no duplication, but that where it has been apparent there might be some duplication there has been a coordination of the work—for instance, in the investigation of the feeble-minded in the State of Delaware, work that is being carried on by the Children's Bureau. Dr. Thomas W. Salmon was designated by the Public Health Bureau to a committee known as the National Committee for Mental Hygiene, and he has written Miss Lathrop concerning that work, which, I think, shows how the departments are coordinating in this work instead of duplicating. I send the letter to the desk and ask the Secretary to read it.

Mr. VARDAMAN. Mr. President, will the Senator from Iowa permit me to ask a question of the Senator in charge of the bill? I want for my own information to know if there were any hearings on the bill touching this question.

Mr. OVERMAN. Miss Lathrop was before us.

Mr. VARDAMAN. Has her statement been published?

Mr. OVERMAN. Yes.

Mr. VARDAMAN. I wanted to know so that I might get it.

Mr. OVERMAN. I will have the clerk of the committee furnish the Senator with a copy.

The PRESIDING OFFICER. The Secretary will read the letter sent to the desk by the Senator from Iowa.

The Secretary read as follows:

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,
New York City, January 13, 1917.

Miss JULIA C. LATHROP,
Children's Bureau, Washington, D. C.

DEAR MISS LATHROP: I have read with much interest the preliminary report on the feeble-minded in Delaware, and also the summary of the report on the feeble-minded in New Castle County, Del. It seems to me that this kind of report sets a standard for other work of a similar nature. I think that the type of cooperation that existed between the Children's Bureau and the United States Public Health Service in these studies is just the kind which should exist elsewhere between agencies which are essentially medical and those which are essentially social.

We are trying to do the same sort of thing in Kentucky at the present time, and have been given an appropriation by the Rockefeller Foundation to supply the State commission on mental defectives, appointed by the last Legislature of Kentucky, with the services of an expert adviser who will not only conduct field work and direct the work of others, but will aid in the formulation of a State policy and plans for institutional development. A number of States are ready to appoint State commissions similar to those which have been appointed in recent years in Arkansas, Delaware, Florida, Indiana, Kentucky, Massachusetts, New Jersey, New York, and Utah. Usually, however, these commissions have no funds and must depend for their investigations upon such agencies as the Children's Bureau, the United States Public Health Service, the eugenics-record office, our committee, and the committee on provision for the feeble-minded. Each of us, I think, can supply a little different kind of service, and I believe it will be possible for our own committee to secure from the Rockefeller Foundation appropriations for the salary and expenses of scientific advisers at a compensation of $500 per month. This we hope to do during the coming year in Alabama, Georgia, Maine, Maryland, and Mississippi. It is extremely difficult to find men of the requisite training, but we have been very successful in our work with the insane in detaching some of the best men in the country for temporary periods.

I would like very much to talk over with you recent developments in work for provision for the feeble-minded. If you are planning to attend our annual meeting in February, would it not be possible for us to devote some time to such a conference?

Do you wish that I should return the copies of the report and summary which you sent me, or shall I keep them?

Sincerely, yours, THOMAS W. SALMON,
Medical Director.

Mr. KENYON. Mr. President, the friends of the Children's Bureau, and I think everyone should be included in that, are not asking that the amounts be raised at all as the bill came from the House, but are asking that those amounts be held as they are. The lady at the head of this bureau is as well qualified, better I believe, than anyone in this country to know what the bureau needs. We rely on other heads of bureaus to tell us what they need in the way of help, and if we can not have confidence in the splendid head of this bureau and accede within reasonable bounds to what she may ask to carry on this great work for the children of the country, then she ought to be removed and some one appointed in whom we can have confidence. But I do not believe in the whole world there could be found a woman with more enthusiastic devotion to the work of the Children's Bureau.

It is pretty hard to answer when you are asked to say just what this Children's Bureau has done; what particular thing it has accomplished; just what particular children it has saved; what particular home it has made happy. That is hard to do in the case of many bills. Here is an amendment introduced to-day by the distinguished Senator from Missouri [Mr. STONE] to the sundry civil bill with relation to schools for naturalization, studying the problems that confront our naturalized citizens. It would be pretty hard to show where any particular benefit might occur, but it is a great work to help in educating the naturalized citizen to understand the genius and spirit of our American institutions. So this work fundamentally upon children's welfare reaches into many lines. You can not put your hands on just the particular things possibly that may be accomplished, but it is creating a sentiment in this country along lines of social progress. This is a bureau that is working along those lines of social and industrial justice which should appeal to all. It is not simply an investigation of the medical question; not at all. It goes into the industrial question, investigating the relationship of poverty and wages to the death of little babies and the development of children; and there is no other bureau in the Government which carries on that kind of an investigation.

In this country last year there were 300,000 babies under 1 year of age, as the statistics show, who died; one out of every eight of the babies born failed to reach 1 year of age. This bureau has investigated this question of infant mortality. That is one of the great features of the work that it has done. They went into Manchester, in the State of New Hampshire——

Mr. OVERMAN. Mr. President, did I understand the Senator to say that they are doing that work now?

Mr. KENYON. They are doing that work now.

Mr. OVERMAN. Of investigating the question of infant mortality?

Mr. KENYON. Certainly; and if the Senator had read the last report of Miss Lathrop he would have seen that she set out instances where they have made these investigations. I am going to read from page 6 of her report as to Manchester. She says:

The mortality rate among the 1,564 live-born babies studied in Manchester was 165 per 1,000 births, which is considerably higher than the estimated rate for the whole country.

Manchester is primarily a textile town, and the textile mills employ 36.3 per cent of all the fathers of babies born in Manchester during the 12 months covered by the study. Of the fathers 13.7 per cent were earning less than $450 per year, 48.5 per cent less than $650, 22.9 per cent $850 or more, 6.4 per cent $1,250 or more.

Mr. OVERMAN. Mr. President, that is the point I am getting at. I have seen Miss Lathrop's report stating that they have been doing this work for two years. But the question in the mind of the committee was, if they were already doing that work with the funds now provided and doing it very faithfully, whether we should increase this appropriation for the next year when the Children's Bureau is already doing the work and has field agents engaged who are being paid $6 a day. Under these circumstances we did not understand why we should give another lump sum.

Mr. KENYON. Miss Lathrop has been making these mortality investigations through her department, and they are being continued. For instance, investigations which are now going on in the city of Baltimore, according to her report, will require one year to make the survey, and this work is to be extended throughout the country.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. I was not through reading the report about Manchester. I will yield to the Senator in a moment.

Mr. GALLINGER. I should like to have the Senator complete that.

Mr. KENYON. The report continues:

Of the babies with fathers earning less than $450, about 1 in 4 died before it was 12 months old. The great majority of the babies had fathers in the wage group from $450 to $849, and of these about 1 in 6 died. Of the babies whose fathers earned $850 but less than $1,050, 1 in 8 failed to survive. Where the fathers earned $1,050 or more, 1 baby in 16 died in the first year.

Showing that there was an intimate relationship between the poverty of the parents and the death rate of the babies. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I more particularly rose to ask that the Senator conclude reading from the report in regard to Manchester. I think the situation set forth as to that city is explainable to some extent. Manchester has large textile industries, one concern employing about 20,000 people, I think. They are of almost all nationalities—French Canadians, Greeks, Poles, and almost every other nationality that could be thought of. A great many of them are ignorant people; they are unskilled people. They go there and get employment and are paid as large wages there as anywhere else,

so far as I know. Beyond a doubt the percentage of mortality among the children where the parents are ignorant, uneducated, and uninstructed, is larger than that among the children of parents of the higher classes. So I presume that those statistics are correct, and yet they are explainable, to a degree at least.

I have always supported this bureau, except that I once voted against an appropriation for it because the same work was being done by the Department of Labor, and, as a result, I was very severely criticized and called an enemy to the Children's Bureau; but if Miss Lathrop can in any way lift up those people from the poverty and the ignorance in which they are in Manchester, N. H., or anywhere else, she is doing a magnificent work, and I hope she will be able to continue it; and yet it seems to me that there are insuperable obstacles in her way to accomplish the results that we would all like to see accomplished.

Mr. KENYON. Mr. President, if the amount that is stricken out by the committee of about $100,000 would save the life of one of these babies, I do not think anybody would find any fault with or objection to it. If the work of this bureau even indirectly helps to reduce the death rate of the babies of the country the money appropriated, even be it a much larger sum, is wisely appropriated.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask whether Miss Lathrop presents any suggestion as a result of her inquiry that would be beneficial to those children?

Mr. KENYON. That question is interwoven, of course, with the second subject that the bureau goes into, and that is the maternal mortality also, and I might add that the bureau has been sending out bulletins; they have been sending out people to instruct along those lines, and have been carrying on an enormous correspondence with relation to these vital questions. To help carry on that correspondence necessitates some additional clerks, which she asks for here. I do not know how many letters this bureau is writing, but the number is close up to the hundred thousand per annum.

Mr. SMITH of Georgia. Does the Senator think it possible for us, through the children's bureau, to undertake the work and instruction of the parents by personal visitation throughout the entire United States, so as to relieve them of their ignorance?

Mr. KENYON. I hardly think it possible to visit each particular case.

Mr. SMITH of Georgia. Is it not rather the proper work of the bureau to gather the information, furnishing it to central points and to people in the States who will utilize it, leaving the final burden of instruction and the actual work upon the States and localities?

Mr. KENYON. And to help create a general public knowledge of conditions.

Mr. SMITH of Georgia. Yes.

Mr. KENYON. And a public interest in the remedying of those conditions.

Mr. SMITH of Georgia. Yes; but not detail work.

Mr. KENYON. Not detail work; but I have on my desk extracts from a letter written by a woman in one of the Western States, 65 miles from a railroad, who has known of the work of the Children's Bureau, and the question of advice to mothers——

Mr. GALLINGER. Mr. President——

Mr. KENYON. Just a moment. She had two children of her own and had adopted two others, and asked to have some one sent out there—it was a very pitiable story—to instruct them and assist them in this work. I do not know that we can go that far; of course, that would open up a tremendous field.

Mr. SMITH of Georgia. I want to say to the Senator——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. KENYON. The Senator from New Hampshire rose first, and I yield first to him.

Mr. GALLINGER. I simply want to add one word concerning Manchester. I am very glad that Miss Lathrop and her bureau are taking up the work in that city, a city of about 80,000 persons, largely devoted to manufacturing, the textile industry being the leading industry. I want to say for the men who are employing these people, as I suggested a moment ago, many of them poor, uneducated, and ignorant, that the greatest corporation in that city is doing a very magnificent work. For instance, it has established a very large playground upon property owned by the corporation; it has a hospital; it has two textile club buildings constructed by the corporation, one for the women and one for the men; it builds houses, which it rents at a very low rate of interest; it furnishes medical attendance to the operatives free; and it is doing a great deal for these people. Yet, beyond a question, there is an opportunity to do more, and I hope that through the instrumentality of the Children's Bureau great reforms will be achieved in Manchester as well as in all the other manufacturing cities of the country.

Mr. KENYON. Mr. President, I would not want the Senator to understand that that was the only place where the study had been carried on. It has been carried on in Johnstown, Pa., Montclair, N. J., and in other places.

Mr. GALLINGER. It has been carried on in Manchester and Johnstown, but I think that those are pretty nearly the only cities. I have been reading the report while I have been sitting at my desk.

Mr. OVERMAN. Mr. President, will the Senator from Iowa now yield to a motion for an executive session?

Mr. KENYON. I yield.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. VARDAMAN. Do I understand the Senator has moved to proceed to the consideration of executive business?

Mr. STONE. Yes.

Mr. VARDAMAN. Very well.

WATER-POWER DEVELOPMENT.

Mr. MYERS. Before the motion is put, I should like to ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The unfinished business has been laid aside temporarily by unanimous consent.

Mr. MYERS. I should like to have it laid before the Senate so as to make it the unfinished business for to-morrow.

The PRESIDING OFFICER. The Chair lays before the Senate House bill 408, the title of which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

EXECUTIVE SESSION.

Mr. STONE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 9 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 19, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1917.

UNITED STATES CIRCUIT JUDGE.

Robert Lynn Batts, of Austin, Tex., to be United States circuit judge, fifth circuit, vice A. P. McCormick, deceased.

UNITED STATES DISTRICT ATTORNEY.

Albert C. Wolfe, of La Crosse, Wis., to be United States attorney for the western district of Wisconsin, vice William F. Wolfe, deceased.

APPOINTMENT IN THE ARMY.

SIGNAL CORPS.

Lieut. Col. George O. Squier, Signal Corps, to be Chief Signal Officer, with the rank of brigadier general, for the period of four years beginning February 14, 1917, vice Brig. Gen. George P. Scriven, to be retired from active service February 13, 1917.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Naval Constructor David W. Taylor, with rank of captain, to be naval constructor in the Navy, with rank of rear admiral, from the 29th day of August, 1916.

Medical Inspector William C. Braisted, with rank of commander, to be medical director in the Navy, with rank of rear admiral, from the 29th day of August, 1916.

Passed Asst. Surg. Cary T. Grayson, with rank of lieutenant commander, to be medical director in the Navy, with rank of rear admiral, from the 29th day of August, 1916.

Pay Director Samuel McGowan, with rank of captain, to be pay director in the Navy, with rank of rear admiral, from the 29th day of August, 1916.

Civil Engineer Frederic R. Harris, with rank of lieutenant commander, to be civil engineer in the Navy, with rank of rear admiral, from the 29th day of August, 1916.

Lieut. Cleon W. Mauldin to be a lieutenant commander in the Navy from the 29th day of August, 1916.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

Charles N. Ingraham, and

Robert H. Grayson.

Paul W. Wilson, a citizen of California, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 10th day of January, 1917.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of January, 1917:

James M. Howard, a citizen of North Carolina,
Albert E. Leggett, a citizen of Mississippi,
Alexander B. Hepler, a citizen of Pennsylvania,
E. Arthur Stephens, a citizen of Pennsylvania,
Jesse W. Allen, a citizen of Ohio,
Horace E. Spruance, a citizen of Delaware,
Leo C. Thyson, a citizen of the District of Columbia,
William R. Levis, a citizen of Pennsylvania,
Leonard Hays, a citizen of Maryland,
William E. Glanville, a citizen of New York, and
Park M. Barrett, a citizen of Ohio.

The following-named citizens to be dental surgeons in the Navy, for a probationary period of two years, from the 17th day of January, 1917:

Ralph B. Snapp, a citizen of Virginia.
George M. Frazier, a citizen of the District of Columbia.
Frederick C. Vossbeck, a citizen of Colorado.
Edward M. Slack, a citizen of the District of Columbia.
Frank S. Tichy, a citizen of Illinois.

POSTMASTERS.

ALABAMA.

Rufus S. Shirey to be postmaster at Guin, Ala. Office became presidential October 1, 1916.

ARKANSAS.

Gabe D. Anderson to be postmaster at Okolona, Ark. Office became presidential January 1, 1917.

Ernest W. Cato to be postmaster at Gravette, Ark., in place of W. H. Austin, resigned.

W. E. Dickson to be postmaster at Waldo, Ark., in place of George F. Puska. Incumbent's commission expired August 8, 1916.

Oscar L. Green to be postmaster at Plainview, Ark. Office became presidential October 1, 1916.

Muzette M. Hunter to be postmaster at Amity, Ark. Office became presidential October 1, 1916.

Amy Jane Stewart to be postmaster at Greenwood, Ark., in place of Charles C. Stewart, deceased.

CALIFORNIA.

C. Claire Smale to be postmaster at Raymond, Cal. Office became presidential October 1, 1916.

CONNECTICUT.

Lyman E. Smith to be postmaster at Middlebury, Conn. Office became presidential October 1, 1916.

FLORIDA.

E. O. Douglas to be postmaster at Sebring, Fla. Office became presidential October 1, 1916.

IDAHO.

J. I. Allen to be postmaster at Rockland, Idaho. Office became presidential October 1, 1916.

J. V. Nash to be postmaster at Cottonwood, Idaho, in place of C. W. Greenough, resigned.

Clarence P. Sweeney to be postmaster at St. Maries, Idaho, in place of P. T. Sweeney, resigned.

ILLINOIS.

John Cahill to be postmaster at Cherry, Ill. Office became presidential October 1, 1916.

Myrta J. Caldwell to be postmaster at Arrowsmith, Ill. Office became presidential October 1, 1916.

Edward H. Dudenhoffer to be postmaster at Harvel, Ill. Office became presidential October 1, 1916.

Richard J. Simmons to be postmaster at Macomb, Ill., in place of W. H. Hainline, removed.

Charles W. Witt to be postmaster at Sidney, Ill. Office became presidential October 1, 1916.

IOWA.

E. F. Gauss to be postmaster at Shenandoah, Iowa, in place of W. D. Jamieson, resigned.

KANSAS.

F. A. Brooks to be postmaster at Arlington, Kans. Office became presidential October 1, 1916.

Ella M. Meyer to be postmaster at Riley, Kans. Office became presidential October 1, 1916.

LOUISIANA.

Christina Deronen to be postmaster at Ville Platte, La. Office became presidential October 1, 1916.

MARYLAND.

George E. Peeling to be postmaster at Asbestos, Md. Office became presidential October 1, 1916.

MASSACHUSETTS.

Augusta M. Kelley to be postmaster at Centerville, Mass. Office became presidential January 1, 1917.

MICHIGAN.

Leo. R. Glassford to be postmaster at Capac, Mich., in place of S. B. Coddington, deceased.

MISSISSIPPI.

William E. Davis to be postmaster at Duncan, Miss. Office became presidential January 1, 1917.

MONTANA.

C. E. Davison to be postmaster at Roundup, Mont., in place of C. E. Wofford, resigned.

NEW MEXICO.

R. A. Dodson to be postmaster at Tucumcari, N. Mex., in place of T. F. Gorman, deceased.

Charlie McDonald to be postmaster at Lovington, N. Mex. Office became presidential October 1, 1916.

NORTH CAROLINA.

D. O. Daniel to be postmaster at Southport, N. C., in place of R. S. Newton, resigned.

Edgar F. McCulloch, jr., to be postmaster at Elizabethtown, N. C. Office became presidential October 1, 1916.

NORTH DAKOTA.

William E. Wright to be postmaster at Dunseith, N. Dak. Office became presidential October 1, 1916.

OHIO.

Robert L. McKim to be postmaster at Mount Victory, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

Sullivan G. Ashby to be postmaster at Ringling, Okla., in place of T. R. Dunlap, resigned.

John F. Garner to be postmaster at Mill Creek, Okla. Office became presidential October 1, 1916.

PENNSYLVANIA.

John Foster to be postmaster at Washington, Pa., in place of Joseph W. Martin, removed.

Michael S. Kerney to be postmaster at Drexel Hill, Pa. Office became presidential January 1, 1917.

John W. Manning to be postmaster at Elkins Park, Pa. Office became presidential October 1, 1916.

TENNESSEE.

T. C. Howell to be postmaster at Chattanooga, Tenn., in place of John Emory Conner, deceased.

K. W. Southern to be postmaster at Harrogate, Tenn. Office became presidential October 1, 1916.

TEXAS.

Oscar G. Compton to be postmaster at Dayton, Tex., in place of M. P. Daniel, removed.

Jessie Conn to be postmaster at Kountze, Tex. Office became presidential January 1, 1917.

Earl L. Cowart to be postmaster at Silverton, Tex. Office became presidential January 1, 1917.

Lawson B. Fulgham to be postmaster at Voth, Tex. Office became presidential January 1, 1917.

UTAH.

Frank M. Shafer to be postmaster at Moab, Utah. Office became presidential October 1, 1916.

WEST VIRGINIA.

J. Hornor Davis to be postmaster at Clarksburg, W. Va., in place of J. Carl Vance, resigned.

R. D. Rose to be postmaster at Hinton, W. Va., in place of John Haynes, deceased.

WISCONSIN.

Samuel Tufts to be postmaster at Knapp, Wis. Office became presidential October 1, 1916.

WYOMING.

George R. Bringhurst to be postmaster at Lovell, Wyo. Office became presidential October 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1917.

NAVAL CONSTRUCTOR.

David W. Taylor to be naval constructor in the Navy with rank of rear admiral.

POSTMASTERS.

ARIZONA.

Lee L. Scott, Ajo.

CALIFORNIA.

David A. Curry, Camp Curry.
R. G. Pettigrew, Brea.

MISSOURI.

Joe B. Todd, Sugar Creek.

ILLINOIS.

Charles D. Resler, Cisne.
Thomas C. Sayers, Herscher.
Frank E. Woessner, Shannon.

NEW YORK.

John M. Sullivan, Long Lake.

TENNESSEE.

James W. Emison, Alamo.

UTAH.

Abraham O. Smoot, Provo.

VIRGINIA.

William B. Dew, Sweet Briar.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 18, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the life, character, and public service of a great man who has been called from life to Life. And we bow in sorrow with a mourning Nation at his going. Admiral Dewey has left behind him a record worthy of emulation and will live in the hearts of his countrymen so long as memory endures. Comfort us and those nearest and dearest to him by the blessed assurance that he has heard the words from the lips of the Master, "Well done, good and faithful servant; enter thou into the joy of thy Lord." And everlasting praise be Thine in the name of Him who came that we might have life and that we might have it more abundantly. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MILLER of Delaware was granted leave of absence for two days on account of important business.

NIAGARA RIVER.

Mr. CLINE. Mr. Speaker, I call up the conference report on Senate joint resolution 186, authorizing the Secretary of War to issue temporary permits for additional diversion of the water from Niagara River, and move its adoption.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will read.

The Clerk read the conference report.

CONFERENCE REPORT (NO. 1315).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 186) entitled "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2 and 3.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"Any such permittee who without further authority of Congress diverts after the time herein named for the expiration of such permit any part of the additional amount of water, authorized by Congress to be diverted for the first time under this resolution, shall be guilty of a misdemeanor and be punished by a fine not exceeding $2,000 nor less than $500, or by imprisonment not exceeding one year nor less than 30 days, or both in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *Provided*, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same."

And the House agree to the same.

H. D. FLOOD,
CYRUS CLINE,
Managers on the part of the House.

MARK A. SMITH,
JOHN K. SHIELDS,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman from Indiana yield?

Mr. CLINE. I yield to the gentleman.

Mr. STAFFORD. Will the gentleman explain the effect of House amendments 2 and 3 from which the House receded?

Mr. CLINE. It is just a change in phraseology and does not change the resolution in any important manner.

Mr. STAFFORD. Then the only substantial change was in amendment No. 4?

Mr. CLINE. The only substantial change was in amendment No. 4, which provides a penalty for taking the water after the expiration of the permit.

Mr. MILLER of Minnesota. There was a change in the time limit.

Mr. CLINE. There was a change in the time limit from March 4, 1917, to July 1, 1917.

Mr. MILLER of Minnesota. The agreement is that the time be fixed as of July 1.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. CLINE. Yes.

Mr. AUSTIN. This resolution proposes to give to the existing power plants at Niagara the use of this additional power granted under the terms of the treaty with Canada.

Mr. CLINE. That is right—the use of a temporary permit to July 1.

Mr. AUSTIN. Which means a use of an additional 50,000 horsepower.

Mr. DEMPSEY. Forty-four hundred cubic feet.

Mr. AUSTIN. Which is equivalent to about 50,000 horsepower.

Mr. DEMPSEY. Yes.

Mr. CLINE. I will say to the gentleman that the information of the committee is that the power companies can not use the whole forty-four hundred cubic feet, but will use only about thirty-five hundred cubic feet.

Mr. AUSTIN. The purpose of this is to give the American users of power an opportunity to make up for what the Canadian power companies have withdrawn.

Mr. CLINE. The purpose is to give the manufacturers of Niagara Falls power to supply the deficiency that has been created by withdrawal of power by the Canadian companies.

Mr. AUSTIN. Then this power is absolutely necessary?

Mr. CLINE. It is absolutely necessary, and it will not then meet the demands of the manufacturers of Niagara Falls.

Mr. AUSTIN. If this resolution be adopted, then on the 1st day of July, if in the meantime the Congress has not provided permanent legislation, this power will be withdrawn, or these people will suffer a penalty?

Mr. CLINE. I will say to the gentleman that this is the situation: The conferees understood it to be the opinion of the House, or the sense of the House, that at the end of the time that was fixed in the resolution if any water should be taken under the permits herein authorized there should be a penalty fixed for taking the water; at the same time the House wanted to give an opportunity for the manufacturers of Buffalo and Niagara Falls to secure this additional power. I will say to the gentleman that the people representing capital in Niagara Falls and in Buffalo have now invested some $5,000,000 in a steam-power plant, consisting of five units, each unit to furnish 25,000 horsepower. They have already in operation one unit which will furnish the 25,000 horsepower and expect to have another ready by the 4th of March, the third one ready by the 1st of June, and that will supply the deficiency that now exists at Buffalo and Niagara Falls.

Mr. AUSTIN. Then, at the end of June, or on the 1st of July, if in the meantime Congress does not enact permanent or

general legislation, we are to discontinue the use of this additional power?

Mr. CLINE. At the end of that time the diversion of water created by this temporary permit is to be shut off, and there is sufficient penalty prescribed in this temporary resolution to accomplish that purpose.

Mr. AUSTIN. Why should we shut off this power and let it go to waste, when we can use it and let these people run their manufacturing plants?

Mr. CLINE. I understand that there is a strong probability of getting permanent legislation through to meet these demands that exist up there now.

Mr. AUSTIN. But if you fail to pass your general bill, or permanent law, then this power ceases to be utilized on the 1st of July and goes to waste.

Mr. CLINE. That can be corrected by a resolution to continue the permits now issued under this resolution.

Mr. AUSTIN. Is that the purpose of the committee?

Mr. CLINE. The purpose of the committee, if the condition still exists as exists now and we are unable to pass permanent legislation controlling this matter, is that a resolution may be introduced continuing the permits that will be issued under this joint resolution.

Mr. AUSTIN. The absurdity of the proposition, Mr. Speaker, to me in this matter is this: This power is to continue manufacturers that are going concerns, employing thousands of people, and lighting a number of cities in New York State. Now, if Congress fails or neglects to pass either permanent legislation or a continuing resolution under the operation of this joint resolution this power must be withdrawn and these manufacturing plants and cities that actually need it are to be inflicted with punishment, either that or close down their plants.

Mr. MILLER of Minnesota. No; it is not exactly that; they will not have to close their plants. We simply provide that the machinery they now have and plants already constructed instead of taking the amount of water they now take in addition thereto can take 4,400 feet divided between the two concerns there now, and on the 1st day of July, if no further permit is to be issued or authority granted, they will continue to operate just exactly as they are now operating. As the acting chairman of the committee pointed out by that time the Buffalo power plant designed to produce power by coal will have been completed as far as two units are concerned, and there will be available for all these purposes more power than is granted by this bill.

Mr. AUSTIN. We withdraw 50,000 horsepower that will be in use on the 1st day of July, if Congress fails or neglects to pass this legislation.

Mr. MILLER of Minnesota. That is absolutely so.

Mr. CLINE. I will say to the gentleman from Tennessee he is slightly mistaken about that.

The SPEAKER. To whom does the gentleman yield?

Mr. CLINE. I was going to direct attention to an error the gentleman from Tennessee made in his statement. In the meantime the people of Buffalo will have put themselves in a position to supply 75,000 horsepower which we are depriving them of now by the withdrawal of these temporary permits on the 1st day of July.

Mr. AUSTIN. Why does not the Government continue to furnish this power which is going to waste?

Mr. CLINE. There may not be the necessity at that time.

Mr. STAFFORD. Is the gentleman in favor of drying up Niagara Falls?

Mr. AUSTIN. No; but it has been developed we can use this water without injuring navigation or the scenic beauty.

Mr. MANN. Will the gentleman now yield for a question in relation to the matter referred to by the gentleman from Tennessee?

Mr. CLINE. I will yield to the gentleman.

Mr. MANN. I read the report of the Secretary of War of the hearings before the committee, and I would like to inquire whether I have the right information. My understanding was that the Secretary of War stated that it was desirable to grant temporary permits for the use of this water, that there was now being constructed in Buffalo a steam plant which would furnish the same amount of electric power which could be obtained this way, but those plants were not yet quite available for use, but would be by the 1st of June.

Mr. CLINE. That is my understanding of the situation, and I will say to the gentleman from Illinois that there has been withdrawn by the hydroelectric commission of Canada 72,000 horsepower.

Mr. MANN. So if this resolution, or permits under this resolution, are revoked on the 1st of July, the power that is supplied through the extra water obtained under this resolution will then be supplied by these steam plants?

Mr. CLINE. Certainly.

Mr. AUSTIN. Let me ask the gentleman in charge of this bill, how much additional power have they notified the American consumers they are going to withdraw in addition to the amount the gentleman stated?

Mr. CLINE. Fifty thousand horsepower, I understand; but we have no——

Mr. AUSTIN. Making a total withdrawal of 120,000 horsepower; and you propose to substitute that amount with a steam plant that will produce 50,000 horsepower?

Mr. CLINE. No; I did not state they proposed to do that. I stated before that the steam plant proposed to establish five units to develop 25,000 horsepower each. Three of those will be ready, I understand, by June 30, making 75,000, and after all are in operation they will make the full amount withdrawn.

Mr. AUSTIN. Has the gentleman any idea that we will pass a permanent bill at this session of Congress?

Mr. CLINE. We are going to try to pass it.

Mr. AUSTIN. I am sure of that.

Mr. COOPER of Wisconsin. Mr. Speaker, I did not attend the conference on this resolution, and therefore I desire to ask information from one of the conferees. Under the resolution as the conference committee has reported it the permittees could use up to 20,000 cubic feet per second.

Mr. CLINE. That is all, I will say to the gentleman. I have information from the power plant that they are able at present to use more than 3,500 cubic feet per second, and there will be about 900 cubic feet per second they are not proposing to place under the temporary permits.

Mr. COOPER of Wisconsin. That would be 19,500 cubic feet per second, would it not, which they would use under this resolution?

Mr. CLINE. Four thousand, four hundred less the 900—3,500 cubic feet.

Mr. COOPER of Wisconsin. It would be 20,000 feet less 500—19,500 cubic feet a second. Then 500 feet of the maximum per second——

Mr. CLINE. Then 900 cubic feet.

Mr. COOPER of Wisconsin. Mr. Speaker, if I read this conference report correctly, the gentleman from Tennessee [Mr. AUSTIN] is wrong in his construction. The amendment to the resolution which the gentleman from Illinois [Mr. MANN] proposed, and which was adopted the other day, provided for the payment of a certain sum by way of compensation. I will ask the gentleman from Illinois how that was worded? Does the gentleman recall?

Mr. MANN. I think it required compensation at the rate of $100 per cubic foot per annum for each cubic foot used.

Mr. COOPER of Wisconsin. Additional?

Mr. MANN. Only the additional, and what was obtained under permit granted under this resolution.

Mr. CLINE. That was after the expiration of the permit?

Mr. MANN. Yes.

Mr. AUSTIN. Which would be equal to $5 or $10 per horsepower.

Mr. MANN. That was intended as a penalty.

Mr. SMITH of New York. We have substituted a jail penalty for that.

Mr. MANN. Now, I may say to the gentleman from Wisconsin [Mr. COOPER] in reference to the proposition now brought before the House, in the first place, if this resolution is passed at all, it is passed as a matter of temporary relief. As I understand from the Secretary of War, we are waiting the completion of the steam plants up there, and not probably to involve the question of compensation for the use of waterpower. That was not my idea in introducing the amendment. The amendment which I did introduce was to provide a penalty. The House and the Senate—let us be perfectly frank about the matter—I think are perfectly deadlocked on the question of compensation for use of water in the hydroelectric plants. And it was stated to me by the gentleman from Virginia [Mr. FLOOD] that the Senate would not agree to the amendment which I had offered and which the House had put in, because they thought it involved their giving up their theory in reference to the question of compensation, and as the amendment which I had offered was for a penalty, I said to the gentleman from Virginia that so far as I was concerned, I believed I would rather have a direct penalty than even the amendment which I had offered.

Mr. COOPER of Wisconsin. May I ask the gentleman a question? The Senate contention is not that the amount named in the amendment of the gentleman from Illinois was excessive,

but that Congress has no right to require any compensation at all?

Mr. MANN. Well, I do not know how far they go. Whatever their reasons may be, they are opposed apparently to the question of compensation, and I think the House has a right to exact compensation.

Mr. COOPER of Wisconsin. The gentleman from New York has just remarked that the Senate conferees said the amendment of the gentleman from Illinois "squinted" toward compensation. I take it, therefore, they were opposed to even so much as a squint in that direction.

Mr. MANN. I think that is the case.

Mr. AUSTIN. Is it not fair to the Senate members of the conference committee to say that they oppose compensation being paid to the National Government, but favor payment to the States?

Mr. COOPER of Wisconsin. In other words, though the Government of the United States has the right, in its discretion, to grant or not to grant to corporations or individuals privileges of great value, those conferees denied that it has any right to demand even the slightest compensation because that would, by implication, retain in the United Sthtes Government the power to control in the interest of the general public? That is what they declare; and we might as well understand what the issue is.

Mr. MANN. The gentleman knows very well that he and I are in accord.

Mr. COOPER of Wisconsin. Exactly.

Mr. MANN. I think the House is in accord with our proposition.

Mr. COOPER of Wisconsin. So far as I am concerned, the amount of compensation does not especially weigh with me; that is, the amount is not the primary consideration. It does not constitute the issue. But that the Congress has not the right to impose terms and conditions whenever it grants a valuable franchise or privilege the granting or the refusal of which is a matter entirely within its discretion I can not agree. I am opposed to the report of the conference committee.

Now, Mr. Speaker, on page 1712 of the RECORD the report of the committee reads as follows, and I wish to call the attention of the gentleman from Tennessee to it:

> Any such permittee who without further authority of Congress diverts after the time herein named for the expiration of such permit any part of the additional amount of water authorized by Congress to be diverted for the first time under this resolution shall be guilty of a misdemeanor—

And so forth.

That is a provision for the punishment of any corporation or its officers or any individual who after the 1st of July next shall use any of this additional 4,400 feet permitted to be used by the resolution. But suppose they should continue to use after that date the other 15,600 feet which they have been using without authority for some time. Where is the provision for punishment or the penalty? Where is the squint toward compensation? Where is the provision for the arrest or imprisonment of anybody? The only provision that I interpret as a provision for arrest and punishment, fine or imprisonment, relates exclusively to the additional 4,400 cubic feet. Now, as every gentleman here knows, it is an ordinary rule of statutory construction that the mention of one thing in a statute is the exclusion of the other. This resolution mentions only the proposed additional 4,400 feet here for the first time authorized to be used to make up the maximum of 20,000 cubic feet per second permitted by the treaty with Great Britain to be diverted on the American side of the Falls; and, therefore, no mention being made of the 15,600 feet, these companies may after that date use the 15,600 feet without any threat over them of penalty or arrest. Is not that so?

Mr. CLINE. We are only dealing with the amount that the power company is actually authorized to take.

Mr. COOPER of Wisconsin. But suppose that these companies continue to use the 15,600 cubic feet. Is there any limit of time fixed respecting that use?

Mr. CLINE. There is not any limit of time fixed, because the Secretary of War has been instructed by the Attorney General in a letter to him to the effect that the Secretary under the terms of the Burton Act, although it has expired, expressed the intention of Congress to permit the use of 15,600 cubic feet. We are not legislating on that point at all.

Mr. COOPER of Wisconsin. The Secretary of War came before our committee and admitted that he had no authority to issue a permit.

Mr. CLINE. Yes; he admitted that he had no authority to issue a permit for an additional amount. But the previous Secretary of War had issued a permit for the use of the additional 4,400 cubic feet, and after that the present Secretary of War had renewed the permit, but upon examination concluded that he had no authority to issue the additional permit and came to Congress to have authority given to him to issue it under those circumstances.

Mr. COOPER of Wisconsin. But what authority have they to use these 15,600 cubic feet?

Mr. CLINE. They have authority to do that under the Burton Act, which has expired.

Mr. COOPER of Wisconsin. Under what lawful authority are these people using the 15,600 cubic feet? Not under an act which by its own terms expired years ago.

Mr. CLINE. As I said before, the Attorney General in a letter to Mr. Taft under his administration expressed the opinion that the President had the right to control the issue of 15,600 cubic feet of water as it had been controlled under the Burton Act until the legislation of Congress changed the rule.

Mr. COOPER of Wisconsin. But the Burton Act by its own terms expired on a definite date. Then it was renewed and again expired. The Secretary of War admitted that he had no authority to issue permits for the additional 4,400 feet; but he had the same authority to issue permits for the additional amount that he has or had to issue permits to use the 15,600 feet. His only authority came from the Burton Act.

Mr. CLINE. Now, Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

The SPEAKER. The gentleman from Tennessee is recognized for two minutes.

Mr. AUSTIN. Mr. Speaker, evidently the complaint of the gentleman from Wisconsin [Mr. COOPER] is that this resolution does not provide for a penalty after the 1st of July affecting the use of all the water power at Niagara Falls. Fifteen or twenty years ago two or three power companies were located on the American side, and according to the report of the Committee on Foreign Affairs those power companies represented an expenditure of $60,000,000. At that time Congress made no claim to control or fix a royalty for the use of power. Everybody believed at that time, and the Supreme Court of the United States had decided up to that time, even up to the 11th day of December, 1916, that the States had the right to control this matter.

Accordingly these power companies in good faith invested their $60,000,000, and have operated under a charter or contract from the State of New York. They exercised that right or privilege without question until Congress stepped in with the Burton Act and a treaty with Canada.

Now, the gentleman from Wisconsin [Mr. COOPER] suggests the idea that this resolution is lacking in a penalty if all of this power is not withdrawn on the 1st of July, if Congress in the meantime fails to do its plain duty. In other words, because the two branches of Congress are deadlocked on this proposition, or on this legislation, it would appear to be his contention that it is fair and just and right for this House to step in and by a joint resolution absolutely stop the wheels of every industry at Niagara, affecting a city built largely as the result of these power companies, with a population of 50,000, with 20,000 wageworkers, and in two additional near-by cities, which have grown up and developed their manufacturing interests as the result of this power, we are to put a penalty upon them and close their plants. Then we must shut off the light in the cities of Buffalo and Niagara Falls and other cities and leave them absolutely in total darkness, and withdraw from the inhabitants of those cities the pleasure and comfort of having their homes lighted. Why, Mr. Chairman? Why, because we have failed, on account of a deadlock between the two Houses of Congress, to enact needed legislation. It is absurd, ridiculous, and would be a reflection upon the intelligence of this House to entertain such a monstrous proposition for a minute. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. CLINE. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. KINCHELOE].

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. KINCHELOE. Mr. Speaker, the main difference in this conference report and the resolution that we passed the other day, as I understand it, is that the permit is extended from the 4th of March to the 1st of July, and also a penalty is added for the excessive use of water beyond that time.

Mr. CLINE. The main difference is that we have extended the life of the permit from the 4th of March to the 30th day of June, and have fixed a more stringent penalty than was enacted in the Mann amendment.

Mr. KINCHELOE. Now, I want to ask what, if anything, have they paid to the Federal Government for this power?

Mr. CLINE. They have never paid anything, and do not expect to pay anything until permanent legislation goes through this House.

Mr. KINCHELOE. Now, why should they be permitted to use this water power absolutely free and at no cost to themselves and with no profit to the Government, and yet any other enterprises on navigable streams throughout the country that happen to have their plants established by a dam have had to pay a good stiff price for the water?

Mr. CLINE. Well, Mr. Speaker, that involves a very complicated situation that I am satisfied the gentleman understood if he gave some thought to it and some examination of the subject matter, and better than he appears to now.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman give me three or four minutes?

Mr. CLINE. Yes; I yield to the gentleman from Minnesota.

Mr. KINCHELOE. I will say to the gentleman from Indiana that I have tried to give this subject some study, but I can not see the difference. I can not see why, simply because one company happens to be at Niagara Falls, it should get this power free, whereas others elsewhere do not get it free, and the gentleman has not explained it, and I do not think that he or anyone else can. I think it an outrage.

Mr. CLINE. The corporations using power in navigable rivers throughout the country are using power generated where the Federal Government has made investments in locks and dams, and authority is given the Federal Government to make charges to remunerate it for the expenses incurred. That situation does not exist at Niagara Falls.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] is recognized for four minutes.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to say to the gentleman from Kentucky [Mr. KINCHELOE], if he will be so kind as to give me his attention, that I share with him the exact views that he has just advanced. But I am sure that he will agree with me that this is no time for us to make a practical application of them. If conservation is good for the West, as I think it is, it is also good for Niagara Falls and the East. However, we are in an exigency at this time. There are at Niagara Falls a great many industries that are fundamental to industries elsewhere throughout the United States. All the chemical industry of the United States is at this hour dependent upon water power at Niagara Falls; for instance, in the manufacture of dyes and things of that kind.

Mr. KINCHELOE. If the gentleman will allow me——

Mr. MILLER of Minnesota. Will the gentleman permit me to make my statement? We are in this exigency: We are trying in another bill to pass general legislation that will cover the exact point the gentleman has raised, namely, that there shall be some charge paid to the Federal Government by the permittees who are using the water power at Niagara Falls. We, however, in this present resolution are not permitting the construction of any new plants or any enlargement of the plants already existing at Niagara Falls. We are simply permitting the present users of water there to use this additional amount to compensate for the loss that has been sustained by the withdrawal on the part of Canada of a large amount of water power. I think the gentleman will agree with me that we can well afford and must give aid to the industries of this country by permitting this additional water to be withdrawn, and then settle the permanent legislation as soon as we can get to it.

Mr. KINCHELOE. If the gentleman will permit, I am very well aware that the purview of this resolution does not take in that; but I would like, for my own satisfaction, to hear some explanation of the justice of it, if there is any justice in it, which I do not think there is.

Mr. MILLER of Minnesota. In reply to the statement made by the gentleman from Wisconsin [Mr. COOPER] that there exists no authority for the use of the 15,000 cubic feet that are now being used, I beg to direct his attention to this state of facts, that water power is now being used under permits heretofore issued. My recollection is that that authority, or the law under which it is exercised, contains no provision relative to revocation. Of course, there remains in the grantor of the permit the power, when the time specified therein has expired, to alter, amend, or repeal in any way; but until Congress acts they are justified in continuing to allow the water to be used and to utilize the plants they have there constructed without breaking any law and without any additional permit. I, however, trust that we will all be able to legislate permanently on this subject this winter in order that there may be a separate fundamental law governing the use of water power at Niagara Falls.

That is all I care to say.

Mr. NORTON. Can the gentleman from Indiana [Mr. CLINE] tell me about what the water-power companies of Niagara Falls charge for the use of a horsepower for an entire year?

Mr. CLINE. I will say to the gentleman that the amount varies with the different companies.

Mr. NORTON. Is it not about $20 a year?

Mr. MILLER of Minnesota. Oh, it is less than that; an average of about $12.

Mr. NORTON. About $12 a year?

Mr. CLINE. About $12 a year.

Mr. NORTON. About how many horsepower are being generated there now, if the gentleman knows?

Mr. CLINE. I think about 200,000 horsepower.

Mr. NORTON. If this power is sold at about $12 per horsepower per year, and it costs $20 per horsepower per year to generate power by steam, the difference between the cost of horsepower produced by steam and the cost of horsepower generated by water power goes as profit to the hydroelectric companies, does it not?

Mr. CLINE. The gentleman is assuming a situation that does not exist, of course.

Mr. NORTON. There may not be as great a difference as that between the cost of power generated by steam and the cost of power produced by the waterfall; but the difference goes entirely to the electric companies, does it not?

Mr. CLINE. I do not know whether the difference goes to the electric companies or to the users of that power; but I will say to the gentleman that we can not undertake to thrash that proposition out here on this resolution. There is a bill pending before this House involving all these questions that we hope to get through at a very early date and meet these propositions and let them be determined by the House.

Mr. NORTON. At the present time there is no law that permits the Government to charge the electric companies anything for the use of this power?

Mr. CLINE. I understand that the Public Service Commission of the State of New York have laid very heavy taxes upon these power-generating companies in the way of franchise taxes, and so forth, which virtually equal the difference between the power generated by steam and that generated by electricity.

Mr. NORTON. Does either the Federal Government or the State government now have the right to control the price charged for the hydroelectric power generated at Niagara Falls?

Mr. CLINE. I will say to the gentleman that that is a mooted question that has been discussed for the last six years in the Senate, and no determination upon it has been reached.

Mr. MILLER of Minnesota. The gentleman inquired whether one or the other can do it. The State of New York is doing it now. We claim we have some authority, but we have not yet exercised it. The State of New York is actually doing it through its public-service corporation.

Mr. NORTON. It seems to me this case now before the House simply emphasizes a condition that exists in the Nation that should make every Member of the Congress hang his head in shame. I have for a number of years given some thought and study to these conditions, and it seems to me there is no good or justifiable reason why the Congress should not long before this have enacted a law authorizing the Federal Government to charge these power companies for the use of this water power, and giving to the Federal Government control and regulation of the rates to be charged by these hydroelectric companies for the power sold by them.

Mr. CLINE. I will say to the gentleman that there is a bill now before the House which provides for something of that character. It provides that the Federal Government shall levy taxes for the use of the water.

Mr. NORTON. I understand there is such a bill before the House, and that this subject has been considered in one way and another for the last 20 years, but nothing has been done. I want to say that I believe that it is about time that something should be done to protect the interest of all the people of the country, and that the committee having the bill referred to in charge should see that it is taken up and considered in the House.

Mr. CLINE. I will say that there has been no consideration for 20 years, but the subject matter has been inquired into by the Committee on Foreign Affairs. It is a three-angled proposition, and everybody interested has been heard, and we have reported out a very comprehensive bill. I will further say that the bill would have come up in the House yesterday, if the chairman of the Committee on Foreign Affairs, Mr. FLOOD, had not been ill and confined to his room.

Mr. MILLER of Minnesota. There is a sharp conflict between the claims of the State of New York and the claims of this Government.

Mr. CLINE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. CLINE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

SUSAN O. M'CONNELL.

Mr. LLOYD. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 439 (H. Rept. No. 1316).

Resolved, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to Susan O. McConnell, widow of James I. McConnell, late a messenger on the soldiers' roll of the House, a sum equal to six months of his compensation as such messenger and an additional amount, not exceeding $250, to defray the funeral expenses of said James I. McConnell.

Mr. LLOYD. That is the usual resolution.

The resolution was agreed to.

LAMAR TRIBBLE.

Mr. LLOYD. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 433 (H. Rept. No. 1317.)

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Lamar Tribble, clerk to S. J. TRIBBLE, deceased, late a Representative in the Sixty-fourth Congress from the eighth district of Georgia, at the time of his death, December 4, 1916, the sum of $125, being an amount equal to one month's salary of a clerk to a Member of Congress.

The resolution was agreed to.

COMMITTEE ON MILITARY AFFAIRS.

Mr. LLOYD. Mr. Speaker, I present the following further privileged report from the Committee on Accounts:

The Clerk read as follows:

House resolution 399 (H. Rept. No. 1318).

Resolved, That the Committee on Military Affairs be, and is hereby, authorized to have made an index of the hearings had before said committee on the subject of Army appropriation bill, the costs and expenses thereof, not exceeding $300, to be paid out of the contingent fund of the House on vouchers audited by the chairman of the Committee on Military Affairs, signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. LLOYD. Mr. Speaker, this resolution gives the Military Committee authority to index the hearings before the committee on the Army appropriation bill. I yield five minutes to the chairman of the committee, Mr. DENT.

Mr. DENT. Mr. Speaker, this Congress at the last session authorized the Military Committee to expend the sum of $300 for the purpose of indexing the hearings on the national-defense act. This appropriation of $300 is asked for now because the hearings on the appropriation bill at this session of Congress are a continuation in effect of the hearings under the national-defense act. The sum of $300 to index the hearings under the national-defense act would partly be thrown away, to say the least of it, unless these hearings are also indexed. Mr. Speaker, Congress passed the national-defense act on the 3d day of June, 1916, under which we undertook to federalize the National Guard. On the 18th day of June, following the passage of that act, the President called the National Guard into the Federal service, sending them to the Mexican border.

Since we have begun the hearings on the Army appropriation bill necessarily questions have been propounded to different heads of the Military Establishment as to the actual operations of that act of June 3. So that the Committee on Military Affairs has been engaged in hearing of the actual operation of the theories which were put into legislation on the 3d day of last June. Therefore we are not asking anything unusual for indexing an appropriation bill because it is merely a continuation of the hearings under the national-defense act for which this Congress has already made this appropriation of $300. These hearings, Mr. Speaker, are being called for all over the country. I have already requests from different sources, from Senators, Members of the House, from people in public life everywhere, to put them on the list for the purpose of getting these hearings. In other words, they want to know exactly how this act that we passed last June was put into practical operation.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, some years ago I believe it became almost the practice of this House to provide certain clerical and other assistants for committees, and then when any of the employees did anything, to pay them extra for their work, on the theory that you employed a man to receive a salary and not to work; and then if he worked, to be paid extra for that. We abolished that custom and I hope we are not going to return to it.

Now, last year Mr. HAY introduced his national-defense bill, and had long hearings upon it. The national-defense act was not reported to the House, I think, until considerably later than this time in the session. The hearings were very long, and the House provided that he might employ some one to make an accurate index of the hearings. I think that was justified. There was an unexampled case. The Committee on Military Affairs not only had to make up its annual appropriation bill, but it had these long hearings upon the Hay bill.

That is taken as a precedent for the resolution now before us. But the resolution now before us simply provides for the indexing of the hearings upon the annual appropriation bill. It is now only the middle of January; this committee did not commence its hearings, I think, before the middle of December. They have two clerks. What are those clerks for? A clerk, if he is good for anything at all, can index the hearings, and if he is not capable you can get some one in the Library of Congress to index them for less than $100.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. HOWARD. I want to state to the gentleman that the hearings before the Committee on Appropriations, consisting of about 6,000 pages——

Mr. MANN. I shall come to that in a moment, but I desire to present this in a consecutive form. The Committee on Military Affairs has a clerk at $2,500 a year and an assistant clerk at $1,500 a year. The Committee on Naval Affairs has a clerk at $2,400 a year and an assistant clerk at $1,500 a year. The hearings upon the annual appropriation bill in the Committee on Naval Affairs are four times as long as are the hearings before the Committee on Military Affairs on their annual appropriation bill. If we provide for an indexer to index these hearings, to be paid to some special pet, then we must provide for the hearings to be indexed by a pet in the other committee.

The Committee on Agriculture has a much more varied lot of subjects before it than has the Committee on Military Affairs. It is a good deal harder to index the agricultural hearings than the hearings of the Committee on Military Affairs. The same is true of the Committee on Indian Affairs and of a number of the other appropriating committees. The Committee on Appropriations has, I believe, five subcommittees. They have hearings which amount to five or six or seven thousand printed pages, but the clerks in that committee index their own hearings. I presided for some time over a committee that had a great deal more to do in the way of public hearings than the Committee on Military Affairs ever had. My clerk did not receive any higher salary than the clerk to the Committee on Military Affairs, yet our hearings were indexed. Take it from me, if you are going to start paying extra to have any work done by the clerks of the Committee on Military Affairs in the way of indexing the hearings, you will have to do the same thing for every other appropriating committee and every other committee that has a large number of hearings. If the clerks of the Committee on Military Affairs do not know enough—and I do not believe that is true—to index the hearings, what the Committee on Military Affairs needs are new clerks and not more money. It is no great matter to make an index. When you have a page proof of hearings, it is a very simple matter to make an index. If we paid at this rate in the Library of Congress, the indexing there would cost us a hundred thousand dollars a year. It is unnecessary, it is a bad precedent, and, while I regret very much to oppose the distinguished gentleman from Alabama [Mr. DENT] who makes this request, still I think if he had been chairman of his committee for a longer time he would not have made the request. He found a precedent last year and probably thought that that was the precedent for the Committee on Military Affairs. The case then was unexampled, but it ought not to be repeated now. [Applause.]

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. How would the gentleman suggest curing the present difficulty? Here we have had hearings all this season before the Committee on Military Affairs, and they have not been available. They are not indexed now. I have them merely in proof form in a way they can not well be handled. Something has to be done or those hearings are not going to be of any use to the Members of the House.

Mr. MANN. It is the duty of the Committee on Military Affairs to index them.

Mr. GARDNER. I know it is their duty. I do not blame Mr. Baker, the assistant clerk of the committee, but some one has neglected his duty. How are you going to remedy it without this money?

Mr. MANN. When you hire a man to do something and he does not do it, the way to remedy it is not to hire somebody else to do it, because the other fellow will not. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, these six large volumes which I have had placed upon the table contain the hearings before the Committee on Appropriations during the last session of Congress. They represent about the average amount of testimony taken at each session by that committee. There are more than 5,000 printed pages of testimony. The hearings are indexed and the indexing is a part of the regular work of that committee. If the clerks of that committee could not index the hearings and have them ready for the committee when the bills are ready for consideration, they would not be fit for their work and they would not be employed there. We have frequently started a hearing at 2 o'clock in the afternoon of a day and had the hearings indexed and printed upon the table of the committee room for the consideration of emergency deficiency bills the following morning. If that were not possible, the committee could not do its work. The Committee on Appropriations has six regular appropriation bills, and frequently two or three additional deficiency appropriation bills, in a session of Congress. That committee has four clerks. The Committee on Military Affairs has two clerks and two appropriation bills. The vicious practice existed for many years of doing what the gentleman from Illinois [Mr. MANN] said was done at both ends of the Capitol—appointing men to positions and then giving them extra compensation whenever they did anything. It took a long time to break down the practice in both places. It is ended now and it ought not to be begun again. I can not find any excuse for expending $300 for indexing the hearings before this committee. Indexing is the simplest thing in the work of committee clerks. The testimony comes back all subheaded by the official stenographers, and all that is necessary to do is to have some one take the manuscript and keep the headings and arrange them alphabetically, and then when the page proof of the hearings come from the printer put the paging after the headings. It requires no very great skill. It requires some time, but employees of Congress are expected to devote at least some time to the duties of the positions which they fill. If there be any justification for asking for extra compensation for clerks, it is for the clerks to the Committee on Appropriations. For the 3 weeks before the Christmas holidays and for 10 of the days up to this time in this session they have worked until 11 o'clock every night in the week, and they have worked on every Sunday during that period; and when I say every Sunday, I mean on an average until about 9 o'clock at night. They do it without complaint and without asking for any extra money, and I commend their example to other clerks and employees about this Capitol. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, my colleague [Mr. DENT] has been perfectly fair and frank with the House. He has asked for just $300, the amount necessary to do this work. If he had asked for $300,000, the opponents of small appropriations would, in all probability, have favored the resolution, but when a Member comes into this House and asks for the small amount of $300 he does not get the attention of gentlemen who think in terms of millions. [Applause.] When the amount of $300 was asked for for this work, the same amount allowed by the last Congress, the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] come forward and commenced to make a fuss. Their interest and excitement in and over this little item asked by the Committee on Military Affairs reminds me of the performance of a big white rooster that I knew in my childhood. He would pass unnoticed whole ears of corn and go up into the woods and scratch around until he found a little worm, and then he would cluck and cluck until every chicken in the settlement came running to him, and just as they arrived he swallowed the worm. [Laughter and applause.] Talk about economy. You have cost the country more than the $300 here asked in the time that you have consumed in opposing this resolution. [Applause.] This is an important piece of work. It was done before by authority of the House and it ought to be done again. This index work ought to be done. The Committee on Military Affairs wants it done. It will be very beneficial to all of us who have to consult the hundreds of items in the months that are to come, and I hope that these gentlemen who are straining at a gnat and swallowing an elephant will permit this item of $300 to go through. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the Committee on Military Affairs had a change of chairmen at the beginning of this session of Congress and there was also a change in the clerical force. The hearings before that committee this session will be very voluminous. As the chairman of the committee stated, they have had hearings on the efficiency and effect of the national-defense act, in which questions the whole country is interested. We have gone into every little detail affecting military appropriations. I have been on that committee some 12 years. I do not recall that ever heretofore has so much time been taken up by the committee in bringing out, for the information of not only the committee, but the membership of this House and the people of the country at large, all the little details appertaining to the legislation that has been enacted within the last year on military matters. I should be averse to coming before this House and asking for such an appropriation under ordinary circumstances. But this is not an ordinary circumstance.

The hearings before the Committee on Appropriations are entirely different from those before the Committee on Military Affairs. The Committee on Military Affairs appropriates millions of dollars in lump sums for a great many items contained in a single paragraph of the bill. The details of those items cover many pages of printed matter. They all ought to be properly indexed, at least this year, because these hearings will be scanned year after year in the future as to what the Army officers charged with the duty of putting the new legislation into effect said regarding the national-defense law, its strength, and its weakness. The amount asked is not large for this work. It has to be done carefully. The committee is unanimous in the request that it ought to be done. I feel, if properly done, it will be in the interest of every Member of the House who wants to look over the hearings held before that committee at this session of Congress. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, I desire to say, as a member of this committee, that every man who knows anything about the voluminous hearings of the Committee on Military Affairs in the House of Representatives knows it is necessary to have a system of indexing the hearings in order for each Member of the House to know something about the evidence and items in that great long bill. The question that confronts the mind of each Member is, Why does not the clerk of the committee do this? As the gentleman from California [Mr. KAHN] has just explained to you, it is different from any other committee of this House. The clerk of that committee is a busy man, and while I stand as a man of economy and for economy, as every man here can vouch, this sum of $300 that is asked for this purpose will be one of the best investments that this House could make. If you only could know the hundreds and thousands of items all through the appropriation bill before the Committee on Military Affairs, you would say perhaps fifty times as much as $300 would be necessary. The members of that committee are hardly able to keep up with these items, and there are so many new items of expenditure asked each session by each branch of the service which comes before that committee, until it is necessary from the time these hearings are printed until the bill comes up on the floor, so that every man who wants to inform himself on this matter needs these hearings properly indexed in order that he may turn to it while the bill is under consideration on the floor of the House for that index to be of any use to him. I think it will be a matter of vital importance to every Member, and I submit to you, gentlemen, that the Committee on Military Affairs is entitled to this little item. We are entitled to the best help we can get in order to present this information to the House in a sensible, quick form, so that every man can turn to it and see what he is considering. The way it is now our clerk can not do it, he does not do it, and it has not been done. The passage of this resolution for the sum of $300 to put this work before the House is certainly an important matter.

Mr. BARKLEY. Will the gentleman yield?

Mr. QUIN. I do.

Mr. BARKLEY. It has been stated here that the committee has two clerks Now, the gentleman states those clerks can not do it. I would like to ask as a matter of information why they can not?

Mr. QUIN. Because the one clerk and assistant clerk to that committee are kept busy. Now, this committee from the first day this Congress opened until now has been having hearings with the exception of the holiday recess. We just came from

that committee on a call of our chairman to vote for this little item. We had before us the superintendent of the Military Academy at West Point. He has been before us for three days. We had to leave that officer, who was giving us detailed information, and come here and vote on this question. That is the reason why the clerks are working more than those of any other committee of this House and have no time to index the items, the subjects, and the evidence.

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I am going to vote for this resolution because we have got to have that index, but I can not too strongly condemn the neglect of duty on the part of somebody connected with that committee. The Naval Affairs Committee and most of the committees of this House, as soon as their hearings are held, have the manuscript corrected and printed so that the Members who are following the legislation can use them. I have sent up to the Committee on Military Affairs and have been told that I could not have the hearings until they were all ready to be printed; that they would be ready in plenty of time for use. Finally, I wrote to the chairman of the committee, the gentleman from Alabama [Mr. DENT], and asked if I could not have some of those hearings transcribed at my own expense. I said I was willing to have Gen. Crozier's evidence and Gen. McCain's evidence transcribed at my own expense. He very kindly said that he would let me have the proofs of the hearings when they came back. I have had those proofs. I have inconvenienced the committee the last two or three days, I dare say, by retaining the proofs while I tried to read them. They were most difficult to use without an index. In their present shape it is almost impossible to use the hearings of the Committee on Military Affairs. I am not blaming Mr. Baker, the assistant clerk of that committee. He is an excellent man. But the duties of somebody have been neglected. The committee has not printed the hearings as they went along, and now they have such a mass of stuff that something has got to be done in order to straighten it out. The hearings this year are of exceptional value, as has been said. If they are not indexed by this House, I, for my own use, shall be obliged to have a rough index made for my personal use. At the present moment the situation is such that if the hearings are not indexed, and indexed now, they will be useless to this House.

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. DENT].

Mr. DENT. Mr. Speaker, I do not care to take any time answering any charge of neglect on the part of any member of the committee or any employee of the committee. If anybody has been guilty of neglect, it is my fault, and I will take the blame. I am pursuing this policy because I am following that of my distinguished predecessor, the Hon. James Hay, of Virginia. He pursued this policy, as I understand, in the hearings on the national-defense act. In reply to the statement of the gentleman from Massachusetts [Mr. GARDNER] that these hearings have not been printed as fast as we had the different officers of the Army before us, I have to say that the reason for it is that I expected to get this little sum of $300 to index the hearings. And they could not be indexed until they were completed.

Mr. GARDNER. I leave it to the gentleman whether the other committees of this House, as well as your own committee, last year did not print the hearings as they were held?

Mr. DENT. I think the gentleman is mistaken about that.

Mr. GARDNER. Oh, no. The national-defense act was printed as the hearings were held. On the appropriation bill they were not, because that was not what the public was interested in last year. This year the evidence taken on the appropriation bill is of the same sort as the hearings you held on the national-defense act last year.

Mr. DENT. My recollection is that they were not printed until we completed the hearings. I may be mistaken in my recollection.

Mr. KAHN. The gentleman from Massachusetts is quite correct. The hearings were printed originally, but not indexed. The hearings were indexed when they were assembled.

Mr. DENT. I thought we pursued the same policy.

Mr. GARDNER. Does the gentleman say the hearings were printed piecemeal this year?

Mr. DENT. Yes, sir. They were printed just as fast as I could get them from the Printing Office.

Mr. GARDNER. I have repeatedly tried to get them. But all that you have sent me is merely the proofs.

Mr. DENT. That is what I mean, the proofs. Of course, not the final print.

Mr. GARDNER. You have not gotten out the pamphlet after each hearing, the way it is done in the Committee on Naval Affairs and the way it was done last year. And as to the proofs, they were not available to me until I wrote a personal letter to the gentleman.

Mr. DENT. That is true, and I am sorry the gentleman had not called on me earlier.

Mr. GARDNER. I supposed Mr. Baker, your clerk, knew the situation. I sent my secretary up there and I telephoned, and I was informed by other people, too, that they were not printed.

Mr. DENT. I am sorry the gentleman was treated in that way, and I regret I did not know about it until he communicated with me himself.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. DENT. I would like one minute more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Now, Mr. Speaker, I want to make this statement. As has been said, this is a continuation and completion of the hearings of last year under the national-defense act. You paid $300 last year when we were theorizing, and we are now only asking for the same sum when we are examining the practical effects. These hearings were indexed by an employee of the Quartermaster General's Department, employed by Mr. Hay. I intend to employ the same man to do the work again so as to get it completed in satisfactory form.

Mr. LLOYD. Mr. Speaker, I do not know whether this House fully realizes the troubles of the Committee on Accounts or not. Your troubles become our troubles, and we have to bear the responsibility. Most Members here who have brought matters before the Accounts Committee are aware of the fact that that committee assumes its own responsibility as a rule and objects to any kind of expenditure out of the contingent fund of this House that ought not to be made.

I fully concur in all that has been said by the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] with reference to the practice which we are now beginning. I am decidedly opposed to it and have so stated to the chairman of this committee, and the Committee on Accounts are in accord that we ought not to establish this precedent. And I want it distinctly understood that in presenting this resolution we are not doing it with the understanding that it shall be a precedent, but with the distinct understanding that it shall not be a precedent. It is an unfortunate situation and it is unfortunate for the chairman and unfortunate for the House. The former chairman of this committee, Mr. Hay, resigned the last of September. Mr. DENT, splendid man that he is, and the excellent chairman that he is proving to be, was appointed the 1st of October to assume the duties of this important position. It became necessary for him to select a new clerk, and the truth is that we have now a new chairman of that committee and a new clerk of that committee, and it is necessary, in order to protect the House, to secure for him the additional help that is necessary to prepare this index.

Mr. NORTON. Were those hearings held while the other clerks were in charge of the committee or with the present clerks in charge?

Mr. LLOYD. The present clerks in charge.

Mr. NORTON. What have the present clerks to do in their committee more than the clerks in any other committee who index their work?

Mr. LLOYD. I have intimated, by indorsing the statement of the gentleman from Illinois [Mr. MANN] that it is the duty of these clerks to prepare this index. And I am trying to impress upon you that they claim they have not the time. At least, they were not preparing the index. The House of Representatives must have an index, and apparently the only way we can secure the index is to make this little allowance for it.

Now, gentlemen, you understand the position of the Committee on Accounts. It is unfriendly to resolutions of this kind. It wants to give notice to the House that, so far as it controls the matter, this shall never serve as a precedent. And I want to say further that last year, when the resolution was offered by Mr. Hay and presented to this House, we notified Mr. Hay and those who came to the committee asking for the passage of the resolution that it should not be considered as a precedent. But, unfortunately, this present chairman of that committee did not hear that statement. We are giving notice to everybody that this is under no circumstances to be considered a precedent.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. MILLER of Minnesota. Apparently the precedent was established a year ago.

Mr. LLOYD. Yes, sir.

Mr. MILLER of Minnesota. And this will further confirm that precedent, if it is adopted. But may I make an inquiry? If the clerks of the committee are not preparing the index because they say they have not the time, what is to prevent them from saying the same thing next year and the following year, and what is to prevent the clerks of every other committee in the House from saying it? Why not discharge the clerks and get somebody else?

Mr. LLOYD. Mr. Baker is given notice for the future that it is of no use for the Committee on Military Affairs or any other committee to come before the House and ask for an indexer to do the duty that ought to be performed by the committee clerks.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. BUTLER. Suppose another committee comes in with exactly the same state of facts. Are you going to draw the line on that committee? What will the chairman of the Committee on Accounts do on exactly the same state of facts that we have here? What will you do?

Mr. LLOYD. I can not speak for the next chairman of the committee, but I can speak for the chairman of the committee up to the 4th day of March, and I can say that no other chairman of a committee in this House can present such a resolution as this, because I can assure him that the Committee on Accounts will not allow such a resolution to be reported favorably.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. FESS. Would it not relieve the situation for this House to vote down the resolution?

Mr. LLOYD. It would not relieve the committee. It would not give them what they need.

Mr. FESS. But it would relieve the Committee on Accounts if the House were to vote down this resolution?

Mr. LLOYD. Yes.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. FIELDS. Does not the gentleman think that, considering the large expenditures which the bill carries, the House ought to have that information in the hearings indexed?

Mr. LLOYD. There is no question but that it should be indexed. Other committees furnish indexes. This committee at this time does not furnish the index, and it is necessary for the House, in order to secure the index, to make some kind of proper provision.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. BUTLER. There is somebody living who can furnish this index?

Mr. LLOYD. Yes, sir.

Mr. BUTLER. Why not have him as the clerk of the committee to furnish it?

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. STAFFORD. As I understand it, the hearings on the Army bill have been virtually completed—have been completed, in fact, as I am informed by a member of the committee. What is to prevent the clerk or assistant clerk from taking a few nights and doing the work he is called upon to do?

Mr. LLOYD. I can not answer that question. That can only be answered by the chairman of the committee.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. LLOYD. A division, Mr. Speaker.

The SPEAKER. The gentleman from Missouri demands a division.

The House divided; and there were—ayes 113, noes 65.

So the resolution was agreed to.

On motion of Mr. LLOYD, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

Mr. NORTON. Mr. Speaker——

Mr. MANN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. I want to make a unanimous-consent request.

Mr. NORTON. Mr. Speaker, I want to make a point of order that there is no quorum present.

The SPEAKER. It is all over, so far as that resolution is concerned.

Mr. NORTON. I was on my feet trying to get recognition.

The SPEAKER. The Chair knows; but the Chair announced that, and recognized the gentleman from Missouri [Mr. LLOYD] to make a motion and to lay that motion on the table. The Chair can not see every gentleman in this House at once, and gentlemen must exercise their lungs. The gentleman makes the point of no quorum.

Mr. NORTON. No; I will withdraw the point, but I think I have some right to be recognized.

The SPEAKER. The Chair will recognize anybody that he sees is trying to get recognition.

ADMIRAL GEORGE DEWEY.

Mr. MANN. Mr. Speaker, the gentleman from Vermont [Mr. DALE] represents the district in which Admiral Dewey was born. I ask unanimous consent that he may address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Vermont [Mr. DALE] may address the House for five minutes. Is there objection?

There was no objection.

Mr. DALE of Vermont. Mr. Speaker, the passing of the chief of heroic figures in this Nation and the ranking naval officer of the world is announced by the President of the United States in a message to the Congress.

Admiral George Dewey was a native of the State of Vermont and was appointed to the Naval Academy from what is now the second congressional district of that State.

From his home, under the shadow of the dome of the State capitol, he went a youth from the mountains out upon the seas. After 40 years from the steps of that capitol he beheld the largest throng of people ever assembled within the State as they welcomed him home with the acclaim of the glory of his achievement. That was a long period of time between those two dates. Even so, it illustrates the primal element in the character of the man, that by the restriction of his energy and the confinement of his study to the one purpose of his life through all these years he became thoroughly equipped for the victorious response to the great requirement of his country.

The records of history may be searched without finding a like illustration of the man meeting the event so completely ready.

These are the perfected qualities of the soul of the man:

Discipline—to obey the superior command that sent him away from that which in equity seemed to be his opportunity.

Courage—to convey his fleet over the waters that might at any moment engulf it as Habana Harbor did the Maine.

Skill—to maneuver and operate to the annihilation of the Spanish squadron, and with the loss of not one United States marine.

Poise—to maintain the rights of international law amidst the provocations of the German fleet and to keep the welfare of his country above his own ambition when the full flush of victory was upon him. [Applause.]

To the Navy and naval affairs he devoted his whole life and during the later years he gave the inestimable benefit of his experience to many sessions of Congress down to the present. With no attempt to become conspicuous in other positions, he passed from his achievements followed by the homage of the whole people of his country to the glory that awaits him over the unknown sea. [Applause.]

The deeds of his heroic life are history, and of it the Nation is justly proud. The spirit of such a life lives on—an inspiration forever.

It is a glorious reflection that this Nation has given such an influence to all the world, and beyond that stands the superlative fact that Vermont gave him to the Nation. [Applause.]

Mr. ALLEN. Mr. Speaker, in connection with the remarks of the gentleman from Vermont [Mr. DALE] I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Ohio asks two minutes. Is there objection?

There was no objection.

Mr. ALLEN. Mr. Speaker, this morning I received from a prominent citizen and banker of Cincinnati, Ohio, the following telegram:

CINCINNATI, OHIO, *January 17, 1917.*

Hon. ALFRED G. ALLEN,
Member of Congress, Washington, D. C.:

Two events of the first importance to the American Navy have happened within the last 24 hours. The death of Admiral Dewey, whose memory the American people desire to honor, and the acquisition by the United States of the Danish West Indies, the naming of which is now before Congress. I suggest that Congress could do no more grateful act than to name the islands after our great and lamented naval hero, the Dewey Islands.

ALEXANDER A. LANDESCO.

That telegram suggested to me the following joint resolution, which I prepared and introduced this morning, as follows:

Joint resolution (H. J. Res. 344) to change the name of the Danish West Indies to the Dewey Islands.

Resolved, etc., That on and after the date of the physical occupation of the Danish West Indies by the Government of the United States, the name of these islands shall be changed and they shall thereafter be designated and known as the Dewey Islands, in honor of George Dewey, late Admiral of the United States Navy, whose services to his country shall thus for all posterity be commemorated and gratefully acknowledged.

Mr. Speaker, I have had this resolution referred to the appropriate committee, with the request that it be given early and favorable consideration, for I know of nothing more appropriate than the naming of these islands after the great hero of Manila Bay.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7782. An act to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss;*

S. 7781. An act to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss;*

S. 7780. An act to authorize the change of name of the steamer *Frank T. Heffelfinger* to *Clemens A. Reiss;* and

S. 7779. An act to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss.*

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has learned with profound grief of the death of Admiral of the Navy George Dewey, who has served his country brilliantly for more than 62 years.

Resolved, That the President of the Senate is directed to transmit to his bereaved family a copy of these resolutions and an assurance of the sympathy of the Senate in the loss they have sustained.

Resolved, That the President of the Senate appoint a committee of seven Members to confer with a like committee of the House, and, after consultation with the family of the deceased, to take such action as may be appropriate in regard to the public funeral of Admiral Dewey.

Resolved, That as a further mark of respect the Senate do now adjourn.

And that the Vice President, under the third resolution, had appointed as the committee on the part of the Senate Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. JOHNSON of Maine, Mr. CLAPP, Mr. LODGE, and Mr. PAGE.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the President of the Senate appoint a committee of 12 Members of the Senate to join the committee to be appointed by the House to attend the funeral services of Admiral George Dewey at Arlington, Va.

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to take such steps as may be necessary for carrying out the provision of this resolution, and that the necessary expenses in connection therewith on the part of the committee of the Senate be paid out of the contingent fund of the Senate.

And that in compliance with the foregoing resolution the Vice President had appointed as said committee Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. CLAPP, Mr. LODGE, Mr. PAGE, Mr. DILLINGHAM, Mr. KERN, Mr. GALLINGER, Mr. OVERMAN, Mr. SAULSBURY, and Mr. SMOOT.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 68.

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered the Nation by Admiral George Dewey, appropriate funeral services be held in the rotunda of the Capitol on Saturday, January 20, 1917, at 11 o'clock a. m., and that the two Houses of Congress attend said services.

That as a further mark of respect his remains be removed from the Capitol to Arlington Cemetery for burial in charge of the Navy Department, attended by the Sergeant at Arms and the committees of the two Houses.

That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and the Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), such officers of the Navy as may be designated by the Secretary of the Navy, and the Chief of Staff of the Army to attend the exercises in the rotunda of the Capitol.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 198) providing for the confirmation of the agreements between the States of South Dakota, Montana, and Idaho and the United States relating to the selection of lieu or indemnity lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HUMPHREYS of Mississippi, indefinitely, on account of sickness.

PICKETING THE WHITE HOUSE.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker and gentleman of the House, I desire to address the House at this time concerning the conduct of certain persons who think they are working for the cause of woman's suffrage by annoying the President of the United States by placing pickets about the White House. [Applause.]

In the first place, the President has nothing to do with the amending of the Constitution of the United States, other than as a private citizen. The Constitution is amended by two-thirds of the Members of each branch of Congress voting to submit such a resolution to the States for ratification, and the President could not even veto such a resolution and does not have to approve it. I desire to say that I favor woman's suffrage by States and by Federal amendment, but as a friend of woman's suffrage I desire to condemn this conduct on the part of these advocates. Such conduct is unbecoming, and instead of advancing the cause, actually retards the cause. And while I differ from the President politically, I desire at this time to place my disapproval upon such conduct. It is an insult to the high office of President of the United States, even if it could do any good.

I trust these enthusiasts will discontinue this practice and thus show that they are entitled to the suffrage. The President submits to it because they are women, for if men did those things they would be placed in jail. This conduct is not upheld by a majority of the woman's suffrage party in the United States, and especially by those of Ohio. I trust these misguided women will see the error of their way and see that such proceedings are stopped. [Applause.]

PUBLIC BUILDINGS.

Under the rule heretofore adopted, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, with Mr. CLINE in the chair.

The Clerk read as follows:

United States post office at Flint, Mich., $100,000.

Mr. KELLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KELLEY: Page 5, line 16, after the figures "$100,000," at the end of the line, add the following:

"The Treasury Department is hereby authorized and directed to prepare the necessary plans and specifications immediately after the approval of this act, and proceed with the work herein authorized at the earliest date practicable."

Mr. KELLEY. Mr. Chairman, in connection with the amendment which I have sent to the Clerk's desk I desire to say that the authorization carried in the bill is for building an addition to the post office at Flint, Mich. If my amendment is adopted by the House, it will direct the Secretary of the Treasury to prepare the necessary plans and specifications, and proceed to construct the building at the earliest practicable date. I want to say to the House that I would not offer this amendment if I did not believe that the situation and the needs at Flint, Mich., are unusual. In the first place, in the last few years the city of Flint has come to be one of the great automobile centers of the Nation. The great Buick plant is located there. The Chevrolet, Dort, and Patterson plants are there. The town has increased its population in the last 10 or 12 years from 13,000 to upwards of 80,000.

Not only that, but there are in process of construction and almost completed additions to those great factories which will

give employment to 10,000 more men, who, when they are employed there, will bring the population of Flint up to 125,000.

The post-office building at Flint was authorized in 1903, at a cost of $80,000. It was intended to accommodate 22 employees. There are 60 employees in the post office there now. The nine rural carriers and the parcel-post business have been transferred to the basement, which was not intended to be used at any time for office purposes. It has no proper ventilation and no daylight. The basement was intended by the architect only for the boilers and for storage purposes, as the department notified me in a letter only yesterday.

I want to call particular attention further to the conditions at Flint, as to the growth of the town. In 1903 there were 13,000 people; in 1910, 38,000 people; in 1916, 80,000 people, and when the factory additions that are now almost completed are ready they will employ 10,000 more men, which will bring an additional population of 40,000 or 50,000 people.

In 1903 there were 2,445 school children in Flint. In 1910 there were 6,185. In 1916 there were 12,737. In other words, there are as many school children now in the city of Flint as there were inhabitants in the town when the present post office was provided for.

Last year the city voted $600,000 for additional school buildings for the city. So far as the business of the town is concerned, in 1904 there were $4,000,000 invested in industries in the city. In 1916 there were invested $55,620,000. In 1904 there were 2,494 persons employed in the factories, and in 1916 there were 20,000. The pay roll for 1904 in the city of Flint was $1,267,000. In 1916 it was $18,540,000.

The output of the factories in 1904 was $6,177,000. In 1916 it was $111,240,000.

The bank clearings of Flint for 1915 were $16,000,000; for 1916 they were $51,446,000.

The post-office receipts when the present building was authorized in 1903 were $40,000. In 1910 they were $97,000, and in 1916 for the calendar year they were $170,000.

These facts, it seems to me, puts the city of Flint in a class by itself, and it ought not to be compelled to wait three or four years before the improvement contemplated is this bill can be started. I hope the chairman of the committee will accept the amendment.

Mr. CLARK of Florida. Mr. Chairman, I agree with what the gentleman from Michigan has said about the city of Flint, but I can not see any earthly necessity for the amendment. The object of the legislation which we are incorporating in the bill is to expedite the construction of all these buildings. This amendment only gives certain directions to the Treasury Department to speed it up as far as Flint is concerned. I am perfectly willing to do that, but it will be done if this legislation is adopted. Flint will be relieved at an early day.

Mr. KELLEY. I think the chairman of the committee recognizes the fact that the needs of this particular situation are very great.

Mr. CLARK of Florida. No question about that.

Mr. KELLEY. I understand the department is three or four years behind, and it seems as though this ought to be considered an emergency case and that it is ahead of some other cities not quite so pressing.

Mr. CLARK of Florida. I will state that there are a number of cases in this bill as urgent as the case of Flint.

Mr. KELLEY. I was told at the department the other day that there was no situation in the United States so urgent as the city of Flint.

Mr. CLARK of Florida. I think Binghamton, N. Y., would be as urgent. I want to say to the gentleman that it is the purpose of this legislation to hurry all of these matters along, and if this amendment should be adopted, then every Member on the floor would want the same kind of an amendment attached to his item, and you would load the bill down with directions. I would have no objection at all to a general direction in the bill, but I can not see what good it would do, urging the Bureau of Public Buildings to expedite all of these matters. That is the purpose of this legislation.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. MILLER of Minnesota. May I ask if the general legislation to which the gentleman refers will result, in his opinion, in actual building of some of these buildings so urgently needed?

Mr. CLARK of Florida. I think it will.

Mr. MILLER of Minnesota. And result in the building of them within a reasonable time, say, two years.

Mr. CLARK of Florida. I think so. I want to say, as I said in my opening speech, that the committee is perfectly willing to accept any amendment that will accelerate it. The only effort of the committee is to get the buildings economically and expeditiously constructed, and if Members can help us I want them to do so.

Mr. MILLER of Minnesota. I wish to say that I visited Flint, Mich., not so very long ago, and I can testify to the conditions set out by the gentleman from Michigan [Mr. KELLEY].

Mr. CLARK of Florida. Nobody disputes that.

Mr. MILLER of Minnesota. And I was about to say that there are other places in as serious a situation. I can refer Members of the House to another city that is in an even worse condition, and I would like to see them both relieved.

Mr. SMITH of Michigan. Will the gentleman yield? Suppose it is absolutely impossible to transact the business in a building that is not large enough to transact the business of the mails, let alone the working of them, and in which it is impossible to secure other quarters, then would the gentleman think that we ought to do the business in the street?

Mr. CLARK of Florida. I do not think, and I do not think my colleague would insist on it, that we should select items out of the bill and direct officials of the Treasury to prefer those to other items. We ought to leave all that to the bureau of public buildings which we propose to establish.

Mr. SMITH of Michigan. Would not a great emergency make a difference?

Mr. CLARK of Florida. I am perfectly willing that there should be a general provision in the bill directing the bureau of public buildings to take up the most urgent cases first. I think that ought to be done, but I do not think we ought to attach a provision like this to different items, and if the amendment should prevail that undoubtedly would be the result.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KELLEY].

The question was taken, and the amendment was rejected.

Mr. TIMBERLAKE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, after line 16, insert a new paragraph, as follows:

"To provide for the purchase of additional land and for the erection thereon of an addition to the post-office building at Boulder, Colo., $72,000: *Provided*, That not to exceed $7,000 of this amount shall be used for the acquisition of additional land for the enlargement of the present site."

Mr. TIMBERLAKE. Mr. Chairman, I am not one of the Members of this body who become frightened when bills of this character, designated as pork-barrel bills, come up for consideration in the House. I believe it is a patriotic duty which we owe to the various communities of the country to provide for adequate mail facilities, and therefore I am in sympathy with this bill and will gladly support it. The amendment which I have offered is for an addition to the post-office building at Boulder, Colo. Boulder, Colo., is the home of the University of Colorado and it is a fast-growing town. The university has a student body of 2,200. Within a few miles of that city there are from 20 to 30 mining camps, which have sprung up since the present building was constructed. This building was constructed in 1910, at a cost of $59,951.85. The city has absolutely outgrown the building and the facilities there for handling the mail are very incomplete, indeed, so much so that the commercial organization there requested that the two Senators from Colorado and myself visit their city for the purpose of having first-hand information as to conditions. This we did in the month of November, and we found all of the claims they had presented were fully justified in what we saw. The outer vestibules to the building were completely occupied with desks for city carriers and other postal business. When the building was constructed there was no provision in the law for a parcel post, and that has added tremendously to the business there. I introduced a bill early in this session asking for $50,000, $40,000 for the addition to the building and $10,000 for the purchase of an additional site. Referring this to the Treasury Department, they recommended that it will require $65,000 to construct an adequate addition to the present capacity of the post office to properly handle the mail there. They suggested that $65,000 be appropriated and $10,000 for a site.

I have in my possession, furnished by the commercial organization there, an option upon the land adjacent to the building, the only land available. It was intended to be built upon by the owner this summer. The organization induced him to desist, and they secured an option upon it for sufficient time to determine whether the Government would take hold of it. They pay a monthly rental on this of $25, to expire when the Government refuses to purchase the land or when it is purchased by the Government. The postmaster there in a letter shows that the postal receipts since 1910 have increased about 50 per cent, and

that the city has increased 50 per cent in population. Taking these matters into consideration, it is my hope that the chairman will allow this amendment to prevail.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to support the amendment offered by my colleague. I feel that I would hardly be doing my full duty to one of the most beautiful and best little cities in the West if I did not indorse what my colleague has said concerning the necessities of the city of Boulder. It is not in my district, but for six years I had the honor to represent the State of Colorado at large, including, of course, that splendid city. The city of Boulder is entitled to very much better post-office accommodations than it has at present. It is the site of our State university, one of the great universities of this country. We have many hundreds of young people from all over the United States who go to that university, and there ought to be a suitable Federal building there, one commensurate with the importance of an important city and a great seat of learning. There are many thousands of people come there every summer to attend the Colorado-Texas Chautauqua; and there are many thousands of visitors there every year. The post-office building which they have there now is really wholly inadequate. It is no ornament, as it should be to that kind of a city. The building ought, by all means, to be enlarged at least sufficient to do the business of the city. In reality the city should have a new building three times the size of the present one. Colorado is proud of our university city, and the country is proud of our State university, and our Government ought justly to have a suitable public building there. I do feel that there could be no appropriation that would be more meritorious, more needed, or better expended than this one offered by my colleague Mr. TIMBERLAKE. I hope the committee will adopt the amendment.

Mr. HILLIARD. Mr. Chairman, I wish to say a word on behalf of the amendment offered by my colleague [Mr. TIMBERLAKE], and incidentally about the bill. I represent the city of Denver, which has a building which cost millions of dollars, contributed to by the people of the United States, and voted through the generosity of their Representatives in this body. I am glad to announce in this presence that I do not consider this a pork-barrel bill but a patriotic and deserving bill. I come from a district which will get no part of the money appropriated, but I am glad to say that I am going to cast my vote for the bill. I am glad to note in the bill that in all the other districts in Colorado a building has been provided. I know they are deserved and ought to be constructed. The city of Denver is within 28 miles of the city of Boulder—and I state it in that way in compliment to my colleague, for I ought to say that the city of Boulder is 28 miles from Denver. However, we know that it is a great city, a great university is there. The city needs more postal facilities and ought to have the amendment asked by the gentleman. The people in Denver are the kind who do not believe because a subsidized press all over the country is giving utterance to the views of the Navy League and the munition factories that therefore no public buildings should be constructed, but they believe that some of the money contributed by the people should be returned to them in the shape of public buildings. They believe that their Representative in Congress ought to vote for this bill. They are not so lost to the sense of appreciation as to fail to recall that through the generosity of the representatives of the people in the past the city of Denver has now a magnificent structure, nor do they believe that since Denver has no present needs in the premises that the people in other portions of the country who desire only small and modest buildings should be denied simply because a venal press, inspired through the business office, practically advocates that all the revenue wrung from the people shall go to enrich the Shipbuilding Trust, armor plate and munitions factories combination, and none to the comfort and welfare of themselves. In behalf of a city that is appreciative enough to look upon the Government's bounty to it as well deserved, and would not have its Representative denounce as "pork" the reasonable requirements of other communities in this great country, I sincerely hope that this bill will pass and that it may be improved by the adoption of the amendment offered by my colleague, Mr. TIMBERLAKE. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, there is no question but that the proposition submitted by the gentleman from Colorado [Mr. TIMBERLAKE] is entirely worthy and meritorious, but there are thousands of just as meritorious projects which could not be incorporated in the bill. There must be a limit placed somewhere. I want to say that it is not the fault of my friend from Colorado that the item is not in the bill. It would have been in the bill, I think, beyond question, if the matter had been called to his attention in time, and he could have submitted it to the committee so that it could have been investigated, but the gentleman from Colorado did introduce bills for other places, one of which is included in this bill, and this matter was called to his attention only a few days ago. If anybody is to blame, it is the people of the city of Boulder, or those in charge, who did not call his attention to this condition of affairs. Mr. Chairman, if this item goes in, there are various others, which will mount into millions, which will probably be incorporated, which would result in the bill being killed by its own weight. We feel that we have gone as far as we ought to go in public-building construction at this session of Congress. While I agree with the gentleman absolutely as to the merits of the proposition, I sincerely trust that this amendment will not prevail, because it means loading down this bill to a point where it will never pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. TIMBERLAKE].

The question was taken, and the amendment was rejected.

Mr. TIMBERLAKE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, after line 16, insert the following as a new paragraph:
"To provide for the purchase of a site for an addition to the post-office building at Boulder, Colo., $7,000."

Mr. TIMBERLAKE. Now, Mr. Chairman, I offer this second amendment for this reason. As stated in presenting the other amendment the citizens of Boulder have at an expense to themselves secured an option of the only available site they will ever have for an addition to their present post-office building. The price asked for this property was $10,000——

Mr. COX. Will the gentleman yield for a question?

Mr. TIMBERLAKE. I will.

Mr. COX. How long does that option run?

Mr. TIMBERLAKE. Six months. And for this option they pay $25 a month——

Mr. COX. What is the date of the option?

Mr. TIMBERLAKE. The date of the option? I now disremember.

Mr. COX. Approximately?

Mr. TIMBERLAKE. Some time in December, 1916.

Mr. COX. The option is for $7,000?

Mr. TIMBERLAKE. Yes, sir.

Mr. COX. And they agreed to keep the option alive for six months?

Mr. TIMBERLAKE. Yes, sir; and for which they pay $25 a month rental. I sincerely hope that the committee will allow this amendment, that this site can be purchased now, while it is available, and can be procured at a reasonable cost, for the Government must of necessity and very soon provide more adequate mail facilities for the city of Boulder when this time does come. If this amendment is approved, proper grounds are ready to receive the additional facilities. If not, it may not be available when required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. TIMBERLAKE) there were—ayes 29, noes 49.

So the amendment was rejected.

The Clerk read as follows:

United States post office at Houlton, Me., $50,000: *Provided*, That not to exceed $5,000 of this amount shall be used for the acquisition of additional land for the enlargement of the present site.

Mr. BURNETT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 6, after line 2, insert the following:
"For the repair and improvement of the old post-office building at Houston, Tex., for the purpose of its use for post-office and other governmental purposes, $40,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Kenosha, Wis., $75,000.

Mr. COOPER of Wisconsin. Mr. Chairman, in view of the comment made about Wisconsin items, I want to occupy a few minutes to show the character of this particular provision for Kenosha, Wis. Kenosha is one of the most thoroughly enterprising, up-to-date, and thriving of cities. In 1890 its population was 6,532, in 1900 it was 11,008, in 1910 it was 21,371, and in 1916 it is conservatively estimated, on the basis of the school

census, to be from 32,000 to 34,000. The post-office receipts at Kenosha in 1890, calendar year ending December 31, were only $8,781. In 1900 they were $19,327, in 1910 they were $63,855, and for the year ending December 31, 1915—the year before I introduced my bill—the receipts were $95,619. In that year the post office at Kenosha turned over $48,082.94 to the United States Treasury, net revenue over and above all expenditures for the office itself.

According to the Federal census report of manufactures, the value of the products manufactured in Kenosha in 1914 was $28,341,000.

True, the building was constructed not many years ago, but the business of the office has increased with such great rapidity that the present quarters are grossly inadequate. They have had to put in a mezzanine floor and the mezzanine floor obscures the light, and is in other ways far from being a good thing. The clerks have to use the vestibule for the purposes of the parcel post, something for which, of course, it was not constructed. The necessities of the public business require either the renting of additional quarters or the erection of an addition to the building. The Government of the United States owns an ample site there and ought promptly to build an addition that is most urgently needed and will be of very great service. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MONTAGUE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River.

PUBLIC BUILDINGS.

The committee resumed its session.

The Clerk read as follows:

United States post office at Lowell, Mass., $250,000: *Provided*, That not to exceed $50,000 of this amount is to be used for the acquisition of additional land adjoining the present site: *Provided further*, That if the Secretary of the Treasury shall deem such course more advantageous to the best interests of the United States, he is further authorized to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the present post-office building and the site thereof in said city; to convey said land and building by the usual quitclaim deed to the purchaser thereof; to contract for the acquisition, by purchase, condemnation, or otherwise, of a suitable site; and to contract for the erection and completion on such new site of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use of the United States post office and other Government offices. The proceeds of the sale of the present post-office building and the site thereof may, together with a sum not exceeding $250,000, be applied to the cost of acquiring such new site and of erecting and completing such new building thereon.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to engage the attention of the chairman of the committee. There is provided in the bill, I believe, three items where provision is made for the disposition of present post-office sites. In all of those sections a different method of disposal by the Secretary of the Treasury is provided. For instance, in this case it is left to the discretion of the Secretary of the Treasury to use such methods as he deems best in case it is decided that the present post-office site and building should be sold. On page 20, there is an item providing for a post office at Greenville, S. C., and provision is made for directing him to sell at public sale for cash to the highest bidder. Then, there is another provision on page 35 relating to the post office at Faribault, Minn. There the provision is that he may be authorized to sell at a proper price. I thought it was best for the interest of administration to have one method of disposal for these various sites, and I believe it is not to the best interest of the Government to have a direction to the Secretary of the Treasury to sell those sites at public sale, because the gentleman is certainly acquainted with the fact that the time might not be opportune to sell at public sale, and the bidder might get the property below its actual value. Now, I have prepared an amendment. I am not rising to be critical or hypercritical, but merely for the purpose of trying to perfect this language, and I want to inquire whether the gentleman would have objection to it or similar language in these three cases where the Secretary of the Treasury may be called upon to sell the present post-office building and site. It is the policy which has been followed in other instances where we have disposed of public sites; for instance, just recently in the House we authorized the Secretary of the Treasury to sell the marine hospital station at Cleveland, and it carried a similar provision.

I am not rising in criticism of the committee, but merely to try to perfect the language, if possible, by inserting, after the word "sale," the following: "at public or private sale, but at not less than the value as determined by an appraisal thereof by the Secretary of the Treasury."

Mr. CLARK of Florida. That would be perfectly satisfactory.

Mr. STAFFORD. That, I contend, would safeguard the interests of the public and would also be a relief to the Secretary of the Treasury if in case of a public sale the price was not adequate.

Mr. CLARK of Florida. That will be perfectly satisfactory to the committee.

Mr. STAFFORD. Then strike out the words "in such manner."

Mr. CLARK of Florida. That will be perfectly satisfactory.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 15, strike out the words "in such manner," after the word "sale," and insert "at public or private sale at not less than the value first determined by an appraisal thereof by the Secretary of the Treasury."

Mr. CLARK of Florida. Mr. Chairman, we have no objection at all to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman in regard to the practical difficulty of determining how much of an authorization he has for this Lowell (Mass.) building before he sells the old building. Is it the purpose to go on using the old building until the new building is completed?

Mr. CLARK of Florida. That has been the policy, and that is the policy we want to pursue.

Mr. TILSON. If so, how can you tell how much you are going to sell your old building for before you have erected your new building, so that you can sell your old building?

Mr. CLARK of Florida. You can not.

Mr. TILSON. Have you not left yourself in an almost impossible situation?

Mr. CLARK of Florida. No; I think not. The Government will use the old building until the new one is completed. Then it is to be sold.

Mr. TILSON. The amount of the authorization for the new building is dependent upon the amount for which you can sell the old building. You can not dispose of the old building until after you have erected the new building, and you do not know what your authorization for the new building will be until you have sold the old one, thus going around in a circle. I call the gentleman's attention to it, because a similar difficulty arose in the case of the new post-office building in my own town.

Mr. CLARK of Florida. To what is the gentleman directing his attention?

Mr. TILSON. Lowell, Mass. It says:

The proceeds of the sale of the present post-office building and the site thereof may, together with a sum not exceeding $250,000, be applied to the cost of acquiring such new site and of erecting and completing such new building thereon.

In other words, the amount which you could expend on the new building would depend upon the amount for which you sold the old.

Mr. CLARK of Florida. The sale is made with the understanding that the Government is to use the property until the new building is completed.

Mr. TILSON. Then you would sell the building for future delivery, as it were?

Mr. CLARK of Florida. With the Government's right as user until the new building is completed.

The Clerk read as follows:

United States post office, customhouse, and courthouse at Minneapolis, Minn., $100,000.

Mr. SMITH of Minnesota. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Page 7, line 11, after the words "United States," strike out "post office, customhouse, and courthouse" and in lieu thereof insert "Federal office building and customhouse."

Mr. CLARK of Florida. We have no objection to that, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

United States post office at Albertville, Ala., $25,000.

Mr. GOOD. Mr. Chairman, I move to strike out the paragraph.

This bill contains about 406 items. It carries authorizations for the expenditure of $38,000,000. It is commonly called the "pork bill," and we really ought to take no offense at this, when we consider items such as the one under consideration at present, and more than 100 more like it, are included in this bill. Albertville, Ala., according to the figures of the committee that considered and reported this bill, had a population in 1910 of 1,544, and the post-office receipts for 1915 were $5,633.04. Mr. Chairman, we certainly should not take offense because many items in this bill are dominated as "pork."

What is "pork" in appropriation bills? It is a term that might ordinarily be difficult to define or to apply as a standard in every individual item. Fortunately for us, so far as this bill is concerned, the Committee on Public Buildings and Grounds has set a standard to govern Congress. It lays down a rule that separates the good items from the bad, the meritorious projects from "pork."

In the last paragraph of this bill the committee, I take it, lays down what it feels is the correct rule for making authorizations and appropriations for public buildings. That paragraph provides that no city, town, or village within the United States shall be considered by any committee as being suitable for erecting therein a Government building, and no Government building shall be erected therein, unless for three consecutive years the postal receipts shall aggregate more than $10,000 per year. This standard is far from being perfect, but it is a step in the right direction. It should, however, guide us in our deliberations so far as the items in this bill are concerned. The vice of the provision is that it is only intended to guide future Congresses and not to guide us as to items in this bill.

Here is a village where, for the year 1915, the postal receipts were only $5,500. The gentleman from Florida, and also the gentleman from Alabama, in whose district this place is located, both criticized the gentleman from Wisconsin [Mr. FREAR] because he has referred to this bill as a sectional bill. They ought to have said nothing about that. They should have let that charge go unanswered, because when you examine this bill that is the only conclusion that any disinterested man can arrive at. Let us see whether it is a sectional bill or not if measured by the rule that the committee that reported it said was a correct rule, and that is that a city, town, or village to receive an authorization for a public building must have $10,000 of receipts for three executive years. This town has but $5,500 receipts, and by the rule of the committee is "pork."

Let us apply this rule to the bill. In Alabama we have 10 Members of Congress. There are 10 items in this bill for Alabama; only 2 of them come within the provisions of the last paragraph of this bill. In only two of the places in Alabama are the receipts more than $10,000 per year.

Take Arkansas, with seven Members of Congress, it has eight items in the bill. In only three of the eight places are the annual receipts of the post office more than $10,000 per year. Take Florida, with four Congressmen, and seven items; in only five of the seven places are the receipts more than $10,000 per year.

Mr. LANGLEY. Will the gentleman yield?

Mr. GOOD. No; I can not yield just now.

The CHAIRMAN. The gentleman declines to yield.

Mr. CLARK of Florida. Will the gentleman repeat the last remark about Florida?

Mr. GOOD. In Florida there are seven items. In five of them the receipts are more than $10,000 per year and in two the receipts are less than $10,000 per year.

Take Georgia, with 12 Members in the House, with 19 items in the bill; in only 2 of them are the receipts more than $10,000.

By your action in the last paragraph of the bill you say that 17 of them are not legitimate items and ought to be excluded; that in the future such projects will be excluded. We ought not to lay down here a proposition for future Congresses that this Congress is not willing to stand by.

Take the State of Kentucky, with 11 Members of Congress. Fourteen items for Kentucky are in this bill. In only two of them are the receipts of the post office more than $10,000 a year. Twelve of the fourteen Kentucky items, by the rule of the committee, ought to have been excluded from this bill.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield to a Representative from Kentucky now?

Mr. GOOD. Yes.

Mr. LANGLEY. Does the gentleman notice in this provision that this $10,000 limit fixed in the last clause of the bill shall apply only where there are no Federal activities except those of the post office?

Mr. GOOD. Yes; and the proviso is that it shall not apply to items in this present bill, but shall apply to the actions of Congresses hereafter.

Mr. LANGLEY. It applies to places where there are no other activities besides post-office work.

Mr. GOOD. Yes. Take Louisiana, with eight Members of the House. There are eight items for Louisiana in this bill in addition to one special item. In four of those places they have less than $10,000 receipts and four of them do meet the requirements of the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. CLARK of Florida. I want to ask the gentleman if he will not be fair enough to name these towns instead of simply saying "four" or "three"?

Mr. GOOD. Yes; I will name the towns if I have the time.

Mr. CLARK of Florida. That is good.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. I will name the towns that I reach in a moment, and in extending my remarks I will name every town, and I will give receipts and population as shown by the committee's statistics.

Mr. CLARK of Florida. I would like to have the names now.

Mr. GOOD. Take the State of Mississippi, with eight Members of Congress. There are seven items in this bill from Mississippi. In only one are the receipts more than $10,000, and in six of them, according to your own estimate, the authorization is pure "pork."

Take North Carolina, with 10 Members of Congress, with 16 items in this bill. In only 4 of the 16 are the receipts of the Post Office Department more than $10,000 a year, and in 12 of the 16 places the receipts fall much below $10,000 per year.

Mr. CLARK of Florida. Will the gentleman pardon me a moment?

Mr. GOOD. Yes.

Mr. CLARK of Florida. I would like the gentleman to name these towns.

Mr. GOOD. I am coming to Tennessee. That is a very good one, where it is 100 per cent pure; but it is pure "pork," because there is not an item in Tennessee that comes within the provisions you have laid down to govern future Congresses.

Mr. CLARK of Florida. Then the gentleman can not name them except in one State?

Mr. GOOD. Yes; I can name them all. If the gentleman thinks I am not correct in this I will give it in every State he wants.

Mr. CLARK of Florida. I know the gentleman is correct in some of his statements, but not in others.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GOOD] may have 15 minutes in which to give the information that he has been asked for.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Iowa may proceed for 15 minutes. Is there objection?

Mr. CLARK of Florida. Reserving the right to object, Mr. Chairman——

Mr. GOOD. I can not name them unless you give me at least 15 minutes.

Mr. CLARK of Florida. Well, reserving the right to object, if the gentleman will agree not to refer to these towns by number, but will name each specific town, I shall not object to his having the additional time.

Mr. GOOD. I will name them.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. Take the State of Mississippi. In Mississippi there are, as I said, eight Members of Congress and seven items in this bill, and in only one place are the receipts more than $10,000, and that is in Jackson, where the receipts are $114,-

150.25. But in Columbia the receipts, according to the statement furnished me by the committee, are $8,505.15. In Pascagoula the amount is $6,179.94. At Lexington it is $8,421.84. In Indianola it is $7,661.88. In Winona it is $8,584.35, and in Okolona it is $6,160.70. Are those the correct figures?

Mr. CLARK of Florida. They are absolutely not.

Mr. GOOD. I am reading from a statement that was given to me by the clerk of the Committee on Public Buildings and Grounds. It is entitled "A statement of bills referred to the Committee on Public Buildings and Grounds, showing all items included in the public-building bill, House of Representatives, Sixty-fourth Congress, first session, revised and corrected to July 25, 1916, inclusive." [Laughter.] This publication was given to me by the committee less than 10 days ago.

Mr. CLARK of Florida. Showing the receipts for 1915?

Mr. GOOD. Absolutely showing the receipts for 1915.

Mr. CLARK of Florida. Yes; and what are the receipts for 1916?

Mr. GOOD. Will the gentleman say that he has a publication of this kind of a later date?

Mr. CLARK of Florida. I have not; but I have the receipts. I have the receipts from the Auditor for the Post Office Department.

Mr. GOOD. And it was on that compilation that this committee based the bill, reported to the House long before the receipts for 1915 were available—reported on December 16, 1916, and toward the close of the fiscal year.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. CRAMTON. Just to remind the gentleman of what he just read. That provision here provides that for three successive years the figures must be $10,000; and in any case, if those figures are correct, they would be correct for only one year.

Mr. GOOD. Yes; that is true. Take the case of North Carolina. There are 10 Members of this House from that State. There are 16 items in the bill for that State. In 12 of the places the receipts, according to this publication, are less than $10,000 a year, and in only 4 of the places are the receipts more than $10,000 a year. Does the chairman of the committee deny that statement?

Mr. CLARK of Florida. I will deny it directly. I am going to let you have all the rope you want.

Mr. GOOD. At Louisburg the receipts are $8,128.64; at Wadesboro, $8,254.70; at Sanford, $9,568.04; Rockingham, $9,095.60; Mount Airy, $11,692.02; Lumberton, $12,433.98; Dunn, $9,252.97; Albemarle, $8,759.99; Lenoir, $9,827.27; Morganton, $10,211.35; Wilson, $24,560.94; Williamston, $6,043.18; Mount Olive, $5,679.28; Clinton, $6,254.73; Marion, $8,315.52; and Edenton, $8,861.03.

South Carolina has seven Members of this House. It has 12 items in this bill. In 9 of those places the receipts, according to this statement, were less than $10,000, and in only 3 of the 12 places were the receipts more than $10,000.

The items in South Carolina referred to were as follows:

Aiken, $13,818.85; Rock Hill, $23,975.34; York, $8,596.98; Dillon, $7,733.63; Conway, $6,030.89; Hartsville, $9,884.33; Greenwood, $23,297.36; Manning, $5,435.28; Summerville, $7,796.61; Easley, $5,342.35; Greer, $6,643.48; Bamberg, $5,762.12.

Mr. SAUNDERS. Mr. Chairman, do I understand that at all of those places the gentleman has named there are no other Federal activities save those of a postal character?

Mr. GOOD. I did not say that. I do not believe there is much other Federal activities at any of them.

Mr. LANGLEY. That makes a difference.

Mr. GOOD. I do not know that this publication gives all that information. In a few instances it does, but there are very few instances where other activities are mentioned. Everyone who knows anything about it knows that the other Government activities conducted in the post offices of these small villages are negligible. In most of them there is but little postal activity.

Mr. SAUNDERS. As I understand, the rule which the gentleman has cited does not apply, save to those cases where the sole activities are of a postal character.

Mr. LANGLEY. That is the point I made a moment ago.

Mr. GOOD. Tennessee has 10 Members of the House and nine items in this bill. In every one of the nine places the receipts for the year 1915 were less than $10,000—100 per cent pure "pork," according to the rule contained in the last legislative paragraph of this bill. These are the places: Lewisburg, $9,430.44; Rogersville, $7,679.56; Rockwood, $6,242.98; La Follette, $5,065.98; Lenoir City, $6,460.46; McMinnville, $8,724.74; Huntington, $4,427.28; Dickson, $7,451.91; Brownsville, $8,111.42.

There is not a single town in Tennessee provided for in this bill where the receipts are more than $10,000 a year.

Take Texas, which has 18 Members of this House and 20 items in the bill. In 14 of those items the receipts are more than $10,000, and in 6 of the items they are less than $10,000.

Mr. SLAYDEN. A pretty good record.

Mr. GOOD. Texas is away above the record of the other Southern States, but nothing to brag about. Do you say this is not sectional? I have given you 11 Southern States carrying 130 projects. In only 42 of those projects are the receipts more than $10,000 a year, and in 88 places they are under $10,000 a year. Measured by the rule contained in the last paragraph for detecting "pork," 42 of the 130 places for Southern States are meritorious, and 88 are pure "pork." Excluding Texas, in 10 Southern States there are 110 projects in the bill of which 26 are meritorious and 84 are pure "pork."

I have also examined this same publication as to 24 of the Northern States. I have taken California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, and Washington. I find that in those States you have provided in this bill for 200 projects. In all of those places except nine are the receipts more than $10,000 a year. Out of 200 projects there were 191 with receipts over $10,000 a year, and in only 9 places were the receipts less than $10,000 per year. I will give them by States if you want them. California has 11 Members in the House. It has 14 items in this bill. In only one, and that is the bill introduced by the gentleman from California [Mr. RAKER] are the receipts less than $10,000 a year. Colorado has 4 Members of Congress and 3 items in the bill. All of them have receipts of more than $10,000 a year.

Connecticut has 5 Members of this House and 3 items in the bill. Every one of the places has receipts greater than $10,000 a year. Delaware has 1 item, and its receipts are over $10,000 a year. Idaho has 2, and the receipts in both places exceed $10,000 a year. Illinois has 27 Members of the House and 18 items in this bill. In only three of them are the receipts below $10,000 a year. In one of these places the bill was introduced by the gentleman from Illinois [Mr. RAINEY], who, standing on the floor of this House a few days ago, asked Congress to deny to the Federal employees a living wage, but by his bill he would put pork in his own district by building a public building in a town where the receipts are only $7,854.96 per year.

Mr. RAGSDALE. Will the gentleman permit a question?

Mr. GOOD. Just a very brief question.

Mr. RAGSDALE. Does the gentleman charge, then, that this bill is sectional?

Mr. GOOD. I do, measured by the committee's rule.

Mr. RAGSDALE. Or partisan, or both?

Mr. GOOD. I am dealing particularly with the sectional feature of it.

Mr. RAGSDALE. Will the gentleman tell me what are the aggregate appropriations in the North and in the South?

Mr. GOOD. I have not made that computation.

Mr. RAGSDALE. Why not?

Mr. GOOD. I have not had the time.

Mr. RAGSDALE. Oh, I see.

Mr. LANGLEY. I think it would be a good idea if the gentleman would do that.

Mr. GOOD. Oh, is that the idea? Will you take a meritorious project, like Chicago, Ill., that handles more mail than several of your Southern States, and say that a meritorious project like that should be denied unless the bill also carries items for every congressional district in the United States? That illustrates the evil of this kind of legislation. That is what makes the public call this kind of legislation "pork." Some Members apparently feel that they must have "pork" for their districts in order to return to Congress, irrespective of the good of the service.

Mr. RAGSDALE. I suppose in wanting to come back our fellows are different from you.

Mr. LITTLEPAGE. Will the gentleman yield?

Mr. GOOD. No; I can not yield now. When I have finished this statement, then I will yield.

Indiana has 13 Members of the House and 9 items in this bill. There is not a single place provided for in that State where the receipts are under $10,000 a year. The gentleman from Kentucky [Mr. LANGLEY] says he is going to answer; and when he answers let his answer for Hazard, Ky.——

Mr. LANGLEY. I will.

Mr. GOOD. Where the report is to the effect that Hazard has 537 people and receipts of $4,447, and yet Hazard, Ky., is getting $40,000 by this bill out of an empty Treasury.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I would like to have five minutes more.

Mr. RAGSDALE. I shall object if the gentleman will not answer questions.

Mr. GOOD. Well, gentlemen, there are plenty of other items in this bill.

Mr. RAGSDALE. I object; the gentleman is ranting over these items without any foundation.

Mr. MANN. "The galled jade winces."

Mr. GOOD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CARAWAY. I object. If the gentleman wants to make statements of that kind let him make them on the floor.

Mr. MANN. Then, Mr. Chairman, there will be no more extensions this session.

Mr. CARAWAY. I do not care.

Mr. MANN. Neither do I.

Mr. NOLAN. The regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from California demands the regular order.

Mr. CLARK of Florida was recognized.

Mr. GOOD. Will the gentleman yield just a minute?

Mr. CLARK of Florida. Yes.

Mr. GOOD. May I have unanimous consent to extend my remarks to those items in the various cities that I have read, especially the 11 Southern States, giving the amount that was in dispute. I do not want to be placed in the attitude of misrepresenting them.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on the items referred to.

Mr. GOOD. And to finish the list of the Southern States.

Mr. BYRNES of South Carolina. Reserving the right to object, will the gentleman yield?

Mr. GOOD. I will yield.

Mr. BYRNES of South Carolina. Will the gentleman include in his statement the figures from the Post Office Department for the last fiscal year, 1916, instead of 1915, which he read to the House?

Mr. GOOD. I will include only the figures furnished me less than 10 days ago by the committee that reported the bill as the figures on which this bill was framed, because it was formulated before the complete report of the figures for 1916 were available.

Mr. BYRNES of South Carolina. Will the gentleman include the figures of 1916 if they are furnished him?

Mr. GOOD. Oh, the gentleman can print those himself.

Mr. LANGLEY. Let the gentleman from Iowa ask again to extend his remarks, and I express the hope that my friend from Arkansas will not insist upon his objection.

Mr. CLARK of Florida. I wish to ask the gentleman from Iowa if when he went to the committee room he was informed by the clerk that these were the figures, or did he ask specifically for the figures, or a copy of the printed record.

Mr. CARAWAY. Mr. Chairman, I withdraw the objection that I made to the request of the gentleman from Iowa.

Mr. GOOD. In reply to the gentleman from Florida I will say that I do not remember exactly what I asked the clerk, but the clerk gave me this book, which was very kind of him. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. Iowa has 11 Members in this House; 13 projects for Iowa are named in this bill, and in only one place are the receipts less than $10,000 per year.

Kansas has 8 Members of the House; 11 Kansas items are provided for in this bill, and in but two of the places named are the receipts less than $10,000 per year.

Maine has 4 Members in this House; 4 items for Maine are in this bill, and in each of the 4 places provided for Maine the receipts are more than $10,000 per year.

Massachusetts has 16 Members in this House; 14 Massachusetts items are provided for in this bill, and in every one of those places the postal receipts are more than $10,000 per year.

Michigan has 13 Members in the House; 10 Michigan items are provided for in the bill, and in only one of those places are the receipts less than $10,000 per year.

Minnesota has 10 Members in the House; 7 items are provided for in the bill, and the postal receipts in each of those places are more than $10,000 a year.

Montana has 2 Members in the House; 4 Montana items are authorized in the bill, and in all of those places the receipts are more than $10,000 a year.

Nebraska has 6 Members in the House; there are 6 Nebraska items in the bill, and in only one of those places are the receipts less than $10,000 a year.

New Hampshire has 2 Members of the House; there are 2 items in the bill for New Hampshire, and the receipts in each of those places are more than $10,000 a year.

New Jersey has 12 Members in the House, and 7 items provided for in this bill, and in all of those 7 places the receipts are more than $10,000 a year.

New York has 43 Members in the House; there are 21 New York items in this bill, and in every place provided for New York the receipts are more than $10,000 per year.

North Dakota has 3 Members in the House, and 2 items in this bill. In both of those places the receipts are more than $10,000 a year.

Ohio has 22 Members in the House, and 14 items in the bill, and in each of those places the receipts are in excess of $10,000 per year.

Oregon has 3 Members in the House, and 4 items in the bill, and in the 4 places the receipts are in excess of $10,000 a year.

Pennsylvania has 36 Members in the House, and 25 items in the bill, and in all of those places the postal receipts are in excess of $10,000 a year.

South Dakota has 3 Members in the House, and 3 items in the bill, and in each of those places the receipts are in excess of $10,000 a year.

Washington has 5 Members in the House; there are 3 Washington items in this bill, and in each of the Washington places the receipts are more than $10,000 per year.

Measured therefore by the same rule, and taking the same postal receipts for the same years, we have 10 Southern States, excluding Texas, carrying 110 items in the bill, and in 84 of those places the receipts are less than $10,000 a year, and in only 26 of those places are the receipts more than $10,000 a year; while in 24 Northern States the bill authorizes 200 projects, 191 of which are, according to the committee's rule, meritorious, and 9 should be rejected. In other words, out of 110 southern cities provided for in this bill 26 are meritorious projects and 84 are pure "pork," according to the committee's rule; while out of 200 northern cities 191 are meritorious projects and only 9 are pure "pork." And yet the gentleman from Florida [Mr. CLARK], the chairman of the committee that reports this bill, and the gentleman from Alabama [Mr. BURNETT], also a member of the committee reporting this bill, complain because the gentleman from Wisconsin has characterized this bill as a sectional one.

The rule of the committee for measuring "pork," provided for on page 62 of the bill, is as follows:

> That from and after the passage of this act no city or town in the United States where there are no Federal activities other than the post office shall be considered, either for the purchase of a site or for the construction of a Federal building, by the commission of public buildings or the bureau of public buildings or by any committee of Congress, unless it shall appear that the postal receipts for such city or town have amounted to at least $10,000 annually for three successive years: *Provided*, That nothing herein shall apply to cities or towns where sites for public buildings have been acquired or authorized.

In answer to practically the only criticism of this analysis, that I have not taken into account the other activities of the Government in these towns and villages which obtained an authorization in this bill, where the receipts are less than $10,000 per annum, I desire to call attention to the fact that in Alabama not in a single one of the eight places mentioned in the bill where the receipts are under $10,000 is there any other activity mentioned in this report from which I have read.

In Arkansas no Government activity is mentioned in the three villages referred to where the receipts are under $10,000.

Likewise in Florida none of the towns with receipts under $10,000 are referred to as having any other Federal activities.

So, too, in Tennessee, in none of the nine towns mentioned in the bill is any other Federal activity referred to.

North Carolina mentions 2 of the 12 as having other Federal activities.

In South Carolina one of the eight places complained of is named as having other Federal activities, and in Mississippi

one of the six is described as having other Government activities. It will be observed, therefore, that there is absolutely no merit in this contention. It appears that these villages have not only small postal receipts but also no other Federal activities.

In accordance with the promise to extend in the RECORD the complete data furnished me by the Committee on Public Buildings and Grounds, I submit the following: Detailed statement with regard to the States to which I have referred is taken literally from the "Statement of bills referred to the Committee on Public Buildings and Grounds, showing all items included in the public-building bill, House of Representatives, Sixty-fourth Congress, first session, revised and corrected to July 25, 1916." The statement does not show the bills introduced upon which no action was taken by the committee reporting the bill. Otherwise it is taken literally from said statement and shows everything shown by the original statement regarding the towns and villages included in the bill.

Statement of bills referred to the Committee on Public Buildings and Grounds, showing all items included in the public-building bill, House of Representatives, Sixty-fourth Congress, first session, revised and corrected to July 25, 1916.

ALABAMA.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building.	Site.						
84	Mr. Almon	Athens	Building and site.	$150,000	$45,000	$5,000	$9,393.82	1,715	Post office		$35,000	Building and site.
85	do	Sheffield	do	100,000			7,968.77	4,865	do		5,000	Site.
3678	Mr. Steagall	Union Springs	Building	50,000	45,000		7,027.08	4,055	do	Site already authorized.	25,000	Building.
9531	Mr. Dent	Montgomery	Building and site.	1,000,000	600,000	175,000	191,567.19	38,136	Post office, United States court, Departments of War and Agriculture, Internal Revenue, and Land Office.		175,000	Site.
10036	Mr. Blackmon	Sylacauga	Building	75,000	25,000		7,256.27	1,456	Post office	Site already authorized.	30,000	Building.
13108	Mr. Dent	Greenville	do	60,000	35,000		9,294.81	3,377	do	do	30,000	Do.
13384	Mr. Burnett	Albertville	do	50,000	30,000		5,633.04	1,544	do	do	25,000	Do.
13386	do	Attalla	do	50,000	25,000		5,663.04	2,513	do	do	30,000	Do.
15525	Mr. Gray	Mobile	Enlarge and remodel present building.	250,000	250,000		211,941.40	51,521	Customhouse		100,000	Extension.
16639	Mr. Steagall	Ozark	Site	5,000			6,416.74	2,229	Post office		5,000	Site.

ARKANSAS.

3640	Mr. Caraway	Blytheville	Building and site.	$75,000	$50,000	$10,000	$11,683.91	3,849	Post office, Agriculture.		$9,000	Site.
3641	do	Forrest City	Building	100,000	55,000		9,687.77	2,484	do	Site already authorized.	25,000	Building.
3702	Mr. Oldfield	Brinkley	Building and site.	50,000	25,000		6,114.53	1,740	Post office	do	25,000	Do.
4747	Mr. Wingo	Van Buren	do	60,000	45,000	5,000	9,884.36	3,878	do		6,000	Site.
4800	Mr. Jacoway	Conway	Building	75,000	55,000		13,126.17	2,794	Post office, Agriculture, Internal Revenue.	Site already authorized.	40,000	Building.
4802	do	Little Rock	Building and site.	1,000,000	550,000	200,000	345,986.12	45,941	Post office, court, Internal Revenue, Navy, Interior, War, and Agriculture.		175,000	Site.
6462	Mr. Taylor	Stuttgart	do	60,000	50,000		12,940.02	2,740	Post office, Agriculture.	Site already authorized.	30,000	Building.
	do	El Dorado	Building				9,806.93	4,202	Post office		25,000	Do.

FLORIDA.

254	Mr. Sparkman	Arcadia	Building and site.	$100,000	$50,000	$5,000	$14,564.89	1,736	Post office, Agriculture.		$5,000	Site.
8927	Mr. Sears	West Palm Beach.	do	50,000	60,000	10,000	25,850.58	1,749	do		10,000	Do.
10904	Mr. Clark of Fla.	Lake City	Building	60,000	50,000		11,203.32	5,032	do	Site already acquired.	35,000	Building.
14909	do	Perry	Site	5,000		5,000	6,439.25	1,012	Post office		5,000	Site.
14910	do	Monticello	do	5,000		5,000	6,065.70	1,829	do		5,000	Do.
16416	Mr. Sparkman	Clearwater	Building and site.	100,000	35,000	5,000	10,939.77	1,171	do		40,000	Building and site.
16752	Mr. Sears	Kissimmee	Building	40,000			12,048.85	2,157	do		35,000	Building.

GEORGIA.

395	Mr. Vinson	Sandersville	Building	$65,000	$55,000		$7,855.16	2,641	Post Office, Agriculture, Internal Revenue.	Site already acquired.	$30,000	Building.
3567	Mr. Park	Pelham	do	60,000	25,000	$5,000	6,719.12	1,880	do		6,000	Site.
3568	do	Cairo	do	60,000	45,000	5,000	7,273.48	1,505	do		6,000	Do.
3569	do	Blakely	do	60,000	40,000	5,000	6,327.50	1,838	do		6,000	Do.
4794	Mr. Edwards	Waynesboro	do	75,000	50,000		7,022.26	2,729	do	Site already authorized.	25,000	Building.
7542	Mr. Tribble	Covington	do	75,000	35,000	5,000	7,091.21	2,697	Post office		5,000	Site.
7543	do	Monroe	do	75,000	45,000		7,361.51	3,029	Post office, Agriculture.	Site already authorized.	30,000	Building.
7646	Mr. Bell	Commerce	do	50,000	25,000	5,000	6,290.89	2,238	Post office		5,000	Site.
7647	do	Winder	do	60,000	45,000	5,000	7,317.19	2,443	do		5,000	Do.
8021	Mr. Howard	Decatur	do	75,000	40,000	8,000	7,230.65	2,466	Post office, Agriculture.		8,000	Do.
8022	do	East Point	do	75,000	45,000	10,000	11,425.61	3,682	Post office		8,000	Do.
8478	Mr. Lee	Rossville	do	50,000	30,000		8,062.48	1,059	do	Site already authorized.	25,000	Building.
9665	Mr. Hughes	Hawkinsville	Building and site.	75,000	45,000	10,000	8,129.91	3,420	do		8,000	Site.
10127	Mr. Walker	Baxley	do	50,000			6,639.50	831	do		5,000	Do.
13425	Mr. Crisp	Cuthbert	Site	10,000		5,000	7,813.40	3,210	do		5,000	Do.
13426	do	Ashburn	do	10,000		5,000	6,468.82	2,214	do		5,000	Do.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

GEORGIA—continued.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building	Site.						
15873	Mr. Wise	Thomaston	Building and site.	$60,000	$30,000	$5,000	$6,144.63	1,645	Post office		$5,000	Site.
15874	do	Jackson	do	60,000	30,000	5,000	6,647.65	1,862	do		5,000	Do.
16940	Mr. Hughes	Fort Valley	Site	8,000			10,408.97	2,697	do		8,000	Do.

KENTUCKY.

6843	Mr. Powers	Barbourville	Building and site.	$100,000	$25,000		$4,532.95	1,633	Post office, Agriculture, mine rescue station.	Site already authorized.	$25,000	Building.
10649	Mr. Kincheloe	Madisonville	Building	65,000	50,000		12,615.03	4,966	Post office, Agriculture.	do	40,000	Do.
10651	Mr. Cantrill	Eminence	do	50,000	30,000		4,402.53	1,274	Post office	do	40,000	Do.
11248	Mr. Helm	Stanford	Site	10,000			6,228.48	1,532	do		5,000	Site.
11862	Mr. Thomas	Russellville	Building and site.	75,000			8,512.50	3,111	do		10,000	Do.
11866	do	Central City	Building	75,000	30,000		5,707.92	2,545	Post office, Internal Revenue.	Site already authorized.	30,000	Building.
12117	Mr. Langley	Hazard	Building and site.	75,000	25,000	$5,000	4,447.43	537	Post office		40,000	Building and site.
12118	do	Pikeville	Building	70,000	25,000		6,149.72	1,280	do	Site already authorized.	35,000	Building.
12279	Mr. Rouse	Falmouth	do	50,000	25,000		5,638.24	1,180	do	do	25,000	Do.
13843	Mr. Powers	Pineville	Building and site.	100,000	35,000	6,000	7,369.33	2,161	do		5,000	Site.
14186	Mr. Barkley	Murray	Building	75,000			6,357.93	2,089	do	Site already authorized.	25,000	Building.
14187	do	Hickman	Building and site.	75,000	45,000	5,000	8,538.80	2,736	do		5,000	Site.
16663	Mr. Cantrill	Owenton	Site	10,000			4,368.68	1,024	do		7,500	Site (supplemental bill).

LOUISIANA.

461	Mr. Lazaro	De Ridder	Building and site.	$75,000	$45,000	$5,000	$8,854.54	2,100	Post office	Site to be donated.	$30,000	Building.
544	Mr. Aswell	Winnfield	do	100,000	40,000	5,000	9,098.12	2,925	do		30,000	Building (site to be donated).
557	do	Alexandria	Increase limit of cost of extension.	30,000	30,000		72,261.35	11,213	Post office, courthouse.	$65,000 already authorized for this purpose.	30,000	Increase.
6836	Mr. Martin	Morgan City	Building and site.	50,000	30,000	7,000	8,370.63	5,447	Post office, customs.	Site already authorized.	40,000	Building.
6837	do	Houma	do	50,000	50,000	10,000	12,095.41	5,024	Post office, Department of Agriculture.		50,000	Building and site.
6885	Mr. Watkins	Mansfield	do	75,000	35,000	5,000	11,192.23	1,799	Post office		35,000	Do.
10923	Mr. Morgan	Plaquemine	do	75,000	30,000	5,000	11,437.05	4,955	Post office, Agriculture.		35,000	Do.
15684	Mr. Wilson	Monroe	Enlargement of present building.	40,000			52,764.15	10,209	Post office		30,000	Increase, for extension (supplemental bill).
16531	Mr. Estopinal	New Orleans	Building	500,000				339,075	Quarantine station.		500,000	Building (site to be donated).

MISSISSIPPI.

12423	Mr. Collier	Jackson	Addition to present building.	$100,000	$100,000		$114,150.25	21,262	Post office, courthouse, and Agriculture.		$100,000	Extension.
13832	Mr. Harrison	Columbia	Site	10,000		$6,000	8,505.15	2,029	Post office		5,000	Site.
13921	do	Pascagoula	do	10,000		5,000	6,179.94	3,379	do		5,000	Do.
14773	Mr. Humphreys	Lexington	do	5,000		5,000	8,421.84	2,428	Post office, Agriculture.		5,000	Do.
14774	do	Indianola	do	5,000		5,000	7,661.88	1,098	Post office		5,000	Do.
16304	Mr. Sisson	Winona	Building and site.	100,000	30,000	5,000	8,584.35	2,512	do		7,500	Do.
16867	do	Okolona	do	75,000			6,160.70	2,584	do		5,000	Do.

NORTH CAROLINA.

3108	Mr. Pou	Louisburg	Building and site.	$125,000	$50,000	$10,000	$8,128.64	1,775	Post office, Agriculture.		$6,000	Site.
3655	Mr. Page	Wadesboro	Increase limit of cost of site.	5,000		5,000	8,254.70	2,376	Post office	$5,000 already authorized for site.	5,000	Increase.
3656	do	Sanford	Site	10,000	45,000	5,000	9,568.04	2,282	do		7,000	Site.
3663	do	Rockingham	Increase limit of cost of site.	5,000		5,000	9,095.60	2,155	do	$5,000 already authorized for site.	5,000	Increase.
8230	Mr. Stedman	Mount Airy	Building	100,000	55,000		11,692.02	3,844	Post office, Agriculture, Internal Revenue.	Site already authorized.	55,000	Building, $5,000; increase for site.
8479	Mr. Godwin	Lumberton	do	75,000	45,000		12,433.98	2,230	Post office	do	30,000	Building.
8480	do	Dunn	Building and site.	85,000	40,000	8,000	9,252.97	1,823	do		7,000	Site.
9043	Mr. Doughton	Albemarle	do	70,000	45,000	10,000	8,759.99	2,116	do		8,000	Do.
9526	do	Lenoir	Building	75,000	55,000		9,827.27	3,364	Post office, Internal Revenue.	Site already acquired.	30,000	Building.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

NORTH CAROLINA—continued.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building	Site.						
9532	Mr. Webb	Morganton	Building and site.	$100,000	$55,000	$6,000	$10,211.35	2,712	Post office, Agriculture, Internal Revenue.		$35,000	Building and site.
10770	Mr. Kitchin	Wilson	Increase limit of cost so as to provide for United States court.	50,000	60,000		24,560.94	6,717	Post office, United States court, Agriculture.	$60,000 already authorized.	75,000	Increase.
11797	Mr. Small	Williamston	Building and site.	75,000	30,000	5,000	6,043.18	1,874	Post office		5,000	Site.
11867	Mr. Hood	Mount Olive	Building	50,000	35,000		5,679.28	1,071	do	Site already authorized.	30,000	Building.
14622	do	Clinton	Site	10,000		5,000	6,254.73	1,101	do		5,000	Site.
14768	Mr. Britt	Marion	Building and site.	100,000			8,315.52	1,519	do		6,000	Do.
16181	Mr. Small	Edenton	Building	60,000	35,000		8,861.03	2,789	do	Site already authorized.	25,000	Building.
				SOUTH CAROLINA.								
8245	Mr. Byrnes	Aiken	Secretary of Treasury authorized to either remodel old building or build new one.	$60,000	See report.		$13,818.85	3,911	United States court.		$75,000	Extension.
9422	Mr. Finley	Rock Hill	do	60,000	$125,000	$30,000	23,975.34	7,216	United States court, Agriculture.		125,000	Building.
9424	do	York	Building and site.	100,000	35,000	5,000	8,596.98	2,326	Postoffice		9,000	Site.
10403	Mr. Ragsdale	Dillon	Building	50,000	30,000		7,733.63	1,757	do	Site already authorized.	25,000	Building.
10408	do	Conway	Site	5,000		5,000	6,030.89	1,228	Post office, Agriculture.		3,000	Site.
10409	do	Hartsville	do	(1)		5,000	9,884.33	2,365	Post office		3,000	Do.
11167	Mr. Aiken	Greenwood	Provides for new building and site or enlargement of present post office building.	100,000	80,000	10,000	23,297.36	6,614	United States court.	See supplemental report.	125,000	Building and site.
14076	Mr. Whaley	Manning	Site	10,000			5,435.28	1,854	Post office		5,000	Site.
14078	do	Summerville	do	10,000		5,000	7,796.61	2,355	do		5,000	Do.
14128	Mr. Aiken	Easley	Building and site.	100,000			5,342.35	2,983	do		5,000	Do.
14481	Mr. Nicholls	Greer	do	50,000			6,643.48	1,673	do		5,000	Do.
15871	Mr. Byrnes	Bamberg	Site	5,000			5,762.12	1,937	do		5,000	Do.
				TENNESSEE.								
304	Mr. Houston	Lewisburg	Building and site.	$65,000	$50,000	$5,000	$9,430.44	1,830	Post office		$5,000	Site.
641	Mr. Sells	Rogersville	do	75,000			7,679.56	1,242	do	Site already authorized.	25,000	Building.
687	Mr. Austin	Rockwood	do	60,000			6,242.98	3,660	do		6,000	Site.
688	do	La Follette	do	160,000			5,065.98	2,816	do		6,000	Do.
690	do	Lenoir City	do	60,000			6,460.46	3,392	do		6,000	Do.
3068	Mr. Moon	McMinnville	do	50,000	45,000	5,000	8,724.74	2,299	do		5,000	Do.
3106	Mr. Sims	Huntington	Building	50,000			4,427.28	1,112	do	Site already authorized.	25,000	Building.
6788	Mr. Padgett	Dickson	Building and site.	65,000	40,000	5,000	7,451.91	1,850	do		5,000	Site.
13668	Mr. Garrett	Brownsville	do	50,000	30,000	5,000	8,111.42	2,882	do		5,000	Do.
				TEXAS.								
63	Mr. Slayden	Coleman	Building	$65,000	$50,000		$10,723.84	3,046	Post Office, Agriculture.	Site already acquired.	$30,000	Building.
334	Mr. Stephens	Plainview	Building and site.	50,000	45,000	$5,000	16,330.20	2,829	Post office		45,000	Building and site.
4656	Mr. Gregg	Crockett	Building	75,000	45,000		7,801.03	3,947	do	Site already acquired.	25,000	Building.
5790	Mr. Dies	Jacksonville	Site	10,000			12,763.95	2,875	do		5,000	Site (supplemental bill).
5794	Mr. Callaway	Fort Worth	Remodeling of old building, acquisition of new site, and erection of building.	800,000	500,000	200,000	411,999.85	73,312	do		500,000	Building and site.
8920	Mr. Buchanan	Lockhart	Site	10,000			10,617.08	2,945	do		6,000	Site.
9811	Mr. Sumners	Dallas	Building and site.	2,250,000	1,250,000		1,070,751.49	92,104	Post office, court, internal revenue, customs, Departments of Interior, Labor, Agriculture, War, and Navy.	Also authorize sale of old building and site after completion of new building.	1,250,000	Building, also $550,000 for subpost-office building and site.
9816	Mr. Hardy	Mexia	do	80,000	45,000	6,000	10,500.86	2,694	Post office		35,000	Building and site.
11422	Mr. Buchanan	Georgetown	Building	75,000	45,000		12,281.22	3,096	do	Site already authorized.	30,000	Building.

[1] No amount specified.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

TEXAS—continued.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building	Site.						
11532	Mr. McLemore	Kingsville	Building and site.	$50,000	$50,000	$5,000	$13,261.14	$1,500	Post office, Department of Labor.		$40,000	Building and site.
11789	Mr. Smith	Sweetwater	Building	100,000	55,000		14,349.94	4,176	Post office, Agriculture.	Site already acquired.	35,000	Building.
12546	Mr. Eagle	Huntsville	do	75,000	55,000		10,707.61	2,072	Post office	do	30,000	Do.
13710	Mr. Black	Paris	do	200,000	200,000		46,498.85	11,269	do	Site now owned by Government.	170,000	Do.
13826	Mr. Davis	San Benito	Building and site.	60,000	40,000	5,000	8,199.12	1,000	Post office, customs.		6,000	Site.
13919	Mr. Dies	Lufkin	do	100,000	45,000	10,000	12,026.45	2,749	Post office		35,000	Building and site.
13977	Mr. Garner	Seguin	Building	50,000	45,000		10,884.68	3,116	do	Site already acquired.	30,000	Building.
14032	Mr. Burgess	Alvin	Building and site.	65,000	35,000	5,000	9,051.14	1,453	do		6,000	Site.
15094	Mr. Young	Henderson	do	65,000	25,000	5,000	6,666.76	3,200	do		5,000	Do.

CALIFORNIA.

211	Mr. Curry	Sacramento	To provide accommodations in present building for United States court.	$50,000	See report.		$437,816.28	44,696	United States court		$50,000	Extension.
244	Mr. Stephens	Venice	Building and site.	100,000	$50,000	$10,000	13,501.77	5,009	Post office		10,000	Site.
375	Mr. Raker	Placerville	do	50,000	55,000	7,000	10,038.38	1,914	Post office, Agriculture.		10,000	Do.
378	do	Susanville	do	60,000	45,000	5,000	7,058.08	688	Post office, Land Office, Weather Bureau, Forestry and Veterinary Services.		10,000	Do.
428	Mr. Kent	Petaluma	do	60,000	30,000	15,000	32,348.61	5,880	Post office		60,000	Building and site.
521	Mr. Kettner	San Bernardino	Building	150,000	85,000		47,247.08	12,779	Post office, Departments of Labor and Agriculture.	Site already acquired.	70,000	Building.
3610	Mr. Randall	Long Beach	do	300,000	250,000		99,319.04	17,809	Post office	do	200,000	Do.
4723	Mr. Stephens	Santa Monica	Building and site.	200,000	85,000	20,000	41,139.36	7,847	do		15,000	Site.
6846	Mr. Kahn	San Francisco	Building	500,000	600,000			416,912	Marine hospital		600,000	Buildings.
9925	Mr. Church	Modesto	do	100,000	65,000		34,634.82	4,634	Post office	Site already authorized.	65,000	Building.
10834	Mr. Elston	Oakland	do	1,000,000	650,000		509,256.09	150,174	Post office, Internal Revenue, Customs, Departments of Labor, War, and Navy.	Present site to be used.	650,000	Do.
12028	Mr. Kettner	Redlands	Site	30,000		35,000	40,527.68	10,449	Post office, Agriculture.		30,000	Site.
14728	Mr. Hayes	San Mateo	Building and site.	100,000	45,000	10,000	17,909.63	4,384	Post office		15,000	Do.
14766	do	San Jose	Authorizing sale of present site and building, acquisition of new site, and erection of building.	350,000			143,972.60	28,946	do		15,000	Do.

COLORADO.

25	Mr. Taylor	Montrose	Building	$250,000	$200,000		$17,919.54	3,254	Post office, land office, courts, Reclamation Service, Forest Service.	Site already acquired.	$150,000	Building.
3714	Mr. Timberlake	Sterling	do	75,000	55,000		17,969.35	3,044	Post office, land office, Agriculture, Interior.	Site already authorized.	55,000	Do.
11473	Mr. Keating	Canon City	do	100,000	55,000		23,383.58	5,162	Post office, Agriculture.	Site already acquired.	55,000	Do.

CONNECTICUT.

438	Mr. Oakey	Manchester	Building	$90,000	$45,000		$10,462.38	3,600	Post office	Site already acquired.	$40,000	Building.
462	Mr. Glynn	Winsted	Building and site.	100,000	50,000	$15,000	29,672.37	7,754	do		60,000	Building and site.
4720	Mr. Hill	Norwalk	do	150,000	115,000	25,000	27,246.60	6,954	Post office, customs		140,000	Do.
13983	Mr. Freeman	Essex	do	60,000	25,000	10,000	8,087.39	2,100	Post office		6,000	Site.

DELAWARE.

14121	Mr. Miller	Newark	Building	$40,000			$11,388.31	1,913	Post office	Site already authorized.	$30,000	Building.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

IDAHO.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building	Site.						
297	Mr. McCracken.	Cœur d'Alene.	Increase limit of cost so as to provide accommodations for United States court.	$25,000	$88,200	.....	$19,499.84	7,291	Post office, Interior, United States court, Agriculture.	$100,000 already authorized.	$88,200	Increase.
6795	Mr. Smith.....	Blackfoot.....	Building and site.	100,000	55,000	$10,000	18,414.45	2,202	Post office, United States land office.	.....	65,000	Building and site.

ILLINOIS.

95	Mr. Stone.....	Spring Valley.	Building.....	$100,000	$35,000	.....	$10,372.32	7,035	Post office.....	Site already authorized.	$30,000	Building.
4683	Mr. Gallagher...	West Side, Chicago.	Increase.....	4,250,000	.....	$5,000,000 to 6,000,000	23,418,574.86	2,185,283	.....do.....	$1,750,000 already authorized.	4,250,000	Increase.
5768	Mr. Wheeler....	Carlinville....	Building and site.	75,000	45,000	.....	12,566.28	3,616	.....do.....	Site already authorized.	30,000	Building.
6029	.....do.....	Springfield....	Addition to present building.	300,000	.....	.....	291,809.41	51,678	.....do.....	.....	100,000	Extension (supplemental bill).
6032	Mr. Fuller.....	Peru.....	Building and site.	100,000	45,000	10,000	16,247.75	7,984	.....do.....	.....	45,000	Building and site.
6059	Mr. Foster.....	Effingham....	.....do.....	75,000	50,000	10,000	12,693.76	3,898	Post office, internal revenue.	.....	45,000	Do.
6101	Mr. Denison....	Carbondale....	.....do.....	75,000	50,000	7,000	15,980.68	5,411	Post office.....	.....	60,000	Do.
9410	Mr. King.....	Galva.....	.....do.....	60,000	45,000	10,000	15,691.44	2,498	.....do.....	.....	45,000	Building site.
9430	Mr. Sterling....	Bloomington..	.....do.....	150,000	135,000	50,000	122,227.54	25,768	Post office, Departments of War and Agriculture.	.....	150,000	Building and site.
9824	Mr. Wm. Elza Williams.	Pittsfield.....	.....do.....	60,000	35,000	5,000	11,289.17	2,095	Post office.....	.....	35,000	Do.
11880	Mr. McAndrews.	Oak Park.....	Building.....	400,000	135,000	.....	83,670.58	19,444	.....do.....	.....	150,000	Extension.
12115	Mr. Rodenberg.	Highland.....	.....do.....	60,000	30,000	.....	9,611.45	2,675	.....do.....	Site already authorized.	25,000	Building.
14193	Mr. McKinley..	Decatur.....	Enlargement of present building.	50,000	70,000	.....	152,410.29	31,140	.....do.....	.....	50,000	Extension.
14429	Mr. Tavenner...	East Moline...	Building and site.	70,000	55,000	10,000	14,252.47	2,665	.....do.....	.....	45,000	Building and site.
14063	Mr. Chiperfield.	Lewistown....	Site.....	15,000	.....	5,000	8,311.56	2,312	.....do.....	.....	5,000	Site.
16996	Mr. Wilson.....	Harvey.....	Building and site.	100,000	.....	.....	22,017.42	7,227	.....do.....	.....	55,000	Building and site.
17080	Mr. Rainey.....	Havana.....	Building.....	40,000	.....	.....	12,106.02	3,525	.....do.....	Site already authorized.	40,000	Building.
17081	.....do.....	Carrollton.....	.....do.....	25,000	.....	.....	7,854.95	2,323	.....do.....	.....do.....	25,000	Do.

INDIANA.

97	Mr. Cullop.....	Linton.....	Building.....	$100,000	$45,000	.....	$11,988.51	5,906	Post office.....	Site already authorized.	$35,000	Building.
3072	Mr. Cline.....	Fort Wayne...	Building and site.	500,000	400,000	$175,000	323,056.53	63,933	Post office, United States court, Internal Revenue, Departments of Labor and Navy, Weather Bureau.	.....	550,000	Building and site.
3612	Mr. Lieb.....	Mount Vernon	Building.....	100,000	55,000	.....	13,233.74	5,563	Post office, Agriculture.	Site already authorized.	40,000	Building.
11946	Mr. Morrison...	Lebanon.....	.....do.....	100,000	60,000	.....	18,287.34	5,474	.....do.....	.....do.....	45,000	Do.
15493	Mr. Adair.....	Decatur.....	.....do.....	60,000	55,000	.....	17,003.73	4,471	.....do.....	.....	45,000	Do.
16493	Mr. Dixon.....	Lawrenceburg	Building and site.	100,000	.....	.....	13,357.26	3,930	.....do.....	.....	10,000	Site.
16494	.....do.....	Franklin.....	.....do.....	100,000	.....	.....	12,920.99	4,502	.....do.....	.....	10,000	Do.
16680	.....do.....	Greensburg...	Building.....	75,000	.....	.....	18,477.35	5,420	.....do.....	.....	45,000	Building.
16701	Mr. Rauch.....	Hartford City.	Building and site.	80,000	.....	.....	15,983.64	6,187	.....do.....	.....	50,000	Building and site.

IOWA.

664	Mr. Kennedy...	Fairfield.....	Building.....	$100,000	$50,000	.....	$28,798.31	4,970	Post office.....	Site already authorized.	$50,000	Building.
769	Mr. Towner....	Corning.....	Building and site.	60,000	45,000	$5,000	10,133.25	1,702	.....do.....	.....	35,000	Building and site.
779	Mr. Kennedy...	Mount Pleasant.....	.....do.....	100,000	.....	.....	17,011.87	3,874	.....do.....	.....	7,500	Site.
4682	Mr. Hull.....	Marengo.....	Building.....	50,000	30,000	.....	7,503.33	1,786	.....do.....	Site already acquired.	30,000	Building.
7618	Mr. Woods.....	Algona.....	Building and site.	80,000	45,000	10,000	15,210.44	2,908	.....do.....	.....	45,000	Building and site.
8922	Mr. Ramseyer..	Newton.....	Building.....	90,000	55,000	.....	32,156.54	4,616	.....do.....	Site already authorized.	55,000	Building.
9522	Mr. Towner....	Shenandoah...	Enlarge present building.	25,000	50,000	.....	68,266.65	4,976	.....do.....	.....	14,000	Extension.
11868	Mr. Sweet.....	Eagle Grove..	Building and site.	80,000	45,000	10,000	11,625.90	3,387	.....do.....	.....	35,000	Building and site.
12493	Mr. Haugen....	Oelwein.....	Building.....	100,000	40,000	.....	16,333.03	6,028	.....do.....	Site already acquired.	40,000	Building.
12588	Mr. Green.....	Harlan.....	Building and site.	50,000	45,000	7,000	11,809.90	2,570	.....do.....	.....	35,000	Building and site.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

IOWA—continued.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building.	Site.						
14065	Mr. Steele	Sioux City	Additional land and enlargement of present building.	$350,000	$275,000	$60,000	$416,151.14	47,828	Post office		$335,000	Extension.
16464	Mr. Dowell	Knoxville	Building and site.	50,000			12,949.11	3,190	do		40,000	Building and site.
16466	do	Indianola	do	50,000			12,538.14	3,283	do		5,000	Site.

KANSAS.

106	Mr. Campbell	Columbus	Building and site.	$75,000			$13,279.63	3,064	Post office		$50,000	Building and site.
107	do	Oswego	do	75,000	$45,000	$5,000	15,166.97	2,713	do		5,000	Site.
708	Mr. Ayres	Wellington	do	15,000				7,034	Entomological laboratory.		15,000	Building.
4733	Mr. Taggart	Olathe	do	75,000	45,000	10,000	15,919.26	3,272	Post office		55,000	Building and site.
4734	do	Fort Scott	Addition to present building.	75,000	85,000	5,000	34,351.90	10,463	Post office, courthouse.		5,000	Additional land.
6917	Mr. Helvering	Junction City	Building and site.	75,000	50,000	10,000	17,777.05	5,598	Post office		55,000	Building and site.
7558	Mr. Shouse	Dodge City	do	100,000	55,000	12,000	21,246.73	3,214	Post office, Agriculture, Interior.		60,000	Do.
7612	Mr. Connelly	Norton	do	50,000	35,000	5,000	9,398.69	1,787	Post office, Agriculture.		35,000	Do.
8931	Mr. Doolittle	Council Grove	do	35,000	45,000	7,500	9,141.27	2,545	Post office		35,000	Do.
13615	Mr. Anthony	Holton	Building	60,000	35,000		12,501.30	2,842	do	Site already authorized.	35,000	Building.
15093	Mr. Ayres	Wichita	Additional land and enlargement of present building.	100,000			331,003.87	52,450	do		75,000	Site.

MAINE.

474	Mr. McGillicuddy.	Bath	Increase limit of cost for extension.	$10,000	$10,000		$26,122.96	9,396	Post office	$55,000 already authorized for this purpose.	$10,000	Increase.
475	do	Farmington	Building and site.	60,000	45,000	$10,000	11,924.96	1,240	do		45,000	Building and site.
14297	Mr. Hinds	Sanford	do	75,000	45,000	11,000	13,837.02	6,800	do		50,000	Do.
14482	Mr. Guernsey	Houlton	Additional land and enlargement of present building.	50,000	50,000	5,000	24,538.41	5,700	do		50,000	Extension.

MASSACHUSETTS.

75	Mr. Gallivan	Boston	Building and site.	$3,750,000	$1,750,000	$1,500,000	$8,069,113.07	670,585	All except post office.		$1,500,000	Site.
155	Mr. Walsh	Provincetown	Building	125,000	55,000		11,191.78	4,000	Post office, Customs.	Site already authorized.	30,000	Building.
314	Mr. Roberts	Everett	Building and site.	125,000			(1)	33,484	Post office		115,000	Building and site.
3660	Mr. Paige	Gardner	do	100,000			39,783.65	13,910	do		90,000	Do.
4711	Mr. Roberts	Malden	Amending act of Mar. 4, 1913, so as to make part of authorization available for site.		150,000	25,000	(1)	44,404	do	$150,000 previously authorized for building and site.	Reported in general bill.	
4722	Mr. Tague	Boston	Increase	120,000	120,000			670,585	Immigration station.	$375,000 previously authorized for building and site.	100,000	Increase.
5787	Mr. Treadway	Great Barrington.	Building and site.	125,000	45,000	5,000	18,372.93	3,500	Post office		50,000	Building and site.
6041	Mr. Dallinger	Wakefield	do	100,000	55,000	15,000	21,469.26	11,310	do		65,000	Do.
8645	Mr. Carter	Framingham	do	100,000			84,899.01	2,000	do		100,000	Do.
10311	Mr. Gallivan	Boston	Enlarge and extend present building.	250,000	250,000		8,069,113.07	670,585	Departments of Interior, Justice, and Agriculture; Customs.		250,000	Extension.
13766	Mr. Rogers	Lowell	Building and site.	600,000	350,000	150,000	183,713.79	106,294	Post office		250,000	Do.
13841	Mr. Gardner	Salem	Site	(2)		30,000	136,500.08	43,697	Post office, Customs.		130,000	Building and site.
16746	Mr. Phelan	Peabody	Building and site.	125,000			25,130.96	18,625	Post office		100,000	Do.
17021	Mr. Winslow	Westboro	Site	20,000			14,552.31	4,500	do		15,000	Site.
17022	do	Whitinsville	do	20,000			10,597.37	4,500	do		10,000	Do.

[1] Branch of Boston.

[2] No amount mentioned.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

MICHIGAN.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building.	Site.						
555	Mr. Hamilton	Benton Harbor	Building and site.	$100,000	$85,000	.....	$54,702.56	9,185	Post office, Agriculture.	Site already authorized.	$80,000	Building.
3109	Mr. Smith	Marshall	....do	125,000	55,000	$6,000	62,763.35	4,236	Post office		75,000	Building and site.
9322	Mr. Fordney	St. Johns	....do	75,000	55,000	5,000	15,792.43	3,154	....do		55,000	Do.
10751	Mr. Kelley	Flint	Enlarge present building and site.	100,000	125,000	13,500	124,574.58	38,550	....do		100,000	Extension.
13283	Mr. Scott	Boyne City	Building and site.	75,000	35,000	.....	11,063.17	5,218	....do	Site already authorized.	30,000	Building.
13770	Mr. Fordney	Alma	....do	100,000	.....	.....	15,658.26	2,757	....do		5,000	Site.
14818	Mr. Loud	Clare	....do	50,000	40,000	5,000	10,017.88	1,350	....do		35,000	Building and site.
16098	Mr. McLaughlin	Ludington	....do	100,000	60,000	10,000	27,069.41	9,132	Post office, Agriculture, customs.		75,000	Do.
16705	Mr. Doremus	Detroit	Site	1,500,000	.....	.....	3,292,227.62	465,766	Post office		1,250,000	Site.
16706	Mr. Smith	Eaton Rapids	....do	10,000	.....	.....	8,985.23	2,094	....do		7,500	Do.

MINNESOTA.

135	Mr. Smith	Minneapolis	Remodeling of present building.	$100,000	$150,000	.....	$2,625,454.86	301,408	Post office and courts, Internal Revenue, Customs, Departments of Labor, Agriculture, War, and Navy.		$100,000	Extension.
390	Mr. Davis	Northfield	Building and site.	60,000	45,000	$6,000	21,099.96	3,265	Post office		51,000	Building and site.
572	Mr. Steenerson	Thief River Falls.	....do	100,000	45,000	12,000	20,630.66	3,714	....do		55,000	Do.
637	Mr. Anderson	Albert Lea	Enlarge present building.	100,000	60,000	.....	43,636.28	6,192	....do		50,000	Extension.
6459	Mr. Miller	Duluth	Site	1,500,000	1,000,000	.....	429,124.11	78,466	Post office, courts, Internal Revenue, Customs, Departments of Commerce, Interior, Labor, Agriculture, War, and Navy.	Site already acquired.	300,000	Building.
11476	Mr. Volstead	Litchfield	Building and site.	50,000	45,000	5,000	12,368.58	2,333	Post office		35,000	Building and site.
13617	Mr. Davis	Faribault	Authorizing the Secretary of the Treasury to convey certain land to the city.	.....	.....	.....	35,719.47	9,001	.....	Department has no objection to bill.	Reported in general bill.	
13834	Mr. Lindbergh	Wadena	Building and site.	50,000	30,000	5,000	11,267.23	1,820	Post office		35,000	Do.

MONTANA.

49	Mr. Evans	Butte	Enlargement of present building.	$250,000	$225,000	.....	$176,905.48	39,165	Post office, Internal Revenue, Departments of Labor, War, Navy, and Agriculture.		$150,000	Extension.
604	Mr. Stout	Lewistown	Building and site.	100,000	85,000	$15,000	42,862.76	2,992	Post office, Land office, Agriculture.		100,000	Building and site.
10494	Mr. Evans	Missoula	Enlarge present building.	75,000	35,000	.....	55,838.69	12,869	Post office, United States court.	$125,000 previously authorized for this purpose.	35,000	Extension.
1067	(1)	Bozeman	Authorizing the Secretary of the Treasury to convey to the city certain land for alley purposes.	.....	.....	.....	31,757.61	5,107	.....	.....	.....	Reported in general bill.

NEBRASKA.

76	Mr. Kinkaid	O'Neill	Building and site.	$75,000	$25,000	$10,000	$8,921.77	2,089	Post office		$6,000	Site.
78	....do	Broken Bow	....do	135,000	55,000	10,000	11,948.10	2,260	Post office, land office.		6,000	Do.
3589	Mr. Shallenberger.	Superior	....do	90,000	45,000	10,000	11,495.82	2,106	Post office		35,000	Building and site.
15000	Mr. Sloan	David City	....do	60,000	35,000	5,000	11,990.90	2,177	....do		6,000	Site.
15001	....do	Seward	....do	60,000	35,000	5,000	10,191.59	2,106	....do		6,000	Do.
16556	Mr. Stephens	Wayne	Site	8,000	.....	.....	10,709.54	2,140	....do		5,000	Site (supplemental bill).

[1] Senate bill.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

NEW HAMPSHIRE.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building.	Site.						
630	Mr. Wason	Claremont	Building and site.	$150,000	$45,000	$10,000	$22,856.10	6,800	Post office		$55,000	Building and site.
4775	Mr. Sulloway	Manchester	Additional land and enlargement of building.	300,000	150,000	75,000	170,999.64	70,063	Post office, War Department, Internal Revenue.		225,000	Extension.

NEW JERSEY.

3111	Mr. Drukker	Passaic	Building	$150,000	$175,000		$124,972.43	54,773	Post office	Site already acquired.	$125,000	Building.
6092	Mr. Bacharach	Atlantic City	Enlarge present building and site.	60,000	125,000	$45,000	307,308.09	46,150	do	See report	60,000	Additional land, remodeling, etc.
8646	do	Millville	Increase	50,000	25,000		21,833.07	12,451	do	$55,000 already authorized.	25,000	Increase.
11480	Mr. Lehlbach	Newark	Amending act of Mar. 4, 1913.				1,410,925.67	347,469	Post office, courthouse, internal revenue, customs, Departments of Interior, Labor, Agriculture, War, and Navy.		600,000	For site, or can be used for additional land and extension of present building.
12486	Mr. Hart	Phillipsburg	Building and site.	250,000	50,000	15,000	24,243.33	13,903	Post office		60,000	Building and site.
14190	Mr. Lehlbach	Montclair	Acquisition of additional land for present site.			10,000			do		10,000	Additional land.
15265	Mr. Eagan	Weehawken	Building and site.	250,000	85,000	50,000	82,857.54	11,228	Post office, Agriculture.		125,000	Building and site.

NEW YORK.

358	Mr. Fairchild	Binghamton	Building	$500,000	$500,000		$281,439.83	$48,443	Post office, court, Internal Revenue, War, Navy, and Agriculture.	Site already acquired.	$500,000	Building.
422	Mr. Mott	Oneida	do	85,000	55,000		33,153.88	8,317	Post office	do	55,000	Do.
537	Mr. Bruckner	Broux, New York City.	do	1,000,000			(1)	[2]4,766,883	do	Site already authorized.	850,000	Do.
780	Mr. Charles	Canajoharie	Building and site.	65,000	50,000	$10,000	25,913.58	2,273	Post office, Agriculture.		60,000	Building and site.
3051	Mr. Danforth	Albion	do	80,000	45,000	10,000	18,169.35	5,016	Post office		10,000	Site.
3052	do	Dansville	do	100,000	45,000	15,000	46,034.18	3,938	do		60,000	Building and site.
6051	Mr. Mott	Lowville	do	85,000	45,000	10,000	14,307.29	2,940	do		10,000	Site.
8034	Mr. Platt	Newburgh	do	200,000	110,000	50,000	91,896.74	27,805	do		140,000	Building and site.
8671	Mr. Snell	Potsdam	do	75,000	45,000	10,000	19,320.22	4,036	do		9,000	Site.
8817	Mr. Ward	Liberty	do	100,000	50,000	10,000	17,948.57	2,072	Post office, Agriculture.		55,000	Building and site.
8827	Mr. Snyder	Ilion	do	100,000	45,000	15,000	25,409.50	6,588	Post office		65,000	Do.
8909	Mr. Snell	Ticonderoga	do	75,000			11,513.32	2,475	do		35,000	Do.
8918	Mr. Hamilton	Wellsville	Site	12,500		12,500	21,834.16	4,382	do		12,500	
9709	Mr. Caldwell	Long Island City.	Increase	100,000	100,000		185,891.69	(2)	Post office, Internal Revenue.	$260,000 already authorized.	100,000	Increase.
10224	Mr. Pratt	Bath	Building	75,000	45,000		24,992.62	3,884	Post office	Site already authorized.	50,000	Building.
11870	Mr. Oglesby	Yonkers	Increase	200,000	125,000		180,759.79	79,803	do	$500,000 already authorized.	51,500	Increase.
12538	Mr. Snyder	Utica	Amending former act so as to provide for demolition of present building and erection of new one, instead of remodeling present building.				333,996.11	74,419	Post office, court	$405,000 already authorized for remodeling, additional land, etc.	Reported in general bill.	
12652	Mr. Gould	Lyons	Building and site.	100,000	45,000		16,460.72	4,460	Post office	Site already authorized.	40,000	Building.
13226	Mr. Snell	Plattsburg	Extend and remodel present building.	75,000	70,000		42,110 32	11,138	Post office, Customs, Agriculture.		50,000	Extension.
13722	Mr. Parker	Mechanicsville	Site and building.	75,000	45,000	15,000	17,757.39	6,634	Post office		55,000	Building and site.
13763	Mr. Husted	Nyack	Building	100,000	40,000		25,257.19	4,619	do	Site already authorized.	50,000	Building.
		Albany	Remodeling, etc.	10,000			679,446.07	100,253	do		10,000	Remodeling, etc.

NORTH DAKOTA.

15049	Mr. Helgesen	Fargo	Building	$300,000	$350,000		$241,282.87	14,331	Post office, Departments of Justice, War, and Navy.	Site already authorized.	$250,000	Building.
16469	Mr. Young	Jamestown	Increase	40,000	35,000		30,749.45	4,358	Post office, court	$85,000 already authorized.	35,000	Increase.

[1] Branch of New York.

[2] Greater New York.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

OHIO.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building.	Site.						
148	Mr. Ashbrook	Mount Vernon	Building and site.	$100,000	$55,000	$15,000	$30,729.19	9,087	Post office		$70,000	Building and site.
3592	Mr. Emerson	Painesville	do	200,000	60,000	10,000	41,738.05	5,501	do		70,000	Do.
4686	Mr. Hollingsworth.	Steubenville	Increase	150,000	115,000	10,000	64,389.77	22,391	Post office, United States court.	$120,000 previously authorized.	125,000	Increase.
4687	do	East Palestine	Building and site.	100,000	45,000	10,000	14,043.55	3,537	Post office		7,500	Site.
7608	Mr. Key	Findlay	Enlarge present building.	50,000	50,000		61,191.49	14,858	do		50,000	Extension.
8662	Mr. Matthews	Napoleon	Building and site.	65,000	50,000		12,854.36	4,007	do	Site already authorized.	35,000	Building.
11426	Mr. Sherwood	Port Clinton	do	50,000	45,000	6,000	12,785.02	3,007	do		40,000	Building and site.
13619	Mr. Gard	Eaton	Site	8,000	30,000	5,000	11,290.79	3,187	do		35,000	Do.
13772	Mr. Key	Galion	do	20,000		18,000	24,930.60	7,214	do		15,000	Site.
15196	Mr. Overmyer	Norwalk	Building and site.	130,000	70,000	20,000	28,659.16	7,858	do		65,000	Building and site.
15776	Mr. Ricketts	Circleville	do	100,000	45,000	14,000	17,505.63	6,744	Post office, Agriculture.		65,000	Do.
16094	Mr. Brumbaugh	Columbus	Site	250,000			1,139,149.32	181,511	Post office		240,000	Site.
16178	Mr. Fess	Urbana	Building	60,000	55,000		22,967.85	7,739	do	Site already authorized.	50,000	Building.
16552	Mr. Cooper	Niles	do	100,000			26,674.27	8,361	do	do	55,000	Do.

OREGON.

3666	Mr. Sinnott	Hood River	Building and site.	$100,000	$55,000	$10,000	$19,455.41	2,331	Post office, Agriculture.		$60,000	Building and site.
4662	Mr. Hawley	Oregon City	do	100,000	55,000	15,000	20,334.98	4,287	Post office, land office.		70,000	Do.
4664	do	Corvallis	do	100,000	60,000	10,000	27,479.83	4,552	Post office		10,000	Site.
16853	Mr. McArthur	St. Johns	Building	50,000			(1)	4,872	do	Site already authorized.	25,000	Building.

PENNSYLVANIA.

283	Mr. Kreider	Middletown	Building and site.	$75,000	$45,000	$15,000	$14,468.46	5,374	Post office		$65,000	Building and site.
499	Mr. Griest	Lancaster	Building	250,000	300,000		185,543.28	47,277	Post office, Internal Revenue, War, Navy, and Agricultural Departments.	Site already authorized.	250,000	Building.
6839	Mr. Moore	Philadelphia	Building and site.	2,000,000	700,000	800,000		1,549,008	Customhouse		750,000	Site.
8038	Mr. Garland	Pittsburgh	Removal of preesnt building and construction of new one.	2,500,000	3,000,000		3,457,149.06	533,905	Post office, courts, Internal Revenue, customs, Departments of Commerce, Interior, Labor, Agriculture, War and Navy.		50,000	Remodeling of present building and sale of old site.
8047	Mr. Lafean	York	Increase	25,000	25,000		161,512.72	44,750	Post office		25,000	Increase.
8342	Mr. North	Brookville	Building and site.	100,000			14,742.57	3,003	do		10,000	Site.
8488	Mr. Butler	Lansdowne	do	75,000	30,000	15,000	25,667.33	4,066	do		65,000	Building and site.
9048	Mr. North	Kittanning	Building	75,000	50,000		24,526.51	4,311	do	Site already authorized.	50,000	Building.
10019	Mr. Heaton	Pottsville	Enlarge present building.	75,000	50,000		63,719.44	20,236	Post office, Internal Revenue.		50,000	Extension.
10648	Mr. Lesher	Sunbury	Increase limit of cost so as to provide for United States court.	25,000	50,000		36,932.84	13,770	Post office, United States court.	$125,000 already authorized.	40,000	Increase.
11244	Mr. Rowland	Philipsburg	Building and site.	30,000	45,000	15,000	17,016.64	3,585	Post office		60,000	Building and site.
11537	Mr. Hopwood	Somerset	do	75,000	45,000	15,000	16,076.75	2,612	do		58,000	Do.
11945	Mr. Bailey	Tyrone	Building	125,000	60,000		98,485.58	7,176	do	Site already authorized.	80,000	Building.
12206	Mr. Watson	Doylestown	Building and site.	100,000	40,000	15,000	15,471.81	3,304	do		5,000	Site.
13775	Mr. Miller	Greenville	do	100,000	75,000	15,000	31,245.42	5,909	Post office, Agriculture.		75,000	Building and site.
14072	Mr. Focht	Lewisburg	do	100,000	40,000	15,000	15,203.71	3,081	Post office		10,000	Site.
14073	do	Lewistown	Increase	30,000			22,463.27	8,166	do	$75,000 already authorized.	20,000	Increase.
14192	Mr. Temple	Midland	Building and site.	85,000	30,000	8,500	10,619.45	1,244	do		5,000	Site.
14300	Mr. Barchfeld	Duquesne	do	125,000	40,000	15,000	13,740.49	15,727	do		75,000	Building and site.
15159	Mr. Watson	Norristown	Extension, etc.	65,000	65,000		72,230.37	27,875	do		55,000	Extension.
15878	Mr. Kiess	Williamsport	do	100,000			176,125.37	31,860	do		80,000	Do.
15951	Mr. Temple	Beaver Falls	Extension of present site and building.	43,000	35,000	8,000	43,718.35	12,191	do		58,000	Do.
16240	Mr. Casey	Plymouth	Building and site.	100,000	40,000	23,000	12,776.20	800	do		15,000	Site.
16241	do	Nanticoke	do	100,000	45,000	20,000	13,325.70	18,877	do		60,000	Building and site.
16947	Mr. Farr	Scranton	Extension, etc.	125,000			543,981.26	129,867	do		100,000	Extension.

[1] Accounts kept with Portland office.

Statement of bills referred to the Committee on Public Buildings and Grounds, etc.—Continued.

SOUTH DAKOTA.

No. of bill.	Introduced by—	City.	Purpose.	Amount asked.	Treasury estimate.		Gross postal receipts, fiscal year 1915.	Population, 1910.	Branches of the service requiring accommodations.	Remarks.	Committee recommendations.	Purpose.
					Building.	Site.						
149	Mr. Dillon.....	Canton.....	Building and site.	$85,000	$45,000	$5,000	$10,006.24	2,103	Post office.....	.....	$6,000	Site.
152	.....do.....	Vermilion.....	Building.....	75,000	45,000	.....	13,266.10	2,187	.....do.....	Site already authorized.	35,000	Building.
14975	Mr. Johnson....	Aberdeen.....	Remodeling of present building.	100,000	75,000	.....	86,810.02	10,753	Post office; Internal Revenue; Departments of Justice and Agriculture; Bureau of States Relations.	.....	60,000	Extension.

WASHINGTON.

590	Mr. Humphrey.	Seattle.....	Building and site.	$500,000	.....	.....	.....	237,194	Immigration station.	.....	$275,000	Building; site to be donated.
3088	Mr. Johnson....	Hoquiam.....	.....do.....	150,000	$45,000	$15,000	$23,230.21	8,171	Post office.....	.....	75,000	Building and site.
4776	.....do.....	.....	Additional land for United States penitentiary at McNeil Island.	10,000	.....	.....	.....	.....	United States penitentiary.	.....	10,000	Additional land.

Mr. CLARK of Florida. Mr. Chairman, I am not at all surprised at the remarks of the gentleman from Iowa [Mr. GOOD], not at all. He is just about as near correct in his statement just made as he is in almost anything else that I have heard him discuss. That is the reason I wanted him to name the items. He took up Alabama, for instance. Here are the towns:

Athens, building and site, $10,710.64. It goes beyond the requirements of the law. Sheffield has only a site, and yet its receipts are $10,096.65.

Union Springs, where a site had already been procured, provided for by a former Congress, and I stated in my speech that these questions were fully considered by the committee, and the committee finally determined that as long as the Government owned the land and Government money was invested in the property, that we had just as well provide a modest building for these places, and in the future, carrying out the great reform with respect to the work which this legislation does, we would see to it that no more sites were granted in places of that size, and therefore the building was granted. I want to say for Union Springs that the last quarter's postal receipts show that it will go beyond the $10,000 limit the present fiscal year.

Take Sylacauga, a place in exactly the same situation as Union Springs. The postal receipts were $7,698.67. The site is already bought. We did not feel that the Government money ought to lie there idle when a modest building could be placed there without great expense to the Government to carry on the public business.

Greenville, where we place a building on the site already obtained, has postal receipts of $10,848.94, beyond the limit required by law.

Albertville, another of the places, and Attalla, which my colleague, Mr. BURNETT, will refer to, because they are in his district. These are two places where sites had already been provided and the Government money invested, and it was a question whether your committee would let it lie idle or put a modest building upon the site and let the Government use it, and we decided to erect a building.

Ozark, where we only provide a site, the postal receipts are $6,872.32.

Mr. GOOD. Will the gentleman yield?

Mr. CLARK of Florida. I want to get through these figures first. The gentleman next takes my own State of Florida. We put in a site for Arcadia, a town that has receipts of $15,358.14. We put in a site for West Palm Beach, a town that has postal receipts of $28,441.79. We put a building at Lake City, in my own district, where a site had already been bought by the Government and where the receipts amount to $11,735.51—over the limit.

We provided for a site at Perry, where the receipts are $7,218.79, more than a thousand dollars over the law fixed by the Senate in the 1913 bill and concurred in by the House.

We provide for Clearwater in the district of my colleague, Mr. SPARKMAN, who is retiring from Congress. Arcadia is in his district, and we gave him a modest site there. We gave him a building and site at Clearwater, where the postal receipts are $10,727.51. Is there a man upon this floor who would say that we did wrong in giving to the district of this distinguished gentleman, who for 22 years has been on the floor, a modest building at Clearwater and a site at Arcadia, when both came within the law?

The next place is Kissimmee, the home town of my colleague, Mr. SEARS.

A site had already been purchased, and we provided a building for Kissimmee, where the receipts are $11,295.70—more than a thousand over the limit. At Monticello we allowed a site, where the receipts are $6,003.12—beyond the limit of the law. Not in one item, in so far as Florida is concerned, can the gentleman put his finger on a place where we have not tracked the law absolutely—not one.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. I pause for the gentleman to do it.

Mr. GOOD. The last provision of your law provides that the receipts must be for three calendar years.

Mr. CLARK of Florida. Hereafter. Can not the gentleman read? Does he not know that that provision is intended to apply to future bills and not to this one?

Mr. GOOD. I understand that.

Mr. CLARK of Florida. We are operating under the law of 1913.

Mr. GOOD. Will the gentleman now yield for a question?

Mr. CLARK of Florida. For a question.

Mr. GOOD. Does the gentleman say that the figures that he is now giving us are the ones upon which the committee in reporting this bill based its action?

Mr. CLARK of Florida. I said in my original argument that in the framing of this bill we took the items, and when the fiscal receipts of 1915 had shown such growth as to indicate beyond the peradventure of a doubt that they would go beyond it, we acted upon that, and we are justified by subsequent facts, because they have gone beyond it in practically every instance.

Mr. GOOD. The report which the committee gave me and from which I read was printed July 25, 1916.

Mr. CLARK of Florida. Undoubtedly.

Mr. GOOD. Before one-half, or just about the close of one-half, of the fiscal year, and therefore the figures for 1915 were the figures that the committee had.

Mr. CLARK of Florida. I have just told the gentleman what we acted upon, but if he can not understand it, I shall try to state it again. I said we took the figures for 1915, the fiscal year. We got the figures for the last quarter and looked into the growth of the town, and in cases where they were very near the line marked out in the 1913 law and gave every promise of going over it, in some instances we allowed sites or buildings, and we have been justified in that because the figures demonstrate that we were right.

Mr. GOOD. Then the whole bill is built on speculation and the report of 1915?

Mr. CLARK of Florida. Not at all.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Florida. And as my colleague on the committee, Judge RUCKER, says, in most cases we had the fiscal receipts for the past quarter and for the calendar year. The gentleman takes up Georgia. At Sandersville, we allowed a building where a site had already been obtained and paid for; the receipts were $8,618.05. At Cairo, where the receipts were nearly $8,000, we allowed a site. At Pelham, where the receipts were over $7,000, we allowed a site. At Blakely, where they were nearly $7,000, we allowed a site. At Covington, where they were more than $7,000, we allowed a site. At Monroe, where they were $8,000, we allowed a site. At Commerce, where there were over $7,000, we allowed a site. At Winder, where there were more than $8,000, we allowed a site. At Decatur, where there were more than $7,000, we allowed a site. At East Point, where there were over $11,000, we allowed a site. At Rossville, where a site had already been obtained, we allowed a building; the receipts were much over $8,000.

I wish the gentleman from Iowa would listen to these figures, if he wants to be fair. I want him to hear them. He has attacked a whole section of the country. He has attacked 11 States. He charges this bill with being sectional, when the fact is that about $25,000,000 of the money authorized in it goes to the Northern States, and only about $6,000,000 to this much bemeaned Southern section. That is the truth, and he can not get away from it. It makes no difference what may be the extent of the gentleman's venom, the facts and figures are against him. I continue with Georgia: Hawkinsville, where we simply fixed a site, had nearly $9,000 in receipts. Baxley, where a site was provided, there are receipts of over $6,000. Cuthbert had nearly $8,000, and only a site was provided. At Ashburn, where the receipts are over $6,600, only a site. At Thomaston, over $6,000, just a site. At Jackson, over $7,000, a site was provided. At Fort Valley, with $11,000, only a site.

Mr. Chairman, that is the record of Georgia in this bill, and the gentleman animadverts upon it and charges us with distributing pork. The gentleman says there is but one item in Mississippi that goes beyond the $10,000, but he was not fair enough to state that at some of these places there were other activities besides the post office. He was not fair enough to state that other activities were to be housed, but he dismissed the proposition with the statement that only one of them went over $10,000. What did the committee do? At Columbia, with receipts of over $8,500, we provided a site. At Pascagoula, where there is a post office and customhouse, with nearly $7,000 of receipts, we provided a site. At Lexington, with over $8,500, we provided a site. At Indianola, with over $8,000, we provided a site. At Winona, with over $8,800, we provided a site. At Okolona, with over $6,700, we provided a site. Wherein have we offended against the law? Will the gentleman name one place?

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. For what purpose?

Mr. GOOD. For a question.

Mr. CLARK of Florida. Certainly.

Mr. GOOD. Does the gentleman mean to say that I did not correctly state what was stated on page 29 of this report with regard to Pascagoula? That report shows only a post office, and if there is a customhouse there the committee itself is derelict in failing to inform the House as to the conditions. I took what was in the report.

Mr. CLARK of Florida. I am not responsible for what the printer may do or what mistakes may be made in getting up a printed document. The report was in the office, and if the gentleman had wanted to know the truth he could have gotten it; but he did not do it.

Mr. GOOD rose.

Mr. CLARK of Florida. Does the gentleman think he is treating the House fairly; does the gentleman think he is treating anybody fairly; I will ask the gentleman, does he think that he is treating himself fairly when he states a part of the truth and does not state the rest of it?

Mr. GOOD. Mr. Chairman, I will say to the gentleman that every word I said on the floor of this House is the truth as propounded by his committee.

Mr. CLARK of Florida. As far as the gentleman went, but the gentleman did not state it all.

Mr. GOOD. I would have gone further but for the objection from the gentleman from Arkansas for me to proceed with regard to all of these items.

Mr. CLARK of Florida. The gentleman knows that if he had it would have demolished his case; that is the reason.

Mr. GOOD. If the gentleman will yield——

Mr. CLARK of Florida. When the gentleman stands up here in the face of the fact that the Northern States are getting $25,000,000 in this bill and the South is only getting $6,000,000, and charges it with being a sectional bill in the interest of the South the gentleman's reasoning qualities are at fault or else he did not want the House and country to know the real facts. [Applause.]

Mr. GOOD. Will the gentleman state what caused the committee to write the last paragraph on page 62, that hereafter buildings used for the Post Office Department alone should only be authorized and sites acquired for them if the postal receipts for three consecutive years amounted to more than $10,000?

Mr. CLARK of Florida. That is the purpose of it.

Mr. GOOD. Does the gentleman think that is a good rule to be guided by?

Mr. CLARK of Florida. I do.

Mr. GOOD. Then why were not you guided by it in the formation of this bill? That is what I am complaining of.

Mr. CLARK of Florida. Because the Government had already bought the land and we did not believe it should lie vacant.

Mr. GOOD. The gentleman does not mean to say that.

Mr. CLARK of Florida. I do.

Mr. GOOD. The bill here authorizes more than 100 sites where they have not bought the land. It authorizes the sites, and in most of them the receipts are under $10,000.

Mr. CLARK of Florida. Because that is the law we are acting under now.

Mr. GOOD. Oh, if it is a good position day after to-morrow, is it not good now?

Mr. CLARK of Florida. And was put in the bill by a Republican Senate and signed by a Republican President. [Applause.] The gentleman did not protest when it went in, because in the last bill, if I mistake not, the gentleman from Iowa had some pork.

Mr. SLAYDEN. Will the gentleman yield?

Mr. CLARK of Florida. In just a moment—yes; just for a question.

Mr. SLAYDEN. I desire to ask, if the gentleman constructed this bill along partisan lines, how did it happen my amiable friend from the second Tennessee district [Mr. AUSTIN] got 25 per cent of the projects going to the State?

Mr. CLARK of Florida. If it was constructed along those lines——

Mr. GOOD. Does the gentleman mean to say that in the last appropriation bill an item was included for my district where the receipts of the post office were under $10,000?

Mr. CLARK of Florida. Oh, no; I did not.

Mr. GOOD. Of course not.

Mr. CLARK of Florida. But I did mean to say the gentleman had a finger in the last pie, and the gentleman did not kick about it. The gentleman did not ask for it to be stricken out.

Mr. BURNETT. And he did not kick about the last bill, either.

Mr. CLARK of Florida. No. Now, in regard to North Carolina. Lewisburg, a site, $8,500 receipts. Wadesboro, $9,500 receipts, received simply a little increase for site of $5,000. Stanford, with $10,600 receipts, only got a site. Rockingham, with $9,900 receipts, got a site or an increase for site of $5,000. The site had already been provided in another bill. Mount Airy, with $12,700 receipts, got a building, as a site was already provided. Lumberton, N. C., with $13,954 receipts, got a building, with a site already provided. Dunn, with $10,033.89 over the limit, got a building and a site. Albemarle, with more than $9,700 receipts, got a site. Lenoir, with $10,865 receipts, got a building, as a site was already provided. Morganton, with $11,361, got a building and a site. Wilson, with $27,000 of receipts, with a Federal court convening there, the building was arranged for before the court was established, making necessary an increased appropriation in order to provide quarters for the court. Williamston, with $6,023.18 receipts, got a site. Mount Olive, with $6,381 of receipts, got a building, as a site had already been bought. Clinton, with about $7,000 receipts, got a site. Marion, with over $8,000 receipts, nearly $9,000, got a site. Edenton, with over $9,000 receipts, got a building, as a site was already provided. Then my friend comes to South Carolina. Aiken got an extension of an old building. Rock Hill,

simply an increase there to take care of the court. That is quite a little city in our section of the country. York, with $9,718 receipts, got a site. Dillon, with nearly $8,000 receipts, with a site already bought, had a building provided for it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CLARK of Florida. I will yield.

Mr. GREEN of Iowa. I did not understand the gentleman. When he says "Got a site," does he mean that it was already provided for by previous legislation?

Mr. CLARK of Florida. I mean got a site in this bill.

Conway, with over $6,000, was given a site; Hartsville, with over $11,000, was given a site; Greenwood was given simply an increase there to take care of the court; Manning, with over $5,800, was given a site; Summerville, with $8,500, was given a site; Easley, with over $6,000, was given a site; Greer, with over $7,000, was given a site; and Bamberg, with over $6,000, was given a site. And that is all there is to South Carolina's pork.

Now, take Tennessee. Lewisburg, with nearly $9,000, gets a site; Rogersville, with over $6,000, was given a site; Rockwood, with over $7,000, gets a site; La Follette, with over $6,000, gets a site; Lenoir City, with nearly $7,000, gets a site; McMinnville, with over $9,000, and the other two, with over $6,000, were each given a site. In Huntingdon, with nearly $5,000, a site has already been bought there, and it gets a building in this bill. Brownsville, with over $9,000, gets a site; and Dickson, with nearly $8,000, gets a site.

Texas is the next one.

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. In Texas, Coleman, with $11,000 of receipts, gets a building on a site already provided; Plainview, with over $19,000, gets a building and site; Crockett, with over $9,000, gets a building on a site already bought; Jacksonville, with over $12,000, gets a site; Lockhart, with over $11,000, gets a site.

I shall not mention Fort Worth and Dallas, because I do not suppose that even these gentlemen who are yelling sectionalism will attack those places.

Mexia, with $10,132, gets a site; Georgetown, with over $12,000, gets a building on a site already provided; Kingsville, with over $13,000, gets a building and a site.

Sweetwater, with receipts of over $18,000, gets a building on a site already bought; Huntsville, with $12,000 of receipts, gets a building on a site already provided; Paris, Tex., where the post office and courthouse have been burned, is given $170,000 for the construction of a new building; San Benito, where there is a customhouse and post office, and where the receipts are over $8,000, gets a site; Lufkin, where the receipts are over $13,000, gets a building and a site; Seguin, where the receipts are over $12,000, gets a building and a site; Alvin, with receipts of over $8,000, gets a building on a site already acquired; Henderson, where the receipts are over $7,000, gets a site.

There is the status as to these Southern States which the gentleman from Iowa [Mr. GOOD] attacks.

Mr. GOOD. I observe the gentleman said nothing about Tennessee.

Mr. CLARK of Florida. I did. Every item in that State I went over. And Missouri is just as good as these that I have gone over, and the other States. I want to say to the gentleman once and for all that he will find that the day has passed on the floor of the American Congress for a man to make a reputation by undertaking to raise the sordid cry of sectionalism. [Applause.] I want to say to him that every Republican upon this committee except two joined in the making of this report. Every Democrat except two joined in the making of this report. There was absolutely nothing partisan or sectional in it. And the gentleman, I fear, underrates the intelligence of his constituency when he believes that he can court favor with the good people of Iowa by coming upon this floor and making an attack like this without a single justification for it. I want to say to him that on my committee among my clerks is a young man who gave him this printed document, who is from the State of Iowa. He did come from a good State. There is no sectionalism in the committee or in any of its acts. And this bill shows that if there is any the gentleman's part of the country got the best of it.

Mr. GOOD. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. GOOD. I will suggest that the gentleman close his remarks by paraphrasing those lines from Spartacus, the gladiator:

Hear ye yon lion roaring in his den?
'Tis three days since he tasted meat.

Mr. CLARK of Florida. I think the roaring, instead of being from the lion, comes from another animal. [Laughter.] I think the gentleman imagines he is a lion.

Mr. GOOD. Oh, no.

Mr. CLARK of Florida. He roars like one, but God knows he is not one.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. DAVIS of Texas. I think the gentleman from Florida could well quote another passage from Spartacus, when he said he had met all forms of both animal and beast. [Laughter.]

Mr. LANGLEY. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last two words, and asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and Mr. FITZGERALD having assumed the chair as Speaker pro tempore, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18994, the public-buildings bill, and had come to no resolution thereon.

SPEAKER FOR TO-DAY.

The SPEAKER pro tempore laid before the House the following communication:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1917.

I hereby designate Hon. JOHN. J. FITZGERALD to serve as Speaker on Thursday, January 18, 1917.

CHAMP CLARK, *Speaker.*

LATE ADMIRAL GEORGE DEWEY.

Mr. PADGETT. Mr. Speaker, I offer the following resolution, and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman from Tennessee offers a resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution No. 68.

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered the Nation by Admiral George Dewey appropriate funeral services be held in the rotunda of the Capitol on Saturday, January 20, 1917, at 11 o'clock antemeridian, and that the two Houses of Congress attend said services.

That as a further mark of respect his remains be removed from the Capitol to Arlington Cemetery for burial in charge of the Navy Department, attended by the Sergeants at Arms and the committees of the two Houses.

That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and the Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), such officers of the Navy as may be designated by the Secretary of the Navy, and the Chief of Staff of the Army to attend the exercises in the rotunda of the Capitol.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. PADGETT. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent for the present consideration of another resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 457.

Resolved, That the Speaker of the House of Representatives appoint a committee of 25 Members, to join the committee to be appointed by the Senate, to attend the funeral services of Admiral George Dewey at Arlington, Va.

Resolved, That the Sergeant at Arms be, and he is hereby, authorized and directed to take such steps as may be necessary for carrying out the provisions of this resolution, and that the necessary expenses in connection therewith on the part of the committee of the House be paid out of the contingent fund of the House.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PUBLIC BUILDINGS.

The SPEAKER pro tempore. Under the rules the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the public-buildings bill, with the gentleman from North Carolina [Mr. PAGE] in the chair.

The CHAIRMAN. The committee will resume its sitting. The gentleman from Kentucky [Mr. LANGLEY] is recognized.

Mr. LANGLEY. Mr. Chairman, the distinguished chairman of the committee [Mr. CLARK of Florida], who has just taken his seat, defended the items in the bill for the various other Southern States that have been attacked by the gentleman from Iowa and others, but he did not refer to the Kentucky items that they have also attacked. I assume that, so far as the items in my district are concerned, he left it for me to defend them, and I thank him for doing so, because I am proud of the privilege which is thus afforded me, and I ask the attention and indulgence of Members while I do this briefly. But first I wish to make a few general observations.

Mr. Chairman, this House and the country have been stirred recently as they have not been for years by the charge, publicly made and widely and promiscuously circulated, that Members of the legislative and executive branches of the Government have been engaged in prostituting their official duties to private ends, and many gentlemen in this body, who have been and are still trying to serve their constituents honestly and faithfully—some having spent the best portion of their lives in such service—have been startled by the readiness with which a large element of our population gives credence to these charges. Gentlemen, do you know why such is the situation? Of course, a good deal of the responsibility for it is justly chargeable to that class of newspapers and magazines of the country that flippantly and without regard for truth charge men in the public service with conspiring together to loot the Treasury for their respective districts, and to frame and pass "pork" bills with that end in view and without regard to the merits of the propositions involved. The course which these newspapers and magazines have taken, and the reckless misstatements of fact in which they have indulged is reprehensible enough, the Lord knows. But at the same time I think that much of the responsibility for the situation to which I have referred is justly chargeable to certain Members of Congress themselves——

A MEMBER. That is right!

Mr. LANGLEY (continuing). Who, assuming "a holier than thou" attitude, having joined in these unjust criticisms and reckless misstatements of fact, and through the CONGRESSIONAL RECORD and otherwise have helped to lay the foundation for this public distrust of the people's servants at Washington. [Applause.]

Mr. Chairman, I admire a game fighter. I have no quarrel with, but genuine admiration for, anyone who, confining himself to the truth, argues in decent, logical, and manly fashion against the wisdom of proposed legislation or against the merits of a proposition involving the expenditure of the people's money. But when these newspapers and magazines and these Members of Congress, without regard to the facts, and apparently without endeavoring to know the facts, indulge in such misstatements and seek to make them the basis of criticism involving the sincerity and even the integrity of sworn public officials, I have not sufficient command of the English language to fitly express my contempt for such conduct. [Applause.] I was somewhat surprised and disappointed at my friend from Wisconsin [Mr. LENROOT], who is usually so fair and logical, and for whom I have always entertained the greatest respect, when, in his address in this Chamber last Tuesday, he intimated that we were seeking to pass this bill, although we knew it ought not to be passed, merely in order to promote our own political ends, and in order to enable us to go home to our constituents and say, "Here is what I got for you," and also for contending that we of the committee included in this bill the general legislation which it carries—the expediency, wisdom, and necessity of which are generally conceded—not so much because we wanted such legislation enacted but because we hoped it would help us carry through the iniquities of the bill. This was not his exact language, it is true, but it was the inference inevitably to be drawn from what he said.

Mr. Chairman, not long ago there was another omnibus bill pending in this House—the fish hatchery bill—and it will be remembered that the gentleman from Wisconsin severely criticised that bill and vigorously called attention to the fact that it carried nothing for his State. I might have charged that he was opposing that bill because it did not carry any "pork" for Wisconsin, but I did not do that. I gave him credit for opposing it on higher grounds. Gentlemen, what else can we expect than to call forth "Tom Lawsons" from every hamlet in the land if we continue this spectacle for the edification of the public of constantly impugning each other's motives and whining and growling about "pork" and "loot" and "graft," instead of rising to the higher plane of dignified and manly argument? Mr. Chairman, I have been criticized lately in the public press in various sections of the country for seeking to get recognition for my district, and the charge has been repeatedly made that the items included in the bill at my instance are without merit; that I know this to be the case; and that the efforts I am making are solely to further my own political fortunes. These things have been reiterated by Members here in this body. Conscious of the injustice which these publications and these charges have done me and the district which I have the honor to represent, I do not propose to remain silent any longer, especially in view of what has been said on this floor to-day, and I am going to answer these charges now and without waiting until the items are reached in the reading of the bill. I see the gentleman from Indiana [Mr. Cox] is present, and I am glad he is, because I want to pay my respects to him for a moment or two. [Laughter.]

There appeared recently in the Journal of the American Institute of Architects an article written by one Charles Harris Whitaker, its editor. He says that it was written avowedly for the purpose of showing that "the whole system of appropriating money for public buildings betrays the shameless manner in which public funds are squandered in order that political patronage may be distributed."

In this article specific reference is made to me, and, among other things, it is stated that at my instance an item was inserted in the bill for $40,000 for a public building in Hazard, Ky., a town of 537 persons, and $35,000 for a building in Pikeville, a town of 1,280 inhabitants. An advance summary of this article appeared in the Washington Evening Star, and the gentleman from Indiana [Mr. Cox], without any inquiry as to the accuracy of the figures or the truth of the article in general, inserted it in the CONGRESSIONAL RECORD, and it appeared in a conspicuous place in the RECORD, so that wider publicity was thereby given to it. [Laughter.] Such procedure may be in accordance with the gentleman's conception of his duty to his fellow Members, but it is not my conception of my duty to them. The gentleman from Indiana ought to have verified some of the figures and allegations before having them printed in the RECORD. He should have given me an opportunity to tell him what the facts were before publishing me in such a false light. It would not have taken him 30 seconds to have ascertained that he was quoting antiquated figures and that the city of Hazard has over 4,000 population now instead of 537, which the article that he gave prestige and credence to by putting it in the RECORD asserts. It would not have taken him any longer to have ascertained from me that the city of Pikeville has a population of over 3,000 instead of the number stated in the article, and that each of these cities is located, respectively, in the center of two of the greatest coal fields in the world, where marvelous developments are in progress. He could have easily ascertained that this article is an infamous libel, pure and simple, so far at least as these two cities and their Representative in this body are concerned. It is true that their population was shown by the census of 1910 to be what the article says, but that census was taken seven years ago, and a great deal has happened in that section of Kentucky since then. The trouble about the article is—and the same is true of numerous other articles published in various papers and magazines, and of statements made on this floor as well—that they seek to mislead by the assertion that this is the present population. During the decade from 1900 to 1910 the unparalleled development which has recently occurred in this section had scarcely started, and yet the population of the county in which Hazard is located increased 39 per cent during that time, and the population of the county in which Pikeville is situated increased 36 per cent during the same period, while the general average for the whole country was only 21 per cent.

During this same period what was going on in the district which the gentleman from Indiana represents? The census shows that during that period his district not only did not gain in population but actually lost 2,217. A gentleman who has lived, moved, and had his being in such environment can not, of course, fully understand how a town can become a city in seven years. [Applause.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield there for one question?

Mr. LANGLEY. Yes.

Mr. MEEKER. The gentleman does not mean to imply that the loss of population was due to the Representative here, and that the gain was due to the other Representative? [Laughter and applause.]

Mr. LANGLEY. No; I do not mean to imply that, but I do want to say to my friend from Missouri that there are scores of people from the third Indiana district who have moved to the mountains of Kentucky, many of them into the tenth congressional district, and are now prosperous citizens there; and it has been reported that nearly all of the A No. 1 congressional timber has moved over into Kentucky, which may account for the ease with which the gentleman is able to succeed himself in this body. [Laughter and applause.]

They ought not be blamed for migrating from such a decadent district, represented by a parsimonious Congressman, who is always looking toward the setting sun. [Laughter and applause.] I am reminded in this connection, Mr. Chairman, that the gentleman from Iowa [Mr. GOOD] who is making such fierce onslaughts upon this bill, and who a few moments ago challenged me to defend Hazard, represents in part a State which, according to my recollection, lost 4 per cent of its population during the decade to which I have referred. Of course, gentlemen like my friend from Indiana and my friend from Iowa, who for all these years have been breathing the atmosphere of retrogression, can not understand the marvelous and wonderful progress that is going on in the mountains of Kentucky. [Laughter.] They can not conceive of how a village of 537 souls can in such a short space of time increase in population as Hazard and Pikeville have.

They can not conceive of the fact, which I assert to be the fact, that there is one place in my district where the census enumerator in 1910 had to ride a mule over a mountain trail to get the names of the inhabitants that is now the site of a city of 3,000 or 4,000 people, with electric lights, water works, paved streets, an artificial lake of 70,000,000 gallons of water, a club house that cost $50,000, a power plant that cost more than three times that much, furnishing light, heat, and power for miles and miles around. I refer to that splendid, progressive city of Jenkins, in Letcher County, for which I expect to get a public building a little later on. They can not understand how in such a short time there can be such development, nor that where a jolt wagon could then scarcely go, there are to-day splendidly graded roads, with up-to-date automobiles dashing back and forth and crossing the summit of the Cumberland Mountains as readily as a Ford can climb Capitol Hill. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. I hope the committee will grant me 10 minutes more. I was to have had 20 minutes in the general debate yesterday, but was unavoidably absent when the bill came up unexpectedly and general debate upon it was exhausted before my return, so that I lost that opportunity to address the committee.

Mr. RAGSDALE. I ask unanimous consent that 10 minutes additional be granted the gentleman.

Mr. POWERS. I ask unanimous consent that the gentleman may continue for 10 minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended 10 minutes. Is there objection?

There was no objection.

Mr. LANGLEY. I want to say this to my friend from Indiana and my friend from Iowa and others of that class [laughter], that if I thought I was getting too much salary I would not take it all. If I thought that the mileage allowance was excessive and part of it graft, I would not accept the excessive and graft part, and I certainly would not scramble to get at the head of the line at the cashier's desk when the time came for receiving the mileage. [Laughter.] I have no patience with gentlemen who will talk about "pork" and "loot" and "graft" and then take their share of it.

Gentlemen, I could say much more than I have said about the rapid growth of Hazard and Pikeville, and the unparalleled progress of that section of Kentucky generally if I had the time and you the patience to listen. Why, Mr. Chairman, there have been expended in recent years in the upper valley of the Big Sandy and Kentucky Rivers over fifty millions of dollars in railroad construction and over twenty millions in the development of the coal fields; and yet these industries in these sections are still in their infancy. I have a statement here from the mayor of Hazard and resolutions passed by the Commercial Club of Hazard, and several other letters and documents which I shall insert in the RECORD under the leave granted me, and which not only show that its present population is between 4,000 and 5,000, but that it is likely to be doubled at the present rate of increase by the time this proposed building shall have been erected. Its population has increased over a thousand a year for the past three years. Extensive preparations have been made for additional street improvements. It has recently erected a $50,000 school building and a $60,000 courthouse. It has over 800 school children within the common-school age, and an average attendance of over 600. It also has a splendid institution of learning, the Baptist Institute, with an average daily attendance of over 200. There are 19 school teachers employed in Hazard who are paid annual salaries aggregating about $12,000. A number of power plants have been erected in that immediate vicinity for coal operations and other purposes, and preparations are being made for additional plants, some of which are to be the finest in the country. There are three large coal operations at Hazard, and 16 altogether within a radius of a few miles of it, representing a total investment of two and one-half million dollars. The output of coal has increased from 100,000 tons in 1915 to over 500,000 tons in 1916, and as the Lexington Herald, one of Kentucky's leading papers, said editorially a few days ago, the surface has hardly yet been scratched. It is one of the finest coal fields in the world. The postmaster of Hazard, who, by the way, is a good Democrat, informs me that between 8,000 and 9,000 people, which includes the mining population outside the city limits, get their mail at the window of his office, and that in the aggregate in the neighborhood of from 20,000 to 25,000 people are supplied with mail through that office, and yet the gentleman from Indiana, and his coconspirator, "Charley Whitaker," and these great daily papers and magazines of the country, would have you believe that Hazard is only a crossroads village of 537 souls.

Mr. GOOD. Will the gentleman yield for a question?

Mr. LANGLEY. My time is short, but I will yield.

Mr. GOOD. Did I understand the gentleman to say that 25,000 people in that neighborhood of Kentucky were supplied through this office at Hazard?

Mr. LANGLEY. Yes; the mail goes to that office, to be sent from there——

Mr. GOOD. Why, my dear sir, last year, according to the official report, the receipts were only $5,320.

Mr. LANGLEY. I am talking about the star routes that converge there, and the employees at that office have to handle that mail in transit. There are eight post offices, most of them located at mining-operation plants, within a radius of 5 miles of Hazard. All of these are supplied through the Hazard office. Not only that, but a large portion of the service in the adjacent counties of Leslie and Knott are supplied through that office, so that I am safely within the facts when I say that fully 20,000 people are served directly and indirectly through the Hazard office. Not only is all this true, gentlemen, but a bulletin recently issued by the Geological Survey shows that in near-by territory, in the same river valley—the Kentucky—one of the greatest petroleum oil fields in the world is being rapidly developed, and hundreds of barrels of oil are to-day gushing out of some of the wells recently drilled, and millions of capital are being invested for the further development of the field. Great as has been the progress of Hazard, the glory of her future has hardly yet begun to shine. Only the glimmer of her sun of prosperity is beginning to show over the eastern hills. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman include in his remarks Proctor Knott's speech on Duluth?

Mr. LANGLEY. Hazard will surpass Duluth even, if you will only give us a little time and help us along with a Federal building. [Applause.]

Reference has been made to the fact that money could be saved by continuing the present plan of renting a building there for the post office. Let me tell you what sort of a building we have the post office in now. It is a frame building, wholly unsuited and unequipped for the purpose. It is such a character of building that it is impossible to get fire insurance upon it, and it is a disgrace to the Government to transact the business in such quarters, as the documents I shall print in the RECORD will show.

But, Mr. Chairman, the proper and decent dispatch of the post-office work there is not the only purpose for which we need a Federal building at Hazard. I have here a letter from the Director of the Bureau of Mines showing the imperative need of a mine rescue station there.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. LANGLEY. I must decline to yield. My time is getting short.

Mr. CRAMTON. Just a question.

Mr. LANGLEY. I understand; but it all takes time. We need a mine rescue station there. The Director of the Bureau of Mines appeared before our committee and made a statement of the imperative necessity for a mine rescue station there and room in the Federal building for that purpose. There are nearly 4,000 miners employed in that immediate vicinity, and there will soon be many more thousands, and the topography of the country is such that they can not be cared for by mine rescue provisions that they now have and are to have in the adjacent coal fields; so that, as the Director of the Bureau of Mines says, we must have a mine rescue station there in order to properly provide for the protection of the lives and health of the miners. And that alone would justify the appropriation that we are asking for in this bill.

There are other Government activities there that I could refer to, but I will not take the time now.

I feel that I have said enough to show unmistakably that the criticism of Hazard that has been so freely and recklessly indulged in is wholly without foundation, and that I have convinced this great body that instead of being a "pork" advocate I am simply asking justice to a great people and a thriving city; and I hope that when we come to the Hazard item those who have been opposing it will not have the courage to vote against it, so that it will receive your unanimous approval.

Mr. Chairman, one would think, after reading all that has been said about me in this connection in the press of the country, that the tenth congressional district is literally covered with "pork" filched from the people's Treasury; and yet it is a fact that there is not a single Federal public building in the tenth district, as now constituted, and not a single public work of any kind in it, except a water gauge which the Weather Bureau a good many years ago put upon one of the piers of the county bridge at Pikeville which cost about $100 and which measures the tide in the Big Sandy River, especially when it is on a rampage. [Laughter.]

Mr. MURRAY. How are you fixed for water and other drinks down there?

Mr. LANGLEY. We have plenty of water, but we are getting a little shy and a little dry, too, in other lines, due partly to the heavy demand from Oklahoma. [Laughter.]

With due deference to the intelligence and information of gentlemen of the House, I am satisfied that most of them are not accurately advised as to the wonderful and unparalleled progress that is going on in that section of Kentucky, and that is why I have trespassed thus far upon your courtesy and kindness in discussing these things, and why I shall ask you to bear with me for a few moments longer while I call attention to the other section of the district, the Big Sandy Valley, in which Pikeville is situated. The Big Sandy River, which empties into the Ohio at Catlettsburg, traverses one of the richest and most beautiful sections of country in the South for a distance of nearly 200 miles. Government experts have estimated that in this valley alone there are 10,000,000,000 tons of coal, enough to supply the world for a hundred years. This valley is traversed by two great railroads, the Chesapeake & Ohio and the Norfolk & Western, and it is understood that in the near future the Baltimore & Ohio will extend its lines through the valley. As a result one can easily foresee the great future which awaits us there when our resources are fully developed. Pikeville is practically in the center of this great valley. There is not a single Federal public building in this entire valley. The Government has provided a site for one at Pikeville, and this bill authorizes the appropriation of $35,000 to erect the building.

The city has grown from a comparatively small town of a few years ago until it has now between 3,000 and 4,000 population, with some of the finest and best buildings in all that section of the country. In addition to the common and high schools, it has a college, with several hundred pupils enrolled. It has recently erected a high-school building costing about $50,000. All the streets are paved with brick, and the city recently spent many thousands of dollars on this improvement alone. It has two national banks and many industries that I will not stop to name. In fact, it has all of the modern improvements and facilities of an up-to-date, progressive city. In addition to the need of post-office accommodations, room is also required for the United States commissioner, who is located there, and for the deputy United States marshal; also for a deputy collector, soon to be located there. It is also expected that in the near future provision will be made for the holding of a term of the Federal court there, as a very large percentage of the business of the court in the eastern Kentucky district comes from that section; and the building is to be so constructed as to admit of an addition to it for this purpose when the occasion arises.

I wish, gentlemen, that I had the time to picture to you all of the greatness of this section of our country, of its people, and of its matchless resources, so that you could understand as I understand what an unspeakable injustice has been done us by these articles and other criticisms to which I have referred.

I have noticed another editorial this week in the New York Times, which is so fond, apparently, of maligning the people of the mountains of Kentucky. This time they seek to evade the question of veracity which the people of Hazard raised against it when they conclusively showed that it had misstated the facts, and this time refer facetiously to the "exceptional marksmanship" of the Kentucky mountaineers.

I presume the editor of the Times is not familiar with the history of the people of the Kentucky mountains, and how they have always responded to their country's call. Of course, he does not know that Hazard and Perry County were named in memory of the great mountaineers of Kentucky who were with Commodore Oliver Hazard Perry when he attained the immortal place which he holds in American history. Of course, the editor of the Times is not familiar with the fact that when the life of this Nation was imperiled the patriotic mountaineers of Kentucky poured forth by the thousands to defend the flag, one county alone furnishing more Union soldiers than there were legal voters in the county, showing that even our mountain boys went to the front, just as they would do again if a foreign foe should ever attack us, and I guess they would receive a hearty welcome by the New York Times and others of that great metropolis if the attack should happen to be at that point.

We have grown sick and tired of this wholesale misrepresentation of our people in the great daily press of the country, which, ignorant of the truth and apparently not desirous of obtaining it, fill their columns with infamous libels of the mountain people whenever they are short of news, and which practice, I presume, when this leak investigation is over and the European war is ended, will be renewed.

I am proud of this opportunity of saying in this great presence that the mountains of Kentucky are inhabited by a people who are as God-fearing and as law-abiding as are found in any other sections of the Republic, and the standard of morality, Christianity, and education are just as high. More than a century and a quarter ago there came across the Cumberland Mountains from North Carolina, Tennessee, and Virginia the descendants of the Huguenots, the Scotch, the Irish, the English, and the Teutons, bringing with them the Christian beliefs and high conceptions of the duties of citizenship inherited from their ancestors, and settling in the wilds of the mountains of Kentucky, they helped to drive out the wild beasts and savages, and paved the way for the wonderful development which is now going on in that section.

Our people of the mountains of Kentucky have not only been practically ignored by our own State government, but by the Federal Government as well, and yet they have borne patiently, unselfishly, and patriotically their share of the burdens of Government. They have even contributed uncomplainingly their part of the millions that have been expended in the erection of great monumental buildings in our large cities, like New York, Boston, Chicago, and San Francisco, in which are located some of the great papers which have been misrepresenting and maligning them. I hope that what I have said here to-day about the people and the resources of the Kentucky mountains will contribute a little bit of information to the editors and news gatherers of these papers which will aid them in being a little more considerate and accurate in the future. If I accomplish that, I shall feel that I have rendered them a far greater service than merely securing an appropriation for a public building, however much it may be needed. Mr. Chairman, in conclusion I wish to say that other gentlemen can think as they like and take whatever action may suit them and satisfy their conscience and the obligation of their oath, but my idea of representative government is that each representative should stand for his own people and section first, being ready, of course, to meet others in a spirit of reasonable and honorable compromise, and thus in the end accomplish the greatest good for the greatest number, which is the most that the instrumentalities of government can do. Speaking for myself, I want to say in conclusion that so long as I am a member of this body I propose to stand for the people of my district against the balance of the world.

Just as I stand for our own country as against any other country in the world, so I stand for the people of the mountains of Kentucky as against any other section of the country, because they sent me here as their representative, and I conceive it to be my highest duty to put their interests first. If I should ever find myself unable to do that, I shall hand back to them the commission they have given me, so that they can choose some one who will. [Applause.]

Under the leave granted me to extend my remarks in the RECORD, and in support of the statements I have made above, I include as a part of my remarks the following letter from the mayor of Hazard; resolutions adopted by the Commercial Club of Hazard; a letter from the Director of the Bureau of Mines; an editorial and article from the Lexington Herald; two editorials from the Hazard Herald; a letter from D. J. Richards, a citizen of Hazard; a letter from Buford C. Tynes, addressed to the editor of the New York World, in answer to an article appearing in that paper regarding Hazard:

ONE TOWN DESERVES ITS "PORK."

To the EDITOR OF THE WORLD:

I have no disposition to take issue with you on the principle involved in an editorial appearing in your columns of December 20 under the caption "Public-buildings pork," for with that principle I am in hearty accord. But it is surprising to find that a paper of your standing should assume to cite specific instances of abuse in this connection without some foundation in fact therefor. As scores of New Yorkers who have capital invested in that section already know, five years ago Hazard, the county seat of Perry County, established in the wake of the Battle of Lake Erie, was a village of some 500 inhabitants, situate on the Kentucky River in the heart of the mountains of Kentucky, some 45 miles from the nearest railroad point. In 1912 the Lexington & Eastern extension of the Louisville & Nashville Railroad was projected on to Hazard and beyond into the greatest bituminous coal region of the United States perhaps. Hazard has now grown into a town of some 4,000 inhabitants, and is destined to be the commercial and industrial center of this vast coal region. The Hazard community proper, within a radius of 2 miles from the courthouse, has a population of some 7,500 inhabitants. It is the shipping point as also the mail-distributing point for the adjoining counties of Leslie and Knott.

At the present time the United States post office is housed in a dilapidated metal-side building, but lately devoted to a warehouse for a feed business, which is badly lighted and poorly ventilated, and which is in every respect wholly inadequate for the business done therein. Real estate values in Hazard are so prohibitive that the Government has been thus far unwilling to pay the prices asked for more commodious and appropriate quarters.

There is also located at Hazard a referee in bankruptcy for the district, composed of five of the wealthiest coal counties in the State, and also the deputy United States marshal and deputy United States collector for the districts in which Perry County is placed. Taking into consideration all these things, therefore, and the fact that Hazard's future is assured, it occurs to me that it would be truly an economy for the Government to own its own building.

The wholesome benefits that would accrue to a long-neglected citizenship in this mountainous section, oft outlandishly scandalized in blood-and-thunder articles appearing periodically in the Sunday editions of metropolitan yellow journals, and inoffensively romanticized by John Fox, jr., and Charles Neville Buck, would be out of all proportion to the amount expended by the Federal Government.

Is it possible that the World is as much in error as to the conditions obtaining in the other villages named in its editorial? May we offer the suggestion that the World bring the next edition of its almanac up to date in respect to Hazard, at least? With the other towns we are not concerned.

BUFORD C. TYNES.

NEW YORK, *December 22.*

HAZARD, KY., *December 22, 1916.*

The efforts of Hon. WILLIAM E. COX, Congressman from Indiana, in his fight against the public-buildings bill, who uses the editor of the Journal of the American Institute of Architects, comments, as an argument against certain appropriations mentions the town of Hazard, Ky., in Hon. JOHN W. LANGLEY'S district, as a small, insignificant town of 537 persons, and also mentions other places in eastern Kentucky, giving what were facts in 1910, but lacking a good deal of truth when we consider facts as they are in this good year 1916.

The town of Hazard, instead of being a small town in the sixth class, is now in the fourth class. It is the center of the coal fields of eastern Kentucky, and has a population of 4,000. The last school census gives, in the Hazard district, some 825 boys and girls between the ages of 6 and 20. Within a radius of 5 miles there are 16 coal operations, all independent, with capital invested in plants of over $2,000,000, employing at this time from 3,000 to 4,000 men. This being the county seat, the business to a certain extent is done here. As work progresses rooms will be turned, and in reasonable time the capacity be doubled, which means increased population. This being the center of the coal field on the L. & E. extension of the Louisville & Nashville Railroad, there is need at this time for the establishment of a mine rescue station, and the public building upper part is to be used as such, the lower part for post office. The building now occupied is such that no insurance can be had on it, and there is an actual need of a suitable place and building for the great increase in the post office department. If there is not any need of a building here, then it is not needed anywhere. Collier's Weekly had an article on the same line as the utterances of the Congressman from Indiana, made during the campaign just ended. The Hazard Herald, published here, replied, and sent a marked copy to the publishers, but no mention was made correcting the previous statement. If men who are so everlastingly opposed to seeing beyond the boundaries of their own district would come in person to investigate, or wake up to the fact that many changes can take place in seven years, there would be less buncomb, especially in Congress, and more real men's work done in that part of the world known as the Halls of Congress.

D. J. RICHARDS.

HAZARD PUBLIC BUILDING.

The great city newspapers are having much to say these days about the proposed public building for Hazard, and constantly refer to Hazard as a city of 537 souls. The New York Times is one. That great newspaper has the reputation of being exceptionally careful about accuracy as to facts in its news columns. The same should be true with the New York Sun, World, and other great newspapers. Try at least to avoid doing injustice to other communities without the slightest investigation. The circumstances are such as to strongly suggest ill purpose on the part of these newspapers.

When the editor found the 1910 census, crediting Hazard with "537 souls," the fact of a $40,000 public building being proposed should have suggested inquiry to an analytic editorial mind. Strange that it did not. There is always room for progress, and Hazard has developed for the past five years with a steady, rapid stride that has caused the rest of the State of Kentucky to look on with marveling admiration. The very fine quality of the coal here has caused some of the finest operations in the country to be located here, and more are immediately in prospect. The main object of the public building is a mine rescue station for the benefit of the thousands of miners in this section. The great city dailies will certainly not gainsay that great important humanitarian object.

The large city newspapers, whom we feel sure have thoughtlessly done injustice to our situation here, should make ample correction in their columns to properly inform their readers, and we feel confident that they will not hesitate to do so. Properly the Hazard Commercial Club should take the matter up direct with them to that end.

HAZARD GROSSLY MISREPRESENTED BY A NUMBER OF METROPOLITAN NEWSPAPERS.

In the annual appropriation bill for public buildings introduced in the present session of Congress is a provision for the appropriation of $40,000 for a Government building for Hazard. This provision in this bill is due to the efforts of our Congressman, JOHN W. LANGLEY. It looks like the bill will pass—not, however, without some modifications. It provides for a good many other public buildings in various parts of the United States, mainly in cities where no public building has heretofore been erected.

It is but natural, therefore, that many of the larger cities of the country, already provided for with expensive Government buildings, oftentimes costing millions of dollars, should resent the building of a post office or other public building in the smaller cities.

But just now Hazard is getting rather more of her share of opposition from the heretofore more favored communities. Thus it is that we have newspapers like the New York Times, the New York World, New York Evening Sun, San Francisco Chronicle, Collier's Weekly, and many others, knocking this community for even presuming to want a post-office building. Some of them are knocking our Congressman as well. All this is done under the idea that the bill making this appropriation is called "pork barrel," and other epithets of like meaning and import. In every instance Hazard is referred to as a town of 537 population.

In this these newspapers and all of them who have handled this subject in that way show their utter ignorance of the true situation. Of course, it is absolutely unknown to them, perhaps unbelievable on their part, that this city has a voting population—a legal voting population, if they please—of more than twice the number given as the population thereof. Perhaps also it is unknown to them that in and around Hazard there is a population largely in excess of 5,000, tributary to this post office, and that long before any building under this or any other measure can be constructed there will be a population in this city of from two to three times that number. Of course, it is unknown also to these newspapers in the large cities that there are some 15 or 20 large coal mines within a radius of 4 miles of this city, all in continuous operation and all shipping a large tonnage of coal from this point, and that the development of the coal industry in this section has just begun. All this brings Government business not only through the post office but in hundreds of other ways. And why should not the Government of the United States furnish suitable buildings—suitable office buildings for its employees? Other large business does this.

The New York Sun suggests that this and 37 other similar appropriations should be cut in half and that this would enable the Government to build a submarine named "U(nselfish) 38." We quote here an editorial from this paper:

AN INLAND SUBMARINE.

"The porkiest bill ever put before Congress is now pending. A good many of the rural Congressmen are not only bent upon bringing home the bacon but are resolved to rejoice their constituents with the finest strips of fat. A streak o' fat for the hill town, a streak o' lean for the city, seems to be the prescription most favored. A fine sample of the fat is to go to the town of Hazard, Ky., if Representative JOHN WESLEY LANGLEY can compass it. Pork knows no party. Mr. LANGLEY is a Republican.

"The population of Hazard is 537. Yearly post-office receipts are under $5,000. Rental of the present post-office quarters is $250 a year. The public-building bill would appropriate $40,000 for a Government building which would require $3,500 a year for maintenance.

"We have never been able to comprehend the passion for resplendent post offices. If the money were for schools or for the support of teachers a certain lavishness with it would be understandable. But the school district pays for the school house and pays the teacher—we wonder how much she gets in Hazard—whereas the 2-cent stamps of the city dwellers pay for the marble corridors of Government buildings in Hazards from Maine to California.

"Now, it is possible that the people of Hazard do not quite realize that this country needs guns and battleships. They are not on the seacoast. With good reason they feel tolerably secure. But a number of settlements whose wealth would make possible their Government building have not the same comfortable sense of safety. Isn't any reasonable compromise possible? Perhaps for $20,000 Hazard could have a thoroughly adequate Government building, serviceable, substantial, and dignified if not showy. The other $20,000 might go to buy a piece of artillery or some smokeless powder. In the same public-building bill which favors Hazard there are plump sums to erect buildings or buy sites in 16 North Carolina and 21 Missouri villages. If all these and Hazard were to halve the money designed for them they could pay for a submarine, which might be christened the U(nselfish) 38."

We have not space to answer it in full, but we venture to remark that New York City has had millions appropriated to it to every cent which has been appropriated to the entire tenth congressional district of Kentucky since the Civil War, to say nothing of the millions that went to that city before that time. No; we do not specially need submarines or want them. Certainly not half so badly as New York will need our coal if once we should have war.

And, speaking of marble corridors in Hazards from Maine to California, it might not be improper to inquire just who paid for the marble post-office building that cost millions in the city of New York. And did not the people of Hazard help pay for that building as they have helped pay for all the other buildings?

True we pay our teachers, and we paid for our $50,000 school building as well, and we have a school in Hazard which would compare favorably with the public schools of New York, and it has a larger daily attendance than the total population given to Hazard by these papers.

(Hazard employs 19 teachers and pays them $11,795 annually.)

Just here we might say that we have taken the time to investigate the records of the Hazard post office, and this is approximately the amount of business we find in the post office which these newspapers, which are supposed to give correct information to their readers, say serves 537 souls. The number of people served directly—and this means through the windows of the Hazard post office—is estimated by the Hazard postmaster from his records at 8,000.

In addition to this the Hazard post office serves, through its routes, every post office in Leslie County, with the exception of two or three in the extreme lower part of that county, and the number of people served in that county by the Hazard post office is conservatively estimated at 8,000; then, again, the Hazard post office serves more than half the population of Knott County, and this number is conservatively estimated at 5,000. Thus we see, from the actual records of the United States Post Office Department, the Hazard post office serves more than 20,000 people. Yet the New York Sun, in its gigantic misrepresentation or in its monumental ignorance, lets out an awful howl about "pork." We know only from reading such reports what "pork" means; we have never had any experience in the matter in these Kentucky mountains; we have been forced to do the best we could without Government aid in a financial way, but we do wish that these newspapers which have been attacking Hazard so malevolently and viciously would stop to investigate the truth before they publish such libels and spread them broadcast throughout the country.

We believe that if the New York Sun and World and those other papers would investigate the conditions of the Hazard post office they would not only repudiate the obnoxious articles referred to herein, but would openly advocate the appropriation by Congress of the $40,000 proposed in the public-buildings bill. We need just such a building, and everyone who knows the conditions here knows that we need the building. It is up to us to stand by our Congressman, JOHN W. LANGLEY, and to arm him with facts and figures which will show the other Members of Congress that he is justified in his efforts in our behalf. We can do it and we must do it.

—

[From the Lexington Herald, Jan. 11, 1917.]

HAZARD INVITES NEWSPAPERS THAT CHARGE "PORK" IN $40,000 POST OFFICE APPROPRIATION TO SEND REPRESENTATIVES TO INSPECT HUSTLING PERRY COUNTY CAPITAL.

Metropolitan newspapers which have had editorials, based on incorrect data, derogating the $40,000 appropriation for a post-office building for Hazard, Perry County, are asked to send their special representatives to Hazard for the purpose of learning the real facts about the city in resolutions adopted by the Hazard Commercial Club. President J. B. Hoge, of the club, is authorized to send copies of the resolution to the New York Sun, New York Times, New York World, Colliers' Weekly, Washington Star, San Francisco Chronicle, and "other large journals known to have printed these mistaken, incorrect articles about Hazard."

Hazard recently, through Congressman JOHN W. LANGLEY, asked for an appropriation of $40,000 for the post-office building. The bill will come up before the House Saturday for final vote. The newspapers, basing their claims on a Hazard population of 537, where in reality it is more than 4,000 the commercial club says, ask that the appropriation be held up, alleging "pork."

The Hazard Herald, in defense of the city's claims, recently pointed out the newspapers' errata in news stories, and in an editorial gave also a digest of the coal activities about Hazard.

Resolutions adopted by the Hazard Commercial Club follow:

"Whereas several large city newspapers have been publishing articles derogating an appropriation by Congress for a public building at Hazard, referring to us as a town of '537 souls'; and

"Whereas Hazard now has a population of over 4,000 people (which is increasing rapidly, with a near-by country and mining population of about 4,000 more people, who patronize the Hazard post office direct, besides which there are within a radius of 4 miles of Hazard eight recently established post offices serving locally that many different coal operations, including over 7,000 people; and

"Whereas there are within the same radius, already under way, 10 coal operations—some of them among the finest plants in the country—with still others in early contemplation, and all together employing thousands of men; and one of the chief objects of the proposed public building being to house a mine rescue station for their protection, as well as protection of the thousands of men in the mines now operating on the head of the Kentucky River, and other mines which will soon be started in this rapidly developing field of exceptionally good coal; and

"Whereas in the reference of these great newspapers in providing for the public defense, they forget that in case of attack on New York City by an enemy they would be eagerly calling for the defense of their fortifications these hardy Kentucky mountain men, famed in every war of our country for their daring, their cunning, and their exceptional marksmanship—these men whose patriotism would naturally be fired brighter by having a building in our midst over which Old Glory waves encouragingly every day of the year. Men from the county and county seat whose names memorialize the hero of the famous battle of Lake Erie—Commodore Oliver Hazard Perry—named for him by Kentucky mountain men who were with him in his daring battle and glorious victory and loved him as a kindred spirit: Therefore be it

"*Resolved by the Hazard Commercial Club*, That we trust Hazard, Perry County, may soon say, with Commodore Hazard Perry, 'We have met the enemy, and they are ours.' That the big cities may realize the justice of the smaller cities having a material token of our Federal Government, of which the entire community may be proud, as well as the large cities, which are all so bountifully provided along that line. That the hardiest body of fighting men for the defense come from the less urban communities. But especially that these great city newspapers shall at once set their readers aright as to the city of Hazard, where much—very, very much—has taken place since the census of 1910. That common justice and fairness demands that this be done, and that we urge the sending of their own special representatives here to see for themselves what has happened to and about the city of '537 souls,' to learn that events push on regardless of a census, and that we need the public building.

"*Resolved further*, That the president is hereby directed to transmit a copy of this resolution to the New York Sun, New York Times, New York World, Collier's Weekly, Washington Star, San Francisco Chronicle, and other large journals known to have printed these mistaken, incorrect articles about Hazard, and also to our Senators and Congressmen, thanking them in advance for their kindness and good will to the thrifty 'baby city' of our Commonwealth, and on behalf of the miners in their hazardous occupation of getting out the 'black diamonds,' who certainly deserve as much consideration as the cities, for the benefit of which they take their risks underground to get the coal.

"J. B. HOGE, *President*.
"R. L. CONNELL, *Secretary*."

The Hazard Herald of January 4 has the following editorial on the post-office situation:

HAZARD PUBLIC BUILDING.

"The great city newspapers are having much to say these days about the proposed public building for Hazard, and constantly refer to Hazard as a city of 537 souls. The New York Times is one. That great newspaper has the reputation of being exceptionally careful about accuracy as to facts in its news columns. The same should be true with the New York Sun, World, and other great newspapers. Try at least to avoid doing injustice to other communities, without the slightest investigation. The circumstances are such as to strongly suggest ill purpose on the part of these newspapers.

"When the editor found the 1910 census, crediting Hazard with '537 souls,' the fact of a $40,000 public building being proposed should have suggested inquiry to an analytic editorial mind. Strange that it did not. There is always room for progress, and Hazard has developed for the past five years with a steady, rapid stride that has caused the rest of the State of Kentucky to look on with marveling admiration. The very fine quality of the coal here has caused some of the finest operations in the country to be located here, and more are immediately in prospect. The main object of the public building is a mine-rescue station for the benefit of the thousands of miners in this section. The great city dailies will certainly not gainsay that great, important, humanitarian object.

"The large city newspapers, whom we feel sure have thoughtlessly done injustice to our situation here, should make ample correction in their columns to properly inform their readers, and we feel confident that they will not hesitate to do so. Properly, the Hazard Commercial Club should take the matter up direct with them to that end."

The Hazard case, as presented by the Hazard Herald of January 4, follows:

"In the annual appropriation bill for public buildings introduced in the present session of Congress is a provision for the appropriation of $40,000 for a Government building for Hazard. This provision in this bill is due to the efforts of our Congressman, JOHN W. LANGLEY. It looks like the bill will pass—not, however, without some modifications. It provides for a good many other public buildings in various parts of the United States, mainly in cities where no public building has heretofore been erected.

"It is but natural, therefore, that many of the larger cities of the country already provided for with expensive Government buildings, oftentimes costing millions of dollars, should resent the building of a post office or other public building in the smaller cities.

"But just now Hazard is getting rather more than her share of opposition from the heretofore more favored communities. Thus it is that we have newspapers like the New York Times, the New York World, New York Evening Sun, San Francisco Chronicle, Colliers' Weekly, and many others, knocking this community for even presuming to want a post-office building. Some of them are knocking our Congressman as well. All this is done under the idea that the bill making this appropriation is called "pork barrel" and other epithets of like meaning and import. In every instance Hazard is referred to as a town of 537 population.

"In this these newspapers, and all of them who have handled this subject in that way, show their utter ignorance of the true situation. Of course, it is absolutely unknown to them, perhaps unbelievable on their part, that this city has a voting population—a legal voting population, if they please—of more than twice the number given as the population thereof. Perhaps, also, it is unknown to them that in and around Hazard there is a population largely in excess of 5,000 tributary to this post office, and that long before any building under this or any other measure can be constructed there will be a population in this city of from two to three times that number. Of course, it is unknown also to these newspapers in the large cities that there are some 15 or 20 large coal mines within a radius of 4 miles of this city, all in continuous operation and all shipping a large tonnage of coal from this point, and that the development of the coal industry in this section has just begun. All this brings Government business, not only through the post office but in hundreds of other ways. And why should not the Government of the United States furnish suitable buildings—suitable office buildings—for its employees? Other large business does this.

"The New York Sun suggests that this and 37 other similar appropriations should be cut in half, and that this would enable the Government to build a submarine named 'U(nselfish) 38.' We quote here an editorial from this paper:

"AN INLAND SUBMARINE.

"'The porkiest bill ever put before Congress is now pending. A good many of the rural Congressmen are not only bent upon bringing home the bacon, but are resolved to rejoice their constituents with the finest strips of fat. A streak o' fat for the hill town, a streak o' lean for the city, seems to be the prescription most favored. A fine sample of the fat is to go to the town of Hazard, Ky. if Representative JOHN WESLEY LANGLEY can compass it. Pork knows no party. Mr. LANGLEY is a Republican.

"'The population of Hazard is 537. Yearly post-office receipts are under $5,000. Rental of the present post-office quarters is $250 a year. The public-buildings bill would appropriate $40,000 for a Government building, which would require $3,500 a year for maintenance.

"'We have never been able to comprehend the passion for resplendent post offices. If the money were for schools or for the support of teachers a certain lavishness with it would be understandable. But the school district pays for the schoolhouse and pays the teacher—we wonder how much she gets in Hazard; whereas the 2-cent stamps of the city dwellers pay for the marble corridors of Government buildings in Hazards from Maine to California.

"'Now, it is possible that the people of Hazard do not quite realize that this country needs guns and battleships. They are not on the seacoast. With good reason they feel tolerably secure. But a number of settlements whose wealth would make possible their Government

building have not the same comfortable sense of safety. Isn't any reasonable compromise possible? Perhaps for $20,000 Hazard could have a thoroughly adequate Government building, serviceable, substantial, and dignified, if not showy. The other $20,000 might go to buy a piece of artillery or some smokeless powder. In the same public-buildings bill which favors Hazard there are plump sums to erect buildings or buy sites in 16 North Carolina and 21 Missouri villages. If all these and Hazard were to halve the money designed for them they could pay for a submarine, which might be christened the U(nselfish) 38.'

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"And, speaking of marble corridors in Hazards from Maine to California, it might not be improper to inquire just who paid for the marble post-office building that cost millions in the city of New York. And did not the people of Hazard help pay for that building, as they have helped pay for all the other buildings?

"True, we pay our teachers; and we paid for our $50,000 school building as well; and we have a school in Hazard which would compare favorably with the public schools of New York, and it has a larger daily attendance than the total population given to Hazard by these papers.

"(Hazard employs 19 teachers and pays them $11,795 annually.)

"Just here we might say that we have taken the time to investigate the records of the Hazard post office, and this is approximately the amount of business we find in the post office which these newspapers—which are supposed to give correct information to their readers—say serves 537 souls: The number of people served directly—and this means through the windows of the Hazard post office—is estimated by the Hazard postmaster, from his records, at 8,000. In addition to this the Hazard post office serves, through its routes, every post office in Leslie County, with the exception of two or three in the extreme lower part of that county, and the number of people served in that county by the Hazard post office is conservatively estimated at 8,000; then, again, the Hazard post office serves more than half the population of Knott County, and this number is conservatively estimated at 5,000. Thus we see, from the actual records of the United States Post Office Department, the Hazard post office serves more than 20,000 people. Yet the New York Sun, in its gigantic misrepresentation, or in its monumental ignorance, lets out an awful howl about "pork." We know only from reading such reports what "pork" means; we have never had any experience in the matter in these Kentucky mountains; we have been forced to do the best we could without Government aid in a financial way; but we do wish that these newspapers which have been attacking Hazard so malevolently and viciously would stop to investigate the truth before they publish such libels and spread them broadcast throughout the country.

"We believe that if the New York Sun and World, and those other papers, would investigate the conditions of the Hazard post office they would not only repudiate the obnoxious articles referred to herein, but would openly advocate the appropriation by Congress of the $40,000 proposed in the public-buildings bill. We need just such a building and everyone who knows the conditions here knows that we need the building. It is up to us to stand by our Congressman, JOHN W. LANGLEY, and to arm him with facts and figures which will show the other Members of Congress that he is justified in his efforts in our behalf. We can do it, and we must do it."

"Coal Notes," from the Hazard Herald, showing the activities in that section follow:

"The Hazard coal field in January, 1915, was producing on an average 60 cars of coal a day, or 3,600 tons. The field is now averaging 160 cars a day, or over 9,600 tons. As a matter of fact on some days the output runs up to much more than this. But for the shortage of cars during the last three months the field would have averaged considerable more. This output is from 14 mines. Of these the Blue Grass is averaging 17 cars a day; the East Tennessee, Kentucky Jewel, Ashless, Himyar, are averaging 15 cars a day; Columbus No. 4 puts out an average of 10 cars; the Hazard Coal Co. and the Daniel Boone average 12 cars; Diamond Block is averaging now about 6 cars; the Four Seams Colleries Co. puts out 3 cars a day. These last two companies are just getting well under way, and their output will increase rapidly from now on.

"These 10 mines are in and around Hazard, and this output is all handled through the Hazard freight office. The four companies on First Creek ship out through Typo, but they are of course part of the Hazard field proper. On First Creek the Harvey Coal Co. is turning out 12 cars a day; Kentucky Block, 7; First Creek Coal Co., 7; and Blue Diamond, 12. Each car of coal shipped out of this field will weigh on an average 60 tons. The output of the First Creek companies will gradually increase as the entries are lengthened and the car service improves. They are all new operations, but they are under the management of some of the best coal men in the eastern Kentucky field, and all have very neat and modern plants and efficient employees. The Harvey Coal Co. plant is in the head of the creek, has a good location, enabling it to extend its tipple across the hollow and work over a greater area at one time. Before the middle of the summer there will be at least three more companies working on this creek.

"The Kenmont Coal Co. has its plant on Buckeye Creek completed and is now ready to begin mining coal, but is being delayed a little pending the completion of the Kentucky River Power Co.'s large central plant. The power company is furnishing power now up to the full capacity of its old plant, but expects to have at least one unit of its new plant in operation within a few days, thus lessening the strain on the old plant. The output from the Kenmont mine will not be handled through the Hazard railroad office. The new mine of the Columbus Coal Mining Co., on Walkers Branch, mine No. 3, will not be ready to ship coal for a few weeks, owing to the fact that it must wait for the completion of the railroad to bring in heavy steel for the tipple and other heavy equipment. The company has some 4,000 tons of coal stacked outside, which it will load as soon as the railroad gets up in the hollow and ship mine run. All the company's tracks are down, power lines are up, motors are on the ground working, and 18 entries and air courses are being driven as rapidly as men can press the work on both sides of the hollow in the No. 4 coal. This company ought to be shipping from 15 to 20 cars a day within three months after they begin operations. The station on Walkers Branch will be known as Alais, named in honor of the president of the Columbus Coal Mining Co., of Chicago.

"A good percentage of the present output of the Hazard field was contracted for last year, so that local operators are not all profiting as much as they should by reason of the present high prices prevailing all over the country. For instance, a good deal of block coal is now going out under old contracts at from $1.10 to $1.50, while occasionally a car is sold at the present-day price, at $3 to $4 per ton. All new orders that can be filled come at good prices now, slack in some instances bringing $2.50 and $3. Local operators, being unable to fill orders for slack, have been buying all the slack from the small wagon mines around town, and paying a good price for it loaded on cars at the railroad station."

HAZARD COMMERCIAL CLUB.

Whereas Hon. JOHN W. LANGLEY, Representative in Congress from the tenth Kentucky district, has secured approval of an appropriation for a public building at Hazard; and

Whereas we feel that no city in the country more urgently needs such a building than does Hazard, and none more properly merits such recognition and aid on the part of Congress, under the circumstances: Therefore be it

Resolved by the Hazard Commercial Club, That the sincere thanks of the entire citizenship of Hazard are hereby extended to Representative LANGLEY and others who have aided him in securing the authorization, together with the urgent request and hope that the appropriation may certainly be made.

J. B. HOGE, *President.*
R. L. CONNELL, *Secretary.*

[Editorial, the Lexington Herald, Jan. 11, 1917.]

JUSTICE FOR HAZARD.

There are published in other columns of this issue resolutions adopted by the Hazard Commercial Club in response to articles in numerous papers deprecating or opposing an appropriation of $40,000 for the erection of a public building in Hazard. There are also published articles from the Hazard Herald showing what has been the growth of Hazard since the taking of the census upon which those papers base their opposition.

Few Kentuckians even realize how rapid has been the development of the coal fields of eastern Kentucky, of which Hazard is the center. It is not surprising, therefore, that papers published in other States should have no adequate conception of that growth, which has transformed Hazard from a village of 537 inhabitants, as given by the census, to a growing, bustling, hustling, populous town of 4,000 inhabitants, the center of a region that is developing more rapidly than any section in the South. When it is understood that the growth and development of the coal fields of eastern Kentucky has but begun, that the surface has but been scratched, it can easily be realized that within a comparatively short time Hazard and other cities and towns in that region will rival in population and in business many cities that but a few years ago far surpassed them both in population and in business.

Not as yet have the coal mines of that field begun to produce their capacity. Thousands of acres are as yet untouched. But even with the present development Hazard is entitled to the consideration of the Federal Government, and with the purpose for which the citizens of Hazard are striving for a public building, there should be peculiar and sympathetic interest on the part of all who appreciate the need for instruction to the miners in all methods of scientific mining and conserving of human life.

It is the desire and the purpose of the citizens of Hazard to have established at Hazard a mine-rescue station, where there will be demonstrated the latest and most scientific methods of operating mines and the most effective means of preventing accidents in mines. Even on the business done by the population of to-day, Hazard is entitled to such a building as is contemplated in the bill which has been ridiculed and opposed by the great city papers. Judged by the prospects of development, within the next few years, even by the time that that public building can be erected, Hazard will be entitled to the erection of a more extensive building than the one now proposed.

There is no paper that has more consistently opposed all "pork" projects than has the Lexington Herald; but it is unjust to apply such terms to the project for the erection of such a building at Hazard as is desired by the citizens of eastern Kentucky. It is not only not improper but most eminently proper that the Federal Government should give the recognition of a suitable building for the transaction of the public business.

HAZARD, KY., *January 9, 1917.*

HON. J. W. LANGLEY,
House of Representatives, Washington, D. C.

DEAR SIR: In connection with the efforts to secure an appropriation for a public building here, I beg to state that our estimates and figures show that the city of Hazard now has a population somewhat in excess of 4,000. The rate of increase has been something like an average of 1,000 per year for the past three years, and, in our belief, the conditions are such that this estimated rate of increase will be maintained for some time to come, probably at least two or three years.

There are three coal operations entirely within the corporate limits of the city, and two of the three operations are beginning expansions of their plants, which will necessitate a considerable addition of men. The third one has just reached the point of beginning to run coal and it will take in quite a number of additional families steadily for a year or two. This, however, is only a part of the actual growth of the city. In the residence and business sections the growth is steady and consistent and the increase there during the next two or three years will probably exceed the very material and rapid addition in population and building of the past two or three years. The city authorities have already taken steps toward paving all the principal streets in the city during the coming summer, which will be a very material inducement to the growth of the city, as you understand.

The city now has a public school, including high school, with 14 teachers, and in addition to this there is the Hazard Baptist Institute, a secular school, which has an average attendance of over 200, with an equipment of 5 teachers. The average attendance of the public school is over 600. The Hazard graded school district extends beyond the limits of Hazard and has in it several ward schools.

I trust that the above information may be of some benefit and help in your efforts to show to your fellow Members of Congress that Hazard is unmistakably entitled to a public building. We all feel here that the building proposed will be inadequate for our needs by the time it can be completed, but we will be none the less glad to have the build-

ing and then secure enlargements later on, if possible. We are especially interested in securing a mine-rescue station here, but we feel that you have this in mind as well, and that you will handle the matter to that ultimate end,

Very truly,

W. M. PURSIFULL, *Mayor.*

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DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, January 11, 1917.

Hon. JOHN W. LANGLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. LANGLEY: In reply to your letter of January 7, 1917, referring to the proposition to establish a mine-rescue station at Hazard, Ky., I am glad of the opportunity at this time to reiterate the statement which I made to subcommittee No. 3 of the Committee on Public Buildings and Grounds of the House of Representatives on April 21, 1916, to the effect that I recommend the establishment of the mine-rescue station above mentioned.

On account of the topography of the country surrounding Hazard, it is impractical to furnish the mine-rescue and first-aid training which the miners of that locality should receive from headquarters located at other points. Since the Lexington and Eastern branch of the Louisville & Nashville Railroad has been completed to this point, the coal-mining industry in the vicinity has increased tremendously. In 1913 there were but three shipping mines in this district, which it is understood produced less than 100,000 tons of coal. In 1914 the approximate production of Perry County was 221,000 tons, which figure was increased to 548,000 tons in 1915, this amount of coal being shipped from 10 producing mines. According to recent reports other new mines are being put on an operating basis, and in view of these facts it would appear to me that the recommendation made to the above-mentioned committee has been fully substantiated.

As you are aware, it is the plan of the Bureau of Mines to detail a foreman miner to take charge and instruct the workmen in the district in mine-safety and first-aid methods, and as soon as the proposition has been placed upon a sound footing to turn the entire matter over to the operators and let them maintain the station on their own account. It is felt that cooperation of this kind by the bureau would encourage the mining men in the district in question to undertake this humanitarian work and would aid them in its permanent establishment.

Cordially, yours,

VAN. H. MANNING, *Director.*

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I take this opportunity for the purpose of answering some criticisms made against the provisions carried in this bill in favor of Tennessee and the district I have the honor to represent. They were criticisms made by the gentleman from Wisconsin [Mr. FREAR], the gentleman from Iowa [Mr. GOOD], and the gentleman from Ohio [Mr. ASHBROOK].

The gentleman from Wisconsin [Mr. FREAR], on page 13 of his speech, which has been extensively circulated, calls attention to two Federal buildings in my district—Jellico and Maryville. In the table he prints they are both classed as post offices, the one at Jellico carrying an appropriation of $80,000 and the one at Maryville $70,000. The building at Jellico was finished more than a year ago, and the Maryville building will be completed in a few months.

The gentleman failed to state, although it was written in the act authorizing the appropriation, that the Jellico building was not only to be a post office, but also to provide a mine rescue station, which made it necessary to carry an additional amount of money.

We have had in the last 10 or 15 years a number of very serious mine accidents in that district. I remember one where 162 miners were killed; not a man escaped. This place, Jellico, is in the center of the great coal-mining district of the South. There are in a radius of 75 miles of this mine rescue station in the States of Tennessee and Kentucky more than 15,000 miners. The receipts of this post office last year were $10,615, so that it is within the law passed by Congress carried in the last public-buildings bill.

The Maryville building is to house the post office, and on the second floor the local officials of the Appalachian Forest Reserve, now without a home, will have headquarters. When I secured the appropriation for the site for a building in that town the postal receipts were about $5,400, and last year they were $14,623. According to the census of 1910, there were 2,381 people in Maryville. To-day one new plant, the Aluminum Co. of America, has on its pay roll 3,500 men, and the population of the town and suburbs is over 8,000. In a short time the population of Maryville will reach 25,000. So both of these building propositions were in the interest of the public and in strict compliance with existing law.

Mr. Chairman, the criticism made by the gentleman from Wisconsin [Mr. FREAR] was that in the towns carried in the bill providing for building sites for Tennessee the postal receipts were less than $6,000.

When the pending bill was made up and site items passed upon by the committee, we had a report from the Post Office Department showing that in every instance the total amount of postal receipts covering 12 months was more than $6,000—from $6,540 to $8,417—items criticized by the gentleman from Wisconsin [Mr. FREAR], the gentleman from Iowa [Mr. GOOD], and the gentleman from Ohio [Mr. ASHBROOK]. So every one of these propositions are within the law.

I submit the list of site places and the amount of postal receipts for the calendar year 1916:

La Follette	$6,540
Rockwood	7,597
Lenoir City	8,081
Dixon	8,417

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CLARK of Florida. Mr. Chairman, I would like to find out whether we can agree upon some time to end debate on the paragraph.

Mr. RAKER. I would like 10 minutes on the paragraph.

Mr. CRAMTON. I hardly feel that the chairman ought to ask that now, following three speeches on his side and time unrestricted. It might be difficult to tell how much time is wanted.

Mr. CLARK of Florida. The gentleman from Iowa had 20 minutes, and I am simply trying to make an agreement. Does the gentleman want some time?

Mr. CRAMTON. I had thought of taking some time to say something, and moving to strike out the paragraph.

Mr. CLARK of Florida. That is already pending. The gentleman from Iowa made that motion.

Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 43 minutes.

The CHAIRMAN. The gentleman from Florida moves that all debate on the pending paragraph and amendments thereto close in 43 minutes.

The question was taken, and the motion was agreed to.

Mr. AUSTIN. Mr. Chairman, I will now answer the charge made by the gentleman from Iowa [Mr. GOOD], and by others, that this is a sectional bill. My Republicanism is just as good as that of any man who sits on this side of the House. I say there is absolutely no foundation for that statement. I will venture the assertion that this bill authorizes a larger amount for States carried by Gov. Hughes than for the States carried by President Wilson in the recent November election. I will make a second statement, and that is that you will find, if you go through the bill from cover to cover, that the amount of money authorized in the districts represented by Republicans exceeds the amount of money authorized in the districts represented by Democrats. [Applause.]

The total authorization in this bill is about $33,000,000, and of that amount $5,684,000 goes to 12 Southern States. I can name three northern cities in this bill which are to receive more money than the 12 Southern States. The three cities are New York, Chicago, and Philadelphia.

Now, another proposition: The gentleman has been contrasting what the 10 Members from the State of Tennessee receive under this bill. There are nine propositions, carrying $100,000. Let us see what Iowa secures. Eleven Members have 13 propositions in the bill, with a total amount of $337,500.

So Iowa, with only one additional Member over that of Tennessee, gets $277,500 more than Tennessee—a Southern State. If there is sectionalism there, it is in favor of his State against my State.

Now, what about the so-called pork barrel. The gentleman himself [Mr. GOOD], according to the records of the Committee on Public Buildings and Grounds, introduced a bill for a post office at Marion, Iowa, where the population in 1890 was 4,400 and the postal receipts $11,680, and his bill calls for $100,000.

Mr. RUCKER of Missouri. When was that?

Mr. AUSTIN. In this Congress.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GOOD. The gentleman to whom the gentleman from Tennessee is referring refused to go before the committee and commit himself to a bill carrying thirty-eight millions of dollars out of an empty Treasury, and refused to say anything in favor of it, did he not?

Mr. AUSTIN. Yes; but the gentleman committed himself by writing a bill and putting his name upon it and sending it to our committee.

Mr. GOOD. That was almost two years ago, was it not?

Mr. AUSTIN. Oh, when we were introducing bills to go into this omnibus public-buildings bill. The amount carried in the gentleman's bill is about twice the amount carried in this bill for towns having postal revenues of $11,000.

Mr. RAGSDALE. Mr. Chairman, was that done with the idea of preventing the gentleman from coming back to Congress?

Mr. AUSTIN. I want to say, in conclusion, the Democrats are in control in this House, and the majority of the Democratic Members come from the South. It would not be anything but natural and reasonable that they should have more items in the bill than the minority, but they have been absolutely fair and impartial in the division of these authorizations. [Applause.] The only complaint I have is that the Members from the South have not actually secured more for their section and that the bill does not carry far more for Tennessee and the district I represent.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CRAMTON. Mr. Chairman, to my mind the passage of this particular bill at this particular time is nothing short of preposterous. I have listened to the arguments advanced for the bill by different gentlemen who are familiar with the figures in response to attacks made upon it with reference to sectionalism, partisanship, or treatment of individual districts. It is very plain that the "division" to which the gentleman from Tennessee [Mr. AUSTIN] just referred, has been made with a strange mathematical nicety.

There is no partisanship in "pork." We all admit that. Whether a man is a Republican or a Democrat, he is just as pleased to receive it. In anything that I say here I do not desire to impugn the motives of any individual Member, but I do say that the system which has brought forth this bill is a system that is not desirable for the best interests of the country, and as a Member of this House I submit that I have a right to express my criticism of the bill and of the system, and even have the right to do so without having my motives questioned or impugned. I submit—and the members of the committee can correct me if I am wrong, for I have not tallied it up myself—that it is probably the truth that not a single Member of this House who has introduced a bill for a public building in his district but has had at least one bill reported out, unless he told the committee not to report it out. That is the basis on which "pork" bills are made, so that every fellow is going to have a square deal and will have his chance, and when you are making a "pork" bill the committee is bound to keep to established rules and customs.

Mr. Chairman, to relieve the mind of somebody who may be looking up the thing to find out what the Member of the seventh Michigan district asked for, I want to say that while there are propositions in my district more worthy than some here, propositions that could stand even the desirable rule recommended by the committee in the last paragraph of the pending bill, I did not introduce a bill or ask for anything. I do not have to move to strike out my item, as some of these gentlemen are so quick to suggest, even though I might consider it a good proposition; but I was so opposed to the system, and I am so opposed to this kind of extravagance at this critical time in our finances, that I had not the nerve to even ask the committee to report out a bill for me. So I did not introduce one. I amended the bill in that respect before the committee had a chance at it. I am opposed to the system.

There are other good reasons against this bill that I want to urge more emphatically than that. In the first place, there remain of this session only 39 legislative days, and you gentlemen know that there is no opportunity left for this Congress to consider anything of constructive legislation in those 39 days, and yet we come in with this pork bill, and we consume with it several of those 39 days. Yesterday we set aside Calendar Wednesday, which was won only by the progressive spirit of the country after a long, hard-fought battle, and I predict that for the remainder of this Congress we will dispense with that day very frequently. Still we have time to spend a week upon whether there shall be a building in this little town or that little town that has no particular need for it.

Again, while I have said there is no partisanship in pork, I want to say to the other side of the House that when a party is in power as is the Democratic Party to-day, controlling every branch of the Government, you have the responsibility upon you to see to it that you have enough money to pay your bills, and it is a pretty big problem at the present moment. Mr. Chairman, I have in my hand a statement issued by the Secretary of the Treasury in this administration, under date of December 31, 1916, in which he states that we will have a deficit for the year ending June 30, 1918, of $379,000,000. Of course, of that amount $279,000,000 is the actual hole there will be in the Treasury, but the law requires another hundred million dollars to be in the Treasury, and that brings it up to $379,000,000. That does not include any public-buildings bill at all.

Here I extend my remarks by insertion of the statement in full, which reads as follows:

DECEMBER 31, 1916.

Secretary McAdoo said:

"The problem before the Treasury is this: The preparedness program adopted by the Congress at the last session, including the estimated disbursements for the Mexican border patrol, involves an estimated expenditure of $683,918,000 for the fiscal years 1917 and 1918, in addition to the regular appropriations for the Army and Navy Establishments. There will be no deficit in the Treasury for the fiscal year 1917, and the impending deficit for the fiscal year 1918 is due solely to the great outlays that are being made by the Government for preparedness and for patrolling the Mexican border.

"Upon the basis of existing revenue laws the estimated deficit in the Treasury June 30, 1918, is in round numbers $279,000,000. To this must be added $100,000,000 for a necessary working balance in the Treasury. The Treasury, therefore, must be replenished to the extent of $379,000,000 in the fiscal year 1918.

"How shall this money be raised? It is not for the Treasury Department to prepare revenue measures. That is the sole prerogative of the Congress. The function of the department is to furnish all available information and to submit suggestions for the consideration of the Congress. What I say is, therefore, merely an expression of my personal views. I am and always have been opposed to the issue of bonds to meet current expenditures of the Government. Nothing could be more unsound than to fail to pay as we go. There is, however, this distinction: First, that for permanent investments, such as the purchase of the Danish West Indies and the construction of the Alaskan railway; second, for the construction and purchase of vessels for the merchant marine and the construction of nitrate and armor-plate plants, all of which have a commercial and marketable value and which are also in the nature of permanent investments; and third, for extraordinary expenditures due to national emergencies, such as the necessity for patrolling the Mexican border, and which it is manifestly impossible to anticipate in revenue legislation—for all of these it is proper to issue bonds. This also applies to the Panama Canal, which is a permanent investment and on account of which there has already been expended out of current revenues $231,108,283.

"Taking into consideration, however, only the following: Estimated expenditures for the Mexican border patrol up to June 30, 1917, $162,418,000; estimated expenditures for the Alaskan Railway up to June 30, 1918, $21,838,000, there will be a total expenditure of $184,256,000 out of the general fund of the Treasury, for which it is clear that the Treasury ought to be reimbursed by the issue of a like amount of bonds.

"To summarize: The total new money to be raised for the fiscal year ending June 30, 1918, is, as estimated, $379,073,000; proposed bond issue, $184,256,000, leaving to be raised by taxation, $194,817,000.

"The wealth and resources of the country are so great that it will not be difficult to raise this amount (approximately $200,000,000) by internal taxation, which can be distributed in such a way as not to bear heavily or unjustly upon anybody.

"The Congress has already authorized the issue of bonds to provide the $50,000,000 authorized for a merchant marine and the $20,000,000 authorized for a nitrate plant. I presume that bonds will be authorized by the Congress for the $25,000,000 required for the purchase of the Danish West Indies. If this should be done, and bonds should be issued to cover the Mexican border patrol and Alaskan Railway expenditures, a total issue of $279,256,000 of bonds will be made ultimately.

"There is not included in the foregoing anything for an omnibus public-buildings bill.

"I earnestly hope that even as to some of the items which are included in the estimates, material reductions and savings may be effected. Rigid economy, to the extent that it does not impair efficiency, should be practiced in all departments of the Government."

So that every dollar that you are voting in this bill to put up a public building in Podunk—I was going to say Kentucky, but in view of the eloquent remarks of my friend from Kentucky [Mr. LANGLEY], I will put it some other place—Podunk, anywhere, must be raised by direct taxation of the people of Podunk and elsewhere. I wonder how the people in the vicinity of every one of these little towns who see a big building put in the county seat, bigger than the needs of the town, look upon it? I wonder what the people who pay the taxes think about the matter, and whether they will enthusiastically get out the band to meet the Member of Congress who helped to squander the money? The Secretary of the Treasury has pointed out how a large part of this money can be raised by bonds, but he says that even with all of the bonds he is able to think of which could probably be issued, we shall have to raise in addition $200,000,000 of new taxes. Ever since I have been in Congress you gentlemen on the other side of the aisle have been thinking up something new to tax, and still your Secretary of the Treasury says that you have to raise $200,000,000 more.

The gentleman from Massachusetts [Mr. GARDNER] the other day stated that he would vote against the bill under certain conditions, and I prophesy that he will, because there will be no amendment made to this bill. That is one of the beautiful features of the system. I care not how meritorious a provision may be if it is offered here, whether it is Flint, Mich.; whether it be Iowa City, Iowa; whether it be any city; no matter how urgent its need of better postal facilities, it will not be put in this bill on this floor.

Mr. TIMBERLAKE. Or Boulder, Colo.

Mr. CRAMTON. Yes; I have been there, and know it is needed. On the other hand, no matter how urgent, how apparent may be the ridiculousness of any pork proposition in this bill, how little a town—and the committee itself in the last section of their bill condemns two-thirds of their bill, or a

large part of it, themselves—no matter how ridiculous may be any provision in the bill, it will not be taken out. That is the beauty of an omnibus pork bill; you have got to take it as it is. You can not add to it anything worthy, you can not take away anything unworthy.

I say that the committee themselves condemned their own bill, but——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, there is a charge being constantly made on this floor to-day that this is a pork-barrel bill. I do not know whether gentlemen mean the same thing when they use the same term. If it is meant to imply by that term that this is a bill that is dishonest in its items, it means that those of us who advocate its passage are dishonest. If they mean that, they ought to have the courage to say so. If they mean by the use of the term only that this is an unwise expenditure of public money, then I think every honest man has the right to object to the use of the term. No man who has the courage of his convictions and who is the kind of a man that a white man ought to associate with will say anything about a Member on the floor of this House that he would not say to him on the street. He would not by implication say here about Members of this House that which he does not have the courage to say to him in the corridor. Any man who does so is not worth the respect of any man, I do not care who he is. [Applause.] The gentleman from Iowa [Mr. GOOD] complains of the 11 Southern States receiving such enormous authorizations in this bill, and of the unmeritorious projects they have included in it. If we are such undesirable——

Mr. GOOD. Will the gentleman yield right there for a correction?

Mr. CARAWAY. Yes, sir.

Mr. GOOD. I am not complaining about the amount. My complaint is that you have put items in the bill which by the legislation you put in the last paragraph you admit should not be in the bill and no appropriation should be made for them. It is not the amount I have complained of in a single instance.

Mr. CARAWAY. No; the gentleman complained because these appropriations happened to go to that section of this country that had the good fortune not to have been his home. [Applause.] Now, if we are such undesirable neighbors as the gentleman from Wisconsin and the gentleman from Iowa seem to think, why do not they have the courage and the manhood to rise in their seats as Members of this House and propose a constitutional amendment to withdraw from this Union. We will part from you without a tear.

Mr. GOOD. I will say to the gentleman we lost a good many men and fought for four years to keep you in the Union. We love you and that is the reason we want you in the Union, and we would not ask to have a divided Union.

Mr. CARAWAY. No man of the gentleman's kind was lost in that struggle. That great struggle was not a contest in which was used the weapon with which Sampson slew the Philistines. I repeat, if this is a dishonest bill those gentlemen who compose this committee are dishonest men. All must say they are dishonest if the statements of these gentlemen are true. Now, this committee reporting out this measure is composed of 19 men. Only seven of them come from that section—the South—of which the gentleman complains so bitterly as having in this bill so many items of pork. Well, let us be honest, then. Either this bill is an honest measure and these other 12 men coming from other sections are honest men and do not agree with the gentlemen who have made this sectional charge, or they have not sense enough to represent their districts and have been overreached by the 7 Members from the South. This must be true, because 7 men are numerically fewer than 12. If these 7 men have overreached those 12 men from States not southern, those 12 should be retired, I take it, from this House, because they are not able to cope with the 7 men from that poor South, which the gentleman from Iowa so bitterly hates. Can anyone deny this? Therefore the gentleman assails his own friends by these silly charges.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Chairman, the gentleman from Kentucky [Mr. LANGLEY] has said that he has not been able to bring back any building or appropriation for his district. The gentleman from Kentucky has introduced 11 projects, and I take it for granted he would not introduce one of those projects unless he thought they were all meritorious. The gentleman has introduced a good many pension bills, and they have gone to a committee of which I am a member. I do not think the gentleman would introduce a pension bill unless he thought it was meritorious, judging from my conversation with him and from letters. Here are the 11 bills he has introduced, and I judge the gentleman is of the opinion this kind of legislation should go through. It is simply a matter of difference of opinion between the gentleman from Kentucky and some of the others. I want to say here that personally I am not drawing sectional lines.

I am not against the bill because it is from the North or the South, and since I have been in Congress I have never voted for or against a bill because it was from the North or South, and I never expect to draw that line.

Here are the bills which the gentleman has introduced:

Whitesburg, with 321 people; all that is asked for is $75,000, and all the rest are for $75,000: McKee, Ky., 146 people; Hindman, 370; Saylersville, 310; Jenkins, 1,897; Booneville, 236; Inez, Ky., not in the census of 1910; Hazard, 537 people; Pikeville, 1,280 people; Paintsville, 942 people; and Prestonburg, 1,120 people.

Mr. LANGLEY. They are not in this bill, if the gentleman will permit me.

Mr. JAMES. No; but it is not the fault of the gentleman from Kentucky.

Mr. LANGLEY. Oh, well, not exactly—that is, I only asked for what I regarded——

Mr. JAMES. I do not believe that the gentleman from Kentucky would introduce a bill either for a pension or a building that he did not think ought to go through.

Mr. LANGLEY. Ultimately, yes; but not all in one lump. [Laughter.] The trouble about the gentleman is that he has not been here long enough to know how business is run. He is wasting his time.

Mr. JAMES. I sincerely hope I shall be here long enough to see McKee, with its 146 people, with a population that will entitle it to a public building.

Mr. LANGLEY. By the time they erect a public building in some of the places——

Mr. JAMES. I refuse to yield.

The gentleman laid a good deal of stress on the fact a short time ago that Hazard was entitled to a building because they were going to use it for a mine rescue station. Now, they do not establish mine rescue stations as permanent propositions. It was so stated at the hearings in behalf of his bill. They are only put there until such time as the operators or the authorities themselves can take them over. So when you give a building for Hazard, Ky., because part of it is going to be used for a mine rescue station, you are only wasting your time.

Mr. LANGLEY. Will the gentleman yield at that point?

Mr. JAMES. Not now.

Mr. LANGLEY. I just wanted to correct the gentleman. He is simply mistaken.

Mr. JAMES. The gentleman from Alabama [Mr. BURNETT] at a hearing some time ago on Marengo, Iowa, where the gentleman from Iowa [Mr. HULL] wanted a public building, said:

> They have very small postal receipts and it is a very small town; $7,500 postal receipts and only 1,786 population. That was the population in 1910, of course.

And yet that town of Marengo is larger than the item which the gentleman from Iowa asked to be stricken from this bill.

Mr. HULL of Iowa said:

> The population is 2,200 now. They claim 2,500, and as the town is growing they may have it.
> Mr. BURNETT. But the postal receipts are only about $7,500?

Mr. CLARK of Florida. Did I understand the gentleman to say that some gentleman from Iowa asked to have an item stricken from this bill?

Mr. JAMES. I say that this is from the hearing on the bill for Marengo, Iowa.

Mr. CLARK of Florida. I thought he said some gentleman from Iowa asked to have an item stricken from the bill.

Mr. JAMES. I will quote further:

> Mr. BURNETT. I notice that their postal receipts have increased only $2,000 in 11 years. In 1905 they were over $5,000, and this last year they were only $7,000. That does not seem to be a very great increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Texas. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. DAVIS of Texas. Now, Mr. Chairman and fellow Members, my father had seven uncles in the Revolutionary War, and I had seven uncles and a father and a brother in the Confederate, or Rebel, War, but I quit fighting the Yankees when I

was about 12 years old, and thanked God that the war was over; and I have done so ever since.

When the gentleman from Iowa [Mr. GOOD] raised the question of sectionalism on this bill, I began to look over the problem and analyze what he was talking about. I remembered being in his town of Cedar Rapids, and one of the magnificent scenes which the committee on entertainment wanted me to observe was the post office, a public building. It was a magnificent one, and I am glad they have it. It cost, according to the figures here, $355,000, in round numbers. That amount would build all the items he complains of in the South, upon which the gentleman so spleenfully bases his cause of sectionalism, and still have, I think, about $40,000 left.

Mr. LANGLEY. Will the gentleman yield?

Mr. DAVIS of Texas. Yes.

Mr. LANGLEY. The gentleman must be mistaken. He certainly does not mean to say that the gentleman from Iowa has a building of that size in his town?

Mr. DAVIS of Texas. If I am mistaken, the book from the Treasury Department is mistaken.

Mr. LANGLEY. But I can not believe it. [Laughter.] The printers made a mistake.

Mr. DAVIS of Texas. When he is complaining about $10,000 and $15,000, and so on, in these country offices, where the people need stimulus and energy and recognition as our rural sections, jammed off, as they are, in the backwoods and neglected in various ways—why, I looked over and found that his post office cost $355,000; and then I thought if I got time, as there has been so much talk about pork, that I would just ask the gentleman from Iowa if he had not often seen a burley, big hog after he got full root the trough over in order to keep the other hogs from getting any slop. [Loud laughter.]

Another proposition that the gentleman from Iowa presented was that he said Texas had 18 Members and got 20 items.

Well, he came within two of the correct membership. I suppose that is near enough to the truth for the gentleman from Iowa. [Laughter.] Texas has 18 Members by districts and 2 at large. I suppose we might count—sorter. [Laughter.] As I said in my talk the other day, I represent the State at large. I analyzed all these items and I know the towns. I have spoken in most of them. I have spoken in the gentleman's town, in Iowa. And say, if all the balance of the States represent the same merit and the same relation to public necessity in the prospects for the future that the items in Texas represent, there is not an ounce of "pork" or graft in this bill, not a particle. [Applause.]

I only wanted to make these remarks. I yield back whatever time I have remaining. I thank you, gentlemen. [Applause and cries of "Vote!"]

Mr. BURNETT. Mr. Chairman, I want to ask unanimous consent for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, it is the item in my district that the gentleman from Iowa [Mr. GOOD] has moved to strike out. The defense that I will make of that item will be my answer to his attack upon other minor items of like character.

Mr. Chairman, I do not know how to talk sectionalism. I quit that years and years ago. I believe that this is an indissoluble Union of indestructible States. [Applause.] I believe that we are all Americans, and this committee, not only under the chairmanship of the present incumbent but under the former chairmanship of the distinguished gentleman from Missouri, Dr. Bartholdt, recognized the fact that there should be a proper and just division of Government buildings among the people of the whole country, regardless of whether we were poor in the South or whether the people were rich in the North. During my service on that committee, with a Republican majority, when my able and distinguished friend from Illinois [Mr. RODENBERG] was the chairman of the subcommittee of which I was a member, the question as to whether one section of this Union was getting too much or one State too much never entered into its deliberations.

I want to say that the attack which the gentleman from Michigan [Mr. CRAMTON] has made upon this bill is an indictment of the integrity of one of the fairest Republican Members on the floor of this House and one of the fairest members of our committee—Mr. SMITH of Michigan—who was on the subcommittee with me, and who never sought to obtain any more than he believed to be a fair share for his people. If that man [Mr. SMITH of Michigan] had believed that there was sectionalism being practiced, if he had believed that there was "pork," in the sense in which the word is being used, would he have sat by without uttering a protest?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. BURNETT. I can not yield.

Mr. CRAMTON. You are misquoting me.

Mr. BURNETT. I am not.

The CHAIRMAN. The gentleman declines to yield.

Mr. BURNETT. I ask the gentleman to respect my refusal, because I have not the time to yield to him.

Mr. Chairman, in regard to the attacks that the gentleman from Iowa [Mr. GOOD] has made upon this bill, four years ago we passed the law which provides that sites might be authorized where the post-office receipts were not less than $6,000, and buildings where they were not less than $10,000. That is the law now. In that bill the item for a site in my district, which the gentleman from Iowa [Mr. GOOD] has attacked, was provided for. Mr. HARDWICK, of Georgia, in the conference report debate, tried to get instructions to the conference committee adopted to accept the Senate amendment, which read as follows:

Provided, That no contracts authorized by any section of this act for the erection of buildings to be used exclusively as post offices, or for the purchase of sites for such buildings shall be entered into, nor shall any public moneys be expended for such buildings until the receipts from such post offices for which any such buildings or sites are intended shall amount to more than $10,000 per annum—

The Senate had put on that amendment and it was disagreed to by the House and it went to conference. When Mr. HARDWICK tried to have the House conferees instructed to agree to the Senate amendment there was a roll call, and when you examine the roll call you will find the name of the gentleman from Iowa [Mr. GOOD], like that of Abou ben Adhem, leading all the rest against that amendment. [Laughter and applause.] The gentleman from Iowa then had an item in that bill.

There is the inconsistency of the gentleman from Iowa, and the gentleman from Texas [Mr. DAVIS] has well said that when the gentleman who had an item on a bill got what he wanted he was willing to stand by it, pork barrel or no pork barrel. But the gentleman from Iowa voted then upon that bill for the authorization of sites in towns where the post-office receipts were less than $10,000, and some of them less than $6,000, and yet the gentleman now, after he has gotten his fill of the swill, comes up with that kind of a previous record and undertakes to attack the bill as a pork-barrel bill when he voted for it when it was a pork-barrel bill then, if this one is now.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GOOD. The gentleman does not mean to say that I got a site where the receipts were less than $10,000?

Mr. BURNETT. No; but you voted with the rest of us for sites in towns where the receipts were less than $10,000, and even less than $6,000, and the question is whether the gentleman was dishonest when he voted that way, if that was his conviction when he voted for them in that bill. [Applause.] The gentleman had an opportunity to help put it in the law then, if he desired to do so, that no site should be acquired and no building should be constructed where the receipts were less than $10,000; and yet the gentleman's virtuous indignation had not risen so high then that he thought he ought to vote against it. Truly, Mr. Chairman—

> When self the wavering balance shakes,
> 'Tis seldom right adjusted.

We have had illustrious examples of that to-day.

Mr. Chairman, this item in my district is in line with a number of other items that I suppose gentlemen, in order to parade themselves, may move to strike out; but I hope that, having been given all this time for the discussion of the general proposition, they will not undertake to filibuster against this bill later.

In regard to the fairness of it—and that was a matter that was considered, as my good friend from Illinois [Mr. RODENBERG] will bear me out, when under the chairmanship of that splendid gentleman from St. Louis, Dr. Bartholdt, we framed bills—we always considered the fact, and it is a proper matter for consideration, that as the great cities of the North got such large sums in order to be fair with all other parts of the country there ought to be recognition given to some places in the South and West that were not as large as places in the North with greater populations and with larger postal receipts.

In regard to the just division in this bill, Illinois and Wisconsin get more than all the 12 Southern States combined. I do not object to that. We put them in there because we believed that the great city of Chicago and the great city of Philadelphia and The Bronx and the other great cities that are provided for ought to have what we allowed them.

Mr. Chairman, Michigan alone gets as much as Arkansas, Florida, Georgia, Kentucky, North Carolina, and South Caro-

lina combined, and yet they do not get any too much, and their Representatives on the floor or on that committee never asked for anything that was unjust and unfair, and not a man on that committee even suggested that the gentleman from Michigan [Mr. SMITH] in the aggregate was getting a larger sum than several of the Southern States; but it remained for a few gentlemen to undertake to raise the cry of sectionalism; one gentleman who four years ago thought that even with the sectional division the bill was good enough to warrant him in voting for it. I had the control of that bill as acting chairman, and it was distributed as this bill was distributed, fairly, and as the bill was distributed in the former Congress in which the gentleman from Missouri [Mr. Bartholdt] was chairman of the committee, when my good friend from Illinois [Mr. RODENBERG] was one of the very active members. Those were matters of fair distribution that were always taken into consideration, and, gentlemen, they are fair and just and honest now, and it is a mean, venomous, vicious attack upon one section of the country that to-day loves the Stars and Stripes just as our brethren on the other side of Mason and Dixon's line love it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the motion of the gentleman from Iowa [Mr. GOOD] to strike out the paragraph.

The question being taken, the motion was rejected.

Mr. RAGSDALE. Did the Chair overlook the gentleman from Iowa, or did he ask for a division?

The CHAIRMAN. No division was called for. The Clerk will read.

The Clerk read as follows:

United States post office at Alva, Okla.: $45,000: *Provided*, That a suitable site in the city of Alva, Okla., to be approved by the Secretary of the Treasury, is conveyed by suitable warranty deed, free of cost to the United States.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word. Our customarily amiable friend from Alabama [Mr. BURNETT], while proceeding to misquote me, and declining to yield for a correction, which, I am sure, was entirely unintentional on his part, told us that the Civil War in this Nation is over. Then he very kindly tried to come over into Michigan and start a little fratricidal strife between my good friend from Michigan [Mr. SMITH] and myself, where none exists, and none can exist, because I love him greatly. I have no criticism of the way he performs his duties, and he is willing to let me perform mine as I see fit. Not only did I not say anything raising a sectional issue, as the gentleman from Alabama has unjustly charged, but, more than that, I expressly stated that in the distribution of pork there are no sectional lines and no partisan lines.

The gentleman talked about how much Michigan got. He will admit that Michigan would have gotten $50,000 or $75,000 more if, for my own home city, a splendid town as any, with postal receipts averaging $13,000 a year, and with cramped postoffice quarters at present, I had asked for that amount. The committee are fair enough. They did not have anything against me. They would put it in for me as for anyone else, for a man who asked for only one item. I am not kicking because Michigan got too much or too little. I am kicking because the bill is framed not upon the theory of merit, placing these buildings where they are needed regardless of whether Michigan gets 11 or Alabama 11, but because it is framed on a basis of geographical, or district line distribution, a matter of pork. When it comes in here merit cuts no figure, and you can not add anything, however good, or take out anything, however bad.

Now, when I had the floor before, and was cut off by the agreement, I was stating that the committee themselves, in the final paragraph of the bill, have condemned their own work. They are a splendid committee, and when they finally got it finished they added a good job in the last section.

I am sorry that the committee did not start at the other end first, and quit when they had perfected that last section, because there they provide that items such as the gentleman from Alabama [Mr. BURNETT] has now so strenuously defended, for towns having receipts of less than $10,000 a year, shall nevermore be included in future bills. If it is wrong five years from now, when, heaven hope, our financial condition will be better, to put a $50,000 building in a town of 1,500 population, why, it is wrong now. The same committee, who have reported out a lot of these items, say in their last paragraph that the principle is wrong, and that after they get through with this one last grand grab, then it must not be done any more.

But they say buildings must be constructed in these small towns because the Government owns sites in some of them. Supposing the Government were a business institution. Supposing a corporation had gone, I will not say to Alabama, for I will not be sectional, but up into the State of Michigan, and had bought a site in a town of 1,500 population and paid perhaps $2,500 for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLARK of Florida. Mr. Chairman, I think we have had enough discussion on this proposition. Can not the gentleman postpone this until later?

Mr. CRAMTON. It is quite immaterial, but I have taken no time of the committee unnecessarily, and I am going to take about so much anyway.

Mr. CLARK of Florida. I shall not object. I am only asking the gentleman——

Mr. CRAMTON. I prefer to make my remarks continuous, so that I will not repeat myself, as I might otherwise do.

Mr. CLARK of Florida. All right.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. Supposing this corporation had gone up into Michigan and had bought a site and paid $2,500, expecting that town to grow and increase, and expecting to put up an office building there when it was needed for its branch, but finding the town did not increase, that the office building was not needed. Because they had spent $2,000 or $3,000 for a site, would they go ahead and put up a $50,000 building that they did not need? The committee in that last section have absolutely condemned their own bill.

Now, I want to submit that not only for those reasons, which obtain at all times, but right now under this glorious Democratic administration, with a tremendous deficit staring you in the face, you men on that side of the aisle have no right to saddle the people of the country with this $30,000,000 or $40,000,000 of extra expense, which your Secretary of the Treasury tells you must be raised by new direct taxes, along with $200,000,000 more after you have floated all the bonds you can.

What is our condition? The other day the gentleman from Massachusetts [Mr. GARDNER] said that the people are prosperous and that it is a good time to raise the taxes. But the gentleman from Florida [Mr. CLARK] says we are not going to have to pay this money now, that we only authorize it; that none of these buildings will be built for two years. He does not point out that the passage of this bill, if it accomplishes what he says it will, by reforms in the method of handling these buildings, by a new system, instead of waiting six years from now to complete the construction of buildings authorized in 1913, will cause them to be completed in a year or a year and a half or two years. He is going to shorten the time four years for the building of several hundred buildings, and if you do not pass this bill they will not be built in the next two years. If you do pass this bill then they will be built in the next two years, and you have that expense, authorized in 1913, to carry at a time when your Secretary of the Treasury does not know where he is going to get the money to pay the bills.

As to the present, we can not afford it; and as to the future, when this bill does come in operation, what are to be the economic industrial conditions of the country then? Is any gentleman on this floor so blind to present world conditions as to believe that there is no danger of industrial disaster in this country when the war in Europe ends? Oh, at the best, he can say he does not know. We know there is danger awaiting us at a time within a year or two from now when taxation will be more of a distress to our people than it is now. Oh, we are prosperous now because for the year 1914 when you first came into power we exported abroad $1,867,991,492 worth of goods, while this year—and I am speaking of 11 months ending in November in each case—we exported $4,960,302,630, a gain in exports of $3,000,000,000. There is your prosperity. What about it when these war orders cease? What kind of conditions will you have here at home? I do not want to get into a tariff speech, but I do want to remind you of a few things. Right now when 20,000,000 men are in the trenches in Europe, withdrawn from natural production, we have imported into this country——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

United States post office and other Government offices at Barbourville, Ky., $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. This item is no different from many others, but presents a new question, which I wish to discuss briefly.

Mr. CLARK of Florida. Will the gentleman yield? I wish to give notice that I shall move to close debate at the end of five minutes on the paragraph.

Mr. FREAR. This item of Barbourville, Ky., presents this new question: It is for a proposed building to accommodate the United States post office and other Government offices. I speak of other Government offices because this is said to be the exception that is not to be governed in any way by the rule of $10,000 limitation in receipts. I think the matter of receipts has no bearing on the subject anyhow, but the committee claims to be governed by a $10,000 annual limitation. Here is the excuse for ignoring the receipts; that is to say, the receipts may be small, and they are, but by putting in the bill "other offices" you are entitled under this procedure to the building because of the additional purposes. The bill says, "United States post office and other Government offices at Barbourville, Ky., $25,000."

Barbourville had a population in 1910 of 1,633. The post-office receipts were $4,532 last year, according to the report of the Treasury. The rent is $406 a year. The estimate by the Treasury of maintenance of the new building is $3,800 per annum, or nine times the amount of the rent we are now paying. The bill says that this is for a post office and other Government offices at Barbourville. I have in my hand a statement. I do not know whether it is accurate or not, but I desire to have the chairman later on correct me if it is not. It was sent through the mail. It comes from the American Institute of Architects and it gives data as to Kentucky, which is no different from many other States in this respect. It says of 22 new building items that were proposed for Kentucky and filed with the building committee this session, 17 contained demands for "other purposes" than post offices in these little towns. That is the case of the gentleman from Kentucky [Mr. LANGLEY], who spoke a few minutes ago. Eight out of the 11 building propositions filed with the committee by the gentleman were "for other purposes."

Mr. LANGLEY. Not my items. The gentleman means the State.

Mr. FREAR. No. I am speaking according to this statement. I do not know that it is correct. Here are the bills presented for the gentleman's district. There is Whitesville, with a population in 1910 of 321. That is the first.

Mr. LANGLEY. It has 3,000 now. In most of these towns in the bill there are no other Government activities.

Mr. FREAR. I say practically every proposition—17 out of the 22—were for post offices and for other purposes.

Mr. LANGLEY. But the "gentleman from Kentucky" is not pressing those items.

Mr. FREAR. No; but the gentleman introduced all of them himself, and then in the omnibus bill he gets——

Mr. LANGLEY. A few at some places.

Mr. FREAR. It occurs to me that that is the only reason for putting in "for other purposes," so as to avoid the $10,000 limitation. Anything may come under the minimum proposition, and this is the evidence of it. There is no limitation of receipts, if this statement is correct. I want to ask the chairman of the committee what, for instance—and I speak of it by way of illustration—what testimony would be presented to the committee in a case like Barbourville to show the character of the project?

Mr. CLARK of Florida. We would have the report of the Treasury Department, the report of the Post Office Department, and then we generally had the Representative of the district, and sometimes citizens of the town. We always had the Member of Congress, who ought to be familiar with it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. POWERS. Mr. Chairman, I am sure that the gentleman from Wisconsin [Mr. FREAR] does not know anything about conditions at Barbourville, Ky., else he would not have made a motion to strike out the paragraph containing an appropriation of $25,000 for a public building at that place. I think I am safe in saying that nobody has ever charged that the Democracy of the South has ever been overfriendly to me. The fact that the chairman of this committee, Mr. CLARK, a Democrat, is from the State of Florida; the fact that this House is now Democratic, and the fact that there has been incorporated an item in this bill appropriating $25,000 for a public building at Barbourville, Ky., ought to be pretty conclusive proof that the appropriation is based on real genuine merit. I am glad to say that the Democrats of this House have treated me fairly. The gentleman from Wisconsin evidently has not read the bill.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. POWERS. Certainly.

Mr. CLARK of Florida. I will state that the post-office receipts for the last six months at Barbourville clearly indicate that they will be much more than $6,000 during the present fiscal year.

Mr. POWERS. No doubt about that, Mr. Chairman. I want to say to the gentleman from Wisconsin that he has not correctly read my bill. He said that it asked for an appropriation for the post office and "other Government offices." I will read the gentleman that section of my bill which covers the proposition: H. R. 6840; United States post office and "mine rescue station," and other Government offices. My bill calls for "a mine rescue station." We are situated, gentlemen, in southeastern Kentucky. We are in the midst of the development of its great resources. We have 10,000 square miles of bituminous coal territory in southeastern Kentucky. There are only 14,000 square miles in the entire State of Pennsylvania, and Pennsylvania has for all these years stood at the head of all the States in this Union in the production of both bituminous and anthracite coal. [Applause.]

The coal mine production of southeastern Kentucky with the development that is going on in that section of the State is simply marvelous. Only a few years ago there was not a coal mine being operated in all southeastern Kentucky. There was not a foot of railroad in all that section. To-day the toot of the iron horse can be heard while winding its way up our streams, through hill and dale, in search of the boundless wealth of that region. We are rich, and yet we are poor. We are rich in resources, especially in coal, and yet we are poor, because in years gone by we have never had any way of getting the coal to market. We are a favored people, and yet we have been unfortunate. There was no way for our ancestors to know the difference in possibilities between southeastern Kentucky and the northwest territory, out of which have been carved the great States of Ohio, Indiana, and Illinois. The Allegheny Mountain system forms a great wall along the eastern boundary line of our State. It has been a barrier to the great westward movement of progress. Population flowed to the north and west of us. The region around the Great Lakes, Ohio, Indiana, and Illinois profited to our detriment. They built railroads. They established factories. They grew. They prospered. For over 100 years we have been in an eddy, so to speak. We were bottled up. Southeastern Kentucky had no outlet to the outside world. We had no railroads, no navigable streams, no bays, no harbors, no kindly arms to the sea. We were far removed from the great marts of trade and from the great thought and industrial centers of the world. We could not reach the outside world; the outside world could not reach us. We were misunderstood at home and maligned abroad. Neither the wealth of our hills nor the worth of our people were understood or appreciated. We, in the meantime, kept the even tenor of our way, when it was even. Our people continued to battle bravely against tremendous odds. They did not lose faith either in themselves or their country. Finally the sunlight of a better day shown in upon them. Railroads, as I have said, made their way into our counties. Coal mining operations soon sprang up, and our great development began. Bell County, for example, is a veritable hive of industry. Its population doubled from 1900 to 1910.

HELPS TO BUILD RAILROAD FROM BARBOURVILLE TO MANCHESTER.

There has been completed and put into operation within the last 30 days a new railroad from Barbourville to Manchester, Ky. Barbourville is the county seat of Knox County, Manchester the county seat of Clay. No railroad ever touched a foot of Clay County's soil until within the last few months. The citizens of Clay County have had no outlet except over rough wagon roads to either London or Barbourville. Both these towns are on the Louisville & Nashville Railroad. They have had no chance to reach the outside world with the products of their farms or the wealth of their hills. You must not conclude from what I have said that the citizenship of Clay County is in any way inferior to that of other sections of our country. Far from it. Clay County has produced her quota of great men. James Gerrard, a native of Clay County, was one of the early governors of the State of Kentucky. John C. White, another native son of the county of Clay, was once Speaker of this House. For four years he presided over the deliberations of this body. Clay County has produced other illustrious sons. Knox County, of which Barbourville is the county seat, has also produced her share of noted men. Silas Woodson, who was reared in Knox County, later became governor for the State of Missouri. Samuel F. Miller, another of Knox County's sons, served with distinction as one of the Justices of the Supreme Court of the United States, and the decisions he rendered under the dome of this Capitol have been cited and followed by learned courts all over our land. Knox County has produced other illustrious sons.

When I was asked a year or more ago to make a donation toward building a railroad from Barbourville to Manchester so

the people of Clay County and many in Knox County could have an outlet I gladly responded and agreed to pay about $700 when the road was completed, as this letter shows:

CUMBERLAND & MANCHESTER RAILROAD CO. (INC.),
Barbourville, Ky., January 15, 1917.

Hon. CALEB POWERS,
Congressman Eleventh District, Washington, D. C.

DEAR SIR: Yours 4th.

I inclose herewith a copy of the subscription note signed by you, the amount being $500.

The amount of right of way I have paid in Knox County, not including buildings, amounts to about $5,200, and there will probably be an additional $1,000 yet to pay. There were 34 guarantors, including yourself. I am going to have this matter put into proper shape immediately, and will let you hear from me further. Your share of this will likely reach $200, making your total subscription about $700.

I inclose two copies of our passenger time-table.

Yours, truly,

CHARLES F. HEIDRICK.

I do not own a foot of land or even a home—I rent—in or around Barbourville, Ky. I do not own a foot of land along the route of the new railroad from Knox County into Clay; but I knew this new railroad would greatly benefit the people of both counties, and I shall gladly pay what I have promised toward the construction of this road.

The people in both the counties of Knox and Clay have stood loyally by me for these many years and I am only glad of an opportunity to be of service to them. I hope Manchester some day will have population and postal receipts sufficient to get an appropriation for a public building.

But let us return to Barbourville, Ky. In 1910 the population of Barbourville was 1,633. In 1913 it was 1,815. It is now possibly 2,100, with about $6,000 in postal receipts. Barbourville is growing and will continue to grow from year to year. It has two good national banks, electric lights, paved streets, two good colleges—Union College and the Baptist Institute—six churches, and a good high school.

There are about 1,000 students in attendance in these three institutions. Barbourville has a brick plant and a spoke and stave factory. The new railroad coming in from Manchester will greatly increase both the population and the business interest of Barbourville; but the thing that will aid the growth of the town more than any other one thing is the building of good roads in Knox County. Barbourville is located on the Dixie Highway from Chicago to Florida. Every county in the district I have the honor to represent along the proposed Dixie Highway has voted upon itself enormous sums of money, their wealth considered, for the purpose of constructing the Dixie Highway. In every county along the route the work is now well under way. If properly constructed, these roads will greatly accelerate the travel and increase the wealth of our people.

PINEVILLE GETS $5,000 TO PURCHASE SITE FOR PUBLIC BUILDING.

And this brings me down to the discussion of the $5,000 item to purchase a site for a public building and mine-rescue station at Pineville, Ky. I am glad this House will, in a short time now, put its seal of approval on this item, as well as the $25,000 item for a public building at Barbourville. Pineville and Bell County richly deserve it. Pineville is growing rapidly. Pineville's population in 1910 was 2,161, its postal receipts $4,473.30. Pineville's population to-day is between 3,500 and 5,000 people. Its postal receipts for 1916 was $9,144.68. It will reach $11,000 this year. Bell County produces more coal than any other county in the State. It produced in 1915 over 3,000,000 of the 21,000,000 tons produced in the whole State of Kentucky. Kentucky produced this last year, in round numbers, 25,000,000 tons of coal. Bell County greatly increased her output, although the whole coal industry of southeastern Kentucky suffered greatly because of shortage of cars and scarcity of labor.

When I was preparing data on the Pineville post office last year I received the following telegram from Hon. White L. Moss, mayor of the city of Pineville:

We urge you to make every effort to secure appropriation for public building and mine-rescue station for Pineville. Am advised by postmaster to-day that sales of stamps for year ending March 31 will exceed $8,000—to be exact it will be $8,726—amount necessary for transfer of this office to second class. We are growing rapidly, and our present post-office facilities are absolutely inadequate—the lobby of the present building, about 8 by 24. Pineville is the center of southeastern Kentucky coal fields, producing about 5,000,000 tons annually. Has 30 passenger trains per day, reaching every coal mine in southeastern Kentucky.

By reason of its railroad and geographical location it is the logical place to establish a mine-rescue station. From this point, in case of accident, a special train could reach any mine in the field in less than two hours, and being a railroad terminal, transportation facilities will always be at hand. Pineville has more trained rescue teams than all of Kentucky, trained by Bureau of Mines experts, and these teams would be available at a moment's notice. Am sending map showing location of Pineville with reference to mines. If you desire further information, please command me. Suitable site for post-office building can not be obtained if matter is delayed much longer, as desirable places are rapidly being built upon.

W. L. MOSS, *Mayor.*

This telegram is full of meat, and throws a flood of light on the situation there. I am glad this House has decided to give me an appropriation for both Barbourville and Pineville, Ky. Our people have all these years been paying their share of the taxes to help support this great Government. The bones of their ancestors have bleached the battle fields in every State in the Union.

Our people have always responded liberally to the Nation's call. They want to see Old Glory floating over public buildings at Barbourville, Pineville, Corbin, Williamsburg, Harlan, and other county-seat towns in the district as some evidence, at least, that the Government which they have so bravely defended is not ungrateful to them or unmindful of the great services they have rendered it in the days of its peril.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken and the amendment was rejected.

The Clerk read as follows:

United States post office at Benton Harbor, Mich., $80,000.

Mr. JAMES. Mr. Chairman, I move to strike out the last word. I should judge from what the gentleman from Kentucky [Mr. POWERS] says, the only other governmental activity at Barbourville is to be found in the Mine-Rescue Station, and I want to read from the statement of their own witness, Mr. Van H. Manning, of the Bureau of Mines——

Mr. LANGLEY. Mr. Chairman, I rise to a point of order. The gentleman is attempting to discuss a paragraph in the bill which has already been passed, and other business has intervened. Therefore his discussion is not in order.

The CHAIRMAN. The Chair sustains the point or order.

Mr. FREAR. Mr. Chairman, I raise the point of order that there is no quorum present. This is the first time that such thing as the gentleman from Kentucky has done has been attempted.

Mr. HAMILTON of Michigan. I hope the gentleman from Kentucky will withdraw his point of order so that we may proceed with the bill

Mr. LANGLEY. I will do anything. I withdraw the point of order.

Mr. FREAR. Mr. Chairman, I withdraw the point of order of no quorum.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office and courthouse at Binghamton, N. Y., $500,000.

Mr. CRAMTON. Mr. Chairman, I move to strike out the paragraph. In support of that, so as to be sure to proceed absolutely in order, which is my chief reason for making the motion, I desire to add my reasons for, first, opposing the passage of any bill, and, second, in order to prevent the passage of any bill larger than it has to be. I submit there never was a time which gave greater question, greater doubt, and greater danger as to what the immediate future has in store for this country financially than the present, following the close of the European conflict, and here you are rushing headlong with this $38,000,000 appropriation to be added to the $200,000,000 that the Treasury Department says you have to find new taxes for. What is to be our industrial condition under which the people are going to raise the money to pay these taxes? Our prosperity is dependent upon the market which our labor has for the goods it makes. I just called attention to the fact that our present prosperity is due to our immense amount of war orders, in which there has been a greater increase this year over two years ago.

Let me call your attention to other figures. During this time when twenty million men are withdrawn in Europe from ordinary production, we are importing from abroad more dollars' worth of goods made by foreign labor than we have ever done before in our history.

Mr. KING. Mr. Chairman, I raise the point of order that the gentleman is not talking to the amendment.

Mr. LANGLEY. He is talking to his constituents. [Laughter.]

Mr. CRAMTON. Mr. Chairman, I would like to be heard on the point of order. I insist that while the gentleman from Kentucky [Mr. LANGLEY] may see fit to criticize me for speaking as I do, yet I would remind him that I do not speak to my constituents as he would do by the distribution of $50,000 and $75,000 public buildings in towns of two or three hundred people. That is not my way of talking to the people of my district. I am talking to this House, and I am talking primarily to you gentlemen on the other side who are responsible for the Government. Here are these figures: We imported in 1910 $1,400,000,000 worth of foreign-made goods, and you Democrats have been telling us that our revenues have fallen off because we did not import enough during the war. This year—and by

"this year" I mean the 11 months ending with November—our total imports of foreign-made goods——

Mr. KING. Mr. Chairman, I make the point of order that the gentleman is not talking to his amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

United States post office at Brinkley, Ark., $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. [Cries of "Vote!"] Oh, I desire to be absolutely fair, and as long as we have the opportunity of amendment I will state to you gentlemen that we intend to exercise it, no matter how heavy the steam roller may be. Some day you will not have it as large. You did not have it as large in the last river and harbor bill as you had in the bill preceding, and you will not have as large a steam roller the next time this bill goes through the House as you have now. Mark that. The next case is that of Brinkley, Ark. Brinkley had a population of 1,740 in 1910, according to the statement before me. The statement of the Treasury shows it had postal receipts last year of $6,114.

Mr. GOOD. That is for the year 1915?

Mr. FREAR. Yes. The rent paid at Brinkley is $550 a year. The cost of maintenance according to the estimate furnished by the Treasury Department for this item of Brinkley is $3,500. In other words, the rent of $550 is to be exchanged for an original investment in a palatial building for Brinkley, and we are to undertake an annual maintenance cost of $3,500. Brinkley, let me repeat, according to the census, had a population of 1,740 in 1910 and postal receipts of $6,114 in 1915. We now pay $550 annually. Through this bill we will pay $3,500 annually. What do you think of the investment?

Now, getting back to the practice which I have discussed in regard to these items, I want to get the situation accurately because it is very important to understand in the discussion of these public building propositions. The chairman of the Public Building Committee says that he called before the committee the Congressmen from the different districts in every case. Not only that, but there is only one other kind of evidence presented to the committee, I understand, and that is the Treasury Department's statement, furnished as to every project. Here is a letter from the Treasury Department which touches upon this very subject. It shows how the committee refused to receive the only impartial testimony that could be obtained. I will start right now with the reading of the letter, and if the time is not extended I will have to go into the next paragraph, because I want to get this letter squarely before the committee. It is a letter I received from the Treasury Department under date of December 29, 1916:

TREASURY DEPARTMENT,
Washington, December 29, 1916.

Hon. JAMES A. FREAR,
House of Representatives.

MY DEAR CONGRESSMAN: The department is in receipt of your letter of the 28th instant, referring to the subject of estimates furnished by the Treasury Department as to probable expense in connection with the maintenance of public buildings erected at different points, and notes your inquiry as to whether such information has heretofore been given to Congress.

In reply, you are informed that in reporting on the bills which constitute the pending omnibus public buildings bill, this department did furnish estimates of the cost of maintenance of buildings in small villages, but received several letters from the chairman of the Committee on Public Buildings and Grounds requesting the department to refrain from incorporating this information in its reports, and stating that the committee desired simply the estimate as to probable cost of the proposed building. The department, believing, however, that it was its duty to give Congress the benefit of this information, continued embodying an estimate as to the cost of maintenance of all buildings of the class above referred to.

The department had in mind the fact that with the enactment of each successive omnibus bill the number of post office buildings in small communities had increased, with a corresponding cost to the Government, while in even ratio the necessity for relief in the cities and larger towns was increasing and the rental charge to the Government for outside space all the time was growing. Being in position to focus more accurately upon this condition, and to foresee the effect of still further extending it, the department felt warranted in giving to Congress any and all information along these lines for its consideration in dealing with the public buildings situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. May I have five minutes more? I move to strike out the paragraph.

The CHAIRMAN. The question is on the motion of the gentleman to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Borough of The Bronx, New York City, N. Y., $850,000.

Mr. CRAMTON. Mr. Chairman, I will state to the committee that I am not trying to filibuster, but I am trying to give certain facts, and when I get through I will suspend. I move to strike out this item, and upon that I desire to say this: This is a large item of nearly a million dollars. It may be entirely meritorious. If we strike it out, we will cut down the amount you have to raise by taxation after a year or two or three under conditions that do not now promise well. Now, we imported into this country in 11 months ending November, 1910, only $1,400,000,000——

Mr. KING. Mr. Chairman, I raise the point of order the gentleman is not speaking to the question.

Mr. GREGG. I make the point of order the gentleman is not discussing the amendment.

Mr. KING. I believe every bit he says, but it is not parliamentary.

Mr. CRAMTON. There are a lot of gentlemen who do not believe it, but it is the truth.

Mr. HOWARD. Mr. Chairman, I make the point of order the gentleman is speaking out of order and has been for the last half hour. It is nothing but a preconceived filibuster.

Mr. CRAMTON. May I be heard upon the point?

The CHAIRMAN. The Chair will hear from the gentleman.

Mr. CRAMTON. I will state I am trying to proceed in order with an argument as to our probable industrial conditions, which, after a couple of years, are likely to be very serious, as a potent argument against saddling up that future with a large burden like this $38,000,000.

Mr. HOWARD. I insist upon the point of order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. CRAMTON. I certainly will. I will say to the gentlemen I do not see why they should be so alarmed. I have very little more to say, and when I give that I am through, but I propose to give it and I hope to get through in this five minutes if I am permitted.

Mr. LANGLEY. Will the gentleman yield?

Mr. CRAMTON. The gentleman would not yield, and I yield to nobody. For the 11 months ending November, 1910——

Mr. MILLER of Minnesota. Mr. Chairman, I make the point of order—and let us have a ruling on it. The gentleman is not discussing the paragraph, and on that I would like to be heard. I think he is making a ridiculous farce of the proceedings of this committee in a speech like that, and while he may have some merit in his contention he is simply making the whole proceeding ridiculous.

Mr. HOWARD. And in absolute defiance of the committee.

Mr. CRAMTON. I anticipate being through in five minutes if——

Mr. MILLER of Minnesota. I make the point of order the gentleman is not discussing the paragraph, and therefore is out of order.

The CHAIRMAN. If the gentleman from Michigan desires to be heard on the point of order, the Chair will hear him briefly.

Mr. CRAMTON. Well, upon that I simply state I think I am proceeding orderly and seriously. I intend to vote against this bill for the reason that the chairman of the committee tells us it will take effect in two or three years——

Mr. MILLER of Minnesota. I submit the gentleman is not speaking to the point of order.

Mr. HOWARD. And that he is not discussing the point of order.

The CHAIRMAN. The point of order is made that the gentleman is not discussing the paragraph.

Mr. CRAMTON. I want to point out how my line of argument is directly relevant to this paragraph. If this paragraph is stricken out, it will reduce the bill $850,000, and I am trying to point out that a year or two from now, when the money has to be raised——

Mr. MILLER of Minnesota. The gentleman is not discussing the point of order.

Mr. CRAMTON. It will be a very serious matter. I do not want to delay the House, but I am giving this committee what appears to me a fair argument.

Mr. HOWARD. I make the point of order the gentleman is not discussing the point of order.

The CHAIRMAN. The Chair will say the gentleman must confine himself in this discussion to the question before the committee.

Mr. LANGLEY. The Chair has already told him that two or three times before, and he will not obey the Chair. How much longer——

Mr. GOOD. Mr. Chairman, I submit——

The CHAIRMAN. The gentleman will proceed in order.

Mr. CRAMTON. I may state to the chairman and the committee I desire to proceed absolutely in order. I am not actuated by any desire to delay proceedings, but I believe these points I am making are relevant to the paragraph. If the Chair directly rules me out, I will have to submit, of course, but until then I shall endeavor to give that information.

I have not sought to point out the line of argument others should follow, and I feel it is unfair for others to pass upon my line of argument as long as it is not intended to be obstructive.

The CHAIRMAN. The time of the gentleman has expired. The question is on the motion to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

United States post office at Boyne City, Mich., $30,000.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, following line 11, insert the following as a new paragraph: "That the Secretary of the Treasury is hereby authorized to provide accommodations for the Land Office and Forest Service in the public building at Buffalo, Wyo., within the present limit of cost."

Mr. CLARK of Florida. I have no objection to that, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

United States post office at Carrollton, Ill., $25,000.

Mr. JAMES. According to the figures furnished by the Treasury Department, Mr. Chairman——

Mr. CLARK of Florida. Mr. Chairman, I make the point of order that unless the gentleman wants to make some motion——

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The population of Carrollton, Ill., according to the figures furnished by the Treasury Department, in 1910 was 2,323, and the postal receipts, $7,854. The postal receipts were $8,324.13 in October last. The present rent is $500, interest at 3 per cent. And the Treasury Department figures that maintenance will be $500 a year.

I want to read how the Treasury Department figures on these small buildings of $25,000, and I will read a letter from the Treasury Department, as follows:

TREASURY DEPARTMENT,
Washington, December 15, 1916.

Hon. W. FRANK JAMES,
House of Representatives.

MY DEAR CONGRESSMAN: Referring further to your letter of the 17th ultimo, in regard to the pending public-buildings bill, and requesting information relative to the probable cost of maintenance, etc., of a Federal building in places similar in size to McKee, Ky., the following data is furnished you:

The department estimate for a building at a place of this size and of similar postal receipts, for post-office purposes only, would probably be $25,000 for the building itself and $5,000 for the site. It is estimated that to furnish the building would require $3,000 additional, making a total outlay of $33,000.

Calculating 3 per cent on this investment, the interest charge would be $990. The yearly depreciation of the building and furniture, together with the approximate cost of annual repairs, would amount to 2½ per cent on the amount invested in the project, exclusive of cost of site, viz, on $28,000, which would be $700. Janitors are not provided for buildings of this size, but an employee known as fireman-laborer at $660 per annum, with a charwoman at $300 per annum, making a total expenditure for this service of $960. The cost of fuel, lights, and other supplies is estimated at $960 per annum.

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

I notice that on page 4 of the hearings on the public-buildings bill the committee states in part that it is fixed in its opinion that practically every item can be abundantly justified from the standpoint of economy, efficiency, and patriotism. Therefore, Mr. Chairman, as this particular item can not come under either class, I hope it will be voted out of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JAMES].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office and other Government offices at Central City, Ky., $30,000.

Mr. FREAR. Mr. Chairman, I move to strike out this item.

Mr. AUSTIN. I ask the gentleman if he is going to move to strike out the Wisconsin items?

Mr. FREAR. The gentleman anticipates. We have not reached them yet.

Mr. AUSTIN. I am not anticipating, but asking a question.

Mr. FREAR. That is not in order.

Mr. AUSTIN. I have always a right to ask a question.

Mr. FREAR. Mr. Chairman, I desire to yield, but can not, for my five minutes will be absorbed in a short time.

According to the report of the United States Treasury the population of Central City, Ky., in 1910 was 2,545; the annual receipts reached $5,707 in 1915, according to the last report. The rent was $500 a year and the total charge, according to the department's estimate, will be $4,100 a year, or over eight times the amount of rent we are now paying. That will be the future annual carrying charges.

To resume the letter of instructions from the department on this very point, I wish to read—and this is the remainder of the letter that was sent from the Treasury Department explaining the method of handling these matters by the committee. The committee did not want the only tangible evidence that could be offered. It directed that real facts should not be furnished. I continue reading of the letter:

The department felt, further, that it might be subjected to criticism for the erection of buildings in places where the Federal activities did not appear to warrant the same, and that it should properly set forth in its report all facts which would show the effect of proposed legislation.

In reporting on these bills the department began by giving in the usual way, first, the estimated cost of site and building in accordance with the space required, and then added the population, postal receipts, and rental paid by the Post Office Department, concluding with the following paragraph:

"The department feels constrained, in view of all the conditions, to advise against the construction of a Federal building in this place at the present time."

After receiving the protests of the chairman of the Committee on Public Buildings and Grounds against this form of report on bills the department modified its form of report by giving merely the bare facts, showing the cost of maintenance, including interest on total investment, depreciation, and repairs, janitor service, supplies, etc., but omitting the recommendation of the department that no building be erected.

The chairman of the Public Buildings and Grounds Committee, in his letter of March 31, 1916, to the department stated as follows:

"Now, I desire to again ask that we hereafter confine ourselves to our proper jurisdiction. In future reports we only want a simple statement of the activities to be housed, the space needed by each, the postal receipts, the probable cost, etc. If we desire anything further in a particular case, we will ask for it."

In his letter of April 3 he used the following language:

"I desire again, therefore, to most respectfully ask that in making these reports you will confine it to a simple statement of the facts asked for, because that is all the committee desires to have."

The correspondence between this department and the chairman of the committee is contained in letters as follows:

Chairman committee to department, March 18, 1916.
Departmental reply, March 29, 1916.
Chairman committee to department, March 31, 1916.
Chairman committee to department, April 3, 1916.
Departmental reply, May 4, 1916.
Chairman committee to department, May 6, 1916.

The letters from the chairman of the committee and the departmental replies are undoubtedly on file and presumably the chairman of the Committee on Public Buildings and Grounds will permit you to examine same.

Very truly, yours,

BYRON R. NEWTON,
Assistant Secretary.

Now, Mr. Chairman, this is the information which the Treasury Department offered to the committee in regard to these various projects. All they took was the advice of the Member of Congress from each district. That is the way this bill has been made up, and 200 items are wasteful and indefensible, according to the Treasury estimates, which the committee refused to read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. Mr. Chairman, there is quite a good deal of noise here this afternoon, to say the least. I for one do not believe in the Treasury Department or any other department telling this Congress how to legislate. [Applause.] There are some men here, at least, whose constituents think they know how to legislate.

Central City in the last census, as I remember, showed a population of between 2,500 and 2,600. The Government has already purchased a site there, for which it paid, I believe, $7,500, and title has passed to the Government. The town contains three railroads and has, I presume, about 75 business houses. It has a large coal mine, which employs from 300 to 350 men. There are in the county about 30 large commercial mines. That county is in the central portion of the western coal field of Kentucky. I presume the population of the town in the last year or two has increased 1,000 or more, and it is rapidly increasing.

The necessary land, the site, has been purchased, as I stated, and this building ought to be built. It seems to me it is time some gentlemen on the other side of the House were tumbling to themselves and should cease taking up the valuable time of this Congress in arguing about something that they know will do them no good at all. [Laughter.] If they want their constituents to hear them, let them put it in the RECORD and send it home. [Laughter.] Let them hire a horse and put some fellow on it and send it out to them. [Laughter and applause.]

Now, gentlemen, I did not really want to say anything, but, of course, when you attack my town I have to reply. I wish you people would hush talking and let us vote on this bill. It is going to pass. You recognize that fact. Why do you want to make all this noise? Simply to get yourselves in the newspapers and your pictures on the front page. That is about the size of it. Now, gentlemen, that is about all I wish to say. [Applause.]

The CHAIRMAN. The question is on agreeing to the motion to strike out the paragraph.

The motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office and other Government offices at Coleman, Tex., $30,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. FREAR. Mr. Chairman, the population of Coleman, Tex., according to a report to the Treasury Department, is 3,046. The receipts last year reached $10,723. The rent is $876 annually, and the amount of maintenance fees is estimated at $4,000; or altogether the amount named in this item is about four or five times the present cost.

Mr. Chairman, I wish to say in reply, along this same line, to what has just preceded, that while the presentation of these facts may not be of any value, so far as the passage of this particular bill is concerned, the gentleman [Mr. THOMAS] who spoke—and I am sorry I struck his particular project—the gentleman who spoke also spoke two years ago in favor of the river and harbor bill then passed by the House. He gave me the same advice then, but that bill was defeated in the Senate because in the House we had called attention to the weakness and viciousness of that bill.

That is what we are trying to do here now in the hope that we will awaken some conversions here and get results there.

Now, I want to quote some testimony, Mr. Chairman, that comes from eminent authority recognized by all as second to none on this subject, from a man who has studied the public-building problem and who has rendered an illuminating opinion on the subject. When I say it is the distinguished gentleman who now sits in the chair, the gentleman from Indiana [Mr. CLINE], you will realize that what I am about to quote is good authority. He says in Report No. 1029 of the House, Sixty-second Congress, second session, as follows:

There seems to be a mania for the construction of public buildings, the cause of which the committee does not attempt to inquire into. We are also aware that some of our suggestions which we shall make will not meet with a cordial reception. We make them, however, because of conditions developed by the hearings and in such public documents as are within our reach and to inform Members who may not have had the time or inclination to investigate for themselves, but who are relying upon the committee to keep them informed as to the facts. * * *

Many towns now have public buildings where private persons would have been glad to have equipped a building under the direction of the Government for its use for a rental of one-half the price paid for janitor service, to say nothing of the deterioration, heat, light, and general upkeep necessary to be looked after and paid for by the Government. The public under these conditions that have prevailed have been denominating the construction of public buildings in towns where the business absolutely does not warrant such construction as a "pork-barrel proposition." They ought not to be too severely criticized for it.

What better authority do you want? He continues:

We believe a Member ought to serve his district and promote its interests in harmony with well-defined business principles and the general public good; that is one way of measuring his usefulness in this body. Such service ought not to partake of a purely selfish interest, with the assumption that getting something for the district that in good conscience it is not entitled to will get something for him. The committee believes that the restriction for public buildings ought to be limited to a city of not less than 5,000 population and $10,000 receipts. The cost of maintenance, with constantly increasing sums for expenditure of public funds, will become a serious matter unless some established rules or regulations are provided for. It is proper to state, however, that the violation of the rule of the Committee on Public Buildings and Grounds has not occurred in the Legislature at this end of the Capitol.

There is expert opinion from the presiding officer, and this bill has scores of items that are barred by the official report from which I have quoted.

Now, can anyone say that that is not a fact? [Applause and cries of "Vote!" "Vote!"]

Mr. SLAYDEN. Mr. Chairman, I want to say only a few words about this item which proposes a building at Coleman, Tex. If I had not thought it entirely justified I should not have offered the bill.

Let me say to the gentleman from Wisconsin that the census report, while perhaps reasonably accurate for 1910, can not even approximate the present population of most towns in the State of Texas. We have places of 5,000 to 10,000 inhabitants in that State that were not on the map in 1910.

The postal receipts for the fiscal year 1915 were $10,723, and for the fiscal year 1905, $5,206.

The postal receipts for the last quarter, supplied me by the postmaster at Coleman, indicated postal receipts of between $13,000 and $14,000. Now, Mr. Chairman, I think I have been very modest in asking for a $30,000 building to accommodate the business of that town. There are a good many railway postal clerks who make it their headquarters.

SEVERAL MEMBERS. Vote! Vote!

Mr. SLAYDEN. Gentlemen, be patient. I have not occupied a minute of time on this bill before, and I desire to say without interruption what I intended to say about this bill.

Mr. SUMNERS. Will the gentleman yield to me?

Mr. SLAYDEN. Yes.

Mr. SUMNERS. Coleman is a county-seat town, is it not?

Mr. SLAYDEN. It is a county-seat town, and the junction of two lines of railway, and the headquarters for a good many railway postal clerks.

Mr. Chairman, the bill is justified, and it is one of three bills that I have proposed, in which the amounts I have asked for were less than the ordinary amount, and less than the committees were willing to concede.

Now, Mr. Chairman, this taste and appetite for pork varies with the circumstances. If a big, juicy slice is coming toward me, I think it perhaps an excellent thing. If it is to be divided with my neighbor, I know that my part is all right, but I may have doubts about his; and if it goes only to the other fellow, of course, I have an aversion to pork that would gratify the author of the Mosaic code. [Laughter.]

Mr. Chairman, I have not the slightest doubt that this item will be agreed to by the committee. It makes its own argument. It is reasonable; it is proper. Coleman is a small town, of only 4,500 or perhaps 5,000 population, but the people of that town went down into their pockets and paid between $6,000 and $7,000 for a very desirable lot, one that was wanted, and presented it to the Government, $1 being the consideration named in the deed. That same thing happened in the town of Brownwood, in my district, only in that case citizens paid between $8,000 and $10,000 for the lot they gave the Government; and people who do those things, and who do the amount of business that seems to be generally conceded to be the proper prerequisite for the granting of such an appropriation as this, are certainly entitled to the consideration of the House, and I believe there will not be more than one or two votes against such a laudable and proper item as this.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

United States post office at Crockett, Tex., $25,000.

Mr. JAMES. Mr. Chairman, on October 1, 1916, the postal receipts of this town, according to the statement of the department, were $9,203. This is another item where the present rent is $632, and the cost to the Government to maintain will be $4,200. Of this $900 will be for maintenance. I would like to read a letter regarding the cost of maintenance. It was stated on the floor the other day that $900 was for soap. I want to read this letter:

TREASURY DEPARTMENT,
Washington, January 8, 1917.

Hon. W. FRANK JAMES,
House of Representatives.

MY DEAR CONGRESSMAN: Referring to your recent call at the department and request for information as to what constituted the item of supplies amounting to $900, contained in reports recently submitted to Congress in connection with various contemplated buildings, the following information is furnished you:

From the experience of the department in connection with the maintenance of small buildings in various parts of the country costing approximately about $50,000, it is estimated that the average cost for supplies amounts to $900, as tabulated below:

Light	$250
Fuel	350
Water	120
Ice, washing of towels, removal of ashes and rubbish, and miscellaneous supplies	180
Total	900

In connection with this estimate there is inclosed herewith a statement comprising the actual experience of the department relative to five buildings located in various sections of the country. As it will be seen, the cost for heating, as well as other items, varies materially, according to whether the building is located in the North or South.

Very truly, yours,

B. R. NEWTON, *Assistant Secretary.*

The CHAIRMAN. The question is on the motion to strike out the item.

The question was taken, and the motion was lost.

The Clerk read as follows:

United States post office at Decatur, Ind., $45,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 23, strike out the figures "$45,000" and in lieu thereof insert the figures "$50,000."

Mr. CLARK of Florida. Decatur is one of the places that comes within the line entitled to $50,000.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Dillon, S. C., $25,000.

Mr. FREAR. Mr. Chairman, I have passed over several of the items that I did not want to mention, although all are wasteful because of greatly increased annual cost, but I move to strike out this item. I have not examined and do not know the Representative in whose district this item is and desire to be relieved of prejudice against any particular item excepting on the basis of extravagance. At Dillon the population, according to the Treasury report, was 1,757 in 1910. The postal receipts were $7,733, and the rent is $400 per annum. According to the Treasury estimate the expense annually through a new building will be increased to $4,000, or ten times the amount it now costs the Government. In arriving at a reasonable basis for public-building construction, let me read from the report (Doc. 936, 63d Cong., 2d sess.) from which I read a few moments ago. I have the report of the Public Buildings Commission, which has made an investigation since the last public-buildings bill.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the item.

The question was taken, and the motion was lost.

The Clerk read as follows:

United States post office, courthouse, and customhouse at Duluth, Minn., $300,000. And the Secretary of the Treasury is hereby authorized and directed to sell at public sale, after due advertisement, the present Federal building at Duluth and the site upon which the same is located, for not less than $150,000, the proceeds of the said sale to be used in the construction of the new building.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Committee amendment: Page 11, line 4, strike out lines 4 and 5, and in line 6 the words "less than $150,000" and insert in lieu thereof the following:

"Or private sale at not less than the value as determined by the appraisal thereof by the Secretary of the Treasury, and upon such terms as he may deem for the best interests of the United States, in the present Federal building at Duluth, and the site upon which the same is located, and convey the said land and building by quitclaim deed to the purchaser thereof."

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

Mr. MILLER of Minnesota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 1, after the word "courthouse" strike out the word "and," and insert after the word "customhouse" the words "and other Government offices."

Mr. CLARK of Florida. The committee has no objection to that.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word, for the purpose of making a few remarks; and I hope I may be permitted to complete my argument. I intended to say that before assuming an obligation that will have to be paid in a few years——

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that no new paragraph has been read, and that there is nothing to strike out.

Mr. CRAMTON. Mr. Chairman, if it is necessary, then I move to strike out the paragraph, lines 1 to 7.

Mr. MOORE of Pennsylvania. But no paragraph has been read. I make the point of order that there is nothing before the committee.

The CHAIRMAN. The Chair will state to the gentleman that the committee has just perfected the paragraph. The Clerk will read.

The Clerk read as follows:

United States post office at Edenton, N. C., $25,000.

Mr. CRAMTON. Mr. Chairman, I move to strike out the item. I want to say that I desire to deal fairly with the House, and I think Members can very well afford to permit me to conclude the very few remarks that I desire to make. I desire to call attention to the fact that for the 11 months of this year ending with November our imports from all parts of the country——

Mr. HOWARD. Mr. Chairman, I make the point of order. The gentleman from Michigan is not proceeding in order. He is not addressing himself to the paragraph or anything that is collateral to that paragraph, and the Chair has repeatedly so ruled.

Mr. LANGLEY. And I want to suggest, further, that the gentleman pledged himself that if he had five minutes he would stop, and he is therefore estopped from going any further.

Mr. HOWARD. As I understand the rule, when a Member is proceeding out of order he has to take his seat, and he has to purge himself of his disorder, and it has to be done by a motion; and the gentleman from Michigan [Mr. CRAMTON] has, in my judgment and in the judgment of practically every man on this floor, been trying to get away with that campaign rot that he delivered in Michigan in the late campaign on a bill of this sort for the specific purpose of filibustering.

The CHAIRMAN. The Chair will inform the gentleman that the gentleman from Michigan will not be required to take his seat unless he is called to order by some Member of the House.

Mr. HOWARD. Then I call the gentleman from Michigan to order.

Mr. GARDNER. Mr. Chairman, I demand that the gentleman from Georgia have the words to which he objects taken down.

Mr. HOWARD. Very well; I am ready.

Mr. CRAMTON. Mr. Chairman, I desire to be heard upon the point of order.

Mr. TOWNER. Mr. Chairman, I desire to be heard upon the point of order.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Massachusetts whose words he desires to have taken down?

Mr. GARDNER. The words stated by the gentleman from Georgia [Mr. HOWARD] to which he objects.

Mr. HOWARD. The objection is not so much directed to the words but the defiance of the gentleman from Michigan to the repeated ruling of the Chair. If the gentleman from Massachusetts will permit me, the gentleman was proceeding with an argument, a portion of which on four different occasions within the last hour related to the tariff. The gentleman from Florida [Mr. CLARK] made the point of order which the Chair sustained. Another gentleman made the point of order which the Chair sustained, and then a third gentleman [Mr. LANGLEY] made a point of order which the Chair very promptly and properly sustained. I made a point of order the gentleman was not proceeding in order. Now, on the fifth occasion he takes up the disconnected speech, campaign speech, not relating to anything in this bill, and for the fifth time, in defiance of the ruling of the Chair, he persists in proceeding with it when a point of order is made by a gentleman that he is not in order.

Mr. GARDNER. Mr. Chairman, I call attention of the Chair to Rule XIV, section 5—

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud.

Mr. HOWARD. That is not the rule under which I am objecting.

Mr. CLARK of Florida. I want to state to the gentleman from Massachusetts that there is a special rule for the consideration of this bill requiring all gentlemen to limit all debate to the subject matter of the bill. The gentleman has not been called to order for any language used, but the point of order has been repeatedly made that he is not discussing the bill, and he has persisted in proceeding with that discussion.

The CHAIRMAN. The Chair has ruled that the gentleman was not proceeding in order.

Mr. CLARK of Florida. The Chair has repeatedly held that the gentleman was not in order. I want to put the gentleman on notice about the proposition that if I can get Members enough to stand by me we will stay here until midnight or daylight if necessary to pass this bill, and the filibuster of the gentleman is not going to accomplish anything.

Mr. CRAMTON. May I have a word on the point of order?

Mr. GARDNER. The gentleman is perfectly correct. I did not know that was the rule that was being invoked by the gentleman from Georgia [Mr. HOWARD]. Only the Chair can require the gentleman from Michigan to sit down——

Mr. HOWARD. I understand that; that is elementary. I learned that in church.

Mr. CRAMTON. I wish to discuss the point of order. I desire to call the attention of the Chair to this: That I have uniformly stated that if the Chair ruled my remarks were not in order I would discontinue them, but as yet I have not understood the Chair to so rule.

The CHAIRMAN. The Chair will inform the gentleman the Chair has several times ruled the gentleman was proceeding out of order and asked him to proceed in order. The Chair holds the point of order is well taken.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. This bill, I understand, makes authorization for a considerable sum of money. Is it out of order for a Member in discussing an item to refer to the condition of the Treasury or to the receipts of the Government of the United States? That is what the gentleman from Michigan, as I understand it, now is proceeding to do.

Mr. CRAMTON. Absolutely.

Mr. GOOD. Here is a bill that authorizes the expenditure of a great deal of money which must be paid out of the Treasury of the United States. [Cries of "Regular order!"] I do not understand that the Chair has held that it will be out of order for a Member to speak about the income of the Government from all sources and the condition of the Treasury.

The CHAIRMAN. Let the Chair inform the gentleman we are proceeding under the five-minute rule in the discussion of this bill.

Mr. GOOD. Yes.

The CHAIRMAN. And that the gentleman must discuss the paragraph before the House or an amendment thereto.

Mr. GOOD. But the paragraph before the House might refer to a $4,000,000 item or a $30,000 item, and just to what extent that item goes and the effect of it, it seems to me, the gentleman has a perfert right within the rules to refer to the Treasury and the probable income to the Treasury.

The CHAIRMAN. The Chair will call the gentleman's attention to Hinds' Precedents, volume 5, page 52, section 5049:

On a motion to amend, debate in the House is confined to the amendment and may not include the general merits of a proposition.

And there are cited several precedents.

Mr. CRAMTON. Mr. Chairman, then I will proceed in order?

The CHAIRMAN. The gentleman may proceed in order under the specified rule which confines the discussion to the rule itself.

Mr. CRAMTON. I will say that I had not understood before the Chair had expressly ruled. I yield to his ruling. I have no desire to filibuster, and hence I will not attempt to proceed further on that line. But while I am on my feet I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Under above leave to print, I desire to give the following interesting and instructive figures:

Imports into United States.

11 months ending November—

1910	$1,426,194,277
1911	1,391,684,958
1912	1,664,270,806
1913	1,608,570,909
1914	1,674,619,456
1915	1,606,764,190
1916	2,186,821,703

Even now, with the world at war and the men of Europe withdrawn from industrial production, we have imported for the last 11 months, for which figures are available, over half a billion dollars more of goods made by foreign labor than ever before in the same period of time. A representative of the people may well pause to consider what the conditions will be in this country in a year or two, when our market abroad for war orders is ended by the dawn of peace in Europe and when the present rush of foreign-made goods becomes a disastrous torrent. It is folly, with such possibilities in our early future to burden our people with millions and millions to decorate with congressional monuments small towns throughout the land.

Mr. JAMES. Mr. Chairman, I want to talk in favor of the amendment of the gentleman from Michigan.

Mr. CLARK of Florida. Mr. Chairman, I submit that the five minutes has already been used on this item, and I must object.

Mr. HOWARD. The gentleman from Michigan [Mr. JAMES] wants to talk on the same side as the other gentleman.

Mr. CRAMTON. The gentleman from Michigan was not permitted to talk on either side.

Mr. JAMES. I call attention to the fact that this is an appropriation of $25,000. The original bill that was introduced by the sponsor thereof called for $60,000, and the committee is to be commended for cutting it down to $25,000. I find the population in 1900 was 3,046 and in 1910 was 2,789. It costs the Government now $660 a year for rent, and the Treasury Department estimates that the cost of the maintenance of the new building will be $4,000. I hope that the amendment of the gentleman from Michigan will prevail.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

United States post office at Eminence, Ky., $40,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. According to the statement furnished by the Treasury Department for this $40,000 appropriation, the population in Eminence, Ky., in 1910, was 1,274. The revenues of 1915 were $4,402. The rent is $193 annually. According to the estimates of the department it will cost $3,700 a year to maintain a post office at Eminence, which to-day rents for $193 annually, in addition to the original investment of $40,000.

I call attention, Mr. Chairman, further to the minority report of this public-building commission, contained in Document No. 936, on this same point of ascertainment of what is the proper limitation in annual receipts, rental, and population when deciding upon public-building construction. This is from the present Postmaster General, who was a member of the commission and formerly a Member of this House. In his minority report he says, on pages 18 and 19:

If satisfactory quarters can be rented for an amount less than this sum the construction of a public building represents a large annual loss to the Government and should not be authorized.

* * * * * * *

Although the rental paid should be the basic factor for determining whether a public building should be erected, consideration must be given to the fact that abnormally high rental values may be fixed in some communities by unusual conditions or by the disposition of property owners to raise rents with a view to securing public buildings. To provide against the construction of public buildings in communities where the existence of artificial real estate values compels the Government to pay rentals exceeding $1,000 per annum, it is necessary to establish a secondary or corrective condition.

* * * * * * *

The interest of the Government, therefore, requires that a public building for post-office purposes only, shall not be authorized for any place unless the rental paid for Government offices is as much as $1,000 per annum, and then only when either the gross post-office receipts amount to as much as $15,000 or the population to as much as 5,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

United States post office at Fairfield, Iowa, $50,000.

Mr. CLARK of Florida. Mr. Chairman, I want to say that the proposition ought to be in the bill, and I move that further debate on the paragraph just read be now closed. I refer to the item for Fairfield, Iowa.

The CHAIRMAN. The gentleman from Florida moves that all debate on the paragraph just read be now closed.

The motion was agreed to.

The Clerk read as follows:

United States post office at Falmouth, Ky., $25,000.

Mr. CLARK of Florida. Mr. Chairman, that, too, is a very deserving item, and I move that all debate on that item be now closed.

The CHAIRMAN. The gentleman moves that all debate on this paragraph close.

The motion was agreed to.

The Clerk read as follows:

United States post office and other Government offices at Fargo, N. Dak., $250,000.

Mr. CLARK of Florida. Mr. Chairman, that is also a very deserving item, and I move that all debate on it be now closed.

The CHAIRMAN. The gentleman moves that all debate on the paragraph just read be now closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FREAR. Tellers, Mr. Chairman.

Tellers were refused.

The motion was agreed to.

The Clerk read as follows:

United States post office and other Government offices at Forrest City, Ark., $25,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 20, strike out the figures "$25,000" and insert in lieu thereof the figures "$35,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JAMES rose.

Mr. CLARK of Florida. I will say, Mr. Chairman, that that is offered because of the fact that other towns of that size have

that sum, and in proportion to those the original sum is not sufficient. I move that all debate on the paragraph and amendments thereto be closed.

Mr. STAFFORD. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. The gentleman can not move to close debate when another gentleman has the floor——

Mr. CLARK of Florida. Another gentleman has not the floor——

Mr. STAFFORD. Another gentleman, demanding recognition. He can not move to close debate until five minutes' debate has been had. The gentleman can not by these tactics foreclose Members from discussing items under the five-minute rule.

The Chair must take cognizance of the fact that five minutes have not been consumed on these respective items. The gentleman from Michigan [Mr. JAMES], demanding recognition, should be recognized, and the Chair can not entertain a motion to close the debate before five minutes' debate has been consumed. I call the attention of the Chair to section 6 of Rule XXII, which reads as follows:

The committee may, by the vote of the majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such sections or paragraphs or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

It has always been the practice, Mr. Chairman, to allow at least five minutes' debate under all conditions.

Mr. CLARK of Florida. The very rule that the gentleman quoted says "after debate had begun." I had the floor. The gentleman from Michigan had not the floor. I offered an amendment, and discussed it, and after discussion made the motion. It was entirely in order.

I want to submit, Mr. Chairman, that the committee has its remedy in its own hands. It can vote down my motion if it sees fit.

The CHAIRMAN. The Chair will call the attention of gentlemen to the ruling on page 129 of Hinds' Precedents, volume 5, which reads as follows:

Thereupon Mr. Joseph W. Babcock, of Wisconsin, moved that debate on the amendment and amendments thereto close in one minute.

Mr. James D. Richardson, of Tennessee, made the point or order that debate could not be closed until the time allowed by the rules—five minutes for and five against the proposition—had expired.

After debate the Chairman said:

"The Chair is very clearly of the opinion that by section 5, five minutes' debate is allowed for an amendment proposed and five minutes against that amendment and then the debate closes itself without any motion. The sixth paragraph, which was adopted 10 years later than the one just referred to, provided for closing debate at any time after it shall have begun. It would have been entirely unnecessary if it had been limited to the condition described in paragraph 5, because the debate then is closed without any motion, or upon the interposition of the point of order by any gentleman on the floor. The Chair therefore rules that the motion of the gentleman from Wisconsin is in order, that debate upon this amendment be closed in one minute."

Mr. STAFFORD. As I understand from the ruling of the Chair, the gentleman from Michigan [Mr. JAMES] is entitled to recognition.

The CHAIRMAN. This precedent establishes here the rule that when there has been debate on this proposition by the Chairman he can move to close the debate.

Mr. CLARK of Florida. Then the Chair overrules the point of order.

Mr. GARDNER. Mr. Chairman, will the Chair hear me a moment on that?

The CHAIRMAN. The Chair will hear the gentleman if he desires to discuss the point of order.

Mr. GARDNER. Will the Chair turn to page 390 of the rules of the House and look half way down the page until he finds this clause——

The CHAIRMAN. What page is the gentleman reading from?

Mr. GARDNER. Page 390 of the Manual. Look half way down the page.

The CHAIRMAN. What section?

Mr. GARDNER. Section 6. I read:

The motion to close debate is not in order until such debate has begun (V, 5225), which means after one speech of five minutes (V, 5226).

Mr. CLARK of Florida. Will the gentleman permit an interruption, a question, there?

Mr. GARDNER. Yes.

Mr. CLARK of Florida. Does the rule say "debate of five minutes"?

Mr. GARDNER. That is the syllabus. I do not think the gentleman doubts that HINDS is good authority.

Mr. CLARK of Florida. No.

Mr. GARDNER. Now, I will read from the decision from Mr. Congressman Moody, of Massachusetts. The reference number is 5226. After debate on that Babcock motion the Chairman, William H. Moody, of Massachusetts, said:

The Chair is very clearly of the opinion that by section 5 five minutes' debate is allowed for an amendment proposed and five minutes against that amendment, and then the debate closes itself without any motion.

The sixth paragraph, which was adopted 10 years later than the one just referred to, provided for closing the debate at any time after it shall have begun. It would have been entirely unnecessary—

I see that the syllabus does not seem to agree with the decision.

Mr. CRISP. Mr. Chairman, if the Chair is ready to rule, I do not care to say anything.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. CRISP. It seems to me that the matter is a very plain one, and easy of solution. Under the rules of the House, after general debate is ended, the bill is before the House for consideration under the five-minute rule. Now, what is the five-minute rule? It provides that when an amendment is offered, there can be five minutes' debate in favor of the amendment and five minutes' debate against the amendment and then the rule, if strictly enforced, precludes all other debate. That is section 5 of the rule. Now, that rule is supplemented by section 6, which provides that after debate has commenced under the five-minute rule it is in order to move to close debate. It requires one speech under the five-minute rule to begin the debate on the paragraph or section; but surely no rule of the House requires any Member to consume all of his five minutes. He may make a speech of one minute if he desires, and after he has made a speech, if it is of a minute or half a minute, debate under the five-minute rule has commenced, and it is clearly in order to move to close debate, and if the committee desires to close debate, the committee will sustain the motion. If the committee does not desire to close debate, it will reject the motion, and debate can resume. [Applause.]

Mr. GARDNER. Mr. Chairman, after having had fuller opportunity to consult the precedents, I would like to be heard again.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. As a matter of fact in the citation made by the Chair (Hinds, V, No. 5226), the motion of Mr. Babcock of Wisconsin to close debate was made after Mr. John J. Fitzgerald had addressed the committee for five minutes on the pending amendment. Now, Mr. Moody, in making his ruling, was clearly in error. Mr. Moody first called attention to the fact that paragraph 5, Rule XXIII, makes the debate on amendments in Committee of the Whole close automatically after five minutes on one side and five on the other. Then he based his ruling that the point of order against Mr. Babcock's motion was not well taken, upon the statement that paragraph 6 of Rule XXIII would have been totally unnecessary unless it was desired to give the Committee of the Whole the right to close debate even before the five-minute debate had been concluded. But Mr. Moody overlooked the fact that section 6 gives the right to close debate on the whole paragraph after the debate has begun, whereas section 5 only gives the right to close debate or automatically terminate debate on some particular amendment, and not on the whole paragraph. So that Mr. Moody's decision is evidently made under a misapprehension of what section 6 of Rule XXIII actually does.

The CHAIRMAN. The Chair would like to ask the gentleman a question. Section 6 of the rule says:

The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only.

Does the gentleman hold that no debate has been had upon this paragraph?

Mr. GARDNER. The gentleman is not prepared to hold so, although he has heard it held so at a time when it used to be the fashion, in moving the previous question, to say, "I think it is a very good thing to move the previous question, and I move the previous question," and in that way cut off the 40 minutes' debate that is generally allowed after the immediate ordering of the previous question. I have known debate in the House to be closed by that device. I remember that it was done when Calendar Wednesday was adopted by an amendment to the rules of the House on motion of Mr. John Dalzell about six or seven years ago. Mr. Dalzell, from the Committee on Rules, reported a certain special rule which many Members did not want to have debated. Under the rules, unless there has been debate before the ordering of the previous question, debate

may continue for 40 minutes after the previous question is adopted. On this occasion Mr. Dalzell debated the special rule for two minutes and then moved the previous question on its adoption. I claimed the floor for debate under the 40-minute rule, but the Speaker was of the opinion that debate had already actually taken place. The House felt that this ruling was not a true interpretation of the meaning of the rule. Now, if the Chair thinks that the chairman of the Committee on Rivers and Harbors genuinely debated this paragraph, if the Chair thinks there has actually been genuine debate in Committee of the Whole, then I am aware that the point of order is not well taken. It is entirely in the power of the Chair to determine whether or not there was genuine debate.

Mr. TOWNER. Mr. Chairman, I desire to make this suggestion concerning the point of order: There is no inconsistency between paragraphs No. 5 and No. 6. Paragraph No. 5 provides that there shall be 10 minutes' debate; paragraph No. 6 says that after debate has begun a motion to close debate may be made.

Now, after an amendment has been offered, the mover of that amendment has, unquestionably, five minutes under rule 5. He may use it or not, as he chooses. Suppose he only uses one minute and at the close he sits down, the chairman of the committee can then move to close debate; at the close of five minutes he can move to close debate. But there is no other opportunity to close debate after it has begun, because you can not take a man off his feet after he has received recognition by the Chair for any purpose until his time has expired under the rule. So there is nothing for the Chair to determine except whether debate had begun. The gentleman who is entitled to recognition and made the motion to strike out was entitled to use full five minutes under the rule if he desired, and, debate having begun, he had a right to exercise the power that was his under the rule.

So it seems to me there ought not to be any difficulty in the mind of the Chair on the point of order. A correct decision of the point of order is of vastly more importance than the passage of this bill or any item in it. I certainly do not desire that the Chair shall make any mistake which may be used as a precedent.

Mr. SAUNDERS. Mr. Chairman, after following the discussion on the point of order it seems to me that the gentlemen making it have shifted their ground. When the point was first made it was insisted that there must be five minutes of actual debate, before the motion to close debate could be made. But this contention seems to have been abandoned, and it is now insisted that the Member holding the floor must actually debate the proposition not that he must debate it for full five minutes, but in good faith must debate it for some appreciable portion of that time. If this is the point to be determined, and it strikes me that it is the only one that can be raised, then the question presented is of easy determination.

Mr. GARDNER. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. GARDNER. Will the gentleman tell me what question was being debated by the gentleman from Florida? How did he have the floor for debate? He offered no amendment.

SEVERAL MEMBERS. Oh, yes.

Mr. GARNER. He did offer an amendment increasing it from $25,000 to $35,000.

Mr. GARDNER. Then I am mistaken.

Mr. SAUNDERS. I will answer the gentleman. The extent of the contribution to the debate is immaterial, so that it is appreciable. The Chair need only determine whether any argument has been advanced concerning the proposition before the House, not how much time the debater has consumed, but whether he has made any actual contribution to the debate. If the Chair is satisfied that the gentleman from Florida debated the subject matter, however brief his remarks may have been, then the debate had begun, and it was in order for the gentleman from Florida to move to close the discussion.

Mr. MONDELL. Mr. Chairman, if the Chair is ready to rule I do not desire to proceed.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, while there do not seem to be many parliamentary precedents in matters of this kind, many times since I have been in the House a motion in the form in which it was made by the gentleman from Florida has been made, and never up to this time have I heard it questioned.

I remember a number of years ago in the case of an important bill, the national reclamation law, it became necessary in the face of a filibuster to make a motion to close debate after each item had been read in order to get through in the time fixed for the final vote on the bill. Mr. John Dalzell, one of the best parliamentarians on the floor since I have been here, was among those who were filibustering. The motion to close debate was made successively on one paragraph after another, as made to-day by the gentleman from Florida; and I am certain that if the motion had not been properly made Mr. Dalzell would have resisted it.

Let me call the Chair's attention to the fact that the ruling which the Chair quoted by Chairman Moody, of Massachusetts, is entirely logical, for this reason: James D. Richardson made the point of order that debate could not be closed until the time allowed by the rule—five minutes on a side—had been exhausted. Now, the point of order put in that way raised the entire question as to whether paragraph 6 established a different rule than that laid down by paragraph 5. It is true that in that case Mr. FITZGERALD had occupied five minutes; but that does not change the situation any, because the point of order was that the entire period fixed by Rule V must be exhausted, and therefore the Chairman very properly took up that question and decided that paragraph 6 provided that after debate had begun on an amendment and proceeded for ever so brief a period the motion can be made to close debate. It may be amended, but no debate is allowed on the amendment.

The CHAIRMAN. This is the situation: The chairman of the committee, the gentleman from Florida [Mr. CLARK], offers an amendment to the paragraph and after proceeding to explain why he offered the amendment he makes a motion that debate upon the paragraph and all amendments thereto be closed, whereupon the gentleman from Wisconsin [Mr. STAFFORD] makes the point of order that there had not been five minutes discussion upon the amendment. The Chair is inclined to think that inasmuch as discussion upon the amendment had been entered upon by the chairman of the committee the point of order is not well taken and the point of order is therefore overruled. The question is on the motion to close debate upon the paragraph and amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Georgetown, Tex., $30,000.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling attention to the fact that Georgetown, Tex., is a very progressive city in that State. This is certainly an item that is worthy. I desire now to withdraw the pro forma amendment, and I move that all debate upon the paragraph and amendments thereto be now closed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. GARDNER. Mr. Chairman, I object.

The CHAIRMAN. The question is on closing debate upon the paragraph and amendments thereto.

The question was taken; and on a division (demanded by Mr. GARDNER) there were—ayes 114, noes 6.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida to strike out the last word.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Green River, Wyo., $25,000.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. The town of Green River, Wyo., is a very prosperous place. There are many Federal activities there, and this post office is absolutely essential to that community. I move that all debate upon this paragraph and amendments thereto be now closed.

The CHAIRMAN. The question is on the motion to close debate upon the paragraph and amendments thereto.

The question was taken; and on a division (demanded by Mr. FREAR) there were—ayes 97, noes 5.

So the motion was agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Florida to strike out the last word.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 0, noes 52.

So the amendment was rejected.

The Clerk read as follows:

United States post office at Greenville, Ala., $30,000.

Mr. CLARK of Florida. Mr. Chairman, I rise to discuss the item——

Mr. GARDNER. Mr. Chairman, I make the point of order that there is nothing before the House. What question is before the committee?

Mr. CLARK of Florida. The adoption of this item.

Mr. GARDNER. But the gentleman can not be recognized unless he has an amendment to offer.

Mr. CLARK of Florida. Then, Mr. Chairman, I move to strike out the last word. Mr. Chairman, I desire to say that many years ago I visited Greenville, Ala.——

Mr. GARDNER. Mr. Chairman, I make the point of order that the gentleman is not discussing his motion to strike out the last word.

Mr. CLARK of Florida. Yes; I am discussing it. This relates to Greenville, Ala. I want to say——

Mr. GARDNER. But the gentleman is discussing Alabama.

Mr. CLARK of Florida. Yes; Greenville, Ala. Having said what I did, that I visited this place several years ago, I can conclude my remarks by stating that it is rightly included in this bill. Mr. Chairman, I move that all further debate upon this paragraph and amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Florida to close debate on the paragraph and amendments thereto.

The question was taken, and on a division (demanded by Mr. JAMES) there were—ayes 83, noes 4.

Mr. GOOD. Mr. Chairman, I demand tellers.

The CHAIRMAN (after counting). Five gentlemen have risen, not a sufficient number.

Mr. GOOD. Mr. Chairman, I demand the other side.

Mr. MANN. There is no other side to the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The rule is one-fifth of a quorum may decide whether there shall be tellers or not.

Mr. GOOD. Mr. Chairman, I move to strike out "$30,000" and insert "$25,000."

Mr. CLARK of Florida. Mr. Chairman, I moved to close all debate on the paragraph and amendments thereto, and the motion has been agreed to.

The CHAIRMAN. The motion before the House is that of the gentleman of Florida to strike out the last word. That is the pending motion.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. JAMES) there were—ayes 6, noes 82.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. What has become of my motion to strike out $30,000 and insert $25,000?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 4, strike out "$80,000" and insert "$25,000."

Mr. CLARK of Florida. Mr. Chairman, I move that all debate close on the paragraph and amendments thereto.

Mr. MANN. Mr. Chairman, I ask that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, under the rules of the House it is impossible to save time by attempting to stifle debate. Of the procedure of the gentleman from Florida I have no criticism to make. Under the rules the motion to close debate is subject to amendment ad libitum, and upon every one of those you can have a division. After debate is closed you can offer amendments until the Chair goes blind, and I have never seen the Chairman of this committee get blind. Now, two or three gentlemen are here who desire to discuss certain items. The only way to do, after all, will be for the House to let them discuss those items in accordance with the rules. The time is not very great for any one item, and then this body, if it is necessary, might have to sit at night in order to pass the bill. That has occurred frequently in the past and will occur in the future; and if the House becomes satisfied that some Members are attempting to debate purely for filibuster, they never make any progress by that, whereas a filibuster is always successful in the effort to get a chance to debate. Now, Members are pretty well worked up to-night, and I suggest to the chairman of the committee he move to rise, and if necessary sit all to-morrow and to-morrow night and let gentlemen debate if they want to be heard.

Mr. CLARK of Florida. I want to dispose of the pending proposition before taking any steps.

The CHAIRMAN. Does the gentleman insist upon his motion?

Mr. GOOD. I shall not only insist upon the motion but I shall make as many motions for each item as I can, as long as the chairman of the committee insists upon filibustering and preventing the committee from discussing these items as long as the committee is not filibustering.

Mr. CLARK of Florida. If the gentleman from Illinois will permit, I would like permission to proceed for about a minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Chairman, I want to make this statement: For the first time in the history of Congress we have brought in an omnibus public-buildings bill here and thrown it wide open to discussion, to amendment, and to consideration. Three or four gentlemen have shown a disposition absolutely to block the progress of Congress. They have gone through this matter and put their whole case in the RECORD——

Mr. LANGLEY. Several times.

Mr. CLARK of Florida. One gentleman persisted in making a tariff speech here for an hour or more by moving practically to strike out the last word at the end of every line——

Mr. CRAMTON. Will the gentleman yield?

Mr. CLARK of Florida. No; I will not—and undertook to make that kind of a speech for the purpose of delaying this bill. These gentlemen, as I say, have had ample opportunity to put their case in the RECORD. They have put it in the RECORD, they have seen the temper of the House, and they know that the House intends to pass this bill.

Now, they have made their arguments, they have presented their case, and why can they not in good conscience allow the Congress to go forward with its work and do its work? I want to say this, that I am going in a moment to ask the committee to rise, but not out of deference to these gentlemen who have sought to filibuster. I prefer to sit here all night. But some things are bothering some other gentlemen, and out of consideration for them I intend to move to rise. But I want to say this, that we have been perfectly fair, we have opened this bill to amendment for these gentlemen, and if they would offer their amendments and discuss the actual questions involved in the amendments there would be no objection to having the five minutes' debate. But they go out and ramble all over the wide, wide world and talk about rivers and harbors, the tariff, and everything under the sun except the amendments they offer. And I want to put them on notice now that if the House will stand by the committee we will put this bill through to-morrow, if we have to get another rule. We did try to get, and did get, a fair rule and tried to act fairly and squarely, but if gentlemen will insist on filibustering we will try to bring in a rule here that will put this bill through, and, if necessary, we will stay here all night to-morrow night to do it.

Now, Mr. Chairman, I wish to ask the committee to dispose of this item.

Mr. JAMES. Will the gentleman yield for a question?

Mr. CLARK of Florida. No; I will not.

Mr. GOOD. I wish to say to the gentleman that I am perfectly willing, inasmuch as the gentleman has stated he is going to rise, and I think that he will permit a limited debate on these things to-morrow, to withdraw my amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. CRAMTON. Will the gentleman yield?

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore [Mr. FITZGERALD] having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18994) to increase the limit of cost of certain public buildings, etc., and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. SPARKMAN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Lavinia Johnson (H. R. 5579, 63d Cong.), no adverse report having been made thereon.

HOUR OF MEETING TO-MORROW.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that when the House adjourns to-day

it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I move that the House do now adjourn.

CANCELING DIE FOR WINTER CARNIVAL, ST. PAUL, MINN.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to call up the following resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent for the present consideration of the following joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 332——

Mr. MANN. Mr. Speaker, I object. I do not know what it is.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 10384. An act to regulate the immigration of aliens to, and the residence of aliens in, the United States.

ADJOURNMENT.

Mr. CLARK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House, under its previous order, adjourned until to-morrow, Friday, January 19, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an item for inclusion in the sundry civil appropriation bill, in connection with the appropriation for construction and operation of railroads in Alaska (H. Doc. No. 1947); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 336) extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, reported the same without amendment, accompanied by a report (No. 1319), which said joint resolution and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19239) granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La., reported the same without amendment, accompanied by a report (No. 1320), which said bill and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 20209) to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1322), which said bill and report were referred to the House Calendar.

Mr. PARKER of New Jersey, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19776) to authorize the United New Jersey Railroad & Canal Co., and such other corporations or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden, State of New Jersey, and Petty Island, in said county and State, reported the same with amendment, accompanied by a report (No. 1323), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LITTLEPAGE, from the Committee on Military Affairs, to which was referred the bill (S. 6154) for the relief of Charles Lee Baker, reported the same without amendment, accompanied by a report (No. 1321), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18066) granting an increase of pension to Charles L. Thompson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STOUT: A bill (H. R. 20249) to authorize the sale of certain lands at or near Yellowstone, Mont., for hotel purposes; to the Committee on the Public Lands.

By Mr. BRITTEN: A bill (H. R. 20250) to authorize the refund of duties collected on field kitchens imported during the year 1916; to the Committee on Claims.

Also, a bill (H. R. 20251) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages; to the Committee on Ways and Means.

By Mr. PADGETT: A bill (H. R. 20252) to incorporate the National Society of Sponsors of the United States Navy; to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 20253) for the purchase of a site and the erection thereon of a public building at Galena, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20254) for the purchase of a site and the erection thereon of a public building at Fredonia, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20255) for the purchase of a site and the erection thereon of a public building at Neodesha, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 20256) to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolution (H. Res. 456) authorizing certain members of the Committee on Expenditures in the Department of Justice to make investigations relative to the Federal prisons and institutions; to the Committee on Expenditures in the Department of Justice.

By Mr. RODENBERG: Joint resolution (H. J. Res. 343) making it unlawful for the head of any department of the Government of the United States to invite and accept bids from foreign manufacturers on contracts for supplies for use of the Government of the United States; to the Committee on the Judiciary.

By Mr. ALLEN: Joint resolution (H. J. Res. 344) to change the name of the Danish West Indies to the Dewey Islands; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 20257) granting an increase of pension to Mary E. Borsekoeske; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 20258) granting an increase of pension to Andrew M. Murray; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 20259) granting an increase of pension to Peter T. Nile, alias Patrick Nilan; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 20260) granting a pension to Frank L. Schaarman, alias Frank L. Sherman; to the Committee on Pensions.

By Mr. BURKE: A bill (H. R. 20261) granting a pension to Emma Guetzlaff; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 20262) granting an increase of pension to James W. Beasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20263) granting a pension to Lebbeus H. Brockway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20264) granting a pension to Pierce O'Connell; to the Committee on Pensions.

Also, a bill (H. R. 20265) granting a pension to Michael E. O'Donnell; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 20266) granting a pension to Edwin M. Stupfell; to the Committee on Invalid Pensions.

By Mr. DALE of Vermont: A bill (H. R. 20267) granting a pension of Lucina Grigware; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 20268) granting an increase pension to Daniel Kelly; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 20269) for the relief of William S. Colvin; to the Committee on the Post Office and Post Roads.

By Mr. FERRIS: A bill (H. R. 20270) granting a pension to Flora A. Hubbard and her minor children; to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 20271) for the relief of the William Gordon Corporation; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 20272) granting an increase of pension to Horace W. Brown; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 20273) granting an increase of pension to Noah W. Gerrish; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20274) for the relief of Charles T. Jackson; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 20275) for the relief of Jacob M. Middlekauff; to the Committee on Claims.

By Mr. MEEKER: A bill (H. R. 20276) for the relief of the heirs at law of Jacques Clamorgan; to the Committee on Claims.

By Mr. MOSS: A bill (H. R. 20277) granting a pension to Lydia A. Keller; to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 20278) to place Albert Hamilton on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. RANDALL: A bill (H. R. 20279) granting an increase of pension to Lottie Tanner; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 20280) granting a pension to Cyrus A. Jackson; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 20281) granting an increase of pension to Margaret E. Melson; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 20282) granting an increase of pension to William A. Davy; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 20283) granting an increase of pension to Luther W. Holmes; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 20284) granting an increase of pension to Michael Reichert; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 20285) granting an increase of pension to Frank P. Lawrence; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20286) granting an increase of pension to Susan A. Blaisdell; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 20287) granting an increase of pension to General Taylor Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20288) granting an increase of pension to Samuel McAtee; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 20289) granting an increase of pension to John W. Harvey; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 20290) granting an increase of pension to Albert T. Hart; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Woman's Christian Temperance Union people of Fulton, Mo., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also (by request), memorials of Missouri Live Stock Producers' Association, in favor of Federal Trade Commission conducting investigation of marketing of live stock and meat packing industries; to the Committee on Agriculture.

By Mr. CARY: Petitions of B. W. Whitney and Gifford T. Vermillion, both of Milwaukee, Wis., favoring the passage of House bill 19617; to the Committee on the Judiciary.

Also, petition of National Association of Stationary Engineers in re zone system of mail postage; to the Committee on the Post Office and Post Roads.

Also, telegram from A. Burlanes & Co., of Milwaukee, Wis., protesting against passage of any prohibition measures; to the Committee on the Judiciary.

Also, petition of Henry Loeber, of Milwaukee, Wis., opposing prohibitory bills; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petitions of 135 people of First Congregational Church, 300 people of German Baptist Church, 75 people of Zion Norwegian Lutheran Church, all of Racine, Wis., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Bohemian branch of Socialist Party, Racine, Wis., protesting against passage of House bill 18986; to the Committee on the Post Office and Post Roads.

Also, memorial of members of Governor Harvey Post, Grand Army of the Republic, Racine, Wis., protesting against the abolishment of the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, near Milwaukee, Wis.; to the Committee on Appropriations.

By Mr. DARROW: Petitions of Christian S. Miller and 24 other residents of Germantown, Philadelphia, Pa., protesting against the enactment of bills providing for prohibition in the District of Columbia, forbidding mails to liquor dealers, prohibiting interstate commerce in liquors, and national prohibition amendment; to the Committee on the Post Office and Post Roads.

Also, petition of the Alumnæ Association of the Pittsburgh Training School for Nurses, in behalf of Senate bill 6667, to incorporate the American Nurses' Association; to the Committee on the District of Columbia.

Also, petition of James L. Hall, of Philadelphia, Pa., protesting against the enactment of House bill 18986 and Senate bill 4429, mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Petition of Luther A. Baughan et al., of Ketchum, Claremore, Big Cabin, and Sallisaw, Okla., in re postal legislation; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of Henry Buelow and 23 other residents of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

Also, petition of sundry citizens of Wisconsin, in re zone system of second-class postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Manufacturers and Dealers' Association of America, opposing various prohibition measures; to the Committee on the Judiciary.

By Mr. FOCHT: Papers to accompany House bill 19965, for relief of Martin L. Rex; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Union Label Trades Department of the American Federation of Labor, opposing prohibition legislation; to the Committee on the Judiciary.

Also, petition of Pan Greek-American Church of Chicago, Ill., opposing the enactment of House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of Barnard & Miller, of Chicago, opposing the zone system for second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Holyoke Typographical Union, No. 253, Holyoke, Mass., and Boufort's Wine and Spirit Circular, of Louisville, Ky., in re bills excluding liquor advertisements from mails; to the Committee on the Post Office and Post Roads.

By Mr. GILLETT: Petition of citizens of Northampton, Mass., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 845 voters of Springfield, Mass., and vicinity protesting against the passage of House bills 18986 and 17850, Senate bills 4429 and 1082, and House joint resolution 84; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petitions of numerous citizens, firms, and organizations in reference to 1-cent drop-letter postage and proposed increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Petitions of 750 Woman's Christian Temperance Union people, 200 Presbyterian Church people, 200 members of Presbyterian Church, 250 people of South Broadway Presbyterian Church, 400 Methodist Episcopal Church people, and 300 members of Grant Avenue Church, all of Denver, Colo., for national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Memorial of Branch 111 of National Association of Letter Carriers, of Salt Lake City, Utah., in favor of

the passage of the so-called Penrose-Griffin bill; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 325, Ogden Utah, of the International Union of the United Brewery Workmen, against all prohibitory legislation; to the Committee on the Judiciary.

Also, memorial of Theatrical Stage Employees' Union, of Salt Lake City, against House bill 18986 and Senate bill 4429 and similar exclusion legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Local Union No. 30, Brotherhood of Railway Mail Clerks, in favor of increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 64 of the International Union of the United Brewery Workmen, Salt Lake City, against all prohibition laws; to the Committee on the Judiciary.

By Mr. HUTCHINSON: Petition of Junior Order of American Mechanics, of Hackensack, N. J., favoring an additional appropriation for field service of the Naturalization Bureau; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Zisso Vassiliades, Theocharis Kotrotos, Dionisios, Panayiotis Eliopulos, Constantinos Leyackis, John N. Pappas, Pantalis Eliplos, Michail Saines, Dimitros Eliopoulos, M. Argeris, John Elliopoulos, John Pappageorge, George Eliopoulos, John Latouros, Peter Palavos, P. J. Anninos, Chris Touris, K. Porfirius, Panagiotis Spiliotopoulos, John Ferris, John Dinutrikopoulos, Constine Androutsopoulos, Dimitros Andoniou, William Nicklis, George Peterson, Spiros Sarlis, John Dritsas, Michail Audis, George Sngeles, John Germinis, Dionicios Arvanitis, Dan Maroudes, John Beleris, George Diamandes, Andros Ganetos, M. Galustzolos, George Counas, and Dimitrious Raisis, all of San Francisco, Cal., praying intervention on the part of the United States in behalf of the starving citizens of Greece; to the Committee on Foreign Affairs.

Also, petition of 52 residents of San Francisco, Cal., protesting against the enactment of House bill 18986 and Senate bill 4429, mail-exclusion bills; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, to prohibit commerce in intoxicating liquors between States; to the Committee on the Judiciary.

Also, resolutions adopted by the Dried Fruit Association of California and the Canners' League of California, favoring legislation to enforce the proper standardization of all food products, and the necessity for an appropriation to commence the work; to the Committee on Agriculture.

By Mr. MOTT: Memorial adopted by New York State Fish, Game, and Forest League, urging enactment into law of House bill 20080; to the Committee on Foreign Affairs.

Also, petition against the several prohibition bills; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of 403 people of Reabersburg Sunday School, of Reabersburg; 75 members of United Evangelical Sunday School of Aaronsburg; 275 people of Millheim Sunday School; 1,100 people of Reformed Church of Aaronsburg; and 115 people of Salem Evangelical Sunday School, of Aaronsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of 135 Methodist Episcopal Church people, of McLemoresville; 300 Methodist Episcopal Church people, of Whitlock; and 125 Wesley's Chapel people, of McLemoresville, all in the State of Tennessee; favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Rex Dopp, members of Christian Endeavor Society, and members of Woman's Christian Temperance Union, of Prattville, favoring prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Resolution by the State Fish, Game, and Forest League of New York State, John B. Burnham, president, urging the passage of an act to give effect to the treaty recently perfected between the Governments of the United States and Great Britain and appropriating the sum of $500,000 to enforce said law; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petitions of the Woman's Christian Temperance Union at Eldora and a public meeting at Eldora, Washington County, Pa., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of the Newburg (N. Dak.) Nonpartisan League, being certain resolutions favoring Government ownership of railroads, protesting against the reduction of the rate on first-class postage and against the increase on other classes, protesting against the large appropriations being made for military purposes, and requesting that an effective way be found to transport farm labor from the centers of population into the farming districts; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *January 19, 1917.*

Rabbi Leo M. Franklin, of Detroit, Mich., offered the following prayer:

Almighty God, in whose hands are the destinies of men and nations, earnestly do we seek Thee in this hour. As in the ages past Thou hast guided men through storm and stress to safety and peace; as in all times Thy love has lifted and inspired the hearts of men to deeds of heroism and of self-forgetting sacrifice, so in these times, O Father, do Thou bless us with the light of Thine on-leading love, so that there may be kindled in our hearts the fires of loyalty to all that lifts life to the highest and makes a people worthy in Thy sight.

Oh, may this great people be true to the best in all its past. Do Thou inspire the hearts and the minds of its citizenry with a passion for righteousness and with a sense of sacramental service for humanity. May material success not stultify our souls or dwarf our spirits, and may great sorrows, even such as the Nation feels in the passing of a mighty hero, serve to inspire us the more to do our part bravely and loyally for God, for country, and for humanity.

O God, bless Thou this land whose walls are salvation and whose gates are praise, a land upon which may rest Thine eyes forevermore in benediction and in love. Amen.

The Journal of yesterday's proceedings was read and approved.

ELECTORAL VOTES.

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of the final ascertainment of electors for President and Vice President chosen at the election on the 7th day of November, 1916, in the States of California and Mississippi, which were ordered to be filed.

GENERAL EDUCATION BOARD (S. DOC. NO. 684).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 4th instant, a statement from the Commissioner of Education relative to the organizations known as the General Education Board of the Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate enterprise to the work of the Bureau of Education, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. P. Taylor, jr., one of its clerks, announced that the House had passed resolutions appointing a committee of 25 Members to join with a committee to be appointed by the Senate to attend the funeral services of Admiral George Dewey at Arlington, Va., and that the Speaker of the House had appointed Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. RIORDAN, Mr. HENSLEY, Mr. BUCHANAN of Illinois, Mr. GRAY of Indiana, Mr. CALLAWAY, Mr. CONNELLY, Mr. HART, Mr. OLIVER, Mr. LIEBEL, Mr. VENABLE, Mr. BUTLER, Mr. ROBERTS of Massachusetts, Mr. BROWNING, Mr. FARR, Mr. BRITTEN, Mr. KELLEY, Mr. MUDD, Mr. LOUD, Mr. DALE of Vermont, Mr. GREENE of Vermont, Mr. FOSS, and Mr. KETTNER.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

S. 5718. An act to provide for an auxiliary reclamation project in connection with the Yuma project, Ariz.;

S. J. Res. 186. Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; and

S. J. Res. 194. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

PETITIONS AND MEMORIALS.

Mr. THOMAS. I present certain petitions from citizens of my State urging Congress to adopt a national constitutional prohibition amendment, which I ask may lie on the table.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. THOMAS. I also have a short protest from Dr. Orville D. Wescott and Dr. J. Gelien, of my State, against the so-called tuberculosis bill. It is very short, and I ask that it be printed in the RECORD without reading.

There being no objection, the memorial was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

AN OPINION AS TO THE VALUE OF CLIMATE COMPARED WITH ECONOMIC FACTORS IN THE CURE OF TUBERCULOSIS.

Our work at the tuberculosis dispensary of the University of Colorado Medical School shows that most of the indigent tuberculous patients that come to Colorado in search of health do so at a great risk to themselves.

Climate is only a small part of the many other requirements necessary to establish a cure in tuberculosis.

A short sanatorium life is not of great value to the average health seeker unless it is followed by appropriate training toward future occupation.

A change of climate can become most disastrous to those who lose track of the more essential factors, namely, rest, best of food and housing, and peace of mind. The patients also leave relatives and friends at home who should become of greatest help when the patient is able to do light work. Relatives and friends are also indispensable helpers in our family problems.

In justice to the poor sufferers every State should build adequate and sufficient sanatoria for their own indigent tuberculous people. These sanatoria should be provided with facilities to put the patients to work when they are ready, to fit them for future occupation.

We, of the city of Denver, are against the Kent bill in its present form because it will make a tragedy more tragical, and will, by inviting patients to leave their home States, impose greater suffering and heartache upon people already very unfortunate. The Kent bill will increase migration to Colorado and will increase suffering not only of individuals but of whole families, as many such will follow their ill ones to the new home.

Several years ago I (Dr. Gelien) was closely associated with the Eudowood Sanatorium in Towson, Md. Every year Dr. M. Sloan had a home-coming day, when former patients reported back to the sanatorium. The ultimate results with patients of all classes, with regard to health as well as with regard to future occupation, were far superior to those we achieve in Colorado.

All our efforts are directed toward educating the tuberculous people all over the United States not to leave their homes for the so-called health States unless they have means to live under the best of circumstances without having to work for at least two or three years.

It is far safer for them to make their fight in their home States; safer with regard to a cure, as also for future employment.

ORVILLE D. WESCOTT, M. D.
J. GELIEN, M. D.

Mr. FLETCHER presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Hillsborough County, Fla., remonstrating against an increase of postal rates on second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIELDS presented a petition of sundry citizens of Lewisburg, Tenn., praying for the repeal of the bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Central Trades and Labor Council of Bristol, Tenn., remonstrating against compulsory arbitration of disputes between the railroads and their employees, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Sevierville, Tenn., praying for Federal censorship of motion pictures, which was referred to the Committe on Education and Labor.

Mr. STONE presented a petition of the National Security League, of St. Louis, Mo., praying for compulsory military training, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Branch No. 70, International Brotherhood of Leather Workers, of Springfield, Mo., praying for the repeal of the draft clause of the so-called Hay-Chamberlain military law, which was referred to the Committee on Military Affairs.

He also presented a petition of the Missouri State Live Stock Producers' Association, praying for an investigation into the live-stock and meat-packing industries, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Missouri, remonstrating against the enactment of legislation to prohibit liquor advertisements from the mail, which were ordered to lie on the table.

Mr. MYERS presented memorials of sundry citizens of Montana, remonstrating against national prohibition, which were ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. WADSWORTH presented a petition of sundry citizens of Albany County, N. Y., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church, of Syracuse, N. Y., praying for the enactment of legislation to prevent appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church, of Syracuse, N. Y., praying for the enactment of legislation to provide uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church, of Syracuse, N. Y., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church, of Syracuse, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church, of Syracuse, N. Y., praying for the enactment of legislation to forbid interstate transmission of race gambling odds and bets, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Syracuse, N. Y., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Syracuse, N. Y., praying for the enactment of legislation to prohibit liquor advertisements from the mails, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Syracuse, N. Y., praying for prohibition in Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Syracuse, N. Y., praying for prohibition in the Philippine Islands, which was referred to the Committee on the Philippines.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Syracuse, N. Y., praying for the enactment of legislation to prohibit the shipment of liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the Reformed Presbyterian Church of Syracuse, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WORKS presented a petition of the thirteenth annual convention of the Master Painters and Decorators' Association of the State of California, praying for the enactment of legislation providing for the standardization of paints, turpentines, oils, etc., which was referred to the Committee on Manufactures.

Mr. CLAPP presented a petition of sundry citizens of Wells, Minn., praying for national prohibition, which was ordered to lie on the table.

DEATH OF ADMIRAL DEWEY.

Mr. PAGE. Mr. President, the Legislature of Vermont is now in session and has passed resolutions upon the death of Admiral Dewey. I send them to the desk and ask the Secretary to read them.

The VICE PRESIDENT. The Secretary will read the resolutions.

The Secretary read the resolutions, as follows:

Vermont learns to-day with profound sorrow of the death of one of her most heroic sons. To the State where George Dewey was born, where he received the early training which made his great future possible, and especially to the capital city of that State, where the representatives of the people are now in session in view of his birthplace, the news of his end brings a special burden of grief.

Resolved by the senate and house of representatives, That Vermont, while lamenting the death of the great admiral and diplomat, takes a solemn pride in the glory of his achievements and his splendid services to the Nation, and commends to her sons at home and abroad a devout recognition of the qualities which will make his fame enduring.

That Vermont does hereby extend to the family of Admiral Dewey this expression of the State's esteem of his life and labor and its sympathy in their loss.

That the governor appoint a committee consisting of one senator, one member of the house, and one member of the National Guard of Vermont to attend his funeral.

That the secretary of state be instructed to send to the family of Admiral Dewey and to his sister copies of these resolutions.

That the president of the senate and the speaker of the house of representatives adjourn their respective houses at 11 o'clock this forenoon in respect to his memory.

RIGHTS OF OIL OPERATORS IN CALIFORNIA.

Mr. WORKS. Mr. President, I have here a telegraphic copy of a resolution passed by the Senate of the California Legislature, urging the passage of the remedial portion of the oil-leasing bill, which I ask to have read.

The Secretary read the telegram, as follows:

SACRAMENTO, CAL., *January 18, 1917.*

Hon. JOHN D. WORKS,
Senate Chamber, Washington, D. C.:

Please take notice that the following assembly joint resolution No. 2 was this day passed by the Senate of the State of California:

"Whereas the oil industry of California is in a demoralized condition, caused by litigation instituted and threatened by the United States Government against bona fide operators, who entered upon and were developing public lands in good faith at the time of their withdrawal, and continued such development under the law as they were legally advised it to be, until by such efforts they greatly increased the production of oil, and in some instances were the means of opening up new oil fields; and

"Whereas, unless Congress settles by a law these vexatious disputes, the present litigations will probably continue for many years, resulting in great hardship to the operators by preventing the marketing of their oil, and to the public by reason of constantly increasing the price of gasoline and oil, due to the stoppage by the Government of the operation of large areas of this land, and also resulting in many instances in bankrupting the small operators, who have not the resources to stand years of expensive litigations against the United States Government; and

"Whereas we firmly believe that justice requires that the Government shall legalize the claims of all locators who were actually developing such land in good faith at the time of its withdrawal: Now, therefore be it

"*Resolved*, That the Legislature of the State of California respectfully requests the Congress to enact such legislation as will legalize the rights of these operators; and be it further

"*Resolved*, That the secretary of the senate be, and he is hereby, directed to send a certified copy of these resolutions to each of our Senators and Representatives in Congress, to the President of the Senate, to the Speaker of the House of Representatives, to the Attorney General, the Secretary of the Navy, and the Secretary of the Interior."

CLIFTON E. BROOKS,
Secretary of Senate.

The VICE PRESIDENT. The telegram will lie on the table.

HOUR OF MEETING TO-MORROW.

Mr. TILLMAN. I move that when the Senate adjourns to-day it be to meet at 10.30 to-morrow morning.

The motion was agreed to.

WATER-POWER LEGISLATION—PERSONAL EXPLANATION.

Mr. BANKHEAD. Mr. President, I rise to a question of privilege.

The Washington Times in its noon edition yesterday printed an article which is so untrue and so false that I think the attention of the Senate and the country should be called to it. I send the article to the desk and ask that it be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

WILSON IS OPPOSED TO TWO DAM BILLS—ANNOUNCES HE WILL VETO MYERS AND SHIELDS BILLS IF THEY PASS.

President Wilson took a stand against the Shields water-power bill, known as the general dam bill, and against the Myers water-power bill to-day.

He visited the Capitol unexpectedly, sent for Senators BANKHEAD, SHIELDS, and others concerned in water-power legislation, and advised them he was opposed to both bills and would veto them.

This action came on the heels of a conference at the White House last night at which the President told House Members he would support the House legislation on water-power matters, but would not sign the Shields bill or the Myers bill.

MAY STIR RESENTMENT.

It is expected the action of the President will stir up resentment among Democrats who have been ardently championing the Shields bill and the Myers bill in the Senate. Senator WALSH, who managed the western campaign for the Democrats, is one of those pushing the Myers bill.

Last night the President called in Congressmen FERRIS, RAINEY, SHERLEY, and KENT, and told them he is favorable to the House action on water-power questions.

The Myers bill is pending before the Senate as the unfinished business. It was forced to the front by Democratic caucus action. Now that the President has made known his opposition it is uncertain what will be done with it. Efforts will be made to sidetrack it.

RELATES TO WATER POWER.

The Myers bill relates to water power on the public domain. The Shields bill is the general dam bill, and it has long been in conference.

Conservationists have attacked the Myers and Shields bills as bad, and the announcement of the President pleased them greatly to-day.

SENATORS ARE SILENT.

Neither Senator SHIELDS nor Senator BANKHEAD would admit that the President was opposed to the Shields bill or to the Myers bill. At the conference last night, however, the President is said to have taken a decided stand against them.

Mr. BANKHEAD. Mr. President, ordinarily this communication would not be entitled to any consideration whatever, but it is so untrue and so false in every statement it makes that it seems to me the attention of the Senate and the country might well be called to it.

There is only one truthful statement in the article, and that is where it states that the President visited the Capitol and had a conference with certain Senators on the water-power bill. That is true, but in that conference the President of the United States emphatically stated that he is in favor of the passage of both these power bills, the one known as the Shields and the other as the Myers bill, and he urged the conferees on the part of the Senate to get together with the conferees of the House and endeavor by every means possible to reach an agreement on the Shields bill; that he regarded it as one of the most important pieces of legislation before this Congress.

This correspondent, Mr. President, whoever he is, did not see Senator SHIELDS or myself. We had no opportunity to state to him the attitude of the President, because we did not meet him. I do not know where he got his information, but I do know that his statement is totally and wholly false, except in the matter that I have stated.

As I said, ordinarily this communication would not be entitled to notice, but coming from the source it does it has evidently had the most wide publicity that could be given to it. Doubtless it has been sent all over the country, as an indication of the President's attitude on these two great propositions.

I felt, and the Senator from Tennessee [Mr. SHIELDS] felt, that it was so eminently unfair and unjust and untruthful as to the attitude of the President that the notice of the Senate should be called to it, in order that they might understand that there was no truth whatever in the proposition and that it was not entitled to any credit whatsoever.

Mr. WALSH. Mr. President, I think that the comment of the Senator from Alabama on this article appearing in a local paper is quite timely, and I am very glad that some effort has been made to correct the erroneous impression that it is well calculated to leave.

The President has repeatedly expressed his great interest in this legislation and of the necessity of action by Congress. I do not think that his attitude concerning either of the bills is at all well expressed here. Everybody knows that the water-power bill which came over from the House is different in many essential respects from the bill which passed the Senate. It is likewise well known that the two Houses are now at difference in the conference committee on the Shields bill. I do not know that the President would support either of these bills in exactly the form that either of them passed either House. It may be true that in that sense the President is opposed to both bills; but, Mr. President, it would be a remarkable thing if either or both of these bills conformed exactly to the President's ideas concerning water-power legislation. I wish that that would be distinctly understood, so far as I am entitled to speak for anybody, by Members of the Senate.

The President came here, as I understand the matter, to express the hope that whatever differences there are concerning these measures may be adjusted and that some bill may be worked out. I am sure that he has not expressed his approbation of either of these bills exactly as they have passed, and he certainly did not come here for the purpose of endeavoring to encompass the defeat of this legislation, but rather to expedite its passage, if such a thing is possible.

Mr. MYERS. Mr. President, I was not honored yesterday by being called into conference with the President; I knew nothing of his presence here until after he had departed. If the President held any conference here yesterday with anyone in regard to the water-power bill, which is now the unfinished business of the Senate, I know nothing about it.

In regard to the bill for the development of water power on the public lands, which is sometimes called by my name on account of the fact that I had the honor of reporting it from the Senate Committee on Public Lands to the Senate, if the President has ever expressed to anyone at any time or in any place any intention of vetoing that bill, I have never heard of it other than from the article which has just been read. On the contrary, to my personal knowledge, the President has expressed the very warmest interest in seeing that bill passed by the Senate in some form and in such shape as may conform to the ideas of the majority of the Senate, in order that it may go to conference and that some legislation for the development of water power on the public domain may be enacted by this Congress.

I do not say that the President is in favor of the bill as it is now pending in the Senate in every detail or in every particular; but I know that he is in favor of the principle of such legislation and that he hopes to see the bill now pending before the Senate put into such shape by the Senate as will suit the views of the majority of the Senate, and hopes that it may pass the Senate in such form at this session and go to conference, and that he would like to see it come out of conference in such a way that there will be some legislation at this session for the development of water power on the public domain.

Mr. WORKS. Mr. President, I regard it as exceedingly unfortunate that opportunity or occasion should have been given to any newspaper to discuss the fact that the President of the United States had come to the Capitol and had attempted by conferences with individual Senators to secure the passage or defeat of any legislation. That was the root of the trouble. If the President had kept himself within the bounds of the limitations of the Constitution and had not attempted to interfere with the duties of the Senate, there would have been no occasion for the publication of this article in the newspapers.

NOMINATION OF WINTHROP M. DANIELS—PERSONAL EXPLANATION.

Mr. NEWLANDS. Mr. President, I desire to make a personal explanation. Yesterday the Senator from Nebraska [Mr. NORRIS] submitted a resolution of investigation as to who supplied Mr. Daniels, candidate for Interstate Commerce Commissioner, with a copy of the speech of the Senator from Iowa [Mr. CUMMINS]. My reply is that I did. I had no thought that the secrecy of the Senate would be invoked to prevent an appointee of the President, whose appointment was before this body for confirmation, from receiving information as to objections which were urged against him. The Senator from Iowa had carefully prepared a very able speech reviewing the decisions of the Interstate Commerce Commission in a number of railroad cases. I was exceedingly busy and had not time to carefully look over those cases myself, so I rang up Mr. Daniels over the telephone and asked him to look over the typewritten speech, of which the Senator from Iowa had kindly furnished me a copy, and to give me his views regarding it.

I wish further to say that Mr. Daniels at no time approached me regarding his confirmation or expressed any solicitude regarding it. I felt it my duty, as chairman of the committee in charge of the nomination, to get all the information I could upon the subject of the objections made to his confirmation.

Immediately after sending the copy of this speech to Mr. Daniels I communicated the fact to the Senator from Iowa. There was an executive session on the very day following my handing the copy of the speech to Mr. Daniels, and at that executive session I stated to the Senate that I had handed this copy of the speech to Mr. Daniels, and that I expected to present to the Senate a memorandum upon the subject after receiving his expression regarding it. I did present that memorandum, which was very materially modified by myself, and the speech of the Senator from Iowa and the memorandum which I presented were subsequently by the consent of the Senate published in the CONGRESSIONAL RECORD.

Mr. CUMMINS. Mr. President, I desire for a moment to refer to the statement which has just been made by the Senator from Nevada [Mr. NEWLANDS]. I sincerely hope that the penalty prescribed by the rules of the Senate for divulging the secrets of an executive session will not be invoked upon the Senator from Nevada. I have so great confidence in his ability and such profound admiration for his opinions upon public matters that I think it would be a serious loss to the Senate and to the country if he were expelled from the Senate, as the rule absolutely requires; but, in verification of what he has said, I add that immediately after the address that I made in secret, which I hoped to be able to make in public, he came to me and told me very frankly that he had delivered a copy of it to Mr. Daniels. Without expressing any opinion respecting his right to do that, I immediately said to him that I was very glad he had done so, for I never like to say anything critical of a man behind his back. I never had an opinion upon such matters that I was not willing to express in public; and it seemed to me the fairest thing in the world for Mr. Daniels to know the grounds upon which I was opposing his confirmation.

I renew my sentiment with regard to secret executive sessions. I am opposed to them. I believe that we ought to have considered this nomination in public, and then there would have been no such embarrassment and difficulty as has now arisen concerning so eminent and worthy a Member of our body.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. I yield.

Mr. KENYON. Before being compelled to vote on this question of expulsion, I should like to have all the information possible. Did the Senator from Iowa call the attention of the Senator from Nevada to the serious breach of the rule designed to preserve the secrecy and sacredness of the cloister?

Mr. CUMMINS. Well, Mr. President, inasmuch as I had stated in the Senate that I would hold myself free to make public what I was about to say concerning Mr. Daniels, I could not look with any great apprehension upon the publication made by the Senator from Nevada. He himself, I think, suggested that it might be possible that he had violated the rules, and I at once declared that I thought it was very possible that he had violated a rule that never should have existed; but I did not condemn the Senator from Nevada. I rather applauded his sense of fairness in giving to the person whose appointment was under consideration the information that I had attempted to lay before the Senate. I think we all felt, however fair as it might have been, that it was not in exact accord with our antiquated rules upon that subject.

Mr. NORRIS. Mr. President, when the resolution which I offered yesterday shall be reached, as it will be in the regular course of the morning business, I shall have some remarks to make on it, and will offer a motion for its disposition that I believe to be logical and will meet with the approval of the Senate. At the present time the resolution, as I understand the parliamentay situation, is not before the Senate, and I prefer to wait until it is laid before the Senate in the regular course of the proceedings before I make what few remarks I desire to make upon it.

The VICE PRESIDENT. Reports of committees are next in order.

REPORTS OF COMMITTEES.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 7859) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions, reported it with amendments and submitted a report (No. 953) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 5669) for the relief of sundry railroad companies, reported it with amendments and submitted a report (No. 954) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 45) to amend sections 2380 and 2381, Revised Statutes of the United States, reported it with amendments and submitted a report (No. 955) thereon.

Mr. LANE. I am directed by the Committee on Claims, to which was referred the bill (S. 5367) to reimburse the Women's Board of Domestic Missions, Reformed Church in America, for buildings on the Fort Sill Military Reserve, Okla., to submit an adverse report (No. 957) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. LANE, from the Committee on Indian Affairs, to which was referred the bill (S. 7027) for the relief of the Osage Indians in Oklahoma, reported it with an amendment and submitted a report (No. 952) thereon.

He also, from the Committee on Claims, to which was referred the bill (H. R. 1609) for the relief of S. L. Burgard, reported it without amendment and submitted a report (No. 956) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 6654) to validate a patent to certain lands heretofore issued to the State of Florida; to allow the said State to claim certain other lands; and for other purposes, reported it with amendments and submitted a report (No. 958) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 7924) authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 7925) granting a pension to John Fitzgerald; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7926) granting an increase of pension to John Barker (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7927) providing for the refund of duties collected on five traveling kitchens presented by citizens of Massachusetts to the Eighth Regiment Massachusetts Volunteer Militia and the First Regiment Field Artillery Massachusetts Volunteer Militia; to the Committee on Finance.

By Mr. SHIELDS:

A bill (S. 7928) granting a pension to D. J. Owens; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7929) granting a pension to Fred Boyd (with accompanying papers); and

A bill (S. 7930) granting a pension to Edward D. Hagen (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 7931) granting an increase of pension to Lucy E. McCord; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 7932) granting an increase of pension to Martha P. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 7933) granting an increase of pension to Waddy Hoover (with accompanying papers); and

A bill (S. 7934) granting a pension to James H. Kearney (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 7935) waiving the age limit for admission in the United States Marine Corps in the case of Bartley Bull; to the Committee on Naval Affairs.

By Mr. STONE:

A bill (S. 7936) authorizing the Secretary of War to establish on the military reservation on the arsenal grounds, St. Louis, Mo., a general supply depot; to the Committee on Public Buildings and Grounds.

WOMAN SUFFRAGE.

Mr. POINDEXTER. I introduce two joint resolutions for appropriate reference.

The VICE PRESIDENT. The title of the first joint resolution will be read.

The joint resolution (S. J. Res. 199) proposing an amendment to the Constitution of the United States, was read twice by its title.

The VICE PRESIDENT. The title of the second joint resolution will be read.

A joint resolution (S. J. Res. 200) proposing an amendment to the Constitution of the United States, was read twice by its title.

Mr. POINDEXTER. Mr. President, I will ask that the resolutions be referred to the Committee on Woman Suffrage, as they relate to that matter.

The VICE PRESIDENT. The Chair rules that the joint resolutions proposing an amendment to the Constitution of the United States should go to the Committee on the Judiciary. The Senator from Washington can make a motion to refer them to the Committee on Woman Suffrage, and the Chair will entertain the motion.

Mr. POINDEXTER. I will ask the Chair if there are not now pending before the Committee on Woman Suffrage resolutions purporting to amend the Constitution?

The VICE PRESIDENT. The Chair does not know.

Mr. POINDEXTER. My impression was that this same subject was pending before that committee.

The VICE PRESIDENT. It will be perfectly in order for the Senator from Washington to move to refer the joint resolutions to the Committee on Woman Suffrage, and then it will be for the Senate to determine where they shall go. The Chair will refer them to the Committee on the Judiciary, unless ordered by the Senate to refer them to the Committee on Woman Suffrage.

Mr. STONE. What disposition does the Chair make of the resolutions?

The VICE PRESIDENT. The Chair sends all proposed amendments to the Constitution to the Committee on the Judiciary, unless upon motion the Senate refers them to some other committee.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that these two resolutions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. Is there any objection?

Mr. SMITH of Georgia. What are the resolutions?

The VICE PRESIDENT. Proposed amendments to the Constitution of the United States, which the Senator from Washington asks unanimous consent to have go to the Committee on Woman Suffrage.

Mr. JAMES. Mr. President, I think they had better go to the proper committee—the Committee on the Judiciary. I object.

The VICE PRESIDENT. Objection is made.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment providing that hereafter the Postmaster General be authorized to enter into contracts with American citizens for the carrying of the mail between the United States and Great Britain on steamships built in the United States capable of maintaining a speed of 30 knots an hour at sea, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. WEEKS submitted an amendment providing that hereafter the Postmaster General be authorized to grant post-office clerks and other employees in the first and second class post offices and letter carriers in the City Free Delivery Service and letter carriers in the Rural Free Delivery Service not to exceed two weeks' sick leave in any one year with pay, intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CURTIS submitted an amendment providing that the 24 drivers at $900 each in the police department of the District of Columbia be made members of the police force, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WADSWORTH submitted an amendment providing that the present purchasing clerk in the office of the quartermaster and disbursing officer at the United States Military Academy shall upon his own application, after more than 50 years' service in the civil and military establishments of the United States, be entitled to be placed on the retired list of the Army, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate $13,500 to pay William B. Ittner as further compensation for his services as architect in the construction of the new Central High School Building, Washington, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to cancel the assessment of $13,252.21, being income tax on profit on the sale by Charles L. Freer, of Detroit, Mich., in the year 1915 of 12,095 shares of Parke, Davis & Co. stock, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Commtitee on Appropriations and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

WOMAN SUFFRAGE.

Mr. McCUMBER. Mr. President, there will come before the Senate in a short time, I presume, a proposed amendment to the Constitution dealing with the suffrage question. I desire to present a paper entitled "Biological and sociological aspects of the woman question," which I ask may be printed as a Senate document.

A word of explanation may be proper at this time. It is an article written by Mrs. Annie Riley Hale, and is a sort of synopsis of a most interesting book written by her entitled "The Eden Sphinx," the only book—that I have ever read, at least—which, ignoring the superficial arguments which we are so prone to hear on both sides of the subject, deals with the greater woman problem from fundamental and underlying principles. Whether or not one agrees with her views on one phase of that problem—the suffrage question—he will find that the concise and somewhat epigrammatic sentences contained in this paper open into a field of thought on the broader question that might be pursued to great advantage by the women, and especially the mothers, of this land.

I ask that the paper be referred to the Committee on Printing, with a view to having it printed as a document.

The VICE PRESIDENT. Without objection, that course will be taken.

WATER-POWER DEVELOPMENT.

Mr. FLETCHER. Mr. President, I submit a paper entitled "The position of engineers toward the question of water-power development in the West," by Henry Sturgis Drinker, LL. D., president of Lehigh University, which bears directly on the whole problem of water-power development. I desire to have the paper printed as a public document, and with that in view I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, that course will be followed.

NOMINATION OF WINTHROP M. DANIELS.

Mr. OVERMAN. Mr. President, is the morning business closed?

The VICE PRESIDENT. The Chair was waiting for the Senator from Nebraska to request that the resolution submitted by him on yesterday be laid before the Senate.

Mr. NORRIS. If we have reached that point, I ask that the resolution which went over yesterday be laid before the Senate.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 322) submitted yesterday by Mr. NORRIS, which was read, as follows:

Whereas in secret executive sessions of the Senate on January 3 and 6 the Senator from Iowa, Mr. CUMMINS, delivered an address in opposition to the confirmation of the Hon. Winthrop M. Daniels to become a member of the Interstate Commerce Commission; and

Whereas said address was printed in confidence for the information of Senators; and

Whereas after said address had been thus printed and before the injunction of secrecy was removed therefrom the said Winthrop M. Daniels prepared in writing a reply thereto, which reply was afterwards printed in the CONGRESSIONAL RECORD; and

Whereas said reply shows on its face that at the time of its preparation the said Winthrop M. Daniels had in his possession a copy of the said address delivered by the said Senator from Iowa; and

Whereas the said Winthrop M. Daniels could not at said time have procured a copy of said address without a violation of the rules of the Senate by some Member or officer thereof; and

Whereas the rules of the Senate provide that any Senator who discloses the secret or confidential business or proceedings of the Senate shall be liable to expulsion and that any officer of the Senate who is guilty of such violation shall be dismissed from the service of the Senate; and

Whereas the furnishing to the said Winthrop M. Daniels of a copy of said address was a flagrant violation of the rules and ancient and time-honored landmarks of the Senate: Therefore be it

Resolved, That a committee of three Senators be appointed by the presiding officer to make an investigation for the purpose of ascertaining the Senator or officer of the Senate who has been thus guilty. Said committee is hereby directed to take the testimony of said Winthrop M. Daniels and such other persons as may be necessary to ascertain the means by which and the persons through whom he obtained a copy of said address. The said committee is authorized to issue subpœnas, compel the attendance of witnesses, administer oaths, and do all things necessary to fully carry out the purposes of this resolution.

Mr. NORRIS obtained the floor.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield for a question.

Mr. THOMAS. I did not want to ask a question. I merely desired to suggest that if it were in order I should like to move the previous question on that resolution.

Mr. NORRIS. The Senator can avoid the discussion. He does not sit very far from the cloakroom, and if the discussion annoys him he will be at liberty, I presume, to leave at any time.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield for a question from the Senator from Iowa.

Mr. KENYON. I should like to inquire if the Senator's resolution provides for counsel for any of the persons concerned?

Mr. NORRIS. No; it does not.

Mr. President, the Senate is presented here——

Mr. GALLINGER. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from New Hampshire will state it.

Mr. GALLINGER. Believing that this is properly executive business, I ask that the doors be closed for the consideration of the resolution.

The VICE PRESIDENT. Is the request seconded?

Mr. LODGE. I second it.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

Mr. NORRIS. Mr. President, I ask for a roll call on that motion.

The VICE PRESIDENT. That can not be done under the rule. The motion has been made and seconded. The Sergeant at Arms will clear the galleries and close the doors.

The Senate, with closed doors, proceeded to consider the resolution. After 1 hour and 40 minutes the doors were reopened.

When the doors were closed the injunction of secrecy was removed from the following proceedings of the confidential legislative session:

The VICE PRESIDENT stated the question to be: Shall the discussion of the resolution (S. Res. 322) to appoint a committee to investigate and ascertain the Senator or officer of the Senate who may have violated the rules of the Senate during the time when confirmation of Winthrop M. Daniels was under consideration in executive session of the Senate be had behind closed doors?

On motion by Mr. NORRIS, the yeas and nays being desired by one-fifth of the Senators present, it was determined in the affirmative—yeas 48, nays 18, as follows:

YEAS—48.

Ashurst	Brandegee	Dillingham	Hardwick
Bankhead	Bryan	Fernald	Hitchcock
Beckham	Culberson	Fletcher	Hollis
Hughes	Myers	Saulsbury	Swanson
Husting	Nelson	Shafroth	Thompson
James	Overman	Sheppard	Tillman
Johnson, S. Dak.	Page	Shields	Townsend
Kern	Phelan	Smith, Ariz.	Wadsworth
Lippitt	Pittman	Smith, Ga.	Walsh
Lodge	Ransdell	Smith, Md.	Warren
McCumber	Reed	Smith, S. C.	Weeks
McLean	Robinson	Sutherland	Williams

NAYS—13.

Borah	Kenyon	Norris	Watson
Cummins	La Follette	Poindexter	
Curtis	Lane	Sherman	
Jones	Martine, N. J.	Sterling	

NOT VOTING—35.

Brady	Fall	Lee, Md.	Simmons
Broussard	Gallinger	Lewis	Smith, Mich.
Catron	Goff	Martin, Va.	Smoot
Chamberlain	Gore	Newlands	Stone
Chilton	Gronna	O'Gorman	Thomas
Clapp	Harding	Oliver	Underwood
Clark	Johnson, Me.	Owen	Vardaman
Colt	Kirby	Penrose	Works
du Pont	Lea, Tenn.	Pomerene	

The following pairs were announced:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Minnesota [Mr. CLAPP] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from Rhode Island [Mr. COLT] with the Senator from Arkansas [Mr. KIRBY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Maryland [Mr. LEE];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. LEA];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Oklahoma [Mr. GORE].

So the motion was agreed to, and the Senate resumed the consideration of the resolution behind closed doors.

After debate, on motion by Mr. HUGHES to lay the resolution on the table, and on motion by Mr. NORRIS, the yeas and nays being desired by one-fifth of the Senators present, it was determined in the affirmative—yeas 38, nays 30, as follows:

YEAS—38.

Ashurst	Hughes	Reed	Stone
Bankhead	Husting	Robinson	Swanson
Beckham	James	Saulsbury	Thomas
Bryan	Johnson, S. Dak.	Shafroth	Thompson
Chamberlain	Kern	Sheppard	Tillman
Culberson	Myers	Shields	Vardaman
Fletcher	Overman	Smith, Ariz.	Walsh
Hardwick	Phelan	Smith, Ga.	Williams
Hitchcock	Pittman	Smith, Md.	
Hollis	Ransdell	Smith, S. C.	

NAYS—30.

Borah	Kenyon	Nelson	Sutherland
Brandegee	La Follette	Norris	Townsend
Clapp	Lane	Oliver	Wadsworth
Cummins	Lippitt	Page	Warren
Curtis	Lodge	Poindexter	Watson
Dillingham	McCumber	Sherman	Weeks
Fernald	McLean	Smoot	
Jones	Martine, N. J.	Sterling	

NOT VOTING—28.

Brady	Fall	Kirby	Owen
Broussard	Gallinger	Lea, Tenn.	Penrose
Catron	Goff	Lee, Md.	Pomerene
Chilton	Gore	Lewis	Simmons
Clark	Gronna	Martin, Va.	Smith, Mich.
Colt	Harding	Newlands	Underwood
du Pont	Johnson, Me.	O'Gorman	Works

The following pairs were announced:

The Senator from Idaho [Mr. BRADY] with the Senator from Ohio [Mr. POMERENE];

The Senator from West Virginia [Mr. CHILTON] with the Senator from New Mexico [Mr. FALL];

The Senator from California [Mr. WORKS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Wyoming [Mr. CLARK] with the Senator from Louisiana [Mr. BROUSSARD];
The Senator from Rhode Island [Mr. COLT] with the Senator from Arkansas [Mr. KIRBY];
The Senator from Delaware [Mr. DU PONT] with the Senator from Maryland [Mr. LEE];
The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. LEA];
The Senator from Michigan [Mr. SMITH] with the Senator from Oklahoma [Mr. GORE];
The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];
The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];
The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Virginia [Mr. MARTIN];
The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN]; and
The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

So Mr. HUGHES's motion was agreed to, and the resolution was ordered to lie on the table.

On motion by Mr. OLIVER that the injunction of secrecy be removed from the proceedings in confidential legislative session and that they be printed in the CONGRESSIONAL RECORD,

The motion was agreed to.

On motion by Mr. PITTMAN to reconsider the vote by which the resolution was ordered to lie on the table,

After debate,

The motion to reconsider was agreed to.

On motion by Mr. GALLINGER, the vote ordering the injunction of secrecy removed from the proceedings behind closed doors was reconsidered.

After debate,

On motion by Mr. POINDEXTER that the doors be reopened, and,

After further debate, Mr. POINDEXTER withdrew his motion.

Pending debate,

The hour of 2 o'clock having arrived, the Vice President laid before the Senate the unfinished business at the adjournment yesterday, being the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. SMITH of Georgia asked unanimous consent that the unfinished business be temporarily laid aside.

The request was granted.

Mr. NORRIS submitted the following:

Resolved, That the pending resolution providing for the appointment of a committee to investigate the unlawful disclosure of the proceedings of the secret executive sessions of the Senate, together with the admission made by the Senator from Nevada [Mr. NEWLANDS], be referred to the Committee on Rules, and said committee is hereby instructed to report, within 10 days, a resolution providing for proper and adequate punishment for said Senator, or, in lieu thereof, to report an amendment to the rules of the Senate providing that all executive business of the Senate shall be considered in open executive session unless the Senate shall, upon motion made therefor, otherwise determine.

It is further ordered, That when said report is made the same, together with the resolution accompanying the same, shall be entitled to special privilege, and no other business of the Senate, except by unanimous consent, shall be transacted until said report and resolution are finally disposed of.

After debate, and on motion by Mr. PITTMAN, the yeas and nays being desired by one-fifth of the Senators present, it was determined in the negative—yeas 7, nays 50, as follows:

YEAS—7.

Brady	La Follette	Martine, N. J.	Poindexter
Kenyon	Lane	Norris	

NAYS—50.

Beckham	Hughes	Reed	Swanson
Brandegee	Husting	Robinson	Thomas
Broussard	James	Shafroth	Tillman
Bryan	Lee, Md.	Sheppard	Townsend
Chamberlain	Lodge	Shields	Vardaman
Clark	McCumber	Smith, Ariz.	Wadsworth
Culberson	McLean	Smith, Ga.	Walsh
Curtis	Myers	Smith, Md.	Warren
Dillingham	Oliver	Smith, S. C.	Watson
Fletcher	Overman	Smoot	Weeks
Gallinger	Page	Sterling	Williams
Hardwick	Pittman	Stone	
Hollis	Ransdell	Sutherland	

NOT VOTING—39.

Ashurst	Fernald	Kirby	Phelan
Bankhead	Goff	Lea, Tenn.	Pomerene
Borah	Gore	Lewis	Saulsbury
Catron	Gronna	Lippitt	Sherman
Chilton	Harding	Martin, Va.	Simmons
Clapp	Hitchcock	Nelson	Smith, Mich.
Colt	Johnson, Me.	Newlands	Thompson
Cummins	Johnson, S. Dak.	O'Gorman	Underwood
du Pont	Jones	Owen	Works
Fall	Kern	Penrose	

The following pairs were announced:

The Senator from Delaware [Mr. DU PONT] with the Senator from Illinois [Mr. LEWIS];
The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];
The Senator from West Virginia [Mr. CHILTON] with the Senator from New Mexico [Mr. FALL];
The Senator from Minnesota [Mr. CLAPP] with the Senator from North Carolina [Mr. SIMMONS];
The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];
The Senator from Maine [Mr. FERNALD] with the Senator from New York [Mr. O'GORMAN];
The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. LEA];
The Senator from Michigan [Mr. SMITH] with the Senator from Oklahoma [Mr. GORE];
The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];
The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];
The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Ohio [Mr. POMERENE];
The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Virginia [Mr. MARTIN]; and
The Senator from Illinois [Mr. SHERMAN] with the Senator from Kansas [Mr. THOMPSON].

So Mr. NORRIS's substitute was not agreed to.

On motion by Mr. GALLINGER, that the resolution be postponed indefinitely, the motion was agreed to, and it was ordered that the resolution be postponed indefinitely.

Mr. NORRIS asked unanimous consent that the proceedings and the votes in confidential legislative session be made public and printed in the CONGRESSIONAL RECORD, which was granted.

On motion by Mr. OVERMAN (at 2 o'clock and 25 minutes p. m.), the doors were reopened, and the Senate resumed its legislative session.

WATER-POWER DEVELOPMENT.

Mr. MYERS. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Chair is informed that it has been laid before the Senate.

Mr. MYERS. I ask that it be again laid before the Senate.

Mr. OVERMAN. That is not necessary.

The PRESIDING OFFICER. The Senator from Montana asks that the unfinished business be again laid before the Senate.

Mr. OVERMAN. I have no objection.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be laid aside temporarily for the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

GOVERNMENT EXHIBIT IN THE DISTRICT OF COLUMBIA.

Mr. MARTINE of New Jersey. Will the Senator from North Carolina permit me to ask unanimous consent for the consideration of Senate joint resolution 182? It is very short and relates to the inaugural ceremonies that are to take place.

Mr. OVERMAN. Let it be read first.

Mr. MARTINE of New Jersey. I ask that it be put on its passage. It will take no money from the Treasury.

Mr. OVERMAN. I reserve the right to object.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent for the immediate consideration of a joint resolution which will be read by title.

The SECRETARY. A joint resolution (S. J. Res. 182) inviting the people of the United States to visit the District of Columbia during the week of February 26 to March 4, 1917, to view the Capitol and inspect an exhibition of the various activities of the Government service.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. OVERMAN. Mr. President, I am bound to object to that, because all the people of the United States are always invited to come here at any time.

Mr. MARTINE of New Jersey. That may be true, but——

The PRESIDING OFFICER. There being objection——

Mr. MARTINE of New Jersey. May I be permitted?

The PRESIDING OFFICER. The joint resolution can not be considered at this time.

Mr. MARTINE of New Jersey. I should like, Mr. President, to make a little statement. I am not the author of the joint resolution. It was introduced by the Senator from Delaware [Mr. SAULSBURY], and the Committee on Industrial Expositions considered it and reported it favorably. I realize that there is a disposition to smile upon the part of many around the Chamber, but this is in line with the efforts of a number of organizations in the District of Columbia. They have expended their best efforts for the inauguration——

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Connecticut rises to a question of order.

Mr. BRANDEGEE. The Senator from New Jersey is out of order. There is no joint resolution before the Senate. Its consideration has been objected to.

The PRESIDING OFFICER. The point of order seems to the Chair to be well taken and is sustained.

Mr. MARTINE of New Jersey. I ask unanimous consent, notwithstanding, that I may make a statement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. MARTINE of New Jersey. I wish to make this statement. This action is sought in deference to many citizens of the District of Columbia who, as I said, have expended their efforts and are contributing their money to make the inauguration a great success. They have asked that this little effort be made toward soliciting the attendance of the people of the country.

The railroad companies have stated that action upon their part toward the reduction of fares to the Capital during inauguration would depend much upon the adoption of some sort of an invitation of this kind.

As I have stated, this resolution was introduced by the Senator from Delaware and was referred to the committee. It seems to me that it is a fitting and proper resolution. It is all very well to say that the people are invited here all the time. So they are, and there is no bar; but it can be no crime and no wrong nor any offense, so far as I can see, to extend the invitation contained in this resolution, nor can I see that there is anything ludicrous in the resolution.

LEGISLATIVE, ETC., APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee on page 143.

Mr. OVERMAN. Mr. President, at the time of the adjournment of the Senate yesterday the Senator from Iowa [Mr. KENYON] had the floor.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. KENYON. Mr. President, I tried very briefly before adjournment on yesterday to review one branch of the work of the Children's Bureau. The only argument presented for reducing the appropriation as the committee has proposed to reduce it was that the work of the Children's Bureau duplicated the work of some of the other departments of the Government. It is perhaps true that the Health Bureau and the Educational Bureau have done some work along the same line as has the Children's Bureau, but while the Children's Bureau has dealt somewhat with the question of infant mortality and the medical relations thereto, its particular purpose seems to have been to investigate as to the social and economic questions involved, as I pointed out last night, and the relationship between poverty and low wages and infant mortality. If, however, there has been any duplication of work, the duplication comes through the action of the Bureau of Education and the Health Bureau. The particular studies along the line of infant mortality and of maternal mortality, as I understand, were practically commenced by the Children's Bureau, and subsequently these other bureaus commenced some studies along those lines. In any event, however, where there has been apparently a conflict approaching or a duplication of work there has been coordination between these different bureaus.

I wish to call attention to a fact which I omitted yesterday, and that is, for instance, in the city of New York in 1910 one in every five deaths was that of an infant under the age of 12 months. I shall not go over what I pointed out yesterday as to other places.

Mr. President, another branch of the work of the Children's Bureau has been as to the question of maternal mortality, which is very closely involved with the other question. That is an absolutely new study.

I do not think the members of the committee who are sustaining the action of the committee in cutting down the appropriations for the work of this bureau will claim that there was any duplication of work as to that subject. Last year in this country there were 15,000 deaths of women from conditions caused by childbirth.

In 1913 the death rate—

As pointed out in Miss Lathrop's report, on page 8—

> per 100,000 population from all conditions caused by childbirth was but little lower than that from typhoid fever; this rate would be almost quadrupled if only the group of the population which can be affected—women of child-bearing age—were considered.

The rates of three countries—Sweden, Norway, and Italy—are notably low, and show that the large death rate to which I have referred can be very much reduced. I desire to place in the RECORD a statement from one of the medical officers of the local government board of Great Britain for 1914–15 on this subject, and I will ask to insert it without taking the time to read it.

The PRESIDING OFFICER. The Chair hears no objection, and permission to do so will be granted.

The statement referred to is as follows:

> The present report is intended to draw attention to this unnecessary mortality from childbearing, to stimulate further local inquiry on the subject, and to encourage measures which will make the occurrence of illness and disability due to childbearing a much rarer event than at present.
>
> The attainment of these ends is important as much in the interest of the child as of its mother. That the welfare of the child is wrapped up in that of the mother was fully recognized in the board's circular letter of July 31, 1914, and the schedule appended to that letter; and each year it is becoming more fully realized that in order to insure healthy infancy and childhood it is necessary that, both during pregnancy and at and after the birth of the infant, increased maternal care and guidance and medical assistance should be provided.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I yield to the Senator from California.

Mr. WORKS. I have not read the report which is referred to by the Senator from Iowa, but I should like to ask whether it shows what has been done here in the District of Columbia by the Children's Bureau?

Mr. KENYON. The Senator from California is referring to the report of the chief of the bureau?

Mr. WORKS. Yes.

Mr. KENYON. I think it does not show, Mr. President, as to the particular work affecting the District of Columbia. Of course, a large part of this bureau's work has been done here; but I do not think that is shown in the report. I realize what the Senator means by asking that question—that conditions, as he has shown here in the past, as to the housing situation and conditions among the poor people in the District of Columbia are somewhat appalling. The Senator from California I have always regarded as a Senator with a vision far in advance of his time—a splendid vision—and he has endeavored to correct the situation in the District of Columbia. I suppose he feels that we ought to commence cleaning house right here at home. I agree with him, and have at all times indorsed his position as to this question of tenement houses for the District of Columbia. I wish he could get a hearing on his bill on that subject before the committee.

This investigation and report along these lines of maternal mortality show that the public neglect is due to ignorance, and this board is awakening a healthy public sentiment. It was stated on the floor of the other House—I do not know that I have a right to refer to that, but I refer to it in no critical way—by some Representative that mothers' clubs had been organized in his district to study these questions; that they were going directly to this bureau to secure their information; and that it had been of great help to them in an educational way.

I referred on yesterday to a letter from the far West which the bureau had received, as illustrating some of the work that the bureau is doing, and the senior Senator from Georgia [Mr. SMITH] asked me if it was possible to send out in particular instances from the Children's Bureau nurses or doctors to help these women. I replied that I thought not; but I now say to the Senator from Georgia that in his own State there are men, experts from the Department of Agriculture, who are helping the people of Georgia to acquire an expert knowledge of how to raise pigs. One expert, whom I know very well—an exceedingly competent man—is organizing pig clubs all over Georgia. It has been a great work.

Mr. President, if we are sending out men to instruct the people how to raise hogs and how to take care of pigs, are we going any further when we send them out to instruct people how to take care of children and to take care of those questions that arise out of maternity? The babies and the children of this country are somewhat more valuable as an asset than are its pigs and hogs. We are sending out experts to-day to instruct the farmers how to deal with the hog-cholera question. They cooperate with county agents. I do not know that they go to particular farms, though in some instances I think they do; but they get farmers together in meetings, talk the matter over with them, and give them the advantage of what information they have on the question of treating hogs for cholera. So we do as to a great deal of plant life. We make demonstrations as to the enemies that confront plant life all over this country.

A correspondent of the bureau, in one of the great western grazing States, wrote some weeks ago:

I live 65 miles from a doctor. I have four children, two of my own and two adopted. The youngest child is 11 months old. When this child was born I went to the mother 7 miles on horseback in a blizzard, only in time to see the mother die and to take the baby. I have also an adopted girl of 10.

The woman was very ill when her other two children were born, and filled with alarm at the prospect of giving birth to another child so far removed from medical help. In one of her letters she says:

So many of my neighbors die at giving birth to their children.

She then quotes three cases in her own neighborhood, and in a later letter mentions a very recent case of a woman who was left absolutely alone while her husband went 24 miles for a physician. A man on a neighboring ranch called and rendered such assistance as he could at the moment when the baby was born. The baby bled to death within an hour and the mother had blood poisoning.

So stern, so painful, were the statements in this series of letters that the bureau caused a special inquiry to be made by a competent woman physician agent, who reported that the facts were exactly as stated in the correspondence. Our agent also found that the State maintains three general hospitals, and that with a special development of nursing-out service in these hospitals a greatly improved condition of affairs may be very economically secured, and indeed we are informed that negotiations are already under way to secure this improvement.

In letters received since by the bureau the writer says with relation, I assume, to these nurses and doctors who are sent out:

The mothers and husbands seem to be as though they had awakened from some sort of stupor. One neighbor said, "Why has not this been thought of before? Why were we mothers left out here so long? Everybody around here is disappointed because my husband didn't get the doctor to talk to everyone at the schoolhouse."

The whole work along that line has been simply for better and more decent living conditions in this country. That is the second branch of the work.

The third branch of the work has been the rural study out in the country, where the maternal mortality rate is higher than it is in the cities. This bureau has been making that study—rural study, the rural units that they use—of nurses and field agents and experts. They gather the people together; they talk over these matters of the welfare of the children, of better housing and cleaner living. They have a hygiene expert, who holds this kind of a conference; and the people, according to the reports of the bureau, come miles and miles to attend these conferences.

I desire now to read from page 11 of the report of Miss Lathrop:

During the past year two experts in child hygiene and two special agents have carried on preliminary rural studies of maternal and child welfare. Field work has been completed in small selected areas in two States, one Northern and one Southern.

The method of work has varied in some respects from that of the urban studies of infant mortality. Thus the local study is frequently introduced by a children's conference and the display of a small, carefully selected exhibit in the county seat or a central market town. The conference is an examination of well children by a child-hygiene expert; it is not a competition nor a contest. Attention is centered on the needs of each individual child and advice is given to the parents on how they can help the child to attain the best development of which he is capable. No prescriptions are given, but parents are referred to the family physician if the examiner finds need of medical treatment. The eagerness with which the young children are brought to these conferences—often long distances over bad roads at a season when farm work must be sacrificed for the journey—is strong proof that parents do not need the incentive of prizes and contests in order to seek information which they hope will help them to do more for their children.

I know, Mr. President, that it is easy to make fun of these rural studies; it is easy to laugh at old-maid experts going out to teach people how to raise babies, and I realize that a good deal of ridicule can be heaped upon the proposition of caring for babies in this way; but if in any way by any action of the Government we can reduce this death rate by investigation, by education, or by publicity, it is a great work.

In the little country of New Zealand, where they commenced this work some years ago, there was a death rate among the babies of about 9 per cent. That has been cut down now to less than 5 per cent.

Out of this, too, has come what is called the "national baby week," purposed to popularize the study of these matters; and if Senators will examine the map which is in the report they will find that there were over 2,000 of these celebrations last year.

Moving pictures, lectures, competitions, in which mothers answered questions concerning the welfare of children, clubs of women, and other educational efforts along these lines have resulted in many places in establishing visiting nurses, pure-milk stations, and other things conducive to the children's welfare.

I should like to insert in the RECORD, without reading, the portion of the report on page 13 which I shall indicate to the reporter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The success of baby week depends upon securing the interest of many people, public officials, committees of private citizens, teachers, librarians business men, fathers, mothers, big brothers, and sisters. Public meetings, exhibits, conferences with parents, including examinations of well babies, flags distributed by Boy Scouts or other organizations to every house where there is a baby, processions, plays, tableaux, school children's essays—these are some of the ways whereby the interest was aroused in more than 2,000 localities which gave a few days each for studying the needs of their babies and for asking themselves whether they were giving every baby his fair chance, or what common action was needed in order to protect all their youngest and most helpless citizens.

Mr. KENYON. These celebrations took place in some of the largest cities of this country, as, for instance, in New York, Chicago, and St. Louis. In St. Louis the mayor and the city officials headed the baby parade and inspected the milk stations. At Lebanon, Pa., the director of public safety held a "better milk" conference in connection with "baby week." One Nebraska town agreed on baby day to give hot lunches to the school children and began buying playground apparatus. The enthusiasm engendered by this movement led to those splendid things.

Dallas, Tex., popularized dairy inspection by means of the city chemist holding a reception during "baby week." He explained the system of inspection and showed the need and value of it by means of a microscope, germ incubators, and so forth.

In Plainfield, N. J., the home of the distinguished Senator [Mr. MARTINE], at whose early retirement from this body we are all so sorrowful, the exhibit constructed by the baby-week committee, on which the board of health was represented, was sent through the public schools of Plainfield, and two welfare stations were operated for the summer as a result of the baby-week campaign.

All this has required a great deal of correspondence and a great deal of work on the part of this bureau. It has stimulated the movement of giving the babies of the country a square deal. We may make fun of it, but it bears the same relation to some of the social and economic questions as the Fourth of July bears to patriotism or Memorial Day does to reverence for those who have gone beyond. So that this whole work, as I have so far pointed out, is to conserve the children of this country.

We talk about a first-line defense and a second-line defense, and all these things. The children of the country are the main line of defense. The greatest horror of war is not so much the suffering and the sorrow that it entails as the fact that it is destroying minds. If an Edison had been destroyed in his youth or a Marconi or a Dewey, how would you replace them? We can not fathom the great injury that war is doing to civilization in all the world through the destruction of minds. This bureau is trying to prevent destruction in conserving the children of this country.

Not only has this bureau engaged in these main activities to which I have referred, but they carry on industrial studies, dependency studies as affecting feeble-minded children, child-labor studies, and so forth. We now have a national child-labor law, and in connection with that this bureau carries on child-labor studies. Just this morning there comes from the press a document entitled "Comparative Standards of the National Law and of the Laws of the Various States of the Union." That has required a tremendous amount of work. They have studied the question and have had special conferences, particularly in the cities, in connection with the work of caring for illegitimate children. If that is not a humane work, it would be hard to think of anything that is.

The question of orphan girls and fatherless girls is being investigated likewise. A library of reference has been established, and last year there were sent out publications and documents to the number of 330,737 copies. It required tremendous work to make the investigations, to prepare the documents, and to get them out.

Mr. President, I have taken enough time on this matter, and I only desire to say a word or two more. The work of the Children's Bureau is a work for humanity. We spend a good deal of time discussing tariff laws, the control of strikes, railroad regulation, and such things as that, but none of them are so important as the work that this bureau is doing. The future danger of this country, Mr. President, is not so much what comes from abroad as what exists in our own country. Our problem is largely one of better conditions, so far as the Government can help, for the laboring classes in this country—better housing, better care, better food, better opportunities. It is the problem of the little children of the poor more than it is of the children of the rich—the question of getting better chances in this country for the children of those who have to toil, for the little children who, in the great crowded tenement districts, hardly know what green grass or blue sky is.

All of this great work for humanity is bringing about in this country mothers' pension laws, visiting nurses, pure-milk stations, things to make life easier, healthier for people for whom it is now hard. That is the spirit of the great forward social legislation of this country, and some day it is going even further—to old-age pensions and industrial insurance for those working in hazardous employment. Call it State socialism or call it what we please, we can learn from some of the other nations of the world, notably Germany, how to take care of the children growing up, the aged, the infirm, and the crippled. This is a part of such legislative philosophy.

The only reason aside from that of duplication of work for cutting down this appropriation, as has been proposed, is that we must economize. Mr. President, I am strongly in favor of economy.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I yield.

Mr. HITCHCOCK. Is there not really another reason? Is it not true that those duties to society naturally come within the jurisdiction of the States, and that the Children's Bureau, while it is formed for the purpose of coordinating the work in the different States, should not be enlarged to such an extent as to duplicate that work; and is not there a little danger of enlarging it so as to really interfere with the work of the States by duplicating the work that the individual States are doing?

Mr. KENYON. There may be, Mr. President, but I think the work of caring for the children is a good deal like Divine grace—you can not duplicate it too much.

Mr. HITCHCOCK. Well, is there not some danger, if the Nation undertakes that task, that the State is apt to let it go at that and neglect it?

Mr. KENYON. I am not advocating that the Nation shall take it all over.

Mr. HITCHCOCK. I favored the establishment of the Children's Bureau for the purpose of gathering information so that each State could use it, but I do think there is now some danger of entering the field of work that ought to be taken care of by the individual States, and which must be done locally if it is done well at all.

Mr. KENYON. Oh, I agree with the Senator; but the danger is not a very imminent one. The same danger exists in appropriations to fight the Hessian fly. Why do not the States take care of that, and why do they not also take care of the fight on the boll weevil? There is danger of getting over into State territory there. State rights are gone, however, when appropriations are involved.

Mr. HITCHCOCK. The Hessian fly and the boll weevil are interstate matters, and in such matters State lines are not very well observed.

Mr. KENYON. Well, take the case of wild duck in the Salt Lake Basin, to investigate the diseases of which we made appropriations last year.

Mr. HITCHCOCK. A duck is a migratory bird also; but children are living in one particular place and they belong to families.

Mr. KENYON. No; they pass from State to State continually, even the children of the poor, for the poor families migrate, some of them very frequently.

Mr. HITCHCOCK. When they become interstate traffic it might be well to look after them; but I am speaking of children who live at home, as a great majority do.

Mr. KENYON. I have confidence enough in the Senator to know that he does not want to block anything that might in any way be helpful to the children of the country, and we need not be so careful about infringing upon the States and State rights. I have discovered that State rights vanish very quickly when an appropriation comes into view. At this session of Congress we will probably appropriate $800,000,000 for instrumentalities of warfare; we will spend $250,000 for free seeds to send out to an unsuspecting public. There is an omnibus fish-hatchery bill on its way over here; a public-buildings bill to supply buildings for towns, some less than 500 population; thousands for the foot-and-mouth disease, which has been cured nearly everywhere except around Washington; more on hog cholera. The Agricultural bill has liberal appropriations for citrus canker—I think over $400,000—to be disbursed principally in one State. Why does not the State rebel against such tremendous infringement of State rights? The boll weevil is appropriated for in this Agricultural bill. There is more money appropriated for the Plant Bureau in the Agricultural bill that we will soon pass than the entire sum appropriated for the Children's Bureau. For the Bureau of Chemistry we are appropriating $362,990—more than the whole amount for the Children's Bureau. For entomology we are appropriating $921,480. We are appropriating more than the amount the committee has saved on this item to exterminate the Hessian fly and the chinch bug.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. Does the Senator think the appropriations to which he is calling attention ought to be made?

Mr. KENYON. I am not prepared to say; but I observe that when you get an appropriation that goes to property questions, to save some orchards or to save some hogs—and I have been for that—or to save cattle, there is not much trouble about the appropriation; but it is different in the case of a little appropriation with reference to human life.

Mr. SMOOT. The Senator did not vote to save the ducks. That was too small an amount.

Mr. KENYON. The Senator from Utah says I did not vote to save the ducks. I think I did not.

Mr. SMOOT. That was too small an amount.

Mr. KENYON. There are getting to be too many lame ducks. [Laughter.]

Mr. VARDAMAN. Mr. President——

Mr. KENYON. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I am very much in sympathy with the views entertained by the Senator from Iowa on this amendment. As I shall show in a very few moments, I look upon it as one of the most important items of legislation which Congress has been called upon to consider. But I can not share the view the Senator has just expressed on the question of the appropriations for agricultural purposes.

Mr. KENYON. Does the Senator understand that I am criticizing those appropriations? I am not.

Mr. VARDAMAN. That is what I think the Senate understands, and I want to ask the Senator to state that that is not his point.

Mr. KENYON. No; I am not.

Mr. VARDAMAN. Those appropriations ought to be made. More good results come to the American people from the appropriations carried in the Agricultural bill, I think, than from any others that are made.

Mr. KENYON. I am not going to say that I agree with all those appropriations. I am on the committee. We are studying those appropriations. I am in favor of any of those appropriations where it is shown that they will do good; yes. I am simply showing that we make this kind of appropriations without much discussion. We do not cut those down much, but when we come to this other question it is different.

Mr. VARDAMAN. I agree that it is very much easier to get an appropriation to cure a hog with cholera than it is to get an appropriation to cure a man who is suffering with tuberculosis. I agree with the Senator about that, and I think it is unfortunate that that is true.

Mr. KENYON. I did not mean to be understood as speaking in a spirit of criticism. The Senator from Ohio and myself were largely responsible for a very large appropriation for hog cholera, and it did a great deal of good. I think the only opposition was from the Senator from California [Mr. WORKS].

The gypsy moth carries in this bill $305,000. Investigation and experimenting in the dairy industry, experimental feeding and breeding in the dairy industry—undoubtedly a good thing—large sums of money are spent for those purposes. I referred to the fact that the bill carries $419,380 for salaries in connection with the plant industry, and a large sum in addition thereto for general expenses. We are appropriating in the agricultural bill for diseases of orchards, diseases of potatoes, and other relatives of the potato, $87,000. I am simply citing these things to make the point that we ought not to economize on anything that may be of service in caring for the children of the country.

We can figure the worth of orchards or fruit that may be affected by some bug or scab. We can figure the worth of hogs that may die through the cholera, or cattle that may be destroyed through the foot-and-mouth disease. We can figure these things; but we can not figure what the child or the baby is worth.

Mr. POMERENE. Mr. President——

Mr. KENYON. I yield to the Senator from Ohio.

Mr. POMERENE. I certainly want to see this work carried on, and I am in sympathy with what the Senator says with respect to looking after what may be termed the welfare of the child. I think the Senator will agree with me, however, that this work ought not to be duplicated, and we are both interested in having this work done by the department which is best equipped for it. The only question in my mind is as to whether or not the Children's Bureau, for instance, is better equipped than the Health Bureau to investigate the questions concerning infant mortality due to many of these serious contagious and infectious diseases.

Mr. KENYON. I want to get this fact in the Senator's mind, outside of that question—that the investigations of the Children's Bureau are not confined to the medical aspect of these questions. They investigate the industrial questions that affect children—the crowded tenements, the mining districts up in the mountains, and so forth.

Mr. POMERENE. I agree with the Senator, I think.

Mr. KENYON. There is no bureau in the Department of Labor, of which this is a part, making any investigation of those industrial questions affecting child life and child welfare.

Mr. POMERENE. So far as the industrial feature of the case is concerned, I agree with the Senator that that part of the work should be carried on by the Children's Bureau; and I have every confidence that it will be properly done. But it does seem to me that when it comes to the question of the investigation of children's diseases, the health bureau, by reason of the fact that they have specialists along that line, are better equipped for that part of the work than the Children's Bureau.

Mr. KENYON. Of course, that bureau would not investigate at all the question of the effect of poverty, poor feeding, bad ventilation, crowded houses, and all of those kindred subjects which enter into the investigation that the Children's Bureau makes. They would not touch that.

Mr. POMERENE. I think that is true.

Mr. KENYON. And that is just as important, as the Senator knows, as the medical question.

Mr. WORKS. Mr. President, I should like to ask the Senator from Iowa whether he is familiar with the work that has been done and is being done by what is called the child-labor committee that was organized under the Bureau of Labor some years ago? As I understand, they have been investigating, and investigating very thoroughly, this industrial question and its effect upon child life.

Mr. KENYON. That was some years ago.

Mr. WORKS. But they are still in existence, and, as I understand, are still pursuing that work, and pursuing it very diligently, and making reports about it. I happen to know something about that, because I have been a contributor to the expenses for a number of years.

Mr. KENYON. Is that work carried on by private contributions?

Mr. WORKS. Partly so; I do not know to what extent.

Mr. KENYON. I am not familiar with that. I thought the Senator referred to the investigations made by the Department of Labor some years ago of the child-labor question, published in a large number of volumes.

Mr. WORKS. As I understand, that was done by this same committee. I may be mistaken about that, but that is my understanding—that something like 20 volumes of it were published.

Mr. KENYON. I am familiar with those volumes.

Mr. WORKS. I am not.

Mr. KENYON. But they were published by the Department of Labor, not by any private committee.

Mr. SMOOT. Mr. President, the Senator from Iowa is right in saying that the investigation was made under the Department of Labor. The report consisted of 20 volumes, and the Senate authorized their printing. The printing alone cost $43,000, and I will say to the Senator that the books were never called for.

Mr. KENYON. Some of them were called for.

Mr. SMOOT. Well, a few of them were; that is, in the case of 1 volume out of the 20 all the copies were taken; the other 19 volumes were not taken. But I am not complaining about that.

Mr. KENYON. I understand.

Mr. SMOOT. I was simply telling the history of it.

Mr. KENYON. That proves that the right people apparently did not take an interest in the result of the investigation.

Mr. SMOOT. But what I was going to say in relation to the statement just made by the Senator from California was that the Bureau of Labor, outside of the Children's Bureau, has made and is making continually investigations as to the effect of child labor in all walks of life; and if the Senator from Iowa will get the reports of the head of the bureau he will find that the last report states positively that there is duplication of the work not only in that department but in other departments of the Government.

I want to say further, if the Senator will permit me, that there is no question but that there is duplication. Everybody admits it. The departments admit it. The head of the Children's Bureau must certainly admit it, and, I think, did admit it, at least before the committee. The only question is as to which one of these departments or bureaus ought to do the work. The Senator from Iowa thinks that the Children's Bureau ought to do this work. What the Senate ought to do is to state positively, by action of the Senate, what bureau is going to do this work, give that bureau sufficient money to do it, and forever prevent any other department or bureau from doing the same work. That is what ought to be done.

Mr. KENYON. If the work is identical, of course that is true. Nobody wants duplication of work.

Mr. SMOOT. I will say to the Senator that I have the report here, and I can read it, but it is not necessary. They all admit that there is an overlapping of work, and we all know that there is; and what I should like to do is to have that overlapping cease.

Mr. KENYON. I agree with the Senator.

Mr. SMOOT. I think if it is not done this year we ought to take it in hand early enough next year and see that it is stopped.

Mr. KENYON. There is no other side to that argument, of course. I simply state that the duplication is done by the other bureaus, and I say that on the authority of those who, I think, are well qualified to know.

I had not intended to take up so much time, Mr. President. I have here a great many figures and statistics, and a great deal of correspondence, but I am not going to take the time to read them. I just want to ask Senators, if they will, to read the recommendations which are found at the close of Miss Lathrop's report, on page 26, setting forth what she has asked for. I think I will ask permission to include that in my remarks. There is not very much of it.

The PRESIDING OFFICER. Without objection, that will be done.

The matter referred to is as follows:

RECOMMENDATIONS.

The bureau's most serious administrative embarrassment has been caused by lack of clerical service. This lack is a great handicap in the statistical division, as has been mentioned earlier. The unexpected extent of the baby-week celebration suddenly threw upon the bureau an amount of clerical work which compelled the postponement of regular work and caused unavoidable delays and some hardship. But aside from the emergency caused by baby week—an emergency which will exist again in the spring of 1917—the clerical service of the bureau proves to be inadequate for the volume of work turned in by the field service and entailed by the natural growth of the work carried on by correspondence.

Increases in the clerical staff have therefore been requested, carefully estimated to meet the needs of the bureau for the next fiscal year.

During the year the staff of the bureau has consisted of 76 persons, and the appropriation has been $164,640.

The work of the year leads to the recommendation of an increase of 57 persons for the staff, making the total staff now requested 133 persons. An increase of $187,520 in the appropriation is requested, making the total requested appropriation $352,160. A detailed analysis has already been submitted in the usual manner.

These increases would permit in general—

1. The continuance of the infant-mortality inquiry.
2. The development of the rural studies in maternal and child welfare.
3. The development of child-labor studies, especially with reference to occupational strain and its measure by accident records, and the studies rendered desirable by the Federal law.
4. The continuance and development of the studies of dependent, defective, and delinquent children, not including the suggested special study of needy children.
5. The establishment of the library service upon a proper footing.
6. The equipment of the statistical service to meet the requirements of the bureau.

7. The development of the exhibit material so that it could meet the legitimate demand.
8. The organization of an office clerical force adequate to meet the needs of the work in progress and of such other work as may develop during the year.

JULIA C. LATHROP, *Chief.*

Mr. SMOOT. Does the Senator feel that we ought to amend this bill so that all of those recommendations can be taken care of?

Mr. KENYON. No; I do not.

Mr. SMOOT. Because, if that were the case, we would have to increase this bill by the sum of $187,000.

Mr. KENYON. I am not asking for that. I think, if we stay by what the House did, that is within the bounds of reason. That is less than Miss Lathrop asked. I thought, however, that these recommendations might be read with interest by the Senators.

I have no criticism, Mr. President, of anybody on the committee or anywhere else. I am glad to see the committees exercising economy. We have been concerned here, and are concerned in Congress, with questions of conservation—conservation of water power, conservation of forests, conservation of the soil—and we are all interested in those things; but no one of those equals in importance the conservation of the children of this country. I know that I am no more interested in that subject than the distinguished gentlemen who are on this committee; but I am in favor of any kind of legislation and large appropriations if they will help in any manner to relieve conditions in this country in such a way as to help bring roses into the cheeks of little babies, laughter into the lives of little children, and happiness into the homes of Americans. I believe that the work of this great bureau is more important than that of any other bureau in this Government to help bring about those results.

Mr. VARDAMAN. Mr. President, I think we should be very careful in the disbursement of public funds. It is possible that in some instances the work that is being done by the Children's Bureau, work of a similar character, is being prosecuted by another bureau; but I hardly think it is a duplication. I do not know of a bureau that is doing exactly the work that is being done by this one; and in the absence of absolute proof to that effect I am going to give it the benefit of the doubt, and oppose the amendment offered by the committee, which I am afraid, if it should be adopted, would in some way cripple or hinder the very great work designed to be accomplished by this function which has been created in the interest of humanity.

I regard the section of the bill under consideration as most important, for the reason that it deals with immortal stuff. The work to be accomplished by this item of appropriation not only affects vitally the welfare of the child in its pilgrimage through this world, but it does more than that; its influences and effects reach into eternity. We are not legislating for the present or the immediate future exclusively, but generations born a thousand years from to-day will be touched and affected by the influences that will grow out of this appropriation. I believe that ninety-nine ills out of every hundred with which the human race is afflicted are due to ignorance and poverty, for both of which man is responsible.

Mr. KENYON. Mr. President, will the Senator yield to me?

Mr. VARDAMAN. Yes; I yield.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Harding	Nelson	Smith, S. C.
Brady	Hitchcock	Newlands	Smoot
Brandegee	Hollis	Norris	Sterling
Bryan	Hughes	Oliver	Stone
Catron	Husting	Overman	Sutherland
Chamberlain	James	Page	Thomas
Clapp	Johnson, Me.	Pittman	Tillman
Clark	Jones	Poindexter	Vardaman
Culberson	Kenyon	Ransdell	Wadsworth
Cummins	Kern	Robinson	Walsh
Curtis	La Follette	Shafroth	Warren
du Pont	Lane	Sheppard	Weeks
Fernald	Lodge	Sherman	Williams
Fletcher	McLean	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Gronna	Myers	Smith, Md.	

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness, and of the Senator from Kansas [Mr. THOMPSON], who is absent on official business.

Mr. SMITH of South Carolina. I have been requested to state that the Senator from West Virginia [Mr. CHILTON] is unavoidably detained from the Senate.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum is present. The Senator from Mississippi will proceed.

Mr. VARDAMAN. Man is the creature of heredity and environment, the embodiment of what his forefathers were and what he has absorbed from his surroundings. The generations that have passed from the stage of action are in a large measure responsible for the moral, mental, and physical characteristcs of the men and women who live to-day. The errors of the past are our most serious handicap. We may direct our acts and shape our own conduct but we can not measure the influences or the consequences which will flow from them. I believe in the eternity of ideas and the immortality of good and bad deeds.

When I observe the lightness with which certain of my colleagues consider this question, it fills me with apprehension. I regard this as one of the most important questions that has engaged the attention of Congress since I became a Member of this body. The most valuable thing beneath the stars is a human being. Its worth can not be measured in gold. In this Republic everything good or bad that enters into national or private life comes from the individual man. He is not only the source of all political power but he is also the source of all the wealth of the Nation. From the individuals who make up the citizenship of this great Republic, all of the just powers of Government are derived. Really the whole theory of the Government is directed to one single individual, namely, to you. And just how you act, just how you meet the duties of life, will determine very largely the point of view of the man who comes after you. If we could only grasp the thought and live by it that education—training—forms the common mind, and "as the twig is bent the tree's inclined," how much easier it would be for those who come after us to live. If we could only understand the great importance of dealing properly with this question, if we could comprehend the value of the child to the Nation and deal with it as a question of present personal interest to us as well as a question of national concern, not only for the present but for the eternal future, how much better it would be for all.

You may talk of reformations of the economic plan
That shall stem the social evil in its course;
But the ancient sin of nations must be got at in the man;
If you want to cleanse a river, seek the source.

In the early days of this Republic, when the vocation of our people was largely that of agriculture, when every man was an aggregation of atoms rather than as he is to-day, an infinitesimal atom of an infinite aggregation, when he lived close to nature and to nature's God, and absorbed from his environments health and hope, when he was more inclined to love his neighbor as himself, and was moved in all things by a spirit of altruism, it was very different from what it is to-day. The competition in the battle for existence was never quite so sharp as it is now. Time has changed and conditions have changed also. In the great congested centers, where the few own the wealth and the many live in poverty, in squalor and want, with all the moral filth which pollutes the atmosphere of the underworld, it becomes necessary that something of the nature or character proposed in this bill shall be done. Did it ever occur to the Senators that physical environment and debased hereditary tendencies will create a creature who finds it more difficult to do right than a person born and reared amidst more elevated and salutary environment finds it difficult to do wrong? Think of a child born of an immoral mother, from the loins of a debauched and brutalized father, the victims of the "social wants that sin against the strength of youth, and the social lies that warp up from the living truth," reared in the slime and indigence of the low quarters of the great cities, where the atmosphere is reeking with vice. Is it possible to grow strong, physically clean, morally erect men and women under such conditions? You can not sow the seeds of vice and hope to reap the flowers and fruits of virtue. Think of a fellow mortal fashioned on this horrible plan:

Coarse, deformed, and misbegotten—more a devil than a man—
Heir to sin and want and sorrow, born without a sense of shame;
Stung by sharp, keen, fierce desires, burning in his blood with flame;
Weak, unbalanced, and repulsive—reveling in sensual things;
If he hath a soul within him, 'tis a soul that never sings—
'Tis a soul that hath no wings.
He was born without the power or the impulse to forbear
When the dumb, resistless forces of the cycles centered there;
That which gave him life had given passions that impelled him here;
Circled him with strong temptations from his birth cry to his bier.

Mr. President, I am in favor of economy in the administration of public affairs. I regard it as akin to crime for the Congress to misappropriate money extorted by taxation from the toiling millions of this Republic. The hundreds of millions appropriated for preparation for war is without justification or excuse, in my judgment. I believe we have a right to collect revenue from

the people only to pay the expenses of the Government economically administered. I am profoundly mindful of the fact that our disbursements far exceed the Nation's income at the present time. We must economize; but, in the name of humanity, in the name of the Christ who said, "Suffer little children and forbid them not to come unto me, for of such is the kingdom of heaven," I protest we should not begin economizing by crippling the work of this department of our Government which deals with the very source of all that is good and bad in the Nation. I believe that the most acceptable service to God is service to man. I believe that the highest end of Government is the development of man, for if man be properly developed the Government will share his improvement, and the moral sentiments will write the laws of the land. I would not disparage that sense of prudence which lays away something for a rainy day, which puts away the products of vigorous youth and manhood to supply the wants of incompetent old age.

I glory in the strength of our great Republic, this Government which manifests the aggregate moral qualities and intellectual characteristics of a great people; but above and beyond all, as high as the sun hangs above the earth, I respect and honor the man, and I will consider of first importance his personal good. The salvation of one man outweighs the entire sum appropriated for the Children's Bureau.

Pointing to such, well might Cornelia say
When the rich casket shown in bright array,
"These are my jewels!" Well of such as he,
When Jesus spake, well might the language be,
"Suffer little ones to come to me."

I can not give my consent to the adoption of the amendment of the committee, for I fear it would cripple the work of this bureau. There may be defects in the management of the bureau; as to that I can not speak, but if there be any, then let us correct them; let us add to its efficiency rather than destroy it altogether by refusing to give it the necessary money with which to conduct its affairs. In dealing with this great problem let us not forget—

That childhood shows the man
As morning shows the day.

The Nation is engaged in a great work, and I for one shall lend a helping hand to those in charge of the bureau and wish them Godspeed in their every effort.

Mr. WORKS. Mr. President, I voted against the bill establishing the Children's Bureau because, as I believed and understood, the very work that was expected to be done by the Children's Bureau was already being done by other departments and bureaus of the Government. I think that is equally true to-day. We are constantly duplicating not only the work that is done by the departments and bureaus of the Government, but we are duplicating by the work of the Government what is being done by the States, and are spending millions of dollars unnecessarily and that might just as well be thrown away.

Perhaps I am as much interested in the welfare of the children of this country as most people. I think I recognize as fully as almost anyone the obligation that rests on the Government of the United States to protect its people in their morals, in their health, and in their social relations. Therefore I am not disposed at any time to be overeconomical when it comes to a question of this kind. But I have had something to say in the Senate very lately about the extravagance of the Government in many directions. This is one of them.

Something has been said here about the work that has been done by the Children's Bureau in the State of New Hampshire, in one of its large cities. I suppose, unless New Hampshire is behind the times, she has a State board of health, a county board of health, and a city board of health, all of which have jurisdiction over that particular city. The Government of the United States has no jurisdiction over it whatever.

Mr. GALLINGER. If the Senator will permit me, he is correct in his suggestion. New Hampshire has a State board of health and a city board of health. I am not quite sure as to a county board of health, but we have an excellent health organization in the State of New Hampshire.

Mr. WORKS. In the State of California, that I have the honor to represent in part here, we have a very capable health organization. We have an excellent State board of health, a board of health that covers all the counties of the State separately, and also the cities of any particular size have health organizations.

Mr. GALLINGER. And, Mr. President, further responding to the suggestion of the Senator, I think in almost every town, what is called in the West a township, we have a board of health, three men appointed to look after health matters.

Mr. WORKS. Mr. President, so far as the work is to be done in the State of New Hampshire or in California or any other State, that is work which belongs to the State; it should be done by the State organization and at the expense of the State. The Government of the United States as a matter of fact has no right to go into the State for any such purpose as that. So far as it affects the interest of the particular city or the State it may be possible that the Children's Bureau would be justified in going into the city of Manchester, for example, to examine into the conditions there and make an investigation for the purpose of giving out information on the whole subject that might be beneficial. I concede that. But if anything practical is necessary to be done it can not be done by the Government, it must be done by either the city or the State authorities.

But let us come down to the conditions in the District of Columbia. Here in the District of Columbia we have what I think is a very capable board of health, with a very competent, skillful, energetic physician at the head of the organization that I think has been giving excellent service to the District. We have also in the District the Public Health Service. While it is doing most of its work on the outside in the States it is allowing the District of Columbia to be neglected, the only territory over which it has real jurisdiction. In addition to that we have dealing with this question the Department of Labor that I know by an investigation that took place before the District Committee, of which I am a member, has been giving most careful attention and making a most careful investigation into industrial conditions and the condition of the children in the District and the women who are employed at service in the District. All of this is covered by the Department of Labor, and I think very thoroughly and very capably covered.

But what is the condition in the District of Columbia, Mr. President, with all these forces that should be at work, if they are not? We have places in the District of Columbia that are a disgrace to this country. I have called attention to it time and again, and I feel like calling attention to it whenever I have the opportunity. What are these people doing, the Children's Bureau or the Public Health Service or any of these organizations, for the children who live in those places? I believe in doing something more than merely taking and publishing statistics, making an investigation and dealing theoretically with these important questions. I believe they ought to be dealt with practically, not theoretically.

Mr. President, all this may be done, it may be capably done, it may be thoroughly and competently done, by the Children's Bureau. If so, that work should be transferred to the Children's Bureau so that it might be done by that bureau, and by it alone. There is no reason why it should be done by three different departments or bureaus of the Government, duplicating the work that is to be done. There is not any excuse for it at all.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. Do I understand the Senator to contend that the Children's Bureau is duplicating work?

Mr. WORKS. Yes.

Mr. BORAH. And that this appropriation covers work which has been done by some other department?

Mr. WORKS. I am not so sure about this appropriation, I will say to the Senator; I am speaking generally about conditions. I am not so much opposing this appropriation as I am attempting to call the attention of the Senate to the conditions as they exist. What this particular appropriation covers I am not so sure about.

Mr. OVERMAN. I will say to the Senator the item shows what it is and that it is already covered.

Mr. BORAH. May I ask the Senator from North Carolina a question?

Mr. WORKS. Yes.

Mr. BORAH. Will the Senator show that the work for which this appropriation is proposed is now being done by some other department?

Mr. OVERMAN. It is being done through the board of health. They have issued circulars showing that they do this same kind of work.

Mr. BORAH. Of course, I do not want to have a duplication. I am very much in favor of the bureau, and I am at a loss to find proof of its duplication.

Mr. OVERMAN. It is easily shown.

Mr. KENYON. I wish to ask the Senator from North Carolina what he says about this duplication. Is it not the truth that the Children's Bureau was doing this work before the Department of Health or the Board of Education ever commenced doing any of this particular work?

Mr. OVERMAN. No, Mr. President; my recollection is that they were doing work of this kind before the Children's Bureau.

Mr. WORKS. That is precisely the ground on which I voted against the Children's Bureau bill. If I had not supposed that this work was being done, which I think exceedingly important work, I should have never voted against the Children's Bureau bill.

Mr. OVERMAN. That is the reason why I voted against it at the time. The Senator may remember that he and I differed about the kind of work that was going to be done then. I am now talking about this particular appropriation of $72,000.

Mr. KENYON. This particular work which is being done by the Children's Bureau was commenced by the Children's Bureau, and if there is any duplication it comes from this other department.

Mr. BRYAN. Will the Senator permit me?

Mr. WORKS. I yield.

Mr. BRYAN. The law creating the Department of Labor provides—

That the Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

Here is a letter from the Secretary of Labor dated January 9, 1917, in which department the bureau is located, from which I quote to the Senator this paragraph:

Another relationship, somewhat along the same line, exists with reference to the parallel activities of the Public Health Service and the Children's Bureau. The nature of this overlapping in the same fields of endeavor is of such a character that there is practically no limit to the duplication and resultant likelihood of confusion, unless there is complete and harmonious adjustment of the respective activities.

Here is a file of pamphlets gotten out showing the action taken by this department. As I understand the Senator from Iowa, his point is that there is no duplication in this particular item shown, but it says "especially to investigate the question of infant mortality." That general language was put in there, and when you find out what they are going to do with this appropriation of $72,000 it is for the employment of 57 more clerks to stay here in Washington with the 76 they now have. Here are pamphlets gotten out periodically by the Public Health Service for which an annual appropriation of a quarter of a million dollars is made, and all the work that is proposed to be done by this increased force is this same character of work.

Mr. BORAH. May I ask the Senator a question?

Mr. BRYAN. Let me read——

Mr. WORKS. Mr. President, I do not yield the floor. I have not yielded the floor.

Mr. BRYAN. I beg the Senator's pardon.

The PRESIDING OFFICER. Does the Senator from California yield further?

Mr. WORKS. I am perfectly willing to yield to the Senator from Florida, but he is making a very good speech that I would rather have him make in his own time.

Mr. BORAH. He is making a good one. Perhaps I am in fault, because I induced him to make it.

Mr. BRYAN. The question arose as to whether the Health Department was doing this work before the bureau was created. The Children's Bureau took the work away. It had been doing it long before that bureau was created. The appropriations have continued for it, and they are much larger than the appropritions that have ever been made to this particular bureau, and that is what the Secretary of Labor says, in whose department is this bureau.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. Yes.

Mr. KENYON. The Secretary of Labor does not say in anything the Senator has read that the Children's Bureau is duplicating the work. The work of the Health Bureau has reached over undoubtedly and done some of the same work the Children's Bureau has been doing, but as to this particular kind of work I will say, and I am going to put the document in the RECORD to prove it, I think that it initiated the particular kind of statistics investigations that I have been referring to, by the Children's Bureau, and there is no other bureau that has ever carried on this particular kind of work.

Mr. BRYAN. I will wait until the Senator shows that and then I will answer him.

Mr. WORKS. Mr. President, I am not suggesting any lack of confidence in the head of the Children's Bureau nor the bureau itself. I have serious objections to appropriations for this purpose. One of them is that the work is already being done by other departments or bureaus of the Government and the other is that this money is not applied for practical purposes. I should like to see something practical done here in the District of Columbia. Instead of going about and examining these places and making up statistics and sending them out to the country, I should like to see this money spent to wipe out those places and put an end to them, so that it will not be necessary to investigate them. Here we are appropriating thousands and hundreds of thousands of dollars for the purpose of going into the States and making investigations, when we are leaving these cesspools of vice and degradation and disease existing and flourishing right here in the Capital of the country.

Mr. OVERMAN. Will the Senator yield?

Mr. WORKS. I yield.

Mr. OVERMAN. We have given the same appropriation they had last year, exactly. Instead of investigating in the District of Columbia, they go to Manchester and one or two other towns. As the Senator says, they could take this same appropriation that they have now and do the work next year the Senator asks be done, because we give them the same amount of money. Here is the place to do it, as the Senator says, and why do they not do it, instead of going to Manchester, when they have a board of health there, and they are doing the same work that is being done in the State of New Hampshire?

Mr. WORKS. I can tell the Senator why they do not do it. It is simply because his committee and the Congress of the United States are not willing to appropriate money enough to do it with.

Mr. OVERMAN. We have appropriated the money.

Mr. WORKS. Congress is responsible for the condition of these slums in the District. There would have to be direct legislation to wipe out these things completely in order to make the appropriations effective. That is what Congress is not doing. If the Senator would take up some of the propositions I have suggested, and some of them are covered by bills that I have introduced in the Senate for the purpose of tearing out the inside of these courts and inhabited alleys and constructing on their sites sanitary buildings for those poor people, then we would be doing something practical, and it would be of some benefit.

Mr. OVERMAN. Does the Senator think that is the duty of the Committee on Appropriations? It is the duty of his committee. If his committee will report out a bill to do this work, then the committee that makes the appropriation will provide the money. We have given the board of health millions of dollars for this sort of work. The board of health is getting $100,000 and more. Report out a bill from your committee. The Committee on Appropriations has nothing to do with legislation. We provide the money. When Congress passes a law for a certain thing to be done, then we give the money.

Mr. WORKS. I hope the Senator will remember that promise when these bills are passed through the District Committee, as they should be.

Mr. OVERMAN. We are compelled to do it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I yield.

Mr. GALLINGER. If the Senator will permit me, fully sympathizing with the views which the Senator from California has expressed, I want, for the purpose of emphasizing one matter, to call attention to the fact that on at least three different occasions the Committee on the District of Columbia has reported out a bill that I introduced, and it was passed by the Senate, establishing a home for feeble-minded children in the District of Columbia, but it never has become a law. I think the Children's Bureau might well take up that activity for the purpose of ascertaining how many States have an institution of that kind. We have one in New Hampshire; but we are permitting these poor creatures to roam around the District of Columbia, partly idiotic, immoral many of them, and then they are trying to save the children who come into the world from that class of people.

Mr. WORKS. Mr. President, it does not require the expenditure of any money for the purpose of an investigation to discover the conditions that exist in the District of Columbia. I am not an expert myself; I have not made up any statistics on the subject; but I have been through these slums and I know what are the conditions. After visiting and going through these places for a day I was sick at heart to realize what the conditions were and the neglect of this great Government to correct those conditions.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I do.

Mr. KENYON. The Senator says I think that the Children's Bureau has done nothing at all in the District of Columbia, or at least has done it only in part.

Mr. WORKS. I did not say it had done nothing. I do not know what the Children's Bureau has done.

Mr. KENYON. I simply call the Senator's attention to one—it may not be large—among the studies and publications of the Children's Bureau:

No. 2. Mental Defectives in the District of Columbia: A brief description of local conditions and the need for custodial care and training.

That is a pamphlet of 39 pages, issued in 1915. That is one of the bureau's publications and one of its studies. So they have paid some little attention, at least.

Mr. WORKS. It is a good thing to make those studies, and I wonder what the Children's Bureau has done to aid the legislation that was introduced by the Senator from New Hampshire to better those conditions by establishing a home for these feeble-minded and unfortunate people.

Mr. BORAH. That is something which the Children's Bureau could not do.

Mr. WORKS. They can recommend it. I have never heard that a bill of that sort was passed. I think one of the things that should be done by the Children's Bureau would be to make this investigation and to recommend to Congress what legislation seems to be necessary for the purpose of carrying out the purposes of the Children's Bureau.

I think one of the difficulties about the Children's Bureau is that it is trying to do pretty much everything else except that for which it was organized; going into the question of widow's pensions and various other things that ought to have no connection with the work of that bureau at all.

If that work could be separated, Mr. President, so that the work of the Children's Bureau could be confined to the condition of the children and to their benefit, and take it away from other departments of the Government, then I could see why these appropriations ought to be made for the purpose of carrying on that work; but so long as at least three different bureaus are doing exactly the same thing, and appropriations are being made for all of them to triplicate the work, it seems to be unreasonable, and that it ought not to be done.

Mr. President, I have not said this in any sense in antagonism of the Children's Bureau, or in antagonism of any efforts that may be made by any bureau of the Government to better the condition of the children of this country—far from it—but the Government of the United States ought in the first instance to keep itself within its own jurisdiction and not be doing the work that belongs to the States. Then, again, it ought not to be doing it by three bureaus doing exactly the same thing, but it ought to be confined to one of them. For that reason I think it is a wise thing to begin to curtail these appropriations.

Mr. BRYAN. Mr. President, the item under discussion reads as follows:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

In the official estimates the Children's Bureau asked for $70,520. The House committee declined to allow that amount or any part of it. When the bill reached the House, however, the language which I have read was added, together with a lump-sum appropriation.

I think, in the first place, it would be well for Senators to understand what was going to be done with the $70,520 asked for before the committee. It was to be spent in the employment of 57 more clerks in Washington. That bureau now has 76 clerks. They want an expert on research at $2,000. They have no such office now. They now have 27 special agents, and they want 13 more. They want an administrative clerk. They have none. They have 2 clerks of class 3, and they want 5; they have 4 clerks of class 4, and they want 8; they have 5 clerks of class 2, and they want 11; they have 18 clerks of class 1, and they want 25; they have 10 clerks at $1,000 per annum each, and they want 17 more; they have 1 copyist, and they want 4 more; they have 1 messenger, and they want an assistant messenger.

Much of what has been said would lead one uninformed to believe that this appropriation was principally for the benefit in a practical way of child diseases. These people will stay right in Washington, and the clerks will be drawing clerks' salaries. I do not think it makes much difference whether that work, if it is being done at all, is being done by a set of clerks in the Public Health Service or by a set of clerks in the Children's Bureau. The work done is the publication of pamphlets.

Here [exhibiting] are some pamphlets gotten out by the Public Health Service. Let us see if there is any duplication. The Secretary of Labor says that the duplication is almost without limit. I suppose he knows as much about it as does the chief of the bureau under him. I read his own language in the time of the Senator from California [Mr. WORKS], and I will now read it again. The nature of this overlapping between the Public Health Service and the Children's Bureau "in the same fields of endeavor is of such a character that there is practically no limit to the duplication and resultant likelihood of confusion unless there is complete and harmonious adjustment of the respective activities."

Has the Public Health Service taken away the work of the Children's Bureau? The Senator from Iowa says not at all, that it has been doing that work for years. Now, let us see if they touched upon the question of infant mortality, that this amendment placed in the bill on the floor of the other House over the objection of the committee, is intended to reach. I hold in my hand some pamphlets which have been issued by the Public Health Service. One of them is entitled "The Care of the Baby."

Mr. KENYON. Will the Senator give me the dates of those pamphlets?

Mr. BRYAN. This pamphlet is dated December 19, 1913.

Mr. LANE. Of what bureau?

Mr. BRYAN. This pamphlet was issued by the Public Health Service.

Mr. KENYON. After the Children's Bureau was established?

Mr. BRYAN. Yes; after the Children's Bureau was established.

Mr. KENYON. Has the Senator any pamphlet issued by the Bureau of Public Health before the Children's Bureau was established?

Mr. BRYAN. I do not think I have any here; but I think there is no doubt pamphlets were issued, and have been issued for years.

Mr. KENYON. I am always ready to accept what the Senator from Florida says.

Mr. BRYAN. Well, I am not sure of that.

Mr. KENYON. Will the Senator say that the Bureau of Health made investigations upon these subjects before the establishment of the Children's Bureau?

Mr. BRYAN. I will say they had authority to do so. I do not know whether or not they published pamphlets on these subjects before that time, but undoubtedly they are doing it to-day under the appropriation of a quarter of a million dollars.

Mr. KENYON. I am not denying that they may be doing some of that work to-day and that there is duplication; but I say they are doing the duplication.

Mr. BRYAN. Let me read from some of these pamphlets, to see if there is duplication. Here is one on the "Physical Care of Rural School Children"; here is another, entitled "Diphtheria: Its Prevention and Control"; another one is "Contagious Diseases: Their Prevention and Control in Children's Institutions."

Mr. KENYON. I want to ask if the Senator claims that the report on the subject of diphtheria is in any way a duplication of the work of the Children's Bureau?

Mr. BRYAN. Does that disease not affect the mortality of the children?

Mr. KENYON. That is not the kind of work the Children's Bureau is doing.

Mr. BRYAN. Now, if the Senator will merely wait a moment, I think there is almost positive proof in this pamphlet that the Public Health Service were engaged in this work before the Children's Bureau was established, because the pamphlet from which I last quoted was dated "April 11, 1913"; and if they had been authorized to do it, they could have done it. If they had not been doing it before the Department of Labor was created, they would have had no fund for this work. The fact that their report was here on April 11, 1913, shows that they were engaged in that work at the time of the establishment of the Department of Labor, which I believe was established before the Children's Bureau was established.

Mr. KENYON. That is, the investigation of diphtheria, the investigation of diseases in schools, and matters of that kind?

Mr. BRYAN. Yes; in children's institutions.

Mr. KENYON. Of course, diseases are all over the country, but that is not the work the Children's Bureau is doing. I tried to point that out.

Mr. BRYAN. Here is a pamphlet on "Infantile Paralysis: What Is Known of Its Causes and Modes of Treatment," which was issued in 1916; here is another on that subject, "Present Knowledge of Its Causes and Manner of Spread," issued just a few months later. Here is one entitled "Mental Examination

of School Children: The School as a Factor in the Mental Hygiene of Rural Communities." Another is on "Whooping Cough: Its Nature and Prevention," a popular discussion of a widespread and dangerous disease for which familiarity has bred contempt. Is not that duplicating the work of the Children's Bureau?

Mr. LANE. Will the Senator allow me to interrupt him?

Mr. BRYAN. I hope the Senator from Oregon will not take these pamphlets away.

Mr. LANE. I intend to quote from them. I will say, in answer to the inquiry of the Senator from Florida as to this work being a duplication, that it absolutely is not; it has no more to do with it than it has with the making of hats.

Mr. BRYAN. The Senator from Oregon can explain all that later.

Mr. LANE. I am going to do so.

Mr. BRYAN. Here is another pamphlet on "Measles." The Senator can explain that when he gets to it.

Mr. LANE. I will do so.

Mr. BRYAN. Here is another one on "Scarlet Fever: Its Prevention and Control"; another on "Sewage-Polluted Water Supplies in Relation to Infant Mortality." I suppose that has nothing to do with it.

Mr. LANE. Not a bit.

Mr. KENYON. What is the date of that report?

Mr. BRYAN. It is dated 1912. What I have read answers the Senator's question whether these officials were engaged in that work before the Children's Bureau was established. Here is a pamphlet of 36 pages, published at the Government Printing Office, entitled "Heat and Infantile Mortality," by the United States Public Health Service, in 1913; the date not otherwise given. "Malaria: Lessons on its Cause and Prevention for Use in Schools."

I am ready now to state to the Senator that that work has been going on in the Public Health Service since 1908.

Mr. KENYON. To just what does the Senator from Florida refer? My attention was diverted for moment.

Mr. BRYAN. I refer to this same character of work.

Mr. KENYON. Oh, yes; as to the investigation of diseases.

Mr. BRYAN. The work that the Secretary of Labor says duplicates the work of the Children's Bureau.

Mr. KENYON. Does the Secretary say that that work was duplicated before or that that work was carried on before the establishment of the Children's Bureau? I am not contending that there has not been some duplication since that time, but I am contending that it is the Department of Health which is doing the duplication.

Mr. BRYAN. I suppose, of course, there could not have been a duplication as between these two branches of the service before the Children's Bureau was established.

Mr. KENYON. I know that; but the Secretary of Labor in no place, as I understand, says anything about the character of the work having been carried on before the establishment of the Children's Bureau; he merely says the duplication is now going on. It is undoubtedly true that it is going on to some extent.

Mr. BRYAN. Let us see. I will read a little further from what the Secretary says. By the way, it develops another duplication when we come to read it. He says:

> One instance of distinct overlapping occurs in reference to the Bureau of Labor Statistics. This circumstance appears to be due to the broad authority vested in the Public Health Service to investigate the "diseases of man and conditions influencing the propagation and spread thereof" (act approved Aug. 14, 1912; 37 Stat., 309). As the Bureau of Labor Statistics is charged with acquiring and diffusing useful information upon subjects connected with labor (act approved June 13, 1888; 25 Stat., 182), and as information regarding occupational diseases and the conditions influencing their propagation is clearly a subject connected with labor as well as with the general classification of the "diseases of man," the Bureau of Labor Statistics of this department and the Public Health Service of the Treasury Department are charged, at least to this extent, with similar duties. In order to prevent confusion and duplication of effort, coordination of the functions of these two branches of the public service should, in so far as they may overlap, be effected and consistently adhered to.
>
> The field of occupational diseases was occupied during a period of about seven years prior to 1912 by the Bureau of Labor Statistics, through its investigations into the hygienic conditions of cotton mills; of home work; of ventilation and general sanitary conditions of clothing shops; of diseases in the glass industry; of health of women in textile factories and laundries; of poisons in the industries; of tuberculosis among wage earners; of the health of wage-earning women in the pea canneries; of the hygiene of the painters' trade; of anthrax as an occupational disease, etc.
>
> Since 1912 the Public Health Service has carried its function with reference to the diseases of man into the field of occupational diseases. It can not be conducive to the good of the service in general to have two such Government establishments occupying identically the same field at one and the same time—

There he says "identically the same field."

Mr. CURTIS. Mr. President, are the two bureaus referred to in the Department of Labor?

Mr. BRYAN. The Bureau of Labor Statistics is in the Department of Labor. The Public Health Service is under the Treasury Department.

Mr. LANE. I should like to ask the Senator which bureaus he refers to as overlapping? Does he refer to the Public Health Service and the Bureau of Labor or the Children's Bureau?

Mr. BRYAN. I will read it again. He is making a general statement now, and says:

> It can not be conducive to the good of the service in general to have two such Government establishments occupying identically the same field at one and the same time, and it would appear that in so far as the functions of the Public Health Service relate to labor and its conditions, as is the case with reference to occupational diseases, they should be correlated and coordinated with those of the Department of Labor. In their medical or scientific aspects occupational complaints should doubtless be within the field of the Public Health Service, but just as certainly they should be within the jurisdiction of the Department of Labor in their industrial bearing, this phase of the matter being popular rather than scientific, and tending to promote the welfare of the wage earners who are or may become subject to ailments peculiar to certain trades and occupations. The logical conclusion is that neither branch of the public service should be in absolute control with reference to investigating them and publishing the results. The concluding recommendation in this report will, if adopted, prevent any harmful overlapping of functions and result in the utilization to the fullest extent of all such information and data that may be gathered for scientific and other purposes, so far as the same is useful in its more popular aspects.

Now we come to this:

> Another relationship, somewhat along the same line, exists with reference to the parallel activities of the Public Health Service and the Children's Bureau. The nature of this overlapping in the same fields of endeavor is of such a character that there is practically no limit to the duplication and resultant likelihood of confusion, unless there is complete and harmonious adjustment of the respective activities.
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> Under the terms of the statute authorizing the establishment of the Children's Bureau (act approved Apr. 9, 1912, 37 Stat., 79) it is especially directed to investigate the questions of infant mortality, the birth rate, dangerous occupations, and accidents and diseases of children. The authority to investigate these same matters is likewise vested in the Public Health Service by the act approved August 14, 1912 (37 Stat., 309), which broadly covers the entire field under the term "diseases of man." As previously indicated in another connection, the function now under discussion is exercised by the Children's Bureau in a popular sense rather than from a medical or scientific viewpoint, but the means of attaining the respective ends necessarily lie along the same lines, and, as in the case of the contact between the Public Health Service and the Bureau of Labor Statistics, and between the latter and the Children's Bureau, there should be absolute and positive means of preventing harmful overlapping of effort, and securing to all concerned the benefit of cooperative work in a movement which, up to a certain point, occupies a common field of investigation.
>
> Still another relationship of the Public Health Service to the Department of Labor is found in the work of medical inspection of aliens under the immigration laws (act approved Feb. 20, 1907, 34 Stat., 898, sec. 17).

The Secretary proceeds to give instances of duplication after duplication in the work of the department. Now, the Health Service, which is under the Treasury Department, is doing this work, and issuing the same kind of pamphlets. That is not unusual, and it is not confined to these two bureaus, one in the Treasury Department and one in the Department of Labor occupying the same field; many illustrations of the same thing can be found.

Here is the Yearbook for 1914, issued by the Department of Agriculture, is an article on "Clean water and how to get it on the farm," by the Agricultural Department. In the Treasury Department the Public Health Service issued a pamphlet entitled "Good water for farm homes"—an absolute duplication of work.

Here [exhibiting] is a bundle of pamphlets prepared and issued by various departments, showing the same condition to exist. That is what Congress had in mind when it directed the Secretary of the Department of Labor to submit to Congress a statement, such as the one from which I have quoted, pointing out duplications.

It seemed to the committee that there was no use of having the same work done by two separate bureaus. If Congress is going to assign this work to the Children's Bureau, it had better take it away from the Public Health Service; but certainly there ought not to be work right along the same line done by two different bureaus.

I understand that the Senator from North Carolina [Mr. OVERMAN], in view of this situation, proposes to offer an amendment before this bill is finally voted upon authorizing the President to investigate thoroughly into this question. Over a year ago the Committee on Appropriations, through the Bureau of Efficiency, began an attempt to eliminate this duplication of work, which confessedly exists now.

The amount asked for in this amendment is practically to enable the Children's Bureau to double its office force and to employ people to stay here in Washington, not to go about in the country to investigate children's diseases in the homes of the children, but to write learned pamphlets upon how those diseases can be prevented.

I have no doubt it is good work, but I have no doubt either that there are other pamphlets bearing upon the same subjects, probably equally as valuable, arriving at the same results, and giving the same instruction, issued by two or three or four of the departments here in Washington, not only upon this subject but upon many other subjects.

The committee has thought it wise not to continue this duplication at this time by retaining an item placed in the bill on the floor of the House without the recommendation of its Committee on Appropriations, which thoroughly investigated this question. I state to the Senate—and the House hearings will bear out the statement—that the increased clerical force which it is proposed to establish will be set up here in Washington, and only those designated as field agents, of which there are five, I think, will leave the city. That is the matter to which most of this day and a great part of yesterday has been given up. There will be only, I think, five employees who will leave Washington to go over the United States. The Senator from California [Mr. WORKS] has pointed out that the States have health departments. I can see that it would be a benefit to them to have the results of the investigations of experts sent to them, but I do not think five employees outside of Washington are going to be of very much benefit to the boards of health in the various States. Now, I yield to the Senator from Oregon.

Mr. LANE. Mr. President, if the Senator will allow me to have possession for a few moments of the documents from which he quoted, I will promise him to return them. I would like to analyze them and would like also to see the report of the Secretary of Labor.

Mr. BRYAN. Very well. I hand them to the Senator.

Mr. LANE. Mr. President, this is a simple matter. There is not one of the diseases mentioned in these pamphlets which comes under the jurisdiction of the Children's Bureau. One of the pamphlets is entitled "Malaria; lessons in its cause and prevention." That is purely a medical subject. I want to say before I go further that for a few years I was a member of the State Board of Health of the State of Oregon, and I know pretty thoroughly what the duties of the bureau which operated under us were. I was appointed by my colleague [Mr. CHAMBERLAIN] when he was governor of the State.

Malaria is due to a germ deposited by a mosquito. A member of the Children's Bureau would know nothing about its presence in the blood. It takes the work of a skilled microscopist and an analysis of the blood by a pathologist in order to ascertain the presence of the germ which causes malaria and which is transmitted to the human body by a certain species of mosquito. So investigations in regard to that disease are purely a medical function, and the Children's Bureau would have nothing whatever to do with it except to notice perhaps in their journeys around the country that a certain child or a number of children in a certain community were below par apparently in their physical condition, and then refer the matter to the health bureau to ascertain the cause of it. That bureau could then undertake the work in a manner which would enable them to ascertain the cause and to provide a remedy.

Another one of the pamphlets is entitled "Heat and infant mortality." That is a topic which is familiar to almost everyone. Physicians make reports to the health bureaus upon its effects upon foods, and so forth, during years when it is causing an excessive death rate.

Another one of the pamphlets is headed "Scarlet Fever: Its Prevention and Control." There would not be a member of the Children's Bureau allowed on the infected premises in the case of a disease of that kind. It would be against the law to enter the premises, and the person making the effort would be subject to arrest and fine if he or she attempted to make any investigation on the premises where the disease existed, for it is a highly infectious and dangerous disease, and the house where it is found, the members of the household, the nurse, and, of course, the child that has the disease are quarantined, and everybody else is forbidden to enter. Furthermore, it is rather a difficult disease at times to diagnose. It is hard to tell the difference between scarlet fever and measles and German measles or smallpox and other diseases of an eruptive character in their early stages.

In the same way the most infectious of known diseases is measles. Let there be measles in a house, and a child a quarter of a mile from that house may get it, because of the wind carrying the germs. The Children's Bureau would not be allowed on the premises in a case of that disease. They know nothing more about it than any ordinary citizen. It is also at times hard to diagnose, and yet it causes more deaths than any other children's diseases, not directly always, but because of its sequelæ—deafness, inflammation, and the production of pus in the mastoid cells behind the drum of the ear, for instance, which is a very dangerous disease.

Whooping cough is another disease which almost anyone can diagnose, but it is quarantined against, and in the case of that disease an agent of the Children's Bureau would not be allowed upon the premises, and that bureau would probably never have its attention called to it, except incidentally, when one of its employees might see a white flag floating from the front of a house, just as a red flag would indicate scarlet fever, a green flag measles, and a yellow flag smallpox.

Poliomyelitis, infantile paralysis, which has caused so many deaths, and which is so horrible in its effects, leaving children crippled and wretched all their lives, is a disease which should be purely under the care of scientists. They are now investigating it, trying to find the cause of it, and hunting all over the world for a remedy. The Children's Bureau would have nothing to do with it, nor would it have any means of making an investigation, nor would it be able to diagnose it if its inspectors saw it; how infectious it is we do not know at this time. The work of the two bureaus is distinct and separate, and the needs of the community are for both.

The representatives of the Children's Bureau go about, or should do so, investigating the general condition of children as it exists in different communities. They notice the general condition, and where it is within their ken, within their knowledge, they suggest, if there is a diseased condition, that the parents consult the board of health or their family physician or anyone who is particularly qualified to treat and handle the subject, to care for it, and therein is where they do good. The physician, the bureau of health, is kept busy making these diagnoses. In diphtheria every throat must be examined; specimens must be taken every day from the individual's throat and tested under the microscope, after breeding the germs which produce it, which work can not be done by the Children's Bureau.

Now, it is possible—and I do not gainsay it, for the reason that I do not know—that they are hiring too many clerks. But to the extent that they are doing their duty—and to that they should be confined—they are valuable to the community, and the bureau is of value. Their work does overlap in a way, and in a way they should work together and in harmony. They are necessary the one to the other, the one to bring the attention of the other bureau to the needs of the individual cases and to what is going on in a certain community; but we need the help of all of them if they do their full duty. The community needs it. We are paying the price in loss of life because we have not done more of it in the past.

You noticed here a while back, judging from all the talk we had upon the subject, that there was trouble down on the Mexican border; and we wanted to get men to go down there, volunteers and others, to help defend this country from inroads and raids made upon it by an irresponsible lot of Mexicans. Up to this time this Nation has been unable to secure enough volunteers to meet the call that was made upon them by the President. After a while the day will come when you will want to defend your property rights in this country. The lives of the children do not appeal very strongly to you, or to some of you, now, I notice. I will not say "you"; I do not wish to say anything unkind; but the people will want their property protected, and they will want men to do it, and they will want good, healthy men that will fight and are not afraid to go into a trench. They will not want, and we do not want, nor do we need, a lot of weaklings who can not or will not fight, for the very existence of the Nation may depend upon them. If you want such men, and healthy women to be mothers of such men, the Government must take a deep interest in their welfare when they are children, from the day they are born until they reach maturity, to surround them with conditions which will permit them to become healthy, strong, able-bodied men and women, and not a lot of weaklings. Babies that have been starved make adults who lack vitality and unfits them for even the ordinary walks of life, let alone the life-and-death struggles brought about by war.

Sixty-five per cent of the people of this country do not own the homes in which they live. They have no incentive, no sense of duty, to go out and fight to protect either your property or my property in which they have no interest, nor can they feel a patriotic sense of duty, for that matter, toward a country which neglected them in the most helpless period of their lives.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption at this point?

Mr. LANE. I will.

Mr. CLAPP. I have been necessarily out of the Chamber a good deal this afternoon, and the matter I have in mind may have been covered by the discussion; but as I understand the Senator, the function of the Children's Bureau does not in-

clude the ascertainment of the matters that are contained in the several reports of the United States Public Health Service submitted by the Senator from Florida [Mr. BRYAN]. Is that right?

Mr. LANE. Well, it may be the duty of the Children's Bureau to call attention to some of them.

Mr. CLAPP. But it is not a medical bureau in any sense?

Mr. LANE. In no sense whatever.

Mr. OVERMAN. I should like to know what the Children's Bureau has to do, then.

Mr. CLAPP. To what extent, if any, is the medical profession employed in, or to what extent does it constitute a part of, the Children's Bureau?

Mr. LANE. To no extent whatever.

Mr. CLAPP. That was my understanding of it.

Mr. LANE. It has nothing whatever to do with it, except incidentally. If there happens to be an outbreak of typhoid fever in a community, or in some section of a community, or in some State, it then becomes the duty of the Health Bureau to ascertain the source; whether it is from the milk—it is always due to something taken into the alimentary canal—whether the water is impure, or some food supply, some vegetables, are infected, and to give notice to that community, and to set about to remedy it; and they have the power to do that. Of course, if the Children's Bureau ascertain that there exists a diseased condition before the attention of the Health Bureau is called to it, necessarily it would be their duty as good citizens, as ordinary humane persons, to call attention to it—to call the attention both of the public and of the Health Bureau to a condition that is killing off children or adults.

Mr. CLAPP. But not to deal with it from the medical standpoint?

Mr. LANE. Not to deal with it from the medical standpoint in any manner whatever.

Mr. OVERMAN. Mr. President, they say that with this $72,000 they want to employ 57 clerks in Washington. That is what they want the money for.

Mr. LANE. Well, Mr. President, they may need them. If they do, they are entitled to have them. If they do not need them, they should not be allowed them.

Mr. OVERMAN. That is the point.

Mr. LANE. That is all there is to it. That is the answer to that query.

Mr. OVERMAN. They propose to send five agents abroad, which would be fair, and the balance of this $72,000 is for clerks in Washington. They have 76 clerks already, and they say they want 57 more clerks in Washington. These clerks in Washington are clerks of class 3 and class 4 and other classes—stenographers and typewriters and messengers. They will not do any work at all, unless they have plenty of work abroad, unless it is to write pamphlets or something like that. The committee could not see why we should refuse to give additional clerks to any other department and give these 57 clerks to this bureau. We want to be consistent all along, and we do not want to do anything to cripple this bureau at all. We propose to give them the same amount of money to carry on their work that they had last year; that is all. They, however, want 57 more clerks here in Washington. That is what the money is asked for.

Mr. LANE. It may be, Mr. President, that they have the same appetite for clerks that the Members of the Senate have. May be they have caught that disease from us.

Mr. OVERMAN. That is right.

Mr. LANE. Of course, Washington is filled with clerks, and every department is loaded with them, and it may be that they are asking for more clerks than they are entitled to; and if they are that should be curtailed. The number of clerks should be cut down. But, as a general proposition, it is possible that they actually need these clerks for sending out information or making visits or writing communications containing instructions on the proper care and management of home affairs and the welfare of children which may become known to them and not ordinarily called to the attention of the Bureau of Health.

If they need them for such purposes, to the extent that they do need them they ought to be allowed to employ them; but several Senators have remarked here that the work of the Children's Bureau and the work of the Bureau of Health are identical. That is a mistake. They are confusing the subject. The members of the Health Bureau are kept busy analyzing sputum and all manner of disease products—cast-off products of disease—in order to ascertain what is the actual cause of the disease, and what the actual disease is, and with other duties of a specific character. They have their men at work at all times. The Children's Bureau, on the other hand, as I say, are looking out for the general welfare of the children, which the Bureau of Health do not have time to attend to, and are not to be called upon to do, except as it comes to their notice, and then they act.

I have done too much of this work; I have been connected with it too long not to realize its value. I have had opportunity to know something of it, and I never had an idea that anyone could possibly connect the two departments as duplicates. They do, and should, correlate and work together; and if they overlap it should be the duty of the Secretary of the Treasury, if you please, and the Secretary of Labor to sit down together and, taking members of each bureau, place the work where it properly belongs, so that they may not work out of harmony. We meet with duplications of work every day in all of the affairs of the Government—one department encroaching upon another, duplication of work. That should be abolished. But I would be averse to coming down with a harsh hand upon a bureau which holds within its power, if it does its duty, the very fate of the Nation and future generations. I should be reluctant to begin strict and rigid economy with that bureau until after I had gotten my hand upon a lot of useless expenditures, amounting in the aggregate expenditures of this Nation to 40 cents on the dollar—not $72,000 nor $100,000, but hundreds of millions—with the affairs of the people neglected and inequality and injustice visited by the very Government itself upon the mass of the people of the country.

We are going to build up no nation which will last in the history of time, no nation which can properly defend itself from aggression, until we turn about and begin to take interest in the very least of our citizens, and follow them from their cradles to their graves with the ordinary, reasonable care which they deserve at the hands of a government which rules over them. There will be no army of volunteers to defend it in time of need upon which to rely, and you will drive them into the trenches with bayonets in their hands to fight back with, perhaps.

Mr. CLAPP. They will not be worth driving, either.

Mr. LANE. No; they will not be worth driving. As I said yesterday, we do not want a condition of affairs in this country where the down-and-out class of men who have nothing to eat are forced to sell the blood out of their veins to some gentleman who has been eating too many $500 dinners, perhaps, to save his life, which is of less value or of not greater value to the country, perhaps, than the other man's life—blood at, say, $25 a pint. We do not want citizens of this country who have to sell their blood for a living, if we can avoid it—no! The present market price for human blood is too cheap, and the lives of babies are also held too cheap, and they have always been held too cheap, whereas the price of other more material things has been too high.

It would be better to cut expenses somewhere else. I would give the Secretary of the Treasury instructions, and the Secretary of Labor, and the head of the Health Department to get together, in consultation, to devise a means to remedy any overlapping, and to pare expenses down to where they properly belong; but I would not let one baby die if it could be prevented. They die by thousands from neglect, not after they get into the hands of the Health Bureau and the physicians, but before. They are forced into their hands when it is too late to save their lives.

Did you ever see a starving baby, a baby that was starving to death? I have seen a baby three months old that only weighed three pounds, and you could put it into your pocket. When a baby is dying of starvation the skin shrivels and sinks back onto its bones, and the wrinkles come over it until it looks like a mummy that has been dead 4,000 years—the most pitiful looking, little old, withered object, with brown skin, that you ever laid your eyes on. It is too late to save it then. I have seen others, by the dozen, that have been starved until they could hardly digest a particle of food, picked up, built up, tenderly nourished, until they became one of the most rosy-cheeked children going to school, and I have followed them in their life history on to high school, and I have seen them since they have had children of their own. I know them, and I know what it means to a child to take it at a critical time, with motherly care and good food and under the advice of a sensible physician, or if it is necessary the board of health, and build it into a citizen of whom the country may be proud. But the little graves lie by thousands and hundreds of thousands on the other side of the line.

I would not stint here. I would be a little generous here; but next year I would make them come with the facts, the actual facts, so that we could be just without being generous.

Justice is all that the people need, all that they are entitled to. Children are so helpless, a baby is so helpless that it always appeals to me. I could with much pleasure do things to some full-grown people whom I know, but not to a child—not to a helpless child.

Mr. GALLINGER. Mr. President, will my friend, the Senator from Oregon, permit me to ask him a question?

Mr. LANE. I will.

Mr. GALLINGER. We all bow to the Senator—I certainly do—in knowledge of medical matters. I have listened to the Senator's picture of the starving baby. Mr. President, a baby usually starves because it does not digest and assimilate its food. What can the Children's Bureau do for a baby of that kind? It is in the hands of a physician and a nurse and the mother.

Mr. LANE. Most of those children die of intestinal and acute digestive troubles. They die for the reason that they have not been fed cleanly or properly from the beginning of their lives, until their stomachs and alimentary canals become unable to digest the curd in the milk of a cow. You can skim the milk of a cow—they do it in Germany—take off the cream, and by certain processes of treatment, with one or two slight chemicals added to it, produce a substance which is as hard as ivory and makes a better billiard ball than ivory—makes the finest knife handle in the world—better than bone. Here is one of them in my hand. A baby can not digest it.

Mr. GALLINGER. Mr. President, I bow again to the Senator's superior knowledge; but at the same time some of the rest of us have reared children, and some of us have treated children. I want to ask the Senator in all good conscience, when a baby of that kind, refusing to digest and assimilate its food in the hands of a competent physician, a nurse, and a mother, can not be relieved, what can an expert or a clerk or a field examiner of the Children's Bureau do for that baby?

Mr. LANE. Mr. President, when they get so badly off as that under the fostering care of a physician who will allow them to be fed on that kind of a diet, I will acknowledge that very little can be done for them. They die by thousands, and the doctors have slain their thousands by improper methods of feeding. I am willing to concede it.

Mr. GALLINGER. Mr. President, I want to say a single word.

I voted against the original appropriation for the Children's Bureau because at that time it was demonstrated that we had made a large appropriation for the Department of Labor, and the very questions involved in the bill that is before us were under investigation at that time. I was misunderstood as to my purpose in casting that vote, and I paid the penalty, so far as it could be inflicted upon me, by misrepresentations that were scattered broadcast over my State. Since then I have voted for appropriations for this bureau, recalling the fact that when it was established we were told that the $25,000 we appropriated would probably be sufficient to carry it on, and we have increased that by six or seven fold up to the present time.

I am not very clear in my mind as to the proposed appropriation that the committee has recommended shall be stricken from the bill. I have in my hand the fourth annual report of the Chief of the Children's Bureau, a most estimable woman, who perhaps knows more about children than most women who are not mothers do, and I notice that they want to increase their staff by 57 persons. They say that their staff to-day is 76 persons. The appropriation has been $164,640; but they recommend an increase of 57 persons in the staff, making the total staff now requested 133 persons; and an increase of $187,520 in the appropriation is requested, making the total requested appropriation $352,160.

It is possible that that amount of money can be well expended by this bureau, but when we stop to reflect, as the acting chairman of the committee has pointed out, that this added appropriation is largely for the purpose of giving them an increase of 57 persons to work in the office, wherever it may be, in the city of Washington, it raises a query in my mind as to the desirability or necessity of it.

In looking over this report it occurs to me that this bureau are engaged in some activities that they might well lay aside. For instance, one of their great activities seems to be to establish a "national baby week." They are sending out publications, and doubtless are writing thousands and thousands of letters, trying to arouse people to the necessity of having a baby week not only in the cities—I believe a few cities have succumbed to their appeals—but a national baby week. That does not appeal to me as a very desirable thing. It does not appeal to me that we ought to appropriate money for that purpose.

Under the head of "National baby week," the bureau say that they have prepared a pamphlet entitled "Baby Week Campaigns"; but concerning the work in this direction they further say:

> There are many million fathers and mothers in the United States, including many of the best educated fathers and mothers, who have never read a statistical table, and never will; yet hidden within the figures of the bureau's reports on infant mortality, the reading of which they will successfully evade, the stern facts about the dangers which beset American babies can be found.

So, admitting that millions and millions—I do not know how many millions—but millions upon millions of intelligent fathers and mothers refuse to read their publications about "baby week" and about babies, yet they are continuing to publish them, and sending them broadcast over the country, actually duplicating the work that the Public Health Service and our boards of health of the several States, to a very considerable extent, are doing.

Mr. President, there is a very large duplication of work. I do not know whether we ought to put it all in the hands of the Children's Bureau or not; but it is evident to me that we ought not to be making appropriations for the Public Health Service, for the Department of Labor, and also for the bureau which is now under consideration. The duplication of work in this direction, however, is not the only duplication that we have under our present system of Government. It is really a condition of things that ought to be corrected in some way.

It seems to me, Mr. President, in view of the fact that some of us are trying to economize, that the committee should be sustained in this matter. If I were as much of a partisan as I am credited with being in certain quarters, I would be in favor of the most liberal and profligate expenditures, so that our good Democratic friends might have more trouble in the near future than they have now in evolving a method of meeting the impending deficit in the Federal Treasury. But by nature I am something of an economist, and I do not want to waste money, even though it might make some trouble for my political opponents.

Mr. President, the committee of which I chance to be a member have looked this matter over carefully. They have not taken any snap judgment about it. They discovered that the committee in the House of Representatives—if I may be permitted to refer to that—reported a bill giving this bureau the same appropriations that they had last year; and those appropriations were pretty liberal. They were six or seven times the amount that was originally appropriated for this bureau. They gave them 76 persons and an appropriation of $164,640.

When the bill came to the floor of the House of Representatives—and I presume I can properly refer to that, because it is a matter of public record—a motion was made to increase the appropriation. That body, as we sometimes do here, legislates with a very small proportion of the Members present, and the increase was put on the bill. It came to the Senate. The Committee on Appropriations looked it over very carefully, and in their judgment it was deemed wise to give the bureau the same amount of money that it had last year. Inasmuch as this is a time when we are refusing added appropriations in other departments and bureaus of the Government; when we are denying, or an attempt is being made to deny, a little additional help to the underpaid employees of the Government in the departments; when we are cutting salaries to the bone so far as we can, the committee thought it was wise, and not parsimonious or niggardly or hostile to the bureau, to hold the appropriation where it was last year.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. With pleasure.

Mr. KENYON. Inasmuch as the Senator has referred to the action on this matter in the House of Representatives, I assume it must be in order. I will ask him to state, if he will, the vote on this matter, if it would be proper.

Mr. GALLINGER. I will say frankly that I do not know what the vote was.

Mr. KENYON. The Senator will agree, then, will he not, that the vote for this additional appropriation was overwhelming?

Mr. GALLINGER. I do not know. I have not examined it. I took the fact from the statement made by the acting chairman of the committee. I have not examined the debate or the report. But, however that may be, Mr. President, we are charged with a duty here that we can not shirk; and disclaiming absolutely any other feeling than one of warm interest in this bureau and a desire to have it properly sustained by adequate appropriations, it does seem to me that this is not quite the time, nor do I believe there is any urgent need, for almost

doubling the force and almost doubling the appropriations that this bureau had last year.

For that reason, Mr. President, I shall vote to sustain the action of the committee when the question is presented to the Senate.

Mr. WARREN. Let me ask the Senator, does he remember how many years ago this bureau was established? I remember the appropriation of $25,000.

Mr. GALLINGER. Perhaps the acting chairman of the committee can state the date. I do not have it at hand.

Mr. OVERMAN. I remember the Senator from New Hampshire and I both fought it because we thought it would be a duplication of work, and it turns out that that has been the case. The appropriation then was $25,000. It must have been six years ago.

Mr. GALLINGER. I think it was about six years ago.

Mr. BRYAN. It was in 1912.

Mr. GALLINGER. It was about five years ago.

Mr. WARREN. That justifies my remembrance. It seems to me that the bureau started in that way, and it was furnished with an increased appropriation as fast as they could properly assimilate it and use it with good economy. With all fealty to the object that was started and proceeded with, it seems to me we had better go a little too slow than a little too fast, especially now when we are short on money and long on appropriations.

Mr. GALLINGER. Mr. President, I was interested to-day in the suggestion made by the Senator from Iowa [Mr. KENYON], whose great interest in this subject I recognize and appreciate, when he called attention to the fact that they were protecting hogs in certain parts of the country. It reminds me of what we hear frequently in this Chamber when some appropriation, it may be small in amount, is being discussed for some humanitarian object; we are twitted by certain Senators with the suggestion that we made an appropriation of a large sum for the purpose of suppressing hog cholera. But when that statement is made it is never coupled with a statement as to the large amount of money, the hundreds of thousands of dollars, we are appropriating every year to the Public Health Service and to other activities in that direction for the care of human beings. We have not been parsimonious in that regard, and not any of us, I am sure, put the interests of property in live stock, cattle, and hogs, and horses above our interests in the men and women and children of the country. I have always voted for very liberal appropriations for the Public Health Service and all activities of that kind. I shall always continue to do that, and I shall certainly not be other than mindful of my duty so far as the Children's Bureau is concerned, because I believe it ought to be sustained and that it ought to have the sympathy of all of us. But when it comes to almost doubling up the force of that bureau at a single swoop and almost doubling the appropriation at this particular time, I do not feel, Mr. President, that either my duty to myself, to my constituents, or to the children of the country warrants it.

Mr. HOLLIS. Mr. President, I hope that what I shall say on this subject will not be considered in any way as a reply to my distinguished colleague [Mr. GALLINGER] or being due to a desire to engage in any controversy with him on this subject. I rose at the same time he did, intending to speak, but was very glad to yield precedence to him.

I realize, as the other Senators do, that the Committee on Appropriations have a very disagreeable as well as important task to perform, and they must act conscientiously; they must at times appear unsympathetic and a little hard-hearted toward appeals that are made to them. But possibly the fact that they have served frequently in that capacity and have grown used to denying appeals has made them seem a little callous to those of us who do not have to put the brakes on.

I made some remarks yesterday and the day before with reference to the appropriations for the Farm Loan Board. That complaint was not addressed to the functions that the committee were performing in supervising the expenditures of the Farm Loan Board. My remarks were addressed more to the fact that the committee had undertaken to put the brakes on that bureau before it had gotten fairly started and before the Committee on Appropriations could have sufficient information to act intelligently.

But this particular matter, the care of babies and children, is not, as my colleague says, one that does appeal in all its aspects to men. The mere mention of the term "baby week," the fact that they have in this country a baby week, is rather calculated to provoke a smile on the faces of men; and it is because the women of the country want to have child welfare more particularly under their direction, where it will be sympathetically treated as well as systematically treated, that they come here and ask us to allow them to continue the baby work and to continue it in their way.

The other department that is dealing with it is the Treasury Department, a place where they deal with hard facts and hard cash, and women can not expect to get a sympathetic handling of this important matter through the Treasury Department.

It is asked what good all this investigation does. My attention was arrested this afternoon during the remarks of the Senator from Iowa [Mr. KENYON] by something that was said here in the Chamber by Mr. Lunn, of Schenectady, N. Y., who has been just elected to Congress and has the privileges of the floor. He asked what subject was up. He was informed, and then he told what they had done in Schenectady themselves. The mortality among the babies of Schenectady in 1912 was 137 per thousand.

The city took up that work itself and after investigating and applying remedies and incurring an expense of only $5,000 in four years the infant mortality was reduced from 137 per thousand to 76 per thousand, almost cut in half. Now, Schenectady has an enlightened and a progressive mayor and the city did this work for itself, but other cities, I will not say in any other part of the country, I will say in that part of the country, can not all be depended upon to look into these things for themselves, and that is one function of the National Government in these days.

I was impressed this afternoon to see that the one Senator who talked on State's rights was on the other side of the aisle. That brought to my mind the thought that the men who are asking for a strict construction of the Constitution and for State's rights as opposed to a centralized Government will usually be found in the minority opposed to those who are undertaking to do things. I think likely the historical alignment of the two great parties in this country came from the fact that it was the Federalists who first controlled and the opposition centered about strict construction.

However, I am not afraid of too much investigation on this subject. It is one that men do neglect; it is one we do not know about. We do consider it a woman's work to know about children and children's diseases.

It is only recently that children have come to be regarded as a national asset, instead of a burden. A healthy, strong, promising child is an asset; a puny, weak, sickly child is a burden to the community if not to its parents; and anything we can do here to direct the best thought of the Nation toward the children's movement will be attention well bestowed.

I was engaged last summer and fall in the West for several months in what I considered to be public work, and I was there brought in touch with the great western progressive movement, especially on the part of that body of fine women in Chicago who have done so much in school work and industrial work and in child work. I found that the one thing the present administration has done which appealed most strongly to those women and to the progressive spirit was the retention of Miss Julia Lathrop as the head of the Children's Bureau, and the very encouraging support the administration had given to that bureau. I was not aware of it before. I do not know where the Children's Bureau is in the city, but I think I am at fault for not knowing; I could easily find out. I was at fault for not knowing that the Children's Bureau is now conducting very important investigations in one of the cities in my own State.

It is the duty of the Committee on Appropriations to point out duplications. None of us want money spent extravagantly, and the committee have performed a service in calling our attention to it here to-day. I can not conceive that the heads of two departments will permit in the future duplications of this sort to continue. But so far as selecting between the Treasury Department to look after the welfare of children and the Children's Bureau under the direction of this philanthropic, wise, and intelligent woman, I think we should support the House provision and vote down the Senate committee amendment.

Mr. KENYON. Mr. President, so much has been said this afternoon about duplication that I desire to have read and placed in the RECORD a memorandum from Miss Lathrop covering, I think pretty clearly, that question. I ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

RELATION BETWEEN THE CHILDREN'S BUREAU AND OTHER GOVERNMENT BUREAUS WITH THE PUBLIC HEALTH SERVICE.

When the Children's Bureau began operations in the autumn of 1912, I called upon the head of the Public Health Service to make sure that there was no duplication of work on the part of the Children's Bureau. I explained the bureau's purpose to undertake a study of the social and economic factors surrounding infant mortality. I was assured by the head of the Public Health Service that such a study had never been

made, and that it would be valuable, and that the Public Health Service had no purpose to undertake it. It was also fully explained in the beginning to the Public Health Service that the bureau purposed publishing a series of popular pamphlets upon the care of children, beginning with one upon prenatal care. It was my distinct understanding that into this field of popular instruction the Public Health Service had no purpose to enter and cordially approved the work of the Children's Bureau. Cooperation was offered, and the pamphlet upon prenatal care profited by the advice of the Public Health Service. This subject was further discussed between Mrs. Max West and Dr. Kerr, of the Public Health Service. I append a memorandum made on October 29, 1912, which shows the attitude of the Public Health Service at that time.

A year later I learned by chance that the Public Health Service had in proof a popular pamphlet upon the care of babies. As the pamphlet of the Children's Bureau on infant care was then well under way, was much fuller than that of the Public Health Service, differed in presentation, and formed part of the series originally discussed with the Public Health Service, it was published as planned.

As a matter of fact, the call for this type of literature is so great that the Children's Bureau publications, and those of the Public Health Service jointly, are not sufficient to meet the demand. The regrettable circumstance is that it should be made to appear that the Children's Bureau deliberately duplicated work undertaken by the Public Health Service, when in fact, although the subject was especially assigned to it by law, the Children's Bureau undertook no work without the fullest consultation with the Public Health Service, and the assurance that the Public Health Service had not done and did not purpose to do the same work.

WITH THE PUBLIC HEALTH SERVICE AND THE BUREAU OF EDUCATION.

It should be noted, however, that a successful piece of cooperation had been carried on between the Public Health Service, the Bureau of Education, and the Children's Bureau. In a study of the feeble-minded in Delaware, in which the three bureaus have joined with the Delaware educational authorities, the Children's Bureau has made the social and family studies of the feeble-minded. The Public Health Service has furnished an expert for the mental examinations. I can not see how work could be more economically done. The Children's Bureau has never attempted to establish a service of medical experts upon feeble-mindedness. On the other hand it has a competent service of field agents. In this connection I inclose a preliminary summary of part of the Delaware report.

WITH THE CENSUS BUREAU.

The special statistical inquiries of the Children's Bureau are necessarily based upon census figures, and the bureau is under great obligation to the census authorities for invaluable cooperation. At the suggestion of Dr. Wilbur, vital statistician of the Census Bureau, the Children's Bureau has carried on in cooperation with the census for the last three years a continuous campaign for better birth registration in which thousands of volunteers have helped.

WITH THE DEPARTMENT OF AGRICULTURE.

The bureau has furnished large numbers of publications on the care of children for circulation by the county agents of the Department of Agriculture.

Mr. KENYON. Mr. President, I do not myself want to take any more time. I think the debate is nearly finished as far as those who are opposed to the amendment are concerned, but there are one or two Senators who want to speak a little while and they are not prepared to go ahead to-night. I ask the Senator from North Carolina if he will let the matter go over.

Mr. SMITH of Georgia. I hope that will not be done. Surely we have given time enough to this one appropriation of $72,000. Most of it has been used by the opposition.

Mr. OVERMAN. I am informed by the Senator from Missouri [Mr. STONE] that he desires an executive session and when we get through it will be 6 o'clock. I understand the Senator from Wisconsin [Mr. LA FOLLETTE] wants to speak on the pending amendment and perhaps others. Of course, I want to get along with the bill as fast as possible, and I am going to ask the Senate if we can not get through on Monday to have a night session.

Mr. SMITH of Georgia. Will we not have time to-morrow?

Mr. OVERMAN. I understand we meet at half past 10 to-morrow to attend the funeral ceremonies. When we come back it may be 2 o'clock and we will not have a quorum and it will be impossible to get a quorum. A great many Senators wish to accompany the body to Arlington.

Mr. SMITH of Georgia. I suggest that we can finish the speaking to-morrow afternoon whether we have a quorum or not. We rarely ever have a quorum when anyone is speaking. I want to make a short speech myself.

Mr. OVERMAN. I give notice that I shall call up the bill on Monday morning and will let everybody understand that I shall ask the Senator from Indiana [Mr. KERN] or the Senator from Missouri [Mr. STONE] to move an adjournment until 11 o'clock on Monday, so that we can probably finish the bill on Monday.

Mr. KENYON. Will there be no session to-morrow afternoon?

Mr. OVERMAN. That is what I understand.

Mr. KENYON. I merely wish to know the arrangement, that is all.

Mr. GALLINGER. Mr. President, I want to join in the suggestion the Senator from North Carolina has made that we meet at 11 o'clock on Monday. I do not know that I ought to have any anxiety about the legislative program, but the calendar shows that we have practically only five weeks more.

Mr. BRYAN. The Senator misunderstood what the Senator from North Carolina said. The motion has been agreed to that when the Senate adjourns it shall be to meet to-morrow at half past 10 o'clock.

Mr. GALLINGER. I am merely speaking about Monday morning.

Mr. BRYAN. The suggestion is that when we adjourn to-morrow we adjourn until 11 o'clock on Monday.

Mr. OVERMAN. That is understood.

Mr. GALLINGER. It is a mere suggestion made by the Senator from North Carolina, I will say to the Senator from Florida, in which I join, that we meet at 11 o'clock on Monday and try to get along.

Mr. STONE. Under the resolution presented by the Senator from South Carolina [Mr. TILLMAN] this morning we are to adjourn until half past 10 to-morrow.

Mr. GALLINGER. Yes.

Mr. STONE. And then the Senate will take a recess to attend the funeral ceremonies in the Rotunda. I suppose after the ceremony is concluded that the Senate as a body will return here. The Senator from North Carolina in charge of the bill in talking with me about it suggested that when the Senate returns to its Chamber to-morrow an adjournment shall be taken until Monday at some hour; I mean that there shall be no business done to-morrow afternoon.

Mr. GALLINGER. That is right.

Mr. LA FOLLETTE. There ought not to be a session to-morrow afternoon.

Mr. STONE. At least, the announcement was made that he would not call up this bill to-morrow.

Mr. OVERMAN. Let me say right here the President has issued a proclamation directing that all the departments of the Government be closed to-morrow, and I thought, in accordance with that proclamation, it would be wise not to do business to-morrow afternoon but to adjourn until Monday.

Mr. STONE. Mr. President, I am about to move an executive session——

Mr. OVERMAN. I understand the Senator from Missouri when the Senate returns to its Chamber to-morrow at about 2 o'clock, after a little preliminary business, will move that the Senate adjourn until Monday at 11 o'clock.

Mr. STONE. Either the Senator from Indiana [Mr. KERN] will make the motion or I shall make it.

Mr. OVERMAN. I mean to say that the Senator from Indiana or the Senator from Missouri, when the Senate returns to its Chamber after the exercises to-morrow, in accordance with the President's proclamation suspending public business, will make a motion to adjourn.

Mr. KERN. I think the program as outlined will be satisfactory to everyone concerned.

WATER-POWER DEVELOPMENT.

Mr. MYERS. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate House bill 408, the title of which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The VICE PRESIDENT. The bill goes over as the unfinished business.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 47 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously made, until to-morrow, Saturday, January 20, 1917, at 10 o'clock and 30 minutes a. m.

NOMINATIONS.

Executive nominations received by the Senate January 19, 1917.

UNITED STATES SHIPPING BOARD.

John B. White, of Kansas City, Mo., to be a member of the United States Shipping Board for a term of three years.

This nomination is to take the place of that of James B. White, of Kansas City, Mo., to be a member of the United States Shipping Board for a term of three years, which was sent to the Senate on December 22, 1916, and which is hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 19, 1917.

MEMBERS OF THE UNITED STATES SHIPPING BOARD.

William Denman to be a member of the United States Shipping Board for a term of six years.

Bernard N. Baker to be a member of the United States Shipping Board for a term of five years.

John B. White to be a member of the United States Shipping Board for a term of three years.

Theodore Brent to be a member of the United States Shipping Board for a term of two years.

RECEIVER OF PUBLIC MONEYS.

Arthur J. Ewing to be receiver of public moneys at Coeur d'Alene, Idaho.

REGISTER OF THE LAND OFFICE.

John L. Irvin to be register of the land office at Phoenix, Ariz.

APPOINTMENT IN THE ARMY.

SIGNAL CORPS.

Lieut. Col. George O. Squier, Signal Corps, to be chief signal officer, with the rank of brigadier general.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

To be second lieutenants.

Ernest Leslie Osborne.
Harold Ward Sibert.
Howard Granville Borden.
Thomas Francis Farrell.
Kenneth Swank Jones.

CAVALRY ARM.

To be second lieutenants.

First Lieut. Harley Dagley.
Second Lieut. Charles L. Clifford.
Second Lieut. Gaston L. Holmes.
Sergt. (First Class) George W. Wersebe.
Sergt. Milton Raymond Fisher.
Sergt. John S. Jadwin.
Sergt. Arthur Paul Thayer.
Sergt. Edward Reed Scheitlin.
Corpl. Edwin Allen Martin.
Corpl. Frank Glenister Ringland.
Corpl. John B. Harper.
Sergt. Winchell I. Rasor.
Sergt. Oliver Irey Holman.
Supply Sergt. John James Bohn.
First Sergt. Harry Batten Flounders.
Squadron Sergt. Maj. John Christian Garrett.
Sergt. Grover Robert Carl.
Sergt. Hugh Divine Blanchard.
Sergt. James G. Monihan.
Sergt. Anthony J. Kirst.
Pvt. William Gaston Simmons.
Corpl. Rexford Edwin Willoughby.
Corpl. John Dutcher Austin.
Sergt. John Payne Kaye.
Sergt. Cleo D. Mayhugh.
Corpl. James Washington Barnett.
Sergt. John Charles Mullenix.
Pvt. Ross McCoy.
Robert Chapin Candee.
Joseph Leon Philips.
Kenneth McCatty.
Joseph White Geer.
Edwin Denison Morgan, jr.
Leslie Bryant Cullen Jones.
Kramer Thomas.
James Randlett Finley.
Willard Stratton Wadelton.
Hale Scoville Cook.
John Murray Jenkins, jr.
Beverly Hare Coiner.
Albert Dewitt Chipman.
Arthur Henry Truxes.
Gordon Joseph Fred Heron.
Hugh McNair Gregory.
Oron Allston Palmer.
Stanley Bacon.
Jay Drake Billings Lattin.
Samuel Victor Constant.
William Curtis Chase.
Norman Edgar Fiske.
Donald Octavius Miller.
Richard Dexter Gile.
Arthur Dale Conner.
Wilson Tarlton Bals.
Cyrus Jenness Wilder.
Harold Charles Fellows.
Leander Russell Hathaway.
John Theodore Pierce, jr.
Henry Hill Anderson.
George Macdonald Herringshaw.
Thomas Forrest Limbocker.
Cornelius Martin Daly.
Richard Brogdon Trimble.
Arthur Sandray Harrington.
Frank Lawrence Whittaker.
Philip Hyde Sherwood.
Robert Smith LaMotte.
George Martin Gillet, jr.
James Frederic Dewhurst.
Donald Strong Perry.
Thomas Sprigg Poole.
Frederick Griswold Rosenberg.
Frederick Reid Lafferty.
Carl Humphrey Strong.
Robert Lamar Beall.
Meade Frierson, jr.
Arthur Titman Lacey.
David Wilson Craig.
Edmund Maginness Barnum.
Thomas Abner Dobyns, jr.
John Thomas Minton.
William Tecumseh Haldeman.
Edward Sebring Bassett.
Edward Fondren Shaifer.
George Morris Peabody, jr.
Second Lieut. Howard Charles Tobin.
Second Lieut. John Andrew Weeks.
Second Lieut. Walter Eyster Buchly.
Second Lieut. Harold Chittenden Mandell.
Second Lieut. Lester Atchley Sprinkle.
Second Lieut. Robert Walker Grow.
Second Lieut. Terrill Eyre Price.
First Lieut. William Henry Kasten.
First Lieut. Edwin Rollmann.
Capt. Leon Edward Ryder.
First Lieut. Richard Lawrence Creed.
First Lieut. William Moragne Husson.
Harry Lawrence Putnam.
Roderick Random Allen.
Adolphus Worrell Roffe.
Horace Kostomlatsky Havlicek.
Sergt. Harrie Kincaid Dalbey.
First Lieut. John Warlick McDonald.

INFANTRY ARM.

To be second lieutenants.

First Lieut. Fred McIvor Logan.
Second Lieut. Truman Smith.
Second Lieut. Joseph William George Stephens.
Second Lieut. Adolph Unger.
Second Lieut. Richard Kerens Sutherland.
Second Lieut. Shelby Mason Tuttle.
First Lieut. Robert Graham Moss.
First Lieut. Emil Watson Leard.
Second Lieut. Walter Frank Adams.
Second Lieut. Joseph Nathaniel Greene.
Second Lieut. Sereno Elmer Brett.
First Lieut. Harry Langdon Reeder.
Second Lieut. Jay Edward Gillfillan.
First Lieut. Lester Templeton Gayle, jr.
Capt. Turner Mason Chambliss.
Second Lieut. James Neville Cocke Richards.
Second Lieut. Frank L. Hoerner.
Second Lieut. Joseph P. Vachon.
Second Lieut. Harry O. Davis.
Second Lieut. Floyd Hatfield.
Second Lieut. Earl Landreth.
Second Lieut. Richard T. McDonnell.
Sergt. Harold Preston Kayser.
First Sergt. Basil D. Spalding.
Corpl. Henry J. C. Humphrey.
Corpl. Gordon W. Ells.
Pvt. (First Class) George Lea Febiger.
Sergt. Theodore W. Sidman.
Sergt. Fred Stall.
Corpl. Claud Edward Stadtman.

First Sergt. Mitchell Hilt.
Sergt. John Breckinridge Warfield.
Regimental Supply Sergt. Clarence Ralph Huebner.
Corpl. Harold Gordon Lewis.
Sergt. Frederick McCabe.
Sergt. Morton Lee Landreth.
Pvt. (First Class) Irving Howard Engleman.
Sergt. Clarence Waldo Emerson.
Master Gunner Frederick Joseph von Rohan.
Sergt. Frederick Schoenfeld.
Supply Sergt. Earl Jay Dodge.
Stable Sergt. Paul Joseph McDonnell.
Sergt. Eustis L. Poland.
Corpl. Fred I. Massey.
Corpl. Curtis T. Huff.
Sergt. Paul Hathaway.
Corpl. Clarence Fenn Jobson.
Sergt. Alfred Rickert Hamel.
Pvt. Hardin Cleveland Sweeney.
Sergt. Eugene Manuel Landrum.
Corpl. Arthur Joseph O'Keefe.
Pvt. James Alpheus Anderson.
Sergt. Adelbert Brewer Stewart.
Sergt. William Fenton Lee.
Corpl. Donavin Miller.
Sergt. George W. Teachout.
Corpl. Clarence Raymond Oliver.
Corpl. Frederick William Huntington.
Q. M. Sergt. Howard J. Houghland.
Sergt. Thomas James Griffin.
Mess Sergt. Chester Arthur Davis.
Pvt. Conrad Liston Dennis.
Corpl. Roland R. Long.
Pvt. Arthur Van Dine.
Musician Corday Whitfield Cutchin.
Sergt. (First Class) Charles B. Oldfield.
First Sergt. Charles J. Allen.
Corpl. John Lawrence Dunn.
Corpl. Raymond Wortley.
Pvt. (First Class) William B. Wynn.
Corpl. Louis A. Welch.
Sergt. Schiller Scroggs.
Sergt. Charles A. McGarrigle.
Sergt. Alexander Putney Withers.
Corpl. Orville Emanuel Lewis.
Sergt. Lonnie Hollis Nixon.
Sergt. William Francis Freehoff.
Sergt. Shelby Ledford.
Sergt. Austin Aubrey Adamson.
Sergt. (First Class) Paul Cecil Turner.
Sergt. Charles Madison Crooks.
Sergt. William G. Livesay.
John Frederick Ehlert.
Theron Gray Methven.
Francis Marion Van Natter.
Paul Lewis Ransom.
Rice McNutt Youell.
James Hill Holmes, jr.
Manton Sprague Eddy.
George Noel Ruhberg.
Charles Ellet Moore.
Gabriel Thornton Mackenzie.
Second Lieut. Robert Lincoln Christian.
Second Lieut. William Hampton Crom.
Second Lieut. Leo Edwin Johnson.
Second Lieut. George Rainsford Fairbanks Cornish.
Second Lieut. Delphin Etienne Thebaud.
Second Lieut. George Sheppard Clarke.
Capt. Adolph Charles Weidenbach.
Armand Durant.
Alexander Wood Dillard.
Edward Mallory Almond.
Charles Paul Stivers.
Robert Campbell Van Vliet, jr.
Charles Livingstone Chaffee.
Bohun Baker Kinloch.
Richard Keene Smith.
Percy William Clarkson.
Lee Saunders Gerow.
Stuart Gardiner Wilder.
Harry Innes Thornton Creswell.
Charles Emmet Purviance.
Lloyd Harlow Cook.
John Trentini Bossi.
Charles Timothy Senay.
Egmont Francis Koenig.
Arthur Herbert Goddard.
Peter Kenrick Kelly.
Edward McClure Peters.
James Alfred Edgarton.
Lawrence John Ingram Barrett.
Wendell Howard Woolworth.
John Rutter Brooke, jr.
Frank Lewis Culin, jr.
Daniel Sidney Appleton.
Ralph Emerson McLean.
Ralph Corbett Smith.
Thomas Seelye Arms.
Raymond Duffield Bell.
Archelaus Lewis Hamblen.
William Henry Humphreys.
Paul Whitten Mapes.
Robert Chauncey Macon.
Edward Martin Smith.
Stephen Perry Jocelyn, jr.
John Dunham Townsend.
Henry Higbee Worthington.
George Lester Kraft.
John Singleton Switzer, jr.
James Christopher Cook.
Allen Frederick Kingman.
Abraham Tabachnik.
William Andrew Rawls, jr.
Hamilton Knight Foster.
Constant Louis Irwin.
Willis Edwin Comfort.
Leven Cooper Allen.
Joseph Quesenberry.
Robert Otis Jones.
Oliver Arlington Hess.
Edward Amende Allen.
Carroll Melbourne DeWitt.
Clarence Barnabus Carver.
Jedediah Huntington Hills.
Edwin Eugene Schwien.
Dan Dunbar Howe.
John Eubank Copeland.
John Horace Humbert.
Joseph LeTourneau Lancaster.
David Renwick Kerr.
Everett Grant Smith.
Lyman Sheridan Frasier.
Howard Edwards Hawkinson.
Julius Andrew Mood, jr.
Sidney Sohns Eberle.
Joseph Nicholas Dalton.
Charles Nash Stevens.
James Stanley Bailey.
Henry Cyrus Long, jr.
William E. Lucas, jr.
Victor Parks, jr.
Walter Alexander Pashkoski.
Roscius Harlow Back.
Oscar Fredrick Carlson.
Richard Gentry Tindall.
Roy LeGrand Taylor.
Athael Barry Ellis.
German Wallace Lester.
Seely Bernard Fahey.
Karl Engeldinger.
Francis Artaud Byrne.
Harry Joseph Selby.
Farragut Ferry Hall.
Orville Monroe Moore.
William Henry McCutcheon, jr.
Walter Rayburn McClure.
Charles Edward Speer.
Baldwin Williams-Foote.
Edmund Wilhelm.
George Howland Butler.
Frank Cornelius Foley.
Leonard Russell Boyd.
Withers Alexander Burress.
Arthur Joseph Hoffmann.
Harry Lee Bennett, jr.
Joseph Jerome McConville.
John Cheney Platt, jr.
Thomas Henry Ward.

Edward Hunter Nichols.
Alfred Dorr Hayden.
Melville Weston Fuller Wallace.
Paul Murray Ellis.
Kirk Alexander Metzerott.
Thomas Ernest Mount.
John Porter Pryor.
Jewett Casey Baker.
Robert Byron Moore.
Charles Winship Jones.
Edward Harry Cotcher.
Robert Starkweather Miller.
Paul Nutwell Starlings.
Charles Porterfield, jr.
Beverly Grayson Chew.
Sevier Rains Tupper.
Frank Elmer Royse.
Lawrence Fielding Stone.
Irving Carrington Avery.
Wilson McKay Spann.
James Vernon Ware.
Robert Washington Brown.
James Russell Manning.
Charles Lowndes Steel.

COAST ARTILLERY CORPS.

To be second lieutenants.

Asst. Engineer Frederick Wilmot Smith.
Corpl. Robert Sherman Barr.
Sergt. Charles Joseph Herzer.
Corpl. William M. Cravens.
Electrician Sergt., Second Class, John Boone Martin.
Corpl. Oliver Clyde Stevens.
Asst. Engineer Edwin C. Meade.
Asst. Engineer William Thomas Roberts.
Corpl. Carl J. Smith.
Corpl. Dugald MacAuslane Barr.
Second Lieut. James Donald MacMullen.
Second Lieut. Charles Wright Bundy.
Capt. Charles Douglas Yelverton Ostrom.
Second Lieut. Donald Malpas Cole.
Arvid Marcy Pendleton.
Leslie Vance Jefferis.
Stuart Adams Hamilton.
Howard Francis Gill.
Gerald Robison Butz.
Joseph Warren Barker.
Shuey Earl Wolfe.
Frank Jarvis Atwood.
Carl C. Terry.
Fred G. French.
Edward Aloysius Murphy.
Jep Casey Hardigg.
Dale Durkee Hinman.
George Drummond Davidson.
Robert Edgar Turley, jr.
Richard Bruce Webb.
Moses Goodman.
Kenneth Sinclair Purdie.
Jules Eugene Piccard.
Robert Ellsworth Phillips.
William Robert Stewart.
Edgar Nash, jr.
Vincent Bargmant Dixon.
Wilmer Stanley Phillips.
Edgar Harrison Underwood.
Howard Standish Thomas.
Paul Hills French.
Horace Lincoln Whittaker.
Gordon de Lanney Carrington.
James Quan Rood.
James Lindley Hatcher.
James Cobb Hutson.
Lenox Riley Lohr.
Francis Arnold Hause.
Edward Elliott MacMorland.
Henry Benjamin Holmes, jr.

FIELD ARTILLERY.

To be second lieutenants.

Second Lieut. Sherman L. Kiser.
Second Lieut. Emer Yeager.
Mess Sergt. Marvin Conrad Heyser.
Sergt. Idus Rowe McLendon.
Sergt. Michael Joseph Fibich.
Sergt. Sidney Guthrie Brady.
First Class Sergt. George A. Pollin.
Corpl. David Ephraim Finkbiner.
Sergt. Chauncey Francis Ruoff.
Corpl. Erwin Cobia West Davis.
Sergt. Emile George De Coen.
Private Arthur Noble White.
Sergt. Patrick Lawrence Lynch.
Corpl. Ivan N. Bradley.
Second Lieut. John Jay McCollister.
Second Lieut. Frank Allen Roberts.
John Stevenson Winslow.
Erskine Simpson Dollarhide.
Barnwell Rhett Legge.
Thomas Troy Handy.
Frank Benjamin Tipton, jr.
Stanley Fisk Bryan.
Oliver Lincoln Haines.
Oscar Irving Gates.
Gerald Evans Brower.
William John Jones.
Yarrow Daniel Vesely.
Frederic Charles Dosé.
Charles Benjamin Thomas.
Oliver James Bond, jr.
Robert Hayes Ennis.
Benjamin Estes Carter.
Henry Burr Parker.
Francis Fielding-Reid.
Harold Holmes Ristine.
Edmund Bernard Edwards.
Oscar Louis Gruhn.
Theodore Woodward Wrenn.
Harold Whitaker Rehm.
John Ballantine Pitney.
Clifford Hildebrandt Tate.
Ottomar O'Donnell.
Oliver Patton Echols.
Clement Ripley.
Capt. William Dennison Alexander.
First Lieut. Herbert Leonidas Lee.
First Lieut. Richard Jaquelin Marshall.
Second Lieut. Ralph Townsend Heard.
Harcourt Hervey.
Francis Wilkerson Sheppard.
Robert Whiting Daniels.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Lieut. Col. Winthrop S. Wood to be colonel.
Maj. William C. Cannon to be lieutenant colonel.

FIELD ARTILLERY ARM.

Second Lieut. Clarence E. Bradburn to be first lieutenant.

POSTMASTERS.

IDAHO.

Laura A. Miller, Culdesac.

OKLAHOMA.

W. A. Byrne, Hartshorne.
Mark J. Courtney, Copan.
Jesse W. Haydon, Calumet.
Clark L. Hussey, Tipton.
John M. Lloyd, Bennington.
Robert M. Mountcastle, Fort Gibson.

PENNSYLVANIA.

Edward R. Dissinger, Mount Gretna.
Joseph J. Moylan, Waymart.

SOUTH CAROLINA.

R. A. Deason, Barnwell.

TEXAS.

David C. Broyles, Paint Rock.
Artie M. Shepard, Hale Center.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 19, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Hasten the day, O Lord God Almighty, when men of all conditions and circumstances of life shall strive to live to the highest condition of ethics as woven into the soul, iterated and reiterated in the Book of books, amplified by the great philosophers, seers, and religious teachers of all the ages; that by the rectitude of our behavior Thy kingdom may come and Thy will be done in earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. The Chair announces the committee to attend the funeral of Admiral Dewey.

The Clerk read the names, as follows:

Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. RIORDAN, Mr. HENSLEY, Mr. BUCHANAN of Illinois, Mr. GRAY of Indiana, Mr. CALLAWAY, Mr. CONNELLY, Mr. HART, Mr. OLIVER, Mr. LIEBEL, Mr. VENABLE, Mr. BUTLER, Mr. ROBERTS of Massachusetts, Mr. BROWNING, Mr. FARR, Mr. BRITTEN, Mr. KELLEY, Mr. MUDD, Mr. LOUD, Mr. DALE of Vermont, Mr. GREENE of Vermont, Mr. FOSS, and Mr. KETTNER.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolutions of the following titles:

S. 5718. An act to provide for auxiliary reclamation project in connection with the Yuma project, Arizona;

S. J. Res. 186. Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; and

S. J. Res. 194. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of decorations conferred upon American Army and Navy officers by foreign governments.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD on the subject of decorations granted to the officers of the American Army and Navy by foreign kings, emperors, princes, and potentates. Is there objection?

There was no objection.

SAMUEL UNTERMYER.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, this morning Mr. Samuel Untermyer, of New York, called me by telephone from the Johns Hopkins Hospital at Baltimore, where he is at present, and requested me to present to the House a telegram which he had sent to me last night. Mr. Untermyer is ill, and is leaving to-day for Palm Beach for a two months' stay; and in view of the fact that his name was mentioned in a critical manner in the discussion of the employment of counsel for the so-called "leak" investigation, he is anxious to have a statement made which explains his position. I ask to have read the telegram he has sent me.

The SPEAKER. Without objection, the telegram will be read.

The Clerk read as follows:

BALTIMORE, MD., *January 18, 1917.*

Hon. JOHN J. FITZGERALD,
Chairman House Committee on Appropriations,
Washington, D. C.:

This bandying around of my name on the floor of the House as though I had been seeking a job is no less, and perhaps more, of an outrage than the dastardly action of dragging in the names of public men in the mire on the authority of short-selling gamblers and Wall Street gutter rumor.

Congressmen have immunity from punishment, and have public responsibility; their words carry corresponding weight.

I did not want the place. Nobody ever suggested that I take it, and would not have accepted it except at great risk. Apart from all other considerations I have been and am still ill, and am leaving the hospital here to-morrow for Palm Beach for a two months' stay upon peremptory instructions of my physicians, pursuant to long-since-made arrangements.

I am anxious to see a thorough investigation for the sakes of those who may be proven to have been cruelly libeled. They are helpless against villification that cripples the public usefulness for which they make great sacrifices. That is the sort of thing that drives men out of public life in disgust.

I have just learned of the use that has been made of my name, and will feel indebted to you if in justice to me you will set the matter right for me before the House and the country in return for the effort to reform a public service, at great personal sacrifice, in championing the regulations of the stock exchange so that it will be a legitimate security market, which I believe to be one of our most urgent needs. I have been persistently misrepresented and maligned by their far-reaching press bureau for five years. They have been pursuing me, but I did not expect Members of Congress to swallow their inspired libels. I could have no purpose other than the public welfare, since I have in my life never bought stocks on margin or engaged in any form of speculative transactions. If I had, they would be bound to know of it. My Bethlehem stock has been owned by me for over 10 years.

SAMUEL UNTERMYER.

Mr. FITZGERALD. Mr. Speaker, as there may be further discussion of various phases of this matter, I hope that this statement of Mr. Untermyer will permit his name to pass into oblivion so far as this matter is concerned.

Mr. MILLER of Minnesota. Mr. Speaker, may I make inquiry of the gentleman?

Mr. FITZGERALD. Yes.

Mr. MILLER of Minnesota. Is that view which the gentleman has no doubt properly expressed based on the calumny that Mr. Untermyer saw fit to cast upon Members of Congress? Is it due to the comment in the message that the latter makes respecting Members of Congress and their conception of public duty?

Mr. FITZGERALD. Well, I do not think that Members of Congress are absolutely innocent of gullability.

Mr. MILLER of Minnesota. I do not think so either, but I do not think that the language the gentleman has used in there is either parliamentary or decent.

Mr. FITZGERALD. Well, Mr. Untermyer was criticized very severely from his standpoint without any apparent justification.

Mr. MILLER of Minnesota. He was no stranger to Congress. We had observed his conduct of a very important investigation within the memory of many of us, probably all of us. If we saw fit to make some comment on it, I do not think that justifies him in sending an insult to Congress.

Mr. FITZGERALD. I do not think it is an insult.

Mr. MILLER of Minnesota. Does not the gentleman think that the language incorporated is an insult?

Mr. FITZGERALD. I think that if a private citizen without apparent reason is abused on the floor of the House because of his supposititious selection for some public service he has at least the right to make it clear that he did not seek the service, that it had not been suggested to him, and that in his present physical condition probably could not have accepted it if it had been offered.

Mr. MILLER of Minnesota. I think that may be true, but——

Mr. FITZGERALD. I think when men go out of their way to throw bricks at private citizens who have rendered distinguished public service, those private citizens may be entitled to return the bricks.

Mr. MILLER of Minnesota. As to that statement, there is some doubt in the minds of some as to the value of the distinguished public service he has rendered.

Mr. FITZGERALD. Well, men may doubt the value of the services which the gentleman from Minnesota and myself have rendered.

Mr. MILLER of Minnesota. I think the gentleman is correct, at least as to the latter part of it. [Laughter.]

Mr. FITZGERALD. If I were writing the message, I might not use the same language, but I probably would have been a little more vehement in expressing my indignation if I had been discussed on the floor as Mr. Untermyer was.

Mr. MILLER of Minnesota. Oh, as to that, the gentleman never will be. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for three minutes.

Mr. FOSTER. Reserving the right to object, is this to be an attack on Mr. Untermyer?

Mr. MOORE of Pennsylvania. It has reference to the letter which has just been read.

Mr. FOSTER. Does the gentleman intend to talk about Mr. Untermyer?

Mr. MOORE of Pennsylvania. This is not a filibuster. I desire to comment upon the letter that has just been read, which was read to be placed in the RECORD.

Mr. FOSTER. Unless we are going into a discussion of this matter, I do not think it is necessary——

The SPEAKER. Is there objection?

Mr. FOSTER. Just a moment, Mr. Speaker.

Mr. MOORE of Pennsylvania. I want to say to the gentleman from Illinois that I was one of the Members of Congress who mentioned the name of Mr. Untermyer, and Mr. Untermyer's letter unquestionably reflects upon those Members of Congress who mentioned his name. I have no unkindly feeling toward Mr. Untermyer, but I think I ought to state why his name was mentioned, so far as I am concerned.

Mr. FOSTER. If there is to be an attack upon Mr. Untermyer this morning, there may be some one here who will desire to defend him. He has some rights——

Mr. MOORE of Pennsylvania. Mr. Untermyer's rights have been asserted by the gentleman from New York [Mr. FITZGERALD].

Mr. FOSTER. There may be some one who will want to defend Mr. Untermyer. I think myself he is a very clean citizen.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. MOORE]? [After a pause.] The Chair hears none, and the gentleman is recognized for three minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, there are a great many men in this country, men of prominence and some editorial writers, who take very great liberties with this House. They seem to assume that they can make a joke of Congress whenever they see fit. I believe in the dignity of the House, but I am aware that every man who is capable of writing a college essay and desires to do so is permitted to scatter broadcast reflections upon the honor and the dignity of the people's representatives, and that it creates a false impression of the Representatives here.

Samuel Untermyer, in this letter, has indicated that some Members of Congress have taken advantage of their privilege. Perhaps I was one to whom he referred. I have no interest in the world in Mr. Untermyer, and no desire to check him in any laudable and proper ambition; but I read in a newspaper a few days ago that Thomas Lawson, who has caused Congress a great deal of trouble and much humiliation, had suggested that he wanted the whole stock business of the country investigated, and wanted Mr. Samuel Untermyer engaged as the attorney to make that investigation. Now, I recollected that Mr. Untermyer was employed by Congress sometime ago as the people's representative to investigate the so-called Money Trust, and that he was engaged because he was supposed to have a heart that was bleeding for the downtrodden. I heard at that time that Mr. Untermyer was the representative of great corporations, and I questioned the wisdom of his selection as a representative of the people to investigate the corporations. When Mr. Lawson, the last man in the world to make the suggestion, proposed that Mr. Untermyer should be employed in this crisis to defend the honor of Congress, I questioned whether he was the proper man for the place, and made the suggestion that someone else should be selected. Now, Mr. Untermyer's record is in "Who's Who." If you want to know about great corporations go get that book and read what Mr. Untermyer has done in the way of erecting great corporations in this country, and then you will understand why I for one believe that he is the last person who should be considered, especially upon the recommendation of Mr. Lawson, to investigate any great combination or capitalistic interest, as the representative of the plain people of the United States.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from New York.

Mr. FITZGERALD. In view of the fact that the gentleman has gotten so excited——

Mr. MOORE of Pennsylvania. I am not excited. I am emphatic——

Mr. FITZGERALD. In view of the fact that the gentleman has gotten so excited about the statements of Mr. Lawson, does he not think there is some justification for Mr. Untermyer's statement about Congressmen's capacity to swallow?

Mr. MOORE of Pennsylvania. I did not catch what the gentleman said, and it makes very little difference. The gentleman has put in the RECORD a letter written by a man who assumed that Congress had said something about him. That letter refers to Bethlehem steel stock, which Mr. Untermyer says he holds and which is doubtless the cause of his grievance. There was absolutely nothing said upon this floor about Bethlehem steel stock when the Lawson matter was discussed. The gentleman is shooting off about Members of Congress without warrant, and I resent it.

The SPEAKER. The time of the gentleman has expired.

ADVERTISEMENTS OF ALCOHOLIC LIQUORS.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to proceed for three minutes, not on the subject which has just been discussed.

The SPEAKER. The gentleman from California [Mr. RANDALL] asks unanimous consent to proceed for not to exceed three minutes. Is there objection?

There was no objection.

Mr. RANDALL. In the time granted to me, Mr. Speaker, I ask to have read at the Clerk's desk a copy of a letter from the Olympia (Wash.) Building & Loan Association, addressed to one Mr. Henry S. Rosenthal.

The SPEAKER. Without objection, it will be read in the gentleman's time.

The Clerk read as follows:

OLYMPIA BUILDING & LOAN ASSOCIATION,
Olympia, Wash., January 12, 1917.

Mr. HENRY S. ROSENTHAL,
Care of American Building Association News,
15 West Sixth Street, Cincinnati, Ohio.

DEAR MR. ROSENTHAL: I am very much surprised to receive a bunch of booze literature with your name attached to it and inclosing an appeal to us to protest against the enactment of a bill introduced by Mr. RANDALL, of California in the National Congress to prohibit advertisements of the liquor business, and in the same connection a bill by Mr. BANKHEAD to exclude liquor advertisements from the mails.

I shall not only not protest against the enactment of these bills, but since you have brought the matter to my attention I will write to our Representatives in Washington, D. C., and urge their cooperation in passing both of these bills. It is more than I can comprehend that anyone connected with the building and loan business would take an active participation in the propaganda of the booze crowd, especially a man in your high position in the building and loan movement and living as you do in Cincinnati where, if anywhere, a man can see the atrocity of the liquor business in all its forms.

The motto of the building and loan movement, as you know, is "The American home, the safeguard of American liberties." I have never yet heard of even a most pronounced liquor advocate indorsing the saloon as the friend of the American home. I don't see how you can be in both of these movements and be overburdened with consistency. It seems to me it is time for all building and loan men, above all others, to detach themselves from any complicity in the perpetuation of the liquor business. In this State we have outlawed the saloon and it is only a question of time when the importation into the State of any liquor except for strictly mechanical and medicinal purposes will be a felony.

As you undoubtedly have sent this stuff to all the building and loan associations of this State, I may take the liberty of sending a copy of this letter to all associations. I have in times past received other printed matter of the kind you now send me and I regret therefore to connect you with it. Please take our name from your booze mailing list at once. We are not interested in such propaganda.

Very truly, yours,

WALTER F. MCDOWELL,
Secretary.

Mr. RANDALL. Mr. Speaker, I thank the House for its courtesy in yielding me the time to have this letter read.

THE LATE REPRESENTATIVE TRIBBLE.

Mr. RUCKER of Georgia. Mr. Speaker, I ask unanimous consent that Sunday, February 4, 1917, be set apart for addresses upon the life, character, and public services of Hon. SAMUEL J. TRIBBLE, late a Representative from the State of Georgia.

The SPEAKER. Without objection, the order will be agreed to.

There was no objection.

PUBLIC BUILDINGS.

Under the rule heretofore adopted, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, with Mr. CLINE in the chair.

The Clerk read as follows:

United States post office, at Havana, Ill., $40,000.

Mr. JAMES. Mr. Chairman, I move to strike out the section. This seems to be a post office the bill for which was introduced by the gentleman from Illinois [Mr. RAINEY]. I heard his very eloquent speech several days ago regarding economy, and the fact that the gentleman opposes any large appropriation at

this session, I hope, will induce him to agree to my amendment and that it will prevail.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 12, by striking out line 5.

The CHAIRMAN. The question is on the amendment.

The question was considered, and the amendment was rejected.

The Clerk read as follows:

United States post office at Huntingdon, Tenn., $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the item.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 12, by striking out lines 9 and 10.

Mr. FREAR. I move to strike out the paragraph. Mr. Chairman, the only data that I shall submit on that item are that which has been furnished in regard to these and all other items which are subject to the same objection. Before I do that I wish to make one suggestion that we are entitled to make, and that is that there is no disposition to obstruct ordinary legislation or take up unnecessary time.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. CLARK of Florida. I want to say that we are perfectly satisfied to meet gentlemen on that basis; that there is no disposition on our side to shut off any legitimate discussion. If gentlemen will confine themselves to what is legitimate—and I want to say that the gentleman from Wisconsin has done that, although some others have not—if they will do that, there will be no objection.

Mr. FREAR. I will say that there are only a limited number of items which I intend to discuss and on which I base my objection. Yesterday we spent an hour in discussing a $300 item for a clerkship or work for the Military Committee, and yet we passed between five and seven million dollars appropriated for 50 or more public buildings with less than three hours' discussion. I submit it is only fair for us to have an understanding of what is contained in the bill. There are a few suggestions I wish to make concerning this particular item. This item refers to Huntingdon, Tenn. The population in 1910, according to statistics before me, was 1,112. The postal receipts for 1915 were $4,427. The estimated cost to the Government for carrying on or maintaining the building is $3,300 per annum.

There is a suggestion that comes to us from the public commission report in regard to these buildings which I want to read briefly, because it has a direct bearing on the item of cost of maintenance. I am reading from Mr. Allen's report, contained in the Public Building Commission report, page 53, in which it is said:

> But the adoption of the policy of erecting buildings whenever post-office receipts reached $10,000 would further obligate the Government to the extent of the yearly increase in offices of this character, conservatively estimated at 542 from June 30, 1913, to January 1, 1920. There would then be 508 buildings and the increase of 542 to be erected, in all, 1,050. At $100,000 each these would cost $105,111,000 and their operation based on the average heretofore employed would be $2,612,158. This would be a total estimated operating charge per year of $9,542,988 for all such buildings. Three per cent interest on this investment would be $3,150,000.
>
> The average rental for the 508 post offices is $822, and their total rental cost to the Government at this time $417,768.
>
> There are 333 buildings from a total of 436 occupied for post offices only in commission November 1, 1913, erected for less than $100,000.
>
> Only 72 of the 266 post offices and courthouses and customhouses in commission November 1, 1913, cost less than $100,000.
>
> Four hundred and five of 702 buildings in commission November 1, 1913, were constructed for less than $100,000, and 297 were constructed at $100,000 or more.
>
> There are 114 new buildings and 155 sites and buildings in the act of March 4, 1913, for which appropriations of $100,000 or less than that amount have been provided.
>
> Forty-five of the projects not classed as special have appropriations of $100,000 or in excess of that amount.
>
> It is estimated from figures of cost kept by the Supervising Architect's Office that the average cost of operation, including only janitor force, fuel, lights, water, and miscellaneous supplies for the kind of buildings now being constructed, the cost of which is approximately $50,000, is $1,815 per year; $75,000 is $2,320 per year; $100,000 is $3,789 per year. It will be noted that this estimate is based upon buildings as they are now constructed and differ from the average operating cost being paid for the 702 buildings in commission on November 1, 1913.

Mr. SIMS. Mr. Chairman, I do not ask any gentleman to vote for this bill on my account. I have been serving in this House 20 years on the 4th of next March. There has never been but one public building built in my district within that time and that cost $40,000.

Now, the town of Huntingdon is in Carroll County, Tenn. Carroll County is one of the most reliable Republican counties in my State, and even this city of Huntingdon is a Republican city. Seven nominees of the opposition parties that have run against me in the 20 years that I have been in Congress were from Carroll County; both the first and last one were from Carroll County. I succeeded the Hon. John E. McCall, who was a Republican Member of the Fifty-fourth Congress. He was a citizen and native of this town. He is now an honored and distinguished district judge of the United States court for the western district of Tennessee.

But there is a matter of sentiment in this matter. But before coming to that I will state about the receipts. The receipts for the last quarter of last year as reported by the chairman of the committee were $1,580. If that rate of increase continues the receipts will soon amount to $10,000.

A site had been acquired and it took two bills to do it. The first amount appropriated was $2,500, but for that price we could not get a corner site. And then there was an additional bill authorizing it to be built in the middle of the square and not on a corner of the public square.

This town was the home town of my beloved and deceased friend, James C. Courts, clerk of the Committee on Appropriations, who came into the public service of this House 39 years ago. I did not introduce the bill on my own suggestion, because there are other towns in my district—there are Democratic towns—where buildings are needed. Mr. Courts's brother-in-law, who was then and now is mayor of the city, a stanch Republican, asked and begged me to do this, and I did it; and I will stand by it to the last. Mr. Courts has saved to this Government, by way of an economic and efficient service, a sum far greater than any individual Member in this House or at the other end of this Capitol has ever saved it. This is a memorial to a man who advised the great Committee on Appropriations as its clerk and who assisted that great committee in its conferences with the Senate. I appeal to you to waive your arbitrary, technical requirements as to the question of receipts and construct this building. I made what was in the nature of a personal sacrifice in this matter, because I was appealed to by others where the towns had more receipts and that were Democratic cities; but I wanted the flag to fly over the town in which James C. Courts lived and remained a citizen until his death. I do not care whether it is economical or not, whether it will cost more or less than the present receipts of the office. There is not a public building in the United States to-day that could not be run under private management for less than the maintenance and operation of it by the Government, even this Capitol Building. I feel it is nothing but justice to myself that I should say this much in explaining this paragraph in the bill. [Applause.]

The CHAIRMAN. The question is on the amendment to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

United States post office at Lancaster, Pa., $250,000.

Mr. GRIEST. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 12, line 18, insert, after the words "post office," the following: "headquarters for the internal-revenue district and for other Government offices."

Mr. CLARK of Florida. Mr. Chairman, we have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRIEST. Mr. Chairman, I hold in my hand a telegram from the postmaster of Lancaster, Pa., stating that the postal receipts in that office for the fiscal year ending June 30 last were $200,116, and that for the calendar year ending December 31, 1916, the receipts were $203,600.

I also am in receipt of a telegram from the collector of internal revenue, whose headquarters are in the Lancaster building, to the effect that the receipts for the fiscal year ending June 30 last were $3,605,103.35.

I do not believe that there is any other rural community in the United States that can show revenue and postal receipts exceeding in aggregate the amounts which I have mentioned.

The present building in which these governmental activities are housed was provided for by the Congress about the year 1886, at which time the postal receipts were only $32,974.69 and revenue receipts were $1,448,629.94 annually, and unfortunately the building was constructed for the business of the moment and not with a view to the marvelous development of the future. To-day six times as much postal business is transacted in this building as was contemplated when it was constructed,

the receipts of the internal-revenue business have almost trebled, and many other governmental activities now seek quarters in this building. In proportion almost to the increase in business has the building become inadequate and insufficient in floor space and in arrangement. Being convinced of that fact and being advised by the Supervising Architect of the Treasury that an enlargement of the present building was not practicable, the Congress in 1913 authorized the purchase of a site for a new building, and now in the pending measure an appropriation of $250,000 is asked that the erection of the building may be proceeded with.

Not alone from the viewpoint of exceptionally large revenue and postal receipts should a Federal building adequate for all governmental purposes be erected in Lancaster. There are also historical and other reasons why a building of memorial design and monumental proportions should be provided. In this colonial town, then the largest inland town in all the Colonies, the Continental Congress held a sitting, making Lancaster for the time the Capital of the Colonies. For many years, also, Lancaster was the capital of the Keystone State. The mortal remains of a signer of the Declaration of Independence are buried here, as are those of the adjutant general of the Revolutionary forces. Here lived and died a President of the United States, who, as one of my predecessors, sat in this House during a period of 10 years, and subsequently, prior to his election to the Presidency, represented this country as ambassador to England and as Secretary of State. The great commoner, Thaddeus Stevens, who devoted his life to the destruction of the slave traffic and the preservation of the Union, and who was the acknowledged leader and master of the House during the stormy days of the Civil War, lies buried in an honored grave in Lancaster, where most of his life was lived. There, too, were spent the boyhood days of Robert Fulton, the inventor of the steamboat, to whom, if to any inventive genius, the Government of the United States owes a memorial, as does the whole wide world.

It is apparent, therefore, that while there are business reasons in an extraordinary degree for the passage of this appropriation, there is history and sentiment that can well be commemorated, without additional cost to the Government, in the design and character of the structure contemplated.

I shall not burden the RECORD nor consume the time of the House with the statistics, official documents, and other matters that convinced the committee of the meritorious character of this proposition. This evidence is in the files of the Public Buildings Committee and is accessible if needed. [Applause.]

The Clerk read as follows:

United States post office and other Government offices at Lenoir, N. C., $30,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 12, by striking out lines 22 and 23.

Mr. FREAR. Mr. Chairman, I want to say that I do not know the names of the Representatives who are responsible for these various items, and I regret if I step on anyone's toes. I did not know that the gentleman from Tennessee [Mr. SIMS], with whom I was discussing this bill yesterday, was responsible for the item he has just been talking about. I did not know that it was his personal item. But these are not personal items. They are items that concern the Government of the United States and the Treasury at this particular time, and all of these items, according to the Treasury Department report, under which we are proceeding now, with rare exceptions, are open to the same objection of inexcusable waste.

This is an item for a United States post office and other Government offices at Lenoir, N. C., and the amount authorized is $30,000. There are 11 Federal courthouses to-day in the State of North Carolina. There are as many Federal courthouses in that one State of North Carolina as in the State of Illinois and the State of Ohio combined. This item provides for other Government offices at Lenoir. I do not know whether it is for a courthouse or not, but I want to suggest something which comes from this report of the public-buildings commission which seems to have a direct bearing on this item and others of similar character.

Mr. CLARK of Florida. Mr. Chairman, the gentleman admits that the receipts of this office are beyond $10,000?

Mr. FREAR. Oh, yes; according to the report. But that has nothing to do with it, as I view it.

Mr. CLARK of Florida. I want to state to the gentleman that this is not an effort to provide a courthouse, but it is an internal-revenue and civil-service office.

Mr. FREAR. The population of this town is 3,364, and the post-office receipts annually amounted to $9,827, while the rent paid is $840 a year. It is proposed to take over, according to the Treasury estimates, a maintenance charge of $5,000 a year, which is over 500 per cent greater than the Government pays at present.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Will the gentleman get me a little extra time?

Mr. AUSTIN. Yes.

Mr. FREAR. I yield.

Mr. AUSTIN. I want to ask the gentleman what he thinks the postal receipts ought to be in order to have a Government building, and also what he thinks the population of the town ought to be?

Mr. FREAR. I am very glad to answer the gentleman.

Let me say, first, that those who have given study to this subject, and I do not pretend to be an expert, and do not want to be placed in that rôle—taking, for instance, Mr. Burleson. He says that the rent of every proposed city post office should be $1,000 a year, and there should be 5,000 inhabitants before a building is constructed. That is the same statement that the gentleman who sits in the chair, the gentleman from Indiana [Mr. CLINE], put into his committee report. I do not pretend to have better judgment than such gentlemen. Speaking for myself, I say that where we are paying $800 a year rent, and are asked by this bill to undertake a charge of $5,000 a year for maintenance, there can be no justification for the Government undertaking the additional expense. That will be five or six or seven hundred per cent more than we are paying now. Before authorizing a new building I think comparative costs ought to be approximately the same. That is the business way of locating such buildings.

Mr. AUSTIN. Let the gentleman give me his figures on population and postal receipts.

Mr. FREAR. I am giving the reports. I do not pretend to be an expert.

Mr. AUSTIN. But I have asked the gentleman's opinion.

Mr. FREAR. I can not give any opinion without a specific case is presented. These gentlemen in the Treasury Department and in the Post Office Department have given opinions. As a lawyer, I would not assume to give you the law, according to my own convictions, but I would give you the law as set down by precedents and by whose judgment would be accepted. I state what the Treasury Department says the comparative cost is going to be. That statement speaks for itself.

Mr. AUSTIN. But the gentleman is criticizing the members of our committee for bringing this report in. Now, what is his judgment?

Mr. FREAR. I am giving the gentleman the best opinion I can possibly obtain. It is immaterial what my judgment may be. I have said positively and frequently that, in my judgment, the increase should not be excessive, as a good business proposition, probably none at all. The maintenance charge should be approximately the same as is paid for annual rental, but this item is five or six or seven hundred per cent more than what we are now paying.

Mr. AUSTIN. The gentleman has challenged and criticized our judgment. Now, I would like to have his.

Mr. FREAR. I have given it three times.

Mr. AUSTIN. The gentleman has given me the judgment and opinion of the Postmaster General.

Mr. FREAR. I have given the gentleman my judgment.

Mr. AUSTIN. Let us have it on postal receipts and population.

Mr. FREAR. I do not care what the postal receipts may be. They have no relation whatever to the location of a new building, in my judgment. It should be a question of comparative cost under present conditions, and what is proposed to be the additional cost of maintenance. I can not make this plainer than that. Others have given different standards. All of them are more stringent than the present lack of standards.

Now I ask the privilege of reading this paragraph; I do not think it will take over two minutes.

The CHAIRMAN. The gentleman asks unanimous consent for two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. On page 21 of the report of this commission, which made an extended and full investigation of the subject, it says:

Whenever public buildings are authorized quarters should be provided, if possible, for all permanent Government offices; but no provision should be made for any branch of the service that will not have real need of accommodations for at least one day each month, except in the case of United States courts. United States court accommodations should be provided only at places where courts have actually been in session for at least 10 days the preceding year.

It would seem to me if they were in session 20 days it would be sufficient, but it ought to be 30 days or more. The report continues:

This will prevent the designation for holding United States court for the purpose of securing original authorizations for buildings or additional appropriations to provide more imposing structures than have already been authorized. It is necessary in such cases to provide rooms for the court, judges, grand and petit juries, etc. The useless expenditure of public money for court accommodations should cease.

It states there should be some definite number of days of court or use assured as to that building before a building be authorized at that place. I submit there is nothing to indicate it in this case, or in any other case presented by this bill. Nothing is submitted, but under this proposal any expenditures may be demanded without need for other activities being shown.

The CHAIRMAN. The question is on the motion to strike out.

The question was taken, and the motion was rejected.

The Clerk read as follows:

United States post office at Lyons, N. Y., $40,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph. This is another item which the Treasury Department states will not appear to be of any profit to the Government. I want to call attention to the fact that in 1890 this town had a population of 4,475, 4,300 in 1900, and 4,460 in 1915, losing 15 in 20 years.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Marengo, Iowa, $30,000.

Mr. JAMES. Mr. Chairman, this seems to be another town where the population is less in 1910 than in 1900, having a population of 2,070 in 1900 and 1,786 in 1910. I would like to read from the hearings which took place on March 23, 1916, at which were present Mr. CLARK of Florida, chairman; Mr. BURNETT; and Mr. AUSTIN:

Mr. BURNETT. They have very small postal receipts and it is a very small town; $7,500 postal receipts and only 1,786 population.

Mr. CLARK of Florida. Will the gentleman permit?

Mr. JAMES. I will.

Mr. CLARK of Florida. I want to call the gentleman's attention to the fact that the postal receipts of this town increased over $3,000 in one year—in 1915. It is something over $7,000 in 1916. They have way over $10,000.

Mr. JAMES. I am talking about the time the gentleman from Iowa appeared before the committee.

Mr. CLARK of Florida. All right.

Mr. JAMES. And it is upon that information that the item for the public building was reported out in this bill.

Mr. CLARK of Florida. If the gentleman will permit me, I stated yesterday distinctly that we not only had that information, but we looked into the prospects of the town where it appeared to be undoubtedly true that before this bill could be considered it would reach the limit, and allowed the item. I stated that several times.

Mr. JAMES. What did the gentleman do with the towns of Carlinville, Ill.; with Decatur, Ind.; Green River, Wyo.; with Greensburg, Ind.; with Linton, Ind.; with Newark, Del.; with Niles, Ohio.; with Rogersville, Tenn., where the postal receipts were less in the quarter ending September 30, 1916, than nine months before January 1, 1916?

Mr. CLARK of Florida. We will answer that when we get to them.

Mr. JAMES. I notice further along Mr. BURNETT repeats:

I notice that their postal receipts have increased only $2,000 in 11 years. In 1905 they were over $5,000, and this last year they were only $7,000. That does not seem to be a very great increase.

And I want to say when $7,500 postal receipts with a population of 1,786 seems small in Iowa it is considered very large for some other State in the Union.

The CHAIRMAN. The question is on the motion to strike out.

The question was taken, and the motion was rejected.

The Clerk read as follows:

United States post office, courthouse, and land office at Montrose, Colo., $150,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer an amendment.

The Clerk read is follows:

Page 13, line 14, after the last word "office," insert "and other Government offices."

Mr. TAYLOR of Colorado. I understand the committee accepts that. There is a large Government reclamation project there with some 25 or 30 clerks employed.

Mr. CLARK of Florida. I suggest the word "and" before the word "land" should be stricken out.

Mr. TAYLOR of Colorado. I move that the word "and," in line 14 be stricken out so as to make it grammatically correct.

Mr. CLARK of Florida. There is no objection to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office and other Government offices at Morgan City, La., $40,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph. Morgan City, La., seems to have postal receipts, October 1 last, of $8,370.63. It costs $3,800 to maintain this building. This is another building which the Treasury Department states will not be profitable to the Government. The rent now paid is only $960. Interest alone will be $1,200 per annum on the proposed new building.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. KELLEY. Mr. Chairman, may I ask the gentleman one question?

Mr. JAMES. Yes.

Mr. KELLEY. I understand that my colleague's objection to various items in this bill is to those where the receipts are less than $10,000. Is that correct?

Mr. JAMES. That is partly the reason; yes; partly the fact that we are facing a deficit of over $300,000,000, and also the fact that I am not in favor of erecting public buildings or buying sites in dead, dying, or decadent towns.

Mr. KELLEY. I would like to ask my colleague whether or not he has made a list of all of such cities included in the bill and, if so, what the aggregate appropriations for these places would be?

Mr. JAMES. I will take each item as we come to it. While I have not made such a list, the Treasury Department has.

Mr. KELLEY. I am asking you if you have made a list and if you have made an aggregate? I would like to know the sum total.

Mr. JAMES. If the gentleman would like to know the list of the different projects that the Treasury Department does not recommend, and which they state could not be built with profit to the Government. I shall be pleased to put it in the RECORD.

Mr. KELLEY. You have not the information?

Mr. JAMES. I have a list of what they consider undesirable items, and of which they do not approve. The officials of the Treasury Department are in position to know whether or not these items are desirable.

Mr. KELLEY. I want to know what the aggregate expense provided in this bill for such projects as you are objecting to amounts to?

Mr. JAMES. I shall be pleased to put in the RECORD the different items criticized by the Treasury Department, and the gentleman can figure up the total amount.

Mr. KELLEY. My colleague has not added these items together?

Mr. JAMES. I shall be pleased to put these items in the RECORD. In the meantime, I expect to call attention of the House to each undesirable item as we reach it, and will show why a public building should not be built in the town mentioned, or why a site should not be purchased.

Mr. CLARK of Florida. Mr. Chairman, to show the indiscriminate objection to these items I want to call attention to this one. Here is a town shown by the census of 1910 to have a population of 5,477 people. The amount being paid for rent is $960 a year. There is to be taken care of the post office, the civil service, and the customs service. There is a customs office at Morgan City. The population is vastly more now, and the receipts are $8,700, in addition to the customs, with a population of more than 5,000. And yet gentlemen object. As to these maintenance charges, I think I covered that in my original argument, in which I showed the employment of janitors was folly; that these supplies were folly.

Mr. JAMES. Will the gentleman yield?

Mr. CLARK of Florida. No. It is simply ridiculous. There are no such maintenance charges as the gentlemen are talking about here.

I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

United States post office at Mount Olive, N. C., $30,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The chairman of the committee states that the maintenance charges are folly. I wish to show from quoting Rochester, Minn., that $900 and more is paid on buildings of this kind. The light at Rochester, Minn., was $231.57; heat, $435.50; water, $132.11; miscellaneous supplies, $74.69; removing ashes and rubbish, $32.96, which shows that $900 is being paid in small buildings of this kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JAMES].

The amendment was rejected.

The Clerk read as follows:

United States post office and other Government offices at Nephi, Utah, $25,000.

Mr. FREAR. Mr. Chairman, I want to call attention to this item because it presents still another. I move to strike out the paragraph.

The population in 1910 was 2,759. The receipts last year were $4,936, according to the statement which has been furnished us. The rent was $95 last year. The proposed annual cost of maintenance, as estimated by the Treasury Department, is $3,800. It is an unprofitable investment. It is extravagance. What I desired to offer, however, was something that I could not find before when the chairman of the Buildings Committee spoke of a place for civil-service examinations.

Now, from this building commission's report, which was submitted by the commission of which the chairman was an honorable member at that time, I read in regard to civil-service examinations wherein the report says that they recommend such rooms be not included in the plans for public buildings. It recommends that these examinations can be held in other rooms of the buildings by the commission at less expense to the Government.

I submit, Mr. Chairman, in regard to all these various activities outside of the Post Office Department, this report gives specific advice as to what should be considered in these cases, and there is no evidence before the committee as to how many times during the year there will be civil-service examinations. The committee does not know, in fact. It can not show, very naturally it can not determine, from the situation. I submit with only $95 annual rent, at a cost for maintenance of over $3,000, it is not a very good investment for the Government.

Mr. AUSTIN. Mr. Chairman, I have listened with a good deal of interest to the statement made by the gentleman from Wisconsin [Mr. FREAR], and I want to congratulate him upon his conversion.

I find on examination of the records of the Committee on Public Buildings and Grounds that in the last Congress he introduced two bills, one of them providing for an appropriation of $75,000 at Hudson, Wis., where the population was 2,810, where the postal receipts were $10,528.34, and where the rental was $720. He also introduced a bill providing for a $75,000 building at Rice Lake, Wis., where the population was placed at 3,963 and the postal receipts at $11,769.44, and where the rental was $800. According to the figures made by the Treasury Department, covering interest, depreciation, janitor service, and supplies, the fixed charges would be $6,247 per annum for each of these buildings. Now, the gentleman, in his speech of December 7, on page 107, criticizing the Committee on Public Buildings and Grounds for bringing in the last public-buildings bill, refers to a number of towns as villages. Now, his village has a population of 2,810, and the ones he criticizes and denominates as villages, many of them, have a population in excess of the population of the towns mentioned in his bills.

So, Mr. Chairman, I want simply to congratulate the gentleman upon a change of front on this public question. His new idea is that such items represent a horrible waste and extravagance which he now points out and denounces. Virtually he committed himself to the system when he prepared the two bills and sent them to our committee, and he evidently did it in good faith and expected them to pass. That is why he introduced the bills, unless he is willing to publicly confess that he did it as pure buncombe, to get votes, and did not mean it.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. JAMES. Do you think that every time that a man introduces a bill for a public building he believes that bill is all right?

Mr. AUSTIN. Well, I would expect it in a reformer like yourself and your working colleague from Wisconsin [Mr. FREAR]; that you would practice precisely what you preach; that you would not ask the committee to consider an important bill unless you evidently prepared it in good faith and were acting in good faith.

Mr. JAMES. Have you found any bills introduced by me?

Mr. AUSTIN. Oh, I have not said anything about the gentleman. I am simply congratulating his running mate in this debate on his conversion. [Laughter.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The question is on agreeing to the motion to strike out the paragraph.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office and other Government offices at Newcastle, Wyo., $25,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan moves to strike out the paragraph. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 14, by striking out lines 8 and 9.

Mr. JAMES. Mr. Chairman, unless it has materially increased, the population of Newcastle, Wyo., is less now than it was 20 years ago. It had 1,715 in 1890 and only 975 in 1900, and the Government is now paying no rent at Newcastle, Wyo.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Michigan to strike out the paragraph.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office and other Government offices at New Martinsville, W. Va., $40,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 14, by striking out lines 10 and 11.

Mr. FREAR. Mr. Chairman, the population of this town was 21,076 in 1910, according to the statement. The receipts are $10,538; the annual rent is $622. The proposal, according to the department, will cost the Government $4,800 a year for maintenance.

Now, Mr. Chairman, in all fairness to the gentleman from Tennessee [Mr. AUSTIN], who addressed us a moment ago, let me say that I did introduce two bills when I first came here in the Sixty-third Congress, nearly three years ago. I had never heard about Treasury estimates at that time. I had never seen this Public Building Commission's report, which the gentleman from Tennessee signed, and which showed the governmental waste on all these propositions. I had not the faintest conception of what the public-building situation was at that time. That was at the beginning of the Sixty-third Congress, first session. But at this session, after three years and full information given by the Building Commission, here is an item introduced by the gentleman himself during this Sixty-fourth Congress. He asks for a public building at Jefferson City, a town of 1,328 population. In 1915 the receipts reached only $4,771, for stamp sales. He asks for a building in that village to cost $160,000. [Laughter.] And here are a number of items, all the way through the statement, of bills the gentleman from Tennessee has introduced at this session and long after having signed that report. [Applause.]

Mr. AUSTIN. Mr. Chairman, the bill mentioned by the gentleman did not call for $160,000.

Mr. FREAR. That is the statement which I hold.

Mr. AUSTIN. That was an error made either by the Government Printing Office or by the clerk to the committee.

I am not an economist, and never have been. [Laughter.] I want to tell the gentleman I never vote against an appropriation and never vote for a tax. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Wisconsin [Mr. FREAR] to strike out the paragraph.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office at Oelwein, Iowa, $40,000.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. CLARK of Florida: On page 14, line 18, strike out the figures "$40,000" and in lieu thereof insert the figures "$50,000."

Mr. CLARK of Florida. Mr. Chairman, I want to say that the gentleman from Iowa [Mr. HAUGEN] called my attention to the fact that the committee had inadvertently put a less amount in this place than it ought to have in accordance with other towns of like size. Therefore I ask for the adoption of the amendment.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office, Department of Justice, and other Government offices at Pikeville, Ky., $35,000.

Mr. FREAR. Mr. Chairman, I move to strike out the item.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 15, by striking out lines 1 and 2.

Mr. FREAR. Mr. Chairman, the population of Pikeville, Ky., as shown by this statement, was 1,280 in 1910. The revenues annually, according to the statement of the Treasury Department, were $6,149 for the sale of postage stamps in 1915, not for building public buildings. The rent last year was $332. Under the new arrangement the estimate of cost to the Government will be $3,500 a year, or more than ten times the present cost.

Now, the suggestion is made that this is for the Department of Justice. But let it be said, Mr. Chairman, there are already 12 Federal courthouses in Kentucky to-day, more than in the States of Illinois and Ohio put together. Yet down in Pikeville we are to have more Departments of Justice organized, notwithstanding the annual rent paid to-day is only $332.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. LANGLEY. I want to say that if the gentleman had paid attention to what I said yesterday about Pikeville, he would know that his statement is based upon conditions that existed seven years ago with reference to the population and other matters, and that the town has increased since then. The receipts thus far this year show that they will be over $8,000 for the entire year, and they will soon be over $10,000 for that matter.

Mr. FREAR. I do not want the gentleman to take all my time. The revenues last year were $6,149. Of course the gentleman, as he said yesterday, introduced 11 bills, of which 8 were for purposes other than post offices. These other activities avoid the law which the committee assumes to consider. Every town will now want them.

Mr. LANGLEY. The gentleman will learn in time how these matters work out.

Mr. AUSTIN. Does not the gentleman think that some States need more courts and more sheriffs than other States? [Laughter.]

Mr. FREAR. I am not an expert on that subject, either; but the gentleman from Kentucky must answer for himself.

Mr. LANGLEY. That may be true of Tennessee and Wisconsin, for ought I know. Of course I understand, Mr. Chairman, and so do the people of my district understand, that it would not be possible for me, or any other Member, to get at one time a public building provided for every place that I have introduced bills for, or even for every place in the district that needs such a building right now. They are just as intelligent as we are and they know how the public business at Washington is conducted or ought to be conducted. They know that it takes time to work out all of these matters and they know, too, whether their Member is doing his duty or not. It is true that I introduced a bill providing for a public building at each county seat in the district, and I believe that this ought to be done and will be done as soon as the public business at these points require it and the condition of the Treasury will admit of it. I believe it ought to be done not only as a good business proposition but because it would make the people feel in these localities that this great Government really recognizes them as an important and essential part of it by putting one of its buildings in their midst with the flag of the Nation flying over it. I am conscientious, gentlemen, in the belief that it would tend to instill a higher sense of patriotism in the hearts of the people, although, as I have already indicated, this is not nearly so much needed in the mountains of Kentucky as it is in certain other sections of the country. Mr. Chairman, it is only in recent years that the Federal Government has taken any steps toward the erection of public buildings in our section of Kentucky and I hope that I shall not be accused of immodesty if I say that I think I am entitled to some credit for what it has done in this direction and that I expect to be entitled to still more. But, Mr. Chairman, I do not believe there is a single individual in the entire Tenth Kentucky District who believes, as has been intimated here and elsewhere, that I was seeking to mislead anyone in the different localities covered by these bills by making them believe that I expected to get all of these public buildings right away. They know my views and attitude on this question and that I will get these appropriations as rapidly as it is possible to do, giving preference, as the rules of the committee require, to the localities where the most urgent need exists for such building and where the volume of the Government business is the greatest. By this course the different towns and cities in the district have been better advised of the real situation and of the relative progress which each is making. Still another thing I had in view was to bring more forcefully to the attention of the entire country the real greatness of our section and the inexcusable manner in which the Federal Government has neglected and ignored it. I think it will be conceded, in view of this debate, that I have not failed in that purpose.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

United States post office at Rogersville, Tenn., $25,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 15, by striking out lines 5 and 6.

The amendment was rejected.

The Clerk read as follows:

United States post office at Rossville, Ga., $25,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 15, by striking out line 7.

Mr. JAMES. Mr. Chairman, the postal receipts at Rossville, Ga., on October 1 last were $8,333.61. The Government is now paying $398 a year rent. It is estimated that the maintenance of the new building would cost $4,200 a year. The population in 1910 was only 1,059 persons.

The CHAIRMAN. The question is to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

United States post office and other Government offices at Sandersville, Ga., $30,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 15, by striking out lines 10 and 11.

Mr. JAMES. In October last the postal receipts at Sandersville, Ga., were $8,618.05. The Government is now paying a rent of $600. The maintenance of the new building would be $4,800.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

United States post office and other Government offices at San Bernardino, Cal., $70,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CLARK of Florida: Page 15, line 13, strike out the figures "$70,000" and insert in lieu thereof the figures "$85,000."

The amendment was agreed to.

The Clerk read as follows:

United States post office at St. Johns, Oreg., $25,000.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out lines 21 and 22, on page 15, for the United States post office at St. Johns, Oreg., $25,000.

The Clerk read as follows:

Amend, on page 15, by striking out lines 21 and 22.

Mr. CLARK of Florida. Mr. Chairman, I make this motion at the request of the gentleman from that district [Mr. McARTHUR], who requests it in view of the statement of the post-

master. He states that at the time the authorization was made for the purchase of a site for a Federal building at St. Johns, Oreg., St. Johns was a separate city with a separate post office. It is now a branch of the Portland office, and therefore the building is unnecessary.

Mr. McARTHUR. Mr. Chairman, the city of St. Johns was made a part of the city of Portland, Oreg., by a vote of the people of the two cities in 1914. I understand that it is not the policy of the department or of Congress to appropriate money for buildings for branch post offices or substations. The separate office that was formerly maintained at St. Johns is now a substation of the Portland post office. There is on file with the committee a letter from the Secretary of the Treasury saying that there is no need for this appropriation for a building at St. Johns, because it is a substation of the Portland office. I ask unanimous consent to incorporate this letter as a part of my remarks. This letter quotes from a letter written to the Secretary of the Treasury by Hon. Frank S. Myers, postmaster of the city of Portland, Oreg.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 12, 1917.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States House of Representatives.

SIR: In response to your request of the 3d instant the following report is submitted on bill H. R. 16853, providing for the erection of a public building at St. Johns, Oreg.:

The post office requires 1,820 square feet floor space, and pays an annual rental of $600.

The postal receipts for the fiscal year 1905 were $2,437.02; and the receipts for the fiscal year 1915 are included in those for Portland, Oreg., of which city St. Johns is a station.

Purchase of a site was authorized by act of March 4, 1913, within a limit of cost of $5,000.

It is estimated that a one-story building, with a ground area of 2,300 square feet, will be required, and that the cost of the same will be $30,000.

In submitting information as to receipts, amount of space required, etc., the Post Office Department included a communication from the postmaster, Portland, Oreg., in which the following statements occur:

"* * * The appropriation of $5,000 to purchase a site for the proposed St. Johns Federal building was made at a time when St. Johns was a separate post office of a separate city. For several years St. Johns was a branch of this office. It is now a station of this office, and the former city of St. Johns is now within the corporate limits of the city of Portland.

"So far as I know, there is no demand from any source for a Federal building at St. Johns; in fact, there is about as much need for a Federal building at St. Johns station of this office as there is for another Washington Monument in Washington, D. C. My opinion is that the people of this city would look upon the construction of a Federal building at St. Johns as a waste of public money."

Respectfully,

W. G. McADOO, *Secretary.*

Mr. McARTHUR. Mr. Chairman, the St. Johns substation receipts for the last fiscal year amounted to $6,058, and as the community is growing in size and importance it would soon be entitled to a Federal building had it not been merged with the city of Portland. I introduced the St. Johns building bill in good faith, for I was not then aware of the well-established policy of not appropriating money for substations. In view of this policy and the statements made by the postmaster at Portland it would be futile for me to oppose the motion to strike the item from the bill.

The CHAIRMAN. The question is on the committee amendment to strike out lines 21 and 22, on page 15.

The amendment was agreed to.

The Clerk read as follows:

United States post office at Union Springs, Ala., $25,000.

Mr. JAMES. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 16, strike out lines 8 and 9.

Mr. JAMES. On October 1, 1916, the postal receipts of Union Springs, Ala., were $7,005.01. On January 1, at the time the bill was introduced, the postal receipts were $7,027. The Government is now paying no rent at all at Union Springs, Ala., and this is one of the items condemned by the Treasury Department, which estimates that it will cost the Government $4,800 a year to maintain the proposed structure.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

United States post office at Unionville, Mo., $30,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, amend by striking out lines 10 and 11.

Mr. FREAR. Mr. Chairman, the reason for this motion is contained in a statement which I have read from before and which covers 200 items, most of which are stated to be wasteful as to cost. Unionville, Mo., is given here as a town of 2,000 population in 1910. The postal receipts last year, 1915, were $6,956.44. The rental is $450 a year. The amount of cost for maintenance will be $4,000, as estimated by the department, or an increase for maintenance of 800 per cent. I desire to read from the report of the public-building commission some suggestions which have come through the Treasury Department. Many think that the department sits up there by itself and urges its own ideas, but here are statements made by Congressmen to the Secretary of the Treasury which have been put into the report. Mr. McAdoo's letter follows, and here are the statements on page 74. It says:

Many suggestions were received in reply to this invitation. Congress is apparently keenly alive to the necessity for a change in the public-buildings system. Below are given a few of the suggestions which are selected to give a general view of the expressions of opinion.

"It is wrong to complete buildings in small towns—'tank towns'—to the exclusion of needed and necessary improvements in larger cities."

"Something is radically wrong in the system of the Supervising Architect's Office. Plans and specifications should be duplicated."

"Standardize the need for buildings."

"Post offices and buildings in small towns are too expensive."

"Private concerns would build at half the expense."

"Suspend building until the present changing needs of the Post Office Department are settled."

"Use standard-type plans for buildings under $500,000."

"Build only when the commercial necessities demand it. Omit court rooms in small towns where court is rarely held. Use simple architecture and standardize appropriations."

"Erect buildings only on the recommendation of the head of the department. Get away from the 'pork barrel.'"

"Conditions governing appropriations are bad. Appropriations should not be made for cities of less than 15,000 people."

Mr. KING. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. KING. Does the gentleman think that the adoption of the suggestions which he is reading from would relieve this bill of the accusation of being a pork-barrel bill?

Mr. FREAR. I am not prepared to say. I would accept in preference to that the proposition of the distinguished Speaker of this House, who made a proposition which I believe is fair and preferable. He proposes that after the receipts have reached a certain amount, whatever may be the sum agreed upon, that thereafter automatically it is taken away from Congress to determine; no matter what section of the country was interested, the building would automatically be constructed under the law. But we are 2,000 buildings behind, according to any reasonable estimate, if all cities are to be provided under the terms of this bill, yet we are building only 100 post offices a year, and we will never catch up. We must face this situation; the sooner the better.

Mr. AUSTIN. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. AUSTIN. I want to ask the gentleman why he is being controlled by the recommendations of the Treasury Department, when he absolutely fights the tests and recommendations of the War Department and the engineers in the river and harbor improvement?

Mr. FREAR. I am not reading from the Treasury Department report; I am reading from the recommendations of Congressmen contained in letters to the Secretary of the Treasury.

Mr. AUSTIN. But the gentleman has been quoting the Treasury Department all through this bill from the time the consideration began. Why does not the gentleman quote the War Department and the engineers in the river and harbor bill?

Mr. FREAR. Because they are absolutely unreliable, and I will show you when you get into the bill that their recommendations are unreliable and extravagant, because they do not understand business methods nor the needs of navigation.

Mr. AUSTIN. Can not the Treasury Department be wrong?

Mr. FREAR. Possibly so; but this is a question of dollars and cents easy of ascertainment, and can be determined if not correct in any particular. It is a mere matter of ascertainment based on experience and investments required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Urbana, Ohio, $50,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word in order to make a statement. This is the item in the bill that was introduced by myself. I will vote to strike it out if the House will vote to amend the bill to strike out the items that fall below the $10,000 receipts recommended by the department. The question has been raised as to the ethics of a Member voting

against a bill who has an item in the bill. The post-office site at Urbana, Ohio, was purchased at a cost of $13,000 by the Government some time soon after a bill was presented in 1910. I introduced a bill to erect a building with a limit of cost at $50,000. The bill is reported in an omnibus bill with over 200 items in it that do not fall within the recommendations of the department, but this item has more than three times the amount in the way of receipts that is recommended in the last paragraph of the present bill.

I am not here to be the monitor of the ethics of Members of this House, and I am not here to be the arbiter of the judgment of the Members of this House. I certainly am not the keeper of any man's conscience in this House except my own. Therefore, I am not going to impugn the motives of men in their attitude on this bill. That is not my business and I am not going to do more than to criticize the methods of this legislation. I know that it is the judgment of this House that this method of legislating must stop. It will not continue. It must appear to every Member present that the country will not stand for it much longer. While I have no sympathy with the method that is taken in what might be regarded a filibuster against any measure, for I know that this bill in all probability will be passed by the House unless a change of attitude takes place, and while I am perfectly satisfied that it will not be considered at all in the Senate, and therefore I need not have much solicitation about the final vote on the bill, yet the judgment of the people is against this method of legislation. I will make a motion to strike out this item for Urbana if it will carry a defeat of this bill in the House. [Applause.]

Mr. CLARK of Florida. Will the gentleman yield?

Mr. FESS. Yes.

Mr. CLARK of Florida. I want to understand the gentleman. Does he make a motion to strike out the item, or does he attach some condition to it?

Mr. FESS. I made a motion to strike out the last word in order to make this statement.

Mr. CLARK of Florida. Merely a pro forma amendment. The gentleman intends to withdraw that pro forma amendment.

Mr. FESS. In order that I may state to the House whether I think it ethical to vote against the bill when it includes an item meeting all the requirements of the department for a building.

Mr. CLARK of Florida. I understand. The gentleman is willing that his item should be defeated if all the rest are defeated?

Mr. FESS. Yes; I would make a motion to strike out the item, but I am not willing it should be stricken out unless the others are. [Laughter and applause.] That may appear to have been a statement compromising my position, but I hope that I am not misunderstood.

Mr. Chairman, this is the thing that embarrasses me. There are Members on this floor, lovable in character, whose judgment I greatly appreciate, who believe that we ought to have "our share." My good friend, whom I love, a most amiable character, and one of the keenest debaters I have heard within this Chamber, my friend Mr. BURNETT, used the expression "our share" several times on yesterday; many others employed the same phraseology. I can not understand that angle in legislation about "our share." This is Uncle Sam's business, and if Uncle Sam finds it profitable and desirable to put a building in one place, well and good, but to say that it is patriotic to get "our share" is to invoke an angle of legislation that I do not understand, and I impugn the motives of no man when I say this, and that is the enormity of it—they believe it and sincerely believe it.

Mr. BURNETT. Mr. Chairman, the gentleman is willing to take his "share" and hold his "share" in the bill unless the other "shares" go out of it.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FESS. It is not a share; it is a building by Uncle Sam, and the profits in Urbana will be much more than the expenses, and therefore will be a profitable movement—not merely a convenience for the people of Urbana, but a proper business step for the Government of the United States.

Mr. BURNETT. And yet the gentleman is willing to strike it out, meritorious as it is, if they will strike out the other fellow's "share." That is the idea.

Mr. FESS. I would like to make one other statement. I may be misunderstood. I shall move to strike out Urbana if [Cries of "Go ahead!"]—I shall move to strike out Urbana if we strike out, not all the items, but if we strike out all the more than 200 items the receipts of which are less than $10,000, and Urbana's receipts are nearly $30,000. That is the proposition I will put to you. It is a high price to pay, but not too high for the remedy of such legislation as herein proposed.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment. I agree with what my colleague [Mr. FESS] has said in many respects, and I regret that we have to have an omnibus bill in order to get a public-buildings bill through this House. It seems that is the only way to do it. I want to say to him that if he will make a motion to strike out all of these places the receipts of which are under $10,000 I shall vote with him. I am going to vote for this measure because it contains a provision for a post office in my district. [Laughter.] There is no post office in my district, and Painesville, Ohio, needs such a building. If I have to vote for a bill that is called a pork bill, if that is the manner of doing business in Congress, I shall have to submit to it. If I must vote for places that do not deserve a building in order to get one for a place that deserves it, then I will have to do it. I regret to have to do it, but I shall have to do it if it is necessary to proceed in that way in order to get a public building in my district. [Laughter and applause.]

I think a great many things that the gentleman from Ohio said are correct, but I shall stand by the bill. It seems that some law should be enacted whereby, as the distinguished Speaker of this House has stated, when a place reaches a certain point as regards population and receipts it should automatically have a public building. I have voted to strike out of this bill every item where the figures did not justify it. The method of enacting this legislation is wrong, just as my colleague [Mr. FESS] has stated, and I hope in the future this may be remedied.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

United States post office at West Point, Va., $25,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 16, in line 17, by inserting, after the word "office," the words "and customhouse."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAGSDALE. Mr. Chairman, the question that is raised in my mind by the repeated statement of the word "pork" here is, What is pork in a public appropriation bill? Is it pork to come here to the city of Washington, the Capital of the Nation, and tax the rural communities, the small towns, the people who live away from the Capital, and who will never see it, in order that we may make this the most beautiful city in the world? Is it pork to go into the seaports and erect there beautiful customhouses, constructed of marble, in order to add to the beauty of the particular city, and to add to the environments of the community in which it is constructed? Is it pork to go into the various places where the Government does things not merely for utilitarian purposes but for the purpose of beautifying the community and encouraging the people in that community to have some higher ideals than merely groveling for money? Is it pork when we take money to construct great vessels for the Navy, vessels which are not merely engines of destruction, but in which we put things that appeal to the taste of the men who are on them, in order to give them music on board ship, to give them libraries and handsome rooms, to put the proper equipment there, and to give them expensive craft in which they may go ashore and be brought back in the dignity commensurate with the position they occupy? If that is not pork, if that is justifiable, then why is it not just as reasonable to go into the small towns of the United States, where the people are taxed from day to day to carry on the Central Government and maintain it, and there construct public buildings? Why is it not justifiable to go into these communities, where these people issue bonds to erect handsome courthouses in these little towns not merely because they may have to have a handsome courthouse to do the work the court is called upon to do but because they want to beautify the town and encourage civic pride? Is it wrong to go there, where they tax themselves to try to build up better influences, in order to make better American citizens, and construct handsome post offices? If it is not wrong for this Government to tax those people to carry on these improvements in the great cities, then I resent the charges of gentlemen like the gentleman from Iowa [Mr. GOOD], that the Representatives of the rural communities are here taxing these people wrongfully to give their people their full share in this Government. [Applause.]

The Clerk read as follows:

United States post office at Waynesboro, Ga., $25,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amend, on page 16, by striking out lines 19 and 20.

Mr. JAMES. Mr. Chairman, on October 1 last the postal receipts of Waynesboro, Ga., were only $7,452.39. This is a town of 2,729 people. The Government is now paying a rent of $400 a year, and it will cost $4,200 a year to maintain the new building.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Winnfield, La., $30,000: *Provided*, That a suitable site shall be conveyed to the United States by the city of Winnfield or citizens thereof, free of cost, said site to be approved by the Secretary of the Treasury.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, after line 2, insert the following: "United States post office at Woodstock, Ill., $45,000."

Mr. CLARK of Florida. Mr. Chairman, I desire to state in explanation that that item was inadvertently left out of the bill. It is within the district of the gentleman from Illinois [Mr. COPLEY]. I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Bloomington, Ill., $150,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 18, strike out the figures "$150,000" and insert the figures "$185,000."

Mr. CLARK of Florida. Mr. Chairman, I will state in explanation of that amendment that the gentleman from Illinois [Mr. STERLING], who represents that district, introduced a bill asking for $150,000. The department in its report insisted upon $185,000. The gentleman from Illinois [Mr. STERLING] thought at that time $150,000 would be ample. He has since made investigation, and we are satisfied that $185,000, the original estimate of the department, ought to be put in the bill. I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Clare, Mich., $35,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, amend by striking out line 1.

Mr. JAMES. Mr. Chairman, I notice that this is a Michigan item introduced by one of my colleagues [Mr. LOUD]. The original amount of the bill as introduced was $50,000. The committee has allowed $35,000. Clare, Mich., only had a population of 1,174 in 1890 and 1,326 in 1900 and 1,350 in 1910. I think we ought to have a chance, Mr. Chairman, to criticize undesirable items like this, and I am glad therefore that resolution 400, sponsored by the Public Buildings Committee, and which would have prevented my offering this amendment, was not reported out by the Rules Committee. There is no reason that a town, whether it is in Michigan, Maine, Alabama, or Kentucky, or where it is located, and which only increased 24 in 10 years, that only had postal receipts of $8,590 at the time the bill was introduced by my colleague, is entitled to a $35,000 post office. The bill as introduced would necessitate an expenditure of $3,600 for maintenance, including interest, depreciation of the building and furniture, janitor, heat, electric light, etc., or practically three-fourths of the postal receipts of that town. The rent now being paid is $549.

Mr. CLARK of Florida. What did the gentleman say the receipts were in 1915?

Mr. JAMES. Eight thousand five hundred and ninety dollars on January 1, 1916.

Mr. CLARK of Florida. I beg the gentleman's pardon; they were $10,017.88.

Mr. JAMES. The statement I hold from the Treasury Department——.

Mr. CLARK of Florida. I got mine from the Post Office Department.

Mr. JAMES. Yes; and when the gentleman's hearings were held, and when Congressmen appeared before the committee on behalf of any item, they quoted to you figures furnished them by the Treasury Department.

Mr. CLARK of Florida. These were the exact figures we had.

Mr. JAMES. So, according to the figures prepared by the Treasury Department, this town had postal receipts of only $8,590.91 on January 1, 1916. I do not believe the people of Clare themselves want a post office of that kind—$35,000.

As I stated, the rent is now only $549. The interest on the proposed $35,000, at 3 per cent, would be $1,050. Judging from the experience of the Government, it will cost $960 for janitor, fireman, and scrub woman. In addition, it would cost $900 each year for fuel, electric light, etc. And judging from the experience of the Government at Newark, N. Y., these figures are correct. For the fiscal year of 1916 at Newark, N. Y., the expenses were as follows:

Light	$303.43
Heat	438.31
Water	24.38
Miscellaneous items	80.92
Ice	15.25
Removing ashes and rubbish	21.75
Washing towels	9.37
Total	893.41

Mr. KELLEY. Mr. Chairman, I notice that my colleague from Michigan [Mr. LOUD] is not on the floor. This town is in his district, and as Mr. LOUD is not here I want to say to my colleague [Mr. JAMES] that I know something about the village or city of Clare, which, I think, perhaps might throw a little light upon the subject of its population. The city of Clare lies partly in Isabella County and partly in Clare County. Now, as I recollect it, only that portion of the city that lies in Clare County is included in the city limits. There are some five or six hundred people who are actually inhabitants of the city of Clare living just across the county line in Isabella County, but are not included in the census for the city of Clare. I think perhaps that will explain the matter of population. This is quite a rapidly growing, flourishing community in the central part of Michigan. I know if my colleague [Mr. LOUD] were here he could give the House more exact information, but a good many years ago I used to teach school at Mr. Pleasant, which is a near-by city, and I know quite a bit about the locality and the location of the town. I particularly recall that it is partly in one county and partly in another, and the portion in Isabella County does not lie within the corporate limits of the city.

Mr. MOORE of Pennsylvania. Does the gentleman say the population of Clare has increased?

Mr. KELLEY. Oh, yes; I am sure it has increased, but what I am saying particularly is that the figures given by my colleague [Mr. JAMES] may mislead the House as to the actual population of Clare, because perhaps five or six hundred people live across the county line who are not included in the figures which he gave.

Mr. MOORE of Pennsylvania. The gentleman from Michigan is a highly respected Member of this House and I would take his word on the question. Does the gentleman think there is a necessity for a new post office?

Mr. KELLEY. I would not go as far as to say that. I have not been in Clare for a good many years. I am only directing my remarks to the question of population, which I wanted to state correctly as I understand it.

Mr. MOORE of Pennsylvania. The rest of the Members are not informed in this matter. Does the gentleman think that item ought to be stricken out?

Mr. KELLEY. I do not. The chairman of the committee [Mr. CLARK] has stated that the receipts of the office of Clare are above $10,000 and I do not see any reason why the item should be stricken out, if other towns where the receipts are no greater are left in the bill.

The CHAIRMAN. The question is on the motion to strike out.

The question was taken, and the motion was rejected.

The Clerk read as follows:

United States post office at Circleville, Ohio, $65,000.

Mr. RICKETTS. I move to strike out the last word. Mr. Chairman and gentlemen of the committee, this bill providing an appropriation for the erection of public buildings and the purchase of grounds as sites whereon to erect public buildings, and to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, and to abolish the Office of Supervising Architect of the Treasury, and create and organize in the Treasury Department a bureau of public buildings, and to define its duties, powers, and jurisdiction, and to create and establish the office of commissioner of public buildings, and to create a board of estimates and prescribe its duties and powers, and for other purposes therein mentioned, is not unlike numerous

bills of similar character that have been passed by the House of Representatives for many years past.

The last public-buildings bill passed by Congress was approved by the President on March 4, 1913, and carried authorizations which in the aggregate amounted to approximately $40,000,000. Since that time the growth of the country in population, in wealth, and in business, manufacturing, and industrial enterprises has been so great as to increase tremendously the demand for new, enlarged, and better facilities for the economic and efficient transaction of public business throughout the country. Every line of Federal activity has kept pace with the progress of the age, and to-day in very many of the cities and towns of the country the public business is being conducted in such very crowded, ill-ventilated, and unsanitary quarters as not only to reduce materially the efficiency of the employees but seriously jeopardize their health.

I think all of the Members of this House will agree with me that such conditions should not be permitted to continue, and while this bill does not seek to remedy all the existing evils, a great many of them will be remedied should this bill be enacted into law.

The Government should transact its business in a businesslike manner, and this bill is a long step toward placing the building operations of the Government on a sound, sensible, economic, and businesslike basis.

COMMISSIONER OF PUBLIC BUILDINGS.

The bill provides for the abolition of the Office of Supervising Architect of the Treasury, and creates in lieu thereof a bureau of public buildings, placing at the head of such bureau an officer to be known as the commissioner of public buildings, who is to be appointed by the President, by and with the advice and consent of the Senate, and who is to hold office for a term of four years. This bureau of public buildings is given complete jurisdiction over and control of the selection of sites, drafting of plans and specifications, supervision of construction, and the care and maintenance of all public buildings.

I consider this a wise step in legislation.

The gentleman from Indiana [Mr. BARNHART] on last Tuesday, during the public debate of this bill, in a very clear, concise, and pointed manner explained to this House why this provision was a wise one. I most heartily concur, if I may be allowed to do so, in his deductions and conclusions, with reference to the Treasury Department's failure to transact and carry on the public-buildings business of this Government. I think this department well deserves to be criticized for its failure to conduct the public-buildings business in a businesslike manner. The Treasury Department relies altogether on the Supervising Architect to determine the sites where public buildings shall be erected, and decide the size, kind, and class of public buildings that shall be erected thereon. His judgment in the past has been greatly criticized by the business men of the various cities and towns of the country wherein Government buildings have been erected, and I think justly so.

PUBLIC BUILDINGS.

I hope the time may come when this Government will own its own post-office building in each and every city and town throughout the country where the post-office receipts are $10,000 and upward annually.

This Government has been paying enormous rents for the use of post-office buildings for many years, and has been compelled to use and occupy buildings that were not adapted to the business for which they have been used.

REVENUE.

The Post Office Department during the last fiscal year ending June 30, 1916, collected in revenue from the sale of stamps, money-order business, and postal-savings business the sum of $312,057,688.83. This enormous sum is a tax paid by the people for the purpose of raising revenue in order to carry on and conduct in a legitimate manner the post-office business throughout the country. The expenditures in carrying on the post-office business during the fiscal year ending June 30, 1916, were the sum of $287,248,165.27, which leaves a surplus or excess over and above expenditures of $24,809,523; so it is plain to be seen that this is an important branch of Government business. And not only so, but it is a thriving, growing business. The receipts for the last fiscal year are the highest in the history of the country. Since 1800 the post-office business in the United States has gradually and constantly grown. There is no branch of the business of this Government in which the people of the country are more directly interested. It is through this branch of Government business that the industrial and commercial business of the country is carried on, and therefore the facilities and necessary equipment to successfully prosecute the business should be provided by the Government. The people pay the bill. Why not, then, give them the benefit?

In my judgment, in enacting this bill into law we will be rendering a great public service that will be beneficial, profitable, and entirely satisfactory, as well as appreciated by many of the people throughout the United States.

PORK.

Nearly all the great cities of the United States have been provided with public buildings, and consequently many Members from these cities are not interested in the passage of this bill.

Some of the editors of the press of the country have criticized this measure severely and have designated it as what is commonly known as "pork." I think this criticism, in a very large measure, is unjust and unfair. The criticism comes, of course, from the cities which have already been supplied with public buildings. It is a selfish criticism, to say the least of it.

My support of this bill is in no way influenced by the criticism lodged against it by the great cities now enjoying the occupancy and benefits of Government public buildings.

I have read this bill through and through carefully, and while I am willing to concede that there are some items in it that might have been omitted, yet the bill as a whole can not be honestly designated as "pork." It is a meritorious bill, and, in my judgment, should receive the support of a majority of the Members of this House.

There is scarcely a bill that comes before Congress that is not criticized, more or less. Each and every bill has some objectionable features, some features which might have been omitted or differently stated. I know that for several years certain metropolitan newspapers, magazines, and other publications have been loud in their denunciation of Congress for what they have been pleased to term "pork-barrel legislation." It may be true that there are in some of the omnibus bills passed by Congress a few items which on examination would appear not to have been justified, but that is not true of this bill.

As a Member of Congress I have never voted for a bill which, in my judgment, was subject to criticism as a "pork-barrel" measure. I know that men's minds differ as to the construction to be placed upon legislation. We do not all see alike. If we did, this would be rather a peculiar world.

CIRCLEVILLE.

Circleville was laid out in the year 1810 on one of the old Indian fortifications. The original town plat contained 208 private building lots, besides 5 circular and triangular areas of ground for public use. It has always been, and is still, recognized as an export city.

On the 18th day of May, 1916, I introduced in this House H. R. 15776, being a bill authorizing the acquisition of a site and the erection of a Federal public building at Circleville, Pickaway County, Ohio. In this bill I asked for an appropriation of $100,000, because I believed that the city of Circleville, being the county seat of Pickaway County, one of the most fertile counties in the State of Ohio, was justly in need of such a building and that the people of that city and county deserved it.

The Committee on Public Buildings and Grounds, under its rules, could not grant me the relief I sought in this bill, and consequently reduced the amount so as to conform the same to the rules of the committee.

Circleville has a population of approximately 8,000 people. Eight rural routes running out of Circleville serve 5,000 people, which makes a total of 13,000 people receiving mail from this office, irrespective of transients. The receipts of the post office of this city for the fiscal year ending June 30, 1916, were $17,000.

PRESENT POST-OFFICE BUILDING.

The present post-office quarters are in a room very much too small for the accommodation of the business. The desks and work tables are all crowded, and the employees hampered in their work.

The room is located in a building in a congested district of the city, the light of which is cut off by abutting and adjacent buildings on each side, and the building is exposed to danger by fire from all surrounding quarters. The danger from fire lessens the safety of the mails, and should a fire occur would interrupt and possibly destroy the service. The post-office building and those adjacent to it are all of the old type of architecture and none of them are fireproof.

It is necessary to work the mails by artificial light, both day and night. There are 23 gas jets or burners in operation in the post-office room, which consume the oxygen in the room in winter and in summer they create such heat as to greatly diminish the capacity and efficiency of those employed in discharging the duties of the office.

The ventilation in this room is bad, and there are no modern conveniences.

There is no place for the mail carriers to hitch their horses or leave their vehicles, and some of the carriers are obliged to leave their vehicles a distance of a block from the post office.

The building is heated by two unsanitary natural-gas stoves.

It is now necessary to rent safety-deposit boxes outside of the post office for the safeguarding of the stamps.

There are no quarters for the shelter or convenience of the city carriers in the interval between their trips, and they are, therefore, left to shift for themselves, which results in great inconvenience and discomfort to the carriers, especially in inclement weather.

It is certainly conclusive evidence, from the above facts and beyond dispute that the erection of a Federal building in Circleville is an urgent necessity, for the proper transaction and execution of the business of the Government and for the service and accommodation of the citizens of the city, and the patrons of its post office.

Circleville is one of the most beautiful and enterprising county seats in the State of Ohio. Its residences and public buildings are modern, massive, and picturesque. It contains many substantial, modern, and attractive business blocks.

The following summary of statistics will give you some idea of the commercial and industrial activities of the citizens of this city and some idea of its wealth:

This beautiful city has 5 miles of paved streets and 30 miles of improved streets.

The city building represents an investment of	$20,000
Memorial Hall	35,000
Opera house	25,000
Hospital and Old Ladies' Home	23,000
Fire department	50,000
Public library, containing 2,000 volumes, which has just received a cash bequest of	10,000
City school buildings	250,000
New hospital	35,000
Courthouse, jail, and sheriff's residence	300,000
Churches aggregating an investment of	302,000
Masonic Temple	35,000
Odd Fellows Building	30,000
Knights of Pythias Temple	30,000
Elks Building	10,000
Athletic Club	25,000
Well Building	50,000
Traction station	20,000

This city has the largest horse market in the State of Ohio. It has the largest straw-board plant in the world, which embraces 47 acres of land, more than 10 acres of which are covered with buildings.

This city has the greatest export canned-goods trade in the United States. The approximate export trade is 23,000,000 cans annually, which are distributed to all parts of the globe.

Circleville has a large milling interest which manufactures and exports hundreds of carloads of meal annually. It has large manufacturing interests.

The tax duplicate of this city shows an aggregate sum of $8,265,270.

The Pennsylvania Railroad Co.'s local business at Circleville in 1915 amounted to $55,600.

The Norfolk & Western Railroad Co. in 1915 delivered 5,239 carloads of freight in this city.

PICKAWAY COUNTY.

Circleville is the county seat of Pickaway County, Ohio. Pickaway (or Piqua) is an Indian name. It is said to have been the name of a numerous family of the Shawnee Tribe of Indians who occupied the Pickaway plains at an early period. The meaning of the word is unknown to the whites, though it had undoubtedly a significant meaning, as all Indian names had.

The name was given by law to the county, though originally it had been confined to the plains in the southern part of the county. These plains bore that name among the Indians when the whites first entered the country or knew anything about it.

Pickaway County is 22 by 21 miles in extent, and contains about 470 square miles. This county contains the Pickaway plains, and is one of the most fertile counties in the State of Ohio, rich in the production of corn, wheat, cattle, horses, swine, and all other agricultural products. It has a tax duplicate value of $42,054,895.

Can any Member of this House, in good conscience, say, in the face of the above statistical facts, that this city and county should not have an appropriation of $65,000 for a Government post office building?

These people are progressive, industrious, and enterprising, and, as their Representative in this House, I have used every honorable means to bring about this appropriation.

Nearly every class of citizenship represented in this city and county, including the merchants, the professional men, the newspaper men, the political parties, the secret organizations, the Christian people, the Chamber of Commerce, the ministers of the Gospel, the bankers, the farmers, the laboring classes, and the citizenship generally, have petitioned Congress, through me, to grant them this appropriation, and I am endeavoring to impress you with my loyalty to their cause.

I sincerely hope that this House may see its way clear to pass this bill.

It is true that this city and county are in the district which I have the honor to represent, and I have pledged my word to those people to leave no stone unturned to secure for them the Federal building which they so much desire and deserve.

The county seats in every county bounding Pickaway now have public buildings, given them by an appropriation made through Congress, and it is only fair to the good people of Circleville and Pickaway County that they be accorded the same consideration that Congress has heretofore given to the adjoining counties and county seats.

If there is one official act that I hope to perform to the satisfaction of those concerned before the expiration of my term in this House, it is to secure for the people of Circleville and Pickaway County a Federal post office building. I assured these people that I would do everything in my power to secure this building for them, and I am trying my best to fulfill my promise.

I know that some of the Members of this House for selfish reasons alone are against this bill. You say it is "pork." You must have some excuse for your action. At the last session of this Congress some of you who are objecting to this bill voted for the rivers and harbors appropriation of $43,000,000, and in this session of Congress you are preparing yourselves to again vote for an additional appropriation of $38,000,000, under the guise that you must conserve the great fertile valley of the Mississippi. You know that this bill is a meritorious one, and you know that you should support it.

Section 15 of this bill provides:

That it shall be the duty of the custodians of all public buildings of the United States of America and all buildings in which is located a post office of the United States to raise over such building the flag of the United States of America on each secular day when weather conditions are favorable. It shall be the duty of any department of the Government under which division said buildings or post offices are controlled to provide any such building a suitable flag for the purposes herein provided.

I am heartily in accord with this provision of the bill, and I hope that I may live to see the day when that grand old emblem of freedom, with her 7 red and 6 white stripes and 48 stars may be unfurled to the American people from these buildings, and that Circleville may have one of the new buildings in this Union, whose citizens may enjoy and appreciate the sight, fully realizing that Congress at last has recognized their claim and has given them what they honestly need and justly deserve. [Applause.]

The Clerk read as follows:

United States post office at Council Grove, Kans., $35,000.

Mr. FREAR. Mr. Chairman, I move to strike out the item.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 18, by striking out lines 8 and 9.

Mr. FREAR. So far as the record goes, it is no different than the preceding 12 building items which have just been read, which, according to the Government, will be maintained at a loss. Council Grove had 2,545 inhabitants at the last census, $9,041 receipts, and $540 rent, and will cost the Government $3,500 annually to maintain a building after it is built. I do not rise to discuss that proposition alone. The gentleman who last spoke says that the common people of America are to be benefited by this bill. I would like to ask him to consider whether the farmers of his district and throughout the United States, who have about one-third of the population in this country and pay their share of direct and indirect taxes, are to be benefited particularly by this bill, which contains 200 items that the Treasury Department says will be at a loss? If they are, then how and where?

Mr. RICKETTS. Will the gentleman yield?

Mr. FREAR. My friend from Michigan [Mr. JAMES] just had handed to him a note which reads as follows:

When we get through with buildings why not submit an amendment to put a $30,000 post office in every city of the United States having $10,000 receipts?

Such an amendment would not be as ridiculous as the rest of the bill necessarily. I have right here the report of the Public Buildings Commission on that very point, which I referred to once before. On page 77 occurs this statement:

There are 508 cities in the United States which had post-office receipts of $10,000 and over—

Remember, this report was made since the last public-building bill was passed—

in 1913, towns which were not provided with post-office buildings.

* * * * * * *

Fifteen States have no post offices with receipts of $10,000 or over without post-office buildings.

And it gives a list of them.

Among the 30 States that have will be found 77 cities in Pennsylvania of over $10,000 receipts that were not provided for four years ago. New York had 56 cities that were not provided for; Illinois had 30 cities of over $10,000 receipts at that time that have not been provided for. Wisconsin had 22 unprovided. And so continues the statement, showing the whereabouts of all the different cities now unprovided.

I submit that this note which comes to my friend from Michigan may be suggestive of a good argument in favor of taking care of those 508 cities which at that time were not provided with public buildings. They could be taken care of in this bill at this particular time, if good business required, when the Treasury faces a $300,000,000 deficit. I say, if those items already provided for in this bill are proper, why not put all such projects in here as well as the few that have been selected geographically and mathematically here and there?

Mr. KING. Will the gentleman kindly state for the benefit of the House who signed that note?

Mr. FREAR. I have no idea. It makes no difference. It is the text, which I ask the gentleman to take home to himself, and answer, if he can, on the floor of the House. Why not put the 508 places that are equally just, according to the committee, all in the bill?

Mr. AUSTIN. Would that include the two the gentleman offered?

Mr. KING. Why not offer an amendment?

Mr. FREAR. I do not believe it is right in either case.

Mr. RICKETTS. The gentleman knows this is not new legislation, but has been going on for a number of years.

Mr. FREAR. You will never get rid of it with the argument the gentleman offered on the floor. We must uproot a bad system if we meet the matter squarely.

Mr. KING. What would the gentleman suggest?

Mr. FREAR. I have suggested a number of times different plans advanced by those who have given this question much study. I can not discuss the matter in the limited time I have.

Mr. CLARK of Florida. I understand the gentleman thinks we ought to put 508 other items in the bill?

Mr. FREAR. No; I do not. I am frank to say no. But with equal justice I say it could be done with many items that are in this bill now.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not desire to answer the gentleman from Wisconsin [Mr. FREAR], so far as the argument just made is concerned, but I am thankful to him for having called attention to the fact that in Pennsylvania and certain other large States there are many cities qualified under this bill to receive post offices that have not yet obtained one. And, basing what I have to say upon that premise, without any feeling at all, and with a desire to be perfectly fair, I want to relate a little personal experience with regard to measures of this kind.

When I came into the House 10 years ago I came believing that a great river that flows by my city had not been properly taken care of by Congress, and I undertook individually to do some things to obtain an improvement of that river. It was not long before I found that there were many other rivers in the United States demanding attention; that there were 50,000 miles of navigable rivers, one-half of them unimproved; and that I could not get separate provision for my river unless other Members of Congress obtained some consideration for theirs. And it was an eye opener to me—which, I assume, it will be in due course to other new Members of Congress—that no particular individual can come into this House charged with a feeling of injustice, and run away with his own particular improvement to the prejudice of other improvements throughout the country that may be equally deserving with his. [Applause.]

And so I have come to be liberal with respect to the treatment of river and harbor bills, and so I want to be liberal with respect to this public-buildings bill. We are interested in Pennsylvania in several items in this bill. I am particularly interested in a bill to provide a customhouse site for the great city of Philadelphia. We have been waiting since Andrew Jackson broke the United States Bank to obtain this customhouse at Philadelphia—a customhouse which in normal times turns into the Treasury of the United States $20,000,000 a year in revenue—but because there are other sections of the country, growing in population, which demand consideration in the matter of public buildings, and which are deserving, we have been postponed in this ambition and necessity of ours, lo, these 75 years.

It is not because individual bills have not been introduced. It is not because committees have not favorably considered this particular project. It is because in the very nature of things, by reason of the population of the country, there are other sections demanding consideration along with us; and I want to say to my friends who have been opposing this bill—I hope and believe in good faith—and to those who have said that their particular projects are all right, but that all other particular projects are all wrong—I want to say to them that a longer experience in this House and a closer association with the Members who come up from Louisiana and over from California and down from Maine will convince every one of them that there is virtue in the claims made by our colleagues and that we are not ourselves the only pure and sanctified Members of this House. [Applause.]

I say this respectfully, because I know that many new Members come into this House with an indignation born of too much magazine reading, some of them impelled by a desire to crush the mythical octopus in Congress, or others possibly to shine in the public eye as great reformers. I know, as every other Member of the House knows, that this is a great equalizing and leveling body and that here all men stand on a par and each project stands upon its merits. I have respect for and confidence in the committee, and I trust that we may proceed speedily to the passage of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. Mr. Chairman, I offer a pro forma amendment to strike out the last word, just to say a word.

I have listened to the remarks of the gentleman from Pennsylvania [Mr. MOORE] and am interested in what he has said for your consideration. I have been acquainted with public-building bills and river and harbor bills for, lo, these many years. Frankly, I could pick out his project and the Chicago project and a few others that did not pass without other Members who have constituencies being interested. I am not an enemy of public buildings, nor am I an enemy of river and harbor improvements. You have to take the world as you find it, and where there is a large expenditure made, as there is in this country now, with appropriations amounting annually to a billion and a half dollars plus, with an absolute necessity for legislation at this or a near-by session for any increase of taxation, with authority to borrow, the only serious criticism that I have to offer to this bill at this time is that, under present conditions and the existing situation, it is not apt.

You on that side are responsible for legislation. I could pick out this and that and the other item, if it stood by itself, that probably ought not to go into this bill. But it is up to that side of the House to consider it. This side of the House is in the minority. We can vote almost any old way [laughter], and if it turns out that this is not a proper thing to do, you have got to take the responsibility. I will say frankly that if I had my way about it I would postpone the passage of this bill until there is a different condition in the Treasury. But if you make up your minds that under all these conditions this bill should be passed, you have the power to pass it with or without the help of the minority.

I think if I were of the majority I would counsel the defeat of this bill at this time without taking time to criticize this thing or that thing or the other thing in connection with it. I expect I am about as anxious as any man in the House that we should avoid a special session. I do not see what we have to gain by it, or what you have to gain by it, or what the country has to gain by it. [Applause.] I would be glad if before this Congress adjourns you will take the proper steps to procure needed revenues by what you call indirect taxation at the customhouse. [Applause on the Republican side.] I will not agree, I apprehend, with the revenue legislation that you are to propose, and I stand for the economic policy of the Republican Party and would procure a large part of the revenue needed, inasmuch as you have not cheapened the cost of living, by proper taxation at the customhouse.

Possibly you will not agree to that proposition; I think probably you will not, if we can trust the newspaper accounts. But, still, whatever provision you make in the near future, whatever bonds shall be issued, whatever Treasury notes bearing 3 per cent shall be issued, I hope you will provide for it. It is to the common interest of all the country. Although your taxation that you may provide is unjust and unwise from my standpoint, yet I hope you will provide it, because it is to the best interest from every standpoint that you should provide for it. That is all I want to say about this bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the motion to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

United States post office and courthouse and other Government offices at Greenwood, S. C., $125,000; and the Secretary of the Treasury is hereby authorized and directed to sell the present Federal building and site at public sale for cash to the highest bidder, after due advertisement in a newspaper published in the city of Greenwood, S. C., once a week for four successive weeks, conveying the same to the purchaser by the usual quitclaim deed.

With the following committee amendment:

Page 20, line 9, after the word "deed," insert the words "and pay the proceeds of such sale into the Treasury of the United States as a miscellaneous receipt."

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I offer an amendment to the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 20, line 5, after the word "public," strike out the remainder of the line and all of lines 6 and 7 and insert in lieu thereof the following: "or private sale, but at not less than the value as determined by an appraisal thereof by the Secretary of the Treasury and upon such terms as he may deem for the best interests of the United States."

Mr. CLARK of Florida. Mr. Chairman, the committee have no objection to that amendment.

Mr. STAFFORD. This amendment is in harmony with the other provision which was adopted.

The amendment was agreed to.

The Clerk read as follows:

United States post office, mine rescue station, and other Government offices at Hazard, Ky., $40,000.

Mr. FREAR. Mr. Chairman, I move to strike out this paragraph.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, strike out lines 15 and 16.

Mr. FREAR. Mr. Chairman, I make this motion with some embarrassment, because this is one of the few items as to which I happen to know who is the Representative offering it. I will say that I have not imputed any unfair motives to any Member in introducing any one of these measures or to the committee in carrying them out. This bill is the only vehicle by which at this time you can get these things. The omnibus bill is responsible for the situation. I will say also to the gentleman from Ohio [Mr. FESS] that I am not trying to filibuster, nor has there been any such intention of such purpose at any time. We are pointing out specific cases and reasons for opposing particular items, and it would not be fair to the people of this country if we did not state our reasons, because afterwards the question will be offered, "Why did you not point them out?"—the bad items. There are a couple of hundred in this bill that the Treasury Department says are wasteful. I am only discussing a few that are typical of scores in the bill.

Mr. FESS. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. FESS. It is possible that my utterance was misunderstood. I justify any parliamentary method that will put an end to this sort of legislation.

Mr. FREAR. I would not attempt to filibuster, and I never have done so, on this or any other bill.

Mr. LANGLEY. Will my friend yield?

Mr. FREAR. Certainly; but I want to read the data on this item, and then I will yield to my friend from Kentucky.

In 1910 this town of Hazard, Ky., had a population of 537. The gentleman from Kentucky [Mr. LANGLEY] says it has now increased to 4,000, which I will concede for the sake of argument. The postal receipts for 1915 were $4,477. For the sake of the argument I will also concede that receipts have now reached more than $10,000. The Government pays $250 a year rent, and I will not concede that it pays any more than that, and if such is the case it is a waste of money to compel the Government to pay a cost of maintenance estimated at $3,800, which is about fifteen times the amount of the rental we have to pay at Hazard.

Now, just a word as to mine interests. There are hundreds of cities in this country that have mine interests, where mine rescue stations might with equal propriety be established. It has been suggested here that the only purpose of a mine-rescue station is to inform people as to proper methods of safeguard and rescue, and that when they have once been educated and trained a permanent building is not needed. Why should there be a permanent mine-rescue station there any more than at 50 or 100 places in Pennsylvania, or 50 places in Montana or California or other States where they have vast mining interests, particularly in Pennsylvania? Why should not all of these other places have other Governmental activities or mine-rescue stations as well as Hazard?

Mr. LANGLEY. Will my friend permit me to say that at the hearing on this bill the Director of the Bureau of Mines stated fully the reasons why it was necessary to have room in the public building at Hazard for these activities. I have also inserted in the RECORD his letter to me, to which I invite the gentleman's attention. And let me say further to the gentleman that I acquit him of any intention of imputing any improper motives to anybody. He is simply not fully informed about the conditions in the mountains of eastern Kentucky.

Mr. FREAR. I thank the gentleman. I am informed, however, about the fact that $250 a year is the amount of annual rent the Government is paying to-day, and we could rent the best building in Hazard for one-quarter the cost of maintenance of the proposed building.

Mr. LANGLEY. If the gentleman will read the testimony which I inserted in the RECORD he ought to know, and will know, that we can not get insurance on the present building, which is a frame building, and wholly inadequate. It is a regular fire trap, and if it caught fire the building and everything in it would probably be a total loss.

Mr. FREAR. Let us rent the best brick or stone building in the town, which, I am sure, we can do for less than one-quarter of what the cost of maintenance will be.

Mr. LANGLEY. No; we could not. I really think the committee were very stingy with me in not giving Hazard more than $40,000, and I predict that more money will have to be provided later to afford a suitable building for the rapidly growing needs of Hazard, which is going to be a real metropolis—the "zenith city of the unconquerable mountains"—whence the course of progress in the old Commonwealth is rapidly wending its way, so that the Kentucky mountains will soon be the industrial center of that great region of country. [Applause.] I shall be satisfied for the present with the $40,000, but I give notice now that I shall ask more in a future Congress. The receipts of the post office will be over $7,000 this year and twice that in the near future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

The Clerk read as follows:

United States post office and land office at Lewiston, Mont., $100,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 11, strike out the word "Lewiston" and insert "Lewistown."

The amendment was agreed to.

Mr. CLARK of Florida. I offer the following committee amendment.

The Clerk read as follows:

Page 21, after line 12, insert the following:
"United States post office at Lewistown, Ill., $30,000."

The amendment was agreed to.

The Clerk read as follows:

United States post office at Peru, Ill., $45,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following committee amendment.

Page 23, line 7, strike out the figures "$45,000" and insert the figures "$50,000."

Mr. CLARK of Florida. Mr. Chairman, I want to state that the gentleman from Illinois who represents that district called my attention to the fact that we had not allowed as much for that town as to other places throughout the country of that size, and therefore we make this amendment to make it comport with the buildings in other places.

The amendment was agreed to.

The Clerk read as follows:

United States post office and other Government offices at Sapulpa, Okla., $70,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, amend by inserting as line 10 the following language:
"United States post office at Schuyler, Nebr., $35,000."

Mr. CLARK of Florida. Mr. Chairman, that was an item inadvertently left out of the bill. It was agreed upon by the

committee, but in the final draft of the bill, or in the printing, it was omitted.

The CHAIRMAN. The Chair will state that the item is printed in the copy of the bill as a committee amendment.

Mr. CLARK of Florida. It is.

The question was considered, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Somerset, Pa., $58,000.

Mr. HOPWOOD. Mr. Chairman, I move to strike out the last word. I know that gentlemen have got tired of this discussion, but I want to take a brief time in which to say something about this item which is in my district. While there is no objection to it, I want to say a word about the small towns. Somerset had a population of 2,700 at the last census, but probably has a population now of 4,000 in the immediate vicinity that makes a part of the town now. The county has 67,000 people and is a going institution. It has increased from 37,000 to 67,000 in the last 20 years.

I took occasion this morning to look up something about Cedar Rapids, Iowa. That matter was up here yesterday, and the gentleman from Iowa [Mr. GOOD] and other good people are objecting here to appropriations for country towns. I find that the gentleman from Iowa [Mr. GOOD] lives in a city that has 32,811 people, but he lives in a county that has 60,720 people; that is, more than half of the people in that county live in his town. The county has only increased in the last 10 years 5,000 people, while the county I am speaking about, Somerset County, has increased 20,000 in the same period. The county he lives in has increased since 1890, 15,000, while the county that I represent has increased 30,000. Somerset County has a larger population than his county, and yet he would object to public buildings in such towns as this, because of their small population, rather than judge the necessity by the population of the county. I think it ought to be based on the population of the county. I think there is where we make a mistake.

The county has not a larger town than Somerset, but there are probably a dozen towns as large as that. Somerset is a magnificent little town and is the county seat. It has a courthouse costing $250,000 that the people of the county have erected and many other magnificent buildings and dwellings. So I think there is where we are making a mistake, in saying that because a town is a small one it ought not to have a post-office building, when the county may have a larger population and pay more taxes than the county in which Cedar Rapids is located. Cedar Rapids has a public building costing $350,000, while the public building asked for here is costing only $58,000, while Somerset County probably pays more taxes and has more population and is a richer county and more of a going institution than the county in which Cedar Rapids is located. Cedar Rapids is dead, the county is dead, and, in fact, Iowa is dead. [Laughter.] Iowa decreased in population 7,000 between the last census and the preceding one. Pennsylvania increased more than 1,300,000 people from 1900 to 1910, and Pennsylvania is a going State. [Applause.]

Now, gentlemen, I regret to say this of Iowa, but they stand up here and object to everything going to Pennsylvania or in any State where there is something doing. I am sick of that sort of thing.

Mr. FREAR. Will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. FREAR. What items in Pennsylvania have been objected to?

Mr. HOPWOOD. None that I know of in this particular bill. I refer to other measures. What I want to talk about are the small items for the small towns. I live in a town of 20,000 people—Uniontown; we have no public building; we had $69,000 in post-office receipts the past year. We are not asking for a Government building. We had a good citizen who built a post-office building which we occupy and which is very comfortable and commodious. This is the only public building I want in my district. I am glad that you have not objected to it. I say we are all wrong about this notion that we ought not to build public buildings in small towns. Why, if you wanted a brick building on a back street in New York you could rent it for one-tenth of what your public building costs there. Would you rent it? No. You would not do it in New York or Chicago. You talk about renting a building cheaper; it is all nonsense. I can rent a house at $25 a month, but if I am able to pay for it I want a better one than that. I built one that costs me probably $200 a month to live in, counting interest, taxes, and upkeep. But I do not count the cost of it. That does not enter into it at all. There is a comfort and satisfaction in having your own home that can not be computed in dollars. We have $200,000,000,000 of wealth in this country. Just at the present time our income is hardly sufficient to meet the outgo, but that is neither here nor there. We owe only a billion dollars, which is one-half of one per cent of our estimated wealth. What man ever accomplished anything in the world who did not owe more than one-half of 1 per cent? There is not a man before me who has ever accomplished anything in the world that has not owed ten or twenty or fifty times that amount. I say one-half of 1 per cent is nothing. Suppose we add the other half to it and make our indebtedness $2,000,000,000 and go ahead and erect these buildings, and place them in the little towns, as well as in the big cities; for the little towns have some rights which you are bound to respect. A county that has seventy-five or eighty or a hundred thousand people has some rights even if it has not put its population all in one town. That is all nonsense anyway. We want to scatter the congested population of the cities over the country. We do not want them penned up in one city or town, and you gentlemen are just working to that end, to try and make everybody live next door to his neighbor on a twenty-foot lot. I would rather live out on a twenty-five or fifty acre lot. [Applause.]

I expect to vote for this bill, and if the great metropolitan papers and magazines choose to call it pork when we appropriate $25,000 or $50,000 for a public building in a town, and statesmanship of a high order when we appropriate several hundred times that sum for one of our great cities, well and good.

Mr. McARTHUR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the item stricken out of the bill on page 15.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Equipment shops for the Post Office Department, at Washington, D. C., $200,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 25, strike out all of lines 12 and 13.

Mr. CLARK of Florida. Mr. Chairman, I make that motion because this equipment has already been provided for in the appropriation bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

United States post office and other Government offices at Weehawken, N. J., $125,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 25, line 15, strike out the word "Weehawken" and insert in lieu thereof the words "town of Union," and after the words "New Jersey," insert the words "for the Weehawken post office."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

United States post office at Albemarle, N. C., $8,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, strike out lines 24 and 25.

Mr. FREAR. Mr. Chairman, I make this motion for the purpose of calling attention to a new class of items that have now been reached in the bill and not because of any particular objection to this one item, any more than to many that have preceded it and many that will follow. I will give the figures furnished by the Post Office Department for the town of Albemarle, N. C. It has a population of 2,116, and last year had postal receipts of $8,759. The annual rent paid amounts to $606. The maintenance charge will reach $4,900.

Just one moment, now, in reply to what the gentleman from Pennsylvania [Mr. HOPWOOD] said a few moments ago. He wipes out the whole question of rent with a sweep of the hand, and states that rent is not to be considered. Here is a statement from one of the great departments of the Government, the Post Office Department, and the same is true of the Treasury Department, and the officials are looking for the dollars and cents belonging to the Government, as the gentleman would do if he occupied their positions, because I take it he is a good business man. Here is what the Postmaster General says in the public-building commission's report:

If satisfactory quarters could be rented for an amount less than this [$1,000], the construction of a public building represents a large annual loss to the Government and should not be authorized.

I submit, Mr. Chairman, that is good policy, whether it is for the individual or for the Government. Now, let me read what relates more particularly to Albemarle.

Mr. HOPWOOD. Mr. Chairman, will the gentleman yield?

Mr. FREAR. In just a moment. I am trying to give you something besides my individual opinion. On pages 68 and 69 of this report I find the following statement:

It is recommended that sites for public buildings be not authorized in advance of the authorization for the buildings. The estimated cost of sites now authorized is $11,847,492.30, of which amount there has been appropriated $5,758,992.30. It is estimated by the Supervising Architect that should buildings be authorized for the sites for which none have yet been provided, at a time which would enable the construction work to be continued without break, that at a rate of progress of 75 buildings per year, the last of the sites authorized will not be improved until about 1922. The adoption of the recommendations of this report will, however, materially increase the present yearly output of buildings.

* * * * * * *

It is urged that the Government by acquiring a site at an early date reaps the advantage of the increase in value. Sometimes the value does increase, as was the case in Birmingham, Ala., and sometimes the value very greatly decreases, as it did in Pittsburgh, Pa. The site in Pittsburgh was purchased at a cost of $942,343.91 on May 20, 1907. The public buildings act of 1913 authorized its sale for $750,000. It would seem that the Government is in exactly the same position as a private purchaser whose real estate investments sometimes increase and at other times decrease. The Government, however, has not the advantage of being able to sell quickly when it finds that property is decreasing in value. It must first go to Congress for an act which will permit the sale. Under the present plan of authorizing sites in advance of buildings the Government is required to carry several million dollars of nonincome-producing real estate for from two to six years.

Then the statement goes on to advise against the policy of purchasing sites in advance. I would suggest that a great majority of the preceding items in the bill are in this same list of wasteful proposals. However, there is no desire to obstruct legislation here or to unnecessarily occupy time. Items are asked to be stricken out whenever specific cases arise where particular rules should be applied. Other items are frequently equally bad. I now yield to the gentleman from Pennsylvania.

Mr. HOPWOOD. If rental is to be the criterion in this matter, does the gentleman not know that in any city in this land where we have expended millions of dollars to build a Government building, we could rent quarters for perhaps one-tenth of the amount?

Mr. FREAR. It is true in many cases, I believe; but I will say this: That where we have cited case after case where we are paying ten times as much for maintenance as we are for rental, it is very poor policy for either a Government or a private individual to adopt such a course. Such is the advice of this report given after great study on the subject by those who represent the Government's interests.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Baxley, Ga., $5,000.

Mr. FREAR. Mr. Chairman, I move to strike out this item, because from the report it appears that the population at the last census was 831 at Baxley. I do not know where it is located or who is its Representative. The post-office receipts were $6,639 last year, only that amount; $408 is the annual rental at Baxley, and $4,200 is more than ten times the rental now paid. That is for the average building maintenance cost that will be incurred in a place of that kind. I submit that is one of the items which seems poor business economy for the Government to engage in, particularly at this time. It is profligate waste.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Blakely, Ga., $6,000.

Mr. JAMES. Mr. Chairman, I move to strike out the paragraph. The population of Blakely, Ga., in 1910 was 1,838. The postal receipts on January 1 last were $6,327.50. At present the Government is paying nothing for rent. The cost of maintenance of the new building will be $4,400. I wish to read regarding this matter of buying sites, from page 68 of the report of the Public Buildings Commission. This Public Building Committee was a very distinguished commisson, consisting of the following:

PUBLIC BUILDINGS COMMISSION.

Hon. William G. McAdoo, Secretary of the Treasury, chairman; Hon. James C. McReynolds, Attorney General; Hon. Albert S. Burleson, Postmaster General; Senator CLAUDE A. SWANSON; Senator GEORGE SUTHERLAND; Representative FRANK CLARK; Representative RICHARD W. AUSTIN; Sherman Allen, assistant to the chairman; Jay F. Durham, secretary.

In many instances the authorization for the purchase of the site has been made a commitment——

Mr. CRAMTON. If I may interrupt the gentleman at that point. A few minutes ago the gentleman referred to a rule, sponsored by the Committee on Public Buildings and Grounds, with reference to debate upon the bill. Was that a different rule from the rule under which we are proceeding?

Mr. JAMES. It was.

Mr. CRAMTON. I would ask if the gentleman would, in extending his remarks, insert the rule to which he referred. I am not asking him to read it here.

Mr. JAMES. The rule, as introduced by the committee, provided for two hours' debate to be controlled by the gentleman from Florida [Mr. CLARK] and two hours by the gentleman from Tennessee [Mr. AUSTIN] at the end of which time general debate would close, and the only amendments which may be offered may be committee amendments. There would be no discussion of other amendments, and no one but a member of the committee could offer an amendment or even talk on any amendment proposed by the committee.

Mr. CRAMTON. Will the gentleman kindly insert the rule in his extension?

Mr. JAMES. I shall be pleased to do so. The full rule, which is House Rule No. 400, reads as follows:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17052) to increase the limit of cost of certain public buildings, etc.; that in the committee the first reading of the bill shall be dispensed with; that there shall be not to exceed two hours of general debate to be under the control of the gentleman from Florida [Mr. CLARK] and two hours of general debate to be under the control of the gentleman from Tennessee [Mr. AUSTIN], said debate to be confined to the subject matter of the bill; that at the conclusion of the general debate the bill shall be read by paragraphs for committee amendments and no others; that at the conclusion of such reading the committee shall rise and report the bill to the House, whereupon the previous question shall be considered as ordered upon the bill and amendments to final passage.

Page 68 of the report of the Public Buildings Commission goes on, as follows:

In many instances the authorization for the purchase of a site has been made as a commitment on the part of the Government to the ultimate erection of a public building. Since towns and cities often change rapidly, especially in the West, in increase or decrease, this has many disadvantages. This was the case at Goldfield, Nev., where a site and building was authorized May 30, 1908, at a cost of $75,000, but has not yet been erected—

At that time Goldfield had a population of about 18,000, and in 1910 it had, I understand, about 5,000. And, I may say, the Government has not even seen fit to buy the site—

There can be scarcely any advantage in the practice to the Government unless it be that the early authorization permits the acquiring of title in ample time for building operations. The acquiring of the title by the Government takes an average of six months to nine months.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Charleston, Mo., $5,000.

Mr. RUSSELL of Missouri. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 10, after the word "office," insert the words "and other Government offices."

Mr. CLARK of Florida. There is no objection to that.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Corvallis, Oreg., $10,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 20, strike out the period and insert a comma and add: "And for the erection of a post-office building, $60,000."

Mr. HAWLEY. Mr. Chairman, Corvallis is a substantial, well-built, prosperous, modern city. It is situated in a fertile, populous, farming section; is the county seat of Benton County and the seat of the Oregon Agricultural College. The enterprising citizens of Corvallis believe that a public building is greatly needed there, because of the inadequacy of the present postal facilities, the location of the post office at one side of the town, and for other reasons which I will give a little later. They earnestly desire that provision be made in the pending bill for a building for that city. All requirements are fully met. The bill carries an appropriation of $10,000 for the acquisition of a site.

The amendment I have offered provides for the construction of a building upon the site at a cost of $60,000.

The postal receipts for the fiscal year ending June 30, 1916, were $27,176.15, and for the first six months of the present fiscal year were $13,749.54. The receipts are nearly three times the minimum requirement.

Prior to January 17, 1917, the rent paid was $1,260, but on January 18, 1917, the rent was increased to $1,800 per annum. This increase indicates the normal steady increase of rental values, due to the growth of the city; and rent charges will continually increase.

Under date of March 23, 1912, the Corvallis Business Men's Association estimated the population as 7,400. Taking into consideration the growth of the city and its environs directly served from the post office, the present population is much larger.

By the time a building authorized in this bill is ready for occupancy the receipts in the Corvallis office will be from $35,000 to $40,000 or more and the population served over 10,000.

The Oregon Agricultural College, located here, has a plant valued at over $2,500,000 and a very large attendance. The business of the college, that of its student body, and of parents who move in to send their children to the college increase the revenues of the office, as well as add to the demands on the post office now inadequate for proper service.

I think this showing clearly establishes the necessity and propriety of the amendment I have offered. I trust the distinguished chairman of the committee will see his way clear to indorse the amendment, and that the committee will adopt it. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I certainly will have to object to the amendment. There is no question that Corvallis, Oreg., is in the condition of hundreds of others. It is utterly impossible to take care of another place in the gentleman's district. We have provided a site at Corvallis, and that was all the committee thought in good conscience the bill at that time could provide for that place. I hope the amendment will be defeated.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Covington, Ga., $5,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 21, insert "United States post office at Crosby, N. Dak., $5,000.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

United States post office at Hartsville, S. C., $5,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 6, insert the following: "United States post office at Harvard, Ill., $10,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

United States post office at Henderson, Tex., $5,000.

Mr. JAMES. Mr. Chairman, I move to strike out the section. The postal receipts were $6,666. The present rent of the building is $300. Its maintenance now will be $3,400. On page 68, referring to this matter of sites, the postal commission states:

It is recommended that sites for public buildings be not authorized in advance of the authorization for the buildings. The estimated cost of sites now authorized is $11,847,492.30, of which amount there has been appropriated $5,758,092.30. It is estimated by the Supervising Architect that should buildings be authorized for the sites for which none have yet been provided, at a time which would enable the construction work to be continued without break, that at a rate of progress of 75 buildings per year the last of the sites authorized will not be improved until about 1922. The adoption of the recommendations of this report will, however, materially increase the present yearly output of buildings.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Kansas City, Mo., $1,000,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida, the chairman of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 29, between lines 18 and 19, insert:
"United States post office at Klamath Falls, Oreg., $10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

There has been so much criticism about different items in this bill that I think it is possibly due at this time to say something about necessary items. The last item we have just passed over was for the purchase of the site at Kansas City. The committee will observe it was only for a post office, and yet, of course, there are a great many Government activities in Kansas City. The fact about the matter is this: The present building in Kansas City, which is used for the post office and customhouse and United States courts, and so on, was completed in 1900. It cost a total of a little over $1,500,000, including the site. To-day the site could be sold for more money than the building and site cost, if the Government chose to dispose of it.

When I first looked into this matter in 1910, and it became apparent that we needed more space for post-office activities in Kansas City, we exhausted every device of the Supervising Architect's Office to see whether we could not enlarge that post-office building and keep up with the postal growth in Kansas City. We found it was utterly impossible to do so. When that building was completed in 1900 the postal receipts of Kansas City were $600,000. The last fiscal year they were over $3,000,000. There has been an increase of 500 per cent in 16 years, and the department found it was utterly impossible to enlarge the building upon the present site and keep pace with the growth of the postal business of the Southwest.

Now, of course you understand that the business done in Kansas City in a postal way embraces 1,500 miles of territory. Not only that, but it is the center of a very large territory of Government activities. For instance, the new grain-grading department has an office there, the United States courts and the Department of Justice, with its white-slave prosecutions and habit-forming drug prosecutions, is located there, and the office of the special examiners of the Pension Office is located there. In addition to that, we have the Interstate Commerce Commission, with its valuation of the railroads in 12 different States. We have the River and Harbor Board, which occupies an entire floor of the building. I found the Government was paying $50,000 a year rent outside of the present building for Government quarters and was facing a payment of $2,000 or $3,000 in the immediate future for additional rent. It will soon reach an amount of about $55,000 annually outside of the present building. That presented a situation, with the growth of the parcel post and the blue-tag mail and the wide distribution of territory over which it must be distributed from Kansas City, that appealed to the Secretary of the Treasury as a typical point at which to illustrate a new line of departure in Government buildings. I know the committee will be interested in the solution of this problem.

We propose now to use the uptown office, the one that is now used as a post office and customhouse, exclusively for customhouse, United States court, and United States offices, with a small branch post office for down-town purposes. We propose to buy a site under this bill adjacent to the new Union Station, where all of the 21 different railroads that reach Kansas City enter. We propose to use that building purely as an office building. It will not be a Greek temple, it will not be purely an ornamental structure, but it will have all the floor space that can possibly be built upon that amount of ground. It will be an office such as any business man here would build for business purposes. It will be as much a business building as are built by the express companies adjacent to the railroad companies for their business. We expect to have all the receipts of the mails taken to that building direct from the train, as they are in New York or Washington. We expect the distribution of some 50 or 60 substations to be made there, including Kansas City, Kans., which has 100,000 people, across the line. We expect all the collections of the mail to be brought in there and loaded on the cars. We do not expect to move the blue-tag mail at all.

Mr. FREAR. Where is this?

Mr. BORLAND. At Kansas City, and adjacent to the Union Station.

I will explain that idea. When the Secretary of the Treasury came out there with the Assistant Secretary, Mr. Newton, he came for the express purpose of seeing if that plan was feasible; and in his annual report he mentioned this plan as a new one that the Government proposed to follow in all cases where terminal stations were possible.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. The Government instead of trying to build a monumental structure in some place in the congested down-town, high-priced district intends in this case—and, I think, in

several typical cases in the future—to go adjacent to the railroad track and build a purely business building, a building which will embrace all the working space that it is possible to get for the appropriation, and with the amount of ground; and it proposes to use all of that space for the transaction of Government business. The saving will be not only a saving in rent by moving the uptown office and using that for Government offices now being housed elsewhere but the saving will be in the transportation of the mail to and from the uptown office—a very large item—and the saving will also be in time of the collection and distribution of the mail. So that the mail going out from Kansas City over that territory of the Southwest will be more rapidly handled than it ever has been handled before.

Now, we are coming to a time when the parcel post will cut a large figure in the mail distribution. I can not conceive how in any great city like Kansas City or Chicago or any central mailing points we can very long continue to collect the parcel post at a central downtown office. I think we will have in all cases that have not terminal post offices, offices which will be devoted to the heavy, bulky mail, and at which the collection and distribution of the mail will occur. If this plan is carried out and made a success, as I am confident it will be, it will set an example for a reform in office buildings for the Government. It will be, so far as I know, outside of New York City, the first business building devoted wholly to postal purposes of the United States. That is the occasion for our making this only for a post office. The other activities then will be housed in the old building, and the old building will be devoted to Government offices that are now needed in that city.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Wisconsin?

Mr. BORLAND. Yes; I yield.

Mr. STAFFORD. The building referred to by the gentleman, in New York City, erected by the Government, adjoining the Pennsylvania Terminal Station, was opened to the public some seven years ago. It was authorized in the Post Office appropriation bill some 10 years back, and yet the Post Office Department approved of that character of accommodation for the disposal and handling of the mail in a large city, but we do not find it being duplicated in any other city during these 10 years except now in the recommendation carried in this bill for Kansas City.

Mr. BORLAND. Well, I will say to the gentleman that whatever has been done elsewhere, I studied this situation from the local and national standpoint, and took it up with the department officers, the Secretary of the Treasury, the Assistant Secretary, and the Supervising Architect, and we arrived at a plan in Kansas City that I am willing to stand on before this House.

Mr. STAFFORD. In this instance is not the delay occasioned to this much-needed reform in the handling of the mail in our large cities due to the fact that the Secretary of the Treasury has this in charge rather than the Secretary of the Treasury and the Postmaster General, who is in direct control of the disposition of the postal needs of the country?

Mr. BORLAND. I think not.

Mr. STAFFORD. If the gentleman would study the conditions, the proof will show that it is so.

Mr. BORLAND. I will answer the gentleman. Whenever a recommendation is made for a building it is referred to the Postmaster General.

Mr. STAFFORD. Will the gentleman yield right there?

Mr. BORLAND. In a moment. The gentleman will find in the report here a recommendation from the Postmaster General which follows exactly what I am describing here.

Mr. STAFFORD. The location of the site in these public buildings is never referred to the Postmaster General.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The Clerk will read.

The Clerk read as follows:

United States post office at Lewisburg, Pa., $10,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment in line 4, page 30. I offer an amendment to strike out the figures "$10,000" and insert in lieu thereof the figures "$16,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amend, page 30, line 4, by striking out "$10,000" and inserting in lieu thereof "$16,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the committee amendment printed in the bill.

The Clerk read as follows:

Committee amendment: Page 30, strike out line 7.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office at Manning, S. C., $5,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. FREAR. Mr. Chairman, I move to strike out the item, Manning, S. C.; and I only speak of this because it is one among many others that have small receipts—had a population of 1,854 souls in 1910. The postal receipts last year were $5,435.28. The annual rental is $550. The proposed annual maintenance, as estimated by the Treasury Department, reaches $4,000; in other words, eight times the present rental will be the cost.

While speaking about this item, which is only one of many items that we have, I want to call attention to the last item which was read, which I did not move to strike out because there was no particular object in so doing. At Mangum, Okla., the annual rental paid by the Government is $121, whereas the department estimates that the cost of the building to be maintained in that town would be $4,800 a year, or forty times as much as the Government is now paying at Mangum, Okla. Think of that for a building investment by the Government!

I am speaking more particularly, however, as to Manning, S. C., where the receipts are only a little over $5,000, according to this report. Many of the places we have passed have only $5,000 or $6,000 annual receipts, and are far below the $10,000 which is supposed to govern such items.

Mr. WHALEY. Mr. Chairman——

Mr. FREAR. I yield to the gentleman for a question.

Mr. WHALEY. Mr. Chairman, I have in my hand a statement from the Post Office authorities, in which they say the receipts last year at Manning were $5,846.33, instead of $5,435.28, as the gentleman from Wisconsin stated. It also shows that during the last four quarters the post-office receipts there were $6,217, showing that this post office falls within the rule that has been established by the committee—that it would grow into the class where a building would be allowed. The report of the receipts for the last quarter is $1,630.35. Manning is situated in one of the most prosperous sections of my State, in the cotton and tobacco belt.

Mr. FREAR. Mr. Chairman, I can not yield further. I want to conclude my statement.

Mr. WHALEY. I thought you had yielded the floor.

Mr. FREAR. No; only to the gentleman for a question. I do not concede that $6,000 is a proper amount. I admit that the gentleman is within the rule from what he says, but I do not believe it can be justified in any case.

Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office at O'Neill, Nebr., $6,000.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Committee amendment by Mr. CLARK of Florida: Page 31, line 16, after the word "office," insert the words "and land office."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States post office and other Government offices at Owenton, Ky., $7,500.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. FREAR. This item, which I move to strike out, is, according to the statement I have before me, for a village of 1,024 people in 1910, and the annual receipts, according to the statement, the last report, were $4,368.68. The annual rental is $440.

The estimated cost of maintenance was $4,300—about ten times the amount of rental.

Mr. CLARK of Missouri. I would like to ask the gentleman a question solely for information.

Mr. FREAR. Certainly.

Mr. CLARK of Missouri. I have noticed that every time one of these smaller items is called up here the gentleman from Wisconsin [Mr. FREAR] or the gentleman from Michigan [Mr. JAMES] would say that the receipts of the post office were $4,000 or $6,000, or whatever the amount was, that the rent was $300, that the cost of the building was $30,000 or $40,000, and that the annual expense of keeping up one of these small post offices will be $4,000 a year. How does the Secretary of the Treasury or anybody else figure that out?

Mr. FREAR. I inquired about that, and I was informed that they average the maintenance from the character of buildings that are ordinarily placed in towns of that size; and, as I understand from the chairman of the Committee on Public Buildings and Grounds, a standardization for a building of that type is to be attempted.

Mr. CLARK of Missouri. How can they figure it out? What are the items included in maintenance?

Mr. FREAR. I have them all here, as furnished by the department. I placed the items which go to make up estimates for maintenance in my speech several days ago for every project.

Mr. CLARK of Missouri. I am not arguing either for or against this bill; but I want to know how they get at these figures.

Mr. FREAR. I understand.

Mr. CLARK of Missouri. The Government of the United States can borrow all the money it wants at 3 per cent, and I believe the public debt of the United States can be refunded at 2 per cent or 1½ per cent, or even 1 per cent, if you will make the time long enough in the bond. Now, 3 per cent on $40,000, for instance, would be only $1,200 a year.

Mr. FREAR. That is one item.

Mr. CLARK of Missouri. How do they get the rest of that $4,000?

Mr. FREAR. The items have all been set forth. There is, next, janitor service——

Mr. CLARK of Missouri. They ought to cut out the janitor service.

Mr. FREAR. But they do not.

Mr. CLARK of Missouri. We ought to put a provision in this bill that these small post-office buildings shall not have a janitor. [Applause.]

Mr. FREAR. Then, in addition to that item, they figure depreciation, just the same as on any ordinary business proposition. Then comes the supplies, which I believe the chairman of the committee stated would be $800 or $900.

Mr. CLARK of Missouri. If the gentleman will permit, I do not want to take up his time, but I have studied about this thing a good deal. A small post office in a small town ought not to be allowed a janitor.

Mr. BURNETT. They do not have them in the rented post offices.

Mr. LANGLEY. I do not think they have them in all the Government-owned buildings.

Mr. CLARK of Missouri. They do not have them in the towns where they rent post offices now?

Mr. LANGLEY. No.

Mr. CLARK of Missouri. It ought to be easier to keep a Government-owned building clean—that is, properly arranged for the business—than it is one of these rented stores.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLARK of Missouri. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I should like to inquire of the Speaker whose duty would it be to keep a Government-owned building clean?

Mr. CLARK of Missouri. The postmaster's.

Mr. STAFFORD. That is not a part of his duties.

Mr. CLARK of Missouri. Why isn't it? It is a part of his duties now.

Mr. STAFFORD. That is not included in his salary.

Mr. CLARK of Missouri. I do not see why it should cost more to keep a Government-owned building clean than it does to keep one of these rented buildings clean.

Mr. STAFFORD. I think generally where they have rented quarters it is provided in the lease that the landlord shall keep the building clean.

MANY MEMBERS. Oh, no!

Mr. CLARK of Missouri. Where they have rented quarters, the Government employees keep the building clean. I wish the chairman of this committee, or somebody else, would put into this bill a provision that these small post-office buildings in small towns shall not have janitors.

Mr. CLARK of Florida. We are going to offer an amendment to that effect before we get through.

Mr. CLARK of Missouri. You will perform a service to the country if you do.

Mr. FREAR. Here is a letter from the Treasury Department right in line with what the Speaker has suggested. It says:

> The department estimate for a building at a place of this size, and of similar postal receipts, for post-office purposes only, would probably be $25,000 for the building itself and $5,000 for the site. It is estimated that to furnish the building would require $3,000 additional, making a total outlay of $33,000.
>
> Calculating 3 per cent on this investment, the interest charge would be $990.

I submit, however, in that connection, that when we pay income taxes we are paying at the rate of 6 per cent, because money is worth that to the individual, and we are taxing the people of this country indirectly to-day at the rate of 6 per cent. That is what it means to the average man to help pay for these buildings, that is what his income tax pays for. The letter from the Treasury Department continues:

> The yearly depreciation of the building and furniture, together with the approximate cost of annual repairs, would amount to 2½ per cent on the amount invested in the project, exclusive of cost of site, viz: on $28,000, which would be $700.

Then it goes on and discusses about the different items. Now, let me make one more brief statement with regard to this. The distinguished Speaker of the House asked me a question. I want to say this, that I regretted very much the other day when I noticed in a paper a statement about an item in this bill which I think is probably better than many of the other items.

Mr. CLARK of Missouri. Mr. Chairman, since the gentleman has mentioned that, I should like to make one statement about it. I think that unnecessary buildings should be left off, and I hope there will be a fixed rule adopted with reference to public buildings, providing that when the postal receipts and other conditions reach a certain point, a town shall be entitled automatically to a public building. But one of the big papers, the New York Times, had an editorial on this subject, and in order to have a basis to say something about it, they doubled the amount, deliberately, as to building in my home town. It could not have been an accident. The proposed appropriation for the post office in my town is $40,000. That is all I asked for, and the committee gave it to me, but that paper stated in the middle of a long editorial that it was $80,000. That is the way they try to build up public opinion against these things.

Mr. FREAR. If the gentleman will allow me, I will say that it was a clerical mistake. In one part of my speech it was correctly stated at $40,000. I did not know it referred to the Speaker's home town. At another place in my speech it appeared as $80,000. I was not aware of it. The Times stated its editorial was based upon figures taken from my speech of December 7. They seem to have taken the wrong figures, which resulted from a clerical error in one place that had been overlooked.

Mr. CLARK of Missouri. I did not know that they had ever quoted the gentleman's speech. They had an independent editorial into which they dragged me, and they said it was $80,000. Now, I will tell you about that, while I am at it. Conditions have changed there in six or seven years. And when the census was taken of that town the last time there was a gouge of 500 in population—accidentally or purposely—I do not know which. We offered to pay the expenses of the Government for retaking the census of that town, but they would not do it. It was that way all over the country. But it did one good thing; the apparent loss of population stirred the people of that town up so that they went to work and built four graveled roads in addition to the ones they had. There have been 200 houses built in that town since that census was taken. But these old figures give the census as it was taken. Now they are disposing of stock to build a sanitarium costing $250,000 in that town, and yet we are held to the figures of six or seven years ago.

If you take the new system of rural routes and improved roads by building gravel roads—and in addition to the three that we had we have built four more—it extends the service of that particular post office many miles by abolishing the small country crossroads post offices. So if you take the old figures and stick to them you are deceiving the public.

Another thing. The Census Office not long ago issued a statement as to the present population in cities. How did they do it? They took the growth of those cities from 1900 to 1910, just as if the growth of these cities and towns were an absolutely fixed quantity in the Census Office. Of course, there is no sort of

common sense in it. One town may have 75 reasons for growing while another town of the same size has no reason at all.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. CLARK of Florida. I want to call the gentleman's attention to the fact that we have towns that showed no postal receipts at all in 1905, and to-day they show postal receipts of $20,000.

Mr. CLARK of Missouri. The postal receipts in the town in which I live are growing at the rate of $1,000 a year. They now amount to nearly $11,000.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

United States post office at Ozark, Ala., $5,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: On page 21, after line 19, insert: "United States post office at Palo Alto, Cal., $15,000."

The amendment was agreed to.

The Clerk read as follows:

United States post office at Rich Hill, Mo., $5,000.

Mr. DICKINSON. Mr. Chairman, I move to strike out the last word. I have no desire to take up the time of the House at this time, and I make this motion merely for the purpose of asking unanimous consent to extend my remarks upon this item and other items in the bill, and the bill generally.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the same request.

Mr. VARE. I make the same request.

The CHAIRMAN. The gentleman from Pennsylvania, Mr. MOORE, and the gentleman from Pennsylvania, Mr. VARE, ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 32, after line 13, insert: "United States post office at Roanoke, Ala., $5,000."

The amendment was agreed to.

The Clerk read as follows:

United States post office and other Government offices at San Jose, Cal., $15,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 32, strike out lines 24 and 25.

Mr. CLARK of Florida. Mr. Chairman, in explanation of that I want to state that the committee just adopted an amendment on page 31 fixing a site at Palo Alto, and it was a mistake to insert San Jose.

The amendment was agreed to.

The Clerk read as follows:

United States post office at Sheffield, Ala., $5,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 33, after line 6, insert: "United States post office at Spencer, W. Va., $10,000."

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the provision in the public-building act approved March 4, 1913 (37 Stats., p. 888), for the enlargement, extension, remodeling, repairing, or improvement upon the present site and the enlarged site of the Federal building at Utica, N. Y., at a cost not exceeding $365,000, be, and the same is hereby, amended to read as follows:

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to return to the item of Oakland, Cal., page 14, so that the gentleman from California [Mr. ELSTON] may offer an amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to page 14. Is there objection?

Mr. STAFFORD. Reserving the right to object, we want first to hear the amendment read.

Mr. CLARK of Florida. I want to state before it is read that this amendment which the gentleman from California desires to offer will result in saving $50,000 to the Government. Let the amendment be read.

The Clerk read as follows:

Strike out lines 16 and 17 on page 14 and insert the following:

"That the Secretary of the Treasury is hereby authorized to contract for the acquisition by purchase, condemnation or otherwise, of a new site and for the erection and completion thereon of a suitable building, including fireproof vaults, mechanical equipment, and approaches complete, together with such mail-handling apparatus, etc., as he may deem advisable, for the use and accommodation of the post office and other governmental offices at Oakland, Cal., at a cost not exceeding $1,000,000.

"And that the Secretary of the Treasury is hereby authorized and directed, upon the completion and occupancy of said new building, to sell the present public building and the site thereof in Oakland, Cal., at such time, in such manner, and upon such terms as he may deem advisable; to convey such property to the purchaser thereof by the usual quitclaim deed; and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt."

Mr. STAFFORD. Mr. Chairman, I would like to have some explanation of this item before consent is given. This is no five or ten thousand dollar item, but is such an amount that would make a pretty big hole in the Treasury.

The CHAIRMAN. Is there objection to returning to page 14?

Mr. STAFFORD. I am still reserving the right to object.

Mr. ELSTON. Mr. Chairman, I am proposing this amendment in accordance with the recommendations of a letter addressed by the Secretary of the Treasury, Mr. McAdoo, to the Speaker of the House, as contained in House Document 1776, second session, Sixty-fourth Congress. On his recent visit to California the Secretary of the Treasury inspected the post-office situation in Oakland. He examined the site there and decided that a new building there at a cost of $650,000 was inadvisable upon the present site, because of the size of the lot. He looked about and found that a site could be secured in the vicinity for an amount less than the amount the present site could be sold for. The present post-office building was erected about 20 years ago at a total combined cost for site and building of $250,000. The present site alone can be sold for $450,000, conservatively speaking, so that if this amendment is adopted the net result will be a saving to the Government of $50,000. As a matter of fact, if this amendment be adopted it will not only save the Government $50,000 but will afford a whole block as a post-office site, instead of only a portion of a block.

In this connection I insert herewith the letter of the Secretary of the Treasury to the Speaker:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 16, 1916.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The attention of Congress is respectfully invited to the Federal building at Oakland, Cal. The public-buildings act of March 4, 1913, authorized a much needed extension, remodeling, etc., of this building, and the acquisition of additional land necessary to accomplish this purpose.

In order to obtain the required land it became necessary to institute condemnation proceedings, and these resulted in an award of damages amounting to $51,750 more than the entire amount provided in the aforesaid act for both the extension work and the land. The act of March 3, 1915, provided this additional amount for a site, but having expended the entire sum authorized for land nothing remains for the work upon the building.

Bills (H. R. 10834 and S. 4276) are now pending in Congress providing for the construction of a new building at a limit of cost of $1,000,000.

The reports of this department submitted to the Committee on Public Buildings and Grounds, under date of March 21, 1916, estimated that an adequate building could be constructed for $650,000, and the pending public-buildings bill (H. R. 17052) provides for the construction of a post office and customhouse at Oakland, Cal., at the limit estimated, i. e., $650,000.

Recent investigations at Oakland indicate that it would be to the advantage of the Government to dispose of the present site and building and secure a new site in a better location and at a less permanent investment than is involved with the present site.

Land in the immediate vicinity of the present location of the Federal building has materially increased in value, and it is believed that the present site could be sold for from $400,000 to $450,000 if prompt action could be taken in the matter. It is probable also that a new site occupying a whole square could be secured for about $270,000. The advantages of a site having four street frontages over the present one with two such frontages and an alley are manifest.

The present building is not adapted to enlargement or development along the best lines, and with an entire new site the Government would be able to construct a new building much better suited to provide for the present requirements of Oakland and for its future growth.

It is therefore recommended that existing legislation be amended so as to authorize the Secretary of the Treasury, in his discretion, to acquire a new site and erect thereon a new building at a limit of cost not exceeding $1,000,000, and upon the completion of the new building that the present site and building be disposed of.

A draft of the legislation necessary to accomplish the purposes indicated is transmitted herewith.

Respectfully,

W. G. MCADOO, *Secretary.*

Be it enacted, etc., That so much of the public-buildings act, approved March 4, 1913 (37 Stats., 869), as authorized the enlargement, extension, remodeling, rebuilding, reconstruction, or improvement of the United States post office and customhouse at Oakland, Cal., be, and the same is hereby, amended as follows:

"That the Secretary of the Treasury is hereby authorized to contract for the acquisition by purchase, condemnation, or otherwise, of a new site, and for the erection and completion thereon of a suitable building, including fireproof vaults, mechanical equipment, and approaches, complete, together with such mail-handling apparatus, etc., as he may deem advisable, for the use and accommodation of the post office and other governmental offices at Oakland, Cal., at a cost of not exceeding $1,000,000.

"And that the Secretary of the Treasury is hereby authorized and directed, upon the completion and occupancy of said new building, to sell the present public building and the site thereof in Oakland, Cal., at such time, in such manner, and upon such terms as he may deem advisable; to convey such property to the purchaser thereof by the usual quitclaim deed; and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt."

Mr. STAFFORD. Mr. Chairman, I think the gentleman from California [Mr. ELSTON] has made out a good case. I have no objection to returning to the item at a later time in the consideration of the bill, but I wish to suggest that the phraseology contained in the amendment proposed is not the phraseology that the committee has adopted, so far as the sale of property is concerned. If the gentleman will temporarily withdraw his amendment, so that we can make a change to conform to the practice of the committee, I will have no objection, and I now ask unanimous consent that we may return to this item for that purpose.

Mr. ELSTON. Mr. Chairman, I will say that the wording which I have adopted in my amendment is the exact wording suggested by the Secretary of the Treasury in his report.

Mr. CLARK of Florida. But the committee has agreed on phraseology covering this class of cases. I ask unanimous consent that later on, when the amendment is perfected, we may return to this page for that purpose.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to withdraw his request temporarily.

Mr. CLARK of Florida. And permission also to later on return to this page.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to the highest bidders at public or private sale, in such manner and upon such terms as he may deem to be to the best interests of the United States, the United States warehouse site at San Juan, P. R., except so much of said property as he may deem advisable to retain for the use of any branch of the public service, to convey such property to the purchasers thereof by the usual quitclaim deeds, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. Is this warehouse at San Juan right upon the harbor?

Mr. CLARK of Florida. I rather think it is. I am not positive about that. The Treasury Department wants to sell it, because they have no use for it.

Mr. COOPER of Wisconsin. I notice that this section would leave it to the discretion of the Secretary of the Treasury to sell this property at public or private sale in such manner and upon such terms as he may deem to be to the best interest of the United States. That would permit him to sell it to any steamboat company which now has terminals there, would it not?

Mr. CLARK of Florida. Yes; it would permit him to sell it to any person, I suppose—to the highest bidder at public or private sale.

Mr. COOPER of Wisconsin. This matter of securing proper terminal facilities on water fronts like this is getting to be of the most serious importance; indeed, to some shippers it is, in their business, of vital importance. If the Secretary of the Treasury can sell that United States warehouse to a steamship company which already has a terminal down there, and upon any terms which he pleases, it may be that the sale will establish there a sort of monopoly of wharf privileges. We had something of this kind up once some years ago about a sale or proposed sale by the Secretary of the Treasury, in his discretion, of wharf property belonging to the Government and situated in Alaska. The House refused to permit it when an objection similar to that I am making was made in that case. I do not think that we ought to sell Goverenment wharf property except when absolutely necessary, and it will practically never be necessary. The city of New York has had to acquire private wharves and make them public at great expense. Other cities have had a similar experience.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. ALEXANDER. I think the gentleman from Wisconsin is correct about that. The Government should not part with title to any property on a water front that may be used as a terminal, because the tendency now is to monopolize sites by private interests, which cuts out independent interests and competition.

Mr. COOPER of Wisconsin. It enables one set of shippers if they get in with a vessel company, to coerce other shippers, to deprive them of fair facilities, to destroy equitable and just competition. As I said a moment ago, this matter of securing water-front terminals is getting to be a question not only of serious but, in a commercial sense, of vital importance to municipalities. No man ought to be permitted to sell—especially not at private sale—wharf frontage belonging to the Government of the United States to any private steamship company that he may chance to get an offer from. I ask that we pass this item until there is opportunity to look further into it.

Mr. CLARK of Florida. Mr. Chairman, I have sent for the letter which the Secretary wrote to the Speaker. I ask unanimous consent that we pass over this item temporarily until we can get that information.

Mr. COOPER of Wisconsin. With the privilege of returning to it later.

Mr. CLARK of Florida. Yes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to pass over this item temporarily, with the privilege of returning to it later. Is there objection?

There was no objection.

The Clerk read the first paragraph of section 11.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Are amendments to be offered at the end of the paragraph or after the section has been read?

The CHAIRMAN. After the paragraph.

Mr. COOPER of Wisconsin. Will it be in order now to offer an amendment to this paragraph?

The CHAIRMAN. Yes.

Mr. COOPER of Wisconsin. I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

On page 38, at the end of line 15, add the following: "Upon the advice of the Commission of Fine Arts; and the Secretary of the Treasury is hereby empowered and directed to clear said squares."

Mr. TILSON. Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. And that is whether this portion of the bill should not be read by sections. For instance, this section relating to the building for the Department of Justice, if read and amended by paragraph, might put us in the ridiculous position of being unable to go back to some previous part of the section which ought to be changed if some later portion of the section is changed. It seems to me it ought to be read by sections, otherwise it can not be intelligently amended.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the entire section be read, if the gentleman will withdraw his amendment.

Mr. COOPER of Wisconsin. I do; and that is the reason I asked the question.

The CHAIRMAN. Without objection, the section will be read.

The Clerk read as follows:

SEC. 11. That a commission, consisting of the President of the United States, the Secretary of the Treasury, and the Attorney General, be, and is hereby, created, with full power and authority to obtain, through competition, under such conditions as the commission may prescribe, or from an architect specially selected by said commission, such designs, plans, estimates, specifications, etc., and such modifications therein as may be necessary, in connection with the construction of a suitable fireproof building, hereby authorized to be erected in the city of Washington, D. C., for the Department of Justice.

That payment for the architectural services hereinbefore authorized shall be made from the appropriation for the building for the Department of Justice, at such prices or rates of compensation as may be fixed by said commission, not in excess, however, of the customary and prevailing rates for similar services; and said commission is hereby authorized to enter into contract to such extent as it may deem necessary for such architectural services, or to delegate its authority to enter into such contract to the Secretary of the Treasury: *Provided*, That nothing herein contained shall be construed as including the superintendence or local supervision of the work of constructing said building as a part of the architectural services hereinbefore authorized.

That the limit of cost of said Department of Justice Building, with fireproof vaults, elevators, equipment, and furnishings, ready for occupancy, and including compensation for architectural and other expert technical and clerical services, but exclusive of approaches and apparatus for generating electric current and heat, shall not exceed the sum of $3,000,000.

That said Department of Justice Building shall be located upon such portions of squares 226 and 227 immediately south of Pennsylvania Avenue between Fourteenth and Fifteenth Streets northwest as may be designated by the above-named commission.

That upon the approval of the designs, plans, and so forth, and the designation of the location as aforesaid, by said commission, the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction, equipment, and furnishing of the said Department of Justice Building, and to employ such expert technical and clerical services as he may deem necessary and specially order in writing, to be employed exclusively in the Office of the Commissioner of Public Buildings in connection with the work on said building, all within the total limit of cost hereinbefore fixed: *Provided*, That the contracts for the furnishings for said building shall be made for only such articles as may be approved by the Attorney General.

That the adoption and approval of the design, plans, and so forth, for said Department of Justice Building by the above-named commission shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction, or cost which may be found necessary or advantageous: *Provided*, That no changes shall be made involving an expense in excess of the limit of cost hereinbefore fixed.

That for the payment of architectural and other expert technical and clerical services and necessary expenses in obtaining designs, plans, estimates, specifications, and so forth, and for beginning the construction of said Department of Justice Building, the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available: *Provided*, That nothing herein contained shall be construed as in any wise interfering with or violating any agreement heretofore made by the Treasury Department with any architect or architects with relation to the drafting of plans for a Department of Justice Building, but any such agreement, if it exists, shall in good faith be carried out.

Mr. COOPER of Wisconsin. Mr. Chairman, I now offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 38, at the end of line 15, add the following: "upon the advice of the Commission of Fine Arts; and the Secretary of the Treasury is hereby empowered and directed to clear said squares."

Mr. CLARK of Florida. Mr. Chairman, we have no objection to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I understand that the chairman of the committee accepts the amendment. This amendment simply asks that the special commission to be appointed under the bill shall take the advice of the Commission of Fine Arts. I think it is to be regretted that the Commission of Fine Arts bears that name, because in the minds of some people the name conveys the idea that the commission are given to things not worth while, that they run to the purely ornamental. But this impression is altogether a wrong one. The commission has already rendered the Government, especially by its work for the city of Washington, services of inestimable value. Its members are among the most eminent, if, indeed, they themselves are not the most eminent, men in their respective professions in America to-day. They serve without personal compensation of any kind, being reimbursed only for their official traveling expenses, and then only in part for those. They give many days of their time and experience to the Government throughout the year freely and without stint, mainly because of patriotic pride in the best development of the National Capital and Government art in general. Their services have resulted in a direct saving of large sums of money to the United States, as, for instance, where experts formerly had to be employed and paid to give decisions in such matters as now come before the Fine Arts body officially, and the further economy in seeing that the United States through funds appropriated by the Committees on Appropriation of Congress gets absolutely the best possible artistic results for its money. All their efforts are in the direction of simplicity and dignity and against expenditures of public funds for unnecessary elaboration and adornment in public buildings, monuments, and other pieces of sculpture, paintings, and the like.

Mr. BARNHART. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. BARNHART. Who constitutes this Commission of Fine Arts and who appoints them?

Mr. COOPER of Wisconsin. The President.

Mr. BARNHART. How many members is it composed of?

Mr. COOPER of Wisconsin. I do not know just how many are architects. One member is a famous landscape artist, Mr. Frederick Law Olmsted. At one time Mr. McKim, of McKim, Mead & White, of New York, and Mr. Daniel Burnham, of Chicago, two of the very foremost architects in the United States, and Mr. Augustus St. Gaudens, one of the most eminent sculptors in the world, were members of the commission, and gave their services to the Government.

Mr. BARNHART. Does the gentleman think that a commission of that sort ought to have charge of the jurisdiction over the construction of an ordinary business building, like the post-office building or a court building, all over the country?

Mr. COOPER of Wisconsin. This amendment has nothing to do with post-office buildings or courthouses. It relates only to the national Department of Justice Building in the city of Washington, to be at the head of Pennslyvania Avenue, diagonally across from the Treasury, in almost, if not quite, the most conspicuous site in the city.

Mr. STAFFORD. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. STAFFORD. My impression was that site was reserved for a building to be erected to house the Department of State.

Mr. COOPER of Wisconsin. No. The gentleman from Wisconsin has the two just reversed. The Department of State, according to the plans, was to be housed on the square just at the Mall; I will ask the gentleman from Illinois——

Mr. MANN. I can not say.

Mr. COOPER of Wisconsin. Yes; it was. The plan provides also that the Department of Justice Building shall be practically on a line with the District of Columbia Building as this now stands. And between the Department of Justice Building, on the Avenue, and that of the Department of State, on the Mall, is to be a building for another of the departments.

Mr. BORLAND. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will yield.

Mr. BORLAND. I did not understand the portion of the gentleman's amendment which says the Secretary of the Treasury shall have the site cleared. Why is that necessary?

Mr. COOPER of Wisconsin. You can not erect a building where those other structures stand until these have been removed.

Mr. BORLAND. I understand that; but the Government owns the ground now and they have a right to have the site cleared when they get ready to build a building.

Mr. COOPER of Wisconsin. The Government owns the property, but the Secretary of the Treasury has no authority to tear down the buildings on it unless Congress shall authorize him to do so. The ownership and control are in the Government, not in the Secretary of the Treasury.

Mr. BORLAND. The Government designates certain officers for the construction of a new building on an old site, and part of it would be preparing the site for the construction of the building. I do not see where the gentleman separates the two.

Mr. MANN. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. MANN. Does the gentleman recall just how the first part of his amendment reads? Upon the advice of the Fine Arts Commission?

Mr. COOPER of Wisconsin. Yes; upon the advice of the commission.

Mr. MANN. That is offered as an amendment to a paragraph fixing the site of the building. I suppose the gentleman wants to put in a requirement that the plans for the building shall meet the approval of the Fine Arts Commission?

Mr. COOPER of Wisconsin. Yes.

Mr. MANN. The language of this paragraph is:

That said Department of Justice building shall be located upon such portions of squares 226 and 227 immediately south of Pennsylvania Avenue between Fourteenth and Fifteenth Streets NW. as may be designated by the above-named commission.

But all they would have to do under the language would be to advise the commission to locate the Department of Justice building on a portion of these two squares.

Mr. COOPER of Wisconsin. The gentleman from Illinois is correct, as usual, in his observation and comment; but I drew that in that way for this reason: I was much surprised to learn that it had been proposed to locate this Department of Justice building toward Pennsylvania Avenue, quite a number of feet beyond the line of the District of Columbia Building.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I know that expert architects and city planners think that so to locate the building would be a mistake and detract much from appearances there.

Mr. MANN. That may be; but, of course, under the orders of the President, as I understand, all of these things had to be passed upon by the Fine Arts Commission, anyhow. I supposed the gentleman was seeking to put in a positive requirement that would govern on the theory that the commission might not follow the existing Executive order, and I wondered whether this would do it or not.

Mr. COOPER of Wisconsin. The gentleman from Illinois, when I remind him, will remember that the Executive order made by President Wilson shortly after he came into the office modified and took away the mandatory provision of the Executive order of President Taft, and reads in effect that when the building to be constructed will materially affect the architectural appearance of the city then they shall consult the commission, thus leaving it entirely optional with them.

Mr. MANN. It leaves it optional to accept the plan?

Mr. COOPER of Wisconsin. No; to take the advice.

Mr. MANN. Maybe the gentleman is right.

Mr. COOPER of Wisconsin. The gentleman will recollect a similar question came up about the location of those buildings down on the water front. The Fine Arts Commission was not consulted about them.

Mr. MANN. Congress located those buildings.

Mr. COOPER of Wisconsin. Nor was the opinion of the Fine Arts Commission requested in regard to the new Interior building. But nevertheless the commission vigorously insisted that it ought not to be of red brick. At last their advice as to material for the exterior was heeded. But as first planned

that mammoth structure was to be of red brick, and to loom up like a great red factory.

Mr. MANN. It may be that the amendment will cover. I have no suggestion to offer as to how it ought to be, because I have not canvassed it as the gentleman has. I was thinking they are supposed to consult the Fine Arts Commission anyhow. If they do not do it, and you want to make them do it, you ought to fix it so that they will have to do it. It may be that the language will do that.

Mr. COOPER of Wisconsin. I will say to the gentleman from Illinois that I hold in my hand another amendment to put in after the word "commission" in line 18—"upon the advice of the Commission of Fine Arts."

Mr. MANN. I think that will cover it.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. TILSON. Will the gentleman yield to me? This paragraph provides that the Department of Justice Building shall be located on such portions of squares 226 and 227 immediately south of Pennsylvania Avenue, and so forth. Now, the gentleman states that it is the intention to place that building substantially on a line with the District Municipal Building. As I remember, that would place the north front of the building south of E Street, leaving out of account the entire triangle bounded by E Street, the Avenue, and Fifteenth Street.

Mr. COOPER of Wisconsin. The plan of the city of Washington contemplates that that shall be a little park, and that at the head of the Avenue and on the opposite side of the park as you come around from the Treasury Department, shall be the dignified and beautiful front of the building of the Department of Justice.

Mr. TILSON. There will be nothing on that triangle at all?

Mr. COOPER of Wisconsin. That is the design of the original plan, and that is the one that was approved later.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. COOPER].

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: On page 38, line 17, after the word "forth," insert the words "upon the advice of the Commission of Fine Arts," and, on the same page, line 18, after the word "commission," insert the words "upon the advice of the Commission of Fine Arts."

Mr. CLARK of Florida. I have no objection to that, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, for the purpose of directing an inquiry to the gentleman in charge of the bill.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. In a prior public-building act we authorized the construction of a building for the Department of State. The plans, I believe, were drawn and the site chosen on which to erect the building. Can the gentleman inform the committee what is the status of that proposition, and the reason why we are not going ahead with that work?

Here we are authorizing the construction of a new building, and yet for several years this authorization has been carried for the building for the Department of State, and there is nothing developed further than the plans.

Mr. CLARK of Florida. Mr. Chairman, I will state that originally that property was purchased for the purpose of erecting thereon three departmental buildings—one for the Department of Justice, one for the Department of State, and one for the Department of Commerce and Labor. Since that time the Department of Commerce and Labor has been divided into two separate departments. The plans were drawn, but I understand they were drawn with reference to the construction of those three departmental buildings.

Mr. STAFFORD. As I understand the plans, they were drawn separately, and a separate plan was drawn for the erection of a building to be used by the Department of State.

Mr. CLARK of Florida. I understand that. But I was going on to state that there was one plan drawn for the Department of Commerce and Labor, and, of course, their having been divided makes it necessary to have a plan for a separate building for each. The Department of State, as I understand it, is really not so much pressed for room as is the Department of Justice. That is in the worst condition of any of them. It was thought that at this particular time the building for the Department of Justice is the only one we could carry in this bill.

Mr. STAFFORD. Well, I will have to take issue with that statement, because of the two departments, the Department of Justice and the Department of State, the Department of State needs housing now more than does the Department of Justice. The Department of Justice has only recently—this very month—moved into a privately erected building, which will accommodate it and its activities for years to come.

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. Whereas the Department of State is housed now, I believe, in three separate buildings.

Mr. CLARK of Florida. Yes; but the gentleman must understand that we are paying an enormous rent for this Department of Justice Building, whereas the Department of State is occupying a building owned by the Government.

Mr. STAFFORD. It is just the opposite.

Mr. CLARK of Florida. Some of the branches of the Department of State are on the outside.

Mr. STAFFORD. It is just the opposite. The rental of the Department of Justice is one of the most reasonable that the Government has ever secured for a private office building. The rental is at the rate of 33.3 cents per square foot of available space, not including, it is true, the heat and upkeep. But that is one of the best rentals that has ever been secured by the Government. So far as the Department of State is concerned, it is obliged to go into ill-arranged buildings, paying a much higher rental.

I wish to direct this inquiry to the gentleman: Have we not authorized a building for the Department of State?

Mr. CLARK of Florida. All three were authorized at a cost aggregating $8,000,000 some years ago.

Mr. STAFFORD. Is this supplementary to that authorization?

Mr. CLARK of Florida. No; it is not. This is a separation from the $8,000,000, or a segregating of $3,000,000 for the building for the Department of State.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. This subject, Mr. Chairman, has been called to the attention of the Committee on Appropriations from time to time, and only this year the committee had under consideration the new quarters arranged for the accommodation of the Department of Justice. They have not only an available space in this new building to accommodate their activities at present for all their agencies of work, but additional space to permit of the enlargement of those activities, whereas the Department of State is distributed in two or three private buildings, and only this year, and last year also, it appealed to the committee for authorization to enter into a contract with private parties for the rental of a building that would house all of its activities. From my knowledge of the activities of those departments, I think the Department of State, by reason of its activities—the Mexican situation and other national affairs and the work arising out of the European war—there is much more pressing need to house in a Government building the Department of State, where they need large quarters for the reception of diplomats, than a mere office building for the Department of Justice, which will meet its needs for years to come.

Mr. FESS. Mr. Chairman, I move to strike out the last two words, in order to ask the chairman of the committee a question.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last two words.

Mr. FESS. Mr. Chairman, on the 10th of last June the House passed a Senate bill providing for the appointment of a commission to locate a site for a public archives building. What is the status of that now?

Mr. CLARK of Florida. I do not think there has been any selection, or any report made, at any rate. I want to say to the gentleman that I am very much in favor of it, and I think the entire committee recognizes the absolute necessity for such a building.

Mr. FESS. I am glad to hear the gentleman say so.

Mr. CLARK of Florida. And I think we will bring in later on a separate bill covering that matter, which is very urgent.

Mr. FESS. Was anything of that sort brought to the attention of the committee?

Mr. CLARK of Florida. No.

Mr. SHERLEY. Mr. Chairman, this discussion gives a very good illustration of the absence of economy, pure and simple, touching the building of public buildings, even of the large type. By that I do not mean to say that I think we ought not to build public buildings here for the housing of the great departments, but I do want to call attention to the fact that the usual argument made, particularly by local people desirous of a great building program, will not stand analysis.

It is proposed to appropriate $3,000,000 for this building. Figuring the interest on $3,000,000, you will have an interest cost on your investment that represents nearly three times what it is now costing to rent a modern building for the Department of Justice. We are going to pay about $36,000 rent to house the Department of Justice in the new quarters that they have just moved into, whereas we are proposing to expend $3,000,000 for a building for that department, the interest on which, I say, would amount to nearly three times that sum. Now, I simply call attention to that as a very pat illustration of the fact that you never get economy out of constructing monumental types of buildings for the Government.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, additional land for the use of the United States penitentiary on McNeil Island, in the State of Washington, at a limit of cost not to exceed the sum of $10,000.

Mr. FITZGERALD. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 40, strike out lines 1 to 6, inclusive.

Mr. FITZGERALD. Mr. Chairman, I am unable to determine upon what theory this particular provision was incorporated in a bill to provide for the acquisition of sites for public buildings and for the erection of public buildings on sites already acquired.

This provision is to acquire additional land for the Federal penitentiary at McNeil Island, Wash. The recommendation has twice been made to the Committee on Appropriations for this authority, and has twice been refused because of the absolute worthlessness of the request.

At McNeil Island, Wash., there is a Federal penitentiary. It consists of 87 acres of land. The total value of the land and buildings, according to an appraisement filed with the Committee on Appropriations within two years, is $143,000. The average convict population of the penitentiary is 200, and the total number of persons upon McNeil Island, an island about 4 miles long and 2½ miles wide, containing 4,300 acres, including prisoners and the officials of the penitentiary, is, according to the reports of the Department of Justice, not to exceed 500 persons. So that for an institution which now has 87 acres of land for 200 inmates it is proposed to spend $10,000 to acquire no one knows how much land, and no one knows what particular land. This statement is based upon the statements of the officials of the Department of Justice made before the Committee on Appropriations.

On the 23d day of January, 1915, Mr. McGlasson, who is the assistant in charge of the Federal prison, was asked—

The CHAIRMAN. How many acres of ground do you contemplate purchasing?

Mr. MCGLASSON. We have not decided on any precise number of acres. The warden says that the cost will be from $150 to $250 an acre.

The CHAIRMAN. Have you a map showing what is contemplated?

Mr. MCGLASSON. We have not picked out any particular land. We hope to buy some land adjoining the present reservation.

They do not know how much land they need. They do not know what land they desire. They do not know in what particular place the land is located, but they wish some additional land.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FITZGERALD. When I have completed my statement I shall yield. It was suggested that it was desired to get some additional land for the purpose of improving the water supply. Of course, if anyone desired land for the purpose of improving the water supply of an institution, there would be definite information as to what particular land was desired, the area of land that would be required for that purpose, and its character. But the report of the Attorney General for the fiscal year ending June 30, 1916, just six months ago, discloses that that excuse is not now available. On page 432 of the report, in the part about McNeil Island, is a statement about the farm. There is a well, No. 1, and at that well a pump was installed early in the year, and during the dry summer months it has been in operation an average of eight hours a day, lifting 3,000 gallons of water per hour. The report states:

The water supply in this well is practically inexhaustible, a test of 48 hours' continuous pumping lowering the water less than an inch.

Drilling at deep well No. 2 has progressed under difficulties. Five hundred feet is the limit that the drilling machine in use at this well is guaranteed to work. The drill in this well, however, has been forced down to a depth of 700 feet, and the water now stands in the pipe about 18 inches above the ground level.

It is probably not advisable to attempt to go deeper in this well with the equipment available, although there is a strong probability that flowing water would be secured if a sufficient depth were attainable. Under the circumstances the installation of an air-lift pump is contemplated, after which the water supply of the institution will be more than doubled and should be amply sufficient for all purposes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

Mr. DYER. I ask that the gentleman have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. So that when this pump is installed there will be ample water supply and the excuse that the land is needed for the purpose of increasing the water supply is obviated.

It was stated before the Committee on Appropriations by the superintendent of Federal prisons that it would be advisable to abandon this prison and to send all of the Federal prisoners to Atlanta and to Leavenworth, where we have modern, well-equipped prisons. When the State of Washington was admitted to the Union it was provided that this Federal prison, which was established in 1867, should be turned over to the State of Washington. The Federal Government offered the prison and its equipment to the State, and the governor declined to accept it until the legislature would make provision for its maintenance, and the legislature has consistently refused ever since to take the prison over.

Mr. JOHNSON of Washington. Including the prisoners.

Mr. FITZGERALD. It would be used as a State institution. Here is an island of about 4,300 acres of land, upon which there are 200 convicts. A little over 100 or 200 persons outside of the prison inmates and officials live on the island. What peculiar value land will have in such a location it is difficult to imagine. Who would wish to establish a summer home, or engage in some commercial enterprise, upon an island where there is an unfenced Federal prison? Yet some one has some land that he is preparing to unload on the Federal Government at a cost of from $150 to $250 an acre.

I spent three years in a boarding school in which there were 300 pupils on 100 acres of land. I know that 87 acres of land is more than ample for every possible use that is proper for an institution of 200 persons. This item, Mr. Chairman, can not be justified on the ground that it is within the jurisdiction of the Committee on Public Buildings and Grounds, that it has anything to do with public buildings, that it is for any public use or for any public purpose. It ought to be excluded from this bill. While I differ as to the propriety of some items in this bill, I have refrained from discussing them.

I can appreciate that there can be an honest difference of opinion about many items in the bill. But here is an item that has no legitimate excuse for continuing in the bill. It does not accomplish anything. It would be in order before this session adjourns to offer as an amendment to the sundry civil bill a proposition to acquire adjacent land to the McNeil penitentiary, because an amendment to acquire land adjacent to an existing institution is in order on the sundry civil bill. If this proposition has merit it could be justified, and instead of having merely an authorization which this bill gives without any money, the money would be forthcoming at once. The item can not be justified and ought in the interest of common legislative decency to be excluded from the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the motion to strike this item from the bill, although I desire to say frankly that I do not favor the passage of a public-buildings bill at this time. I hope that the paragraph calling for $10,000 with which to add territory to the site of a Federal penitentiary located on McNeil Island in the State of Washington will not be sufficient to accuse myself and my colleagues with attempted pork-grabbing.

Here is an item that has been everybody's business and nobody's business for years. Nothing can be gained by singling out this as the one item to strike from this bill. A Federal grand jury, as a result of full investigation, issued a report some years ago, asking that steps be taken for the purchase of this

land. I introduced a bill to purchase probably 100 acres—additional land—for not to exceed $10,000, and because the bill was referred by the Speaker to the Committee on Public Buildings and Grounds, the item has come forth in this bill.

The necessity for the additional land is, first, to secure a water supply for the Federal penitentiary that was located there, as the gentleman from New York said, before the State became a State, and, second, for the purpose of providing additional land to be farmed by the prisoners, the present site being 87 acres, not all tillable. Lands in one end of the island will be purchased of these homesteaders who settled there before the days of the penitentiary, so as to make this end of the island a penitentiary site somewhat similar to that of Blackwells Island.

Mr. FITZGERALD. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FITZGERALD. But there are 15,000 acres in the island and the Government only has 87.

Mr. JOHNSON of Washington. There are more than 200 prisoners there.

Mr. FITZGERALD. The Attorney General says that last year there were 226.

Mr. JOHNSON of Washington. Two hundred and thirty-six. The number at the time of the last report was 239, and they received 2 more, making 241, and 5 are discharged, leaving a population of 236. These prisoners come from Alaska, California, Montana, Idaho, and the State of Washington. Indian offenders are frequently sent there.

It would not be in the line of either Federal efficiency or Federal economy to transport prisoners from Alaska to Atlanta, Ga. This penitentiary is considered a modern penitentiary. The prisoners indulge in agriculture; they use this land; they need more. At times there have been outbreaks and 15 or 20 prisoners have escaped, and, overrunning the island, have terrorized the inhabitants.

Mr. SHERLEY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SHERLEY. Does the gentleman think that the addition of 100 acres to what they now have would change the situation as to prisoners overrunning the island?

Mr. JOHNSON of Washington. Well, let them overrun it if there is no one else there.

Mr. SHERLEY. What the gentleman is planning for is to buy everybody's land on that island and unload the ownership upon the Federal Government.

Mr. JOHNSON of Washington. I am offering this at the suggestion of the Federal grand jury.

Mr. SHERLEY. Of course, the Federal grand jury out there is glad to have Uncle Sam spend his money there; but what reason is there for expending good money on that island except for the men who live on the island, who own the land and want to get rid of it?

Mr. JOHNSON of Washington. We want to get them off of one end of the island and pay them a nominal sum for their holdings.

Mr. SHERLEY. But there is no obligation on the part of the Government to pay them and get them off of the island, where they voluntarily went.

Mr. JOHNSON of Washington. But they went there before the penitentiary was established.

Mr. SHERLEY. Why not be frank and say that this is a bill to recompense homesteaders who went upon this island, where a penitentiary has since been established?

Mr. JOHNSON of Washington. I have made a statement with regard to that. A complete report and statement from the grand jury was filed by me in the office of the chairman of this committee and with the Department of Justice. The department has, I believe, made numerous attempts to secure an appropriation for the purchase of additional land.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last two words. The gentleman from New York seems to be somewhat out of humor because the people of the State of Washington do not want to take over this penitentiary. We do not want it. It is not maintained for the people of Washington; it is for Federal prisoners.

I will tell the gentleman what the purpose of this appropriation of $10,000 is. I did not introduce the bill, it is not in my district, and I do not care personally anything about it. I wish they would remove this prison, take it out of the State. The Government ought to keep that prison so that it is in proper shape to keep prisoners or they ought to abolish it. Here is the condition at this time. I will read a letter from the Department of Justice which throws some light on the proposition. It is not for the purpose of purchasing the homesteads from the people who live there. This letter says:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 17, 1916.

Hon. FRANK CLARK,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

DEAR SIR: The department acknowledges the receipt of your letter of the 13th instant requesting a report on bill H. R. 4776, making an appropriation of $10,000 for the purchase of additional land for the United States penitentiary, McNeil Island, Wash.

Under the act of Congress approved January 22, 1867, provision was made for the erection of a United States penitentiary in Washington Territory, the amount to be expended for this purpose being limited to $20,000. The act approved February 22, 1873, authorized an increased sum of $20,000, and in 1874 an additional appropriation of about $7,000 was made to place the buildings in a suitable condition for the reception and confinement of convicts.

After the approval of the act of February 22, 1889 (25 Stat., 680), providing for the admission of Washington Territory into the Union as a State, the attention of Federal officials therein was called in 1890 to section 15 of said act, which the department seemed to hold provided for the transfer of the United States penitentiary on McNeil Island to the State of Washington. Instructions to this effect were given the then United States marshal, district of Washington, but the governor of the State declined to accept the institution, with the prisoners therein, until specific authority for its acceptance had been conferred on him by the Legislature of Washington. This was never done, and the United States marshal was accordingly directed by the Attorney General to continue to conduct the penitentiary as before, and it has since been, and is now, conducted as a Federal institution.

In the estimates of appropriations for the fiscal year 1916 the department had an item of $10,000 for the purchase of additional land for the McNeil Island institution, but the appropriation was not made by Congress and the item therefore was not again included in the estimates for 1917.

The penitentiary reservation now contains 87 acres, which is divided as follows:

Penitentiary reservation.	Acres.
Prison yard inclosure	12½
Beach, roads, and slough	22
Meadow and pasturage	32½
Garden truck	7
Potatoes	6
Orchard	5
Strawberries	1
Blackberries	½
Raspberries	½
Total	87

Land in the vicinity of the reservation is held at $150 to $250 per acre.

This penitentiary is located on an island in Puget Sound, some 3 miles in the nearest direction from the mainland. The island contains something like 50 or 60 square miles. There are a few farmers and fishermen on the island. The penitentiary water supply is obtained by piping water from springs to cement storage tanks. The supply is inadequate, and in case of fire the tanks would soon be exhausted—in fact, on bathing days the tanks are almost empty. Experimental wells have been sunk in an endeavor to get more water. The warden says he is opposed to the erection of any more prison buildings or the doing of any more work to improve or enlarge the penitentiary until the water question has been exhausted.

The estimate of $10,000 made in the estimates for 1916 was for the purchase of additional land having springs or other water supply and upon which to raise supplies for the prison and to give increased fodder production and pasturage for milch cows.

The institution now has accommodations for a maximum of 225 prisoners, and the population is about up to the maximum. It has been necessary to divert Federal prisoners from districts along the Pacific coast to State prisons to prevent overcrowding the McNeil Island institution. The number of prisoners received each year from Alaska and Pacific Coast States is increasing and another cell wing should be erected at the McNeil Island institution to take care of this increase and to avoid sending prisoners to State prisons, where they must be boarded by the Government. However, it would not be advisable to build this new wing until additional land is obtained for water supply, pasturage, and other purposes.

Respectfully,
For the Attorney General:

SAM. J. GRAHAM,
Assistant Attorney General.

Now, think of keeping 230 prisoners there in a prison where they have not sufficient water supply, and which on bathing days is exhausted.

Mr. SHERLEY rose.

Mr. HUMPHREY of Washington. No; I do not yield at this time—and when in case of fire they would have no protection. It seems to be the idea of the gentleman from New York [Mr. FITZGERALD], who is a great economist—and I admire him for it, and I very often follow what he says—that it would be economy to keep that penitentiary in such shape that it is not habitable for these prisoners that come from Alaska, Washington, and Montana, and to pay transportation to take them to these other penitentiaries throughout the country. This letter says that the number of prisoners received from Alaska and the Pacific coast is still increasing and that another wing should be erected to provide for the increase.

I think you can begin to see some of the reasons why it is necessary to have this $10,000. In the first place, it is to maintain at that prison sufficient water supply for convenience and safety, and in the next place, to save the expense of sending the prisoners to other prisons in the interior, which would cost a great deal more than it would to take them to this prison.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. SLAYDEN. I got a little confused about this situation. I understood the other gentleman from Washington [Mr. JOHNSON] to say something that indicated a purpose on the part of the proponents of this measure or some one else to have the Government acquire title to all of the land upon that island.

Mr. HUMPHREY of Washington. I never heard anything about that.

Mr. SLAYDEN. About 15,000 acres, worth from one hundred to two hundred dollars per acre.

Mr. JOHNSON of Washington. Mr. Chairman, I think I was misunderstood, or, perhaps, I made a statement which was not quite clear. The report of the grand jury says that it is desired to buy about 100 additional acres.

Mr. HUMPHREY of Washington. Ten thousand dollars would not buy that island. A considerable portion of it, I think, is very fine land; but evidently the purpose of this $10,000 is to purchase some of the springs on the hillside so that they can have this water by gravity system instead of by well. The chairman of the Committee on Appropriations ought to refuse any further appropriation for this prison and abandon it, or we ought to make this small appropriation and secure these springs and have the water supply where these prisoners can be properly kept.

Mr. FITZGERALD. Mr. Chairman, will the gentleman state where there are any springs? I tried to find out where there was any supply. Nobody in the Department of Justice knew anything about it, and apparently nobody on this floor from the State of Washington has any further information.

Mr. HUMPHREY of Washington. Oh, the gentleman has assumed in advance that we do not know anything more about it than he does.

Mr. FITZGERALD. If the Department of Justice had shown a necessity to acquire land to increase the water supply there would have been no trouble in getting it, but the Department of Justice knew nothing about it. They simply wanted the $10,000 to purchase somebody's land, and did not know where it was located, what was in it, or what was on it.

Mr. HUMPHREY of Washington. I would presume, if this $10,000 were given to the Department of Justice, that they would not be so idiotic as to go out and purchase land that had no water on it. There is no doubt that there are springs in that vicinity.

The CHAIRMAN. The time of the gentleman from Washington has expired. The question is on the amendment of the gentleman from New York to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 27, noes 60.

So the amendment was rejected.

The Clerk read as follows:

SEC. 13. That the following-described public buildings and grounds at Sitka, Alaska, are granted to the Territory of Alaska, to be used by the said Territory as a home for aged, sick, and infirm pioneers and residents thereof, at the expense of the Territory, to wit:

The barracks tract, beginning at a point on the north side of Lincoln Street 212.5 feet from an old cannon set in the ground at the intersection of said Lincoln Street with the beach line; thence north 54° 30′ east 122 feet, thence north 37° 30′ west 220 feet, thence north 48° east 40 feet, thence north 33° 30′ east 17 feet, thence north 30° 30′ west 86 feet, thence south 56° 30′ west 163 feet, thence south 36° east 56.2 feet, thence south 52° 30′ west 78.4 feet, and from thence south 49° 30′ east 277.8 feet to the place of beginning, with the buildings thereon.

The naval hospital tract, beginning at a point 40 feet from the northwest corner of the barracks tract and in the line which forms the northern boundary of the parade ground, from thence north 47° west 160 feet, thence south 79° west 17.8 feet, thence south 11° west 98.5, thence south 50° 30′ east 108 feet, and from thence north 52° 30′ east 82 feet to the place of beginning, with the buildings thereon.

The parade-ground tract, beginning at a point marked by an old cannon embedded vertically in the ground at the intersection of Lincoln Street with the beach line, thence north 54° 30′ east 212.5 feet, thence north 49° 30′ west 277.8 feet, thence south 52° 30′ west 120.5 feet, thence south 50° 30′ east 28 feet, thence south 52° 30′ west 51 feet to the beach line, and from thence 228 feet along the beach line to the place of beginning, with the buildings thereon.

The tide flat between high and low water in front of the parade-ground tract, on which is situated a boat landing belonging to the above-described premises, with the buildings thereon.

All line courses in the foregoing descriptions are given in geographical directions.

That the Territory of Alaska shall never sell or otherwise dispose of any part of said property, and if the same shall ever be abandoned for the uses herein declared the said premises shall revert to the United States.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the last word.

Hon. S. R. Blanton, of Owensboro, Ky., is at the Capital for the purpose of delivering to the President and Members of Congress certain resolutions adopted by the American Society of Equity. Mr. Blanton is general organizer for the society and holds credentials from Mr. H. G. Tank, of Wausau, Wis., the national secretary and treasurer of the organization.

The American Society of Equity is a powerful farmers' organization. It was organized 14 years ago. It has a membership of over half a million distributed over 15 States. It has done much for the farmers. In the Northwest its most important work has been in organizing local grain elevators and a large terminal elevator at St. Paul. At almost every station in my State there is a local grain elevator cooperatively owned by equity members. Finding it necessary to follow their grain to the terminals the American Society of Equity, through a subsidiary corporation, the Equity Cooperative Exchange, built a great terminal elevator at St. Paul, which is now in successful operation. To do this required a great amount of agitation and the cooperation of a large number of farmers scattered over the farms in Minnesota, North Dakota, South Dakota, and Montana, who showed their faith in the enterprise by investing their money in it. While others have talked and dreamed about cooperative marketing, the equity men have been organizing successfully to market their products. The marketing of grain is only one of their activities, and is mentioned only to show the helpful and large way the society tackles farm problems. Among the men directing the affairs of the society and responsible for its great growth and success are D. O. Mahoney, president, Viroqua, Wis.; H. G. Tank, secretary and treasurer, Wausau, Wis.; M. F. Sharp, national organizer, St. Paul, Minn.; John M. Anderson, president Equity Cooperative Exchange, St. Paul; J. G. Crites, general manager; G. A. Thiel, treasurer; F. E. Osborn, convention manager; A. M. Baker, editor Cooperators Herald; M. P. Johnson, president of the North Dakota division; and Magnus Johnson, holding a similar position in Minnesota.

The annual convention of the society was held last month. Important resolutions were adopted. Ordinarily such resolutions are trusted to the mails, and sometimes the passing of resolutions is a perfunctory thing of little meaning. Not so with the American Society of Equity. They directed that one of their number should personally carry their resolutions to Washington. In pursuance of this the national secretary, Mr. H. G. Tank, wrote a letter of introduction for Mr. S. R. Blanton, who is here now to perform the task assigned to him by his society. It will lighten his burden to have the resolutions printed in the CONGRESSIONAL RECORD; it will be a convenience to those of you who have not already read the resolutions to find them in to-morrow morning's RECORD. Mr. Blanton advises me that they were passed without a dissenting vote. I ask permission to have the resolutions printed in the RECORD.

The SPEAKER. Is there objection? The Chair hears none.

The resolutions are as follows:

Resolutions adopted by the fourteenth annual convention, American Society of Equity, December 12–15, 1916.

Whereas since the passage of the Smith-Lever Act we have a system in the State and Nation whereby experts are furnished to counties desiring them to assist farmers in their agricultural problems. We heartily indorse this movement, provided the system is not abused and made the instrument of those who are dubious of or unfriendly to our plans for better business organization, cooperative marketing, and rural credit reform. We are opposed to the county agent plan when boards of trade, advancement associations, or other groups of men whose interests are not in accord with ours seek to control the county representative and prevent him from assisting farmers who need help in organization of those cooperative marketing associations familiar to us all.

Therefore we recommend that our national secretary be instructed to cooperate with our State union secretary, to the end that full information relative to the work which the county agents are doing in the several States be secured, and submit the result of this investigation to our membership through the medium of our National and State papers.

* * * * * * *

We earnestly urge upon Congress the imperative need of a prompt and thorough investigation by the Federal Trade Commission, assisted by the Department of Agriculture, of the marketing of live stock and the meat-packing industries in this and other countries. We urge that this investigation be followed by a report, with constructive recommendations for the improvement of the conditions and methods under which live stock is marketed and the products thereof manufactured, distributed, and sold.

We urge upon Congress the making of an adequate appropriation and the giving of adequate authority to the Federal Trade Commission to enable it to cover all important phases of the problem, including the experiences of other countries with municipal abattoirs and cooperatively owned packing plants, all to the end that a free and uncontrolled market may be assured, that any existing abuses may be corrected, that present wastes may be eliminated, and that new methods may be adopted. We further urge that the fullest publicity be given to all facts affecting the prices of live stock received by the producer and the cost of meat products paid by the consumer.

* * * * * * *

Whereas certain groups of big business have seized upon the opportunity offered by the European war to foist upon the people of this Republic a military force that will, if not checked, surpass the militarism of any country on the habitable globe; and

Whereas militarism is directly contrary to the spirit of our institutions and hostile to a republican form of government and perilous to the liberties of the common people; and

Whereas in order to establish this un-American, undemocratic, and unnecessary military burden upon the people, as a first essential in that direction, Congress passed what is known as the Hay-Chamberlain Army reorganization bill, which makes a soldier of every able-bodied male citizen of the United States and gives power to the President to draft them into military service; and

Whereas the agricultural and industrial workers make up the greatest part of the military serviceable citizenship, so that when they are drafted into the military service our productive agricultural and industrial activities will be interrupted and society's welfare thereby injured; and

Whereas it is the common people who, in case of war, are the trench diggers and food for the cannons' mouths, driven to the slaughter, while those who profit by war get not near the firing line; and

Whereas the expenditures for military purposes in this country have become unreasonable, unbearable, the expenditures for 1916 being $873,000,000 and the estimates for 1917 being $300,694,684, the grand total for the two years reaching the colossal sum of $1,173,694,684, a sum twice as large as was ever appropriated by any Government in any country within the same time in times of peace: Therefore be it

Resolved by the American Society of Equity in national convention assembled on this 12th day of December, 1916, That we demand of the Congress of the United States the immediate repeal of the un-American measure known as the Hay-Chamberlain Army reorganization bill; and

Resolved further, That a committee of one be appointed by this body to wait on the President of the United States and upon the Members of Congress with copies of this resolution; also that the national secretary be requested to have printed 600 copies of this resolution for this purpose.

Mr. LONGWORTH. Mr. Chairman, I desire to ask the gentleman from Florida a question. I do not know whether the gentleman has stated it or not, but I should like to know how much the totals of this bill are increased by the various committee amendments that have been adopted.

Mr. CLARK of Florida. I have not the figures, but it is very slight.

Mr. LONGWORTH. Several hundred thousand dollars?

Mr. CLARK of Florida. Oh, no. The gentleman means by amendments that have been offered and adopted since the bill has been under consideration in the House?

Mr. LONGWORTH. Yes; amendments by the committee.

Mr. CLARK of Florida. Oh, I should not think over $200,000.

Mr. LONGWORTH. I caught four or five of them which amounted to something like twenty or twenty-five thousand dollars, and I thought the total might have run up to a considerable amount.

Mr. CLARK of Florida. No; I think not; but I can have the figures for the gentleman in a short time.

The Clerk read as follows:

SEC. 15. That it shall be the duty of the custodians of all public buildings of the United States of America and all buildings in which is located a post office of the United States to raise over such building the flag of the United States of America on each secular day when weather conditions are favorable. It shall be the duty of any department of the Government under which division said buildings or post offices are controlled to provide for any such building a suitable flag for the purposes herein provided.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this section.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I suppose the gentleman desires to insert a speech about standing by the flag and the appropriations?

Mr. LANGLEY. It was at my suggestion, as a member of the committee, that this section was incorporated in the bill, and I want to explain my purpose in doing that, but I do not want to take the time to do it now.

Mr. CLARK of Florida. Mr. Chairman, I would like to state that it is my purpose to ask before we get through that all gentlemen have the right to extend their remarks in the RECORD upon this bill, whether they have spoken or not.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

SEC. 16. That so much of section 4 of the public-building act approved March 4, 1913 (37 Stats., p. 873), as authorizes the acquisition of a site and the erection of a suitable building thereon for the United States customhouse at Nogales, Ariz., at a cost not exceeding $110,000, and so much of section 5 of said act (37 Stats., p. 877) as authorizes the acquisition of a site for the United States post office and other governmental offices at Nogales, Ariz., at a cost not exceeding $10,000, be, and the same are hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, one site and to erect thereon one building for the of such sale into the Treasury as a miscellaneous receipt, accommodation of the United States post office, customhouse, and other governmental offices in Nogales, Ariz., at a cost not exceeding $120,000, of which limit of cost not exceeding $15,000 shall be expended for such site; and that the appropriation of $16,000 made by the act of Congress approved July 29, 1914 (38 Stats., p. 563), in pursuance of said authorization of March 4, 1913, for a site and building for said customhouse, be, and the same is hereby, made available for the acquisition of the site and the commencement of the erection of the building hereinbefore authorized for said post office and customhouse.

The CHAIRMAN. There is a committee amendment there, which the Clerk will report.

The Clerk read as follows:

Page 43, amend by striking out all of line 26.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

United States courthouse and other branches of the Government service at Dallas, Tex., upon the site acquired for that purpose, $1,250,000. And the Secretary of the Treasury is hereby authorized and directed to sell at public sale, after due advertisement once a week for four successive weeks in some newspaper published in Dallas, Tex., the present Federal building at Dallas and the site upon which the same is located for not less than $1,000,000, the proceeds of the said sale to be paid into the Treasury of the United States as a miscellaneous receipt: *Provided*, That the Government is to occupy and use the same until the new Federal building herein provided for shall have been completed.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. This portion of the bill which contains substantive propositions under sections—are we considering the bill by sections or paragraphs?

Mr. CLARK of Florida. We are considering this portion of the bill by sections when it is all one item.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment. This amendment is similar to the amendment that has heretofore been agreed upon as to the terms of sale for these various public-building sites and buildings.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 23, strike out lines 23 and 24 and insert in lieu thereof the following: "by private sale, but at not less than the value as determined by an appraisal thereof by the Secretary of the Treasury and upon such terms as he may deem for the best interests of the United States, the."

And strike out, on page 45, line 1, the words "for not less than $1,000,000" and insert in lieu thereof the following: "and convey such land and building by the usual quitclaim deed to the purchaser thereof."

Mr. CLARK of Florida. That will leave——

Mr. STAFFORD. That is the form heretofore adopted by the committee.

Mr. ASHBROOK. If I followed the amendment, it struck out all of lines 23 and 24. I believe it should not strike out the word "the," in line 24, the last word in line 24.

Mr. STAFFORD. I think I have the word "the" included in the amendment. It may be that the Clerk did not report it.

Mr. ASHBROOK. Very well.

Mr. STAFFORD. I was very careful in drafting the amendment.

The question was taken, and the amendment was agreed to.

Mr. SUMNERS. Mr. Chairman, I ask unanimous consent that later we may return to this item for the purpose of making a brief statement in regard to it, providing we get along with the bill sufficiently fast for me to make that statement before adjournment.

The Clerk read as follows:

SEC. 18. United States post office, courthouse, and other Government offices at Rock Hill, S. C., $125,000. The Secretary of the Treasury is authorized to sell the present building and site, at public or private sale, and turn the proceeds of said sale into the Treasury as a miscellaneous receipt. If the Secretary of the Treasury finds that it is more feasible to buy additional land for a site for the Federal courthouse adjacent to or near the present post-office building, he is hereby authorized to acquire such additional land, by purchase or condemnation, and to erect a courthouse on the same, and in that event the sum of $100,000 is hereby authorized for the acquisition of said additional land and the erection of a courthouse on the same.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment. This amendment is similar in purport to the one just adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 10, insert, after the word "sale," the following: "but at not less than the value as determined by an appraisal thereof by the Secretary of the Treasury and upon such terms as he may deem for the best interests of the United States, and convey said land and building by the usual quitclaim deed to the purchaser thereof."

Mr. CLARK of Florida. Mr. Chairman, that is satisfactory.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site upon which to erect a building for the post office, courts, and other branches of the Government service at Newark, N. J., at a limit of cost not exceeding $600,000, or, in his discretion, to acquire, by purchase, condemnation, or otherwise, additional land adjoining the site upon which the Federal building at Newark, N. J., now stands, and remodel, rearrange, and enlarge the present building at a limit of cost not to exceed the said sum of $600,000.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on pages 45 and 46, by striking out all of section 18 and inserting in lieu thereof the following as section 19:

"SEC. 19. That for the purpose of providing adequate accommodations for the post office, courts, and other branches of the Government service at Newark, N. J., the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land adjoining the site upon which the Federal

building at Newark, N. J., stands, and remodel, rearrange, and enlarge the present building and remodel, rearrange, and enlarge any or all buildings on said additional land that may be acquired, at a limit of cost not to exceed the cost of $600,000."

Mr. MANN. As the Clerk reported the amendment it was to strike out section 18.

Mr. CLARK of Florida. That is a mistake. It is section 19. He made a mistake in reading the section.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 21. That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell, at public or private sale, for such sum as in his judgment he may deem proper, the lot now owned by the Government of the United States in the city of Pittsburgh, Pa., which said lot is bounded by Penn Avenue, Liberty Avenue, Fifteenth Street, and Sixteenth Street, and pay the proceeds of such sale into the Treasury of the United States as a miscellaneous receipt.

For the enlargement, remodeling, and repairing the present Federal building at Pittsburgh, Pa., including all changes in, extension of, or additions and repairs to the mechanical equipment which may be made necessary by reason of such enlargement, remodeling, or repairing of said building, not to exceed $50,000.

The Clerk reported the committee amendment, as follows:

Insert, after the word "proceeds," in line 28, the following: "of such sale into the Treasury of the United States as a miscellaneous receipt."

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. If we are considering this bill by sections and not by paragraphs, before a committee amendment can be reported the entire section should be read.

The CHAIRMAN. The Clerk had not finished reading the section.

The Clerk completed the reading of the section.

The committee amendment was reported, as follows:

Add, on page 46, at the end of line 25, by inserting the following: "of such sale into the Treasury of the United States as a miscellaneous receipt."

The question was taken, and the amendment was agreed to.

Mr. GARLAND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 46, line 22, after the word "proper," insert "but not less than $750,000."

Mr. GARLAND. Mr. Chairman, I wish to offer that amendment for the reason that that property was purchased about 11 years ago, and this lot described in the section has been held by the Government ever since. The property has really decreased in value evidently all along. No Secretary of the Treasury from that time to this has seen fit to recommend that a building be put on that property, and the property was estimated just about a year ago by several business men and real estate firms who wrote on the subject and estimated it to be worth less than half the value of $750,000.

I believe Congress, however, about four years ago passed a bill authorizing the Secretary of the Treasury to sell that property at $750,000. It seems he has been unable to get a sale for that up to this time, but in the past few months large interests have started a movement in that direction, and I received a letter day before yesterday from certain parties in the city, a real estate firm, stating that they felt they could secure, if they had a short option, $750,000, or the price that was named by the bill that passed this Congress. Now, that has been substantiated by other rumors, and I feel that the United States Government can receive for this property at least $750,000.

Mr. CLARK of Florida. If the gentleman will permit, I will state that the committee authorized the sale of this property, I think in 1913, at an upset price of $750,000, and have never been able to get an offer anywhere in that neighborhood. The committee thought at this time they would simply leave it to the discretion of the Treasury Department. I think the gentleman will agree that all the citizens of Pittsburgh, or practically all of them, agree that this is not the proper location for the Federal building.

Mr. GARLAND. I am not urging that as a location.

Mr. CLARK of Florida. I think the gentleman will agree this is not a proper location.

Mr. GARLAND. I do; yes. I have another amendment that I wish to offer.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARLAND. Certainly.

Mr. STAFFORD. I intend to offer an amendment to this paragraph, in order to have it harmonious.

Mr. GARLAND. I would prefer the gentleman wait until my other amendment is acted on.

Mr. STAFFORD. There is one amendment pending that is rather inconsistent with the policy that has heretofore been adopted. Will the gentleman permit an inquiry?

Mr. GARLAND. I desire, if the gentleman prefers to offer an amendment, to have this amendment go up to the desk first and be read. It is to the same paragraph.

Mr. STAFFORD. You have not offered it?

Mr. GARLAND. I have it here. I was discussing the other.

Mr. STAFFORD. I wanted to direct an inquiry to either one or both.

Mr. GARLAND. They are separate. There should be a different vote on them. In the light of the statement I have just made there is strong evidence that $750,000 can be secured for that property, and we ought to put in the bill a provision to sell it for no less sum in light of the fact that the same large interests are now attempting to sell to the Government another lot.

Mr. CLARK of Florida. Mr. Chairman, I want to ask the gentleman from Pennsylvania if he would not withhold his amendment for an amendment to perfect the section. The gentleman from Wisconsin has such an amendment.

Mr. MANN. It is in conflict with this amendment. Why should we not set an upset price?

Mr. GARLAND. I do not know what the gentleman's amendment is.

Mr. MANN. The gentleman from Wisconsin wants the Secretary of the Treasury to set his own price on it. There has been so much crooked work about the purchase of this site in Pittsburgh before that we ought to be careful.

Mr. CLARK of Florida. Yes; we have fixed the upset price.

Mr. MANN. The gentleman from Pennsylvania says he thinks it is possible to obtain that price.

Mr. CLARK of Florida. I am not objecting to the upset price, but it seems to me the proposition of the gentleman should go.

Mr. MANN. The gentleman's amendment will result in selling this property at half a million dollars instead of three-quarters of a million dollars, if it depends on the Treasury experts; and the opinion of the Treasury experts in the purchase of this property has not been worth anything.

Mr. STAFFORD. Of course, the amendment I intend to offer is not in any way conflicting with the amendment of the gentleman from Pennsylvania [Mr. GARLAND]. It provides that property shall not be sold for less than the value set by the appraisal, and then there would also be the amendment offered by the gentleman from Pennsylvania that it should not be less than $750,000. The appraisal might be $900,000 or $1,000,000.

Mr. GARLAND. I am willing to include that.

Mr. MANN. I think in the Dallas, Tex., provision they struck out $1,000,000, because it was in conflict with the amendment.

Mr. STAFFORD. I did it, because I thought, and I still think, that we are not in a position here in Congress to determine the value of property. It must be an administrative function. Of course, in this case there has been, too, but maybe there has been some questionable procedure in connection with it, and therefore in view of that statement I would not offer my amendment as a substitute for the amendment offered by the gentleman, but offer it as a separate amendment later on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GARLAND].

Mr. CLARK of Florida. What is his amendment?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 46, line 22, after the word "proper," insert "at not less than $750,000."

Mr. CLARK of Florida. We have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARLAND. There is another amendment there.

The CHAIRMAN. The gentleman from Pennsylvania offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARLAND: Page 46, line 26, after the word "States," strike out all of the line, and all of line 27, and insert in lieu thereof the following: "to be held in a fund to apply on the purchase of a suitable lot or piece of ground in said city."

Mr. GARLAND. Mr. Chairman, my purpose in offering that amendment is that the money, whatever it may be, is secured by the sale of the lot, which is contemplated now, and will be held in the Treasury Department for the purpose of purchasing other ground there. Pittsburgh about 40 years ago was permitted to build a post office by an appropriation. From that time up to this they have never had another building of any kind, and they have grown to that extent that the statements that have been made concerning Chicago, Philadelphia, and other places fit Pittsburgh exactly. Eleven years ago this appropria-

tion was made for the purpose of purchasing a piece of ground. Nine hundred and forty thousand dollars, I believe, they paid for it.

Now, the Government has held that land ever since and refused to put a building on it, and as a consequence we have been renting every old shack around the town that we could get for post-office and Federal office purposes. We are paying now over $75,000 a year rentals for outside buildings, and because of this particular ground being undesirable we have been unable to get an appropriation to put a building anywhere else. The ground was there, and the Government authorities felt that we were not entitled to purchase anything else while it was on their hands.

Now, if they sell it, the funds that are there should immediately, so far as they will go, be applied toward the purchasing of a suitable piece of ground, so that we can then get an appropriation through the next Congress to build a building and relieve the situation there.

Mr. CLARK of Florida. Mr. Chairman, we shall certainly have to oppose that amendment. The idea of allowing the money to be held in a separate fund whenever this lot is sold is unusual. We are carrying $50,000 in the bill to provide for the temporary needs of Pittsburgh, waiting until this property can be sold and another site can be purchased. The money will be available. The gentleman need not be afraid of that. But this would be unusual. We are opposed to putting aside trust funds of this character.

Mr. GARLAND. I do not know whether it is known to the gentleman or not, but this $50,000 that he speaks of will not bring back into the post-office building any of the different departments that have been put outside. It will only relieve us of the congestion that now is so overpowering that something must be done temporarily. It will not give us any permanent relief.

Mr. CLARK of Florida. But, Mr. Chairman, there is no earthly necessity for taking this action. This lot was bought some years ago for something over $900,000. It was absolutely unsuitable, and we have not been able to sell the land for even half a million dollars since. I doubt if we could get it to-day. We are certainly opposed to selling the property and converting it into a trust fund to be expended hereafter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. GARLAND].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. GARLAND. Mr. Chairman, I will ask permission to submit to this particular section another amendment after a while.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 46, line 21, after the word "sale," strike out the remainder of the line and the words "deem proper," in line 22, and insert in lieu thereof the following: "at not less than the value as determined by the appraisal thereof by the Secretary of the Treasury and upon such terms as he may deem for the best interests of the United States."

Mr. STAFFORD. Mr. Chairman, this would leave in the qualifying clause of the amendment offered by the gentleman from Pennsylvania [Mr. GARLAND], which would immediately follow "not less than $750,000," so that it is not inconsistent.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I offer another amendment, to follow the amendment that was offered by the gentleman from Pennsylvania [Mr. GARLAND] and which was adopted—the first one.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD, to follow the amendment of Mr. GARLAND: "and conveyed by the usual quitclaim deed."

Mr. CLARK of Florida. I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed upon a suitable site to be selected by him, together with the Secretary of War, upon land already owned by the Government of the United States at the city of Washington, in the District of Columbia, an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of the Treasury and the Secretary of War, at a limit of cost not to exceed the sum of $800,000: *Provided*, That one half of this amount shall be paid out of the Treasury of the United States and the remaining half shall be paid out of the revenues of the District of Columbia.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Committee amendment: Amend, on page 47, by striking out all of section 22 and inserting in lieu thereof the following:

"SEC. 22. That the commission created by section 17 of the act approved May 30, 1908, be, and they are hereby, authorized and directed to cause to be erected, under the supervision of the Secretary of War, upon a suitable site to be selected by them upon the advice of the National Commission of Fine Arts, upon land already owned by the Government of the United States in the city of Washington, in the District of Columbia, an armory building for the National Guard of the District of Columbia in accordance with the plans for such armory submitted by said commission, or such modified plans as may be approved by the Secretary of War, at a limit of cost not to exceed the sum of $800,000: *Provided*, That one-half of this amount shall be paid out of the Treasury of the United States and the remaining half shall be paid out of the revenues of the District of Columbia."

Mr. STAFFORD. Mr. Chairman, will the gentleman from Florida kindly explain what the commission is that was created by the act of May 30, 1908?

Mr. CLARK of Florida. I will state to the gentleman that there was a commission created and given charge of this building, this armory, under the supervision of the Secretary of War. When we drew this provision we did not know of it, or it had passed out of our minds, and we put it under the Treasury Department. Col. Harts called it to my attention and stated that they had ample means and architects and facilities, and so forth, in the War Department, and that they wanted it especially constructed under the War Department.

Mr. STAFFORD. Then there is an existing commission to take charge of this work referred to in the amendment offered by the gentleman?

Mr. CLARK of Florida. Yes.

Mr. DYER. The commission consists of the Assistant Secretary of War, the general commanding the National Guard of the District of Columbia, the officer in charge of public buildings and grounds in Washington, and the Superintendent of the United States Capitol Building and Grounds. That is the commission created by this act.

Mr. STAFFORD. That would consist, the gentleman says, of one of the Assistant Secretaries of War?

Mr. DYER. The Assistant Secretary of War.

Mr. STAFFORD. There is only one assistant. Gen. Schofield sometimes acts as Acting Secretary. Then there would be the head of the militia, the gentleman says?

Mr. DYER. The general commanding the militia of the District.

Mr. STAFFORD. And Col. Harts and Mr. Elliot Woods?

Mr. DYER. Yes; that is the commission that was created.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. DYER. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the committee to the importance of this item.

Section 22 of this bill just read provides for a new armory building for the National Guard in the District of Columbia, and is in accord, substantially, with the provisions of the bill (H. R. 3624) that I introduced at the first session of this Congress. I also introduced a similar bill in the preceding Congress. At a hearing held by the Committee on Public Buildings and Grounds upon this bill (H. R. 3624) on February 2, 1916, it was the unanimous opinion of those qualified to speak upon this subject that there was the greatest possible need for a new armory building in this city. The hearings referred to were upon the bill which I introduced and which reference I heretofore made. The important needs of this building are many. Among them are the necessity for safeguarding and properly caring for more than $300,000 worth of Government property which is now stored in unsuitable and unsafe rented buildings without protection from fire. The Government is now paying some $16,000 a year rent for these buildings. The new building is also needed in order that the necessary provisions can be had for the training and instructing of the members of the District of Columbia National Guard. It is impossible to give them these instructions in the present armories. It is also desired that the new armory shall provide moral and mental amusements and benefits for the men, as well as a swimming tank, bowling alleys, shooting galleries, riding hall, gymnasiums, library, and so forth. The city of Washington, the National Capital, has the poorest armories, and so forth, that are to be found practically in the country. There ought to be built here a model armory and one that will be the pride of the whole people and which will demonstrate to the world that the United States Government believes in its National Guard.

It is the intention to also give to the veterans of the Civil War and the Spanish War uses of this building. The intermingling thereof of the men of the National Guard with those who have seen service will cause a greater interest to be taken in military and National Guard affairs in the city of Washington. No place in the country has more splendid or worthy young men, or who have been more ready to offer their services to their country, than those who have been or who are members of the National Guard of the District of Columbia.

Brig. Gen. William E. Harvey, commanding the District of Columbia Militia, appeared before the Committee on Public Buildings and Grounds on February 2 and, together with other officials of the United States Army and of the National Guard, testified to the great needs and importance of a new armory for the District of Columbia. The then Secretary of War, Lindley M. Garrison, indorsed the bill which I introduced. The late Gen. Albert L. Mills, of the United States Army and of the division of military affairs, also gave the bill the strongest possible indorsement, as did Col. William W. Harts, United States Army and the superintendent of public buildings and grounds. Brig. Gen. Harvey prepared and had printed in the hearings of February 2, 1916, a memorandum in support of the bill (H. R. 3624), and which I call the attention of the Members of the Congress to in order that they may be fully informed as to the necessity of this legislation. I refer specially to a part of the memorandum. He says:

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department.

The following is a statement showing the organization and the number of officers and enlisted men, shown by the return for the quarter ending December 31, 1913:

Organizations.	Commissioned officers.	Enlisted men.	Aggregate.
General officers of the line	1	.....	1
Adjutant general's department	2	.....	2
Inspector general's department	1	.....	1
Judge advocate general's department	1	.....	1
Quartermaster corps (including quartermaster corps' personnel of trains)	5	4	9
Medical department (including detachments in sanitary train)	[1]13	62	75
Corps of engineers (including engineer troops)	.....	.....	.....
Ordnance department	1	1	2
Infantry, Third Infantry, and First Separate Battalion	61	[2]1,471	1,532
Cavalry	.....	.....	.....
Field Artillery	5	197	202
Signal troops	3	73	76
Coast Artillery corps	.....	68	68
Naval battalion staff	7	.....	7
First division	1	37	38
Second division	1	39	40
Third division	2	60	62
Fourth division	2	52	54
Total	106	2,064	2,169

[1] This includes 1 officer in Medical Reserve Corps.
[2] This includes 77 men carried on reserve list.

For a quarter of a century it has struggled along without any proper provision being made for housing it. It has been quartered in rented buildings of various sorts, none of which have afforded the requisite facilities for training the troops and caring for the equipment, which is the property of the United States.

The entire unsatisfactory and even discreditable accommodations for this organization have been commented upon year after year by the inspecting officers of the United States. A personal inspection of the buildings discloses the fact that these reports are not exaggerated, but are well founded in fact.

The organization at the present time is scattered about the city in nine different buildings, none of which are fireproof and none of which afford enough room for the keeping of the equipment. Some of the buildings have no provision at all for drilling the troops, and the troops are compelled to drill in the streets. For these unsatisfactory, uninviting, and inadequate buildings an annual rental of $16,900 is paid.

Notwithstanding the lack of armor facilities, the National Guard of the District of Columbia has keep up a force which has worked diligently to conform to the requirements of the War Department at a very great sacrifice on the part of the officers and men, who have devoted their time and energy and, in many instances, money to promoting the welfare of the organization and bringing it to a point where it could be considered as efficient.

Since 1887 about 33,000 individuals, officers and men, have served in this organization. The training which they have received in some instances has been thorough and others not, but all of them received some instruction which would be valuable in the event that the United States was forced to call for a large force of volunteers. The value of this military training may be very great to the country in time of stress.

At the outbreak of the Spanish War the entire National Guard volunteered, and one regiment was permitted to enter the service. It served creditably in Cuba, and was present in the trenches when Santiago surrendered. The Member of Congress, Hon. L. C. DYER, who introduced the bill under consideration, served in this regiment. In addition to this regiment, it furnished officers and men to some of the so-called "immune" regiments and to the United States Volunteer Engineers, and during the Philippine insurrection it furnished many officers and men to the United States Volunteers organized for service in the Philippines.

At the present time there are more than 25 officers in the United States Army, serving there creditably, who received early military training in the District of Columbia National Guard. One of them has been awarded the congressional medal of honor for distinguished gallantry and two of them have been selected to captain the Army Infantry team in the great rifle competitions.

Past duty well done, as well as future activity in the training of citizens to defend the flag in time of national danger, justifies the expenditure for a complete armory in the District of Columbia—one which will adequately provide for this brigade of troops and serve as a model to the State organizations.

Statement of rent paid for armories, etc., District of Columbia National Guard.

Armory 472 L Street NW., including the use of the drill hall three nights in each week from Oct. 1 to May 30	$10,000
Armory 231 First Street	3,900
Armory 1200 U Street	1,200
Quarters for noncommissioned officers of the Army detailed as instructor sergeants	1,020
Stables for horses for mounted organization, 458–460 Virginia Avenue	780
	16,900

If the United States is to rely in large part upon the militia; if the militia of the several States is to be maintained and trained to the standard of efficiency which the military authorities of the United States deem necessary; if, as experience has shown, adequate armories are an absolute necessity in that maintenance and training, it would seem the part of wisdom on the part of the Federal Government to supply its own Organized Militia in the District of Columbia, which is within the exclusive jurisdiction of Congress, with an armory which will be a model in every way and which can stand as an object lesson to the many State national guardsmen who visit the National Capital, that they may take home with them ideas as to what is desirable in armory construction.

The National Guard of the District of Columbia is a Federal force organized by the act of Congress approved March 1, 1889 (25 Stat. L., 772), as amended by the act of February 18, 1909 (35 Stat. L., 629). It differs from the State militia in that it is directly under the command of the President of the United States all the time.

The Constitution provides:

"The President shall be the Commander in Chief of the Army and Navy of the United States and the militia of the several States when called into the actual service of the United States."

As will appear below, the President of the United States is the Commander in Chief of the National Guard of the District of Columbia, just as he is the Commander in Chief of the Army and Navy of the United States.

The Clerk read as follows:

SEC. 27. That the provision of the act of Congress approved March 4, 1913 (37 Stat., 873), which authorizes the demolition of the present Federal building and the construction of a new post office and courthouse upon the site thereof at Madison, Wis., at a limit of cost of $550,000, be, and the same is hereby, amended so as to authorize the Secretary of the Treasury further, in his discretion, to sell the present post office and courthouse and the site thereof in said city to the highest bidder, at public or private sale, in such manner and upon such terms as he may deem for the best interests of the United States, to convey said property to the purchaser thereof by the usual quitclaim deed and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt: *Provided, however,* That if such sale is made before the completion and occupancy of the new Federal building hereinafter authorized, the agreement of sale shall reserve to the United States the right to continue to occupy said present Federal building property free of rent for not exceeding three years from the date of such sale.

That if the Secretary of the Treasury elects so to sell the present Federal building property, he is hereby further authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in said city and to contract for the erection and completion thereon of a suitable building, including fireproof vaults mechanical equipment, and approaches, complete, for the use and accommodation of the post office, United States courts, and other governmental offices in said city, at a cost for said new site and building of not exceeding $550,000.

That if the Secretary of the Treasury elects so to sell said present Federal building property, the appropriations of $200,000 and $15,000 made by the act of Congress approved March 3, 1915 (38 Stat., 825), for the demolition of the present Federal building and commencement of a new building on the site thereof and for temporary quarters and moving expenses, be, and the same are hereby, made available for the acquisition of such new site and the commencement of the erection thereon of the new building authorized in the next preceding paragraph hereof.

That if a new building is erected on the present Federal building site, the Secretary of the Treasury, in his discretion, may disregard the provision requiring 40 feet open space for fire protection.

Mr. CLARE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 49, section 27, strike out the entire section, beginning in line 16, down to and including line 13, on page 51.

Mr. CLARK of Florida. Mr. Chairman, this amendment is offered for the reason that the provision included in that paragraph is already law. It was passed in September as a separate bill. Therefore there is no necessity for it in this bill, and I move to strike out the section.

The CHAIRMAN. The question is on the motion of the chairman of the committee to strike out the section.

Mr. STAFFORD. Do I understand that the motion is to strike out the first paragraph of section 27?

Mr. CLARK of Florida. To strike out the entire section.

Mr. STAFFORD. May we have the amendment reported again?

The amendment was again read.

The amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I offer another amendment as a new section 27.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 51, after line 13, insert the following as a separate section:

"SEC. 27. That the so-called Army Building and the site thereof, at the corner of Robert and Second Streets, in St. Paul, Minn., are hereby transferred to the custody and control of the Treasury Department; that the Secretary of the Treasury is hereby authorized and directed to remodel, enlarge, rearrange, repair, and improve said property as may be necessary for the accommodation and convenience of the business of the United States, at a cost not exceeding $50,000; and the Secretary shall assign space in said building to such offices of the War Department and other branches of the public service as he deems requisite for the proper transaction of the public business."

Mr. STAFFORD. Mr. Chairman, will the gentleman kindly make some explanation of that amendment? It is a new item.

Mr. CLARK of Florida. Mr. Chairman, on account of the condition of my throat I will ask the gentleman from Minnesota [Mr. VAN DYKE] to make a statement concerning this amendment.

Mr. VAN DYKE. Mr. Chairman, by this amendment it is proposed to relieve the congested condition of the Federal building in the city of St. Paul. Some time ago the city of St. Paul deeded to the War Department a parcel of land on Robert Street near Second, for the purpose of erecting a building to house the Quartermaster's Department for the Department of the Northwest. About three years ago the Quartermaster's Department was removed to the city of Chicago, leaving this building vacant, and it has been vacant ever since. The congested condition of the Federal building in the city of St. Paul renders it necessary to make some provision in order to carry on the business of the Government, and instead of asking for a new building we thought it would be better to transfer the title from the War Department to the Treasury Department, or to have the War Department transfer the custody of this building to the Treasury Department, and ask for a slight appropriation in order to remodel the building, so that we could not only take care of the incoming and outgoing mails of the city, but also use certain floors of the building for offices for the War Department and other departments, to house their agents in the city of St. Paul.

Mr. STAFFORD. Has this proposal the approval of the War Department?

Mr. VAN DYKE. It has the approval of both the War Department and the Treasury Department.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. KENT. Mr. Chairman, I move to strike out the last two words. I should like, in my time, to have the Clerk read a little classical poem which may or may not refer to the bill in question.

The Clerk read as follows:

From The Romany Rye, the following quotation concerning "Poisoning the Porker," or, as rendered in the Gypsy language, "Drabbing the Baulo," may be in order:

"Listen to me, ye Roman lads who are seated in the straw about the fire, and I will tell how we poison the porker—I will tell how we poison the porker.

"We go to the house of the poison monger, where we buy 3 pennies' worth of bane, and when we return to our people we say, 'We will poison the porker; we will try and poison the porker.'"

Mr. CLARK of Florida. Mr. Chairman, I shall have to object to this. It is not a discussion of the bill or of any amendment pending. I make the point of order against the further reading of that document, because it does not refer to the bill and is not germane to anything in it. Enough of it has been read to show that fact.

Mr. KENT. I ask leave to print the remainder of it in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks by printing the remainder of it in the RECORD. Is there objection?

Mr. CLARK of Florida. I am going to object to that. I do not want this bill all mixed up with a lot of stuff like that.

The CHAIRMAN. The gentleman from Florida objects.

Mr. CLARK of Florida. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 51, between lines 13 and 14, amend by inserting a new section, to be designated as section 27½, to read as follows:

"SEC. 27½. That section 26 of the public-building act approved March 4, 1913 (37 Stats. L., p. 886), which authorizes the Secretary of the Treasury to enter into a contract or contracts for the erection of fireproof laboratories for the Bureau of Mines in the city of Pittsburgh, Pa., etc., and the act of Congress approved December 22, 1913 (38 Stats. L., p. 251), which amends said section 26, be, and the same are hereby, amended so as to increase the limit of cost therein fixed from $500,000 to $550,000."

The CHAIRMAN. The question is on the adoption of the amendment, section 27½, offered by the chairman of the committee.

The amendment was agreed to.

The Clerk read as follows:

SEC. 28. That the provision of the act of Congress, approved March 4, 1913 (37 Stats., p. 872), authorizing the Secretary of the Treasury to contract for the erection and completion of a suitable building for the post office and other governmental offices at Syracuse, N. Y., be, and the same is hereby, amended so as to increase the limit of cost for said building from $550,000 to $800,000, and to authorize the provision of accommodations for the United States courts and the installation of mail-handling apparatus to facilitate the postal business of said building, and that the Secretary of the Treasury be, and he is hereby, authorized and directed, after the completion of the said building at Syracuse, N. Y., and after public advertisement, to sell the old post-office building and the site thereof at such time and upon such terms as he may deem for the best interests of the United States, and to convey said property to the purchasers thereof by the usual quitclaim deed, and to deposit the proceeds in the Treasury of the United States as a miscellaneous receipt: *Provided, however*, That the said old post-office building and site shall not be sold for less than $250,000.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 52, line 3, after the word "sell," insert the following: "at public or private sale, but at not less than the value as determined by an appraisal thereof by the Secretary of the Treasury."

Mr. CLARK of Florida. There is no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word in order to ask unanimous consent to extend my remarks in the RECORD with reference to the McNeil Island item.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Amend, page 52, by inserting between lines 10 and 11 a new section to be designated as section 28½, to read as follows:

"SEC. 28½. The act approved October 20, 1914 (38 Stats., p. 740), providing for a new building for an assay office in New York City be, and the same is hereby, amended so as to increase the limit of cost therein fixed from $607,408 to $807,408."

Mr. STAFFORD. Mr. Chairman, this is an increase of $200,000 for authorization of the assay office in New York City. I think there ought to be some explanation given by some member of the committee.

Mr. BURNETT. Mr. Chairman, a gentleman representing the Treasury Department and the Director of the Mint several days ago were before the committee and made a showing of the very dangerous condition at the assay office, where sums of money are being kept without any adequate means of storage. They insisted that the emergency was so great that immediate action ought to be taken to report an emergency bill. I think every member of the committee who heard the statement was of the opinion that it was hazardous to keep the money of the Government in that condition at this time. Some of it was out in the hall and they had to have extra guards for the purpose of taking care of the money.

Mr. LANGLEY. Will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. LANGLEY. The hazard was so great with reference to the keeping of the public funds that the committee thought it ought not to print all that was said in the hearings.

Mr. BURNETT. Yes; the hazard was so great that the details were not printed by the committee. We thought they ought not to be printed.

Mr. STAFFORD. Mr. Chairman, I recall now that the condition the gentleman has called my attention to was brought to the attention of the Committee on Appropriations, and I know there is pressing need for new vaults for the Government to make provision for the enormous increase in gold from Europe.

Mr. WINGO. Mr. Chairman, I would like to ask a question of the gentleman from Alabama. Has the contract been let for this building, or what is the status?

Mr. BURNETT. They advertised for bids, but no bids could be secured under the limit.

Mr. WINGO. Does this proposition contemplate the enlargement of the building that is authorized?

Mr. BURNETT. No; it does not. They will necessarily have to use a good deal of steel, and the price of steel has increased to such an extent that the building can not be constructed within the limit of cost.

Mr. WINGO. I do not recall whether it was an item of this kind, but some time since I have been a Member of the House I recall that there was a proposition to increase the appropriation $200,000 in order to provide a more beautiful front for a building in New York. What building was that?

Mr. BURNETT. There is nothing of the kind here; this is absolutely for the protection of the increased influx of gold.

Mr. WINGO. What size building does the department contemplate building?

Mr. BURNETT. I do not remember the details. I do not think it is to be enlarged; it is to build the building that was originally contemplated.

Mr. WINGO. Does the Government own the ground upon which it is proposed to erect the building?

Mr. LANGLEY. As I recall it, the Government does own the land. As the gentleman from Alabama [Mr. BURNETT] has stated, this extra appropriation is needed to complete the building under the plans originally formed because the original appropriation was not sufficient to construct the building owing to the increased price of material.

Mr. WINGO. The gentleman says the Government does own the land?

Mr. LANGLEY. Yes.

Mr. WINGO. What size of building is it proposed to erect?

Mr. SUMNERS. As I understand, the building is to be six or seven stories high.

Mr. WINGO. Is it to be a new building?

Mr. SUMNERS. It is to be a new building. As stated by the gentleman from Alabama, the Government is now unable to erect the contemplated building because of the advance in the price of steel. It was stated to our committee that about 80 per cent of the cost of the material for the entire building will be for steel, and, as the gentleman knows, the price of steel has greatly advanced, that explains the necessity for the increase in the appropriation.

Mr. WINGO. How many millions constitute the maximum of gold that office has ever had?

Mr. SUMNERS. The gentleman will permit me to continue the statement——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SUMNERS. Mr. Chairman, the urgent necessity, as has been explained by the gentleman from Alabama [Mr. BURNETT], arises from the fact that they are compelled to handle an unprecedented quantity of gold coming to the United States from causes which the gentleman well understands.

Mr. WINGO. That is the reason I am asking the question. What is the greatest volume they have to take care of in their vaults?

Mr. SUMNERS. It runs up into hundreds of millions of dollars.

Mr. LANGLEY. Six hundred million dollars at one time.

Mr. SUMNERS. Yes; over half a billion of dollars.

Mr. WINGO. Let us say it is $832,000,000. What sized vault would it take to hold that much gold?

Mr. SUMNERS. The gentleman is going into details that I would have to submit to the architect; but I will state this to the gentleman: A condition was brought to the attention of this committee, such that I do not believe the gentleman would even ask us to state——

Mr. WINGO. I know what the gentleman is referring to; but the situation with reference to sufficient vault room to take care of some $800,000,000 dollars of gold in a six-story building is such that I would like to know why it is necessary to spend the $200,000 more on a six-story building, and why it is necessary to build a six-story building to take care of that much gold.

Mr. SUMNERS. I do not believe that the building is to be used entirely as a vault.

Mr. LANGLEY. Not by any means.

Mr. SUMNERS. There are employees of the Government who will handle this gold, who will be housed in this building.

Mr. WINGO. The gentleman knows that this increased volume of gold is unprecedented and it is not supposed to last very long. The plans we now have will take that gold away from there and put it into the vaults of the Federal reserve banks.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. STAFFORD. Since the consideration of the items in the legislative, executive, and judicial appropriation bill providing for the maintenance of Subtreasuries, it has been called to our attention the Federal reserve banks have no provision whatsoever for the deposit of Government funds such as bullion and gold.

Mr. WINGO. Has any one of the Federal reserve banks at any time asked that the Federal Government provide it with a building at public expense?

Mr. STAFFORD. Oh, no. The Federal reserve banks, as is pointed out in a letter written by the Secretary of the Treasury, are private banks, and are totally apart from any governmental function.

Mr. WINGO. That is what I say. This building could not possibly be erected in time to meet the present emergency on account of the extraordinary volume of gold.

Mr. SUMNERS. I direct the gentleman's attention to the fact that this is the building authorized a long time ago.

Mr. WINGO. Authorized two years ago, nearly three years ago, but it has not yet been started.

Mr. SUMNERS. When conditions were normal.

Mr. WINGO. And it will take, as the gentleman knows, two or three years to erect a Government building of that size. Is not this $200,000 item intended solely for purposes of construction to be used on what they call the façade?

Mr. SUMNERS. Not at all. My recollection is that this building is to be constructed behind the other which the Government now occupies. Every statement made before this committee bore directly upon the necessity arising out of the increased price of material, steel especially, which makes up some eighty-odd per cent of the cost of the building which it is contemplated to have erected on the lot now owned by the Government.

Mr. WINGO. It is thought it will take $200,000 additional to provide for the additional vault room for $800,000,000 of gold.

Mr. SUMNERS. Yes, sir.

Mr. WINGO. But the gentleman of the committee has no statistics as to the size of the vault to hold that much gold.

Mr. SUMNERS. No, sir. I will say to the gentleman that the committee was convinced this expenditure is necessary, and not only necessary but urgently necessary.

Mr. BURNETT. I will state to the gentleman what I have already stated, that I would have been better informed in regard to the matter, but it was insisted it was an emergency matter, and since then I have not refreshed my recollection.

Mr. WINGO. It is a well-known fact that the Federal Reserve Board not only asked, but the governor appeared before our committee to-day, asking——

Mr. CLARK of Florida. If the gentleman will permit, unless this authorization is made it is utterly impossible to go to the construction of the building at all. Now, the superintendent of the mint and the custodian over there, the gentleman in charge of this, were before our committee and they stated distinctly that they had advertised for bids and had not gotten a single bid anywhere within reach of the authorization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. The reason for that is plain. They have intended ever since I have been in Congress to get this $200,000 additional, and that is the reason they did not get an answer to their bid.

Mr. MANN. Mr. Chairman, we are getting along pretty well with the bill, and I crave the indulgence of the committee for a moment or two in reference to a matter that is not in this bill, however I wish it were. The original Capitol Building, as we all know, did not include the wings now occupied as the House and Senate Chambers with various offices connected with them, but the original Capitol Building, including the original Senate Chamber, is now in part occupied by the Supreme Court of the United States. Everybody who has anything whatever to do with the Supreme Court, or made any investigation relating to the Supreme Court, has known that the quarters which they have are very scant and insufficient. There was a suggestion made some years ago to construct a Department of Justice building, or a Supreme Court building, on the square north of the

Library of Congress, but it was understood at that time, unofficially, that the members of the Supreme Court did not desire that the Supreme Court should leave the Capitol Building itself, and I honor them for that opinion. I think it adds to the dignity of the country that the Supreme Court of the United States be located in the Capitol Building of the United States. It is quite feasible, however, to enlarge the quarters of the Supreme Court building by extending the old Capitol Building front easterly to meet the line of the two wings of the Capitol. There is not a single item in this bill, in my opinion, that is of as much importance as to do that one thing, and I am sorry that is not in the bill. I am calling attention to it in the hope, it probably having never been called to the attention of the Committee on Public Buildings and Grounds, that that committee will investigate somewhat in reference to the matter.

The members of the Supreme Court of the United States can not go lobbying. They can not permit one of their employees to go lobbying. It is beneath their dignity, properly so, to even make a representation in reference to the matter. I had occasion some years ago to look into the matter somewhat—possibly I have been negligent since—when we provided for the House Office Building and the distribution of rooms there and elsewhere. Members of the Supreme Court now are so fixed that it is impossible for them to have ready access to the books which they are using all the time. A man on the Supreme Court of the United States, studying the law cases, ought to be able to reach at his elbow almost for a book, ought to be able to get it without difficulty, ought to be able to have sufficient quarters to carry on his business in the Capitol of the country. Far better for them and for us that they do their work in chambers in the main or where the other justices are than to do what they have been required to do, do most of their work at their own homes without sufficient library facilities. [Applause.]

Mr. WINGO. Mr. Chairman, I desire to offer an amendment. I move to strike out the paragraph.

Mr. STAFFORD. It is not necessary; it is a committee amendment, and all you have to do is to vote it down.

Mr. WINGO. That is right; it is a committee amendment.

The CHAIRMAN. The committee amendment is still pending.

Mr. WINGO. And that amendment provides for $200,000 additional for the assay office?

Mr. FITZGERALD. Mr. Chairman, I believe that something ought to be said to show the practice of those who are charged with the duty of administering the laws providing for the expenditure of public funds.

Some years ago the Secretary of the Treasury called attention to the fact that adequate safeguards did not exist for the enormous deposits of gold in the city of New York, which were unavoidable in the transaction of the public business, and proposed a plan to build storage vaults under the Assay Office Building, most of which would be below the water line, and thus impossible of penetration by tunneling or subterranean methods. An appropriation was made for that purpose. Subsequently it was ascertained that an additional sum would be required to do the work, and that money was voted.

It was then decided that the building itself should be remodeled, and a request was made for legislation enabling that to be done, and also for authority to employ the services of engineers who were skilled in construction work involving excavations below the foundations of the very tall buildings which had to be supported, and that was done. And after all the money was appropriated and all of the authority asked for was granted, some one proposed that the Assay Office be sold and a new site acquired and a new building erected, because some one complained that the fumes from the Assay Office were offensive to the tenants of some particular office building. Instead of proceeding with the work of providing for the accommodations for the security of the gold of the United States, several years were frittered away in the idle attempt to have Congress gratify the whim of some new official who thought he had discovered something advantageous or different. The result is that in the corridors of the Assay Office in New York, piled in heaps like bags of grain, are boxes of gold bullion and coin, with no place to store them, no place to put them, but piled there like stone heaps in the public streets. In the meantime, with all of this dillydallying and suggesting and frittering away of time, the work that could have been done and completed if began promptly and at the time it should have been commenced, can not now be done within several hundred thousand dollars of the original estimated cost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask that the gentleman have five minutes more, because it is a very interesting statement.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. And so, Mr. Chairman, as the result of this method of transacting the public business, if this work is to be carried out it involves an expenditure of several hundred thousand dollars that could have been avoided. I am inclined to believe that it is not too much to expect that when Congress has provided for a great emergency for the safeguarding of the gold which is in the Treasury the officials charged with the duty should have been keen to have executed the law and to have properly safeguarded the gold. I do not know what can be done about the situation. There are not adequate facilities there at present. This gold can not be properly stored. I am not apprehensive of any very serious attempt being made to loot the Treasury or the Assay Office in New York, but reasonable precautions should be taken to safeguard such an enormous fortune. It is enough to tempt the cupidity of the most daring crooks that exist in the country. Yet because of the failure of certain officials to perform their public duties and discharge important public duties, the people are saddled with an additional expense of $200,000.

It is not a thing that concerns the city of New York. Whether provision be made properly to care for this gold or not there will always be a very enormous quantity of gold in the city of New York, because there international balances are settled. I do not intend to vote for this bill, so whatever happens to this amendment will not go to affect my position. I am opposed to the bill, and it is immaterial to me what happens to the amendment.

I did not take the floor for the purpose of discussing the merits of the amendment, but I thought the committee was entitled to information which explains the necessity for the proposed amendment. The work could have been practically finished within the original appropriations and an unnecessary expenditure of $200,000 avoided if those whose duty it was to do the work had complied with the law and performed their duty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I want just three minutes. The statement of the gentleman is very interesting, and it emphasizes the contention which we have been making all this time that there has been criminal negligence and delay not only in this particular case but in dozens and perhaps hundreds of other cases, and therefore emphasizes the necessity for passing this measure which proposes to take the administration of these affairs out of the hands of those who have delayed them so long, and put it in the hands of somebody whom we hope will administer them with more judgment than those who have been administering them heretofore. The gentleman is absolutely correct in the statement that the principal necessity for this additional expenditure of $200,000 is on account of the increased price of the steel that is necessary to construct those buildings, which could have been obviated if the men having those matters in charge had performed their duty, and performed it some time ago, as they should have done.

The CHAIRMAN. The question is on the committee amendment, to be designated as section 28½.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. WINGO. I ask for a division.

The committee divided; and there were—ayes 95, noes 6.

So the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent now to turn to page 14, lines 16 and 17, to the Oakland, Cal., item, in order to offer an amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to page 14, lines 16 and 17.

Mr. CLARK of Florida. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. STAFFORD. Mr. Chairman, let the amendment be read. I reserve the right to object.

The Clerk read as follows:

Committee amendment: Strike out lines 16 and 17, on page 14, and insert the following:

"That the Secretary of the Treasury is hereby authorized to contract for the acquisition, by purchase, condemnation, or otherwise, of a new site, and for the erection and completion thereon of a suitable building, including fireproof vaults, mechanical equipment, and approaches, complete, together with such mail-handling apparatus, etc., as he may deem advisable, for the use and accommodation of the post office and other governmental offices at Oakland, Cal., at a cost of not exceeding $1,000,000.

"And that the Secretary of the Treasury is hereby authorized and directed, upon the completion and occupancy of said new building, to sell the present public building and the site thereof in Oakland, Cal., at public or private sale, but at not less than the value as determined by an appraisal thereof by the Secretary of the Treasury, and at such time and upon such terms as he may deem advisable, to convey such property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt."

Mr. MADDEN. Mr. Chairman, there is no limitation placed on the amount at which this property can be sold, is there?

The CHAIRMAN. There is no limitation.

Mr. MADDEN. There ought to be. It will not do to simply state that the Secretary of the Treasury can sell it at any price he thinks proper. If it is worth anything, they ought to know what it is worth.

Mr. ELSTON. Mr. Chairman, I assume they would sell it for the appraised value, and they would get the appraisement in the authorized way and would be bound by that appraisement as a minimum.

Mr. MADDEN. There ought to be a minimum stated in the provision. It should be stated that it should not be sold at less than a certain amount.

Mr. ELSTON. Is not the gentleman from Illinois satisfied with the provision that the Secretary of the Treasury shall make an appraisement and that the property shall not be sold at less than the appraisement?

Mr. MADDEN. No. I want a limitation here that the appraisement shall not be less than a certain amount. It is either worth that amount or not worth that amount. Nobody knows whether this property is going to be given away or sold. The minimum figure ought to be stated at which it would be sold. That is what has been done in other cases, and there ought not to be an exception made in this case.

Mr. ALMON. Mr. Chairman, will the gentleman yield for a question?

Mr. ELSTON. Yes.

Mr. ALMON. The original amount is $650,000. Why not put the minimum amount that it is to be sold for as the difference between $650,000 and the amount you have named in the amendment?

Mr. ELSTON. I have no doubt but that the property can be sold for more than that figure, but if you intrust this matter to the Secretary of the Treasury and prescribe that he shall sell it at not less than a fair appraisement to be made under authority of law, I do not believe you will get anything less than the real value for the property. That is the usual procedure, so far as my memory goes now, that has been pursued in the case of any of these items where the authority has been given to sell an old site. I do not remember that an upset price was fixed.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. COOPER of Wisconsin. Who is to make this appraisement?

Mr. ELSTON. The Secretary of the Treasury.

Mr. COOPER of Wisconsin. And the Secretary of the Treasury is authorized by this to sell it at private sale, so that the appraiser appraises it at what he thinks it is worth and that will be the price?

Mr. ELSTON. If it is sold at private sale the amount realized must be at least its appraised value.

Mr. COOPER of Wisconsin. The man that sells it can sell it at private sale for what he thinks it is worth. Does the gentleman think that any executive officer should take hundreds of thousands of dollars' worth of property belonging to this Government and sell it at private sale on any terms he pleases?

Mr. ELSTON. The Secretary of the Treasury, I am informed, will appoint an appraiser or appraisers who will appraise the property carefully, and there will be no authority to sell for less than such appraisement. It seems to me that is a safe procedure under which to sell Government property.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. MADDEN. Is the gentleman certain that the appraisers will fix the value at which the property will be sold? How does he know? Has the gentleman any idea of what the property is worth?

Mr. ELSTON. Yes, sir.

Mr. MADDEN. What is it worth?

Mr. ELSTON. I believe the property is worth anywhere from $300,000 to $400,000, according to the market.

Mr. MADDEN. That is a good deal of a margin.

Mr. ELSTON. I believe a fair value would be at least $350,000, but I would not be willing to see a clause put in here limiting the sale price to a figure above that amount, because that would be putting a special clause in here with regard to this proposition that has been put in with respect to other similar items.

Mr. MADDEN. It was put in the item with respect to Pittsburgh. I do not see why an exception should be made here.

Mr. ELSTON. In the Pittsburgh case the Government purchased the site many years ago for $941,000. There might be some reason in that case to put an upset price of $941,000 so that the Government would at least get back the money invested. In the case of Oakland the price paid for the original site and building combined was only $250,000. Now, I am told that the site alone is worth $350,000. The gentleman will take note of this important fact: Additional ground was purchased in 1913, for which $153,000 was paid, to enlarge the present site. I would not want to fix a minimum sale price and have it inserted in the bill, thereby prejudicing this proposition. I do not think that would be advisable in view of the appraisement clause carried in my amendment.

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. ELSTON. Yes.

Mr. MADDEN. The gentleman says that recently $153,000 were expended for the purchase of additional property to enlarge the present site?

Mr. ELSTON. That is correct.

Mr. MADDEN. Now the gentleman comes in with a proposition to sell the property for which $153,000 was recently paid, and also the property it was intended to enlarge, and the building which stands upon the property that was originally purchased, and to purchase a new site. What special interest is involved in the case that requires the purchase of a new site?

Mr. ELSTON. The Secretary of the Treasury personally visited this site within the last two months. He made a reconnaissance of the whole situation, and when he returned to Washington he addressed a letter to the Speaker of the House—House Document No. 1776, Sixty-fourth Congress, second session—in which he recommended that the present site be sold, notwithstanding his previous recommendation, upon which the item went into the bill appropriating a certain amount to put a new building on the present site. His letter to the Speaker sets forth in detail the valid reasons for the proposed change.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELSTON. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. ELSTON. The Secretary of the Treasury gives very cogent reasons why the proposed amendment which I have offered, in the very words suggested by the Secretary of the Treasury himself, should be adopted. This is not a proposition of my own. It was recommended by the Secretary of the Treasury and with the approval of the principal interests of the city of Oakland itself. So if the gentleman feels that there is some kind of a joker, I will advise that this is an absolutely bona fide proposition, and the Government probably will save about $50,000 on the whole transaction; because it is my belief, although I am not willing to put such a limitation into the bill, that the present site will bring $500,000 after the lapse of time necessary for the completion of the new building. Oakland now has a population of nearly 250,000 and is increasing at the rate of about 25,000 a year. The postal receipts within the last quarter indicate an increase of over $50,000 during the present year, which will make a total of over $650,000 for this fiscal year.

Mr. MADDEN. Mr. Chairman, the Secretary of the Treasury visited California only a few months ago, as I understand the gentleman from California [Mr. ELSTON] to say. While he was there he was waited upon by a number of business men of the city of Oakland, who urged upon him the necessity of abandoning the present site, the purchase of which he recommended only a short time before, and he recommended the sale of that site in order that a new site might be purchased. He not only recommended the abandonment of the site the purchase of which he recommended, but also the abandonment of the building; and when the property is sold, if it is sold according to the recommendation of the Secretary of the Treasury, every man here knows that the building will be given away.

Mr. ELSTON. Will the gentleman yield just a moment?

Mr. MADDEN. Surely.

Mr. ELSTON. Under the present appropriation of $650,000 it is contemplated that the present building will be demolished, so that in either case the Government will lose the value of the improvement now on the property.

Now, I will state to the gentleman that the whole investment of the Government in the building and site is $250,000.

Mr. MADDEN. And $153,000 of that was only invested a short time ago.

Mr. ELSTON. I beg the gentleman's pardon. I meant $250,000 was the original investment, and $153,000 is to be added to it.

Mr. MADDEN. That makes $403,000. The Secretary of the Treasury and the business men of Oakland only a short time since thought the present site was all right for this public building. If the recommendation of the Secretary of the Treas-

nry to the effect that the present site was good is worth anything, then his present recommendation that it is no good is worth nothing. I submit that the House ought not to be trifled with in any such way as this amendment proposes.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TAYLOR of Colorado. Have we not some regular system of disposing of old buildings and property that there is no longer use for?

Mr. MADDEN. I am not talking about the disposition of the property, I am talking about encouraging the purchase of property to-day on the recommendation of the Secretary of the Treasury, and then on the recommendation of the same Secretary of the Treasury, sell the property to-morrow.

Mr. TAYLOR of Colorado. Has that been the practice heretofore?

Mr. MADDEN. No.

Mr. TAYLOR of Colorado. Why do not we follow the usual practice?

Mr. MADDEN. The practice in this case is to let the site purchased on the recommendation of the Secretary of the Treasury stand and put the new building upon it. Who knows what we will have to pay for a new site; who knows what we will be able to get a new site for? Who knows how much money this will cost in the end? Who knows the interests behind the sale of this property? Who knows what interest is behind the purchase of new property? I am not willing as one Member of the House to act upon a question of this sort in any such slipshod manner.

Mr. ELSTON. Does the gentleman mean to intimate that the new site will cost $450,000?

Mr. MADDEN. I do not know; if I knew anything about it I would not be here on my feet. Nobody is able to tell anything about it. If the recommendations of the Secretary of the Treasury has no more stability than these recommendations, they ought not to be acted upon.

Mr. CLARK of Florida. Mr. Chairman, this site was provided for——

Mr. MADDEN. A parliamentary inquiry, Mr. Chairman.

Mr. CLARK of Florida. I have the floor and the gentleman can not take me off my feet.

Mr. MADDEN. I simply wanted to make a parliamentary inquiry.

Mr. CLARK of Florida. I was on my feet, but waiting for the Chairman to get order. I simply want to say that the provision for the purchase of this land was made in 1913, four years ago, and the provision which is offered here is the same provision which the gentleman from Wisconsin offered for various other items providing for the appraisal of the property, and the Secretary of the Treasury can not sell it for any less than its appraised value. Now, we have to trust somebody. Congress can not tell exactly what every piece of property all over the country is worth, and we have to leave it to the discretion of some one. The gentleman from Wisconsin offered these amendments, and I think they were wise and discreet.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CLARK of Florida. I will.

Mr. MADDEN. Does the gentleman from Florida state to the House that he thinks that it is wise to sell property recently purchased in Oakland and buy a new piece of property?

Mr. CLARK of Florida. The purchase of the property was authorized under the act of 1913. I do not know when it was bought, but that was when it was provided for. It was then thought that an addition to the old building would be sufficient. But the city has grown to such an enormous extent, and conditions there are such as to make it advisable, instead of enlarging that building, to sell the old property and buy a new site and put up a new building.

Mr. MADDEN. It is proposed to put up a new building in any event, is it not?

Mr. CLARK of Florida. It is now; yes.

Mr. MADDEN. Even though you use the old site?

Mr. CLARK of Florida. Absolutely.

Mr. MADDEN. Why not use the old site and put the new building on it?

Mr. KAHN. Mr. Chairman, in 1906, at the time of the earthquake and fire at San Francisco, Oakland was a city of 60,000 inhabitants. After the disaster a great many of the citizens of San Francisco moved to Oakland and remained there. To-day, 10 years after that event, it is a city of nearly 250,000 inhabitants, and the business center of the city has changed. The city has expanded and is growing rapidly and constantly. This post-office site is no longer desirable. That is the reason for this proposition. You all know that when a city grows rapidly not only does it expand but the business center frequently changes.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MADDEN. When was this addition to the present site purchased?

Mr. KAHN. I do not think it is more than two or three years ago.

Mr. MADDEN. It is a good deal less than 10 years ago, is it not?

Mr. KAHN. The city has been growing by leaps and bounds.

Mr. MADDEN. It must have been considered a good site two years ago?

Mr. KAHN. No; it was considered a good site four years ago.

Mr. MADDEN. This was purchased less than two years ago.

Mr. KAHN. I think it was purchased in 1913.

Mr. MADDEN. No; it was authorized in that year.

Mr. KAHN. It was purchased——

Mr. MADDEN. It was purchased about two years afterwards. If it was considered a good site in 1915 it ought still to be considered a good site, or the men who made the purchase ought to be reprimanded for making such a purchase.

Mr. KAHN. I have seen the business center of Oakland change twice within 14 or 15 years. The principal street 15 years ago is no longer the principal street.

Mr. SUMNERS. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. SUMNERS. Is it not a fact that the old site, the present site, is not within free delivery distance of the railroad station? I understand that to be the fact—that it is more than 80 rods.

Mr. ELSTON. It is a mile.

Mr. SUMNERS. That perhaps is one of the main things that influenced the Treasury Department in determining on a change.

Mr. MILLER of Minnesota. May I ask the gentleman if, as the gentleman says, the population has increased enormously in 10 years, which is a matter of common knowledge, and a site was purchased and advantageously located two years ago, or last year, and the city is growing by leaps and bounds, had not we better wait a few years and see if it will not bound back to the place where it started?

Mr. KAHN. In the meantime we want accommodations for the people who are there, and the present site does not give them that service which they require.

Mr. MILLER of Minnesota. The gentleman certainly does not expect to buy a new site every year?

Mr. KAHN. Oh, no; and the gentleman does not intend that they should purchase a new site every year. But the gentleman feels that a proper building at a proper place ought to be provided to do the Government's business.

The CHAIRMAN. The question is on the adoption of the amendment offered by the committee.

The question was taken, and the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to return to page 15, lines 19 and 20, for the purpose of offering an amendment, which I ask to have read.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to page 15, for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, let the amendment be first reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, lines 19 and 20, after the words "post office," in line 19, insert "land office," and in line 20 strike out "$55,000" and insert "$65,000."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. CLARK of Florida. Now, Mr. Chairman, on page 36 of the bill there is a matter in reference to Porto Rico, about which the gentleman from Wisconsin [Mr. COOPER] inquired. There was something said about the sale of the warehouse property at Porto Rico. I did not have the letter of the Secretary at that time, but I now have it and I will send it up and ask to have the Clerk read it.

The CHAIRMAN. The Clerk will read the letter in the gentleman's time.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, June 7, 1916.

The SPEAKER,
House of Representatives.

SIR: The Treasury Department is the custodian of the United States warehouse site at San Juan, P. R., which property the collector of customs at that port states is not needed for governmental purposes, as the present Federal building reservation and Government buildings are sufficient to take care of the needs of the Government for a great many years to come.

The title to this land is disputed by the present occupant, the Porto Rico Railway, Light & Power Co., and proceedings have been instituted to enforce the Government's rights. The company mentioned has offered to purchase the land, but the department was obliged to reply that there was no authority of law for such a sale.

It is recommended that authority be given by proper legislation for the sale of said property in such manner and upon such terms as the Secretary of the Treasury may deem to be for the best interests of the United States.

A draft of the desired legislation is inclosed.

Respectfully,

W. G. McADOO, *Secretary.*

Mr. CLARK of Florida. Now, Mr. Chairman, I may state further, I am now informed that the Governor of Porto Rico is opposed to the sale of this property and the Secretary of War is also opposed to it, and therefore I am going to ask unanimous consent to offer an amendment to strike section 10 from the bill. I offer the amendment to strike section 10 from the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, beginning in line 17, strike out all of section 10.

The question was taken, and the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to return to section 21, page 46, in order to give the gentleman from Pennsylvania [Mr. GARLAND] an opportunity to offer an amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to section 21. Is there objection? [After a pause.] The Chair hears none.

Mr. GARLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARLAND: Page 46, line 27, at the end of the paragraph, insert:

"If the Secretary finds that it is more feasible to buy additional land for a site for a post office adjacent to or near the present post-office building, he is hereby authorized to acquire such additional land by purchase or condemnation, and in that event the sum secured from said sale is hereby authorized to apply for the acquisition of said additional land."

Mr. STAFFORD. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. STAFFORD. I think there should be some limit of cost placed on the amount to be expended for the site to be purchased. Under this authorization the Secretary of the Treasury will be permitted to obligate the Government in any amount and utilize the fund that would arise from the sale of the property now owned by the Government as part payment under that purchase.

Mr. BURNETT. If the gentleman will permit me, I hardly think that that would be so. The only authorization for a site in this bill is from the proceeds from the sale of that site, and it would take a new authorization.

Mr. STAFFORD. The wording of the amendment is not limited in the way indicated by the gentleman from Alabama. I ask unanimous consent to have the amendment again read.

The amendment was again reported.

Mr. STAFFORD. Mr. Chairman, I think certainly under that authorization the Secretary of the Treasury would have the right to purchase any tract of land, no matter what the price would be, and obligate the Government in an untold amount. There should be a limit of cost on the amount that may be expended for a site and a limit of cost not to exceed a certain amount.

Mr. BURNETT. I think the gentleman's conclusions are wrong, because there is no authorization except for the purchase of a site.

Mr. STAFFORD. After the word "condemnation" insert "at a limit of cost not to exceed the proceeds arising from the sale."

Mr. BURNETT. That is all right. How could he be authorized unless we give him the authorization?

Mr. STAFFORD. Is that satisfactory to the gentleman from Pennsylvania?

Mr. GARLAND. Yes.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment offered by Mr. GARLAND: Page 46, at the end of line 27, insert as a new paragraph the following:

"If the Secretary finds that it is more feasible to buy additional land for a site for a post office, adjacent to or near the present post-office building, he is hereby authorized to acquire such additional land by purchase or condemnation, at a limit of cost not to exceed the proceeds arising from said sale, and in that event the sum secured from said sale is hereby authorized to apply for the acquisition of said additional land."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARLAND. Mr. Chairman, I only want to say in behalf of the amendment that it was simply to enable the Secretary of the Treasury to use this money that he would secure from the sale of the lot as provided in section 21.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 29. That the Office of the Supervising Architect of the Treasury be, and the same is hereby, abolished, and that there be, and hereby is, established in the Treasury Department a bureau to be designated and known as the bureau of public buildings. There shall be at the head of the bureau of public buildings an officer who shall be designated and known as the commissioner of public buildings, who, in addition to being a skilled architect, shall be a man of good business and executive ability, and he shall receive an annual salary of $7,500, to be paid monthly.

The commissioner of public buildings shall be appointed by the President, by and with the advice and consent of the Senate. He shall be appointed for a term of four years, and before entering upon the discharge of the duties of his office he shall take and subscribe an oath in the same form as that required of other Government officials.

The commissioner of public buildings immediately upon entering upon the duties of his office shall proceed to organize the bureau of public buildings into an active body for the expeditious and economical drafting of plans and construction of such public buildings of the United States as have been or which may hereafter be authorized by the Congress of the United States, and to this end he may use any or all of the officers and employees now connected with the Office of the Supervising Architect of the Treasury and prescribe the services to be rendered and the duties to be performed by each, as well as to designate the official title of each such officer or employee.

The bureau of public buildings shall be controlled and directed by a committee of three persons, the commissioner of public buildings to be chairman and the remaining two members to be appointed by the Secretary of the Treasury from the force of the said bureau of public buildings.

The bureau of public buildings shall have jurisdiction over and control of the selection of all such sites for public buildings as have been or may be authorized by Congress, the drafting of plans and specifications for all public buildings which may be authorized by Congress, the supervision of the construction of all public buildings authorized by Congress, and in fact jurisdiction over and control of the entire matter of the construction of all Federal buildings until the same shall have been completed. And the said bureau shall have the custody, care, and maintenance of all completed Federal buildings throughout the United States: *Provided*, That nothing contained in this section shall apply to buildings for the Military or Naval Establishments.

The commissioner of public buildings shall divide the States and Territories of the United States into not less than 6 nor more than 12 groups, in such manner as to have States and Territories of similar topography and climate as near as may be in the same group, and shall designate them by letter, beginning with the letter A. He shall likewise divide the towns and cities of each group which contain no Federal activity other than the post office into classes, as follows: All towns and cities in which the postal receipts for the preceding fiscal year amounted to not less than $10,000 nor more than $25,000 shall be placed in one class; all those where such receipts amounted to not less than $25,000 nor more than $40,000 shall be placed in another class; all those where such receipts were not less than $40,000 nor more than $75,000 shall be placed in another class; all those where such receipts were not less than $75,000 nor more than $150,000 shall be placed in another class; and all those with over $150,000 of such receipts shall be placed in another class, which classes shall be designated as Nos. 1, 2, 3, 4, and 5, respectively.

After the States and Territories shall have been divided into groups, and such cities and towns shall have been divided into classes as aforesaid, it shall be the duty of the commissioner of public buildings to standardize all public buildings authorized for any of the cities and towns included in such classes; that is to say, that whenever plans and specifications are drawn for a building to be constructed at a city or town included in any of the classes stated, such plans and specifications shall be used for buildings which may be authorized at other cities or towns of the same group and in the same class.

The commissioner of public buildings shall organize for each group of States and Territories herein provided for a field force of inspectors and other employees, who shall have the immediate supervision of all building construction in such group, and the custody, care, and maintenance of all public buildings within such group, under such rules and regulations as said commissioner of public buildings, with the approval of the Secretary of the Treasury, may prescribe. The Secretary of the Treasury shall appoint, upon the recommendation of the commissioner of public buildings, one person as chief inspector for each group, who shall have his office at some central place within such group, to be designated by the Secretary of the Treasury, and said Secretary of the Treasury shall also appoint, upon the recommendation of the commissioner of public buildings, such other officers and employees as in his judgment may be necessary in each of such groups for the expeditious performance of the duties herein required.

The Secretary of the Treasury is hereby authorized and directed to fix the compensation of each and every officer and employee included in the organization plan of the bureau of public buildings as arranged by the commissioner of public buildings, and to report the same in full detail to the Congress at its next session for ratification, amendment, or rejection.

That each chief inspector of each of the groups of States and Territories herein provided for shall immediately on entering upon the duties of his office proceed to ascertain the facts and, as soon as is possible, make a report to the commissioner of public buildings, in which he shall, by States and Territories, set forth the number of public buildings in each such State or Territory; the total cost of each building; the Federal activities housed in each building; the number of employees housed in each building, and the branch of the service in which each is employed; the date when each of such buildings was first occupied; additions, if any, which have been placed on each of such buildings, and additions to sites, the cost, and when made; the present condition of each of such buildings with reference to repairs and the necessity for repairs; the necessity, if any, as to enlargement; the name and salary of each employee who is employed to care for each of such buildings; and such other facts as may pertain thereto. And the

commissioner of public buildings shall forward all of such reports to the Secretary of the Treasury, who shall submit the same to Congress at its next succeeding session. And thereafter similar reports shall be submitted by the Secretary of the Treasury to the first session of each Congress.

In the purchase of sites for Federal building of any character, it shall be the duty of the bureau of public buildings in each and every case to provide for the purchase of sufficient lands so that the said building can be enlarged from time to time as the needs of the service and the Federal activities of the Government at the particular place may require, and that the Secretary of the Treasury, in the manner as now provided by law, shall purchase such sites as may be so selected by the bureau of public buildings.

That the bureau of public buildings shall require of owners or agents of sites in each case where a site is proposed to be purchased and where sites or additions to sites are proposed to be purchased, to submit offers of sale in writing, and in case the site or the addition to a site which it is proposed to acquire contains a building or buildings, the Secretary of the Treasury is hereby authorized, upon the recommendation of the bureau of public buildings, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government of the land upon which the same may be located, where the buildings are reserved by the vendors at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States as a miscellaneous receipt, and a report of the proceedings to be submitted to Congress annually.

That in the purchase of sites for Federal buildings of any character, the bureau of public buildings shall be left free to select such sites without reference as to whether they are bounded upon more than one side by streets or alleys and are permitted, in their discretion, to select inside lots or sites for such purposes.

That proposals for the sale of land suitable for all sites or additions to sites, respectively, shall be invited by public advertisement in one of the newspapers of largest circulation of the cities involved for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be mailed and addressed to the commissioner of public buildings, Treasury Department, Washington, D. C., who shall then cause the said proposed sites or additions to sites, as the case may be, and said other obtainable sites as would be suitable, to be examined in person by and through the field force having jurisdiction of the territory involved, and when such examination shall have been completed the chief inspector of the field force in such group shall make a written report to the said commissioner of public buildings of the results of said examination, and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

In each case when a public building shall be authorized by Congress, the commissioner of public buildings shall submit to each department which is to have employees housed therein, if Federal activities other than the post office and the civil service are to be accommodated, tentative plans thereof for such suggestions as to space as such department or departments may desire to make: *Provided*, That no department shall retain such plans for more than five days, and in no event shall the approval of such plans by any department be necessary before proceeding with the construction of such building.

The commissioner of public buildings in all advertisements for bids for the construction of public buildings authorized by Congress shall ask for at least three separate bids, involving the use of three different kinds of materials, and one of these shall involve the use of local material, should there be suitable building material for such purpose within the State or Territory.

In the construction of Federal buildings at cities or towns where there are no Federal activities other than the post office and the civil service to be housed, it shall be the duty of the Bureau of Public Buildings to construct in all such cases a factory or block type of building in such manner that the same may be added to and enlarged as the needs of the Government may require.

There shall be in the bureau of public buildings a board of estimates, consisting of three persons, two of whom shall be designated by the Secretary of the Treasury, and the third member shall be the commissioner of public buildings, who shall be the chairman of said board. It shall be the duty of such board of estimates, immediately upon the introduction of a bill in Congress proposing to purchase a site or to construct a Federal building, or both, to institute an investigation, through the field force in the proper group of States and Territories, or otherwise, and, as early as possible, report to the Secretary of the Treasury, who shall at once forward the same to the committee of Congress having jurisdiction of the bill the following facts:

First. The postal receipts for the last fiscal year.
Second. The different Federal activities to be provided for.
Third. The number of employees for each Federal activity to be housed.
Fourth. The population according to the last Federal census and the preceding one.
Fifth. The estimated population at time of making the report.
Sixth. What important industries, if any, are located in or adjacent to the town or city.
Seventh. How many railroads.
Eighth. Whether county seat or not.
Ninth. Character of public and business buildings.
Tenth. What municipal improvements.
Eleventh. Present needs as to space and probable needs within 10 years.
Twelfth. Character of rented quarters occupied by the Government at time of making report.
Thirteenth. Amount of rent being paid annually in the town or city by the Government at time of making report.
Fourteenth. Distance of post office from union station or depot of railroad to which bulk of mail is brought at time of making report.
Fifteenth. Amount being paid annually by the Government for carriage of mail to and fro between depots and wharves and post office at time of making report.
Sixteenth. Any further fact or facts showing or tending to show advisability of providing for a Federal building at the place named in the bill.

That from and after the passage of this act no city or town in the United States where there are no Federal activities other than the post office shall be considered, either for the purchase of a site or for the construction of a Federal building, by the commissioner of public buildings or the bureau of public buildings or by any committee of Congress, unless it shall appear that the postal receipts for such city or town have amounted to at least $10,000 annually for three successive years: *Provided*, That nothing herein shall apply to cities or towns where sites for public buildings have been acquired or authorized.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Committee amendment: At the end of line 7, on page 54, add the following:

"*Provided further*, That the Bureau of Public Buildings in the construction work herein or hereafter authorized is hereby directed to give precedence to those authorizations most urgently needed by the Postal Service."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

Mr. CLARK of Florida. Will the gentleman let me get through with this first? I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Amend, on page 61, line 3, by striking out all of line 3 and inserting in lieu thereof the following: "First. The postal receipts for the past three fiscal years."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

Mr. CLARK of Florida. That is to go at the end of the bill as a separate section.

The Clerk read as follows:

At the end of the bill insert as a separate section the following: "No janitor shall be employed for any Federal building in which a post office is located where the postal receipts do not exceed $20,000 per annum unless a Federal court be located in such building."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN of Oklahoma: Page 52, line 20, after the word "of," strike out "$7,500" and insert in lieu thereof "$6,000."

Mr. MORGAN of Oklahoma. Mr. Chairman, as I understand it, the Supervising Architect of the Treasury now receives a $5,000 salary per annum. Is that correct? I will ask the chairman of the committee. At any rate, that is the fact as I understand it. I ask the chairman of the committee is it not a fact that the Supervising Architect receives a $5,000 salary per annum?

Mr. CLARK of Florida. I think so.

Mr. MADDEN. He gets $6,000.

Mr. CLARK of Florida. I think he gets $6,000.

Mr. STAFFORD. Five thousand dollars is the salary named in the legislative, executive, and judicial appropriation act.

Mr. CLARK of Florida. All right; no matter what it is, he is not worth $3,000.

Mr. MORGAN of Oklahoma. The committee probably considered this question, but it seems to me that this salary named here is really excessive. The assistant secretaries in the various departments receive but $5,000 per annum. Most of the commissioners receive but $4,000, and if we fix the salary of the head man here at $7,500 that will fix the standard for the salaries of all those under him. I think the general tendency of this Congress is to fix salaries too high. That is all I have to say on the subject.

Mr. CLARK of Florida. Mr. Chairman, I simply want to say this, that the amount of salary is a matter of judgment. The architects of this country make a great deal more money than that. You can not get a man who is a first-class man to take that place for $5,000 or $6,000. I question whether you would be able to get him for $7,500.

Mr. VARE. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. In a moment. The committee discussed fixing it at $10,000. For myself I would be perfectly willing to pay $20,000 a year to a good man who would go into that office and do the work that ought to be done. He can save

his salary a dozen times over in the course of a year, because if we get the right man—and we have attempted here to get not only a good architect but a good business man—if we can get that kind of a combination the Government could well afford to pay him $50,000 a year and save these enormous fees that are paid out to outside architects who work upon these great buildings. I hope that the amendment of the gentleman will not be agreed to.

Mr. VARE. Will the gentleman yield?

Mr. CLARK of Florida. Certainly.

Mr. VARE. I want to ask the gentleman whether this does not eliminate entirely the question of fees?

Mr. CLARK of Florida. Oh, absolutely. He gets a salary and nothing else.

Mr. VARE. Mr. Chairman, I agree with the chairman of the committee. My judgment is that a good architect should be paid $10,000 a year, and not $7,500.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The question being taken, the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I think it is somewhat regrettable that a prolonged and rather vain discussion of the various items in the bill consumed so much time, and left the committee in such a condition of impatience of mind that we cannot have a discussion of this very important section of this bill. This section is not only very important, but in the main wise. But it has many provisions, a number of which it seems to me are questionable; and in just the moment that I shall take I want to call the attention of the committee, and particularly the chairman of the committee, to one or two features of the legislation.

The first paragraph of this section abolishes the Office of the Supervising Architect and establishes the bureau of public buildings. The next paragraph provides that after the commissioner of public buildings has been appointed he may continue under his jurisdiction the employees of the Supervising Architect's Office; but let me suggest to the chairman, in order that he may give the matter his attention before this legislation becomes a law, that as the matter now stands, if I correctly interpret the language, there would be a period of time between the time when the Office of the Supervising Architect is abolished and the new official is appointed, takes the oath of office and organizes his office, during which the force of the Supervising Architect's Office would be legislated out of employment, and there should be a brief amendment providing for the continuation of the employment of the force in the Supervising Architect's Office until such time as the new office is established and the force employed under the new plan. It seems to me that is rather important.

Mr. CLARK of Florida. Has the gentleman prepared such an amendment?

Mr. MONDELL. I have not prepared such an amendment, because I have not been certain until very recently as to the situation.

Mr. CLARK of Florida. Does not the gentleman think they would continue anyhow without that express provision? Does not the gentleman think they would continue to perform their functions until the new commissioner took hold?

Mr. MONDELL. I do not; I am told that former proposed legislation along this same line did contain a provision under which this force was continued in office or continued in employment until they went under the supervision of the new official. This bill goes to another body, and will be considered there, and I am sure the chairman of the committee will have this matter in mind.

In the meantime I want to call attention to some language in the middle of the paragraph on page 60, providing for public buildings in small towns, the effect of the provision being that in such towns the Government shall build factory or block types of buildings, and expand and enlarge them as the needs of the Government increase. In my opinion that is exceedingly objectionable legislation. If we are to build public buildings we ought to build public buildings that we will be proud of. The Federal Government ought not to start on a policy of building cheap and flimsy buildings anywhere. If we build a factory or block type of building, they should only be built in places where the business of the Government is purely of a commercial character. The post-office business is not that sort of business. The post offices are built generally on the main street, and they should be of a character that will compare favorably with the best buildings in the town or the city. They ought not to be cheap or flimsy. The Government ought to build a good building that we can be proud of, or it ought not to build at all. I realize that at this late hour we can not secure consideration of an amendment, hence I will not offer one, but this paragraph ought to be amended as well as a number of paragraphs of this section. As matters now stand we must depend on the Senate to give this legislation proper attention.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 62, line 17, strike out the words "or authorized."

Mr. GREEN of Iowa. Mr. Chairman, I offer this amendment for the purpose of calling the attention of the committee to what I regard as a very important matter. The chairman of the committee having charge of the bill stated that this last paragraph did not apply to the provisions contained in the bill. With all deference to the chairman and his ability to construe the law which he drew, I can not agree with him. I believe the provisions of the last paragraph apply to projects contained in the bill. I have not offered the amendment to do away with that construction, but rather to strengthen it, because I prefer to see that construction maintained. The last paragraph provides that "from and after the passage of this act" certain things shall be done. Let us see what effect this has upon the projects contained in the bill. This section provides, in the first instance, for the creation of a bureau of public buildings. After having provided for the creation of a bureau, it provides in this section that from and after the passage of this act no place shall be selected as a site for a post office unless the annual receipts amount to $10,000. That is as explicit as it can be. "From and after the passage of this act" means immediately on the passage of this act. That is the construction which ought to be put upon it and one which will be put upon it, and any officer who undertakes to put any other construction upon it will do it at his peril.

Mr. Chairman, if this bill is construed according to the plain meaning of the language of this last paragraph, there is no room for proper criticism upon it. Only towns with post-office receipts amounting to $10,000 are to have a post-office building, and I am not prepared to say that under no circumstances should one having receipts somewhat less be provided with a building. The average citizen of a country town can not come to Washington. He can not see these great buildings upon which money has been spent without stint for architectural display. He can not pass through the Congressional Library and see the beautiful paintings, its bronze statuary, and its wealth of decorations in marble and mosaic. He gets no benefit from the millions that have been spent to beautify the buildings in this and other great cities of the Nation.

He only knows the Government as an intangible something, and the only time he comes into contact with it is when he goes to his post office, a dingy, dirty, ill-kept building, where his wife and daughters are crowded and jammed for want of space in the waiting lobby, and where he often has to wait two hours for the distribution of his mail because of inadequate facilities for its distribution. In the large towns the citizen has his mail brought to his door. In the small towns he goes after it, and usually pays the Government annually as box rent—the box being as much for the convenience of the Government as his own—more than the box costs. He quite properly feels that he is not being treated fairly or justly under such conditions. It is no answer to say that the big cities furnish the larger portion of the post-office receipts. They do; but while this is paid in the first instance by the large business houses which do a business with the country at large, it is all charged up as a part of the running expenses, added to the price of the goods, and in the final instance always paid by the country consumer.

The cost of these buildings ought to be greatly reduced. I do not know where the fault is, but I do know that I have never seen a post-office building yet when an equally useful and far more ornamental building would not have been built by private parties for less than two-thirds its cost. This bill undertakes to put a stop to this waste in the future, and I hope it will.

The amendment offered by the gentleman from Florida [Mr. CLARK] will put a stop to the waste in janitors' fees which has heretofore been prevailing, and thereby obviate one of the strongest objections to the bill. This bill is by far the best general public-buildings bill that has ever been presented to Congress. It restricts expenditures, will reduce the cost of building, and will permit those localities which do not have sufficient receipts at this time to obtain buildings when they have shown $10,000 post-office receipts for a period of three years. Its provisions will be misrepresented by a sensational press, but when completely understood it will receive no criticism except from those who want all of the money spent in the large cities and wish to deny to rural communities conveniences to which they are entitled.

It is said with reference to some of these projects that it would be cheaper to rent than build new buildings, even after the janitors' fees are limited. This may be true; but we do not construct these buildings entirely for profit. If we did, we never would build libraries, for they do not pay. We would seldom build a courthouse, for we could rent some old shed cheaper. Nor, applying the same principle, would we ever put any money into parks, which are a total loss from this standpoint; nor as individuals, even when possessed of ample means, would we construct anything for a house more than a mere shelter. Under this same theory the noble monument which we are erecting to Lincoln, and which is to cost several millions of dollars, is merely graft or pork on the part of this city.

It is said that in any event that this bill ought not to pass at this time on account of the condition of the Treasury. I admit that the condition of the Treasury is serious, but this issue is a false one. There is not a man on this floor that does not know that nothing will be spent on the projects in this bill for three years, except in the emergency cases in the big cities and buying sites to prevent an advance in price. Nothing whatever can possibly be spent in the next year, and what is spent after that in the next two years will be in urgent cases for the big cities. Four years ago I obtained the passage of a bill for the erection of a public building in a town of my district. The contract is not yet let, and it will be probably another year before much is paid out on it.

Mr. Chairman, even if a different construction should be placed on the language of this bill from that which is plainly the meaning of its words, and thereby some projects be authorized which at present have too small post-office receipts to be entitled thereto, they are all growing towns, and by the time the contracts are ready to be let they will have reached the limit which is certainly prescribed for the future, if not for the present. The amendment which I have offered would put beyond all question the application of the $10,000 limit to the projects in this bill. If it should be rejected and thereby an improper construction put upon the terms of the bill, the fault is not mine, and I do not feel that I am reuqired to vote against the bill for that reason. All but about $5,000,000 authorized goes to the large cities. One per cent of the amount carried by the bill would take care of every project in the bill where the receipts are less than $10,000 annually, and even those cases will probably reach that amount before construction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 54, line 7, after the word "establishments" strike out the period and insert a comma and the words "or to the Capitol Building, Senate Office Building, or the House Office Building."

Mr. CRAMTON. Mr. Chairman, that amendment is due to the fact that in the first two lines of page 54, especially line 5, it says "and the maintenance of all completed Federal buildings throughout the United States." The Capitol, the Senate Office Building, and the House Office Building are Federal buildings, and if so their care and maintenance will be given to this board.

Mr. CLARK of Florida. We have no objection to the amendment.

Mr. FITZGERALD. Why not add the White House?

Mr. CRAMTON. Mr. Chairman, I will modify my amendment by adding the White House.

The CHAIRMAN. Is there objection to the gentleman modifying the amendment?

There was no objection.

The amendment as modified was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I do not want to detain the House, as it is evidently anxious and ready to vote. Anything I may say will not change a vote, and I am not going to make any effort to change a vote. I want to call the attention of the House to the fact that you can not make types of building by law. It will be impossible to do it. Legislation that is here proposed will be futile. It will cost more money to build the foundation of a building in one place than it will to complete the whole building in another place. What is the use of talking about types? You can not divide the country into sections in which certain types of buildings will be employed. The material in one section of the country will cost four times as much as for the same building in another section of the country. If Bedford stone is specified to be used in a building in San Francisco, the cost of the freight alone will amount to more than the building will cost if material is used which is on the ground where it is produced.

So, here we are endeavoring by legislation to regulate a condition that can not be regulated. It seems to me absurd, and I think some one ought to go on record as saying that this is not possible to be obtained through the bill which is here proposed.

We are spending, if this money is all appropriated in this bill alone, $40,000,000, and we are creating a bureau that will have control over the expenditure of all the money in the future expended for public buildings. We are endeavoring by legislation to instruct the bureau that we are creating as to the type of building that will be erected in any given section of the Union. It can not be done. If you say the type is to be of a certain value or cost, that is one thing; but to build a certain type of building in one section of the country and the same type in another section of the country are two different propositions, because in the one case the same type may cost four times as much as in the other case. [Applause.]

So, why complicate the situation by placing upon the records of Congress a statute instructing those who are empowered to construct the buildings to do a thing which is impossible for them to do? [Cries of "Vote!" "Vote!"]

Mr. CRAMTON. Mr. Chairman, I want to move to strike out, for the sake of grammar, without taking any time, the word "which," in line 8, on page 53. I call this to the attention of the committee; if they do not care to do so, well and good.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 8, strike out the word "which."

Mr. CRAMTON. Also, in line 13, the same page, the word "to."

The CHAIRMAN. The Clerk will report the additional amendment.

The Clerk read as follows:

Page 53, line 13, strike out the word "to."

Mr. CLARK of Florida. There is no objection to the amendments.

The question was taken, and the amendments were agreed to.

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill do pass. [Applause.]

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18994 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CLARK of Florida. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read the third time, was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Speaker, I ask for a division.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

Mr. ASHBROOK. Mr. Speaker, I make the point of order there is no quorum present. Mr. Speaker, I will withdraw that.

The SPEAKER. The gentleman from Ohio withdraws his point of no quorum and the gentleman from Illinois [Mr. MANN] asks the yeas and nays.

The yeas and nays were ordered.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. HULBERT, for three legislative days, on account of illness in his family.

To Mr. LOBECK, for a week, on account of illness.

To Mr. CONRY, indefinitely, on account of illness in his family.

LATE ADMIRAL GEORGE DEWEY.

Mr. MANN. Mr. Speaker, I ask for a minute.

Members will undoubtedly go home during the roll call, and I think we ought to have some understanding now under unani-

mous consent so that all Members will be informed in regard to the program for to-morrow.

Mr. CLARK of Florida. Will the gentleman permit me to make one statement? I want to say, Mr. Speaker, that on account of the ceremonies in the Capitol to-morrow the trip to Monticello has been postponed.

Mr. FITZGERALD. Mr. Speaker, I understand——

Mr. KITCHIN. Mr. Speaker, I shall ask the House that when they adjourn to-day they adjourn to meet at 10.45 to-morrow morning, in order to attend the ceremonies at 11 o'clock in the rotunda. After that I shall move to adjourn over until Monday.

Mr. MANN. So that Members may understand, I wish to say that my understanding is that the House as a House——

Mr. KITCHIN. Without taking a recess at all.

Mr. MANN (continuing). With the Speaker will march over to the rotunda, without tickets.

Mr. KITCHIN. Yes.

Mr. MANN. So that Members will not have tickets, but they should be here.

Mr. BARNHART. Mr. Speaker, I just had notice from one of my clerks that the tickets of admission to the building, even for Members, were at the post office.

Mr. KITCHIN. There will be no tickets to Members. The Members will go over in a body and return here after the ceremony.

Mr. FITZGERALD. Evidently what the gentleman refers to is that the Capitol is to be closed to-morrow, and nobody will be admitted except Members and those having tickets of admission. The employees of the House and others who are employed in the Capitol are furnished tickets of admission by the Sergeant at Arms.

Mr. LANGLEY. Are there no tickets for other employees?

Mr. CLARK of Florida. I want to ask the gentleman from New York [Mr. FITZGERALD] as to the distribution of these tickets. What about the families of Members?

Mr. KITCHIN. No tickets have been issued to Members.

Mr. CLARK of Florida. I mean, to outside people—the families of Members.

Mr. FITZGERALD. The only persons who will attend the funeral, I understand, are those who have been invited to the rotunda, and those invited include the two Houses of Congress, the Diplomatic Corps, naval officers, and certain friends and relatives of the deceased. I understand there are no provisions for any public admissions.

Mr. KITCHIN. That is right.

Mr. MANN. Mr. Speaker, I do not know that all Members understand that owing to the limited space in the rotunda Members will not have tickets to distribute to individuals. Members themselves will not require tickets. I think the tickets referred to are probably automobile tickets to get into the grounds, or something of that kind.

Mr. KITCHIN. And for the employees of the Capitol here.

Mr. MANN. And for the employees.

Mr. KITCHIN. It is not the understanding that the Members of the House will have to have tickets to the Capitol.

Mr. MANN. The Members of the House do not.

The SPEAKER. If the gentlemen will permit, the Speaker will state what a member of the House committee told him after investigation and inquiry. He said the space was so limited that they set aside a sufficient number of seats for the House Members and for the Members of the Senate. They gave so many tickets to the President. They assigned so many of them to Mrs. Dewey, and she sent back word she wanted some more, and they gave her the others. They set aside 150 places for naval officers, and they have arranged for the Cabinet, and that exhausts the seating capacity. Your people might get in and stand around the wall. The Sergeant at Arms got up a ticket to give to the employees of the House, so that they could get into the building. The Members of Congress do not have to have any tickets in order to get into the Capitol.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.45 a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.45 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

PUBLIC BUILDINGS.

The SPEAKER. The Clerk will call the roll. Those in favor of this public-buildings bill—H. R. 18994—will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 234, nays 92, answered "present" 2, not voting 106, as follows:

YEAS—234.

Abercrombie	Dyer	Konop	Sears
Adamson	Eagan	Kreider	Shackleford
Aiken	Eagle	Langley	Shallenberger
Alexander	Elston	Lazaro	Sherwood
Almon	Emerson	Lee	Sims
Aswell	Estopinal	Lehlbach	Sinnott
Austin	Farr	Lesher	Sisson
Ayres	Ferris	Lever	Slemp
Bacharach	Fields	Lieb	Sloan
Bailey	Focht	Linthicum	Small
Barkley	Fordney	Littlepage	Smith, Idaho
Bell	Fuller	Lloyd	Smith, Mich.
Black	Gallagher	London	Smith, Minn.
Blackmon	Gallivan	McAndrews	Smith, Tex.
Borland	Garland	McCracken	Snell
Bowers	Gould	McDermott	Snyder
Browne	Gray, Ala.	McKellar	Sparkman
Browning	Green, Iowa	McLaughlin	Steagall
Bruckner	Gregg	McLemore	Steele, Iowa
Brumbaugh	Griest	Madden	Steenerson
Buchanan, Ill.	Guernsey	Magee	Stephens, Nebr.
Buchanan, Tex.	Hadley	Martin	Sterling
Burke	Hamilton, Mich.	Matthews	Stone
Burnett	Hamlin	Meeker	Stout
Butler	Harrison, Miss.	Miller, Minn.	Sulloway
Byrnes, S. C.	Harrison, Va.	Miller, Pa.	Sumners
Caldwell	Hart	Mondell	Sutherland
Candler, Miss.	Hastings	Montague	Swift
Caraway	Haugen	Moon	Switzer
Carew	Hawley	Moore, Pa.	Tague
Carter, Okla.	Hayden	Morgan, Okla.	Taylor, Ark.
Cary	Hayes	Mott	Taylor, Colo.
Charles	Heaton	Mudd	Thomas
Church	Helgesen	Murray	Thompson
Clark, Fla.	Helm	Neely	Timberlake
Cline	Helvering	Nicholls, S. C.	Towner
Collier	Hensley	North	Van Dyke
Connelly	Hernandez	Norton	Vare
Cooper, Ohio	Hilliard	Oldfield	Venable
Cooper, W. Va.	Hollingsworth	Oliver	Vinson
Cooper, Wis.	Hood	O'Shaunessy	Volstead
Copley	Hopwood	Overmyer	Walker
Crago	Houston	Padgett	Ward
Crisp	Howard	Park	Wason
Curry	Howell	Porter	Watkins
Dale, N. Y.	Hughes	Powers	Watson, Pa.
Dale, Vt.	Hull, Iowa	Price	Watson, Va.
Danforth	Humphrey, Wash.	Rainey	Webb
Davenport	Jacoway	Raker	Whaley
Davis, Minn.	Kahn	Ramseyer	Wheeler
Decker	Kelley	Randall	Williams, W. E.
Denison	Kennedy, Iowa	Ricketts	Wilson, Ill.
Dent	Kettner	Riordan	Wilson, La.
Dickinson	Key, Ohio	Rodenberg	Wingo
Dies	Kiess, Pa.	Rouse	Woods, Iowa
Dillon	Kincheloe	Rubey	Woodyard
Dooling	King	Rucker, Ga.	Young, Tex.
Doughton	Kinkaid	Russell, Mo.	
Dupré	Kitchin	Saunders	

NAYS—92.

Allen	Foss	La Follette	Rayburn
Anderson	Foster	Lenroot	Reavis
Anthony	Frear	Lindbergh	Reilly
Ashbrook	Freeman	Longworth	Rogers
Barnhart	Gandy	Loud	Rowe
Byrns, Tenn.	Gardner	McArthur	Schall
Carter, Mass.	Garrett	McCulloch	Scott, Mich.
Coady	Gillett	McFadden	Sherley
Coleman	Glass	McKenzie	Shouse
Cox	Glynn	Maher	Stafford
Cramton	Good	Mann	Stephens, Tex.
Crosser	Gordon	Miller, Del.	Sweet
Cullop	Gray, Ind.	Moores, Ind.	Tavenner
Dallinger	Greene, Vt.	Moss	Temple
Dill	Hicks	Nichols, Mich.	Tilson
Dixon	Huddleston	Nolan	Tinkham
Doolittle	Hull, Tenn.	Page, N. C.	Treadway
Doremus	James	Paige, Mass.	Walsh
Dowell	Johnson, S. Dak.	Parker, N. J.	Williams, T. S.
Ellsworth	Johnson, Wash.	Peters	Williams, Ohio
Esch	Kearns	Platt	Winslow
Fess	Keating	Quin	Wood, Ind.
Fitzgerald	Keister	Rauch	Young, N. Dak.

ANSWERED "PRESENT"—2.

Adair	Oakey

NOT VOTING—106.

Barchfeld	Darrow	Gray, N. J.	Kent
Beakes	Davis, Tex.	Greene, Mass.	Lafean
Beales	Dempsey	Griffin	Lewis
Benedict	Dewalt	Hamill	Liebel
Bennet	Driscoll	Hamilton, N. Y.	Lobeck
Booher	Drukker	Hardy	Loft
Britt	Dunn	Haskell	McClintic
Britten	Edmonds	Heflin	McGillicuddy
Burgess	Edwards	Henry	McKinley
Callaway	Evans	Hill	Mapes
Campbell	Fairchild	Hinds	Mays
Cannon	Farley	Holland	Mooney
Cantrill	Finley	Hulbert	Morgan, La.
Capstick	Flood	Humphreys, Miss.	Morin
Carlin	Flynn	Husted	Morrison
Casey	Gard	Hutchinson	Nelson
Chandler, N. Y.	Garner	Igoe	Oglesby
Chiperfield	Godwin, N. C.	Johnson, Ky.	Olney
Conry	Goodwin, Ark.	Jones	Parker, N. Y.
Costello	Graham	Kennedy, R. I.	Patten

Phelan	Rucker, Mo.	Siegel	Taggart
Pou	Russell, Ohio	Slayden	Talbott
Pratt	Sabath	Smith, N. Y.	Tillman
Ragsdale	Sanford	Stedman	Wilson, Fla.
Roberts, Mass.	Scott, Pa.	Steele, Pa.	Wise
Roberts, Nev.	Scully	Stephens, Miss.	
Rowland	Sells	Stiness	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. MORIN (for) with Mr. GRIFFIN (against).
Mr. FLOOD (for) with Mr. DUNN (against).
Mr. OLNEY (for) with Mr. MAYS (against).
Mr. HOLLAND (for) with Mr. SCULLY (against).
Mr. TILLMAN (for) with Mr. PATTEN (against).
Mr. SELLS (for) with Mr. MAPES (against).
Mr. WISE (for) with Mr. SIEGEL (against).
Mr. FLYNN (for) with Mr. HASKELL (against).
Mr. MEEKER (for) with Mr. REAVIS (against).
Mr. DECKER (for) with Mr. CAPSTICK (against).
Mr. HILL (for) with Mr. OAKEY (against).

Until further notice:

Mr. ADAIR with Mr. BARCHFELD.
Mr. IGOE with Mr. KENNEDY of Rhode Island.
Mr. LINTHICUM with Mr. STINESS.
Mr. BOOHER with Mr. PRATT.
Mr. TALBOTT with Mr. LAFEAN.
Mr. GARNER with Mr. CANNON.
Mr. TAGGART with Mr. MOONEY.
Mr. STEPHENS of Mississippi with Mr. NELSON.
Mr. STEELE of Pennsylvania with Mr. PARKER of New York.
Mr. STEDMAN with Mr. ROBERTS of Massachusetts.
Mr. SLAYDEN with Mr. ROBERTS of Nevada.
Mr. SABATH with Mr. ROWLAND.
Mr. RUCKER of Missouri with Mr. RUSSELL of Ohio.
Mr. RAGSDALE with Mr. SCOTT of Pennsylvania.
Mr. POU with Mr. SANFORD.
Mr. PHELAN with Mr. BEALES.
Mr. OGLESBY with Mr. BENNET.
Mr. MCCLINTIC with Mr. BENEDICT.
Mr. LOFT with Mr. BRITT.
Mr. LOBECK with Mr. BRITTEN.
Mr. LIEBEL with Mr. CAMPBELL.
Mr. CARLIN with Mr. MCKINLEY.
Mr. HULBERT with Mr. CHANDLER of New York.
Mr. HENRY with Mr. CHIPERFIELD.
Mr. CONRY with Mr. HUTCHINSON.
Mr. HEFLIN with Mr. COSTELLO.
Mr. HARDY with Mr. DARROW.
Mr. DEWALT with Mr. HUSTED.
Mr. DRISCOLL with Mr. HINDS.
Mr. GOODWIN of Arkansas with Mr. DEMPSEY.
Mr. EVANS with Mr. GREENE of Massachusetts.
Mr. GODWIN of North Carolina with Mr. DRUKKER.
Mr. GARD with Mr. EDMONDS.
Mr. HUMPHREYS of Mississippi with Mr. GRAHAM.
Mr. BEAKES with Mr. FAIRCHILD.

Mr. OAKEY. Mr. Speaker, I voted "no." I am paired with my colleague, Mr. HILL. I want to change my vote from "no" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. OAKEY, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. CLARK of Florida, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Florida asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. HAMILTON of Michigan. Mr. Speaker, I desire to ask that my colleague Mr. MAPES be excused from attendance, on account of serious sickness in his family.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

RIVER AND HARBOR BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20079, the river and harbor bill.

The SPEAKER. The gentleman from Florida moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20079, the river and harbor bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20079, the river and harbor bill, with Mr. RAINEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 20079, which the Clerk will report by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SPARKMAN. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, January 20, 1917, at 10 o'clock and 45 minutes a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Assistant Secretary of Labor, transmitting a detailed statement of the number of documents received and the number distributed by the Department of Labor during the calendar year 1916 (H. Doc. No. 1948); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., on the files of this department which are not needed in the transaction of public business and have no permanent value or historical interest (H. Doc. No. 1949); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the Secretary of War, inviting attention to specific details in acts of Congress which restrict operations of the War Department, and submitting tentative drafts of provisions to cure their defects (H. Doc. No. 1950); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of F. Sidney Wade and Cathryn H. Morris, children and sole heirs of Sidney B. Wade, deceased, *v.* The United States (H. Doc. No. 1951); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Susan J. Hugill, widow of Asa S. Hugill, deceased, *v.* The United States (H. Doc. No. 1952); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Maggie F. Lancaster, widow (remarried) of Thomas T. Fisher, deceased, *v.* The United States (H. Doc. No. 1953); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Helen Ayers, widow of Amos T. Ayers, deceased, *v.* The United States (H. Doc. No. 1954); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Phillip T. Barth, son of George W. Barth, deceased, *v.* The United States (H. Doc. No. 1955); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert R. Neal, son and sole heir of Lucius W. Neal, deceased, *v.* The United States (H. Doc. No. 1956); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry S. Beidler *v.* The United States (H. Doc. No. 1957); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Anna Blanch, widow of Willie Blanch, deceased, *v.* The United States (H. Doc. No. 1958); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Josephine Glover, daughter and sole heir of Frank T. Foster deceased, *v.* The United States (H. Doc. No. 1959); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth J. Riley, Imogen Stewart, and Eva J. Graham, children and sole heirs of Toland Jones, deceased, *v.* The United States (H. Doc. No. 1960); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sanford D. Payne *v.* The United States (H. Doc. No. 1961); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jacob M. Harlem, administrator of Alfred Dale Owen, deceased, *v.* The United States (H. Doc. No. 1962); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Purves *v.* The United States (H. Doc. No. 1963); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Flora B. Tenney, widow of William Tenney, deceased, *v.* The United States (H. Doc. No. 1964); to the Committee on War Claims and ordered to be printed.

18. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah P. Tyrer, widow of Theodore Tyrer, deceased, *v.* The United States (H. Doc. No. 1965); to the Committee on War Claims and ordered to be printed.

19. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank M. Vowels *v.* The United States (H. Doc. No. 1966); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joshua T. C. Welborn *v.* The United States (H. Doc. No. 1967); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah F. Campbell, widow of Calvin D. Campbell, deceased, *v.* The United States (H. Doc. No. 1968); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Robert E. Walpole, brother and sole heir of Horace H. Walpole, deceased, *v.* The United States (H. Doc. No. 1969); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 19785) authorizing the Secretary of the Interior to grant extension of time for making payments on land in Cheyenne and Arapahoe Indian Reservations, in the State of Oklahoma, reported the same without amendment, accompanied by a report (No. 1324), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOLLAND: A bill (H. R. 20291) to further amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," and for other purposes; to the Committee on the Judiciary.

By Mr. TILSON: A bill (H. R. 20292) to provide for the appointment of a commission to standardize screw-thread tolerances; to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Minnesota: A bill (H. R. 20293) to provide for the establishment of a uniform sales-of-goods act for the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 20294) authorizing receipts from the sale of surplus power to be applied to the payment of operation and maintenance charges on reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. SHERLEY: A bill (H. R. 20295) making appropriations for airships and other aerial machines and accessories for use in connection with the seacoast defenses of the United States and the Philippine and Hawaiian Islands; to the Committee on Appropriations.

By Mr. VOLSTEAD: A bill (H. R. 20296) to amend section 858 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: A bill (H. R. 20297) granting the consent of Congress to the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULD: A bill (H. R. 20298) authorizing the Secretary of War to donate condemned cannons and balls; to the Committee on Military Affairs.

By Mr. KEATING: Resolution (H. Res. 458) requesting the President of the United States to furnish the House with information; to the Committee on Reform in the Civil Service.

By Mr. McLEMORE: Resolution (H. Res. 459) requesting the Department of State to instruct all consuls in Belgium to report on what happened in their respective districts; to the Committee on Foreign Affairs.

By Mr. KIESS of Pennsylvania: Resolution (H. Res. 460) to print 2,000 additional copies of the reconnoissance soil survey of northeastern Pennsylvania; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 20299) granting a pension to George Parliament; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 20300) granting an increase of pension to Mary C. Day; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 20301) granting a pension to Martin V. Stover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20302) granting a pension to William M. Davis; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 20303) granting an increase of pension to Alice Yorker; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 20304) granting an increase of pension to George T. Harwood; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20305) granting a pension to George Wiszneauckas; to the Committee on Pensions.

By Mr. DILLON: A bill (H. R. 20306) granting an increase of pension to Nancy L. Mason; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 20307) granting a pension to William McBride; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 20308) granting a pension to Lee Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20309) granting a pension to Orville C. Bolt; to the Committee on Pensions.

Also, a bill (H. R. 20310) granting a pension to Theodore Lange; to the Committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 20311) to authorize the President to appoint Second Lieut. Ambrose I. Moriarity, retired, to the grade of lieutenant colonel in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 20312) granting a pension to William H. Kipp; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 20313) granting an increase of pension to John O. Branson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20314) granting an increase of pension to Isaac C. Spears; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 20315) granting an increase of pension to James Little; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 20316) granting an increase of pension to Frances Getchell; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 20317) granting an increase of pension to A. E. Holloway; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 20318) granting an increase of pension to Thomas Haxton; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20319) for the relief of W. H. Baldwin; to the Committee on Claims.

Also, a bill (H. R. 20320) granting an increase of pension to Richard M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20321) granting an increase of pension to Henry C. Weston; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20322) granting an increase of pension to Edward G. Stevens; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 20323) granting a pension to Mrs. Winfield S. Fisk, Flint, Mich.; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 20324) granting a pension to Ambrose R. Kinley; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 20325) granting a pension to Hoyl N. Higdon; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 20326) granting an increase of pension to George Clay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20327) granting a pension to Matilda Cass Lipps; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20328) granting a pension to Fred A. Schultz; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 20329) granting a pension to George W. Shrader; to the Committee on Pensions.

Also, a bill (H. R. 20330) granting a pension to William L. Snider; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 20331) granting an increase of pension to Frederick Christy; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 20332) granting an increase of pension to George W. Morton; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 20333) granting an increase of pension to Perry B. Glines; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 20334) granting a pension to Thomas F. Dolan; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 20335) granting an increase of pension to Francis M. Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20336) granting an increase of pension to John Coats; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 20337) granting an increase of pension to Hannah Sanders; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 20338) granting an increase of pension to Eugene B. Thomas; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 20339) to grant a gold medal to Burlington Cunningham for conspicuous bravery; to the Committee on Military Affairs.

By Mr. SWITZER: A bill (H. R. 20340) granting an increase of pension to Joseph F. Martin; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 20341) granting an increase of pension to Bennett M. Tracy; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20342) granting a pension to James A. Annas; to the Committee on Pensions.

Also, a bill (H. R. 20343) granting a pension to Clara D. Peterson; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 20344) for the relief of George W. Thompson; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of citizens of Milwaukee, protesting against any prohibition measures; to the Committee on the Judiciary.

By Mr. COLEMAN: Petitions of Union Gospel Church, of Wilkinsburg; Homewood United Presbyterian Church, 860 members, of Pittsburgh; Woman's Christian Temperance Union, 40 people, of Pittsburgh; Homewood Avenue Presbyterian Church, 1,400 people, of Pittsburgh; and 600 people of Christian Church, of Pittsburgh, Pa., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 56 citizens of city of Pittsburgh, in favor of District and national prohibition and Federal censorship of motion pictures; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Consumers' League of New York State, indorsing the Carey bill; to the Committee on Expenditures in the Department of Labor.

By Mr. DUNN: Petition of Roy F. Conderman, of East Rochester, N. Y., asking for the favorable consideration of a bill to fix the compensation of mail carriers upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

Also, petition of Ernest Landberg and 11 others, of Rochester, N. Y., protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petitions of citizens of Rochester, N. Y., and vicinity, protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. FULLER: Petition of W. M. Taylor and 19 other members of C. J. Dickerson Post, Grand Army of the Republic, of Hillsdale, Mich., favoring House bill 18531, concerning proof of widowhood in pension cases; to the Committee on Invalid Pensions.

Also, petition of Painters' Union No. 275, of Chicago, Ill., opposing House bill 18986 and Senate bill 4429, to exclude certain advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Advance, Chicago, Ill., against the zone system and increase of rates for second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of T. J. Nertney, of Ottawa, Ill., opposing a prohibitory amendment to the Federal Constitution; to the Committee on the Judiciary.

Also, petition of Manufacturers and Dealers' Association of America, against prohibitory legislation; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petition of sundry railroad employees, opposing House bill 19730; to the Committee on Interstate and Foreign Commerce.

Also, memorial of board of directors of Taunton Chamber of Commerce, in re remedial interstate traffic regulations; to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Petition of 360 citizens of Cleveland, Ohio, in opposition to certain prohibition measures now pending before Congress; to the Committee on the Judiciary.

By Mr. GRAY of New Jersey: Petition of Junior Order of American Mechanics, Hackensack, N. J., in re legislation affecting immigrants; to the Committee on Immigration and Naturalization.

By Mr. HARRISON of Mississippi: Protest of citizens of Gulfport, Miss., and vicinity, against the high cost of living, and petition to Congress to place an embargo on the exportation of foodstuffs from the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of citizens of Atascadero, Cal., to press House bill 264; to the Committee on Rules.

By Mr. HERNANDEZ: Petition of 50 Presbyterian Church people of Taiban; 75 people of Melrose; 100 Presbyterian Church people of Melrose; 50 Presbyterian Church people of Fort Sumner; St. John's Methodist Episcopal Church, of Santa Fe; 30 people of Methodist Episcopal Church and Sunday School of Fort Sumner; and 20 Women's Missionary Union people of Fort Sumner, all in the State of New Mexico, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HILL: Memorial of Brotherhood of Locomotive Engineers, the Order of Railroad Conductors, Brotherhood of Railroad Trainmen, and Brotherhood of Firemen and Enginemen, of New Haven, Conn., protesting against the passage of House bill 19730; to the Committee on Interstate and Foreign Commerce.

By Mr. KIESS of Pennsylvania: Resolutions from Newberry Sunday School, Christ Church Sunday School, Lycoming Presbyterian Church, St. Matthew's Lutheran Christian Endeavor Society, Gray Epworth League, and United Evangelical Church, all of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petitions of sundry individuals, opposing universal military training; to the Committee on Military Affairs.

Also, petition of Cigarmakers' Local Union, No. 1, of Baltimore, Md., opposing prohibitory legislation; to the Committee on the Judiciary.

Also, memorial of National Association of Builders' Exchanges of the United States, favoring passage of Clark bill, providing for a bureau of public buildings; to the Committee on Public Buildings and Grounds.

By Mr. McLEMORE: Petition of sundry citizens of Texas, protesting against the passage of certain bills now before Congress; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: Petitions of post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Pennsylvania: Petitions of Men's Adult Bible Class, 40 people, of Rouseville; Woman's Home Missionary Society, 160 people, of Oil City, south; 150 Woman's Christian Temperance Union people, of Oil City, south; 1,000 people of Methodist Episcopal Church of Franklin; Christian Endeavor Society, 155 people, of Franklin; Church of God Woman's Missionary Society, of Franklin; Woman's Club, 95 people, of Franklin; Woman's Christian Temperance Union, 235 people, of Franklin, all in the State of Pennsylvania, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petitions of United Evangelical Church, 550 people, of Franklin; Woman's Relief Corps, 61 people, of Franklin; Federation Woman's Missionary Society of Oil City; 91 Woman's Christian Temperance Union people, of Rouseville; 200 people of Mercer; 402 people of Mercer; 150 members of Presbyterian congregation of Mercer; 250 people of Presbyterian and Methodist Episcopal Churches of Clark; 300 people of Greenville; 400 people of Methodist Church of Mercer; and 300 Presbyterian people of Jackson Center, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Memorial of Thomas J. Clark Branch, Friends of Irish Freedom; to the Committee on Foreign Affairs.

By Mr. NELSON: A petition of sundry Federal employees stationed at Madison, Wis., asking that Federal employees outside the District of Columbia also be included in the extension of the annual leave and Saturday half-holiday privileges; to the Committee on Reform in the Civil Service.

By Mr. NOLAN: Resolutions by Dried Fruit Association of California, San Francisco, Cal., indorsing Secretary of Agriculture's recommendation for legislation standardizing food products and appropriation of funds therefor; to the Committee on Agriculture.

By Mr. OLNEY: Petitions of sundry citizens of the United States, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Memorial of Central Huron County (Ohio) Farmers' Institute, of North Fairfield, Ohio, favoring the submission of the question of national prohibition to the several States for ratification; to the Committee on the Judiciary.

By Mr. RANDALL: Petitions of 372 people of Calvary Baptist Bible School, of Pasadena; Methodist Episcopal Aid Society, 100 people, of Alhambra; 82 people of Pasadena; Methodist Episcopal Woman's Home Missionary Society, 400 people, of Pasadena; 55 people of Pasadena; Lincoln Avenue Methodist Episcopal Epworth League, of Pasadena; Pasadena Board of Labor; Christian Missionary Alliance, 200 people, of Pasadena; and United Presbyterian people of Pasadena, all in the State of California, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petitions of Central Woman's Christian Temperance Union, of Pasadena; Home Mission Society of Methodist Episcopal Church, 50 people, of Alhambra; Woman's Christian Temperance Union, 50 people, of Alhambra; Epworth League of West Alhambra; Christian Endeavor Society of First Presbyterian Church of Alhambra, all in the State of California, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Rev. C. Frank Vreeland and four pastors of churches of Grand Ledge, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of 31 citizens of Hillsborough County, Fla., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 26 citizens of Hillsborough County, Fla., against increase of postage on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. STAFFORD: Petition of residents of the fifth district of Wisconsin, protesting against District and national prohibition and mail-exclusion bills; to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: Memorial of Association of the American Agricultural College to Congress, protesting against the amendment proposed in Senate bill 4874, known as the land-grant bill; to the Committee on the Public Lands.

By Mr. TAGUE: Petition of sundry railroad employees, opposing House bill 19730; to the Committee on Interstate and Foreign Commerce.

By Mr. WASON: Petition of J. P. Conway, of Plymouth, and 24 other New Hampshire employees in the maintenance-of-way department of American railways, favoring an eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank Herbert, of Rumney, and 12 other New Hampshire employees in the maintenance-of-way department of American railways, favoring an eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. H. Gale, of Warren, and 17 other New Hampshire employees in the maintenance-of-way department of American railways, favoring an eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *January 20, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee at this hour impressed with the solemn thought of death. A prince of Israel has fallen. We are reminded of the ever recurring lesson of Thy Divine providence that in the last issue it is character that wins the glory of life. We pause in the midst of the busy activities of our national life to pay tribute of praise and give some recognition of the fame of this great hero of the sea. We pray for those upon whom his mantle of greatness shall fall, that the high ideals of our Navy, with its spirit of devotion and loyalty and patriotism, may be preserved as a defense of our national honor and the pledge of our national greatness. We pray that as we study the lives of those whom Thou dost bring into the public gaze through deeds of valor we may be enabled to emulate their example and perpetuate among us those high ideals of civil life that have characterized our heroes of the past.

We ask the blessing of God upon our Nation, upon all in authority, upon those who are in places of influence and power, that their outward lives may conform to the dictates of conscience, inspired by the truth of God. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

HOUR OF MEETING ON MONDAY.

Mr. OVERMAN. I ask unanimous consent that when the Senate adjourns to-day it adjourn to meet at 11 o'clock on Monday.

The Vice PRESIDENT. Is there objection? The Chair hears none.

LABOR TROUBLES AT EVERETT, WASH.

Mr. JONES. I present resolutions of the Port Commission and of the Central Labor Council of Seattle, Wash., favoring an investigation of the recent industrial troubles at that place.

Mr. President, I desire to state that early in November a very unfortunate occurrence took place in Everett, Wash., resulting in the loss of several lives and the shooting of several persons on account of labor troubles and controversies. I have given it a great deal of study and thought and concluded that there has not been sufficient data presented to warrant a congressional investigation. The matter is also pending in the courts, and I did not desire to do anything that might prejudice one side or the other. So I take this opportunity of making this statement and simply presenting the resolutions. I ask that they may be properly filed and referred to the Committee on Education and Labor. I suppose that is the proper committee.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Education and Labor.

TRADE RELATIONS WITH CHINA.

Mr. JONES presented a petition of the Port Commission of Seattle, Washington, praying for an investigation into the commercial trade opportunities in China and the establishment of trade relations with that country, which was referred to the Committee on Foreign Relations.

ADDRESS BY MISS SUSANNA COCROFT.

Mr. RANSDELL. I ask consent to have published in the RECORD a very valuable address on the Nation's health delivered before the National Conservation Congress last year by Miss Susanna Cocroft, of Chicago, a well-known student of health conditions in the United States. The address relates to very striking and interesting statistics which I believe would be valuable.

Mr. JONES. What is it about?

Mr. RANSDELL. It is an address on public health by Miss Susanna Cocroft delivered before the Conservation Congress. It is a very valuable address.

Mr. SMITH of Georgia. I wish to ask the Senator if he will not consent to have it made a public document instead of printing it in the RECORD. The RECORD really ought to be the record of what is said actually in the Senate rather than of outside matters.

Mr. RANSDELL. That will be satisfactory, Mr. President.

Mr. WORKS. The Senator from Utah [Mr. SMOOT] is not here. He has insisted that all such matters should be referred to the Committee on Printing. I suggest that that had better be done.

Mr. RANSDELL. Very well.

The VICE PRESIDENT. The address will be referred to the Committee on Printing.

WATER POWER DEVELOPMENT.

Mr. HUSTING submitted an amendment intended to be proposed by him to the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which was ordered to lie on the table and be printed.

DESECRATION OF THE AMERICAN FLAG.

Mr. POMERENE. Mr. President, there is a little bill which I should like to call up by unanimous consent. It is the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America.

I may state as a reason for making the request at this time that there are many patriotic organizations in the District which have been insisting upon the passage of the bill. It will take only about two minutes to pass it. No amendment to it has been reported from the Committee on the District of Columbia, to which it was referred. If there is no objection, I should like to have it disposed of.

Mr. ROBINSON. What is the bill, let me inquire?

Mr. POMERENE. It is a bill providing against the desecration of the flag in the District. I ask unanimous consent that it be taken up.

The VICE PRESIDENT. Is there objection?

Mr. SUTHERLAND. Let the bill be read first, Mr. President.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill as follows:

Be it enacted, etc., That hereafter any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors or ensign upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view or give away or have in possession for sale or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, colors or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign," as used herein, shall include any flag, standard, colors, ensign or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard or ensign of the United States of America.

Mr. SUTHERLAND. Let me ask the Senator from Ohio why the measure is limited to the District of Columbia?

Mr. POMERENE. As the Senator perhaps is aware, there is an association organized for the protection of the flag, and it is said that each of the States has legislated upon this subject. It was at their suggestion that the bill was prepared in this way, limiting it to the District. I personally would have no objection to making it apply to the entire United States, save and except for the fact that nearly all the States, I think I may say all the States, have legislation upon the subject.

Mr. SUTHERLAND. Have the various States laws in identical terms with this measure?

Mr. POMERENE. Not in identically the same terms.

Mr. SUTHERLAND. It seems to be a pretty comprehensive measure; it covers a great many things; and I would imagine that the laws of the various States would differ quite materially with reference to the particulars.

Mr. POMERENE. They do differ slightly, but it was thought that there was no suitable legislation here in the District. The terms of this proposed law are very comprehensive. I do not think there is any objection to it on that score.

I can see a reason for the objection which the Senator urges, that it should apply to the United States as a whole, but if that should be regarded as necessary, further legislation can be brought in at a later day. I really think it is necessary here in the District.

Mr. SUTHERLAND. It is a little difficult to follow the terms of a bill of this kind from the reading at the desk, and I have not a copy of the bill before me. Very much of it everyone of course agrees to. However, I am not at all sure but that it goes a little too far. The object of the legislation, of course, is to compel respect for the flag and prevent an insult to or desecration of it and not to prevent the use of it in a manner which does not involve anything of that sort.

Mr. POMERENE. Will the Senator speak a little louder? I did not catch his remarks fully.

Mr. McCUMBER. If the Senator will allow me, I should like to ask him a question. Suppose a steamship company plying between the United States and Argentina should see fit to put upon its folders or otherwise an interwoven American and Argentine flag and really use that as their emblem, showing the relation between the two countries, is it not made a crime to print or sell anything of that kind? Or if I want to order a card——

Mr. POMERENE. This applies only to the District.

Mr. McCUMBER. I am speaking of the District of Columbia. Suppose they are being printed here. It seems to me the bill goes too far and would punish a very legitimate use of the American flag. There are many instances in which the American flag might well be placed upon a card showing a respect for it and why make it a criminal offense to display it in any way on anything that happens to be sold? It seems to me that the bill ought to go over until we can read it carefully and understand it more thoroughly, and I will object to its present consideration.

Mr. POMERENE. I will not insist, if there is objection.

The VICE PRESIDENT. The bill goes over.

FUNERAL OF ADMIRAL DEWEY.

The hour of 10 o'clock and 55 minutes a. m. having arrived,

The VICE PRESIDENT. The Senate will proceed to the rotunda of the Capitol.

The Senate, preceded by the Sergeant at Arms and headed by the Vice President and Secretary, proceeded to the rotunda of the Capitol to attend the services at the funeral of Admiral Dewey.

At 11 o'clock and 32 minutes a. m. the Senate returned to its Chamber and the Vice President resumed the chair.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to, and (at 11 o'clock and 35 minutes a. m.) the Senate adjourned until Monday, January 22, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 20, 1917.*

The House met at 10 o'clock and 45 minutes a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit Our Heavenly Father, for that quality resident in the soul of man which pours itself out in admiration, praise, and gratitude for the man who conscientiously fulfills his duty, whether in the private walks of life or in a public service for his country. We thank Thee that our Nation is to-day pouring out its gratitude through a rainbow of tears for our departed hero. And we pray that his life and splendid achievements may be an inspiration to us and those who shall come after us, to follow his illustrious example, that departing we may leave the world our debtor, through Him who taught us the glory of a noble life; amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read and approved.

ROBERT E. LEE.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech delivered yesterday by my colleague, Hon. CHARLES M. STEDMAN, on the anniversary of the birth of Gen. Robert E. Lee.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered yesterday by his colleague, Maj. STEDMAN, on the life and character of Gen. Robert E. Lee. Is there objection?

There was no objection.

FUNERAL OF ADMIRAL DEWEY.

Mr. KITCHIN. Mr. Speaker, I understand the Senate is waiting for the House to go to the Rotunda to attend the funeral of Admiral Dewey. I suggest that the House, attended by the Sergeant at Arms, now proceed to the Rotunda.

The SPEAKER. The Members of the House in a body will proceed to the Rotunda.

At 10 o'clock and 55 minutes a. m. the House of Representatives, preceded by the Speaker and the Sergeant at Arms, proceeded to the Rotunda, where was held the funeral of George Dewey, Admiral of the Navy.

At 11 o'clock and 30 minutes a. m. the Members of the House of Representatives returned to the Hall, and the Speaker resumed the chair.

HOUR OF MEETING ON MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. DAVENPORT, for 10 days, on account of important business.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock and 32 minutes a. m.) the House adjourned until Monday, January 22, 1917, at 11 o'clock a. m.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAIR: A bill (H. R. 20345) granting a pension to Malissa Giles Richards; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20346) granting a pension to Albert Helms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20347) granting a pension to Frank Logsdon; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 20348) granting an increase of pension to Mary Pickens; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 20349) granting an increase of pension to Charles J. Somers; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 20350) granting an increase of pension to Ernest J. Patton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE: Memorial of the Humanitarian Cult in favor of the passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Dr. F. A. Eastman and others, of Rockford, Ill., protesting against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany H. R. 19911, for relief of Alphonso G. Anderson; to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 22, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast made our human responsibility commensurate with the gifts of Thy providence and grace. Thou hast unlocked the treasure house of earth and there stand about us ministers and messengers to do our bidding. Too often we have turned these forces of nature that Thou hast put at our command into instruments of human destruction. Too often Thy winged messengers have carried evil deeds to regions beyond.

We confess before Thee our national sins, and we pray Thee to guide us and guard us and bring us back into harmony with Thy will. May the time speedily come when we shall beat our spears into pruning hooks and our swords into plowshares. Then the peace and glory of God shall be upon this and every land. Then the time shall come when the knowledge and glory of God shall fill the whole world. We ask for Jesus' sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the President of the United States, which will be read.

The Secretary read the communication, as follows:

THE WHITE HOUSE,
Washington, January 21, 1917.

The VICE PRESIDENT OF THE UNITED STATES.

MY DEAR MR. VICE PRESIDENT: There is a communication concerning the foreign relations of the country which I think it my duty to make to the Senate and which I should very much like to make in person. I would be very much obliged if I might be afforded an opportunity to do so to-morrow, the 22d, if it can be arranged without inconvenience to the Senate.

I know of no way other than this informal way in which to convey this wish to the Senators. I have spoken to Senator STONE, the chairman of the Committee on Foreign Relations, about it, and have asked him to confer with you.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. STONE. Mr. President——

Mr. SMOOT. Will the Senator yield? This is an important question and I think we ought to have a quorum. Some question may arise afterwards and we would save time by getting a quorum here.

Mr. STONE. Very well.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Norris	Smoot
Beckham	Hollis	Overman	Sterling
Brady	Husting	Page	Stone
Brandegee	James	Pittman	Sutherland
Bryan	Johnson, Me.	Poindexter	Thomas
Catron	Jones	Ransdell	Thompson
Chamberlain	Kenyon	Reed	Townsend
Clark	Kern	Robinson	Vardaman
Culberson	La Follette	Saulsbury	Warren
Cummins	Lodge	Shafroth	Weeks
Dillingham	McCumber	Sheppard	Williams
Fletcher	Martine, N. J.	Shields	Works
Gallinger	Myers	Smith, Ga.	
Hardwick	Nelson	Smith, S. C.	

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent an account of sickness. I wish this announcement to stand for the day. My colleague is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. On all votes he is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, in view of the fact that there were so many Senators absent when the communication from the President was read, I ask that it may again be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary again read the communication.

Mr. GALLINGER. I will venture to inquire of the chairman of the Committee on Foreign Relations whether, this being a matter touching our foreign relations, we are to be addressed by the President in executive session or in open session?

Mr. STONE. It is not, as I understand the communication, a matter that needs to be presented in executive session.

Mr. GALLINGER. I presume the Senator from Missouri has accurate knowledge on that question and, of course, I do not raise any objection, but——

Mr. STONE. The inquiry is a very proper one.

Mr. GALLINGER. We have been so careful, and it has been suggested to us that we ought to be very careful, about discussing matters of our foreign relations in open session. I wondered whether there was to be a departure from that custom.

Mr. STONE. Mr. President, I move that the Chair appoint a committee of five Senators to inform the President that the Senate will be pleased to receive him at 1 o'clock post meridian to-day, and that the same committee receive him on his arrival at the Capitol and escort him to the Chamber.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Vice President appointed as the committee Mr. KERN, Mr. STONE, Mr. OVERMAN, Mr. GALLINGER, and Mr. KENYON.

The VICE PRESIDENT subsequently said: The Senator from Indiana [Mr. KERN] has requested to be excused from service on the committee to wait on the President of the United States and to escort him to the Senate Chamber. The Chair appoints the Senator from Delaware [Mr. SAULSBURY] in the place of the Senator from Indiana.

The Senator from Iowa [Mr. KENYON] also asks to be excused, and the Chair appoints the Senator from Utah [Mr. SUTHERLAND] in his place.

TARGET PRACTICE IN THE NAVY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 11th instant, the number of scores made on the 30 by 90 foot screen by the vessels of the Atlantic Fleet in the division day and individual battle practices in the seasons of 1914, 1915, and 1916, which, with the accompanying paper, was referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JOHNSON of Maine presented a petition of the Chamber of Commerce of Portland, Me., praying for the passage of the so-called Webb bill relating to foreign trade, which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Augusta and Auburn, in the State of Maine, and of sundry citizens of Boston, Mass., praying for an increase of pension for survivors of the Civil War under certain regulations, which were referred to the Committee on Pensions.

He also presented a petition of the Association of Fully Disabled Union Veterans of Brooklyn, N. Y., praying for an increase of pension to those who lost limbs during the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of Crocker Post, No. 12, Grand Army of the Republic, of Des Moines, Iowa, praying for the repeal of the rules and regulations relating to the granting of pensions, which was referred to the Committee on Pensions.

Mr. STONE presented a memorial of sundry citizens of West Plains, Mo., remonstrating against any change in postal rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented petitions of sundry citizens of South Carolina, praying for national prohibition, which were ordered to lie on the table.

Mr. LODGE presented a petition of the Chamber of Commerce of Taunton, Mass., praying for the enactment of legislation to exempt the New York, New Haven & Hartford Railroad from the provisions of the Panama Canal act prohibiting the operation of steamship lines by railroads in certain cases, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of Typographical Union No. 231, of San Jose, Cal., remonstrating against a change in second-class postal rates, which was referred to the Committee on Post Offices and Post Roads.

DELAWARE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 7748) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island in said county and State, and I submit a report (No. 959) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the committee were, on page 1, line 10, after the word "River," to insert "at a point suitable to the interests of navigation," and, on page 2, line 1, after the word "of," to strike out the words "Bridges over navigable waters" and insert "the act entitled 'An act to regulate he construction of bridges over navigable waters,'" so as to make the bill read:

Be it enacted, etc., That the United New Jersey Railroad & Canal Co., a corporation created and organized under the laws of the State of New Jersey, and such other corporation or individuals, if any, as shall be associated with said company for the purpose, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the intervening portion of the Delaware River, at a point suitable to the interests of navigation, from the mainland of Camden County, in the State of New Jersey, to Petty Island, in said county and State, in accordance with the provisions of "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and that said bridge may be either for railroad purposes alone, or in part for railroad and in part for highway purposes, at the option of said United New Jersey Railroad & Canal Co.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF REFERENCE.

Mr. STONE. Mr. President, on Friday last I introduced a bill (S. 7936) authorizing the Secretary of War to establish on the military reservation on the arsenal grounds, St. Louis, Mo., a general supply depot, which, on my own suggestion, was referred to the Committee on Public Buildings and Grounds. I am informed by those better advised than I am that the reference was a mistake and that the bill should have been referred to the Committee on Military Affairs. I therefore ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill and that it be referred to the Committee no Military Affairs.

The VICE PRESIDENT. Is there objection? The Chair hears none.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7937) granting an increase of pension to Ira S. Bier (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7938) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Biddeford, Me.; and

A bill (S. 7939) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Saco, Me.; to the Committee on Military Affairs.

A bill (S. 7940) granting an increase of pension to Mark P. Morton (with accompanying papers);

A bill (S. 7941) granting an increase of pension to Rufus Reynolds (with accompanying papers); and

A bill (S. 7942) granting an increase of pension to Joseph M. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7943) to provide for the promotion of Americanization of immigrants through education, and to appropriate money therefor; to the Committee on Immigration.

By Mr. STERLING:

A bill (S. 7944) granting an increase of pension to Corydom M. Turnbull (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 7945) to investigate the condition of Indians living in Louisiana; to the Committee on Indian Affairs.

A bill (S. 7946) for the relief of Albert Tate; to the Committee on Military Affairs.

A bill (S. 7947) granting a pension to James Nethers; and

A bill (S. 7948) granting an increase of pension to Jules Toffier; to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 7949) to provide for the erection of an addition to the Federal Building in the city of Janesville, county of Rock, and State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. NORRIS:

A bill (S. 7950) granting an increase of pension to John F. Anderson; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 7951) granting a pension to Edward Fraher and Catherine Fraher, minor children of Joseph M. Fraher (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 7952) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

A bill (S. 7953) granting an increase of pension to Tulula V. M. Bortsfield (with accompanying papers);

A bill (S. 7954) granting an increase of pension to John T. Quinby (with accompanying papers);

A bill (S. 7955) granting an increase of pension to Henry Barber (with accompanying papers);

A bill (S. 7956) granting a pension to Lydia M. Smith (with accompanying papers);

A bill (S. 7957) granting a pension to Allen N. Bundy (with accompanying papers); and

A bill (S. 7958) granting a pension to Daniel Donohoe (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 7959) granting an increase of pension to Albert P. Ramsey (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7960) granting an increase of pension to Mitchell Larock (with accompanying papers); to the Committee on Pensions.

By Mr. COLT:

A bill (S. 7961) granting a pension to James W. McKay (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7962) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated; to the Committee on Public Lands.

NATIONAL DEFENSE.

Mr. REED submitted an amendment intended to be proposed by him to the bill (S. 1695) to provide for the military and naval training of the citizen forces of the United States, which was referred to the Committee on Military Affairs and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. WILLIAMS submitted two amendments intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which were ordered to lie on the table and be printed.

PUBLIC HEALTH SERVICE.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

GOVERNMENT FOR PORTO RICO.

Mr. BROUSSARD submitted an amendment intended to be proposed by him to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment providing that hereafter every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. TOWNSEND submitted an amendment providing in the clause relative to the employment on holidays of special clerks in first and second class post offices being allowed compensatory time on one of the 30 days next following the holiday on which they perform such service other employees shall be included, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate $50,000 to enable the Secretary of Agriculture to establish and maintain agricultural and horticultural experimental stations in the Central West, to be located in the principal grape growing States of Missouri, Ohio, Arkansas, and Michigan, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to increase the appropriation for biophysical investigations under the Bureau of Plant Industry, Agricultural Department, from $32,500 to $35,500, of which amount $3,000 is to be used for the purpose of investigating root-rot disease of fruit trees, alfalfa, and cotton in the Salt River and Yuma Valleys, in the State of Arizona, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $100,000 for the enlargement of the cottonseed breeding station at Greenville, Tex., etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE ST. JOHN RIVER.

Mr. JOHNSON of Maine submitted the following resolution (S. Res. 325), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested if not incompatible with the public interest, to transmit to the Senate the report of the International Commission pertaining to the St. John River.

AMENDMENT OF THE RULES.

Mr. STERLING. Mr. President, in accordance with Rule XL of the Senate Rules, I hereby give notice that on tomorrow I will propose that paragraph 3, of Rule XXXVIII, of the Rules of the Senate, be amended so that it shall read as follows:

3. All proceedings of the Senate when acting upon nominations shall be in open executive session, except when the Senate by a majority vote shall otherwise decide. Upon a motion for a secret executive session upon any nomination, each Senator shall be entitled to speak once and for five minutes only. If the Senate decides that any nomination should be considered in secret session, then all information communicated to or remarks made by a Senator when acting upon such nomination concerning the character or qualifications of the person nominated, also all votes upon such nomination, shall be kept secret. If in any case charges shall be made against a person nominated, the committee may in its discretion notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

REPORT ON SUBMARINE BATTERIES.

Mr. BRANDEGEE. Mr. President, on January 2 a report was received from the Secretary of the Navy in reply to a resolution which I offered as to the publication of a report concerning the blowing up of some of our submarines, and it was ordered printed (S. Doc. No. 651) and referred to the Committee on Naval Affairs. I understand that the Secretary of the Navy, in his testimony before the Committee on Naval Affairs, has given the information I sought to obtain. I think it would be a useless expense to print the matter which the Secretary has sent to the Senate, and I ask unanimous consent to reconsider the reference and the order to print. I do this simply to save the Government the expense.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRANDEGEE. Now, I ask that the matter be referred to the Committee on Naval Affairs without printing.

The VICE PRESIDENT. That order will be made.

GOVERNMENT EXHIBIT IN THE DISTRICT OF COLUMBIA.

Mr. MARTINE of New Jersey. Mr. President, I desire to ask unanimous consent for the present consideration of Senate joint resolution 182, relative to a Government exhibit in the District of Columbia, and for which I asked consideration the other day. I feel that the joint resolution can be amended in such terms as will relieve it of any possible objection. It provides for an exhibit in the District of Columbia covering the time between February 26 and March 4, during the inaugural proceedings. The purpose is both laudable and commendable, and I feel that no Senator will now object to the passage of the joint resolution.

Mr. GALLINGER. The original joint resolution of the Senator from New Jersey is now on the calendar, and he asks unanimous consent for its present consideration?

Mr. MARTINE of New Jersey. Yes; I have asked for the present consideration of the joint resolution heretofore introduced by me, and, if that request is granted, then I shall offer some amendments.

Mr. GALLINGER. There can be no objection to the amendments which the Senator has, and I hope unanimous consent will be granted for the consideration and passage of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. JONES. Mr. President, I think the amendments which the Senator from New Jersey intends to propose to the joint resolution should be first read before unanimous consent is given for its consideration.

Mr. MARTINE of New Jersey. I have no objection to that.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. On line 3, after the word "That," it is proposed to strike out "Congress approves the suggestion of the Federation of Citizens' Associations, representing a majority of the citizens' associations of the District of Columbia, that it extend, on behalf of the residents of the District of Columbia, an invitation to the people of the United States to visit Washington during the week of February 26 to March 4, 1917, in order that they may become better acquainted with the Capital of the Nation and the operations of the Federal Government, and"; on page 2, line 2, after the word "establishments," to insert "in Washington"; and, in the same line, after the word "exhibit," to insert "from February 26 to March 10, 1917," so as to make the joint resolution read:

Resolved, etc., That authority is hereby granted to the executive departments and various Government establishments in Washington to exhibit from February 26 to March 10, 1917, such activities and methods of transacting business as can be done without detriment to the public service, with the object of presenting an educational symposium that will be of practical benefit to the people of the country.

Mr. MARTINE of New Jersey. Mr. President, I will say that I asked unanimous consent for the passage of this resolution as proposed to be amended, because it provides for the appropriation of no money. The various Government departments in this city, the clerks, and the citizens are most zealous in their efforts, and this will facilitate the work. They very earnestly desire that the joint resolution may be passed, and I trust that it may now be considered by unanimous consent.

Mr. SMOOT. The Senator from New Jersey does not ask that the joint resolution shall be passed this morning, does he?

Mr. MARTINE of New Jersey. Yes. I should like to have the joint resolution immediately considered and passed, owing to the fact that the time for carrying it into effect is exceedingly short.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE PRESIDENT. The question is on agreeing to the amendments proposed by the Senator from New Jersey [Mr. MARTINE], which have been read.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing an exhibition of the various activities of the Government service."

RETIREMENT OF FEDERAL JUDGES.

Mr. SUTHERLAND. Mr. President, I have a brief argument prepared by Judge Walter Evans, of the district court of Kentucky, upon Senate bill 706, with reference to the constitutional features of that proposed legislation, which I think is exceedingly valuable. I ask that it may be printed as a Senate document. I understand that the Printing Committee have some sort of an understanding that all such communications must be referred to that committee. I wish that it might be waived in this instance, because this is a bill which is pending before the House, and I should like very much to have the matter printed, so that it may be available while the bill is under consideration.

Mr. SMOOT. I will say to my colleague that I would much prefer to have it go to the committee. The committee can act upon it within the next day at least.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following act and joint resolutions:

On January 18, 1917:

S. 6864. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917.

On January 19, 1917:

S. J. Res. 186. Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; and

S. J. Res. 194. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

HOUSE BILL REFERRED.

H. R. 18994. An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

LEGISLATIVE, ETC., APPROPRIATIONS.

The VICE PRESIDENT. Is there further morning business? If there be none, morning business is closed.

Mr. OVERMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending question is on the committee amendment on page 143, which the Secretary will state.

The SECRETARY. On page 143 the Committee on Appropriations reported to strike out lines 1, 2, and 3, as follows:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

Mr. WORKS. Mr. President, on Friday, when the appropriation for the Children's Bureau was under discussion, I called attention to the work that had been done heretofore in the Labor Department—the Bureau of Labor it was then, but now the Department of Labor—in gathering together information with respect to the condition of the children of the country. I was a little bit confused in my own mind at that time as to the second organization that had been doing work of that kind—one of them public in its nature and the other a private organization that, I think, is supported by charity. I want now to call attention to the reports that were made by this Labor Bureau. Those reports consist of 19 volumes, and go into the minutest details of the question of the condition of women and children as laborers. As showing the nature of the work that is to be done, I call attention to a letter written by Mr. Nagel,

then Secretary of Commerce and Labor, transmitting this report. He says:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington June 14, 1910.

HON. JAMES S. SHERMAN,
President of the Senate, Washington, D. C.

SIR: In partial compliance with the Senate resolution of May 25, 1910, I beg to transmit herewith a report showing the results of the investigation into the condition of woman and child wage earners in the cotton textile industry in the United States.

This report has just been completed, and is the first section available for transmission of the larger report on the investigation carried on in accordance with the act of Congress approved January 29, 1907, which provided "That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to investigate and report on the industrial, social, moral, educational, and physical condition of woman and child workers in the United States wherever employed, with special reference to their age, hours of labor, term of employment, health, illiteracy, sanitary and other conditions surrounding their occupation, and the means employed for the protection of their health, person, and morals."

A separate section, dealing with certain health conditions of cotton-mill operatives, together with the remaining sections of the general report, are being completed as rapidly as possible, and will each be transmitted at the earliest practicable moment.

Respectfully, CHARLES NAGEL,
Secretary.

This volume of the report is confined to "Condition of woman and child wage earners in the United States in the cotton-textile industry." It contains 1,044 pages of closely printed matter. The entire series when completed constituted 19 volumes, I assume, of similar or equal size. So that we have about 19,000 pages of printed matter giving the facts in detail and data relating to the important subject involved in the investigation. The Senator from Iowa [Mr. KENYON] inquires the date of this report. It was transmitted to Congress June 14, 1910.

So that we have a very careful investigation of this subject so far as it relates to women and children engaged in labor. It does not extend necessarily to the babies who were too young to perform labor, but it practically covers all of the questions that would affect the condition and interest of little children as well as those who were old enough to work.

Mr. President, I had occasion to look into the question so far as it relates to the District of Columbia as a member of a joint committee of the two Houses that was appointed for the purpose of investigating the relations between the District of Columbia and the National Government. At that time I called upon the head of the health service here in the District to give me his views on the subject, and had a very interesting report from him that I called for individually in the preparation of a report that I was making at the time covering some of the things that I thought needed correction in the District of Columbia. Amongst other things, he furnished me with a table showing the population, deaths, and death rate in the District of Columbia by race and by calendar years from 1861 to 1914, inclusive. This showed a very careful investigation of these particular matters and it effected precisely what it is intended to be covered by this appropriation. I ask, without reading it, to include this table as part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Table showing the population, deaths, and death rates in the District of Columbia, by race and by calendar years, from 1881 to 1914, inclusive.

Years.	Population.			Deaths.			Death rate per 1,000.		
	White.	Colored.	Total.	White.	Colored.	Total.	White.	Colored.	Total.
1881–1885 [1]	129,375	65,161	194,536	2,430	2,191	4,621	18.78	33.63	23.75
1886–1890 [1]	147,899	73,257	221,156	2,707	2,362	5,069	18.30	32.24	22.92
1891–1895 [1]	176,619	85,034	261,653	3,392	2,665	6,057	19.21	31.34	23.15
1896–1900 [1]	194,517	89,272	283,789	3,238	2,573	5,811	16.65	28.82	20.48
1901–1905 [1]	217,606	93,719	311,325	3,395	2,647	6,042	15.60	28.20	19.41
1906–1910 [1]	240,244	96,696	336,940	3,626	2,678	6,304	15.09	27.69	18.71
1911	251,409	98,159	349,568	3,739	2,564	6,303	14.87	26.12	18.03
1912	254,260	98,676	352,936	3,606	2,653	6,259	14.18	26.89	17.73
1913	255,153	98,144	353,297	3,568	2,438	6,006	13.98	24.84	16.99
1914	256,049	97,615	353,664	3,493	2,373	5,866	13.64	24.31	16.59

[1] Average for 5-year period.

Mr. WORKS. Then in that same report was this statement with respect to the prevention of infant mortality:

PREVENTION OF INFANT MORTALITY.

Next to the prevention of tuberculosis the prevention of infant mortality has appealed to the popular mind and has been supported by private philanthropy. Up to the limit of its resources this has been done in this District. But the number of wealthy persons in the District who are able to support such a movement is small, and the number of those who are both able and willing to do so is even less.

The establishment of such infant-welfare stations as may be necessary to safeguard the health of the babies of the community would seem to be just as much a function of the Government as is any other action toward the conservation and promotion of health. What has been done by private philanthropy in this city is only the beginning of what should be done toward seeing that babies are well born and well cared for. These results are to be accomplished not so much by charity as by education, and to effect such education the infant-welfare station is but an incident. If the justification be needed for action by the District government to save the babes, it can be found in the fact that the Government of the United States has deemed it a proper exercise of its powers to establish the Children's Bureau in the Department of Labor for the protection of the children of the Nation, even though the authority and power, with respect to the children, of the Nation generally is small as compared with the authority and power of the Government with respect to the children in this District.

The following statement shows the diminution that has occurred in the District since 1895, and this may be accepted as an indication of what may be accomplished in the future if a movement toward that end be properly organized and supported.

Then follows another table, showing the reduction in the death rate of children, which I also ask to include in my remarks without reading.

The VICE PRESIDENT. Without objection, permission is granted.

The table referred to is as follows:

Showing deaths and death rates of infants under 1 year of age in the District of Columbia, by race and by years, from 1896 to 1914, inclusive.

[NOTE.—Birth returns prior to 1906 were too incomplete to afford a safe basis for the computation of death rates, at least for purposes of comparison.]

Years.	White.			Colored.			All.		
	Births.	Deaths under 1 year.	Deaths per 1,000 reported births.	Births.	Deaths under 1 year.	Deaths per 1,000 reported births.	Births.	Deaths under 1 year.	Deaths per 1,000 reported births.
1896–1900 [1]	2,798	594	.....	1,871	732	.....	4,669	1,326	.....
1901–1905 [1]	3,429	515	.....	1,980	650	.....	5,409	1,165	.....
1906–1910 [1]	4,632	522	113	2,268	592	261	6,900	1,114	161
1911	4,772	490	103	2,260	467	207	7,032	957	136
1912	4,734	427	90	2,273	472	208	7,007	899	128
1913	4,667	400	86	2,236	428	191	6,903	828	120
1914	4,925	343	70	2,205	372	169	7,130	715	100

[1] Annual average for 5-year period.

Mr. WORKS. In the prosecution of my portion of the work on that committee I prepared a somewhat lengthy report covering a number of subjects, one of them relating to the condition of what I call the "slums" of Washington, but which are generally more politely called the inhabited alleys and closed courts. I am not going to take up time in reading any portion of it or

in commenting upon it, as I have done that once before in support of an appropriation that I asked for for that purpose, but I ask that it may be printed in my remarks also.

The VICE PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

THE SLUMS.

The American people want their Capital to be clean, decent, respectable, and healthful as well as beautiful on the outside. It has fallen far below this standard under a system of government where Congress can shift its responsibility onto the District of Columbia, a spineless and irresponsible municipal body. Under this system the slums, the red-light district, and saloons, and unwholesome and insanitary conditions have been allowed to flourish. Crime, vice, corruption, and death have devastated portions of the city that could and should have been protected from such conditions. From time to time feeble and ineffectual efforts have been made through inadequate laws to remedy these evils. The better class of people in the District have done the best they could with the insufficient weapons provided them by Congress to ameliorate the conditions and protect the poor people who suffer from them the most, but to a discouraging degree it has been a hopeless task. It is not wholly the fault of the people of the District that these conditions continue down to the present day. Neither is it the fault of the District officers. The chief reason for it is that Congress has failed to enact the laws and appropriate the money necessary to abate these crying evils, though often urged to do so.

In his message to the Fifty-ninth Congress President Roosevelt said:

"The National Government has control of the District of Columbia and should see to it that the city of Washington is made a model city in all respects, both as regards parks, public playgrounds, proper regulation of the system of housing, so as to do away with the evils of alley tenements, a proper system of education, a proper system of dealing with truancy and juvenile offenders, a proper handling of the charitable work of the District. Moreover, there should be proper factory laws to prevent all abuses in the employment of women and children in the District."

Pursuant to this recommendation the President appointed James Bronson Reynolds, of New York, to investigate conditions in the District and report to him with such recommendations as suggested themselves to him. In his letter asking Mr. Reynolds to act as adviser in the matter, he said:

"I wish your investigation to terminate in definite, practical recommendations to me with reference to the city's present needs and most notable defects, measured by the highest standards of good administration in this country and elsewhere."

I shall call attention to Mr. Reynolds's report and recommendations a little later. President Taft, dealing with this subject in his message to Congress of December 6, 1910, has this to say:

"Fair as Washington seems, with her beautiful streets and shade trees, and free, as the expanse of territory which she occupies would seem to make her, from slums and insanitary congestion of population, there are centers in the interior of squares where the very poor, and the criminal classes as well, huddle together in filth and noisome surroundings, and it is of primary importance that these nuclei of disease and suffering and vice should be removed and that there should be substituted for them small parks as breathing spaces and model tenements, having sufficient air space and meeting other hygienic requirements. The estimate for the reform of Willow Tree Alley, the worst of these places in the city, is the beginning of a movement that ought to attract the earnest attention and support of Congress, for Congress can not escape its responsibility for the existence of these human pestholes."

In pursuance of recommendations made by Mr. Reynolds, President Roosevelt appointed a commission of 15 of the leading citizens of Washington to deal with the subject.

That commission made a full and exhaustive report of conditions with its recommendations. This report first quoted from Mr. Reynolds's report as follows:

"The report of Mr. James Bronson Reynolds, referred to in the President's letter as the basis of his action, is as follows:

"'REPORT OF THE HOUSING OF THE POOR IN THE DISTRICT OF COLUMBIA, ESPECIALLY IN RELATION TO INSIDE TENEMENTS.

"'As you directed me to give particular attention to the housing problem, I visited and examined between 350 and 400 tenements, shacks, and small houses in various sections of Washington and Georgetown and inspected numerous alleys. I talked with their occupants and conferred with many citizens of the District, both white and colored, including representatives of trade-unions, to obtain their views regarding housing conditions.

"'In my investigation I found three distinct problems—that of small houses, that of alley shacks and alley houses, and that of inside alleys. * * *

"'I found nearly all the alley wooden shacks and small brick houses that I visited in a wretched condition. The wooden shacks, as a rule, might properly be condemned on structural grounds. Their yards were apparently storage places for refuse and filth; their water supply inadequate and badly placed, and the privies frequently only open boxes and in many instances without covers, although the latter are required by the health ordinance. I am glad to state that during the past year many of these box privies have been removed.

"'I had conversation with the dwellers in these inside shacks, and the comments of many may be fairly summarized in the pathetic remark of an old colored woman who exclaimed, with reference to her neglected, filthy yard and privy: "Why, my old marsa wouldn't ha' kep' his horses stabled in such a place."

"'No argument is needed to show that such ill-conditioned hovels are culture beds of disease, the germs of which may be carried far and wide by the flies which feed on the rotting garbage and excreta. Their number should be promptly ascertained and immediate steps taken for their complete elimination, and buildings constructed in their places should have proper sanitary appurtenances and should open either upon a highway or small street. * * *

"'A particularly undesirable and menacing feature of the poor quarters of Washington is the inside alleys. These alleys are centers of disorder and crime, and they make possible the continuance of small communities uncontrolled by ordinary police inspection and unaffected by public observation and criticism. In my opinion all inside alleys, with the exception of service alleys, should be abolished, and a definite scheme for the accomplishment of this object should be adopted. * * *

"'A law passed by the Congress in 1906 appropriated $50,000 for the expense of condemnation proceedings in the substitution of minor streets for alleys, but a recent decision of the Supreme Court of the District of Columbia has interposed fresh difficulties by declaring unconstitutional the assumption of the law that the entire cost of opening small streets as substitutes for alleys should be assessed upon the adjacent property owners. I am not prepared to make any specific recommendations to meet this new difficulty, but to urge that it be not allowed to prevent the abolition of inside alleys.'"

The commission then proceeded to report the result of its own investigations, make recommendations, and point out the obstacles that prevented effective work, including reports of its subcommittees. From this long and exhaustive report I extract the following:

"A SERIOUS OBSTACLE TO THE CONVERSION OF ALLEYS INTO STREETS.

"The law passed July 22, 1892, and amended on August 24, 1894, prohibited the erection of dwellings in alleys less than 30 feet wide, and imposed restrictions which hindered the building of any more alley houses. It also provided for the conversion of alleys into minor streets, but nothing of importance seems to have been done under this law until the committee on improvement of housing conditions took the matter up a year or more ago with a demand that the change be made in certain typical alleys. This led the commissioners to appoint a committee of District officials to advise them as to the opening of minor streets, and cases were taken up as rapidly as they could be properly handled until, up to the present time, the opening of 12 such streets has been recommended. Two of these have been confirmed by the courts and three other cases are pending in court. The commissioners are proceeding as rapidly as possible in the other cases, but the conflict with private interests led to litigation and a decision by the Supreme Court of the United States on March 11 last, which declared it illegal to assess all the damages on certain property, as the law provides, unless it is found to be benefited to that extent. Although the commissioners are continuing to prepare and present cases they can not, under the law, approve the verdict in any case unless the benefits as assessed equal the damages and expenses. * * *

"Mr. Thompson, in his Housing Handbook, says of private enterprise:

"'It has been assumed by thousands who ought to have known better that private enterprise, unstimulated, unregulated, unassisted, undirected, has hopelessly failed. It has left us face to face with a very deficient supply; it has given us the old slums; it often has given us only acres and acres of new slums in the suburbs, jerry-built "brick boxes with slate lids" dumped down on dust heaps and put up mainly with the object of getting a quick profit in the few years which will elapse before they degenerate into slum dwellings almost as bad as the old ones in our midst. Where the new houses are well built and on good sites they are of an unsuitable type, and the rents are so unreasonably high as to be beyond the means of one family, so they have to be sublet to other families, and thus by overcrowding, with the increased wear and tear following in its train, they rapidly deteriorate and leave the housing of the mass of the people as bad in many respects as it was before. The product of private enterprise, then, is insufficient in quantity and inferior in quality. * * *'

"In the report of the health officer for 1875 it was noted that during the year 699 houses were reported as unfit for human habitation and 198 condemned by the board. In 1876 424 houses were reported and 371 condemned, and in the report of the board of health for 1877, page 46, we find:

"'No meaner cabins for temporary or permanent shelter can be found than some our wretched poor are born and exist and die in here at the Capital of the United States. And, strange as it may seem, none so mean that they have not an owner mean enough to charge rent for them. Down in the alleys, below grade, with combination roof of tar, felt, shingles, rags, tin, gravel, boards, and holes; floors damp and broken, walls begrimed by smoke and age, so domiciled are families, with all the dignity of tenants having rent to pay. The board has condemned 153 such during the past year and 958 during the past four years, of which probably 300 have been entirely demolished. But many owners still cling to the wrecks.

"'Our experience in dealing with filth, crowd poison, and disease among these people during the past four years has taught us that the great public economy, viz, the preservation of public health, is defeated by allowing these filthy, worthless, dependent classes of humanity to congregate in the alleys and byways out of sight, and therefore out of mind, until direful epidemic, incubated and nourished among them, spreads its black wings over the homes of the whole city. Better far to provide for the aged and sick in public institutions of charity, the vagrant in the chain gangs, let the cost be what it may, than to allow them to remain propagators of public disease, an incalculable expense to the District.'"

This report was made at the close of the year 1908.

In April, 1903, the Washington Post said, editorially:

WE HAVE SLUMS OF OUR OWN.

"An English gentleman, who is also a philanthropist and a student of sociology, has been looking into the slums of Washington. Ten years ago he visited the Capital, but on that occasion saw only our splendid public parks and beautiful private residences, just like a very large majority of Washingtonians and visitors. He returned to England convinced that Washington was the long-looked-for model city. Now he pays a second visit, and this time he goes behind the scenes. The result of the investigation is an amendment to the gentleman's original estimate. He finds that while our areas of squalor and degradation are not as numerous or so extensive as those of London they are in many instances much more appalling. On this point he says:

"'This time I came to see the worst that was to be seen, and it has been a revelation to me. I have seen rooms with half a dozen or more people living in them. I have seen buildings that would be condemned and torn down in London if they were inhabited only by a coster's donkey. Walls tumbling down, floors rotten, ceilings and walls falling in, little yards and outbuildings filled with rubbish and dirt, and absence of all sanitary arrangements. Within a stone's throw of the British Embassy, in an alley, there are hovels that are not fit for pigs to live in. Within the shadow of the Capitol there are others. On Factory Hill and in the holes around the canal in Georgetown there are frightful places full of filth and the direst poverty, where disease and crime must breed rapidly.'"

In December of that year Jacob Riis, in an address delivered at the First Congregational Church of Washington City, had this to say on the subject:

"I am not easily discouraged. But I confess I was surprised by the sights I have seen in the National Capital. You people of Washington

have alley after alley filled with people you know nothing about. There are 298 such alleys. They tell me the death rate among the negro babies born in these alleys is 457 out of 1,000 and before they grow up to be 1 year old. Nearly one-half. Nowhere I have ever been in the civilized world have I heard of a death rate like that. Why, I have never seen places like those you have here. * * *

"To fight your slums you ought first of all to acquire the right to deal with the evil man who insists on murdering your babies. But you are sure to run against the old cry of 'property rights.' One-half your children die in hovels before they reach the age of 1 year, because the owners would rather have 25 per cent profit than save their souls. For such a condition there's no defense. Where does the blame lie? With the owners of the slums, you will probably say. But it lies equally with the community which permits such a shameful and sinful condition of affairs to exist within its borders."

In commenting on this address the Washington Times said:

"This indictment of a community which has no slums, this astounding disclosure of a condition not paralleled by the squalor of New York or London or Paris, was the key last night to one of the most remarkable meetings held in Washington in many years. It was the judgment of a trained mind delivered after a trip through the Capital and expressed with manly courage and plain speech to an assembly of representative Washingtonians."

Under a more recent date the Times, in an extended editorial on slum conditions, said:

* * * "The thing needed here is such an education of the commercial instinct that owners of houses in the poorer neighborhoods will cease to expect extraordinary percentages on their investments. * * * It has been proved by investigation that the poor can be comfortably housed in clean, sanitary dwellings which will pay from 7 to 10 per cent on the investment if well managed. It has also been ascertained that the profits on much of the old-fashioned tenement and shanty property ran from 10 to 20 per cent, and even higher. This means that a few property owners are content to make money at the cost of the poor and at the risk of endangering the whole community through the disease and filth bred in their property. The way in which this kind of piracy can be avoided lies, first, in strictly enforced laws which will prevent overcrowding and insanitary buildings absolutely." * * *

Now let us see how far the conditions have improved since that time. During the year 1910 strenuous efforts were made to secure needed legislation and thus improve conditions which were fully disclosed at that time. Let me quote some of the things that were said of conditions as they then existed.

In an article in the Washington Times we find the following, quoting in part from remarks of Mr. E. W. Oyster, one of the good citizens here, who has labored incessantly for better conditions in the District:

"Washington is honeycombed with filthy alleys, spreading disease in even the most beautiful parts of the city. Scattered through every residence section are slums more objectionable than the congested districts of New York or London. The health department is fighting a desperate losing battle against conditions too deep rooted to be repaired without public aid.

"This was the warning that E. W. Oyster, of the Petworth Citizens' Association, hurled from the pulpit of the People's Church, East Capitol Street, yesterday morning. * * *

"'The people who own property in these slums,' said Mr. Oyster, 'are selling their souls for cash. And the tragedy of it is they are selling the lives of their own carefully guarded children for cash.

"'I shall not criticize the health department, because I believe Dr. Woodward is an efficient officer, alive to the situation but terribly handicapped.

"'The public is strangely indifferent. As a special examiner of the Pension Bureau I have had occasion to visit these places, and if the public could see them as I have seen them, and as Dr. Woodward and his assistants have seen them, there would be a clamor for reform.

"'We are spending millions making Washington beautiful, and it is beautiful; but what is beauty when it is rotten to the core? * * *

"'As it is, the Capital of the Nation is a disgrace, with a death rate higher than even such cities as Denver, where we send our sick people too late to get them well.

"'Behind the great mansions lay hovels that are natural disease breeders. In every part of this city, in the northwest as well as the southeast, citizens are being murdered through their own lack of interest and their own ignorance of what is going on behind their backs.'"

The Senator from Washington [Mr. JONES] in a statement made by him, as published in the Washington Times of September 21, 1914, has this to say:

"To those familiar with the alley conditions in the city of Washington no action in relation to the city's needs has been more imperatively needed than their elimination. If the good men and women knew of the actual conditions that exist within the shadow of the Nation's Capitol and realized the dangers to health and good morals that go out from them to all parts of the city the demand for their eradication would be universal, except from those who profit from conditions that are a disgrace to civilization and Christianity. There would be no grumbling about how to do it, nor would the rights of humanity be sacrificed for the rights of property.

"When the situation is understood there is not much basis except greed for opposition to what has been done. No substantial injury will be suffered by anyone. Any dwelling house lawfully on these alleys now has been there more than 20 years. The real annual profits from this property have been from 10 to 14 per cent, and so the owners have been paid for it more than twice over during that time. No property is confiscated. All these owners have to do is to change the use of their property or the conditions of use.

"If they make the alleys conform to the conditions of the law they can use their property for homes or business as they do to-day. They may be put to some expense; their excessive profits may be reduced; but their property will still be useful and profitable.

"Nothing more strikingly illustrates the power and influence of wealth and greed than the situation in regard to this alley problem. The public has been apathetic, business organizations composed of men of high standing have opposed this legislation unless the so-called rights of property owners are given the last farthing of protection, and the public health and safety and the pleadings of humanity have been subordinated to the financial interests or a few rapacious individuals.

"A few noble women interested themselves in the subject. They did splendid work, but it took the pleadings of a tender-hearted woman in an exalted place as she passed into the Valley of Death to bring action. Action has come, swift, sure, direct, complete, and the city of Washington without its slums and unspeakable alley conditions will be a fitting tribute and monument to the sweet nobility of Mrs. Wilson, who, from her exalted place as the first lady of the land, gave her time, strength, influence, and love for the happiness and comfort of the poor, lowly, and unfortunate, and whose last thoughts were not of her position, but of poor, suffering humanity."

In a circular published by the Monday Evening Club of Washington, in October, 1912, Thomas Jesse Jones, chairman of the housing committee of that club, has this to say:

"After 40 years of agitation and search for ways and means to eliminate the blind alleys of Washington, they still remain to spread crime and disease throughout the beautiful city and its inhabitants. Two startling facts should have swept these alleys out of existence years ago. One out of every three children born in these byways dies within the first year of life. To make matters worse, these houses with their diseases and crime, fill the center of many blocks rimmed with splendid houses and hotels.

"A glance at the map of Washington shows the dangerous proximity of these disease centers to the best residential blocks of the city.

"Some alleys have been eliminated to meet the demands of commercial enterprises. One disreputable place was converted into a minor street by assessments upon neighboring property equal to the cost involved in the change. Further application of this method was stopped by a Supreme Court decision in 1907 which cast doubt upon the legality of this form of assessment. At the last session of Congress $78,000 were voted for the change of the most notorious alley in the city into an inner park. This year the commissioners are planning to attack four more alleys.

"But, in spite of all these accomplishments and plans, there is no plan to attack the problem as a whole. A careful study of the whole situation leads to the conclusion that the final solution of the alley problem awaits the aroused public interest of the Nation. Let us add to our plans for a city beautiful a demand for a city pure. Let the woman's clubs of the land, the civic associations of the Nation, and political organizations of every State and city unite in the call for a National Capital that shall be both beautiful without and clean within."

In the same circular Mr. Wilbur Vincent Mallalieu says:

"The moral conditions in such a secluded inclosure as this court can scarcely be imagined. The police who have to do with it agree in speaking of its disreputable character. One officer has remarked that it is the worst place in the United States and that there is no crime unknown to it. The police blotter of the precinct shows that from March 1, 1911, to March 1, 1912, there were 114 arrests among the 204 men, women, and children living in Snows Court. The charges were drunkenness, disorderly conduct, assault, unlawful assembly, larceny, cruelty to animals, and accusations relating to sexual crimes. Nor does this number of cases represent all the evil, because it does not take into account residents of Snows Court arrested in other precincts, nor does it include the mischief done in Snows Court by inhabitants of the neighboring alleys and residents of other parts of the city. * * *

"Snows Court is a peril to our Capital's life. Only an awakened public conscience that shall demand the abolition of this and other pest centers will rid the city of very grave dangers."

I might go on almost without limit quoting from the sayings of newspapers and others as of that date condemning conditions and suggesting remedies, but I desist.

This showing should appeal strongly to Congress for relief.

In a directory of the inhabited alleys, issued as late as 1912, it is said by way of introduction:

"There are 275 of these interior courts in the city. They contain 3,337 houses used for dwellings and approximately 16,000 persons. They are so widely distributed throughout the city that even the best residential sections are not free from their evil influences. The northwest, the largest of the four general sections of the city, has 161, or nearly three-fifths of all the alleys.

"The statement which follows shows the number of alleys and alley houses for each section of the city:

"Total, alleys, 275; houses, 3,337.
"Northwest, alleys, 161; houses, 1,940.
"Southwest, alleys, 58; houses, 705.
"Northeast, alleys, 30; houses, 336.
"Southeast, alleys, 26; houses, 356.

"The average for each alley is 12.1 houses and 58.1 persons. Each alley house has an average of 4.8 persons."

Now, let us see what Congress has done to remedy or ameliorate these fearful conditions. In a pamphlet published by the committee on housing of the woman's welfare department of the National Civic Federation in November, 1912, it was recited:

"This first health board, which had begun its work of alley reclamation so nobly, was abolished and the office of health officer created by an act of Congress June 11, 1878. Right here the good work stopped, for in the legalization of the health ordinances in 1880, the section under which the health department acted in the condemnation of insanitary buildings was omitted. Whether this omission was an oversight or was secured by the influence of men whose money interests were at stake is not known, but it was 12 long years before any further remedial legislation was enacted and during those years no houses were condemned and new houses were constantly erected. Alley property had proved a paying investment and brick had succeeded wood as building material."

In 1892 an act was passed by Congress authorizing the commissioners to "condemn, open, extend, widen, or straighten alleys on the petition of the owners of more than one-half of the real estate in the square in which such alley is sought to be opened," etc.

Congress very magnanimously provided in this act that the whole of the expenses of such improvements should be assessed against the property owners in the square to be affected. By an act passed in 1894, the provisions of the act were extended to minor streets of a width of not less than 40 or more than 60 feet in width.

It goes without saying that these statutes amounted to practically nothing as a means of ridding the city of the evils I am considering.

By an act passed in 1906 a board for the condemnation of insanitary buildings was created and authorized to investigate and destroy or repair such buildings. This has resulted in the destruction of some of the buildings in these alleys, but it has wholly failed to reach the heart of the evil and has accomplished very little of good in respect of the slum evil.

In 1914 an act was passed making it unlawful "to erect, place, or construct any dwelling on any lot or parcel of ground fronting on an alley where such alley is less than 30 feet wide throughout its entire length and which does not run straight to and open on two of the streets bordering on the square and is not supplied with sewer, water mains, and gas and electric light."

The intention of this act was good and it is good as far as it goes, but that is a very short distance. It only prevents the construction of

additional buildings in some of the alleys, which amounts to but little as a means of putting an end to evils that have existed for many years.

On March 3, 1915, another well-intentioned act was passed "to incorporate the Ellen Wilson Memorial Homes." This was a fitting memorial to a good woman whose generous and sympathetic heart went out in sympathy to the unfortunates who were denied the comforts of sanitary homes. But as a practical means of rendering the help she so much desired them to have, it will amount to nothing of permanent good. The work of correcting this great evil can not be delegated to private individuals. If it is ever done and done effectually it must be done by the Government and with its money, as I shall endeavor to point out further along.

There was one other act that was effective to destroy one of the worst of these slum alleys. It was the act to condemn Willow Tree Alley. In this instance the Government generously put up half of the money necessary to accomplish this commendable result. But even this beneficent effort has largely failed of its object because instead of opening out the alley to the sunlight and the public gaze it has been turned into an inside or inclosed park that has become the rendezvous of criminals, vagabonds, and the immoral and viciously disposed of the poorer classes that calls for police and sanitary inspection and control which is not always supplied.

In a report of the committee on improvement of existing houses and elimination of insanitary and alley houses of the President's Homes Commission, above mentioned, made December 8, 1908, some of the existing conditions are described and the difficulties of dealing with them effectually are pointed out.

For example, in speaking of one of the objectionable alleys it is said:

"One of these cases is Blagden's Alley, square 368, concerning which the chief of police and his associates on the board states in the recommendation for its conversion into a minor street that—

"'Blagden's Alley, located between Ninth and Tenth and M and N Streets, contains 54 houses inhabited by a negro element who live in poverty and are a source of constant trouble. The dwellings are insanitary and dilapidated and afford shelter to 10 or 12 persons each.'

"Another is square 620, as to which the board reported:

"'Logan Place contains 35 insanitary dwellings, which are very much overcrowded and the inhabitants, being of a vicious character, give the police more or less trouble.'

"Everyone familiar with these and other such labyrinths realizes the security from police supervision which they afford, to say nothing of other disadvantages which fully justified the recommendation of the board."

Then it was said:

"The principal difficulty with the present law seemed to be that it required that an amount equal to the damages found should be assessed as benefits, and that this should be assessed within a limited area. It was found that the law of 1906 in relation to the opening, extension, widening, or straightening of streets provided that the jury should assess benefits not only upon adjoining and abutting property but upon any and all other lots, pieces, or parcels of land which the jury might find to be benefited by the improvement. This apparently indicated a plan by which the amounts required could be raised in a more equitable manner, but as it seemed probable that in many cases the damages awarded would even then exceed the benefits which the jury might find, it seemed desirable to include also a provision by which a certain proportion of the awards could, if necessary, be paid out of some general fund.

"One of the commissioners has suggested, when the Engineer Commissioner recommended that the work be stopped on account of the expense, that legislation might be urged providing that the alleys be opened and a certain proportion of the expense be paid by the United States Government, another proportion by the District government, and the remainder be assessed upon the property owners in the neighborhood of the improvement. Inasmuch as the deplorable conditions of the alleys have grown up under the administration of the District government, it seems proper that a considerable portion of the expense of removing them should be borne in this way by those responsible for them; but, as any payment for District purposes by the Federal Government would be contrary to the definite policy adopted by Congress, it did not seem advisable to the committee to advocate such a provision."

The picture presented by the quotations I have made is not overdrawn. They do not disclose the whole truth. I have not depended on such information in reaching conclusions. I have examined enough of these slums and inspected enough of the dwellings located in them to speak of my own knowledge. The conditions are unspeakably bad. One who witnesses them for the first time is filled with a profound sense of pity and commiseration for the inmates, not unmixed with a feeling of shame and resentment that a great Nation like this, one of the richest and most powerful in the world and possessed of almost unlimited resources, should allow such conditions to exist in its Capital City.

Washington is a city of striking and abrupt contrasts. One may ride along a wide, well-paved, and attractive street lined with beautiful, almost palatial, homes and turn from it upon an old, worn-out, cobblestone or brick paved street lined with old, broken-down houses, many of them dilapidated and apparently unfit for human habitation. From that one can turn into what are politely called "inhabited alleys," "courts," "places," and find an appalling condition of poverty, destitution, and degradation. All this within a distance of two or three squares. Some of these alleys are blind alleys—that is to say, there is but one means of ingress and egress—and within is a labyrinth of alleys covering the entire inside of a square with a fringe of houses around the outside, some of them little better than those within except that they are easier of access.

Within such a square you find the most degrading conditions. It is almost beyond belief that human beings can live under such conditions. They have very justly been called pestholes of crime and disease. And yet the owners of the shacks and tumbled-down and insanitary houses are making more money out of the rent of them than is being made by the owners of first-class houses and business blocks. The rents are exorbitantly high. As an example, I visited one little old brick shanty with two small rooms up and two down stairs, without running water in the house, out of repair, plaster off the walls, ill-lighted, and poorly ventilated. This house was occupied by two families, each with two rooms, for which they paid $7 a month each, or $14 for this little, dilapidated, insanitary house that should have been condemned and destroyed under existing laws long since.

There is but one effective remedy for this dreadful condition. The Government should condemn the whole square as a sanitary measure and police regulation, tear everything out of it, root and branch, replat the ground, construct upon it model sanitary houses, rent them to the poorer classes of people who now inhabit the slums, and then supervise and inspect them, thus compelling the tenants to keep them in a sanitary condition inside as well as out. It will be said that all this will cost a lot of money. Yes; it will; but it will be money much better spent than are millions and millions of dollars that we are now throwing away for useless and illegal purposes.

The Agricultural Department is spending and wasting millions and millions of dollars on useless experiments and in work that should be done by the States and can not legitimately be done by the National Government. The Public Health Service is spending millions more in the States in violation of the spirit of the Constitution. We are spending hundreds of thousands of dollars for the cure of hogs and cattle in the States often where the Federal authorities have no lawful right or business to enter. We spend millions for agricultural colleges and vocational schools in the States, a work that belongs to and should be left to the States. We are spending money lavishly, extravagantly, and paternally in the States. The dividing lines between the States and the Federal Government are fast disappearing by the raid of the States on the National Treasury. The States are selling their jurisdiction and their sovereignty for money. We are centralizing our Government at an alarming rate and to a degree that I am afraid few appreciate and for purely mercenary and selfish reasons. The pork barrel is kept well filled. We are spending millions of dollars for public buildings in the States that are not needed and for the improvement of so-called rivers and creeks that are of no public use. No wonder the National Treasury is bankrupt and the people are being taxed to keep up these many illegitimate and useless expenditures. But when an effort is made to clean up the National Capital, which is within the jurisdiction of the Government and for which it is directly responsible, the purse strings are tightly drawn and the cheeseparing begins. The half-and-half system is appealed to as a reason and excuse for economy. And if the half-and-half system is adhered to, it may just as well be conceded now, once for all, that this necessary improvement can not be accomplished. The one-half of the money necessary for the initial work can not be raised by taxation. It would be ruinous. And so long as the Government hides itself behind the half-and-half system and contents itself by meeting one-half of the expenses the conditions in the Capital will continue as they are now, a disgrace and a reproach to the Nation.

These are conditions that should not be allowed to exist for a day in any city in a civilized country, much less in the Capital of a great Nation like ours. But, it will be asked, What is the remedy? The remedy is simple and easy, but expensive. The Government should take the matter vigorously in hand. As I have said, it should condemn and clean out these alleys at whatever cost. But it should not stop when it has turned these poor people out of their homes, however poor and insanitary they are. It should provide other homes for them at reasonable rents, to be under the inspection and control of the Government. This could be done as a matter of public safety and as a sanitary measure. This duty of providing homes for the poor and incompetent within the Capital should not be left to private enterprises seeking profits. Neither the cost nor the responsibility should be divided with anybody. To assess the damages resulting from such sanitary improvements to private owners of property is entirely unreasonable and wholly unjust. Our civic pride as well as our sense of justice should impel us to act in this matter promptly and effectively. It has been done in other countries. It can and should be done in this country within its Capital, over which it has exclusive control.

Of the means resorted to in London, England, and its results, the report of the housing committee above referred to has this to say:

"The housing of the working classes act, which was passed in 1890 and which superseded and improved previous attempts in this connection, provided not only that individual houses might be condemned as insanitary, as is done under the law of 1906 here, but also that an area containing streets and many houses might be declared 'unhealthy' and taken over by the local authority; and that the buildings might be removed, the streets rearranged, and other dwellings erected, either by agencies to which money would be furnished by the local authority, or if necessary by the local authorities themselves. In fact, the law made it obligatory upon the local authority in London to provide housing accommodations for at least 50 per cent of the people displaced, which has since been raised by an amendment making the required provision equal to all, and in other districts to such an amount as might be determined by the local authority to be adequate under all the circumstances.

"Under this housing of the working classes act numerous wretched districts have been cleared up and comfortable and healthy dwellings provided, and although the cost to the community has been considerable in certain cases where the evils to be remedied were of long standing and very great, the law has done great good and the attention of those interested in the subject is being given to improving its operation than to changing it in any radical way. It aims, so far as possible, to protect the interest of the community in acquiring any property which has become detrimental to the well-being of the district, while at the same time dealing justly with the owners. The method of procedure requires the local authority to take the initiative, and where a loan is necessary, as it often is where an area is acquired, the plans for this and for the improvement of the area must be approved by the central authority in London."

And comparing the conditions there with ours, it is said further:

"It will be noticed that the situation in the District of Columbia is similar to that in England in that the District government resembles the local authority, which can take the initiative in regard to any alleys which require attention, but which can not act without the consent of an authority not local, which in the case of the district is Congress.

"The ordinary danger in giving to public officials who are in entire control considerable discretion in the disbursement of public funds is therefore removed, and it ought to be possible for Congress to give such a plan a fair trial without incurring any very great risk."

The following, published in the Trades Unionist, is worthy of careful consideration:

"That the United States Government should make Washington the model for all cities of the country was the opinion of the delegates to the National City Planning Conference, which met in this city on May 22, 1909. It was the consensus of opinion of the delegates to this conference that the working out of the plans for the beautification along practical lines rather than for mere adornment should be the ideal worked for by all American cities in order that all classes of people shall be benefited.

"One of the speakers at the opening session of the conference was Robert A. Pope, landscape architect, of New York City. He said:

"'Of prime importance to the growth of the city-planning movement in America is the realization of its true nature, its proper aim, its vast

social and economic import. Because of ignorance of the true scope of city planning, work in this country has not and can not, as at present understood, accomplish its primary function.

"'For example,' he said, 'we have assumed without question that the first object of city planning is to beautify. We have made the esthetic an objective in itself. We have rushed to plan showy civic centers of gigantic cost, the carrying out of which too often has been brought about by civic vanity, when pressing hard by we see the almost unbelievable congestion, with its hideous brood of evil, filth, disease, degeneracy, and crime. What external adornment can make truly beautiful such a city? Is it genuine foresight to neglect the present-day serious and fast-growing evils of congestion and bad housing, which is so directly a menace to future generations?

"'To forestall the disastrous and otherwise inevitable consequences of these conditions will be the richest service that city planning can accomplish for the future. That this is its true and primary function can be abundantly established. The example of European countries, especially that of Germany, demonstrates that wise city planning, with proper regulations, can alleviate and ultimately eradicate undue congestion, the festering source of most of our disease, crime, and degeneracy. To remedy congestion, then, is to help solve some of our most threatening social and economic problems.'

"The foregoing statement in regard to city planning and city management are probably true of all cities and are certainly true of Washington.

"'What external adornment can make truly beautiful such a city?' The Washington Times appears to have anticipated Mr. Pope's question when it said editorially:

"'No part of the greater Washington can be safely built upon a rotten foundation. There is no room in the city for such contrasts as foul alleyways and a parking system embracing the beauties of a paradise. The spirit that labors for the realization of the beautification project should at the same time strive for the elimination of the slum quarters.'

"The Washington Post says our alleys are 'pest holes'; Rev. J. M. Waldron, president of the Alley Improvement Association, brands them as 'plague spots'; President Roosevelt declared them 'a reproach to the Capital City'; and Senator McMillan 'a disgrace to our civilization.'

"'What external adornment can make truly beautiful such a city?'—a city honeycombed with disease-breeding, death-dealing, and crime-producing slums! Jacob Riis says they are worse than any he ever saw in New York City or in London, and Washington's death rate, when compared with that of the cities named and nearly all the other cities of its class in the United States and Europe seems to prove the truth of his statement."

If Congress will abolish the "local authority" here known as the District of Columbia, which is a mere incumbrance, and the half-and-half system and deal with this awful condition directly and with a free hand, the conditions can be eliminated from the life of the Capital as they should be.

There can be no possible excuse for them to remain. It is a shame to every American citizen that they have been allowed to exist at all.

Mr. WORKS. Now, Mr. President, the real question here is not whether this work ought to be done, but by whom it should be done, and whether it should be done by one department or bureau of the Government or by three or four separate and distinct departments or bureaus. My own opinion about it is that the best way to protect children is through sanitation; and that does not belong to the duties or obligations of the medical profession. If the Children's Bureau could be so organized with a sanitary force composed largely of sanitary engineers and experts along that line to do the work that is necessary to be done here in the District of Columbia for the purpose of bettering conditions, I should be glad to support a very liberal appropriation for that purpose; but if the Children's Bureau is simply going to make investigations on the outside, as it has done up to the present time, and publish pamphlets and data respecting conditions, I think it is almost a waste of money; and, as it is already being done by the Public Health Service and by the Department of Labor, and being carried on by charitable institutions very largely here in the District and elsewhere, it does not seem that there is any particular necessity for making appropriations of this kind for that purpose. What I should like to see done would be to confer all power on one of these bureaus, confine the work to that bureau, and furnish it with all the means necessary to do that work efficiently and promptly. I am inclined to think that, properly organized and conducted, there would be no better organization for that purpose than the Children's Bureau; but I should not want to appropriate money for that purpose until some such organization is provided for and means are then furnished to carry out efficiently what all of us believe ought to be done.

Mr. KENYON. Mr. President, I ask for the yeas and nays on the amendment of the committee.

Mr. SHEPPARD. Mr. President, I can not permit this occasion to pass without expressing my earnest advocacy of the amendment increasing the appropriation for child-welfare work. The first obligation of civilization and government is to the child. Victor Hugo, friend of all mankind, furnished no greater illustration of devotion to humanity than his intense love of children. In his last great novel "Ninety-three," he gives us what is perhaps the most beautiful description of child life in literature. The scene is an old castle in the forest of La Vendee, the home of a French nobleman in the year 1793, one of the bloodiest years of the French Revolution. With the touch of a master Hugo pictures the three children of the nobleman, pursuing innocent delights within the castle, unaware of the war raging about them, of the relentless pursuit of their father by the revolutionists, of the destruction to which their habitation was doomed. Georgette, a baby girl of less than 2 years, leaves her cradle to chatter to a sunbeam, and Hugo utilizes the incident for the following tribute:

What a bird says in its song a child says in its prattle. It is the same hymn; a hymn indistinct, lisping, profound. The child has what the bird has not, the somber human destiny in front of it. Hence the sadness of men as they listen, mingling with the joy of the little one as it sings. The sublimest canticle to be heard on earth is the stammering of the human soul on the lips of infancy. That confused chirruping of a thought, that is as yet no more than indistinct, has in it one knows not what sort of artless appeal to the eternal justice; or is it a mute protest uttered on the threshold before entering in, a protest meek and poignant? This ignorance smiling at the Infinite compromises all creation in the lot that shall fall to the weak, defenseless being.

Let me repeat this last sentence:

This ignorance smiling at the Infinite compromises all creation in the lot that shall fall to the weak, defenseless being.

Mr. President, this sentence contains an indictment of society and government as just as it is terrible. Does the child die from preventable disease? Is it weakened or deformed through neglect, lack of knowledge, or lack of means to secure proper treatment? Some one must answer to the Almighty.

Go read the shameful records of infant mortality in this country of boasted enlightenment, of the deaths of mothers on the battle fields of maternity, battle fields where a sublimer valor is exhibited than in all the conflicts that are trumpeted by the tongue of history, and ask yourselves where the responsibility rests.

The creation of the Children's Bureau in 1912 was an effort on the part of the Federal Government to meet that responsibility, to the extent of its powers and facilities.

This bureau under the able leadership of Miss Lathrop has already brought to the public attention facts of appalling significance.

It has shown that in 1913 childbirth caused more deaths among the women of this country than any disease except tuberculosis; that although these deaths are largely preventable they are not diminishing, whereas the mortality due to typhoid fever was cut in half from 1900 to 1913, and the mortality due to tuberculosis was materially reduced; that of those who survived the ordeal of maternity untold thousands find their strength permanently wrecked, their health more or less impaired; that if this frightful condition is to be checked and remedied higher standards of care for women before, during, and after childbirth must be adopted.

It has made a careful survey of infant mortality in typical manufacturing towns, and it has established a definite relation between this mortality and low earnings. It found in one of the localities under investigation that of the babies with fathers earning less than $450 per year one in four died before reaching the age of 12 months. Fathers earning less than $450 per year amounted to 13.7 per cent of the wage-earning population in the industrial center under survey. It found that the greater number of babies had fathers in the wage group from $450 to $849 per annum, and that of these one in every six died before attaining the age of 12 months. It found that of the babies whose fathers earned $850, but less than $1,050, 1 in every 8 failed to live more than 12 months, and that where fathers earned $1,050 or more only 1 in 16 died in the first year.

It found that where families composed of 2 or more persons occupied one room the infant mortality was twice as high as where there was less than 1 person per room; that babies living in houses occupied by a single family died at the rate of 86.1 per 1,000, while those in tenements occupied by more than 6 families died at the rate of 236.6 per 1,000; that when the mother was a wage earner the baby's chances of living were less than when she was not.

When this bureau was established in 1912 it was ordered to report on all matters pertaining to the welfare of children and child life. For the first two years it had a staff of 15 persons, and an appropriation of $25,640 for each year. In 1914 the staff was increased to 76 persons, the annual appropriation to $164,460.

Public interest has been aroused in the work of this bureau to such an extent that it finds the present force utterly inadequate. It asks for an increase of 57 persons for its staff, calling for an additional appropriation of $187,520, the total requested being $352,160.

The bureau's bulletins on the care of infants have met unqualified indorsement and popularity. Letters from grateful mothers have reached the bureau which more than vindicate the wisdom of Congress in creating this beneficent agency.

The bureau is indexing and assembling the laws relating to child welfare not only for its own guidance but for the guidance of the Government in administering the child-labor law.

In cooperation with the General Federation of Women's Clubs it has instituted a Nation-wide campaign for the closer study of infant mortality, having set aside a certain week known as baby week, during which the entire country is to devote especial attention to all phases of this fundamental problem. More than 2,000 communities took part in baby week in 1916, and a splendid awakening on this great subject was evident.

The bureau is making a skillful and careful study of defective children and of child mortality in the rural districts.

The increased force now asked for will be barely sufficient to enable the bureau to meet the public demand for information regarding the work already undertaken.

It is to me a matter of wonder that Senators hesitate to vote the remarkably small amount desired for this overwhelmingly important work. I would deem it an honor and a duty to vote millions for it, instead of a few hundred thousands.

If I could have my way, I would have the Federal Government, in cooperation with the States, take whatever steps might be necessary to make certain the proper care of mother and of child in the supreme and holy crisis of maternity.

And this could be done with infinitely less than we expend each year for the terrible machinery of war.

It would be a measure of preparedness in the highest and most effective sense. Behind the machine stands the man. Behind the man stands the child.

Considering the sacredness and the value of the work, the amount desired is modest in the extreme. Including the requested increase, the total appropriation for this bureau will be less than 4 per cent of the cost of one first-class battleship.

It is not alone a question of expediency but of right. Every human being has an inalienable right to a normal birth. Every human being has an inalienable right to be born under sanitary and comfortable surroundings, under proper treatment and care. Every little life that perishes through lack of knowledge or neglect or finds a precarious survival within a feeble and defective body is an accusation of the Republic and an indictment of the flag.

I hope, therefore, that the amendment of the committee will be rejected.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Iowa requests the yeas and nays on the amendment of the committee. Is the request seconded?

Mr. KENYON. Before that is done, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Overman	Smoot
Beckham	Hollis	Page	Sterling
Brady	Hughes	Phelan	Stone
Broussard	Husting	Pittman	Sutherland
Bryan	James	Poindexter	Swanson
Catron	Johnson, Me.	Pomerene	Thomas
Clapp	Jones	Ransdell	Thompson
Clark	Kenyon	Reed	Tillman
Colt	Kern	Robinson	Vardaman
Culberson	La Follette	Saulsbury	Wadsworth
Cummins	Lane	Shafroth	Walsh
Curtis	McCumber	Sheppard	Warren
Dillingham	McLean	Sherman	Weeks
Fernald	Martine, N. J.	Shields	Williams
Fletcher	Nelson	Smith, Ga.	Works
Gallinger	Norris	Smith, S. C.	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The question is on the committee amendment, on which the Senator from Iowa [Mr. KENYON] has requested the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I can not but think, Mr. President, that the controversy which has arisen over this appropriation is the result of misunderstanding and misapprehension. I am loath to believe that any Member of the Senate would favor the reduction of the appropriation of any reasonable sum of money which could be expended by the Children's Bureau in the work which it was commissioned to do by the statute which created that bureau. I do not know of any way in which we can build so strongly into our national life as by an intelligent and scientific study of the child from birth.

Before the Children's Bureau was created investigations regarding the public health, industrial insurance, and other matters pertaining to the physical well-being of the people were made by other bureaus of the Government. But, in the wisdom of Congress it was determined, four years ago, that there was a field unoccupied where the Government could direct inquiry and investigation to the great advantage of the American people and of our Government. There seemed to be, Mr. President, unexplored territory. There seemed to be obscured and little understood facts which in the interest of the Government and of our people should be thoroughly explored, and the Children's Bureau as the result of it all came into existence.

It was not hasty and ill-considered legislation. The subject had been widely discussed. Other Governments had pointed the way for us. So the Children's Bureau was created as the result of a solemn and deliberative congressional act to do a certain work necessary to the well-being of the American people.

Mr. President, that bureau has been engaged in the performance of the obligations and the duties imposed upon it by law for four years. It has never been in favor with the Appropriations Committee, either of the House or of the Senate. It was given at the outset an appropriation of $25,000. After it had inaugurated its work it asked for an increase in the appropriation. The House committee declined to give it. The House of Representatives took the matter away from the committee and increased the appropriation according to the request made by this bureau, and that action was confirmed by this body. The bureau again and again has been denied increased appropriations by the committees of Congress, and these increased appropriations have been voted by the body, either of the House of Representatives or the Senate. That, to my mind, just as a Member of the Senate observing legislation and its trend and course, has a certain significance.

So I say the fact that the committee has reported a cut in this appropriation should carry with it very little prestige. It lacks the force that it would have if the committees of Congress had shown toward the Children's Bureau that consideration which the Congress itself has shown.

As a rule we are inclined, Mr. President, to accept the investigations of committees. The multiplicity of legislative subjects considered by Congress makes that somewhat necessary. But when again and again and again some branch of the Government seems to be in the disfavor of the committees which have charge of the appropriations, and these are cut and cut again and cut once again, and the action of the committees is reversed by the body that created the committee, then I think I am warranted in arguing that we are not bound blindly to follow the committee in such an instance.

Mr. President, the Senate is immediately concerned with the two reductions made in this bill as it passed the House of Representatives. Because they seem to have been considered in that order by the Senate in the course of its procedure upon this bill, I take the second one first and ask the attention of the Senate for a moment to it. On page 143 the House of Representatives, considering this paragraph which I shall read presently, granted to the Children's Bureau an appropriation for the purposes set forth of $95,000. That amount is reduced by the Senate Committee on Appropriations, or the recommendation of that committee is for a reduction, from $95,000 to $58,000.

Now, what is the purpose to which this money would be applied? I ask the attention of Senators, because the reasons assigned by the committee for this reduction, I believe, are not sustained. I think the reasons assigned show a misapprehension of the purposes to which this expenditure was committed by the terms of the bill. I read from page 143:

For traveling expenses and per diem in lieu of subsistence at not exceeding $4, pursuant to section 13 of the sundry civil act approved August 1, 1914, of officers, special agents, and other employees of the Children's Bureau; employment of experts and temporary assistants, to be paid at a rate not exceeding $8 a day—

I am reading it as it passed the House. The Senate committee proposes an amendment to that reducing it to $6 per day—

and of interpreters, to be paid at a rate not exceeding $4 a day when actually employed; purchase of reports and material for the publications of the Children's Bureau, books of reference, newspapers, and periodicals, including the advance payment of subscriptions for the same, for newspaper clippings to enable the Children's Bureau to secure data regarding the progress of legislation affecting children and the activities of public and private organizations dealing with children, and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, $95,000.

That is the amount the House voted the Children's Bureau for that purpose. That amount is reduced to $58,000 by the Committee on Appropriations.

Now, Mr. President, I want to give to Senators the reasons assigned by this committee on the floor of the Senate for that reduction. When this item of the bill was first reached on January 18 the Senator from Kansas [Mr. CURTIS] first took the floor in opposition to the reduction. The Senator from Florida [Mr. BRYAN], a member of this committee, arose in his place to make an explanation. It will appear from the RECORD that the Senator from Iowa [Mr. KENYON] at the same time had obtained recognition, and he said:

Mr. KENYON. If the Senator from Florida is going ahead, I will not take up the time; but it seems that the committee has placed the amounts just as they were last year. The amount last year for travel-

ing expenses, per diem, and so forth, was $58,000. I doubt if they have calculated at all the reduction that will come from reducing the salaries to $6 a day in getting at that result.

Mr. BRYAN. Yes; the House committee did that. The House committee allowed a per diem of $6, and the House raised it to $8. That explains the difference between $58,000 and $95,000. The committee thought $6 enough.

Mr. KENYON: Does that cover the whole difference in that item?

That is the reduction from $95,000 to $58,000. The Senator from Florida [Mr. BRYAN] answered:

That is my understanding of it. The Senate committee put it back as the House committee reported it to the House, to have it in conference, after having read, however, the hearings before the House committee. My understanding is that that is what it is due to.

That is the reason a member of this committee furnishes to the Senate for making the reduction from $95,000 to $58,000—that it was based upon reducing the per diem pay of the field experts from $8 to $6.

Now, let us see what a poor understanding the committee had on that subject of the uses to which the $95,000 by the terms of the bill were to be applied. The Senator from Iowa [Mr. KENYON], apparently well understanding that a reduction of the per diem pay of those who were to go into the bill would not justify any such cut as that, in response to the statement made by the Senator from Florida [Mr. BRYAN], submitted this statement:

I do not understand how that could be, because the number of experts and temporary assistants to be employed under this section is optional with the bureau head, apparently. There is no stated number that could be employed.

Then the Senator from Florida [Mr. BRYAN], a member of the Committee on Appropriations, replied:

Oh, well, of course; but then they stated before the committees how many people they had. That explains that item so far as I understand it.

That is, that the reduction of the per diem from $8 to $6 is the sole justification that this committee offers upon this floor for cutting this appropriation from $95,000 to $58,000.

Now, let us see what the fact is about the employment of these experts. There are 72 present members of the staff of the Children's Bureau, and of that number 27 are field agents. Of the 57 additional members to the staff asked for in the report of the head of this bureau and in the hearings before both committees 13 are to be field agents in addition to the 27 who are now field agents. Taking the report of the bureau as to the length of time employed by these field agents and the specific number, the reasons assigned by the committee through its member, the Senator from Florida, do not account in any measure for or justify the reduction of this item. I am going to put into the CONGRESSIONAL RECORD a memorandum which has been furnished me by Mr. A. J. McKelway and was prepared from information furnished by the department and open to anyone who may desire to secure it:

The debate on the subject of increasing the appropriation for the Children's Bureau, in accordance with the provision of the legislative, executive, and judicial appropriation bill, indicates that the bureau has been more concerned with accomplishing its task than with informing Members of Congress concerning the real scope of its activities and its real usefulness to the country. There seems to be a considerable amount of misapprehension concerning the work of the bureau.

The Children's Bureau is charged by Congress with the duty of investigating and reporting upon all matters relating to children and child life in this Republic. It was given an initial appropriation of some $25,000, and worked along with this until it was fully organized and its lines of service carefully and scientifically projected.

Two years ago the demand for its services from all parts of the country became so great that it asked Congress to increase its appropriation from $25,000 to $164,000. Under the rules of the House the increase in the statutory positions could be defeated by a point of order, and the Appropriations Committee of the House reported back the same appropriation as heretofore. Whereupon the House took the matter in its own hands, and by making a lump-sum appropriation, in accordance with existing law, gave the bureau the $164,000 for which it asked. When the bill was reported to the Senate the Chief of the Children's Bureau urged the Senate committee to apportion this lump sum among the statutory positions, as originally designed. This was done, and the appropriation passed the Senate without a dissenting vote.

One year ago the bureau asked for an increase in its force, which was denied it.

This year it asked for an increase of $187,520. The Bureau of Education asked for an increase of $177,160, and the Public Health Service, which now has an appropriation of $3,103,156, asked for an increase of $325,236. Again the House Committee on Appropriations refused to grant the increase, and the House, by making again a provision for a lump sum, voted the bureau an increase of $109,000. Again the chief of the bureau appeared before the Senate Committee on Appropriations and asked that the sum granted by the House be apportioned among the statutory positions, as before. The Senate committee declined to do this, and simply amended the bill by striking out the increase granted by the House.

The bureau believed, and its estimates were concurred in by the Secretary of Labor, that $187,000 additional were needed for the successful prosecution of its work. The House agreed to give $109,000 increase, and the Committee on Appropriations asks that no increase be given.

The Senate committee further amended the House bill by reducing the maximum per diem for expert service from $8 to $6 a day, and the total amount for traveling expenses, employment of special agents, and the purchase of material for publication from $95,000 to $58,000.

It was argued on the floor of the Senate that this decrease in the total appropriation was due to the decrease from $8 a day to $6 a day in the Senate amendment, as the maximum per diem for expert service. The following table shows the rates of pay for expert service for the 7 persons employed at $8 per day for 377 days to have been $3,016 in the year 1916. It is argued that the cutting down of the per diem from $8 to $6 accounts for the whole decrease in the appropriation. Yet we find that the total decrease is $78,400 instead of the $3,000, which can be covered by the cut in the rate of per diem from $8 to $6 on the basis of the 1916 expenditure.

Disposition of positions at specified rates of pay, 1916 appropriation.

Rates.	Number of persons.	Total time worked.	Cost.
50 cents per hour	5	584 hours	$292.00
$1 per annum	19	19 years	19.00
$2.75 per diem	1	82 days	225.50
$3.00 per diem	24	1,131½ days	3,394.50
$3.50 per diem	2	326½ days	1,143.00
$4.00 per diem	13	791 days	3,164.00
$6.00 per diem	1	212 days	1,272.00
$8.00 per diem	7	377 days	3,016.00
Total	72		12,526.00

Those employed at $1 per annum were people in different parts of the country who thus received some official recognition for the service they did in cooperating with the Children's Bureau in its effort to secure birth-registration legislation by the different States.

The experts at a maximum of $8 per day are people who are asked to render expert service in the way of reading manuscripts and advising about their publication—service which can hardly be secured at any less amount.

The junior Senator from Florida made this inaccurate statement concerning the relation between the field agents and the office force. He said, "When you find out what they are going to do with the appropriation of $72,000, it is for the employment of 57 more clerks to stay here in Washington with the 76 they now have." And again he states that, "Only those designated as field agents, of which there are five, I think, will leave the city."

The fact is that of the 76 present members of the staff 27 are field agents, and of the 57 additional members asked for 13 are to be field agents in addition to the 72 persons doing expert temporary work outside of Washington, whose salaries are covered in the item of $58,000 which the House increased to $95,000 and the Senate reduced to $58,000 again.

The senior Senator from California criticises the bureau for not doing more work in the District of Columbia. When it was pointed out to him that the bureau had published a pamphlet on the feebleminded in the District of Columbia, the Senator contended, "I think one of the things that should be done by the Children's Bureau would be to make this investigation and to recommend to Congress what legislation seems to be necessary for the purpose of carrying out the purposes of the Children's Bureau."

With regard to this very matter of the care of the feebleminded, the chief of the bureau appeared before the District Committee of the House and argued from the report which had been made, urging the provision of a colony for the feebleminded of the District.

Again, the chief of the bureau was appointed by the President a member of the committee to prepare a bill for a model juvenile court for the District of Columbia; a bill which has passed the House and is now pending in the Senate with a favorable report.

The bureau has in press a report on recreation in the District of Columbia.

So the bureau seems to be receiving criticism for not doing what it was charged with not doing in ignorance of the facts, but which it is doing in fact, as shown by the records.

A great deal has been said about the duplication of work. The Bureau of Education and the Public Health Service being especially mentioned. The senior Senator from California speaks of a child labor committee, which was organized under the Bureau of Labor some years ago. There has never been any such committee. The National Child Labor Committee, which was instrumental in securing the creation of the Children's Bureau, is an organization entirely supported by private subscription and has no relation to the Federal Government. It is going somewhat far afield in the search for duplication to confound the work of the Children's Bureau with the work of the National Child Labor Committee.

The investigations made by the Bureau of Labor, the bureau which was afterward expanded into the Department of Labor, concerning the labor of women and children under the special appropriation made by Congress in 1907 is not being duplicated by any work that the Children's Bureau has done.

The charge that the Children's Bureau is duplicating the work of the Public Health Service was effectively answered by the Junior Senator from Oregon, who indicated the difference between the pamphlets published by the Public Health Service on the diseases of man and the pamphlets concerning the care of children published by the Children's Bureau.

Duplication is a word that should not be too loosely used. Duplication involves an original and a copy, and the challenge has been successfully made to show a single piece of work done by any other department of the Government which has been duplicated after the date of such publication by the Children's Bureau. If there has been duplication of work let the responsibility lie with the department which has done the duplication, and not with the Children's Bureau, which has proved itself to be entirely innocent in this regard, as was stated in a memorandum read by the Clerk of the Senate on Friday last, and published in the RECORD of January 19.

From this it appears that the only piece of duplication that has been done was done by the Public Health Service in publishing a pamphlet on the care of the baby after the work of the Children's Bureau on Infant Care, treating the subject from a popular standpoint, was already well under way, and that there has been a great demand for both pamphlets—greater than could be supplied.

The Senior Senator from New Hampshire contends that the activities of the bureau in connection with the celebration of Baby Week do not appeal to him as a very desirable thing. The Senator could

not have appreciated what an enormous advantage it has been to the communities of the Nation to study for a week under expert advice and assistance the problems of infanthood. More than 2,200 localities this year throughout this country—the Children's Bureau working in cooperation with the General Federation of Women's Clubs—gave a week or a good part of a week to studying the needs of the babies in every locality, and considering whether the communities were giving the babies a fair chance for life and health. State universities and boards of health cooperated with local agencies.

Doubtless many more such communities will endeavor to make such a study this year, and it seems most unwise to cripple the activities of the bureau by denying it the increase it asks.

The Senior Senator from Wyoming made the point that we had better proceed slowly in this matter of increasing appropriations for the Children's Bureau. An increase of $109,000 for doing more effectively the great work of investigating and reporting upon "all matters relating to the welfare of children and child life in this Republic" is not much more than has been asked for a single public-building bill in a not populous community.

The following table shows just what the increases are and for what purpose:

ANALYSIS OF NEW POSITIONS.

Administrative clerk at $2,000	1
Research expert at $2,000	1
Clerks:	
Class 4—Increase of 3 at $1,800	3
1 head editorial.	
1 reference, translation, and research.	
1 statistical research expert.	
Class 3—Increase of 4 at $1,600	4
1 reference assistant expert.	
1 legal indexer.	
1 industrial research assistant.	
1 social service research assistant.	
Class 2—Increase of 6 at $1,400	6
1 secretary to assistant chief.	
1 hygiene research assistant.	
1 industrial research assistant.	
3 statistical examiners of schedules.	
Class 1—Increase of 7 at $1,200	7
1 reference indexer.	
5 statistical tabulating clerks.	
1 stenographer-clerk.	
Clerks at $1,000—Increase of 17	17
9 statistical clerks.	
7 stenographers, general administration.	
1 assistant filing clerk.	
Special agents at $1,400—Increase of 5	5
All to be used for surveys, chiefly rural, child welfare, including child labor.	
Special agents at $1,200—Increase of 8 submitted for rural work	8
5 qualified as trained nurses.	
3 as special agents for general field work, rural or urban, including child labor and accident studies.	
Copyists at $900—Increase of 4	4
General economy office force.	
1 assistant messenger $720.	
Total positions	57

The following table shows a list of projects that are being held up for lack of assistance in the office, and why more clerks in the office are needed. The value of such publications is in their timeliness, and if they are postponed unduly the conditions may change to some extent so as to render the reports less valuable. Therefore the criticism of the senior Senator from Florida as to the number of clerks to be employed in Washington, while not founded upon the real facts in the case, falls entirely to the ground when the need is set forth for such assistance as will enable the bureau to publish promptly the reports whose material is collected by field agents and special agents:

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Twenty-four reports in process are retarded in the office for lack of clerical assistance commensurate with the field service, as follows:

Infant mortality studies	5
Akron, Brockton, New Bedford, Saginaw, Waterbury.	
Industrial studies	12
Child-labor handbook, administration of child-labor laws: Ohio, Massachusetts, Maryland, Wisconsin, Providence, St. Louis, New Orleans, Detroit, Newark, Philadelphia, and Street Trades Report.	
Rural child and maternal welfare studies, in North, South, and West	3
Illegitimacy	1
Feeble-minded children	1
Recreation report	1
Mothers' pensions	1
Total	24

The bureau has been given a great task by Congress. Some of those who opposed the creation of the bureau are naturally opposed to any increase in the activities of the bureau, but since Congress by an overwhelming vote of both Houses did create the bureau; did charge it with a great task for advancing the welfare of child life through investigation and publication of the facts; since the bureau feels that it needs an increase of $178,000, but is willing to accept the increase which the House gave it of $109,000; it does seem that the Senate should grant the same increase and not stop all progress along these lines of endeavor.

Following that I want to call the attention of the Senate to the next reduction in this bill and the reason given by the committee for striking out the $72,120 provided by the House of Representatives for carrying on the work, as indicated in the bill. On page 143 of the bill the first three lines contain the item stricken out by the committee, which is as follows:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

The reason which the committee, through its members on this floor, assign for striking that out is that it duplicates the work of other bureaus and departments of the Government. The committee submitted to the Senate just two authorities in support of their statement that the Children's Bureau in the work provided for by that appropriation was duplicating work performed by other departments and bureaus of the Government. First, the Senator from Florida read the evidence of Mr. Wood, of the Bureau of Efficiency, upon that subject, and, second, the Senator read a statement from the report of the Secretary of Labor to support the contention of the committee that there was duplication of the work provided for in the first three lines on page 143 of the bill, to wit:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

The only evidence of duplication furnished to the Senate is the testimony of Mr. Wood, of the Efficiency Commission, and a statement read from the report of the Secretary of Labor.

Mr. BRYAN. And, if the Senator will permit me, the absolute evidence of the documents showing the duplication.

Mr. LA FOLLETTE. The evidence of the pamphlets the titles of which the Senator read means nothing. The Senator exhibited a bundle of pamphlets here, from which he read the titles, and asked the Senate to believe from the titles of those pamphlets that a duplication of work was being carried on by the different bureaus. No one, not even the Senator himself, professed to have examined those pamphlets, or, if he had examined the contents of the pamphlets, he did not show by any presentation of material from those pamphlets that there was any duplication of work. But, Mr. President, even if he had done so, it would signify nothing, for by the terms of the law of Congress that particular field was assigned to the Children's Bureau, and any other bureau that invades that field reserved by the law to the Children's Bureau is the bureau that should be limited, either through a cut in its appropriation or by legislation limiting the authorization of its work to other fields. Understand me, Senators, the law that created the Children's Bureau by its very terms made the particular investigation provided for by this item as the work of the Children's Bureau and of no other branch or department or bureau of this Government. That law provides:

The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality.

Find that, if you will, in the authorization of the work of any other bureau in specific terms.

Mr. BRYAN. What is that?

Mr. LA FOLLETTE. That is the law which created the Children's Bureau and which gives it by its very terms the exclusive field of the investigation of infant mortality by specific words.

Mr. BRYAN. The Senator does not deny that the Public Health Service has the same authority, does he?

Mr. LA FOLLETTE. I deny that any other bureau authorized to do work generally along the lines of health and sanitation can, against a specific provision of that sort in the statute creating this bureau, invade the investigating work of this bureau on child mortality. There can not be any question about that, because the language is specific.

Mr. BRYAN. What does the Senator have to say about the $250,000 appropriated for the Bureau of Health—

For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation—

And so forth?

Mr. LA FOLLETTE. That is a general authorization and can not be cited to take away from the Children's Bureau the specific authority conferred upon it by the statute. I do not care what Congress may have done in a blundering way in giving to some other bureau a large appropriation. I know that some bureaus have the special favor of the Appropriations Committee and some have not.

Mr. BRYAN. Oh, well, the Senator can not justify that statement.

Mr. LA FOLLETTE. And we may get a little more light on that before this discussion is closed.

Mr. BRYAN. I will not interrupt the Senator until he furnishes it.

Mr. LA FOLLETTE. If I furnish it, it will be worthy the attention of the Senator.

Mr. BRYAN. Well, the Senator has not furnished it so far.

Mr. LA FOLLETTE. I want the Senators who are following me here to get that specific declaration of the law well in their minds.

The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories.

Now, Mr. President, a member of this committee, the Senator from Florida [Mr. BRYAN], offered the testimony of Mr. Wood and the statement of Secretary Wilson in support of the cut in this item. I shall presently talk about the work that the bureau has undertaken and is prosecuting under the provision of the law directing it to make an investigation of infant mortality, its importance to the very life of this Nation. But, first, Mr. President, let us see upon what authority this committee concluded that there was such a duplication of work as warranted it in driving the Children's Bureau out of this field which the law has said it should occupy and giving it to some other bureau under such general terms as an authorization to investigate the public health.

Now, let us see what Mr. Wood said about it, and aside from the high value of the work, which this bureau is doing in that field there is not any better reason that the Senate can find for restoring that very item than the statement of Mr. Wood. I will read that portion of it which the Senator from Florida read and put in the RECORD as his justification for cutting out this appropriation of $72,000 for prosecuting a study of infant mortality by the Children's Bureau as provided by law. Listen. The Senator from Florida [Mr. BRYAN] is speaking:

Now, coming to the item stricken out of the bill at the top of page 143—an appropriation of $72,120 for the Children's Bureau to investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality—the reasons that induced the committee to strike that out, I think, can be best stated by reading from the House hearings the testimony of Mr. Wood, of the Efficiency Bureau. I will not read it all, but here is the situation which exists now. The Bureau of Health is engaged in this same kind of work. The Bureau of Labor is engaged in the same sort of work.

Mr. President, those are very general statements—statements, however, the importance of which requires that they be backed up by something that shows that the two bureaus referred to are doing the kind of work which the Children's Bureau is doing in investigating the causes of infant mortality in this country. I am going to put in the RECORD a summary of the investigative work already under way by this bureau on that subject, and I challenge any Senator on this floor to put side by side with it the reported work of any other bureau which will show a duplication of that work. You may find that some bureau prosecuting its work under some loose general authorization of Congress has investigated whooping cough or diphtheria, but those diseases are not touched here. This investigation has another and a broader significance which strikes down to the root of our industrial life, and no other bureau and no other department has touched that field with regard to infant mortality. And, Mr. President, until the Senate and the country understand what it is proposed shall be done here the great work of this bureau shall not be stricken down without protest that will be heard.

I continue reading from Senator BRYAN's statement:

For instance, under the heading "Field investigations," in the Bureau of Health, I find the following.

Now, mark you, this is given as a reason for striking out the item of appropriation of $72,000 to prosecute an investigation of infant mortality along lines specially and solely prosecuted by this particular bureau.

He says:

For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation, etc., $250,000.

Now, he comments on that as follows:

That is in the sundry civil bill of last year. In this very bill, on page 102, we find the following—

I am going to ask to have the general conversation suspended a little bit. We will make more progress with this bill if that is done.

The VICE PRESIDENT rapped with his gavel.

Mr. KENYON. Mr. President, there is a continuous buzz at the back end of the Chamber which prevents those of us who would like to hear the Senator from hearing him. I insist that we should have order.

Mr. OVERMAN. Mr. President, since this interruption has taken place, I ask the Senator from Wisconsin if he will not suspend his remarks, that I may ask to have the bill temporarily laid aside?

Mr. LA FOLLETTE. Certainly; I shall be very glad to do so.

Mr. OVERMAN. I ask that the bill now under consideration be temporarily laid aside.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

Mr. OVERMAN. I now suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Smith, Ga.
Bankhead	Gronna	Myers	Smith, S. C.
Beckham	Harding	Nelson	Smoot
Borah	Hardwick	Newlands	Sterling
Brady	Hitchcock	Norris	Stone
Brandegee	Hollis	Overman	Sutherland
Broussard	Hughes	Page	Swanson
Bryan	Husting	Phelan	Thomas
Catron	James	Pittman	Thompson
Chamberlain	Johnson, Me.	Poindexter	Tillman
Clapp	Jones	Pomerene	Townsend
Clark	Kenyon	Ransdell	Underwood
Colt	Kern	Reed	Vardaman
Culberson	La Follette	Robinson	Wadsworth
Cummins	Lane	Saulsbury	Walsh
Curtis	Lee, Md.	Shafroth	Warren
Dillingham	Lippitt	Sheppard	Watson
Fall	Lodge	Sherman	Weeks
Fernald	McCumber	Shields	Williams
Fletcher	McLean	Smith, Ariz.	Works

The VICE PRESIDENT. Eighty Senators have answered to the roll call. There is a quorum present.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. STONE (at 12 o'clock and 55 minutes p. m.). Mr. President, the committee appointed by the Chair to visit the President of the United States and inform him of the action taken by the Senate in response to his communication have performed the duty assigned to them, and I report that the President has indicated his pleasure and desire to respond at 1 o'clock. He is now awaiting the presence of the committee.

At 1 o'clock p. m. the President of the United States was announced by the Sergeant at Arms of the Senate (Charles P. Higgins), and the President was escorted by the committee to a seat on the right of the Vice President.

The VICE PRESIDENT. Senators, the President of the United States.

The President addressed the Senate, as follows (S. Doc. No. 685):

Mr. President and gentlemen of the Senate: On the eighteenth of December last I addressed an identic note to the governments of the nations now at war requesting them to state, more definitely than they had yet been stated by either group of belligerents, the terms upon which they would deem it possible to make peace. I spoke on behalf of humanity and of the rights of all neutral nations like our own, many of whose most vital interests the war puts in constant jeopardy. The Central Powers united in a reply which stated merely that they were ready to meet their antagonists in conference to discuss terms of peace. The Entente Powers have replied much more definitely and have stated, in general terms, indeed, but with sufficient definiteness to imply details, the arrangements, guarantees, and acts of reparation which they deem to be the indispensable conditions of a satisfactory settlement. We are that much nearer a definite discussion of the peace which shall end the present war. We are that much nearer the discussion of the international concert which must thereafter hold the world at peace. In every discussion of the peace that must end this war it is taken for granted that that peace must be followed by some definite concert of power which will make it virtually impossible that any such catastrophe should ever overwhelm us again. Every lover of mankind, every sane and thoughtful man must take that for granted.

I have sought this opportunity to address you because I thought that I owed it to you, as the council associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in my mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations.

It is inconceivable that the people of the United States should play no part in that great enterprise. To take part in such a service will be the opportunity for which they have sought to prepare themselves by the very principles and purposes of their polity and the approved practices of their Government ever since the days when they set up a new nation in the high and honourable hope that it might in all that it was and did show mankind the way to liberty. They cannot in honour withhold the service to which they are now about to be challenged. They do not wish to withhold it. But they owe it to themselves and to the other nations of the world to state the conditions under which they will feel free to render it.

That service is nothing less than this, to add their authority and their power to the authority and force of other nations to guarantee peace and justice throughout the world. Such a settlement cannot now be long postponed. It is right that before it comes this Government should frankly formulate the conditions upon which it would feel justified in asking our people to approve its formal and solemn adherence to a League for Peace. I am here to attempt to state those conditions.

The present war must first be ended; but we owe it to candour and to a just regard for the opinion of mankind to say that, so far as our participation in guarantees of future peace is concerned, it makes a great deal of difference in what way and upon what terms it is ended. The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by the guarantees of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards when it may be too late.

No covenant of cooperative peace that does not include the peoples of the New World can suffice to keep the future safe against war; and yet there is only one sort of peace that the peoples of America could join in guaranteeing. The elements of that peace must be elements that engage the confidence and satisfy the principles of the American governments, elements consistent with their political faith and the practical convictions which the peoples of America have once for all embraced and undertaken to defend.

I do not mean to say that any American government would throw any obstacle in the way of any terms of peace the governments now at war might agree upon, or seek to upset them when made, whatever they might be. I only take it for granted that mere terms of peace between the belligerents will not satisfy even the belligerents themselves. Mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

The terms of the immediate peace agreed upon will determine whether it is a peace for which such a guarantee can be secured. The question upon which the whole future peace and policy of the world depends is this: Is the present war a struggle for a just and secure peace, or only for a new balance of power? If it be only a struggle for a new balance of power, who will guarantee, who can guarantee, the stable equilibrium of the new arrangement? Only a tranquil Europe can be a stable Europe. There must be, not a balance of power, but a community of power; not organized rivalries, but an organized common peace.

Fortunately we have received very explicit assurances on this point. The statesmen of both of the groups of nations now arrayed against one another have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists. But the implications of these assurances may not be equally clear to all,—may not be the same on both sides of the water. I think it will be serviceable if I attempt to set forth what we understand them to be.

They imply, first of all, that it must be a peace without victory. It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the vanquished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

The equality of nations upon which peace must be founded if it is to last must be an equality of rights; the guarantees exchanged must neither recognize nor imply a difference between big nations and small, between those that are powerful and those that are weak. Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. Equality of territory or of resources there of course cannot be; nor any other sort of equality not gained in the ordinary peaceful and legitimate development of the peoples themselves. But no one asks or expects anything more than an equality of rights. Mankind is looking now for freedom of life, not for equipoises of power.

And there is a deeper thing involved than even equality of right among organized nations. No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property. I take it for granted, for instance, if I may venture upon a single example, that statesmen everywhere are agreed that there should be a united, independent, and autonomous Poland, and that henceforth inviolable security of life, of worship, and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to a faith and purpose hostile to their own.

I speak of this, not because of any desire to exalt an abstract political principle which has always been held very dear by those who have sought to build up liberty in America, but for the same reason that I have spoken of the other conditions of peace which seem to me clearly indispensable,—because I wish frankly to uncover realities. Any peace which does not recognize and accept this principle will inevitably be upset. It will not rest upon the affections or the convictions of mankind. The ferment of spirit of whole populations will fight subtly and constantly against it, and all the world will sympathize. The world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right.

So far as practicable, moreover, every great people now struggling towards a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea. Where this cannot be done by the cession of territory, it can no doubt be done by the neutralization of direct rights of way under the general guarantee which will assure the peace itself. With a right comity of arrangement no nation need be shut away from free access to the open paths of the world's commerce.

And the paths of the sea must alike in law and in fact be free. The freedom of the seas is the *sine qua non* of peace, equality, and cooperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the governments of the world sincerely desire to come to an agreement concerning it.

It is a problem closely connected with the limitation of naval armaments and the cooperation of the navies of the world in keeping the seas at once free and safe. And the question of limiting naval armaments opens the wider and perhaps more difficult question of the limitation of armies and of all programmes of military preparation. Difficult and delicate as these questions are, they must be faced with the utmost candour and decided in a spirit of real accommodation if peace is to come with healing in its wings, and come to stay. Peace cannot be had without concession and sacrifice. There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained. The statesmen of the world must plan for peace and nations must adjust and accommodate their policy to it as they have planned for war and made ready for pitiless contest and rivalry. The question of armaments, whether on land or sea, is the most immediately and intensely practical question connected with the future fortunes of nations and of mankind.

I have spoken upon these great matters without reserve and with the utmost explicitness because it has seemed to me to be necessary if the world's yearning desire for peace was anywhere to find free voice and utterance. Perhaps I am the only person in high authority amongst all the peoples of the world who is at liberty to speak and hold nothing back. I am speaking as an individual, and yet I am speaking also, of course, as the responsible head of a great government, and I feel confident that I have said what the people of the United States would

wish me to say. May I not add that I hope and believe that I am in effect speaking for liberals and friends of humanity in every nation and of every programme of liberty? I would fain believe that I am speaking for the silent mass of mankind everywhere who have as yet had no place or opportunity to speak their real hearts out concerning the death and ruin they see to have come already upon the persons and the homes they hold most dear.

And in holding out the expectation that the people and Government of the United States will join the other civilized nations of the world in guaranteeing the permanence of peace upon such terms as I have named, I speak with the greater boldness and confidence because it is clear to every man who can think that there is in this promise no breach in either our traditions or our policy as a nation, but a fulfilment, rather, of all that we have professed or striven for.

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world: that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without. There is no entangling alliance in a concert of power. When all unite to act in the same sense and with the same purpose all act in the common interest and are free to live their own lives under a common protection.

I am proposing government by the consent of the governed; that freedom of the seas which in international conference after conference representatives of the United States have urged with the eloquence of those who are the convinced disciples of liberty; and that moderation of armaments which makes of armies and navies a power for order merely, not an instrument of aggression or of selfish violence.

These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail. [Applause.]

Upon the conclusion of the address, at 1 o'clock and 25 minutes p. m., the President of the United States, escorted by the committee of the Senate, retired from the Chamber.

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. OVERMAN. I ask that the unfinished business be temporarily laid aside that we may proceed with the consideration of the legislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. WALSH. Mr. President, I should like to inquire what was the action taken?

The VICE PRESIDENT. The unfinished business before the Senate—the water-power bill—was temporarily laid aside that the appropriation bill might be proceeded with. Is that course satisfactory to the Senator?

Mr. WALSH. It is.

The VICE PRESIDENT. Without objection, the unfinished business is temporarily laid aside and the Senate resumes consideration of the appropriation bill.

LEGISLATIVE, ETC., APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor.

Mr. CLAPP. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Brady	Chamberlain	Cummins
Bankhead	Brandegee	Clapp	Fall
Beckham	Broussard	Colt	Fletcher
Borah	Catron	Culberson	Gallinger
Hardwick	Lippitt	Reed	Swanson
Hollis	Lodge	Robinson	Thomas
Hughes	Martine, N. J.	Saulsbury	Thompson
Husting	Myers	Sheppard	Underwood
James	Nelson	Sherman	Vardaman
Johnson, Me.	Norris	Shields	Walsh
Jones	Overman	Smith, S. C.	Watson
Kenyon	Page	Smoot	Williams
Kern	Phelan	Sterling	Works
La Follette	Poindexter	Stone	
Lee, Md.	Pomerene	Sutherland	

The PRESIDING OFFICER (Mr. WALSH in the chair). Fifty-eight Senators have answered to their names. A quorum is present. The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I know how difficult it will be to bring the Senate back to a consideration of the pending question. I think we must all feel, sir, that we have passed through an important hour in the life of the world. The business before the Senate, upon which I was addressing this body, related to the striking out of the provision on page 143 of the pending bill, which is as follows:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120.

If this provision is to be stricken out, Mr. President, this body will go on record as deciding that it will not spend $72,120 to prosecute an investigation as to the death rate among children of very tender age—of infant mortality—and if it takes that position, it will take it with the fact on the record that there is an investigation of that sort under way by a bureau of this Government authorized by law to make the investigation, and it is the only bureau of this Government that is authorized by law to make that investigation.

In specific terms the Congress of the United States directed this bureau to ascertain all the facts surrounding the vitally important question of the high death rate among children of very tender age; and, Mr. President, the Census Bureau furnishes ample reasons why Congress should so legislate. It records the startling fact that out of every eight children born in the United States at least one dies before it reaches the age of 1 year. I suppose that it was in contemplation of that high mortality rate that Congress enacted this legislation. Congress concluded that it was necessary, right at the fountainhead of national life, to ascertain what meant this rapid and devastating depletion. If the American people are to undertake to hold and maintain their high place among the nations of the world, then, sir, we must conserve our national life. Where shall we begin? At its source. If we find there a death rate that is appalling, is it not reasonable that Congress shall so legislate as, first of all, to know the facts about it; to ascertain the underlying causes? You can treat with legislation no case affecting our national life excepting that it be accurately and scientifically diagnosed.

Mr. President, it seems that we had a bureau clothed with power to make general investigations with regard to health conditions; but that was not enough. That is a tremendous field of inquiry in itself. That related to diseases that afflict mankind all the way from birth to the tomb; but in the wisdom of Congress it was believed necessary that there should be a thoroughgoing investigation, such an investigation as would be productive of results that, when laid before the American people in popular form, would work reformation and bring about a saving of child life to this Nation. To that end Congress, after mature deliberation, built up the Children's Bureau. This bureau, in pursuance of the act which created it, keeping rigidly and precisely within the limits of that act, has prosecuted its investigations.

Sir, if there be fault anywhere, such as the criticisms of the committee in charge of this bill would indicate, I very much fear that it lies at our own door rather than with the department. Congress, Mr. President, legislates somewhat loosely. There has been for a considerable period more or less discussion as to whether or not it would be wise for Congress to establish a bill-drafting bureau or division to aid Congress in its work of preparing legislation. Many of the most important parliamentary bodies in the world employ an agency of that kind, among them the British Parliament, and many of the States of our own Union. There has been discussion from time to time here upon this floor as to whether or not it might be wise for us to employ men who would carefully consider bills pending before Congress, who would, when called upon, aid in framing legislation, with a view, Mr. President, that the laws enacted by Congress should be wisely enacted and should attain the objects sought by the membership of the two branches of the legislative department of this Government.

I myself have urged upon this floor the passage of legislation which would lead to our having the aid of men expert in the work of drafting bills, and who would study particularly the

statutes of the Federal Government, to the end that we shall not be constantly enacting overlapping statutes, duplicating and confusing the work of Congress.

Now, Mr. President, we have a situation here which is some explanation of the attitude taken by the committee. Congress itself has made authorizations which overlap each other. It is not difficult, Mr. President; it is simple to read the legislative enactments which created the Health Bureau, the bureau in the Department of Labor which investigates industrial conditions and gathers statistics; the Children's Bureau, and various other bureaus which have been cited here as being in conflict with and duplicating the work of each other; but, Mr. President, I stand here to say that Congress has been in a large measure protected against its own blundering by the departments. They have helped amazingly to prevent duplication of work; but they have not been able to stop it altogether, because Congress has authorized this bureau in that department, another bureau in another department, and another bureau in yet another department to do the work, and not only authorized but directed each to do the work, and the direction and authorization are imperative. They are under the command of Congress to do it, and oftentimes the phraseology of such legislative enactments is so general, so inapt, so inartistic, so unscientific that they overrun each other and lead to more or less confusion in the departments. Mr. President, the departments have sought again and again, as shown by their reports, to restrict their operations clearly within what they might assume, not from the language used but broadly interpreting the intent of Congress, was its purpose in directing that work be done. There has been an effort on the part of the various bureaus of the Government to take counsel with each other in an endeavor not to squander the public money as is directed by the specific terms of the acts passed by Congress, but to serve the purposes of legislation and yet not duplicate the work.

Notwithstanding that, Mr. President, there may be some duplication of work. But, sir, when you come to the item under consideration, upon which I am addressing the few Members of the Senate who are now present—of course if this were a public-building bill, where every Senator had some "pork" in the barrel, they would be on the job looking out for it, but as this is only a matter which concerns the life of the Nation there are only 13 Senators present, and I have a notion to call their names in order that it may be known who they are.

Senators should understand that back of this is a question of whether we can reduce the high death rate in the first year of the life of the children of the country. There is an amendment pending, proposed by the Committee on Appropriations, to strike out $72,120, asked for by the bureau and granted by the House of Representatives to continue an investigation upon that subject, when the facts, generally stated, are that one baby out of every eight born dies before the age of 1 year. Now, the investigation that is to be interrupted by the economic policy of the committee shows, Mr. President, from intensive studies of particular localities that in certain localities the death rate of children of tender age is phenomenally high, and that it bears some relation to the wages that the fathers earn and to the conditions under which those children are born, to the burdens which the mothers of those children had to carry when they were carrying the children before birth, and to the labor that they had to perform within the four months after the birth of the baby. These investigations are conducted with thoroughness. They do not deal with diseases that the health department is investigating; they deal with conditions peculiar to the life of the American people and vital to be understood if we are to perpetuate a great and a vigorous nation. For the paltry saving of $72,000 this great study, the details of which I shall lay before the Senate—I am only waiting until more Senators are here—is to be suspended. The question is whether, for the sake of this contemptible pittance of $72,000, we are going on blindly in our ignorance, permitting conditions to continue here under which the infant mortality rate is not one in eight, but one in four or one in six, for that is what it is under some of the conditions that this investigation, so far as conducted, shows to exist. Mr. President, powerful as the great Appropriations Committee is, no committee of this Senate and no branch of the legislature is powerful enough to interpose between the greed of the manufacturing classes who employ labor in this country and the perpetuation of a vigorous American people.

Mr. KENYON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I yield.

Mr. KENYON. In view of the statement of the Senator from Wisconsin that there are only 13 Senators present—which I think, however, is rather a high number during a discussion of this matter—I think that more Senators should be present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The SECRETARY called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Nelson	Smoot
Beckham	Gallinger	Norris	Sterling
Borah	Hughes	Page	Thomas
Brandegee	Husting	Poindexter	Thompson
Broussard	James	Reed	Vardaman
Bryan	Jones	Saulsbury	Walsh
Catron	Kenyon	Shafroth	Watson
Chamberlain	Kern	Sheppard	Weeks
Clapp	Lane	Sherman	Works
Curtis	Lee, Md.	Shields	
du Pont	Martine, N. J.	Smith, Ariz.	
Fernald	Myers	Smith, Ga.	

Mr. MARTINE of New Jersey. I rise to announce the absence of the senior Senator from Oklahoma [Mr. GORE] through illness. I ask that this announcement may stand for the day.

Mr. HUSTING. I desire to announce that the senior Senator from West Virginia [Mr. CHILTON] is unavoidably absent on account of illness.

The PRESIDING OFFICER. The roll call discloses the presence of 45 Senators. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators; and Mr. JOHNSON of Maine, Mr. LA FOLLETTE, Mr. LODGE, Mr. MCCUMBER, Mr. SMITH of Maryland, and Mr. SUTHERLAND answered to their names when called.

Mr. OVERMAN, Mr. CULBERSON, Mr. CUMMINS, Mr. HOLLIS, Mr. HITCHCOCK, Mr. GRONNA, Mr SMITH of South Carolina, Mr. RANSDELL, Mr. STONE, and Mr. PHELAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. The roll call discloses that a quorum is present.

Mr. LA FOLLETTE. Mr. President, I must stand, I suppose, by the record, although an actual count does not disclose any more Senators present, I think, than were present when the call came for a quorum.

I was anxious, Mr. President, that there should be something approaching a quorum actually present when I laid before the Senate the reasons which the committee gave for striking out this appropriation of $72,000; and I think I shall simply have to discuss something else while waiting for the return of a real quorum—a quorum that will be persistent and lasting—before I take up that subject.

Mr. President, I think perhaps I can not better improve the waiting period than by reading from the last report of the Chief of the Children's Bureau upon the particular subject covered by these three lines at the top of page 143, where it is proposed to strike out an appropriation of $72,600 and suspend this work that is being done by the bureau at this time. Fortunately, the work had gotten far enough under way to justify itself, to attest its great value, to reflect the extraordinary executive ability of the head of this bureau.

It is well understood by the great woman who presides over this bureau what it was that Congress really wanted that bureau to accomplish; that it was not a technical, scientific investigation of this disease germ or that disease germ, but that it was what the law would indicate—an investigation of conditions of the very deepest concern to the Government and to the people of this country pertaining to child life. So these investigations have been prosecuted in a way to help out, measurably, the blundering work of Congress, and not duplicate anything that was being done by the Health Bureau, but to procure information that is essential to intelligent legislation in dealing with our great industrial problems.

While the investigation prosecuted by the head of the Children's Bureau has not been scientific in its character as medical science would understand and define the term, it is scientific from an economical standpoint; and that is the sort of science that Congress can best appreciate and that will be most useful to us in framing legislation.

Take, Mr. President, the work of the Children's Bureau on infant mortality. I pause just a moment to say that the fourth annual report of the Chief of the Childrens' Bureau for the fiscal year 1916, after the usual introductory paragraph, begins its information to the Secretary, and through the Secretary to Congress, with a somewhat detailed statement entitled "infant mortality inquiry and related work." That is on page 1 of this report.

Mr. President, I have in my hand the proceedings of the Senate of the United States on January 18, 1917. The RECORD of that date shows that we had but just reached this provision in the bill. The discussion was still in its first stages. The Senator from Iowa [Mr. KENYON] had early taken the floor. The subject had first been introduced by the Senator from Kansas [Mr. CURTIS] and discussed through about a quarter of a column of the RECORD. Then the Senator from Florida [Mr. BRYAN] had taken the floor and, dividing the time with the Senator from Idaho [Mr. BORAH] and the Senator from Georgia [Mr. SMITH], he occupied about a page of the CONGRESSIONAL RECORD. Then the Senator from Oregon [Mr. LANE] addressed the Senate. But the Senator from Iowa [Mr. KENYON] had the floor, and he was endeavoring to lay before the Senate the real issue with regard to the striking out of this appropriation of $72,000 for the investigation of infant mortality. He had before him this report of that investigation, contained in the fourth annual report of the bureau. The infant-mortality section, which opens the report, is perhaps the most important thing in it, and takes up a couple of pages of the report; and the Senator from Iowa laid before the Senate some of the important facts developed from the investigation.

I happened to be in my place at the time. The Senator from North Carolina [Mr. OVERMAN], I suppose, as chairman of the subcommittee, seemed to be in charge of the bill upon this paragraph, as he had been upon others. At any rate, he was carrying for the time being the burden of the defense of the committee's recommendations. I was perfectly astounded, Mr. President, having read this report, sitting here in my place, to hear the Senator from North Carolina [Mr. OVERMAN] make the statement which I am going to read to the Senate. The Senator from Iowa [Mr. KENYON] was laying before the Senate some of these startling facts with respect to infant mortality and the causes thereof. This report of this great bureau opened with a condensed statement of the bureau's work upon that intensely vital subject in American life. The Senator from Iowa, concluding a statement upon the subject, using the facts of the report, said:

> In this country last year there were 300,000 babies under 1 year of age, as the statistics show, who died; one out of every eight of the babies born failed to reach 1 year of age. This bureau has investigated this question of infant mortality. That is one of the great features of the work that it has done. They went into Manchester, in the State of New Hampshire——
>
> Mr. OVERMAN. Mr. President, did I understand the Senator to say that they are doing that work now?
>
> Mr. KENYON. They are doing that work now.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. HOLLIS. I desire to state that it is my opinion that the work that is being done in Manchester, N. H., in investigating infant mortality could never be done under the city authority or under the State authority, because the strength of the textile mills in that locality is such that they would not permit it to be done properly.

Mr. LA FOLLETTE. Oh, Mr. President, I thank the Senator for that.

The power of the German Nation in this world war, Mr. President, the loyalty of the German people to that Nation, has amazed the world. It is not a Kaiser's war, so far as Germany is concerned, whatever we may think about it. One and all, as one people—socialists who hate the name of war, imperialists, agrarians, clerics—all are ready to go into the trenches of hell and death, and be buried there, for the German Government.

What does it signify? It means, sir, that they have a Government over there that takes care of the German people from birth to the time when they are enabled to enter the armies of the Kaiser. We are prone these days to complain of the American people because of our enlargement of the Regular Army that we can not get enlistments under the Old Flag. Our Navy is publishing in every center of population in America graphic pictures upon the billboards to induce enlistments in the Navy, and they are some 20,000 or more short. If there be any man on this floor who has addressed in campaigns gatherings of wage earners, and it has sometimes fallen to me to do it, he can not help, as I have, to have seen the difference with which the wage earners in this country responds to appeals to glorify our Government and the flag. Twenty-five years ago you could bring an audience of laboring men to their feet cheering for Old Glory and what it did for liberty, for freedom, for emancipation; but Mr. President, when you grind the faces of the poor, when you force the parents to put their children into the factories in order that they may exist, when you have little care for the death rate in the homes where the children of the poor are born, you are sowing the seed of a disregard and a resentment against this Government of professed equality for all that may bring upon us at some time that which we would most deprecate, which we would most of everything in life wish to put from us.

Mr. President, you can make no stronger appeal to the wage earners or to the Government, you can make no address upon patriotism which will so stir the hearts of the wage earners of the country as to let them know that our own Government, our good old Government, has some regard for them. They have had a little advance in wages, but while they were getting it they have seen the combinations of manufacturers advance the cost of living 10¢ per cent while they were getting 15 and 16 per cent advance in wages. They know perfectly well that this most progressive nation of all the world, this most inventive nation of all the world, is producing more cheaply to-day than ever before in the history of mankind. They know perfectly well, because they work with these machines that almost talk. They know perfectly well, sir, that the raw material is now seized by automatic hands, and that it passes from machine to machine with but a small fraction of the hand labor that was in it 25 years ago, and finally comes out, with the direction of a skilled workman here and there, a finished product at not 25 per cent the cost of hand labor of a quarter of a century ago. They know that. They do not require Senators and economists to teach them that; and they know perfectly well that with this enormous increase in the cost of living piled upon their bended backs they find it next to impossible to make income meet expenses.

Mr. President, if we are utterly indifferent to the conditions under which they live and work, if we are utterly indifferent about the climbing cost of living, if we are not concerning ourselves about anything except a few questions that are vital to property, what is the issue to be? I ran over this morning in the paper the President's program. One of the first things, which is pending before the committee of which I am a member, the Interstate Commerce Committee, is a bill to authorize exporters to make combinations in order to extend our foreign trade. There seems to be a profound concern everywhere that the producer should be taken care of. With the cost of living almost beyond the reach of people of considerable income, to say nothing about the poor, we are invited to concern ourselves about the further draining of production in this country in order that we may add a large export to the profit of those who are putting up the cost of living upon the consumers of America.

There seems to be a fatal blindness upon the part of all of us, and when the little opportunity is afforded by the expenditure of $72,000 to carry forward an investigation here that will tell the story of this awful mortality among the children of those who work for wages we find it opposed. When there is a little opportunity here to let the light into the homes of the toilers to know why it is that one out of every four babies of those who are earning $450 a year must die before they are 12 months old, it is to be blocked in the interests of economy.

It may be, Mr. President, that I am expressing undue feeling upon this matter. I am not entirely a novice in public affairs. I have spent almost my whole life in dealing with these questions, and I am constrained to believe that it behooves the statesmanship of this country to give consideration to these things that concern the millions of the toilers of our country.

Mr. President, what was this investigation with respect to infant mortality? Let us see. I am going to read from Miss Lathrop's report:

> The infant mortality inquiry is going forward—

Of course, she hoped it was going forward.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Will the Senator yield?

Mr. LA FOLLETTE. Surely.

Mr. BRYAN. Does the Senator think that the investigation of infant mortality would cease unless this appropriation is made?

Mr. LA FOLLETTE. Yes; I think it will cease with this bureau, and this is the only bureau of the Government that is authorized by law to conduct it.

Mr. BRYAN. Let me say to the Senator that the appropriations carried in the bill now authorize it.

Mr. LA FOLLETTE. No; it does not authorize that.

Mr. BRYAN. The request from the chief of the bureau was not in the language in which the House bill stands. It was for the employment of 57 more clerks, and that is all.

Mr. LA FOLLETTE. Mr. President, there is not any mistake about what the head of this bureau wanted. The head of this bureau appeared before the committees of Congress.

Mr. BRYAN. The bureau has been doing that work.

Mr. LA FOLLETTE. She indicated what was needed. She has been doing this work within a limited field of two towns, and

you apparently want to limit her to that field. I do not know whether there are many towns in the southern part of the country that the Senator or the other Senators from the South want to have shut out of this investigation, but if there are I do not believe that Congress will submit to it.

Mr. BRYAN. Of course the Senators from the South have as pure motives as the Senator from Wisconsin; that goes without saying; but I say that the people who are being employed will be limited not to two towns but to one town, the city of Washington, and that they will be sitting at clerks' desks here drawing a salary.

Mr. LA FOLLETTE. No; the report shows plainly the contrary, and the statement made by the chief of this bureau before the Committee on Appropriations shows plainly the contrary. It shows that this appropriation is wanted for—

Field investigation.

Mr. President, it would almost appear that the members of the committee had never read the report.

Mr. BRYAN. The Senator has read it. How many did she propose to send into the field of these 57?

Mr. LA FOLLETTE. I will come to that if the Senator will content himself and let me pursue my argument in my own way. Here, listen to this. The Senator from Iowa had just said on the floor of this body:

In this country last year there were 300,000 babies under 1 year of age, as the statistics show, who died; one out of every eight of the babies born failed to reach 1 year of age. This bureau has investigated this question of infant mortality. That is one of the great features of the work that it has done. They went into Manchester, in the State of New Hampshire——

Mr. OVERMAN. Mr. President, did I understand the Senator to say that they are doing that work now?

Mr. President, here is the report. It shows that they are doing that work now, and the chief of the bureau, backed by the Secretary of Labor, as I will show presently, gave the committees of both Houses to understand that it was tremendously important that they should prosecute that work, continue it, go on with it, and this appropriation of $72,000 was for that purpose and no other.

The Senator from Iowa [Mr. KENYON], replying to the Senator from North Carolina [Mr. OVERMAN], said:

Mr. KENYON. They are doing that work now.

Mr. OVERMAN. Of investigating the question of infant mortality?

Mr. KENYON. Certainly; and if the Senator had read the last report of Miss Lathrop he would have seen that she set out instances where they have made these investigations.

Mr. KENYON. Will it both the Senator if I suggest that the Senators, apparently, on the Appropriations Committee, the Senator from North Carolina and the Senator from Florida, who seem to have charge of the matter of cutting this appropriation, both voted against the establishment of this bureau and both voted against the child-labor act.

Mr. LA FOLLETTE. No; it would not disturb me, because it would not surprise me.

Mr. President, no man on this floor likes to call for or suggest the absence of a quorum, and I am not going to do it when I am speaking, but there are just 17 Senators present. When we come to vote on the question whether this appropriation of $72,000 shall be retained or not, it would not be at all strange if 20 or 30 Senators, enough to make a majority against the appropriation, should stroll in about that time in order to have a record of this matter, and should vote against the appropriation, and when asked about it should say, Oh, well, they were present the other day and got some smattering of the discussion that was going, and understood that the Children's Bureau was duplicating unlawfully work that ought to be performed by other bureaus. Mr. President, that is an unfortunate condition. If legislation can be disposed of—and it is often, as we all know—in that way, I do not know that there is any remedy for it. But, Mr. President, I am going to give to the few Senators who are here the reasons assigned by this committee for cutting this appropriation of $72,000 to prosecute the investigation of infant mortality out of the bill. In the hope that another Senator or two may straggle in I am tempted to give the few Senators who are here a little idea of this report.

The infant mortality inquiry is going forward, and the reports upon the different communities studied are in various stages of progress.

The Senator from North Carolina [Mr. OVERMAN] had not heard that or he never would have said:

Mr. President, did I understand the Senator to say that they are doing that work now?

That is, prosecuting this investigation of infant mortality. The Senator from Iowa [Mr. KENYON] said:

They are doing that work now.

The Senator from North Carolina replied:

Of investigating the question of infant mortality?

Here is the report.

Mr. OVERMAN. Will the Senator yield to me?

Mr. LA FOLLETTE. Surely.

Mr. OVERMAN. I think the Senator has misinterpreted the question.

Mr. LA FOLLETTE. Perhaps so.

Mr. OVERMAN. I meant to say they are doing that work; that the appropriation we originally gave was for that purpose, and we gave them the same appropriation exactly that they have now. It was my idea that they are now investigating the very thing the bill provides for, and it was our purpose, instead of increasing the appropriation for all the departments, to hold them down to practically the same appropriations they had last year. That was the purpose.

Mr. LA FOLLETTE. Yet the Senator seemed surprised with the statement that they were prosecuting that investigation, for he said:

Mr. OVERMAN. Mr. President, did I understand the Senator to say that they are doing that work now?

Mr. KENYON. They are doing that work now.

Mr. OVERMAN. Of investigating the question of infant mortality?

If the Senator had read the last report of Miss Lathrop, he would have seen that she set out instances where they have made this investigation.

Mr. OVERMAN. I understood that, but I wanted to impress on the Senate the purpose of cutting down the appropriation, that they had money to do that work now and were doing the work now, because I knew it.

Mr. LA FOLLETTE. Mr. President, I want to be perfectly fair. Can that work be done too rapidly when it shows as far as it is done that one baby out of four dies before it reaches the age of 12 months?

Mr. OVERMAN. If the Senator will yield——

Mr. LA FOLLETTE. Certainly.

Mr. OVERMAN. I do not think that an appropriation of $72,000 is a drop in the bucket to do that work. I think it will take hundreds of thousands of dollars to do it. The question in our minds was not to cripple the work of the bureau, but at this particular time in the appropriation bill to treat all alike. Here was the State Department, here was the Treasury Department; in other words, there were estimates for $42,000,000. We held them down to last year's appropriations. We kept down not only the appropriations for this department, but every other department.

Mr. LA FOLLETTE. No; there are some departments here the appropriations for which have been increased in this appropriation bill.

Mr. OVERMAN. In the main we cut them down. The Census Bureau is the only one which has any considerable amount of increase.

Mr. LA FOLLETTE. There are new offices created here with salaries of $5,000 or $6,000 a year, while this investigation, taking $72,000, can not go ahead on account of the condition of the Treasury. We do not hesitate about passing river and harbor appropriation bills, or if we do we finally put them through; and there is the public-building bill of $35,000,000 on its way over here. I wonder how many members of the Committee on Appropriations will stand up here and fight against the expenditure of $35,000,000 for public buildings this year. I wonder how many members of this committee took that stand when more than $400,000,000 was added to the military and naval program of a year ago.

Mr. OVERMAN. Here is one who voted against it.

Mr. LA FOLLETTE. I am glad you did. It is a record of which you will be proud hereafter.

Now, Mr. President, let us see about this investigation; how important it is.

The infant-mortality inquiry is going forward, and the reports upon the different communities studied are in various stages of progress. Field study has been completed in all the towns mentioned in the third annual report and has been begun in Baltimore. The study of Baltimore was undertaken because of its representative character, and because its size affords an opportunity to compare the figures for a large city with those of the smaller cities heretofore included in the inquiry. The field work alone in Baltimore will require at least a year's time.

INFANT MORTALITY—MANCHESTER.

The findings of the bureau's earlier study in Johnstown, Pa., are confirmed in many respects by the findings in Manchester—the coincidence of a high infant-mortality rate with low earnings, poor housing, mother's work, and large families.

Now, Mr. President, just bear in mind, and let the RECORD show in this connection, the statement made by the junior Senator from New Hampshire [Mr. HOLLIS]. The investigation by this bureau in Manchester, N. H., a textile town, which conveys a lesson to the American people, can be made, and made only, by this Federal bureau, on the authority of the distinguished junior Senator from New Hampshire. I wonder if the Senator duly ap-

preciated the statement made by the junior Senator from New Hampshire. As I remember, he said it is a textile town, and that influences there were potential enough to prevent an investigation into the death rate among the babies of the employees in the textile industries, either a municipal investigation or a State investigation. Oh, sir, think of that. Why is that so? The Senate is to believe it. It is given to us on the authority of a Senator as highly thought of by its membership as any man on this floor. He tells you that there are potential forces that would baffle and prevent an investigation into the death rate of babies in that textile manufacturing town either by the State of New Hampshire or by the municipal government of Manchester. Oh, sir, that fact cries aloud to heaven for this appropriation. Shall this country be denied the information, denied the facts which are to be learned from a study—a critical, dispassionate study—of conditions in a manufacturing center of the United States, conditions that have to do with the future of the human race under our flag?

Mr. President, it is possible, if I read another paragraph or two here, that it would let in a flood of light upon the statement made by the junior Senator from New Hampshire [Mr. HOLLIS]. If there is a power in Manchester, N. H., great enough to suppress an investigation into industrial conditions affecting the life of the families of the workers in the textile factories in that town, conducted by the municipal government, aye, more than that, which is strong enough to stay the arm of the State should it undertake the investigation, then, Mr. President, there must be some powerful reason why that is so. Why is it that that mighty power there wants to suppress and to cover up these facts?

Now, let us see. Fortunately, this Children's Bureau made a little start on this subject under the appropriation of last year. The superintendent of the bureau could not go into Massachusetts and Connecticut or into 20 or 30 other States, but she picked out and she made an investigation in Johnstown, Pa. Then this bureau took up this investigation in Manchester. Mr. President, it is all to the credit of the bureau and its chief that it does its work thoroughly; it is no sloughing over of the facts; it gets basic information. In this town of Manchester what did it discover? What was the result of this investigation?

> The findings of the bureau's earlier study in Johnstown, Pa., are confirmed in many respects by the findings in Manchester—the coincidence of a high infant-mortality rate, with low earnings, poor housing, mother's work, and large families.

That is what the Senator from Oregon [Mr. LANE], with his professional knowledge, would expect; but that is a matter that the Members of this body generally would not have much judgment about, except for the fortunate circumstance that we have some accurate statements on the subject. Now, listen—I am dealing with Manchester, N. H.—

> The mortality rate among the 1,564 live-born babies studied in Manchester was 165 per 1,000 births, which is considerably higher than the estimated rate for the whole country.

You see, the whole country, based upon the census statistics, shows a death rate for the first year of 1 to 8, but—

> The mortality rate among the 1,564 live-born babies studied in Manchester was 165 per 1,000 births, which is considerably higher than the estimated rate for the whole country.

Now, listen:

> Manchester is primarily a textile town, and the textile mills employed 36.3 per cent of all the fathers of babies born in Manchester during the 12 months covered by the study.

Now, listen:

> Of the fathers, 13.7 per cent were earning less than $450 per year; 48.5 per cent less than $650; 22.9 per cent, $850 or more; 6.4 per cent, $1,250 or more.

Now, let us get the related facts of the death rate to the earnings of the fathers of these 1,564 live-born babies:

> Of the babies with fathers earning less than $450, about 1 in 4 died before it was 12 months old. The great majority of the babies had fathers in the wage group from $450 to $849, and of these about 1 in 6 died. Of the babies whose fathers earned $850 but less than $1,050, 1 in 8 failed to survive. Where the fathers earned $1,050 or more, 1 baby in 16 died in the first year.

Mr. President, is it unjust, is it unreasonable, can it possibly wrong anybody, to suggest that the relation between the death rate and the wages might possibly have something to do with the influences of the powers in this textile town that would prevent an investigation by the municipal government or by the State of New Hampshire? Oh, sir, does not the Senate begin to see that if these facts are of vital concern to the people of the United States, to our Government, to the perpetuation of the life of the race, the work has got to be done by the Federal Government; that these powerful local influences will be such that otherwise it can not be done at all? The junior Senator from New Hampshire conferred upon the Senate and the country and this great issue a very important statement of facts when he made the announcement here on the floor of the Senate during this debate that the only way that this investigation into the relation between poor housing, large families, and poor wages and the high death rate of the children of these people can be made at all is by the Federal Government.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. HOLLIS. In order that the Senate may not think I made that statement lightly, I will add that a few years ago—perhaps five or six years ago—the textile mills in Manchester were openly and flagrantly violating the child-labor law. I was then a Democrat, as I now am. The superintendent of public instruction was a Republican. He was charged with the enforcement of the child-labor law by statute. He came to me and informed me of the situation in Manchester. He asked me if I would undertake to prosecute the violations of the child-labor law. I did not want to do it, for I thought it would be considered officious on my part, because I did not live in that county; but the superintendent urged me to do it, saying that he could not get anybody in the county to prosecute the cases; that he could not get anyone in his own party to do so, because the textile industries were so powerful in his own party. He appealed to me as a citizen of New Hampshire to support him in his effort to enforce the child-labor law in Manchester. Answering his appeal, one that I could not refuse when put in that way, I did prosecute those cases, secured convictions, and got the children out of the mills. I had one of my partners look up the facts, and in doing so he had to go among the homes of the children to ascertain how old they were. The reports that he brought to me of the way that those families lived were heartrending.

I therefore make this statement because I know of the conditions that have existed and the power of the corporations. I was not at first able to get convictions, because the judge of the police court before whom they were tried was under the influence of the owners of the textile mills. I announced that to him in his own court, and told him that if he did not do justice I should go over his head to the attorney general and secure informations. The next batch of cases I brought he decided properly, and convictions were secured.

Mr. LA FOLLETTE. Mr. President, I am very glad that I dwelt upon this subject until the junior Senator from New Hampshire felt compelled to make this explanation, which I have no doubt is reluctantly made because of his own personal participation in the work of securing public justice; but I think it is a valuable contribution to this discussion, and I am glad to have it spread upon the RECORD here.

I need not say, Mr. President, that it is a high testimonial of the standard of public service and of the duties of citizenship, independent of public office, which every man owes to his community and to his country, but which all of us acquainted with the character of the junior Senator from New Hampshire would expect of a man of his high ideals.

Now, Mr. President, I lay before the Senate a little more of the details of this valuable report to show the thoroughness with which the investigation has been conducted; but they show also that the investigation is not one encroaching upon that prosecuted by the Public Health Service, which—and I use the term as applied to medicine—is technical and scientific. This is an investigation of the economic values and the economic bearings of all the facts which it discloses. It stands by itself; it has not any counterpart or duplicate in any of the investigations as to infant mortality prosecuted by any other Government agencies:

> Where families lived two or more persons per room, the infant death rate was twice as high as where they lived less than one person per room. The babies living in houses occupied by a single family died at the rate of 86.1 per 1,000, but those in tenements occupied by more than six families died at the rate of 236.6 per 1,000.

Mr. OVERMAN. I understand the Senator is quoting from the report in relation to Manchester?

Mr. LA FOLLETTE. All this portion of the report is devoted to the results of investigations in Manchester, and it is most vitally interesting.

Mr. OVERMAN. I was merely wondering why in Manchester as many as six families live in one tenement. That is what astonished me.

Mr. LA FOLLETTE. Yes. I know something of the cities of the Senator's State, and I can state that it would contrast very markedly with the conditions existing in the manufacturing towns of North Carolina.

When the mother was a wage earner the baby's chances of living were less than when she was not. Babies of mothers who had worked at some time during the year before the baby's birth died at the rate of 199.2 per 1,000, while babies of nonworking mothers died at the rate of 133.9. Babies of mothers employed away from home some time during the year after childbirth while the baby was still alive and under 4 months old had a rate of 277.3, while babies of mothers not employed during that time had a rate of 122.

Babies of foreign-born mothers did not fare so well as babies of native mothers. The differences of rates, however, are only partly accounted for by their lower earnings. The largest foreign element in Manchester is Canadian French, and among them the infant mortality rate, 224 per 1,000 live births, is greater than that among any other group of the population, although their earnings are in general higher than those of other foreigners.

I read that paragraph to show that this is no partial investigation in the interest of some propaganda, but here we find a thoroughgoing, able investigator directing this work in the interest of truth.

Sheer size of family appears to be one factor in this high Canadian-French rate, one-third of their babies being sixth or later in order of birth, while over one-sixth of these mothers had had from 9 to 18 children. These Canadian-French babies in families of 6 or more children died at the rate of 246.2 per 1,000 and the rate rises to 277.2 per 1,000 when only babies ninth or later in order of birth are considered.

Less important numerically in this nationality is the wage-earning mother. Comparatively fewer Canadian-French mothers than other foreign mothers are gainfully employed. The percentages of these wage-earning Canadian-French mothers at work outside the home and in the home varied slightly during the two years, but there is among the working mothers a stronger tendency on the part of the Canadian French to work outside the home after the baby's birth than appears among other foreigners. It is not surprising, therefore, to find that artificial feeding is more prevalent among Canadian French than in any other group of the population, and this prevalence appears to be one of the important factors in the high infant mortality rate among Canadian-French babies as compared with the rate for babies of other nationalities.

Mr. President, I have taken the time of the Senate to read from the report what there is under that caption into the RECORD. It is vitally important in its facts, and it is important in the aspect of informing the Senate of the character of the work this bureau is doing. It is high-class work; it is work the value of which can not be overstated. We may not be able to meet this problem at once by an intelligent dealing with it in legislation, but the immediate value of this work will be its educational importance to the mothers, the homes, and those communities that are most deeply concerned, for, after all, Mr. President, in the long run that which is beneficial to the members of a given community is beneficial to the community as a whole, and by a widespread propaganda and publicity of the information obtained by these thorough-going investigations, we will probably attain the first valuable results in the communities themselves by arousing a public spirit and stimulating a public opinion which will work for the protection of the community.

Now, Mr. President, I turn aside for a moment from this report.

Mr. OVERMAN. Before the Senator leaves that branch of the subject, will he allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. OVERMAN. I sent for the report of this bureau, which has been distributed since this debate began. The Senator seemed to think that I had not read it. Of course, I did not have an opportunity to do so.

Mr. LA FOLLETTE. I suppose not.

Now, Mr. President, the reason assigned by one of the members of this committee for striking out this appropriation was that it was a duplication of work performed by another bureau, and therefore in the interest of economy it ought not to be extended, but the appropriation of $72,000 asked for for continuing the work should be cut out.

As authority for the action of the committee the Senator from Florida [Mr. BRYAN], a member of the committee, read into the CONGRESSIONAL RECORD the testimony of Mr. Wood, of the Efficiency Bureau, and I want to present that to the Senate. Very few Members of the Senate were on the floor when that was read. We all of us have our obligations to our several committees; we have our special lines of investigation, which each of us is prosecuting as bearing upon national questions; and I appreciate the difficulties that Senators find in being present upon the floor of the Senate at all times during the consideration of bills. I know that I am perhaps as great a transgressor of that obligation, if it be an obligation, as any other Senator, or most other Senators, and I can only offer, Mr. President, the poor excuse of my personal conviction that I am better serving my constituency and better discharging my obligations to this body by prosecuting in my committee room or in the libraries of Congress investigations which have to do with legislation in this body. I think I may fairly say, without arrogating to myself anything that any other Member can not say as well, that I am not off this floor at any time unless it be that I am engaged upon work which concerns my duties here upon the floor.

But I know how it is with myself, and so it is, I suppose, with others. We come back to the Senate. A vote is imminent. Much of the discussion has transpired in our absence. We hurriedly confer with Senators in whose judgment we have confidence and who happen to be present, and they give us the best counsel they can. They may have been absent during a very important part of the discussion. Then we make our choice of sides upon the question that is to be voted upon, and vote according to our best information and our best judgment. I suppose many Senators will come upon the floor when the vote comes upon this amendment, not having heard very much and not having read very much of the debate that pertains to this appropriation, and are likely to say to their associates here: "What do you think about it?" And they are very likely to be told: "Well, there has been some statement here that there is a lot of duplication, and it is a good time to economize, and I guess we had better vote against the appropriation."

I do not think I am overstating the lack of thoroughness of investigation that most questions are liable to receive at the hands of this body.

Mr. President, on page 143, in the first three lines, is this item:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality, $72,120.

That is stricken out by this committee, and upon that Senators must vote either to retain it or to reject it.

I ask Senators to remember that the Children's Bureau is the only executive organization that is clothed by statute with specific authority to investigate that subject. And now I give the authority upon which one of the Senators based his reason for cutting out that appropriation, and I read what he said. I quote from the remarks of the Senator from Florida [Mr. BRYAN]:

Now, coming to the item stricken out of the bill at the top of page 143—an appropriation of $72,120 for the Children's Bureau to investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality—the reasons that induced the committee to strike that out, I think, can be best stated by reading from the House hearings the testimony of Mr. Wood, of the Efficiency Bureau. I will not read it all, but here is the situation which exists now. The Bureau of Health is engaged in this same kind of work.

Those three lines relate only to the investigation of "the welfare of children and child life, * * * especially * * * the questions of infant mortality"; and the report shows that that is what is going on.

The Senator from Florida says:

The Bureau of Labor is engaged in the same sort of work. For instance, under the heading "Field investigations," in the Bureau of Health, I find the following:

"For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation, etc., $250,000."

That is the end of the quotation. Then the Senator says:

That is in the sundry civil bill of last year. In this very bill, on page 102, we find the following:

"For investigation of rural education, industrial education, and school hygiene, including personal services in the District of Columbia, etc., $45,000."

Then there is an appropriation in the Bureau of Education.

Have you got anything so far, Senators, that seems to conflict with the investigations of infant mortality?

The Senator from Florida proceeds:

Here is what is said by this member of this board that has been directed to investigate duplication of work in these various bureaus and departments:

Now, mark you, a moment ago he said:

The reasons that induced the committee to strike that out, I think, can be best stated by reading from the House hearings the testimony of Mr. Wood, of the Efficiency Bureau.

And now he says:

Here is what is said by this member of this board that has been directed to investigate duplication of work in these various bureaus and departments.

Mr. GOOD—

These are evidently from the House hearings, and Mr. GOOD, a Member of the House, is asking questions of Mr. Wood, of the Efficiency Bureau—

Mr. GOOD. I have noticed that the Department of Labor published last year Bulletin No. 162, Vocational Education Survey of Richmond, Va. The Bureau of Education is publishing a similar work of that kind. Have you investigated duplication of that kind?

Vocational education!

Mr. WOOD. We have examined the publications of the departments for the past year——

Mr. KENYON. Mr. President, I should like to inquire from what page the Senator is reading?

Mr. LA FOLLETTE. I am reading from page 1789 of the CONGRESSIONAL RECORD.

Mr. KENYON. Not from the report itself?

Mr. LA FOLLETTE. No; I am reading just what the Senator from Florida [Mr. BRYAN] read to the Senate as the reason for the action of the committee.

Mr. WOOD. We have examined the publications of the departments for the past year and found many places where, if there was no real duplication, there was at least an overlapping of functions. For example, the Bureau of Education and Health Bureau are both pursuing studies of school hygiene, though not in the same districts. Each is doing work that might be done by the other. Similarly, the Children's Bureau and the Health Bureau both publish bulletins on the care of babies.

It does not say that they are similar bulletins, or that they deal with a similar subject. Is that the sort of discrimination that this committee brought to bear in order to determine whether it would cut out this appropriation of $72,000?

Mr. GOOD. That necessitates the keeping in two or more separate bureaus the same character of employees that ought to do the work in one bureau?

Mr. WOOD. The trouble seems to be that the authorizations given to the different bureaus cross or overlap.

That is the fault of Congress.

For example, the Children's Bureau is authorized to investigate anything pertaining to children.

Now, that is not very accurate for an investigator of efficiency, or for a member of this bureau. It is limited by special phrases. But let that go.

That includes children's health and education and various other matters. The Health Bureau is authorized to investigate health, whether of children or adults.

Now, the Senator from Florida makes this comment:

I have just shown that they have a quarter of a million dollars for that.

That is, the Health Bureau has a quarter of a million dollars for investigating the diseases that pertain to man. Now listen further.

Mr. Wood, continuing:

The Bureau of Education is authorized to investigate questions pertaining to education. Again, the Labor Bureau has always concerned itself with health insurance among laboring men. The Bureau of Public Health has recently taken up health insurance as a health measure. Both have issued publications on that subject.

Mr. GOOD. You have not gone into that?

Now, he sums it all up:

Mr. WOOD. We have made a partial list of cases in which different bureau seem to cover the same field—

This expert on efficiency does not pretend to know that they do cover the same field.

We have made a partial list of cases in which different bureaus seem to cover the same field, but we came to the conclusion that it would be better to get every bureau to report to us every job it is working on, to index those jobs so that all relating to health would fall in one place, all relating to children in another, etc., and then to go carefully through the index, make note of cases in which there is duplication or overlapping, and bring them first to the attention of the various bureaus in order to get their statements of the case and then to the attention of Congress. We hope to do that by the next Congress.

But this committee, forestalling that work which a real investigator plainly showed was necessary to be done before they tampered with the work of any bureau, has seen fit to strike out of this appropriation this provision for the investigation of infant mortality.

There is all that the Senator from Florida read from this expert. I submit to the Senate that the conclusions of the expert ought to have bound the Senate committee; and if the expert was not willing to say that the work of a given bureau was not such a duplication that it was a waste of the public money and recommended its discontinuance, then, sir, the committee, in the discharge of its obligation as the arm of Congress carrying out the will of Congress as expressed in legislation which delegated to this bureau the investigation of infant mortality, should not have stricken out this appropriation.

But, sir, the committee further supports its action by quoting from the Secretary of Labor, the superior of the head of this Children's Bureau; and it must have impressed the Senate, or those Senators who listened to it, as almost decisive of this case—I refer to what was read from the report of Secretary Wilson, within whose department is this Children's Bureau—for he spoke of duplication of these various bureaus. He deprecated the confusion that results from the overlapping authorizations by Congress; and he said in his report—not only that portion of it which was read here, but elsewhere, for I have studied the report—that the solution of it immediately was the bringing together of these different arms in the administration of the law by the executive departments and seeing that they did not duplicate the work that Congress had authorized them to duplicate, if the authorizations were to be carried out.

But, Mr. President, in writing his general criticism upon this subject the Secretary of Labor was not writing with reference to the Children's Bureau, or to its investigation of infant mortality. Now, I purpose to read what the Secretary said, as stated by the Senator from Florida. I read from the CONGRESSIONAL RECORD; and then, Mr. President, I will follow that by reading from a statement which I have received from Secretary Wilson on the subject of duplication as applied to this particular work and to this particular item which this committee has stricken out of the bill. If he be an authority for the committee to quote, they will surely accept him as eminently satisfactory when it comes to the specific thing under investigation here.

But to get before the Senate again in this connection the statement of the committee, as presented by a member of that committee, of the reasons which moved it, I read from the CONGRESSIONAL RECORD of January 19, 1917. There was a running discussion as to duplication between the Senator from Oregon [Mr. LANE] and the Senator from Iowa [Mr. KENYON] and the Senator from Florida [Mr. BRYAN]. The Senator from Florida, reading from the report of the Secretary, on page 1857, says—and it is the first that I can find here that he did read from the report of the Secretary—

The law creating the Department of Labor provides—

"That the Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor."

Then the Senator comments as follows:

Here is a letter from the Secretary of Labor dated January 9, 1917, in which department the bureau is located, from which I quote to the Senator this paragraph:

"Another relationship, somewhat along the same line, exists with reference to the parallel activities of the Public Health Service and the Children's Bureau. The nature of this overlapping in the same fields of endeavor is of such a character that there is practically no limit to the duplication and resultant likelihood of confusion, unless there is complete and harmonious adjustment of the respective activities."

That is as far as the quotation extends until you come to page 1859, when the Senator continued his reading from the Secretary, as follows:

Mr. BRYAN. Let us see. I will read a little further from what the Secretary says. By the way, it develops another duplication when we come to read it. He says:

"One instance of distinct overlapping occurs in reference to the Bureau of Labor Statistics. This circumstance appears to be due to the broad authority vested in the Public Health Service to investigate the 'diseases of man and conditions influencing the propagation and spread thereof' (act approved Aug. 14, 1912; 37 Stat., 309). As the Bureau of Labor Statistics is charged with acquiring and diffusing useful information upon subjects connected with labor (act approved June 13, 1888; 25 Stat., 182), and as information regarding occupational diseases and the conditions influencing their propagation is clearly a subject connected with labor as well as with the general classification of the 'diseases of man,' the Bureau of Labor Statistics of this department and the Public Health Service of the Treasury Department are charged, at least to this extent, with similar duties. In order to prevent confusion and duplication of effort, coordination of the functions of these two branches of the public service should, in so far as they may overlap, be effected and consistently adhered to.

"The field of occupational diseases was occupied during a period of about seven years prior to 1912 by the Bureau of Labor Statistics, through its investigations into the hygienic conditions of cotton mills; of home work; of ventilation and general sanitary conditions of clothing shops; of diseases in the glass industry; of health of women in textile factories and laundries; of poisons in the industries; of tuberculosis among wage earners; of the health of wage-earning women in the pea canneries; of the hygiene of the painters' trade; of anthrax as an occupational disease, etc.

"Since 1912 the Public Health Service has carried its function with reference to the diseases of man into the field of occupational diseases. It can not be conducive to the good of the service in general to have two such Government establishments occupying identically the same field at one and the same time—"

Nobody can quarrel with that criticism or observation, Mr. President. Everybody must agree to that. The difficulty is that Congress is responsible for this overlapping direction, and, as suggested by the Secretary, the different governmental activities have been obliged to protect themselves against squandering the public money by seeking, in so far as they could by conference, to limit the overlapping work and prevent duplication. He is making a general statement now, and says:

It can not be conducive to the good of the service in general to have two such Government establishments occupying identically the same field at one and the same time, and it would appear that in so far as the functions of the Public Health Service relate to labor and its conditions, as is the case with reference to occupational diseases, they should be correlated and coordinated with those of the Department of Labor. In their medical or scientific aspects occupational complaints should doubtless be within the field of the Public Health Service, but just as certainly they should be within the jurisdiction of the Department of Labor in their industrial bearing, this phase of the matter being popular rather than scientific, and tending to promote the welfare of the wage earners who are or may become subject to ailments peculiar to certain trades and occupations. The logical conclusion is that neither branch of the public service should be in absolute control with reference to investigating them and publishing the results. The concluding recommendation in this report will, if adopted, prevent any harmful overlapping of functions and result in the utilization to the

fullest extent of all such information and data that may be gathered for scientific and other purposes, so far as the same is useful in its more popular aspects.

And now we come to this, and the Senator reads the concluding paragraph:

Now we come to this:

"Another relationship, somewhat along the same line, exists with reference to the parallel activities of the Public Health Service and the Children's Bureau. The nature of this overlapping in the same fields of endeavor is of such a character that there is practically no limit to the duplication and resultant likelihood of confusion, unless there is complete and harmonious adjustment of the respective activities.

"Under the terms of the statute authorizing the establishment of the Children's Bureau (act approved Apr. 9, 1912, 37 Stat., 79) it is especially directed to investigate the questions of infant mortality, the birth rate, dangerous occupations, and accidents and diseases of children. The authority to investigate these same matters is likewise vested in the Public Health Service by the act approved August 14, 1912 (37 Stat., 309), which broadly covers the entire field under the term 'diseases of man.' As previously indicated in another connection, the function now under discussion is exercised by the Children's Bureau in a popular sense rather than from a medical or scientific viewpoint, but the means of attaining the respective ends necessarily lie along the same lines, and, as in the case of the contact between the Public Health Service and the Bureau of Labor Statistics, and between the latter and the Children's Bureau, there should be absolute and positive means of preventing harmful overlapping of effort, and securing to all concerned the benefit of cooperative work in a movement which, up to a certain point, occupies a common field of investigation.

"Still another relationship of the Public Health Service to the Department of Labor is found in the work of medical inspection of aliens under the immigration laws (act approved Feb. 20, 1907, 34 Stat., 898, sec. 17)."

That is all that was read, Senators, by the committee as a justification for striking out of the bill the appropriation for investigating infant mortality as prescribed by the law which created the bureau. I submit there is not a word in what Secretary Wilson says that justifies a construction such as has been put upon it by the Committee on Appropriations.

Mr. President, if either of these bureaus ought to be curtailed, cut down, and denied the opportunity to investigate the subject of infant mortality, surely it ought not to have been the bureau that specifically by law is authorized to do that work.

Mr. President, thinking that I might be called upon to speak on this subject on Friday afternoon, and feeling certain that the quotation read from the Secretary of Labor was not fairly subject to any such construction as had been put upon it by the committee, I telephoned to the Secretary of Labor and asked him to advise me with respect to this matter of the duplication of work, and I received a telegram from him. It came to me after the Senate had adjourned on Friday. I will read it to the Senate just as I received it, and also read a letter from him which is just now laid upon my desk, which I have not had the opportunity to read and which came to my office since I have been speaking:

DEPARTMENT OF LABOR,
Washington, D. C., January 19, 1917.

Hon. R. M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Replying to your inquiry, would say that there is no duplication of work in this department between the Children's Bureau and the Bureau of Labor Statistics.

Mr. BRYAN. That is the Bureau of Labor Statistics?

Mr. LA FOLLETTE. Yes; the Bureau of Labor Statistics. That is one of the things that was cited in the quotation.

Mr. BRYAN. No; the conflict or duplication is with the Public Health Service.

Mr. LA FOLLETTE. But you did not stop with that. You referred to the industrial statistics that were being gathered as being a duplication of something else that was being done.

Mr. BRYAN. I read from it.

Mr. LA FOLLETTE. This will stand for itself in the RECORD against what I have read from the report as you gave it. I shall begin again, Mr. President, because I should like it to be consecutive.

DEPARTMENT OF LABOR,
Washington, D. C., January 19, 1917.

Hon. R. M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Replying to your inquiry, would say that there is no duplication of work in this department between the Children's Bureau and the Bureau of Labor Statistics. Through a departmental arrangement, no study is undertaken by either bureau where their authorizations meet without consulting with the other, so that while there may be similarity in reports because of the closely related authorization there is no duplication of work, nor is there any duplication of work between the Children's Bureau and the Bureau of Health in the study of infantile mortality. The Children's Bureau is making intensive studies of infantile mortality from the standpoint of popularizing methods of prevention, and the investigations have not included school hygiene but have been dealing with children in their home life and home surroundings. Nor do I know of any duplication of this work by any other bureau of the Government. The Children's Bureau study of infant mortality is concerned with social and economic, not medical, factors. It in no way duplicates the work of the Public Health Service. Its purpose was fully explained to the Public Health Service when the bureau began operation in the autumn of 1912, and the head of the Public Health Service stated to the chief of the Children's Bureau that the inquiry upon the lines proposed was new and would be valuable, and that the Public Health Service had no purpose to undertake it. The Children's Bureau has cooperated with the Bureau of Education and the Public Health Service in a study of the feebleminded in Delaware. It has cooperated with the Census Bureau in carrying on a continuous campaign for better birth registration. It has cooperated with the Department of Agriculture by furnishing large numbers of publications on the care of children for circulation by the county agents of the Department of Agriculture.

The bureau's extended studies of child-welfare legislation, child-labor laws, and child-labor conditions, its reports upon mother's pension, birth registration, and baby-week campaigns are all in a field entirely its own. It has not overlapped. The Children's Bureau has been doing a splendid work in this line so far as its appropriation would permit, and I sincerely hope that Congress will grant the increase asked for in order that the work may be continued on a still more effective basis. It has been the policy of the department wherever there was a likelihood of authorizations overlapping, either within the department or with other departments, to consult with the departments interested in order to avoid so far as possible duplication, the result of which has been that, while the authorization of different bureaus may have overlapped, the work in the specific field of inquiry has not been duplicated.

W. B. WILSON, *Secretary.*

Mr. President, there has just been laid upon my desk the following memorandum. I may say that it is not volunteered by the Secretary. I brought to his attention this morning the discussion which had taken place on Thursday and Friday concerning this important item in the bill and asked him, urgently requested him, if he had anything supplemental to the telegram which he had sent me on Friday that I would be glad to receive it while the matter was still pending. There was laid upon my desk here just a moment ago the following, which I have not read but will read to the Senate:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 22, 1917.

MY DEAR SENATOR: Supplementing my telegram to you on Friday, I am inclosing you herewith memoranda relative to some elements of doubt expressed by several Senators in their discussion of the appropriation for the Children's Bureau.

I desire to reiterate the statement that this department has not undertaken an investigation or study of any subject under its jurisdiction that was likely to overlap the authorization of any other department or bureau of the Government without first consulting with the departments or bureaus interested and arranging to avoid duplication. The letter from which the Senator from Florida quotes includes the draft of a bill which seeks to enact into law the policies which this department has endeavored to put into practice by interdepartmental arrangement, and the clause which the Senator quotes simply asserts the possibility of duplication when mutual arrangement has not been entered into before the study is commenced.

Mr. President, it is entirely manifest that the matter quoted from here was written not with application to the subject directly under discussion here, but was written to enforce a recommendation of the Secretary for legislation that should prevent any duplication of authorizations by Congress. I repeat:

The letter from which the Senator from Florida quotes includes the draft of a bill which seeks to enact into law the policies which this department has endeavored to put into practice by interdepartmental arrangement, and the clause which the Senator quotes simply asserts the possibility of duplication when mutual arrangement has not been entered into before the study is commenced.

I know of no investigation or other work that has been undertaken by this department or any of its bureaus where the field had already been covered or was being covered by any other department or bureau of the Government.

Respectfully, yours, W. B. WILSON,
Secretary.

HON. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

Mr. President, I asked the Children's Bureau to send to my office just before I took the floor every publication, every report, every bulletin which it has. I have these in my office. I have not had an opportunity to look over these publications. I have here a memorandum with respect to these books, which I shall withhold until I have had a chance to look at them myself, and I shall not present them unless there should be occasion for further discussion of this subject upon my part. It may not be necessary for me to take the time of the Senate to present them. Let me say this: I looked at their titles; I glanced just at the introductions. I had in mind the law, and I never was more confident of any assertion that I made on the floor of the Senate in the 10 years that I have been a Member here than I am of this. There can be found no article, no publication, no bulletin, no report made by the Children's Bureau which is not made under the authority of the statute which created it or amendments thereof. They have kept so specifically and so exactly within the terms of the authorizations of Congress that that bureau is not and can not be subject to any fair criticism by anybody.

I thank the Senate for its attention.

Mr. LANE. Before the Senator from Wisconsin takes his seat I wish to call his attention to a case which occurred within half a mile of where we now stand, since the argument began upon this bill. About the time we took up this item a woman was found by some of her neighbors lying in bed, holding a baby a few days old, who had not had a bite to eat for three

days, with no food in her house and no fuel with which to cook food if she had had it, nor to warm the premises. The baby was lying with her in bed, nursing a starving mother while her milk was drying in her breast, the baby to be stunted to that extent throughout life perhaps. Is there no need for a bureau to investigate conditions of that sort? There is no need to withhold this appropriation with the millions that are flooded down the line for useless expenditures.

There was another case near by where a woman with three children, who works for the Government for $20 a month, fainted on her way home the other day and had to be carried into a neighbor's house. For the children she had denied herself food. That is the work for which we need such a bureau as this. Children raised under those conditions become derelict adults, unfit to take care of themselves or to do the duty devolving upon them, or which should devolve upon them, in carrying on government.

Mr. SHERMAN. Mr. President, I promise to consume only a very short time, for I apprehend the Senate is anxious to get to a vote on this matter as speedily as possible.

The House Appropriations subcommittee in its hearings had presented to it an estimate by the Children's Bureau asking an appropriation of $173,400 in the first instance. This is the second item found on page 143 of the bill now before the Senate as it came from the other House. The House subcommittee—and subsequently by the action of the House in passing the bill it was approved—out of the $173,400 asked granted $95,000 for those items. In that form the bill came to the Senate, whose committee reported to cut the $95,000 down to $58,000, leaving it in the form in which it has been reported. The appropriation of $58,000 refers to various items of "traveling expenses and per diem in lieu of subsistence at not exceeding $4," pay for interpreters, and various other lines of effort mentioned in that paragraph. The Senate committee has reported to cut the $95,000 allowed by the other House to $58,000. With this reduction I am not in sympathy. I believe the House appropriation of $95,000 ought to be restored. I believe it is as little as the efficient work of this branch of the bureau's service can be performed for.

As the senior Senator from Wisconsin [Mr. LA FOLLETTE] has fully covered the original act creating the bureau, I shall do no more than refer to it. The act under which this bureau was created imposes upon the head of the bureau and its subordinates the duty of investigating infant mortality. If the item, at the top of page 143, of $72,120 be stricken out in accordance with the recommendations of the committee in reporting the bill, it leaves just so much of the duty of this bureau incapable of performance.

I assume that in the effort to economize these reductions have been made. This is an improper place for economy. If there is to be economy practiced in the committee or on the floor of the Senate, there are other and more fitting places on which that practice can be had. There is a multitude of public buildings, which have been frequently referred to here to-day, carrying many millions of dollars, in remote hamlets of little income and less importance, and which will be a fixed charge after the buildings shall have been erected, the maintenance cost of which will absorb a large portion of the postal receipts at those points, if not all of them. There is a river and harbor bill coming on apace, drawing with it the usual items from far and near, the meritorious being mixed with those that are without merit, aggregating many millions of dollars.

In addition to that, there is a great variety of other appropriations here on which we could well practice our economy. There is the usual mileage item presented through the legislative subdivision of this bill. There is $51,000 in a single item for the mileage of Senators; there is $175,000 in the mileage for Members of the other House, aggregating a total of $226,000, over a quarter of a million dollars of mileage on the 10-cent provision that remains from an ancient day when we traveled by stage coach or in some other more expensive way than the usual 2 cents or less per mile attendant upon the travel of public officials at this time. I only refer to those instances to show that items of economy have been overlooked that could properly be stricken out of the various appropriation bills.

In the act creating the bureau having charge of children and kindred subjects duties are imposed upon that bureau and its authority is defined at some length. Those duties can not be performed unless there are adequate appropriations to that end. For the investigation of infant mortality every dollar of appropriation is stricken out under the report of the committee. How can that duty be performed? The reply is that there would be duplication of other services; that other departments and other lines of governmental effort cover the service of this item of $72,120, which has been stricken out. I think the testimony offered by the senior Senator from Wisconsin on this point is pertinent and well nigh conclusive.

Among a good many other lines of work that the bureau performs is that of examining State laws, of examining the effect of local regulations upon the industrial and health conditions attendant on child labor and upon infants before they could even reach that age; upon the indexing of the laws and making them accessible to the general public, so that they will not be to that public a sealed book.

From Chicago comes a letter from S. C. Kingsley, which is found published in the hearings before the subcommittee of the other House. Sherman C. Kingsley, of Chicago, is a gentleman who is engaged in charitable and eleemosynary work. He has been in that business practically all his life. It was my fortune to be associated with him for four years in one branch of the service where some of my public duty came in contact with his. Mr. Kingsley is not given to spending money uselessly. He is reasonable in his expenditures, because the greater part of his activities have been under private charity, under the foundations created by a will, where great funds had been accumulated, which are administered upon strictly business principles, and where they cooperate in a practical way with the public charities of the State and of the General Government; in the administration of the affairs of these great foundations, the great bulk of which have to do with the large cities of this country, where a great part of the industrial problems have their origin; and in the course of his activities he has been able to inform himself concerning these matters. I only give this as explanatory of who S. C. Kingsley is. Addressing a letter to the head of the Children's Bureau, Miss Julia Lathrop, under date line "Chicago, Ill., November 21, 1916," he says:

MY DEAR MISS LATHROP: I thank you very much for your letter and for the index of Illinois laws relating to child welfare, which has been received. We are just getting fairly into the work here and begin to appreciate something of what it means to have a service of this kind rendered by the Federal Government. I am sure that this index will be of the greatest possible service. One can see at a glance that this kind of thing can not be done by a casual group or by an office that was not organized for the purpose.

About a week ago, Mr. President, an examination by medical authority of 86,000 school children in the city of Chicago was completed. These children had passed the infant stage, and, having reached school age, were found in the schools of that city. Of the 86,000 children, who were examined by competent medical authority, 29,000, nearly one-half, were found physically defective. According to the military records of various enlistment stations of this country, it is reported as the result of medical examinations that an unusually and dangerously large percentage of the applicants are rejected for physical defects. It is known that the public health is impaired; it is known that for some cause there are more physical defectives in the present generation of Americans than are either safe or necessary. Where shall we begin? A celebrated authority once said "Begin with the grandfather." We can not. In considering the mortality incident to infant life it is too late to begin with the grandfather; we can only take the little sparks of human life that have been sent into this world and that are entitled to their chance to live. We can begin with them; we can supervise their tiny lives; we can improve their surroundings; we can give the mother medical instruction, advice, and help; we can send into the hovel or into the humble home where the baby of yesterday is lying without care the information and the knowledge to the parents, however poor, that will give the infant the chance to live. We can do those things; but we can not turn back the hands of the clock to the grandfather's time.

For the 29,000 children examined in Chicago and found to be physically defective, we are responsible either in our State Government or here in this Capitol. When children reach the school age and are physically defective at that early time, while they are still growing, while their vitality is in the ascendency, it may fairly be inferred that if during the age of infancy, before they left the mother's bosom or the nursing bottle or the cradle, they had had proper care, as contemplated by this item of this bill, nearly half of the number examined would not have been physically defective.

We think we are a progressive people. We are progressing backwards. In this modern generation our people are eating finely bolted flour, canned vegetables, preserved meat, and food in tabloid form, unripe fruits or too little of any kind, with a careless diet, and large populations are gathering in great industrial centers in the mighty cities springing up on the continent, until we are rotting at the sources, and there is scarcely a physically perfect child 12 years of age to be found in New York, Chicago, Cleveland, St. Louis, Kansas City, or any other of the large cities of our country. Their teeth are chalk, their nerves are destroyed, they are prematurely old,

they are toothless at 20, they are hairless at 30, they are nervous wrecks at 40, and they are dead and forgotten at 50. Something is the matter. Let us begin with the babies we have got now, and take care, so far as our example and our ability go, of the generation to come, or the second one to come, reaching ahead by our example into the future the best we can by doing our duty now.

I was amused a few days ago when reading an article on eugenics, a news report by Mr. Stokes. I hesitate somewhat to give Mr. Stokes the publicity in the CONGRESSIONAL RECORD that the item deserves, but Mr. Stokes in substance suggested the breeding of human beings as he has been raising horses. Well, with all due respect, there is a difference between a human being and a horse. A human being is supposed to be something besides mere body and beyond physical brawn. The provision under consideration here is not merely for the purpose of watching the physical health and to make some kind of a habitation for a healthy person in the future, but it is to give the foundation, so that there may be future training to some advantage.

The people that have gone a long way on eugenics remind me of the melancholy experience of Mr. Frankenstein. You will remember that Shelley, the poet Byron, and others—five of them altogether—agreed that they would each write an impossible story. It was to be wholly a product of the imagination. It was not to be based upon fact, but was to be based upon the ingenious theorizing of the author. They carried out the compact, and but one of the productions has survived—Frankenstein. The author succeeded in creating a mortal without the aid of the ordinary agencies. He was physically immune from disease, impervious to cold, tireless in his activities, without fatigue, a giant in muscle, and unconquerable in personal prowess and individual combat. He was ungovernable. The author created a perfect being physically, but without moral sensibilities or moral character, so he became a scourge and a curse and a menace to communities.

We are not seeking to do anything of the kind. We are seeking to preserve the physical body of the infant, not by a system of eugenics that will select the mate without regard to human affections, but to preserve the infant born under ordinary conditions and give it the physical body that may be the foundation of the character that is to govern that body in the years to come.

That is the purpose of the $72,120. It is to investigate infant mortality. The figures read by the senior Senator from Wisconsin [Mr. LA FOLLETTE] are unanswerable. The mortality investigated shows the cause of the mortality. Study the life-insurance tables—the American table of mortality or the early English table of mortality. One hundred thousand infants are taken, or 100,000 persons at a given age. How many live at the end of each twelve-months period? You get infant mortality in the same way. Out of the given number of infants, a thousand or ten thousand, each year so many are dead. As the indifference and neglect and sordid surroundings and careless living of the parent or guardian, the lack of sanitation in the home, increase, the infant mortality increases. Death reaps his harvest where there is the least known about how to take care of the child.

It is to stop that untimely harvest, the swath cut by infant diseases as it sweeps through the home of the humble, that this investigation is designed. Its purpose is humanitarian; its methods are practical; its results are certain; and for one, Mr. President, I shall vote to restore the House item. That is as far as we can go. We can not add to the House bill under present conditions; but we can at least, in the exercise of our right, restore the amount allowed by the House, which is entirely stricken out, on this subject of infant mortality and partially stricken out on the other expenses incident to this branch of the public service.

I do not care to take further time, Mr. President. Although it is an inviting subject, and one that leads to the investigation of a great many things of an economic character, of humanitarian consideration, and of the administration of both public and private charity, I forbear by reason of lack of time, leaving to some more opportune occasion the pursuit of other branches of this subject, which are multitudinous in character and vital in their ultimate consequences.

Mr. CLAPP. Mr. President, it is not my purpose to delay action upon this amendment. I should be false to myself, however, if I did not enter a protest against the attempted action of the committee.

I think we have had or will have before us few matters equaling in importance this question. The Senator from Illinois [Mr. SHERMAN] has well said that we can not begin with the grandfather; but we can to-day, by beginning with the infant, deal with the grandfather of the generations to come.

There can be no question in free government so vital as the upbuilding of the citizen. It has been urged here that we need a strong childhood from which to develop a strong manhood; that we may have the manhood essential upon the field of battle. But, Mr. President, in a republic we need a patriot behind and preceding the soldier; and we can not develop that love of our institutions, that character essential to the highest ideals of citizenship, if we begin with a weak and degenerate physical condition of the child. So that while we need the strong, if we ever do, upon the field of battle, we need the strong still more back of the soldier himself. No nation ever went down on the field of battle until the seeds of weakness and decay had been sown in the citizenship.

Mr. President, I would go one step further with this appropriation. The Senator from Wisconsin [Mr. LA FOLLETTE] this afternoon has portrayed in most graphic manner a lessening appreciation—and it is becoming more and more evident every day in this land—of the value and the spirit of our institutions among those who find the struggle of life a hard struggle. We owe them something, not alone in relieving their physical distress, but in building up in their hearts and minds a love for the institutions under which they live. When we squander hundreds of millions preparing to do battle, on the theory that the graveyards of Europe will give up their dead to stand in battle array, it is no wonder that these upon whom rests the burden of the industrial life of our country come to a lessened appreciation of the spirit of our institutions.

Mr. President, to my mind there is but one excuse on earth for free government, and that is that in the association thus formed those who form the association may gain in material and moral welfare; and government owes a duty to its citizens to inspire in them a confidence and respect for their institutions.

It is said that this is providing more clerks than may be needed for this bureau. I am not certain upon that point one way or the other; but I believe it is unfortunate that the committee takes this point as the point from which to project a system of economy in the appropriations of this Congress, dealing with this great problem, dealing with humanity, dealing with the question of building up in the minds of our people a love and reverence for our institutions. I believe that we can well afford to take the chances upon the possibility that we may provide here for a few more clerks than will be absolutely necessary; and it seems to me that taking this broader view of the situation it is unfortunate indeed that the committee has recommended the striking out of this small item put in the bill by the House.

I did not intend, and do not intend now, to trespass on the time of the Senate. I simply wanted to deal with this broader phase of the subject.

Mr. BRYAN. Mr. President, I shall not reply to many of the things said by the senior Senator from Wisconsin [Mr. LA FOLLETTE]. They are matters in which the Senate is not concerned. The Senate is not concerned with entering into the question of the motives of individual Senators. Neither do I believe that the Senators who have discussed this question understand what is involved.

I concede that the gentleman who offered the amendment in the House was very shrewd in the language given to his amendment. The head of this bureau did not ask for any money to investigate the subject of infant mortality. That question was not mentioned in the official estimates that came to the House committee; neither was it involved in the language of the bill that was submitted when it was before the House committee.

Let me say right here that it is rather a strange proceeding for the heads of these bureaus to have their hearings before the House committee, get a part of the increase they desire, and then turn in against the committee before the House membership and get some more; then come to the Senate committee and plead for more, and if they get it, pocket that, and then come to the Senate and fight the Senate committee.

They did not ask for any money to investigate the subject of infant mortality. That idea came as a bright thought from some Member of the House who offered this amendment. Here is what they asked for, and the way it would have read if the money asked for by the head of this department had been granted by the House Committee:

Chief of [the Children's] bureau, $5,000; assistant chief of bureau, $4,000; experts—1 on sanitation, $2,800; 1 industrial, $2,000; 1 social service, $2,000; 1 librarian, $2,000; 1 statistical, $2,000; 1 research, $2,000; special agents—1 at $1,800, 4 at $1,600 each, 15 at $1,400 each, 20 at $1,200 each; private secretary to chief of bureau, $1,500; clerks—1 administrative, $2,000, 5 of class 4, 8 of class 3, 11 of class 2, 25 of class 1, 27 at $1,000 each; 5 copyists; messenger; and assistant messenger; in all, $178,760.

In other words, they asked for nothing more than an increase in the clerical force amounting to 57 individuals; they asked

to increase their annual appropriation from $100,000 to $178,760; and the House committee and the Senate committee declined to do it.

"Ah," say the Senator from Minnesota [Mr. CLAPP] and other Senators, "but we might have found some other place to economize." The Senator from Iowa [Mr. KENYON] points out that the Senator from North Carolina [Mr. OVERMAN] and the Senator from Florida [Mr. BRYAN] voted against the bill creating the Children's Bureau when it was established. Yes; I voted against it on the ground that it was unnecessary; that there were bureaus enough. Now it develops that the bureaus are doing the work two or three times over, and I believe I was justified in it.

The Senator points out also that I voted against the child-labor bill. So I did. He and I both had grave doubts about its constitutionality. He said he had, and I said I had. In that situation I thought I ought not to vote for it, and the Senator from Iowa thought he was permitted, under his oath, to vote for it.

Mr. President, this is not the only bureau that did not get what it asked for. It was given the same appropriation that it had last year. Every other bureau was treated in about the same way.

The Library of Congress asked for 43 more clerks—less numbers—and got only 1, I believe.

The Civil Service Commission asked for 10 more clerks at a cost of $12,490. They were not allowed. Does it, therefore, follow that the Committee on Appropriations is trying to put the Civil Service Commission out of business?

The Department of State asked for an appropriation of $15,000 for emergency clerical service on account of the Mexican situation. The committee did not give it to them. Does that justify any Senator from any State in impugning the motives of any committee?

The Secretary of the Treasury asked for some increases for his department. I voted for an assistant to the Secretary, because I think he is almost compelled to have one because of the added work placed upon him. Some Senator raised the point of order here, and it went out. He asked for two more clerks and some more appropriations, and they were not allowed. In the Treasury Department I find, again, that they asked for 64 clerks. The Treasury Department is a great department. They were not asking for any more increase of clerks in the whole department than are asked for here in one bureau. Is not the Treasury Department an important department of this Government? We thought they could get along without it, however, and we did not increase their appropriation.

In the Office of the Coast Guard they needed five clerks, at a cost of $6,000. They were not allowed. I shall not take time to go through all the list. The same thing was true of the War Department, the Navy Department, the Interior Department, the Department of Justice, and the Department of Commerce. All the departments of the Government, including the bureaus therein, seemed to be satisfied, except one bureau in the Department of Labor, because we treated them all alike, and because the committee was trying to carry out the mandate of the Democrats, at least in this body. We have had here for three hours speeches pointing out that the committee has refused to allow these people to continue the work upon infant mortality when they have the same amount of money for the next year that they have had for this year.

The Secretary of Labor, who, in pursuance of an act of Congress, wrote this letter January 9, sends to the Senator from Wisconsin a telegram on the 19th of January. I shall not undertake to say what he meant. If the Secretary can himself write this on the 9th and say what he said to the Senator on the 19th and make them harmonize, that is for him. The Senator from Wisconsin could not do it.

Mr. President, we left all the departments, so far as I am able to recall, with the same clerical force they have this year. There was a recommendation for one increase for the Secretary of the Treasury and that went out on a point of order. It is not fair, it is not just, it is not true to charge the Senate committee with undertaking to discriminate against one particular bureau. I think it speaks better for the rest of them that they submit, while the head of this bureau, or somebody connected with it, holds the Senate up here for days, appealing to the Senate on the theory and with the implied charge that the committee were following them up and trying to punish them and starving them to death. The committee had no such idea. The committee thought that with what they had allowed they could get along. The committee thought within the next year, in pursuance of the authority partially granted them and in pursuance of the authority that will be asked for in this bill, we can cut out this duplication. The report can be published now by the Health Service and by the Bureau of Labor Statistics, and that bureau can continue on as it is. We thought that the reports should be made without at this time doubling the clerical force of the Children's Bureau.

Many pictures have been printed here to-day, Mr. President, of conditions in various parts of the country. Most of them can not be cured by learned pamphlets on infant mortality. These people would sit at desks in this city and write learned pamphlets and send them to the boards of health of States that have a superior force and know more about what they are doing then these people when they try to tell them.

I am ready for a vote, so far as I am concerned. I shall not take up the time of the Senate in answering any three or four hours' speech, which is an attack upon the Committee on Appropriations, and especially upon myself and the Senator from North Carolina.

Mr. OVERMAN. Mr. President, it is very evident, I think, that we can not get a quorum this afternoon.

Mr. KENYON. Yes; we can.

Mr. OVERMAN. I do not think so.

Mr. CLAPP and Mr. RANSDELL. Let us try.

Mr. KENYON. I suggest to the Senator from North Carolina if we could have a yea-and-nay vote, that would take the place of calling for a quorum.

Mr. OVERMAN. I thought that perhaps we might have unanimous consent to vote not later than 12 o'clock to-morrow on this particular item.

Mr. KENYON. I am perfectly willing to do that, but I think we can vote now.

Mr. SMITH of South Carolina. Let us vote now.

Mr. WATSON. Why not vote now?

Mr. OVERMAN. All right.

The VICE PRESIDENT. The yeas and nays have been ordered on agreeing to the amendment of the committee.

Mr. OVERMAN. Mr. President, I wish to say to the Senate simply a few words. The estimate made for the appropriations for the next fiscal year in the departments was $42,000,000. The Senate have reduced the appropriations not in one bureau or in one department, but in every department and every bureau. We have given them less than they estimated for. So the bill carries $39,000,000. That is not counting the salaries. We have been cutting in every department and every bureau of the Government, thinking that they ought to get along with the same amount that they got along with last year; that is, in every bureau except one—the Census, probably. We had to increase that because the law requires them to take the marriage and divorce census next year, and we had to make that appropriation. If it had not been required by law, we would not have given that. I do not believe we have increased a single salary in the service of the Government. We did create one office, an Assistant Secretary of the Treasury, which we think the Secretary of the Treasury ought to have, but it was ruled out on a point of order.

The Librarian of Congress asked for a very large increase, and we gave them one increase of $900.

The Department of State asked for a very large sum, and we gave them an increase of only $3,600. To the Treasury Department we gave an increase of only $8,000, and we cut them down tens of thousands of dollars; and so on with every bureau in every department of the Government.

We cut down this appropriation because the Children's Bureau are doing this work now. In the last year they have been collecting infant mortality statistics. They are doing it now, and we expect them to get along with the very same sum that they are getting this year. It is no time to grant an increase, especially when they did not ask us for a single dollar. They do not ask us for a single dollar to take this census of infant mortality. That was done on the floor of the House. The Committee on Appropriations of the House of Representatives did not give them this appropriation. Why? Because they said they had enough money to go on with. The Member of the House who introduced the amendment used this language; and it is not the language of Secretary Wilson and it is not the language of Miss Lathrop or anybody else's language.

As the Senator from Florida explained, what did they ask for? They have 73 clerks and they asked for 57 more clerks. Why did they ask for them? They did not ask for any money to continue this work, yet all this speech has been made here for three hours this evening to the effect that they want to go on with taking the census of infant mortality in this country. They do not put it upon that ground at all. Therefore, we did not think it was the time, with the condition of the Treasury of the United States staring us in the face, to deal with this bureau otherwise than we deal with every other department in the Government. We have dealt in the same way with every

other department in the Government, and we have refused increases to the amount of $2,600,000 in all the departments. That was the reason of our action, and not to cripple anybody. They ought to get along with the same amount of money they got along with the current year, and that is what we gave them.

Mr. SMOOT. Mr. President, I do not intend to detain the Senate for more than a moment. What little I shall say will be in justification of the vote that I shall cast upon this item.

No one believes more than I in the preservation of child life, and I would not measure it in dollars and cents. I would not hesitate even under the present condition of the Treasury to appropriate money if it were necessary and for that purpose.

But, Mr. President, the Committee on Appropriations heard not only the head of this bureau testify as to what was wanted, but it also studied the testimony which was given before the Appropriation Committee of the House. Not only that, but it took into consideration the estimates that were submitted to Congress by the Secretary of the Treasury, as required by law, before taking the action that it did.

Mr. President, I have the wording as contained in those estimates. The estimates state just what the bureau wanted and what the money was to be appropriated for. The language that was adopted on the floor of the House is not the language suggested by any member of the bureau, nor is it in the estimates of the Secretary of the Treasury. What the appropriation was wanted for is contained in the estimate and discussed in the House hearings at page 506:

CHILDREN'S BUREAU.

[House hearings, p. 506.]

Estimated new and omitted:

1	expert on research	$2,000
5	special agents, at $1,400 each	7,000
8	special agents, at $1,200 each	9,600
1	administrative clerk	2,000
3	clerks of class 4, at $1,800 each	5,400
4	clerks of class 3, at $1,600 each	6,400
6	clerks of class 2, at $1,400 each	8,400
7	clerks of class 1, at $1,200 each	8,400
17	clerks, at $1,000 each	17,000
4	copyists, at $900 each	3,600
1	assistant messenger	720
57	Total	70,520

That is what the estimate of the Secretary of the Treasury contained. That is what was asked from the House Appropriations Committee and refused by that committee. That is what was presented to your committee and asked by the head of the bureau.

I want the Senate also to understand that there was another item which was presented not only to the House but to the subcommittee of the Senate Committee on Appropriations. The request is found in the House hearings on page 507, and is the only request made for an appropriation for the child-welfare survey, that we have heard so much about. The request that was made and considered by the House Committee on Appropriations and refused is as follows:

CHILDREN'S BUREAU—CONTINGENT EXPENSES.

[House hearings, p. 507.]

* * * expenses of attendance of officers and employees at meetings or conventions of members of societies and associations when authorized by the Secretary of Labor; employment of a supervisor of child-welfare surveys, to be paid at a rate not exceeding $3,500 per annum; experts for child-welfare surveys, to be paid at a rate not exceeding $2,500 per annum; assistants for child-welfare surveys, to be paid at a rate not exceeding $1,200 per annum; experts and temporary assistants, to be paid at a rate not exceeding $8 a day; interpreters, to be paid at a rate not exceeding $4 a day when actually employed; rental and equipment of rooms for temporary field quarters, including care of same, furniture, and telephone service; temporary clerks and stenographers in the District of Columbia, to be selected from the civil-service registers and to be paid at the rate of not exceeding $100 per month, the same person to be employed for not more than 6 consecutive months, the total expenditure for such temporary clerical assistance in the District of Columbia not to exceed $5,000 * * *.

* * * and for the purchase of materials for exhibits and conferences, and the rental and equipment of a demonstration car * * *.

That was asked for under the head of contingent expenses. The hearings were held before the Appropriations Committee of the House and the request was denied. No one offered the amendment upon the floor of the House. This is the provision, if you desire to appropriate for child welfare, that ought to have been included in the bill, and not the amendment adopted in the House. That is one reason why the Committee on Appropriations acted as they did. The committee allowed the amounts that were appropriated for last session, as stated by the Senator from North Carolina, and it cut out the amendment that was adopted in the House, because that provided for clerks, amounting to 57 in all.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. TOWNSEND. In case the House provision is retained by the Senate, can any portion of the money so appropriated be used for child-welfare work, of which we have heard so much?

Mr. SMOOT. I could not say exactly whether it could or not, although I think under the language it could be used for child welfare. I do not know how far that would go. Nor do I understand to what extent it could be used for that purpose. I will say to the Senator that I very much prefer, if we are going to have any change at all, the language as it was provided in the estimates.

Mr. TOWNSEND. The reason why I rose was that I had not heard the point made which the Senator has just made. My sympathy with this increased appropriation exists because of the fact that it could be used for the purposes which have been mentioned; but if it can not be so used, and the department has not asked for any extra appropriation for the other work, it seems to me that the committee is absolutely right. If, however, it is necessary to change this amendment so that it can be applied to the particular object which Senators have in mind, I think it should be done.

Mr. SMOOT. Mr. President, I want to be perfectly frank with the Senator. I will say that the department have asked for these 57 extra clerks; they designate the classes of clerks they desire and state just exactly what salaries they are to receive. That was disagreed to by the committee of the other House, and the proposition was never offered as an amendment upon the floor of the House. The question of the increased number of clerks was not considered, nor did the committee of the Senate consider it, because of the fact it had disregarded any claim for increase in the number of clerks or any increase of the salary of clerks in all of the departments of the Government.

Mr. KENYON. Mr. President——

Mr. SMOOT. Just a moment, and then I will yield to the Senator.

I wish further to say to the Senator from Michigan that I know there have been clerks asked for in the other departments that should have been allowed; but, as I have said, the policy decided upon by the majority members of the committee was not to allow any additional clerks nor to allow any increases of salaries. That is the reason the committee did not allow any of the 57 clerks to this bureau. In addition to that, the committee in the House of Representatives, after discussing the question and after holding hearings upon it, refused to grant the increase of clerks.

Mr. TOWNSEND. Let me finish what I was about to say. Then, do I understand that the increased appropriation made by the House of Representatives was for the purpose of covering the expenditure which would be required by the allowance of these 57 additional clerks?

Mr. SMOOT. All I can say is, that it will be used for that purpose if the original request made by the department is agreed to. Under the wording of the amendment, I can not say what they will use the money for; but I will say to the Senator that it is the same amount asked for with which to pay these 57 additional clerks.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Yes.

Mr. KENYON. Does the Senator say there was a discussion of this question in the other House as to the increase of the number of clerks, and that it was defeated?

Mr. SMOOT. No; the Senator from Iowa misunderstood me. I said there was a discussion in the committee, not in the House.

Mr. KENYON. A point of order would lie in the House against the increased number of clerks.

Mr. SMOOT. There is no doubt about that.

Mr. KENYON. Hence the wording that appears in this bill.

Mr. SMOOT. The Senator from Iowa is correct; but he misunderstood me if he thought that I said the matter was discussed on the floor of the House. I said that it was discussed in the committee of the House.

Mr. CLARK. Is this the exact amount which was asked for by the bureau?

Mr. SMOOT. It is, within just a few dollars.

Mr. President, I have been in sympathy with the work of this bureau. I have seen some of the effects from its labors, but I have not been in sympathy with the overlapping and duplication of this work. For four or five years we have called attention to this very matter upon the floor of the Senate, but somehow or other there is no diminution whatever in the appropriations for the Public Health Service for its work, and

now the educational department is issuing bulletins upon the same subject.

As I said the other day, that there is a duplication of work there can be no question. If there were some way of amending this bill so as to prevent any other department of the Government from doing the same work—for I recognize its importance and know that the work ought to be done—I believe that such an amendment ought to be made, for I do not know how we are going to stop a duplication unless some definite action to that end is taken by the Senate of the United States.

When the sundry civil bill comes into the Senate I will undertake to state now that there will be an appropriation contained in it for the Public Health Service that will be expended for this exact work, and I think the Appropriations Committee ought to take it up and see that there is an end to duplication of all activities of the Government. I am perfectly willing that this bureau should do the work; it is not that on which my objection is based, for, as I said before, the work ought to be done; but, Mr. President, it does seem to me that we ought to call a halt somewhere to the duplication of work that is going on.

Mr. TOWNSEND. Mr. President, the question with me is this: If this appropriation is passed, will this particular bureau do this work, and would the money be used for this purpose?

Mr. LA FOLLETTE. It could not be used for any other purpose.

Mr. SMOOT. All I can say is that I do not know whether this appropriation will be used by the bureau for the employment of 57 clerks or not. That, however, is what they ask for; but I will not take the responsibility of saying for what it will be used. I want to be perfectly frank about the matter.

Mr. KENYON. But the Senator will not say that it will not be used for that purpose, will he?

Mr. SMOOT. Of course I will not.

Mr. KENYON. And the chief of the bureau has stated that it will be used for this work, and that ought to be enough.

Mr. SMOOT. I said I would not say that it would not be used for that purpose. All I say is that, so far as the Appropriations Committee is concerned, the only thing it had to take into consideration was the employment of 57 extra clerks asked for, and this was denied by the committee. This amendment was adopted on the floor of the House, and we thought—and I believe we were justified in so thinking as a committee—that this appropriation simply covered the payment of the 57 extra clerks asked for.

Mr. WORKS. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. WORKS. Does the Senator know whether it was claimed that in order to do this work it was necessary to increase the clerical force? What was the reason given for desiring to increase the clerical force?

Mr. SMOOT. Among other things mentioned, this particular work was pointed out as being necessary.

Mr. WORKS. The result will be that most of the money will go for the payment of extra clerks.

Mr. SMOOT. If the money is used for the purpose that they stated they wanted it used for and the purpose the estimates call for, there will be no question but that it will be used for the payment of the 57 extra clerks. I do not know what the 57 clerks are going to be assigned to do. It is stated exactly of what classes the clerks shall be, but what they are going to do is not stated. I will say, however, that there are no salaries for doctors asked for. I have also heard it stated—although I am not positive whether it is true or not, for I have not investigated it—that the Children's Bureau has assigned to it, upon the request of the head of the bureau, certain physicians from the Public Health Service to do a great deal of this special work.

Mr. WORKS. I want to ask whether it was stated that the persons named to do the work are experts, or if they are simply ordinary clerks?

Mr. SMOOT. The estimates covered:

One expert on research, $2,000; 5 special agents, at $1,400 each; 8 special agents, at $1,200 each; 1 administrative clerk, $2,000; 3 clerks of class 4, at $1,800 each; 4 clerks of class 3, at $1,600 each; 6 clerks of class 2, at $1,400 each; 7 clerks of class 1, at $1,200 each; 17 clerks, at $1,000 each; 4 copyists, at $900 each; 1 assistant messenger, $720.

Mr. WORKS. If I knew what a "special agent" meant, I would be informed.

Mr. SMOOT. Well, I can not inform the Senator, for I do not know what they would be called upon to do.

Now, Mr. President, I wanted to say this much in justification of the position that was taken by the Appropriations Committee of the Senate. I believe that the other members feel as I do, although I have never heard them express themselves as I have done this afternoon. No Senator and no other person is more interested in child life, their care and protection, than am I. I do not want to withhold from this bureau a single cent that is necessary; but it seems to me, Mr. President, from the hearings that were had, that these 57 employees asked for would not assist in extending that particular work. It may be so, although there is nothing in the testimony, so far as I have seen, that would justify that conclusion.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Observing that he is absent and not being able to make a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], which I transfer to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. In his absence I refrain from voting. Were I at liberty to vote, I should vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. In his absence I withhold my vote. If I were privileged to vote, I should vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY], but as I understand he would vote as I am about to vote, I feel at liberty to vote, and therefore vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

The roll call was concluded.

Mr. LANE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent on official business.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. LIPPITT. I inquire whether the Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. LIPPITT. I transfer my pair with that Senator to the Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. DU PONT. I should like to inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. DU PONT. As I have a general pair with that Senator, I withhold my vote.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

The result was announced—yeas 17, nays 31, as follows:

YEAS—17.

Bankhead	Overman	Smoot	Williams
Bryan	Ransdell	Stone	Works
Fletcher	Robinson	Thomas	
Gallinger	Smith, Ga.	Tillman	
Hitchcock	Smith, S. C.	Warren	

NAYS—31.

Ashurst	James	Myers	Sterling
Borah	Jones	Norris	Thompson
Brandegee	Kenyon	Page	Townsend
Clark	La Follette	Phelan	Vardaman
Cummins	Lane	Poindexter	Wadsworth
Curtis	Lippitt	Pomerene	Watson
Hollis	McLean	Sheppard	Weeks
Husting	Martine, N. J.	Sherman	

NOT VOTING—48.

Beckham	Culberson	Harding	Lee, Md.
Brady	Dillingham	Hardwick	Lewis
Broussard	du Pont	Hughes	Lodge
Catron	Fall	Johnson, Me.	McCumber
Chamberlain	Fernald	Johnson, S. Dak.	Martin, Va.
Chilton	Goff	Kern	Nelson
Clapp	Gore	Kirby	Newlands
Colt	Gronna	Lea, Tenn.	O'Gorman

Oliver	Reed	Simmons	Sutherland
Owen	Saulsbury	Smith, Ariz.	Swanson
Penrose	Shafroth	Smith, Md.	Underwood
Pittman	Shields	Smith, Mich.	Walsh

The VICE PRESIDENT. On the question of agreeing to the amendment reported by the committee the yeas are 17 and the nays are 31. The Senator from Minnesota [Mr. CLAPP], the Senator from New Mexico [Mr. FALL], the Senator from Ohio [Mr. HARDING], the Senator from Delaware [Mr. SAULSBURY], and the Senator from Delaware [Mr. DU PONT] are in the Chamber and paired. The amendment is rejected.

The SECRETARY. The next amendment passed over is, on page 143, line 9, after the word "exceeding," to strike out "$8" and insert "$6."

Mr. OVERMAN. Mr. President, the Senate has passed on this matter, and it can do as it pleases about this item. We struck out $8 a day and made it $6. That is about all it is.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the ayes seem to have it. The ayes have it, and the amendment is agreed to.

Mr. KENYON. Mr. President, the next amendment is really a part of what we have been considering for two or three days, and there was a sort of understanding that it should follow the previous vote. I ask the Senator from North Carolina if that is not correct?

Mr. OVERMAN. I stated that if the Senate should strike out these four lines at the top of page 143 I should make no contest whatever about these related matters; the Senate could do as it pleased.

The SECRETARY. The next amendment passed over is, on page 143, line 21, where it is proposed to strike out "$95,000" and to insert "$58,000."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The SECRETARY. The next amendment passed over is, on page 151, where the committee amendment proposes to strike out lines 5 to 20, inclusive, being section 7, in the following words:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. SMOOT. Mr. President, I will say to the Senator having the bill in charge that that amendment will lead to a great deal of debate. It seems to me there is no necessity of starting with the consideration of it to-night.

HOUR OF MEETING TO-MORROW.

Mr. OVERMAN. I ask unanimous consent that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. SMOOT. Why not adjourn now?

Mr. OVERMAN. I want to get unanimous consent first that we shall meet at 11 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (S. DOC. NO. 685).

Mr. STONE. I ask unanimous consent to submit a short order for immediate consideration.

The order was read, as follows:

Ordered, That the address of the President of the United States delivered to the Senate to-day be referred to the Committee on Foreign Relations, and that 25,000 copies thereof be printed as a public document.

The VICE PRESIDENT. Is there objection to the adoption of the order?

Mr. SMOOT. I do not want to object at all to the printing of the address, but it seems to me that under the law an order involving expense must go to the Committee to Audit and Control the Contingent Expenses of the Senate. I should like to ask the Chair if this order falls within that category? Of course, if it does it will have to go to the committee.

The VICE PRESIDENT. The Chair has no idea as to how the expense of printing is paid.

Mr. FLETCHER. Allow me to suggest that under the order of the Senate the address may be printed as a public document without any reference.

Mr. SMOOT. That is not alone what this is, I will say to the Senator. If it was simply to print the address as a public document there would be no question about it. The order does not provide that it shall be printed as a public document, but that the address shall be referred to the Committee on Foreign Relations and that 25,000 copies of it shall be printed.

Mr. FLETCHER. As a public document.

Mr. STONE. As a Senate document.

Mr. SMOOT. The only question in my mind is whether, being an order and carrying an expenditure, it ought not to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FLETCHER. I suggest that the Senator from Missouri simply means to have the address printed as a public document and that 25,000 copies be printed.

Mr. SMOOT. I will say to the Senator, if that is his request, then I do not object at all.

Mr. FLETCHER. The estimate of the cost is about $116.

Mr. SMOOT. I would not object to that.

Mr. FLETCHER. It is within the Senate limit.

Mr. STONE. That is what I do request. That the address be printed as a public document.

The VICE PRESIDENT. Is there objection to the order? The Chair hears none, and it is agreed to.

WATER-POWER DEVELOPMENT.

Mr. OVERMAN. Mr. President, since neither of the Senators from Nebraska is here, I ask the Chair to lay before the Senate the unfinished business.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 23, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 22, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art ever present; an immanent God; working in and through the material and spiritual realms; creating, recreating; transmitting, transforming; moving ever onward to larger life and nobler achievements; make us susceptible to Thy holy influence, that with pure conceptions and high ideals we may be the instruments in Thy hands for the furtherance of Thy plans and purposes; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, January 20, 1917, was read and approved.

ELECTION CONTESTS—BROWN V. HICKS.

Mr. MORGAN of Louisiana. Mr. Speaker, I am directed by the Committee on Elections No. 3 to present a unanimous report (No. 1326) in the contested-election case of Brown against Hicks, and to move the adoption of the resolutions which I send to the desk and ask to have read.

The Clerk read the resolutions (H. Res. 462), as follows:

Resolved, That Lathrop Brown was not elected Representative to the Sixty-fourth Congress from the first congressional district of New York.

Resolved, That Frederick C. Hicks was elected a Representative to the Sixty-fourth Congress from the first congressional district of New York, and he is entitled to retain his seat therein.

Mr. MORGAN of Louisiana. Mr. Speaker, as I said, this is a unanimous report.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

CANTOR V. SIEGEL.

Mr. MORGAN of Louisiana. Mr. Speaker, I am also directed by the Committee on Elections No. 3 to present a unanimous report (No. 1325) of the committee in the case of Cantor against Siegel, and I move the adoption of the resolutions which I send to the desk and ask to have read.

The Clerk read the resolutions (H. Res. 461), as follows:

Resolved, That Jacob A. Cantor was not elected a Representative to the Sixty-fourth Congress from the twentieth congressional district of New York.

Resolved, That Isaac Siegel was elected a Representative to the Sixty-fourth Congress from the twentieth congressional district of New York, and is entitled to retain his seat therein.

Mr. MORGAN of Louisiana. Mr. Speaker, I move the adoption of the resolutions.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

MILITARY PREPARATION.

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to proceed for one moment upon the subject of citizens' aid to military preparation.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. CHIPERFIELD. Mr. Speaker, a number of gentlemen of the city of Chicago, in the State of Illinois, whose names stand for a great deal in the business and industrial life of that city and State, many of whom have been connected either with the Army or the National Guard, have with a great deal of thought and labor evolved a most excellent system whereby the citizen may be of very great aid in the preparation for military defense, should such defense ever be required on the part of this country. As a result of many weeks and months of study, they have reduced to a comprehensive scheme this plan. I feel that this scheme is well worthy of preservation and wider circulation, and with the consent of the House I shall insert it as a part of my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. CHIPERFIELD. The matter referred to is as follows:

NAMES OF SPONSORS OF THE MOVEMENT OUTLINED.

Gordon Strong, Arthur Heurtley, Ralph C. Otis, Tracy Alden, Robert H. McCormick, jr., Emil C. Wetten, Henry Russell Platt, Benjamin Carpenter, William B. Mann, Buckingham Chandler, Henry W. Austin, E. Allen Frost, C. L. Daniels, Edmund A. Russell, Andrew R. Sheriff, John J. Arnold, Harve G. Badgerow, Maclay Hoyne, Philetus W. Gates, Arnold Joerns, Matthew Mills, William G. Edens, Earl W. Newton, Perry M. Shepard, C. J. Eldridge, Edward Hagen, Guy Guernsey.

LETTER OF TRANSMITTAL OF THE MEMORANDUM.

BUSINESS MEN'S COMMITTEE FOR A
NEW NATIONAL GUARD REGIMENT, CHICAGO.

DEAR SIR: A few of us, the signers of this letter, have recently come together as a sort of informal committee to promote the organization of a regiment by business men along the general lines indicated in the memorandum inclosed herewith.

We believe that you are in sympathy with the general policy of military "preparedness," and we assume that you feel a desire to be of some real and personal service in this cause, just as we ourselves desire. We suppose that you may have some doubt as to the form in which you can, as a practical matter, give such real and personal service, just as we ourselves have been doubtful.

We suggest, therefore, that you look over the inclosed memorandum, which is offered as a solution of the problem, a practical scheme offering a place for each man who feels as you and we do. Your exact place in the scheme may perhaps require thought, and will have to be determined later in connection with the others who take part in it. But that some place in such a general scheme would fit you we think you will be disposed to agree.

The scheme probably is applicable to every existing National Guard organization, but we do not propose to attach it to any such organization, at least as a first step. We propose, on the contrary, to institute the first of the many new National Guard organizations required under the new Army law—to be more specific, a regiment of Infantry to form part of the Illinois National Guard and of the new Federal system.

Details will, of course, have to evolve later. At present we are desirous of finding out who of our good and well-known citizens are disposed to take some part in the new regiment, the exact part to be one of the later details.

With the active support of such men as yourself the plan has no element of doubt. Without such support, it has little element of feasibility; the country would not yet be prepared for "preparedness."

Committee members: Gordon Strong, Arthur Heurtley, Ralph C. Otis, Tracy Alden, Robert H. McCormick, jr., Philetus W. Gates, Andrew R. Sheriff, John J. Arnold, Albert A. Sprague, 2d, Harve G. Badgerow, Robert J. Thorne, and Maclay Hoyne.

Yours, very sincerely,

T. W. WINSTON,
For the Committee.

MEMORANDUM CONCERNING THE ESTABLISHMENT OF A REGIMENT BY BUSINESS MEN.

I. Modern armies, under every form of government, from the democratic to the despotic, consist pricipally of "citizen-soldiers." The present European armies are 80 per cent citizen-soldiers—men who in July, 1914, were engaged in peaceful pursuits and will return to these pursuits with the return of peace.

No nation can support through times of peace a professional army large enough for a time of war.

II. A democracy has a second reason for the organization of its citizens as soldiers—we have expressed in our National Constitution our belief that:

"A well-regulated militia is necessary to the security of a free State."

III. In more modern phraseology, no real American will permit anybody else to do his voting or his fighting for him.

Military service is not to be delegated—it is personal to you and to me.

IV. But if any man is to fight effectively in the future, he must prepare thoroughly now. And telling others to prepare is not preparedness.

Preparedness is preparing yourself and myself.

V. Preparedness can not be left to Congress and to legislation. There has always been enough legislation to permit and to help you and me to prepare, if we had wanted to. Recently Congress has passed enough legislation to make the United States a formidable military power, if you and I take advantage of it. But if you and I continue to leave it to the other fellow, we will continue to find that there are not enough fellows to perform our service for us.

Congress has done its bit; how about you and me?

VI. Preparedness is not limited to learning how; it is not satisfied with a month at a training camp in the duties of a private and in the expectation of a commission as an officer. It would take the Government a month or two to find you a place as an officer, and it would take you three to six months to train the privates assigned to you, if you found you had the executive capacity to do it.

Preparedness on your part and my part means that, if called out this morning, we leave with our regiment this afternoon.

VII. There is a world of meaning in the brief phrase above—"our regiment." A "regiment" means an organization complete at the moment in all the parts that modern military science prescribes for war purposes. It means a factory built, equipped, its machines oiled ready for the wheels to turn. It means, indeed, that the wheels have turned, and turned repeatedly, and are ready instantly to turn again. And "our" regiment means that you and I have definite places in it, to which we step at once and without uncertainty, still more, without confusion. It means that we know it from top to bottom, just as the regiment knows us. It means that we think it is the finest regiment in captivity and all we want is a chance to break loose and to demonstrate our belief.

VIII. The preparedness that stops at a training camp may, by similar analogy, be compared with the instruction of citizens here and there as foremen in factory work. If called upon to act, and if they finally decide they will act, they will still be helpless until some one has organized them, and again helpless until they have organized and instructed the operatives under them—to say nothing of the helplessness of all concerned until supplied with the necessary machinery. If the training camp satisfies the popular demand for preparedness it is the most unfortunate of military makeshifts to date.

IX. On the other hand, if the time has come in which those American men who have distinguished themselves in business recognize the real significance of, and experience a real desire for, military preparedness—complete preparedness, organized preparedness—then such organizations of American citizen-soldiers will set new standards in military efficiency as certainly as the same men have set standards of commercial enterprise and success.

For the event that this time has come, the following suggestions are offered as to the—

(a) Needs of a citizen-soldiers organization.

(b) Methods of supplying such needs by business men.

X. The first necessity of the citizen-soldier, whether officer or private, is his necessity of earning a living. The very fact that he is a citizen-soldier and not a professional soldier spells this necessity. The citizen-soldier can give to his military duties only what time is left over from his civilian duties. His military duties should therefore be limited strictly to those increasing his military proficiency. He should, in his capacity as a citizen-soldier, have no duties whatsoever of a quasi military or nonmilitary nature which can be performed by any one else equally well or better. The professional soldier may perhaps be given some quasi military or nonmilitary duties without detriment to his military proficiency—he has all day and every day to give to the job. An hour of such work given to a citizen-soldier detracts one hour from his soldierly development.

XI. On the other hand, there are many and absolutely necessary quasi military or altogether nonmilitary duties which have to be performed in connection with a citizen-soldier organization by some one. Some one must rent and equip a building as an armory to start with. Some one must subsequently conduct a campaign for a legislative appropriation to build one. Someone must oversee the numberless details in the preparation of plans and the construction of such a building.

Some one must attend to the administration of the armory—its lighting, heating, janitor service, repair, and many other such items. Some one must, on spare nights, rent the armory out for the sake of the rental thereby acquired for the regimental fund.

Some one must obtain financial contributions over and above the legislative appropriation and the rentals in question. Congress appropriates nothing and the State legislature will never appropriate enough for the maintenance of either a company or a regiment with adequate facilities for developing their military proficiency. This deficit can only be made up by the contributions of individuals. Some one must solicit these contributions.

Some one must obtain recruits for each company so long as the voluntary system continues and unless and until we adopt the universal compulsion of the Old World; some one must persuade citizen soldiers that it is a part of good citizenship to do their part of soldiering; some one must advertise that this is the time and the place and the regiment; some one must keep the ranks filled or there is no regiment.

Some one in the past has had to organize social features by company, battalion, and regiment; athletic events, and every other interest and inducement to obtain desirable recruits.

It is barely possible that in the future the pay provisions of the new Army law will so assist recruiting that these additional inducements will not be strictly necessary. On the other hand, to get the best possible class of recruits it will probably continue desirable to offer the greatest practicable inducements.

Some one must, even after recruits are once enlisted, see to it that they attend drill on the one hand and that they do not lose their jobs on the other hand. The penalties for desertion will not provide drill attendance, or, if exercised for this purpose, they will put an end to recruiting. The citizen soldier can not practically be compelled to attend drill. He must be helped and persuaded to attend drill. That this can be done under a voluntary system the records of many organizations give convincing testimony.

XII. All of the above functions, which are necessary functions for the maintenance of a citizen-soldier organization, are more or less nonmilitary. Most of them are absolutely nonmilitary and have no more connection with real soldiering than the raising of cattle for Army consumption or the weaving of cloth for military uniforms. The best proof of the nonmilitary character of these functions is that the professional soldier is not called upon to perform any of them while in the exercise of his real military duties. He may be given a job at some post as quartermaster or in some city as recruiting officer; but the field service knows no such functions. Even in peace service at posts, line officers are no more concerned in their housing,

financing, or their recruiting than they are with agriculture or textile manufacture.

In the United States in the past, however, citizen-soldier organizations have had these functions to perform as a necessity to their existence. These functions have, therefore, been given the first thought and time of the officers of such organizations, primarily of the captains in one-company stations in small towns and of the colonels in regimental stations in cities. It has been the obvious and unavoidable result that officers could not develop on their own part or that of their organizations the degree of military proficiency which they have desired or which they could have developed if their time and efforts had been devoted exclusively to military study and work.

XIII. To solve this very fundamental problem the solution is proposed that with each regiment and its three "combatant" battalions there be established a "home battalion," the function of the home battalion to be the performance of all of the nonmilitary or quasi-military duties that can be by it performed, leaving to the combatant battalions and their officers nothing but the technical instruction and practice of themselves and their men as soldiers.

A tentative detailed scheme of organization of such a "home battalion" is outlined in Appendix A. Only the general principles underlying the scheme are here suggested.

XIV. The functions to be performed have been indicated in paragraph 11 above. The method of performing them and its applicability to you as a business man remain to be considered.

Let us assume that you are a young married man with a family, fighting your way in the business world, and with serious results threatening you and yours if you let up in your fight. You should not be called upon to fight in the military world except as a very last resource. You should not be solicited to enlist—you should not even be permitted to enlist—in a citizen-soldier organization. You do not belong in the first line or in the second line or perhaps even in the third line.

But patriotism and preparedness may have come home to you, and you may want to serve your country and serve it now. You can do it by joining the home battalion and by giving the same amount of time to the work of the regiment in its administrative activities that your fellow citizens without such home ties are giving in the combatant battalions to learning to fight. The work is there, and it is just as necessary upon some one's part as learning to fight; all that remains is for you to be that some one.

The duties are not nominal and honoray; they involve constant responsibility, real and practical work. If they are performed successfully, the regiment will profit as much, and you can congratulate yourself as much as if you had taken part in a successful maneuver in the field. And with the proper and close affiliation between the combatant and the home battalions these facts will be duly recognized.

XV. Perhaps in your business career you have passed beyond the stage outlined above. You have a wife and family, but they are no longer strictly dependent upon you, because your business success has made them independent. But your business itself may be in a large measure dependent upon you. It may be dependent upon you to such an extent that any considerable time taken from it means a loss to the interests you represent which you have no right to inflict.

Yet, as in the case of our younger friend above, patriotism and preparedness may have come home to you also, and you, too, may want to serve your country and serve it now. You can do it by joining the home battalion and by giving a sum of money according to your desire and your capacity, coupled with your moral support, to be expressed by quarterly or other periodic attendance at regimental formations in the armory and in the field, and by personal acquaintance with and encouragement of your fellow members of the home battalion and the members of the combatant battalions.

The foregoing form of service is to be distinguished from the writing of a check to satisfy an importunate solicitor and forgetting about it for the 12 months ensuing. Unless your good will, expressed by your attendance as above, goes with your check the contribution should be returned and the membership in the home battalion canceled.

The service of the flag is personal service; it is not almsgiving, and it is not the hiring of a mercenary force.

As to the amount of money that you turn into the regimental fund along with your good will you may find it helpful to use the new Army law to determine. The law estimates the value per annum of the time given by a private at $50. There is no lower grade in which a man may serve than as a private. If your ambition mounts to higher flights, you may give the equivalent of the services of a captain, which the Army law fixes at $500. Lest the regiment be considered the creature of "predatory wealth," this is perhaps the largest single contribution that should be received. There are intervening ranks and values, some one of which may meet your estimate of your duty in the premises.

All of the sums so contributed should go into the regimental fund and be administered and dispensed by the officers of the home battalion for the sole purpose of maintaining and increasing the efficiency of the combatant battalions and the regiment as a fighting machine.

XVI. It seems reasonable that a regiment built upon the lines of strict military proficiency and devotion to military work on the part of its combatant battalions and upon the basis of active support with the best thought and time and money of its home battalion can and will develop a new standard in citizen soldiery and solve the problem of preparedness without militarism of democracy with adequate defense.

The success of this solution depends on you and on me. I am ready to begin now. How about you?

TYPEWRITTEN APPENDIX TO MEMORANDUM CONCERNING THE ESTABLISHMENT OF A REGIMENT BY BUSINESS MEN.

HOME BATTALION.

President, first vice president (ex officio chairman of house committee), second vice president (ex officio chairman of recruiting committee), third vice president (ex officio chairman of finance committee), fourth vice president (ex officio chairman of political-action committee), fifth vice president (ex officio chairman of athletic committee), sixth vice president (ex officio chairman of entertainment committee), secretary, assistant secretary, treasurer, legal counsel, publicity manager, librarian, and band director.

Executive committee: House committee, recruiting committee, political-action committee, athletic committee, entertainment.

Company A: Captain, first lieutenant, second lieutenant, sergeants, corporals, privates.

Company B: Captain, first lieutenant, second lieutenant, sergeants, corporals, privates.

Company C: Captain, first lieutenant, second lieutenant, sergeants, corporals, privates.

Company D: Captain, first lieutenant, second lieutenant, sergeants, corporals, privates.

OFFICERS AND COMMITTEE MEN.

The duty of officers and committee men, in general, would be the devotion of the necessary time to the performance of the functions referred to in Paragraph XI and according to the method outlined in Paragraphs XIV and XV of the foregoing memorandum. In general the scheme of organization and the apportionment of work should be such that the time required of each officer and committee man of the home battalion will be approximately that required of any officer or private of the combatant battalions. This last amounts to at least one evening per week and two weeks per annum. All officers of the home battalion should probably report at the armory for conference and business one evening per week. Committee meetings can be arranged either on such evening or in the daytime, as most convenient. Much of the individual work of officers and of committee men will probably be most conveniently done through their respective business offices and during business hours.

It is not intended that the positions of officers and committee men of the home battalion should be nominal but practical working positions. Only those prepared to give the necessary time and work should consider taking such.

On the other hand, there will be unquestionably a great deal of detail work which could, as a business proposition, be most cheaply and effectively handled by some one personally giving the greater part or all of his time to such work, and he should therefore be compensated from the regimental fund. This person may perhaps be designated as an "assistant secretary," and such position is included in the scheme of organization proposed. All other officers and committee men of the home battalion should give the fractional time required of them without compensation as their contribution to the regiment and to national defense.

PRESIDENT.

The duties of the president would be those of the president of any other organization for cooperative public service. On the other hand, it should not be permitted, as in case of many organizations for public service, that the president perform the duties of most other officers and committee men, through default on their part. The home-battalion scheme rests on personal service, which can not be rendered and evaded at the same time.

VICE PRESIDENTS.

It is suggested, as a possible feature of organization, that the number of vice presidents correspond with the number of standing committees, one vice president to be ex officio the chairman of each committee, all such vice presidents to be also ex officio members of the executive committee and to represent in the weekly meetings of the executive committee the work of their respective standing committee.

SECRETARY.

The duties of the Secretary would be those ordinarily pertaining to the position and title, and should include the custody of all of the records of the home battalion at the armory, these records comprising everything connected with the civil administration of the regiment, and with the work of the various committees, etc. The secretary could probably perform but supervision only in the limited time available by him, and the very considerable detail work should be performed by an assistant secretary, as sugested above and in the following:

ASSISTANT SECRETARY.

The duties of the assistant secretary would, in general, be those suggested above, in connection with the secretary, and would unquestionably be numerous and time consuming enough, if properly handled, to demand most, if not all, of the time of a capable man, which time should therefore be compensated from the regimental fund, as suggested above in connection with officers and committee men in general.

TREASURER.

The duties of the treasurer would be those ordinarily pertaining to the position and title. These duties should also include the handling of all State and Federal allotments from appropriations for the regiment either for armory rent or other purposes, their correct vouchering, and the like. Although this is a quasi-military matter, it is one that can perfectly well be performed by a capable civilian, and one of which the combatant officers should be relieved. The treasurer can and should be assisted in the details of his work by the assistant secretary.

LEGAL COUNSEL.

There should be at least one, and perhaps for cases of absence from town two, competent attorneys to attend not only to such matters as are of a purely civil nature, such as the execution of contracts and the like, but also to relieve the combatant officers of quasimilitary functions, such as the determination of questions of military law, prosecution when thought advisable of military offenses, advice and assistance in matters of court-martial, boards of survey, and the like It would not be feasible for combatant officers to take all such matters up either with the judge advocate general of the State or with a judge advocate of the United States.

PUBLICITY MANAGER.

There should be at least one and probably two or three competent advertising and newspaper men whose duty it will be to see that the regiment has its proper place in public opinion. No one will join either the combatant battalions or the home battalion without knowing about the regiment and without believing that it is the best regiment to join. The publicity should suggest ways and means for developing the necessary publicity, giving so much of their time toward effecting the ways and means as is necessary, but in many cases acting through the officers and through the several committees.

LIBRARIAN.

The regiment should have an absolutely first-class regimental military library in a proper sort of reading room, offering every facility for military study to officers and privates of the combatant battalions. The duties of the librarian should be to see that such is the case. In the details of such duty, particularly in the cataloguing, the issue and receipts of books, etc., he should be represented by the assistant secretary.

BAND DIRECTOR.

Every regiment is required by law to have a band. A model regiment should have a model band, and it should be the duty of the band director to see that it has such; moreover, the band should not make

its first and last appearance at the annual encampments. It ought to be on hand for at least monthly formations of the regiments and band concerts, perhaps with dancing afterwards. Band music is one of the best emotional stimulants to patriotic and military ardor. This fact is perfectly well known to present organizations, and the only reason that they do not have such service on the part of their respective bands is because the regimental funds do not permit. In the case of the regiment proposed, the fund should be large enough to permit of all the band service that is desirable.

EXECUTIVE COMMITTEE.

The executive committee should comprise practically all of the officers above enumerated, and should be charged with the general civil administration of the regiment already outlined. It should probably meet weekly at the armory, such meeting to be on the meeting night of the officers of the combatant battalions. This simultaneous meeting of the combatant and of the noncombatant officers will promote the necessary close affiliation between the two groups.

HOUSE COMMITTEE.

This committee should comprise at least one prominent architect, one contractor, and one merchant. The committee should be charged with the equipment, current maintenance, and repair of the armory in every particular.

RECRUITING COMMITTEE.

This committee should comprise several employers in different lines of employment who are in wide touch with the conditions of civil employment. The duty of this committee would be to devise the necessary recruiting campaigns to fill and to keep filled the ranks of the combatant battalions. They should also consider and pass upon questions arising between soldiers and their employers, matters of drill attendance, and the like.

FINANCE COMMITTEE.

This committee should probably comprise one or more bankers and certainly one or more members versed in public-service organization work. The duty of this committee would be to fill the ranks of the proposed four companies of the home battalion, such companies in turn to consist of the subscribers to the regimental fund.

POLITICAL-ACTION COMMITTEE.

This committee should comprise men of political acquaintance and influence. The duty of this committee would be to see that the regiment has all of the legislative consideration properly due it. In cooperation with similar representatives of other similar organizations they can make the proper showing before State and Federal legislative committees as to the needs of our citizen soldiery as a whole. Appropriations being once made, however, it is to be remembered that their distribution will take place purely through military channels which it should not be attempted in any way to influence or divert.

ATHLETIC COMMITTEE.

The duty of this committee would be to develop athletics, both individual and between organizations, in the regiment, and between the regiment and other regimental organizations, for the double purpose of improving the physique of the soldier and of increasing his interest in the regiment.

ENTERTAINMENT COMMITTEE.

The duty of this committee would be to devise periodic entertainments, particularly for the men of the combatant battalions, such entertainments to constitute an additional inducement over and above that of military service and of Federal pay, to join and to remain in the regiment. Perhaps, without such extra inducement, the ranks could be filled. But with all possible inducements the ranks could be filled with the best possible recruits.

THE COMPANIES.

The home battalion would comprise, in addition to the foregoing officers and committee men, four companies to consist of the subscribers to the regimental fund. The members of these companies would be graded according to the amount of their subscription based upon the pay provisions in the new Army law.

Over and above the making of such contribution, which might be in the form of either annual, semiannual, quarterly, or monthly payments, the duty of each member of each of the four companies would be to attend at least quarterly a regimental formation, one of these formations to be at the annual encampment. By this attendance the members of the four companies will give tangible evidence that their good will goes with their contributions; and they will acquire personal acquaintance not only with the officers and committee men of their own home battalion but also with the officers and, as far as possible, with the men of the combatant battalions.

Finally, each member of each of the four companies will be expected on all occasions to give his good word and his good deed for the benefit of the regiment. So far as he can without the giving of material time and effort, he will be expected to promote the work of the recruiting committee in particular by indorsement, introductions, and the like; and of the other officers and committee men of the home battalion in general.

It will be important and perhaps vital that ways and means be devised for keeping the contributing members of the four companies, who will have no actual and considerable work to do, in close and sympathetic touch with the working personnel of the home battalion and the combatant battalions.

LETTER FOLLOWING THE TRANSMITTAL OF THE MEMORANDUM.

BUSINESS MEN'S COMMITTEE FOR A NEW NATIONAL GUARD REGIMENT, CHICAGO.

DEAR SIR: A short while ago you received from one of us a memorandum concerning the formation of a regiment by business men. Since then a few more of us have joined the colors and undertaken to act as a preliminary organization committee.

The issuing of the memorandum has naturally elicited a variety of replies, disclosing the indeterminate state of mind of the public on this important matter. There appears, we regret to say, some disposition to feel that the subject is important enough to discuss but not to act upon, and even then not to act unless the solution of the question is entirely satisfactory to each individual concerned.

One point of view is that the militaristic chaos in Europe may result in disarmament, arbitration, and other very desirable but apparently uncertain after effects, and that any increase of our military strength at this juncture would be most inopportune.

Another point of view is that we should adopt universal compulsory service, and in the meantime, to be consistent at whatever hazard, we should refrain from voluntary service of any sort. It seems to us, however, that if there is a moderate need for even considering and discussing universal compulsory service, there is very grave and urgent need for some immediate voluntary service until such compulsion comes.

To the advocate of universal service we offer the opinion of Col. Ronayne, a copy of which is transmitted herewith, to the effect that more National Guard regiments are directly in line with any kind of service that is of assured military value.

We further offer the suggestion that every new unit organized, whether voluntary or by compulsion, is another unit; does bring the service that much nearer to being universal; and shows that we believe enough in the service which we preach to put it into personal practice.

Finally, each new unit means a new military school, teaching patriotism and military service as the expression of patriotism, and sending out its students and its graduates to spread this teaching to educate the public.

We very much wish to form a larger committee of organization to work out another step in the direction indicated in the memorandum. One possible form of action and organization is that indicated in the inclosed appendix, but it is entirely tentative as yet.

May we count upon you to be one of us?

Yours, very sincerely,

GORDON STRONG, ANDREW R. SHERIFF,
ARTHUR HEURTLEY, JOHN J. ARNOLD,
RALPH C. OTIS, ALBERT A. SPRAGUE, II,
TRACY ALDEN, HARVE G. BADGEROW,
ROBERT H. MCCORMICK, Jr., ROBERT J. THORNE,
PHILETUS W. GATES, MACLAY HOYNE,
Committee Members.

LETTER FROM COL. RONAYNE, ILLINOIS NATIONAL GUARD, COMMENTING ON THE PLAN CONTAINED IN THE MEMORANDUM.

CHICAGO, *September 25, 1916.*

MY DEAR COL. STRONG: In reply to the request of yourself and others for an expression of my opinion as to the relation of a new National Guard regiment, raised under the new Army legislation, to possible universal compulsory service, I have to state as follows:

The opinion that I express must, of course, be understood to be my personal opinion only, and not that of an officer either of the United States Army or of the Illinois National Guard, though, of course, the data upon which my opinion is based have naturally come to me from experience in both of these capacities.

If the United States adopts some form of universal compulsory service, it would do so, more or less, in one of two forms:

(a) A system of training only, by which young men receive instruction supposed to qualify them either as enlisted men or as officers, but without their formation into definite and permanent units. If this system were adopted, it would merely create the impression that the country is prepared, and perhaps would therefore be worse than the present situation, in which the country knows that it is not prepared.

(b) In conjunction with such training as above, the organization of definite and permanent units, whether under Federal or State control, or both, and resembling the National Guard regiments at present. Nothing short of this will ever give a satisfactory service, capable of immediate mobilization, and reliable when mobilized.

There has been of late, as you know, much discussion of the Australian and Swiss systems—usually without real acquaintance with their military value. As to the Australian system, this is clearly the fact, since it has been established so recently that the Australians themselves do not know its military value. So far it is in an undergraduate stage, so to speak, and what its graduates will do when they are ready for service is, of course, an open question. The splendid record made by the Australian troops in the present war has no bearing on the new Australian system; these troops were raised like those in England and like those in our Civil War—by volunteering of untrained men after the war began.

As to the Swiss system, while it has existed much longer, it has not been put to the test of war. And I think it a fair statement to say that a large proportion of military students, including experienced Swiss officers, believe the system to be seriously deficient in many ways.

The War College Division of our General Staff Corps expresses the following opinion as to the merits of the Australian and Swiss systems:

"It must be admitted that the systems of these two States are of doubtful utility to a world power facing the question of adequate preparedness in all its phases."

For the benefit of your business friends, I may suggest that warfare, like those more peaceful activities which we call business, may be looked upon from much the same point of view. A system by which the country receives military training without the organization and the long working out of permanent military units, stands in about the same position as would the vocational education of a lot of young men without organizing them into some factory or store, weeding out the unfit, promoting the fit, and finally establishing a successful business organization.

Business men must surely appreciate this, knowing what is meant by "a going concern." No masses of vocational school or business college graduates, even if organized on paper, or even if attending an annual Chautauqua, would for a moment be considered a real business organization.

Neither would a group of similarly trained individuals constitute a military organization. The nearest approach we have to real military organization, outside of the Regular Army, are those which now form the National Guard. Their efficiency has been variable, and in all cases has been the less for lack of adequate legislative and popular support. While some universal compulsory law might go far to supply this lack of support, it will not, in my judgment, render organization of this type unnecessary. Such organizations must and will continue, perhaps under a range of name, and it is certainly to be hoped with a change of popular appreciation and respect.

To summarize, I suggest that the formation of a new regiment such as proposed by you and your friends would be a step in the direction of universal compulsory service, if such service ever comes; and in the meantime a much-needed substitute.

Yours, very truly, JAMES RONAYNE.

[Extract from Chicago Commerce (organ of the Chicago Association of Commerce) of Dec. 29, 1915.]

DEFENSE AND BUSINESS MAN—BUILDING NEW NATIONAL GUARD REGIMENTS SUPPORTED BY HOME BATTALIONS.

There is now circulating among well-known business men, and signed by names such as are found below, a communication having for its place

of origin the so-called "Business Men's Committee for a New National Guard Regiment." The offices of the committee are in the Republic Building, and the agent of the committee is Lieut. Col. T. W. Winston, United States Army, retired.

The communication in question contains a proposal for the institution of the "first of many new National Guard organizations required under the new Army law; to be more specific, a regiment of Infantry to form part of the Illinois National Guard and of the new Federal system."

Accompanying this communication is a memorandum concerning the establishment of a regiment by business men. This memorandum is direct and pungent stuff designed to promote preparedness through personal service of the citizen-soldier. The memorandum offers suggestions as to the needs of the citizen-soldier organization, and as to the methods of supplying such needs by business men.

This memorandum contains no ineffectual rally-round-the-flag talk, but it aims to impress upon interested men what a regiment would mean which they might be concerned in organizing. It is pointed out that the citizen-soldier's military duties should be limited strictly to those increasing his military proficiency, and as a citizen-soldier he should have no duties which can not be performed by anyone else quite as well or better; on the other hand, there are many necessary quasi-military or wholly nonmilitary duties which have to be performed in connection with a citizen-soldier organization by some one, and this some one, as detailed in this memorandum, has his hands mighty full in various activities.

To account for these activities it is proposed that with each regiment there be established a "home battalion," its function being to perform all nonmilitary or quasi-military duties, leaving to the combatant battalion and their officers nothing but technical instruction and practice of themselves and their men as soldiers.

Many of the men signing the aforesaid circular, and many to whom it has probably been sent, are for various reasons qualified best to join the so-called home battalion, "giving the same amount of time to the work of the regiment in its administrative activities that your fellow citizens without such home ties are giving in the combatant battalions to learning to fight." The duties involve "constant responsibility, real and practical work; the service to the flag is a personal service. It is not almsgiving and it is not hiring of a mercenary force. All sums contributed should go into the regimental fund and should be administered and dispensed by the officers of the home battalion for the sole purpose of maintaining and increasing the efficiency of combatant battalions and the regiment as a fighting machine."

Among the citizens identified with the issuance of the foregoing call to service with the colors in ways both new and old, or pledging subsequent participation, are Albert A. Sprague II, Robert J. Thorne, Robert H. McCormick, jr., Ralph Otis, Arthur Huertley, John J. Arnold, Maclay Hoyne, Arnold Joerns, W. G. Edens, Joseph H. Defrees, Benjamin Carpenter, Henry W. Austin, E. Allen Frost, Philetus W. Gates, Guy Guernsey, Mathew Mills, and others of like standing.

SELECTION OF JURORS IN UNITED STATES COURTS.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20209) to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which I send to the desk and ask to have read:

The Clerk read as follows:

Be it enacted, etc., That section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 276. All such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than 300 persons, possessing the qualifications prescribed in the section last preceding, which names shall have been placed therein by the clerk of such court, or a duly qualified deputy clerk, and a commissioner, to be appointed by the judge thereof, or by the judge senior in commission in districts having more than one judge, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk, or a duly qualified deputy clerk then acting, may belong, the clerk, or a duly qualified deputy clerk, and said commissioner each to place one name in said box alternately, without reference to party affiliations until the whole number required shall be placed therein."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I read this bill Saturday night and compared it with the existing law, and my recollection is that the only change made from the existing statute is to insert a provision respecting the power of the deputy clerk.

Mr. WEBB. The words are "of a duly qualified deputy clerk." The gentleman is correct.

Mr. MANN. So that instead of the clerk under this decision of the court being required to travel to the various places where court is held, his deputy may aid.

Mr. WEBB. That is very true. There is no money with which to pay a clerk to travel 400 miles to assist in drawing a jury, and along the Mexican border and in other places, unless this provision is made, there will be no court held.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF REMARKS.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an article by Mr. Charlton G. Ogburn, of the Savannah (Ga.) bar, entitled "The Lawyer and Democracy," appearing in the American Law Review for September-October, 1915.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of salary increase for Federal employees.

The SPEAKER. The gentleman from Missouri asks unanimouse consent to extend his remarks in the RECORD upon the subject of increasing the salaries of Federal employees. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address by Gen. Black, Chief of Engineers, on some problems connected with inland waterways.

The SPEAKER. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech by our former colleague, Capt. Hobson, delivered at Columbus, Ohio, last week.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Reserving the right to object, I would like to have some information about what this is.

Mr. FESS. The address is entitled "Destroying the destroyer."

Mr. SLAYDEN. It is one of the assaults on the demon rum?

Mr. FESS. Yes.

Mr. STAFFORD. By schooners or battleships?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I would like to ask my friend from Ohio if this address has not been published in the RECORD already.

Mr. FESS. Not this speech.

Mr. MANN. Reserving the right to object, I would like to ask whether the gentleman from Ohio knows the purpose of inserting this in the RECORD? Is it for Capt. Hobson to have it distributed all over the United States at Government expense? When Mr. Hobson was a Member of Congress he sent out millions of copies under his frank, and after he ceased to be a Member of Congress he sent out millions of copies under his frank at the expense of the public. It was the grossest prostitution of the franking privilege that has ever been exhibited in this country. An honest man would not have done it.

Mr. CLARK of Florida. Mr. Speaker, I would like to call the attention of the gentleman from Illinois to another outrage that occurred only a few days ago, where Collier's Weekly advertised that it would send any person, on application, a copy of a speech delivered some time ago; that that was sent under the frank of a Member when, if the speech had to pay postage, it would have cost about 4 cents. It seems to me that if speeches are sent out they ought to be sent by the Member himself.

Mr. FREAR. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. FREAR. I paid $103 for printing that speech—every dollar out of my own pocket. They have no franked envelopes, and they must pay the postage.

Mr. CLARK of Florida. Well, I will simply say that a young man sent to Collier's for a copy of the speech and it came back in a big manila envelope with the frank of the gentleman from Wisconsin.

Mr. FREAR. It was without my knowledge.

Mr. FESS. Mr. Speaker, I would like to frankly state, in answer to the inquiry of the gentleman from Illinois [Mr. MANN], that I do not know whether the purpose of Capt. Hobson is to circulate this speech or not. I did not get the speech from Capt. Hobson. I got it and read it yesterday, and I want to state to the House that it is a scholarly speech, and, I think, very worthy of being read. I would not want to take any advantage of the House Members or anyone else. I really think it ought to go into the RECORD.

Mr. SLAYDEN. Mr. Speaker, I would like to have three or four minutes to express my views about this.

Mr. STAFFORD. Still reserving the right to object, I have no objection to the gentleman from Texas having his time.

The SPEAKER. Is there objection to the gentleman from Texas addressing the House for four minutes? Of course the gentleman from Ohio will lose none of his rights.

There was no objection.

Mr. SLAYDEN. Mr. Speaker, within the last few days we have had very elaborate and illuminating discussions about the abuse of the mailing privilege, incidentally the franking privilege. It was very clearly established, convincingly established, to me,

at least, that the people, the taxpayers, were contributing many millions of dollars to certain publishers. The products of the printing press belonging to these gentlemen are transported practically free of cost to the ultimate buyer of their publications.

Now, these same papers that enjoy that privilege and have that much advantage—I think I might go so far as to employ the word used by the gentleman from Tennessee [Mr. MOON] and say that have so much graft out of the Public Treasury—have been howling against what they call "pork." Why, Mr. Speaker, if the recent public-building bill was all pork, this publishers' benefit is an annual packing house. [Laughter and applause.]

They can not say, or at least they refuse to concede, what is evident to all other people, that they are getting the benefit of a tax levied upon people who are not their customers. I believe that the cost of the transportation of the products of the printing press should be paid by the people who benefit by these publications, and I can see no more reason for transporting magazines at the expense of the General Treasury than I can for the transportation at nominal cost of the wheat and corn and meat that grow in my district to the ultimate consumer, for certainly bread is of more value to more people than magazines. Man can not live by magazines alone.

Now, the gentleman from Ohio said he wanted to answer frankly, but he knows that the purpose of printing this speech of Capt. Hobson is to get it circulated without the payment of postage.

Mr. FESS. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. FESS. If it goes into the RECORD under my name, it would have to be circulated under my frank, would it not?

Mr. SLAYDEN. Oh, no; I think not.

Mr. FESS. I was about to say that it would not be circulated under my frank.

Mr. SLAYDEN. Mr. Speaker, in order that we may get along with other and more pressing business, in view of the deficit, and in view of the fact that we are already making contributions of several million dollars a year to publishers and can not afford to tax the American people for the benefit of a particular propaganda, I will object.

The SPEAKER. The gentleman from Texas objects.

CHARLESTON HARBOR.

Mr. WHALEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by the president of the Charleston Chamber of Commerce on the development of Charleston Harbor and Navy Yard.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FESS. I do not object.

There was no objection.

RIVERS AND HARBORS BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering District bills, this being District day.

Mr. SPARKMAN. Mr. Speaker, I rise to make a preferential motion to go into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider District bills, and the gentleman from Florida makes a preferential motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill. The question is on the motion of the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were 62 ayes and 33 noes.

So the motion of Mr. SPARKMAN was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RAINEY as permanent Chairman.

Mr. RUBEY took the chair temporarily in the absence of Mr. RAINEY.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20079) making appropriation for the construction, repair, and the preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20079, and had come to no resolution thereon.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the rivers and harbors bill, and, pending that, I ask unanimous consent that general debate be limited to three hours, one half of that time to be controlled by myself and the other half by the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I think I will have to have a little more time than that on this side. I have requests for two hours, and I do not see how I can limit it to much less than that, because the longest request that has been made is for 30 minutes, and that is by a member of the committee. I can not see how I can well limit it to less time.

Mr. SPARKMAN. Then, Mr. Speaker, I ask unanimous consent that general debate be limited to four hours, one half of that time to be controlled by myself and the other by the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. That will be satisfactory.

The SPEAKER. The gentleman from Florida asks unanimous consent that general debate on this bill shall not exceed four hours, one half of the time to be controlled by himself and the other half by the gentleman from Washington [Mr. HUMPHREY]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Florida that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the rivers and harbors bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of bill H. R. 20079, the rivers and harbors bill, with Mr. RUBEY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20079) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

[Mr. SPARKMAN addressed the committee. See Appendix.]

Mr. HUMPHREY of Washington. I yield 20 minutes to the gentleman from Ohio [Mr. SWITZER].

The CHAIRMAN. The gentleman from Ohio is recognized for 20 minutes.

Mr. SWITZER. Mr. Chairman, I desire to call the attention of the committee for a short time to a matter that has been before Congress for several years, but which has been lying dormant for quite a while. That is the proposal to enact a workmen's compensation law covering the employees of the interstate carriers of the Nation.

President Wilson, in making an address of welcome to the delegates of the social insurance conference held in the city of Washington last month, was quoted as stating that the Nation has turned from political to social questions. To my mind no greater social question has confronted the American people during recent years than the subject of workmen's compensation for our interstate-railway employees.

Since the agitation for legislation in the Sixty-first Congress 32 States have enacted workmen's compensation laws, none of which, so far as I have been able to learn, affects or actually benefits the employees of the interstate railways of our country. The Democratic Party, inspired by the great sentiment which prevailed in the Sixty-second Congress for the enactment of a workmen's compensation law national in its character, inserted in their 1912 platform the following plank:

We pledge the Democratic Party, so far as the Federal jurisdiction extends, to an employees' compensation law providing adequate indemnity for injury to body or loss of life.

Since that time one Democratic Congress has come and gone and another is fast approaching the closing days of its existence. Up to this time no bill has been reported having for its purpose the carrying out of this sacred promise made by the Democracy

to labor. Bills were introduced in the Sixty-third Congress and in the first session of this Congress, and the committees to which they were referred have had access to an exhaustive, clear, and comprehensive report on the law and the facts pertaining to the subject of workmen's compensation, consisting of 200 pages, known as Senate Document 338, second session Sixty-second Congress, together with a printed 1,500-page compilation of the hearings upon which this report was based, the result of the labors of a commission created under an act of the Sixty-first Congress, which, by the way, was a Republican Congress, a commission appointed by President Taft, the President of the United States Senate, and the Speaker of the House of Representatives.

Mr. GARD. Will the gentleman yield?

Mr. SWITZER. I will yield to the gentleman.

Mr. GARD. The gentleman knows, I suspect, that both the Senate and the House passed a Federal workmen's compensation act last September.

Mr. SWITZER. That was a law for the benefit of Government employees only. My remarks are directed to a law national in its character, covering the employees of interstate railways, which measure received the indorsement of your party in 1912, in their national convention, as much as the proposition that you refer to.

The personnel of this commission to which I have just referred consisted of Senators SUTHERLAND and CHAMBERLAIN, Representatives William G. Brantley and Reuben O. Moon, Mr. W. C. Brown, president of the New York Central Railway, a representative of the railways of the country, and Mr. W. L. Cease, editor of the Railway Trainman, a representative of labor.

Since the advent of the Wilson administration Democratic ardor for this particular right of labor seems to have become very much chilled; for while it was a conspicuous plank in the 1912 platform, their more recent expression of platform promises in 1916 is just as conspicuous, because of an entire absence of any specific reference whatever to the subject, amounting to a repudiation of their former stand for the most important social proposition that has faced Congress for several years. And while it may be true, as the President states, that the people are rapidly turning to social questions, it would appear equally apparent that the Democratic Party has not only turned from but has actually run away from an important social problem which four years ago they believed was very much in need of congressional attention, and which they at that time pledged their party to solve speedily by enacting a law providing adequate indemnity for injury to body or loss of life.

The report of the Taft Joint Commission, to which I have just referred, declared that the existing employers' liability based upon negligence and its corresponding defenses no longer meets the requirements of modern industrial conditions, that the system had become outgrown and should be abandoned, and there should be established instead of a system based on the fault of the employer one bottomed upon the fact that injury by accident had occurred while in the course of employment. The commission recommended that every injured employee should receive some compensation, and in the event of the death of the employee by reason of accident that his widow or dependent should receive a reasonable compensation, regardless of the old common-law defenses of assumed risk and contributory negligence; that no act or neglect on the part of the employee or a fellow employee could defeat a recovery unless it be proved that the injury or death was occasioned by his willful intention to bring about the injury or death of himself or another, or that the injury or death was a direct result of his intoxication.

In an effort to carry out the recommendation of the commission the Senate in the Sixty-second Congress, May, 1912, by a vote of 60 to 15, passed a workmen's compensation bill covering the employees of interstate railways. This bill was amended by providing more liberal rates of compensation, and was passed in the House March 1, 1913, by a vote of 218 for to 81 against.

This amended measure went back to the Senate where, under a threat to start a filibuster against it in the closing days of the session, its passage was effectually blocked and it died at the expiration of the Sixty-second Congress.

This measure had the indorsement of all the heads of the various railway brotherhoods; of their representative agent, H. E. Wills; the head of the American Federation of Labor, Samuel Gompers; and their representative, who appeared before the commission and the Senate committee who indorsed this amended measure, is now the Senator elect of the great State of Minnesota, Hon. FRANK B. KELLOGG. Its passage on the floor of the House was championed by that well-recognized representative of labor, still a Member of the House, Hon. DAVID J. LEWIS, of the State of Maryland. By the way, I will print at the end of my observations the remarks made by him on that occasion.

The Republican Party in its last annual platform declared for this species of workmen's compensation by a declaration in their platform favoring the enactment of "a generous and comprehensive workmen's compensation law within the commerce power of Congress."

To my mind no more important piece of legislation has ever been recommended since the administration of Abraham Lincoln than that recommended by the commission created by the Sixty-first Congress and indorsed by President Taft. During the first session of this Congress, as the gentleman, my colleague from Ohio, just referred to, a workmen's compensation bill was passed, but it covered Government employees only. Its benefits are extended to the railway mail clerks and other Government officials, many of whom have been and are being appointed for partisan reasons.

Why, then, should the Democratic Party refuse, why should the Republican Party refuse, why should this Congress refuse to enact a compensation law which will benefit upward of 2,000,000 toilers who build, maintain, and operate the interstate railroads of this country over which are transported the railway mail clerks and Government officials, especially when the compensation to be received on account of the injury or death by accident will be borne by the railway companies of the country? Is the labor of the railway employee less hazardous than the labor of the Government employee? Congress at this time is apparently earnestly engaged in an endeavor to shorten the working hours of 20 per cent of 2,000,000 toilers to whom I have just referred. Why should not Congress become as intensely interested in incorporating into the national statute a proposition designed to adequately compensate the thousands and thousands of crippled and suffering railroad employees annually injured?

Practically every foreign nation has provided some sort of compensation for those engaged in hazardous industrial employments, especially those engaged in the operation of steam and electric railway systems of their country, irrespective of the cause of the accident. Two-thirds of the States of the Union, recognizing the great importance of securing adequate redress for the thousands injured annually in industrial employments, have supplemented those old archaic systems based on the fault of the employer by enacting compensation laws based on the fact that injury and death have ensued while in the course of the performance of contractual duties.

Mr. DENISON. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. DENISON. Can the gentleman from Ohio state approximately the number of men employed in the service in interstate commerce injured annually?

Mr. SWITZER. I think the joint commission to which I have referred says that upward of 100,000 of railroad employees are annually injured, and as the result of such injuries four or five thousand annually die.

In that connection I desire to say that the report also shows that the railway companies of the country expend something like ten or eleven million dollars annually in payment of personal-injury and death claims. If the measure that I have referred to had become a law, the railroad companies would have been compelled to expend something like $20,000,000 annually. The difference between the two systems would be this: Under the old common-law methods, the system based on the fault of the employer, not exceeding half to two-fifths of the number annually injured received any compensation, and not over 35 per cent of what was paid out ever entered the pockets of the injured employees, or, in the case of death, of the widow of the deceased. The remainder was expended in paying lawyers' fees and the cost of litigation. Under the measure defeated in the Sixty-second Congress $20,000,000 would have been distributed to the 100,000 annually injured and to the widows and dependents of four or five thousand who annually meet their death as the result of such injuries. The benefits of the bill would have been shared in by all the employees of interstate railways—section men, track-repair men, trackwalkers, switchmen, terminal men, bridge men, ticket agents, telegraphers, office forces, car-repair men, shopmen, mechanics, brakemen, conductors, baggagemen, firemen, and enginemen, and all others—in the event of injury while in service and by their widows and dependents in case of death.

As I stated, practically every civilized country of Europe, and a large number of the States of the Union, have enacted compensation laws establishing the principle that these injuries are to be considered as part of the risks of the employment and that the burden of the loss, or at least the greater portion of the burden of the loss, should be borne by the industry and not by

the people disabled. It seems to me that the time has arrived when it would be well for this Congress to pass a compensation law, at least for the benefit of the employees of the interstate railways, if not for all interstate carriers of the country; and it seems to me that the progressive spirit of our civilization, especially along the lines of social justice, demands the enactment of a compensation law applicable to the interstate carriers of the country, providing adequate indemnity, certain and uniform rates of compensation throughout every State of the Union, for every injury and every death the result of accident in all lines of railway employment. The substitution of a humane, rational, and a simple system benefiting all who are injured for the complex, antiquated, and glaringly inequitable system which benefits only the few. [Applause.]

The following are the remarks of Hon. DAVID J. LEWIS, a Representative from the State of Maryland, on the floor of the House, March 1, 1913:

Mr. Speaker, in the coming year 90,000 are to be injured on our railroads and 10,000 killed. This is as much to be expected as the orderly operation of the planets themselves. Under existing law less than one-third of these victims will receive some $15,000,000, certainly not more than $20,000,000, with their lawyers to pay. Under the bill that is presented to the House to-night all the victims will be compensated and that sum will be lifted to from $48,000,000 to $60,000,000 as compensation to the victims of industry. [Applause.] We are confronted by a practical question. Are two-thirds of these victims to lose some $40,000,000 next year because lawyers would like to adapt this measure to the old legal remedial forms of procedure rather than accept it as an adequate principle in itself? It is hard on the lawyers as a class. I am a lawyer, and I want to say if I go back to the profession for my living it will be very hard on me. But it will be an act of justice to the soldiers of industry such as even this great body will seldom have an opportunity to make. [Applause.] (See p. 4502, pt. 5, CONGRESSIONAL RECORD, 3d sess., 62d Cong.)

Mr. HUMPHREY of Washington. Mr. Chairman, I yield to the gentleman from Ohio [Mr. EMERSON] such time as he may wish.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, Congress in the past years has appropriated hundreds of millions of dollars for improvement of rivers and harbors that have been absolutely wasted, and still these bills are continually brought before Congress for consideration. While there are many worthy projects included in this bill it is loaded down with unworthy ones. This bill should be considered as all other appropriation bills are considered, and the localities deserving consideration should be given consideration by the committee, and those that do not deserve consideration should be stricken out. But this will not be done, for like all so-called pork-barrel legislation the just provisions go with the unjust, and places that should have no appropriations have to get them in order that there should be appropriations for deserving localities. I complain against the system of passing such bills in their entirety, and their approval by the President in their entirety. What we need is a few amendments to the Constitution, so that this kind of so-called "pork-barrel legislation" is impossible, and with that end in view, I have introduced a resolution providing for the amending of section 7, part 2 of the Constitution of the United States, so that the President may approve or disapprove appropriation bills item by item. This would be the first great step in the right direction. If it were known that the President would veto unworthy projects, in bills of this character, those kind of undeserving items would be left out of the bill. As it is now the President must either approve or disapprove this bill in its entirety. Take for instance the appropriation provided for Ashtabula Harbor in my friend COOPER'S district. A very worthy project, and he will be obliged to vote for the bill or be classed as a hypocrite. If the President had the power under the Constitution he could approve such an item as Ashtabula Harbor and disapprove those that were not deserving. All waterway improvements should be restricted to navigation and to places where the commerce justified it. Many of these projects are solely for the benefit of one corporation or concern. I shall vote against this bill as a protest to the system, hoping that something may be done in the near future to make pork-barrel legislation impossible. I shall vote against this bill although it contains an item for my city. I did not introduce the bill to provide for the appropriation for my city. I did not urge the placing of it in this bill. I did not appear before the Committee on Rivers and Harbors to urge the placing of this appropriation in the bill, and as far as this bill is concerned, I come before the House with clean hands. Congress has been passing omnibus bills that have grown in size and extravagance with each succeeding Congress. I agree with the gentleman from Wisconsin [Mr. FREAR] that the waterways and the railroads should be placed under one head as far as Government regulation is concerned, and thus whatever is done in the line of improving of rivers and harbors could be done in conjunction with the railroad system of the country, and be done where the greatest good would come to commerce. But I am told this old method has been the system of doing business of this kind for many years, and if a Member desires to get a worthy project provided for he must submit to bills of this character. I admit it has been the system, but Congress should do something to kill the system. There will be Members of this House who voted against the public-buildings bill who will vote for this principally because the rivers and harbors bill has an appropriation for some place in their district. A system that forces Members to do this is viciously wrong.

I shall not discuss the present condition of the Federal Treasury at this time other than to say that the Committee on Ways and Means are going to recommend an increase of 50 per cent on the inheritance tax. All I can say is that if this is to be done, I would advise those who are contemplating death that they better attend to it before this new tax becomes a law.

I had a provision in the public-buildings bill that carried an appropriation for Painesville, Ohio, in my district. I had introduced the bill, appeared before the Committee of Public Buildings, and, although I did not approve of the omnibus bill in which it was reported, I still voted for the bill, because I was responsible for this item in the bill. I could have sat quietly and voted against the bill and still my appropriation would have been provided for, yet I would have been a hypocrite. When I introduced the bill for a post office for Painesville, I was not acquainted with the system. I became an innocent victim but will not be such again.

A suggestion made by our distinguished Speaker when the public-buildings bill was before the House would apply very well in this bill. Rivers and harbors where the commerce justified it should be improved. Harbors where there were railroad terminals should be considered. Rivers where there were railroad facilities paralleling them should wait on localities that have poor transportation.

Projects are provided for in part, and no provision is made for the completion of the project. No project should be undertaken unless the plan has been carefully made for the ultimate completion of the project. The question of national defense should also figure somewhat, and in fact a good deal in these projects.

Of course, Governments can not conduct their business the way private concerns do. Perhaps if the initiative, referendum, and the recall applied to President and Members of Congress we might get better legislation. We recently provided for the election of Senators by direct vote of the people. I have heard of no complaint because of this change. Some people think the President should be elected for one term. I believe if he expects to run for a second term he will make a better official than if he knows he can only have one term. I doubt, if the President was not running for reelection last fall, that the Adamson eight-hour bill would ever have passed Congress and become a law. That was legislation in the right direction, and observe Members here are very watchful as to how the folks back home feel before they vote on propositions. A Member who lives in a wet district easily fixes his conscience so that he can vote against prohibition here, and a Member who lives in a dry district votes dry, although often his conduct is not in accord with his vote.

And so legislation goes on, and I expect will go on when we are dead and forgotten. But I trust that Congress will at this session do something to correct this great error of pork-barrel legislation by at least giving the President a right to veto these appropriation bills item by item, and thus take one step in the right direction.

It is interesting to note how Members of this House vote on certain bills. For instance, of the Members who voted against the public-buildings bill the following either voted to increase the allowance to themselves for clerk hire or were paired in favor of the increase:

Messrs. CARTER of Massachusetts, DALLINGER, DILL, DOOLITTLE, ELLSWORTH, FESS, GANDY, GARDNER, GLYNN, GREENE of Vermont, HICKS, JOHNSON of South Dakota, KEISTER, LOUD, MCARTHUR, MAHER, MILLER of Delaware, NOLAN, REAVIS, SCHALL, WALSH, WILLIAMS, WINSLOW, and YOUNG of North Dakota.

I shall watch with interest how many Members who voted against the public-buildings bill vote for this river and harbor bill.

Mr. HUMPHREY of Washington. Mr. Chairman, I now yield 20 minutes to the gentleman from Pennsylvania [Mr. COLEMAN].

COMPULSORY ARBITRATION.

Mr. COLEMAN. Mr. Chairman and Members of Congress, on January 6, 1917, there was introduced in this House a bill now known as H. R. 19730, providing an eight-hour workday for certain railway employees, preventing a strike of such em-

ployees pending investigation and authorizing the President of the United States under conditions set forth to draft these employees into the military service of the United States. In so far as this bill seeks to provide an eight-hour workday it differs from the original Adamson enactment in that it does not attempt to fix wages and thus avoids a strong constitutional objection. It is not my purpose to discuss this feature of the bill nor the section pertaining to the military draft. But rather I invite the attention of the House to the provision relating to arbitration and to a discussion of the question of compulsory arbitration in general.

And in considering a compulsory-arbitration measure we are confronted not only with the right of the public to thus interfere with the private relations of employer and employee, but also with the practicability of such a law.

Now, it is apparent that a great coal strike, such as occurred in the anthracite regions of Pennsylvania some years ago, or in the Colorado fields more recently, or a street railway strike similar to that with which the metropolis of New York was a short time since afflicted, or a national railway tie up, necessarily causes great inconvenience to the public and affords grounds for arguing the right of that public to interfere through the law-making body to prevent such inconvenience.

No one, then, is going to defend the strike as a good thing in itself. On the other hand, there will be general agreement to the statement that it is a great economic waste. Members of labor unions know this just as well as the public do. They know also that to them it means hard work and anxious hours as they wait the uncertain outcome. And because of this they are averse to strikes and avoid resorting to them except in extreme cases, but when such cases do arise they hold it as their right to thus contend with their employers for the principle that may happen to be involved.

And, personally, I am rather pleased that they do so contend, for it indicates a strong feeling among the mass of workmen for the maintenance of individual rights in opposition to the radicalism of present-day socialistic tendencies. And argue it as you may, and let Socialist leaders, for political effect, oppose it as they will, the fact remains that compulsory arbitration is of socialistic flavor, and if adopted as a principle of our Government we will have entered into the borderland of that system which would destroy competition and make the State the owner of all.

In deciding our course as to compulsory arbitration, now that the election is over, it is to be hoped that we will be influenced by fundamental principles more than by the voting strength of labor unions. But, if influenced by the latter consideration in this particular instance, in my judgment justice will be more nearly achieved than it was by the passage of the Adamson wage-fixing law in the last session of Congress.

Mr. MEEKER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count.

Mr. MEEKER (during the count). I shall withdraw the point.

The CHAIRMAN. The gentleman from Missouri withdraws the point of order.

Mr. COLEMAN. I wish here to say that the settlement or postponement of the threatened railroad strike of August last by the enactment of the Adamson law was in effect compulsory arbitration, and when the Federation of Labor and the railroad brotherhoods aided in its passage they also aided in forging the chains of a compulsory-arbitration law. And these organizations, which have grown into such giants of power, would do well to review the history and struggles of labor organizations of past generations before plunging themselves further into the clutches of Government authority.

PAST HISTORY.

It may not be out of place here to call attention to the fact that fixing wages by law is no new thing. In the middle of the fourteenth century an English law obliged men without means of their own "to serve him which so shall require"; the wages were fixed, and refusal to work at the rate was punished with imprisonment. In the middle of the sixteenth century a law was passed forbidding conspiracies not to work but at a certain rate, and later in the same century a further enactment provided that those not possessed of independent means or other employments were bound to work as artificers or laborers on demand, the hours of labor being fixed and authority given to justices to set the wages. Under George the First in the eighteenth century a law was enacted to punish with imprisonment journeymen tailors and other employees for entering into an agreement to advance wages or decrease hours of employment, while under George the Third in 1800 a similar provision was extended to all workmen.

English decisions throughout the eighteenth and well up into the nineteenth century held that it was criminal conspiracy for workmen to bind themselves together to enforce higher wages. This was the rule under the common law, and, as I have shown, many statutes were passed fixing the rate of pay, and any attempt on the part of the workmen to conspire against the statute rate was punished with imprisonment. Are these the conditions to which workingmen wish to return? Is the liberty which the workingman now enjoys, after years of toil and struggle, to be surrendered to the wisdom of legislative bodies?

In our country as in England during the first half of the nineteenth century attempts of workingmen to improve their conditions were punished as conspiracies. In New York as late as 1835 it was held that a strike of journeymen shoemakers to raise wages was injurious to trade and commerce and punishable as a conspiracy. In a Pittsburgh case in 1815 dealing with striking cordwaniers, in which the strikers were found guilty by a jury, the reporter in his notes has this to say:

> The verdict of that jury is most important to the manufacturing interests of this community. It puts an end to those associations which have been so prejudicial to the successful enterprise of the capitalists of the western country.

It was not until about the middle of the century that courts began to see another side to these controversies, and in the interpretation of the constitutional provisions making for the protection of individual rights recognized the justice of the demands of labor organizations for improved wages and conditions of employment and in an effort to secure the same the legality of the strike.

It was about this same time that labor unions, by reason of the changed conditions resulting from the development of our industrial system, causing master and servant to become separate and distinct parties rather than partners, were established in the sense in which they are now known. By this time England's unjust combination laws were so far modified through the influence of a fair public opinion as to permit workmen to organize for what was considered the legal aim of regulating wages and hours of labor by the right of the strike. And this right gained after years of struggle against the old combination and conspiracy laws they are not now willing to surrender and they can not afford to allow Congress to arrogate to itself the right to pass compulsory arbitration or Adamson wage-fixing laws and deprive them of their rights as individuals or of their rights by collective bargaining to determine the terms of their employment.

The right of labor organizations to strike is now generally conceded by the courts of this country, State and National; this is especially true when the object of the strike is to increase wages, fix hours of labor, or in other ways directly affect the conditions of employment. And this right was gained through the diffusion of the doctrine of individual and personal rights as understood by the founders of our Government, prompting, as this diffusion did, a struggle against the spirit of medievalism, with its class distinctions and antagonisms to the working class. And in our effort to keep abreast with the changed public opinion of to-day we must be careful not to abandon basic principles while seeking to interpret them in the light of present-day surroundings.

The modern labor union proceeds on fairly conservative lines and in the main is under the direction of able leaders, for which it is to be commended. Its object is the just one of protecting its members and improving their conditions of employment. And it is in the capacity for collective bargaining that its strength lies, and by reason of this power its members can demand and often obtain a fair share of the profits of the business in the form of wages. Shall we by law take this right from them and place them at the mercy of compulsory-arbitration tribunals and force them to work, as was done under the old English statutes, for the wages fixed by law? I do not believe that we should. Certainly such action should not be taken unless some great benefit is to accrue to the men involved or the public generally. And what good reason can be advanced to convince us that the arbitral tribunal can solve the problems at issue between employers and employees to better advantage than they themselves, in the exercise of their lawful rights to deal freely one with the other in the adjustment of their differences?

I argue that compulsory arbitration is wrong in principle, that it is contrary to the spirit of our institutions, that it is in violation of the individual rights of the members of labor unions, and that in the interest of industrial justice we should not deprive labor organizations in their collective capacity of the right to strike if need be to obtain fair terms of employment,

and I further contend that under the conditions with which we are surrounded in this country compulsory arbitration is impracticable.

PUBLIC RIGHTS.

In thus contending I am not unmindful of the strength of the argument in favor of the right of the injured public to interfere in some measure in the adjustment of industrial disputes. Industries of different kinds are so correlated that a stoppage of one vitally affects others and often works great public injury. For this reason able men argue, and public sentiment in many countries supports them, that the public has a right to compel arbitration.

Most European nations prohibit in some degree workmen engaged in public utilities from striking. But we must not overlook the fact that in some of those countries these laws apply to the employees of state owned and operated railways and to other public works.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. COLEMAN. I will.

Mr. HUMPHREY of Washington. Does the gentleman think that Congress has any authority to pass a law prohibiting a man from quitting work if he wants to do so?

Mr. COLEMAN. I do not believe that Congress has that authority. I believe that the Adamson wage-fixing law passed at the last session of Congress is unconstitutional, and I believe compulsory arbitration laws would likewise be unconstitutional. In this connection I want to say to the gentleman that in this city of Washington in December last there was an interesting colloquy between Samuel Gompers, president of the American Federation of Labor, and Prof. John R. Commons, of the University of Wisconsin. In that discussion between Mr. Gompers and Mr. Commons the president of the American Federation of Labor asserted that compulsory arbitration was unconstitutional, and, among other things, said:

INVOLUNTARY SERVITUDE.

I call the attention of this conference to the fact that there is a provision in the Constitution of the United States against involuntary servitude except as a punishment for crime after trial and conviction. Therefore a law which would make strikes illegal must of necessity carry with it involuntary servitude. Compulsory service is unconstitutional and is un-American and makes for unfreedom.

In Arthur *v.* Oaks (63 Fed., 310), Justice Harlan, with reference to the restraining of an individual from leaving the personal service of another, said:

One who is placed under such a constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States or in any place subject to its jurisdiction.

This is substantial authority for the contention of Mr. Gompers, and certainly justifies him in raising the question of constitutionality.

Mr. George P. West, in an article appearing in the New Republic, September 30, 1916, opposes the view of the editor of that publication in his indorsement of the President's railway program, and says:

We could disregard the objection that such prohibition constitutes the imposition of involuntary servitude, provided no substantial injury was inflicted on the man thus compelled to remain temporarily at work.

But would not very substantial injury be inflicted, he asks? He then proceeds to show how in the interim between the filing of the demands of the men and the submission of the report of the investigating committee great injury would be wrought to the employees by the discharge of some, by extensive advertising, and in other ways.

The editor in reply says:

We do not agree with Mr. West that compulsory investigation is the same as compulsory arbitration. We do agree with him that compulsory investigation imposed after the threat of a strike would, under present conditions, often work injustice to the employees in some occupations.

Our proposal is more specific and rests on certain presuppositions. It presupposes that unions should have already been organized and the right of collective bargaining recognized by the community. It presupposes that the nonarbitrable principles which must underlie labor controversies, such as the eight-hour day as a basis of wage computation, shall have been established in legislation.

And let me say that if the principle of wage fixing by legislation involved in the Adamson law is to be considered as established and is upheld by the Supreme Court, then I will have to agree with the reasoning of the editor. But I do not believe in that principle, and I do not believe in compulsory arbitration. The principle involved in either case is in contravention of our theory of government, which is designed to protect the fundamental rights of its citizens against legislative encroachment, and in this respect my attitude is consistent, and I call attention to the inconsistent stand of Samuel Gompers and the railroad brotherhoods in supporting the same principle in the Adamson law that they so forcefully condemn in compulsory arbitration.

Mr. HUMPHREY of Washington. Will the gentleman yield further?

Mr. COLEMAN. I will.

Mr. HUMPHREY of Washington. I want to ask the gentleman, if we have the power to prevent a man from striking, what distinction is there between that and the power to compel him to continue his work? If you compel a man not to strike, is not that in substance compelling him to continue on with his labor?

Mr. COLEMAN. As I said to the gentleman in answer to a previous question, I do not believe we have the right constitutionally to pass this legislation, and there is little difference between his former question and the proposition he has now presented, and I wish further to say, if we do have the right, if the law is enacted, I know of no way by which even the power of this Government could force 400,000 men to go back to their employment if they chose not to do so.

IS IT PRACTICAL?

I know that some of our leading publications are in favor of the President's program, believe that it is practical, and go so far as to advocate the compulsory enforcement of the award. One of these is the Independent or Harper's Weekly. It dwells upon the public interest and the suffering and distress incident to strikes, and, with reference to the milk strike in New York, says:

The public stood by helpless and suffered while two groups in the community fought out their commercial differences. * * *

And further:

The well-being of all should never be permitted to suffer because some special portion of the whole is seeking its own well-being in its own way.

It then proceeds to reason that if a solution is not found for a peaceful settlement of these disputes Government ownership and operation will be rapidly accelerated.

But it does not follow that a peaceful solution for these disputes is possible nor does it follow that compulsory arbitration will prove more workable or of better advantage to the public, nor does it follow that government ownership and operation would solve the problem. For if the Government had to deal with the great mass of employees it would not mean the end of strikes.

Perhaps military mobilization would accomplish the result, but is it possible to conceive of the people of this country quietly submitting to such a degree of Government authority over them in respect to purely civil affairs?

In discussing a report of a committee appointed by a prominent French society—the Société d'Etudes Législatives—in 1913, Mr. Heurteau, delegate general of the management of the Orleans Railway, strongly opposed compulsory arbitration and in answering the arguments advanced as to the successful operation of the Canadian act called attention to the Canadian Pacific strike of 1908 and the Grand Trunk strike of 1910, each lasting for a period of two months, and said:

Hence one could not say that in Canada and in England conciliation boards had formed an effective means for the peaceful settlement of labor conflicts.

In Australia compulsory arbitration has not put an end to strikes, and in that country the people are trained to the belief that Government is all powerful and can enact legislation in its sovereign power to compel obedience by all, while in this country we are reared in the atmosphere that individual rights, personal rights, and property rights are in a large measure protected from legislative authority, and will as a result be less inclined to accept as final the award of an arbitration board.

When interrupted by the gentleman from Washington a short time ago, I was discussing the laws in European nations with respect to compulsory arbitration, and in a strongly centralized Government like Germany we find that membership in trades-unions is looked upon as being incompatible with loyalty to the State.

In contrast with this we find that in England, where the liberty of the individual, as in our own land, is firmly established, trade unions flourish. And while recognizing the evils of strikes efforts to curb them have been confined to conciliation boards, and these boards served as the foundation for the Canadian conciliation and labor act of 1900, from which was developed the industrial-disputes act of 1907, after which the proposed law is patterned.

The reports as to the working of the Canadian disputes act have been more or less favorable, and yet it is to be noted that strikes have not been eliminated under its operation, and further that the trades-unions are strong in their demands for its repeal. It would seem but natural that with our larger industrial population, and the jealousy with which we look upon the exercise

of governmental power in the private affairs of individuals that a similar law would not work as well with us as it does in Canada.

It is in Australia and New Zealand that we find the most radical legislation along these lines. In New Zealand and the Colony of New South Wales we find compulsory arbitration of a pronounced nature, but strikes still continue and are quite as numerous if not more so than in our own country.

Under the Canadian system of compulsory investigation and the Australian system of compulsory arbitration the strike remains, and when it does come the Government finds itself unable to compel a great army of strikers to return to their employment. Considering further that in Australia and New Zealand, the home of compulsory arbitration, the conditions have been most favorable to the successful working of such a law in that they are new countries and the period during which it has been tried has been one of rising prices and correspondingly of rising wages we should realize that the experiment does not justify our following the example.

Rising prices are naturally followed by rising wages, as is evidenced by the recent advances of wages in this country in many industrial concerns without any threat of a strike, as in the United States Steel Corporation; and the wonder is that this Congress, which so willingly voted to raise the wages of certain railroad employees 25 per cent, would not make some honest effort to increase the wages of Government employees to meet the conditions now prevailing as a result of high prices. If the Adamson law should be upheld as constitutional perhaps we will change the order of wages following prices, and in the future have prices follow wages. Just how far we will get in this direction remains to be seen, but it seems to be the trend of the times.

When we consider the vast difference in the conditions that surround Australia and New Zealand and those with which we are surrounded, the fact that the former countries are to a great extent isolated, while we enter into keen competition with the leading countries of the world, the immense difference in population and the rising market in those new countries during the period in which compulsory arbitration has been in vogue, it would seem to me that no good reason presents itself for the inaugurating of such a system in our midst. This reasoning is the stronger by reason of our being reared in an atmosphere in which the natural rights of individuals are held, or were until recently, as sacred as among the Romans. And in view of these considerations may we not well pause to inquire whether or not compulsory arbitration in our surroundings would work good or evil results?

LIMITED GOVERNMENTAL POWER.

It is true that our Government, though of limited legislative power, has gone far in recent years in the direction of State regulation and control, and we seem to be fast approaching the system of government against which the Monroe doctrine was enunciated as a protest as well as a protection to our institutions. Monroe in his famous message, among other things, said:

The political system of the allied powers is essentially different from that of America. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.

In the Senate of the United States, on January 8 of this year, there was introduced a resolution to forbid Federal judges declaring an act of Congress unconstitutional, thereby seeking to establish in this country a government of unlimited legislative authority. Are we now ready to abandon our system of limited governmental power, which is the vital distinction between us and the Governments of Europe? If we are, then the Monroe doctrine and our boasted superiority must be abandoned in face of our surrender to the European system.

Unlimited legislative authority was the rule in Governments previous to the adoption of the Declaration of Indedpendence, which instrument breathed a new theory for the protection of the inalienable rights of man, which theory was incorporated in our Constitution and is still, in my humble judgment, so far in advance of the old idea that it should be carefully guarded and sacredly preserved.

Mr. DENISON. Will the gentleman yield?

Mr. COLEMAN. Yes.

Mr. DENISON. Does the gentleman think there is any danger of the bill that has been introduced in Congress passing Congress and becoming a law?

Mr. COLEMAN. I do think there is danger. The fact is that the President of the United States is making an earnest effort to have that bill passed at the present session of Congress.

Mr. DENISON. Will the gentleman yield for another question?

Mr. COLEMAN. I do.

Mr. DENISON. Does not the gentleman think the President is letting up just a little bit on that?

Mr. COLEMAN. No. I will say that I do not; that I believe the President of the United States is earnest in his endeavors to have this bill passed.

I will say further, with reference to the President of the United States in this connection, that if the Adamson law, passed in the last session, is to be upheld as a constitutional law, then we must give credit to the President for a consistent program of legislation in insisting on the compulsory arbitration law. But, my friends, I do not believe that that law passed in the last session is constitutional. I do not believe that it can stand the test before the courts. I believe it violates the same principle as the compulsory arbitration law violates, and that neither one of them should be placed on the statute books in this country.

Mr. FESS. Will my colleague yield?

Mr. COLEMAN. I yield to the gentleman from Ohio.

Mr. FESS. I agree with you entirely that compulsory arbitration will be a very bad thing. I think I agree with you entirely, too, that we are not ready for Government ownership in operation of railroads. But what should be our duty here when a scene takes place again such as took place here in the latter part of August, choosing between a threat that the country will be tied up if we do not pass certain legislation? Do you not think that compulsory arbitration under those circumstances will be justified?

Mr. COLEMAN. No; I do not believe that compulsory arbitration is any answer to the base surrender of this Congress to the 400,000 railroad men. [Applause.]

Mr. FESS. That is good.

Mr. COLEMAN. If it is wrong it is not to be enacted for any reason.

Now, I admit if the Adamson wage-fixing law is to be the law of the land we must come to compulsory arbitration, as there is no other way out, unless, as the gentleman says, we go to Government ownership. And let me say right here in that connection that if we did go to Government ownership that would not mean that strikes would be at an end. Suppose the Government owned and operated the railways, does that mean the men would not strike if the wages that they asked for were not sufficient, in their judgment?

INDIVIDUAL RIGHTS.

In our rapid change of ideas we must not wander too far from basic principles and we should not forget in our movement toward greater socialization that the preservation of individual rights is still a great concern of government, and to this end we have our government of legally limited power. And in considering the virtue of individual and personal rights we should ponder carefully before taking away from the members of labor unions their rights, either in their individual or collective capacity to make contracts with their employers and to use all fair and lawful means at their disposal to procure good wages and reasonable hours of labor.

Of course, if it be granted that we have the authority to fix the wages of employees in public-service corporations doing an interstate business, as we attempted by the Adamson law in the last session of Congress, then I agree, as already stated, that the President rightly contends for arbitration of a compulsory nature. But, believing that we do not have that right and that the Adamson law, in so far as it attempts to fix wages, must fall as an unconstitutional enactment, I contend that we ought not to pass a compulsory arbitration law. And whatever the interest of the public in the controversy that public must remember that they can not deprive employer or employee of their individual rights without thereby endangering their own liberties.

Compulsory arbitration violates the principles that underlie the American system of government and is an unwarranted interference with individual rights. The fact that other Governments have similar laws is not a compelling reason for us to follow in their footsteps. The systems are different and the difference makes to the advantage of our system.

If we enter upon the dangerous practice of fixing wages by law—and this is what compulsory arbitration does, just as it was done or attempted by the Adamson law—then we are going to place, of necessity, a strain on our legislative department too great for it to bear.

LABOR.

The American Federationist of December, after making effort to justify the Adamson law, says, with reference to the compulsory arbitration proposed by the President:

It is a revolutionary proposition totally out of harmony with our prevailing institutions and out of harmony with our philosophy of government.

And in this I agree with them. The strange thing is that while so correctly judging this proposition they should have been blinded to support the Adamson law which to a greater extent than compulsory arbitration is out of harmony with our philosophy of government.

The passage of that bill, so contrary to the spirit of our institutions, followed, as it is now being followed, by the sturdy advocacy of a compulsory-arbitration law, proves the correctness of the reasoning in that same December number of the American Federationist, as follows:

In human institutions when a wrongful course has been pursued it inevitably is held or driven on to its logical conclusion of error.

I can not but feel that the members of the American Federation of Labor and of the railroad brotherhoods would have been infinitely better off if, instead of supporting the Adamson law and the administration responsible for its enactment, they had steadfastly adhered to the doctrine theretofore long advocated that government had no right to interfere with the regulation of wages or hours of service of adult workmen.

How well the members of the executive council of the Federation reason when they state:

Problems of industrial justice and redress for industrial wrongs can not be worked out by laws. Human relationships are involved, and these can be adjusted on a basis of equity only through cooperation and mutual consent.

I agree with them, and believe in the principle underlying this reasoning, and because of this belief I voted against the Adamson law, and for the same reason will vote against compulsory arbitration, involving, as it does, practically the same issue as the Adamson law. The precedent of the Adamson enactment and its support by labor unions that had previously and consistently opposed such legislation will prove detrimental, not helpful, to labor organizations; and the time, I trust, is near at hand when they will acknowledge their error in having aided a measure so vitally wrong in principle.

THE CANADIAN ACT.

I have already referred to the Canadian act, and said that the proposed law copies after it. This act, passed in 1907, is applicable to industries connected with public utilities, and declares that strikes and lockouts may not occur legally in these industries until after efforts at adjustment have been made through the official machinery provided.

The board consists of three members, two being appointed by the respective parties and the third by the labor minister. Penalties are provided if any strike takes place before the board recommends a solution.

The State of Colorado has adopted the principle of the Canadian law, and one of the members of the industrial commission of that State, as set forth in the Outlook of October, 1916, writing to that magazine with reference to this Colorado law, says:

It has done more to promote industrial peace than anything ever tried in this State. Had this law been in operation in the Nation last month I believe there would have been no such crisis as confronted us at that time.

The Outlook editorial says, in response to this statement:

There is, in our judgment, good ground for this opinion.

They then proceed to advocate a compulsory-arbitration law that would go further than the Canadian act by enforcing the award of the court of arbitration.

It must be remembered, however, that the Colorado act has been in effect only since 1915, and has not therefore been subject to any real test. It must be noted also that in August last the trade-unions of Colorado were united in their opposition to this law and pledged themselves to work for its repeal. Nor have I seen any evidence of the employers being pleased with its provisions.

Mr. DENISON. Does the gentleman have any suggestion to make that might lead to the stopping of strikes? Does he know of anything that would stop them?

Mr. COLEMAN. I know of no other way or no better way than the provisions that we already have in the Newlands Act. I believe in voluntary arbitration. It is in harmony with our Government institutions, and we ought to abide by it and encourage it in every way, as they do in England. Under the Newlands Act we have provision and machinery for the voluntary settlement of these disputes between employers and employees, and I do not know of any better way, I wish to say to my friend, than voluntary arbitration for the settling of these disputes in consideration of the principles of individual liberty, of which I am a firm adherent. And I look with concern upon the rapidity with which this Congress is foregoing these principles and marching headlong into socialism under the leadership of the other side.

VOLUNTARY ARBITRATION.

As I have said, in our country, as in England, legislation has been confined to voluntary arbitration enactments. Now, there is a vast difference between voluntary and compulsory arbitration. In the former all of us believe, and the principle involved is in harmony with our theory of government, especially the preservation of individual rights.

We now rely on the Newlands Act for the settlement of grave industrial disputes, and it is probably an improvement over the Erdman law which preceded it in that it provides for six arbitrators instead of three, and therefore does not leave the decision of an important question to but one person. Perhaps the most important settlement under its provisions was that of the firemen's and engineers' strike in the West in 1914, with which decision there was great dissatisfaction among the men.

If dissatisfied under voluntary arbitration as is now provided, will there not be greater dissatisfaction with the award under compulsory provisions, and will not the men resent the more the fact that they are forced to accept an unsatisfactory award? And, even though the power of the Government is back of that award, does it insure against the strike?

There is such strong opposition to compulsory arbitration, both among employers and employees, that it would seem a most unsatisfactory law and one that it would be most difficult to enforce. Under these circumstances is it not pertinent to ask as to the practicability of a compulsory law?

Labor is united in its opposition to the recommendation of the President relative to arbitration, and yet it was labor that largely contributed to his reelection, and inasmuch as he had previously in a message to Congress clearly stated his views on this subject, may it not be asked with reason if labor does not now find itself in a somewhat embarrassing position.

To labor then I say, yours was a short-sighted vision when you indorsed the Adamson wage-fixing law involving the same principle that underlies compulsory arbitration, and you can not retain its fruits without thereby endangering your liberties.

To employers of labor who, striving under the difficulties of severe Government regulations to successfully operate their businesses, and who for this reason may be prompted to favor the same exercise of authority over the individual rights of their employees, I wish to sound this warning: You can not afford to further encourage Government interference with private rights, and you should be more concerned in protecting the basic principle than in seeking by legislation to control the rights and liberties of your employees.

To my mind the Government already exercises a too great control over private business, and has by the severity of its restrictions prevented railroad construction that is required by the business interests of the country. More, it has by reason of this control arrayed one business interest against another and caused various groups to demand Government aid for its own interests and Government restriction of the interests of other groups. And if this aid and restriction is continued as a permanent governmental policy it must lead of necessity to State socialism.

Personally, I am a firm adherent of individual and property rights, and am opposed to the law-making body encroaching further upon them by Adamson wage-fixing measures or compulsory-arbitration enactments. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLEMAN. Mr. Chairman, I ask unanimous consent to extend by remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. FREAR].

EXTENSION OF REMARKS.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

RIVERS AND HARBORS BILL.

Mr. FREAR. Mr. Chairman, I hope I may not be interrupted until I have talked 25 minutes, if the Chair will notify me at the end of that time, because I wish to make a statement as clearly as possible, and at the conclusion of 25 minutes I shall be glad to receive any interruption.

A question was presented immediately after the meeting of the House to-day in which it was suggested that a great publica-

tion in New York had sent out some copies of my speech under frank. Let me say that I paid for every one of the copies and furnished them to anyone who asked for them, and these were asked for, and I presume the franks were sent by my office. They would not exceed, in number, 500, I am satisfied. I shall be glad to pay the postage bill if any possible criticism can arise, because I do not want it to be accepted as a condition or precedent for anyone else.

Let me add this: I believe that the magazines and newspapers of this country that are fearlessly striking at waste and extravagance, which many of us concede to-day exists in legislation, are performing a great public service. They are awakening public opinion on this kind of omnibus-bill legislation. I may say again, as I have said in the past, criticism of projects does not always fall upon those who accept it cordially. At this time I desire to express to the chairman of this committee, who stated to-day he was about to leave us, my hearty appreciation for his kindness extended to me at all times and under all circumstances. He is an optimist, and he certainly is a courteous man under all conditions. I realize that some things that have been said and done in committee have not been calculated to bring us close together, but he has always been generous in his treatment and in his criticisms, and I for one am very sorry indeed that he is to leave this House, because I think he has been a valued Member since he has been here.

Let me add to that, Mr. Chairman, that there are a number of members of that committee who will not be with us next time. Some of them have at times felt that criticisms aimed at particular projects were not fair from their standpoint. In committee and out those gentlemen have been very generous with me—very kind—and I have not a single objection to find to the treatment that has been accorded to me by them throughout. I do not object to personal criticism. I am not on trial. It is the policy of this Congress that is to be placed on trial, and that is what is being discussed to-day in the public press. Are we doing right to pass bills like the one before us and one like the public-buildings bill?

It does not answer to say that this man or that man is inconsistent in his statements. That is beside the question. The only thing to discuss is, Are we legislating aright? And, if not, can we improve the conditions?

We have just passed a $38,000,000 bill for public buildings. The Treasury Department said that 200 and more of those projects ought not to have been placed in the bill because they were extravagant. Those facts were shown on the floor. Yet, not one item could be stricken from the bill. We all know why it was. We do not have to question each other to ascertain why we could not strike them out—some of those bad items.

Then, here is a bill of $38,000,000 more, the same kind of a bill in some respects, where fully half of it, as I believe can be demonstrated, will be waste. But it is going to pass this House, and all the support that you can bring against any single amendment will not serve to strike it out of the bill.

The chairman of this committee said I was a pessimist. Ah, that may be true. But there were over 140 other pessimists in this House last time when they sought to defeat the bill, and practically half of the Members of the Senate of the United States were pessimists last time, because they came within 1 vote of defeating the bill. They were pessimists from that standpoint. But is that a standard of pessimism?

I have attempted to point out waste from a sense of duty in a kindly spirit, because there is no personal feeling in the matter whatsoever, and I believe it is so understood by the House. We are facing a deficit of $300,000,000, it is said. The chairman of the committee answers that by saying this is a wealthy country. That is true. But the people in my State are paying taxes to put through these public buildings and waterways, and they are paying direct taxes. If the projects are necessary and desirable they ought to do it. But if it is waste it is wicked to compel those people to pay this money in face of the facts. It is criminal to compel them to pay for waste by direct taxation, and that is what I object to.

Mr. Chairman, this bill reaches $38,000,000 in round numbers, but that is not the entire bill at all. Those figures do not begin to state all that is in the bill. Nine million dollars is for new projects. Oh, yes; that means for 80 new projects that were put into the bill between January 5 and January 11, with only five legislative days intervening; 80 additional new projects put in the bill. Eighty projects distributed all over this country, and they will bring votes to the bill. The new projects have been placed in the bill on top of a couple of hundred or more old projects. Some of them doubtless are good. The New York projects may be good. I presume some of them are all right. But you never could get your projects for New York until we begin to open up on these wasteful projects. Some of the projects are not good and are not defensible. In Germany they compel contributions in most cases unless it is a governmental function. Here it is a grab. The strongest influence is the one that counts. The greatest pressure is brought to bear. I can mention you cases where Senators and Congressmen go before the different boards of Army engineers and insist that their projects should be taken into consideration. Why, how can a Senator or a Congressman know anything technically about these projects? Yet that influence is directly exercised, according to these reports.

I have suggested in this statement of mine, presenting the minority views, that each project, beginning on four rivers, which takes $18,000,000, is, according to the demands of the Army engineers. I say "demands" advisedly. In all of these four river projects not a single dollar was stricken out by the committee. It was an autocratic demand. I can not conceive of it being anything else, except where I moved to strike out $800,000 on the upper Mississippi River. I have not technical knowledge, but my motion went through unanimously in spite of the engineer's recommendation.

The gentleman from Washington [Mr. HUMPHREY] contends that we can not do otherwise than follow the engineer's recommendations, because the engineers are authority for determining, and when they say $2,000,000 for the upper Mississippi or $6,000,000 for the lower Mississippi, or a million dollars for the Beaufort Canal, those are their figures, and we can not change them. In some cases their figures have been cut, but only to a slight extent, and in the one case I presented—$800,000—reached nearly one-half of the entire cut on 200 projects.

The chairman of the committee said I made some statements that he believed were incorrect in the minority report. It is true I did my work hurriedly, but I challenge the chairman to point to misstatements in that report. There perhaps may be misstatements in it, but the chairman has not shown them thus far.

Mr. HUMPHREY of Washington. That is the minority report?

Mr. FREAR. Yes.

Mr. HUMPHREY of Washington. I will satisfy the gentleman before long.

Mr. FREAR. When the chairman was discussing comparative appropriations on page 2, he forgot to read that they were for old projects. I put it there expressly. When I was speaking, on page 2, of the various harbor improvements, that was expressly stated. There may be errors in preparing a report of this kind, and probably will be in preparing a long speech such as appeared the other day. No man is infallible. But if there are any errors, they were not made consciously. I am glad to correct any error that may be here.

But that is not the question. The question is, Is this method of legislation right? Is it right to legislate by these omnibus bills as we are doing, putting a little appropriation here and a little one there, and so on, all over the United States until the whole country is covered in one bill? Then the votes are tied together and all must stand or fall together. During the discussion of the bill I shall have only a few minutes to talk on each project, and I do not wish to take the time of the House unnecessarily. I do not expect to change votes here. I do expect, however, to try to make a record, and that record will be used elsewhere, as it has been used in the past. I want that record to be correct and honest. If there is any mistake made, I shall be glad to correct it. There is no object nor gain in misstating facts.

As to the Chesapeake & Delaware Canal, for instance, of which my friend from Pennsylvania [Mr. MOORE] thinks so much—and I do not blame him—for of course he and I have different angles from which to view these questions. He feels that it is a very important project, and he is very anxious about it.

Mr. MOORE of Pennsylvania. Will the gentleman yield there?

Mr. FREAR. In a moment. He believes that it is a national project. It is a project that means a part of some great scheme of preparedness. He wants not a 12-foot canal, or a 25-foot canal, to meet Admiral Benson's request, but it will soon be a demand for a 35-foot canal in order to make connections with the Delaware River. What is the estimate on that? About $22,000,000, if I remember correctly; but that does not meet the preparedness plan. Right on top of the Chesapeake & Delaware Canal plan Admiral Benson and Army engineers say it is equally necessary to put a canal through New Jersey so that the fleet can go from Philadelphia to New York by way of this inland waterway.

That canal will cost $45,000,000 for a 25-foot depth; but if you are going to build it so that it will carry great vessels of the Navy and to be of practicable value, it will cost, presumably, $75,000,000, because the cost increases rapidly with the depth.

Mr. MOORE of Pennsylvania. The gentleman knows there must be a beginning.

Mr. FREAR. And that is only a part of the canal preparedness scheme, because from Norfolk down to Beaufort, 200 miles, if you are going to have a 35-foot canal there to accommodate large craft, you are going to spend $50,000,000 or more. If it is a scheme of preparedness, make it mean preparedness. If it is a question of commerce, then let it stand upon its own bottom. That is the Delaware & Chesapeake new project I am speaking about. I wish I had half an hour to discuss it. I have read the reports quite thoroughly. And let me say just one thing that shows up the unfairness of this bill. It provides an initial payment of $1,300,000, when Army engineers say $2,500,000 must be appropriated as the first expense. And that additional amount will go on in the Senate; but here, in order to keep down the appearance and the total of the bill, we appropriate only $1,300,000, when every one of us knows it must be added to in the Senate, or it might as well be taken out of the bill. That is a $22,000,000 project; only $8,000,000 for a 12-foot project, but the larger sum is for a deeper channel, to be of preparedness value.

Mr. MOORE of Pennsylvania. Does not the gentleman think the Government would save money by making the larger appropriation?

Mr. FREAR. I will discuss that at the proper time in the five-minute discussion. There is the Oklawaha River, a project which is a new project put in the bill with the Kissimmee and others. That is a project that carried one thousand seven hundred and sixty-odd tons of commerce after deducting logs last year and after an expenditure of about $100,000 by the Government. Now we are asked to expend $733,000 more upon that project. I should like to discuss that later on. I can not now.

Mr. HULBERT. Will the gentleman yield?

Mr. FREAR. I have said I would yield in the last five minutes of my time. I desire to continue my statement now, so as to get it before the House.

There is the upper Mississippi River, which flows past my district. It carries a demand from the Army engineers—I say a demand, because that is what they make. Just think of it. I can, by a motion before our committee, ask to have it cut down $800,000, and it is done. That is the only case, I assume, where a Member did such an act—my statement before the Army engineers. And that stands practically alone. What do you think of such a scientific method of determining the needs of the upper Mississippi? The upper Mississippi River, according to the report of one of the best captains on the river—I do not think there is any better man—says that $30,000 a section on six sections, or $180,000, is all that is needed for improvement, and that to-day the river is more dangerous than it was before a dollar of the $28,000,000 had been expended. You say, "Have you any authority for that?" I am going to submit authorities on some of these matters that you will admit are good. I am going to submit the authority of the boatmen, pilots, and others on that river over their signatures as to the condition of the river. The river does not carry 10 per cent of the commerce that it carried 40 years ago. I know it because I have been there, and I know it from the statements of the St. Louis Chamber of Commerce and of commercial boards, and I think the same is practically true of the lower Mississippi, which has had $88,000,000. The upper Mississippi has had $28,000,000. Take the Missouri River, that has had $20,000,000. What have we gotten out of that? I see my good friend from Kansas City, Mr. BORLAND, sitting here. I am sorry to oppose that project, but it seems to me a waste of money, and that is the only reason why I oppose it. I do not think the Government is getting value received. That is the only reason I oppose these projects.

Mr. BORLAND. Will the gentleman yield?

Mr. FREAR. I have said I would yield in the last five minutes of my time. I can not understand how we can consistently favor the Missouri River project when so able a man as Col. Townsend, who to-day is the chairman of the Mississippi River Commission, agreed that it is not a worthy project. The Chief of Engineers wipes them all out and puts the project on the map, and so it stands to reach an eventual expenditure of $35,000,000. And that is only one of them. It does not stand alone. That is the reason I say what we need is an investigation by a board that is unprejudiced, of all these projects, to get at the question thoroughly. Your good harbors, if you have them, will be taken care of; your good rivers will be taken care of. But you can not lose sight of the fact that the Missouri River and the Mississippi River and the Ohio River have all lost commerce rapidly in the last 40 years.

Mr. BORLAND. Will the gentleman yield?

Mr. FREAR. In the last five minutes of my time I will yield. These rivers have lost commerce, and during that time we have appropriated $159,000,000 to the Mississippi River. We have appropriated or will appropriate $90,000,000 for the Ohio River, and we are not getting the commerce. I realize that there are land-reclamation projects along these streams, and if that be the purpose you can carry it anywhere; but for navigation, which is what we propose in this bill, I can not see how you can possibly justify it.

Mr. Chairman, at the close of the bill I am going to offer a substitute which proposes to place a certain amount in the hands of the Army engineers. Gentlemen have asked me, "Do you believe they will divide it properly or that they will be fair?" No; I do not. I concede that they will not. I am not satisfied with their allotment. Then why do this? Because the total amount in this bill, if you count the new projects, reaches $76,000,000, to which we are committed, and that, with the $38,000,000, reaches $114,000,000, substantially, and if you can put $15,000,000 in their hands and require them to distribute it and allot it to the necessary old projects, it ought to be a saving, had it not? Because the limitation would compel them to spend less. Some of it may be wasted on poor projects, but it is better than to appropriate $38,000,000 or $45,000,000, as it will be before it gets through the Senate, probably, because some of the things that are not put on here will be put on there.

Now, Mr. Chairman, this proposal does not meet my approval very strongly, and yet it is the only way that I can see whereby you can make the correction. That is the way the Senate did at the last time; they put in a lump-sum appropriation, and these appropriations were distributed, not fairly according to navigation needs, I concede, but there was a saving of $42,000,000 by the defeat of the other two bills. That is my proposal briefly, in order to substitute for the bill before us.

I do not claim to be an expert in these matters. I simply say that I want the Government to receive full value for what it puts into these rivers and harbors all over the country. That is all, and that is something which is being brought home to us every time a bill of this kind comes up. Congress ought not to legislate on the matters of determining the commercial value of the different projects. How can you do it?

Some of the members in this committee—and I am one of them—were not present but at few meetings, and there are $38,000,000 appropriated. I have read every new project in the report, and I want to ask everyone who stands up to defend them how they can defend $76,000,000 out of 160 new projects substantially; how can you determine as to the merits in five days? Oh, they say, we have the reports before us. Yes; but who is able to read them, with all the other matters that you have had here; all of us engaged in legislation, endeavoring to do our duty? Some are engaged on other bills, trying to do their duty on other matters. It needs experts to study these questions throughout the year, analyze them, and see what the Government is going to get in return for these enormous expenditures. I can not believe that it is possible for us to continue this kind of legislation by omnibus bills much further.

Under the five-minute rule I will discuss a few proposed amendments. I do not care to take advantage of the time now, although I want to question some matters and discuss different items; but I do not intend now to discuss them further—the general provisions of this bill. I now offer to answer any questions so far as I am able.

Mr. HULBERT. I do not understand the gentleman to mean to say that he believes there are $76,000,000 of new projects in this bill?

Mr. FREAR. Oh, no. Forty-seven million dollars for new. I meant the old and new projects together.

Mr. HULBERT. I would like to ask the gentleman if he subscribes to a statement printed in the New York Sun that there are $46,000,000 of new projects in this bill, two-thirds of which were worthless?

Mr. FREAR. I never made a statement of that kind, and I do not know.

Mr. HULBERT. I did not say that the gentleman made it, but does he subscribe to that statement in the New York Sun?

Mr. FREAR. I submit to the House that that is a very unfair question. What is the next question?

Mr. HURLBERT. The gentlemen knows that more than one-third of the new projects are for the State of New York?

Mr. FREAR. I never formed any estimate in regard to that. What is the next question? It may be that some of the New York projects ought not to be put through at this time.

Mr. HULBERT. The gentleman has read the reports. Is he able to state any New York projects that ought not to be put through?

Mr. FREAR. I will say that the Army engineers refuse to say whether the New York projects need immediate improvement there or not. That is the one fault of the present system; they refuse to say, and appeal to us to read the reports and determine ourselves.

Mr. HULBERT. I am asking the gentleman what he thinks.

Mr. FREAR. It makes no difference what I think. Any further questions?

Mr. HULBERT. The gentleman does not care to answer my question.

Mr. FREAR. No; it is a needless question that can not be intelligently answered by Members with our slight knowledge of all the facts in each case.

Mr. HULBERT. Is it not a fact that the committee before the Christmas holidays made up a tentative list of the new projects to be included?

Mr. FREAR. No; they made up a list of old projects, but we never knew whether they were going to put new ones in or not, and some members of the committee voted against the new projects.

Mr. HULBERT. I would like to ask the gentleman one more question; I perhaps was one of them, and I voted against the Oklawaha River. Was the gentleman present, and did he vote against taking on that project?

Mr. FREAR. Oh, yes; I was opposed to it before the gentleman was ever a Member of Congress. The Kissimmee, too.

Mr. HULBERT. Did the gentleman vote against it in committee?

Mr. MANN. Mr. Chairman, I rise to a point of order. I submit that the gentleman ought to observe the rules, and it is not proper to ask a Member on the floor how he voted in committee.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BORLAND. Mr. Chairman, I notice that the gentleman in his minority report on the Missouri River project says that the cost was $23,000,000 and that it will cost $35,000,000 to complete it.

Mr. FREAR. The present project?

Mr. BORLAND. That is what I want to know. I think it is only $14,000,000 for the new project. The engineers' report shows that the present project would cost $4,400,000.

Mr. FREAR. More than that. The gentleman must not take up too much of my time.

Mr. BORLAND. Why does the gentleman state it $23,000,000?

Mr. FREAR. Because it has cost that amount thus far for the development of 19,370 tons of commerce in 1914.

Mr. BORLAND. No; $4,000,000 has been spent.

Mr. FREAR. Oh, that means nothing under the particular project. You dredge a stream down to 5 feet in one year and the next time under some other project you dredge it down to 6 feet. That is a new project. It is the same stream, but you are deepening the channel and it is a new project. We have spent $23,000,000 on it. Is there any other question the gentleman wishes to ask?

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. JAMES. I see the gentleman recommends that the bill be cut to $15,000,000.

Mr. FREAR. Yes.

Mr. JAMES. Is that because he thinks if $15,000,000 be appropriated it would be used on all good projects, or because he thinks it is better to waste $15,000,000 than to waste $76,000,000?

Mr. FREAR. The reason is this. The Army engineers distributed in 1914 in one lump-sum project $20,000,000 and a second time, in 1915, $30,000,000. There has never been a Member who has risen on the floor to say that those lump-sum distributions made by the Army engineers did not meet all of the exigencies or the imperative necessities of that time, and I believe $15,000,000 if fairly distributed will do the same without any criticism as to the necessities of navigation.

Mr. FREEMAN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. FREEMAN. In the substitute which the gentleman proposes to offer appropriating the lump sum of $15,000,000 does the Board of Engineers have any power to devote any part of that sum to new projects?

Mr. FREAR. No; and, following out that suggestion, I would be very glad to have any Member on this floor present a new project for that purpose. It could be done about as intelligently as under the present system.

Mr. FREEMAN. A great many new projects may be better than old projects.

Mr. FREAR. I have referred to that. Some of the old projects, in my judgment, should be abandoned and some new projects ought to be added. There is no doubt about that.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SPARKMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, for the last two or three years I have been listening to and reading vigorous attacks on river and harbor bills, and now, inasmuch as I voted for the last of these in the belief that it was a good bill, I wish to direct the attention of the House to what two men prominent in the public life of the country said last July about that measure while it was before the President for him to sign or to veto. One of these two prominent men, the Secretary of War, the other Brig. Gen. Black, Chief of Engineers. Now, presumably the President of the United States was very much interested at that particular time, the middle of the presidential campaign, in signing only such measures as thorough consideration should show ought to be signed. This particular bill had been bitterly attacked not only upon this floor, but also generally throughout the country. The President, as gentlemen will remember, waited 10 days after the bill had been presented to him before he gave it his approval and made it a law. Meanwhile he had asked the Secretary of War and the Chief of Engineers to prepare and submit to him their opinions as to the merits of the bill, these opinions to be based upon a thorough investigation of each of its provisions. The Chief of Engineers was an honor man at West Point. He now bears, as I said, the rank of brigadier general in the United States Army.

Here is the letter of the Secretary of War giving his opinion of that bill, which had been so savagely denounced upon this floor and elsewhere. I invite careful attention to what the Secretary told the President:

JULY 24, 1916.

MY DEAR MR. PRESIDENT: I return to you herewith the river and harbor bill, which I have gone over with great care and upon which I hand you a report made by the Chief of Engineers with certain attached memoranda. The net result of this examination is to show that in this bill, carrying $42,886,085, $611,200, or about 1½ per cent, is, in the judgment of the Engineer Department of the War Department, regarded as economically indefensible, although in the case of some of these expenditures the improvements are probably not primarily for navigation purposes.

I concur in the view expressed by Gen. Black that the direct loss to the United States as a result of suspension of work, were this bill not to receive your approval, would be greater than the amount appropriated for improvements of a doubtful value; that is to say, upon all the great river and harbor projects of the country, if work were suspended, there would be loss due to the breaking up of existing organizations, the care of idle plants, etc., which would be very serious. Should this bill receive your approval, the department would have so much work on its hands that it would probably be obliged to delay some portion of it, and, of course, in selecting that to be delayed, the work of doubtful economic importance would be postponed, so that the entire $611,200 marked as questionable would probably not be expended in any event.

Respectfully submitted.

NEWTON D. BAKER.

And here is also the special report, dated July 24, 1916, of the Chief of Engineers, made after a thorough examination of each item in that bill:

JULY 24, 1916.

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Report on pending river and harbor bill.

1. In compliance with your verbal instructions, the following report on the pending river and harbor bill is submitted:

2. For the past 8 or 10 years Congress has, in general, followed the policy of adopting no new projects except such as were favorably recommended by the Chief of Engineers. The recommendations of the Chief of Engineers are in each case based upon a careful examination and survey to determine the nature and cost of the improvement to be undertaken and a full study of the probable benefits to be derived. The study is such as would be made by a careful business firm to determine whether it would undertake a new business venture.

The study is made by the district engineer and reviewed by the division engineer and the Board of Engineers for Rivers and Harbors before being acted on by the Chief of Engineers.

Who in all the United States, as Senator Burton once said when he was a Member of this House and chairman of the Committee on Rivers and Harbors, can constitute a more disinterested and intelligent board than is the Board of Engineers of the United States Army, a board wholly outside of business and of political life? Gen. Black said further:

3. Prior to the time mentioned above Congress adopted many projects which had not been subjected to such a careful study and which were not recommended by the Chief of Engineers.

The time there referred to, when projects not approved by the Chief of Engineers were adopted by Congress, was 8 or 10 years ago. He then proceeds:

As a rule it is certain of these projects which have been subject to recent attacks. To determine whether the attacks were justified, a

proviso was inserted in the river and harbor act approved March 4, 1915, directing a reexamination of all existing river and harbor improvements to determine which, if any, of them should be modified or abandoned. The results to date of this reexamination are set forth in brief in memorandum No. 1 herewith. Owing to lack of time the reports on these recommendations could not, with few exceptions, be made available for the consideration of Congress in connection with the pending river and harbor bill.

4. An examination of the bill shows that it contains certain items which were not included in the annual estimates of the Engineer Department, or which were included for a less amount than the bill provides. Memorandum No. 2, inclosed, cites these items in detail, and shows that, without exception, the added items and the increased amounts were introduced into the bill on recommendation of the Chief of Engineers based upon facts that came to light after the annual estimates had been submitted. There are also many items for which a less amount is provided than called for by the annual estimates. No discussion of them is deemed necessary.

5. Memorandum No. 3, inclosed, gives a list of all the items in the bill which may be classed as of doubtful value to the interests of navigation when subjected to the tests usually applied by the department. A final analysis shows that, of the total, $42,886,085, carried by the bill, $611,200 (about 1½ per cent) is not economically defensible in the judgment of the Engineer Department for navigable purposes, however meritorious it may be for other purposes.

6. To conclude, the items in the bill which can be justly condemned are few and the amount provided for them is small, as compared to the loss to the commercial interests of the country that would result from the failure to enact a river and harbor bill. Moreover, the direct loss to the United States as a result of suspension of work and care of idle plant pertaining to improvements of unquestioned merit would, as shown by the experience of 1914, in less than three months amount to more than is provided for the doubtful items.

7. It is recommended, therefore, that the bill be approved by the President.

W. M. BLACK,
Chief of Engineers, United States Army.

And yet the whole country had been led to believe that that bill of a year ago, for which many of us voted, was a thoroughly bad bill, whereas the truth, now clearly revealed, is that we then voted for a bill which it was wise to enact into law, a bill which a subsequent complete, impartial investigation of all of the facts showed was plainly in the public interest. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I consider that the present river and harbor bill before the House has more to commend and less to condemn in it than any bill during the past four years. I have been one of those more or less critical of numerous items in the river and harbor bills, but I think that the remarks of the gentleman from Wisconsin [Mr. COOPER] and the quotations that he has read from the Chief of Engineers and the Secretary of War, apply more nearly to the bill before us to-day than they did to the one in regard to which he was making that comment. I am very glad to see included in this bill large and generous but fair appropriations for the great harbors of the country. [Applause.]

The items which I have previously criticized in river and harbor bills have been those just such as the gentleman from Wisconsin referred to, namely, the comparatively smaller items, but, nevertheless, the ones which have brought upon this House and the Congress the comment and criticisms which have been so generously bestowed during the last few years. We all recognize, Mr. Chairman, that it is very much easier to criticize than it is to praise, much easier to pull down than to build up, much easier, perhaps, unconsciously to get into a critical spirit carrying with it sometimes lack of absolute facts. It is perhaps to a certain extent within that line that a good deal of the existing comment and criticism on river and harbor legislation is based.

Mr. KELLEY. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. KELLEY. The gentleman is a member of the Committee on Rivers and Harbors. On pages 28, 29, and 30 of the report is a proposed bill introduced by the gentleman from Wisconsin [Mr. FREAR]. Has the Committee on Rivers and Harbors ever given much consideration or any to that bill?

Mr. TREADWAY. Well, so far as I know, the gentleman who introduced that bill has never asked the committee for a hearing upon it. It would seem to me, as a member of the committee, if I were personally interested in legislation I would at least ask my own committee to give me a hearing on a bill I had introduced, but I may be in error in making that statement.

Mr. FREAR. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. FREAR. I am not questioning the gentleman's assertion, but with the impossibility of getting favorable action on the bill from the committee I thought it was absolutely useless. It was a tentative bill used for a constructive measure.

Mr. KELLEY. I would like to ask the gentleman from Massachusetts just one further question, and that is, Whether he has given much consideration to the underlying principles of this bill introduced by the gentleman from Wisconsin [Mr. FREAR], and whether he thinks, if the plan of that gentleman were adopted, it would be better than the plan we are proceeding under now?

Mr. TREADWAY. I will say in reply to the gentleman from Michigan that I read the bill several times, but realizing it was not to come before us, and the gentleman who introduced it himself said he did not want to bring it before us, I have not given it the serious consideration I should have done had it been actually before the committee for action. I might say, however, in this connection, that I neither approve the principles on which the bill is based nor do I approve of carrying in this bill the so-called commission proposition. It strikes me, Mr. Chairman, that a correction of some of the evils such as have been discussed on this floor lies right here on this floor. They start here, and they start here from the fact that the committee at times puts in projects many of us do not approve of, and then the House itself declines to strike them out. Now, if we are the cause of this trouble, we have the cure right in our own hands. My criticism of the suggestion, not in the suggested bill of the gentleman from Wisconsin but of the so-called commission that appears in the present river and harbor bill, is that you are going around in a circle. You are not accomplishing a single thing in the enacting into law of the so-called commission. You are going further. You are giving to men who are supposed to be experts in river and harbor matters the authority to study kindred propositions, in a large measure, as I see it, not germane to the subject of river and harbor legislation at all, and you are expecting as broad a commission as that, with the power and authority that this bill gives them, to be able to report to Congress next December. The proposition is absurd, as I see it, on the face of it.

I was speaking, Mr. Chairman, about some of our big harbors. I am very glad indeed to indorse all these harbor projects, starting with Boston and continuing on down the coast—New York, Philadelphia, Baltimore, Savannah, Charleston, Jacksonville, Tampa, and so on—around to the Gulf and on to the Pacific coast. I think every Member of this House can conscientiously vote for every project carried in this bill for the improvement of the harbors and centers of our commerce. Being from Massachusetts, although I represent no part of the Boston district, I naturally am particularly gratified that the committee has continued as one of the new projects carried in this bill the extension of the depth in Boston Harbor to 40 feet.

There is no place where the Government money will be better expended than in that great harbor, second in importance to New York only of all the harbors of this country, and fifth in international importance. There is every reason why Boston should be favored with the best of commercial opportunities. The State of Massachusetts is now expending, as this House I think well knows, the enormous sum of $3,000,000 in constructing the largest dry dock on the Atlantic coast. If I am not misinformed within a few weeks the State officials having that work in charge have been in this city and have accepted the suggestion from the Secretary of the Navy that an annual rental should be paid to the State by the Government in order to secure the rights to the use of that dock for our largest battleships. We have there the great Charlestown Navy Yard. We have the great commercial development of the shipbuilding plants. The imports and exports are enormous, some figures I shall ask permission to insert in my remarks in the RECORD. So much for the general commendation of the present bill. Anyone can pick flaws in it. During my brief experience in Congress there has been very little legislation in which some of us sometimes can not pick flaws, and this is one of them. There are numerous projects in the present bill that I personally do not approve, but I have every respect for the judgment of the men who do approve them. I voted on this floor and voted in the committee for some of the inland water projects, but the more I consider that subject the less these projects appeal to me. If there is one meritorious it is the Delaware and Chesapeake, but then the question comes up whether Congress should be called upon to pay out $1,300,000 for the purchase of what is pretty near, not absolutely but practically, an abandoned canal simply to secure the right of way.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TREADWAY. I realize the gentleman wants to interrupt me so as to speak of the commerce.

Mr. MOORE of Pennsylvania. I think as the gentleman is fair in his other statements he ought to be fair in this one. This is not an abandoned property; it is a going property.

Mr. TREADWAY. I said that, and I will say to the gentleman if he had heard all the statement I made I do not claim that it is an abandoned project.

But nevertheless, Mr. Chairman, the moment the Government pays $1,300,000 for that project, that is an instance of

where the purchaser is naming the price. No one—our committee and no Member of this House and no Government official—has ever been able to present to Congress what the owners of that property would sell for. Up in New England, where we trade back and forth among each other, once in a while trade a horse or a cow or some of the farm products, the man that has the product to sell is the man that makes the first price. It may be an up price, but, nevertheless, it is something to start on. But here we have absolutely nothing to start on from anybody who has any ownership or control over that canal, other than for State officials to be quoted as saying that probably the State ownership, which is not worth a dollar, will be contributed to the Government. That is as near as I—a member of the Committee on Rivers and Harbors—personally have ever gotten any information as to the value of that property.

Mr. MOORE of Pennsylvania. Does the gentleman yield?

Mr. TREADWAY. I do.

Mr. MOORE of Pennsylvania. Is it possible that in Yankeeland, from which the gentleman comes, it is possible to get the dead to fix a price upon their property?

Mr. TREADWAY. Get the dead? Well, if it is as dead as all that, I do not think Uncle Sam ought to pay $1,300,000 for it. I think I am nearer right than I thought I was when I said it was a dead issue.

Mr. MOORE of Pennsylvania. There is a value there. The people who have owned the property have passed away, and condemnation would settle the whole proceeding. The gentleman should put in his speech a fair statement of the situation.

Mr. TREADWAY. Is it not a fact that some official presented a letter to our committee in which it was said they owned the canal, but that the bonds were distributed wide cast and the stock was held wider cast, and consequently no one was in a position to name a price? I would like very much if the gentleman would insert the letter to which I refer, as I think it will corroborate what I am stating.

Mr. MOORE of Pennsylvania. I have no objection to doing that, because it confirms what I said, that the ownership of the property is distributed among the States, and has been handed down from those who have passed away, so that the only method is to proceed by condemnation to take the property.

Mr. TREADWAY. That will inform the country that it is not worth anything or these heirs would have been glad to put a price on it.

Mr. MOORE of Pennsylvania. That is where I differ with the gentleman.

Mr. TREADWAY. Then they trade differently in the Quaker State than we do in the Bay State.

Mr. MOORE of Pennsylvania. They trade fair in the Quaker State.

Mr. TREADWAY. If I made any statement about the Delaware Canal other than it was a meritorious proposition, I would be entitled to criticism.

Mr. MOORE of Pennsylvania. The gentleman in his enthusiasm a while ago made a statement saying that Boston was the second greatest port in the United States, and he ought to know that Philadelphia has long since exceeded Boston.

Mr. TREADWAY. It must have been since the year 1915, because the statistics prove that Boston was the second port of importance for the commerce of the year 1915. Possibly Philadelphia——

Mr. MOORE of Pennsylvania. If the gentleman wants the statistics in the RECORD, I will be glad to put them there, to show that Philadelphia is the second port in the United States.

Mr. TREADWAY. Nevertheless, I will claim, in spite of the intrusion of the gentleman from Pennsylvania, and his evident acceptance of the fact that his property is not worth very much, that from a commercial standpoint the interconstal waterway in which he is so deeply interested is the best of the lot, so far as I know, and I am not praising it very much when I say that. [Laughter.] I do not honestly think a right of way through there is worth $1,300,000 as a starter. That is just the beginning.

Mr. MOORE of Pennsylvania. I regret to say, if the gentleman will permit me, that the gentleman has never passed through that territory, and we have been unable to prove to him personally that what he states is an inaccurate observation of the situation.

Mr. TREADWAY. I will put my statement up against that of the gentleman in the judgment of the membership of the House.

Mr. MOORE of Pennsylvania. We will be very glad to let it go at that.

Mr. TREADWAY. Now, the gentleman will get the funds, because the scheme is in the bill, and I am going to vote for it, along with the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. That is a concession.

Mr. TREADWAY. Not very much of a one. I would always rather be with the gentleman than against him, because usually his judgment is very good.

Now let me call your attention, Mr. Chairman, to one feature wherein it differs from some of the others. This is a new project, and the appropriation is to start the indefinite expenditure for deepening the canal for through commerce and all that sort of thing. To-day the claim is made that it is desirable as a secondary line of defense. Well, with the amount of water that is passing through there you would not want to sink a very large submarine in it and expect it would get covered up, because it would not be. It would be sticking in the mud. Such a claim as that is absurd on the face of it. But as to the other inland waterways, I will say that I am sorry to be obliged to differ with my good friend from North Carolina [Mr. SMALL] in his opinion of the merits of the one so dear to his heart. That is an adopted project in which we have put, I think, something over $2,000,000. It is 25 per cent completed, and therefore it will take something like $6,000,000 more to complete. It is not worth it in dollars and cents to the United States Government. That is my criticism of the whole line of inland waterways, unless the Treasury of the United States is overflowing with surplus and you want to find some way to spend your money.

There is another large project taken on in the bill before us, which means the expenditure of a large amount of money before its completion. I refer to the adoption of a lock and dam system on the Cumberland River. It, too, in a general way is an excellent project, but not to my mind at the present time, so far as our finances are concerned. It has not yet been demonstrated that the Government is getting due return for any of these enormous expenditures on lock and dam systems. Of course the best one in the country that has been adopted is that on the Ohio River, not yet completed. It will be some years yet before it will be completed, and until it is demonstrated on the Ohio River that such projects mean a good return on the investment of the Government I say let us go slow in taking on any more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. May I have one minute more?

Mr. HUMPHREY of Washington. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one minute more.

Mr. TREADWAY. There are several other things I should like to speak of, Mr. Chairman, but I realize that it is impossible now to go into them fully. I want simply to say this, that no man in Congress regrets the departure from it in the next Congress of the distinguished chairman of our committee [Mr. SPARKMAN] more than I do, one of the newcomers to Congress. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER].

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] is recognized for five minutes.

Mr. DYER. Mr. Chairman, I desire to speak for this bill, with special reference to the appropriation for the Mississippi River, and to advocate the necessity for its continued improvement, to the end that it will shortly become one of the greatest avenues of commerce in the United States. The city of St. Louis is located upon its banks. Recently the people of that city completed and dedicated a great municipal free bridge. That city is now constructing a modern municipal dock for the loading and the unloading of boats and barges. With its completion and the addition of other city docks and terminals, which are sure to follow, there will be a great change in the amount and kind of traffic upon this river. At the present time only about 150,000 tons are transported upon the river and nearly 55,000,000 by rail. The great development of river transportation will come about effectively and quickly, regardless of the other demands for deeper waterways. We are going to take advantage at once of the means at hand.

We are beginning the transportation, soon to be greatly increased, of our freight from St. Louis to New Orleans by barge liners, and at New Orleans they will be loaded upon ocean-going vessels which will carry same to South America and the Far East. Monopolies of Atlantic and Pacific coast cities of the trade in China and the Far East will soon be a thing of the past. St. Louis, the greatest manufacturing city of the Middle West, is fast becoming an important factor in this trade, and with the use to which we will soon put the Mississippi River for transportation of our traffic, our city will increase in im-

portance. Its population will soon be doubled. Its financial and industrial conditions, now unexcelled by any city of its size, will have a stupendous development. We of that city and of the great Middle West are fully awake to the importance and needs of improving this great river by keeping open a channel sufficient for the purposes indicated, as well as to protect the present levees and build new ones, so that the overflows and floods may become a thing of the past. This all will indirectly reclaim vast quantities of rich land, now known as swamp lands, for cultivation. In my judgment the most important phase of this whole matter lies in the opportunity it gives to us of the Mississippi Valley and of the Middle West to participate in the great development of trade with China.

What about China and our opportunities for trade there? What about St. Louis and its ability to participate in this trade by making use of the Mississippi River as I heretofore indicated? First, something about St. Louis.

It is recognized now as one of the greatest manufacturing centers in the United States. In speaking of St. Louis I include East St. Louis now as a part of our industrial city, since the two cities have been connected by a great free bridge. With the new conditions that will come about St. Louis will be one of the greatest steel-manufacturing centers in the country. It is now the greatest open-hearth steel-casting center of the country, if not of the world.

As an evidence of this, let me call your attention to some of the principal plants of this industry, which include the Commonwealth Steel Co., at Granite City, Ill., with annual consumption capacity of 40,000 tons; the Scullin Steel Co., within St. Louis's city limits, also able to use 40,000 tons annually; the two plants on the east side of the river of the American Steel Foundries Co., taking in each year another 80,000 tons; the National Enameling & Stamping Co., with an annual consumption at its Granite City plant of 20,000 tons; and the Alton plant of the Laclede Steel Co., requiring still another 10,000 tons each year to run to capacity. Then we are manufacturing pig iron into finished products, two large plants being devoted to these purposes, to wit: The Missouri Malleable Iron Co., with an annual consumption of 20,000 tons of malleable iron; the St. Louis Malleable Casting Co., with an annual requirement of 10,000 tons; the St. Louis Car Wheel Co., affiliated with the Southern Wheel Co., 10,000 tons; and the American Car & Foundry plants. St. Louis is fortunate in having all the coal, coke, and electric power needed to facilitate this and like industries. As to terminal facilities, no city has St. Louis surpassed in that respect. Why should not our city participate in the great increasing trade in China? Our city is capable in every respect. It is a city with more than 1,000,000 people within its industrial district. Forty million live within a radius of 500 miles. It is the largest inland city in the United States and fourth in manufacturing. It has now over 3,200 factories, and its products average over $500,000,000 a year. The city has 19 miles of river front, and the greatest opportunity in the world is at our door for river transportation. St. Louis manufactures many things that are needed in China. We excel in many of these products in quantity and in quality of any place in the United States. We can send our products by water to China and bring back in the ships things that we can use here in our factories and mills. Now, as to China and our opportunities there.

The war in Europe must and will end shortly. Practically all of our exports at present are going to the European countries engaged in the war. This will not be the condition when the war ends. An economic alliance of European powers will be put into effect as soon as the war is over. The United States will not be in this. This virtually means that there will be no opportunity for our manufacturers to find markets in Europe for their products. We must look elsewhere, and the question is, Where will we find it? If we do not find new markets, our business will decline and our gold reserve will dwindle away. We all know that our phenomenal prosperity at this time, as well as the fact that we have such a great gold reserve, is due to the war. It will not take long after the war is over before adjustment, alliance, and so forth, in Europe will seriously affect us. Therefore we must put ourselves to work in order to find the new markets and bring about the necessary conditions that will enable us to take advantage of them. The Government of the United States must, and I believe will, do its part. One of the things it must do is to enact a law such as the Webb Act, which recently passed the House of Representatives and is now pending in the Senate. This would permit the utilization and cooperation of our manufacturers to cope with the combinations of foreign rivals, who are united to resist American competition. In other words, this would repeal those portions of our anti-trust law that forbid combinations, with special reference to foreign commerce. We should permit Americans to cooperate in the development of our foreign trade. Congress must grant this authority. Then our Government must take a more active hand in helping American trade by providing more in the way of buildings and officials in foreign countries to assist in this development. I speak now specially with reference to China.

With fair and just laws by the Congress of the United States, with the resumption of traffic on the Mississippi River, and with the proper spirit on behalf of the men of means and ability of our city to handle this great question there can be no doubt but what St. Louis will reap a rich harvest of trade with China. It will make St. Louis greater than ever as a manufacturing center. It will bring to our city many new enterprises and increase our products. It will give employment to hundreds of thousands of people in our city—and, I might add, there is no better place to encourage people to come to live than St. Louis. Its climate, parks, schools, churches, and so forth, are as fine as can be found anywhere. We must bring together in St. Louis and its adjacent territory the manufacturing, agricultural, natural production, and the transportation and banking elements, who are and can be made interested in the American foreign trade. We must then obtain the necessary accurate and detailed information of the changed conditions that are taking place in the world markets. We must continue to have foreign trade. It now amounts to billions of dollars. We must not lose all with the close of the war. We must find new fields, and the greatest field is China. Then there must be ships for the transportation of our products on the Pacific. I have reason to believe that as the commerce increases ships and facilities will also increase. This has always been the rule, and it will be so now.

The American people should not hesitate to do their full duty in meeting the situation, for it was only a short while ago that we were bordering upon an industrial panic. Workingmen were unemployed, and there was scarcely any business. Then the war came. Our markets were drawn upon for the armies of Europe. Our factories, mills, mines, and farms began straining their utmost to supply the demands there because of high prices obtainable. This we have been doing ever since. Our foreign trade reached $6,000,000 for the year ending July 1, 1916. We are so engrossed with stupendous foreign trade that has come to us from Europe as a result of the war that we are not giving enough attention to the hereafter. I hope, therefore, that the men of America will proceed in actually planning for the trade in China.

China is friendly to the United States. It wants to do business with us. We have always shown our friendliness for that country. We returned the Boxer indemnity. The Chinese Government set apart that fund, after we returned it, and now uses the income from it to educate Chinese boys in the universities and colleges of the United States. This enables many young Chinamen every year to take back to their country with their diplomas from our American universities the American ideas of business, and so forth. China is a country of great wealth. It has a population of nearly 450,000,000 people and an area of 4,300,000 square miles. There is not any doubt but that it is the greatest market in the world. Wonderful development is going on in China. The great Hankow-Szechuan Railway will soon be completed and will reach a population of 78,000,000 of skillful, hard-working, and peaceable people. This number of people is only a portion of the total Chinese, but it is larger than the population of any other country except the United States, Russia, and India. China needs more railroads. It should have at least 350,000 miles of railroads. It now has only 6,000.

China can be made a great market for the boot and shoe industry of St. Louis and other cities in the United States. There are 400,000,000 pairs of feet in China, and they are beginning to wear American shoes. The proper cultivation of this trade will bring to the United States enormous business in this line alone. China has a great hide industry. We could take to China our shoes and bring back their leather. We produce many other things that China uses now and will use in great abundance, such as hats, caps, shirts, clothing, gloves, neckwear, underwear, chemicals, jewelry, hardware, millinery, surgical instruments, railroad supplies of all kinds, and so forth. China is importing to-day over 200,000 pairs of shoes annually.

The people in the northern part of China are discarding their native shoes and are adopting leather shoes. The United States has but little of this trade at the present time. It will not have any of the great increase that will come within the next few years unless it enters heartily into the importance of the situation. They are erecting many splendid buildings in China to-day. Building supplies of all kinds are needed, as well as elevators and hoisting machinery. Last year two merchants came from Hongkong to the United States to buy $1,000,000 worth of

tools and hardware. Our manufacturers were so engrossed in making munitions for the armies in Europe that these merchants had great difficulty in getting their order filled. There is a great demand in China for bicycles, steel plates, copper, brass, sheets, needles, braid, soaps, washbasins, enamel ware, small metals of inferior quality and price, and chemical products of all kinds. Practically all of these things we make in abundance through modern and up-to-date machinery, with the most efficient skilled labor in the world. Most of these things we make in St. Louis. Why not increase our trade a hundredfold by going to China? China has things that we want and need, and we ought to encourage its importation. They can sell us tea, camphor, hemp, cordage, lacquer ware, and so forth. China is a wonderful country, and is waiting anxiously and with outstretched arms for American business. American manufacturers, bankers, and engineers must do their part, unless they wish to see this country lose its share of the trade with China. We can not hesitate nor delay our duty in this respect much longer. China's great industrial future and history is being rapidly made. It will only be a short time until its sluice gates of wealth are fully opened up. If we are not on the ground then, our chance is gone. There are great opportunities for the bankers in the United States to help China to develop her wonderful resources as well as to finance American manufacturers who wish to take their goods to China to sell. It will be very remunerative to the bankers who do this. Chinese are people that believe in fair dealing. They want what they ask for and are willing to pay the price. Very few bankers have ever lost any money through the Chinese. Bankers ought to encourage foreign trade. It is to their interest. They should give their assistance and help in this direction.

Our opportunities for trade with China are better than those of any other country, because of the fact that the Chinese people are specially friendly to the United States for the reasons that I have stated, as well as for the fact that it was the United States that brought about the "open-door" policy with respect to that country, and which—I am advised by Hon. Robert Lansing, Secretary of State, under date of January 9 last, in answer to an inquiry from me as to what the conditions are at the present time relative to citizens of the United States trading with China—still continues. He says:

> In reply I have to state that American citizens enjoy in China by treaty the same commercial privileges that are accorded to persons of other nationalities.

It was Secretary of State Hay who insisted upon the maintenance of the "open-door" policy. Efforts have been made to supersede this policy to the disadvantage of the United States, but the American people will not look with favor upon the action of any country that seeks to deprive us of our rights under that fair and just policy. China is particularly pleased and benefited by the fact that the United States has championed and been responsible for the "open-door" policy. It has saved the Chinese Empire.

The United States has for a long time been doing some business with China. It reached its highest point in exports in 1905. This was due to a large increase in the importation of American cotton goods. Our poor showing in our trade with China is due entirely to the fact that we have not tried to obtain it. With all the advantage on our side we are letting Germany, England, Japan, and other countries make inroads upon the commerce of China. If we put it off too long we will not be able to get in. It is true that America has made some good starts. The Singer Sewing Machine Co. has gone about introducing its products in a businesslike and successful way. This is so as to the Standard Oil Co. and the American Tobacco Co. Some typewriter companies, the General Electric Co., and some automobile manufacturers are making successful entries into the trade with China.

The United States has helped to make history for China. Let us continue to do so. The history of the world is that of trade development. We spend much money in sending missionaries to China, but honorable trade relations with these people will no doubt do as much for their good as will that of the missionary or educator. Trade and civilization have always kept step. This was so as to Egypt, Assyria, Rome, Greece, Babylonia, and Carthage. It has followed the victorious armies and crossed the Atlantic with Columbus. It will go with American commerce and trade to China, and there we will find the greatest opportunities for both. That the Chinese people have appreciated the Christian teachings of the American Nation there is no doubt. She needs it greatly to-day in many sections of that vast people. China also needs us to help open her wonderful resources. She has vast mineral deposits that have hardly been touched. In one Province it is said that they have enough coal to supply the world for a thousand years. Altogether it is said that coal exists in at least 15 Provinces in China. At present 10,000,000 tons of coal is being taken out of the mines annually. Iron, pig iron, and precious metals are to be found there. Thousands of tons of raw jute and sisal are produced there and exported to foreign countries. Millions of tin cans are made in China annually by hand. Up-to-date machinery is needed for this and like industries. A Chinese workingman can turn out about 25 tin cans a day. One of our modern automatic machines will enable one man to turn out forty to fifty thousand similar cans in a day. One of the things needed in China most of all is up-to-date machinery.

American manufacturers who have engaged in business in China are making money. A rope factory there has had its stock to increase from $100 to $312 and has paid 25 per cent dividends on the original investment. A tobacco company is paying 45 per cent, a sugar company 15 per cent, a paper and pulp and mill company 10 per cent, a flour mill company 10 per cent, a cement manufacturing company 22 per cent, etc. China is a wonderful land. The whole world is watching it. It is the wide-awake people that will help to bring tremendously to the forefront this country. Those who aid will reap a large harvest financially, and at the same time help the Chinese people themselves. The people of the United States have always been equal to every responsibility. Will it meet this, the greatest opportunity of modern civilization, or will they leave it to people of other nations? The United States Government is doing its part. It must continue to do so and help the American manufacturers and American bankers to enter into the trade with China on as favorable terms as the Governments of England, Germany, and other countries grant to their people. What has the United States done? We built the Panama Canal to help to get to the markets of China. We took over the Hawaiian Islands as a further help. We have the Philippine Islands, which is an additional assistance in this respect. Between Hawaii and the Philippines we have Guam. We are working now to put upon the Pacific ample ships. We are appropriating money for the rivers and for the harbors, so that the commerce of the inland States and cities, like our own, can have water transportation.

If we do not take advantage of all these things it is our own fault and our own loss. In the city of Manila, the Philippine Islands, alone there is great opportunity for the manufacturers in the United States to carry permanent stocks of goods of all kinds, and which can be drawn upon from time to time to support the trade of China. This is an opportunity for American manufacturers, and gives them an advantage in the Chinese trade that can not be secured by any European country. No country of Europe has a base so near or a territory anywhere near as large that will enable it to carry a large supply of goods. The American business houses, therefore, should make arrangements to carry their stocks of goods to Manila and then have agencies in the various markets of China. American manufacturers could establish branch factories also in the Philippine Islands to manufacture goods for the Chinese trade. With all these superlative advantages and opportunities open to us we should not hesitate longer, but awaken to our responsibility and our chance to many times double our foreign export trade. Let the "Rich trade of the Orient" be ours. Let us not pass slightly the opportunity of the "golden future" in obtaining our share of "the great commerce of China's teeming millions shortly to be developed."

Some 50 years ago a distinguished Secretary of State, Mr. William H. Seward, made the following prophecy: "The Pacific Ocean, its shores, its islands, and the vast region beyond will become the chief theater of events in the world's great hereafter." This prophecy has already been fulfilled. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DYER. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

The CHAIRMAN. The gentleman from Ohio [Mr. COOPER] is recognized for five minutes.

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I shall vote for the rivers and harbors appropriation bill, but I do not want my vote construed as an approval of the past and prevailing methods of spending the public money for rivers and harbors improvements. I believe that many of the

items in this bill are wasteful and extravagant, and I shall gladly support any just plan of reform in appropriating funds for our waterways.

But under the present system the only way to secure badly needed improvements is to pass a bill like this which is now pending. I do not believe that the projects deserving assistance from the Government should be made to suffer because of the sins of others.

There is included in this bill an appropriation of $98,000 for maintenance and improvements of Ashtabula Harbor, located in the nineteenth Ohio congressional district, which I have the honor to represent. This harbor is one of the most important on the Great Lakes. Each year millions of tons of iron ore from the mines in the Lake Superior region come into this harbor and are distributed therefrom to the iron and steel industries of the Mahoning Valley and to other parts of eastern Ohio and western Pennsylvania. It is about 120 miles from Ashtabula to Pittsburgh, and throughout those 120 miles we have a teeming hive of industry. There the great iron and steel mills are located. There are thousands of men in the Pittsburgh and Youngstown districts employed in the iron and steel industries that are dependent to a great extent on the products that come through Ashtabula Harbor. There are also thousands of railroad men who look for their livelihood to the products that are shipped to and from that harbor.

Mr. SMALL. Mr. Chairman, will the gentleman yield for a brief question?

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Ohio. I have only four minutes left. There are also millions of tons of coal shipped annually from this harbor to furnish heat and power to the great Northwest.

It is absolutely necessary for the economic development of this harbor that the improvements proposed in this measure should be made. The report of the United States engineers shows this conclusively. The money which it is proposed to spend will be used for dredging the harbor so that large lake vessels may continue to use it, and for extending a breakwater so that the washing of sand into the harbor may be checked. Under present conditions this washing of sand into the harbor requires continual dredging at a large expense to the Government, and it would be a measure of economy to provide for extending the breakwater.

In 1913 the tonnage of Ashtabula Harbor was 15,743,375, according to the report of the minority filed in opposition to this measure. There can be no question as to the importance of the harbor or the need of the improvements. Therefore, in justice to not only the thousands of people at Ashtabula and in the iron and steel industries of my district, who are directly affected by the condition of this harbor, but also to the millions of consumers of the products of the iron ore, and the coal which passes through the harbor, I can not do otherwise than vote for the bill. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, does the gentleman yield back any time?

The CHAIRMAN. No. The gentleman's time has expired.

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from New York [Mr. HULBERT] 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. HULBERT. Mr. Chairman, it had not been my purpose to occupy any part of the time allotted for general debate, but would prefer to bring up the few items upon which I desire to be heard when the bill is read under the five-minute rule. A reference, however, in a New York City newspaper yesterday to the fact that of the total amount of new projects in this bill at least two-thirds are worthless, has prompted me to speak briefly at this time.

First of all, I desire to call attention to the fact that of the $47,050,112 in new projects which this bill authorizes, $18,370,000 cover items in the State of New York, of which all but three projects are in the port of New York, and that the total comprises approximately 40 per cent of the whole amount of the new projects carried in the bill. So that, according to the computation of the New York City newspaper which I have referred to, there must be included among the remaining two-thirds of worthless projects Boston Harbor, $1,145,000; the Schuylkill River, Philadelphia, $1,649,000; Baltimore $876,000; Norfolk, $840,000; Savannah Harbor, $1,920,000; Tampa, $1,425,000; Mobile, $1,030,000; Honolulu, $1,537,000; Lake Washington, $657,000; Grays Harbor, Wash., $700,000; Richmond Harbor, $771,000; Los Angeles, Cal., $626,000; Ashland, Wis., $270,000; and Green Bay, Mich., $110,000.

I do not believe that even my distinguished colleague on the committee [Mr. FREAR] will contend that any one of these projects may be classified as worthless, but rather I believe if it were possible to press the question for a direct answer he would willingly concede that each and every one of them is meritorious and entitled to favorable consideration.

So that, added thereto, the Delaware & Chesapeake Canal, the total amount of new projects included in this bill, which I venture to predict not even the most strenuous foe of the passage of this river and harbor bill could question, we find a total of $40,324,273, leaving approximately $7,000,000 of which the greater part can be readily justified by anyone, and all of which have met with the approval of a majority of the committee.

It might very well be that if some members of the committee who have undertaken to criticize these items on the floor under the searchlight of publicity had attended regularly the meetings of the committee, and particularly while the subject of new projects was under consideration, and shown anything like the same spirit and exercised the right as a member of the committee to vote on these projects—and I say this mindful of the rule, which I was admonished to observe this morning, for I believe that I can make this statement without committing an infraction of that rule—that some of the items complained of would not be present to be objected to.

Now, Mr. Chairman, I wish to emphasize, from the standpoint of the cities located upon great harbors, the importance of the passage of this bill. In the minority report submitted by my colleague he calls attention to the fact that the city which I have the honor in part to represent, with the great tonnage of 100,000,000 tons per annum, substantially 1 ton for each person in population in the United States, there was only $40,000 appropriated for Ambrose Channel and $210,000 for continuing the project for the improvement of the west side of the Hudson River at New York. And yet neither he or anyone else can successfully contend that the committee have not allowed every dollar the Army engineers asked for and can profitably expend during the coming fiscal year.

Mr. FREAR. I concede that; but the point I was trying to make was that it was a waste of money on other projects.

Mr. HULBERT. I am going to get to that waste. The difficulty with respect to the appropriation of money for great harbors like New York is that this Congress can not appropriate the amount of money to meet the commercial necessities of the occasion because men like the gentleman from Wisconsin have stood upon the floor and raised the cry of "pork," and made it impossible to pass through the Senate bills which contain new projects, and without the adoption of which it is not possible for this House to appropriate money absolutely needed in great ports upon the Atlantic, Gulf, and Pacific coasts.

Mr. FESS. Will the gentleman yield?

Mr. HULBERT. Yes.

Mr. FESS. If it were impossible for us to supply the needs, which I would support any time, is not that a suggestion and a good reason we should change our method of procedure?

Mr. HULBERT. I have advocated a change in the method, but I am dealing now with the method that is now in use under the rules of the House as adopted upon its organization. Take the East River, for instance, and no one doubts the necessity for improvement, and everyone appreciates its commercial importance. In 1914 the commerce transported on the East River had a value of $1,500,000,000. In 1915 it was over $4,000,000,000. Everybody realizes the importance of that improvement from the standpoint of naval preparedness in order to give vessels of the Navy ingress and egress to and from the navy yard from Long Island Sound, as well as the Sandy Hook route.

But there has not been, except in two special cases that were made, one at the last session of Congress and the other in the previous Congress, totaling a little less than $1,000,000—there has been no appropriation made for the improvement of the East River in nearly five years, because the Army engineers recommended to Congress that the improvement which was being made under the project was adopted in 1868 for a 26-foot channel, and which was outgrown in 1888, was economically inadvisable. It is not possible to secure further appropriations for improvement of that great waterway until you pass a bill which contains the new project recommended by the Army engineers.

We have another item in New York that I want to call attention to because of its urgency, not to us any more than to the whole country. The city of New York has recently constructed, at a cost of about $3,000,000, one of several piers, which they propose to build. It is located on the east side of the Hudson River, at Forty-fifth Street, in the Borough of Manhattan. The fact of the matter is that at that point in the river there is a bar which extends from Thirty-fourth Street to Fifty-seventh Street, over which a depth of 22 feet of water obtains. This pier and those projected are intended to serve the convenience of the largest trans-Atlantic liners now afloat or in the course

of construction. These vessels have a draft of from 38 to 40 feet, and you can realize the impossibility of utilizing that pier and others which we intend building when the depth of water at the approaches is only 22 feet. So I urge upon you that these and other projects of equal importance justify the passage of this bill, although I shall be glad to see and will vote to strike out any items which I opposed in the committee. [Applause.]

Mr. SPARKMAN. Will the gentleman from Washington consume some of his time?

Mr. HUMPHREY of Washington. Will the Chairman kindly notify me when I have talked 10 minutes?

Mr. Chairman and gentlemen of the committee, it was not my intention to speak during general debate, but I think one of the challenges made by the distinguished gentleman from Wisconsin [Mr. FREAR] ought to be answered. He practically makes the challenge upon the floor of this House that the statements he made in his minority report are correct. There may be no single, direct statement that is not correct, but taken as a whole it is one of the most misleading documents, in my judgment, that was ever presented to this House. I think I will show the gentleman a place or two where his misleading statements have done far more damage in the country than if he had made a direct misstatement of fact. Attention has already been called to where he started out and said:

> Nowhere will be found evidence of a wasteful method in Government affairs to be compared with the autocratic demands of the Army Engineers.

The Army engineers, as we know, have nothing whatever to do with it. If the gentleman was going to build a house and asked a contractor to figure on it and he came and presented what he thought to be a correct statement of what it would cost it would be just as much a "demand" on him as the Government engineers make in these cases. But I do not care so much about that; but there is one statement in this report that directly reflects upon the membership of that committee, and I feel that it ought to be publicly answered. I want to call the attention of the House and of the gentleman from Wisconsin to the statement he makes on page 10 of this report and then to show how far he is from the truth. He says:

> After five legislative days' consideration of these new projects by the committee, together with the transaction of other important business, including hearings pertaining to old projects and new, and a proposed resolution, the pending bill was reported out of committee on January 11. This information is all a matter of public knowledge, although the method of selection and distribution of 60 new projects, aggregating $47,050,112, appearing in the 1917 bill is improper to discuss or comment upon.

Now, what is the direct insinuation of that sentence? What would you think of a libertine who had been seen several times in company of a woman who should say, "It is not proper to discuss the character of women among gentlemen. They do not refer to those things. Therefore I will say nothing about her." Could anything be more damning to the reputation of the woman? Yet here is a member of this committee who says that $47,000,000 were distributed in five days, but it is not proper to comment upon the methods used in the committee in the distributing of this money. I say an insinuation of that kind is unworthy of the gentleman from Wisconsin. We must admit that he is an honest man and that he is an intelligent man, and he must understand the meaning of the English language——

Mr. FREAR. Will the gentleman permit——

Mr. HUMPHREY of Washington. And when he spreads broadcast a statement of that kind to the newspapers of this country it is only fair to assume that he puts upon it the construction that the man of ordinary intelligence places upon it.

Mr. FREAR. Will the gentleman permit me?

Mr. HUMPHREY of Washington. Yes; I will yield.

Mr. FREAR. I did not intend that, and I do not believe it has ever been taken in that way by anyone else.

Mr. HUMPHREY of Washington. Oh!

Mr. FREAR. Just a moment. Because the fact had been announced in the papers, and by the chairman of the committee, that they were going to take over new projects. That is all; and I have no right to comment on anything that occurred in the committee.

Mr. HUMPHREY of Washington. When the gentleman made that statement he knew that he could not comment upon it, but by the insinuation he gave the impression that the members of that committee were distributing $47,000,000 in a method that could not be commended. That is what he meant to say; that is the ordinary meaning of the language.

Now, if the gentleman will just wait a minute, I will show him something else that is just as bad, and I say in all seriousness that this whole report is unworthy of the gentleman from Wisconsin or of a Member of this House. He knows what language means.

Mr. FREAR. I could not possibly have commented upon it under the rule.

Mr. HUMPHREY of Washington. Of course you could not comment on it, but you could have kept still about it. You had no right to refer to it. That is where you do by insinuation what you dare not do openly.

Mr. FREAR. I dare do anything that is fair, and I will. The gentleman mistakes my disposition.

Mr. HUMPHREY of Washington. This report has all the characteristics of some editor of some yellow newspaper or magazine who dares not make a statement, but wants to insinuate as much as he can, hoping thereby to escape a libel suit. Now, wait a minute and I will give you a little more of what he said. He says it is a matter of public knowledge that the committee distributed 60 new projects in five days, and he says further:

> It is submitted that the insertion of new projects in this manner does not permit further comment in this report, although a brief consideration of value, or lack of value, ought to be placed before the House when the bill is under discussion.

What is the truth in regard to that? He wants the House and the country to believe that this committee placed 60 new projects in that bill in five days without giving them due consideration. Is not that what his language means? If that is not what language means, then I do not know the meaning of English words.

Mr. FREAR. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; not just now. Now, that is the statement he made. That is what he sends out to the newspapers. That is what he sends out to get his publicity and his headlines. Now, what is the truth about it? He said there were 60 new projects. There were 81. That is about as close as he usually comes, and I commend him for getting that near to the fact in that one statement. Now, what is the fact? Of these 81 new projects 76 were included in the 1914 bill, if I am not mistaken. They had been before the committee before. They had been considered; we knew about them; they were not new projects except in a technical sense, because they had already been considered and been before the committee before; but he sends out to the people of the country and wants them to believe that the committee took those 81 new projects, or 60 as he says, and in five days, without consideration, sat around a table and by methods that he can not comment upon distributed this $47,000,000.

If he had wanted to be fair about it, why did he not say that most of these projects had been considered by the committee before; that the committee was familiar with them; that some of them had been before the committee for years? If he wanted to be fair, why did he not continue and say that a good many of those projects, perhaps the majority of them, were in reality a mere continuation of old projects? I submit to the Members of this House that if the people of this country could come here and listen to some of these reformers and know the facts about the situation, these reformers would get about as much hearing throughout the country as they do here in this House.

Let us see whether it is such a reprehensible thing to take on new projects in five days. I shall take my own projects, because they are the ones with which I am most familiar, those of the northwest portion of this country. Each one of them has been before the committee for years; but suppose they were not, how long would it take an intelligent Member to decide in respect to any one of them? For instance, take, as an illustration, the new project on the Skagit River. The Skagit River is the largest river that flows into Puget Sound. Mount Vernon is at the head of navigation. The annual commerce upon that river is about $4,000,000. Water competition directly reduces freight rates, because the railroad runs through the town, and on passenger rates it makes about a dollar a passenger between there and the city of Seattle. There is a bar between the mouth of the river and the head of navigation, Mount Vernon, and unless it is removed the whole navigation will be stopped, and the advantage of the freight rates will be lost. Four million dollars' worth of commerce will be destroyed or sent by rail. It will cost $30,000 to do that. How many men in this House would have to take a day or half an hour to decide whether that is a new project that ought to be included in the bill?

Let us take the other one, one of the largest new projects in the bill. At Seattle for the purpose of a canal the Government has expended $3,000,000. The local authorities have expended $6,000,000 more. That great project is ready to use, but in order to use it you have to dredge between the lake and the deep water in Puget Sound, or else the whole property is of no value. How long would any intelligent Member of this House want to study that matter to determine whether or not it ought to be adopted?

Most of the new projects are of that class. There are a good many projects in this bill where there can be a fair difference of opinion, where people can honestly differ, but the majority of these are not the new projects; and I want to repeat that the gentleman from Wisconsin [Mr. FREAR] made an argument that was unworthy of him and unworthy of any Member of this House when in a report which he writes, and not in an utterance upon the floor of the House, he spreads the impression throughout the country that in its grab for pork the Members of the committee sat around the table and in five days distributed these projects in a method that he could not comment upon, and failed to state that most of them had been passed upon, and that there were only a few that were new to the committee, and that most of those were of such character that he himself, if he had attended the committee meetings and had attended to his business, would have decided ought to go on the bill. [Applause.]

I yield four minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I shall not vote for this river and harbor bill, although that decision is entirely apart from the merits of the bill. I shall not vote for it because I think that we could do without an annual river and harbor bill in the present state of the Treasury. I shall take the time, however, to make a very slight statement, which I may not have time to complete, with reference to the formation of a river and harbor bill. There have been a great many suggestions made at different times. Whatever men may think about the merits of particular propositions in a bill, there is no legislation which comes before Congress which is so critically scanned by experts as are the river and harbor bills before they reach the House. In the first place, the War Department itself can not institute any recommendation upon its own motion. It is the only branch of the Government that is not permitted to do so. The Executive can not order the War Department to make a report or an estimate or a recommendation to Congress in reference to a river and harbor improvement. You can not reach the War Department through political influence exercised upon the President or the Secretary of War. A provision in the river and harbor bill begins with an item for a survey, and under the law the engineers can not make a survey until as experts they have made an examination as to the probable economy of the improvement, the use that will be made of it, and the benefit that it will be to the shipping industry and to the public.

The Board of Engineers of the United States Army are selected men from West Point, who hold their office for life, or for good behavior if they do their work. They are the least subject to political influence of any body in the United States by reason of their position. [Applause.] They can not go to the political activities which exist in the War Department with reference to promotions, because all of their promotions are automatic except as to the Chief of Engineers. When we determine by reason of the activity of a Member of Congress representing his constituents to ask that board to make an examination, they have to first determine whether it will be a profitable adventure if entered upon, and then they are permitted to make an estimate of the cost and present the project to the House. The House itself can not order them to do this. It could at one time by a resolution. The Senate itself can not order them to do this. It is the only case in the Government service where the House can not by resolution ask Government officers to render a service, or where the Senate can not by a resolution ask Government officers to render a service. After they make their estimate, made by the local engineer aided by a civilian engineer working under him, also permanently employed, they have to go through the form—in many cases it is a form, though in some cases it is the real thing—of having the report pass through the district engineer and the engineer of the enlarged district, whose title I do not now remember. Then the matter goes before the Board of Engineers. Then it comes before the Chief of Engineers. Then it comes before the Committee on Rivers and Harbors. There are more processes involved, and far more expert men, wholly disinterested, unbiased, uncontrolled by politics, in reference to a river and harbor item than any other legislation provided by any legislative assembly in the world. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. I yield three minutes more to the gentleman from Illinois.

Mr. MANN. Now, Mr. Chairman, the river and harbor bill comes to the House. We call it a pork-barrel bill. It is in the sense that term is used. It comes to the House as an omnibus bill, with the items bunched together. If we had a thousand hours in the day and a thousand days in the year and could sit here all the time, possibly, but not probably, we might consider those items by themselves. It is never practicable to pass river and harbor items as separate bills, and with some experience in the House I venture to say that if the river and harbor items were introduced as separate bills by Members from their various districts, with those Members pulling and hauling, with the personal influence upon the committee, there would be more bad projects reported by that system than are reported now, because the committee then would say, "Oh, the items come up by themselves; the responsibility is not upon us, the responsibility is upon the House." It is an easy question to cite the Claims Committee of the House, a good committee, which has done excellent work, but which reports more bad bills through personal solicitation than all the other committees of the House combined, because they are separate bills. Pulling and hauling is what gets it. If we should make a lump-sum appropriation to the War Department, it would not benefit things at all, because half the scanning will be taken away. We do not provide for river and harbor bills until they have passed the War Department. Then they have to pass the Committee on Rivers and Harbors, they have to pass the House and Senate, though I do not know that that is very much under the circumstances, and the giving of a lump sum would only make it worse. But to let the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, and one other Secretary, as provided in this bill, select some chief clerk there or some high-priced clerk, wholly subject to political influence, wholly under the control of a superior officer, holding a tenure of office at the will of the man above him, without training, without expertness, for them to pass upon the methods now in existence of determining these things by the War Department, would be to ask an ignorant man to judge of the literary ability of a distinguished scholar. What is the use? [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. LIEB].

Mr. LIEB. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. SPARKMAN. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 18 minutes remaining.

Mr. SPARKMAN. I yield the balance of my time to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, this is one of the important appropriation bills which must initiate in the House of Representatives. It represents one of the most useful activities of the Federal Government. The improvement of harbors, of interior waterways, for the development of water-borne commerce, is certainly of sufficient importance to entitle it to the serious consideration of the Congress representing the country. I think it is fair to state that this river and harbor bill is no more subject to criticism than any of the other great appropriation bills which annually come before Congress. It is not perfect; of course, it is not; neither is any other of the appropriation bills perfect. It is inherent in a democracy to have many claims for Government activities upon the Federal Treasury; yet in the consideration of those claims, in a country as diversified as ours in climate, in soil, and in other necessary governmental needs, it is not to be wondered at that there will be disagreements upon the part of some as to the merit or demerit of some particular item in a river and harbor bill.

Now, I shall devote the brief time I have to some of the criticisms which have been made. Wise and honest and intelligent criticism is useful when applied to any legislation of a public character, and it is certainly useful on this bill. I think, for instance, the remarks of the distinguished gentleman from Massachusetts [Mr. TREADWAY], while I and others may not agree with him in its entirety, yet we can at least appreciate the honesty and zeal of his efforts, knowing the time that he has given to the consideration as a member of the committee in the formulation of this bill. The gentleman from Illinois [Mr. MANN] stated that he thought we ought not to have a bill at this time, and he is entitled to his opinion; and as a respected and diligent and influential Member of this House, any expression from him will be given consideration. But I submit that the kind of criticism against this bill which emanated from the gentleman from Wisconsin [Mr. FREAR] is not worthy of him, is not worthy of the House, and is unfair toward his colleagues. He made the statement that at least one-half of this bill was waste, that the appropriations were for no useful purpose. That of course implies that his colleagues on the committee have either deliberately or ignorantly appropriated money for no useful purpose. Of course that is a very serious charge, but that is the only implication from such language. He is not in favor of

river and harbor legislation. He would not vote for this bill no matter what kind of a bill was reported. He did the committee the honor just a moment ago to say that he admits the projects for the great harbor of New York are good, but he does not know. Now, if he does not know whether those projects for the great harbor of New York are meritorious, I would like to know how far his knowledge extends as to other projects in the country, particularly those in the interior. But, Mr. Chairman, the gentleman said that every statement in his minority report was correct, and he challenged the House or any Member of the House to point out any incorrect statement in that report.

Mr. FREAR. Will the gentleman yield there?

Mr. SMALL. I do.

Mr. FREAR. The gentleman misunderstood me. I said I challenged them to point out some mistake. I assume a mistake may be made either by the gentleman or myself, but I did not want to be misunderstood.

Mr. SMALL. The gentleman challenged us just to point out a mistake.

Mr. FREAR. Certainly.

Mr. SMALL. I will just point out a few. At the bottom of page 2 in his report it is stated that Ashland Harbor receives nothing in this bill. As a matter of fact, on page 29 of the bill there is an appropriation of $10,000 for the purpose of completing a project which was estimated for in the report submitted in House Document No. 1698, Sixty-fourth Congress, second session.

Mr. FREAR. Will the gentleman yield?

Mr. SMALL. Not now. A project which was estimated to cost $269,984. A total of $634,500 has been heretofore appropriated for Ashland Harbor. When the gentleman stated that nothing had been appropriated he would have us infer, I presume, that Ashland Harbor had been neglected.

Mr. FREAR. I wish to correct the gentleman on that point. I was referring entirely to the whole project. I was giving the comparison.

Mr. SMALL. The gentleman said there was no appropriation in the bill, as appears in his minority report, bottom of page 2.

Mr. FREAR. No.

Mr. SMALL. And as to Chicago Harbor, the gentleman has combined the commerce for Chicago Harbor and Chicago River, Calumet Harbor and the Calumet River, and states that Chicago receives only $65,000 in the bill. These projects receive altogether $103,170, of which $38,170 is for widening the channel at the mouth of the Calumet River, and the balance is for maintenance. All projects are completed except that for the outer harbor at Chicago, and there is an available balance of $899,723 for continuing this work, which the Chief of Engineers says is sufficient for all work contemplated prior to July 1, 1918. The only purpose of the reference to Chicago Harbor was to show that it had been neglected. Why did not the gentleman disclose these facts?

Mr. FREAR. Will the gentleman yield there? That was not the purpose at all.

Mr. SMALL. Then his language can have no purpose whatever. The gentleman says that Buffalo Harbor gets nothing in the bill. As a matter of fact, it appears from the report of the Chief of Engineers that there was a balance on hand June 30 last of $237,306, with which it is intended to repair breakwaters and do maintenance work, and the Chief of Engineers says that is sufficient for the fiscal year ending June 30, 1918. If the gentleman's purpose was to show that harbor had been neglected, why did he not say so?

Mr. FREAR. That was not my purpose and the gentleman knows it was not.

Mr. SMALL. What was the purpose?

Mr. FREAR. I wish to show that the amount of money, $18,000,000, given other projects was not equalled——

Mr. SMALL. The gentleman may deceive himself but not honest men.

Mr. FREAR. I do not deceive myself.

Mr. SMALL. I decline to yield further. The gentleman says in his report that Cleveland Harbor only gets $60,000. There was a balance of $298,770 on hand on June 30 last, which with the $60,000 allowed in this bill will do all the maintenance work and repair work for the next fiscal year. He says the Duluth-Superior Harbor is allowed only $45,000. As a matter of fact, the bill carries $69,000 for this harbor, and an estimate of $180,000 will go in the sundry civil bill under a continuing contract heretofore authorized. Why did not the gentleman tell the truth?

Speaking of the Oklawaha River, he says it had only 1,760 tons of commerce in 1915. The statistics in the report of 1916, page 2302, include the following:

Oranges, crate material, grain and hay, naval stores, cypress logs, pine logs, and miscellaneous, making a total of 29,393 tons.

Mr. FREAR. Will the gentleman yield? That is absolutely correct——

Mr. SMALL. Not unless the gentleman says my statement is incorrect.

Mr. FREAR. The gentleman's statement is incorrect if he will take out the saw logs.

Mr. SMALL. The gentleman made the statement in his report that there was only 1,760 tons of commerce.

Mr. FREAR. I know the gentleman is mistaken.

Mr. SMALL. Another statement in the gentleman's report is on page 4, referring to the Brazos River. He states that it has received $2,946,250 for a small commerce near the mouth of the river and carries $66,000 for the old project, and $150,000 more for another project, which, when adopted, will mean $455,000.

As a matter of fact, the project adopted includes only 6½ miles above the mouth of the river, and is separate and distinct from the open channel and lock and dam project, extending 417½ miles above the mouth of the river, which presumably the gentleman referred to. Why did he not tell all the truth about it?

On page 4, as to the upper Cumberland, he says that in 1915 it only produced 37,000 tons of "commerce," excluding sand hauled 9 miles, and timber products. I have here a statement from the annual report of the Chief of Engineers, showing that in the calendar year 1915 there were on that river 266,639 tons of commerce. The total freight, exclusive of sand and gravel and rafted products, is given as 96,355 tons, valued at $3,878,618. Why did the gentleman state it was 37,000 tons? Why did not the gentleman tell all the truth?

Mr. FREAR. Does the gentleman say these figures are not correct? I will put then in the RECORD, then, to show the duplication.

Mr. SMALL. I decline to yield.

In his minority report, on page 4, speaking of the Cumberland River, he says:

On this same river, the Cumberland below Nashville, the Government has further appropriated in past years $3,184,267, in addition to $632,000 more contained in the pending bill, to produce in 1915 just 16,374 tons of commerce, excluding timber products and sand and gravel.

What are the facts? I have before me here a table, which I clipped from the annual report of the Chief of Engineers, giving an itemized statement of the commerce of that section of the Cumberland River for the calendar year 1915, which shows a total commerce of 126,949 tons. The total commerce, exclusive of sand and gravel and rafted products, is given at 109,079 tons, and not 16,374 tons as given in the statement of the gentleman.

Mr. FREAR. But did not the gentleman deliberately misrepresent me there?

Mr. SMALL. I decline to yield. Why did not the gentleman tell all the truth?

Mr. FREAR. The gentleman misquoted me, that is all, and refuses to allow me to correct it.

Mr. SMALL. Mr. Chairman, I selected a few statements in the minority report of the gentleman from Wisconsin, and I have shown by the official record that they are incorrect.

As the gentleman from Washington [Mr. HUMPHREY] well said, it will be difficult to find a report which is more disjointed, where facts are stated with less regard to reasoning sequence, which is more difficult to analyze, which has more glaring misstatements of facts, and which is unworthy of a report submitted to this House in opposition to a great appropriation bill than this minority report submitted by the gentleman from Wisconsin [Mr. FREAR].

Legitimate criticism, as gentlemen before have said, is invited. The House wishes it. The members of this committee wish it. But the kind of criticism which only seeks publicity, which goes outside of the House in order to disparage, to malign, and to slander the good name and the reputation of the colleagues of a Member upon the committee and his colleagues in this House is unworthy of a Member of the House. [Applause.]

Let us hope that such criticism as this, sooner or later, will be taken at its true worth. The gentleman will learn that not for the sake of mere publicity, not for the sake of disparaging the reputation of the membership of this House, of which he is one, can he oppose legislation in this House, whether it be alleged "pork-barrel" bills, or any other appropriation bills, or any other class of legislation.

Mr. Chairman, legitimate criticism of this bill at the hands of an industrious and intelligent Member might point out items which were worthy of the consideration of this body. I can not say whether or not the gentleman has been intelligent or diligent in the discharge of his duties as a member of the committee. That would be in violation of the rules. But I would challenge the gentleman—which I think would not be a viola-

tion of the rules—at some time during the consideration of this bill to get up and tell the House truthfully and frankly, if he can do so—and I assume that he can—exactly how he did discharge his duties as a member of this important committee.

Mr. FREAR. I shall be glad to do so.

Mr. SMALL. And if he makes the statement frankly and truthfully, as I assume he will do, and his statement is corroborated by his colleagues on the committee, then he must take the chances of the correct inference as to the manner in which he has discharged his duties before the House and the country and as to whether he is entitled to credence in the press of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Wills Strait, Casco Bay, Me.: Completing improvement in accordance with the report submitted in House Document No. 1416, Sixty-second Congress, third session, $16,500.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. Mr. Chairman, I desire during the reading of the bill at different points to strike out some of the items and also to read other items. I do not care particularly to speak of this item, but I want to say a word in response to what the gentleman from North Carolina [Mr. SMALL] has said, the gentleman who has just spoken. It places me in the position of being compelled to make a statement of what took place in the committee. I have not that right, as the gentleman well knows. I would be very glad to give all my reasons to the gentleman, and I will say that from 8 or half past 8 o'clock in the morning until nearly 6 o'clock at night I have been working every day in my office on this bill and others as best I could.

The gentleman has quoted some figures in the minority report unfairly, for when I stated "timber products" and he said "rafted products" of course he must have known that he was not quoting me correctly. I say there may be errors in this report, but the gentleman has not pointed them out in any instance. I did not state that this report is accurate in every particular, but I do say the gentleman has not pointed out a single statement where an error has been made.

If the House permits, I shall be glad to state what happened in the committee. Have I that right, Mr. Chairman?

The CHAIRMAN. The Chair understands that a Member has not that right.

Mr. FREAR. I assume so, and I do not want to be discourteous to the House in justification of my own course, Mr. Chairman. I was patient, and I endeavored to be consistent and fair and honest with every member of the committee. I think the chairman will concede that I attended many of the meetings of the committee, and that I wrote him frankly my position on this bill right from the start, right after the bill was made up. The chairman knows that. The gentleman from Illinois [Mr. MANN], for whom I have a very high opinion——

Mr. MADDEN. Mr. Chairman, will the gentleman from Wisconsin yield to me for an interruption?

Mr. FREAR. Yes.

Mr. MADDEN. I suppose a gentleman has the right to ask a question. Was the gentleman from Wisconsin present at the meetings of the committee when the bill was made up?

Mr. FREAR. Oh, yes; at different meetings, as frequently as I found opportunity.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. FREAR. Yes.

Mr. HULBERT. Did the gentleman attend the meetings of the committee regularly after the 1st of January, when they were considering the new projects?

Mr. FREAR. Mr. Chairman, have I the right to answer that?

The CHAIRMAN. The gentleman can state whether he attended the meetings or not.

Mr. FREAR. I notified the chairman of the committee at that time that I was opposed to the bill, and that not one or two or three items could persuade me to vote for the bill, because my item was in. That is the situation I found myself in.

Mr. HULBERT. Does the gentleman believe that because he was opposed to the bill because he could not understand it before it was made up, that that discharged him from performing the duty of attending the meetings of the committee and keeping out items that he did not believe ought to be therein?

Mr. FREAR. The old projects had practically been agreed upon. There is no question about that. And when it came to the new projects, I was opposed to adding them to the bill. Others members who were opposed to them also refused to attend the meetings of the committee. There was nothing to be gained thereby. I could not change the result, so I began to prepare my report and for discussion of this and other bills which were expected to come up immediately for passage.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Nantucket Harbor, Mass.: Continuing improvement and for maintenance, $45,000.

The CHAIRMAN. Without objection, the pro forma amendment under the last item will be withdrawn.

There was no objection.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I do not ask to strike out many of the items. I wish to present some facts, and it is with this fact in mind at this time, with a large deficit in the Treasury, I submit that we are making a very large appropriation for a very small harbor, comparatively. Last year there was nothing, practically, expended. There was $169 expended last year. We have on hand for that project a balance of $17,000. Forty-five thousand dollars is proposed now for a project that is a mile and a quarter in length. The channel is 300 feet wide and 15 feet deep. It has only a nominal commerce, and it has no effect on freight rates.

My point is this: I do not move to strike out the paragraph, but it seems to me to be far better to allow a proposition of that kind to go over, or make a modest appropriation, than to make an appropriation of $45,000 in view of the fact that we expended only $169 last year.

Mr. HULBERT. Mr. Chairman, I rise to oppose the pro forma motion to strike out, for the purpose of calling attention to the fact that the necessary repairs are occasioned by storm and conditions of ice.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Pawtucket River, R. I.: Completing improvement in accordance with report submitted in House Document No. 1283, Sixty-fourth, Congress, first session, $61,440.

Mr. FREAR. Mr. Chairman, I move to strike out the item.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 3, by striking out lines 9, 10, 11, and 12.

Mr. FREAR. Mr. Chairman, I assume that this bill is to carry only the very important new projects that are to be considered. For that reason, from a reading of the Engineer's report, which I have read very carefully, and from the examination that has been made, it does not seem to me that this is a project that really needs to be acted upon at this time. Already there have been $507,000 spent upon this river. The channel is 15 to 18 feet deep and has been completed for its length, 3 or 4 miles. The report says that, so far as known, the existing project has had no effect on freight rates. The expenditures in 1916 were $16.67. This new project is to widen a channel for towing barges at a cost of $61,440.

On page 2 the report says:

Owing to the amount of rock in the upper part of the channel the district officer states that it is not practicable to provide increased depth at a reasonable cost, and he believes that the present project depth of 16 feet should be retained.

So it is not to dig a deeper channel, but to widen it. Reading from page 3:

The principal traffic is in coal handled by barges in tow. Dealers in this commodity have desired a deeper channel in order to accommodate barges requiring a depth of about 18 feet, but it appears that any deepening would necessitate considerable excavation in ledge rock at excessive cost. As practically all the heavy tonnage is in vessels handled in tows, the present channel width of 100 feet is considered inadequate, and the district officer recommends that it be increased to 150 feet at an estimated cost of $61,440.

The Army engineers report against any deepening. There is not a regular boat line, I take it from reading the report. Turning to page 8, appears the possibility of organizing a boat line, where the report says in a clipping from a newspaper:

The feasibility of establishing steamboat service between New York and this city was considered at length yesterday at a regular meeting of the State harbor improvement commissioners at headquarters in the statehouse. No action was taken, and the question will be discussed again later.

For all these reasons it does not appear to me to be a very important project to carry on at this time. It may be eventu-

ally but does not seem to be necessary now, and that is the reason I move to strike it out.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Wisconsin [Mr. FREAR] to strike out the item contained in this bill for the further improvement of Pawtucket River, R. I. This Pawtucket River project extends partly through a portion of the district I have the honor to represent in this House and partly through a portion of the district represented by my colleague on the other side of this Chamber. The report of the Army engineers who have surveyed this project contains a strong recommendation of the same, and upon it I think the House is altogether justified in retaining this appropriation in the bill.

On page 3 of the Report of the Board of Engineers for Rivers and Harbors, dated June 20, 1916, I find the following paragraph:

> It will be seen that the commerce on this river is large both in tonnage and in value. The greater part of it is handled in tows, and difficulty is experienced in keeping in the narrow channel, particularly when passing other tows. Some increase in width is considered essential to safety and convenience, and it appears that this can be secured at a reasonable cost. While greater depth would be of some advantage, it is not attainable within limits of justifiable cost on account of the ledge rock bottom. In view of the foregoing the board concurs with the district officer in the opinion that it is advisable to modify the existing project by increasing the width of the channel from 100 feet to 150 feet at an estimated cost of $61,440, which amount should be made available in one appropriation.

Mr. Chairman, the statement just made by the gentleman from Wisconsin [Mr. FREAR] respecting the total amount expended upon all projects connected with this river is true. The river has been under improvement since 1867. But the gentleman failed to tell you that the State of Rhode Island has contributed with some degree of liberality toward the improvement of this river. The river and harbor act of March 3, 1907, laid down the condition that in the prosecution of the work the State of Rhode Island should contribute $67,792 toward the cost of the improvement. The State complied with this condition. Besides this, Mr. Chairman, the State of Rhode Island since 1911 has expended the sum of $74,595.43 in the acquisition of land and the building of a quay wall in the upper part of the river at Pawtucket, in order to provide better terminal facilities and easier outlets for commerce.

The test to be applied in the determination of questions such as this should be the amount and value of the commerce carried upon the river. Applying this test to this particular project the tonnage figures indicate that this river is a considerable artery of commerce. During the past three years approximately 540,000 tons, valued at $6,600,000, constitute the average of this river's carriage on 9,627 vessels, of which 4,802 were registered vessels of considerable size. The traffic on the river consists of coal barges and schooners carrying lumber and building material. Two steamers run regularly between Phillipsdale and New York, carrying iron and copper.

The part borne by the State of Rhode Island in the improvement of this river and in furnishing facilities for commerce thereon shows the interest which that State has taken in river and harbor development. It does not and never has depended entirely upon the National Treasury in the matter of river and harbor improvement. On the contrary, it has always manifested a spirit of cooperation with the National Government by making equitable State contributions toward its own river and harbor improvements. This willingness on the part of the State to contribute is the best evidence of the necessity and importance of the contemplated improvement.

The length of the improved portion of the Pawtucket River, including that portion which is called the Seekonk, lower down, between Red Bridge at Providence and Division Street Bridge at Pawtucket, is about 3½ miles. The act of March 3, 1905, provided for a channel above the Red Bridge at Providence 16 feet deep at mean low water and 100 feet wide, the width being reduced to 50 feet through the ledge rock at Pawtucket. The act of March 3, 1909, authorized the expenditure of any balance after the completion of the above work in deepening the channel to 18 feet and increasing the width at such places as would best subserve the interests of commerce. The 16-foot project has been completed, the channel has been widened somewhat lower down the river near Phillipsdale, and an increased depth in the channel has been made through the ledge rock at the upper end of the river at Pawtucket. Commerce, however, is still hampered at the upper end of the improvement and will continue to remain so unless the channel through the ledge rock at Pawtucket is made considerably wider. It is earnestly hoped that the Army engineers will recognize the commercial necessities of such an increase and report favorably thereon at an early date in accordance with the survey authorized and directed under the terms of the present bill.

Mr. Chairman, the population of Rhode Island is given up almost entirely to manufacturing and industrial pursuits. The products of that State's 2,200 or more manufacturing concerns, employing about 125,000 wage earners, are well known the world over, consisting as they do of about every article of manufacture that makes for the comfort and convenience of mankind. But for raw materials and foodstuffs Rhode Island is dependent upon the products of other States. We exchange the products of our factories for the things which we can not produce ourselves. Any plan or project which will bring us into closer commercial and fraternal relations with other States deserves to be commended and indorsed. The city of Pawtucket, located at the headwaters of the Pawtucket River, about 4 miles up from Narragansett Bay, has no access by water to the great centers of population which lie to the south except through the channel which the appropriation contained in this bill proposes to widen. The merchants of that city are anxiously awaiting this river improvement which they believe will afford cheaper rates of transportation and give to northern Rhode Island and the territory surrounding increased and more adequate commercial facilities.

Mr. Chairman, this paragraph relative to the appropriation for the Pawtucket River is altogether justifiable. It should remain in the bill, and the motion, therefore, of the gentleman from Wisconsin [Mr. FREAR] should be promptly defeated.

Mr. Chairman, this river for which this appropriation was recommended rises in the vicinity of Worcester, Mass., and flows about 50 miles, emptying into Providence Harbor at Providence, R. I., the headwaters of Narragansett Bay. From its source to the falls at Pawtucket it is known as the Blackstone River, named after William Blackstone, the first settler of Boston, who afterwards settled on its banks. From Worcester, Mass., this river falls 450 feet to salt water at Pawtucket, and in its general southeasterly course it has for a number of years turned more mill wheels than any other river of similar size in the country.

Navigation above the falls at Pawtucket was formerly carried on through a canal, known as the Blackstone Canal, which entered Providence Harbor and connected the city of Worcester with the city of Providence. This canal, which has long since been abandoned, pursued a northerly course, entering the valley of the Pawtucket River and following the river valley to Worcester. It was 45 miles long, 4 feet deep, 34 feet wide at the top and 18 feet wide at the bottom. It contained 48 locks, 80 by 10 feet. It was completed in 1828 at a cost of $750,000. The opening of this canal first engaged public attention in 1796.

The plan of opening this waterway from Narragansett Bay, in Rhode Island, into the heart of the Commonwealth of Massachusetts was conceived by John Brown, one of the early inhabitants of Providence. A charter was obtained in Rhode Island, but the petition of inhabitants of Worcester County, Mass., praying for incorporation for the opening of this enterprise was refused by the General Court of the Commonwealth, whereupon the undertaking was abandoned. In 1822, however, the plan was revived and subscriptions opened for a survey. Meetings were held both in Providence and Worcester at which the subject was discussed and a unanimous sentiment expressed that canal navigation in the valley of the Blackstone should be opened with all possible expedition. Committees were appointed to further investigate the subject. With the funds subscribed by individuals, they engaged Benjamin Wright, Esq., chief engineer upon the middle section of the great Erie Canal, to make a topographical survey of the route; to examine the character of the soil; to ascertain whether the supplies of water were sufficient; to estimate the expense of construction; and to report thereon. The survey was commenced, the levels taken, and the whole completed by Mr. Wright, assisted by two engineers, in September, 1822. Mr. Wright concluded his report, submitted October 2, 1822, by expressing the hope of seeing this important improvement accomplished for the benefit of New England. Acts of incorporation were obtained for distinct companies in Massachusetts and Rhode Island. The companies united July 5, 1825, under the name of the Blackstone Canal Company. The excavation was begun in Rhode Island in 1824 and the first earth was removed in Massachusetts in 1826. The enterprise was completed in 1828, and on October 7 of that year the first boat, *Lady Carrington*, passed through the Blackstone Canal. For more than a decade navigation proceeded, 12 freight boats and 1 passenger boat plying up and down the new waterway. In the early forties, however, disputes arose concerning water power in the mill privileges along the Blackstone, which impeded navigation and finally operated to discontinue the canal.

Between the city of Pawtucket and Providence Harbor flows that portion of the river which is known as the Pawtucket and

the Seekonk. The Seekonk is of the tidal type, and through it navigation is carried on up to the city of Pawtucket. The Seekonk is the river made famous by Roger Williams, who, after his banishment from Massachusetts, with five companions embarked in a canoe and paddled across its waters in 1636. On the opposite shore, so the story goes, they paused in their journey to receive the salutations of a group of Indians, who greeted them with the cry, "What cheer, Netop," which some historians translate "What good news, friend?" and others "How are you, friend?" The spot where he landed tradition calls Slate Rock; but concerning what was said and done at that first meeting there are no records extant. Reembarking, Williams and his companions, history tells us, paddled down the Seekonk River to its mouth, and, turning to the right around the promontory, they entered an estuary of Narragansett Bay. Proceeding northward, they reached the spot where the waters of the Woonasquatucket commingled with those of the Moshassuck River. Here at the foot of the hill at the fringe of the primeval forest they disembarked and discovered a spring of sparkling water. This place was to be their home. Here were laid the foundations of a great city, which Williams named Providence, a city whose corporate seal bears the legend, "What cheer"—the salutation received by the first settler and his companions from the Indians who greeted them as they paddled their journey across the Seekonk.

Mr. Chairman, this river which bears the triple name of the Blackstone, the Pawtucket, and the Seekonk has played an important part in the history and development of the sections through which it passes, and the crossing of its lower waters by one of the early apostles of liberty marked an epoch in the twilight hours of American history. But it is with the future commercial possibilities of this river from Pawtucket down to the broad expanse of waters in Narragansett Bay that we are especially concerned in this appropriation. The city of Pawtucket is a great industrial center. North of Pawtucket along the valley of the Blackstone is a network of industrial and manufacturing centers that will be commercially benefited by improvement in navigation upon this river. In this valley there is a population of 150,000 people, and the number is constantly increasing. In the 10 years from 1905 to 1915 the measure of increase was in the neighborhood of 20 per cent. The value of the products in the various establishments of this section is over $100,000,000. It is a self-evident proposition that as population is multiplied and industrial output increased both in amount and value, and such will hereafter be the case in this progressive center, all the available highways of commerce must be opened, improved, and maintained; otherwise industrial progress must necessarily be checked and the chances of commercial development greatly retarded in the future.

Mr. TREADWAY. Mr. Chairman, I am opposed to the motion of the gentleman from Wisconsin, and I base my opposition very largely on the engineer's report as applied to the existing project. On page 127 of the engineer's report we find, as stated by the gentleman from Rhode Island [Mr. KENNEDY], that one of the conditions of the modification of the act of 1907 was that the State of Rhode Island should itself contribute $67,792, and this condition was complied with, showing cooperation of the local community. That is one of the factors that that Committee on Rivers and Harbors is invariably trying to have carried out, local cooperation, either by the State, the municipality, or other form of local unit. It seems to me that this cooperation having been carried out by the State shows the interest in the locality in the project itself. It is stated that the channel is a narrow one. The improvement as contemplated by the project we are adopting in this bill will increase the usefulness of the channel reaching to Pawtucket. Then we have the schedule of freight. The traffic to Pawtucket is in barges, and its value is very large. In 1915 it amounted to $5,677,875. It seems to me that the item is meritorious and should remain in the bill.

Mr. SPARKMAN. Mr. Chairman, I will, in that connection, call attention to the report of Col. Abbot, which will be found in House Document 1283, recommending this project, and the last paragraph of which reads as follows:

It will be seen that the commerce on this river is large both in tonnage and in value. The greater part of it is handled in tows and difficulty is experienced in keeping in the narrow channel, particularly when passing other tows. Some increase in width is considered essential to safety and convenience, and it appears that this can be secured at reasonable cost. While greater depth would be of some advantage, it is not attainable within limits of justifiable cost on account of the ledge rock bottom. In view of the foregoing, the board concurs with the district officer in the opinion that it is advisable to modify the existing project by increasing the width of the channel from 100 feet to 150 feet at an estimated cost of $61,440, which amount should be made available in one appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin,

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Norwalk Harbor, Conn.: For maintenance, $8,000; for improvement in accordance with the report submitted in House Document No. 1143, Sixty-third Congress, second session, $50,000; in all, $58,000.

Mr. FREAR. Mr. Chairman, I move to strike out all of that part of the paragraph after the figures "$8,000," in line 20, page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 20, by striking out all of the paragraph after the figures "$8,000" in line 20.

Mr. FREAR. Mr. Chairman, this is another of the new projects relating to Norwalk. On page 13 of House Document No. 143—

16. In view of the considerations detailed I am of the opinion that Norwalk Harbor, Conn., is worthy of further improvement to the extent of providing—

A main channel 12 feet deep from the 12-foot curve in the Sheffield Island Harbor to the highway bridge at South Norwalk, 200 feet wide to Dorlons Point, thence 150 feet wide to South Norwalk, and 250 feet wide along the wharf frontage of South Norwalk.

An anchorage basin 10 feet deep and about 17 acres in area in the upper harbor.

A channel 10 feet deep and generally 150 feet wide, with increased width at the turns, from South Norwalk to the head of navigation in the Norwalk River.

The maintenance of the existing channel 6 feet deep and 75 feet wide along the east side of the harbor to the head of navigation at East Norwalk.

The estimated cost of the improvement is $218,000 for the initial improvement, $8,000 annually for the first three years, and $4,000 annually thereafter for maintenance.

17. The proposed outer channel is regarded as suitable for the navigation of vessels of a maximum draft of 10 feet at all usual tides, 11½ feet at mean low water, and 18 feet at mean high water; the channel above South Norwalk for vessels of a maximum draft of 9½ feet at mean low water and 16 feet at mean high water; the channel to East Norwalk for vessels of 12 feet draft at mean high water, for which vessels, respectively, these channels are designed.

18. Should the project be adopted by Congress, the work should be prosecuted in the interests of economy at a rate sufficient to secure its completion in three years. To this end an initial appropriation of $88,000 is necessary, followed by two appropriations of $65,000 each.

G. B. PILLSBURY,
Major, Corps of Engineers.

I propose to show later with reference to this and other items that there is a disposition to put on the initial project enough to fasten it on Congress so that hereafter we will make the additional appropriation. Here an initial appropriation of $8,000 is to be made. We have spent $207,000 on the harbor. Nine thousand one hundred and fifty dollars is the balance on hand, and that $5,150 balance is to be used as follows: Eight thousand dollars for maintenance; administration, $1,150; and of the new amount of $8,000 the engineer says $7,000 is for maintenance, and $1,000 is for administration.

Now, I would like to ask the chairman of the committee what this administration is for, taking, as it does, usually about 15 per cent and sometimes as high as 33 per cent of the appropriation. What does it go for and what is the immediate necessity for it?

Mr. SPARKMAN. I have a statement here, as I anticipated some question of this kind might come up, so I asked the Chief of Engineers to make a statement, and I will submit it to the gentleman. He gives the different purposes for which the expenditures are made.

He says:

In the office of the Chief of Engineers, expenses for the Board of Engineers for Rivers and Harbors, including the pay of the resident member of the board.

Services of technical and other assistants aside from statutory positions.

Telegrams and long-distance telephone service on river and harbor matters.

Express and freight charges.

Mileage of officers and assistants traveling on river and harbor duty.

That, I think, answers the questions of the gentleman from Wisconsin.

Mr. FREAR. Does the chairman think that 15 per cent is a proper amount for that?

Mr. SPARKMAN. Oh, I can not say as to that.

Mr. FREAR. Does the gentleman think from 15 to 30 per cent——

Mr. SPARKMAN. Oh, it frequently is not as high as that. When it is 15 per cent it is apt to be caused by the fact that the appropriations were very small. In the larger appropriations it amounts to less than 10 per cent.

Mr. FREAR. I will read one or two other extracts from this report:

10. The wharves contiguous to this waterway are located at Norwalk, South Norwalk, and East Norwalk and are the usual pile or crib structures used for that purpose. A short distance above South Norwalk there are located the wharves which served the Danbury & Norwalk Railroad when this line had its terminus at the port. These docks still have rail connections, but are not in their present con-

dition available for use. A public wharf is regarded as desirable, both at Norwalk and South Norwalk, at such points on the water front convenient to the highways as could be most advantageously secured by the local authorities.

In other words, there seems to be no terminal facilities there whatever, and it seems that this is to be provided for after the appropriation is made. If we appropriate anything, we ought to appropriate the full amount asked for by the engineers.

Now, I am unable to reply to some arguments that have been made. Under the rule I can not reply. I moved to strike this out because it does not seem to be of pressing necessity.

Mr. HULBERT. Mr. Chairman, I rise to oppose the motion for the purpose of asking a question of the chairman of the committee. I would like to inquire whether or not it is a fact that when these items were under consideration the assistant to the Chief of the Army Engineers was not present at the meeting, and members of the committee who attended had full opportunity to interrogate him in regard to the projects, and particularly with respect to items concerning which the gentleman from Wisconsin makes inquiry?

Mr. SPARKMAN. The gentleman is correct. As I recall, Col. Newcomer, from the Office of the Chief of Engineers, was before the committee during the entire time we were considering the new projects in this bill.

Mr. FREAR. Would the chairman believe the testimony of this gentleman as superior to the engineer or the Chief of Engineers, the engineer who was upon the particular project, and the engineer who approved it—which testimony would he prefer?

Mr. SPARKMAN. I do not care to show any distinction. Both are worthy of belief. Besides, I am willing to stand upon the report, and I fancy every other gentleman here is willing to do the same, whether he votes for or against the gentleman's amendment.

Mr. FREAR. This report calls for $88,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken and the amendment was rejected.

The Clerk read as follows:

Greenwich Harbor, Conn.: Completing improvement in accordance with the report submitted in House Document No. 289, Sixty-third Congress, first session, $35,000.

Mr. FREAR. Mr. Chairman, I move to amend by striking out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 4, by striking out lines 1, 2, 3, and 4.

Mr. FREAR. Mr. Chairman, we have appropriated about $27,000 already, and this project calls for $35,000 more. On page 3 of the report, House Document 289, Sixty-third Congress, first session, we find a statement that the total commerce is 96,000 tons, of which sand and so on and lumber are the principal features, and that practically only 7,500 tons of merchandise was carried last year. We find the statement that a regular freight steamer plies between Greenwich and New York and handles about 25,000 tons, the balance being carried in barges and schooners. On page 5 of the report we find the following respecting terminal facilities:

The terminal facilities of the harbor are thought to be adequate for the present and prospective commerce. There are two wharves owned by the town, but neither is so situated as to be of benefit to commerce at the present time. There are two private wharves to which the public have access on equal terms on payment of wharfage, and wharves connected with the establishments of dealers in coal, lumber, and building materials, the use of which by outside parties is sometimes granted as an accommodation. None of these wharves have rail connections, and the wharves for the general use of the public are not provided with handling facilities.

I again urge, Mr. Chairman, that there is nothing contained here which shows an immediate necessity for this project. They have no terminal facilities to supply the needs of the people there and it should not be allowed to stand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Connecticut River, Conn.: Continuing improvement and for maintenance below Hartford, $70,100.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Insert a new paragraph, after line 7, on page 4, as follows:
"Connecticut River, above Hartford, Conn., to Holyoke, Mass.: For improvement in accordance with the report submitted in House Document No. 417, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $520,000."

Mr. TREADWAY. Mr. Chairman, this is a new project and one which in my estimation is as worthy as any of those which have been included in the bill by the committee. The Committee on Rivers and Harbors has visited the Connecticut River and it is not necessary for me to take the time either of the House or of the committee in explaining the merits of this project. It is fully covered in House Document No. 417, Sixty-fourth Congress, first session, and the amendment which I have offered is in accordance with that recommendation, as described by the report of the Chief of Engineers, Gen. Kingman.

The Connecticut River is a project that has been before Congress for a good many years, and it is the one project which has been used as an example of the value and of the necessity of cooperation between the Federal Government and private corporations developing hydroelectric power. We have upon that stream going to waste day in and day out an estimated horsepower of about 35,000, and in addition to that we not alone lose the hydroelectric development, but the opportunity for commerce and the reduction of freight rates. That whole subject is thoroughly covered in the report which I hold in my hand.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. My time is very brief. If it is a brief question I will be glad to yield to the gentleman, but I desire to conclude my statement before my five minutes have expired.

Mr. GREEN of Iowa. Go on, and I will get the gentleman more time. I want to have the project explained.

Mr. TREADWAY. There are many projects, as I have said, where there should be cooperation between the hydroelectric companies and the Federal Government, and that is exactly what this report covers. Gen. Kingman's report says that unless such a contract is entered into by the Government and the local corporations in a reasonable length of time, then the Government should undertake this entire project. I maintain that the reasonable length of time has expired, and I am, therefore, urging the adoption of the project at this time. Unfortunately, in spite of its merits the committee is not in favor of it, because the so-called Adamson-Shields bill trouble continues to exist.

In that connection I desire to call the attention of the House to the fact that a conference was agreed upon between the two branches of Congress on July 21, 1916, on the water-power bill, as appears in our calendar, and I am reliably informed that that conference has never as yet so much as met. It seems to me gross neglect on somebody's part that such a conference as that, having to do with as important a subject as this, has never so much as tried to reach an agreement as to the form of bill to report to the two branches. I am a rock-ribbed Republican, but I do commend our President for the effort I see by the public press he has made within the last few days to prod up that conference committee. They need it. At any rate, we need the opportunity to develop the Connecticut River, both for its hydroelectric opportunities and likewise for its commercial necessity.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman be given two minutes more in order that I may ask him some questions.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. What depth of water do you expect to get at the upper part of this improvement?

Mr. TREADWAY. The report calls for 12 feet at Holyoke.

Mr. GREEN of Iowa. But there is only 12 feet at Hartford.

Mr. TREADWAY. We expect to get the same; and if the gentleman will take the pains to read the report he will find it very easy to get it. The bargain is that the Government shall expend $1,870,000 and that outside parties shall double that amount. As we were speaking about being traders, it seems to me to be a good bargain to enter into.

Mr. GREEN of Iowa. With that statement I am heartily in favor, and I wish it could be applied to all the items in this bill, but continuing further. The gentleman says it is easy to get 12 feet at the upper end of this improvement. I understand it is extremely difficult to maintain 12 feet at Hartford.

Mr. TREADWAY. No, sir; there is a tidewater depth at Hartford of 12 feet. The project I have referred to is the building of a lock and dam to be donated to the Government. The Government is not going to pay for it, but people are anxious to build it, if they can get any kind of terms on which to make a trade with the Government.

Mr. GREEN of Iowa. Does the report say it requires continual dredging to maintain the 12 feet?

Mr. TREADWAY. This has nothing to do with the project below Hartford. That project is from Hartford to the sea, but this is a project from Hartford up the river to Holyoke.

Mr. GREEN of Iowa. I was speaking of the project of improvement below Hartford, which I understand requires constant dredging to maintain 12 feet of water.

Mr. TREADWAY. Below Hartford the existing project has an appropriation of——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. SPARKMAN. Mr. Chairman, I will not say that I am opposed to this proposition, but I am opposed to the amendment offered by the gentleman, who has himself very frankly given the reason why his amendment should not be adopted, and that is mainly because, I may say it is entirely because, the Adamson-Shields bill, or some similar measure, has not yet become a law. Until that is done it is the policy of the Committee on Rivers and Harbors, as I think it has been that of the House itself, not to adopt projects involving the development of water power. Until Congress has laid down some rule defining the exact relation that the Government and corporations or individuals desiring to use such power sustain to each other and the terms upon which the power is to be used, I think it unwise to take on any of these improvements or any project involving the development of water power. A similar question has been presented regarding the Muscle Shoals improvement, as will be remembered by most of the Members here, as the proposition has been discussed several times on this floor, and Congress has not as yet, for the same reason, found itself in a position to adopt that project, a worthy one though it is.

Mr. TREADWAY. Will the gentleman yield?

Mr. SPARKMAN. I will yield to the gentleman.

Mr. TREADWAY. I just wanted to ask a question before he left the question of the Connecticut River, and that is the gentleman said, so far as he knows, that the reason it had not been adopted was this lack of amendment to the Adamson general dam act.

Mr. SPARKMAN. I believe I did put it that strongly; perhaps I ought not to have done that at this time; but I will say, nevertheless, that if this Adamson-Shields bill, or some similar bill, were the law I think the project covered by the gentleman's amendment would commend itself to the favorable consideration of this House.

Mr. TREADWAY. May I ask the gentleman one other question?

Mr. SPARKMAN. The gentleman may.

Mr. TREADWAY. I infer, then, from the remarks of the chairman of the committee that he considers the project of itself, as described in the report, meritorious?

Mr. SPARKMAN. Yes; I so consider it; but I think it unwise under the circumstances to adopt it or any similar project at this time, hence I am opposed to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

NARROWS OF LAKE CHAMPLAIN, N. Y. AND VT.

Narrows of Lake Champlain, N. Y. and Vt.: For maintenance, $5,000; for improvement in accordance with the report submitted in House Document No. 1387, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $300; in all, $305,000.

Mr. HULBERT. Mr. Chairman, I move to strike out the last word, for the purpose of placing the data covering the New York items in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HULBERT. Mr. Chairman, the items and data are as follows:

The Narrows of Lake Champlain is that portion of the lake at its southern end, 37 miles long, located between Whitehall and Crown Point, N. Y. The portion under improvement is that extending from Whitehall, N. Y., at the southern extremity of the lake, northerly to Benson Landing, Vt., a distance of 15 miles. Burlington Harbor, Vt., is 80 miles by water north of Whitehall, and New York City is 214 miles south by water via the Champlain Canal and the Hudson River.

This waterway is a link in the great international waterway between Montreal and New York, which was formerly the controlling factor in fixing freight rates in this locality. Its influence is still strong, though it has declined recently, owing to the deterioration of the Champlain Canal, but is expected to be revived on the approaching completion of the New York State barge canal system, with its facilities for larger and more modern boats.

The commerce is carried by fleets of canal boats of about 5 feet draft towed by tugs of a maximum draft of about 12 feet. As obtained from transportation companies and reports of clearances on the Champlain Canal, the tonnage and value of this commerce are as follows:

Comparative statement.

Year.	Short tons.	Value.
1913	424,933	$4,675,311
1914	466,700	4,448,438
1915	427,791	5,425,524

NARROWS OF LAKE CHAMPLAIN, N. Y. AND VT.—NEW PROJECT.

Report of the Chief of Engineers, printed in House Document 1387, Sixty-second Congress, third session:

The present project for the improvement of the Narrows of Lake Champlain, adopted in 1899, provides for the widening of the channel and restoration of the depth to 12 feet at low water, and the placing of fenders at certain points to protect barges from collision with the rocky banks of the channel. This project was completed in 1905, and subsequent expenditures have been applied to maintenance. To adapt this channel to the boats which will use it upon completion of the enlarged Champlain Canal and communicating waterways the district officer submits, with favorable recommendation, a project providing for a channel 12 feet deep and 200 feet wide, except at one point through rock, where the width is reduced to 150 feet. The estimated cost of this plan, including the placing of new fender booms, is $737,000, and $5,000 annually for maintenance.

These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to the board's report of February 6, 1913, concurring generally with the views of the district officer. The board is not satisfied that the cut-offs at Maple Bend and Chilton Bend may not be omitted without serious inconvenience to navigation and with a very material reduction in cost. If the improvement be adopted by Congress, further study of this part of the channel should be made before the work is undertaken.

The Clerk read as follows:

PORT HENRY HARBOR, N. Y.—NEW PROJECT.

Port Henry Harbor, N. Y.: Completing improvement in accordance with the report submitted in House Document No. 369, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $71,500.

Mr. HULBERT. I now wish to insert Report of the Chief of Engineers, printed in House Document No. 369, Sixty-fourth Congress, first session:

Port Henry is located on the southwest shore of Lake Champlain, 2 miles northwest of Crown Point. It is the distributing point of the Port Henry iron-ore district, the principal mines being at Mineville, about 6 miles back from the lake shore and connected with Port Henry by rail. The annual shipments of ore during the past three years have averaged about 800,000 tons, and the receipts, chiefly coal and merchandise, have averaged from 125,000 to 170,000 tons. Only about 5 per cent of this commerce is now handled by water on account of the small depth of Lake Champlain Canal, but the enlargement of this canal to a depth of 12 feet is approaching completion. To assist in the development of the port the State of New York has adopted a project for the construction of a modern terminal at considerable cost. The present depth of water along the wharves is from 5 to 6 feet at low lake level, gradually increasing to the eastward. The district officer, who is also the division engineer, believes that the harbor should be given a depth sufficient to permit its use by boats of the maximum dimensions which the canals admit. He submits a project providing ultimately for the dredging of a strip 1,000 feet wide, covering an area of about 50 acres, to a depth of 12 feet at low lake level, and protecting this area by a breakwater, at a total estimated cost of $385,500. Pending the development of a commensurate commerce, however, he proposes to limit the improvement to the dredging of a strip 500 feet wide, covering an area of about 40 acres, at a total estimated cost of $81,500, of which local interests offer to pay $10,000.

The Clerk read as follows:

OGDENSBURG HARBOR, N. Y.—NEW PROJECT.

Ogdensburg Harbor, N. Y.: Completing improvement in accordance with the report submitted in House Document No. 663, Sixty-fourth Congress, first session, $54,000.

Mr. HULBERT. I now wish to insert Report of the Chief of Engineers, printed in House Document No. 663, Sixty-fourth Congress, first session:

The present project for improvement of this harbor, adopted by the river and harbor act approved June 25, 1910, and completed in 1913, provides for deepening the several channels of the harbor to 19 feet at low water and for removing wholly the middle ground between the two lower entrance channels, at an estimated cost of $187,970. Under this and prior projects the United States has provided an upper entrance channel, a lower entrance channel and basin, and a channel about 1 mile in length along the city front wharves connecting the two entrances, all to a depth of 19 feet below low water on the Ogdensburg gauge. The upper entrance channel has a width of from 300 to 450 feet, the narrowest part being at its inner end, where it joins the channel along the city front. The district officer states that there is difficulty in navigating around the bend at the junction of these channels, and there is also some difficulty at times in navigating the portion of the city front channel to the west of Caroline Street, where it abruptly decreases in width from 350 to 200 feet. The necessary relief would be afforded by widening this part of the channel to 350 feet, easing the bend at the junction and widening the inner end of the upper entrance channel to 400 feet. The district officer estimates the cost of this work at $54,000. He believes that the expenditure involved is justified by the commercial importance of the harbor, which has a traffic of about 1,000,000 tons a year, and in this opinion the division engineer concurs.

The Clerk read as follows:

NEW YORK HARBOR: AMBROSE, MAIN SHIP, BAYSIDE, AND GEDNEY CHANNELS.

New York Harbor, N. Y.: For maintenance, including Ambrose Channel, $40,000; for improvement of the upper bay, opposite anchorage grounds, in accordance with the report submitted in House Document No. 518, Sixty-third Congress, second session, $200,000; for completing improvement at Craven Shoal in accordance with the report submitted in House Document No. 557, Sixty-fourth Congress, first session, $30,000; in all, $270,000.

Mr. HULBERT. I now wish to add:

New York Harbor consists of the Upper Bay, 4 miles long and 4 miles wide, connected with the Lower Bay by the Narrows, over a mile in width. The Lower Bay is triangular, extending 12 miles inland, with one side about 6 miles long open to the sea, from which it is separated by a broad bar crossed by five channels. Two of these channels have been improved under this title—Ambrose Channel and the Gedney-Bayside Channel, with its extension, Main Ship Channel. The inner end of these channels is 10 miles south from the Battery, New York City.

The existing project is entirely completed—the Main Ship-Bayside-Gedney Channel in 1891 and Ambrose Channel in 1914. The depth in the Main Ship-Bayside-Gedney Channel has been increased from 23.7 feet to 30 feet. The width, dredged to 1,000 feet, has since decreased to 500 feet in the narrowest part of Main Ship Channel. The depth in Ambrose Channel has been increased from 16 feet to 40 feet over a width of 2,000 feet, and has been fully maintained. The maximum draft which can now be carried through these channels at mean low tide is: Main Ship-Bayside-Gedney Channel, 30½ feet; Ambrose Channel, 40 feet. Ships under steam are liable to draw from 1 to 4 feet or more in excess of their drafts at piers. The 30-foot channel was constructed at 2 per cent above the estimated cost, due to shoaling during progress. The 40-foot channel, estimated to cost $6,688,000, was constructed at a saving of about $1,500,000. In the table following is shown the total expenditures to June 30, 1916:

The funds now available for maintenance, including Ambrose Channel, Gedney and Main Ship Channels, will be applied to maintenance of New York Harbor by collection and removal of drift, under authority of the river and harbor act of 1915, involving expenditures of approximately $5,000 a month during summer and $3,000 a month during winter, and to removal of shoals in the channels as they may occur. The funds available for Ambrose Channel will meet all anticipated expenditures until June 30, 1918, and no further appropriation is now needed. These funds will be applied to the maintenance of United States plant when not at work, and to removal of shoals should any be found in the channel.

The funds estimated for profitable expenditure during the year ending June 30, 1918, it is proposed to apply to maintenance by collection and removal of drift, at the rates of expenditure above named, and to removal of shoals such as may be found to obstruct the channels.

No complete record of domestic or coastwise commerce are available. The following table contains a record of foreign commerce only:

Comparative statement.

Fiscal year.	Short tons.	Value.
1913	15,552,676	$2,140,243,057
1914	15,238,057	2,056,847,222
1915	17,885,893	2,216,337,518

NEW YORK HARBOR, N. Y., UPPER BAY, OPPOSITE ANCHORAGE GROUNDS—NEW PROJECT.

The following report of the Board of Engineers, in which the Chief of Engineers concurs, is printed in House Document 518, Sixty-third Congress, second session:

The main anchorage grounds in upper New York Bay are located on the west side of the main channel, along the Jersey shore, and in order to provide sufficient area these anchorages extend out into the deep water leaving a minimum channel width of 370 feet for vessels drawing 40 feet and over and 1,000 for vessels drawing 30 feet. Experience with enormous traffic in this harbor indicates that this width is insufficient.

To provide the necessary unobstructed channelway, a plan of improvement is proposed for a channel 2,000 feet wide and 40 feet deep, the west side of the channel to skirt the eastern edge of the anchorage grounds. The project proposed is in effect an extension of the Ambrose Channel into and through the upper bay and may be considered as a necessary enlargement of the existing project. An estimate for the excavation of this channel with the regular New York Harbor dredges is presented in the sum of $830,000, and the district officer and the division engineer are of opinion that the demands of navigation are sufficient to warrant the improvement at this cost. No accurate estimate for maintenance can be given, but the district officer states that it will probably not exceed $50,000 annually, and may fall much below that sum.

The dimensions proposed for this channel correspond with those of the Ambrose Channel of entrance to New York Harbor, and it appears from experience that practically such dimensions are required to meet the constantly increasing demands of navigation, particularly during foggy weather, at which time a commodious channel is essential to insure reasonable safety.

NEW YORK HARBOR, N. Y.—REMOVAL OF CRAVEN SHOAL—NEW PROJECT.

Report of the Chief of Engineers, printed in House Document No. 557, Sixty-fourth Congress, first session:

Craven Shoal lies in the west part of the main channel from lower New York Bay to upper New York Bay, a mile south of the Narrows and 1¾ miles above the head of Ambrose Channel. The minimum depth on the shoal is 19.6 feet. Sailing vessels and tows of barges are prohibited by law from using Ambrose Channel, but in order to avoid striking the buoys marking Craven Shoal they are practically forced to follow the same track as steamers at this point. The district officer, who is also the division engineer, submits an estimate of cost amounting to $30,000 for removing the shoal to a depth of 30 feet, and expresses the opinion that this work is worthy of being undertaken by the United States. It seems probable that the shoal, once removed, would not form again and the cost of maintenance may be regarded as negligible.

The Clerk read as follows:

HUDSON RIVER CHANNEL, NEW YORK HARBOR.

Hudson River Channel, New York Harbor, N. Y.: Continuing improvement, $210,500; for improvement in accordance with the report submitted in House Document No. 1697, Sixty-fourth Congress, second session, $600,000; in all, $810,500.

Mr. HULBERT. I now wish to add:

This project (H. Doc. No. 719, 62d Cong., 2d sess.) was adopted by river and harbor act of March 4, 1913, as modified by river and harbor act of March 4, 1915 (see Annual Report for 1914, pp. 234 and 235), and provides for a channel 800 feet wide and 30 feet deep at mean low water from deep water off Ellis Island to 1,300 feet below the foot of Newark Street, Hoboken; thence to Castle Point and the removal of a shoal to a depth of 40 feet; a channel 550 feet wide and 26 feet deep along the Weehawken-Edgewater water front; the removal to a depth of 40 feet of ledge rock lying about 1,000 feet southwest of Pier A at the Battery; the removal of a shoal on the New York side, between West Nineteenth and Thirty-second Streets, to a depth of 40 feet; and the removal of an obstruction north of the mouth of Spuyten Duyvil Creek to the depth of the surrounding river bottom. Estimated cost, $1,570,000. The length of the projected channel in the Jersey City-Hoboken water front is about 3 miles, and of the channel in the Weehawken-Edgewater water front about 5 miles. The total length of river included in the improvement is about 16 miles.

The work done under all projects has resulted in removing rock off Pier A to 38 feet; in dredging a channel in the Jersey City water front 200 feet wide and 30 feet deep; in completing the removal of the shoal in the Hoboken water front to a depth of 40 feet; and in dredging a channel in the Weehawken-Edgewater water front 250 feet wide and 26 feet deep. The controlling depths on June 30, 1916, in the dredged channels are estimated at 30 feet in the Jersey City water front; 40 feet in the Hoboken water front, and 24 feet in the Weehawken-Edgewater water front. Up to June 30, 1916, about 36 per cent of the work proposed under the existing project has been completed, and the total expenditures thereunder amounted to $558,740.68.

To complete the project it is necessary to widen the channels in the Jersey City and Weehawken-Edgewater water fronts, to complete the removal of the rock off Pier A, to remove the shoal on the New York side, and to remove the obstruction north of Spuyten Duyvil Creek.

The funds available June 30, 1916, together with those appropriated by the river and harbor act of July 27, 1916, will be expended in widening, by dredging, the channels along the Weehawken-Edgewater and the Jersey City water fronts. It is expected that this work will be commenced in the fall of 1916, and that the funds will be exhausted about August 1, 1917.

It is proposed to expend the funds, for which estimate is submitted in this report, as follows:

For dredging shoal from West Nineteenth Street to West Thirty-second Street, Manhattan	$185,000
For rock removal, including ledge off Pier A	22,000
For removing obstruction north of Spuyten Duyvil Creek	3,500
Total	210,500

A shoal along the Manhattan water front obstructs the approach of deep-draft steamships to the piers, while the ledge off Pier A lies in the channel used by these vessels. They should therefore be removed as soon as practicable. The obstruction north of Spuyten Duyvil Creek has been the subject of numerous complaints and is a menace to navigation which should be removed.

As the result of a careful canvass, the commerce of the section of the Hudson River included for improvement under this title consists of all classes of commercial products and manufactures, and is as follows:

Comparative statement.

Calendar year.	Short tons.	Value.	Passengers carried.
1913	64,517,302	$2,958,075,917	109,459,665
1914	58,644,614	4,559,185,809	106,253,639
1915	63,458,291	6,410,144,119	69,239,418

The tonnage is carried in vessels ranging in loaded draft from about 7 feet at all stages of the tide up to 38 feet at high water.

HUDSON RIVER CHANNEL, NEW YORK HARBOR, N. Y.—NEW PROJECT.

Report of the Chief of Engineers, printed in House Document No. 1697, Sixty-fourth Congress, second session:

The section of the harbor included under the name of Hudson River Channel extends from Ellis Island to the northern limits of New York City, a distance of about 16 miles. The width of the river within these limits varies from 2,725 to 5,400 feet. Originally the widths at various points were much greater, but they have been reduced as a result of water-front improvements and successive advances of the pierhead line to permit the lengthening of piers in keeping pace with the continuing increase in the size of trans-Atlantic steamships. A channel having a mean low-water depth of 40 feet and over and a minimum width of 1,000 feet extends throughout and some distance beyond the section covered by this examination. There are three extensive shoal areas bordering the channel in this reach, however, one off the Jersey City shore, extending from Ellis Island to Castle Point; one on the same shore, from Weehawken to above the northern limits of New York City; and the third on the New York shore, from West Nineteenth to about West Seventy-fifth Street. Some work on each of these shoals is contemplated under the present project, including the removal of the last-named shoal from West Nineteenth Street to West Thirty-second Street. Between West Forty-fourth and West Fifty-sixth Streets the city of New York has undertaken the construction of one pier 1,000 feet long, and proposes to construct two additional long piers at this site practically in continuation of the work now in progress. In order that these piers may be available for use by trans-Atlantic steamships upon completion, the district officer believes that the shoal along this front should be removed to a depth of 40 feet at mean low water from West Thirty-second Street to West Sixty-first Street. Between the Battery and Canal Street the channel is too narrow for safe navigation by the trans-Atlantic vessels, especially in view of the enormous traffic in this section by vessels traveling in all directions. In the opinion of the district officer, giving due consideration to economy, a width of 2,000 feet for the 40-foot channel in this section should be adopted for the present. He reaches the conclusion, in which the division engineer concurs, that the locality is worthy of additional improvement at the present time to the extent indicated, at a total estimated cost of $1,320,000.

The first appropriation should be $600,000, and the balance should be appropriated so as to complete the work within a period of three years.

The Clerk read as follows:

NEW YORK HARBOR, BAY RIDGE AND RED HOOK CHANNELS—NEW PROJECT.

New York Harbor, N. Y.: For improvement of Bay Ridge and Red Hook Channels in accordance with the report submitted in House Document No. 863, Sixty-third Congress, second session, $200,000.

Mr. HULBERT. I now wish to insert Report of the Chief of Engineers, printed in House Document No. 863, Sixty-third Congress, second session:

These channels lie along the east shore of the Upper Bay, New York Harbor, and, with Buttermilk Channel, form an easterly channel along the Brooklyn water front from the Narrows to the East River. The combined length of Bay Ridge and Red Hook Channels is 4½ miles.

The existing project for improvement of these channels, adopted in 1899, provides for a depth of 40 feet and a width of 1,200 feet. The commerce of the locality has grown from about 850,000 tons in 1886 to about 8,500,000 tons in 1913, and much larger vessels are now in use than formerly. The district officer reports that at the lower part of Bay Ridge Channel and the upper part of Red Hook Channel the width of 1,200 feet provided under the existing project is sufficient for present and anticipated needs, but he believes that some widening at and below the bend where Bay Ridge and Red Hook Channels meet is necessary. The area of the proposed widening, as shown on accompanying map, comprises a triangle of approximately 90 acres at the junction of the two channels, the maximum additional width to be obtained being about 1,000 feet where it is most needed. The estimated cost of this work is $920,000. In the opinion of the district officer the further improvement of the locality as proposed is worthy to be undertaken by the United States, and in this opinion the division engineer concurs.

The Clerk read as follows:

NEW YORK HARBOR, N. Y., BETWEEN STATEN ISLAND AND HOFFMAN ISLAND—NEW PROJECT.

New York Harbor, N. Y.: For improvement of channel between Staten Island and Hoffman Island in accordance with the report submitted in House Document No. 625, Sixty-fourth Congress, first session, $50,000.

Mr. HULBERT. I now wish to insert Report of the Chief of Engineers, printed in House Document No. 625, Sixty-fourth Congress, first session:

Hoffman Island is mainly an artificial island of about 11.5 acres, situated about 7,000 feet due south from the southeast point of Staten Island. The island belongs to the quarantine department of the port of New York, and is a receiving station for persons suspected of having contagious diseases, or who have been exposed to such diseases. Situated 4,500 feet farther south is Swinburne Island, having an area of about 1.9 acres, which is maintained by the quarantine department for the detention of actual sufferers from contagious disease. Both of these islands are west of the West Bank and can not be approached from the main channel to the east on account of the shoal water. The only approach which is now extensively used is the one from the north, but the depths in this channel are insufficient for vessels of the size best adapted to the quarantine work. The improvement desired by the quarantine authorities is a channel sufficient to accommodate vessels of 15 feet draft, or 16 feet at mean low water. The district officer, who is also the division engineer, submits estimates of cost for providing a channel of this depth and 200 feet wide to Hoffman Island, amounting to $118,000, and for extending the channel to Swinburne Island, amounting to $142,000, a total of $260,000. In view of the importance of the quarantine service to the great commerce of the port of New York, it is advisable for the United States to undertake the improvement of the locality to this extent.

The Clerk read as follows:

WESTCHESTER CREEK, N. Y.—NEW PROJECT.

Westchester Creek, N. Y.: For improvement in accordance with the report submitted in House Document No. 370, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $58,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Mr. HULBERT. I now wish to insert Report of the Chief of Engineers, printed in House Document No. 370, Sixty-fourth Congress, first session:

Westchester Creek enters an estuary on the north side of East River, about 14 miles east of the Battery, New York City. The present project, adopted by the river and harbor act of June 25, 1910, provides for a channel 8 feet deep at mean low water and 100 feet wide across the estuary; thence 80 feet wide to about 1,000 feet above Scrivens Wharf; and thence 60 feet wide to the head of navigation, at an estimated cost of $91,280. The project is practically completed. The commerce has increased from about 50,000 tons in 1891 to 169,164 tons in 1912 and 589,322 tons in 1914. The existing navigation facilities appear to be inadequate for the proper handling of the vessels engaged in traffic on this stream. The district officer, who is also the division engineer, estimates that to increase the depth to 10 feet and the width to 150 feet, as specified in the river and harbor act of March 4, 1913, will cost $375,000. He deems this expenditure larger than resulting benefits would warrant, but believes the locality is worthy of further improvement to the extent of providing a channel 10 feet deep, 125 feet wide at Unionport and Westchester, and 100 feet wide elsewhere, at an estimated cost of $291,000 for construction and $1,500 annually for maintenance.

The Board of Engineers for Rivers and Harbors concurs in general with the views of the district officer, but believes that a width of 100 feet throughout will fairly well serve the needs of commerce, and that any additional width required in order to reach the wharves at Unionport and Westchester should be provided by the interests concerned. The estimated cost of the project as thus modified is $208,000.

The Clerk read as follows:

EAST RIVER, N. Y.—NEW PROJECT.

East River, N. Y.: Continuing improvement in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, $500,000: *Provided*, That so much as may be necessary of this and any other appropriations made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Mr. HULBERT. I now wish to insert Report of the Chief of of Engineers, printed in House Document No. 188, Sixty-third Congress, first session:

The East River forms the eastern entrance to New York Harbor through the waters of Long Island Sound. The existing project for its improvement, adopted in 1868, provides for the removal of certain obstructions to a depth of 26 feet below mean low water. The removal of additional obstructions has been added to this project from time to time, but no change in the project depth has been made, notwithstanding the great increase in size and draft of vessels since the project was adopted. The district officer was of opinion that a depth of 35 feet in the through channel is now required to meet the needs of navigation, and he presented a plan providing for this depth and a width of 900 feet, excepting in the reach west of Blackwells Island and in the short reaches opposite Negro Point and the Sunken Meadows, where the width would be restricted to about 600 feet. The estimated cost of this work is $10,504,500. In addition to the through channel, the district officer was of opinion that certain work should be done to give access to the wharves, and other work should be undertaken to diminish the tidal velocities through Hell Gate. The work required to give access to the wharves involves the removal of a number of shoals and isolated rocks and is estimated to cost $10,451,337. The work recommended primarily for the purpose of reducing tidal velocities consists in the excavation of a channel in Harlem Kills, 480 feet wide and 24 feet deep, at an estimated cost of $4,833,257, and a channel in Little Hell Gate 600 feet wide and 24 feet deep, at an estimated cost of $6,148,629. The plan also contemplates the completion of a channel 400 feet wide and 26 feet deep between North and South Brother Islands and the construction of a channel 300 feet wide and 20 feet deep south of South Brother Island, estimated to cost $215,000 and $380,778, respectively. The total cost of the project proposed by the district officer is $32,533,501. In view of the existing and future commerce of the port of New York and of the urgent need of a fuller utilization of the whole of its water front, he was of opinion that the East River is worthy of further improvement to the extent indicated above.

These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to the board's accompanying report, dated July 16, 1913. Not being convinced that all the work recommended by the district officer would be justified at present, the board requested that certain revised estimates be secured. The board was not satisfied that the large expenditure proposed for current regulation would result in commensurate benefits, and as the problem of tidal changes at this locality is complex, it believed that it would be better to await the developments that might follow the construction of the Harlem Kills Channel to a depth of 18 feet, which has been recommended by the department but not yet adopted by Congress. The estimated cost of the work recommended by the board for the through 35-foot channel is $8,616,780; for the work required to give access to the wharves, $2,129,458; for channel east of Blackwells Island, $1,877,000; and for other auxiliary work, $775,281, making a total of $13,389,519, or, in round numbers, $13,400,000.

The Clerk read as follows:

NEWTOWN CREEK, N. Y.—NEW PROJECT.

Newtown Creek, N. Y.: For improvement of Newtown Creek and tributaries in accordance with the report submitted in House Document No. 936, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $150,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Mr. HULBERT. I now wish to insert Report of the Chief of Engineers, printed in House Document No. 936, Sixty-fourth Congress, first session:

Newtown Creek empties into East River at a point opposite Thirty-fourth Street, New York City. Dutch Kills, Maspeth Creek, and English Kills are short tributaries of Newtown Creek. The existing project, adopted by the act of June 3, 1896, provides for dredging a channel 18 feet deep at mean low water and 125 feet wide from the mouth to the head of navigation at the intersection of Metropolitan Avenue and Newtown Creek, or East Branch, and to the Metropolitan Avenue Bridge crossing English Kills, or West Branch. The project has been completed. To June 30, 1915, there had been expended on this and previous projects $496,662.55. The mean range of tide is about 4½ feet. The district officer states that the only unusual difficulties of navigation are due to the density of the traffic and the narrowness of the stream.

The deepest draft vessels now using the creek in considerable numbers are the lumber schooners and barges, many of which draw 19 feet when fully loaded. At present such vessels are obliged to operate at or near high tide, at which time the channel is also used by scows destined for the tributary waters where the low-water depths are not sufficient to accommodate them. The commerce of the creek is large and valuable, averaging in recent years about 5,000,000 tons, valued at about $200,000,000. In his report on the survey the district officer, who is also the division engineer, presents a comprehensive plan for further improvement of Newtown Creek and its tributary channels, with alternative estimates of cost for depths of 16, 18, and 20 feet, with an allowance of 2 feet for overdepth dredging in each case. He is of opinion that the locality is worthy of further improvement to the extent of providing a channel 20 feet deep at mean low water, 250 feet wide at the entrance, narrowing to 150 feet, and continuing with this width to Grand Street Bridge on the East Branch, and thence 125 feet wide to Metropolitan Avenue on said branch, including the removal of Mussel Island; 150 feet wide in English Kills, or West Branch, to the Metropolitan Avenue Bridge across said branch, including the easing of bends; 100 feet wide for a distance of 2,000 feet up Maspeth Creek, and 75 to 100 feet wide for a distance of 2,800 feet up Dutch Kills, with a turning basin at the head, all at an estimated cost of $510,000, and $18,000 annually for maintenance. He believes that the locality is worthy of further improvement to the extent indicated, subject to the condition that no work shall be done in Maspeth Creek until its harbor lines have been approved by the Secretary of War and all questions of right of way have been satisfactorily settled without expense to the United States; and that no work shall be done on removal of Mussel Island or on widening the channel above that island or in English Kills until the necessary rights of way have been provided in each case without cost to the United States and corresponding changes have been made in the existing harbor lines.

The Clerk read as follows:

HARLEM RIVER, N. Y.

Harlem River, N. Y.: Continuing improvement, $250,000.

Mr. HULBERT. I now wish to add:

The Harlem River and Spuyten Duyvil Creek, both included in the project for improvement, are two tidal waterways of a joint length of about 8 miles, which join at Kingsbridge. They lie wholly within the limits of Greater New York, and separate Manhattan Island from the mainland. The East River entrance is about 8½ miles northeast of the Battery, New York City, and the Hudson River entrance about 13½ miles north of the Battery. The Harlem River also connects with the East River by way of Little Hell Gate, between Wards and Randalls Islands, and by way of Harlem (Bronx) Kills, between Randalls Island and the mainland. These channels are not used by navigators, being shoal, rocky, and winding, with strong tidal currents.

The existing project provides for a continuous channel 400 feet wide and 15 feet deep at mean low water from the East River to the Hudson River, except at Washington Bridge, where the adopted width is 354 feet, and at the rock cut through Dyckmans Meadow, where the adopted width is 350 feet and the depth 18 feet. It also provides for straightening the channel at Johnson Iron Works by making a cut at this point 400 feet wide and 15 feet deep at mean low water; estimated cost, $3,550,000.

About 61 per cent of the work proposed under the existing project has been completed. The work done under all projects has resulted in making a channel 15 feet deep at mean low water and 400 feet wide from the East River to Putnam Railroad Bridge, except at a few points where the channel is somewhat narrowed by shoals, and at Macombs Dam Bridge, where the available depth is 12 feet in the westerly draw opening; the easterly one is not navigable, being obstructed by ledge rock (now in process of removal). From the Putnam Railroad Bridge to the Hudson River the channel is 15 feet deep and from about 150 to 350 feet wide. On June 30, 1916, the maximum available depth for navigation through the Harlem River is estimated at 15 feet at mean low water, except at Macombs Dam Bridge, where it is not more than 12 feet. The widths of channel through bridge draws are 98 to 100 feet. At High Bridge the piers obstruct navigation and cause eddies and high current velocities which render navigation through the bridge channel hazardous; the horizontal clearance normal to the channel between these piers at elevation —5, mean low-water reference, is but about 44 feet. The expenditures under this project to June 30, 1916, amount to $2,022,837.19—$1,980,115.08 for new work, $37,258.59 for maintenance, $963.52 for maps, etc., for which the appropriation was reimbursed by receipts from sales and collections and $4,500 was recovered on the bond of a failing contractor and credited to the appropriation.

To complete the improvement there remains to be done a considerable amount of dredging and rock excavation in several stretches of the river between Madison Avenue Bridge and the Hudson River.

The river and harbor act of June 18, 1878, adopting the existing project for this improvement, and the river and harbor act of March 3, 1879, provided that the necessary right of way should be provided free of cost to the United States before work was begun. This provision was complied with by the State of New York, which procured the necessary lands and completed their transfer to the United States in May, 1887. A similar provision is contained in the river and harbor act of March 4, 1913, authorizing the straightening of the channel at Johnson Iron Works. The river and harbor act of March 4, 1915, provides for the cession to the State of the land occupied by the present channel at that point after the right of way for the cut-off had been provided and the new channel completed. A description of the lands required, with map, has been furnished the State of New York. The prosecution of the work of straightening the channel is awaiting the transfer of these lands.

The funds available June 30, 1916, together with those appropriated by the river and harbor act of July 27, 1916, will be expended for rock removal in the easterly draw channel at Macombs Dam Bridge and for dredging and rock removal from Putnam Bridge to the vicinity of High Bridge. Work at Macombs Dam Bridge is now under way and should be completed in the spring of 1917. It is expected that work above Putnam Bridge will be commenced in the fall of 1916 and that the available funds will be exhausted about June 30, 1917.

It is proposed to expend the funds for which estimate is submitted in this report in continuing the improvement as follows:

For rock removal at Macombs Dam Bridge and in the vicinity of High Bridge	$125,000
For dredging above High Bridge	125,000
	250,000

Ledge rock now obstructs the west-draw channel of Macombs Dam Bridge at a depth of 12 feet. This should be deepened to project depth as soon as the work now under way in the east channel is completed. The removal of the rock ledge in the west side of the channel at High Bridge is necessary to assist in relieving the constriction of the channel at this point. The dredging proposed is for the purpose of continuing the channel of project dimensions to above the mouth of Sherman Creek, at which point a State barge-canal terminal is to be located.

As a result of a careful canvass, the commerce of the Harlem River, mainly in general merchandise, coal, building materials, grain, etc., and ice, appears to be as follows:

Comparative statement.

Calendar year.	Short tons.	Value.	Passengers carried.[1]
1913	18,313,336	$704,984,490	.....
1914	11,577,922	582,383,737	.....
1915	15,096,169	1,538,506,583	454,199

[1] None reported in 1913 or 1914 returns.

Five vessels built and launched in 1915; value, $59,500.

The reduction in the amount of commerce carried on the Harlem River in 1914 below that of previous years is due mainly to removal of a large lumber yard to the East River and an unexplained reduction in the coal tonnage.

Amount expended on all projects from June 18, 1878, to June 30, 1916:	
New work	$2,006,578.60
Maintenance	37,258.59
Total	2,043,837.19
Balance available for fiscal year ending June 30, 1917	274,191.47
Amount (estimated) required to be appropriated for completion of existing project	1,290,258.59
Amount that can be profitably expended in fiscal year ending June 30, 1918, for works of improvement	250,000.00

The Clerk read as follows:

Absecon Inlet, N. J.: For maintenance, $45,000.

Mr. FREAR. Mr. Chairman, I move to strike out lines 12 and 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, lines 12 and 13, strike out the item.

Mr. FREAR. Mr. Chairman, Absecon Inlet project has received $300,000 and it has a balance of $43,958 on hand. This item calls for $45,000 more. The depth is 12 feet and is to be 300 feet wide after the project is completed. The commerce in 1915 reached 5,237 tons. The appropriation of 1913 was conditional on the contribution of the locality. The engineers allowed $45,000 unconditionally in 1915. There is a controversy in regard to the authority of the engineers to have made that allotment, but I am not raising that question at this time. What I do say, gentlemen, is that it will cost $45,000 annually to keep that place dredged, whereas the commerce last year was only 5,237 tons. It is one of the newer projects. I believe it is a waste of money and that the item ought to be stricken from the bill or the amount considerably reduced.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. FREAR. Mr. Chairman, I have an amendment pending to strike out the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to oppose the amendment. Absecon Inlet is an inlet at the upper end of Atlantic City, N. J. It is known to the people of the United States fully as well as any inlet in this country. It has a harbor for innumerable vessels, many of them of the smaller type, and by virtue of the improvement already made by the Government at this point some steamships have undertaken to do business from Atlantic City direct to New York.

It costs a great deal of money to get commodities to Atlantic City, where the people of the world congregate during the summer time. The trains are congested, and the ocean is available to bring in the heavy freight. A steamship line has been employed now for several years, on promise of an improvement in the channel at Atlantic City, making communication with New York on the outside and with Philadelphia around the other way. It has made a brave effort to keep up these communications.

Absecon Inlet has been the scene of some of the frightful disasters, involving the loss of life, and of some heroic life-saving scenes as well. Atlantic City has pleaded, as has the State of New Jersey—and the people who have come from other States have been witnesses to the pleading—for an improved channel at that point. Shifting sands out in the ocean and varying currents, from time to time, have made perilous the voyages of hundreds of small vessels carrying hundreds of thousands of people from Atlantic City out to the sea every year. Indeed, it seems that if there is one item in this bill that is meritorious this item for improving the inlet at Atlantic City is that item. It involves human life as well as commerce, and the improvement thus far made, and which no State could make because it has to be made out in the ocean itself, has resulted in general good. Not only has it afforded an improved service to passengers who wanted to get out to the fishing banks in the ocean in the summer time, or to get a little of the fresh ozone of the great Atlantic, but it has given inspiration to the men who had capital to invest and who, upon assurance that this work of the Government would go on, were willing to make the investment. If we are to have progress, this amendment will not pass.

Mr. GALLAGHER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. GALLAGHER. Did not the mayor and the committee from Atlantic City contend that this regulated the traffic rates?

Mr. MOORE of Pennsylvania. Why, it has helped rates immensely, and it has given an assurance of safety to the lives of thousands of people who come, not from New Jersey or Atlantic City only but from every State in this Union.

The CHAIRMAN (Mr. FERRIS). The question is on agreeing to the amendment of the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Raccoon Creek, N. J.: For maintenance, $5,000; completing improvement in accordance with the report submitted in House Document No. 800, Sixty-third Congress, second session, $39,770; in all, $44,770.

Mr. FREAR. Mr. Chairman, I move to strike out all of the paragraph excepting that which refers to maintenance.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 24, strike out all of line 24, and lines 1 and 2 on page 8.

Mr. FREAR. Mr. Chairman, this is another new project, but let me say in regard to the last project it proves that the Government is paying about $9 a ton annually to carry 5,000 tons of commerce. I do not suppose that any of these items will be stricken out after presenting a case of that kind without result. There is nothing, so far as I know, in the hearings before the committee or in the reports that indicated the great danger the gentleman from Pennsylvania [Mr. MOORE] so pleadingly speaks of.

However, that has been determined, and we now come to Raccoon Creek, which I believe is another project up in that same section.

Mr. BROWNING. It is nowhere near it.

Mr. FREAR. There is a balance on hand of $5,643, and the bill asks for a maintenance of $5,000. The present project has been 95 per cent completed. The engineer's report says that the remaining portion of that project is unnecessary. In 1915 there were no operations whatsoever, but $543 was spent for office expenses. There is a small commerce there. It is a new project which is proposed in addition to the old.

Mr. BROWNING. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. BROWNING. What do you call a small commerce?

Mr. FREAR. A project on which we have spent about $190,000, and on which there was carried 69,000 tons of commerce, of which 35,000 tons is manure, does not sound very large, with only four power boats on the project, according to the engineer's report.

Mr. BROWNING. The engineers do not report that there are only four power boats on the project.

Mr. FREAR. That is from the 1916 report. I am now reading from page 5 of House Document No. 800, Sixty-third Congress.

The traffic of the stream is carried by gasoline boats and barges, by one steamboat plying daily between Bridgeport and Philadelphia, and by occasional steam tugs with barges.

That report was back in 1913. It says further:

A greater width at bottom than 40 feet will be impracticable, without endangering the stability of the banks, but this width will accommodate the existing traffic and permit a substantial increase.

In other words, the Government will not be able to improve this stream beyond 40 feet in width without endangering the banks, which will cave in. So that is the extent of the river in width. It is large enough for present needs.

A short distance below Swedesboro is a highway bridge, shown in detail on the map, which requires proper approaches in the stream and the clearing out of obstructing shoals in one draw opening.

The stream is tortuous in its course, but can not be advantageously straightened by cutting off points or shortened by making cut-offs, because the meadows along the banks have been protected by levees and have been reclaimed to a greater extent than on any other stream in the district. Instead of worthless marsh lands, usually acquired for cut-offs, valuable farm lands would be destroyed, and the price would be out of proportion to the benefits expected.

Now, Mr. Chairman, in view of the fact that there is a maintenance offered on this item, and we have been making appropriations regularly, and that the engineers say that the remaining portion of the original project is wholly unnecessary, that it is only 40 feet wide, all indicates that there is no imperative necessity for this appropriation at this time. I move that it be stricken out.

Mr. BROWNING. Mr. Chairman, I think if the gentleman would examine the statistics of Raccoon Creek he would not make the remarks he has just made. Raccoon Creek is a stream of more than 10 miles in length. Swedesboro is situated near the head of this stream, and from that point more farm produce is shipped than from any other point in the State of New Jersey. There is no stream that empties into the Delaware River that carries as much tonnage as does Raccoon Creek, with one exception, Christiana Creek, at Wilmington. Nearly all of the early tomatoes and sweet potatoes that are shipped from Swedesboro to Baltimore and Philadelphia are carried on this stream. That carried to Boston and to New York is shipped by rail. In 1914 34 vessels were regularly employed on Raccoon Creek, using 21 landings and wharves, and handling a commerce amounting to about 92,000 tons. Since that time this commerce has increased, and a large part of the traffic is carried on at the Swedesboro wharves, and it is very necessary that the water be increased to a depth of 7 feet up to that point.

The estimated cost of this proposed improvement is $39,770, with about $5,000 annually for maintenance. This estimate is about $4,400 more than the unappropriated balance for the existing project. The full amount of the estimate, $39,770, should be made available in one appropriation, as pointed out by the Board of Engineers.

And right here, Mr. Chairman, I wish to quote from the report of Maj. R. R. Raymond, engineer in charge, made on May 14, 1913:

He says:

The traffic of the stream is carried by gasoline boats and barges, by one steamboat plying daily between Bridgeport and Philadelphia, and by occasional steam tugs with barges. Mr. Miller reports 34 vessels regularly employed, with an aggregate tonnage of 4,823, and draft between 4 and 6 feet. In 1912 the commerce amounted to 92,688 short tons, valued at $1,163,700. About 21 landings and wharves are used. The incoming freight consists principally of fertilizer, coal, building and road materials, and domestic commodities. The outgoing freght is farm produce, fruits, and truck. Vegetables are shipped in large quantities by rail to Boston and other eastern cities, and by boat to Philadelphia, Chester, and other places on the Delaware River. For shipments of this kind Raccoon Creek ranks near the head of the list of tributaries of the Delaware River and Bay. The heaviest receipts and shipments are made at the wharves at Swedesboro.

Now, Mr. Chairman, I have quoted from the report of Maj. Raymond. This project is deserving, and I hope the motion of the gentleman from Wisconsin [Mr. FREAR] will not prevail.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to oppose the amendment. Supplementing the remarks of the gentleman from New Jersey [Mr. BROWNING], I wish to say that when the gentleman from Wisconsin [Mr. FREAR] was on his feet, berating this item of Raccoon Creek—and I say this in all kindness—he had in his hand the report of 1913. He referred to a few cargoes of manure that were carried on this river, but he stopped his reading after he had called up a few gasoline boats and a few barges plying between Bridgeport and Philadelphia.

Now, the gentleman had before him the additional information that was just read by the gentleman from New Jersey [Mr. BROWNING], showing what the incoming freight was and what the outgoing freight was. I do not think the gentleman from Wisconsin meant to read only a portion of that report, but I do say that the reading of only a portion of a report and the omission of the meat of it is misleading and unfair when we are endeavoring to discuss the merits of a project like this. I refer to the report of the engineer, dated May 14, 1913, from Wilmington, Del.

Now, the principal objection to Raccoon Creek, in this discussion at least, is its name. There is no reason for opposing Raccoon Creek except that the name does not strike the "fawncy" of some of the men who like to criticize, and, of course, in so emphasizing the word I do not refer to the gentleman from Wisconsin [Mr. FREAR], who is a plain-spoken citizen. The trouble with the great editors is we call it "Raccoon Creek," and if we were to call it "Goose Creek" it would be the same.

Mr. FREAR. Goose Creek does not get anything. [Laughter.]

Mr. MOORE of Pennsylvania. It may be worthy, but I say it is not fair to strike out an item simply because the name does not strike us favorably. The truth is, as shown by the statistics produced by my friend from New Jersey [Mr. BROWNING], that Raccoon Creek is one of the liveliest tributaries of the Delaware River.

What goes into Raccoon Creek from these towns of Bridgeport and Swedesboro? Productions from the large cities. Where do they come from? From as far east as Boston, as indicated by the report of the engineer. The people of these towns have to buy something, and there are 21 landings along Raccoon Creek, where the steamers stop to deliver the commodities to the people who live there. That is business.

Now, what goes out of Raccoon Creek? The report indicates farm produce, fruits, and truck. And let me say there is no better farming land in this country than the farm land along Raccoon Creek. That section of New Jersey is prolific in what we call "small truck," and the vessels are coming and going constantly to carry the produce of the farmer—who, I hope, has a few friends left in this House besides myself. [Laughter.] We carry the products of the farmer out of Raccoon Creek to the people of New York and to the people of Boston, and I dare say in the form of canned goods they get even as far as Wisconsin, and——

Mr. TREADWAY. Mr. Chairman, will the gentleman——

Mr. MOORE of Pennsylvania. And beans. [Laughter.]

Mr. TREADWAY. We have other products in commerce besides beans. The inquiry I was going to propound to the gentleman was if it were not a new turn for the gentleman to be commenting favorably upon the interest of the farmer? [Laughter.]

Mr. MOORE of Pennsylvania. No; I would say to the gentleman from Massachusetts I am one of the best friends of the farmer in this House. [Laughter.] I have stood here in behalf of the farmer through thick and thin, when some men who shouted a great deal louder about the farmer were not as sincerely interested in him as I was.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a brief question?

Mr. MOORE of Pennsylvania. Yes.

Mr. HULBERT. Does not the gentleman think the stream would be more popular if it were named "Browning River?"

Mr. MOORE of Pennsylvania. That would be deserving, but "Raccoon Creek" is an honored name in New Jersey. The point I wanted to make for the benefit of my friend from Wisconsin [Mr. FREAR], who means well, is that if we would improve the large rivers and the large cities we must pay attention to the small rivers and to the small cities, where the raw products come from; and unless these people who ship their goods from 21 landings along Raccoon Creek have the means to get out to the rest of the world, then we close up their opportunities and we increase the cost of living to the people in the large cities. [Applause.]

Mr. SPARKMAN. In view of some of the criticisms just made against Raccoon Creek, and those that may be made against other creeks mentioned in this bill, I rise for the purpose of submitting a statement which I have here of the different creeks for which provision is made in the bill. I find 16 of them in all, with appropriations amounting only to $330,170. These creeks, embracing all that are in the bill, accommodate a tonnage of 7,114,202 tons, valued at $169,931,000. The statement should be of interest to both friends and opponents of this class of legislation. I ask unanimous consent to print this with my remarks.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD by printing the memorandum referred to. Is there objection?

There was no objection.

The statement referred to is as follows:

Creeks in 1917 bill.

Creeks.	Total appropriation.	Appropriation in this bill.	Commerce.	
			Tons.	Value.
East Chester Creek, N. Y.	$210,500	$11,000	139,798	$776,331
Westchester Creek, N. Y.	97,280	58,000	220,912	498,393
Newtown Creek, N. Y.	535,900	150,000	5,756,102	147,086,860
Woodbridge Creek, N. J.	97,750	3,000	67,610	305,740
Woodbury Creek, N. J.	46,500	2,000	11,270	38,390
Raccoon Creek, N. J.	92,500	44,770	89,638	844,290
Oldmans Creek, N. J.	38,000	5,000	60,438	423,875
Alloway Creek, N. J.	50,500	2,000	19,343	939,015
Tuckerton Creek, N. J.	83,380	5,000	21,997	901,920
Tyaskin Creek, Md.	36,836	5,800	6,634	194,440
Newbegun Creek, N. C.	None.	5,000	5,000	300,000
Contentnia Creek, N. C.	85,000	1,000	9,607	146,975
Fancy Bluff Creek, Ga.	10,000	1,000	2,513	84,882
Petaluma Creek, Cal.	181,593	7,500	895,311	17,571,314
San Rafael Creek, Cal.	None.	27,300	32,900	.....
Skamokawa Creek, Wash.	None.	1,800	1,341	.....
Total	814,773	330,170	7,114,202	169,931,941

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

The Clerk read as follows:

Oldmans Creek, N. J.: For maintenance, $5,000.

Mr. FREAR. Mr. Chairman, I move to strike out this paragraph. The statistics in regard to Oldmans Creek show that a small appropriation of $38,000 has been made. I am trying to ascertain the necessity, if it exists, for these various appropriations which occur in this bill. A balance of $5,647 is on hand. The sum of $5,000 is asked for in this bill. If the doctrine of the gentleman from Pennsylvania [Mr. MOORE], which has suddenly been suggested to the committee, is to be carried out, then all these creeks require appropriations. Those who are closest to the farmer forget that when the public-building bill for $38,000,000 was before the House a few days ago, the same gentlemen supported that bill, and the farmers did not come out very well on that, because that was for cities, towns, and villages, and the farmers were not considered. All they had was the to the farmer forget that when the public-buildings bill for $38,000,000. According to the report of the engineers, Oldmans Creek is crooked and obstructed by sharp bends and shallows. As I said, we have appropriated $38,000. In 1915 there were no operations, but $1,089 for office expenses. Will the chairman of the committee kindly explain to me why they spent over $1,000 for office expenses with no improvement to the creek that year? Is there any information about that?

Mr. SPARKMAN. I will say to the gentleman that I have no specific information in regard to this particular item, but that it is customary to charge the office expenses to the appropriation.

Mr. FREAR. Where is the office that would carry that appropriation of $1,000 and over?

Mr. SPARKMAN. I think at Philadelphia.

Mr. BROWNING. Wilmington.

Mr. SPARKMAN. The gentleman from New Jersey corrects me and states that it is at Wilmington.

Mr. FREAR. It seems to me it is entirely unfair and unreasonable for the engineers to charge $1,089 for office expenses when there was no operation on the stream. I can understand that when an improvement is going on there may be office expenses; but when there is no improvement, why should there be office expenses? The same thing is true of many of these other projects.

Mr. HUMPHREY of Washington. Did the gentleman make any effort at the Engineer's Office to find out what the expenses were?

Mr. FREAR. No; but I asked the engineer before the committee, and he could not give any explanation, except that they usually charged 10 per cent. There is no 10 per cent here, because not a dollar was expended on the project, but $1,089 was charged for office expenses. I speak of this because two or three days ago we spent an hour here on the floor of the House discussing a $300 item. Here is a $5,000 item, and $1,089 was expended last year for office expenses when there were no operations on the stream.

Mr. SPARKMAN. If the gentleman asked the engineer about it—and I do not doubt that he did—certainly the engineer must have misunderstood his question, or he could have answered it.

Mr. FREAR. I did not complain about his answer. I thought it a very proper answer where there were improvements going on; but here is a charge for office expenses with nothing being done on the stream. The Army Engineers further report that this stream has small commerce; that all wharves are private, subject to charge. The statistics were furnished by some firm that is there. I can not believe that $5,000 is really needed in addition to the $5,647 on hand, when we spent nothing last year except for office expenses.

I move to strike out the item.

Mr. HUMPHREY of Washington. I want to reply to a statement made by the gentleman from Wisconsin [Mr. FREAR] in regard to the item of $1,089. It would have been perfectly easy for the gentleman to discover what that was for if he had wanted to do so. A letter addressed to the Chief of Engineers would have brought him a detailed statement. He had plenty of time to get it. It occurs to me that if I was anxious for information I would seek it at the place where it could be obtained rather than wait to ask upon the floor of the House, in order to see if I could puzzle some one having the bill in charge by asking the question.

Mr. FREAR. I do not want to puzzle anybody.

Mr. HUMPHREY of Washington. In other words, it seems to me if a man is really desirous of information he will go where he knows he can get it.

Mr. FREAR. I have been charged with not attending the meetings of the committee, and while I have been working very hard on this matter here is something that I noted, a charge of $1,089 with no improvements on the river, and it seemed to me that I asked a very reasonable and proper question about something concerning which I wished to be informed.

Mr. HUMPHREY of Washington. The gentleman's observation as a general proposition would be correct. But he says that he asked the engineer himself, and the engineer said he usually charged 10 per cent. That put him on his guard; it passed out of the usual condition, and if there was anything wrong about it, or if there was not anything wrong about it and he was interested in it he was put on his guard, and it having been brought to his attention a letter which he could have dictated in five minutes, addressed to the Chief of Engineers, would have given him all the information called for.

Mr. BROWNING. Mr. Chairman, I am unable to answer the question of the gentleman from Wisconsin as to what the $1,089 was spent for. Oldmans Creek is in my district. It is the dividing line between Gloucester and Salem Counties. There were improvements made on the creek some years ago—I think in 1912–13. The stream was a very crooked one, and there was a large tract of land contributed to the Government to straighten it, and it was straightened. There has been nothing asked for improvement, although I do not think the whole subject has been completed. This $5,000 is only for maintenance, which must be appropriated to keep up the improvement already made. It would be foolish for the Government to spend its money and then not maintain the depth of water. It is a creek used entirely by the farmers; the farm products go out and what the farmers buy is shipped in.

Mr. FREAR. But there is a balance of $5,647 on hand.

Mr. BROWNING. That can not be used for maintenance. The engineers know better than I do why the $5,000 is required. I do not think they would recommend it if it was not necessary. I hope the item will remain in the bill.

Mr. SMALL. Mr. Chairman, the gentleman says that there was expended during the last fiscal year $1,089.09 for office expenses, and he asked the chairman of the committee to explain the items in that expenditure. I assume that the purpose of that question is to discredit the engineers. He was drawing the inference that the expenditure was unauthorized or discreditable to the engineer.

Now, there are only two references that I find in the engineer's report. One on page 373, under the paragraph of operations and results during the fiscal year, and then follows this language:

> No operations in progress; expenditures were for office expenses and inspection, amounting to $1,089.09 for maintenance.

Then, on page 374, under the head "Amount expended during the fiscal year for maintenance of improvement, is the same item, $1,089.09. So it appears from the report of the Chief of Engineers, which are the only references in the report to the matter which the gentleman from Wisconsin called for, is that of its office expenses and inspection for the maintenance of the project. I take it that that answers the question.

Mr. SAUNDERS. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. SAUNDERS. I have heard a good deal in the debate on this bill and on the public-buildings bill about "steal," "robbery," and so forth. I would like to ask whether or not there are projects in this bill now before the committee that are not favorably reported upon by the Army engineers?

Mr. SMALL. Not one.

Mr. SAUNDERS. So that if there are any steals in the bill, they are commended by the Army engineers?

Mr. SMALL. The gentleman is entirely correct.

Mr. SAUNDERS. And there has been some suggestion to turn over a lump sum to be expended by these very Army engineers?

Mr. SMALL. That is true.

Mr. SAUNDERS. And now that we are following their judgment in respect to this particular bill, we are denounced as being abettors of that steal?

Mr. SMALL. The gentleman from Wisconsin is attempting to discredit the engineers with whom he proposes to place a lump-sum appropriation. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

> Alloway Creek, N. J.: For maintenance, $2,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I do that in order that I may make some explanation in regard to the question just put by the gentleman from Virginia to the gentleman from North Carolina. I have not said that this was a steal. I know that a distinguished Democrat at the other end of the Capitol once called it a humbug and a steal.

Mr. SAUNDERS. I want to say to the gentleman from Wisconsin that I did not use his name in connection with that.

Mr. SPARKMAN. If the gentleman from Wisconsin will yield just a moment, I think the gentleman's language in reference to the distinguished Democrat at the other end of the Capitol might be misunderstood. He did not refer to this bill as a steal.

Mr. FREAR. Oh, no; that is true; it was a former river and harbor bill. Now, in reference to the Army engineers, I have said that there is no doubt that on many projects there is much waste. I never claimed it to be a steal, but you can not get a single item out of the bill—the upper Mississippi, the lower Mississippi, or the Missouri—in order to limit the total amount of expenditures, and thereby reduce the amount of the waste. The only way is to do as we did two or three years ago—limit the total amount and place it in the hands of the Army engineers and make them responsible for the use of the money. I did not believe that the way they apportioned the money the last time was right, but I do not see how you can otherwise reduce the total amount of the bill.

Mr. HULBERT. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. HULBERT. In the speech which the gentleman made last year, did he not very severely criticize the Army engineers for the manner in which they made the allotments?

Mr. FREAR. Why, I did, or certainly ought to have done so; but we can not get any reduction except to reduce the total amount. I do not think their allotment was any better than that of the committee, so far as it went, but there was less waste because there was less money to spend.

Mr. SAUNDERS. Then, I gather that the criticism that appears in the newspapers and on the part of various critics in the House of Representatives to the effect that this bill is a steal is not well taken, is not justified by the facts.

Mr. FREAR. I do not know what the gentleman is referring to. Of course, I can answer only for myself and not for others.

Mr. SAUNDERS. The gentleman can answer whether or not in his judgment those epithets which have been freely used in connection with this bill are justified.

Mr. FREAR. I have not seen those epithets.

Mr. SAUNDERS. An editorial appearing in one of these northern papers the other day was to that effect.

Mr. FREAR. I will say this, that I think it is full of waste.

Mr. SAUNDERS. Then this becomes a matter of judgment.

Mr. FREAR. Surely. That is all our legislation results from, anyway.

Mr. SAUNDERS. And the committee is backed in their judgment by the judgment of these Army engineers.

Mr. FREAR. Unquestionably so; and, referring to the gentleman from North Carolina, who is complaining about the amount used for office expenses, they appropriated over $230,000 for office expenses and inspection in one appropriation.

Mr. SAUNDERS. It is suggested to me by my colleague on my right, the gentleman from Illinois, [Mr. GALLAGHER], that in addition to the House having the confirmatory judgment of these engineers, it also has the judgment of the Secretary of War.

Mr. FREAR. Yes; but the Secretary of War follows the judgment of the Army engineers. But, Mr. Chairman, I do not stand alone in this. One hundred and forty Members of the House held the same belief at the last session, and the bill was passed in the Senate by only 1 vote. I am not standing alone in this proposition. Every gentleman who has a project here believes that the bill ought to go through; but I do not believe the bill is above criticism, and I am endeavoring to criticize it fairly.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Pittsburgh Harbor, Pa.: For maintenance, $5,000.

Mr. NORTH. Mr. Chairman, I rise for the purpose at this time of extending my remarks in the RECORD upon this bill by having printed therein the report of the Chief of Engineers of 1916, respecting the rivers and harbors of the Pittsburgh (Pa.) district, and some personal correspondence relative to the improvement of the Allegheny River.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The matter referred to is as follows:

REPORT OF CHIEF OF ENGINEERS, UNITED STATES ARMY, 1916, RIVERS AND HARBORS, PITTSBURGH (PA.) DISTRICT, AND CORRESPONDENCE OF HON. S. TAYLOR NORTH RELATIVE TO THE IMPROVEMENT OF THE ALLEGHENY RIVER DURING THE SIXTY-FOURTH CONGRESS.

3. ALLEGHENY RIVER, PA.—OPEN-CHANNEL WORK.

Location and description: The Allegheny River rises in northern Pennsylvania, flows northwestward into New York, and thence southward to Pittsburgh, Pa., where it joins with the Monongahela River to form the Ohio. Its length is 325 miles. (See U. S. Geological Survey charts for Pennsylvania and New York, unnumbered.) The drainage area is 11,580 square miles, low-water discharge 1,440 cubic feet per second, and highest measured discharge 236,834 cubic feet per second. High or low water may occur at any time, but most of the freshets come in the late winter and spring. The river is nontidal and the current rapid. The average fall per mile of navigable portion—i. e, from Olean, N. Y., to the mouth, is 2.2 feet. The average width varies gradually from 225 feet at Olean to 1,060 at the mouth.

Original condition: The river originally contained obstructive bowlders, snags, islands, bars, and shoals, making navigation hazardous and practicable only at the highest stages. The channel width was extremely variable. The minimum, safe, usable low-water depth was about 3 feet. Rafting, logging, and light steamboating extended from Olean, N. Y., to Pittsburgh, Pa., a distance of 255 miles.

Previous projects: None.

Existing project: This project was adopted by the river and harbor act of March 3, 1879, which contemplated the removal of bowlders and snags and the construction of low dams and dikes to close secondary channels and concentrate the low-water flow on the shoals between French Creek and the mouth, 126 miles. The approved estimate of cost of the original work was $51,425. (H. Ex. Doc. No. 21, 46th Cong., 3d sess., and reprinted in Annual Report for 1879, p. 1371.) The project was extended by the river and harbor act of August 2, 1882, to include similar improvements from French Creek to the New York State line, 88 miles. The approved estimate of cost of original work from French Creek to Olean, N. Y., 129 miles, was $40,000. (S. Ex. Doc. No. 89, 46th Cong., 2d sess.) The total length of section included in the project from the mouth to New York State line is 214 miles. A well-defined navigable channel from 150 feet wide and about 1 foot deep, at low water at the New York State line to 300 feet wide and approximately 2 feet deep at low water at the head of Pool No. 3, at Natrona, Pa., 25 miles above the mouth, has been established by the removal of all obstructive bowlders and snags and the construction of 10 low dams and dikes. For locks and dams contemplated see report on construction of locks and dams. The only published map of the Allegheny River appears in House Document No. 740, Sixty-third Congress, second session, page 1002. No estimate for maintenance was ever made.

Operations and results during the fiscal year: No work of construction was performed. Inspections were made of work being done under department permits and to prevent channel encroachments. The inspection expenditures amounted to $584.07 and were charged to maintenance.

Condition at the end of fiscal year: Ten low dams and dikes to close secondary channels and concentrate the low-water flow on shoals were completed by 1898. These regulating works, although needing repairs, still perform their functions. All rock and snag obstructions were removed from New York State line to mouth, 214 miles, by 1904. A mill-dam at Corydon was modified in 1887 and entirely removed in 1910. No further new work is contemplated. The work done permits safe navigation at stages from 2 to 3 feet lower than formerly. The navigable depth varies gradually with location and greatly according to seasonal conditions. Slack-water improvement from Natrona, Pa., to the mouth has reduced the open-channel distance by 24 miles. The total expenditure for original work was $197,000 and for maintenance $73,883.61, a total of $270,883.61.

Local cooperation: None.

Effect of improvement: Water transportation has been rendered easier and safer. Whether the improvement has caused reduction in freight rates or prevented their increase is not known. Rail rates are much higher than actual cost of water transportation. For similar commodities railroad freight rates are considerably higher in the Allegheny Valley than in the Monongahela where the river is well improved for upward of 130 miles. This condition is believed to exist largely because of the limited slack-water improvement completed on the Allegheny and the restrictions upon navigation due to the obstructive bridges at the mouth, which together prevent the full utilization of this waterway.

Proposed operations: It is proposed to use the funds which are shown as available for the year ending June 30, 1917, as follows:

To reconstructing the stone-filled and paved cribwork dike at Red Bank across a gap 118 feet wide by 7.5 feet in height, a second gap 225 feet wide by 5 feet in height, 600 linear feet of top cribwork 3 feet in height with stone filling and paving, and renewing sundry timbers, stone filling, and paving on other parts of dike	$11,000.00
To recovering and replacing in a 530-foot gap in the dam at Nicholsons Island, 1,200 cubic yards of old and 600 cubic yards of new stone	2,500.00
To minor repairs to other dikes and dams and channel in general and contingencies	2,240.91
Total	15,740.91

It is expected that about one-third of the funds available, $15,740.91, will be used in October and November, 1916, and the remainder from May to October, 1917, at the rate of about $2,100 per month. No additional appropriation for the year ending June 30, 1918, is recommended.

Commercial statistics: There is given below a comparative statement of the commerce on the open river above slack water which consisted principally of sand, gravel, and dredged waste material. For 1915 the tonnage was distributed among these classes as follows: Sand, 61 per cent; gravel, 31 per cent; dredged waste material, 7 per cent; leaving 1 per cent for miscellaneous items. The usual limit of draft for this commerce is about 4 feet. During the year 7 towboats and 10 sand-and-gravel dredges were operated.

Comparative statement.

Calendar year.	Short tons.	Value.
1913	43,558	$196,954
1914	108,092	202,673
1915	278,870	227,434

Financial summary.

Amount expended on all projects to June 30, 1916:	
New work	$197,000.00
Maintenance	73,883.61
Total	270,883.61

Amount expended during fiscal year ending June 30.	1914	1915	1916
New work			
Maintenance	$1,226.03	$986.34	$584.07

APPROPRIATIONS.

[For last five fiscal years only.]

Mar. 4, 1913	$2,000.00
July 27, 1916	15,000.00
July 1, 1915, balance unexpended	1,324.98
June 30, 1916, amount expended during fiscal year for maintenance of improvement	584.07
July 1, 1916, balance unexpended	740.91
Amount appropriated by river and harbor act approved July 27, 1916	15,000.00
Balance available for fiscal year ending June 30, 1917	15,740.91

4. ALLEGHENY RIVER, PA., CONSTRUCTION OF LOCKS AND DAMS.

Location and description and original condition: See report on Allegheny River, Pa., open-channel improvement.

Previous projects: None.

Existing project: The existing canalization project extends from the mouth to Rimerton, Pa., 61 miles, and contemplates the construction of eight locks and dams as follows:

Lock and Dam No. 1 by the river and harbor act of August 5, 1886; Locks and Dams Nos. 2 and 3 by the river and harbor act of June 3, 1896; and Locks and Dams Nos. 4 to 8, inclusive, by the river and harbor act of July 25, 1912, appropriating $300,000, provided that local interests contribute an equal amount, as modified by the river and harbor act of March 4, 1913, revoking above condition and reappropriating $300,000, provided—

"that no part of said amount shall be expended until the Secretary of War shall have received satisfactory assurances that the channel spans of the bridges forming unreasonable obstructions to the navigation of the Allegheny River at Pittsburgh will be modified as recommended by a board of engineer officers in a report dated November 23, 1910."

The estimate of cost of original work was $3,888,000. (Annual Reports 1891, p. 2366; 1896, p. 2214; and H. Doc. No. 540, 62d Cong., 2d sess.)

The purpose of the construction of Locks and Dams Nos. 1 to 8, inclusive, is to provide a least slack-water depth of 7 feet at normal level of the pools. This has been accomplished in completed Locks 1, 2, and 3 for widths varying from about 200 feet at the narrowest shoals to approximately 800 feet at the widest natural pools, except that at the head of Fourteen Mile Island the navigable depth is only 6.5 feet at the normal level of pool No. 2. When movable Dams Nos. 1, Allegheny and Ohio Rivers, are down the open-channel depth below Lock No. 2 is occasionally reduced during low-water periods to 4 feet. The only published map of the Allegheny River appears in House Document No. 740, Sixty-third Congress, second session, page 1002.

Dam No.	Location.		Lock dimensions.		Lift at normal pool stage.	Depth on miter sills at normal pool.	
	Miles above mouth.	Nearest town or other reference.	Clear width.	Length between miter sills.		Lower sill.	Upper sill.
			Feet.	*Feet.*	*Feet.*	*Feet.*	*Feet.*
1	1.7	Pittsburgh, Pa.	55	330.0	7.0	8.0	15.0
2	7.0	Aspinwall, Pa.	56	332.0	11.0	11.0	10.0
3	17.0	Springdale, Pa.	56	330.0	10.5	7.0	6.5
4	24.0	Natrona, Pa.	56	399.4	12.0	8.0	8.0
5	31.6	Murphys Island, Pa.	56	399.4	12.0	8.0	8.0
6	37.0	Clinton, Pa.	56	399.4	12.0	8.0	8.0
7	46.0	Kittanning, Pa.	56	399.4	13.0	8.0	8.0
8	53.3	Mosgrove, Pa.	56	399.4	15.0	8.0	8.0

Dam No.	Character of foundation.		Kind of dam.	Type of construction.		Estimated cost.
	Lock.	Dam.		Lock.	Dam.	
1	Gravel	Gravel	Movable	Concrete	Chanoine wicket	$600,000
2	Rock	do	Fixed	do	Concrete	500,000
3	Hardpan	do	do	do	Timber crib	
4	Rock	do	do	do	Concrete	483,000
5	Gravel	do	do	do	do	580,000
6	do	do	do	do	do	619,000
7	do	do	do	do	do	580,000
8	Rock	do	do	do	do	526,000

NOTE.—Data for Locks and Dams Nos. 4 to 8 inclusive, are tentative.

Operations and results during the fiscal year: No work was done.

Condition at end of fiscal year: Lock and Dam No. 1 were completed in December, 1902, at a cost of $594,373.07; Lock and Dam No. 2 in October, 1908, at a cost of $544,947.90; and Lock and Dam No. 3 in December, 1904, at a cost of $315,103.36. These dams furnish slack water from the mouth to Natrona, Pa., 24 miles. The minimum available depth at normal pool stage is 6.5 on a bar in Pool No. 2. Available drafts usually vary from 6 to 7 feet from March to December to 4 to 7 feet during the winter months. The lower limits above stated occur in Pool No. 1 when the movable dam is down on account of danger from ice. Locks and Dams Nos. 4 to 8, inclusive, intended to extend slack water from Natrona, Pa., to Rimerton, Pa., 37 miles, remain to be built. In January, 1907, the abutment of Dam No. 3 failed and a portion of the dam was blown out. These parts were restored at a cost of $238,682.57. To the beginning of the fiscal year there was expended for new work $1,454,424.33, and for maintenance $238,815.07, a total of $1,693,239.40.

Local cooperation: No special conditions were imposed by law, nor was there any local cooperation in the building of Locks and Dams Nos. 1, 2, and 3. As regards Locks and Dams Nos. 4 to 8, the river and harbor act of March 4, 1913, imposed the condition that no part of the funds appropriated for their construction is to be expended until the Secretary of War shall have received satisfactory assurance that the channel spans of the bridges forming unreasonable obstructions to the navigation of the Allegheny at Pittsburgh will be modified. Such assurance has not been received.

Effect of improvement: Safe navigation for drafts of 4 to 7 feet during fully 75 per cent of the year has been established from the mouth to Natrona, Pa. No noticeable reduction in freight rates has occurred, nor will likely occur until additional locks and dams are completed and obstructive bridges at Pittsburgh are modified. Rail rates are much higher than actual cost of present water shipments.

Proposed operations: Pending the fulfillment of the conditions imposed by Congress precedent to the commencement of work on Locks and Dams Nos. 4 to 8, no work is planned for the fiscal year ending June 30, 1917, and no estimate of funds submitted for the year following.

Recommended modifications of project: None.

Commercial statistics: There is given below a comparative statement of the commerce on the slack-water portion of the river from Natrona to the mouth, consisting principally of coal, sand, gravel, steel billets, and dredged waste material. For 1915 the tonnage was distributed among these classes as follows: Coal, 39.9 per cent; sand and gravel, 49.1 per cent; steel billets, 6.8 per cent; and dredged waste material, 3.5 per cent. The usual limits of draft for this commerce are 6 to 8½ feet for coal and steel and 4 to 7½ feet for sand and gravel. During the year 16 towboats and 12 sand dredges were operated.

Comparative statement.

Calendar year.	Short tons.	Value.
1913	2,133,053	$5,238,490
1914	1,838,590	4,191,215
1915	1,899,654	5,066,148

Financial summary.

LOCKS AND DAMS NOS. 1, 2, AND 3.

Amount expended on all projects to June 30, 1916:		
New work		$1,454,424.33
Maintenance		238,815.07
Total		1,693,239.40

Amount expended during fiscal year ending June 30.	1914	1915	1916
New work			
Maintenance	$2,446.70	$132.50	

APPROPRIATIONS.

[For last five fiscal years only.]

None.

July 1, 1915, balance unexpended		$19,424.93
July 1, 1916, balance unexpended		19,424.93
July 1, 1916, outstanding liabilities	$60.80	
July 1, 1916, amount covered by uncompleted contracts	825.00	
		885.80
July 1, 1916, balance available		18,539.13

LOCKS AND DAMS NOS. 4 AND 5.

Amount expended on all projects to June 30, 1916:		
New work		
Maintenance		

Amount expended during fiscal year ending June 30.	1914	1915	1916
New work			
Maintenance			

APPROPRIATIONS.

[For last five fiscal years only.]

Mar. 4, 1913		$300,000.00
July 1, 1915, balance unexpended		300,000.00
July 1, 1916, balance unexpended		300,000.00
Amount (estimated) required to be appropriated for completion of existing project (exclusive of the balance unexpended July 1, 1916)		2,488,000.00

CONSOLIDATED.

Amount expended on all projects to June 30, 1916:		
New work		1,454,424.33
Maintenance		238,815.07
Total		1,693,239.40

Amount expended during fiscal year ending June 30.	1914	1915	1916
New work			
Maintenance	$2,446.70	$132.50	

APPROPRIATIONS.

[For last five fiscal years only.]

Mar. 4, 1913		$300,000.00
July 1, 1915, balance unexpended		319,424.93
July 1, 1916, balance unexpended		319,424.93
July 1, 1916, outstanding liabilities	$60.80	
July 1, 1916, amount covered by uncompleted contracts	825.00	
		885.80
July 1, 1916, balance available		318,539.13
Amount (estimated) required to be appropriated for completion of existing project (exclusive of the balance unexpended July 1, 1916)		2,488,000.00

5. OPERATING AND CARE OF LOCKS AND DAMS, ALLEGHENY RIVER, PA.

The improvement for which report is made under this caption forms part of the project for Allegheny River, Pa., construction of locks and dams, for which report is made on pages 1226 to 1229 of this report,

where general information regarding the improvement can be found. The work carried on is the operation and maintenance of the locks and dams reported on page 1227 as completed. These locks and dams have been operated and maintained under the permanent indefinite appropriation as follows: No. 1, since January 1, 1903; No. 2, since November 10, 1906; and No. 3, since November 29, 1904.

Operations and results during the fiscal year: The locks and dams were maintained in good condition and operated as occasion required. Repairs of minor importance to the structures and operating plants were made by hired labor. The patrol of the banks to prevent unauthorized deposits and the inspection of work done under department permits were continued. Four stream-gauging stations were maintained during the year. The amount expended during the fiscal year was $42,991.99.

Condition at the end of fiscal year: All structures were in a good state of repair and the pools in satisfactory navigable condition. For controlling depths see report on Allegheny River, Pa., construction of locks and dams. The total amount expended to the end of the fiscal year was $530,838.66.

Proposed operations: The locks and dams will be operated and maintained under allotments from the permanent indefinite appropriation provided by section 6 of the river and harbor act of March 3, 1909.

Commercial statistics: There is given below a comparative statement of that part of the traffic, in short tons, which passed the locks during the past three calendar years:

Lock.	1913		1914		1915	
	Up.	Down.	Up.	Down.	Up.	Down.
1	361,754	64,074	263,508	78,450	289,006	159,956
2	11,931	477,026	36,792	390,338	11,418	496,828
3	37,968	18,306	35,204	40,827	32,496	12,668

For the total tonnage and other details see "Allegheny River, Pa., open-channel improvement" and "Construction of locks and dams."

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ALLEGHENY RIVER IMPROVEMENT ASSOCIATION,
Kittanning, Pa., January 10, 1916.

Hon. S. TAYLOR NORTH, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: Dispatches from Washington published in the Pittsburgh Sunday papers intimate your intention to introduce a bill in Congress for the improvement of the Allegheny River or seek to incorporate an appropriation therefor in the event of a rivers and harbors bill during this session.

As a matter of information, to guide you in so important and commendable a step, it would be well to understand that an appropriation has been made for the improvement of the Allegheny River in the Sixty-second Congress, which does not lapse with each succeeding Congress, but which is as useless at present as though it did lapse and required action de novo.

The attached letter of the Allegheny River Improvement Association, of which I am president, was sent out yesterday to all interests of the Allegheny Valley. The letter is self-explanatory, and will help you to a knowledge of the present situation concerning the river improvement.

The present varied and extensive industries of the Allegheny River Valley above the city of Pittsburgh and those interested in the development of its great natural resources feel that an injustice has been done by Congress in subordinating the improvement of the river to the interests of the city of Pittsburgh, assisted perhaps by some of the interests of the Monongahela and Youghiogheny Valleys who are adverse to the competition which the development of the Allegheny River would produce. The Pittsburgh bridge fight is something in the nature of a personal row of Capt. Rogers et al. against the Pennsylvania Railroad et al. that has been on for perhaps 20 years. In effect it is a plan to perpetuate a particular type of steamboat now in use on the Ohio River and ill adapted to low bridges, and also quite an unnecessary type of boat to successful navigation in the event of the improvement of the Allegheny River. The work of this association has been hampered—in fact, temporarily usurped—by the steamboat interests largely engaged in Ohio River traffic, and this is how we now happen to be in such distressing difficulties in getting the appropriation released, and is therefore the occasion for the hearing referred to in the attached letter.

You, with all other intelligent men, appreciate that the removal of obstructions to navigation is ordinarily made concurrent with the demand for such removal. Therefore to subordinate the improvement of the river to the removal of bridges in advance of the development of the facilities for slack-water navigation is an unwarranted, unreasonable procedure, having no purpose other than that of defeating the project and perpetuating a controversy in regard to the clearances of bridges in the Pittsburgh district, which partakes more of the nature of a subterfuge and personal animus than it does of good judgment or sound sense.

If the development of governmental facilities for transportation or those undertaken by a private or corporate enterprise attempted to remove obstructions prior to the necessity therefor, it would involve a waste of capital contrary to not only all precedent, but abortive of business acumen in every sense of the word.

When the necessity for the modification of the bridge clearances in the Pittsburgh district is made manifest by the presence of facilities on the Allegheny River for slack-water navigation and the assured tonnage that will follow such an improvement discloses the character and extent of the obstruction to navigation, then is sufficient time for the exercise of the prerogative of Government which seeks to conserve the public welfare, and order such modifications in the bridges as may seem proper and reasonable. The efforts of the interests of the Allegheny River Valley for the improvement of the river have been thwarted by restrictions attaching to the appropriation that can be regarded not only as subterfuges and sophistries but as being unreasonable in the basic principle upon which they were inserted into the act. If these restrictions can be removed from the present appropriation, then the people of this valley will feel encouragement that the Congress of the United States is in earnest in the same sense that we are in earnest in our endeavors for this improvement, otherwise we must continue our efforts in the hope that some time, somehow, we shall be favored with an enactment that will free us from the present legislative obstructions.

Presumably the hearing in Pittsburgh on the 25th of January is the logical course in the present status of affairs, but as the matter of raising the bridges is contended against by both the city of Pittsburgh and by corporate interests located therein, it is certain that the Secretary of War will get no assurances that the bridges will be raised, and the situation will remain statu quo indefinitely, for by the express wording of the act the appropriation is not to be released until he receives those assurances, and it is nothing short of simple folly to imagine that the parties contending against any modification of the bridges are going to give a favorable answer to the inquiry. I am therefore bound in the proper performance of my duty, supported unanimously by the association, that the Pittsburgh bridge controversy shall not overshadow and become the means of defeating the improvement of the river, for which latter purpose earnest and conscientious endeavor has been and will continue to be made.

I have devoted much time and consideration to this subject. It is a meritorious project. It will conserve a public need of great magnitude, and it ought to receive every consideration at the hands of Congress. I am at your service in trying to correct what now stands as an imposition on the valley interests and as a contemplated expense of over $1,500,000 upon public and corporate investments in the city of Pittsburgh in advance of the time it is necessary that the expense should be incurred. What we should have is an appropriation made in the same manner that has governed all other appropriations for improved navigation where it conserved public welfare, and when in time it shall have been demonstrated that the bridges in Pittsburgh are obstructing the proper development of an improved watercourse the executive branch of Government is now clothed with sufficient authority to correct such an evil, if complained of.

Very truly, yours,

DWIGHT C. MORGAN,
President.

—

ALLEGHENY RIVER IMPROVEMENT ASSOCIATION,
Kittanning, Pa., January 10, 1916.

Hon. S. TAYLOR NORTH, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: In the matter of the improvement of the Allegheny River, according to the plans and specifications of the Government engineers, approved by the rivers and harbors act of March 4, 1913, and making an initial appropriation of $300,000 for the work, it was provided in the rivers and harbors act that no part of said amount shall be expended until the Secretary of War shall have received satisfactory assurance that the channel spans of the bridges forming unreasonable obstructions to navigation of the Allegheny River at Pittsburgh will be modified as recommended by a board of engineer officers in a report dated November 23, 1910.

It therefore having been made incumbent upon the Allegheny Valley interests desiring the improvement of the river to urge upon the Secretary of War the action contemplated and set forth by the act of Congress, a petition and brief was prepared by Mr. Albert Dettinger, attorney and counselor, Cincinnati, Ohio, reviewing the facts in connection with the bridges in the Pittsburgh district. An answer to this petition and brief was filed by certain interests in the city of Pittsburgh and Allegheny County adverse to disturbing such bridges as were regarded as unreasonable obstructions to navigation. A reply brief was in turn submitted by the petitioners, thereby placing before the Secretary of War all data and information concerning the matter of bridges, as affecting the release of the appropriation made by the Congress of the United States for the improvement of the river.

In compliance with instructions received from the Secretary of War by the Department of Government engineers at Pittsburgh, a hearing was called in the chamber of commerce in that city at 10 o'clock a. m., December 2, 1915, at which time Francis R. Shunk, lieutenant colonel, Corps of Engineers, explained the purpose of the meeting, and inasmuch as it was desired that all matters pertaining to the questions at issue should be presented in writing, the meeting was adjourned until Tuesday, January 25, 1916, at 10 o'clock, in room No. 311, post-office building, Pittsburgh, at which time the presentation of data and further discussion of the subject will be had.

Immediately following the meeting held in the chamber of commerce December 2, 1915, such interests as were represented by the Allegheny River Improvement Association outside of the city of Pittsburgh held a meeting in the Fort Pitt Hotel, and it was decided to report the situation to the interests of the Allegheny Valley, and to urge for presentation at the meeting to be held January 25 such written statements from all those interested in the improvement of the river as could be secured. These statements should include the resources, developed and undeveloped, of the valley, the amount and nature of the manufacturing industries, the probable products, in kind and amount, that would be likely to seek water transportation, if it were available, and the saving in freight costs that would follow. The improvement association authorized the president to appoint a committee of the association to carry out this work, and I have great pleasure in selecting you as a member of this committee, to do what you may be able to do personally and by enlisting the assistance of such others interested in the development of the valley as you may be able to reach through your personal acquaintance and influence.

The improvement of the Allegheny River is separate and apart from the bridge controversy, which has been unfortunately made a temporary barrier to its improvement, but it may be regarded with some degree of certainty that unless the interests of the valley disclose with proper assurances the importance and benefits to be derived from the improvement of the river, then just that long can it be expected that the bridge situation in the Pittsburgh district will become the paramount issue, and the development of the valley retarded for want of knowledge and appreciation of its developed and undeveloped resources that would be benefited by a system of slack-water navigation, as recommended by the Government engineers. It is therefore important that the real interests of the Allegheny Valley should not be overlooked in the issue now up for consideration, and it is earnestly hoped that you will give your assistance in order that we may achieve the purposes for which this organization was formed, and which it is believed can by concerted action be useful in accomplishing the improvement of the river. Will you not therefore give support to the matter in the form of a letter setting forth the facts desired, addressed to Francis R. Shunk, lieutenant colonel, Corps of Engineers, Pittsburgh, Pa., by January 25, 1916, the date set for the hearing, and if you can also be present on that occasion in behalf of the development of the Allegheny Valley it will strengthen the earnestness of our position and endeavor for the improvement of the river.

Very truly, yours,

DWIGHT C. MORGAN,
President.

JANUARY 15, 1916.

Hon. DWIGHT C. MORGAN,
President Allegheny River Improvement Association,
Kittanning, Pa.

DEAR MR. MORGAN: I beg to acknowledge the receipt of your valued favor of recent date relative to an appropriation for the improvement of the Allegheny River for slack-water navigation. As this improvement is principally the boundary on the west side of my congressional district I have given it considerable study. I have had the experience of running many rafts of timber down the Mahoning and Allegheny to the Pittsburgh markets and realize the great benefits to be derived by this improvement by the entire valley. In preparing this legislation I assure you that it will not contain any restrictions whatever.

I highly appreciate the kindly and helpful suggestions you have made in connection with this legislation and assure you that I stand ready to serve you and the Allegheny River Improvement Association when possible for me to do so.

I beg to remain, very truly, yours, S. TAYLOR NORTH.

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THE PITTSBURGH & SHAWMUT RAILROAD CO.,
Kittanning Pa., January 17, 1916.

S. TAYLOR NORTH, M. C.,
Washington, D. C.

DEAR MR. NORTH: I beg to acknowledge receipt of your favor of January 15, in reply to my letter concerning the improvement of the Allegheny River. I feel very sure that any activities on your part toward having the present restriction to the appropriation removed would be appreciated.

I also beg to acknowledge receipt of bill you have introduced for a post-office building in Kittanning. This is a very much needed improvement, and I trust your efforts in regard to both of the propositions, viz, the improvement of the river and a post-office building, will be urged by you to the fullest extent, and that we may realize on your efforts in those directions.

Very truly, yours, DWIGHT C. MORGAN,
Vice President.

—

A bill (H. R. 9234) appropriating money for the improvement of the Allegheny River, Pa., from Tarentum, Pa., to East Brady, Pa.

Be it enacted, etc., That the sum of $1,100,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, which sum shall be expended under the direction of the Secretary of War, for the improvement of the Allegheny River, Pa., for slack-water navigation from Tarentum, Pa., to East Brady, Pa., according to plans prepared and recommended by the United States Government Engineers, and approved by the Secretary of War, in the report submitted in House Document No. 540, Sixty-second Congress, second session: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,388,000, exclusive of the amounts herein and heretofore appropriated.

—

JUNE 22, 1916.

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I would be pleased to have a copy of the hearings recently submitted to you by Col. Shunk relative to raising the bridges over the Allegheny River at Pittsburgh, Pa.

Thanking you in advance, I am,
Respectfully, S. TAYLOR NORTH.

—

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 24, 1916.

Hon. S. TAYLOR NORTH,
House of Representatives.

MY DEAR SIR: Your communication of June 22, 1916, in regard to furnishing you with a copy of Col. Shunk's report in the matter of the raising of the bridges over the Allegheny River at Pittsburgh, Pa., has been received.

In reply I beg to inform you that the report has been received in this office, but sufficient opportunity has not been had to thoroughly digest its contents and to examine into the voluminous records, exhibits, etc., which accompany it. The instructions of former Secretary of War (Mr. Garrison) in his memorandum of September 30, 1915, in regard to the matter are as follows:

"My conclusion, therefore, is to refer these cases in the usual course to the Chief of Engineers, with instructions to proceed in the usual way, giving full notice and opportunity to all parties in interest to produce every relevant fact. I shall, in addition to the usual instructions, insert a direction that, to the extent that they are able to do so, they shall in their report indicate the identity of facts which were before Secretary Root, so that I may be able to determine whether any new facts—and if so, what new facts—are in the new record.

"Upon the coming in of the report from the engineers I desire that notice be given to everybody in interest, accompanied by a copy of the report, the notice to be to the effect that upon a certain day fixed all parties who have any objection to the confirmation of the report and concurrence in its recommendations must file their objections in writing with me, stating each objection and the reason for it. If objections of the character just mentioned are filed, a day will then be set by me when I will sit and hear arguments of all the parties in interest."

It will be seen from the foregoing that the matter will require extensive consideration by the Chief of Engineers, and also that the procedure contemplates furnishing everybody in interest with a copy of the report at the proper time, with an opportunity to file a brief. Your request will be filed until that time, when it will receive further consideration.

Very respectfully,

W. M. BLACK,
Chief of Engineers, United States Army.
By C. KELLER,
Lieutenant Colonel, Corps of Engineers.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 28, 1916.

Hon. S. TAYLOR NORTH,
House of Representatives.

MY DEAR SIR: This is to inform you that the Secretary of War has postponed the hearing set for 10 a. m., August 31, 1916, concerning the bridges over the Allegheny River at Pittsburgh, about which complaints have been made, until 10 a. m., Wednesday, November 15, 1916.

All arguments and briefs in connection with this matter must be submitted on the date of the hearing.

Very respectfully, W. M. BLACK,
Chief of Engineers, United States Army.

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WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, September 9, 1916.

From: The Chief of Engineers.
To: Hon. S. TAYLOR NORTH, House of Representatives.
Subject: Bridges over Allegheny River at Pittsburgh, Pa.

An error has been discovered in the report of the Chief of Engineers to the Secretary of War of August 8, 1916, concerning the bridges over the Allegheny River at Pittsburgh. In line 12, page 48, the last two figures should be 4.0 and 12.3 feet, instead of 11.0 and 19.3 feet. It is requested that the figures be corrected in the copy of report furnished you to avoid any future possible misunderstanding in this respect.

By direction of the Chief of Engineers.

Very respectfully, C. KELLER,
Lieutenant Colonel, Corps of Engineers.

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WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, October 17, 1916.

From: The Chief of Engineers, United States Army.
To. Hon. S. TAYLOR NORTH, Representative in Congress, Punxsutawney, Pa.
Subject: Hearing concerning Allegheny River bridges.

This is to inform you that the Secretary of War has postponed the hearing set for 10 o'clock a. m., Wednesday, November 15, 1916, concerning the bridges over the Allegheny River at Pittsburgh, about which complaints have been made, until 10 o'clock a. m., Wednesday, December 6, 1916. All arguments and briefs in regard to the matter are to be submitted on that date.

Very respectfully, W. M. BLACK,
Chief of Engineers, United States Army,
By C. KELLER,
Lieutenant Colonel, Corps of Engineers.

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ENGINEER IN FAVOR OF CHANGE—COL. JADWIN SAYS RAISING BRIDGES WOULD BENEFIT CITY—INDUSTRIES ARE VITAL.

The point of view of the Pittsburghers and Pittsburgh interests which favor the raising the Allegheny River bridges was yesterday given to the Dispatch by Col. Edgar Jadwin, Government engineer in charge of navigation in the Pittsburgh district. It is vigorously denied that the bridge-raising movement is a selfish propaganda, designed to aid other sections of the country at the expense of this city.

Col. Jadwin, in consenting to talk for publication, departs somewhat from the customary practice of Army men, but it is understood that he does so by permission of his superiors. This would indicate that the bridge-raising fight is now at a more critical stage than ever before and that certain very powerful interests are determined to "go through."

Col. Jadwin's attention was called to the fact that an organization of business men was being formed to oppose bridge raising, and he was asked to discuss the effect of the proposed raising upon the city's prosperity independent of its general effect upon navigation. After consulting with some of his associates he consented to do so and said:

"A number of your largest manufacturing companies urged us to have the bridges raised. These include the Carnegie Steel Co., Pittsburg Plate Glass Co., United States Aluminum Co., the Atlantic Refining Co., the Crucible Steel Co., and others. Two of these alone have put us on notice that they desire to increase their shipments on the Allegheny River within the next five years by an amount of over 1,600,000 tons. This class of freight is now saving on an average of 50 cents a ton on the Monongahela and Ohio Rivers in being hauled by water instead of by rail. At this rate the economic saving resulting from the new business of these companies alone will be in excess of $800,000 per year.

MINES MUST BE WORKED.

"Think of this for a moment and bear in mind that few large and important cities exist save on a navigable body of water. Pittsburgh is situated at the confluence of the Allegheny and Monongahela Rivers, forming the Ohio. The rivers must remain. The mines must be worked here. The railroads entering Pittsburgh will doubtless remain so long as the traffic justifies. Should a withdrawal be conceivable, others would replace them, if needed for handling the tonnage. It is possible for the manufacturing establishments, in the absence of the best and most convenient facilities for transportation, to withdraw to other localities. The Pittsburg Plate Glass Co. has established a plant in Missouri, where it can not be deprived of a satisfactory navigation. The United States Aluminum Co., with a plant at New Kensington, on the Allegheny, has also similarly established a plant in Missouri. With the Allegheny River improved the glass company considers the location in the Allegheny Valley better for its purpose than any other part of the country. However, if relief is not afforded, they can eventually remove.

"The steel companies in prosperous times, when a mill becomes too old or is too uniformally deteriorated to modernize, build a new mill of the latest type in the best location. When business contracts they shut down the old mill and run the new, only using the old thereafter as a reserve. Should manufacturers generally remove from the Pittsburgh industrial region the railroads would follow the trade. As the matter now stands, all railroad traffic in the Pittsburgh region passes over more than a dozen railroad bridges at an elevation satisfactory to navigation interests, except the comparatively small quantity of freight carried over the lower elevation tracks of the Pennsylvania Railroad bridge at Eleventh Street. This, as well as the other, can

be satisfactorily carried at the upper elevation of tracks of that bridge, and at no unreasonable cost for the necessary changes. Also, the traffic passing over the highway bridges in question can well be carried at the elevation conforming to the heights of bridges recommended by Lieut. Col. Shunk.

TRANSPORTATION IMPORTANT.

"In other words, the future development and progress of Pittsburgh and the Allegheny Valley do not depend upon the effect of 8 to 12 feet difference in the elevation of the obstructive bridges crossing the Allegheny River on overhead traffic, but rather to holding its industrial supremacy, which depends primarily and ultimately upon its mills remaining. The mills should, therefore, be given the advantage of cheap water transportation for moving heavy bulk freight. With these assured, the growth of the city and valley can hardly be stopped. But deprived thereof by low-level bridges in perpetuity, they can not come into their own."

Acting in accordance with a resolution adopted at a meeting of representatives of many business interests with large financial investments in the downtown section of the city Monday afternoon to protest against the raising of the bridges over the Allegheny River, William McConway, temporary chairman of that meeting, yesterday selected the following men to form a permanent organization: Wilson S. Arbuthnot, of the Arbuthnot-Stephenson Co.; Herbert L. May, of the May Drug Co.; Alexander P. Moore, of the Pittsburg Leader; A. H. Smith, of the Alling & Cory Paper Co.; and Harry S. Calvert, of the Enameled Products Co.

The purpose of the committee will be to perfect a plan and form a permanent organization to protest against the raising of the bridges over the Allegheny River. The business men held their first meeting in the assembly room of the Oliver Building Monday afternoon. This meeting was the first organized protest against the raising of the bridges, and upon organization the body will formally present its protest against the bridge raising to Secretary of War Newton D. Baker.

The county commissioners yesterday had white marks placed on the Sixth Street Bridge at the height to which the floor of the bridge will have to be raised, if the change is ordered.

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JANUARY 11, 1917.

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I would be pleased to have you advise me what conclusion your department has come to in regard to raising the bridges over the Allegheny River at Pittsburgh, Pa. I am desirous of having an appropriation incorporated in the present rivers and harbors bill to continue the improvement of this river, in accordance with the engineers' estimates, provided the bridge controversy has been settled.

Thanking you for an early reply, I am,

Very respectfully, yours, S. TAYLOR NORTH.

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WAR DEPARTMENT,
Washington, January 13, 1917.

Hon. S. TAYLOR NORTH,
House of Representatives.

MY DEAR SIR: In reply to your letter of the 11th instant I beg to inform you that no conclusion has as yet been reached in regard to the raising of the bridges over the Allegheny River at Pittsburgh. The counsel in the case were given until January 1 to file supplemental briefs, at which time I expected to commence my examination of the record with a view to deciding the controversy as quickly as possible. It appears that some delay has been encountered by counsel in getting their briefs printed and filed, but I expect to take the matter up for consideration shortly. I can not say at this time just how long it may take before a decision can be rendered, but I expect to expedite it as much as possible consistent with a thorough understanding of the situation and full consideration of the matters involved.

Very respectfully, NEWTON D. BAKER,
Secretary of War.

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JANUARY 10, 1917.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors, Washington, D. C.

MY DEAR COLLEAGUE: In view of anticipated favorable action by the Secretary of War relative to raising the bridges over the Allegheny River at Pittsburgh, Pa., thereby releasing an appropriation of $300,000 heretofore made for the improvement of this river, I request your committee's favorable consideration of a bill I introduced on January 17, 1916, appropriating $1,100,000 for the improvement of this river according to plans prepared and recommended by the United States Government engineers, and approved by a former Secretary of War.

Assuring you of my deep interest in this matter, I am,

Sincerely, yours, S. TAYLOR NORTH.

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COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES OF UNITED STATES,
Washington, D. C., January 12, 1917.

Hon. S. TAYLOR NORTH,
House of Representatives of the United States.

MY DEAR MR. NORTH: I have yours of the 10th, and note your desire that the Committee on Rivers and Harbors should consider favorably your bill, introduced on January 17, 1916, appropriating $1,100,000 for the improvement of the Allegheny River. Replying I beg to say that the committee will be glad to take this up at any time when we have finished the present bill and shall have gotten it out of the way. Until then it would hardly be practicable for us to consider it unless we were to take it up before action by the War Department has been had on the proposition to raise the bridges over that river at Pittsburgh, which the committee does not desire to do. I note, however, in your letter that favorable action upon that request is anticipated, and as soon as the decision of the Secretary of War in the matter is rendered the committee will be glad to give consideration to your bill, provided, of course, the decision of the Secretary of War is favorable, as you think it will be.

I regard that as a very important project once the obstructions above mentioned are removed.

With assurances of regard, I am,

Yours, very truly, S. M. SPARKMAN, *Chairman.*

The Clerk read as follows:

Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,870,000; for maintenance of improvement from Allegheny Avenue, Philadelphia, to Lalor Street, Trenton, $40,000; completing improvement above Lalor Street, Trenton, $90,000; and for completing improvement at Camden, N. J., in accordance with the report submitted in House Document No. 1120, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $71,080; in all, $2,071,080.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. Some of the matters inserted here are wasteful, but that is a matter of individual judgment, as has been suggested. I have not mentioned all of those that seem to warrant that appellation. I do not believe the Delaware River project is wasteful. I believe it is a necessary project. Of course, we all agree that Congress should see that the navigation of the country is carried out and that commerce is properly cared for. I think, however, that the gentleman from Pennsylvania [Mr. MOORE] should be equally generous, and when I move to strike out $800,000 on the upper Mississippi project, in all fairness he should move to strike out $870,000 from the Delaware River project, because, although there is great commerce there—while there is very little in the upper Mississippi—still, due to the condition of the Treasury, I think that would be a commendable sacrifice upon his part that would be greatly appreciated. I am not going to urge it, but I do say this, that $450,000 of the money used last year on that river was for a dredging company over in Baltimore—the Maryland Dredging Co.—which received 14.7 cents per square yard for work there and 24.9 cents on another contract, while other companies that had contracts there received approximately only 9 cents for dredging. I do not ask these questions for the purpose of puzzling anyone, and I do not suppose the chairman can tell why one company, the Baltimore company, which seems to have had practically an exclusive contract on many of the projects in this part of the country, should charge over twice as much as the other company working on the same project. I do not suppose the gentleman from Philadelphia knows, either.

Mr. MOORE of Pennsylvania. Mr. Chairman, I can say this to the gentleman: The report shows that there was a controversy over one of these contracts, and it is set forth in the report of the engineer in charge of the Philadelphia district. The contractor failed to do his work and litigation has ensued. I think the matter is now in the Court of Claims. It is one of those things that might happen on any river. Apparently it was because the contractor bit off more than he could chew.

Mr. FREAR. Well, that is the amount, as I said before, this Baltimore concern is getting, over double what the other is getting. It seems to me it is an unreasonable amount, but I am not going to move to strike it out. There was $325,000 of Government dredging on that; $1,045,000, or three times the amount approximately, was for contract dredging. Office engineer's expenses were $225,000 on this one contract last year. On hand they had $2,234,000 and this bill carries $2,020,000 more. On the Delaware River below there was $5,690 used last year and $1,768, or one-third, was for office expenses. The Delaware River at Trenton there is $90,000 asked for now. Office expenses last year were $5,637. Let me suggest this, Mr. Chairman, on that project the Government is engaged in at Trenton, at the rate of $21.50 per square yard, it is right up in front of the village of Trenton. I am not going to move to strike out these items, because I realize the Delaware River is an important project, but it would seem to me that there is no necessity here pressing these very large appropriations at this time for a case like that where there is no commerce at all; that is, on the last project; there is none at Trenton. However, that is all I care to say.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman made a motion?

Mr. FREAR. No.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do not think it necessary to take up the time of the committee to discuss this matter of the Delaware River. The gentleman from Wisconsin [Mr. FREAR] has conceded it is a great river, and I think if I had the time I could convince the committee that it is the greatest commercial river in the United States. Of course, it costs something to maintain it and it costs something for office expenses. I assume that is due to the fact that a number of men are employed in a big way and that conditions which would apply at Goose Creek would not apply to the Delaware River. Hence there must be a proportionate increase in expenses. I hope that will answer the gentleman from Wisconsin as to that.

Now, when it comes to that spirit of comity that ought to exist between the gentleman from Wisconsin and myself, with respect to my following him when he moved to strike out an item on the Mississippi, and his following me, should I move to strike out an item for the Delaware, I have to say this,

that I have come to understand that the Members of this House have rights on this floor, and that every man comes here from a constituency that charges him with representing it the best he can. I defend the Delaware River to the best of my ability. I ask for it, and so do my colleagues from Pennsylvania, that which we think it deserves. I do not feel that I have the right to invade the district of the gentleman from Wisconsin or to set up claims for a river there or to set up opposition to it after it has been approved by the committee and the engineers. I believe I ought to concede something to the integrity of the gentleman from Wisconsin as a representative of the people who send him here. I believe in the matter of Mud Creek, in Kentucky, or Goose Creek, in Wisconsin, or elsewhere, that if its claims are fairly presented to the committee and the committee, acting upon the report of the United States Army Engineers, brings in a favorable report that I am in a manner estopped from interfering with the prerogatives and preserves of my colleague, unless it is clear that the transaction is unwarranted. Under ordinary circumstances I should not deny him that right of representing his people, which I ask and demand as a right for my own. [Applause.] Now, the gentleman has indicated that there is no business on the upper Delaware at Trenton. That particular portion of the project is carrying a 12-foot depth through rock, from Lalor Street to the wharves in Trenton. There is no large traffic there because the work of improvement is unfinished. But on the upper Delaware to Lalor Street steamships are coming back and forth from Philadelphia to 1 or 2 miles below the city of Trenton, at a reduced cost of transportation and to the great relief of merchants and railroads as well. The Government has not completed the 12-foot depth to the city itself. That is what the people are waiting for. The channel has been carried only to within a mile or two of the city, and in front of the city the engineers have encountered rock, and, of course, there is no commerce there where blasting has been going on.

When the way is clear, then the vessels will go on to Trenton; then they will come from Trenton; then the business will be done. The very purpose of the improvement, the very reason for the expenditure, is to provide the way for commerce, to blaze the way through the rock, as it were, in order that the greater number of people may be served.

Why, we have been carrying commerce to the mouth of the Raritan Canal on the upper Delaware, and we have been using that old waterway to New York. The congestion upon the railroads and the heavy freight rates did it. The inability to make speedy shipments because the rail companies have not the cars to carry the freight. This is why such improvements are needed. They will afford the people at least a measure of relief. The gentleman from Wisconsin would not stop the course of progress, even though he is endeavoring to uphold the banner of economy in this House. And I trust, though he has made no amendment, this paragraph will stand just as it has been written.

Mr. HUMPHREY of Washington. I understood the gentleman was not going to make a motion to strike out $800,000?

Mr. MOORE of Pennsylvania. Strike out $800,000 of the item for the Delaware River? Of course not. I have been pleading with the gentleman from Wisconsin, and he realizes the plea is just; I have been pleading with others to hasten appropriations for the Delaware, so that this great work can be finished and these eternal delays involving great waste shall cease. Finish up the job, and we will secure real economy.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of the Delaware River.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, an objector to practically every item in an omnibus bill serves a very good purpose indeed, for he calls to the attention of the country the character of the items carried in the measure, and I am sure the individual sponsors for these items welcome the opportunity of rising in their places to defend them.

It is quite an easy matter to stand off and criticize this rivers and harbors bill, and it has grown to be the fashion to do so, to dub it the "pork barrel," and to seek to bring discredit upon Members introducing the bills and upon the splendid committee who thrash them out, assemble them, and bring them into this House.

Now, there is never a single item reported that is not fully explained by the various experts who have investigated it, and these explanations are set forth in printed reports, accessible to all Members who desire information concerning them. One might almost believe, from the charges brought by critics of this measure, who spring up from time to time and flourish temporarily in the limelight, that all a Member of Congress has to do is to whisper to the Committee on Rivers and Harbors that he desires an appropriation for a river or rivers in his district, and, presto, out rolls the money. As a matter of fact, there is no legislation so well safeguarded as that for river and harbor improvement. First and foremost, a petition for this assistance must come from responsible people of a location, and they must show conclusively the soundness of their claim for Federal help; their claim and prayers must be presented to the Committee on Rivers and Harbors by the Member introducing the bill, and, provided the necessities of a sufficiently large number of residents seem to warrant an investigation, the committee reports favorably a preliminary survey. The Congress then authorizes and directs the War Department to make the survey, and engineers and experts of the Government proceed with that work. Upon their report, which is submitted to Congress by the Secretary of War, it is decided whether or not an appropriation will be considered for the project. If such report is favorable, a second bill must be introduced proposing that the appropriation be made. Again the whole matter is thrown upon the Committee on Rivers and Harbors, and they consider and weigh the report or reports of the various War Department officials and submit their report to the House. Now, these Army officers have no connection with the Congress—they are not political appointees—and it is inconceivable that they, together with the people asking for the project, the Member who introduces the bill, and the gentlemen of the Rivers and Harbors Committee, are all in collusion and keep the facts out of sight and state conditions which do not exist, for the purpose of wringing money from the Treasury for an unworthy object.

So far as I am concerned, Mr. Speaker, I am proud to stand here and support an appropriation for the deepening of the Delaware River in front of the city of Camden, and I invite all who are skeptical, or critical, or enterprising to go up there and look from shore to shore of the Delaware River at that point. The skeptical and critical will be convinced of the absolute worthiness of the project, and the enterprising will be mightily tempted to drive stakes there and seek to improve their opportunities along with the developments that are bound to come to Camden as a great port of this country. She is now a city with a population of nearly 103,000. Her manufacturing establishments number about 350, in which are made almost everything wearable, edible, useful, and luxurious. Nobody asks where Camden is located. Everybody knows, for her fame is abroad. "His Master's Voice" has carried far. The little steel pen found on the desk of almost every business man, in countinghouses, on boudoir desks, and in schools and colleges, proclaims its birthplace. Campbell's soups—"six plates for 10 cents"—the food that has not "gone up," is familiar refreshment all over the civilized world. Many of the greatest battleships of our Navy slid down "the ways" from the New York Shipbuilding Plant in Camden while being christened. Yes; the enterprise and business activities centered in that city on the Delaware have advertised her broadly.

Camden has a water-borne traffic of three and a quarter million tons of freight, valued at nearly $26,000,000, and this traffic will be wonderfully increased when we have a sufficient depth of water to permit deeper draft vessels to land at our wharves. The water front of Philadelphia, just opposite, is almost beyond expansion, and Camden is bound to become to that great metropolis what Jersey City and Brooklyn are to the city of New York. We have a frontage on the Delaware River of 6 miles, plentifully strewn with large business establishments, dealing in lumber, cork, licorice, chalk, soap, metal polish, whiting, Paris green, ranges and heaters, and talking-machine works, and numerous ship building and repair yards. Flowing through the center of the city, in confluence with the Delaware, is the Cooper River, navigable 9 miles, and likewise dotted with numerous and thriving manufacturing establishments.

The industries of Camden, which are widely diversified, include the most important of the country, some of them the largest of their kind. There are machine shops, large foundries, woolen and worsted mills, leather manufactories, shoe factories, chemical works, candy factories, cigar factories, paint and varnish laboratories, and in fact almost every article known to productive industry has its representative establishment in this wide-awake and enterprising city.

Until 1885 the natural channel of the Delaware River was on the Camden side, but in carrying out the Government project for the improvement of the Philadelphia Harbor a dike was built from Fishers Point, on the Jersey shore, to the eastern point of Pettys Island, a distance of 3,500 feet. This dike, with an opening of only 300 feet, was built notwithstanding

the protests of Camden interests, and those of the governor of New Jersey, the State legislature, and the riparian commission. The result of the diversion of the water from its natural channel has been shoaling all along the Camden water front, and the relief by the Government of this condition is not only logical but is really only an act of justice long deferred. The necessities for deeper water are great and pressing.

The city, realizing the importance of developing its commerce, has secured the passage of State laws under which the development of its water front may be carried out; bonds may be issued for the acquisition of water-front property and for the building of docks and other harbor facilities. Pettys Island, a part of New Jersey, situated at the upper end of the Philadelphia Harbor, and partly bordering on the upper portion of the proposed 18-foot channel, has recently been purchased by two very large concerns—the Crew-Levick Co. and the Wm. Cramp & Sons Ship and Engine Building Co. Extensive plans for its development have been made, which will involve an outlay of several million dollars. The island will be connected with the main New Jersey shore by a railroad bridge, and thus directly link rail and water transportation at this point. The Crew-Levick Co. has announced that they propose to use this property as their principal export station in this country, and as the company is one of the largest engaged in refining and shipping oil and petroleum products, it means the building up of a large export-trade center. Warehouses, wharves, and docks will be built, and as the channel on the Pennsylvania side of the island is none too wide, it is reasonably certain that these piers will have to be erected on the side facing the New Jersey channel. Vessels going to and from these docks will want to use the east side of the river, and the channel provided for will come none too soon.

Mr. Speaker, I hope and believe that this item will meet with the approval of every Member of the House.

The Clerk read as follows:

Wilmington Harbor, Del.: For maintenance, $50,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word in order to make a statement.

If the gentleman from Pennsylvania [Mr. MOORE] is right, I must be wrong; and if so, I want to know it at this time. He says that whenever a Member of Congress comes before this House and presents an item here for his river or for his creek—and the other day he said, "or for his post office"—when a Member of Congress comes here and makes that request, in honor bound, every other Member is obliged to accept his statement and refuse to oppose it. That is the only logical conclusion. I wonder if that is the right course for us to pursue? We are not here, as I understand, representing Philadelphia or Pennsylvania or Wisconsin any more than we are representing the Government Treasury. If I believe that a project is wrong, whether it is a post-office building or whether it is a river and harbor project, or whether it is a private claim that some one is trying to get through, I think it is a duty we owe ourselves and owe to the country to try to expose it and stop it if need be. I know gentlemen on this floor who tell me the pressure is hard and has been hard for individual projects from their home communities.

Well, now, I do not believe in every case that those gentlemen are to be criticized, but I can not understand why I should be criticized and in honor bound compelled to remain silent. According to that standard I have no right to enter a protest here. And yet I know that on the upper Mississippi River the money is wasted. There are other Members who know that river. I made a motion in the committee to cut the appropriation down. But, Mr. Chairman, if that is a right standard I have no business to oppose any of these bills. The gentlemen in the Senate who came within one vote of defeating the bill last time ought to remain mute—with their mouths closed. What right have they if some Member of Congress asks for his project that calls for so much money from the Treasury?

Each one of us has to represent the Government. I do not criticize because our standards may be different from theirs, but unless I can have some further proof that my course is wrong in calling attention to what is unnecessary at this particular time and to this condition of the Treasury I shall continue as best I can to disclose the facts, although I will do so courteously, and I do not want to be put in the attitude of impugning unfair motives to my colleagues. They may defend the projects if they choose, and I have the right to point wasteful projects out as I see them.

Mr. SMALL. Mr. Chairman, I was greatly surprised at the gentleman from Pennsylvania [Mr. MOORE] in attempting to curtail the activities of the distinguished public servant from Wisconsin [Mr. FREAR], who has assumed the responsible duty of regulating and controlling the activities of legislation here, of preventing steals from the Treasury, and preventing the Army engineers of the United States from extravagance and wastefulness and fraud.

And in connection with the engineers, I would like to call attention to what the gentleman said a while ago in speaking of the Delaware River. He referred to dredging contracts and collusion between dredging companies. In his report, the minority report, from which I read, occurs this language:

Specific evidence also has been placed in the RECORD, and resolutions of investigation introduced, concerning dredging companies and their activities with waterway lobbies and secret methods of alloting Government contracts. These resolutions affecting any secret activities of railways, dredging companies, or other interests in connection with waterway bills before Congress are of public importance and should be pressed for consideration by those in either House possessing sufficient influence to ascertain the facts.

And then occurs this language:

Evidence of apparent extravagance or fraud in the present method of letting contracts is offered in this connection.

Now, if that language carries with it any inference whatever, it is that the engineers are guilty of extravagance or fraud or violation of the law in letting contracts for river and harbor work. If that is the only inference that can be drawn from it, I submit that the gentleman from Wisconsin is uttering a statement which he ought to make only with great deliberation when he charges the Army engineers with fraud, with violations of the law, with premeditated and knowing extravagance. But that is the only inference from his language.

Innuendo ought not to be indulged in when gentlemen are maligning the character and reputation and good name of others. If the gentleman intends all that language implies—and I submit it is the only inference that can be drawn from it—then he ought to say so. If he does not intend it, then he ought to retract it.

The Chief of Engineers and the Army engineers need no defense at my hands or at the hands of any Member of this House. Their learning, their skill, their record in the public service, to which in all that record there has been only one charge of fraud or misuse of public money, place them beyond the need of defense. In that case, occurring at Savannah, Ga., there were no more persistent and energetic prosecutors of the officer charged with and proven to have been guilty of fraud than his colleagues, the Army engineers. With that exception, I reiterate the statement that for character and integrity and for efficiency in the public service they stand unchallenged before the American people. The gentleman ought not to impugn their character by innuendo, but, if he means to do so, he ought to do so openly, by language about which there can be no misconstruction or ambiguity. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Appoquinimink, Murderkill, and Mispillion Rivers, Del.: For maintenance, $20,000; for improvement of Mispillion River, in accordance with the report submitted in House Document No. 678, Sixty-second Congress, second session, except that part of said improvement known as Cut-off No. 2, which is hereby eliminated from said project, $35,200: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $55,200.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. I will agree to a part of what the gentleman [Mr. SMALL] says who has just spoken. However, he rises in defense of the present method of letting contracts. I will submit to anyone that that statement, in view of the facts that were presented in the report and on which I will present further facts in the RECORD, warrants inspection and possibly criticism, not of the Army Engineers necessarily, but of the methods of making contracts, when one company, at an average rate of 26½ cents on its contracts, is enabled to control dredging for a whole district. When I asked the engineer in committee how it came about, he did not know. It looks as if there was a dearth of contractors or of bidders, not that the officers, the Army engineers, are dishonest, or are committing fraud. That is not the suggestion. One company controls many contracts. Down on the James River it has the whole contract, and it has contracts in other places, including a $450,000 contract in the Delaware. Facts concerning such contracts at excessive dredging rates were put into the RECORD before and will be again. In fact, there existed, and probably still exists to-day, an association of dredgers, with an understanding between them to let contracts and fix prices. It is significant, to say the least, and attention should be called to this condition of affairs. That the agreement

still exists may be borne out by the fact that only one contractor appears to have been considered in regard to these cases, and all such contracts at a high rate compared with others. That is not a charge against the engineers. They are helpless, as I understand, and they have to take what is offered. There ought to be fair competition. It falls right back on Congress to refuse to make appropriations for private contracts unless genuine competition exists.

Mr. COX. Will the gentleman yield for a question?

Mr. FREAR. Certainly.

Mr. COX. As I recall, last year a provision was placed on the river and harbor bill prohibiting contracts to be let to private parties for dredging at a profit in excess of 25 per cent.

Mr. FREAR. Yes.

Mr. COX. Did that finally become a law?

Mr. FREAR. That finally became a law.

Mr. COX. How did it work? Was it workable?

Mr. FREAR. No one can tell. That was put in the law because of the project in which the gentleman from North Carolina [Mr. SMALL] is interested more particularly. As the Army engineer well said, unless you have a Government dredge working by the side of a private dredge, you can not tell the comparative cost. Where the private dredge alone is engaged in doing the excavating, you have no way of determining what the cost of doing the work by the Government should be.

Mr. COX. What is the name of this large dredging concern?

Mr. FREAR. The Maryland Dredging & Contracting Co.

Mr. COX. A corporation?

Mr. FREAR. I assume so. By the way, the head of that company is the same as that in the dredger's statement who allotted contracts for the dredging association, and thereby fixed the price. That notice or agreement was put in the RECORD.

Mr. COX. What is his name?

Mr. FREAR. The name appears in the RECORD as Frank Fuerst. I do not know the gentleman.

Mr. COX. The gentleman says he allotted these dredging contracts?

Mr. FREAR. That was the statement which was put into the RECORD, and I will put it into the RECORD again; the letter in which Fuerst asked members of the dredging association to see to it that Members of Congress were fed at banquets, because it made them good-natured. That was substantially the statement. He further said this matter of allotting contracts had made them a great deal of trouble.

Mr. COX. What Members attended the banquet?

Mr. FREAR. I think I had better read it. I can not state it as well as I can read it.

Mr. COX. That is news to me.

Mr. MOORE of Pennsylvania. It is a very serious matter. Going to a banquet is a frightful business!

Mr. COX. I do not know whether it is or not. That is news to me.

Mr. FREAR. I thought this might come up, so I brought it along and am indebted to the gentleman from North Carolina for reminding me of these contracts.

Mr. MOORE of Pennsylvania. It came up after the banquet.

Mr. FREAR. I am reading the notice sent out by Mr. Fuerst, who is president of the association, who signs the statement. This was sent to me through New York parties, and it has never been questioned or criticized. I have put it in the RECORD twice already.

Mr. MOORE of Pennsylvania. Will my friend from Wisconsin yield?

Mr. FREAR. If I can get a little more time.

Mr. MOORE of Pennsylvania. The gentleman does not object to these dredging men having a dinner once in a while, does he?

Mr. FREAR. No; many of them, if necessary.

Mr. MOORE of Pennsylvania. They work hard all day, and they have to go to dinner sometimes.

Mr. FREAR. Let me read further.

Mr. MOORE of Pennsylvania. Was any Member of Congress named as having attended these banquets?

Mr. FREAR. No. They are mentioned generally.

Mr. MOORE of Pennsylvania. Then all Members present are absolved?

Mr. FREAR. We are all included. This is the statement about the allotting of contracts.

Mr. COX. Was that originally published in a newspaper, or how did the gentleman get it?

Mr. FREAR. No; it was sent to me by gentlemen from New York.

Mr. COX. Did it come through the mail?

Mr. FREAR. Yes; that particular one did, but I have since had the source explained and feel confident it is absolutely reliable.

Mr. COX. Does the gentleman know how many concerns in the United States have heretofore been engaged in the operation of dredging?

Mr. FREAR. No. This is on the Atlantic seaboard.

Mr. COX. How many are engaged there?

Mr. FREAR. I would not be able to state. There are several in Philadelphia and others both north and south; many concerns, I assume, from Boston down to Florida.

Mr. COX. Are they all members of this one association?

Mr. FREAR. I can not speak for a certainty as to that. The gentleman will find when he examines what I put in the RECORD the dredgers and other people who have contributed to the river and harbor congress, and their names will show and the assumption can be made whether they are members of the dredging association. I can not say as to that. We can find upon the investigation provided for in a resolution which I offer again to-day, by calling these people before us whether they are allotting contracts to-day.

Mr. COX. If I understand the gentleman aright, there are several concerns engaged in dredging, and the attempt has been made to get them all together and combine.

Mr. FREAR. I assume so.

Mr. COX. For the purpose of allotting contracts, each getting his share, and serious complaint has been made that the banquets have not been well attended.

Mr. GALLAGHER. I want to say that I never received an invitation.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman know whether there are enough private dredges in the United States to do work that the Government desires done?

Mr. FREAR. I am afraid not.

Mr. MOORE of Pennsylvania. Is it possible that a combination of all the dredges when there are not sufficient dredges that they could in any way seriously interfere with Government work?

Mr. FREAR. The obvious answer is that under present conditions the cost will be far in excess of reasonable remuneration, because they can get all the work they want under present conditions without limit to price, and they assume control of the entire district. This one combination charges on many projects 26½ cents, whereas on a single project in the same district one other concern charges 9 cents.

Mr. MOORE of Pennsylvania. Perhaps one has to go through rock and the other through sand.

Mr. FREAR. No; I want to correct the gentleman on that, because the report says that it is mud and sand in all these Baltimore district projects mentioned.

Mr. MOORE of Pennsylvania. I assume that there would be an entirely different charge in dredging sand in the St. John and rock in the Hudson River. Now, I assume that if there were no dredges or drills in the vicinity of the Hudson River—private concerns in which I have no interest whatever, that would unquestionably do the work in the Hudson River—it would be necessary for the engineers to ask people of some other sections of the country for prices to do that work. As a matter of fact, the Government has had to build some dredges to do certain work, because there were no private dredges.

Mr. FREAR. This dredging at 26½ cents per yard is for mud and sand.

I submit herewith a statement, as promised, and from which I have read, which shows other matters of vital interest concerning river and harbor legislation and contracts that require investigating.

Mr. Chairman, in this connection I desire to offer testimony tending to show—

First. That whatever may be the judgment of the Federal Congress, a powerful waterway lobby, whose president is a leading legislator, insists in its official report that waterway appropriations throughout the country are allotted geographically, due to the power of such lobby over Congress.

Second. That in the letting of contracts for Government dredging throughout the country an organization of dredgers insists it has allotted private dredging contracts among dredgers, and necessarily, through lack of competition, has held up the Government for excessive charges to meet its demands.

Third. That this dredgers' organization, which includes dredgers along the eastern seaboard, in past years has been a strong contributor to the support of the same waterway lobby that claimed to control the making up of waterway bills.

Fourth. That the head of the dredgers' association annually receives Government contracts aggregating upward of a million

dollars, and at prices that indicate no genuine competition today exists among dredgers.

Fifth. That the Board of Engineers, under present methods, through its recommendations to Congress practically determines the necessities of different waterways where public money is to be expended on old projects and Congress determines what new projects are to be adopted.

Sixth. That if the lobby determines the geographical allotment of waterway appropriations throughout the country, it must exercise some potent influence in the distribution of appropriations for old projects and over Congress itself in the allotment of new contracts.

Believing that these claims are so serious in character that they merit immediate consideration, I offer first evidence submitted in its official report wherein the National Rivers and Harbors Congress, a waterway lobby, claims to control the allotment of Government appropriations geographically in proportion to contributions received by that lobby.

PROJECTS DISTRIBUTED ACCORDING TO CONTRIBUTIONS.

By paying 1 per cent of Federal appropriations to the support of the River and Harbors Congress every community can feel it has the supporting arm of this second congress. On pages 60 to 62 of the 1911 report appears a list of appropriations given to the different States of the Union amounting, in all, to $178,616,897 from 1907 to 1911, inclusive.

In two columns the members of the "second congress" are impressed with the relation between that body and the amount of Government appropriations for each separate State. I quote literally from the listed method of comparison and cite a dozen States or more to show the proportionate grabs that are held out invitingly to gaze by the Rivers and Harbors Congress officials.

	Amounts subscribed to the support of National Rivers and Harbors Congress, by States, 1906–1911, inclusive.	Amount of appropriations received by States, in rivers and harbors bill, 1907–1911, inclusive.
Pennsylvania (east)	$4,295	$4,837,745
Connecticut	2,115	2,318,000
Massachusetts	2,850	1,451,733
Maryland	1,755	2,778,265
New Jersey	2,735	3,484,835
North Carolina	2,538	2,259,614
South Carolina	1,137	1,237,290
Virginia	4,306	4,082,454
Georgia	8,281	4,102,889
Florida	1,630	5,188,670
District of Columbia	1,530	1,243,000
Alabama	6,090	6,952,000
Louisiana	9,505	3,820,292
Texas	8,825	9,193,309
Mississippi River		21,842,775

Mississippi River (1914), $10,500,000, or nearly one-half of the six years' total.

DISTRIBUTING THE PORK.

New York and Florida receive more than the average State, excepting that the Mississippi River lump sum would swell the adjacent States over $21,000,000, if counted.

Doubtless it appeals to lay members to realize that by the investment of $1 in the "second congress" $100 will be forthcoming from the Federal Congress. It is in harmony with the views of Secretary Ellison and of the purposes set forth so eloquently by the constitution.

To become entitled to generous Federal appropriations as a harvest for a 1 per cent investment, the following rates for annual dues are provided for membership in the "National Rivers and Harbors Congress of the United States," as it is styled by its officers:

	Annual dues.
Individuals	$5
Firms or corporations	10
Organizations of less than 400	25
Organizations over 400 and less than 600	50
Organizations of 600 to 1,000	75
Organizations of 1,000 or more	100
Waterway associations	100

In addition to its claim of controlling appropriations according to local contributions to the lobby, I give a further testimonial as to its aims and standards.

SECRETARY ELLISON'S LEGISLATIVE STANDARDS.

A speech by an officer of this second congress, delivered on the same occasion, is of special interest. Capt. Ellison, a former secretary and treasurer of the Rivers and Harbors Congress, has given the Members of the Federal Congress a new freedom of action, governed only by ability to get each one's share of loot. It is a novel amendment to the oath of office to which Congressmen subscribe. Mr. Ellison said in his annual speech:

I want to repeat and to emphasize that in supporting the National Rivers and Harbors Congress you are supporting your own cause. * * * Mark you, it is not my intention to criticize either Congress or Congressmen for lack of business methods, for I truly believe the average man who comes to Washington is just as good a business man as the average man he has left at home. It is not his fault, as I see it, but our fault, and I use the word "our" in a nation-wide sense. We send him here to legislate for the Nation theoretically, but actually to get all he can for us; and if he does not get our share, and then some, we do our best to replace him with some other man, who will take better care of our particular congressional district.

That report from which I have cited is not sent broadcast by an irresponsible lobby. That lobby maintains quarters in this city throughout the year. About a month ago it gathered together hundreds of waterway enthusiasts from all over the country with its shibboleth, "a $50,000,000 annual governmental appropriation for a policy, not a project." At that meeting it was addressed by the Vice President of this country, who recommended that the present system of omnibus-bill legislation be stopped. At that meeting it was addressed by the present Chief of Engineers, who determines locality of waterway improvements and amounts needed. At that meeting it was addressed by an ex-Chief of Engineers, who stated that waterway appropriations never exceeded one-half of 1 per cent pork. From the foregoing it will be observed that this lobby is, or believes itself to be, all powerful, and that it is directly and openly supported and directed by leading legislators and administrative officers of this present administration.

HOW THE DREDGERS ALLOT CONTRACTS.

I submit a statement secretly issued by a dredgers' organization and placed in the CONGRESSIONAL RECORD in a speech made September 29, 1914. It shows the methods and power exercised by that organization over Government dredging contracts aggregating many millions of dollars annually.

REPORT OF THE BOARD OF DIRECTORS OF THE ATLANTIC AND GULF COAST DREDGE OWNERS' ASSOCIATION, MARCH 13, 1901.

To the Atlantic and Gulf Coast Dredge Owners' Association.

GENTLEMEN: In accordance with the constitution, rules, and by-laws of this association, your board of directors, through your president, present for your consideration herewith their report for the year ending February 13, 1901, adding thereto such recommendations and suggestions as your board have considered during the past year.

The year just closing, the eighteenth year of the association, and the years since its organization have been marked by constant and faithful effort to promote, through the means of general work and enterprise, everything that will make for the good of every operator enrolled in its membership. Measures have been constantly brought to your attention and every effort made to uplift our business and protect it in all proper and legitimate channels.

These efforts have been more or less successful, but always along the line of an earnest endeavor to conserve the real interests of our business.

During the past year your board have especially taken up for consideration the question of its department for fixing prices on work and the allotment of work through the commissioners of that department and have carefully studied the problems which present themselves in connection with that line of work.

The department in question was not originally contemplated by the founders of this association, nor was it intended as any part of the work for which the association was formed.

The organization had its origin in the recognized desire of many operators in the dredging business for effective cooperation in many important fields of work, where the general interests of their business had long been neglected. It was felt by the progressive men who had invested large amounts of capital in this business that an organization of operators could be effected by the Atlantic coast whose duty and object would be the closer affiliation of operators and the combination of the talent and energy in the business for the promotion by all lawful means for the advancement of their business, and to present a united front, supported by united resources, to meet and overcome any and all obstacles then existing or thereafter appearing.

IN UNION THERE IS STRENGTH.

It was the old and tried principle, to wit, "In union there is strength" and "A house divided against itself falls," and the keynote of all successful organizations must be that very same principle. Following this rule, the effort of this association should have been confined entirely to meeting and overcoming obstacles which come from without—fighting the common enemy, so to speak. This would mean the promotion of all measures for urging public bodies to undertake public improvements in submarine work, compelling the enactment of reasonable laws governing our work, and the repeal of obnoxious and vexatious laws; experiments in all branches of machinery and devices used in our business, and a general department for furnishing to each member information desired by him regarding any particular work, or concerning which other members may have knowledge, giving in every way to each member the fullest possible data regarding dredging operations on the coast and the history of each piece of work.

So many measures of general interest and value are included in the work that could be successfully performed by an association to the advantage of its members, and so much can be done in the way of promoting good fellowship amongst them by means of this organization, and also by entertaining prominent and influential men at its banquets and through special committees, that enumeration here of all these different and important measures is unnecessary.

Any thoughtful man who is engaged in our business can readily see how important it is that an efficient organization of operators should be maintained to promote measures of general interest and value.

QUARRELING OVER SPOILS.

Some years after the organization was effected an element entered into its work which has almost crowded out all features of general work and has practically turned the association, which was originally formed for general benefits only, into a special organization for the distribution of work and apportionment of contracts. Starting, as it did, in the desire to combine against outsiders, it has ended in combining against itself; and instead of its members standing together to promote the business of dredging in all its general and important details, as above mentioned, we behold a spectacle of members quarreling one with another over the division of work, and each one complaining that the association is a failure because it does not give to each one all the work that he feels is his due, each member forgetting that the association simply undertook this duty because it was forced upon it, and because other agencies to do that work had failed, and because the operators on the Atlantic coast refused to enter into proper arrangements for dividing work amongst them and preferred to load this work upon the association, a work for which the latter was unfitted, for which it was never intended or formed, and the only excuse for foisting this measure upon it was apparently the dredging operators failed to appreciate that this kind of work was done in other lines of business by special pools organized for no other purpose and specially organized for that purpose alone.

It is time that all thoughtful men in this association pause and consider whether the association is to blame for failing to perform a task entirely beyond its powers or resources, and also whether it would be well for the association to reject this burden and relegate it to proper agencies and take up the duties for which it was organized.

We think it is time that this be done and this bone of contention removed from the midst of our association and the members once more united and working along the lines of common interest. Little of the real value of this association has been demonstrated or developed of recent years and much disagreement and bitterness has come between the members in that time, and all because the association has neglected its real duties and buried itself with false ones. The former would bind its members more firmly together, whereas the latter simply disintegrates our ranks.

It is certainly time that this "Jonah" be thrown overboard and left to the tender mercies of some sufficient "whale" or "pool" and the association be permitted to again bend to its task and resume its long interrupted voyage.

In presenting these views to the members your board feel that they are simply pointing out the pitfall into which this association has become entangled, and which has retarded its growth and usefulness for some years and has brought upon it an immense amount of work foreign to its proper duties. Much of the dissatisfaction has been due to this very cause, and members have been alienated whose assistance was of the greatest value to us. We have seen the camel crowd into our tent and force out everything else, and it is time that this fruitless and thankless task, which was put upon the association, be now put off and the department created for the allotment and apportionment of dredging work and contracts be abandoned and all rules pertaining thereto be repealed.

The association should, on the other hand, favor the creation of pools in each district formed upon the lines of other successful business arrangements of like character.

The association as a whole will then confine itself to legitimate business of acquiring work and promoting the resources of members for doing work, leaving to the separate pools the business of dividing up that work at good prices.

TO THROW ALL RESOURCES ON PROJECTS.

We count in this association the membership and influence of every man engaged in the business; each one has something of value to us in the way of ideas, talent, energy, or influence, and it is the work of the association and its proper object and function to use these various factors for the benefit of the whole membership, and to throw upon any desired point the full resources of the association. In this way and by turning its steps in the right direction and with the full confidence and cooperation which it would then have from all its members, there no longer being any grounds for contention or rivalry amongst one another, when once this department of allotment was abandoned, the association will once more resume its proper place and perform many duties of the highest use and importance to its members.

The cost of its work would be distributed, and no member would have any cause for regretting that he was enrolled in its ranks.

If these views meet with your approval, your board would earnestly urge that, at least for a time, the district commission and all rules pertaining thereto be abrogated and discontinued; that the board of directors be instructed to arrange and appoint a series of committees, chosen of their own ranks, as well as from the entire membership, giving to each committee certain specified duties, which will include all matters which it is to the interest of the association to have promoted and studied. These committees should report from time to time to the board of directors, and the latter, being a representative body from all parts of the coast, would be most efficient in taking up and promoting all suggestions and measures requiring action.

No expense should be incurred by the committees, except as specially authorized by the directors from time to time and in cases where the necessity for such expenditures is apparent.

The board should organize a bureau of information, which would furnish to each member at regular intervals a synopsis of what is going on in the way of dredging operations on the coast, improvements in machinery or methods of doing work, with descriptions of such improvements, locations, etc., and the general work being done by and through committees and in the board of directors; this and such other additional information as may suggest itself.

This bureau should be in charge of a competent man, whose business is to procure and intelligently transmit matters of interest.

The question of insurance has never been adequately considered, and some measure should be taken up and carefully considered, so that a general scheme of insurance could be devised to secure some reduction of the large premium now paid by members to the insurance companies. Very little, if any, work of this kind has been done in our business, and it is believed that a system of employment of representative agents for our insurance would be found profitable and a great saving.

DREDGERS NEGLECTED THE PORK BARREL.

The lack of association methods and the failure to use the means in our hands for the general good was forcibly illustrated recently in the river and harbor bill, where absolutely no effort was made by the association to procure any amendment to the bill or any provision inserted therein for its benefit.

It also appears in the case recently of certain collisions which occurred in the Savannah River, where the law at present provides that a dredge occupying a channel in navigable waters is doing so at its peril, and no damages resulting to the said dredge can be recovered. These and a great many instances could be cited to show the neglect that general interest of dredging men is receiving at this time and emphasizes the necessity for proper action by the association, to wit, such as this one was intended to be and should be.

Your board of directors desire to assure this association and its members that they have devoted their best efforts during the year just ended to a consideration of all matters affecting the interests and business of those for whom they have acted. They have appreciated that the duties which they assumed in accepting the offices of directors required them to give the necessary time to consideration of the matters intrusted to them, and they looked over the entire field of cooperative work, and have determined that the association could be made of great value to the members if conducted on the lines heretofore specified.

They are also of the opinion that the work which the association has been attempting to do, namely, the allotment of work among members, has been entirely contrary to the spirit of this organization, and has proven a stumbling block in all its efforts to promote the general interests of its members. We feel that by means of thorough reforms in our methods, such as has been outlined, that the organization will rapidly add to its membership, and soon include all the operators on the Atlantic and Gulf coasts; that there will no longer be any reason why anyone engaged in the business should not join with us in our efforts to promote the business and encourage the giving of work by those having it in their power to do so, as well as the many other features which have been touched upon in this our report.

The board have held meetings on the second Wednesday of every month except the months of July and August, during which latter months the constitution provides a recess shall be taken, and the meetings have been well attended.

BOARD IS TO WORK FOR PORK BARRELS.

Your board feels regret that the river and harbor bill has failed of passage, and considers it all the more important that the association should be organized for the purpose of adding its influence to urging work by municipal organizations and bodies and doing all in their power to create offerings of work in the various ports of entry and harbors. It is only by persistent effort that the loss entailed upon us by the failure of the harbor bill can in any way be compensated for. Your board further wishes to emphasize their regret that the annual banquet of the association has been allowed to go by default for two or three years. These entertainments do not entail any serious expense upon the association, but they do create the greatest possible prestige for our business in the estimation of those whose favor it is to our advantage to gain. Influential public men and men of business affairs having to do with transportation companies and steamship lines are entertained by us on these occasions with the greatest possible benefit to our business—municipal officers, heads of departments, Members of Congress and of legislatures—and their favor and interest is legitimately gained and has been found to be of the greatest value when circumstances required it. The expense of our entertainment is wisely expended and brings an adequate return for every dollar so spent.

We might also add that the occasion also affords an opportunity for members to meet on holiday terms and encourages in every way good fellowship and kindly feelings among them. It is therefore to be hoped that in another year this banquet will be again a feature of the association.

The work of the association has been so largely confined to the burdensome details of allotment and district commission work during the past year that very little of general interest has developed.

We have done the best we could with the allotment problem and have done even better than an association of this kind could have been expected to do; but we hope that the whole matter will be relegated to other agencies and the efforts of this association left untrammeled for the coming year to perform the duties for which it is properly fitted.

All of which is respectfully submitted.

Dated New York, March 13, 1901.

BOARD OF DIRECTORS,
By FRANK A. FUERST, *President.*

THE LOBBY AND THE DREDGERS.

The following data, also presented in the CONGRESSIONAL RECORD in speech of September 29, 1914, links up the two organizations that profess to control allotments of appropriations and contracts:

[National Rivers and Harbors Congress: JOSEPH E. RANSDELL, president, Washington, D. C., and Lake Providence, La.; J. F. Ellison, secretary and treasurer, Cincinnati, Ohio; John A. Fox, special director, Washington, D. C.]

WASHINGTON OFFICE, 1910.

To the business interests of Baltimore, Md.:

The National Rivers and Harbors Congress is working earnestly to secure the adoption by the Federal Government of a permanent waterway policy that will provide for improving all the worthy waterways of the Union.

The improvement of the canals and waters of the Atlantic coast, in which Baltimore has such a direct and vital interest, should be among the first to receive the benefit of the increased and regular appropriations for rivers and harbors that this organization is working to bring about.

Funds are needed to carry on the work which the National Rivers and Harbors Congress has persistently urged, and to the end that a strong demand may come from every section of the Republic we earnestly invite your financial cooperation.

John M. Williams is authorized to receive and receipt for all moneys that may be subscribed. He is working under the direction of and reporting to the undersigned officers of the congress.

Very respectfully,

JOS. E. RANSDELL,
President.

P. S.—We earnestly urge the people of Baltimore to contribute to the support of this great work.

DAVID H. CARROLL,
Vice President.
JOHN R. SHERWOOD,
Director.

The Dredge Owners' Protective Organization assists. Witness the following:

[Dredge Owners' Protective Organization: Frank A. Fuerst, chairman. William P. Ryan, secretary. Executive committee: F. A. Fuerst, George Leary, John Gerrish, J. McMullen, P. Sanford Ross, W. J. Bradley.]

BALTIMORE, MD., *August 4, 1910.*

Mr. JOHN M. WILLIAMS, General Agent,
National Rivers and Harbors Congress, New York City.

DEAR SIR: I find yours of the 1st instant awaiting my return to the city this morning.

Replying to your inquiry, I am submitting below a list of our members for your confidential use, as follows:

Morris & Cumings Dredging Co., 17 State Street, New York.
Eastern Dredging Co., 247 Atlantic Avenue, Boston, Mass.
Newark Meadows Improvement Co., 62 Cedar Street, New York.
American Dredging Co., Mariner & Merchants Building, Philadelphia, Pa.
W. H. Beard Co., 21 State Street, New York.
International Contracting Co., 17 State Street, New York.
Atlantic, Gulf & Pacific Co., Park Row Building, New York City.
P. S. Ross (Inc.), 277 Washington Street, Jersey City, N. J.
Hy Steers (Inc.), 17 Battery Place, New York.
North American Dredging Co., San Francisco.
American Dredging Co., San Francisco.
Sanford & Brooks Co., Baltimore.
Coastwise Dredging Co., Bank of Commerce Building, Norfolk.
Norfolk Dredging Co., 217 Water Street, Norfolk.
Bowers Southern Dredging Co., Galveston.
Breyman Bros., East Boston, Mass.
J. S. Packard Co., 31 Market Square, Providence, R. I.
Daly & Hannan Dredging Co., Ogdensburg, N. Y.
Bay State Dredging Co., 185 Summer Street, Boston, Mass.
R. Moore, Mobile, Ala.

Yours, very respectfully, W. P. RYAN, *Secretary.*

Here is the confidential collector of the "congress" receiving a confidential list of the dredgers' association from its secretary for the purposes of securing funds from the dredgers to aid the River Congress in putting through an annual pork barrel for Baltimore projects and for other localities.

These look like encouraging prospects, but no statement discloses their purpose in the statement before me:

Key Compton, president Chesapeake Steamship Co., Pier 19, Light Street Wharf.
Capt. W. C. Eliason, president Tolchester Co., Pier 16, Light Street Wharf.
Capt. Willard Thomson, vice president and general manager Baltimore, Chesapeake & Atlantic Railway, Pier No. 1, Pratt Street.
Clarence Shriver, agent, Ericsson Line, Pratt and Light Streets (second floor).
John C. Whitney, president Merchants & Miners Transportation Co., Light and German Streets.
Harry G. Skinner, president Skinner Shipbuilding & Dry Dock Co., Locust Point.
William E. Woodall & Co., South Side of Basin.
James C. Gorman, agent Atlantic Transport Co., No. 201 Chamber of Commerce Building.
Robert Ransay Co., No. 705 Keyser Building.
A. Schumacher & Co., agents North German Lloyd Co., Gay near Baltimore Street.
Dresel Rauschenberg & Co., No. 319 Chamber of Commerce Building.
Winfield S. Cahill & Co., South Side of Basin.
Mason L. Williams, Baltimore & Carolina Steamship Co., No. 604 Union Trust Building.
W. E. Slaughter, Eastern Shore Steamboat Co., Pier 5, Pratt Street.
John C. Bosley, manager Steamer *Dreamland*, Browns Wharf.
F. W. Wood, president Maryland Steel Co., Sparrows Point, Md.
Wallace Stebbins (Cons.), Charles and Lombard Streets.
Walter Ancker, superintendent floating equipment, Baltimore & Ohio Railroad, Baltimore and Charles Streets.
O. F. Lackey, engineer, harbor board, City Hall, Baltimore.
John W. Hook, president Old Town Bank, Gay and Exeter Streets.
George C. Thomas, No. 529 Law Building.
William B. Hurst, care John E. Hurst & Co., Hopkins Place and Lombard Street.
William H. Fehsenfeld, president Red "C" Oil Co., 111 Cheapside.
Thornton Rollins, president Maryland National Bank, Continental Trust Building.
Capt. R. M. Spedden, Third National Bank, Baltimore and North Streets.
Mr. J. B. Bland, president United States Fidelity & Guaranty Co., Calvert and German Streets.
Reuben Foster, No. 920 Equitable Building.
B. N. Baker, No 903 Calvert Building.
Emmerson Drug Co. (Jos. Hends).
Crom Cork Co.

The following list is only one that has come to my hands. Presumably there are others to be had if facts can be shown:

Baltimore subscribers to the National Rivers and Harbors Congress.

Baltimore Steam Packet Co	$50
David H. Carroll (paid)	50
Maryland Steel Co	50
Chesapeake Steamship Co	50
U. S. Fidelity & Guaranty Co	25
J. H. Whaleight (paid)	50
Baltimore, Chesapeake & Atlantic Railway Co	50
Chas. C. Fulton & Co. (Baltimore American)	50
Emmon Drug Co., per J. Hinder (paid)	25
James A. Gary (paid)	25
William B. Hurst	25
Walter Amker, superintendent of Baltimore & Ohio Railroad Co	50
The Red Oil Manufacturing Co	25
The Crown Cork & Seal Co	25
Woodward & Balwin Co. (paid)	50
The Deford Co. (paid)	25
Baltimore & Steamboat Co	25
Duke, Peterson Hardware Co. (paid)	10
Old Town National Bank, Baltimore, Md., by John W. Hook, president (paid)	$10
A. Schumacher (paid)	10
William E. Woodalls & Co. (paid)	10
The A. S. Abell Co. (Batlimore Sun)	50
Baker-Whiteley Coal Co. (paid)	10
Walter Ancker, Baltimore & Ohio Building, expires Feb. 4, 1911	5
Atlantic Transport Co., J. C. Gorman, manager, expires Dec. 5, 1908	50
Baltimore Steam Packet Co., John R. Sherwood, president:	
Expires 1908	50
Expires Feb. 4, 1910	10
Baltimore Chamber of Commerce, H. A. Wroth, secretary:	
Expires 1909	25
Expires July 19, 1910	25
W. B. Brooks, president Sanford & Brooks Co., 24 Commerce Street, expires, Feb. 1, 1910	5
Baltimore & Chesapeake Railway Co., Thompson G. Williams, vice president and general manager, expires Dec. 5, 1908	50
Chesapeake Steamship Co., Key Compton, president, expires Jan. 31, 1911	10
Consolidated Coal Co., J. H. Wheelwright, vice president, expires Dec. 5, 1908	50
Reuben Foster, 2301 North Charles Street, expires Dec. 5, 1908	100
Jacob W. Hook, Old Town National Bank, expires Jan. 24, 1911	5
Merchants & Manufacturers' Association, Thos. G. Boggs, secretary, expires Feb. 11, 1909, 1910, 1911	25
Maryland Dredging & Contracting Co., F. A. Furst, president, 803 Fidelity Building:	
Expires 1908	100
Expires Jan. 24, 1911	10
Merchants & Miners' Transportation Co., J. C. Whitney, president, expires Dec. 5, 1908	100
Manufacturers' Record Publishing Co., R. H. Edmonds, president, expires Jan. 5, 1907	10
John G. Ruge, care of Ruge Bros. Canning Co., 607 American Building, expires Nov. 27, 1909	5
Sanford & Brooks Co., expires Dec. 5, 1908	50
Tolchester Co., William C. Eliason, president, expires Dec. 5, 1908	25

Another matter of importance is developed by the Chief of Engineers' 1916 report which invites attention:

[From the minority report on the 1917 pending river and harbor appropriation bill, p. 13.]

DREDGING CONTRACTS AND ALLOTMENTS.

Specific evidence also has been placed in the RECORD, and resolutions of investigation introduced, concerning dredging companies and their activities with waterway lobbies and secret methods of alloting Government contracts. These resolutions affecting any secret activities of railways, dredging companies, or other interests in connection with waterway bills before Congress are of public importance and should be pressed for consideration by those in either House possessing sufficient influence to ascertain the facts.

Evidence of apparent extravagance or fraud in the present method of letting contracts is offered in this connection. On October 8, 1914, this minority member of the committee placed before the House what purported to be a copy of a secret agreement among dredgers, wherein it appeared that a dredging board representing the various dredgers was engaged in fixing prices on Government contracts and allotting work to the members of the association, together with contributions and active lobbying to secure the passage of omnibus waterway bills.

Last session of the Sixty-fourth Congress the river and harbor bill carried a provision attempting to prevent excessive profits by private dredgers working for the Government. An examination of the Chief of Engineers' Report for 1916 shows that one particular dredging company was awarded all contracts on many different projects in the Baltimore district at one fixed price of 26½ cents per yard. One project alone was excepted, and in that one contract let to another dredging company the contract rate for dredging apparently the same kind of material, sand and mud, was let at 7.9 cents per yard, or less than one-third of the favored company's many contracts (pp. 2109 to 2136, Report 1916).

No comparative Government cost is offered and no Government plant operated in the district.

Other contracts let to this same first-mentioned company on the Delaware River aggregated approximately $450,000, according to the 1916 report, and were let at rates of 14.7 and 24.9 cents per yard, respectively, whereas three other contracts with two other companies on the Delaware project averaged about 9 cents per yard.

By a coincidence the same first-mentioned company has an exclusive contract on the James River, reaching 57 cents per yard for ordinary dredging, $9.30 per yard for hard rock, and 17 cents per cubic foot for removing snags and stumps from a stream that was recommended for discontinuance by engineers, but was put in the bill by Congress over that protest. Did the dredging company influence that result? Why is the Government paying $9.30 per yard for navigation on the James?

Another contract at Baltimore Harbor at a lower dredging rate, held by this same company, is one of numerous exclusive contracts which are at least open to inquiry when it is understood that this company, possessing so many exclusive Government contracts, some at questionably high prices, has for its president the same gentleman whose name purports to have been signed as president of the board of directors of the Atlantic and Gulf Coast Dredge Owners' Association, which association in past years secretly allotted Government contracts to its various members.

WHAT GOVERNMENT DREDGING COSTS.

On page 2212 of the 1916 report it appears that Government dredging on one project cost just 4.13 cents per cubic yard. Another project, page 2214, cost the Government 7.8 cents per yard, and still two others, pages 2216 and 2219, cost just 7 cents per yard. No attempt has been made to secure a thorough investigation of Government dredging contracts, but it is submitted that under the circumstances all the facts should be known, and to that end I have offered a resolution which speaks for itself:

Resolution.

Whereas the Government has appropriated $898,543,252 for river and harbor improvements, including over $240,000,000 for the Missis-

sippi, Missouri, and Ohio Rivers, the larger part of which first-named enormous amount has been wasted and frittered away on extravagant, useless, and deserted waterways; and

Whereas the pending river and harbor bill carries approximately $38,000,000 for river and harbor improvements in addition to nearly $43,000,000 appropriated for the same purposes during this same session of the Sixty-fourth Congress; and

Whereas the pending river and harbor bill covers dribbling appropriations for the beginning of 80 new waterway projects in addition to $29,000,000 contained in said bill for the maintenance or improvement of good, questionable, and useless old projects; and

Whereas the business judgment of Army engineers to properly determine the commercial value of thousands of projects heretofore approved by them has been open to criticism because of approval given to such governmental expenditures as the Norfolk and Beaufort $5,400,000 canal waterway, the Chesapeake and Delaware $8,000,000 project, the Cumberland River $11,000,000 canalization project, the Black Warrior River $12,000,000 canalization project, the Tennessee River $17,000,000 canalization project, the Muscle Shoals Tennessee River $18,700,000 waterpower and navigation project, the lower Missouri new $20,000,000 navigation and reclamation project, the upper Mississippi $28,000,000 navigation project, and the lower Mississippi navigation and reclamation project, which may exceed $500,000,000, and also including scores of smaller wasteful waterway projects, such as the Trinity River and Brazos River, Arkansas River, Ouachita River, and Red River, each of which has received from the Government between $2,000,000 and $4,000,000 for practically useless and deserted waterways; and

Whereas another source of waste and extravagance in connection with Governmental waterway expenditures consists in the apparent lack of genuine competitive bids among private dredging companies doing business for the Government, which fact appears from contracts executed during the last year according to the Army engineers' report, and which is further indicated by secret understandings, agreements, and allotments of contracts; and

Whereas it is alleged that the dredgers of the country have in past years, through their official organization, sought to actively and secretly influence the passage of river and harbor legislation, as appears from the following extract, quoted from an alleged report of the board of directors of the Atlantic and Gulf Coast Dredge Owners' Association, issued after the defeat of a former river and harbor bill, which extract from the signed report reads as follows:

"We count in this association the membership and influence of every man engaged in the business; each one has something of value to us in the way of ideas, talent, energy, or influence, and it is the work of the association and its proper object and function to use these various factors for the benefit of the whole membership and to throw upon any desired point the full resources of the association. In this way, and by turning its steps in the right direction, and with full confidence and cooperation which it would then have from all its members, there would no longer be any grounds for contention or rivalry amongst one another. When once this department of allotment is abandoned the association will once more resume its proper place and perform many duties of the highest use and importance to its members." (An apparent admission that all contracts are or were controlled by the board of directors and subsequently allotted to the different members by a dredging trust)"; and

Whereas the directors' report further states:

"The board should organize a bureau of information, which would furnish to each member at regular intervals a synopsis of what is going on in the way of dredging operations on the coast, improvements in machinery or in methods of doing work, with descriptions of such improvements, locations, etc., and the general work being done by and through committees and in the board of directors—this and such other additional information as may suggest itself.

"The lack of association methods and the failure to use the means in our hands for the general good was forcibly illustrated recently in the river and harbor bill, where absolutely no effort was made by the association to procure any amendment to the bill or any provision inserted therein for its benefit"; and

Whereas the directors' report states:

"Your board feels regret that the river and harbor bill has failed of passage and considers it all the more important that the association should be organized for the purpose of adding its influence to urging work by municipal organizations and bodies, and doing all in their power to create offerings of work in the various ports of entry and harbors. It is only by persistent effort that the loss entailed upon us by the failure of the harbor bill can in any way be compensated for"; and

Whereas such report further states that Members of Congress and legislators have been banqueted and filled with viands solid and liquid to influence their judgment, as follows:

"Your board further wishes to emphasize their regret that the annual banquet of the association has been allowed to go by default for the last two or three years. These entertainments do not entail any serious expense upon the association, but they do create the greatest possible prestige for our business in the estimation of those whose favor it is to our advantage to gain. Influential business men and men of public affairs having to do with transportation companies and steamship lines are entertained by us on these occasions with the greatest possible benefit to our business—municipal officers, heads of departments, Members of Congress, and legislatures—and their favor and interest is legitimately gained and has been found to be of the greatest value when circumstances require it. The expense of our entertainment is wisely expended and brings an adequate return for every dollar so spent"; and

Whereas it is alleged that such dredgers have subscribed to the support of waterway lobbies engaged in securing the passage of river and harbor bills, and it is reasonable to believe from such statements that said dredgers' association is secretly and actively aiding in the allotment and control of Government dredging contracts, as suggested in such report; and

Whereas Col. C. McD. Townsend, president of the Mississippi River Commission caused to be published in the CONGRESSIONAL RECORD of December 11, 1915, a carefully considered address, wherein he said:

"* * * Specifically, the writer would not abandon any navigable stream in the Mississippi Valley that has been partially improved, but would leave 58 of them in their statu quo, confining operations to snagging and the maintenance of existing works, and would concentrate appropriations on opening up a channel of the capacity of that existing on the lower and middle Mississippi to Chicago and Pittsburgh. * * * If the facilities thus afforded by the Government are utilized, the upper Mississippi and the Missouri Rivers should then receive attention"; and

Whereas we are asked to halt "improvements" on 58 river projects by Col. Townsend; and

Whereas no more impressive warning can be found on this same subject than in the minority report of the Sixty-third Congress by Senator Burton (S. Rept. 599, pt. 2), wherein he says, page 11:

"The waste which has been incurred in the canalization of rivers by the expensive system of locks and dams has been even worse than in improvement of open-channel rivers, the navigation of which has dwindled to such small proportions": Therefore be it

Resolved, That the Judiciary Committee of the House investigate and report back to the House at the beginning of the next session what waterways in its judgment deserve continued appropriations and what other waterways should be abandoned or allowed to remain in statu quo pending one or more experiments in waterway improvements, by them to be designated, and which are now being conducted at Government expense by Army engineers; and the committee is hereby authorized to call before it such witnesses as it sees fit in order to arrive at its decision.

Resolved, That the Judiciary Committee be further instructed to bring before it the officers and board of directors of the Atlantic and Gulf Coast Dredge Owners' Association, and such other parties as may be deemed advisable, and ascertain what efforts have been exerted toward securing the passage of the rivers and harbors bills in past years, its methods of allotments of contracts, and what connection, if any, such organization or the membership thereof have with the remarkable secret back fire urged in Congress in behalf of all such bills.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20079, the river and harbor bill, and had come to no resolution thereon.

NAVY YARD COMMISSION.

The SPEAKER. One day last week the President sent a message to the House with the report of the Navy Yard Commission. The Chair, not knowing that there were any illustrations, ordered the message and accompanying papers to be printed. The chairman of the Committee on Naval Affairs informs the Chair that it is necessary to have the illustrations printed, and, without objection, it will be so ordered.

There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, the following leaves of absence were granted:

To Mr. GALLIVAN, for three days, on account of death in the family.

To Mr. LITTLEPAGE, for two days, on account of illness.

EXTENSION OF REMARKS.

Mr. DIES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

SILENT PICKETING.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to have read from the Speaker's desk a telegram received from the chairman of the State committee of the National Woman's Party of Colorado in regard to picketing the White House.

The SPEAKER. Is there objection to the request of the gentleman from Colorado.

There was no objection.

The Clerk read as follows:

COLORADO SPRINGS, COLO., *January 19, 1917.*

Hon. CHARLES B. TIMBERLAKE,
House of Representatives, Washington, D. C.:

Press report to-day quotes Congressman EMERSON as protesting in House against silent picketing by Congressional Union. State committee of National Woman's Party of Colorado upholds silent picketing by Congressional Union as necessary protest against undemocratic blocking of Federal suffrage amendment by President and party in power. Please have this protest read into CONGRESSIONAL RECORD.

BERTHA W. FOWLER, *State Chairman.*

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, 10 days ago I was permitted to insert in the RECORD a peace document. I ask unanimous consent to insert four other documents, bringing the peace effort up to to-day.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, January 23, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the President of the Board of Commissioners of the District of Columbia submitting an estimate of deficiency in the appropriation made by the District of Columbia appropriation act of September 1, 1916 (H. Doc. No. 1970); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of appropriation for post allowances to diplomatic and consular officers in China, including Hongkong, for the fiscal year 1918 (H. Doc. No. 1971); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation for the relief of certain civilian employees of the Ordnance Department at Large, United States Army (H. Doc. No. 1972); to the Committee on Claims and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimates for the relief of certain disbursement officers of the Army (H. Doc. No. 1973); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 16749) authorizing the Secretary of the Interior to collect and publish statistics on the production, manufacture, and marketing of crude petroleum, reported the same with amendment, accompanied by a report (No. 1330), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 19122) to amend the act of Congress of February 17, 1911, entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad," reported the same without amendment, accompanied by a report (No. 1332), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4359) to amend the military record of William O. Sarber, reported the same with amendment, accompanied by a report (No. 1327), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9402) for the relief of Sylvester Hannan, alias Henry Edwards, reported the same with amendment, accompanied by a report (No. 1328), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 147) for the relief of John W. Cupp, reported the same with amendment, accompanied by a report (No. 1329), which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 14763) for the relief of Charles Lynch, reported the same with amendment, accompanied by a report (No. 1331), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCRACKEN: A bill (H. R. 20351) to provide for an investigation and report relative to the adoption of a system of old-age insurance or pensions; to the Committee on Labor.

By Mr. ESCH: A bill (H. R. 20352) to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: A bill (H. R. 20353) concerning proof of widowhood in claims for pension; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 20354) to save daylight and to provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 20355) to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 20356) to provide for the publication of an official journal; to the Committee on Printing.

My Mr. HEFLIN: A bill (H. R. 20357) to prevent work on streets and buildings on Sunday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OLIVER: A bill (H. R. 20358) to amend an act entitled "An act to regulate commerce," as amended, in respect to car service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BAILEY: A bill (H. R. 20359) to provide increased revenue by a direct tax on the value of land in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. VARE: A bill (H. R. 20360) providing for the erection of a monument in memory of the late Admiral George Dewey at the entrance to the Philadelphia Navy Yard, Philadelphia, Pa.; to the Committee on the Library.

By Mr. WICKERSHAM: A bill (H. R. 20361) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. SINNOTT: A bill (H. R. 20362) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act; to the Committee on the Public Lands.

By Mr. CARY: Resolution (H. Res. 463) directing the Secretary of the Navy to cancel certain orders for shells; to the Committee on Naval Affairs.

By Mr. SLEMP: Resolution (H. Res. 464) authorizing the printing of 10,000 copies of the opinion of the Interstate Commerce Commission relating to the car-supply investigation; to the Committee on Printing.

By Mr. FREAR: Resolution (H. Res. 465) authorizing the Judiciary Committee of the House to investigate and report on waterways; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 345) restricting the right to vote for Senators and Representatives in Congress and presidential electors to citizens of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. EMERSON: Joint resolution (H. J. Res. 346) to amend the Constitution so that the President may approve or disapprove any appropriation bill item by item; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20363) granting an increase of pension to Andrew P. Grubaugh; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 20364) granting a pension to Flora A. Powers; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20365) granting an increase of pension to Fred J. Luepke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20366) for the relief of Ray Markey; to the Committee on Claims.

By Mr. COLEMAN: A bill (H. R. 20367) granting a pension to Harry H. Fergus; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 20368) granting an increase of pension to William I. Hicks; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 20369) granting an increase of pension to Wilson Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20370) granting an increase of pension to Robert Craig; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 20371) for the relief of Emily Davison; to the Committee on Claims.

By Mr. ELSTON: A bill (H. R. 20372) granting an increase of pension to Martha E. Wardlaw; to the Committee on Pensions.

By Mr. GORDON (by request): A bill (H. R. 20373) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: A bill (H. R. 20374) granting an increase of pension to Catherine J. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20375) granting a pension to John H. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20376) granting a pension to Phoebe Morgan; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 20377) granting an increase of pension to Haziah George; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 20378) for the relief of Arthur H. Loomis; to the Committee on Pensions.

Also, a bill (H. R. 20379) for the relief of Alma Harris; to the Committee on the Public Lands.

By Mr. HOLLINGSWORTH: A bill (H. R. 20380) granting an increase of pension to Edward Grubb; to the Committee on Invalid Pensions.

Also a bill (H. R. 20381) granting an increase of pension to Mary J. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20382) granting an increase of pension to Sarah E. Hoffman; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 20383) granting an increase of pension to George W. Fellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20384) granting an increase of pension to Lucinda D. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20385) granting an increase of pension to Peter McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20386) granting an increase of pension to Amos McKinley; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 20387) granting a pension to George C. Presley, Lansing, Mich.; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20388) granting a pension to Sarah Katharine Dodge; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 20389) granting an increase of pension to Caroline Philpot; to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 20390) for the relief of J. W. Riser; to the Committee on Claims.

By Mr. LEWIS: A bill (H. R. 20391) granting an increase of pension to John C. Bolinger; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 20392) granting a pension to Otto H. Staron; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 20393) granting an increase of pension to William H. Atwell; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 20394) granting an increase of pension to Samuel E. Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20395) granting a pension to Lillian T. Brown; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 20396) granting an increase of pension to William C. Waddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20397) granting a pension to Samuel Smith; to the Committee on Pensions.

Also, a bill (H. R. 20398) granting a pension to Isom W. Foley; to the Committee on Pensions.

Also, a bill (H. R. 20399) granting an increase of pension to Fred Leick; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 20400) granting an increase of pension to William S. Porter; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 20401) granting an increase of pension to William H. Atwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20402) granting an increase of pension to Elizabeth Peck; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 20403) granting an increase of pension to Dr. Grant J. Ross; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 20404) granting an increase of pension to Thomas T. Owens; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 20405) for the relief of Capt. Ellis B. Miller; to the Committee on Naval Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 20406) granting an increase of pension to John M. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20407) granting an increase of pension to Virginia O. Riley; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 20408) granting an increase of pensions to John Weatherington; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 20409) to correct the military record of Charles R. Pennybacker; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the United Commercial Travelers of America, in re tariff legislation; to the Committee on Ways and Means.

Also (by request), petition of the Sedalia (Mo.) Young Men's Christian Association, favoring prohibition legislation; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Mrs. J. Willis Fulton and 43 ladies of the Missionary Society of the First Baptist Church of Newark, Ohio, in favor of House bill 10924; to the Committee on Alcoholic Liquor Traffic.

By Mr. BAILEY: Petition of William A. Kelley, Alex Duncan, U. E. Swartzentruver, Joseph Marino, John W. Spence, George Barrett, Jonathan Hudson, Andrew Boyle, D. C. Murphy, J. H. Hampton, William Shimelouis, Edward Fisher, Joseph Fisher, J. W. Brewer, William Mason, Richard Johnson, J. E. Dingle, Joseph Ford, John Mugridge, George Steele, James Pantano, George Tranter, Timothy Pitchford, Jacob Rupert, Charles P. Joll, John Resenwitz, Michael Hein, Samuel Fry, C. O. Dimond, W. R. Mandelstein, John M. Quinn, William L. Orris, Angus Gite, McClelland Steele, Thomas Williams, James Dursch, J. M. Bertel, William Helsel, John E. Walls, A. H. Leurue, John F. Dalton, C. W. Roberts, H. L. Rosenburg, Alfred Lane, A. J. Lane, A. E. Smith, H. J. George, J. L. George, C. E. George, G. R. Young, S. J. Dolan, Thomas J. Lewis, H. E. Crissey, R. C. Sackett, R. C. Bloom, Joseph Morris, D. A. Boyer, J. S. Twist, F. J. Baley, George W. Bottiche, Charles Gusky, J. J. Goughnour, Rev. J. C. Brown, Turner Chappell, Homer C. George, and Harry W. Dunmire, all of South Fork, Pa., for the passage of an act placing an embargo on the shipment of foodstuffs abroad; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Workers' Nonpartisan League of Altoona, Pa., in re labor legislation; to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petition of R. F. Schmitt, A. Franz, Joseph S. Ruffennach, Charles T. Warashis, John Zobczak, George Range, Adam Warashis, W. P. Heckman, A. A. Frauenheim, J. Z. Wainwright, C. H. Ridall, E. H. Straub, E. J. Vilsack, John F. Mueller, A. H. Sunshine, A. H. Behrenberg, A. F. Steigleder, and A. J. Vilsack, all of the city of Pittsburgh, Pa., against bill for prohibition in the District of Columbia; to the Committee on the Judiciary.

Also, petitions of the First Baptist Church, the Methodist Church, the Christian Church, the English Lutheran Church, the Grace Reform Church, the Epworth League, the Christian Endeavor Society, the Lutheran League, the Methodist Bible School, and the First Christian Bible School, of Duquesne, Pa., and the Epworth League of the First Methodist Episcopal Church of Crafton, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 92 citizens of nineteenth ward of Pittsburgh, Pa., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Pittsburgh Brewing Co., of Pittsburgh, Pa., and Manufacturers and Dealers' League of Western Pennsylvania, against the bill for prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of post-office clerks and carriers at Coraopolis post office, Pennsylvania, in favor of the Madden bill, House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Memorial of National Association of Manufacturers of Medicinal Products, favoring Senate bill 6834

and House bill 17396; to the Committee on the Post Office and Post Roads.

Also, petition of T. M. Gilmore, of Louisville, Ky., opposing prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Massachusetts Real Estate Exchange in re old-age pensions; to the Committee on Appropriations.

Also, petition of McLane Tilton, jr., of Pell City, Ala., in re Federal Reserve System; to the Committee on Banking and Currency.

By Mr. CANDLER of Mississippi: Petition of 71 citizens of Lee County, Miss., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CARY: Petition of Central Federated Union of New York, protesting against any prohibition bills and favoring increase of wages for Federal employees; to the Committee on the Judiciary.

Also, memorial of the Wisconsin Daily League, opposing Senate bill 807; to the Committee on the Judiciary.

Also, petition signed by 700 voters of fourth district of Wisconsin, protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850, all dealing with the liquor traffic; also petition of William S. Allen, of Milwaukee, Wis., protesting against the passage of the above bills; to the Committee on the Judiciary.

Also, memorial of National Association of Manufacturers of Medicinal Products, favoring Senate bill 6834 and House bill 17396; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Maintenance-of-Way Employees, in re eight-hour legislation; to the Committee on the Judiciary.

By Mr. CHARLES: Memorial of the Montgomery County (N. Y.) Pomona, against an embargo on foodstuffs; to the Committee on Foreign Affairs.

Also, petitions of electrical workers of Schenectady, N. Y., favoring the enactment of House bill 137, providing for the investigation of mills and its products; to the Committee on Agriculture.

By Mr. COOPER of Ohio: Petition of Baptist Men's Class, of Conneaut; Baptist Young People's Union, 50 people, of Conneaut; 80 people of Conneaut; Mission Sunday School, 40 people, of Conneaut; Pentecost Mission, 50 people, of Conneaut; Young People's Christian Endeavor, Christian Church, 35 people, of Conneaut; Mission Bible Class, 20 people, of Conneaut; Congregational Women's Class, 55 people, of Conneaut, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. DOWELL: Petition of 1,700 residents of Des Moines, Iowa, 100 residents of Indianiola, and 235 residents of Des Moines, Iowa, for national constitutional prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of Massachusetts Real Estate Exchange, in favor of old-age pensions; to the Committee on Appropriations.

Also, petitions of sundry residents of New Jersey, for woman suffrage; to the Committee on the Judiciary.

Also, memorial of National Association of Manufacturers of Medicinal Products, for Senate bill 6834 and House bill 17396; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Building Association League of Illinois, asking that building and loan associations be exempted from payment of corporation tax; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of sundry citizens of Massachusetts, opposing prohibitory bills; to the Committee on the Judiciary.

Also, memorial of United Spanish War Veterans, in re legislation for Quartermaster Corps clerks; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: Petition of Samuel E. Ver Treez, of Richmond, Ind., protesting against the slaughter of cattle under a certain age; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Papers to accompany House bill 20315, for relief of James Little; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Memorial of the City Park Baptist Church, of Denver, Colo., for the Sims-Kenyon bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 150 people, 33 people, Christian Church, and 78 people, all of Denver, Colo., for national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 18613, for relief of William Henderson; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Edward Grubb; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16899, for relief of Storer Parker; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Mary J. Watson; to the Committee on Invalid Pensions.

Also, memorial of Jesse Edgerton and 53 other citizens of Damascus and Salem, Ohio, against military training as a compulsory matter either in schools or among adult citizens; to the Committee on Military Affairs.

Also, memorial of Samuel Phillips and 27 other citizens of Salem and Damuscus, Ohio, against military training in schools or adult citizens by compulsory methods; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Memorial of men's class of the First Baptist Church of Mansfield, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEVER: Papers to accompany bill for the relief of J. W. Riser; to the Committee on Claims.

By Mr. LINTHICUM: Petition of Moses Silverman, of Baltimore, Md., opposing House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, memorial of Woodmont Rod and Gun Club and D. W. Thom, both of Baltimore, Md., favoring the Hitchcock-Flood bill; to the Committee on Agriculture.

Also, petition of sundry residents of Baltimore, Md., against military training; to the Committee on Military Affairs.

Also, petition of C. J. Cary, of Baltimore, Md., opposing preparedness; to the Committee on Military Affairs.

By Mr. McARTHUR (by request): Petition of United Brethren Church of Philomatte, Oreg., for national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Resolution of Water Front Workers' Federation of the Pacific Coast, San Francisco, Cal., indorsing appropriation in public-buildings bill of $600,000 for new marine hospital buildings at San Francisco; to the Committee on Public Buildings and Grounds.

By Mr. NORTON: Memorial of General Crook Post, No. 33, Grand Army of the Republic, Devils Lake, N. Dak., favoring passage of the retired volunteer officers' bill; to the Committee on Military Affairs.

By Mr. OAKEY: Petition of school committee of the city of New Britain, Conn., advocating the passage of the Smith-Hughes bill, House bill 11250; to the Committee on Education.

By Mr. PATTEN: Petition of sundry citizens of New York, against prohibitory legislation; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens, opposing prohibitory bills; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of Hackensack (N. J.) business and professional men, in re naturalization laws; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens of Red Bank, N. J., opposing mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petition of sundry residents of Oneida County, N. Y., favoring the expenditure of certain funds for good roads through the State department of highways under the supervision of the Government; to the Committee on Military Affairs.

By Mr. STINESS. Petition of sundry citizens, opposing prohibitory bills; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition signed by several hundred citizens of Portsmouth, N. H., protesting against the passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

SENATE.

TUESDAY, *January 23, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee seeking Thy guidance as we face the uncharted paths of a new day. Thy law changes not. Thou art the same yesterday, to-day, and forever. Thy unchangeableness is a guaranty of the blessings that have come to us out of the past, our rich inheritance, and prophesies as well the coming days of gladness, and hope, and light. We pray Thee to give to us Thy grace that our minds may be instructed; that our hearts may be responsive to the Divine command; that all things in our lives may be ordered according to

the unerring counsel of our Father in heaven. For Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Sterling
Bankhead	Harding	Phelan	Stone
Brady	Husting	Pittman	Thomas
Bryan	James	Ransdell	Thompson
Catron	Johnson, Me.	Reed	Tillman
Chamberlain	Jones	Robinson	Townsend
Clapp	Kenyon	Shafroth	Vardaman
Culberson	La Follette	Sheppard	Wadsworth
Cummins	Lane	Sherman	Walsh
Curtis	McCumber	Shields	Watson
Dillingham	Martine, N. J.	Smith, Ga.	Works
Fernald	Myers	Smith, Md.	
Fletcher	Norris	Smith, S. C.	
Gallinger	Oliver	Smoot	

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. CHAMBERLAIN. I desire to announce the unavoidable absence, on account of illness, of the junior Senator from Virginia [Mr. SWANSON]. He is paired with the Senator from Washington [Mr. JONES]. I make this announcement for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Oklahoma [Mr. GORE] is detained on account of illness. I wish this announcement to stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

ELECTORAL VOTES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authentic copies of the certifications of final ascertainment of electors for President and Vice President chosen at the election on the 7th day of November, 1916, in the States of New York and Tennessee, which was ordered to be filed.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1974).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a list of documents and files of papers which are not needed or useful in the transaction of the current business of the Department of Commerce and which have no historical value. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES] as the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 20209) to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. KENYON presented a petition of sundry citizens of Seymour, Iowa, praying for the enactment of legislation to reduce the high cost of living, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Iowa, praying for the enactment of legislation to provide for the use of all surplus moneys from naturalization sources for the education of immigrants, which were ordered to lie on the table.

Mr. GRONNA. I present a petition signed by the superintendent of the conference of the United Brethren Church of Ponce, P. R. It is very brief, and I ask that it may be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

[Cablegram.]

PONCE, P. R., *January 22, 1917.*

Senator GRONNA, *Washington:*

Conference United Brethren Church urges prohibition amendment Porto Rico.

DRUEY, *Superintendent.*

Mr. FLETCHER presented petitions of sundry citizens of Florida, praying for the enactment of legislation to found the Government of the United States on Christianity, which were referred to the Committee on the Judiciary.

He also presented a petition of Garfield Post, No. 38, and Garfield Woman's Relief Corps, No. 9, Department of Florida, Grand Army of the Republic, of Zephyrhills, Fla., praying for the enactment of legislation providing for the donation of two condemned mounted cannon, with a suitable complement of projectiles, to that city, which was referred to the Committee on Military Affairs.

Mr. BRYAN presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Flint, Mich., remonstrating against any change in the postal rates on second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHERMAN. I present a memorial of Local Union No. 101, United Mine Workers of America, and Messrs. H. N. Schuyler and Warren Penwell, of Pana, Ill., in relation to the enrollment of pupils in the United States Government aliens' school at that place. The Bureau of Naturalization, Department of Labor, have cooperated with thousands of public night schools for the instruction of adult aliens in approximately 700 cities and towns. Forty-five States are represented, in which over 8,000,000 of the 10,000,000 foreign-born residents of these United States live. I ask that it be printed at length in the RECORD. It is not a lengthy document. I do not ask that it be read.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

[Sent by Local Union No. 101, United Mine Workers of America, and Messrs. H. N. Schuyler and Warren Penwell, of Pana, Ill. Copy of article appearing in the Pana, Ill., Palladium, Dec. 6, 1916.]

MUCH INTEREST IN NIGHT SCHOOL—ENROLLMENT DOUBLED IN UNITED STATES GOVERNMENT ALIENS' SCHOOL HERE.

The night school which has been instituted by the United States Government for the adult aliens residing in Pana held its regular session at the high-school building Tuesday evening. There were 52 in attendance at this meeting, the enrollment having doubled since the previous meeting.

The school holds its sessions on Tuesdays and Thursdays of each week, from 7.30 p. m. to 9 p. m.

Following were the instructors for the meeting Thursday evening:

Domestic-science class: Miss Ruth Hammond.

Men's classes: Messrs. Simpson, Nyblach, Danicly, Ray, Andrews, and Hart.

The work of educating the foreign-born resident in this community is most fundamental and one of the worthiest endeavors in preparedness for national security and advancement. The aliens we want to help had for their objective in coming to America the identical purpose which prompted our forefathers, who landed upon these shores just as alien to this land as are the present immigrants. It is therefore the duty of every patriotic American citizen to further the education and uplift of these people. They are of many tongues, of divers thoughts and ideals. We must make of them a unit of English-speaking, English-thinking American citizens; we must bring to them a realization, in a practical way, of the ideals that impelled them to come to this land of opportunities.

The Bureau of Naturalization, Department of Labor, has cooperated with thousands of public night schools in approximately 700 cities and towns. Forty-five States are represented, in which over 8,000,000 of the 10,000,000 foreign-born residents of these United States live. The work is not an experiment; it is a marvelous success, a tribute to all those who have given their aid to it. In Pana, as in other cities, it is now only a question of keeping the good work before the public to insure its permanency.

Mr. SHEPPARD presented a petition of sundry citizens of Hunt County, Tex., praying for national prohibition, which was ordered to lie on the table.

Mr. LODGE presented a memorial of the New England Association of Railroad Veterans, of Boston, Mass., remonstrating against the separation of the Long Island Sound steamship lines from the New York, New Haven & Hartford Railroad, which was referred to the Committee on Interstate Commerce.

Mr. LA FOLLETTE presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to exclude liquor advertisements from the mails, which were ordered to lie on the table.

Mr. COLT presented a memorial of the Town Criers of Rhode Island, remonstrating against the enactment of legislation to exclude liquor advertisements from the mails, which was ordered to lie on the table.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying that the immigration bill become a law at this session, which were ordered to lie on the table.

Mr. POINDEXTER presented a petition of the Woman's Auxiliary, Railway Mail Association, of Spokane, Wash., praying for an increase in the salaries of railway mail clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union, of Mabton, Wash., and of the Sunday school of the First Methodist Episcopal Church of Spokane, Wash., praying for national prohibition, which was ordered to lie on the table.

Mr. PHELAN presented a petition of Golden Gate Branch, No. 214, National Association of Letter Carriers, of San Francisco, Cal., praying for the enactment of legislation to increase the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK. I present resolutions adopted by the House of Representatives of the Legislature of Nebraska, favoring the permanent abolishment of the practice of free-seed distribution. I ask that the resolutions be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
LINCOLN, NEBR.

Resolution.

Whereas it is reported in newspaper dispatches that Congressman REAVIS has decided to discontinue the distribution of free garden seeds to his constituents: Be it

Resolved, That we hereby commend Mr. REAVIS for such action, and suggest that his example might with propriety be followed by the other Nebraska Representatives. It is also

Resolved, That we call upon all the Nebraska Senators and Congressmen at Washington to do all in their power to secure the permanent abolition of the practice of free-seed distribution, which costs the taxpayers a quarter of a million dollars annually, and has long outlived its usefulness. Also be it

Resolved, That the chief clerk is instructed to inform the Nebraska Members of Congress of this resolution.

GEORGE G. WAITE.

Mr. HITCHCOCK. I present resolutions adopted by the House of Representatives of the Legislature of Nebraska, favoring the enactment of legislation to prohibit the granting of Federal permits or licenses for the sale of liquor as a beverage in prohibition States.

I desire to say that I have advised the speaker of the house of representatives that the resolutions are based upon a false assumption that the Federal Government issues permits or licenses, and that all the Federal Government does is to levy a tax upon those who sell liquor, whether they sell it in violation of State law or in accordance with State law.

I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
LINCOLN, NEBR.

Resolution.

Whereas 23 States of the Union have enacted laws or adopted constitutional amendments prohibiting the sale of intoxicating liquor as a beverage in such States; and

Whereas in these prohibition States it is a practice of persons who defy the law in order to reap the profits of illicit sales of liquor commonly provide themselves with permits from the Federal Government in order to protect themselves from prosecution in the Federal courts; and

Whereas the greatest hindrance to the enforcement of the people's will in respect to the sale of liquor arises from these so-called "bootleggers": Therefore be it

Resolved by this house, That we respectfully memorialize Congress to pass an act prohibiting the granting of Federal permits or licenses for the sale of liquor as a beverage in prohibition States.

Resolved, That copies of this resolution be transmitted to our Senators and Representatives in Congress, and that the Nebraska State Senate be invited to concur therein by passing a similar resolution.

STEARNS.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 7796) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes, reported it without amendment and submitted a report (No. 961) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, reported it with amendments and submitted a report (No. 962) thereon.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 1174) granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State, reported it without amendment and submitted a report (No. 963) thereon.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 7644) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes, and I submit a report (No. 960) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. TOWNSEND. Is that a unanimous report of the committee?

Mr. CULBERSON. It is.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the counties of Archer, Baylor, Clay, Cottle, Foard, Montague, King, Knox, Wichita, Wilbarger, and Young shall constitute a division of the northern judicial district of Texas.

SEC. 2. That terms of the district court of the United States for the said northern district of Texas shall be held twice each year at the city of Wichita Falls, in Wichita County, on the fourth Monday in March and the third Monday in November. The clerk of the court for the northern district of Texas shall maintain an office in charge of himself or a deputy at Wichita Falls, which shall be kept open at all times for the transaction of the business of the court.

Mr. SMOOT. Mr. President, may I ask the Senator from Texas, Does this bill provide for an additional judge?

Mr. CULBERSON. No; it merely provides an additional place for holding court.

Mr. SMOOT. It is, then, a readjustment of the counties in which court shall be held?

Mr. CULBERSON. That is all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7963) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes; to the Committee on Territories.

By Mr. SMITH of Georgia:

A bill (S. 7964) to establish engineering experiment stations in the States and Territories in connection with States universities or engineering schools for the promotion of engineering and industrial research; to the Committee on Education and Labor.

By Mr. STONE:

A bill (S. 7965) granting a pension to Samuel T. Holden;

A bill (S. 7966) granting a pension to Lydia M. Smith (with accompanying papers); and

A bill (S. 7967) granting an increase of pension to John H. Helser (with accompanying papers); to the Committee on Pensions.

A bill (S. 7968) to correct the military record of Second Lieut. Van Buren S. Reber; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 7969) granting an increase of pension to Frederick S. Webber (with accompanying paper); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 7970) granting an increase of pension to Dorr H. Mayne; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7971) to provide for the interchange of teachers of the District of Columbia with other school systems in the United States; to the Committee on the District of Columbia.

By Mr. BORAH:

A bill (S. 7972) granting an increase of pension to Edward Flannery (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7973) granting an increase of pension to Eugene E. Scherrer; to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 7974) granting a pension to Mary L. Pritchett; and

A bill (S. 7975) granting a pension to Elizabeth S. Naylor; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 7976) for the relief of Rier Thorson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7977) granting an increase of pension to Silas B. Garlick; and

A bill (S. 7978) granting an increase of pension to Nathan H. Applebee; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 7979) granting an increase of pension to William H. Lasher; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7980) granting an increase of pension to Roscoe G. Tibbetts (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7981) granting a pension to Charles A. Bushey (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD (for Mr. GORE) submitted an amendment proposing to increase the appropriation for all necessary expenses for the eradication of the southern cattle tick from $631,560 to $750,000, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment providing that on and after July 1, 1917, post-office watchmen, messengers, and laborers in first and second class post offices shall be required to work not more than eight hours a day, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. STERLING. Mr. President, yesterday I gave notice of a motion to amend Rule XXXVIII of the Senate Rules. I find that by inadvertence I described wrongly the paragraph to be amended, describing it in the notice as paragraph 3 instead of paragraph 2. I ask unanimous consent for leave to change the notice so that it will read "paragraph 2" instead of "paragraph 3" of Rule XXXVIII, and that then the notice may go over until to-morrow when I shall offer a resolution in pursuance of the notice.

The VICE PRESIDENT. That action will be taken.

Mr. JONES. Let the notice be read.

The VICE PRESIDENT. It will be read as modified.

The Secretary read the notice as modified as follows:

In accordance with Rule XL of the Senate Rules, I hereby give notice that on to-morrow I will propose that paragraph 2, of Rule XXXVIII, of the Rules of the Senate, be amended so that it shall read as follows:

"2. All proceedings of the Senate when acting upon nominations shall be in open executive session, except when the Senate by a majority vote shall otherwise decide. Upon a motion for a secret executive session upon any nomination, each Senator shall be entitled to speak once and for five minutes only. If the Senate decides that any nomination should be considered in secret session, then all information communicated to or remarks made by a Senator when acting upon such nomination concerning the character or qualifications of the person nominated, also all votes upon such nomination, shall be kept secret. If in any case charges shall be made against a person nominated, the committee may in its discretion notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret."

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. CUMMINS. I offer the resolution, which I send to the desk and ask to have it read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the resolution (S. Res. 326), as follows:

Whereas on the 22d day of January, 1917, the President of the United States appeared in person before the Senate and announced certain views touching the policy the United States should adopt and pursue respecting the principles upon which the belligerent powers of Europe should make peace, and respecting the manner in which the peace so made should be permanently maintained; and

Whereas the President declared in his communication as follows:

"I have sought this opportunity to address you because I thought that I owed it to you as the council associated with me in the final determination of our international obligations to disclose to you without reserve the thought and purpose that have been taking form in my mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations"; and

Whereas it is impossible for the Senate to take official action upon these grave matters until the treaties creating such new duties and defining this new plan have been made by the President and submitted to the Senate for ratification or rejection; and

Whereas it was the obvious object of the address to invite a free and frank expression from the Members of the Senate for guidance in his arduous work; and

Whereas the proposals presented to this body involve the integrity of the Nation and the peace of the world and it is our bounden duty to advise the President of our individual opinions concerning the undertaking upon which the country is asked to embark: Therefore, be it

Resolved, That on Monday, the 29th day of January, immediately after the conclusion of the routine morning business the said address of the President shall be laid before the Senate for discussion and its consideration shall continue to the exclusion of all other business until each Senator shall have had an opportunity to speak thereon; but no Senator shall speak more than once nor more than one hour.

Mr. CUMMINS. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. STONE. Mr. President, I shall object; but I desire to say that, in the present pressure of business, for the Senate to set apart a week at this time merely to hear speeches on the part of Senators regarding the President's address made on yesterday is wholly out of the question.

Mr. CUMMINS. Does the Senator from Missouri object to the consideration of the resolution?

Mr. STONE. I do object; and I move that the resolution be referred to the Committee on Foreign Relations.

Mr. CUMMINS. I ask for the regular order.

The VICE PRESIDENT. The Senator from Missouri moves that the resolution be referred to the Committee on Foreign Relations.

Mr. CUMMINS. Mr. President, I object to the reference of the resolution to the Committee on Foreign Relations, and suggest the point of order that the motion is not now in order. I think that I have a right under the rules to have the resolution go over until to-morrow——

Mr. STONE. I have no objection to that.

Mr. CUMMINS. And I suggest the matter to the Chair.

Mr. STONE. I withdraw the motion to refer the resolution. Let it go over until to-morrow.

The VICE PRESIDENT. The motion to refer being withdrawn, the resolution goes over until to-morrow.

Mr. JONES. Mr. President, I do not desire to submit a resolution at this time, although I think there is a matter that should invite the careful consideration of the Senate, in view of the notice in the newspapers this morning that the Chief Executive of our country proposes to carry on a systematic and continued system of lobbying in connection with legislation now pending before the Senate. All that I desire to do is to read one or two short extracts from documents that are apparently forgotten and overlooked, although they are not so ancient.

I have here the Democratic platform of 1904, from which I read:

We favor the nomination and election of a President imbued with the principles of the Constitution, who will set his face sternly against Executive usurpation of legislative and judicial functions, whether that usurpation be veiled under the guise of Executive construction of existing laws, or whether it take refuge in the tyrant's plea of necessity or superior wisdom.

Then, in the platform of 1912, I find this language:

We believe in the preservation and maintenance in their full strength and integrity of the three coordinate branches of the Federal Government—the executive, the legislative, and the judicial—each keeping within its own bounds and not encroaching upon the just powers of either of the others.

PENSIONS TO COMMISSIONED OFFICERS.

Mr. JOHNSON of Maine submitted the following resolution (S. Res. 327), which was read and, with the accompanying papers, referred to the Committee on Printing:

Resolved, That Senate Document No. 108, Fifty-sixth Congress, first session, entitled "Pensions to Commissioned Officers, etc., United States Army, etc.," with additions and corrections to January 1, 1917, be reprinted as a Senate document.

NATIONAL LEPROSARIUM.

Mr. RANSDELL. Mr. President, I wish to present a request for unanimous consent to take up No. 282 on the calendar, which is the bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

In presenting the request for unanimous consent I wish to make a statement. I have before me a letter from Lieut. Col. Munson, in charge of Camp Wilson, Tex., which I should like to read. It is very brief. It is addressed to the health officer at San Antonio and is as follows:

OFFICE DIVISION SURGEON,
Camp Wilson, Tex., December 27, 1916.

CITY HEALTH OFFICE,
San Antonio, Tex.

DEAR DR. KING: While dining recently with a party at the Tivoli Café, this city, I noticed a most characteristic and far-advanced case of leprosy eating at a table with several companions.

I am thoroughly familiar with leprosy, having seen not less than 5,000 cases in the course of health work in the Orient. This case presented the tubercular form, with advanced leontiasis, and ear lobes pendant at least 1½ inches. In my opinion, a case as far advanced as

this is almost certainly excreting lepra bacilli in the nasal secretions as a result of ulcerative processes.

I do not believe leprosy to be one of the readily communicable diseases, but to have such a case eating at public restaurants and frequenting places of resort is to invite the transmission of infection. The Texas laws, I believe, call for restricted quarantine in such cases.

This case is in a white man, about 40 years of age, resident of San Antonio, and a member of a prominent German club. There should doubtless be no great difficulty in locating it and confirming the diagnosis by blood smears.

Very sincerely,

E. L. MUNSON,
Lieutenant Colonel, Medical Corps, United States Army,
Division Surgeon.

I have also a letter from Surg. Gen. Rupert Blue, under date of the 18th instant, quoting from a letter which he had just received from Dr. J. N. Hurtz, secretary of the State Board of Health of Indiana. He calls my attention to two paragraphs from that letter, as follows:

It seems impossible to quiet the excitement at Fort Branch on account of the presence of the leper. The people will not listen to reason. I told the officials of the town—and a large number of citizens gathered for the purpose—there was no danger of the transmission of the disease; but this had no effect upon them. They simply said, "A leper in a town is like a dead body in a house. Nothing can be done. Business can not go on as long as such condition exists."

I think a special bill will be introduced into our legislature this afternoon, and I will transmit a copy if I can get one, for I presume you will be interested.

I have reports from the Surgeon General of the Public Health Service showing that there are thirty-odd cases of leprosy reported recently in different parts of the Union. I hope we can get this bill considered by unanimous consent.

Mr. JONES. Mr. President, will the Senator permit me to interrupt him?

Mr. RANSDELL. Yes.

Mr. JONES. In line with what the Senator has said I desire to say that in one locality in the State of Washington it was ascertained a short time ago that an alien had come into the country a little over two years ago who had a very advanced case of leprosy. It was desired that this leper should be deported, the State not having, of course, made any provision for taking care of such cases. The department recognized the situation. This alien had come from a country in which the conditions are such that he can not be deported now. So we have this leper on our hands, with no way of taking care of him. The people are considerably worked up, just as is the case as shown by the letter from which the Senator from Louisiana has quoted. The National Government seems to be helpless in the matter; but something ought to be done.

Mr. RANSDELL. I thank the Senator for his statement. Briefly, this bill provides an appropriation of $250,000 for the creation of a national home for lepers. It provides that the States may send their leprous patients to that national home. A similar bill has passed the House of Representatives. I sincerely hope that no Senator will object to the immediate consideration of the bill, as it will take only a few moments and is so important.

Mr. OVERMAN. Mr. President, I feel constrained to object. We have only passed one appropriation bill; less than six weeks remain of the present Congress, and if the great appropriation bills are not acted upon we are bound to have an extra session. I dislike to object, but I feel constrained to do so.

Mr. RANSDELL. I hope the Senator will not object. I think it will take only a few moments to pass the bill. It affects every State, and there is great excitement in many of the States because of the existence of the situation to which I have referred.

Mr. OVERMAN. If the bill would only take a moment, I would not object; but I understand that on this side of the Chamber there is going to be debate, and, therefore, I can not consent.

Mr. RANSDELL. Of course, if there is going to be debate, I would not ask the Senator to consent to the bill being taken up; but I do not think the bill will be debated.

Mr. OVERMAN. I understand that on this side it will be debated.

Mr. RANSDELL. Can not we go on for 20 minutes, say?

Mr. OLIVER. Mr. President, I ask the Senator from Louisiana if this bill is on the calendar?

Mr. RANSDELL. It is on the calendar, being Order of Business No. 282, and has been, I think, unanimously reported from the Committee on Public Health and National Quarantine.

Mr. OLIVER. Mr. President, this bill is very early on the calendar, then, and if the Senate would agree at some convenient time to take up bills on the calendar it could very easily be disposed of. I think the proper way to have this bill and a number of other bills that should be passed upon taken up would be, just as soon as the appropriation bill is out of the way, for the Senate to agree to consider Senate bills on the calendar under Rule VIII until the calendar of unobjected bills is disposed of. In that way this bill and other bills that ought to be passed can be reached, acted upon, and sent to the House. I feel disposed to object to the present consideration of any bill, no matter how urgent or how important, that is in such shape that it can be reached on the calendar if the calendar is once taken up.

Mr. POMERENE. Mr. President, I am very much in sympathy with the bill of the Senator from Louisiana [Mr. RANSDELL], but at the same time I desire to say that I think there is very great force in what the Senator from Pennsylvania [Mr. OLIVER] has said. There are other bills on the calendar of almost momentous importance, among them the juvenile-court bill of the District of Columbia. The committee that has had that bill in charge has given to it a vast deal of study; we feel that we have it in good shape and that it ought to be passed. All of those who are interested in the subject are awaiting the day when the Senate will take it up. I hope we can set one day aside, and that very early in the session, to be devoted entirely to the consideration of the bills on the calendar.

Mr. HARDING. Mr. President, I am quite in accord with the suggestion of the Senator from Pennsylvania [Mr. OLIVER] and of my colleague [Mr. POMERENE], but, I think, if the Senate were brought into personal touch with the leprosy situation as I happen to have come in contact with it recently, we would not hesitate three minutes to pass the bill suggested by the Senator from Louisiana [Mr. RANSDELL]. I do not wish to take the time of the Senate, but very recently in my own State there arose an example of the difficult situation in this country in dealing with cases of leprosy. In that instance a soldier in the service of the United States had become infected with leprosy in the service of his country and was finally returned to his home. He was there thrust upon his local community for care. It is readily understood how perfectly incapable any local community in this country is to care for a leper. After some four or five weeks of persistent negotiation through the Federal Health Service, a home was found for this unfortunate man, and I think he was finally located in a hospital in the Canal Zone at Panama. Certainly the Senate could well afford to take up this matter and without discussion provide for a national leprosarium. I hope the Senate will consent to take this very worthy and much-needed action.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. OVERMAN. Mr. President, I shall not object if the Senator will move to lay the bill aside if it is not disposed of by 12 o'clock.

Mr. RANSDELL. I will consent to do that if it is not passed by 12 o'clock.

Mr. THOMAS. Mr. President, I not only think there is much force in the suggestions of the Senator from Pennsylvania and the Senator from Ohio regarding the proper method of discussing this bill and other bills on the calendar, but I very seriously question the propriety of providing for the care of a certain class of diseases by the National Government through the establishment of hospitals. I very seriously question the expediency, to say nothing of the power of the National Government, of establishing an asylum or a home for people afflicted with a certain disease.

It will inevitably operate as a precedent for the creation of similar institutions for the treatment of other diseases, and transfer from the States to the National Government the classification and the treatment of diseases which infect society and threaten their physical health and well-being.

I shall feel compelled to discuss this phase of the question when the bill comes up, and I do not know that I shall be able to do it within the time that still remains between the present hour and 1 o'clock. I shall therefore feel constrained to object to the consideration of the matter at this time.

The VICE PRESIDENT. Objection is made.

THE SEAMAN'S ACT.

Mr. LA FOLLETTE. Mr. President, I desire to have printed as a public document certain matter relative to section 13 of the seaman's act, which I ask may be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, that will be done.

WATCH-AND-WATCH SYSTEM.

Mr. LA FOLLETTE. Mr. President, I desire to have printed as a public document certain matter relative to the watch-and-watch system at sea. I ask that it may be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, it is so ordered.

TREATY WITH DENMARK (S. DOC. NO. 686).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the treaty signed August 4, 1916, between the United States and Denmark for the cession to the United States of the Danish West Indian Islands, and the obligations of the United States under the convention.

The attention of the Congress is especially invited to the necessity for action being taken by the Congress during its present session that will enable the Government of the United States to discharge its conventional obligation to pay to the Government of Denmark the sum of $25,000,000, which by Article V of the convention the United States agrees to pay in full consideration of the cession within 90 days from the date of the exchange of the ratifications of the convention. This exchange of ratifications was effected on January 17, 1917, so that the good faith of the United States requires the payment of the $25,000,000 not later than April 17, 1917, and to do this provision by the Congress during its present session for the payment is imperative.

WOODROW WILSON.

THE WHITE HOUSE, *January 22, 1917.*

The VICE PRESIDENT. The morning business is closed.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 18542, the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment of the committee is the last amendment in the bill, found on page 151, where it is proposed by the committee to strike out all of section 7 as printed in the House bill, and which reads:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. OVERMAN. Mr. President, I want to say to the Senate that now we come to the great test as to whether or not we desire to increase the salaries of all the employees of the Government under $1,800. This section was put in by the House, and if it is adopted here, of course, there will be a similar provision in every other appropriation bill. This bill, as is well known, applies only to the employees in the District of Columbia in the different departments. The Post Office appropriation bill when it comes over, if this section is adopted in this bill, will, of course, and ought to, include a similar increase for all employees of the Post Office Department. The same will be true of the Agricultural appropriation bill.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. OVERMAN. I do.

Mr. NORRIS. Does the amendment apply beyond the fiscal year, if this appropriation is made?

Mr. OVERMAN. It does not. Every appropriation bill is only for the fiscal year.

Mr. NORRIS. Yes; I understand that, but I thought—I had not examined the amendment—that perhaps it was continuing.

Mr. OVERMAN. No; the amendment is not continuing. The appropriation is similar to all other appropriations in this bill—for one year only.

Mr. NORRIS. I should like to ask the Senator another question, if he will permit me, right there. If we adopt the amendment, why do we limit the increase to the appropriation for this year? Would it not be better, if we adopt it at all, to make it continuing?

Mr. OVERMAN. The Senate can do that, of course.

Mr. NORRIS. I was trying to get the Senator's judgment.

Mr. OVERMAN. I do not think we ought to do it in this bill, because every appropriation bill passed is only for the fiscal year—from the 1st of July to the 1st of the next July.

Mr. NORRIS. Yes; but we would have the same question up in every appropriation bill if that were done. Why not determine it once for all?

Mr. OVERMAN. All of the appropriation bills usually contain increases. There are no increases at all in this bill; but in other appropriation bills from time to time we increase the salaries of those who are worthy and whose compensation should be increased. The committee favorably considers them and frequently grants increases. Owing to the condition of our Treasury and finances this year we concluded to make no increases at all. There were some very worthy cases before us that ought to have had increases if we made any.

I have had a calculation made. This amendment, if adopted, will increase the appropriations carried in this bill about $1,385,000. A similar increase for all the employees in the District that are included in the estimates will amount to $28,000,000, in round numbers. That is, if this amendment is adopted, and a similar amendment is adopted on each appropriation bill, it will amount to $28,000,000. If you extend the appropriation to other employees outside of those in the Book of Estimates, I am told it will amount to $50,000,000. That is, postal clerks on railroads, and other employees outside of Washington, are not appropriated for in the Book of Estimates; all field agents are not included in the Book of Estimates; fourth-class postmasters, assistant postmasters, deputy collectors, assistant depufy collectors, deputy marshals, and assistant deputy marshals. I am told it will all amount to about $50,000,000. We have, however, a Book of Estimates giving the salaries of all the employees in the District of Columbia; and if we increase their salaries and those of the Agricultural employees, and the post-office clerks mentioned in that bill, and others, we are informed by efficient accountants that it will amount to over $28,000,000, whereas the increase carried by this bill alone will amount to $1,385,000.

Mr. President, I want to say that we examined into this question most thoroughly. Mr. McLarin, the leader of those who are asking for these increases, admitted that the clerks in the Government service are paid from 30 to 40 per cent higher than any other employees in this country, and of course that means in the world. The magazine called the Review of Reviews contains an article this month on an investigation they have made, and they say that the average employees of the railroads receive $756 per annum. Mr. McLarin says the average compensation in all industrial associations, including the great insurance companies, is $578. The average in the Government service is $948; so the Government clerks and employees are paid from 30 to 40 per cent more than other employees in other like employments, in industrial associations, or in the railroads.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. OVERMAN. I do.

Mr. NORRIS. May I ask the Senator there, referring to the comparison that he makes between the salaries paid to Government employees and others, whether that is based on the average?

Mr. OVERMAN. I said the average.

Mr. NORRIS. Is it not true that in the Government employment there are quite a good many high-salaried employees and officials who have a tendency to bring up the average? I wish the Senator could give us some information applying to the particular clerks affected by this amendment, the lower-paid ones. This amendment applies to those who are receiving salaries below what particular amount?

Mr. OVERMAN. Four hundred and eighty dollars. The charwomen, who work about an hour or two a day, are not included.

Mr. NORRIS. Can the Senator give us any information as to how the salaries of those employees compare with those of the employees of railroads and other private employers?

Mr. OVERMAN. I was mistaken. The charwomen get $20 a month, but they only work about an hour or two in the night. They get $20 a month. That is the lowest compensation—$240 a year. The next is $480, then $720, $900, $1,200, $1,400, $1,600, $1,800, $2,000, $2,500, $3,000, $3,600, $4,000, and $5,000.

Mr. NORRIS. Can the Senator give us any information about the salaries of the persons affected by this proposed increase as compared with similar occupations in business life?

Mr. OVERMAN. They are much better paid, so our information is. The Government pays 20 or 30 per cent higher compensation in all grades.

Mr. NORRIS. I understand from the Senator that the information applies to the average.

Mr. OVERMAN. Except these presidents of railroads who get $50,000 a year, and others—the higher-paid presidents of the railroads.

Mr. HUGHES. That increases the average.

Mr. OVERMAN. Of course it increases the average.

Mr. NORRIS. And the salaries of the more highly paid Government officials do the same thing.

Mr. OVERMAN. Well, outside of the President there are not any very high-salaried Government officials. The members of the Farm Loan Board get $10,000 a year, the members of the Supreme Court get $14,500, and the members of the Federal Reserve Board get $12,000.

Mr. NORRIS. Oh, yes; there are those. There are a great many, however, who get three, four, five, six, and seven thousand dollars a year.

Mr. OVERMAN. The Assistant Attorneys General get $7,500, but they are very few in number. The members of the Supreme Court get $14,500. The Assistant Attorneys General and the solicitors of the departments and the Assistant Secretary of State get five and seven thousand dollars.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from California?

Mr. OVERMAN. I do.

Mr. WORKS. Is it not true that a very much larger proportion of the employees of these industrial corporations are the low-grade employees, such as laborers?

Mr. OVERMAN. Oh, I think that is true, Mr. President.

Mr. WORKS. That being so, the comparison is hardly fair, it seems to me.

Mr. OVERMAN. They have taken the low-grade employees here, also.

Mr. WORKS. Yes; but they are not nearly so numerous.

Mr. OVERMAN. I do not know whether that is so or not. It certainly is not so in the case of the insurance companies of the country. In the great insurance companies the salaries average 30 per cent less, and they are well-paid, high-grade men. There are no low-paid men in those companies, except the janitors.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. OVERMAN. I do.

Mr. McCUMBER. I want to ask the Senator if it is not true that the vast majority of the clerks in the Government service receive more than $900—$900 and upward?

Mr. OVERMAN. Why, yes, Mr. President; that is very evident.

Mr. McCUMBER. Very few of them receive less than $900?

Mr. OVERMAN. Yes.

Mr. NORRIS. Mr. President, will the Senator yield further?

Mr. OVERMAN. I will.

Mr. NORRIS. If that be true, and there are only a few in this class that are getting wages that are so low, the proposal to increase their wages would not be a very serious one.

Mr. OVERMAN. I also want to call attention to the fact, Mr. President, that these Government employees have one month's annual leave, one month's sick leave, and they only work seven hours a day, whereas in all other institutions of this country they work at least eight hours a day, and they work 12 months in the year. So when you count that in, their conditions are far in advance of those of any other employees in the world. The sick leave is 30 days, the annual leave is 30 days, and then there is the great number of holidays that this Government has, and the short hours of work. Really they do not work more than six hours and a half. Of course when they go down there and report for duty they go about and drink water, and take off their wraps, and then they do that when they are about quitting, so really, I understand, the average is only six and a half hours; or suppose it is seven hours. If they work seven hours a day they work much shorter time than the employees in any other employment in the country. Therefore, with the great deficiency coming, $375,000,000, the question is, Does this Government want to spend at least $25,000,000 in the increase of salaries?

Mr. President, there is some sentiment in favor of this increase because industrial institutions have given their employees 10 per cent increase or so. Every one of the institutions that has done that has been making money out of this war—from 100 per cent to 300 per cent. I know some of the cotton mills down in my State have paid a bonus of 10 per cent to their hands. Why, they were making large dividends by reason of the great prosperity and the war, and they ought to have given it to them. It was just. But their wages are very much smaller—50 and 75 per cent less—than those of the Government employees.

Mr. JONES. Mr. President——

Mr. OVERMAN. And then the Government employees get their checks every 15 days and every 30 days. They have no trouble about getting their pay. I yield to the Senator from Washington.

Mr. JONES. Does the Senator say that this prosperity is caused by the war?

Mr. OVERMAN. No; I did not say that. I said it was on account of the war and the prosperity of the country.

Now, Mr. President, the question is before the Senate. I have said about all I want to say. There are thousands of men who would come in and take these places at the same salaries, and be glad to get them. Even in the case of the lower grade places—$40 and $60—I can get people, and have no doubt every Senator on this floor has applications from men to come here and take the salaries that are being paid now, and they would be glad to come and get them. I do not think we are in a position to give these increases now.

Mr. McCUMBER. Mr. President, I should like to ask the Senator another question. Does not the Senator really think that there are a great many underpaid Government employees?

Mr. OVERMAN. I certainly do.

Mr. McCUMBER. Here at one desk stands an employee receiving $1,800. Here at another desk stands an employee receiving $900. They are both doing exactly the same kind of work, but one is receiving only half of the pay received by the other.

Mr. OVERMAN. That is true.

Mr. McCUMBER. Does not the Senator really think that we ought to raise the salary of the one receiving the $900? Should there be that difference in salary between clerks doing exactly the same kind of work? Why could we not increase 10 per cent the salaries of those receiving, we will say, $900 or less, and leave the others as they are?

Mr. OVERMAN. Mr. President, the trouble about this horizontal increase is that there are some people in the employ of this Government who are not doing any work at all who are getting $1,200, $1,500, and $1,600. They are old people. They can not work. It is impossible for them to work.

Why, we had an example given to us by a report from a department. In one department there were 25 people employed, pretending to do work. The head of the office said: "Get them out of here, all but five, and let them read the magazines, and I will take five men and do the same work." He did it, and 5 men did the work better than the 25 were doing it—and more efficient work. Twenty of the men were reading magazines while the five men were doing the work of that office.

As to this horizontal increase, take the man that is getting $900. His increase is $90. Take the man who is getting $1,000. The increase is $50. In the case of the man getting $1,100 the increase is $55. So the man who is getting $900 gets $90 increase and the man who gets $1,100 only gets $55 increase.

Mr. McCUMBER. Mr. President, I am speaking of simply increasing those who receive the lower salaries, and whose salaries are absolutely too low. If there are those who are receiving $1,800 and $2,100 and are not able to do the work, as the Senator has explained, and the head of the office is doing the work of 25 with 5 men or 5 girls who are receiving $900 each, would it not be economy to raise the salaries of those who are receiving the $900, and rather demote those who are receiving $2,100, and who can not do the work?

Mr. OVERMAN. We have seriously considered what we are going to do about it. We ought to have some commission or some board to reclassify all these clerkships and pay more to men of lower grade, when a man getting $900 is doing more work than a man getting $1,800. With these old men, old pensioners, getting $1,600 and $1,800, what are you going to do? Are you going to pension them? Are you going to retire them? They are there in the way and you can not reduce them.

Mr. WEEKS. Mr. President——

Mr. OVERMAN. I yield to the Senator from Massachusetts.

Mr. WEEKS. I wish to suggest to the Senator from North Carolina that, of course, everybody recognizes there is great irregularity in the salaries paid to Government employees and they should be readjusted. A horizontal increase as a permanent proposition would be unwise, in my judgment, but this high cost of living is here now. If people are ever going to suffer on account of it they are suffering this year. Next year they may not need the money; the war will be over, and prices

may resume a normal status. If we are going to increase the pay of Government employees I am in favor of increasing the lower paid, and the money should be immediately available, and not go over until next August or next January when quite likely the conditions may have reached a normal status again. It does seem to me if the lower-paid employees were put in a condition to provide for themselves this year, this month, this week, we would be doing justice to most of the employees, and we should not make a horizontal increase that was going to continue indefinitely.

Mr. OVERMAN. My experience is that when we raise salaries we never can decrease them. If we raise the salaries this year, it will be impossible to reduce them next year.

I agree with what the Senator from North Dakota says, that there ought to be a readjustment; but how are you going to do it? This committee has not time to do it. They do not know how to do it. I should like to have a commission do it, and I have an amendment which I am going to offer on my own responsibility to bring about that result. But here we are face to face with the proposition of increasing these salaries $25,000,000. It is $1,300,000 in this bill, and it was admitted by all persons who appeared before us representing these employees that they are paid 30 and 40 per cent higher than any other employees in the world. Take the Geographic Institute here in Washington. Skilled people do their work. A man told me he saw a Government clerk walking along with an employee of that institute. The Government clerk got $1,200 a year and the employee there got $65 a month. He was doing the same sort of work, and worked 12 months in the year, 8 to 10 hours each day; and here the Government employee gets all the holidays, 30 days' leave, 30 days' sick leave, and he gets 50 per cent higher wages.

Mr. SMITH of Georgia. Mr. President, I think this is a pretty serious matter that confronts us. We might as well realize that all along the line there is an organized demand for an increase of pay based, at least in part, upon the theory that the extent of the number of Government employees, the extent of their organization, will intimidate legislators and force us to give the raise. So far as I am concerned it does not have that effect upon me. I am in favor of doing what is right toward our Government employees, but I am unwilling to see an organized force here in Washington and scattered through the States undertaking to drive Senators and Representatives, and I shall not yield one inch to their driving influence.

Mr. McCUMBER. I wish to ask the Senator if the Senate as a whole followed that line of reasoning just before the last election when we raised the salaries of a certain class of employees who were already receiving high wages that their votes might be obtained in the coming campaign?

Mr. SMITH of Georgia. I do not know to what the Senator refers.

Mr. McCUMBER. Does not the Senator? I refer to the raise of the wages of those engaged in interstate commerce, in the movement of trains, voting to raise the wages of those who received the highest wages in the entire service, without voting to help those who received the very lowest wages.

Mr. SMITH of Georgia. I still do not understand the Senator exactly, but if we did what he intimates I do not think we did right. I do not locate the place to which he refers.

Mr. WADSWORTH. Has the Senator not heard of the Adamson bill?

Mr. SMITH of Georgia. Oh, the Adamson bill you refer to. I did not understand to what the Senator referred. I will not stop to discuss that bill now further than to say this: I am in favor of restricting the hours of the regular schedule on freight trains to eight hours a day. This was the real issue, and this was the object of the Adamson bill. The question of compensation as a final result of that restriction I would be glad to leave to the Interstate Commerce Commission, and enforce their decision.

Mr. McCUMBER. May I ask the Senator if that bill restricted the work to eight hours?

Mr. SMITH of Georgia. I was not entirely satisfied with the bill, but that was the effect of the legislation. If the Senator says it was wrong, I ask him now to join me in doing what is right. Never let us claim that two wrongs make a right, and if we can cite action in the past that we condemn let us be sure now that we are not guilty of action that may be again cited with condemnation.

Mr. McCUMBER. I wish to say to the Senator that I was willing and very glad to have had him with me in voting against that bill when it was right before election, and that I will do the same thing now in voting against any such bill that raises a high salary 10 per cent or anything else; but I am ready to respond to those who are not receiving living wages that they may have it, and to vote for it at a time when it will have no effect upon any coming election.

Mr. WEEKS. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Massachusetts.

Mr. WEEKS. I think the Senator from Georgia should be congratulated on having forgotten the Adamson bill. Everybody has been trying to do that, but most people have not succeeded.

Mr. SMITH of Georgia. I reply to the Senator that I am not trying to forget it. I think it was a proper thing to have done at the time. I do not like exactly the way in which it was drawn. If we had had more time to consider it, I would have been in favor of amending it. I said at that time upon the floor of the Senate that I would consider a nation-wide strike by the employees engaged in interstate commerce as little less than a crime. I state it again now. I am ready to vote for legislation that will make a nation-wide strike by combinations of employees engaged in interstate commerce a crime. I believe we should pass legislation that would make such a national calamity an impossibility. I believe that all the people of this country are entitled to some regard, and that the men employed upon interstate transportation lines should not be permitted in combinations to stop transportation from ocean to ocean and from the Lakes to the Gulf.

Mr. President, I now desire to come to a consideration of the question before the Senate, having expressed myself about as freely and I think about as aggressively in hostility to any movement for a nation-wide strike as any Senator upon the floor of this body will express himself. In doing so I have repeated what I said to the people in my State before the election and what I said to those who are engaged by employment upon these lines.

I desire now to read from a statement of the Secretary of the Treasury issued December 31, 1916:

> Upon the basis of existing revenue the estimated deficit in the Treasury June 30, 1918, is in round numbers $279,000,000. To this must be added $100,000,000 for the necessary working balance in the Treasury. The Treasury therefore must be replenished to the extent of $379,000,000 in the fiscal year 1918.

Mr. President, we should take these figures into our minds. We should appreciate their importance. The responsibility is upon us now to determine with reference to appropriations. Shall we be swept away by the organized effort of employees of the Government and add $50,000,000 to this deficit? I am very much opposed to such a course.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I yield.

Mr. SMOOT. I know the Senator from Georgia wants to be accurate in the statement that he makes, and I suppose he made it upon the statement that was made by the Senator from North Carolina that if this applied to all the employees as estimated for in the Book of Estimates by the Secretary of the Treasury it would amount to $50,000,000. I want to say to the Senator that that estimate is altogether too large. The amount would be $28,532,324.

Mr. SMITH of Georgia. Does that estimate go into the rural post offices? Does it go into the entire service of the United States everywhere?

Mr. SMOOT. It goes to every employee of the Government. I have the detailed figures showing that to be the case.

Mr. OVERMAN. I think the Senator is mistaken.

Mr. SMOOT. I will give the figures to the Senator when I obtain the floor, showing the amount that is paid to employees up to and including $480 per annum not only in the legislative bill, but in every other appropriation bill which will be passed at this session; also the amount beginning with $481 up to and including $1,199, the amount to those who receive $1,200, the amount from $1,201 to $1,800, and all above $1,800.

Mr. OVERMAN. Does that include the officers in the field service?

Mr. SMOOT. It includes every employee of the Government as estimated for in the Book of Estimates by the Secretary of the Treasury.

Mr. OVERMAN. As I said, Mr. President, the Book of Estimates only estimates for the salaries principally in the District of Columbia. Mr. Brown, who is our efficiency agent, told me that those only were included in the Book of Estimates, and he said to me it will not cover the post offices; that the Book of Estimates applies only to clerks.

Mr. SMOOT. It will cover all the employees of the post office, because I have included the Post Office appropriation bill.

Mr. Brown spent a great deal of time with me, and so did other members of the Efficiency Bureau, in gathering the figures. We took every appropriation bill. Wherever a lump sum was provided for the employment of men or women, of course, we had to average the salaries that would be paid under a lump sum. That is the only thing in which there could be any discrepancy in these figures, and whatever discrepancy it would be very small, indeed, because we have taken the average that has been paid to the employees under the direct appropriations.

Mr. OVERMAN. That is what I said. It does not include a single clerk employed under a lump-sum appropriation, according to Mr. Brown. The salaries out in the country of postmasters are paid from a lump sum.

Mr. SMOOT. I said that it did include the lump-sum appropriations, but there may be a little discrepancy in the lump-sum appropriations with the employees paid under this subdivision, because we have to estimate the number that would be paid from the lump sum receiving $480, those receiving $600, those receiving $720, those receiving $840, and those receiving $900, and those receiving $1,000.

Mr. SMITH of Georgia. Mr. President, I understand the Senator from Utah and the Senator from North Carolina, the acting chairman of the committee, differ about the result of the proposed increases of pay to Government employees. They vary between $28,000,000 and $50,000,000. Twenty-eight million dollars is sufficient for my discussion. That is big enough to shock me.

This condition of the Treasury is due largely to the fact that we are undertaking to develop a navy. I fully approve the development of the Navy. I regard it as of the utmost importance at this time, and I am willing to give to it every dollar possible. We may give it in the interests of all the people of the United States that we may be sure they will have a chance to make even the wages they are now making without interruption.

I believe, Mr. President, that we should consider the statement of the Secretary of the Treasury that we are confronted now with a deficit of $379,000,000.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I yield.

Mr. WORKS. Does the Senator from Georgia mean to say that he would withhold just compensation from the employees of the Government who are underpaid in order to build up a navy?

Mr. SMITH of Georgia. No; I do not. I think they are getting just compensation. They are getting more now than anybody outside the Government is getting for the same work. There is not a place held by any of those seeking increased pay where there are not 10 applicants for it if it is vacant. There are crowds of applicants. These lower places could be filled without any difficulty. They are paid more and do less work than outsiders of the same class do.

I had the privilege for three and one-half years of presiding over one of the largest departments in Washington. There is not a place where less work is done for the pay given than in the departments here in Washington. There never was any trouble in filling a $900 a year place. There were many applicants for each vacancy.

I believe in justice, but I believe in justice to the people who are not in office, and who are not organized to resist this increase.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from California?

Mr. SMITH of Georgia. I do.

Mr. WORKS. Does the Senator think it is an act of justice to decline to increase the pay of an employee where it is not what it should be because there are other people clamoring for the job?

Mr. SMITH of Georgia. I compare the pay of Government employees with what the same person could make outside of Government employment to help determine whether the Government pay is right or just. When we pay a Government employee we gather the money from people outside of office to do it. We gather it from the whole people to make the payment. Is it just to gather from all the people to give those who are in office more than is paid for the same work out of office, and that, too, when many, many out of office would be glad to have the place for the same pay, because it is higher pay and less work and a better place than that which is open to the great majority of people on the outside?

The people whom we represent are not organized in the fight; the Government employees are organized and persistent; they are a dynamic force demanding from us that we give them more of money collected from all the people. I would rather speak for the average man on his farm, or the average man or woman at work at home who have no organization. I would rather represent them than yield to this organized force of Government employees.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I yield.

Mr. WORKS. I am not able to appreciate the force of the position taken by the Senator from Georgia, that this matter should be judged by the number of people who are wanting the jobs. There are a great many people in this country who would like to have the Senator's job at less than $7,500 a year.

Mr. SMITH of Georgia. They have an opportunity every six years to get it.

Mr. WORKS. But that does not prove, Mr. President, that the Senator is being paid too much for his services.

Mr. SMITH of Georgia. And it does not necessarily prove that my services are worth what I am getting. It may be that they are not; it may be that I ought not to be here; but two years ago my people passed on that question, and four years later, if my health is as good as it now is, I will give them another chance to pass on it. If they are not pleased with what I have done, they will stop it altogether. That, however, has not anything to do with the question under consideration, I submit most respectfully to the Senator from California.

Mr. WORKS. Mr. President, that is just exactly the position I was taking, that the Senator's argument that somebody else is wanting the job has nothing to do with the just payment of compensation to our employees.

Mr. SMITH of Georgia. If my argument had stopped there, the Senator from California would be right; but it did not. I said they wanted them because we were paying more for the same work than our constituents out of office got for the same kind of work, very much more; and that we are making the places better than the same places are in private life; that we pay the clerks who are now seeking salary increases more than they could make anywhere else.

Mr. WORKS. Mr. President, let us look at that just a little. Suppose it be true that other people are paying starvation wages to their employees; is that any reason why the Government should do the same thing?

Mr. SMITH of Georgia. But are they starvation wages?

Mr. WORKS. That is not the question. The Senator from Georgia is putting it upon the ground that people are clamoring for these places because they can get more than they are getting from corporations or other employers. Now, what has that to do with the question of just compensation?

Mr. SMITH of Georgia. It helps to determine what is just compensation; it helps to determine what the particular work is worth. Necessarily, to a large extent, the pay that a man can get for his services in private life helps determine the value of his services in public office.

Mr. President, I want to read a few figures to the Senate. In 1913 the average farm laborer in the United States received $250 per year; the average farmer made $600 a year; and the average teacher in the United States did not make $600 a year.

Mr. WORKS. Right in that connection, Mr. President, let me ask the Senator from Georgia whether he thinks that sort of pay for a teacher is adequate and just compensation?

Mr. SMITH of Georgia. I would vastly prefer to see it better.

Mr. WORKS. Does not the Senator believe that that sort of compensation is too low?

Mr. SMITH of Georgia. I say that I would vastly prefer to see it better; but surely when we consider what we are to pay for our Government employees we must consider what the conditions in the country make it practicable for our ordinary citizens in private life to earn.

Mr. WORKS. I do not agree with the Senator about that. There is no reason why the Government should pay insufficient wages because somebody else does the same thing; and I have not an answer yet from the Senator as to whether or not he thinks the pay of teachers, such as he has suggested, is fair compensation.

Mr. SMITH of Georgia. I did answer the Senator.

Mr. WORKS. I did not understand the Senator to answer.

Mr. SMITH of Georgia. I said I should vastly prefer to see the teachers better paid.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. SMITH of Georgia. Yes.

Mr. SHEPPARD. From what is the Senator from Georgia reading?

Mr. SMITH of Georgia. I am reading from a statement which was prepared in the Post Office Department from facts gathered through the Department of Commerce.

Mr. SHEPPARD. Has the Senator a statement of the average salaries paid in the trades and industries as a whole?

Mr. SMITH of Georgia. I have not those figures.

Now, again, the average farm laborer in Alabama made $175; the average school-teacher $446; in California the farm laborer made $421, the school-teacher $804; in Colorado the farm laborer made $309, the school-teacher $306; in Connecticut the school-teacher made $449; in Iowa the farm laborer made $368, and the school-teacher made $326; in Massachusetts the farm laborer received $306 and the school-teacher received $455; in Oregon the farm laborer made $372 and the school-teacher $605; and in Pennsylvania the school-teacher received $744.

Those figures were prepared under the supervision of the Postmaster General, and they have been furnished by him to the Post Office Committee of the Senate.

Mr. WADSWORTH and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. SMITH of Georgia. The Senator from New York rose first, I think, and I yield to him.

Mr. WADSWORTH. I was going to ask the Senator from Georgia if the figures he has just read with respect to the payment of teachers and farm laborers take into consideration board, which is customarily given to farm laborers and to teachers in the country districts?

Mr. SMITH of Georgia. I do not think board is usually given to teachers.

Mr. WADSWORTH. In the country districts it is quite usual to do so.

Mr. SMITH of Georgia. I do not think so; that is not my own observation.

Mr. McCUMBER. I think the Senator from Georgia will find that allowance has been made for board in both the statements which he makes; in other words, the reports are made making due and proper allowance for board.

Mr. SMITH of Georgia. I know in my State there could be no such allowance for the salary of the rural teacher. The salary in the case of teachers has no reference to board.

Mr. WADSWORTH. Perhaps I was unfortunate in the expression when I said "usually allowed." It is, however, not an uncommon thing, as I happen to know, to give board to the teachers; and board is certainly usually allowed to farm laborers.

Mr. SMITH of Georgia. In the latter statement I agree with the Senator from New York.

Mr. WADSWORTH. And it is impossible for me to comprehend the correctness of the statement to the effect that the average payment of farm laborers in a State like California is only $420. It is impossible to hire a man on a farm for that sum.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. I yield next to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, I wish to say that the Senator from New York [Mr. WADSWORTH] has largely anticipated my suggestion. I know of no instance in New Jersey where a farm laborer does not have his board and lodging; and in very many instances such laborers have not only their board but they have a comfortable little home in which to live. With the school-teachers also it is a very common thing for teachers outside of the larger cities, in the country school districts where the teachers are maintained by the district, for the parents of the children to lodge and take care of the teachers.

I feel while I am on my feet, Mr. President——

Mr. SMITH of Georgia. I did not yield to the Senator from New Jersey for a speech, but merely for the statement which he has made.

Mr. MARTINE of New Jersey. I have no desire to make a speech.

Mr. SMITH of Georgia. I now yield to the Senator from Pennsylvania.

Mr. MARTINE of New Jersey. The Senator from Georgia is anticipating very much.

The PRESIDING OFFICER. The Senator from Georgia declines further to yield to the Senator from New Jersey.

Mr. OLIVER. The Senator from Georgia just read a statement as to the average pay to teachers in the State of Pennsylvania. May I ask him to repeat that, so I may know what the sum is? I think the Senator said it was $720.

Mr. SMITH of Georgia. The average salary in Pennsylvania was $744 for school-teachers.

Mr. OLIVER. I merely wish to advise the Senator that, in addition to the sum of $744, there is now taking place throughout nearly all of the State of Pennsylvania, and certainly in that part of the State in which I live, a movement for advancing the pay of teachers, based solely upon the fact that it is costing the teachers more to live—the very reason which is back of section 7 of this bill.

Mr. SMOOT. Mr. President, if the Senator will permit me, I think the low figures quoted with relation to the average yearly wage of farm laborers and also of school-teachers come about in this way, that in many sections of the country they are not employed for the entire 12 months of the year, but are employed perhaps for 6 or 7 months of the year, and the figures quoted are based on an average year's salary.

Mr. SMITH of Georgia. On yearly income.

Mr. SMOOT. Yes; on yearly income; and that is why some of the figures are so extremely low.

Mr. SMITH of Georgia. Yes, Mr. President; but with all these explanations, which I am glad to hear, because the figures were shockingly low, still it remains that the figures show us that we are paying the Government employees in Washington more than the same character of work brings elsewhere.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. SMITH of Georgia. Yes.

Mr. CLAPP. I quite agree with the Senator from California [Mr. WORKS] that two wrongs never make a right; but in this comparison between the farm laborer and the farmer and the Government clerk there is nothing yet in the record which discloses the relation to the wages of the farm hand and the profit of the farmer of the living which the farm laborer and the farmer get. The only business interest that I have in the world is as a farmer. In the South there is furnished to the farm laborer a home free of rent. I know the tenant system largely prevails in the South, but certain advantages are given, such as an allowance of ground for the production of garden truck and other allowances, while in the North, as a rule, I think, the farm hand is boarded and the farmer gets his living off of his farm. I want to ask the Senator if that does not illustrate the danger of making comparisons where conditions are entirely different? The clerk in the Government employ has to pay rent; he has to buy everything that he uses; and it hardly seems to me fair to compare his wages—although I again insist I agree that two wrongs do not make a right—with the wages of the man who receives in one way or another a large part of his living outside of the cash compensation for the year's work.

Mr. SMITH of Georgia. I yield readily to the explanation of the Senator from Minnesota. I think most of us realize that as to the average farm laborer that distinction exists. If it did not exist, the figures as to relative pay would simply be shocking, for, as shown by these figures, the pay of the farm hand is not half of the pay of our lowest paid employees, for instance, in the janitor service or the messenger service of the departments. What I wanted to convey to the Senate was the income producing power of the average man and the income producing power of the average woman.

Mr. CLAPP. If the Senator will pardon me, how is that shown with any degree of definiteness when the great items of rent and cost of living are eliminated from the comparison?

Mr. SMITH of Georgia. It may not be shown exactly, but you can add those items to the figures I have given and still you leave me with the conclusion I have reached.

Mr. CLAPP. I can not agree to that.

Mr. BORAH and Mr. WEEKS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. SMITH of Georgia. I yield first to the Senator from Idaho.

Mr. BORAH. If you add to the income of the farm hand, to whom the Senator has referred, a sufficient amount to cover his living——

Mr. CLAPP. And that of his family.

Mr. BORAH. And that of his family, assuming that he is here in Washington, you will add more than he is getting according to the figures quoted by the Senator.

Mr. SMITH of Georgia. I am not assuming that the farm hand is here in Washington.

Mr. BORAH. I am assuming that the man we are dealing with under this bill is here in Washington.

Mr. SMITH of Georgia. Yes; I will come to that.

Mr. BORAH. And if you add what is necessary for him to have in order to take care of himself and his family in the way of actual living, you will add more than the farm hand is getting, because it actually costs more to live here than the farm hand is getting.

Mr. WEEKS. Mr. President——

Mr. SMITH of Georgia. I now yield to the Senator from Massachusetts.

Mr. WEEKS. I was going to suggest, Mr. President, that there is no value in comparing gross income. The only value to be obtained from comparing income is as to net income. The farm hand who lives with the farmer receives a certain amount of pay which is practically net. Everything that he has to buy, or practically everything, is the clothing he wears. The same thing is true, comparing domestic servants with the clerk in the store. The domestic servant receives everything except the clothing which he or she has to buy; and if you compare a wage of five or six dollars a week for a domestic servant with a wage of ten or twelve dollars a week for an employee in a store, for example, you will find that the domestic employee, from a dollars-and-cents standpoint, is infinitely better off.

Mr. SMITH of Georgia. I partly agree with the Senator from Massachusetts and I partly disagree with him. Take, first, the domestic servant. The domestic servant has the expense usually of rent. The majority of domestic servants have the expense of rent, and certainly the expense of their clothing.

Mr. WEEKS. But, Mr. President, that statement is certainly not true as to the North, not even in the slightest degree.

Mr. SMITH of Georgia. It is true right here in Washington. Has the Senator any accurate statistical information on that situation in Washington?

Mr. WEEKS. If the Senator applies it to colored servants in Washington I think probably he would be partially right, but he would not be right if he applied it to the white servants. The houses in Washington are provided differently from what they were 25 years ago. In houses constructed 25 years ago it was presupposed that colored servants would be employed and that they would live in some other place than the premises where they worked, whereas houses are constructed differently now, and the statement, so far as the North is concerned, that domestic servants live elsewhere than on the premises where they work, is not true at all in the slightest degree.

Mr. SMITH of Georgia. I have not the slightest doubt that the majority of those employed in domestic service in Washington live away from the houses in which they are employed, and I say that from my personal observation. There is a class of houses, the best houses, the most expensive houses, which are prepared with rooms for the domestic help, but the large majority of the houses in Washington have no such provision; the large majority of the apartments in Washington have no such provision, and the large majority, I have no question, of the domestics in Washington rent quarters away from the place of their work. Now, we can not settle that, because we have not had any exact investigation; we can only speak from our personal observation, and that is my personal observation, and I feel great confidence in the accuracy of the conclusion I have reached.

Mr. TOWNSEND. Mr. President——

Mr. SMITH of Georgia. I shall be glad to go on with part of the questions that have been asked me. I will yield again to the Senator in a few minutes.

Mr. TOWNSEND. All right.

Mr. SMITH of Georgia. Now, I wish to go on with reference to farm labor.

A great deal of farm labor is paid a fixed monthly wage. It does not include the board of the family of the laborer, if he has a family. It rarely includes the board of the family. It probably furnishes shelter; in some instances, if the man is single, it includes his board; but where the farm laborer has a family it does not usually, I think, include board for all his family.

Now, I concede that in taking these farm-labor figures we might, perhaps, with propriety double them to make the comparison. I recognize their lack of exact value. I recognize the justice of the criticism upon them if the proposition were made that they should be used as actually establishing the exact productive capacity of the farm laborer.

Now, I yield to the Senator from Michigan.

Mr. TOWNSEND. It occurred to me, apropos of the comparison the Senator is making of Government employees with outside labor—that is, with farm labor and general labor throughout the country—that possibly he had in mind some of the lowest-paid labor on the outside. Let me call his attention to the condition in the city of Detroit, a great industrial center, and especially to one concern, whose example is coming to be followed by other concerns—namely, the Ford automobile factory. The minimum wage paid there is $5 a day for about 313 working-days in the year, which makes something over $1,550 received by the employee. Now, the Senator will not say, upon reflection, that these are skilled employees.

Mr. SMITH of Georgia. No; I was just going to ask the Senator if that was true.

Mr. TOWNSEND. These men comprise perhaps 100 different nationalities, speaking half that number of different languages, coming in there some of them from penitentiaries—as Mr. Ford has made a specialty of employing men who do not seem to be able to get employment elsewhere on account of a criminal record—and all obtaining this high wage. It is also a known fact that this higher wage paid by industrial enterprises in Detroit has taken away from the Government a number of its employees, because they can obtain better wages in these factories than the Government is paying.

I speak of this because if the Senator wishes to make this comparison with outside labor it seems to me he should make it with these more progressive concerns who recognize the fact that a laborer is worthy of his hire, and that he is entitled to just compensation for what he does, regardless of what anybody else pays.

Mr. SMITH of Georgia. Mr. President, if I should make a comparison of any class of labor employed by the Government or employed anywhere with the treatment that Mr. Ford has accorded to his labor I would take the comparison entirely out of the class of practically all American labor except that of Mr. Ford. I take off my hat to him for his magnificent treatment of the men who work for him.

Mr. TOWNSEND. The Senator, I think should bear in mind also this fact, which I am sure he will recognize if he gives it proper attention—that this very example set by Mr. Ford, and possibly inspired by a gentleman connected with him who has not been given as much credit as he ought to be given, has had its effect upon other employers throughout the country, notably in that community; and wages which heretofore were very low are averaging up very well to Mr. Ford's standard of $5 a day, because of the recognition of this principle that the man who is paid what his services are worth renders a greater equivalent to his employer. He is a better servant, a more profitable servant than the man who is paid an inadequate salary, something that he has to struggle to live upon, rather than being paid for what he knows his services are worth.

Mr. SMITH of Georgia. Mr. President, I want to give my most hearty approval to the sentiment just expressed by the Senator from Michigan. I have made a number of speeches of that kind myself—not, perhaps, as well expressed—but he can not induce me to dissent from the splendid sentiment he has given us.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. SMOOT. I desire to ask the Senator from Michigan a question. Does Mr. Ford pay his messengers and his clerks and his stenographers $5 a day?

Mr. TOWNSEND. His women and practically every employee of his concern. I have heard that statement disputed; but Mr. Ford himself informed me some time ago that every man or woman that he took into his employment he thought should be worth $5 a day, and that he proposed to pay that. Yesterday a gentleman stated to me that there were some persons in Mr. Ford's employ who did not receive $5 per day. That was the first information I had had to that effect.

Mr. SMOOT. I have heard, Mr. President, that Mr. Ford did not pay his clerks or his messengers or his stenographers $5 a day, but that he did pay every mechanic that was employed in his shop at least $5 a day, and many of them higher wages than that. Now, of course, we are dealing in these appropriation bills with messengers and clerks and stenographers, and that is the class we are trying to benefit—that is, some of us—by an increased wage. Even in this legislative appropriation bill there are chief engineers and there are machinists that are getting $5 a day; but a great many of the clerks are not getting that. It is the lower-paid employees, of course, whose salaries I am interested in seeing increased.

Mr. TOWNSEND. I do not want the Senate to understand that I am here advocating a flat salary for all classes of Government employees. I am simply urging the point, which I think can not be successfully disputed, that there are concerns in this country—not only the Ford concern but others—who are paying better wages than the Government is paying for the same class of employees; and therefore, if we are going to make a comparison, we should pick out the more favorable ones, those that are recognizing the justice of adequate compensation, in order that the comparison may mean something to us.

Mr. SMITH of Georgia. If Mr. Ford is paying $5 a day to his charwomen and to his messengers, he is simply distributing from his generosity some of the wonderful profits that his genius has brought to him; that is all. It is not a business proposition.

Mr. TOWNSEND. Oh, but it is.

Mr. SMITH of Georgia. If he is giving his charwomen, his ordinary cleaners, $5 a day and the machinists $5 a day—if he has put the simplest and cheapest of manual labor upon exactly the same plane that he has put the skilled intellect and the skilled hand, he has a right to do it.

Mr. TOWNSEND. He has not done that.

Mr. SMITH of Georgia. The laborer who came in at the last hour was paid with the laborer who had worked for the whole day. That is all right if the money given belongs to the giver, but not if it belonged to one other than the giver.

Mr. TOWNSEND. I hope the Senator did not understand me to say that that is Mr. Ford's policy. Mr. Ford fixes the minimum wage at $5, and pays higher wages to the more skillful employees. He fixes $5 as the minimum; and the Senator suggests that it is possibly not good business.

Mr. SMITH of Georgia. How is that?

Mr. TOWNSEND. I understood the Senator to suggest that it was not good business to pay these inferior workers $5 a day.

Mr. SMITH of Georgia. No; I did not say that. I said it was not based upon a business proposition but a matter of generosity.

Mr. TOWNSEND. But I beg leave to dispute that proposition. Mr. Ford maintains, as do the men who are associated with him, that it was the best business stroke that that concern ever made; that they started out with an idea, perhaps, of helping the worker, although Mr. Cousins—and I mention his name as one of the great geniuses who made the present Ford Co. possible—suggested that by paying these men this larger wage they would earn more money for the company; and they have, until the money has been rolling into that concern in fabulous sums.

Mr. SMITH of Georgia. The money began rolling in before these increases were made, however; and I think it was a splendid use of it.

Mr. OVERMAN. Mr. President, will the Senator yield to me to read one extract from the hearing, as to the examination made into the great insurance companies of the country, which probably is a better comparison than the automobile factory?

Mr. SMITH of Georgia. Yes; I shall be glad to yield to the Senator.

Mr. OVERMAN. This is the statement of Mr. Denning, in the House hearings:

> At the direction of the Postmaster General, Mr. Brown, Mr. McReynolds, and I spent a week in New York City and a week in Philadelphia going through commercial institutions employing large numbers of clerks on work comparable with our own. We have made studies at various times elsewhere, but we took two points in the East which we thought would give a reasonable basis for our standards. However, we contemplate going to Chicago and to Detroit as soon as time will permit in order to study clerical methods in some institutions in those cities, so that we may get an idea as to the prevailing salary scales in that section of the West.
>
> Mr. BYRNS. Was the investigation thorough enough to convince you gentlemen that it is a fact that employees in the Post Office Department under this reorganization are receiving from 15 to 30 per cent more than is paid for similar services in private establishments?
>
> Mr. DENNING. Yes, sir; it was amply convincing of that fact; in fact, in some cases they are receiving 50 per cent more, but in cases where this standard prevails we are confronted with the question as to what is a living wage in Washington. We have work for which we are paying $900 that the Metropolitan Life Insurance Co., or the Curtis Publishing Co., or the Pennsylvania Railroad Co. are having performed for $600.
>
> Mr. BYRNS. What did you note with reference to the difference in hours employed?
>
> Mr. DENNING. The hours were practically the same as our own—from 9 to 4.30, with 30 minutes for the luncheon period.
>
> Mr. BYRNS. Do you mean by that that these employees in these private establishments were employed only seven hours, and that you based your recommendations as to the amount of salary to be paid upon the difference in the hours in the Government departments here and the hours during which the employees in these establishments were engaged?
>
> Mr. DENNING. In the institutions which we visited the office hours are from 9 to 4.30, just as the hours in the Government departments, but their annual leave, sick leave, and holidays are not so liberal as the leave and holidays under the Government service.

Mr. SMITH of Georgia. This report should convince Senators that I am right in claiming that Government employees are well paid for the work they do.

The comparison is a fairer comparison than the comparison would be if we took up the case of Mr. Ford. I do not know how far he has gone in his business view of the subject, or in his generosity. Whether it is solely from a business reason, or whether it is a matter of generosity, I am gratified at his action.

Now, Mr. President, I want to come back to our Government employees here in Washington. I think I know pretty well what Government employees do in the departments. They are the easiest jobs, as a rule, filled by those who work. They are seven-hour-a-day jobs, and a good many of them start half an hour before quitting time getting ready to quit. [Laughter.] The time is seven hours and a half, with half an hour for lunch, which makes the workday seven hours. Saturday is a half holiday, and they have 30 days' regular leave, 30 days' sick leave, and innumerable holidays. That is all right.

Mr. WATSON. Mr. President, I should like to ask the Senator from Georgia a question.

Mr. SMITH of Georgia. I yield.

Mr. WATSON. I think the Senator has stated that when he was in the Cabinet he found that the employees in his department rendered but scant service.

Mr. SMITH of Georgia. No; I did not make that statement.

Mr. WATSON. I think the Senator said that they rendered slight service, or language to that effect.

Mr. SMITH of Georgia. No; I said less work for the pay than any other class of people.

Mr. WATSON. Perhaps the Senator stated it in that way. Was the Senator in any wise responsible for that situation, or was he powerless to help it?

Mr. SMITH of Georgia. As far as the Senator was capable at that time he speeded up the work. I found the law division three years behind on appeals, and I had the pleasure at the end of three years and a half of having it practically on current work. I started by setting them the example of being in the office at 8 in the morning and leaving at dark, and kept my own immediate force at work the same hours.

Mr. LIPPITT. Mr. President, may I ask the Senator how many hours he was working in the summer time on that basis, and how many in the winter?

Mr. SMITH of Georgia. About the same each day, and a few hours at night.

Mr. LIPPITT. Dark seems to be a rather variable quitting time.

Mr. SMITH of Georgia. I took office in the spring and to that time of the year I referred. I would not say that in the summer the same practice prevailed; but every fair man must admit that the usual work in these departments is an easy job, and well paid.

Let us come down to the smallest paid places, the messengers. I do not think any of them ought to be under the civil service. I do not think any man with a family has any business coming here and taking a messenger's place. I do not think that is a job to take care of a family on here in Washington. I do not think it ought to be. I think the bright young boys at home who wish to take a night-school course here should come and take these messengers' places. They would be delighted to have them, and prepare themselves for their life work at night. The salary would pay their expenses, and they could do all the work required of them daily and have time to attend schools at night. I think all the men with families ought to quit these places and go home. It is no place for a man of family. It is not a position that we ought to undertake to support a man with a family on. It is a boy's place. It is the place for a young fellow between 18 and 22. They would make better messengers, do the work a great deal better, and be glad to get them at present pay. The Government is not called upon to support a man and his family in a place that is not suited for a man's work——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. Yes.

Mr. NORRIS. I wish the Senator—and I am asking for information, as he has had some experience in that line—would give us an idea about the work performed by messengers, and whether all messengers perform the same kind of work.

Mr. SMITH of Georgia. Not entirely. Some of the messengers do a heavier class of work than others, but the most of it is work that would be admirably suited to a bright young boy going to school at night. I have the gratification of knowing that there are several good lawyers, a number of excellent doctors, and a number of high-class engineers who utilized the

opportunity during my service here to attend night school, doing efficient work during the day as messengers and attending school at night.

Mr. NORRIS. I wish the Senator would be more explicit in regard to the kind of labor they perform. What is the duty of a messenger, ordinarily?

Mr. SMITH of Georgia. The duties of a majority of the messengers are to attend the door with which they are charged, to meet callers and show them in, to carry papers from one part of the department to the other, and to do the light work incident to the duties of a porter in the office of a man of business, relieved of the care of cleaning.

The POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. POMERENE. In making that explanation, is the Senator referring to the practice in the departments or in the offices of Senators?

Mr. SMITH of Georgia. I am referring to the department. The messengers on the rolls of Senators as a rule are stenographers and do the work of a clerk.

Mr. POMERENE. That is very true, and they are miscalled messengers.

Mr. SMITH of Georgia. They are entirely miscalled. They are not messengers. I was referring to messengers in the departments.

Mr. NORRIS. To what extent does that misnomer prevail in the departments?

Mr. SMITH of Georgia. I can not say, but I do not think it prevails at all. I can say that it did not 20 years ago.

Mr. LIPPITT. Will the Senator state what remuneration those messengers get?

Mr. SMITH of Georgia. From $60 to $70 a month. Some of them, the junior messengers, get $40 a month, the smaller boys. In the Agricultural Department now they have boys from 14 to 16 years old who get $40 a month. Those at $480 are boys who attend night school as a rule, who are helping their families and support themselves while they are working at an education. The work is light enough to enable them to attend school at night. There is quite a number of them I know in the Agricultural Department.

Mr. McCUMBER. I should like to ask the Senator a question for information. I have always understood that in the Bureau of Engraving and Printing and also in the Government Printing Office the pay has been exceedingly low, and that the employees do not receive what they ought to receive. My information is very limited, and I should like to have the Senator's view as a member of the committee.

Mr. SMITH of Georgia. No; I am not a member of the committee.

Mr. McCUMBER. I assumed the Senator was from his knowledge.

Mr. SMITH of Georgia. I am a member of the Finance Committee. What has been disturbing my mind has been to meet by increased revenue this prospective deficiency.

Mr. McCUMBER. A great many Senators agree entirely with the Senator that the average wage paid the clerks in the departments is very much above the average wage paid for like services anywhere else in the United States, but there are a number who have been very much underpaid for years, if I am correctly informed. I wish to vote to raise their pay without raising the pay of those who are already receiving excessive wages compared with what the others receive.

Mr. SMITH of Georgia. I wish to say this to the Senator. I believe if you will study the departments you will find clerks getting $1,800 at places where clerks at a much less salary do the same work. I believe that a careful study of the work in the departments and the readjustment of salaries as a result of scientific investigation would be wise and most proper.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. WALSH. I ask unanimous consent that the unfinished business be temporarily laid aside for the further consideration of the pending appropriation bill.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of considering the appropriation bill. Without objection, it is so ordered.

Mr. SMITH of Georgia. Clerks in the lower grades do high-class work occasionally. It is not a rule, but you will find them scattered through the departments; and you will find that if the lower class clerk is especially bright and capable and ambitious for promotion the officers in charge, finding an increased pressure upon a line of work that is normally assigned to a $1,800 clerk, details a $900 or a $1,000 clerk to help there instead of leaving him to do the ordinary work of a clerk of lower salary. The clerk does it, and grows in knowledge, it being perhaps no more laborious work but more intellectual work, and the clerk looks forward to promotion.

Mr. McCUMBER. He may get it and he may not get it.

Mr. SMITH of Georgia. If they get justice, they will get it.

Mr. LIPPITT. If the Senator will yield to me for a second, I did not have the pleasure of hearing the beginning of the Senator's remarks, so I am not thoroughly versed as to the ground he has covered. I should like to say to him that what seems to me to be the fundamental and underlying principle involved in this whole question is the fact that there has occurred in the United States within the last two years an entire revolution in the wages of labor. In practically all the great industries of the United States, with the exception of the railroad industry, there has been a very radical increase in the price paid for labor. It amounts as a minimum to 20 per cent, and in many cases it is very much larger than that.

These employees of the Government have been working for years upon a certain relation of wages to the wages paid in other industries, and when the wages in those other industries are increased in this radical way it seems to me like a very moderate thing, indeed, to add to the wages of these laborers 10 per cent, where people in other similar employments all through the United States have had their wages increased 25 per cent. The Government, as an employer of labor, must recognize in fairness the conditions of the labor market, and ought not to put itself in a position where it is necessary for employees to make an enforced demand by combination and union and methods of that kind.

I wish to say from my knowledge of what has gone on in the labor markets of this country, and in the price of living, that I think the project put in the bill by the House is a very fair one, and I propose to vote for it when I have the opportunity.

Mr. SMITH of Georgia. Mr. President, I desire to reply first to the Senator from Rhode Island, and give him in a few words the line of argument I am making. The report of the Secretary of the Treasury shows us that for the year closing June 30, 1918, with our existing appropriations and existing revenue, we will have a deficiency of $379,000,000.

Mr. LIPPITT rose.

Mr. SMITH of Georgia. Let me finish my statement.

Now, then, my second proposition is that this clerical increase amounts to from $28,000,000 to $50,000,000. I think until we know where the revenue is coming from we ought not to add from $28,000,000 to $50,000,000 to our appropriation budget.

But I go further, and I say that the Government employees have been better paid and do less work for what they have been paid than any other class that can be found; that the hours of labor are less; that the extent of the work required is less; that their days of holiday are more; that their annual leave and sick leave are more; and now I will say what I intended to say, that they differ from the ordinary employee in industrial pursuits in the permanency of their positions and their pay.

In 1914 we had a scarcity of work. We had many out of employment. We had a decrease of wages in many places. Our Government employees continued. The adverse situation did not adversely affect them. Their jobs were permanent; their pay did not vary. All these facts should be considered when we are called on at this time to increase pay.

Now, I yield to the Senator for a question, but not for anything beyond that, I hope.

Mr. LIPPITT. If the Senator simply wants to yield for a question, I do not know that I should say anything. The Senator made the statement in regard to the finances of the Government being a reason for not advancing the wages of the employees. I can not recognize that as a reason. If the Government has been extravagant and has spent its revenues to the full extent without taking into consideration the just demands that were likely to be made upon it by labor, by its employees, it is exactly in the position of a private enterprise which has taken an undue part of its earnings and paid them out in dividends, without realizing that in due time they would have to meet a demand for advanced wages. There have been no doubt a great many such private establishments in this country during the last two years that find——

Mr. SMITH of Georgia. I gather the Senator's view upon that subject. If there were nothing in it but the condition of the Treasury, if that were all, it would not be sufficient by itself,

Mr. LIPPITT. Then, as I understand it, the Senator eliminates that?

Mr. SMITH of Georgia. No; I do not. It would be stupid to say that the financial condition of an enterprise should have nothing to do with the compensation that it paid to employees. There are a number of elements to be considered. If you had surplus money that you did not know what to do with, it is a splendid thing to give it with liberality to employees.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. For a question.

Mr. NORRIS. I wish to make just a brief statement.

Mr. SMITH of Georgia. I will yield for that, but I have done more yielding than I have talking.

Mr. NORRIS. The Senator has been very courteous and I appreciate it. I have listened to the Senator's recapitulation of his reasons, and I think there is argument in all of them. I concede that for the purpose of this question. I think all those things he has mentioned we ought to consider alike, although not any one of them perhaps ought to be considered apart, but they ought all to have just consideration.

I wish to ask the Senator if he does not believe in addition to those things we ought to take another item into consideration that to me seems to be of great importance, and that is the wonderful increase in the cost of living that all these employees must submit to and that they can not escape from?

Mr. SMITH of Georgia. These are employees who when the cost of living becomes very cheap, when times are hard, get their pay just the same. In 1914 they all kept their jobs and got their pay. I think perhaps a little more economy would be required now than last year, but are we to put up and put down the pay of these people just as the price of wheat goes up and down? I think not.

Mr. NORRIS. Not entirely, but the cost of living proposition is something that affects everybody. We are all confronted with it. We can not escape from it. It has been so enormous that to a person getting a small salary it is a very great consideration.

Mr. SMITH of Georgia. There is a good deal in it and a good deal not in it. I believe with care in purchasing much of the claimed increased cost of living can be avoided.

Mr. McCUMBER. Will the Senator allow me to repeat the question I asked him some time ago, and which he has forgotten on account of the multiplicity of interruptions?

Mr. SMITH of Georgia. Certainly.

Mr. McCUMBER. It is whether or not the prices paid to employees in the two bureaus I mentioned are grossly insufficient?

Mr. SMITH of Georgia. I am not familiar with these bureaus. My knowledge of the departments proper is more thorough, due to my connection with one, and my continued observation since of the lines of work with which I was then connected. I know very little about the Government Printing Office.

Mr. OVERMAN rose.

Mr. McCUMBER. I assume the chairman of the subcommittee can give the information.

Mr. OVERMAN. For the Bureau of Engraving and Printing we appropriate, I think, $1,250,000. It is a lump sum, and the salaries are paid in the discretion of the Secretary of the Treasury. I understand they are paid very high salaries; that the engravers get a large salary. As to the Printing Office, I think they get about what is paid elsewhere.

Mr. McCUMBER. As to the great number of girls who handle those machines my understanding is that they do not get $1 a day; that they do not get $60 a month; and some of them get only $5 a week.

Mr. OVERMAN. There are four different classes, as the Senator knows, at $480, $720, $840, and $1,000. The lowest is $480.

Mr. McCUMBER. Does not the Senator think that we could raise those who are receiving only $480 without doing an injustice to the Treasury or an injustice to the country?

Mr. OVERMAN. That work is done by women generally. It is pretty hard on them, I know; but I do not think this is the time to increase salaries at all. That is the very question that is up. They do not have to work very hard. Those who get that sum are messengers, and they have short hours.

Mr. SMITH of Georgia. Mr. President, just a word or two more in detail about the employees in the departments generally. The $480 places are not meant for men to support families on. They are boys' places. The $600 messenger places are not meant for men to support families on. They are, as a rule, boys' places, and they are all the better filled if filled by boys. There are some laborers' places, perhaps, at $600 a year, and those are just employees who use manual labor; $50 a month is very fair pay for a man without skill who furnishes nothing but physical force. You are obliged to grade compensation somewhat according to the character of work. Fifty dollars a month—$40 a month—for an ordinary day laborer who does nothing but clean the floor, relatively speaking, is pretty fair compensation. There are not a great many of them. We pay our Senate office force of laborers $40 a month. I think that is the price we pay the force who come in at night and clean up the Senate Chamber. We pay them from $35 to $45 a month. We pay a part of our waiters downstairs who work not all day, but half a day, $30 a month.

Mr. WORKS. Does the Senator know how many hours such employees put in?

Mr. SMITH of Georgia. In the Senate Office Building?

Mr. WORKS. Yes.

Mr. SMITH of Georgia. I think they go on duty at about 11 o'clock at night and work for four or five hours. The work is done in the latter part of the night, so as to avoid interfering with the work of Senators. The $900 clerk in the department is a very well-paid clerk for the work.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I do.

Mr. WORKS. The thing that appeals to me very strongly respecting the employees who receive these small wages is that we are contributing to a standard of living in this country that ought not to be permitted. A man ought at least to have sufficient wages to allow him to live comfortably and decently in a country like ours. I think a great many of the salaries paid are entirely inadequate for that purpose.

Mr. SMITH of Georgia. Now, let me say this to the Senator about these smaller places in the departments: They are places in which the young man starts or else he is old and incompetent and takes it as a pension. That is about the situation of those places. These $900 places are filled by two classes, part of them by the old and incompetent who have been put there practically as pensioners.

Mr. WORKS. I want to say about that, I have come to the conclusion that that is a very bad way to pay employees.

Mr. SMITH of Georgia. I do not dissent from the view of the Senator, but I am stating the fact. The inefficient or aged who have been higher up and who have ceased to be able to do the harder work the department finds itself frequently forced to bring down to a very light job.

Mr. WORKS. The trouble about that system is that we not only pension a part of the employees at a higher rate of pension but at the same time they are absolutely in the way and hinder work that ought to be done by competent people.

Mr. SMITH of Georgia. I can not dissent from the Senator about that. If the Senator was at the head of a department and found there a man who had rendered long service competently, who had reached a place where he could not do it and was obliged to have the work done, and had no remedy but to give him some easy place or discharge him, he would not discharge him if he could help it.

Mr. WORKS. No; I imagine I would do just about what is being done now; but that does not help the situation. Congress ought to deal with the question directly.

Mr. SMITH of Georgia. It is a defect of our system. I will say to the Senator we really ought to have a scientific study of the whole subject and we ought to legislate, changing the plan.

Mr. WORKS. With a great deal of hesitation I have come to the conclusion that we will be driven before very long to establish a pension system that will take care of these old employees, furnishing them some reasonable means of living, and at the same time getting them out of places where they are utterly incompetent to carry on the business of the Government in some systematic and efficient way. I will say, I have come to that conclusion with a good deal of hesitation because I am not very fond of entering generally into the matter of pensions. I think the larger the dependent class is made the more unfortunate it is for the people of this country. But something must be done to clear out these departments and make them more efficient in carrying on the affairs of the Government. That is one of the ways that I think we will be compelled to resort to sooner or later.

Mr. SMITH of Georgia. What I was seeking to explain was that the lower salaries of $900 are received, as a rule, by bright young men and women, who are advanced with experience, and they go on up toward the higher places.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. I do.

Mr. STERLING. Is the Senator able to state how long a clerk or employee who starts at $900, unless he has a promotion, will remain in that place in the ordinary course of business? How long before he will be promoted to a place paying a higher salary?

Mr. SMITH of Georgia. As a rule—an efficient young man—in two or three years.

Mr. STERLING. It will be many years, will it not, in the ordinary course of business, before he reaches a salary of $1,200?

Mr. SMITH of Georgia. No; I do not think so. I do not think there are many efficient young men who have been in the service for many years who do not get $1,200 or more.

Mr. STERLING. My impression has been that a young man starting at $900 will be compelled to serve five or six years before he is promoted to the $1,200 class.

Mr. SMITH of Georgia. According to our own system here of compensation for our stenographers, $1,200 and $1,400 is the basis for a stenographer who helps a Senator.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. I do.

Mr. NORRIS. I want to ask the Senator whether there is any authority of law, when clerks become aged and unable to perform the duties of the various positions which they hold, for demoting them and putting them down again to a lower grade?

Mr. SMITH of Georgia. The authority of law is vested in the Secretary to adjust his forces and to assign them to such places as he deems proper. He has the right to promote or demote a clerk.

Mr. NORRIS. Then those clerks who become worn out with the work of their various departments on account of age, who are kept on the rolls and bring about so much difficulty because they are kept, could be reduced in salary down to the lowest grade.

Mr. SMITH of Georgia. They could; $900 is the lowest grade they could be reduced to.

Mr. NORRIS. So, as a matter of fact, the Secretary of one of the departments under existing law would really have the power in effect to pension the employees to that extent.

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Mr. SMITH of Georgia. Mr. President, undoubtedly for the good of the service, if the departments could recommend the promotion and increase of salary of those who were really doing that which merited promotion and increase of salary, by their zeal and efficiency, it would contribute much more to the proficiency of the departments than to give this horizontal increase. I want to say just one word more.

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Mr. BRYAN. Of course, Mr. President, that has been done in this bill by the House committee.

Mr. WATSON. Have such promotions been made because of efficiency?

Mr. BRYAN. Undoubtedly, and that is done on this very bill.

Mr. SMITH of Georgia. Not only promotions have been recommended on account of efficiency, but there has been the creation of an additional number of clerks in certain classes, at the instance of the heads of departments, so that opportunity of increase may be given to clerks of special merit. I know in the Agricultural appropriation bill the department has requested increases of clerks in higher paid classes and decreases in lower paid classes, to make provision for increased pay to clerks on account of proficiency. The Secretary of the department will say: "I have made that recommendation of the increase of a higher grade clerk and the decrease in the lower grade because there is a clerk in this lower grade who has done such meritorious work that I want to give him an increase to the $1,200 grade, and there is not a vacancy in the $1,200 class. Therefore, I ask you to reduce the $1,000 class by one clerk and to increase the $1,200 class by one clerk." That is the way the promotion is made, and such recommendations come from the department.

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The task of objecting to these increases is not pleasant; but, convinced that the responsibility rests upon us to hold down appropriations, I earnestly support the action of the committee.

Mr. OLIVER. Mr. President, I think the committee, in striking out section 7, and Senators who favor striking it out, have not been paying strict attention to its real intent. There has been a great deal said in the course of this debate to the effect that the Government is paying more for the class of help affected by this section—that is, the low-paid, low-priced help—than is paid in private establishments. There is no doubt in my mind that the Government pays for a great deal more help of this class than it ought, and that it grants indulgences in the shape of leaves of absence and sick leaves to a greater extent than is wise. Those indulgences, however, and the salaries allowed are our fault and not the fault of the clerks. They have been allowed by Congress in years past. To my mind, not only the question of sick leaves and of vacations ought to be revised by Congress, but the salaries and the number of clerks ought also to be revised.

There is now at work an Efficiency Board, which proposes to do away with a great deal of unnecessary help and to prevent duplications. If that board is allowed full swing, and if its recommendations are carried out by future Congresses, or, as I hope, by the next Congress, an enormous saving will be effected to the Government. But, in the meantime, these men and these women are working for salaries prescribed by Congress, none of which will afford more than a reasonable living, and they have naturally regulated their scale of living to the salaries they

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. I do.

Mr. STERLING. Is the Senator able to state how long a clerk or employee who starts at $900, unless he has a promotion, will remain in that place in the ordinary course of business? How long before he will be promoted to a place paying a higher salary?

Mr. SMITH of Georgia. As a rule—an efficient young man—in two or three years.

Mr. STERLING. It will be many years, will it not, in the ordinary course of business, before he reaches a salary of $1,200?

Mr. SMITH of Georgia. No; I do not think so. I do not think there are many efficient young men who have been in the service for many years who do not get $1,200 or more.

Mr. STERLING. My impression has been that a young man starting at $900 will be compelled to serve five or six years before he is promoted to the $1,200 class.

Mr. SMITH of Georgia. According to our own system here of compensation for our stenographers, $1,200 and $1,400 is the basis for a stenographer who helps a Senator.

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Mr. NORRIS. I want to ask the Senator whether there is any authority of law, when clerks become aged and unable to perform the duties of the various positions which they hold, for demoting them and putting them down again to a lower grade?

Mr. SMITH of Georgia. The authority of law is vested in the Secretary to adjust his forces and to assign them to such places as he deems proper. He has the right to promote or demote a clerk.

Mr. NORRIS. Then those clerks who become worn out with the work of their various departments on account of age, who are kept on the rolls and bring about so much difficulty because they are kept, could be reduced in salary down to the lowest grade.

Mr. SMITH of Georgia. They could; $900 is the lowest grade they could be reduced to.

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Mr. OLIVER. Mr. President, I think the committee, in striking out section 7, and Senators who favor striking it out, have not been paying strict attention to its real intent. There has been a great deal said in the course of this debate to the effect that the Government is paying more for the class of help affected by this section—that is, the low-paid, low-priced help—than is paid in private establishments. There is no doubt in my mind that the Government pays for a great deal more help of this class than it ought, and that it grants indulgences in the shape of leaves of absence and sick leaves to a greater extent than is wise. Those indulgences, however, and the salaries allowed are our fault and not the fault of the clerks. They have been allowed by Congress in years past. To my mind, not only the question of sick leaves and of vacations ought to be revised by Congress, but the salaries and the number of clerks ought also to be revised.

There is now at work an Efficiency Board, which proposes to do away with a great deal of unnecessary help and to prevent duplications. If that board is allowed full swing, and if its recommendations are carried out by future Congresses, or, as I hope, by the next Congress, an enormous saving will be effected to the Government. But, in the meantime, these men and these women are working for salaries prescribed by Congress, none of which will afford more than a reasonable living, and they have naturally regulated their scale of living to the salaries they

have received. I leave it to any man who has had to spend money for living expenses during the past year to say whether for a thousand dollars he can buy as much of any of the necessaries of life as he could for $800 even one year ago. As a consequence of that condition, the class of men and women affected by this section are confronted with the necessity of doing without a great many things to which they have been accustomed or of running in debt. They have to buy less clothing for their children and less food for themselves, or, if a man has been provident enough to buy himself a little home, depending upon saving enough out of his salary to pay for it by installments, the mortgagee comes in and takes that home.

It is the intent of this section to give to each one of this class of employees during this year only not enough to compensate for the increased cost of his daily living but something to help along and enable him to bridge over this trying season which is on us.

If this bill provided for a permanent increase of salary, I would vote against it, because I believe that in that event it would prevent the rearrangement of matters which the Efficiency Board will, I hope, bring about; but it only provides for the increase during this year, and I think, as a matter of justice and common humanity, we ought to be generous enough to grant this increase to these poor people.

To be sure, there is a large deficit in the Treasury, and economy is the watchword of the day. As a member of the Committee on Appropriations and of the subcommittee which had this bill under consideration, I voted against a great many items which I should have liked to allow, because I wanted to help along, so far as I possibly could, in the direction of economy; but I tell you the Government of the United States ought at least to be just, and it is a poor kind of justice, Mr. President, that provides a salary of $10,000 a year to the members of the Federal Farm Loan Board and refuses an increase of 10 per cent to a poor laborer who is working for $450 a year, and such act will not give the public a good opinion of the sincerity of the Senate in its effort at economy.

So far as I am personally concerned I expect to vote to retain section 7 in the bill, but if that effort is not successful I will vote for any amendment that may be proposed that will tend to give assistance to the lower class of employees in the Government departments, even if it does to a small extent swell the enormous deficit with which we are confronted because of the extravagance of this Congress and of the Congress preceding.

Mr. BORAH. Mr. President, as I may be called away from the Chamber later, I desire now to say a word in regard to this matter. I agree with those who urge the necessity of economy in public expenditures; indeed, I think the subject of economy in public expenditures is a vital subject and one which ought to have much more attention and consideration than we have been disposed to give it for the last several years. It is one of the most trying subjects with which we have to deal, because we can only with difficulty find a place to begin, and begin effectively. But, Mr. President, extravagance in public expenditures is one thing and the principles of justice and humanity are another thing. I sympathize, in other words, entirely with those who would like to see greater economy in our public expenditures, but I am not willing to deny those who are working for the Government that which I think is absolutely essential for their proper living.

There are people working for the Government, Mr. President, who live really upon the ragged edge of hunger from month to month and year to year. People working for the Government for $450 or $500 a year must necessarily be living constantly in the fear of want. It is a situation and a condition which I am not willing in the name of economy to perpetuate. We must be just and humane before we are economical.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. Yes.

Mr. BRYAN. Where will they be found in this bill?

Mr. BORAH. I did not understand the Senator.

Mr. BRYAN. There are no employees paid so small an amount as that named by the Senator under this bill, except charwomen employed for an hour or so a day. The lowest salary in the bill is $660 a year. I do not know where the Senator got the idea that salaries as low as $450 and $500 are provided for.

Mr. BORAH. Well, I would just as soon take $600 as a basis——

Mr. BRYAN. I suggest that the Senator take $660, as that is the lowest.

Mr. BORAH. Because no one with a family can live in Washington upon $600 a year without living in the constant dread of want, and without, indeed, experiencing want many many times.

Mr. BRYAN. The lowest salary, as I have said, is $660. That is the lowest and it is paid to laborers.

Mr. BORAH. Now, I am not in favor——

Mr. BRYAN. Could a laborer who now gets $660 a year better himself elsewhere?

Mr. BORAH. Mr. President, I do not know whether or not he could better himself elsewhere, but I do know, regardless of the question of whether or not he can better himself elsewhere, that the question of his mode of living and his way of living is something that we ought to consider at this time.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I will yield in just a moment. Mr. President, I say frankly that I do not see how a person working for $600 or $700 a year here in Washington, if he has anyone dependent upon him at all, can live without being constantly in the fear of hunger. He must necessarily contemplate that, if he has sickness or any misfortune of any kind he is going to be overtaken by actual want. Now, what I say is this: We ought to take care of that condition of affairs. The Government of the United States ought not to set the example of paying such a salary as will bring the people who are trying to earn it into a condition of mind where they feel that they are not being treated as citizens ought to be treated by their Government. I would pay no more than a moderate salary to any one and I would pay a just and humane salary to everyone.

We voted the other day, for instance, for a salary of $10,000 a year for officials who will work no more earnestly than those who earn $600 a year. Of course, the higher paid officials have expert knowledge, and we should pay accordingly, but we should not pay these exorbitant salaries at one end and reduce the others to an actual state of dependency or want or poverty at the other. I now yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I have heard it referred to here to-day several times that the employees who are getting these low salaries might better their condition if they went somewhere else. Assuming that the work is essential to the maintenance of government—and if it is not, then Congress ought to provide for its abandonment—if the man who is to-day doing the work for that salary should go elsewhere, we would have to look somewhere else for some one to take his place and then impose upon the newcomer the same condition. So I can not see the force of an argument that would still leave us obliged to have somebody do this work at the meager salary we are now paying.

Mr. BRYAN. Mr. President, I should like to ask the Senator from Idaho a question, because he is better informed on this point than I am. The Senator has referred to the cost of living in Washington. Is it more expensive for a laborer to live here than in other cities, a city like New York of Philadelphia, for instance?

Mr. BORAH. Well, I am not certain I know. I do not want to say just what I think about the conditions which superimpose prices in Washington.

Mr. BRYAN. I want to say to the Senator that it occurs to me that there might be some justification for increasing those receiving the lowest wages from $660 to $720, which is the next grade, and those receiving $720 to the next grade, which is $840; but I am at a loss to understand why, with all the prosperity which is in the country, a laboring man should remain in a Government position if he can get a higher rate of pay in private employment.

Mr. CLAPP. Mr. President, if the Senator from Idaho will pardon me, I have studied the very subject to which the Senator from Florida refers from the standpoint of the producer, and I say without any hesitation that, in the main, it does cost more to live in Washington on the same scale of living than it does in other cities with which I have made comparisons. Prices are higher here, and I think that is the verdict of everyone who has studied the subject.

Mr. BRYAN. Are rents higher—living expenses?

Mr. CLAPP. Living expenses. I am speaking now more particularly of the table expense, the question of food.

Mr. BRYAN. And of what class of people—that is, with reference to their income?

Mr. CLAPP. I am not speaking with reference to income. I am speaking with reference to the market price of the stuff that goes on the man's table. I have studied the question to a considerable extent; and I know it as the result of my investigation, and I think it is generally agreed, that the prices of food products are higher in Washington than generally in cities of the same size.

Mr. BORAH. If the Senator will take his lead pencil for a moment and undertake to spread $600 or $700 over a year's living, after he has paid for the food, the clothing, the rent, and so forth, he will be the most puzzled man in the world to know how to take care of the last three or four months of that year; and the wonder to me is how it is possible for these people to do it. It is a constant wonder to me how these people can live upon such a small salary here in this city. I do not know how they do it. I pity the unfortunate individual who must struggle through from month to month under such conditions. It must eat away soul as well as body.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES. I understood the Senator from Florida to say that $660 was the lowest salary provided in this bill except for charwomen, and so forth. On page 22, under the Library of Congress, under the division of order and accession, the salary of the chief of the division is $2,500, and then there are provided for two assistants at $600 each, and one assistant at $580. Then, under the catalogue, classification, and shelf division, the chief of the division gets $3,000, and there are 13 assistants at $600 each, and four assistants at $540 each. That is on two pages of the bill. I have not gone further.

Mr. BRYAN. That is a very unusual condition, and there can not be more than a very few of them. The Senator from Utah knows what they are.

Mr. SMOOT. There are quite a number of them that are drawing $480 in all of the bills.

Mr. BRYAN. What are they?

Mr. SMOOT. They are messengers, some of them—I mean, assistant messengers.

Mr. BRYAN. The messenger's salary is fixed.

Mr. SMOOT. I know the messenger's salary is. The salary of the assistant messenger is not.

Mr. BRYAN. There is a regular grade for assistant messenger.

Mr. SMOOT. There are employees that are outside, and also employees under the lump-sum appropriations, that are paid $480. In fact, Mr. President, the amount in this bill of salaries of $480 and less is $361,561.

Mr. BRYAN. But the salaries of the charwomen are fixed——

Mr. SMOOT. They are included. The charwomen's compensation is $240 a year.

Mr. BRYAN. Yes.

Mr. SMOOT. And then there are some salaries at $300, some at $360, and some at $485.

Mr. BRYAN. What class of people are they? What do they do?

Mr. SMOOT. Why, they are just assistant messengers and laborers down in the Botanical Gardens, special laborers around the Department of State and the Treasury Department, and so on.

Mr. BORAH. Mr. President, I should like to get in on this discussion somewhat, as I am supposed to have the floor.

The PRESIDING OFFICER. The Senator from Idaho is entitled to the floor.

Mr. BORAH. The comparison is constantly being made here between the employees of the Government and the employees in industries throughout the country. I want to say to the Senator from Florida that it has been one of the mysteries to me how laborers in this country live in these times of exorbitant prices on an average of six and seven and eight hundred dollars a year. I do not understand it. I have never seen anyone who did understand the economy by which it was possible for them to get through from year to year.

I will tell you, Mr. President, what it is doing for this country. It is doing for this country precisely what it did for England and some of those European countries, as was developed by the condition which confronted England at the breaking out of this war. When she called upon her young men and upon her people from the industries to take their place in an effort to preserve their Government, she was astounded to find that physically their stamina had been undermined to such an alarming extent as to necessitate a change in the rules for enlistment in the army. The people who for years and years, night after night and week after week, had tramped Trafalgar Square asking for bread, suffering for want of the actual necessaries of life, were unable to meet the tests which it was necessary for them to undergo in order to perform service for their country.

You can not fit a man for the duties and responsibilities of citizenship in a great Republic like this upon an income of six or seven hundred dollars a year when he has a family to rear. If a man lives upon that amount, and meets day after day the responsibilities of a man with a family, he must necessarily undergo those conditions of mind, those undermining and destructive forces, which unfit him for the duties of citizenship. If we do not take this into consideration in the future we shall meet a condition sometime which will imperil our whole social fabric.

One of the great wonders of this great conflict is the marvelous fighting capacity of the German people. If you will go back into the history of Germany for the last 40 years you will find some key to the success of the German people in this great conflict. Germany, whatever else she has done or failed to do, has taken care of her working people. There were no paupers in Germany when the war broke out. There were no people in that country who were walking the streets asking for bread, or for a place to earn a living, and a method and a means by which to take care of their families.

The conditions therefore which shall guide me in fixing the salary which a person ought to have for performing service for this Government is what is reasonable, humane, and just. I feel that we ought to pay a reasonable compensation to those who are performing this service. I am not in favor of raising at all the salaries of those who are drawing above $1,000 a year. I would limit the increase at this time, for this time only, to those who are drawing under $1,000 a year. I believe that we can do that, and without any great burden to the Government at this time; and while I do not know that I shall have the shaping of the amendment, if I had my way about it I would make such an increase concerning the salaries or wages of those who are now earning under $1,000 a year, and for this year only. I would make it in the nature of a bonus and leave the future to deal with itself.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk. I offer it as a substitute for section 7, stricken out by the Senate committee.

The PRESIDING OFFICER. The substitute will be stated.

The SECRETARY. In lieu of the committee amendment the Senator from Utah proposes to insert at the top of page 151 the following:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of $480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than $480 per annum and not exceeding $1,000 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. SMOOT. Mr. President, in the first place I wish to say that as a member of the Committee on Appropriations I reserved the right to offer this amendment on the floor of the Senate, and before discussing the reasons why in my opinion the amendment should be adopted I think it very proper, indeed, to call the attention of the Senate to just what this amendment will cost the Government of the United States.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. KENYON. Since the Senator is entering upon a discussion of this matter, it seems to me that we should have more Senators present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martine, N. J.	Smith, Md.
Bankhead	Hollis	Myers	Smith, S. C.
Beckham	Hughes	Newlands	Smoot
Borah	Husting	Norris	Sutherland
Brady	James	Oliver	Thomas
Bryan	Jones	Overman	Thompson
Catron	Kenyon	Pittman	Tillman
Chamberlain	La Follette	Pomerene	Underwood
Clapp	Lane	Ransdell	Vardaman
Clark	Lee, Md.	Reed	Wadsworth
Culberson	Lewis	Saulsbury	Walsh
Cummins	Lippitt	Shafroth	Watson
Fletcher	Lodge	Sheppard	Weeks
Gallinger	McCumber	Shields	Williams
Hardwick	McLean	Smith, Ariz.	Works

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN] on account of illness.

The PRESIDING OFFICER. Sixty Senators have responded to their names. A quorum is present.

Mr. SMOOT. Mr. President, when interrupted by the call for a quorum I was about to state to the Senate what the amendment that I have offered will cost the Government, and also what

the House provision will cost the Government. I wish to state that the figures I give cover all the employees of the Government appropriated for in all of the appropriation bills for this year.

The salaries paid by the Government in the bill under consideration to employees receiving $480 or less amount to $361,561. In all other appropriation bills, as estimated for by the Treasury Department, the total is $10,673,245, or a total of all appropriation bills of $11,034,806.

The amount paid in salaries in this appropriation bill, the legislative appropriation bill, to all employees drawing salaries between $480 and $1,000, inclusive, is $5,103,375; in all of the other appropriation bills $110,281,300, or a total of $115,384,675.

Salaries between $1,001 and $1,199 carried in the legislative appropriation bill amount to $1,134,867; in all other appropriation bills $44,052,012, or a total of $45,186,879.

Salaries of $1,200 in the legislative appropriation bill amount to $5,602,790; in all other appropriation bills $102,194,136, or a total of $107,796,926.

Salaries beginning with $1,201 and including $1,800 in the legislative appropriation bill amount to $11,185,755; in all other appropriation bills, $76,480,824; or a total of $87,666,579.

All salaries in the Government service above $1,800 carried in the legislative appropriation bill amount to $5,606,955; in all other appropriation bills, $26,363,313; or a total of $31,970,268.

This makes a total of all salaries in the legislative appropriation bill of $28,995,303, a total in all other appropriation bills of $370,044,830, and a total in all appropriation bills of $399,040,133.

Mr. President, the amendment that I have offered, which provides that salaries of $480 and less shall be increased 15 per cent, would cost the Government $1,655,220, and an increase of 10 per cent upon all salaries between $480 and $1,000, inclusive, would amount to $11,538,467, or a total cost to the Government of $13,193,687.

The Senate may want to know about how much the House provision will cost, if adopted. The House provision provides for an increase of 10 per cent upon all salaries up to and including $1,200. The amounts paid to the employees of the Government receiving salaries as named in the House provision, and on which 10 per cent increase is proposed, is $171,606,360. Ten per cent of that would amount to $17,160,636. The 5 per cent provided for in the House provision, on salaries above $1,200 up to and including $1,800, would amount to $11,371,688, or a total in all of $28,532,324.

Mr. President, I also have here figures showing what a straight 10 per cent increase upon all salaries up to and including $1,000 would cost. There is no amendment before the Senate at this time proposing such an increase; but I will state that if there should be an amendment of that kind proposed it would cost the Government $12,641,948.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a suggestion?

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. OVERMAN. Suppose the Senate were to strike out section 7. It would then go into conference. Would not the Senate conferees then be in a better position to compromise and settle this matter in conference, probably rather along the line of his amendment, than if we adopted his amendment here?

If we should strike out section 7, of course there would be a disagreement with the House. Then we would come to a conference. The Senator from Utah would be one of the conferees. Would it not be better not to amend this section, but to strike out section 7, and let this matter go to conference; and then would we not be in better position to work out some scheme that would be satisfactory and agreeable and along just lines?

Mr. SMOOT. No; Mr. President, I do not believe we would, because if we simply struck out section 7, then the conferees on the part of the Senate would be virtually instructed by the Senate that they did not wish to grant an increase of salary to any employee of the Government. If my amendment is adopted, then the whole provision will go into conference and the difference between the House and the Senate will be only the difference between my amendment and the provision in the House bill. If the House insists upon the full increase as provided in the House bill, then the only thing for the conferees to consider is as to whether the Senate will agree to a further increase in salaries as provided for in my amendment.

Mr. OVERMAN. The Senator knows that when this matter goes into conference it will be the duty of the conferees of each body to insist upon their amendments and to adjust and compromise the differences, as far as possible. That is always a matter for compromise.

Mr. SMOOT. Of course, the differences would be greater if we simply struck out section 7, and gave no expression on the part of the Senate, than if we at least voted that there were increases that the Senate would insist upon, and that they do not propose to go lower than those increases.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. I do.

Mr. CLAPP. I want to call the attention of the Senator from Utah to the fact that one of the controlling features of his amendment is a larger increase for the lower wage earners, going to 15 per cent. That would not be in conference if the suggestion of the Senator from North Carolina were adopted, because the highest increase authorized by the House is 10 per cent, and the conferees could not then with propriety exceed that in any agreement they might make.

Mr. OVERMAN. The whole matter would be in conference.

Mr. CLAPP. Not an increase beyond what one House or the other had provided for.

Mr. SMOOT. What the Senator from Minnesota says is true as to the 15 per cent. Mr. President, I do not believe there is a Senator or any other person who will not feel that it is simply doing an act of justice to any employee of this Government who is receiving a salary less than $480 a year to grant him a 15 per cent increase.

I call attention to the amount that is being paid under the appropriation bill to the employees of the Government who are receiving $480 and less. It amounts to $11,034,806. In fact, Mr. President, I do not see how those poor people live upon their salary. I can not see how they can keep their children warm or clothed. I believe that the least we can do for any employee in the Government service receiving $480, considering the high cost of living to-day, is an increase of 15 per cent.

Mr. KENYON. Mr. President, I should like to ask the Senator if the employees receiving $480 per year give all their time to the Government service.

Mr. SMOOT. They give all their time to the service of the Government. They are laborers provided for in the bill. For instance, take the Patent Office. The statutory wage fixed for a labor is $660, and where in this bill you find 10 laborers and the salary not specifically mentioned they will get $660. But all through the bill you will find 10 laborers $660, 10 laborers $420.

Mr. KENYON. Have those men families in some instances?

Mr. SMOOT. In many instances they have families.

Mr. KENYON. I think it is an indictment against the Government.

Mr. SMOOT. My amendment, Mr. President, will partially correct that evil.

Again, I have received hundreds of letters during the last two weeks protesting against the same increase upon a salary of $480 as a salary of $1,000. They say that there is a discrepancy now; that the difference between the salaries paid at present is large enough without having a horizontal increase and making that discrepancy more pronounced than it is to-day.

I recognize that a 10 per cent increase upon salaries up to and including $1,000 can not be absolutely fair to all the employees of the Government. It is impossible where brackets are made to do that. My attention has already been called to the fact that in the case of an employee who is receiving $1,000 to-day an increase of 10 per cent would give him $1,100, whereas the man who is receiving $1,100 gets no increase under my amendment. But there is this to be said about it, that the man who is receiving $1,100 at least can keep hunger from the door, and he can get fuel enough to keep his children warm and to supply clothing.

I frankly admit, Mr. President, as I have done before, that there are employees of the Government who are receiving more salary to-day than they could receive anywhere else on earth. I wish that the Appropriations Committee two years ago had provided for a commission, or if not a commission for a committee of Congress, to go into the different departments of the Government and regulate the salaries paid to the clerks in all the departments. I know the charge has been made that there is one man or one woman doing exactly the same work as a man or woman who may be working by the clerk's side, the one receiving 40 per cent and sometimes 50 per cent more than the other. It is not right, and it never would be allowed in a business concern.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield to the Senator.

Mr. POMERENE. There is not any question but what it is true that there are many clerks working side by side doing the same work and one clerk is receiving perhaps twice the pay the other clerk receives; but is it not also true that this happens in the case of the old clerks, and if we were to adopt some reasonable retirement system it would eliminate those older clerks who are getting the larger salaries and doing less work, and thereby do away with a great deal of the dissatisfaction there is now in the departments.

Mr. SMOOT. I will say to the Senator that particularly applies to the Pension Office and to a limited extent it applies to other departments of our Government.

Mr. POMERENE. It does not apply to the same extent, but it does apply pretty generally to all the departments.

Mr. SMOOT. Not to the same extent.

Mr. POMERENE. It is true in the Treasury Department.

Mr. SMOOT. I admit that seniority of service has a great deal to do with the salaries clerks are receiving; more so, I will admit to the Senator, than the value of their service. Of course the Senator knows my position in relation to a retirement plan that we have been working over for months and months.

Mr. President, I admit freely that the average salary paid to the Government employee is higher than the average salary paid to men doing similar work in other avocations of life, but the comparison as given to-day is hardly fair unless we take into consideration the conditions surrounding the Government employees and those in other avocations of life doing similar work. We all know that the employees of the Government receive 12 months' salary each year, whereas in the industrial concerns of the country the employees change places oftener than the employees of the Government. In all the industrial concerns of the country, in all the commercial walks of life, when the census is taken the amount that is paid for salaries is computed and it is divided among the number of employees actually engaged by the concern during the year in which the census is taken. In other words, it is hardly fair for this reason: In the Government service a clerk works 12 months in a year and he may receive a thousand dollars. Take two of them who will work the same way. There is no change during the whole year, and the average will be a thousand dollars, whereas in the industrial concerns of the country there may have been a change, not once but twice or three times, and when the salary is divided by the number of clerks the rate paid them appears to be very low, and that would be the average wage. Therefore, in considering that question we must take into consideration the fact that the Government employee works every month in the year, with the exception, of course, of a leave of absence of 30 days that he has given him, and the time of the sick leave which they are allowed.

I am not saying, Mr. President, that the Government employees in ordinary times are generally paid better than the employees of the industries of the country, but I do believe that the Government pays a less wage, particularly to those who receive a wage less than $480 per annum, than almost any institution in the United States. It is for that reason that I want to see the difference between the increase made as proposed in my amendment.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield to the Senator.

Mr. HITCHCOCK. I notice that the Senator, in his statement, assumes that those to be benefited by his proposed amendment are the heads of families. Is that true in any large proportion of the cases?

Mr. SMOOT. There is testimony showing that there are perhaps 50 per cent of them heads of families. The other 50 per cent were not heads of families; but I want to say to the Senator that in many cases a widowed mother is dependent upon the girl or the boy who is working for these wages.

Mr. HITCHCOCK. Has any effort been made to select the heads of families and supporters of others in this proposed increase?

Mr. SMOOT. No; not that I know of.

Mr. HITCHCOCK. It seems to me it is rather undiscriminative and that we have to raise in a horizontal way salaries of employees of the Government, without regard to whether they have others dependent upon them or not. The Senator's proposal may raise the salary of a girl or a boy who receives a thousand dollars a year, to whom that thousand dollars a year is sufficient, while a man receiving $1,200 a year and supporting a family receives no benefit of it.

Mr. SMOOT. I was just coming to the question of a horizontal increase. I know that a horizontal increase in a salary of Government employees is not a perfect way of increasing salaries, but I do know if the horizontal increase is made in a salary not above $1,000 there can be but very little injustice done, and I believe that in ninety-nine cases out of every hundred the increase will be justified.

The same thing may apply, I will say, to clerks drawing salaries above $1,200 up to and including $1,800. Many of them are single men, many of them are women with nobody on earth to depend upon but themselves, and the same injustice would occur in a higher rate as in the lower rate.

Mr. GALLINGER. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. GALLINGER. The Senator is doubtless aware of the fact that in many instances a man and his wife are both employed in the public service, a man and his son, a man and his daughter; sometimes, I think, two daughters. So it is a very difficult matter to adjust this in a fair and equitable way. I think it is impossible unless every individual case is studied, and that would involve, of course, a labor that we can not enter upon now.

If the Senator will permit me, as I left the Chamber a moment ago I heard the Senator from Ohio [Mr. POMERENE] make a suggestion concerning a retirement plan which he thought would be more equitable and just, and yet every Senator knows there is no more chance of getting a bill of that kind through at this session of Congress than there would be of turning the current of the Potomac River and making it run up hill. We are not going to do it. So we have to consider this matter just as it stands. The only thing we can do, as I look at it, is to do about what the amendment of the Senator from Utah contemplates; that is, take care for the time being, for this year, of the lower paid employees. For that amendment I propose to vote, and I think it will do little harm to the Treasury. It will increase the appropriation somewhat, but it will be much better than any other system which has been suggested.

Mr. SMOOT. Mr. President, I do not believe that I can be charged with desiring undue appropriations. I have tried in the past, when the Republican Party was in power, to guard against unjust and extravagant appropriations. I have in connection with a few others fought what we considered to be extravagant appropriations in the past. I do not believe that if we increase the salary of employees of the Government receiving a salary not exceeding $1,000 the people of the country will consider such action extravagant.

This amendment, as I stated before, will cost $13,193,000. A thousand times better, Mr. President, to cut that amount out of the public-buildings bill than not to do justice to these employees. A thousand times better, Mr. President, to cut it out of the river and harbor bill and do at least partial justice to unpaid employees of the Government.

In fact, Mr. President, I think the Government ought to be the model employer. I think they ought to have the best equipped offices; I think they ought to have the best class of clerks and machinists, and in whatever the Government undertakes to do it ought to be a model for all others employing labor. It always gives me a pleasure, Mr. President, to go to the Bureau of Engraving and Printing, because that is a model shop. It is the best in the world and——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. HITCHCOCK. My inquiry to the Senator, it seems to me, raises the question whether the Government would be a model employer if it made a horizontal increase in salary. It does not seem to me it would be a model thing to increase the salary of a clerk with no one dependent upon him getting a thousand dollars a year and not increase the salary of the head of a family who might be getting $1,200 a year. The model employer would inquire into the equities of the case, whereas the amendment the Senator introduces provides for a horizontal increase, which would grant increases where they are not required and ignore them where the equities would seem to require them.

Mr. SMOOT. I will say to the Senator again that if we had the time I would oppose a horizontal increase of salaries. It is not a proper way to do, nor would a model employer do it. But we have not the time; and yet under the conditions existing to-day, with the high cost of living jumping at rates unheard of or unknown in the history of the world, I do not believe there is going to be any injustice done in increasing the salary of employees who are affected under the amendment that I have offered.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. GALLINGER. And yet, notwithstanding this is an inequitable and unphilosophical system, it is the system that all the great industrial establishments have resorted to during the past year. From one end of the country to the other the great industrial establishments have increased the wages of their employees about 10 per cent; I think in one or two instances a greater amount than that. So they were unable to make the very discrimination that it is insisted we ought not to make here if we do justice to all the employees.

Mr. THOMAS. Mr. President——

Mr. SMOOT. In this connection I wish to state that over a million men employed by the following concerns had their wages increased, and in some cases not only have they had their wages increased but they have had a bonus given them besides. Such concerns were the United States Steel Corporation, the Standard Oil, the Bethlehem Steel, the American Woolen Co., the cotton manufacturers of New England, the Eastman Kodak Co., the Consolidated Gas Co. and its subsidiaries, of New York, the Westinghouse Electric Co., the General Electric Co., the American Telephone & Telegraph Co., and about three-fourths of all the railroads of the country.

Mr. GALLINGER. About 10 per cent was the increase.

Mr. SMOOT. The average increase is over 10 per cent, besides an average of about 5 per cent in the way of bonuses. I yield now to the Senator from Colorado.

Mr. THOMAS. I wish to remind the Senator in connection with that statement that the incomes of these large private concerns have prodigiously increased during the past year or two. The income of the Government has not, while its expenses have been in some degree running on parallel lines with the increase of the incomes of large private enterprises.

I want to ask the Senator, also, if he believes that the increase of salaries will bring any real degree or permanent degree of benefit to those whose salaries are now under the cost of living? In other words, is it not a fact that as these salaries are advanced the purveyors of the necessities of life advance their prices so as to meet the new conditions and absorb the surplus?

Mr. SMOOT. Replying to the Senator, I will say that there is no doubt but what the companies I have named as increasing the salaries of their employees have made enormous profits, and there is no doubt, Mr. President, the revenues of our Government have not increased and our expenses have been increasing by leaps and bounds.

But, Mr. President, as an employer of labor, even if the profits of the business in which I employed them were not greater than they had been in the past, I never would want those employees paid less than the employees generally are paid throughout the country. I think it would be far better for the Government of the United States, if they can not reduce the appropriations in some other way for the year, at least to provide money to take care of the employees who we know must be suffering under present conditions.

I am not in favor, I will say to the Senator from Colorado, of making a horizontal increase in wages above a thousand dollars, because I believe that there will be no real suffering in the family of such an employee. I think under the conditions they have a pretty hard time to get along, but I am in favor, even though we have to raise the money in some other way, of taking care of the employees of the Government who are receiving less than $1,000 per annum.

As to the other question, whether they will be stimulated to better work and whether the merchants and the producers of this country, as soon as the increase is granted, will charge more for their products than enough to cover the increase, I do not believe, Mr. President, that that can be measured to a nicety. I recognize the fact that all the producers of the country, all the merchants of the country, all who conduct business, secure all for their products and as great a profit in their trading as it is possible for them to do. Of course, if they pass it on to the ultimate consumer, he is the one who finally pays. But the people affected by the amendment which I have offered can not help themselves. There is no question in the mind of the Senator but what they need more in order to purchase the bare necessities of life.

It has been suggested that there is no need of the Senate granting this increase, and no one should be influenced by the organized force of Government employees at present trying to compel us to do it. Mr. President, I take no notice of the effort of organizations to compel Congress to action. Whether it be of Government employees or whether it be any other employees, all the force that they can bring upon me does not deter me from doing what I think is proper and right.

Of course, I know my amendment is not what the employees think they are justly entitled to. If I thought the Government employees were forcing something that was not right, I would vote against them just as quickly as I have on nearly every occasion voted where there has been an organized force throughout the country to compel Congress to do the will of the organized body. I do not believe in that kind of legislation; I never will; and I am ready to go out of public life before I will submit to it.

Mr. President, parsimony is not economy. If we want to cut and economize, it is a mighty poor place to begin with the employees who are receiving less than they can live upon. We have heard here for a couple of days discussion as to child welfare and the money that we ought to appropriate for an examination into the causes of diseases of the child. Mr. President, if we want to take care of children, if we want to keep diseases from homes, if we want the children to have healthy bodies, they must have enough to eat and enough clothing to wear and enough fuel to keep them warm.

I know the amendment which I have offered is not extravagance; it is hardly doing justice to many of those who are covered. Mr. President, the Government employee is well taken care of in ordinary times, and if it were ordinary times I would oppose any increase, particularly in the condition we find the Treasury of the United States to-day.

But I can not bring myself to believe that it is right for Congress to say to the employees affected by this amendment, "We are not going to give you a cent increase in your salary, because we have not the money in the Treasury."

When I first made the statement in a public way that the Treasurer of the United States would find a deficit at the end of this fiscal year of $300,000,000, I was called to task by a good many men in public life and by the public press. I made that statement immediately after the Secretary of the Treasury had issued a statement that the deficit would be but $183,000,000. I went over all of the estimates that were made by the Secretary of the Treasury; I compared them with the appropriations of the last year; I knew what the income of the Government of the United States was likely to be under present laws, and I could not figure a deficit of any less than $300,000,000; and, Mr. President, before we get through with the appropriations of this session, I am quite sure the deficit will be nearer $400,000,000 than $300,000,000.

I know that this amendment will require a payment by the Government of $13,000,000. I sometimes think Congress spends money like drunken sailors, and we can pass an appropriation bill appropriating $150,000,000 without the batting of an eye or the discussion of an item, but I prefer to give these employees $13,000,000 and to cut the amount out of bills that will yet come before the Senate—items that can well afford to wait a year or, if necessary, two years, and nothing will be hurt thereby; the affairs of the Government will go on just the same; nobody will suffer; and I do know that such a course would appeal to the American taxpayers. Whether we agree to my amendment or not, I know that many of the items contained in the appropriation bills never ought to be appropriated for.

Mr. President, I do not think it is necessary for me to take any more time of the Senate in the discussion of this question, but I sincerely hope and trust that the amendment which I have offered will be adopted by the Senate.

Mr. THOMAS. Mr. President, inasmuch as the acting chairman of the Committee on Appropriations has stated that the pending amendment presents a question which is common to all the pending appropriation bills and involves, according to some estimates, an increase in our permanent expenses of $25,000,000, and according to others of $50,000,000, we can save time by determining upon our action with regard to this bill and in discussing the question as a general one, rather than as a mere amendment to the pending measure.

The proposition, as I understand it, in a general way is to provide for a horizontal increase, expressed in percentages, of the salaries of employees up to those receiving $1,800. The reason assigned for it is the increase in the cost of living and the consequent difficulty which many of the Government employees encounter in making both ends meet.

That, Mr. President, presents a proposition which has humanitarian aspects, strongly appealing to every well-constructed mind. Indeed, much of our so-called extravagances may be attributed to appeals to the emotions. In the presence of suffering, or possible suffering, confronted by conditions such as those eloquently pictured yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE] in discussing another amendment to this bill, our sentiments are apt to play traitor to our better judgment, and to prompt us to give the benefit of every doubt to a support of the measure. I should be less than human if I did not plead guilty to the same feeling, and yet we must consider, Mr. President—and I am stating nothing new in so

asserting—and especially the Democratic Members of the Senate, who represent the majority and are in power, must consider our paramount duties and obligations as trustees of the Nation and of the Nation's affairs, and particularly of the Nation's revenues.

This may be hard to do; it certainly is not pleasant at all times; it is much easier to follow the lines of least resistance and to yield to situations which spare us the necessity of opposing wishes that are dear and hopes that are high in the breasts of others.

I have in times past attempted in my feeble way to sound a note of warning to my own associates when measures involving millions of dollars were before us for consideration and by outlining the inevitable conditions which now confront us. Of course, very little success has so far attended these efforts, but the situation now before us, Mr. President, and which is of our own creation, can not be longer avoided.

That we are face to face with a deficiency expressed in hundreds of millions of dollars admits of no question; that we are obliged to raise additional revenue by increased taxation or by resort to an issue of interest-bearing bonds, thus transferring the obligation to posterity, or that we shall be obliged to resort to both, is as certain as anything in the future can be. That the task of increasing taxes, already heavy and subject to just complaint, is a disagreeable one, and one which men fain would avoid if they could, is also a self-evident fact. Indeed, I sometimes observe that those who are most ready to vote for appropriations are the most reluctant to vote for revenue bills. Those most willing to spend the public moneys are frequently most unwilling to take the consequences, which is merely the exhibition of a common phase of human nature. But disagreeable tasks, although they may be postponed, can not be forever avoided; and the most disagreeable of all legislative tasks—that of increasing public taxation, whereby hundreds of millions of additional revenue must be acquired to take care of our threatened deficiency and to meet our ever-expanding appropriations—is inevitable. It must be done, and I hope it will be done at this session. I entertain but very little hope, however, that it will be done, since the difficulty of agreeing upon an adequate measure of revenue presents a task which, although not hopeless, is necessarily protracted.

Now, Mr. President, let us see just what our financial condition is in a general way. I shall refer to statements of gentlemen who occupy positions giving them authority to speak upon the subject. When this identical question was before the other House last December Mr. FITZGERALD, the chairman of the Committee on Appropriations, said:

> We have just witnessed the most remarkable spectacle in my experience in this House.

After referring to the action of the Committee on Rules, he states the proposed aggregate increase of salaries of employees under the then pending measure. He gives it in round numbers at $45,000,000, and then says:

> Mr. Speaker, other committees of this House besides the Committee on Appropriations have some responsibilities.
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> I have heretofore referred to the fact that the estimates submitted to Congress disclose that there will be a deficit in the next fiscal year of $284,000,000, but that does not tell all. Within an hour I have received a message from the War Department stating that in order to continue making payments to dependent families of the National Guard now stationed on the border an appropriation of $8,500,000 additional is necessary to continue the payments from now until the 30th of next June. That is $8,500,000 not considered in estimating the probable deficit.

The House had suspended the rules and passed an act some time ago providing the sum of money for the purpose indicated. Mr. FITZGERALD continues:

> Other items will be submitted from time to time, of which we now have no knowledge; but it is clearly apparent that in the next fiscal year there will be a deficit in the Treasury in excess of $300,000,000. We can not get that money from the air. There is no plant that can furnish that money. It must come from the pockets of the taxpayers of the country. We must raise between $200,000,000 and $300,000,000 in the next fiscal year, and if we do not raise it by taxation we must get it by borrowing it on the credit of the Government. To borrow it would serve no useful purpose. It would merely be a temporary expedient, and it would not give that permanent increase in revenue which is imperative. With such a situation as that in the Treasury I am unwilling to take up for consideration propositions that may increase the financial burdens of the country and the predicted deficit anywhere from $45,000,000 to $100,000,000 a year.

That was upon the 16th of December. Upon the 19th Mr. RAINEY, a member of the Committee on Ways and Means, addressed himself to the proposition, and I call the particular attention of the few Senators who seem to be sufficiently interested in the matter of Government expenditures and receipts to attend this discussion to what Mr. RAINEY had to say upon that occasion. He said:

> Mr. Chairman, I belong to that committee which is charged with the duty of suggesting bills to this House to pay the tremendous expenses of this Government. The London Economist five or six weeks ago contained a most interesting article estimating the amount of the budgets of the warring nations after the present awful war is ended. If the war ends one year from the 1st of next March, England will have an annual budget thereafter of $1,200,000,000, according to this publication. Germany will have a budget of $1,300,000,000; Austria-Hungary will have a budget of $1,400,000,000; Russia, with a budget always the largest in the world, will have a budget of $1,600,000,000.

These are colossal figures. The mind of man is too limited to grasp appreciably the enormity of the amounts expressed by these hundreds of millions of units, but we know that the last largest budget of the largest nation in the world in territory and in population is $1,600,000,000. Mr. RAINEY continues:

> I wonder if gentlemen who compose this body realize that for the year mentioned by the London Economist, for the fiscal year 1918, the expenses of this Government—and we have been in no war—will be $1,655,000,000, the largest budget in all the world, a larger budget than any nation in the world was ever compelled to meet. Increase the salaries of all these Government employees 10 per cent and you add to the expenses of this Government $60,000,000 every year. How are you going to meet it? The cry all over this country is, "Cut out the 'pork'!" and by "pork" they mean appropriations for public buildings; by "pork" they mean appropriations for rivers and harbors; by "pork" they mean appropriations for this Government's distribution of vegetable seed, and that is all. The average annual expenditure for public buildings for the last two decades amounts to $9,000,000. We spend $25,000,000 or $30,000,000 on rivers and harbors every year. Cut this out, cut both out, cut out the $250,000 which is expended for vegetable seed each year and you would have half of what these 500,000 Government employees are seeking to saddle on this country. I am not willing to see our rivers and harbors permitted to fill up and to discontinue entirely the expenditure of money for Government buildings in order that Government employees may have their demands on the Treasury satisfied. The real pork-barrel propositions with which this country is confronted are the demands of these Government employees on the Treasury. We have a deficiency staring us in the face. Gentlemen need not deny it.
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> The deficiency in 1918 will amount to nearly $280,000,000.

The Senator from Utah [Mr. SMOOT] declares it will probably amount to $400,000,000, and he assumes to speak by the authority of experience and acquaintance with our methods of appropriations, both as to detail and as to aggregate; but it is a fact that the most modest estimate of the amount of this deficiency brings it perilously near the sum of $300,000,000.

How are you gentlemen going to meet this situation which is now here?

Let me ask the Democratic Senators here, how are you going to meet it? A revenue bill will soon be reported to the other House and will probably pass that body under rules which enable them to transact business expeditiously. Coming here we have the responsibility of considering it; we have the responsibility of passing or defeating it. The minority take part in this legislation; but yours is the responsibility and you will be charged hereafter, as you were charged in the last campaign by your adversaries, with every item of extravagance in which you indulge, including those which they introduced and advocated. We can not avoid the consequences; the minority may; and therefore it behooves us, from the standpoint of our duty as men in charge of the Government, from the standpoint of Democracy, which we mutually represent, and, above all, from the standpoint of economy, which we ought to represent, to scan these items very carefully and stand behind the committee whenever it indicates a purpose to invoke methods of frugality and economy in fiscal administration.

Mr. RAINEY continues:

> How are you gentlemen going to meet that when the time comes? Is the country going dry? Those who advocate nation-wide prohibition are boasting of the fact that Pennsylvania and Nevada are now the only really wet States in the Union. I am not discussing the moral question, but I am discussing the condition which will confront us when this country does go dry. If that should happen during the next year, an impossible premise though, we will be called upon by taxation to collect from some source or other $237,000,000 more in money each year thereafter.

In other words, the great question of prohibition carries with it a problem of revenue. When this country becomes prohibition in fact, our $237,000,000 of revenue derived from the traffic which is prohibited must be made up in some other way; and that means either added indirect taxation by way of a protective tariff or added direct taxation to be placed upon the wealth and the business and the property of the Nation. Of course the financial consequence of the adoption of a reform of nation-wide proportions and demanded by a majority of the people will not, and ought not, to stem the accomplishment of the reform; but men who have to administer the Government must take note of these things in determining how they shall appropriate public money, what for, and to what extent.

I read again:

> In other words, we are confronted right now in this country with the possibility of being compelled in the near future to levy more than $500,000,000 of new taxes. How are you going to do it?

That is the question for Democrats to answer. How are you going to meet it?

Mr. GALLINGER. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. GALLINGER. Will the Senator state from what document he is reading?

Mr. THOMAS. I am reading from the CONGRESSIONAL RECORD of December 19 the remarks of Representative RAINEY, a member of the Committee on Ways and Means:

> How are you going to meet it? Restore the rates of the Payne-Aldrich bill? That is the proposal many of you make. You can not to save your life frame a tariff bill which will yield over $350,000,000 a year. Restore those oppressive rates and you will add to the present tariff law $100,000,000 in tariff taxes. If you restore this obnoxious stamp tax, you have only $33,000,000 more. Can you get it from taxing the large incomes more? Why, you have in this method of taxing reached the very highest notch. We tax large incomes now as much as any other civilized nation in the world ever attempted to tax them in time of peace.
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> We are face to face with the proposition of lowering the income exemption to $1,000, and even if you do that also you will not raise this enormous sum of money. You can not progress here by proceeding along the line of least resistance. You can not conceal your head in the sand and flounder around here helplessly listening to the demands of 500,000 Government employees who want their salaries raised.
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> I wish we could raise their salaries. I wish we could pay everybody more money. I wish this janitor mentioned by the gentleman from Wisconsin [Mr. COOPER] could get more money than he is receiving now. Is he getting any more or any less than janitors receive for similar service in other sections of this country and in private employment? If he is getting less, he ought to have more; if he is getting more, he ought to have less. That is the way to adjust these matters.

And so forth.

I have read, Mr. President, the remarks of these distinguished Members of the House because of their prominent positions upon two great committees of that body, because of the study they have given to these questions, and because of their consequent right to speak officially so that the Nation will listen; so that we may be apprised of our task.

Mr. President, I have been struck by one thing during my short career in the Senate. It is this: The developments of science during the past quarter of a century have been almost unlimited. During that period the world has progressed more rapidly than in the 10 centuries preceding it. We can to-day talk with Paris by wireless, and with Hawaii; every day we hold conversations with San Francisco; the internal-combustion engine has revolutionized our methods of travel; our implements of war are different in magnitude, in extent, and in their deadly character from those of a few years ago; business conditions have been systematized; the electric current has become the essential servant of civilization, all through the developments of the last few years. Yet no scientific men, no business men, none engaged upon problems of sociology or of legislation have yet been able to discover the point where economy can begin in our fiscal administration. It is impossible of location.

Whenever an attempt is made in this body or in the other House to minimize expenditures or to decrease appropriations, some one inquires, "Is this the place to begin? Are you not aware of the tremendous importance of the objects for which this appropriation is designed? Let us economize by all means, but do not let us begin here." Then when some other measure comes up and the same effort is made it meets the same argument, and we discover there no place for frugality. So we have gone down the line many times. Sometimes a new experiment in medicine or physics can "be tried on the dog," but here we are not even able to make that experiment. There is no place for it, although we all believe in it. This has been a dispiriting, disappointing, and discouraging thing to me whenever I have attempted to serve the constituency which I, in part, represent here by seeking to retrench in some direction.

Now, we are confronted by that situation in connection with this amendment. This is no place to begin. The price of living has risen; the needs of those living upon small salaries are extremely pressing, and we must, therefore, regardless of the general situation, spare the pruning knife in this direction, and not only spare it but add millions upon millions to the amount previously appropriated for this particular purpose, and try to save it in some other direction.

Mr. President, I should be opposed to this intended increase even if we could save it in other directions, because we would then have advanced twice as far along the road to economy as by a mere balancing of accounts, so to speak, through a shifting of appropriations. But does the Senator who suggested that [Mr. SMOOT] believe that it is possible to do so? Why, the other House, Mr. President, sent this bill over here by an overwhelming majority; it has also passed a public-buildings bill carrying an aggregate appropriation of $38,000,000. The minority vote against that bill was almost invisible. It takes a microscope to find it; and I should not be surprised if it passes the Senate with the usual added appropriations, and all attempts to defeat it will be met with the worn-out statement that "that is not the place to economize."

We have a rivers and harbors bill—somewhat diminished, I believe, in amount from that of last year—but we have that bill; they are coming in the same old way, the identical procession, gathering recruits, as the Senator suggests, from last year, knocking at our doors for passage, and each pleading that theirs is not the place to economize; we must begin somewhere else. Now, we must make a beginning somewhere.

Mr. SMOOT. Mr. President——

Mr. THOMAS. I yield to the Senator from Utah.

Mr. SMOOT. The Senator asked me if I really thought the $13,000,000 could be saved in some of the appropriation bills that were coming over from the House.

Mr. THOMAS. Yes; that is, if this suggestion should be actually adopted and worked out.

Mr. SMOOT. Yes. Mr. President, I believe it will be saved in the rivers and harbors appropriation bill; and I will tell the Senator why.

Last year, when the rivers and harbors appropriation bill carried some forty-odd million dollars, the Senator will remember that I offered an amendment to that bill providing for a total appropriation of $20,000,000, to be expended under the direct charge of the Engineer Board. We would have carried that amendment but for one vote.

Mr. THOMAS. Yes; and at the last presidential election you would have carried the United States but for one State. It is well enough to say what could have been done had the facts been different, or what the result would have been had they been different; but unfortunately, as the Senator knows, we did not adopt that amendment.

Mr. SMOOT. I want to say to the Senator, however, that I had every reason in the world to believe that when that amendment came to a vote it would be carried. Unfortunately one Senator absented himself from the Chamber, and that brought about the defeat of the amendment. But there was a sentiment in the Senate of the United States a year ago—and I believe that it has not decreased, but rather that it has increased—that the appropriations for rivers and harbors are not going to be made as they have been in the past. The rivers and harbors appropriation bill as it passed the House, if I remember correctly, carries $32,000,000, nearly $33,000,000. Now, why not cut that to $20,000,000 this year if we are going to pass it at all, or else not pass any of it, and let it take care of the $13,000,000 for these employees?

Mr. THOMAS. I want to assure the Senator that I voted against that bill then in toto, although I voted for every amendment that the Senator offered, and I am going to vote against it this time. I am following a pretty good lead in the matter of the rivers and harbors bill. I am now looking at the Senator who made such a gallant fight in the interest of economy there. But it is very hard for him to find any place for beginning to economize.

Mr. SMOOT. We have been gaining every year.

Mr. THOMAS. Well, have we?

Mr. SMOOT. Yes.

Mr. THOMAS. Our appropriations are increasing. We shave off a little here and there. Take the few paltry millions, if you please, that could have been saved in that bill and then contrast it with nearly $700,000,000 voted enthusiastically by Republicans and Democrats for increased Army and Navy, which I also voted against! Mr. President, for that colossal appropriation we Democrats will be held responsible, although our Republican friends helped us not only in the passage of the bill but in the propaganda, if, indeed, they did not begin it. But in the ultimate the taxpayers will hold us responsible, and ought to hold us responsible, for yielding to the hysteria of the moment and in a blind agony of fear doubling the expenses of the Nation.

Mr. JONES. Mr. President——

Mr. THOMAS. I yield to the Senator from Washington.

Mr. JONES. I just wanted to ask the Senator if he anticipated that it would be very difficult now to prevent the passage of two or three bills, which in the aggregate would cover something over $100,000,000, at this session?

Mr. THOMAS. Would it be difficult?

Mr. JONES. Yes.

Mr. THOMAS. I think so; yes.

Mr. JONES. I do not think so.

Mr. THOMAS. I hope the Senator is right; but even a hundred millions is a trifle when compared to the deficiency which confronts us. We ought to cut deeper than that, in my judgment.

Mr. JONES. Oh, I agree with the Senator on that. I was simply referring to three bills that cover something like that amount, and possibly more.

Mr. THOMAS. Now, of course, I am aware that the amendment of the Senator from Utah does not cut as deep as the amendment of the House which has been stricken out by our committee; but it is thirteen millions, according to his estimate. Thirteen millions in these days do not amount to much when compared with the hundreds of millions that figure in these great appropriation bills; but several thirteen millions amount to a good deal, and it is the aggregate of the small amounts which constitutes the aggregate of our total expenditures. We are as apt, as legislators, to overlook that and seek to economize, if we economize at all, where large amounts are involved. We overlook the cumulative power of money. We forget that the great street car system of the city of New York, enormously developed and enormously patronized, depends for its revenues entirely upon 5-cent contributions, and that they accumulate very rapidly.

Mr. President, during the closing days of the last session the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. PENROSE], the Senator from Michigan [Mr. TOWNSEND], and perhaps some others across the aisle occupied a good many hours of time in reading indictments of Democratic extravagance into the RECORD. The Senator from Michigan, if I recall rightly, declared that we had been spending money like drunken sailors. The Senator from Utah gave facts and figures for his statements. The Senator from Pennsylvania did the same. Of course, they were designed for campaign purposes fully as much as for arraignments of Democratic incompetency and extravagance. Nevertheless, they were largely true; and all we could do, if we did anything, was to minimize as far as possible the conclusions and the assertions then made.

When the Republican convention met in 1916 and adopted its national platform, it declared, among other things, that—

> The increasing cost of the National Government and the need for the greatest economy of its resources in order to meet the growing demands of the people for Government service call for the severest condemnation of the wasteful appropriations of this Democratic administration, of its shameless raids on the Treasury, and of its opposition to and rejection of President Taft's oft-repeated proposals and earnest efforts to secure economy and efficiency through the establishment of a simple, businesslike budget system, to which we pledge our support, and which we hold to be necessary to effect any real reform in the administration of national finances.

The Republican Party very properly, naturally, and logically took advantage of these conditions, and made the same charge against their opponents that their opponents made against them upon the same subject four years before; and in each instance each party told the truth. I hoped, Mr. President, after listening to some very fierce denunciations of my party, and reading others, during the last campaign regarding this subject, that if our friends, the enemy, were successful in the campaign then waging, they would inaugurate a budget or other system, and conduct the Government according to the best and most modern notions of efficiency coupled with economy; and I hoped that, if not successful, chastened by the experiences of a second defeat they would then unite in preaching and practicing economy, thus holding up to the world an example which we might follow, effectively although reluctantly. But, alas, Mr. President! I have as yet observed no such indications. There are a few brave voices on both sides that speak out in regard to this subject. But the lump has not yet been leavened, and, I am afraid, will not be very soon.

The Senator from Michigan [Mr. TOWNSEND] two weeks ago had before the Senate a bill which he considered of great importance—and he was right, assuming his premises to be correct—which he wanted to pass as an obligation of the Government of the United States to some of its citizens. I have been unable to see that obligation. That bill called for an increased annual expenditure; we do not know how much, stated by some to be between three and four million dollars, and by others to be between twelve and fourteen million dollars. I did not feel then, and I do not feel now, that this is the appropriate time for such legislation; yet the measure received its chief support from those who preached economy in the last campaign.

I mention this in no invidious spirit, Mr. President, but merely as showing that we are pursuing the old and steady march of extravagance, all unconscious of the awakening that must come.

Now, let me refer to another feature of the present financial situation. Business is good. The profits made in private enterprises of all sorts are enormous. What we call "good times" are with us. Prosperity has come to us, bringing abundance upon her wings and scattering her bounties all over the country from one ocean to the other. We are living in a time of happiness and self-indulgence, not only in our governmental but in our business and social affairs, and acting as though it would continue forever. That is impossible, Mr. President. I think the crest has been reached and passed. The war must end by exhaustion of all the combatants, if for no other reason. The war will end in time, in any event, whether by treaty or by attrition; and with the close of the war, or with those changing fortunes which indicate the inevitable approach of a conclusion, different conditions will prevail all over the world, ourselves included; business affairs will be affected more easily and intensely in America, perhaps, than anywhere else, because unfortunately we have incorporated all forms of business in America, placed their shares upon the gambling markets, and used them as pawns of speculation. Hence, anything which even threatens a serious change one way or the other finds its expression in the stock markets, and then is reflected upon the actual business carried on by the various concerns there represented. As a result we shall have not hard times, I hope, but harder times than we are enjoying now, when taxation will rest more heavily upon the taxpayer, and when the people, grudgingly paying them and scrutinizing our administration of them, will very properly hold us responsible for all the ills they endure; and our good friends upon the other side will add fuel to that fire by noting the fact and pressing it home on every occasion.

Indeed, I observed during the last campaign that our extravagance was expressed in round figures frequently seldom less than fifteen or sixteen hundred million of expenditures by the last session, no deductions being made for those huge sums for ships and for men which in some degree we owe to the active agency and propaganda of Republican representatives in public life. In other words, we got no credit for it. I do not think myself that we deserved any; but we got no credit for it, and we shall get no credit for any of these things, no matter how well inclined you may be to them—not one. You may vote all the money you please for humanity's sake or through the influence of your emotions, but, whether you do it on your own account or through the pleadings of distinguished gentlemen famed for their eloquence upon the other side, you get no credit at all for it. The taxpayer makes no allowance, and should make no allowance, for those things.

I am neither a prophet nor the son of a prophet; but if the campaign of 1920 does not turn upon the extravagances of the last and of this and of the next Congress I shall be very agreeably disappointed. If it is not what we may call the burning issue then, the party to which I belong will be very lucky; and the only way in which I know how to avoid or even minimize that situation is to begin to practice what we have been preaching for years.

It seems to me that we have acted with regard to economy very much like the Irishman who said that he was "for the law, but against its enforcement." I do not know of a man within the hearing of my voice who does not believe in economy, who does not want to see it practiced, but who, nevertheless, does not feel that his own constituency have certain matters upon which they are pressing him to death and which must be considered here, and which can only be successfully considered by going in combination with others similarly situated; and then the appalling aggregate comes here to be enacted into law, and the party responsible and justly responsible for it must take the consequences.

If I were a member of the Republican Party, I might be in favor of these big appropriations. To my mind, their object is apparent. They are protectionists. The easiest and best way to tax a man is indirectly. If you can just hypnotize him, you can put your hand into his pocket and take what he has and he does not care much about it. Enormous expenditures mean necessarily an increase of revenues; and inasmuch as we must have them, how much easier it is to go back to the good old system of indirect taxation, increase the tariff, and take a man's property from him through processes of taxation, of the operation of which he is unconscious. In other words, it is a good way to restore the Payne-Aldrich bill and multiply it by two. Indeed, we have heard in the public press, we have heard from the lips of distinguished statesmen, we have heard from business men that prevailing financial conditions can be better met by an increase of our tariff duties than in any other way. The statement is, "You have got to come to it; why not take the easiest way?" I know Democrats in public life who seem to be willing to accept a system of taxation always abhorrent to the Democratic mind as an alternative to facing the music and levying direct taxes to meet our burdens. That leaven seems to be working where its existence was least expected.

I have been told that the suggestion was made in our Committee on Appropriations—not by a Republican, either—of a horizontal increase in our duties of a considerable percentage for the purpose of meeting this situation—a most welcome suggestion to some, but a most fatal one for Democrats who stop to consider a moment. We must continue a system of direct taxation, equalizing it as far as possible in order that the men who pay shall know what they are paying, thus arousing their interest in government and correcting its deficiencies through an alert and censorious public opinion.

Mr. President, politics has much to do with these expenditures on both sides. When it comes to politics, there is no more difference between a Democrat and a Republican than there is in their physical construction. We vote for many of these appropriations in order to secure the political influence to be derived from it. That is what we vote pensions for—Democrats and Republicans. I might mention other sorts of appropriations. The river and harbor bill is largely a matter of politics; and I have always understood that the term "pork," as used in regard to bills of that sort, has reference to the distribution of money in communities under a system of public improvements rather than to any individual benefit directly flowing from them.

Mr. President, it is very easy to pay our political debts with public money—the easiest thing in the world; a good deal more easy than to pay them out of our own pockets. But my experience has been through life that public moneys expended for political purposes seldom bear much fruit, and they ought not to. Yet we hug that sweet delusion to our souls, and go on in the old way, each party when it has the power, and both because they want to remain in power.

So we must begin, Mr. President, if we begin at all—we of the dominant party—to retrench our expenditures and reduce them wherever possible. We have a great naval program. It costs money. We have a great military program. It costs money. We are considering the question of universal military training as an absolute necessity to the Nation's future welfare and safety. The system will cost money—a great deal of money. Our relations with Mexico, whatever else may be said of them, are extremely expensive. They cost a great deal of money, and they will continue to cost a great deal of money. We have certain fixed expenditures, permanent in their character, which we must meet. They cost money. There are a great many other things which the Nation's interests require to be carried out, and these cost money.

I hope I am not guilty of parsimony, either in the consideration of large or of small appropriations; but I think that in all these things, whether they be large or whether they be small, at this time wherever a cent can be saved it ought to be saved; and much can be saved if we will give to our financial administration that attention which it deserves. Unfortunately, these bills come in at the end of the session, when we have but comparatively little time for their consideration. Hence they are rushed through, sometimes, without due regard to many indefensible things which they contain. Now, that is not a good way of legislating. This is wrong and wholly unjustifiable.

I have been reading lately, Mr. President—as have others, I have no doubt—the proposed methods of raising revenue to meet our deficiency. A bill is before the Committee on Finance which, among other things, if the public press be reliable, proposes to issue bonds to the extent, as I recall, of $280,000,000 to meet part of the necessary outlay for the fiscal year 1918. If we agree upon such a plan—and I certainly hope that we will not—I can not assume that they will be issued at less than 4 per cent.

Now, 4 per cent on $250,000,000 is $10,000,000, and that sum at the end of 50 years amounts to $500,000,000, or twice the amount of the principal. I do not suppose that bonds, if issued, will be issued for a shorter time. Shall we compel our posterity to bear the burden that belongs to us, and which we created in times of peace, of $250,000,000, and require them during the next 50 years to pay $500,000,000 by way of interest to those who own them, leaving the principal sum unpaid and uncanceled? Is that right, Mr. President? Yet is is easier than immediate taxation. Is it not more manly, more desirable in every way, to pay as we go, even though we may have to increase inordinately the burden of our taxation to meet our obligations? If we conclude to do so, it will be the best possible incentive to economy, since we all shrink from increasing direct taxes, and we all know the consequences of increasing them unduly.

Another misfortune with regard to some of our methods of raising taxes lies in the fact that we are too apt to pursue a method of class legislation to an extreme, and seemingly obnoxious to the old Democratic theory of "equal rights to all." I believe that the income-tax exemption should be lowered, and lowered very materially. I always have believed it. Yet this Congress will shrink from doing it lest it offend too many voters. I believe that we should repeal the present wholly unjust and indefensible tax upon oleomargarine and place a flat tax, say of 3 per cent, upon it, thereby enabling the people to obtain a perfectly nutritious and good food and the Government to obtain a revenue of five or six million dollars. I believe in putting the stamp tax back where it should be, upon all transfers of shares of stock in corporations, which would bring us, I think, nine or ten million dollars. I believe in a tax of at least 15 cents a gallon upon rectified spirits, which seems to have escaped pretty well so far, bringing us an added revenue of millions.

I think we should do these things along with proposed increases in other directions which may be perfectly proper, but which are not proper if we simply stop there and tax, even though unconsciously, in such a manner as to justify the complaint that we are levying taxes upon the people of the United States so as to offend as few voters as possible.

Now, Mr. President, so much for these general principles or general conditions as a basis for my support of the committee. There are, however, some other features of the situation to which I want to advert before I take my seat.

The civil-service employees of the United States have a life tenure of office. They continue to occupy their position during good behavior. They are not amenable to the fluctuating fortunes of political parties. They receive decent salaries, and behind those in office is a long waiting list of those who want positions, and are ready and anxious and eager to take the place of every employee who falls by the wayside.

The system has been defended ever since its advocacy began, and he would be a rash man to-day who indicated a desire to do away with it, certainly by doing away with it and returning to the one which it supplanted.

But, Mr. President, I recall some objections urged when the question of civil service was an acute one, which the present situation seems to verify. I read a speech, I think made in the early eighties, perhaps before that time, on this subject by one of the most distinguished statesman of the time, a man who adorned this Chamber with his presence and his eloquence for years, the great Senator from New York, Mr. Conkling. One of his objections to the system was that it would tend to the creation of an official caste, hardening into an organization and transforming itself from a body of servants to a body of masters, a situation which he denounced as intolerable to the institutions of America and to which any other system was preferable.

To-day we are confronted with an organization of the employees of the Government affiliated with labor organizations in the great American Federation, represented before committees by able delegates devoting their entire time to the enactment of this measure, and perfectly competent to defend it and to assert their right to it.

That in itself is not reprehensible, and yet, Mr. President, to me a lobby is a lobby, whether it is an organization of manufacturers, of physicians, of lawyers, of suffragettes, of labor, or of officeholders, and we who have denounced lobbies and who have flattered ourselves with having discovered and destroyed a formidable one should be the last to recognize or to tolerate conditions which are similar, if not identical, the great and perhaps the only difference being the nature of the objects to be accomplished by the organization rather than the inherent character of the movement itself. Frankly I think it is a situation which, if successful, will lead to further and still further demands upon us, for these are demands, presented in a way that justifies some of the apprehensions which found lodgment in the minds of great men years ago.

Mr. President, my chief reason for mentioning this situation is that shortly after the action of the committee upon the pending bill as to this particular feature was made public the press of Washington announced that this organization proposed to resist other appropriations; that it proposed to obstruct the legislation of the Congress of the United States in other directions regarding other expenditures, if their demands could not be satisfied. In other words, the organized forces of Federal employees to-day are at their desks—who in the aggregate receive, I think it was stated, from 25 to 30 per cent better wages than are paid by private employers, whose places would be readily taken by the multitude of those who have passed the examinations and who are wating for fortune to come to them—having behind them the tremendous power of the organization with which they are affiliated, announce their purpose to oppose legislation of the Congress of the United States because they can not compel us to give what they demand. This is a grave situation.

I had no other reason than this for supporting the committee with my vote. I do not think the time has yet come—cer-

tainly, I hope we have not reached it—when the organized employees of the United States can demand of Congress certain action and threaten it with certain other action if that demand is not granted. If we once break over such a line and establish a precedent, we must take the consequences.

I have received during the past fortnight what might be called identic notes—that is to say, letters and telegrams just alike—coming from different parts of the country and particularly from my own, from Government employees, some of them urging, some of them requesting, some of them demanding my support of this proposed increase. My answers have brought replies of a somewhat intolerant character occasionally, which of course is in line with the announced policy of the public servants.

Some time ago, Mr. President, a great English historian, Mr. Froude, in one of his interesting essays upon the situation in England, I think it was in the early sixties, referring to a similar tendency of civil service there, used this language:

> The competitive examination system is the model of modern progress. We believe ourselves to have found it the most perfect method of sifting out our own best men. The experiment, it is true, has been tried among the Asiatics in China for a thousand years, and has produced the weakest and most corrupt government which the world has ever seen.

Of course, it is not to be inferred that our experiences will be that of China, but it is significant, Mr. President, that among those who doubt the principle of government by democracy, who mistrust the people and feel that they are not capable of governing themselves, is the argument that officers and offices always tend to multiply in republics, and as they increase in numbers they make demands at first generally, in the end perhaps always, make demands which are complied with because they are an organized power, because they may hold the balance of power, and because they are in a position to demand action and enforce their requests by the threat of reprisal.

Much criticism was made during the last campaign of the Democratic majority in Congress of their alleged surrender to the demands of four men as to an item of grave and serious legislation. Passing the question as to the soundness or unsoundness of the charge, does not a request become a demand when it is accompanied, or at least seems to be, by a statement that its denial will be followed by proposed hostile acts directed against other matters of financial legislation which may come up for consideration, which we may be obliged to enact into law in the discharge of our duty?

So, Mr. President, I am unwilling under the circumstances, independent of the question of economy, to commit myself to a movement of which I can not see the ultimate consequences.

But, Mr. President, there is another feature of this matter which I want to refer to before taking my seat, and I shall occupy but a few moments more. It has reference to the character of the relief as a practical measure. Whenever prices rise the man who receives fixed compensation suffers. Whenever prices fall the individual receiving fixed compensation prospers. In the days of the agitation for free silver, when times were hard and money scarce, the salaried employee was in good material condition, because the scarcity of money and the hardness of the times increased its value, and through the increase of value prices fell. Conversely, of course, the proposition is equally true, and much of the rise in the cost of living may be traced directly to the abundance of gold in this country, every dollar of which represents from $5 to $7 of credit, and the decrease in its value is reflected in prices.

So, as the Senator from Georgia [Mr. SMITH] said this morning, we must not forget in our consideration of this question that it has another side to it, and when that side presents itself the particular class of people are the fortunate and not the unfortunate class, and fixed employment and fixed compensation give them a position so superior to the private employee as to account in a measure for the fact that these places are sought with so much avidity and held so constantly.

But, Mr. President, if the fact were otherwise, I should question the wisdom of this increase. It is not the way to meet the situation, in my judgment. We can not increase salaries as rapidly as the merchants of the country can increase prices.

Something has been said about the many rises in the compensation of men in private employment during the last year or two, the aggregate amount of which is enormous, and which could have been made, and perhaps made more liberally, because of the enormous profits which these private enterprises have been enjoying. But, Mr. President, I think I might inquire whether these increases have really brought any added compensation to those who receive them. Has not the constant rise in the price of necessities of life been greater in proportion than the rise in compensation? If I mistake not, such are the facts as outlined in the economic papers of the country. I would venture the assertion with some degree of confidence that if the House provision remains in the bill and becomes a law 30 days will not elapse before the purveyors of the necessities of life in the District of Columbia and elsewhere will regulate their prices so as to absorb the increase. I think that is a fact which economic history will demonstrate to be true; and if it is true, then do we not by adopting this policy increase instead of discourage this constant rise in the prices of the necessities of life? Do we not feed it instead of fighting it, and is not that bound to be the result?

Mr. President, I sympathize, earnestly and sincerely and humanely, with every man and woman of this country who in these times of abundance are living, so to speak, upon short rations. I would to God there was no such thing as suffering or indigence in America. It makes me sometimes ashamed of my country when I read of the orgies of the rich in our great metropolitan centers the prodigious extent of their luxury and sometimes of their debauchery, and then contrast those things with the needs of the poor and the deserving. I hate to see these inequalities, because they are breeders of discontent, and discontent is always the precursor of revolution. But they are here and they are largely responsible for the conditions which make consideration of this measure at all necessary.

I believe there are, Mr. President, many very unjust inequalities in our compensation of employees. I have no doubt that many of them are poorly paid and that others are perhaps overpaid. But the way to regulate that, Mr. President, is to institute systematically and properly an investigation and then equalize these conditions after we know the extent to which they exist and the extent to which they ought to be equalized. I am heartily in favor of that. I think it ought to be done by all means.

I am as much surprised as the Senator from Iowa at the statement of the Senator from Utah regarding the minimum wages which a great many people are receiving. I was more surprised that a man would consent under any circumstances in these times to work for any such compensation, because if we are to believe what we read and what we are told, the demand for labor now everywhere is far in excess of the supply, and why an able-bodied man should work for the Government for $450 when by going to Baltimore or Philadelphia or to the other great industrial centers he can get far more than that, and get it easily, it is difficult for me to understand. There may be good reasons, probably are, why this is not done. I fully agree that is a sum upon which a family man can not live decently. Before we attempt to equalize those conditions, let us take a probe and ascertain what they are, their depth, their extent, and then act with that intelligence which comes from information.

I hope, Mr. President, that those of us on this side of the Chamber upon whom rests the obligation and the responsibility of the Government will stand by their committee in their commendable efforts to prevent these increases of our permanent expenditures, for we know, Mr. President, that, although this bill only extends over the period of the fiscal year provided in its recital, the precedent once established can not easily be gotten rid of. It is there; it is there to stay. Because we have done it once will be the conclusive reason why we should do it for all time. In other words, it is easy to enter upon any system of legislation; far more easy than it is either to restrict or abandon it afterwards by retracing our steps.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I do.

Mr. HITCHCOCK. I should like to ask the Senator whether or not he has investigated the matter enough to know that any man was working for $450 a year—who does a whole day's work I mean?

Mr. THOMAS. I have made no investigation. I will say to the Senator; but my statement was based upon the assertion of the Senator from Utah [Mr. SMOOT], which perhaps the Senator from Nebraska did not hear.

Mr. HITCHCOCK. I have been told that those receiving that pay are either boys in their teens—messengers, and so on—or that they are men who only work a few hours a day. Personally I have never investigated the matter.

Mr. THOMAS. The understanding of the Senator from Nebraska and the statement of the Senator from Utah justify my contention that we ought to have accurate information about these matters before we proceed to general legislation concerning them.

Mr. SMOOT. I want to say to the Senator from Colorado that I know there are men working in the Government service to-day who are receiving less than $480 a year.

Mr. SMITH of Georgia. How many of them are there, where are they, and what are they doing?

Mr. SMOOT. Mr. President, I suppose every member of the subcommittee knows what those men are doing. They are men who are hired, for instance, to work in the Botanic Garden, and they are limited to a certain amount per day. I know there are such men; I know their representative appeared before the committee and appealed for an increase; but those having the affairs of the department in charge advised not to increase the salaries of those men. I know that there are assistant messengers who are receiving not more than $480 per year—$40 per month. As I previously stated to the Senator from Nebraska—I think it was he who asked me the question——

Mr. SMITH of Georgia. Will the Senator from Utah state in what department and where there is an assistant messenger—a grown man—getting only $480 a year?

Mr. SMOOT. In the Pension Office, I will say to the Senator, and also in the Patent Office.

Mr. SMITH of Georgia. The assistant messengers' roll of the Pension Office carries a salary of $60 a month.

Mr. SMOOT. I think I have the bill here, and can refer to it very quickly.

Mr. SMITH of Georgia. And so do those in the Patent Office.

Mr. SMOOT. In the Patent Office the law provides for 14 messengers. Those are the regular messengers. The salary of the regular messengers is $840, which is $70 a month.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Then, it has 25 assistant messengers.

Mr. SMITH of Georgia. I am talking about assistant messengers in the Patent Office now; that is what you said.

Mr. SMOOT. Laborers provided for on the statutory rolls receive $660 per annum, which is $55 a month. That is, where laborers are appropriated for and no salary mentioned. Then, 14 laborers—under the head of laborers—at $600. Then there are 42 laborers, at $540. Those laborers are men; they are not boys. I will state to the Senator that there are 40 messenger boys, at $420 each.

Mr. SMITH of Georgia. Those are messenger boys. They are not assistant messengers.

Mr. SMOOT. Those are messenger boys in the Patent Office; and, Mr. President, out of every lump-sum appropriation in every department there are laborers who are used as messengers during times when they can not be used for anything else. So it has been stated before the committee; and they are receiving $40 a month; that is, at the rate of $480 a year.

I will also say to the Senator that not only is that true in the Patent Office, but I think it is true in other bureaus of the Interior Department. It is true of the Pension Office, and I think in every other department of the Government where laborers are employed and paid out of lump-sum appropriations. I do not believe there is a department in the Government but what employs men at $40 a month.

Mr. OVERMAN. Congress does not fix these salaries. Congress only provides where the man shall be employed and gives a lump sum.

Mr. SMOOT. I admit that.

Mr. OVERMAN. I think the Senator will agree with me; but, talking about laborers here in the District, Col. Harts said it was not necessary to increase their salary; that they could be secured at that price, and just as many as were wanted.

Mr. SMOOT. I did not name Col. Harts, but I did say, "a man having the employment of men in charge"; but I will say frankly, as the Senator has mentioned the name, that it was Col. Harts. I stated that the men who are getting $1.65 a day appeared before the committee and wanted an increase, but when Col. Harts appeared before the committee he said there was no necessity for the increase, because he had more applications than he could take care of, and that he could get many times the number of employees that were required. I will say that in the pending legislative appropriation bill there are employees of the Government provided for receiving salaries to the amount of $361,561 at $480 each per annum and less.

Mr. SMITH of Georgia. I did not catch the Senator's last statement.

Mr. SMOOT. In the legislative appropriation bill, which we now have before us, the amount of salaries paid to employees of the Government at less than $480 per year is $361,561, and, according to the Book of Estimates, in all other appropriation bills that will be enacted for the fiscal year 1918 the appropriations will amount to $10,673,245, or a total in the legislative bill and all other bills of $11,034,806.

Mr. SMITH of Georgia. Mr. President, let us see what the facts turn out to be. The Senator from Utah cited the Interior Department and the Patent Office. Did he find assistant messengers at less than $720 a year? No; but he found messenger boys at $480.

Mr. SMOOT. I find laborers here——

Mr. SMITH of Georgia. I will come to that in a moment. I first took issue with the Senator about assistant messengers. The assistant messenger gets $60 a month, and the messenger gets $70 a month. They obtain the places through civil service now. Splendid boys could be brought here from the interior who would be delighted to come—boys between 18 and 20 years of age—and occupy these places, for they would have ample time to pursue their studies at night and an opportunity to obtain an education.

Further, the Senator found no assistant messenger at less than $60 a month, but he found messenger boys at $480 a year. I am familiar with that class of boys. They are boys between 12 and 16 years of age, who run errands during the day and go to school at night. It is excellent pay for them and much more than they would get in a store. Besides, it gives them an opportunity to make a livelihood.

The Senator cites laborers in the Patent Office. I will ask him if he has investigated as to those laborers and ascertained who the majority of those laborers are? The majority of those laborers are girls who dust the machinery in the Patent Office, the patent exhibits, and most of them receive about $50 a month, which is vastly better pay than they would get in any of the stores, and they occupy vastly better places than shop girls in the stores. They are not men; they are not heads of families, as a rule. Those places were much sought after when I was familiar with the work of that office. Those employees are called upon to do only light work; their occupation is an easy one. There may be some male laborers who are paid $50 a month, but the average laborer who contributes nothing but manual labor and no brain to his work can not get that amount anywhere else. I wish I could get a place of that sort for two or three colored men I have in mind now who would like the work. I should like to get them a place paying $40 a month. I have one in whom I am interested right now who would be delighted to get a place at $40 a month. If we are paying $50, when all over the city they are begging for such places at $40, it is not a hardship we are putting on them. It is not the kind of condition that the Senate is really supposing it to be. The man works and his wife works. I wish nobody had to work; I wish everybody could be provided for without hard work, at any rate.

Mr. SMOOT. I do not.

Mr. SMITH of Georgia. I mean I wish nobody was obliged to work to make a living; I wish everybody could live without work. I do not wish that no one had to work, because if no one had anything to do, if none of us had anything to do, I for one would be utterly miserable.

Mr. SMOOT. I think the greatest blessing that God has conferred upon His children is the blessing of having a chance to work.

Mr. SMITH of Georgia. What I really meant by that was that I regret that anybody is obliged to work for $50 a month and can make no more for a living; that is really what I meant. I wish everybody might have a better living than $50 a month affords.

Mr. SMOOT. I will agree with the Senator as to that.

Mr. SMITH of Georgia. With great pleasure I helped pass the agricultural-extension work bill and with great pleasure I expect to report to the Senate in a day or two the vocational education bill, and I hope through it we will help prepare the children better than their fathers have been prepared; that we will help prepare the boys better than their fathers have been prepared, that they may have a creative power and a mental and physical skill and will be so situated that they can produce for themselves more than their fathers produced in the past; but when we come down to these $50-a-month places, to the laborers receiving $600 a year in the Patent Office, we find that they are girls, as a rule. The bulk of them are girls who dust the machines.

Mr. SMOOT. Mr. President, I want to say to the Senator that, if he will read this bill, he will find that wherever there is a laborer provided for, if the place is to be filled by a female, the bill says "female laborer, at $300 or $480," as the case may be. I will just run through some of the items here. For the Bureau of Education, for instance, it will be found that provision is made for so many female laborers and so many laborers at $480, and the same thing will hold good as to the other departments.

Mr. SMITH of Georgia. We were discussing the Patent Office, with which I am quite familiar.

Mr. SMOOT. Turn to any of the other departments, the Department of Commerce, for instance, and we find authorization

for so many laborers—that means, of course, at $70 a month, or $840 a year—and then it goes on and says:

Fourteen laborers (including one transferred from Bureau of Foreign and Domestic Commerce); two laborers, at $480 each.

That is $40 a month. I desire to say to the Senator that such items run all through the bill. As I have said, the number receiving less than $480 is small compared to those who receive from $480 to $1,000, because the amount in this bill provided for all employees receiving between $480 and $1,000 is $5,113,375, as against only $361,516 for those receiving less; and in all the other appropriation bills for employees paid between $480 and $1,000, the total is $110,281,300, as compared with only $10,673,245 for those paid $480 and less. So the percentage of those paid between $480 and $1,000 a year is greater than the percentage of those receiving less than that amount.

Mr. SMITH of Georgia. Mr. President, when we take the department in Washington selected by the Senator from Utah and the facts are presented, it is ascertained that he was mistaken about assistant messengers getting less than $720 a year.

Mr. SMOOT. Yes, I will say to the Senator because the statutory rate is fixed for assistant messengers; and in looking over the bill I never noticed in hurriedly reading it that the item was for messenger boys; but I want to say to the Senator that what we were discussing was as to whether there were laborers employed by the Government of the United States who received only $480 a year; and again I say that there are laborers, men with families, who are receiving no more than that amount in the Government service.

Mr. SMITH of Georgia. And the Senate is paying its laborers in the Senate Office Building $480 a year, and there is a large list of men begging for the places. What do they do? They go on duty for three or four hours at night. So it will be found that in these places where the employees are paid $480 a year there are explanatory circumstances which make the compensation good pay, just as it will be found that in the Patent Office the places on the regular laborers' roll at $60 a month—provided for by a regular appropriation, specifying so many laborers, without naming females at all—the places are filled largely by girls. Such provisions have been carried for the Patent Office for years; and, although they provide nominally for laborers, the places are filled by girls, who, as I have said, dust the machines. There are quite a large number of them doing the very lightest and easiest kind of work for about six hours a day. What I am insisting upon is that we ought not to be swept away by the mere suggestion that we have certain cheaply paid employees on our rolls receiving $480 a year, or $40 a month, when, as over in the Agricultural Department, for instance, those receiving that amount are boys who work a few hours a day and go to school at night. For such work that is ample pay, as is $25 a month for little fellows 12 years old who work only a few hours a day, which is the pay that some of them receive out of lump-sum appropriations.

Mr. SMOOT. Mr. President, take the Congressional Library. I know of young men who are going to school at the George Washington University at night who for the full hours of work which they put in at the Library are paid only $35 a month.

Mr. SMITH of Georgia. As to the Library, we have left such matters entirely to the Librarian. We do not classify the pay of employees there; it is subject to change, and that is not an ordinary Government department where we fix the pay. I frankly find in the Library a class of pay that is to me really surprisingly low.

Mr. SMOOT. I know of young men employed there, married men who have families, and who have come to Washington to receive an education, and they are working just as many hours as any other employee in any other department of our Government; and, as I stated before, they are only receiving $35 a month.

Mr. SMITH of Georgia. That is in the Library, the Senator says?

Mr. SMOOT. In the Library.

Mr. SMITH of Georgia. We should take up the Library, then, and take charge of the compensation there. It is immediately under Congress. It is our Congressional Library.

Mr. SMOOT. All of the other salaries of all the departments are immediately under our control.

Mr. SMITH of Georgia. But the Library of Congress is especially responsible to Congress.

Mr. SMOOT. Not more than any other department of the Government.

Mr. SMITH of Georgia. Oh, yes; it is. There is no member of the Cabinet over it. The Joint Committee on the Library nominally controls it.

Mr. JONES. Mr. President, the Senator says that the salaries in the Library are fixed by the Librarian and that we have nothing to do with them. I notice here, on page 23 of this bill, in the Catalogue, Classification, and Shelf Division, 13 assistants to the chief of the division at $600 each and 4 at $540 each. That is provided for right here in the bill. Then on page 22——

Mr. SMITH of Georgia. Do we fix in detail in the bill now the compensation of all these people in the Library?

Mr. SMOOT. Yes; just the same as in the other departments; but in that department, as in every other department, they have a lump sum, and most of the low salaries paid are paid from that lump sum.

Mr. SMITH of Georgia. That is what I meant.

Mr. OVERMAN. That is the fault of the man in charge of the lump sum, then. We fix a certain standard of pay, and the lowest is $480.

Mr. SMITH of Georgia. There are no such low figures as $35 a month in the salaries we fix. That is assigned from the lump sum.

Mr. SMOOT. I will say to the Senator that it is not a statutory salary, and the $35 a month is not provided for specifically in the appropriation, but it is paid from a lump sum.

Mr. SMITH of Georgia. I should have qualified my first statement in that way. While we fix the compensation of some of the employees, what I really meant was that $35 a month was not a statutorily fixed compensation.

Mr. SMOOT. That is true.

Mr. JONES. We do fix some salaries in this bill, however, at $45 a month.

Mr. SMOOT. Yes; and we fix salaries at $20 a month.

Mr. JONES. I refer to those in the Library.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on the amendment offered by the Senator from Utah.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	McCumber	Smith, S. C.
Bankhead	Hollis	Martine, N. J.	Smoot
Brandegee	Hughes	Nelson	Sterling
Bryan	Husting	Norris	Stone
Chamberlain	James	Oliver	Thomas
Clapp	Johnson, Me.	Overman	Thompson
Clark	Jones	Poindexter	Tillman
Colt	Kenyon	Pomerene	Townsend
Cummins	La Follette	Ransdell	Wadsworth
Curtis	Lane	Reed	Walsh
Fernald	Lee, Md.	Saulsbury	Watson
Fletcher	Lewis	Sheppard	Weeks
Gallinger	Lippitt	Shields	Williams
Gronna	Lodge	Smith, Ga.	

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness and is paired with the junior Senator from Minnesota [Mr. CLAPP].

The PRESIDING OFFICER. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. TOWNSEND. Mr. President, I desire to say just a word by way of explanation of the vote I am about to cast.

I believe in real economy. I know, however, there are things named economy which are entirely false. It is to me an improper thing for the Government to retain in its employ men and women at less compensation than they ought to receive, and yet I know that it is doing that thing. I regret, however, that the present amendment is so worded and comprehends the subject in such a manner that I can not support it.

I know that there are men and women in the employ of this Government who are overpaid—that is, they are performing no really valuable service to the Government—and if we had the courage to go into the matter carefully we would eliminate from the Government service a great many of these people who are now being gratuitously supported out of the Public Treasury. This amendment rewards the worthy and the unworthy alike. It simply pays to a man who is now receiving more than he ought to receive an additional wage. It is unfair to the employees who actually render service, and no one has even estimated the number of these unworthy employees.

I repeat that I think it is false economy to keep anybody in the employ of the Government at less than that person's service is worth; and if you will bring to me an individual case and show to me that that person is not receiving what he ought to receive, I will vote to increase his salary, as I have always voted for such increases. But if you bring them in block, and say: "We are going to raise good, bad, and indifferent in the same manner," then I can not support your proposition, because

I am here to represent my constituents, who help to pay these bills, and I will not knowingly do as their representative what I would not do for myself.

That being true, I can not conscientiously vote for an increase of salaries indiscriminately, without any consideration at all of the worth of the employee. It is admitted that hundreds of superannuated, incapable clerks are being carried on the pay rolls because there seems no way to separate them from the service. Certainly it is not right to increase their salaries and at the same time grant no greater wage to the men and women who actually do the Government's work. We should reward according to merit, and thus encourage capable and efficient service. The pending amendment, like the House provision, is unfair to the clerk who serves the Government efficiently and to the people, who have a right to demand that their money shall be properly expended. Not a Senator here would adopt the principle of this bill in dealing with his own employees. What right has he to adopt it for his Government?

It is for this reason, Mr. President, that I am compelled to vote against the proposition and not because I am opposed to paying men and women what their services are worth, regardless of what is paid outside. Indeed, I think the Government ought to set the example of paying what its employees are actually worth. Segregate the Government employees and reward them according to the services rendered. By doing this thousands would receive increased salaries, thousands would be discovered to be amply paid now, and thousands more would be either demoted in salary or dropped from the pay roll entirely. To secure efficient service, the Government must reorganize and reward its servants according to merit. The depleted condition of the Treasury would not deter me from voting adequate compensation to deserving employees, for to a great extent a repletion of that Treasury depends upon the efficiency and worth of those employees, and the Government, of all employers, should be the most just; but to reward the incompetent equally with the competent is unwarranted, whether the Treasury be empty or full.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. TOWNSEND. I yield to the Senator from Utah.

Mr. SMOOT. There may be something in what the Senator says in the case of salaries that are above $1,000; but does the Senator believe that in making a horizontal increase of 10 per cent in the salaries of employees receiving less than $1,000 there is going to be any great injustice to the Government? Does he not believe that there will be very few cases. where the man is receiving less than $1,000, where the increase is not justified?

Mr. TOWNSEND. Mr. President, I happen to know that there are in the employment of this Government many men and women who were put in through political influence, who ought not to be in the service at all. They are detrimental rather than beneficial, and I want to separate those, if I can, from the people who are properly in the service, and who ought to be adequately compensated for services rendered. Now, I know that there will be hundreds of employees included under this provision who are not entitled to a cent of increase. Indeed, they should be demoted or excluded. They ought to be separated from the service and placed upon their own resources, instead of being carried as a burden upon the people.

Now, this is a fact. There is no way to disguise it. We all know it is so, yet we propose in this blanket way to cover good, bad, and indifferent with this provision and reward all alike with improvident hand. Present the individual or classes of cases to us so that we can understand their merits and then I will gladly join with any others to adequately reward those servants who are properly performing their duties to the Government. I can not consent to this reckless way of discharging public duty.

Mr. JONES. Mr. President, I should be glad to vote for this provision as it is in the House bill. I feel satisfied, however, that that provision will be rejected when it comes to a vote upon it. For that reason, if I were at liberty to vote to-day, I would vote for the amendment presented by the Senator from Utah [Mr. SMOOT], feeling that that is the very best that there is any chance of getting.

Mr. OVERMAN. Mr. President, I hope the amendment of the Senator from Utah will be voted down. As I said, there will be some differences to compose between the House and the Senate, perhaps somewhat in line with the suggestion made by the Senator from Utah. Whether we will have time to do it or not, I do not know. The Senate committee did not have the time to do it and get these appropriation bills through; but when we get into conference it may be settled. That is, if the Senate will stand by the committee, the matter will go into conference, the House being for the horizontal increase up to $1,800 and the Senate for nothing. Of course there will be a composition of differences between the two Houses; and I hope we will arrive at something that will be equitable and just.

Mr. SMOOT. Mr. President, may we have the amendment stated again? Some of the Senators have not heard it read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In lieu of the committee amendment, as it appears on page 151, it is proposed to insert the following:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of $480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than $480 per annum and not exceeding $1,000 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in this act specifically and under lump sums, or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

Mr. SMOOT. On that I ask for the yeas and nays.

Mr. TILLMAN. Mr. President, in the Committee on Appropriations I voted for this amendment, but after the assurance given by the acting chairman of the Senate committee I shall have to vote against the amendment.

Mr. CLAPP. Mr. President, I should like to know whether we have an assurance from the chairman of the committee that after we have rejected this House provision the conferees deliberately promise that they will yield in conference?

Mr. OVERMAN. No; Mr. President, I do not make any promise at all.

Mr. CLAPP. If not, what does the observation of the Senator from South Carolina mean?

Mr. OVERMAN. I do not make any promise at all. I said that the House is insisting on a large horizontal salary increase for all employees up to $1,800. Then, if the House insisted, and the Senate insisted upon its amendment, I said there was bound to be a composition of differences between the two Houses, and there might come from it an adjustment that would be equitable and right. That is what I said.

Mr. SMOOT. If the Senate adopts my amendment, it certainly can not be lower than the amendment I have offered.

Mr. OVERMAN. Oh, that is the same horizontal increase business, which does right to some and wrong to others. I am opposed to any sort of horizontal increase. I am opposed to increasing the salary of some man who is 75 or 90 years old, while some bright, active young man gets no salary at all. The man who is 80 years old, who sits looking out of the window all day, gets an increase, while the man who has worked day in and day out gets nothing.

I am opposed to this horizontal increase in any form. I think the Senator from Michigan [Mr. TOWNSEND] is right. If we could work out some system by which some men who are getting too much could be reduced, and some men who are not getting enough could be increased, that would be a different proposition. The Senator from Utah knows that we came across some men who ought to have been increased and some who ought to have been reduced, but we could not go into that question. It was impossible. So we struck out this amendment. We opposed these horizontal increases.

Mr. SMOOT. The House provision provides a horizontal increase, and if the employees of the Government, no matter what rate they are getting, will get any increase at all, that is the only way they can get it at this short session of the Congress. It is for only one year, and I hope the Senator will join in making some provision for an examination into the salaries paid in all the departments of the Government. He knows as well as I know that there are many of them receiving more than they ought to receive. But my amendment does not touch that class of employees. The $1,000 man and below are the only ones affected by my amendment.

Mr. OVERMAN. Mr. President, the investigation is going on now, as the Senator knows. The Senator from Utah is interested in the amendment here from the Post Office Department proposing a report by this Efficiency Board. We provided for that, and the activities of that board we provide shall be increased in this bill. The Senator himself brought in an amendment here which was in the line of economy and doing justice to those men who deserve larger salaries and reducing the salaries of those who are doing nothing, and whose services are not worth a cent to the Government. That is what we can do next year. I say I think we ought to strike out all of this section, and then let it go to the House and see if we can work out anything in conference.

Mr. JONES. The Senator said there might be a compromise if we would strike out the provision put in by the House. Does the Senator infer that they would bring in anything in the nature of a compromise covering specifically named officers of the Government?

Mr. OVERMAN. I did not say that. I said——

Mr. JONES. I can not see any other form of compromise that could be brought about.

Mr. OVERMAN. I am not going to propose any compromise now, because I think we ought to strike out the section. It is a horizontal increase, and if we strike it out the House conferees will then know our position. I expect the House conferees will insist on the section, and if they insist and the Senate conferees refuse to accede, then there is bound to be a composition, if we are to have any bill at all; and if we are to have a bill, the two Houses can probably get together.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state it.

Mr. NORRIS. The amendment offered by the Senator from Utah is an amendment to the House text. Can it be offered as a substitute for the Senate committee amendment when the Senate committee amendment simply strikes out certain language in the House bill? Is it not true that the amendment of the Senator from Utah is an amendment to the text of the House bill, and that if it is adopted then the committee amendment will still come before the Senate to strike out then the amendment of the Senator from Utah instead of the House text?

Mr. SMOOT. I offered the amendment by way of a substitute to perfect the House provision. That can be done by an amendment.

Mr. NORRIS. I understand that, but I do not see how it can be a substitute for the committee amendment to strike out.

The VICE PRESIDENT. This is an effort on the part of the Senator from Utah to correct the text before the Senate committee amendment to strike out is voted upon.

Mr. NORRIS. That is my understanding.

The VICE PRESIDENT. That is what the Chair understands. The yeas and nays have been requested on agreeing to the amendment of the Senator from Utah.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. CURTIS (when Mr. DU PONT's name was called). I was requested to announce the absence of the Senator from Delaware [Mr. DU PONT]. He is paired with the junior Senator from Kentucky [Mr. BECKHAM]. Were the Senator from Delaware present, he would vote "yea."

Mr. GALLINGER (when his name was called). I transfer my pair with the senior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. In his absence I shall be obliged to withhold my vote. If permitted to vote I should vote "yea."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness. I have consented to pair with him for the day. Therefore I can not vote. If permitted to vote on this amendment for the reason I stated a while ago, I would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WADSWORTH (when his name was called). Upon this subject I am paired with the senior Senator from Arkansas [Mr. ROBINSON] and I withhold my vote.

Mr. CLARK (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is detained from the Senate by illness and is paired with the Senator from North Carolina [Mr. OVERMAN].

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN] I vote "nay."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON].

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CLAPP (after having voted in the affirmative). When my name was called I transferred my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from California [Mr. WORKS] and voted. Since then the senior Senator from California has entered the Chamber and voted. I am therefore obliged to withdraw my vote.

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted, but I am compelled to withdraw my vote, as the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, is not in the Chamber.

Mr. CURTIS (after having voted in the affirmative). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. I transfer my pair to the junior Senator from Utah [Mr. SUTHERLAND] and let my vote stand.

The result was announced—yeas 33, nays 29, as follows:

YEAS—33.

Borah	Gronna	McCumber	Smoot
Brady	Husting	McLean	Sterling
Brandegee	Kenyon	Martine, N. J.	Thompson
Chamberlain	La Follette	Nelson	Watson
Clark	Lane	Oliver	Weeks
Colt	Lee, Md.	Phelan	Works
Curtis	Lewis	Pittman	
Fernald	Lippitt	Pomerene	
Gallinger	Lodge	Sherman	

NAYS—29.

Ashurst	James	Saulsbury	Tillman
Bankhead	Johnson, Me.	Shafroth	Townsend
Beckham	Myers	Sheppard	Vardaman
Bryan	Norris	Shields	Walsh
Cummins	Overman	Smith, Ga.	Williams
Fletcher	Poindexter	Smith, S. C.	
Hollis	Ransdell	Stone	
Hughes	Reed	Thomas	

NOT VOTING—34.

Broussard	Gore	Martin, Va.	Smith, Md.
Catron	Harding	Newlands	Smith, Mich.
Chilton	Hardwick	O'Gorman	Sutherland
Clapp	Hitchcock	Owen	Swanson
Culberson	Johnson, S. Dak.	Page	Underwood
Dillingham	Jones	Penrose	Wadsworth
du Pont	Kern	Robinson	Warren
Fall	Kirby	Simmons	
Goff	Lea, Tenn.	Smith, Ariz.	

So Mr. SMOOT's amendment was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OLIVER. I should like to have the question stated.

The VICE PRESIDENT. The committee amendment is to strike out the section which has just been modified by the amendment of the Senator from Utah.

Mr. LIPPITT. How would that leave the bill?

The VICE PRESIDENT. If agreed to, it would leave the bill without the amendment of the Senator from Utah.

Mr. THOMAS. Mr. President, a parliamentary inquiry. Does a vote in the affirmative sustain the committee's amendment as amended?

The VICE PRESIDENT. The Chair understands, not having seen the bill, but the Chair thinks he is right, that the committee propose to strike out section 7. The Senator from Utah moved to amend section 7 before the committee amendment was put. The amendment of the Senator from Utah was carried. Now the committee amendment comes up to strike out section 7, which is in reality the amendment of the Senator from Utah. If the motion is sustained, it has just the same effect as though the original amendment was carried. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Announcing the same transfer as on the last vote, I vote "yea."

Mr. CLAPP (when his name was called). Again announcing my pair and the absence of my pair, I withhold my vote. I desire to state that if the senior Senator from North Carolina [Mr. SIMMONS] were present and I were permitted to vote, I would vote "nay."

Mr. CURTIS (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, for which reason I withhold my vote. If permitted to vote, I would vote "nay."

Mr. GALLINGER (when his name was called). Making the same transfer as on the former vote, I vote "nay."

Mr. HARDING (when his name was called). Repeating the announcement of my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. JONES (when his name was called). Making the same announcement in reference to my pair, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. OVERMAN (when his name was called). Making the same transfer as before, I vote "yea."

Mr. REED (when his name was called). Making the same transfer of my pair as before, I vote "yea."

Mr. TILLMAN (when his name was called). Making the same transfer as on the last vote, I vote "yea."

Mr. WADSWORTH (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], and withhold my vote in his absence.

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last ballot with respect to my pair and its transfer, I vote "yea."

The roll call having been concluded, the result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Ashurst	James	Saulsbury	Thomas
Bankhead	Johnson, Me.	Shafroth	Tillman
Beckham	Myers	Sheppard	Townsend
Bryan	Newlands	Shields	Vardaman
Fletcher	Overman	Smith, Ga.	Walsh
Hollis	Ransdell	Smith, S. C.	Williams
Hughes	Reed	Stone	

NAYS—36.

Borah	Gallinger	Lodge	Poindexter
Brady	Gronna	McCumber	Pomerene
Brandegee	Husting	McLean	Sherman
Chamberlain	Kenyon	Martine, N. J.	Smoot
Clark	La Follette	Nelson	Sterling
Colt	Lane	Norris	Thompson
Cummins	Lee, Md.	Oliver	Watson
Curtis	Lewis	Phelan	Weeks
Fernald	Lippitt	Pittman	Works

NOT VOTING—33.

Broussard	Gore	Martin, Va.	Smith, Mich.
Catron	Harding	O'Gorman	Sutherland
Chilton	Hardwick	Owen	Swanson
Clapp	Hitchcock	Page	Underwood
Culberson	Johnson, S. Dak.	Penrose	Wadsworth
Dillingham	Jones	Robinson	Warren
du Pont	Kern	Simmons	
Fall	Kirby	Smith, Ariz.	
Goff	Lea, Tenn.	Smith, Md.	

So the amendment of the committee was rejected.

Mr. OVERMAN. Mr. President, I understand that that leaves the House text just as it came to the Senate.

SEVERAL SENATORS. Oh, no!

Mr. OVERMAN. I understand the committee amendment has been defeated; the substitute was not adopted.

The VICE PRESIDENT. Yes; the substitute was adopted.

Mr. LODGE. The substitute was adopted and retained.

Mr. OVERMAN. It was retained; but the item, as I understand, as stricken out by the committee was amended on motion of the Senator from Utah.

Mr. SMOOT. The House provision was perfected.

The VICE PRESIDENT. The Smoot amendment, as it is called, remains in the bill.

Mr. FLETCHER. May I ask the Senator from North Carolina in charge of the bill whether it will be agreeable now to have an executive session?

Mr. OVERMAN. I ask that the appropriation bill be laid aside, and I presume the Senator from Montana [Mr. MYERS] will call up the unfinished business.

WATER-POWER DEVELOPMENT.

Mr. MYERS. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. OVERMAN. I understand the Senator from Florida desires to move an executive session.

EXECUTIVE SESSION.

Mr. FLETCHER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

Mr. STONE. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 24, 1917, at 11 o'clock a. m.

TREATY WITH DENMARK.

During the executive session, on motion by Mr. STONE, the injunction of secrecy was removed from the convention between the United States and Denmark respecting the cession of the Danish West Indian Islands to the United States, which was signed at New York, August 4, 1916, and printed in confidence for the use of the Senate as Executive Document D of the first session of the Sixty-fourth Congress, and also from the report of the Committee on Foreign Relations on the subject.

NOMINATIONS.

Executive nominations received by the Senate January 23, 1917.

PROVISIONAL APPOINTMENT IN THE ARMY.

CAVALRY ARM.

Second Lieut. David Hazen Blakelock, Third Infantry, District of Columbia National Guard, to be second lieutenant of Cavalry, with rank from date of appointment.

APPOINTMENT IN THE NAVY.

William B. Black, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps, for a probationary period of two years, from the 11th day of January, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1917.

UNITED STATES DISTRICT JUDGE.

Robert T. Ervin to be United States district judge for the southern district of Alabama.

MEMBER OF THE UNITED STATES SHIPPING BOARD.

John A. Donald to be a member of the United States Shipping Board for a term of four years.

APPOINTMENTS IN THE NAVY.

The following-named citizens to be second lieutenants in the Marine Corps:

Benjamin T. Cripps.
Louis W. Whaley.
John M. Arthur.
James F. Jeffords.
Jacob M. Pearce, jr.
Gordon Watt.
Thomas P. Cheatham.
Thomas E. Bourke.
William C. James.
Daniel E. Campbell.

POSTMASTERS.

ALABAMA.

Rufus S. Shirey, Guin.

CONNECTICUT.

Lyman E. Smith, Middlebury.

KANSAS.

F. A. Brooks, Arlington.
Ella M. Meyer, Riley.

LOUISIANA.

Lester L. Bordelon, Marksville.
Christina Derouen, Ville Platte.
James H. Leech, Mer Rouge.
Patrick C. McLemore, Lenzburg.
Ulysses J. Marcotte, Cottonport.
Frank J. Maricelli, Campti.
James C. Parker, Merryville.
Sallie D. Pitts, Oberlin.
Marian E. Thomas, Grand Cane.
Willis A. White, Melville.

MAINE.

Guy W. Swan, Princeton.

MASSACHUSETTS.

Augusta M. Kelley, Centerville.
James W. Wixtead, East Douglass.

MICHIGAN.

Leo R. Glassford, Capac.
Thomas P. Griffin, Carrollton.
Simon W. McDonald, Benzonia.
Frank D. Verran, Republic.

MISSISSIPPI.

William E. Davis, Duncan.

MONTANA.

C. E. Davison, Roundup.

NEW MEXICO.

Clinton E. Byrne, Des Moines.
Olive Jones, Cloudcroft.

NORTH DAKOTA.

William E. Wright, Dunseith.

OHIO.

Robert L. McKim, Mount Victory.

TENNESSEE.

T. C. Howell, Chattanooga.

TEXAS.

Oscar G. Compton, Dayton.
Jessie Conn, Kountze.
Earl L. Cowart, Silverton.
Lawson B. Fulgham, Voth.

UTAH.

Frank M. Shafer, Moab.

WYOMING.

George R. Bringhurst, Lovell.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 23, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, quicken our minds and hearts that we may respond willingly, cheerfully, and faithfully to all the duties devolving upon us, that we may meet the close of this day with a clear conscience and be prepared for whatever awaits us to-morrow, because we have wrought faithfully. This we ask in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MILITARY PREPAREDNESS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial therein from the San Francisco Chronicle.

The SPEAKER. Is there objection?

There was no objection.

The editorial referred to is as follows:

[From the San Francisco Chronicle.]

THE "PREPARATION" CRAZE.

Pending the outcome of the peace suggestions in Europe our entire program of military "preparedness" should be suspended.

What will come of the overture made by Germany we shall see in due time. The important fact is the evidence that the people of the belligerent countries are utterly disgusted with the continuous and horrible fighting and are more than ready to quit.

Nor do any of them probably particularly care what the terms are, so only that individuals of all nations are free to go and come in the world and pursue their respective callings precisely as they were before the war.

It is the vanity of the rulers and not the desires of the people which is the obstacle to peace. And the people will have their way.

And at such a time it is a shocking thing that the one great neutral Nation should completely abandon its pacific policies of past years and plunge into preparations for war.

It is said that the President feels that the situation is too delicate to make it desirable for the United States to make any suggestion.

But it would not be in the least indelicate for Congress, by joint resolution, to propose to all the belligerents that if they will disband their armies and scrap their warships we will do the same, and that, as evidence of our sincerity, our entire expansion program shall be suspended pending the result of the European war.

The heads of the Army propose a peace force of 500,000 men, with a million and a half men behind them, trained and ready for war. Some one suggests that we could probably get the 500,000 by fixing the pay of privates at $30 a month. If none in an army of 500,000 was paid in excess of $30 a month, the pay of the Army alone would be $180,000,000 a year; but the pay of officers, subsistence, and maintenance of barracks would easily bring the amount to $400,000,000 annually, and we have not added the cost of a navy "equal to that of any other power."

The world has gone mad. No war was ever waged or ever will be except for the control of trade, and no modern war can be carried on except at a cost for each side vastly exceeding any possible gain to either.

Nor can any great war be carried on except by mortgaging the energies of future generations to the extent that they can not pay and have enough left to support themselves decently.

And future generations will not endure it. Nor is there any reason why they should. We have no control of the activities of our descendants, nor are they under the slightest obligation to pay our debts. And they will not starve themselves to pay the war debts of their ancestors.

The more we spend for preparedness the more we shall be asked to spend.

The right thing to do is to stop now.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7748. An act to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island, in said county and State; and

S. J. Res. 182. Joint resolution authorizing an exhibition of the various activities of the Government service.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20079, the rivers and harbors appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20079, with Mr. RAINEY in the chair.

The Clerk read as follows:

Smyrna River, Del.: Continuing improvement, $20,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amend, page 9, by striking out lines 15 and 16.

Mr. FREAR. Mr. Chairman, on page 402 of the Engineer's report it appears that we have had a total of $107,807 thus far appropriated for this river. The balance on hand, according to the report, is $18,547. The bill calls for a new appropriation of $20,000—for a river that is 11 miles long, that has but one steamer of 96 tons upon it which makes two trips a week. In 1915, last year, we expended $747 upon this river or creek, as it may be. The commerce in 1913 reached 117,786 tons. In 1915 it had diminished to 18,580 tons, or over 85 per cent.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MILLER of Delaware. I want to say in fairness to this matter that the tonnage reported in 1915 and in 1914 is due to the fact that the people using that stream did not report their tonnage, and if the gentleman will bear with me further, I will also say that the reason there is so much unexpended balance is because of a controversy between the United States engineers and the people there relative to a right of way. That has since been adjusted, and the money appropriated last year and this year can well be used in continuing that project. I desire to interject my answer right there, while the gentleman is talking.

Mr. FREAR. Very well. I accept the statement. The commerce report is simply lumped in one total and it is not itemized. Ordinarily Army engineers give us statistics on which we can determine the character of commerce. This additional appropriation is for dredging upon the river. It is not for anything especial, so far as I can understand, for new jetties or anything of that kind. In view of the fact that $18,548 remain on hand and only $107,000 has been expended upon the river in all time, with one little steamer upon it, I move to strike it out.

Mr. MOORE of Pennsylvania. Mr. Chairman, in addition to what the gentleman from Delaware [Mr. MILLER] has said, I would like to observe, with regard to the Smyrna River, Del., that the people in the larger cities, particularly Philadelphia, are now seeking communication by water with the city of Smyrna, in Delaware, and that it can be approached economically for freight purposes by way of the Smyrna River. I know of my own knowledge that a steamboat was purchased during the last year or so to establish a new communication with Smyrna from Philadelphia, and that those who undertook the purchase of this boat did so upon the assurance that the people of Smyrna were seeking aid, and that they wanted to get their goods to the market and wanted better communications with the cities with which they dealt. The difficulty was principally that there was not sufficient depth of channel in the Smyrna River to accommodate the new steamboat; and after it was purchased and efforts were made to have the channel deepened there arose a question as to the ownership of a piece of jutting land that made an elbow in the river. The desire was to straighten the river, and the whole project was held up for

some considerable time, because that question of right of way or ownership had not been determined. My latest information is that they have reached an adjustment, and that the proposition to deepen and widen and straighten that river is now in a fair way of being carried out. It seems to me, again, as I stated yesterday with regard to Raccoon Creek, that this is one of the projects that ought to be commended, because it proposes to get the people in the rural districts and their products out to the larger centers in order that they may trade with the rest of the world. It is a relief proposition; it is extending the trade of a local community to the broad market beyond. Smyrna is practically bottled up, so far as water transportation is concerned, while the Smyrna River remains in its present condition. If we want to help the people in the back country, if we want to take care of those in what in foreign countries is called the hinterland, I assume the Government can engage in no other or more beneficial function than providing means by which the people may communicate with each other, by which those who are engaged in daily toil on the farm may find transportation to a profitable market for their output. I trust the amendment proposed by the gentleman from Wisconsin will not be adopted.

Mr. MILLER of Delaware. Mr. Chairman, I desire to oppose the amendment of the gentleman from Wisconsin. I am glad the gentleman from Pennsylvania [Mr. MOORE] explained this to the committee, because the people who stand ready to invest their money in the Smyrna Steamboat Line that will use this stream are people in Philadelphia. They have been held up the past two years in starting this line because, as the gentleman from Pennsylvania [Mr. MOORE] has said, there is a controversy regarding the right of way between the United States engineers' office and the local people who are to give the land for the cut-off. In 1913, in spite of this controversy, there were carried over this stream about 125,000 tons, valued at over $1,000,000. In 1914 it fell, according to these statistics here, to 20,000 tons, but it was valued at $300,000. Right there I want to say to the committee that, upon my own investigation, I have learned that the people who use this stream have not reported their tonnage. Now, that is their fault, but I submit that the value of this port and the value of the goods carried over this stream warrant an appropriation. In 1915 there were carried, it shows here, only 18,000 tons, as compared with 20,000 the year before, but the value is almost double—about $500,000—which further substantiates my point that these statistics are not correct, because they do not show the correct amount of tonnage really using this stream. And, as Mr. MOORE has said, for a community that is really dependent upon water transportation for its commercial livelihood the sum of $20,000 appropriated in this bill and the $18,000 left over from last year, to which the gentleman from Wisconsin refers, is not too much money to expend on this improvement. I may say that the town of Smyrna is one of those towns which was shortsighted a number of years ago when the railroad was being built through that section of the country, and they did not encourage the railroad to come there, and as a result they are on a little spur line of the Pennsylvania Railroad. I have nothing more to say, except that I trust the amendment will not be adopted, and it has merit or I would not have taken up the time of the committee to answer the remarks of my friend from Wisconsin.

I herewith append a copy of a letter received by me last year on the question of the nonreport of tonnage on the Smyrna River, as well as a copy of the statute on this point:

[Portion of letter from Mr. J. E. Hoffecker, of Smyrna, Del., relative to Smyrna River traffic.]

SMYRNA, DEL., *January 24, 1916.*

* * * * * * *

In regard to the tonnage on Smyrna River, which is reported by the Chief of Engineers as being 20,000 tons last year, I conferred with Mr. F. S. Malcom, manager of the Smyrna Transportation Co., and Mr. L. M. Price, principal owner of two boats operating on the Smyrna River, and both of these gentlemen are of the same opinion with me, that the tonnage reported to the Chief of Engineers does not include the tomatoes and grain transported out the Smyrna River, aggregating thousands of tons annually by tramp steamers that come to Smyrna for cargoes. For example, the steamer *Vessels*, owned by Capt. Vessels, of Lewisic; the steamer *Princess* and the steamer *Denney Brothers*, owned by Denney Bros., Salem, N. J.; the steamer *Greensboro*, owned by Capt. W. M. Vineyard, Milford, Del., all hauled tomatoes out of Smyrna River and probably not one of them filed a report with the Chief of Engineers.

Besides this trade there are numerous boats, likewise not reported, who carry out thousands of bushels of grain annually to the mills in Wilmington, Del., and various points across the bay in New Jersey. It would be almost impossible to furnish a complete record of the tonnage, because there are so many of these outside boats not reporting their traffic to anyone, whereas the engineer's office possibly only gets a report from the Smyrna Transportation Co. and Mr. L. M. Price. There are three or four other boat owners who may or may not report their business, viz: Walter Donovan, Bert Keyser, Frederick Lane, Walter W. Stokesbury, all of Smyrna post office, who are constantly trafficking on Smyrna River.

It is also proper to mention 35 or 40 fishing boats employing hundreds of men in their crews, whose traffic in the fishing business is also carried on from Smyrna River. This business is carried on by fishermen from Smyrna, Wilmington, Chester, New Castle, Delaware City, Port Penn, Pennsgrove, Woodland Beach, and so on, all of whom harbor in and use Smyrna River in connection with this business.

One of the chief points to be borne in mind is that these Delaware rivers afford the citizens of our State the only means of competition with the railroad; as you are aware, they only have one railroad system in Delaware, viz, the Pennsylvania. The steamboat lines plying on the various rivers in Delaware afford this opportunity, not only for competition with the railroad but save our people thousands of dollars annually in the cheaper water freight rates.

The Smyrna River is second in importance in the entire State of Delaware to the Christiana at Wilmington. It serves the towns of Smyrna, Clayton, Kenton, Cheswold, Hartley, and the adjacent rural country within a radius of 8 or 10 miles. If this river did not receive Government appropriations whereby it is kept free of shoals, etc., all of this traffic would be forced to go to the railroad, not only to the great inconvenience of distance but also would be compelled to suffer the penalty of higher freight rates.

* * * * * * * *

The main point, however, is to have an accurate report of the tonnage, which, as above stated, the Engineer's Office never receives. I do not know how much this unreported tonnage would amount to.

* * * * * * * *

To show you how interested our business men are in the maintenance of Smyrna River navigation I need only point to the fact that a committee having the matter in charge has secured title to rights of way for proposed cuts to eliminate crooked bends and shoals in the river, and, as I understand it, the titles deeding these rights of way have been turned over to the proper Government officials.

The law relating to the reporting of tonnage is herewith appended.

An act to facilitate the collection of commercial statistics required by section 2 of the river and harbor appropriation acts of 1866 and 1867. (Feb. 21, 1891; vol. 26, p. 766.)

Be it enacted, etc., That owners, agents, masters, and clerks of vessels arriving at or departing from localities where works of river and harbor improvement are carried on shall furnish, on application of the persons in local charge of the works, a comprehensive statement of vessels, passengers, freight, and tonnage.

SEC. 2. That every person or persons offending against the provisions of this act shall for each and every offense be liable to a fine of $100, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

Approved, February 21, 1891.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Broadkill River, Del.: For maintenance, $10,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 9 by striking out line 17.

Mr. FREAR. Mr. Chairman, I will not add anything to what I have said with regard to the other project of Smyrna except it occurs to me that $18,000, which is $1 for every ton shipped last year, was a large enough balance to take care of it, and no justification exists for an additional $20,000 at this particular time. However, I am not discussing that further now, because it has been disposed of.

Mr. MILLER of Delaware. If the gentleman will yield, I think the gentleman is mistaken; there is only $10,000 asked in line 17.

Mr. FREAR. The balance on hand is $18,548.

Mr. MILLER of Delaware. I was referring to the Broadkill River.

Mr. FREAR. I was referring to the Smyrna, the one just passed. I want to commend my good friend from Pennsylvania upon his ingenuity in defending every project, no matter what it may be. If it is a small project, it is for the benefit of the farmer; if it is a large project, it is for the benefit of the people of Philadelphia. I am never able to catch him unawares; he always has a ready answer for any project. Now, in the case of the Broadkill, we have expended $108,862. We have a balance on hand of $9,596, according to the engineers report, and this amendment carries $10,000 more. There were no operations on this stream in 1915. However, office expenses, which always arise in all of these cases, appear to be $228.65. In other words, there is a maintenance expense of the office on all these occasions. The contract has been completed. While this says it is to build a jetty, there is no evidence of any imperative need at this particular time for this 11-mile project which was begun in 1872. The commerce of 1915 on this project on which we have expended $108,862, reached 5,891 tons, with practically two or three small boats——

Mr. MILLER of Delaware. I want to say again, in excusing these people for their negligence in not reporting tonnage, that I know personally that they have not been reporting the tonnage

in this—the Broadkill River—and other Delaware streams. I tried to get them to do it, and their failure to do so is the reason such a ridiculous tonnage shows in the report.

Mr. FREAR. The tonnage is small, although I do not question the statement of the gentleman from Delaware, as I know he would not misrepresent it, even if it is his own project. There are no steamers on this river, only schooners and small power boats, according to the report of the engineers. In view of the commerce statistics furnished, I submit that in view of the money that we have expended, with no steamers on the river, with $9,596 on hand, which is nearly $2 for every ton carried last year, the project ought not in my judgment to be allowed.

Mr. EMERSON. Mr. Chairman, I would like to speak out of order for about three minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order. If the gentleman wants to introduce something by unanimous consent, all right.

Mr. EMERSON. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, the various rivers entering into the Delaware River from the State of Delaware are frequented by oystermen. These wooden vessels, to which the gentleman from Wisconsin referred, are very largely oyster pungies. It is the business of a large proportion of the people of this coast, and they need these exits and these entrances. The men go out in their pungies and dredge for oysters in the salt water of the bay, and they come back—or at least they did until recently—into these rivers, like the Broadkill, now under discussion, and there they float the oysters in fresh water and they harbor their craft. It is an industry of itself, and a great industry, resulting in the shipment to cities like Philadelphia of tens of thousands of tons of oysters that are distributed to all sections of the country, as far, indeed, as these bivalves may safely go. Why there should be an interference with the improvement of a river that is serving a public purpose in this way, I do not understand. Perhaps the farmers also use this river. I have no doubt they do. Many farmers are also oystermen and also fishermen, and they come and go with their small craft, not necessarily steamboats, but wooden boats propelled by sail or gasoline. It is an opportunity to make a living. It is the business in which American citizens are employed, and it seems to me the Government is doing the smallest thing it can do to make safe these passageways upon which such citizens come and go.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I will.

Mr. MANN. I understand the gentleman to say that the proper use of this stream was to take the oysters up and float them in fresh water so as to bloat them.

Mr. MOORE of Pennsylvania. No; to feed them.

Mr. MANN. Oysters do not feed on fresh water.

Mr. MOORE of Pennsylvania. I think the gentleman is in error. This time I will have to differ from my distinguished friend.

Mr. MANN. They increase in size by bloating in fresh water, and the food-control board has prohibited the shipment of such oysters.

Mr. MOORE of Pennsylvania. That may be. Dr. Wiley had some views on that subject which were at variance with the views of the practical men engaged in the business. The gentleman from Illinois may not know it, because sometimes fresh-water oysters do not get as far west as Chicago. They have a sea tag now that passes out that way, and it may be measurably safe until the first course of the dinner is served to the gentleman from Illinois.

Mr. MANN. If the gentleman will permit, it is likely those oysters do not reach Chicago, because after they have been floated in fresh water they do not last well and are not very good. We get real salt-water oysters in Chicago.

Mr. MOORE of Pennsylvania. Well, there is a difference of opinion between practical men and theorists as to the treatment of an oyster, and if the gentleman from Illinois, who is an arboreal expert, will bear with me for a moment as an oyster expert, I will observe to him that I have been on the oyster pungies, and have spent at least a week investigating the business. And I have seen those hard-worked men get up at 3 o'clock in the morning, and I have gone out with them, and I have even assisted in the dragging of the dredge and the culling of the oysters when thrown upon deck. And I have seen them taken out on the banks in rivers like the Maurice River, on the other side of the bay, and put upon floats, not "bloats," I would say to the gentleman from Illinois, where the tide of fresh waters have flowed over them and fed them. Oysters are living things and have to be fed, and instead of carrying them away where they are in danger of dying and leaving an unpleasant taste in the mouths of epicures, they are sometimes fed, so that they may be preserved, not in alcohol but in aqua pura. Dr. Wiley and others have differed as to the propriety of feeding oysters, but the oyster has to be fed, and it has been the practice, whether the gentleman's notion of the regulations of the Department of Agriculture are correct or not.

Mr. MADDEN. As the farmer's friend, will the gentleman say these were farmers that were getting up at 3 o'clock in the morning that he was assisting in taking in the dredge?

Mr. MOORE of Pennsylvania. The farmer gets up with the rise of the sun and goes to bed with the setting thereof, and the oysterman does likewise, and as I have been the farmer's friend on this floor, so now in this emergency I beg to be considered the friend of the oysterman. [Laughter.]

Mr. EMERSON. Mr. Chairman, I desire to proceed out of order for a few moments.

On yesterday my good friend from Colorado [Mr. TIMBERLAKE] caused to have read into the RECORD a telegram from some Colorado woman's suffrage party stating the reasons for the picketing of the White House were because of the undemocratic blocking of the Federal suffrage amendment by the President and his party. Now, there is where these militants fail in their argument. The President and his party promised the male voters of this country many things that they did not keep. The President and his party promised the male voters to reduce the high cost of living, and did not keep the promise; but the male voters do not picket the White House for that reason. But the male voters of this country would have defeated the President and his party because of their failure to keep that promise had it not been for the female voters in these suffrage States. If the female voters would use the ballot a little more wisely, they could accomplish more than by this picketing process. Why, the women run this country, but some of them evidently have not found it out yet.

The best homes in this country are run by women, but not by militants. Last fall thousands of husbands, fathers, and sons voted for the President and his party because they were asked to by wives, mothers, sisters, and sweethearts, for the reason that the President had kept the country out of war.

I desire to say to my militant friends that one vote in the ballot box on election day is worth 100 pickets outside the White House fence.

Mr. KING. Will the gentleman yield?

Mr. EMERSON. Yes.

Mr. KING. Since the President has made his escape from the White House and is now going to be at the Capitol three days in the week, has the gentleman any notion as to whether the Capitol will be picketed or not?

Mr. EMERSON. I have no such information. It might be a good idea, however.

But they say the President and his party promised to assist them to get a Federal amendment which would provide for woman's suffrage. If this is true, he failed to keep his promise for three and one-half years, yet the women of this country elected him again. Instead of voting for a man for President who promised openly for suffrage these militants in the States where they had the suffrage voted for the man who they claim failed to keep his promise. It is one argument against woman's suffrage, if they are so blind as to permit the President and his party to fool them for three and a half years and then reelect him. Male voters do not do things that way. Mr. Hughes stood openly for suffrage by Federal amendment, and yet I imagine I can see last fall a company of old-maid militants marching under a Wilson and Marshall banner with this inscription: "Vote for Wilson; he saved the lives of our sons by keeping the country out of war." Nevertheless, I am for suffrage by States and by Federal amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Waterway between Rehoboth Bay and Delaware Bay, Del.: Continuing improvement and for maintenance, $50,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the motion of the gentleman from Wisconsin.

The Clerk read as follows:

Amend, page 9, by striking out lines 18, 19, and 20.

Mr. FREAR. Mr. Chairman, this is the same amendment that I opposed to the last item; and I repeat my motion in respect to this item, because it seems to me it is a tremendous expense to undertake on this project as compared with the returns that will come to us from it.

We have already appropriated $122,000 for this 6-foot canal. We have a balance on hand, according to the report of the engineers, of $65,181, and yet this bill carries an additional amount of $50,000. Out of the last payment, as near as I can ascertain or find out, there was $69,710 paid by the Government for railroad damages. It is proposed now to continue the work, with a commerce that reaches 13,655 tons. There are no steamers on the stream.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. FREAR. I understand, of course, the remark of the gentleman that the project is not completed, and that we therefore can not ascertain what the commerce will be.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MILLER of Delaware. I appreciate the gentleman answering his own question. Last year he brought this point up here, and the project had not then been completed. Last week the project was completed, and the first cargo to go through the canal was carried.

I would call the gentleman's attention to the fact that 13,000 tons carried in 1915 was while the canal was in process of construction. But it was not complete.

Mr. FREAR. Was this Government material?

Mr. MILLER of Delaware. No; it was not Government material. It was freight going down to Lewes, which is at one end of the canal.

Mr. FREAR. There were no steamers on this stream, according to the report, but 11 power boats. This information was furnished by interested parties. It is a 6-foot canal, to cost $156,000. About one-half is completed, and $65,000 is on hand, and at this time, in the present condition of the Government finances, it seems to me it is unnecessary to appropriate the additional $50,000.

Mr. MILLER of Delaware. Mr. Chairman, I do not like to take the time of the committee, but I sympathize with the gentleman from Wisconsin [Mr. FREAR] in a good many points he has raised. I was able to agree with him on the public-buildings bill. Although I had a project in it, I voted against it. But as to some of the points he has raised to-day about these projects——

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Delaware yield to the gentleman from Florida?

Mr. MILLER of Delaware. No; I can not yield to the gentleman at this time. I would not like to be discourteous. If I have time, I will come back. I feel, as long as the gentleman from Wisconsin is directing his remarks to certain of these matters, that it is my duty to present the other side, especially as I have taken the trouble to go over these streams, every one of them, not only once, but several times.

The last project for which he has moved to strike out the appropriation is one that was adopted about 20 years ago. The total appropriation called for is $250,000. As he says, $182,000 has already been appropriated and this bill carries an appropriation of $50,000, making a total of $232,000.

If his amendment is carried the project will not be completed. The money that has been spent will be absolutely wasted. If I wanted to take the time of the House I could demonstrate to the Members very clearly the condition from the standpoint of one who has been over this ground thoroughly, that it would be not only a waste of the $182,000 already appropriated, but it would be an absolute dropping of a project that has every reason to be included in this bill from the standpoint of merit. The country through which this canal goes is a very sandy country. Many points are too far away from a railroad for economical hauling. The canal connects an inland bay with Delaware Bay, and as I called attention to the fact a few moments ago, the project was not completed last year, but nevertheless over it was carried a total value of agricultural products amounting to $203,000. I submit that when that tonnage, to the value just indicated, is carried over it in a year in which it is not completed, it augurs well for the proper use of that project when it is completed. It was only last week, as I said, that the first cargo went through from one end of the canal to the other. The total amount of expenditure will be only $232,000, and the maintenance will not be expensive.

In answer to the gentleman's remark that no steamers are used on this canal, it is not necessary for large steamers to be used to haul these products out. They are carried from an inland agricultural country to Lewes, which is at one entrance of Delaware Bay, and the produce is there placed on steamers for Philadelphia or on railroads for transportation to other points, or if it is intended for transportation abroad, outside of the country, there are ocean steamers that touch at that point.

I will not take up more time of the House at this point, but I wanted to call attention to the fact that the gentleman from Wisconsin, although he means well by his remarks, is not altogether accurate in them.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Wisconsin [Mr. FREAR].

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Waterway from Delaware River to Chesapeake Bay, Del. and Md.: For improvement by the purchase of the existing Chesapeake & Delaware Canal and appurtenant property, in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report dated August 9, 1913, as published in House Document No. 196, Sixty-third Congress, first session, $1,300,000. And the Secretary of War is hereby authorized to purchase said canal and appurtenant property at a cost not to exceed the amount herein appropriated for such purpose.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph. The Clerk will report the gentleman's motion.

The Clerk read as follows:

Amend, on pages 9 and 10 by striking out the paragraph, beginning with line 24 on page 9 and ending with line 9 on page 10.

Mr. FREAR. Mr. Chairman, this is what is known as the Chesapeake & Delaware 13-mile canal, which is a part of one of the links of the inland waterway project that is to run along the Atlantic coast. It was in the bill four years ago, and an effort was made to strike it out at that time, but it remained in the bill until the bill was defeated in the Senate.

The engineers have submitted three different propositions in the past on this project. One is for a 12-foot canal. That will reach $8,000,000 in expense. That is the one which ostensibly is placed in the bill. Another is for a canal of 25 feet depth, to cost $12,000,000, and that is what is proposed to be carried on after the first project has been started. The third project, which is the only one that can be of service to the preparedness program just now being urged in favor of the canal, is one of 35 feet depth, which will cost all the way between $22,000,000 and $23,000,000. I have not the figures before me. The bill before us carries $1,300,000 for this canal. It is known generally in the House and in the Senate—that is sure to take place—that the initial appropriation must be doubled if we are to have this canal, because the Army engineers say it will not be bought for less than $2,500,000, in round numbers. It was increased by the Senate committee to approximately that amount four years ago.

Mr. TREADWAY. Is there any way of proving up these figures of $2,500,000?

Mr. FREAR. I do not see how; but I say $1,300,000 can not touch it. And now, to carry out the thought of the gentleman from Massachusetts——

Mr. MOORE of Pennsylvania. I will put the statistics in the RECORD.

Mr. MANN. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MANN. Why does the gentleman say $1,300,000 can not touch it? Is the canal worth more than that as an operating proposition?

Mr. FREAR. I will explain to the gentleman by reading what I was about to take up. On January 2, 1915, the president of this canal company wrote the Army engineers a letter, from which I will read a brief extract:

The board of directors of the Chesapeake & Delaware Canal Co. do not control the stockholders or bondholders of that company, and the question as to what price will be accepted by them for their interest must be one which they alone can answer. The board do not see how they could do anything more than state that they could recommend a price that would be the par value of the bonds and give a sufficient amount for the stockholders to induce them to consent to the sale.

Now, four years ago, before this project to purchase the canal was proposed seriously by the Government, some one stated upon the floor of the House—I think it was the gentleman from Pennsylvania [Mr. MOORE]—that the stock was worthless and the bonds worth only 50 cents on the dollar.

Mr. MOORE of Pennsylvania. I will have to correct the gentleman on that. I made no such statement as to the bonds.

Mr. FREAR. To my best recollection, the statement was made here by some one.

Mr. MOORE of Pennsylvania. I may have said that my information was—I have no direct personal information upon this subject at all—that the stock was worthless, but that the bonds were paying 4 per cent, it being a going company and the bonds being distributed amongst a large number of estates which had acquired them by reason of the death of the original holders.

Mr. FREAR. At that time it was stated, and apparently with authority, that the bonds were worth only 50 cents on the dollar, which, of course, is hardly possible if this was a going corporation and paying 4 per cent.

Mr. COX. For how much is that concern capitalized?

Mr. FREAR. I do not remember. The Government, I think, paid over $500,000 as a bonus when it was originally started. Then Pennsylvania and Maryland made some contributions.

Mr. MOORE of Pennsylvania. Will the gentleman let me read, in his time, some figures with respect to this?

Mr. FREAR. Yes.

Mr. COX. How much is it bonded for?

Mr. FREAR. More than $1,000,000.

Mr. MOORE of Pennsylvania. The original stock subscription was $1,162,038.50. The original cost of construction was $2,201,864.03, so that the company was obliged to assume a floating debt of $1,039,825.53, which was increased by annual deficits for more than 20 years after the canal was opened. As to the question of values, I think the gentleman will not deny that there is value there. He will not deny, I think, that the Government board appointed for the purpose of ascertaining the value appraised the property at $2,514,000. The canal now carries a million tons of commerce a year, and to take it away without consideration is suggestive of confiscation.

Mr. COX. I do not think there is any desire to take it away without compensation. I wish the gentleman would state to the committee the amount of outstanding bonds against it.

Mr. MOORE of Pennsylvania. I will put that all in the RECORD.

Mr. COX. Can not the gentleman state it? I have not time to read it all.

Mr. MANN. What is the operating profit of this canal now?

Mr. MOORE of Pennsylvania. I am not competent to tell the gentleman, because I have studiously kept out of the financial question; but my information is that the company has earned enough money to pay 4 per cent interest on its bonds. That the property is running down, as the gentleman from Wisconsin [Mr. FREAR] says, may be true in that it costs money to keep the property going; but apparently, from what you can see with the naked eye, the company owns a large estate, has locks and buildings and grounds and a right of way and tugboats. The company is not chartered to do a transportation business. It is simply a toll company, which stands there with inadequate facilities when it might be made serviceable for the carriage of 50,000,000 tons of commerce which originate in the immediate vicinity.

Mr. COX. Is it carrying the commerce satisfactorily?

Mr. MOORE of Pennsylvania. Such as it can; but as it stands it is a positive menace to the safety of the country in time of war.

Mr. COX. Is it carrying the commerce now?

Mr. MOORE of Pennsylvania. It is carrying a million tons a year. The amount has fluctuated. This old canal was a dream of the forefathers of the country. It was commenced in 1825 and finished in 1829. It was the only great carrier between the North and the South. We talk to-day of the South being in the saddle. Historically in those days the South was in the saddle, financially and in almost every other way. The centers of wealth and population were largely in Virginia and other Southern States, and canals were their means of transportation, along with the earthen roads. The railroad did not come until years after this canal was constructed and doing business. It was a great patriotic move of the big men of the country to build this canal to facilitate the commerce of the States.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the time of the gentleman from Wisconsin may be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Wisconsin be extended five minutes. Is there objection?

There was no objection.

Mr. FREAR. I just want to add one more proposition, Mr. Chairman. I have been through this canal. I have seen it and I know what it is. There is a little commerce, inconsiderable as compared with the commerce that we see on waterways ordinarily; but four years ago it was proposed to purchase it as a commerce-bearing canal, at a depth of 12 feet; but now the proposition is to put it in our great scheme of preparedness. The difficulty of that lies in this: That the engineers recommend on the same page and in the same pamphlet that we proceed to dig a canal across New Jersey, which is equally imperative, at a cost of $45,000,000 for a 25-foot canal, and there is no limitation if we are going to have a 35-foot canal, which is to be another connecting link, and according to Admiral Benson is equally important and necessary for the protection of New York and Philadelphia. Then, of course, there will be the additional canals at the southern end of the system proposed.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. MOORE of Pennsylvania. There is no project before the House for a canal from Philadelphia to New York. The gentleman knows there is a canal now existing between the Delaware River and New York. That was another scheme of the forefathers before the days of the railroad.

Mr. FREAR. Yes; it was all right for our forefathers when canals were popular and commerce was carried upon them in the early days to provide canals. To-day it seems foolish to urge upon us that this canal can carry troops advantageously when the railroads can carry fifty times as many in the course of a day, and yet that is one argument advanced.

Mr. MOORE of Pennsylvania. Speaking of carrying troops, this canal in its limited condition did actually carry troops from the North to the city of Annapolis to protect the city of Washington, at the call of Abraham Lincoln, at a time when the railroads were disabled, and it helped to save the fate of the Nation.

Mr. FREAR. Yes; I have heard that frequently; but that was before great trunk lines were running from Philadelphia to Baltimore.

New York has or is spending $100,000,000 for a great canal. If the people of Pennsylvania who insist that they are going to be benefited, and the people of Maryland who expect to be benefited, feel that this canal is so valuable to them, why do they not offer to contribute toward the canal when New York is putting up $100,000,000 for her canal. We have been dredging the Delaware River at a cost of $23,000,000 so far, up to the city of Philadelphia, and doing all we can to help my friend from Pennsylvania and to satisfy him. Now, they insist upon a 35-foot canal at Government expense. This project is for 12 feet but the other follows. I appeal to the House if it is fair to require the Government to do what is practically for the interests of Pennsylvania and Maryland primarily? Of course, there is some little commerce below, but a large part of it is timber that is being cut off in the Carolinas.

Mr. COX. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. COX. Is there any provision or any recommendation by the Army engineers requiring cooperation on the part of Maryland or Pennsylvania?

Mr. FREAR. No; we find that in the case of some streams, but it is not here with reference to this project.

Mr. MOORE of Pennsylvania. Does the gentleman think it is not cooperation for the city of Philadelphia to spend $13,000,000 to improve docks and piers, in order to take care of such new business as may come through this canal and from other sources?

Mr. FREAR. It is not at all in the nature of a contribution. In Germany those people insist on a contribution of a certain per cent, and a certain per cent goes to the locality.

Mr. MOORE of Pennsylvania. That is a Government enterprise.

Mr. FREAR. Yes; a government enterprise, but they have to pay the dredging and improvement of the waterways. Here all they do is to give the land and put up a pier, and that is called a contribution, whereas it is none whatever; it is simply a local project in the matter of building wharves.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am very much interested naturally in the discussion of this question by the gentleman from Pennsylvania and his answers to the suggestion by the gentleman from Wisconsin that there ought to be some larger contribution. I can not forget his very eloquent speeches made at the last session of Congress when another bill was being considered in which he explained with great frequency, and always with earnestness and eloquence, how it was that there should be a very much larger contribution on the part of those who were particularly benefited by that river and harbor improvement. I am interested in hearing, as I said, this discussion to-day. I see that he has taken points from the debate that proceeded last year, and I congratulate him that he is doing so well. I have no doubt that he will be materially assisted in this by his colleague on this side of the Chamber, who made some remarks along the same line last year. However, I shall vote for this proposition.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. MANN. The gentleman is referring to the discussion on the bill relating to the flood control in the Mississippi River?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. There is an item carried in this bill of about the same amount that would be carried for the first year in the flood-control bill. Does the gentleman recall whether the Committee on Rivers and Harbors, that was then having a cat fit because there was no provision for contribution, has included any provision for a contribution in this bill?

Mr. HUMPHREYS of Mississippi. I do not think they have.

Mr. MANN. Their memory seems to be pretty short.

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, some question has been asked about this proposition presented here four years ago. The bill then provided for an appropriation of $1,300,000 to purchase this canal. That was arrived at in this way: The stock has paid no dividends since 1874. It was charged, with considerable vehemence, that we were called upon to spend $1,300,000 of the people's money for a canal which had not paid any dividend on the stock since 1874, which was a pretty raw proposition. But that is not all the truth; that is part of the truth. In addition to the stock we would get $2,600,000 in bonds of this canal, which had paid interest at the rate of 4 per cent and never defaulted through the long series of years. In addition to that they had saved enough from the tolls to keep the canal in good condition, and at that particular time, as I recall, there was a surplus of $70,000 in the treasury to take care of any emergency that might arise.

So we were getting not a worthless canal, as indicated by the statement that it had paid no dividends on the stock since 1874, but we were getting a canal which had paid 4 per cent on $2,600,000 in bonds, had never defaulted, and in addition had made enough money to keep the canal in good order and put by a surplus of $70,000, which it had on hand.

Mr. MANN. Does the gentleman recall what the net operating revenue of this company is?

Mr. HUMPHREYS of Mississippi. No; I do not. I have not thought about it for four years.

Mr. MANN. I just looked up the report and find it is something over $100,000 a year. The interest upon the bonds is $104,000, but, of course, that comes out of the net operating revenue, and there has been some surplus in recent years.

Mr. HUMPHREYS of Mississippi. I do not know what the gentleman means by "net operating revenue."

Mr. MANN. The gentleman ought to know what I mean by net operating revenue.

Mr. HUMPHREYS of Mississippi. Possibly I ought, but still I do not know what it means.

Mr. MANN. The language itself is sufficient, and the gentleman has business experience enough to know what the net operating revenue means.

Mr. HUMPHREYS of Mississippi. The business that I have been engaged in has never had any net operating revenue. [Laughter.] But this particular proposition has never defaulted upon the interest on its bonds.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. HUMPHREYS of Mississippi. Oh, let me finish this statement. Two million six hundred thousand dollars in bonds paying 4 per cent interest we were to get. We were to pay just half of that amount, $1,300,000, just half the face value of the bonds, so that upon the $1,300,000 that we proposed to pay we would receive interest of 8 per cent, judging the future by the past. We were to get these bonds. We inquired among the business men of Philadelphia on the stock exchange there, the bankers who knew the value of these properties, and we were advised by them that these bonds were listed at 50 cents, that that was a fair market value, that that was what it was reasonably supposed they could be purchased for on the market, so that we took the $2,600,000 and just divided it by 2, and that is the way the committee arrived at $1,300,000, which it was proposed to appropriate.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have in hand the report of the Committee on Coast and Insular Survey, Senator SAULSBURY, chairman, which goes over this whole matter after an investigation and hearing. They had all the witnesses they could find before them with a view of ascertaining the value of this property, and as to the question raised by the gentleman from Illinois [Mr. MANN], they say this:

> The revenues from tows and towages for the year ending May 31, 1913, was $186,940.68. The revenues from all other sources during that fiscal year were $4,220.07, making a total revenue of $191,190.75.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, if the gentleman will excuse me for a moment, I have taken this time in order to answer that particular question so that the gentleman from Pennsylvania [Mr. MOORE] and others upon this side who are particularly interested in this canal might not be bothered further about replying to these particular charges, but might devote their time to explaining why it was that there is no greater amount of local contribution provided by Philadelphia. [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman let me explain it now?

Mr. HUMPHREYS of Mississippi. No. [Laughter.] The gentleman, I dare say, will have ample opportunity in which to make that explanation, and I suggest that if he will get the speeches I made last year in answer to his criticism that there was not sufficient local contribution upon the Mississippi River, and read them to the House, it might be worth while, and perhaps accomplish the desired result. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to say to the gentleman from Mississippi [Mr. HUMPHREYS] that the fight I made on the flood-control bill, which he brought in and for which he is entitled to most of the credit, was made in the interest of the Rivers and Harbors Committee. I was endeavoring to preserve the authority of the Rivers and Harbors Committee. I am rather glad we had the experience, because it would be useful to-day in the event of certain questions arising upon this floor.

As to local cooperation, and with respect to a project passing through a series of States, as this Chesapeake & Delaware Canal does, I assume the question would be exactly similar to that of the Mississippi, particularly in the upper stretches of that river, because there are contributions from the lower States—where the answer always is that it is a national project, that it courses through a series of States, and that you can not enforce contributions from one State where a number of States are directly interested and involved.

The Chesapeake & Delaware presents the problem of connecting up for useful purposes this great body of water, the Chesapeake Bay, through 13 miles of mainland, now dug for canal purposes, with that other great body of water, the Delaware Bay and the Delaware River. The intracoastal scheme contemplates the union of these waters from, so far as this map before us is concerned, Beaufort, N. C. [indicating], which is underneath Cape Hatteras, up through Pamlico and Albemarle Sounds, to an existing canal which has been taken over by the Government, into Hampton Roads behind Norfolk, through the Chesapeake Bay on up to this point at the head of Chesapeake Bay, where now the progress of the Nation, both from a strategic and commercial point of view, is blocked, at least to the limit of a 10-foot waterway capacity. The proposition is to open that waterway to greater service in order that the commerce that comes up here, or the war vessels that find it necessary to go inside and avoid the dangers of Cape Hatteras and other points along the coast, may be safeguarded and permitted to move on a standardized waterway with as much safety and certainty as they might do upon railroads. All this is possible, but at present can not be done while these several small connecting links like the Chesapeake & Delaware Canal stand in the way. Here is the Delaware River running the other side of the Chesapeake & Delaware Canal to the city of Trenton. From near by an old canal passes on to Raritan Bay, connecting up the East River into Long Island Sound. Gentlemen will observe that the whole course is sheltered. We often discuss these natural conditions, even from the God-given viewpoint.

Why was this great waterway thrown up in sections here, and here, and here [indicating on the map], and this splendid one connecting New England through Long Island Sound, except it was intended by the Creator himself that man should improve what he had thus provided?

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. If I understood the gentleman, God intended to have an inland canal all the way along, but He got tired and did not finish the job?

Mr. MOORE of Pennsylvania. Well, I assume the gentleman has a closer association with the Almighty than I have.

Mr. MANN. Well, I think that is likely. [Laughter.]

Mr. MOORE of Pennsylvania. Coming from Chicago, I assume he needed it. [Laughter.]

Mr. MANN. The closer we get the better.

Mr. MOORE of Pennsylvania. It is very hard to come back, especially after you have lived in Chicago. We once read a book about what Christ would do in Chicago. This, however, is a practical proposition, although for the moment we are giving it a rather reverential aspect. [Laughter.] With all deference to my distinguished friend from Illinois, these waterways are here, and it is possible to link them up by doing a little digging here and there.

Mr. Chairman, this story has been so often told in the House that I hesitate to take much time on it now, but it is not understood in some sections of the country. What we are endeavor-

ing to do is to make a connection like that, and that [illustrating on map], in order to bring into thorough and complete communication 1,800 miles of shore line within the ocean. Now, one of my best friends, one of the distinguished Members of this House, more distinguished than any other possibly, has sometimes indicated that we ought to go out on the ocean to do our trading. Why, gentlemen, during the last two months the papers have recorded probably a dozen disasters to shipping at sea along our coast. Some one has said it makes no difference as to the cost if a single life is to be saved. Men make this sort of preachment when they deliver lectures, and get intensely sympathetic about "your boy," and "my boy," who is sailing out upon the high seas. I can grow even more practical in my sympathy. It has not been so long since 17 men living in my district, or nearly, here in Philadelphia, sailed down this river on barges that could have gone through an improved waterway safely; were towed out to sea, carried around the treacherous shoals of Barnegat, upon which there have been three disasters during the last two months, one a Government vessel—the transport *Sumner*—a complete loss to the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. These men passed out on barges, under tow, carrying coal to the people of New England, and were wrecked at this point [indicating Cape Cod], where every one of the 17 was lost. I say, with such regrettable instances in mind, I have a right to be practically sympathetic in addressing Congress, and to say, "Why not give the money to cut through here [indicating] and to cut through here [indicating], in order that we may have safe communication for this ordinary, everyday routine business that must be carried on between the North and the South?" Why risk it any further?

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. FREAR. Could that boat on which the 17 people were lost have been cared for by this proposed canal?

Mr. MOORE of Pennsylvania. It could.

Mr. FREAR. What was the draft of that boat?

Mr. MOORE of Pennsylvania. Less than 12 feet, as I recall.

Mr. FREAR. The Army engineers' report says that this canal when built will only accommodate a boat of 10 feet, and I was wondering if the gentleman was right in regard to this transport.

Mr. MOORE of Pennsylvania. The gentleman is partially right. The existing canal has a depth of 10 feet, but the new canal would begin with a depth of 12 feet, and there would be required at least 1 foot of leeway; but we are looking to a greater depth, as the engineers have suggested.

The Secretary of the Navy has indicated on several occasions that there are a few vessels of the Navy that can go through this old Chesapeake & Delaware Canal, but only a few. The Navy Department would like to have the canal deepened, because they are constantly sending small vessels, submarines, torpedo-boat destroyers, torpedo boats, small munition ships, and so forth, from the navy yard here [Boston] to the navy yard here [New York] and the navy yard here [Philadelphia] and the navy yard at Norfolk, and they would a thousand times rather in these times of peace have the security of these inside passages than to go to sea and take the risk of a December or January storm and be wrecked at sea. And why should we take that risk in times of peace? One Secretary of the Navy once proposed to send four torpedo boats from the New York Navy Yard to the Charlestown Navy Yard, and I asked him to send them through the inside passage, to test out whether it would be the wisest, the speediest, and safest thing to do. I think it was Secretary Newberry. He wrote me that the department desired to use that passageway but the draft of the vessels was too great, and they must go outside.

Now, gentlemen will pardon me for telling this story again on the floor of the House, but some may not have heard it. When those four vessels reached Cape Hatteras they struck a storm and they were driven out to sea. Some of the men were injured; fortunately, no lives were lost; but the revenue cutters had to go to sea on an alarm call to bring these vessels home, and one of them that was not reached by the revenue cutters had to be beached in order that the lives on board might be saved and the property of the Government salvaged.

That was a bitter proof. We have dozens of them every year in commerce. We have many of them every year in the ordinary affairs of the Army and Navy. Do my distinguished friends, who have given little thought to this question, know that in the War Department alone we have more than 2,500 vessels? They are not all vessels of large draft. Some of them are engineers' boats. Why, the War Department's fleet, I think, in numbers equals that of the Navy fleet. If it does not, it is very close to it. And these vessels are doing what? They are engaged upon the inland waterways most of the time. Some of them are not equipped to go out to sea. As between this point and that point [indicating], a distance of only 13 miles, we could give them a safe inside passage from the Norfolk Navy Yard to the Philadelphia Navy Yard, from stream to stream, saving them an outside sailing distance of 325 miles; and this when the sailing is frequent and on routine business. Gentlemen, why do we drive them out to sea down here along the coasts of Delaware, Maryland, and Virginia, and then up the Chesapeake Bay, a distance of 325 miles, when all that risk and delay could be saved by this simple improvement of 13 miles? [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPARKMAN. Mr. Chairman, I rise merely for the purpose of indorsing the action of the Committee on Rivers and Harbors in including in this bill the item for the purchase of the Chesapeake & Delaware Canal, for I think it one of the most important items in the bill and one that remains in it without change or amendment.

I am not so much concerned about the deep-water coastwise shipping as I am about the barge and light-draft traffic that would use a waterway like that. The section traversed by that canal is one of great commercial activity, greater than any other on the Atlantic except that of New York Harbor and connecting waters.

Now, as to the cost, I fully indorse what was said by the gentleman from Mississippi [Mr. HUMPHREYS]. We had occasion to go very carefully into that feature when we were preparing the 1914 bill, and in view of his criticism of the engineers and his reference to the attention paid their recommendations by the committee, I wish to call the attention of the gentleman from Wisconsin [Mr. FREAR] to the fact that, notwithstanding the engineers recommended we pay something like $2,600,000 for this canal, or not less, as I recall, than $1,800,000, we fixed the price, after careful consideration, at $1,300,000, which I think is a fair price. That was fixed upon the basis, as stated by the gentleman from Mississippi [Mr. HUMPHREYS], of about 50 per cent on the value of the bonds of the company. Reading from the report, which is somewhat hazy as to value, we found that the bonds had about absorbed the stock and that when the bonds are paid the stock will be practically worthless. Now, somebody had stated, as the report showed, that the bonds were worth about 50 cents on the dollar; and there being about 2,600 of them, we thought $1,300,000 was a sufficient amount to pay for them. We might have eliminated a part of the $2,600,000 had we been desirous of so doing, as about $600,000 of those bonds, as I recall now, were said to be a fraudulent or an overissue of bonds, but were later on indorsed by the management of the company; and so it appeared to us the property was liable for the entire amount. Hence we fixed the value at half that, or $1,300,000.

Mr. MANN. Will the gentleman yield for a question?

Mr. SPARKMAN. Certainly.

Mr. MANN. Of course this is purely a canal, an artificial waterway. I take it the committee before recommending the purchase or the construction of an artificial inland waterway has taken very careful consideration of the general subject as to how far these artificial waterways are profitable, and in consideration of that question must have given attention to the principal artificial waterway now in existence in America, the Hennepin Canal, which runs through the richest territory in the United States. Is the gentleman able to tell how much money now passes through the Hennepin Canal—what the cost of operation is, and how much it costs the Government for each ton of freight that passes through that canal?

Mr. SPARKMAN. I would say in answer to the last question of the gentleman that, as I understand it, the cost and operation of the Hennepin Canal is perhaps out of proportion to the freight carried over the canal. I do not recall the tonnage exactly, but I think it is perhaps a little less than 30,000 tons per annum.

Mr. MANN. The cost of the canal was, to begin with, $20,000,000——

Mr. SPARKMAN. And was not recommended by the River and Harbor Committee.

Mr. MANN (continuing). Connecting two of the principal commercial waterways of America, and running through a very rich country. Now, how far does the committee take into consideration where it has made an experiment before it makes another experiment?

Mr. SPARKMAN. Well, we have considered not so much the general question of canals as we have the specific conditions surrounding a proposition whenever presented to construct or purchase a canal.

Mr. MANN. The gentleman was on the committee when the Hennepin Canal proposition was presented?

Mr. SPARKMAN. No; I beg the gentleman's pardon. I was not in Congress then.

Mr. MANN. The gentleman was on the committee when the Hennepin Canal——

Mr. SPARKMAN. I beg the gentleman's pardon. I was not. And the River and Harbor Committee had nothing to do with the construction of the Hennepin Canal.

Mr. MANN. It was since I came to Congress, and the gentleman came to Congress before I did.

Mr. SPARKMAN. The gentleman is wrong again. The construction of that canal was begun in 1890. I did not come to Congress until 1894. And, besides, its construction was not recommended by the Committee on Rivers and Harbors, but by the Committee on Railways and Canals.

Mr. MANN. The gentleman is mistaken. It is a river and harbor project and the river and harbor bill carried the appropriation.

Mr. SPARKMAN. Again I beg the gentleman's pardon. I am not mistaken. I know exactly what I am talking about. The proposition first came, as I recall, to the House from the Committee on Rivers and Harbors. A point of order was made against it by some one, and the presiding officer held that the River and Harbor Committee did not have jurisdiction of it, and it went to the Committee on Railroads and Canals.

Mr. MANN. Well, that is perfectly patent. Gen. Henderson, of Illinois, a Member of this House for a long time—and I believe he was chairman of the Committee on Rivers and Harbors, but, if not, he was very high in rank—got this proposition allowed for in the river and harbor bill, though it was carried through when Mr. Reeves was a member of the committee. The gentleman was a member of the committee, and I was in the House. I visited the canal when the work was first commenced. But that has nothing to do with the question. It was an experiment. I take it the committee has examined to see whether it was a successful experiment or not. It is a canal running from the Mississippi River to the Illinois River, connecting with the city of Chicago by water, connecting with the city of St. Louis by water, connecting with the upper Mississippi by water, connecting with Iowa by water, connecting along the line of transportation between the East and the West, maintained at very heavy expense, and I suppose it costs about $10 or $15 to the Government for each ton of freight that goes a mile on it.

Mr. SPARKMAN. Well, I will say in further answer to the gentleman that while I have considered somewhat the results in a financial way of the construction of the Hennepin Canal I have not done so with reference to the purchase and remodeling of this canal, for the reason that I think that each proposition should stand on its own merits. Besides I think this one is a better proposition. This canal is accommodating ten, twenty, perhaps thirty, times as much commerce as that carried by the Hennepin Canal or transported on the railroads paralleling it.

Mr. MANN. Well, the gentleman is mistaken. There is ten times as much commerce passing along the line of the Hennepin Canal as will pass over that canal.

Mr. SPARKMAN. No; I differ with the gentleman as to that.

Mr. MANN. The gentleman has not studied the railroad situation. He is not familiar with it. If he had studied it he would know that the Burlington Railroad, the Rock Island, the Milwaukee & St. Paul, and in fact all the railroads of the West are in competition with the Hennepin Canal. That is the reason why the Hennepin Canal does not do any business.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. I want to ask if the contrast of the Hennepin Canal with the Chesapeake & Delaware Canal is fair in reference to the terminals?

Mr. SPARKMAN. No.

Mr. MOORE of Pennsylvania. As to the railroads that are there, is it not a fact that Chicago probably has 25 or 30 or more, perhaps, trunk-line railroads coming and going to offset any canal, whereas as a matter of fact we have but two roads paralleling the territory traversed by the Delaware & Chesapeake Canal?

Mr. SPARKMAN. I think that is so.

Mr. MOORE of Pennsylvania. And has it not been shown before the committee, and is it not in evidence in the report known as the Agnus report, that the commerce on the Chesapeake & Delaware Canal is estimated at 50,000,000 tons annually?

Mr. SPARKMAN. That is true.

Mr. MOORE of Pennsylvania. That is one of the reasons why we advocate the construction of this canal, to afford a relief for freight and transportation, because instead of having 25 or 30 trunk lines coming and going, as they have at Chicago, to reach out and radiate to every section of the country, we have only two lines, that are so greatly overdone that the great railroads of the East are compelled to issue embargoes on freight, not having sufficient cars to carry it.

Mr. MANN. That is a matter of local condition all over the United States. The reasons given by the gentleman from Pennsylvania are not sound. The question is, When these artificial canals are constructed can they carry, or will they carry, the freight cheaper than by rail? Our experience is, after having built a canal and given the people the right to carry over it for nothing, the expense being paid by the Government, it still can not compete with the railroads. The business is there. There is more business there than there will ever be in this canal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I feel that I ought to apologize for taking any more time on this item. But it appears to me that some facts exist regarding it which have not been stated. This project can rest upon the question asked by the gentleman from Illinois [Mr. MANN]—that is to say, whether, if this canal is constructed, it will carry a large commerce and at a cheaper price than is exacted by the railroads? The answer to that question upon all the evidence must be in the affirmative, and I ask the attention of gentlemen who may have any doubt in their minds regarding that proposition.

This canal connects the great Chesapeake Bay, upon which are situated Baltimore, Norfolk, Newport News, and other large cities, with the Delaware River, upon which are situated Philadelphia and Wilmington. The Delaware River is the busiest interior waterway in the United States, so that the mere fact that this waterway will connect the Chesapeake Bay and the Delaware River, both having large existing commerce, is a fact which will arrest the attention of gentlemen who wish to know the importance of this project.

Again, this waterway connecting Chesapeake Bay with the Delaware River has been investigated by both civilian and engineer commissions at least six or seven times. It has been investigated by commercial organizations. I challenge any critic or opponent of this bill to find anywhere in the official reports or the reports of any commercial organization, no matter where located, any report which did not unreservedly commend this project for its commercial value. If the gentleman knows of any report to the contrary, I ask him to state it.

In addition, I advert to the last report of the engineers upon this project. I am reading from House Document No. 391, Sixty-second Congress, second session, page 97. This relates to the commerce upon this waterway. Now, I read from page 98:

> According to the reports of the Chesapeake & Delaware Canal Co., the average annual shipments through the canal for the last five years have been 716,644 tons, for which the tolls have averaged $163,151.33, or a general average of 22¾ cents per ton.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. May I have five minutes more, Mr. Chairman?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SMALL. Now, as to the commercial value, if converted into a free canal. First, let me say that this canal at the present time affords very restricted facilities for commerce. It is a lock canal. The locks have a width of only 24 feet, so that barges and steamers which operate through this waterway have to be constructed to fit the locks rather than be built along plans best adapted to carrying capacity. Now, as to the commerce which would be developed upon this as a free waterway and as a tidal canal—and that is what it is proposed to be—I read from the report this extract:

> Letters requesting information as to their own individual shipments were sent to commercial organizations, boards of trade, and all shippers whose names could be secured, and in many cases large shippers were personally interviewed, sometimes several calls being made before the desired information was obtained, and in other cases repeated visits secured no information. No information could be obtained from underwriters of marine insurance.
>
> The data obtained can be only a fraction of the total commerce, but the statement below is compiled from the figures received from shippers as to their own shipments, and may be considered authentic as far as it goes. Some of the heaviest shippers were among those who failed to

furnish figures. According to the responses received, the following existing commerce could and would use a free canal to advantage:

Shipments from southern points: Iron, 120,000 tons; lumber, 496,889 tons; tomatoes, 1,361 tons; coal, 140,000 tons; chemicals, 17,000 tons; paints, etc., 600 tons; miscellaneous, 231,564 tons; or a total of 1,012,814 tons.

In addition to the above there was reported freight amounting in value to $375,000, but the tonnage was not stated.

Shipments from northern points: Bridge iron, 18,000 tons; coal, 872,518 tons; tomatoes, 16,748 tons; oils, 600 tons; granite, etc., 40,111 tons; fruits, 300 tons; miscellaneous, 481,921 tons; or a total of 1,430,208 tons.

In addition to the above, freight worth $195,000 was reported, but the tonnage was not stated.

The total shipments reported amount to 2,537,622 tons, valued at $14,170,239.

I have read from the report of the engineers, who say that they made a careful investigation, that they could not obtain reports from all the parties who could use this waterway, and that this represents the minimum rather than a maximum of the commerce that would use this canal if converted into a free tidal canal.

Mr. HULBERT. Mr. Chairman, will the gentleman yield there?

Mr. SMALL. Yes.

Mr. HULBERT. Can the gentleman suggest a plausible theory upon which the Chief of the Army Engineers has predicated the recommendation that the acquisition of the canal from the Delaware River to Raritan Bay in New Jersey should be based upon the condition that the State of New Jersey should give the right of way, whereas the canal connecting the Delaware River and the Chesapeake Bay puts upon the Government the burden of purchasing the right of way from the stockholders?

Mr. SMALL. I can not yield further. I am not going to be diverted to any waterway across the State of New Jersey. I am talking about this waterway connecting the Chesapeake Bay and Delaware Bay.

Mr. HULBERT. My question related to this waterway, if the gentleman followed the question that I propounded.

Mr. SMALL. The question could be answered satisfactorily, but I do not wish to take up the time unduly. This project is for a depth of 12 feet, a bottom width of 90 feet, and a greater width over all, and is intended to be a tidal canal, doing away with the present locks. I have adverted to the commerce, showing the importance of this waterway, and I think I have given an answer to the queries suggested by the gentleman from Illinois [Mr. MANN] as to whether, if this waterway were constructed according to the plans of the engineers, it would carry a large commerce and more cheaply than the railroads. Upon that question of cheapness, the value of a free canal may be stated as follows: Annual saving in freight, $551,933, as stated on page 99 of the report.

Now, Mr. Chairman, something has been said about a greater depth for this canal. When this report was submitted, the Chief of Engineers reserved the right to submit a supplemental report, which he did submit in House document 196, Sixty-third Congress, first session, dated August 12, 1913; and without taking up the time to read the recommendation of the Chief of Engineers, he said substantially that he recommended the purchase of this canal, its immediate deepening to 12 feet with adequate width, and that its subsequent deepening to 25 feet or more should depend upon the commerce it developed, its strategic value to the United States Government, and the question of cooperation from the States immediately contiguous to this waterway. So that the question of greater depth depends upon these considerations.

There was a later report submitted upon this waterway in Senate document 14, Sixty-fourth Congress, first session, and that report, in answer to a resolution of the Senate asking its strategic value as an arm of defense, and the price at which it could probably be purchased, contains a statement from the General Army Board, in which they unreservedly commend this waterway as a valuable arm of defense. It is true they say that it ought to be deeper than 12 feet for this purpose, but that is not the question now before the committee.

A depth of 12 feet will accommodate the commerce between Chesapeake Bay and Delaware River and will accommodate the through commerce originating from ports south of Hatteras with ports north of Hatteras, and the question of a greater depth to accommodate ocean shipping or to accommodate warships can well be left to the future after it shall have been improved to 12 feet, making a tidal canal a completed factor. I think it is fair to say that everyone who has ever investigated this waterway in the light of all the evidence submitted and of the reports, both from the engineers and commercial organizations, must reach the conclusion that as a commercial proposition, as a creator of water-borne traffic, as a saving of freight, it is worth acquiring and worth improving, and is one of the important, if not one of the most important, projects carried in this bill.

Mr. TREADWAY. Mr. Chairman, I rise to oppose the motion of the gentleman from Wisconsin [Mr. FREAR]. I believe the question before the Committee of the Whole is the striking out of this item of $1,300,000 for the Chesapeake & Delaware Canal. I am in favor of its retention in the bill, although not very much in favor of the project itself. I am in favor of it because it looks to me as though, if we hold that item in the bill, the canal will not be purchased, and I think that is an end very desirable to attain. We can not secure any price from the present owners of the canal. The officers of the organization do not seem to know who does own it; but, at any rate, every effort that has been made for the last 10 years on the part of committees or commissions to secure any price has failed.

Mr. MOORE of Pennsylvania. Would not condemnation remedy all that?

Mr. TREADWAY. I would be very glad to touch on the subject of condemnation. The advocates of the taking over of this canal before the River and Harbor Committee desired that there should go into the bill a condemnation clause rather than the kind of an item that we did put in. I am betraying no confidence of the committee when I say that the committee were absolutely opposed to the condemnation item upon the very ground that there was no enthusiasm in the committee for the project, so that indirectly the committee are not favoring this project by having in the bill an item which it seems will not reach the purchase of the canal. The Agnus Commission several years ago appraised this property at twice the sum the bill carries. That was a disinterested commission, appointed by the Government; but even then no figure could be secured from the company itself. Consequently, in order that the Government should not embark on this enormous expenditure, it seems to me very desirable to leave this item in the bill as it is. If we are really going to take up this inland waterway, let us have money enough to carry it out, and let us have our own project. Do not let us take up somebody's discarded goods here and go ahead on that basis. I want to say, therefore, that I hope the amendment offered by the gentleman from Wisconsin [Mr. FREAR] will not prevail, in order that in all probability the canal may not be purchased by the Government.

Mr. FREAR. In view of the fact that this item is certain to be increased to $2,500,000 in another body, just as it was four years ago, which may make it possible to purchase the canal, would it not be safer and better to strike it from the bill?

Mr. TREADWAY. I do not agree with the gentleman, because this project has friends on this floor. It has good, conscientious Members supporting it who would support it to the limit. They would support it to the condemnation figure, whatever it might be. Therefore I think this method of practically defeating it is very much better than trying to strike it out. In reference to the amount having been enlarged in some previous bill I take the gentleman's statement for that, but I recall that the item never became a law, and I know that if this bill should go to conference between the two Houses this House never would agree by its conferees to the acceptance of a larger figure than the committee now reports.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWITZER was recognized.

Mr. SPARKMAN. If the gentleman will pardon me, Mr. Chairman, I want to ask that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MANN. I want five minutes.

Mr. HULBERT. I want two minutes.

Mr. MILLER of Delaware. I want five minutes, although I may not use them.

Mr. SPARKMAN. Mr. Chairman, I will ask that all debate on this paragraph and amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Florida asks that all debate on the paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Chairman, I differ with my colleague as to the item now pending before the committee in the acquirement of the Delaware & Chesapeake Canal rights. I think the illustrations given by the gentleman from Illinois, in which he compares the future prospective commerce of this canal with other canals, are unfair. I have been informed that the Hennepin Canal across the State of Illinois has not been a success as a great commerce carrier, because it has never connected up the two great waterways and because the depth is only 6 or 7 feet. I am informed that it has been of great benefit to the people engaged in commerce by the effect that it has had on the reduc-

tion of railroad rates, especially on the Rock Island system. I understand that system paralleled this canal, and for years it practically held freight rates down lower than the actual cost of carriage in order that the railroad might put the canal out of business. Now, I say that that comparison is unfair. We have canals all through the State of Ohio from 2 to 6 feet in depth that carry no freight to-day, but why should I compare the benefits of the future prospects of this project with those unused canals throughout the State of Ohio.

On the other hand, we have the Ohio River, which has always been a great carrier of freight, and the Monongahela River, which has been canalized. The canalization of some streams has been a success and commerce on the stream has increased from 6,000,000 to 12,000,000 tons annually.

Anyone looking at this project can see at a glance that it connects two great waterways, the Chesapeake Bay and the Delaware Bay, or Delaware River, only a few miles. The commerce to-day is a million tons annually, not 10,000 tons, as it is on the Hennepin Canal, or as nothing on the many little ditches dug through Ohio.

What is proposed to-day is to increase the depth of this canal to 12 or 15 feet and eliminate the locks and make it a sea-level canal, eliminating the great expense in the future for upkeep. It seems to me that this is something worthy of consideration, especially when you are connecting up the channel which carries commerce between two great cities like Baltimore and Philadelphia.

Now, as to the method of acquiring the canal, I never have been in favor of condemnation proceedings only as a last resort. My experience is, and has led me to the conclusion, that condemnation costs more than when it is acquired by private arrangement or private contract. I believe that an appropriation of $1,300,000 will at least enable the War Department to close some bargain for this canal, and if it is acquired for something like $1,300,000 up to $2,600,000, I have no doubt the price is sufficiently cheap. Of the three routes proposed across this stretch of country, the two paralleling this canal, even at a maximum price, this route is much cheaper than any yet proposed. While I would not resort to condemnation proceedings only as a last resort that can be appealed to, I do think that this project is of sufficient importance, and I think any member of the committee who merely looks at the map will come to the conclusion that it is very desirable and should be embarked upon if it can be done at a reasonable expense.

Mr. MANN. Mr. Chairman, I do not rise for the purpose of expressing especially either approval or disapproval of the item in the bill now under discussion. There are many arguments in favor of the proposition and very many arguments against it. The River and Harbor Committee has recommended it, and I think the House is going to agree to it. I never like to do a thing with subterfuge. I believe in being on the square with Members of the House.

Here is a canal proposition to-day that the committee recommend may be purchased for $1,300,000. In my judgment, if they had recommended the purchase of this canal at $2,600,000, the House would not agree to it. It is paying interest at the rate of 4 per cent on $2,600,000 of bonds. It has not increased its business materially. In the end, probably the canal would go more and more into disuse, because it probably can not maintain itself profitably and pay the interest on its bonds. I think if we buy it for $1,300,000, we are justified in doing it.

But what I want to know is whether it is the intention when this bill leaves this body to have the amount increased from $1,300,000 to $2,600,000, or some such sum, and then have that agreed to in conference, or whether it is proposed to put in the bill a provision that the Government shall condemn the property; because it is perfectly patent to anyone that if the Government condemns the property it will have to pay at least the cost of the bonds now outstanding, the interest on which has always been paid. Four per cent on bonds is not an excessively low rate of interest, and if we condemn this we will have to pay the value of the bonds. If we appropriate $1,300,000, and it stands at $1,300,000, these people will sell the canal for that price, because if they keep it their property depreciates in value.

I stood here when the new Panama Canal Co. made an estimate for what they would sell the Panama Canal to the United States for. I do not remember now whether it was a hundred and forty or a hundred and eighty million dollars, or just what it was, but I do remember that when we got down to brass tacks, although they had said to us repeatedly that they would not sell for any less—when we really got down to brass tacks and authorized the purchase for a certain sum, they took what we offered; and if instead of offering them $40,000,000 we had offered $20,000,000, they would have taken that. This canal company in the end will take whatever we offer.

I would like to know from the gentleman in charge of the bill if it is the intention to increase the offer through the operation of the Senate and the conference committee, and I observe that I do not get any reply.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman from Illinois can get a reply, so far as I am concerned.

Mr. HULBERT. Mr. Chairman, convictions are very largely influenced by environment. Anyone born and bred in the State of New York and familiar with its canal system can be expected to be favorable to a proper enlargement of the Atlantic coast inland waterway system. Private capital has blazed the way, as it always does, in the construction of the Cape Cod Canal, which is now being successfully and profitably operated. I am not opposed to the construction of this canal, provided it is undertaken upon proper terms, but I fail to realize the distinction which will place upon the State of New Jersey the necessity for procuring at the expense of its citizens the right of way for the construction of the canal from the Delaware River to Raritan Bay, but will permit those to be benefited by the canal connecting the Delaware with the Chesapeake to obtain the means for acquiring the right of way out of the Federal Treasury. Moreover, I wish to dissent from the statement contained in the report of the Army engineers that the construction of this entire canal up to a depth of 12 feet is a proposition of national importance, and the deepening of the channel from 12 to 25 feet is a matter of local importance, and that the deepening to 25 feet or more should only be made in the event of local cooperation. Rather do I take the contrary view, that the channel of 12 feet is a channel primarily in the interest of local commerce, and that when it is deepened to 25 feet it becomes a national industry.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLER of Delaware. Mr. Chairman, the gentleman from New York [Mr. HULBERT] who has just taken his seat remarked about the lack of cooperation proposed in connection with the plans of the Chesapeake & Delaware Canal as compared to what New Jersey may have to do for the Delaware & Raritan Canal. I want to say to the House that the States of Maryland, Pennsylvania, and Delaware originally took stock in this canal company when the canal was dug some years ago. I merely wanted to reply to the gentleman who has just spoken, and my purpose in asking for time is to call the attention of the House to some of the military and naval uses that this canal may serve. Other gentlemen here to-day have told you of its commercial value, and they have covered every point, but very little has been said concerning the military and naval use to which this canal could be put. In 1906 Gen. Agnus, an Army officer, was chairman of the commission that made a report upon this project, and a great part of that report concerns the military and naval value of this canal. We all know what the Kiel Canal has been to Germany in this war.

If it were not for the Kiel Canal connecting the Baltic and the North Seas, the German battle fleet would not have been of any use to that nation in this war. This is a similar case. If it were in another nation, a canal would be constructed for military and naval uses, notwithstanding any opposition to the contrary, so far as it related to its commercial value. We see before us a stretch of coast line—the Atlantic Coast—about 3,000 miles long. Our battle fleet not only has to defend that coast, but it has to defend the coast line of the Gulf of Mexico, and through the agency of the Panama Canal that same battle fleet is expected to defend the Pacific coast. This Nation has the greatest vulnerable coast line of any first-class power, excepting none. It takes a battle fleet of great proportions to defend it. The Panama Canal divides in two the fleet that is necessary. This project here, if put through, will not cost when completed to a 33-foot channel what one dreadnaught or one battle cruiser would cost. In the Agnus report we find the following language:

A geographical study of the Maryland and Delaware peninsula and the Atlantic coast line of the United States shows that this peninsula is one of the most vulnerable and suitable places for the location of a base of land operations should our Navy be driven from the sea.

This was demonstrated in the War of 1812 in no uncertain manner, when the British burned the very Capitol in which we gentlemen are now sitting. I can not in the few minutes I have call attention to all of the points in this report, but there is another sentence which concerns it very closely and which I desire to quote:

The Civil War developed the enormous value of the present canal as a means of transportation of troops, supplies, and prisoners. While our railroad facilities have greatly increased since that time, it is

easily conceivable that in future wars or internal disturbances the proposed ship canal would very likely prove an important adjunct to rail transportation and possibly a vital factor in the campaign, should rail transportation be interrupted by accidents, strikes, or hostile raids.

Mr. Chairman, I maintain that it is a real question of preparedness, outside of the commercial value, and it is one that we should very seriously consider at a time when we are spending many hundreds of millions of dollars upon ships. The amount spent to put this canal through would not represent the loss of one battleship or battle cruiser, should it be lost by reason of its not having the proper means of communication between two of our greatest bays, the Delaware and the Chesapeake, and around which there are likely to be military and naval operations should war ever come.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a brief question?

Mr. MILLER of Delaware. Yes.

Mr. HULBERT. Does not the argument which the gentleman makes with regard to the question of preparedness apply likewise to the canal between New York and New Jersey?

Mr. MILLER of Delaware. It does; and I agree with the naval officers who say that this project from Boston down should be put through as a defensive measure; and the gentleman knows and I know that naval officers are not prone to advocate something for purely commercial purposes. It is really a defensive measure. [Applause.]

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. SPARKMAN. Mr. Chairman, I yield that three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, in that three minutes I want to refer to the commercial importance of this project. That was the reason for the introduction of the original bill, but the Agnus report in 1907 indicated that commerce around about this section of the country was running all the way from fifty to ninety million tons. There are but two railroads that parallel the canal, and the tolls now charged upon the canal are equal to the tolls paid upon the railroads; and in spite of the fact that the tolls paid on the canal equal those paid on the railroads, the canal does a million tons of business a year. We can sometimes get quicker service for heavy freight over the canal to-day than they can upon the railroads. That much for the commercial side of the question.

Now for the national-defense side. I will quote from Admiral Benson, who only yesterday was designated to take the place of the lamented Admiral Dewey at the head of the Naval Board. In an address upon this subject, the admiral, after referring to the strategic situation and the fact that diplomacy does not always count in matters of warfare, said:

> For this reason it is barely possible that the time may come—though we sincerely hope it will not—when it might be necessary for our vessels to keep in harbors and move from one to the other. Our coasts might be assailed by an overwhelming naval force before we could prepare ourselves fully to repel it. That being the case, you will easily understand what an advantage it would be if we could move our ships from one part of the coasts to the other. For instance, if the fleet was mobilized in Hampton Roads—

Down here [illustrating on map]—

> and we had a canal connecting that waterway with Delaware Bay—

Here [illustrating]—

> our fleet, or portions of it, could move from Hampton Roads to Delaware Bay.

Here is an attacking force outside [indicating on map]; our fleet is inside. The admiral wants to move on to this bay—the Delaware—to reach the opposing fleet in the rear if necessary, and so all along the coast at these other three openings. He says:

> Again, if we had a canal leading from Delaware Bay into New York Bay, we could move on still farther with our battleships through Hell Gate into Long Island Sound.
>
> You will readily understand that in order to offset our advantage in the way of such canals the enemy would be compelled to have four times the force that he would otherwise have to have in order to prevent ships coming out and attacking him successfully. That seems to be so obvious that it needs no discussion whatever. [Applause.] But regardless of the fact this condition might never obtain, the question of sending supplies from one point to another is of very vital importance to the Navy. We have navy yards and gun factories, for instance, here in Washington. At the Naval Gun Foundry here nearly all our guns for the Navy are constructed. They are proved down here at the proving grounds on the Potomac River, a few miles below. Practically all of our powder that we use in those guns is made down here at Indianhead, about 14 miles below the city. A great many of the projectiles we use are made here on the Potomac River.
>
> In addition to that, we have at Norfolk one of our principal naval stations. Thus you see that in case we were building ships on the Delaware River—and there has been a wonderful development in the shipbuilding industry there recently, and also a great development of the Philadelphia Navy Yard, and a greater development is bound to come in the near future—we might want to send our guns, or we might want to send powder or various munitions of war from over in this immediate vicinity or from Norfolk to Philadelphia; and a small enemy cruiser hovering off the coast might be able to prevent our doing so unless we had a system of communication along the inside route that would allow us to send these munitions of war where needed. The same thing would be true with regard to communicating through from Delaware Bay to New York City, and it is also desirable to continue the same system of deeper inland waterways along the entire eastern coast.
>
> It may not be known to you that for some years now we have been supplying our naval stations along this eastern coast with coal for their use from colliers, because it was impracticable to get the coal carried in the ordinary way; so the Navy colliers had to supply the navy yards with coal sufficient to run them.
>
> * * * * * * *
>
> Now, as I said in the beginning, we have a great number of small craft, and our coast is so formed that its defense must necessarily depend very largely on the submarines and the smaller craft; and in order to utilize what we have to the fullest extent there should be some means of moving this craft from one part of the coast to the other.
>
> Our national means of defense, particularly from Key West north, would be through our inland waterways by our submarines. Not that the submarines are not able to go outside, for they are, and even our coast submarines are able to go to sea and cruise a hundred miles off shore successfully. They can go even farther; but what I refer to is the fact that they want to be protected. We do not want them exposed to the attacks of the enemy on the outside in case we desire to move them from one point of the coast to another, or in order that they may go out from various openings and attack the enemy. So you can readily see the tremendous advantage that improved inland waterways would be to the Navy in the event of war in moving submarines and destroyers through the inland waterways.
>
> Of course, anything that helps commerce helps the Navy; anything that helps the Navy helps commerce; and whatever helps both helps the country.

This is the way Admiral Benson felt about it.

Here are the four points of attack to which the admiral refers: One is at the entrance of Long Island Sound, one at the entrance of New York Bay, one at the entrance of Delaware Bay, and one at the entrance of the Chesapeake Bay. Make the inside passages ample and safe and we will have four times the advantage in attacking the enemy first, and we can move from point to point for repairs or ammunition or supplies. So says Admiral Benson. Then there is the question as to the ability of the railroads to carry munitions in time of war. They might be disabled or absolutely destroyed along this coast, and then there may be strikes upon the railroads just when we need the railroads to carry munitions of war. In such an event the admiral says it would be an advantage; it would be absolutely essential to the welfare of the Nation for our boats to pass inland from point to point. And, gentlemen, all that is asked now is to give this project a start by connecting up these two great bays of the Atlantic seaboard. The Navy men want this done, the Army men want this done as a measure of national defense, and the great commercial interests of the country want it done because it will afford cheaper transportation and bring about that communication which has been so long denied. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Wisconsin, to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

> Baltimore Harbor and Channels, Md.: For maintenance of Patapsco River and channel to Baltimore, including channel of approach at York Spit, Chesapeake Bay, $104,000; for improvement in accordance with the report submitted in House Document No. 799, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $250,000. And the Secretary of War is hereby authorized to prosecute maintenance work in the inner harbor in accordance with the recommendation submitted in said document; in all, $354,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. FREAR. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend, first, that no contract for maintenance or improvement of harbors shall be let unless competitive bids are received from at least three bidders and bids shall not be accepted until personally approved by the Secretary of War.

The CHAIRMAN. Where does the gentleman ask that his amendment be inserted?

Mr. FREAR. At the end of the paragraph.

The CHAIRMAN. The gentleman offers his amendment, to be inserted at the end of the paragraph.

Mr. FREAR. Mr. Chairman, in the case of large harbors which carry a great deal of commerce I have never yet proposed a change of the recommendations of the Army engineers. I would not do so in this case, because I realize this is a great harbor carrying a great commerce. However, last night I presented to the House, and it appears this morning in the RECORD, the dredgers' agreement which was published before in the RECORD. It appears on page 1995 of the RECORD of yesterday, showing the procedure among the dredging companies to allot contracts in the past without having genuine competitive bidding, and I called attention last night to the further fact that the company which had headquarters in the city of Baltimore is the company whose president was once president of the

dredgers' association which in past years allotted contracts. I further called attention to the fact that the company had all the contracts, I believe, without exception, in the Baltimore district except one, for dredging, and all those cases where there was dredged sand and mud they received 26½ cents, level price, and the only other company that did dredging in that district received 9 cents for practically the same kind of work, so far as can be judged.

In order to have genuine competitive bidding, Mr. Chairman, there must be more than one bidder. And it appears, so far as we can judge from the record——

Mr. COX. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. COX. Has the gentleman looked up to see what has been the policy of these various companies? Have more than one submitted bids heretofore?

Mr. FREAR. There is nothing before us that can show in regard to that. The Army engineers can disclose, but even if they did disclose that, from the very fact that the dredgers' association has controlled in the past, it would bring no return, because those bids might be for the purpose of making a show; but the determination would eventually be from the one that controlled the pool, if that procedure is still adopted. In Baltimore this one company has exclusive dredging contracts.

Mr. COX. For Baltimore Harbor?

Mr. FREAR. For Baltimore Harbor, just as it has to-day for other points in the Baltimore district, with one exception. I believe that is right.

Mr. COX. How many companies are engaged in this line of work along the Atlantic seaboard?

Mr. FREAR. Dredging companies?

Mr. COX. Yes.

Mr. FREAR. I have that in the RECORD. If the gentleman will turn to page 1996 of the RECORD he will see that I caused to be inserted there the names of a number of dredging companies that were making contributions or that were referred to as making contributions to the National Rivers and Harbors Congress. I can read those, if desired, but they appear there.

Mr. COX. Is the National Rivers and Harbors Congress a permanent organization? What is it, anyhow? What is its purpose and object? What does it seek to obtain?

Mr. FREAR. In its charter or constitution it says it is in favor of a policy, not a project, to have an appropriation of $50,000,000 made annually by the Federal Congress.

Mr. COX. How is it obtained?

Mr. FREAR. Presumably by contributions received from dredgers and various individuals throughout the country. And I have furnished the subscription list in the past to show——

Mr. COX. Voluntary contributions, or depending on the success in obtaining the amount of the contract?

Mr. FREAR. I take it that they are voluntary so far as the subscription list I filed and put in the RECORD two years ago.

Mr. COX. Then the purpose is to divide up the territory and divide up the contracts?

Mr. FREAR. The purpose of the Rivers and Harbors Congress, as shown on page 1994 and claimed in their report, is to divide up their appropriations. This Congress apparently is only used as an instrument under their direction. They are the ones that divide the appropriations among the States. The gentleman will notice on page 1994 the amount subscribed to the National Rivers and Harbors Congress by States is put side by side with the amount received from the Federal Congress of the United States, and 1 per cent is shown by their report, all that is necessary to receive a proportionate amount of $100 from the Government.

Mr. COX. Let me ask the gentleman: Did the gentleman himself compile this data on page 1994?

Mr. FREAR. Oh, no. That is taken from their official report, in which they make that statement.

Mr. COX. I see in this report that Pennsylvania contributed $4,295 for the maintenance of something, and got back in return $4,837,745.

Mr. FREAR. That report shows in the comparative table, placed just as it is here.

Mr. COX. I would like to know, if the gentleman can give me the information, and I am seeking information solely, what is the concrete purpose of these appropriations made by these dredging concerns?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Wisconsin have five minutes more. Is there objection?

There was no objection.

Mr. COX. What are these contributions made for?

Mr. FREAR. The contributions by the dredgers?

Mr. COX. Yes.

Mr. FREAR. That is for the support of the Rivers and Harbors Congress. It purports to be, so far as the subscription list is submitted, for the support of this lobby, this river and harbor lobby, that claims to have something to do with the distribution of appropriations throughout the country.

Mr. COX. And the Rivers and Harbors Congress is supposed to bring pressure to bear on this Congress in order to get it to make appropriations for the various projects?

Mr. FREAR. That is a practical admission. I do not know how they would proceed to do otherwise. That appears in their annual report.

So, Mr. Chairman, I ask to have the amendment adopted. Surely there can be nothing objectionable in that, in order to insure active competition among dredgers.

Mr. SPARKMAN. Would not the amendment have a tendency to exclude the Government from securing three bidders on any work on a project at all?

Mr. FREAR. I think that would be a logical result, but it seems to me we would try to secure genuine bids in order that the project might be carried out.

Mr. SPARKMAN. If there was such a combination, there would not be any bids.

Mr. FREAR. We ought to discover if a combination exists, because the dredgers' association, holding up the Government of the United States——

Mr. SPARKMAN. If one exists, I am not in sympathizing with it.

Mr. FREAR. I understand the gentleman does not.

Mr. SPARKMAN. This amendment, if adopted, may cause the project to suffer.

Mr. FREAR. The Government would suffer if we are to accept the figures of one dredging company.

Mr. SPARKMAN. I think the War Department can be trusted to take care of that.

Mr. FREAR. They have been taking care of these things with that unknown agreement in force in past years apparently, and that agreement has divided with the dredgers in the past the allotment of these contracts.

Mr. SPARKMAN. We put on an amendment on the floor of the House last year designed to protect against just that kind of situation.

Mr. FREAR. It could not reach that, if the chairman please, because the gentleman will observe that unless you have a Government dredge working along in that neighborhood there is no way of comparison.

Mr. SPARKMAN. Your amendment might stop the work entirely.

Mr. FREAR. That is true, unless you can have genuine competition. The purpose is to insist that we have genuine competition throughout the country on these dredging contracts, and particularly at Baltimore, where the evidence goes to show that this one company controls everything in the Baltimore district, as well as contracts far outside.

Mr. LINTHICUM. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] attempts to show that there is an association which allots these contracts. The gentleman does not tell the House, however, that the letter to which he refers was dated on March 13, 1901, nearly 16 years ago, and that that organization went out of existence in 1905 or 1906, and that it has had no existence since that time.

The gentleman from Wisconsin also attempts to show that there is no competition. I have what data I could get from the engineers this morning, and the contract that is referred to principally by the gentleman is in connection with the rivers and harbors on the Eastern Shore of Maryland. The contract price there is $41,946.25. There were four bidders. The contract was awarded at 26½ cents per cubic yard. The highest bid was $45,892.50. The Maryland Dredging Co., which received the contract, bid nearly $4,000 less than the highest bidders. It is a small contract involving heavy expense in moving and installing the plant, all of which made the cost greater. Now, in the James River case the estimated cost was $39,000. There were four bidders—the Norfolk Dredging Co., the A. B. Walls & Sons, the P. Sanford Ross Co., and the Maryland Dredging Co. The Maryland Dredging Co. got that contract for $34,590, nearly $4,500 less than the estimated cost. The highest bid was $52,350.

In the Anacostia River case the estimate was $39,000. The Maryland Dredging Co. bid $44,000 for the contract, 5½ cents per cubic yard. There were five bidders. The highest bid was 8 cents, and the next lowest bid was 6 cents per cubic yard.

Mr. FREAR. Mr. Chairman, will the gentleman yield right there?

Mr. LINTHICUM. Yes.

Mr. FREAR. Why is it that the Maryland Dredging Co. received 5½ cents while the other concern that is doing the work on the Anacostia River received only 5 cents?

Mr. LINTHICUM. That is a pertinent question. In many of these contracts the material is soft mud, while in other cases it may be sand or gravel or rock. Take the Delaware River, for example, of which the gentleman spoke yesterday. The gentleman spoke of the Maryland Dredging Co. getting 14.7 cents per cubic yard while another company got only 9 cents. The truth is, the Maryland Dredging Co. is using a dipper dredging machine, lifting hard material, while another company is using a suction dredge and pumping the mud on the shore. It depends upon the kind of material you are dredging, whether it is soft mud or sand or gravel or rock, and it also depends on how far you have to carry the material that is dredged. That also enters into the cost of these matters.

Now, in the Delaware River case, the Maryland Dredging Co. bid 16.2 cents. There were five bidders. The highest was 19 cents. The total contract was $46,980 and the Army estimate was $55,000.

Mr. FREAR. Was there not a contract with the Maryland Dredging Co. for 24 cents?

Mr. LINTHICUM. I think so. That river was divided up into three sections. One section was mud and another was heavy material and a third section was a section where there was some rock. As I said, the price depends upon the class of material to be moved and where it is to be deposited.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. I ask unanimous consent, Mr. Chairman, to proceed for five minutes more.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. SPARKMAN. Mr. Chairman, I would like to see if we can get some agreement as to the length of debate.

Mr. FREAR. I only want to ask the gentleman one question.

Mr. SPARKMAN. How much time does the gentleman from Maryland want?

Mr. LINTHICUM. I asked for five minutes' time.

Mr. SPARKMAN. I ask, Mr. Chairman, that all debate on this paragraph and amendments thereto end in 12 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on this paragraph and amendments thereto end in 12 minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Now, the gentleman from Wisconsin has laid considerable stress upon that letter to which I referred, but the gentleman has not called attention to the fact that that was something that happened 16 years ago. It was a circular letter and it was fully explained to the Rivers and Harbors Committee at that time, when Mr. Burton was chairman.

Now, the Maryland Dredging Co. is presided over by Mr. Frank A. Furst, and it is a large organization. Mr. Frank Furst is one of the best and most respected citizens of the State of Maryland. His word goes with the people of that State. He stands as high for character and credit as any citizen we have, and the intimation that he would enter into any arrangement by which contracts would be apportioned to the detriment of the Government is impossible for any citizen of Maryland to believe.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. FREAR. Is it not a fact that in this statement he admitted the allotments were made at that time?

Mr. LINTHICUM. No. I do not think that statement applies in the sense the gentleman ascribes, any more than the statement that a banquet was given by Mr. Furst at which Congressmen were guests be a proof that there was any impropriety or corruption connected with it. I was told by Mr. Furst that there never was a Congressman at the alleged banquet. It was not what you would call a regular banquet. It was simply a few men gathered around a table to discuss business affairs and who at the same time enjoyed their dinner.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. May I suggest to the gentleman that there is a convention of workingmen to be held in Washington soon, at which they may also have a banquet?

Mr. LINTHICUM. The gentleman speaks of the River and Harbor Congress. Certain Members of Congress are members of that association, which has for its purpose the development of rivers and harbors and not for the allotment of contracts.

Mr. MOORE of Pennsylvania. We may have an invitation extended to the gentleman to speak to the convention.

Mr. LINTHICUM. Yes; I may have the pleasure of being delegated to invite the gentleman to Baltimore.

Mr. FREAR. Is it not directly intimated by their annual report that they have some control over appropriations? Has the gentleman investigated that?

Mr. LINTHICUM. No. I am not a member of the River and Harbor Congress, although some Representatives and Senators are. I think it is somewhat like our Atlantic Deep Waterways Association, which is working for the construction of this canal, and the Rivers and Harbors Congress is working for the improvement of the rivers and harbors of the country, not to the injury of the Government, but for the betterment of the conditions of the country and the traffic arrangements throughout the land.

Mr. MOORE of Pennsylvania. There being 50,000 miles of navigable and nonnavigable rivers in the country, about one-half of which are nonnavigable, does the gentleman think it improper for any association of men interested in public development to advocate the improvement of the nonnavigable rivers?

Mr. LINTHICUM. I find that men in all walks of life are advocating the development of those things in which they are interested. I look upon the Rivers and Harbors Congress as of great benefit to this Congress, because of the varied information which they gather.

Mr. HULBERT. Is this document which the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Wisconsin [Mr. FREAR] are referring to the communication that appears in the CONGRESSIONAL RECORD, at page 1995, as a report of the board of directors of the Atlantic & Gulf Coast Dredge Owners' Association, dated March 13, 1901?

Mr. LINTHICUM. Yes; nearly 16 years ago.

Mr. HULBERT. Sixteen years ago. I notice in the RECORD the statement of the gentleman from Wisconsin, reading as follows:

> I submit a statement secretly issued by a dredgers' organization, and placed in the CONGRESSIONAL RECORD in a speech made September 29, 1914.

Can the gentleman from Maryland tell me, or will he permit the gentleman from Wisconsin, if we will do so, to state when this statement was secretly issued by the dredgers' organization, as it seems very singular that we have not learned of it until 16 years after the date that it bears?

Mr. FREAR. Will the gentleman yield?

Mr. HULBERT. Certainly.

Mr. FREAR. If the gentleman had been a Member of Congress and had read the RECORD, he would have discovered that this was inserted two years ago when first received, and a resolution was introduced in Congress asking for an investigation at that time, to ascertain whether or not such a secret agreement for the allotment of contracts existed at that time or at this time.

Mr. HULBERT. Who introduced the resolution to which the gentleman refers?

Mr. FREAR. I introduced that resolution.

Mr. HULBERT. Has the gentleman ever demanded or secured a hearing upon that resolution?

Mr. FREAR. The resolution was referred to the River and Harbor Committee, if I remember correctly, and if the resolution had been considered of interest by the committee I take it that they would have asked for a hearing. I submit that was all I could do.

Mr. HULBERT. The gentleman knows I have not been at all backward in my attitude in regard to these matters.

Mr. FREAR. Oh, no.

Mr. HULBERT. The gentleman has never sought to interest me in it.

Mr. LINTHICUM. I hope this colloquy will not be taken out of my time.

The CHAIRMAN. It has taken place in the gentleman's time, and the gentleman's time has expired.

Mr. LINTHICUM. I did not know that the gentleman's question was going to extend into a speech. I ask unanimous consent for two minutes more.

Mr. SPARKMAN. I have no objection to the extension.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. As to the amendment which the gentleman proposes applying to Baltimore, there is no telling when we might get that work done. I was talking to the Engineer's Office, and I asked them about the competitive bids. They said that they had had a great many competitive bids until the last six months, but in the last six months there was so much private work going on, which seems to pay a better price than Government work, that they had not had as many bidders as formerly. If you put that amendment in there, and if we do not have the number of bidders that the gentleman speaks of, then the Baltimore work will be at a standstill; and this is a proposition which we have had before Congress for some years, a proposition which Baltimore absolutely needs, one which is necessary for the business that has developed in that great city in the last few years. The extension of this channel is necessary, particularly at Curtis Bay, where the Government colliers can not load to their full capacity with coal for the warships which you are building; and until that channel is of sufficient depth the colliers which supply a large proportion of the coal for the warships on the Atlantic seaboard will continue to go out loaded to only a part of their capacity, much to the loss of the Government.

Mr. COOPER of Wisconsin. The gentleman says this dredge owners' association went out of existence in what year?

Mr. LINTHICUM. Nineteen hundred and five or 1906.

Mr. COOPER of Wisconsin. Ten or eleven years ago?

Mr. LINTHICUM. Eleven years ago.

Mr. COOPER of Wisconsin. I will say to the gentleman that never until he made the statement he has just been making did I have any idea that this dredgers' association went out of existence so long ago. I do not think one Member of the House, outside of the two gentlemen who made the statement, knew that that was a fact. In 1914, when that statement was made here, everybody supposed that the dredgers' association was still in existence.

Mr. LINTHICUM. Oh, no; it has not been in existence for the past 11 years.

Mr. SMALL. Mr. Chairman, the remarks of the gentleman from Wisconsin [Mr. FREAR], if they have any application or purpose whatever, mean that he charges a dredgers' association which has been out of existence for more than 10 years with combining or conspiring improperly to influence Congress. That is a serious charge, and the gentleman ought to have substantial evidence before making it as to any men engaged in private activities. If the gentleman has any purpose, he will probably have us infer that the United States Army Engineers, by reason of lack of skill or lack of integrity or lack of a disposition to preserve the rights of the United States Government, were improperly influenced by these dredgers. Does he mean to make that statement? The gentleman refers to the National River and Harbor Congress, a voluntary organization composed of delegates which attend its annual meetings held in this city, from substantially every State in the Union. Among them are reputable gentlemen from the State of Wisconsin, and yet the gentleman in his remarks about that association, if he has any purpose at all, would have us believe that these business men from all over the United States, presided over by the distinguished and honorable Member of the Senate of the United States, Senator RANSDELL, are engaged in improperly influencing the Congress of the United States. If he does not mean that, what does he mean?

Now, with reference to the amendment he offers I call the attention of the House to the river and harbor act of 1888, which contains this statute, and which is applicable at the present time:

SEC. 3. That it shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for improvement of rivers and harbors, other than surveys, estimates, and gaugings, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

In every one of these proposals the right is always reserved to reject any and all bids. So we have sufficient law at the present time to accomplish the result desired, and makes the amendment offered by the gentleman from Wisconsin unnecessary. The only question here is whether the Secretary of War and the Corps of Engineers have the skill and integrity and ability to preserve the rights of the Government and to administer the law expending the appropriations.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. HULBERT. Mr. Chairman, I believe I was to have two minutes.

The CHAIRMAN. All time has expired.

Mr. HULBERT. I ask unanimous consent that I may have two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. HULBERT. Mr. Chairman, I have no doubt it was more fortunate for the people of the twenty-first congressional district of New York that I did not represent that district in 1914, because my predecessor, the Hon. Henry George, jr., was a far abler and better man than I can ever hope to be. But in the two years that I have been a Member of this House, I have been endeavoring to familiarize myself with matters connected with the Committee on Rivers and Harbors; and although I have been diligent and given a great deal of study to matters connected with it, I never knew until the gentleman referred to it yesterday of the existence of the paper that has been referred to, nor to the resolution of investigation introduced by him before I became a Member of Congress. I hope I may profitably spend the two minutes allotted to me in getting further information.

I observe on page 1995 of the RECORD, in the article that the gentleman inserted yesterday, a series of subheads. At the bottom of the first column is "In union there is strength." In the next column is a subhead, "Quarreling over spoils," and below that is another subhead, "To throw all resources on projects." I would like to ask as a matter of information of the gentleman from Wisconsin whether those subheads were in the statement submitted by him or put in by him in order to add emphasis to the article which he has submitted to this House?

Mr. FREAR. They were inserted by myself as evidence of what the contract or agreement purported to be.

Mr. HULBERT. I suppose the subheads on page 1996, "Dredgers neglected the pork barrel" and "Board is to work for pork barrels," were also inserted by the gentleman from Wisconsin.

Mr. FREAR. Yes.

Mr. SWITZER. Will the gentleman yield?

Mr. HULBERT. Yes.

Mr. SWITZER. Does the gentleman know who wrote the article in the first instance?

Mr. HULBERT. I do not know anything about the article except the information contained in the RECORD, but I submit that if an article is inserted in the RECORD, having been prepared by a gentleman whose name is attached to it, that it is misleading for a Member of the House to insert subheads without putting in parentheses or indicate otherwise that the subheads are his.

Mr. HUMPHREY of Washington. Is the gentleman familiar with the system that is pursued in the office of a good many publications of this country of putting headlines over an article that by insinuation and inuendo reflects on the character or reputation of a man when the reading of the article does not bear it out?

Mr. HULBERT. I am not aware of the practice to the extent that I believe it is a system. If the gentleman from Washington has found any evidence that there is a system, the House of Representatives is the last body which ought to approve and adopt such a system here.

The CHAIRMAN. The time of the gentleman from New York has expired and all time has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Rockhall, Queenstown, Claiborne, and Cambridge Harbors, and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md.: For maintenance, $10,000; completing improvement of Wicomico River, Md., in accordance with the report submitted in House Document No. 1509, Sixty-third Congress, third session, and subject to the conditions set forth in said document, $17,100; in all, $27,100.

Mr. FREAR. Mr. Chairman, I offer the amendment to follow the paragraph.

The Clerk read as follows:

At the end of line 5, page 11, insert: "That no contract for maintenance or improvement shall be let unless competitive bids are received from at least three bidders and bids shall not be accepted until personally approved by the Secretary of War."

Mr. FREAR. Mr. Chairman, I do not expect to offer any other amendment of this kind. This is one for a small contract and the other one that I offered was for a large contract. But I wish to reply to some statements that have been made here by these Members of Congress who are defending this dredgers' association that formerly allotted contracts to defeat the ends of justice and seeking to get money out of the Federal Treasury

by allotment. Was that right? Do you think it was honest? Did the Army engineers know it? The gentleman from North Carolina [Mr. SMALL] says that I am charging the Army engineers with influencing Members of Congress. He is always defending the Army engineers when there is no necessity for it. Did they know of the secret agreement; did they know that the dredgers were allotting these contracts in these districts? I have no knowledge of the subject, but am sure they did not. The question is, Do you know it to-day here? The statement was put in the RECORD precisely as it was put in back in 1914.

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SPARKMAN. I would like to suggest to the gentleman that I do not think the criticism was intended to convey the impression that this House would condone any such agreement as that.

Mr. FREAR. Oh, no. I take it the chairman is right in that respect.

Mr. SPARKMAN. It was directed to the fact that the combination, if any, had gone out of existence some 10 or 15 years before. The discussion was therefore merely academic.

Mr. FREAR. The chairman would have the right to come to that conclusion and so would all others were it not for the fact that all of these contracts suddenly come into existence around this particular headquarters at Baltimore, and the fact that the official is the same who existed at that time. Who can tell us that the dredgers' association has gone out of existence? Who says it has? Who knows?

Mr. SPARKMAN. Oh, 30 or 40 years ago there were many conditions different from what there are now.

Mr. FREAR. According to the gentleman's understanding, it has gone out of existence.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. LINTHICUM. Mr. Chairman, I would like to have the gentleman tell me some of those contracts that the Maryland Dredging Co. has had around Baltimore.

Mr. FREAR. The ones in existence to-day.

Mr. LINTHICUM. That is only one contract in the Patapsco River. The truth is that the Maryland Dredging Co. has only dredged the Craighill Channel around Fort McHenry, and it is not doing any dredging there except some small contracts.

Mr. FREAR. There has been no charge that the Army engineers were connected with this, but I do say apparently the Army engineers were deceived by this association when they allotted contracts, and that is borne out by this statement or agreement.

As to the subheads of the article, those were put in in the original article, I presume, because it was inserted here just as it was inserted there, presumably with those subheads at that time. No one will believe that that was intended to change in any way the character of the statement that the association was supposed to allot these dredgers' contracts. Now, as to the gentleman who defends the Rivers and Harbors Congress, I say that that is a lobby. I say that it is for the securing of $50,000,000 in appropriations every year. That was a part of their constitution which has been quoted in the past. Here was a statement they filed. I do not ask you to take my conclusions. The statement which they filed is shown on page 1994, in which they show appropriations received from the Government by the various States and then that organization puts right up in juxtaposition the amount of money that is paid toward the association. Is not that true? Can you form any other conclusion? That is taken from their report. If that is true, what is your conclusion in regard to what they meant? What other conclusion could you come to but that for the purpose of securing appropriations from the Federal Congress it was necessary to belong to that association and to make contributions? Is not that a fair inference? Is not that the only conclusion that could be reached? That is taken from their official records, not from any statements upon my part. So I say that the criticism was not fairly directed when it is said that I am saying these things. I am taking the official record of that organization.

Mr. HUMPHREY of Washington. Has the gentleman any evidence that there was a combination between the dredging firms?

Mr. FREAR. Nothing except what I have given, and their own statement that there has been in the past.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LINTHICUM rose.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I asked the gentleman from Wisconsin [Mr. FREAR] to name some of the contracts that the Maryland Dredging Co. had around Baltimore Harbor, and he has failed to name them.

Mr. FREAR. Only what the engineer's report shows.

Mr. LINTHICUM. Because he can not. The Maryland Dredging Co. has not had any contracts around Baltimore for some time—not since it dredged the Craighill Channel at Fort McHenry. It has a small contract for maintenance in the Patapsco River, and the facts about that are these: There were three bidders. The Maryland Dredging Co. bid 8¾ cents per cubic yard and the highest bidder was 15 cents. The Maryland Dredging Co. got that little contract in the Baltimore channel. Can anyone imagine this particular company doing the work for much less than 8¾ cents? In the work done about Baltimore, I think it was the Coastwise Dredging Co., of Norfolk which got the contract, and the Maryland Dredging Co. has not had any work with the exception of this small contract that I tell you about and it got that at 8¾ cents. The truth about the dredging business is that a large number of the dredgers who have been doing Government work in this country have gone broke in the last year or so because of the high wages and the high cost of coal and other things which enter into contracts. So that there is not very much profit in the work at this time. The Maryland Dredging Co., however, has a large force and they have a number of dredges and are doing the business on a large scale, and are thus able to do it more cheaply and make some money out of it, but the small men who have attempted the work have gone broke in nearly every instance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Norfolk Harbor and channels, Va.: For improvement in accordance with the report submitted in House Document No. 605, Sixty-third Congress, second session, $270,000. The unexpended balance of appropriations heretofore made for improvement of channel to Norfolk, Va., is hereby made available for continuing improvement of said channel in accordance with the report submitted in said document.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the paragraph just read be passed over to be returned to later with a view to possible amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the paragraph just read on page 11 be passed over to be returned to later. Is there objection?

There was no objection.

The Clerk read as follows:

James River, Va.: Continuing improvement and for maintenance, $56,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph, lines 8 and 9.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, strike out all of lines 8 and 9.

Mr. FREAR. Mr. Chairman, I do not expect that my amendment will go very far, but I wish to present this fact to the committee, that this project is one which the Army engineers, the men we quote so frequently, I understand, decided should be abandoned, so far as the 18-foot project was concerned, the last session, and so reported. However, the House in its wisdom and Congress overruled the Army engineers and insisted that this project should be carried on. At that time I voted against it, believing it was improper, and I simply raise the question again.

Mr. HULBERT. Mr. Chairman, I make the point of order the gentleman is not at liberty to state how he voted in reference to this item.

Mr. FREAR. Why?

Mr. HULBERT. In committee?

Mr. FREAR. No; I did not say in the committee. Appropriations have reached $3,440,000. That has been the appropriation for this project, and the engineers' report shows that $191,735 is on hand. The proposal here is for a small appropriation of $56,000. The amount estimated to complete this project to its full depth is $2,797,000 more. This is one of those other projects, which has been explained, for which the Maryland Dredging Co. had the contract. There is a good commerce, a large commerce, at Richmond, but Army engineers, to whom we appeal on all these cases for advice, have said that the original project ought not to be continued. We are paying at this place a large sum per square yard to excavate rock on this project. Nothing is paid toward the project by Richmond or the district that is to be benefited. We are carrying a channel way up into Virginia; that is, the Government is doing it. Now, when

it comes to improving channels down on the Texas coast we say to the people there, "You contribute and do your share. You make a payment if we are going to carry a canal or a river or an improvement; you must make a contribution to it." Here we say the Government will put in $2,700,000 more, in addition to the $3,400,000. I understand Army engineers have recommended the discontinuance of the full project and only ask for maintenance. For that reason I made the motion.

Mr. MONTAGUE. I wish to say to the committee that the gentleman from Wisconsin [Mr. FREAR] is mistaken in two statements. First, the engineers have not recommended a discontinuance of the original project, as stated by the gentleman from Wisconsin. They have recommended a modification of that project, and I need not accentuate to the committee that there is a very great difference between a modification and a discontinuance of the project. Secondly, I desire to say to the committee that the city of Richmond has been a large contributor to the execution of the original project incident to the deepening of James River, notwithstanding the statement of the gentleman from Wisconsin to the contrary. According to the Engineer's report the total sum expended under the existing project by the Federal Government is $2,485,296.42, and the city of Richmond has voluntarily contributed and expended for the improvement of the channel and the construction of public terminals the sum of $1,044,476.65, in round numbers nearly half of what has been contributed by the Federal Government.

Mr. Chairman, another word. James River is a great tidal water stream, extending over a hundred miles from the city of Richmond to its mouth. Its commerce is considerable, being valued for the year 1916 at $51,899,841, as against $33,523,461 for 1915, and I am conservative in believing that the commerce for 1917 will exceed in value the figures just given.

The report of the engineers suggesting a modification in the project of 1884 I will not now discuss, save to say to the committee that there has been no consideration given to any economic or commercial fact that underlies or supports the original project. Indeed, I venture to think that the engineers would never have suggested such modification of the existing project had they made an investigation not only of the existing commerce but of a far larger commerce which has been denied access to the river and the city of Richmond by reason of the failure of the Government to deepen this river in conformity with the plan and the plain mandate of Congress.

I have appeared several times before the Committee on Rivers and Harbors about this matter. The committee has also given hearings to citizens of my district, and the committee on one or two occasions have gone over all or some portion of the river itself. I welcome the fullest personal investigation by the committee, and, if possible, by the House itself, and would await with confidence the verdict of such an investigation.

Mr. TILSON. Will the gentleman yield for a question?

Mr. MONTAGUE. I will.

Mr. TILSON. Does this bill provide, or is it contemplated that the appropriation here made is to be used in accordance with the modified plan or in accordance with the former plan?

Mr. SPARKMAN. Mr. Chairman, it was the intention of the committee, I will say to the gentleman, not to interfere with this project one way or the other. The question of adopting the modification, or inserting the language in the bill that would adopt the modification, was discussed by the Committee on Rivers and Harbors, and it was determined not to take that course. I will say further that this appropriation is of such an amount that its expenditure will come under either project, the old project or the modified project, should Congress later on conclude to proceed under the former or the latter.

Mr. TILSON. Then, who will determine how it is to be used, whether in accordance with the original plan or the modification of the plan?

Mr. SPARKMAN. Congress later on, if it desires to proceed in accordance with the modification recommended. In the meantime the sum will be used in a way not inconsistent with either plan. I want to say further that it is the purpose of the committee in the near future to inspect the river and investigate the project for themselves. They were not entirely satisfied with the report of the engineers nor fully with the statements made by parties who came before us in the interest of the improvement, and we wanted to go and see for ourselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none.

Mr. SPARKMAN. We did not have time to go during this session of Congress and make the investigation the committee desired to make. That is an important work and we do not want to do any injustice to the project, to the peolpe there, or to the Government. Hence it was thought best to make the appropriation just as we have and under the old project, but of such an amount that its expenditure would be consistent with either.

Mr. MONTAGUE. My construction of the action of the committee is that this appropriation is made under the old project and not under the modified plan. There is only an appropriation of $56,000 for maintenance, an insignificant and negligible sum. There is justifiable criticism of the way the money has been appropriated.

Mr. SPARKMAN. Mr. Chairman, it is not now the intention of the committee to adopt this modified project, but to leave the matter open for future consideration.

Mr. MONTAGUE. Let me get that clear, then. I understand from the chairman that the committee puts this construction on it: That this appropriation is in no wise a committal to the modified suggestions of the engineers.

Mr. SPARKMAN. That is correct, Mr. Chairman.

Mr. MONTAGUE. I just wished to get that clear for the RECORD. I do not care to take up any further time. On some other occasion I may give the committee or the House my views in more extensive form.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, was received from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 16, 1917:

H. R. 1093. An act for the relief of James Anderson.

On January 18, 1917:

H. R. 10007. An act for the relief of William H. Woods.

RIVERS AND HARBORS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Tangier Channel, Va.: Completing improvement in accordance with the report submitted in House Document No. 107, Sixty-third Congress, first session, $16,434.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, strike out the paragraph, lines 13, 14, 15, and 16.

Mr. FREAR. In connection with the last matter which was discussed, the James River, I only wish to say that the statement of the chairman that they overruled the Army engineers and refused to consider the modified project was the matter I had in mind, and my amendment to strike out was based upon that fact. If the modified project had been accepted there would have been no question but that we were following their judgment in the matter. In this project before us, which was contained in the bill four years ago, it is a small matter. The last one possibly was open to criticism fully as much as the one that is before us. That is a project that carries only $16,000, but there is a point in it I wish to call attention to.

On page 7 it states:

Unfavorable reports as to result of preliminary examinations made with a view to dredging a channel to this part of the island were made in 1891 and 1899.

And it mentions the Chief of Engineer's reports.

They continued to press their claims down here on this island for some time, until finally the district officer recommended in House Document No. 107 of the Sixty-third Congress as follows:

From the facts and reasons above stated, I am of opinion that Chesapeake Bay, with a view to providing a suitable channel at Tangier, Va., is worthy of relief to the extent of a channel 4 feet deep at mean low water and 40 feet wide, at an estimated cost of $8,525. The anchorage basin is not recommended at this time because of the proportionally large cost of the improvement including it. It is thought that if such an anchorage be found necessary, local interests should either provide it or contribute to its construction.

Now, remember the Army engineers originally refused to recommend this project, but a district officer later said that if they would contribute one-half, then it would be a proper item to put in.

Immediately following that, after the Army engineers had reported that there should be a local contribution on that sub-

ject, the board took up the subject and made its final recommendation, as follows:

The improvement * * * is deemed advisable so far as to secure an available channel depth of 5 feet and a channel width of 50 feet * * * with an anchorage basis 400 feet by 400 feet of the same depth * * * at an estimated cost of $16,434 for first construction.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FREAR. I read further:

After due consideration of the above-mentioned reports, I concur in general with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore, in carrying out the instructions of Congress, I report as follows: That the improvement by the United States of Chesapeake Bay with a view to providing a suitable channel at Tangier, Va., is deemed advisable so far as to secure an available channel depth of 5 feet and a channel width of 50 feet increased at entrances and on curves, from Tangier Sound to Tangier, with an anchorage basis 400 feet by 400 feet of the same depth, following in general the methods described in the report of the district officer, at an estimated cost of $16,434 for first construction, this estimate being based on the supposition that the construction will, as now seems desirable and advantageous, be prosecuted under a first appropriation of the entire amount of the estimate.

That is signed by W. H. Bixby, Chief of Engineers, United States Army. In other words, notwithstanding the district officer recommended a contribution on this particular project, the Chief of Engineers and the board wiped it out and said that the Government could do it all.

Now, I presented that matter when this same project was up under the old bill, as I recollect, and, of course, there are some statements on the subject rather disparging of the project. I do not care to repeat them. There is some property owned by the steamboat company and piers which were used by the railway company for steamboats. I ask that the item be stricken out because the original condition as recommended by the district engineer was not complied with.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired. The question is on agreeing to the amendment of the gentleman from Wisconsin.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent to revise and extend the remarks to which I recently addressed myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Wisconsin [Mr. FREAR].

The question being taken, the amendment was rejected.

The Clerk read as follows:

Waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $1,000,000: *Provided*, That the route of the waterway may, in the discretion of the Secretary of War, be modified in accordance with the report submitted in House Document No. 1478, Sixty-third Congress, third session: *And provided further*, That not more than $75,600 shall be expended in acquiring the necessary rights of way between Albermarle Sound and Pungo River.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I want to call the attention of the committee, and particularly do I want to call the attention of the country, to a fact that does not appear in the RECORD in reference to these items, and to the attitude of my friend across the aisle, the gentleman from Wisconsin [Mr. FREAR].

Frequently during the early part of this debate the gentleman stated, in defending his attitude in reference to the bill, that when the vote was taken upon the last bill there were 141 Members who voted with him, and he refers to that to show that he does not stand alone in his opposition to river and harbor bills, and that he is in reality representing a large minority of this body. I have been sitting here most of the day. I was absent at the time the vote was taken upon the Chesapeake & Delaware Canal, so I can not speak as to that vote; but with that single exception, unless I am very much mistaken, on every vote taken here this afternoon the gentleman from Wisconsin has voted alone. There has been one vote in favor of his amendment, his own, and the rest of the House have voted against him. I think for the benefit of the country that fact ought to go into the RECORD, that the country ought to know the gentleman from Wisconsin is standing alone, and that if he is right in his contention then all the rest of the Members of this House are wrong. I simply want that to go into the RECORD so that the country may know what support the gentleman has here among his colleagues in most of his attacks upon the items in this bill.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. FREAR. Mr. Chairman, in reference to the last remark made by the gentleman from Washington [Mr. HUMPHREY], I do not indulge in these personal remarks. It is immaterial to me whether the vote is with me or not. Possibly on the final roll call there will be no one voting against this bill. I realize that 80 new projects have been added to the bill, and that men think very much of those projects. I could give the names of Members—I will not do that—who are quoted as saying that if their new projects did not go into the bill they would not vote for it. I know the interest that Members have, and it does not make any difference how they may vote eventually. I do believe that this bill will never become a law, and that is the thing I am anxious to impress on the House, under present conditions.

Now, referring to this particular project, it is one on which we have appropriated and are appropriating to-day $2,800,000. It is well known as the Norfolk and Beaufort waterway. There is $1,035,305 on hand. This bill asks for $1,000,000 more at this time.

Mr. SPARKMAN. Mr. Chairman, I understood the gentleman to assert a moment ago that this bill will never become a law.

Mr. FREAR. No; I did not assert it. I said I did not believe it would.

Mr. SPARKMAN. Has the gentleman any inside information on that subject?

Mr. FREAR. Oh, no. If the gentleman wants to know why——

Mr. SPARKMAN. The votes here do not indicate that.

Mr. FREAR. The votes here do not; but if the gentleman wants to know why I think so, it is because it is my conviction that under present circumstances and the condition of the Federal Treasury this bill will never become a law.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FREAR. I yield; yes.

Mr. HUMPHREY of Washington. Does not the gentleman think he is wasting a good deal of time over a bill that will never become a law?

Mr. FREAR. I am very much assured that the work I am doing is valuable work, and it is a public duty that I am trying to perform, even though some gentlemen may not appreciate it.

Now, Mr. Chairman, that is taken out of my time. This is a pretty big project, $5,400,000, and $1,000,000 contained in this bill. We all know it is a 12-foot channel. Here is a case where the office expenses and inspection in this one item, counting the balance on hand and the $1,000,000 new appropriation, reach $230,000. I think that is the amount. I have not the item right here, but it is something like that for office expenses and inspection at this particular time when surely the country is in need of every dollar that can be found. It is for a waterway that carries only an insignificant commerce; and in connection with this waterway I desire to introduce some letters in the RECORD in order to substantiate statements I have made frequently as to the additional distance and the way it will affect the people of Elizabeth City. It is intended and I presume it practically will ruin the business that is carried on down there, but I do not believe it is going to add to the value of the commerce of the South. It has decreased very materially during the past year—I think 30 per cent in the last two years. That commerce, deducting the timber and timber product, as I have it here, reaches a little over 80,000 tons.

Mr. STAFFORD. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. STAFFORD. Will the gentleman kindly inform the committee as to the character and the commerce on this inland canal of 12-foot depth?

Mr. FREAR. This canal?

Mr. STAFFORD. The Beaufort Canal.

Mr. FREAR. Deducting the timber products, it reaches about 80,000 tons, as I have it; and of that, 32,000 tons are coal.

Mr. STAFFORD. Eighty thousand tons over what length of route?

Mr. FREAR. Oh, it is 200 miles, I assume. It is quite a long distance from Beaufort to Norfolk. Of that 32,000 tons of coal, the statement has been made to me, which I can not vouch for, that that coal is largely used by the Government dredges. Remember that the Government dredges are performing or are expected to perform under this appropriation about one-tenth of the work, and private contractors perform the other nine-tenths.

Mr. STAFFORD. Is this entire tonnage carried throughout the length of the canal, or is some of it local?

Mr. FREAR. I could not say as to that. I know there are barges that travel the canal that carry lumber. Just how far they go I do not know.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MOORE of Pennsylvania. They carry lumber from North Carolina. They take it up at other points. Some of it comes from South Carolina and some from Virginia. It passes on up to Norfolk, where it is distributed.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. If the gentleman will permit——

Mr. FREAR. I want to continue. The gentleman is taking my time.

Mr. MOORE of Pennsylvania. I thought the gentleman wanted information.

Mr. FREAR. Oh, I have the information. I know the facts.

Mr. MOORE of Pennsylvania. Has the gentleman been over the canal?

Mr. FREAR. I have been down through it and lived there. Now, I can not yield to the gentleman further. These same timber products are counted at Beaufort, at Beaufort Inlet, and the same identical timber is counted as a part of the commerce at other points when it gets up here.

Mr. SMALL. Will the gentleman state again what the commerce is on this waterway?

Mr. FREAR. In 1913 it was 258,441 tons. In 1915 it was 158,644 tons. Deducting the forest products which could travel in very low depth of water, it reached 80,788 tons. Deducting the coal—and I want to say that it is proper to carry coal, I understand that, but it may be used by the local engineers or contractors—it left a balance of about 48,000 tons. I do not pretend to claim that coal is not a proper article of commerce.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN (Mr. BORLAND). The gentleman from Florida asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] says that the freight upon this particular canal is counted at one point and then at another and then at another, and when it crosses another canal and at some other point. Is not that same thing true of the freight on the Great Lakes with which he tries to make comparison? Is not that true in his comparisons on the first page of his report? The freight initiated at Ashland or Duluth is counted there, and when it goes through the Soo Canal it is counted, and also when it goes through the Detroit River, and when it arrives at Ashtabula or Cleveland or Buffalo it is counted again. And yet when he compares the tonnage on the Ohio River or some inland stream with that of Ashland and the other Great Lakes freight he makes no reference to the fact that that freight on the lake is counted four times.

There is another thing. In making comparisons of freight on these streams and this canal with the Ohio River, he says that the freight consists of sand, gravel, and coal and should be excluded from consideration, and yet when he compares it with the incoming tonnage at Ashland, of 700,000 tons, he did not state that over 600,000 tons are coal, and the outgoing tonnage of seven or eight million tons, practically every ton except 100,000 tons, is iron ore of a value of a little more than $2 a ton at Ashland where coal is valued at $3 a ton.

In ascertaining the tonnage of canals or that on the Ohio River, sand, gravel, and coal, he says, should be eliminated, and so he says that practically there is no tonnage on these waterways. Why does he not eliminate all the low-tonnage freight that is initiated at Ashland? If he did, he would only have a few thousand tons remaining.

I will say that some of the 600,000 tons of coal received at Ashland, Wis., in the first instance, I have no doubt is carried down the Kanawha River, 80 or 100 miles, which has been canalized. At the coal washery near my town during the high prices there is trainload after trainload of coal which has had access to other railroads than those that go into West Virginia, thereby relieving the hardships of the people. The same is true of Cincinnati, the coal comes out of the Great Kanawha and it has been taken to Cincinnati through most of the summer, and so this city has not undergone the hardship that other manufacturing centers have experienced during the recent coal shortage.

I think the gentleman should be fair, and when he asks this committee to exclude from its consideration river tonnage because the value is only $2 or $3 or $4 a ton, and makes a comparison with some lake port in his own State, he ought to eliminate all the low-priced tonnage from that port. [Applause.]

Mr. GOOD. Mr. Chairman, I want to ask the chairman of the committee a question. Last year there was a provision carried in the bill that a private contractor should not receive a price in excess of 25 per cent of the estimated cost of doing the work by Government plant. If I understand the hearings correctly, during the past year the Government has contracted for as much as 14 cents per cubic yard on this work, whereas the price paid to the private contractors before was only about 7 cents, and the price estimated to do the work by Government dredge was only about 4 cents. I have not the exact figures in my mind, but what is the reason that it is now costing twice as much to do the work as it did before we placed a limit on the amount allowable under private contract?

Mr. SMALL. I do not suppose the gentleman would wish me to consume undue time, but I have a letter here from the district engineer, to whom I wrote as to the facts in regard to that matter, which I will read into the RECORD in my time. I will say that the law has not been violated as to the difference between the contract price and the Government price. The law has been observed.

Mr. GOOD. If the letter goes into the RECORD, that will answer my question.

Mr. SMALL. Yes; but, as the gentleman will observe, the same provision is carried in the pending bill.

Mr. GOOD. Now, according to the report of the engineers, there has been appropriated for this item—I have not the figures as to what has been expended—$2,300,000, and I understand there is quite a large balance in the Treasury. I also observe that the tonnage for 1913 was 258,441 tons, while that of 1914 was 229,047 tons, and in 1915 it had fallen to 158,644 short tons. This is a remarkable showing. Here we have expended in the neighborhood of $2,000,000, with the net result that the tonnage has decreased from 258,000 to 158,000 tons, a loss of 100,000 tons, while this large expenditure has been going on.

Mr. SMALL. Does the gentleman wish me to reply to that now?

Mr. GOOD. No; I imagine the gentleman would want more time than I should be able to give him. But if this is a fair sample of what we are getting for our money for this kind of work, it will take more time than the gentleman has allotted to him to satisfy the people of the United States that this is a legitimate expenditure of the people's money.

Mr. SMALL. Mr. Chairman, I shall occupy very little time in discussing the general merits of this Norfolk-Beaufort waterway, It has been discussed in Congress perhaps every year since 1902. It has been examined under authority of Congress either by individual district engineers or by special boards of engineers, and reviewed each time by the reviewing Board of Engineers and by the Chief of Engineers at least five or six times since 1902. Every report has been favorable in every respect. None of these reports contains any criticism or cast any doubts upon its merit. If gentlemen can find any paragraph in any of these reports doing so, I will be glad to yield to them for that purpose, so that, so far as the Army engineers are concerned, after repeated investigations, it is a meritorious project.

Answering several criticisms which have been made, first, as to the commerce. Gentlemen are forgetful of what occurred in this body at the last session when the last bill was under consideration. The gentleman from Wisconsin [Mr. FREAR] speaks of the tonnage as being 158,644, and deducting various products, he assumes to reduce it to 80,000. His figures and deductions are not accurate, but it is surplusage to refer to the inaccuracies of the gentleman when it comes to figures. He seems to have acquired a bad habit in that respect, but I wish to make this statement regarding the commerce on this waterway, and I ask the attention of the gentleman from Iowa [Mr. GOOD]. There were two privately owned canals from Elizabeth River, on which Norfolk is situated, to Albemarle Sound, N. C. One was known as the Dismal Swamp Canal, a lock canal, and the other as the Albemarle & Chesapeake Canal, a tidal canal. They were substantially competitive canals, having the same general terminli. The Government, under the recommendation of engineers, purchased the Albemarle & Chesapeake Canal. At the time of the purchase the Albemarle & Chesapeake Canal had deteriorated and was not in as good condition for commerce as the Dismal Swamp Canal. By reason of the deteriorated con-

dition of the Albemarle & Chesapeake Canal at the time the Government purchased it in 1913, and because the work of construction of that waterway has been going on since that time. the construction work itself thereby impairing progress and impeding its navigability, it has been even less navigable than it was before the work of construction began. Therefore loaded barges, loaded steamers of every kind have of necessity been compelled to navigate the old Dismal Swamp Canal and pay tolls, because they could not navigate this Government-owned canal, the Albemarle & Chesapeake, until after it had been improved to the projected depth of 12 feet.

Mr. GOOD. The gentleman does not mean to say to the committee that these two canals both commence at Norfolk and end at Beaufort?

Mr. SMALL. They do; but I was adverting to the upper section, from Norfolk to Albemarle Sound. They each commence on Elizabeth River, Va., and end in Albemarle Sound, N. C.

Mr. GOOD. One of them serves a part of the country that the other does not at all.

Mr. SMALL. That is true only in a limited sense. I am not advocating any particular canal. The engineers, for reasons submitted, recommended the purchase and adoption of the Albemarle & Chesapeake Canal; and if the gentleman would read the report, which I assume he has not, he would be convinced that the conclusion of the engineers in recommending the purchase of the Albemarle & Chesapeake Canal was strongly fortified. To pursue the matter further, therefore, when the Albemarle & Chesapeake or the Government Canal is improved, that will, of course, being a free waterway, invite all of the traffic; but until it is completed this waterway is entitled to be credited with the traffic which goes through both canals. For the year 1915, the last figures obtainable, the traffic through this Government-owned canal, the Albemarle & Chesapeake, was, as the gentleman says, 158,644 tons. The traffic through the Dismal Swamp Canal was 413,679 tons, making a total of 572,323 tons, a very substantial commerce. The value of the commerce through the Government-owned canal now under improvement was $4,316,000. The value of the traffic through the Dismal Swamp Canal, the toll canal, was $10,310,000, a total of $14,627,000. I explained to the gentleman from Wisconsin [Mr. FREAR] this phase of the commerce more than two times, neither of which times did he enter any criticisms to the proposition which I made, and yet, forgetting that he had ever had any knowledge of that explanation, he rises in the House to-day and seeks to impress the House—it would not be parliamentary for me to say to mislead the House, and therefore I can not say it——

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Not now. Therefore he endeavors to create the impression that all of the commerce which is to be affected by the construction of this waterway is that which is now carried on the Albemarle & Chesapeake or Government-owned free canal when he knows that the conclusion is inevitable that when the improved waterway is completed to 12 feet in depth, with adequate width, being a free canal and a tidal canal all of the commerce will go through it. So I say it is proper to give consideration to this 527,323 tons, at a valuation of nearly $15,000,000, as the commerce to be affected by this waterway.

Something was said about the large balance on hand. The statement of the gentleman as to the large balance on hand on June 30, 1916, is correct; but the gentleman will remember that our last rivers and harbors appropriation bill did not become a law until some time in July, 1916, so that the appropriation was not available then. I have the statement of the district engineer, which I shall insert in the RECORD.

Mr. GOOD. Would any serious detriment be caused to this canal if we were to drop out this appropriation for this year? We have more than a million on hand.

Mr. SMALL. I was just going to explain that there is nothing substantially on hand at this time, except what is left for contingencies. I have the statement of the district engineers to the effect that all of this money has been contracted out. As to the question of the cost of dredging, I shall not have time to read all of this letter, but I shall insert it in the RECORD. This is a letter from Col. J. P. Jervey, district engineer, located at Norfolk, Va., who, at my request, based on the criticisms in the minority report of the gentleman from Wisconsin, has answered certain questions, and he gives a full explanation showing the difference in the cost of dredging for 1916, 1915, and 1914.

That difference arises from the difference in the material to be removed, such as roots and stumps, which adds to the cost, and it is all thoroughly explained in this letter, which I will insert in the RECORD and which I wish I had time now to read to the committee. Now, criticism is made of the engineers because, as the gentleman says, out of the appropriation on hand at the end of the last fiscal year something like $100,000 was reserved, they said, for contingencies, surveys, inspections, and so forth, and because a substantial amount was reserved for the fiscal year ending June 30, 1918, therefore waste of money or some other maladministration in the expenditure of this fund is of necessity attributable to the engineers. With reference to that, I would like to read this paragraph from the letter of Col. Jervey:

With respect to the item of $100,000 for supervision, given on page 525 of the annual report for 1916, I would state that it is not an unusual custom in all engineering work to add an item of 10 per cent for engineering expenses, supervision, and contingencies. In this office, in the past two years, there has been very little work other than that pertaining to the inland waterway. As a result, the greater proportion of the office expenses and drafting-room expenses in the Norfolk offices have been paid from the appropriation for the inland waterway. In addition, several survey parties are maintained, two houseboats, two inspectors on each contract dredge, launches, inspection boats, care of plant, and extraordinary repairs are paid for under this heading. Engineering, like every other profession, can not be made an absolutely exact science, and unforeseen contingencies always occur, which must be provided for under a blanket estimate. Considering, therefore, the specific items which I have indicated, and the fact that unforeseen contingencies are also provided for, the estimate of $100,000, or 10 per cent of the total, is a customary and reasonable one.

Mr. Chairman, I ask unanimous consent to extend my remarks by including the whole of this letter.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

JANUARY 22, 1917.

From: The district engineer, Norfolk, Va.
To: Hon. JOHN H. SMALL, M. C., House of Representatives of the United States, Washington, D. C.
Subject: Improvement of inland waterway, Norfolk to Beaufort.

1. I have your letter of the 20th instant, and in response to your request the following data is furnished you, covering cost of dredging in the inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., for 1914 and 1915 (printed in Annual Reports for 1915 and 1916, respectively).

2. As shown in the Annual Report for 1915, page 486, the average cost of the work for the year with Government plant was 0.043 cent per cubic yard, place measurement, and the average contract price was 0.075 cent per cubic yard, place measurement. By referring to page 2324 of the same report it will be seen that about 74 per cent of the contract work was in Currituck Sound and lower North Landing River, where the material was almost pure sand, containing no stumps, and about 26 per cent in Coinjock Bay and North Carolina Cut, where a large proportion of stumps and logs were encountered. Where the contractor dredged in sand, dikes were constructed to keep the sand from being brought back into the channel in the exposed portions of Currituck Sound and Coinjock Bay, thus adding to the cost. For the Government dredge, in the same year, about 90 per cent was in sand, where no dikes were required. It may be noted that the contract dredging in Coinjock Bay and the North Carolina Cut for the year was 0.948 cent per cubic yard, place measurement, whereas the cost of the Government dredging in the Virginia Cut was 0.1399 cent per cubic yard, place measurement. The cost of the contract dredging in lower North Landing River was over twice the cost of the Government dredging in the same locality, but the Government dredge at the time was new and the cost of repairs nominal. During the present year the cost of repairs to the Government dredge has been very high, and the cost of the Government dredging for the year will therefore be increased.

3. On page 523 of the report for 1916 the average cost of the Government dredging for the year is shown as 0.1117 cent per cubic yard, place measurement; the average contract price is 0.1118 cent per cubic yard, place measurement. By referring to page 2175 of the same report it will be seen that over one-half of the contract dredging was in Coinjock Bay, North Carolina Cut, and the Virginia Cut. In the Virginia Cut the roots and logs encountered were excessive in number, and added greatly to the expense. For the Government dredging, about 75 per cent was in the Virginia Cut. It will be noted that the cost of the contract dredging in Virginia Cut for this year was 14 cents per cubic yard, place measurement; the cost of the Government dredging was 12 cents per cubic yard, place measurement. In lower North Landing River the cost of the contract dredging was 0.059 cent per cubic yard, place measurement, and the cost of the Government dredging 0.074 cent per cubic yard, place measurement. During the fiscal year ending June 30, 1916, considerable repair work was necessary on the Government dredge, and this, together with more difficult work, fully accounts for increased cost.

4. The contract for the present year is for 14⅔ cents per cubic yard, place measurement, and this contract covers work in the Virginia Cut, in upper North Landing River, on the North River Bar, and in upper North River. These sections are all difficult, either on account of roots and stumps or on account of exposure. In addition, there are comparatively easy sections in lower North Landing River and lower North River. Since last year coal, which probably in the past amounted to 25 per cent of the expense of operating the dredges, has more than doubled in price. Wages have also been largely increased, both for the supervisory force and for the mechanical and laboring force. We have made careful comparisons, based on actual figures, of the estimated cost by the Government plant and by contract, of the work to be done this year, and I am satisfied that the bid of 14⅔ cents per cubic yard, place measurement, is a fair average, and is not more than 25 per cent in excess of what the cost, under present conditions, would have been to the Government, using its own plant. These estimates were prepared in great detail and submitted to the Chief of Engineers with the abstract of bids. Considering these facts, I am satisfied that the criticisms contained in the minority report on the river and harbor bill as to the contract prices and prices of work done by Government plant on the inland waterway are unwarranted.

5. With respect to the item of $100,000 for supervision, given on page 525 of the annual report for 1916, I would state that it is not an

unusual custom in all engineering work to add an item of 10 per cent for engineering expenses, supervision, and contingencies. In this office, in the past two years, there has been very little work other than that pertaining to the inland waterway. As a result, the greater proportion of the office expenses and drafting-room expenses in the Norfolk office have been paid for from the appropriation for the inland waterway. In addition, several survey parties are maintained, two house boats, two inspectors on each contract dredge, launches, inspection boats, care of plant, and extraordinary repairs are paid for under this heading. Engineering, like every other profession, can not be made an absolutely exact science, and unforeseen contingencies always occur, which must be provided for under a blanket estimate. Considering, therefore, the specific items which I have indicated, and the fact that unforeseen contingencies are also provided for, the estimate of $100,000, or 10 per cent of the total, is a customary and reasonable one.

6. With reference to your request for information as to the difference in distance between Elizabeth City, N. C., and Norfolk, Va., via the Albemarle & Chesapeake Canal route and via the Dismal Swamp Canal route, I have to state that careful measurements, made from large scale maps in this office, show that the distance from Elizabeth City, N. C., to Norfolk, Va., via the Albemarle & Chesapeake Canal route is 89.4 statute miles, and via the Dismal Swamp Canal route 51.7 statute miles. This information was furnished as part of my recent testimony before the Rivers and Harbors Committee.

7. I would be glad if you would communicate with the Chief of Engineers, United States Army, before using this letter in connection with the debate on the bill. I am sending a copy of this letter to the Chief of Engineers to-day.

J. P. JERVEY,
Lieutenant Colonel, Corps of Engineers, United States Army.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Manteo Bay, N. C.: For maintenance, $500; completing improvement in accordance with the report submitted in House Document No. 864, Sixty-third Congress, second session, $28,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $28,500.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph; that is, all referring to the new project. It is at the top of page 13, leaving in the item for maintenance.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, strike out all of lines 2 to 7, inclusive.

Mr. FREAR. Mr. Chairman, this is what is known, I take it, as the Shallowbag Bay, Manteo Island. I have been on this project—that is, I have gone there in a canoe years ago—and I know what it is. This project has already had $18,750, which is a small appropriation; $4,791 is the balance on hand, according to the statement, and $5,000 is asked for maintenance, which, of course, is reasonable. The project has been completed, and the balance of the funds are to be used, as stated by the engineer's report, for dredging and for superintendence, and so forth. The total commerce is about 12,000 tons, and a large portion of that is ice. Under this new project, which is contained in Document No. 864, I will just read briefly two or three matters that occur there:

If the commerce on this inland route ever amounts to anything, this bay, which is the only landlocked harbor on the route through the sounds, will certainly increase in importance.

We do not know it is going to amount to anything, and that is rather anticipating the future. On page 9, it says:

Existing terminal and transfer facilities are considered adequate to meet the needs of present commerce. It is probable that the construction of private terminals will keep abreast of the needs of commerce as it may develop.

On page 11 it says:

The proposed extension of the upper limits of the town of Manteo can not be regarded as entirely free from a local or terminal improvement character. Under the existing project, however, a channel was dredged up Doughs Creek in front of the wharves to nearly, if not quite, the limit of the basin, as shown on the drawing. If no basin for turning were provided, the approach channel improvement could not be of great advantage. If the turning basin constructed just at the head of the approach channel, the East Carolina Transportation Co. would be the direct beneficiary of the improvements and all other interests might be damaged, as competition might be eliminated. Although to some extent local in character, the dredging of the basin, both up Doughs Creek and toward the marine railway, would undoubtedly give a great impetus to the general commerce of Manteo.

In the hearing the Member of Congress was there in a representative capacity, and special stress was laid upon the inadequacy of the present proper depth on account of the depression of the water surface at tide. All I care to say in regard to this is that I am somewhat familiar with the proposition, although I have not been over this for years. We have made some improvements, and there is no evidence that necessitates this project being put in at this time. In order to save a little money to the Treasury with which to meet conditions which now confront us, I have moved to strike out the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not think this paragraph ought to be stricken out. I am very sorry to take issue with my friend from Wisconsin. If he had not called attention to the fact I would not have known this item related to Shallowbag Bay, because the item read "Manteo Bay, N. C." I am delighted, however, that the gentleman from Wisconsin has once sailed the waters of Shallowbag Bay——

Mr. FREAR. In a canoe.

Mr. MOORE of Pennsylvania. He tells me he did that in a canoe many years ago. They used to sail on the Tombigbee River, but I question whether many of them would risk it on Shallowbag Bay. Shallowbag Bay is a very wide stretch of water and canoes might not navigate it with entire safety. Now, I do not know when the gentleman from Wisconsin was at Shallowbag Bay. It must have been in the days of his youth, which, of course, was not very long ago.

But I traveled over Shallowbag Bay several years ago in an effort to reach the island of Manteo, and it was one of the most interesting and instructive trips of my life, because on the island of Manteo I was able to visit the little five-pronged fort, which was the scene of the celebrated lost colony. It was within the circle of this fort that the first white child was born in what is now the United States. Virginia Dare was born on the island of Manteo, in the little old fortification, remnants of which still remain.

Now, the gentleman opposes an appropriation to reach through from the mainland of North Carolina to Roanoke Island, where the first English settlement was made, and where Sir Walter Raleigh's colonists first landed; and the gentleman objects, because in his youth he sailed gaily over the waters of Shallowbag Bay in a frail canoe. I have met the people of Manteo, and I have observed that they have very scant communication with the mainland; that they transact their business there within the narrow confines of Roanoke Island the best they can, and that there are still some people upon the island of Manteo who have never seen the mainland and who have never had the opportunity to ride upon the railroad train or to get out of the way of a trolley car. And the gentleman from Wisconsin [Mr. FREAR] will deny these people the right to visit the great world beyond the island of Manteo and fraternize a little bit with the common citizenship of this land, for the mere pittance of a paltry appropriation intended to widen the channel by which vessels of commerce and those carrying passengers can travel back and forth from the island of Manteo and the mainland.

Now, this is protected water, in a sense; and it is water in which the oyster grows quite prolifically. It is an opportunity that the Government has to say to one set of its people, remote from the centers of civilization, that they can get out of the narrow confines in which they have been circumscribed from the beginning of their career and see something of the world. Business is done on the island of Manteo. Communication is had in a scant way with the mainland. The vessels that go back and forth are of a very shallow type, of a very limited capacity, and why should we not say to the people who are there that with the expenditure of this small amount of money we will open up the channel through Shallowbag Bay and let them get steamers in there so that they can run back and forth from the mainland.

Mr. SMALL. In order that there may be no misunderstanding, I wish to say that this bay is located at Roanoke Island, of course entirely surrounded by water. The bay leads up to Manteo, the county seat, a county whose population is entirely engaged in fishing. The town has a population of about 2,000, and they have no means of transportation except by water. I know personally that the statements in the report of the Army Engineers as to the necessity for a deeper channel are true.

Mr. FREAR. I would like to ask the gentleman if he does not think that the gentleman from Pennsylvania gave ample reason for this appropriation when he said, or practically said, that this would result in making this channel a sort of monument to the first white child born in the United States?

Mr. SMALL. I think that was ample, and I only rose in order that my silence might not be misinterpreted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The question was taken and the amendment was rejected.

The Clerk read as follows:

Thoroughfare Bay, N. C.: Completing improvement of channel connecting Thoroughfare Bay and Cedar Bay, N. C., in accordance with the report submitted in House Document No. 1125, Sixty-third Congress, second session, $5,200.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 13, strike out all of lines 8 to 12, inclusive.

Mr. FREAR. I realize, Mr. Chairman, that this is another monument that may be erected, and, of course, with that con-

clusion and that construction it will be entitled to be passed upon favorably by the House, and yet there are some things to be said. There is no white child born here for the first time in America, surely. They can not have that honor. The gentleman from Pennsylvania is so prolific in explanation it is hard to meet him on that ground, and I can not anticipate what he has here. But what the report says, in House Document No. 1125, is as follows:

At the west end of Thoroughfare Bay there is a ditch averaging about 200 feet wide and 5 feet deep, which extends for a distance of about 1½ miles through the marsh to the head of Cedar Bay and bears evidence of having been cut through by hand at some remote date. Local tradition has it that this work was done by the Indians. Cedar Bay opens on the south side of Neuse River. Its mouth is 39 miles easterly from Newbern and 53 miles southerly from Washington, N. C. * * * There is some navigation through this waterway at present, it being used, whenever the tide is high enough to permit of passage, by boats plying between Newbern or Washington and Core Sound points, and by vessels engaged in oystering. The commerce thus carried is necessarily small, due to the conditions of draft at either end.

In other words, it is the second waterway that has been there. It says on top of page 6:

It is not believed that any great permanent increase of the commerce in oysters will result from the proposed improvement, as conservation of the oyster beds is not practiced. There is however, a strong probability that the improvement would hasten the agricultural development, and a greatly increased commerce should result from this source.

It is a small project, and I realize that the gentleman who represented the district was before the board, and with commendable energy he presented the matter, I assume, and it was again put in the Engineer's report and favorably approved.

Now, Mr. Chairman, one thought occurs to me that I almost forgot. A few moments ago when we were discussing the Beaufort Canal, it was suggested that on a little harbor up in my State I omitted to refer to coal and other traffic carried there, but did mention it when it was on some of these rivers and inland waters. That was not because it is not a valuable product anywhere. That was not the thought at all. Where coal is carried from Ashland and from the Duluth-Superior region they require large depths, and I think 600 miles would be the average length of haul.

Now, Mr. Chairman, on the Mississippi or the Ohio, or whatever river it may be, there was more coal carried 30 years ago than there is to-day. That is what I had reference to. It requires a far deeper draft in these large harbors, but the coal has been carried for years and scores of years down the Allegheny, down the Ohio, and down the Mississippi; and the statement was made that it does not require an increased draft for that kind of commerce. It is not but that it is just as valuable. The same is true as to timber products. You do not need it on the Tennessee more than 30 years ago. That was the reason it was deducted in the statement which was made. The reason was not because it was not valuable, but the statement is made that a draft of 14 or 20 feet is needed on the Lakes for carrying these large cargoes, whereas less than half that draft by far is the average on the rivers.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto end in five minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that debate on the paragraph and amendments thereto end in five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. I yield to the gentleman from North Carolina [Mr. HOOD].

Mr. HOOD. Mr. Chairman, I am heartily in favor of the rivers and harbors bill. I firmly believe that the improvement of our rivers and harbors is essential to the welfare of the people of this country.

I believe that the expenditure providing for continued work on the inland waterway between Norfolk and Beaufort is wise and proper. I know that when this link is completed it will be a godsend to coastwise travel, thereby obviating the necessity of traveling around Hatteras.

I hope the day is not far distant when liberal appropriations will be made to complete the link of the inland waterway between Beaufort, Cape Fear, and other northern and southern points.

I represent the people along the coast practically all the way between Beaufort and Cape Fear, and I know they are anxious for the completion of this link, as they realize the great benefits to be derived from it.

In addition to the various appropriations made for the maintenance of the rivers and harbors in my district and the continuance of existing projects, I have two new projects which are worthy and meritorious. I earnestly hope that these projects will be approved by the Members of the House. There is an item in this bill for $15,900 for the improvement of Beaufort Harbor.

The necessity for an anchorage basin in Beaufort Harbor is imperative because of the constantly increasing number of boats operating from this point and the congestion of the harbor, where these boats are compelled to anchor in the narrow channel running parallel with the water front of the town. There is no sheltered locality provided by nature in the vicinity and to prevent the boats from catching aground on ebb tide, and for shelter from storms anchorage is made in the narrow channel, which, with a southerly wind, barely affords swinging room by the piers. It is a very difficult matter at times to reach the piers for this reason. Quite a number of these vessels are engaged in the menhaden industry, and they invariably go out of the harbor between 3 and 4 o'clock a. m., and about 50 per cent of the time come into harbor after dark. The proposed anchorage basin for which this bill provides will be located at the nearest approach to the harbor, and will accommodate not only the boats operating regularly to and from Beaufort, but will afford a sheltered anchorage basin for the great number of yachts making their trips from northern points to Florida.

There is another item appropriating the sum of $5,200 for the improvement of Thoroughfare Bay to the extent of providing a channel 5 feet deep and 50 feet wide connecting Core Sound and Pamlico Sound near the mouth of Neuse River.

Maj. H. W. Stickles, the district engineer at that time, in his report of preliminary examinations, says:

The northerly winds during the oyster season frequently render passage from Pamlico Sound to Core Sound via Harbor Island Bar exceedingly rough and dangerous, and it is a frequent occurrence for these oystermen to have to make a harbor and wait for two or three days before they can make the passage.

These oystermen are largely dredgers, using boats from 250 to 800 bushels capacity, drawing from 3 to 5 feet when loaded. Their main dredging ground is around the mouth of Neuse River, and by the deepening of the proposed channel to a depth of 5 feet would save some 25 miles of travel to reach the market for their oysters.

This improvement would undoubtedly save the vessels about one-third of their time in going to Washington, Newbern, and other points which are the largest markets in that section. In considering the extra miles of travel, with the present entrance to Core Sound via Harbor Island Bar, due consideration should be given the fact that this bar has filled up until it is dangerous for boats drawing as much as 5 feet of water, and one-half of the extra distance to be traveled to reach Core Sound, to wit, the distance from the northern entrance to Thoroughfare Bay to Harbor Island Bar, is over the roughest body of inland water in the State.

A report has reached me in the last few days of the serious damage to a schooner laden with oysters on the Harbor Island Bar, and I am informed that it is not an unusual occurrence for vessels to be stranded at that point.

Total receipts:		
Oysters in shell	bushels	368,000
Merchandise		$131,661
Coal	tons	300
Lumber	feet	35,000
Wire fencing	coils	100
Fertilizer	tons	175
Wood	cords	1,275
Fresh fish	pounds	1,211,250

The people of this section are largely engaged in gathering water products, and the tonnage passing through this waterway would more than justify the small expenditure asked for.

I believe that hundreds of thousands of bushels of oysters and hundreds of thousands of pounds of fresh fish will be transported annually through this waterway, together with a very large percentage of merchandise, for points in Core Sound which have no railroad facilities.

I know that this proposed improvement will be a wonderful benefit to several thousand of as good, loyal, intelligent citizens of Carteret and Pamlico Counties as will be found anywhere in this country. I respectfully urge the Members of the House to vote favorably upon these projects. [Applause.]

Mr. Chairman, I yield back the balance of my time and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Chairman, I want a few minutes in which to make a reply to the gentleman from Wisconsin [Mr. FREAR]. The gentleman suggests that you do not need deep water to carry coal on the Ohio River as they do on the Great Lakes. I do not know how he reaches that conclusion. If he had read the report that was made when the Ohio River project

was adopted in 1910, and had read the letter written by Col. Sibert, he certainly would come to a different conclusion. I desire to read the statement of Capt. William L. Sibert. In that letter he says:

It is estimated that the cost of carrying 3,500,000 tons of coal from Pittsburgh to Louisville in the present state of the Ohio is 45.8 cents per ton, and that if the river were permanently deepened to 9 feet the cost would be only 24.1 cents per ton.

That was before the adoption of this canalization project.

He further estimated that with the improved river the rate per ton from Louisville to New Orleans would be only 53.38 cents, as against 89.2 cents at that time. The saving would thus be 21.7 cents per ton from Pittsburgh to Louisville, and 35.82 cents more from Louisville to New Orleans.

But, Mr. Chairman, that is not all. It is true that coal was floated upon the Ohio River before the building of any locks and dams, and before any of those things were constructed. But recollect that that was only during the high-water periods of the river. These great coal barges carry from 500 to 1,000 tons of coal at 6, 7, 8, or 9 feet of water, just the same as they do on the Great Lakes; that is, if you want to get a very low rate of carriage.

But that is not all. Since the canalization of the Great Kanawa River and the Monongahela River coal is brought down in the low-water period of those streams, such as we had last summer, as I stated a while ago, and taken to the great Northwest at a time when the people actually needed the coal, whereas it would probably have lain along the banks of the stream until fall or next winter, or next spring maybe, at a time when the people would not be in such great need of fuel. It is this certainty of having access to this coal by this great permanent waterway channel from Pittsburgh to Cairo and out of these tributaries that is at least of the greatest advantage to such places as Louisville, Portsmouth, Cincinnati, and Huntington, W. Va. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cape Lookout harbor of refuge, N. C.: Continuing improvement, $425,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

Mr. SPARKMAN. Mr. Chairman, is it in order just now to ask unanimous consent to close debate?

Mr. FREAR. After I have made my statement.

The CHAIRMAN. After there has been some debate on the paragraph it will be in order.

Mr. FREAR. I desire to talk on the paragraph.

Mr. SPARKMAN. I did not want to cut the gentleman out of his time.

Mr. FREAR. I just wanted to make a statement in regard to the project; that is all. I do not care to reply to my friend from Ohio [Mr. SWITZER], who seems to be anticipating that there will be some criticism of the Ohio River. He has vigorously defended it, and I do believe that will be necessary to justify the large appropriation it receives.

On this Cape Lookout harbor of refuge proposition a peculiar state of affairs is presented. We appropriated $1,426,000, and have $96,000 on hand; and this is a proposal to appropriate $425,000, although the Army engineers, as I understand, ask for $850,000 at this time. The expenditures in 1916 included $13,776 for office expenses.

But this is the part that I desire to present more particularly: This is a harbor project in which the Army engineers refused, as I understand, to make a recommendation. I ask to be corrected if I am mistaken. That is, they rejected it, in other words, until finally a report was presented.

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. SPARKMAN. I wish to say that the Army engineers recommended that project. Otherwise we would not have adopted it.

Mr. FREAR. I am not criticizing the action of the committee.

Mr. SPARKMAN. The only engineer who reported against it, as I recall, was Gen., then Col., Kingman, who thought that a harbor of refuge in that vicinity should be constructed, if at all, at another place.

Mr. FREAR. This is the situation, as I understand the record: Gen. Kingman, who was the recent Chief of Engineers, as an underofficer, opposed the construction of a harbor of refuge at either Cape Lookout or Hatteras. I so understood. But Congress directed a report as to which was the more desirable—a harbor at either Lookout or at Hatteras—and it was finally determined, so that there was no chance of refusal on his part, and then he decided to place it at Lookout, at a cost of $1,426,000. Is that right, Mr. Chairman, that Gen. Kingman opposed a harbor at either place, but eventually Congress directed him to report at which of the two points—Point Lookout or Hatteras—was the more desirable, and Congress overruled his objection, and then he reported favorably to Lookout?

Mr. SPARKMAN. Gen. Kingman thought that Cape Hatteras was preferable to Cape Lookout for a harbor of refuge, if one was located at either place.

Mr. FREAR. But he was opposed to either, as I understand it.

I do not move to strike it out, because I realize that we are committed to the project. I refer to this to show the policy pursued by Congress. This engineer seeks as best he may to oppose and prevent what he believes to be an unnecessary project. Then Congress directs him to go on with the $3,500,000 project which we are now completing.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Beaufort Harbor, N. C.: For maintenance, $4,500; completing improvement in accordance with the report submitted in House Document No. 1108, Sixty-third Congress, second session, $15,900; in all, $20,400.

Mr. FREAR. I move to strike out all after the figures "$4,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FREAR: Page 14, line 16, following the figures "$4,500," in line 16, strike out the remainder of the paragraph.

Mr. FREAR. This is a new project. We have appropriated on this harbor $112,000, have $10,037 on hand, and $14,000 is proposed as maintenance, although that has been cut in the bill.

I wish to read from House Document No. 1108, Sixty-third Congress, second session, a very interesting statement by Gen. Kingman, which was made May 1, 1913, in regard to this project. This is for the new project. He says:

1 I am of the opinion that this project is not worthy of a survey. I do not believe in the policy of attempting to provide an anchorage basin sufficient to accommodate all the vessels which may go to a harbor of this kind; such a thing would be entirely impossible, not even thought of in connection with most of our harbors which do fifty or one hundred times as much business as this one does. It seems to me to be foolish to attempt to excavate and maintain a basin which the district officer thinks must be more than a half mile long and 500 feet wide to accommodate 25 little vessels having an average length of less than 65 feet each. I don't see any necessity of these vessels anchoring right in front of the town. They should go to the wharves to receive and deliver freight, and afterwards, if they want to anchor, they should go to whatever sheltered locality nature provides in the vicinity.

2. I do not recommend the expenditure of any money for a survey or preparation of any plan for a larger turning basin or an extensive anchorage ground.

After that, on page 3, it shows that two representatives appeared before the Board of Army Engineers, and on page 2 occurs this very remarkable statement from the same gentleman who before had recommended against it, but who subsequently approved it. He says:

After due consideration of the above-mentioned reports, I concur with the views of the Board of Engineers for Rivers and Harbors, and therefor report that the improvement by the United States of Beaufort Harbor, N. C., with a view to providing a suitable turning basin and anchorage area in front of the town of Beaufort, is deemed advisable to the extent of excavating to a depth of 10 feet at mean low water the triangular area shown in solid lines on the accompanying map, at an estimated cost of $15,900 for first construction and $1,100 annually for maintenance. The full amount of the estimate should be provided in one appropriation.

Here is a situation where the officer, first as a division officer, reports against it, and subsequently reports in favor of it after a hearing has been had.

Mr. Chairman, I move to strike out the item.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

The Clerk read as follows:

Scuppernong River, N. C.: For maintenance, $3,500; completing improvement in accordance with the report submitted in House Document No. 1196, Sixty-second Congress, third session, $31,800; in all, $35,300.

Mr. FREAR. I move to strike out all of the paragraph following the figures "$3,500."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 14, strike out the paragraph beginning with the word "completing," in line 2, and ending with line 5.

Mr. FREAR. On the old project we have spent $34,900, and have a small balance on hand of $1,408, which calls for $3,500 for maintenance. The proposed amendment does not strike that out.

The project was completed in 1909. There is a small commerce upon it, but I wish to read from this proposal for the new project. Reading on page 5 of House Document No. 1196, Sixty-second Congress, third session, it says:

The improvements made to date have resulted in placing the commerce upon a substantial basis, except for a severe blow received in 1908.

Mr. Chairman, here is a situation that arises quite frequently, and I call the attention of the House to it:

Prior to that time there were no railroads in this section, and all transportation of products to market at Edenton, Elizabeth City, and Norfolk was dependent entirely upon water. During 1908, a branch of the Norfolk Southern Railroad was extended to Creswell and Columbia, along the west shore of the river, connecting with the main line of this road near Mackeys Ferry on Albemarle Sound. This, combined with the financial panic of that year, resulted in a great decrease in river commerce, the tonnage falling from 68,630 in 1907 to 12,515 in 1908.

The following year it rose again.

Generally speaking the depth of water appears to be ample for the 1 steamer and 25 schooners that navigate this river, but they dislike to go above Cross Landing on account of the great difficulty they have in navigating this portion of the river.

On page 6, it says:

There are eight wharves at Columbia, all owned by private parties. The Norfolk Southern Railroad Co. has a wharf with rail connections here, where freight may be transferred from rail to water, and vice versa. There are eight landings between Columbia and Spruills Bridge. There are two wharves at the latter place, owned by private parties, which are open to the public at the rate of $3 per day.

Mr. Chairman, it does not seem to me that sufficient necessity has been shown in the case of this new project to require its insertion in the bill, and I move to strike it out.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

The Clerk read as follows:

Northeast, Black, and Cape Fear Rivers, N. C.: For maintenance of Northeast and Black Rivers and of Cape Fear River above Wilmington, $5,000; completing improvement of Northeast River, in accordance with the report submitted in House Document No. 1356, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $25,375; in all, $30,375.

Mr. FREAR. Mr. Chairman, I move to strike out all of lines 17 to 21, inclusive. That leaves the item for maintenance.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 14, by striking out all of the paragraph beginning with line 17 and ending with line 21.

Mr. FREAR. In regard to this project we have expended so far $43,000. This carries $30,375. Now, House Document No. 1356 says that the total tonnage for this stream is given as 150,019 for the calendar year ending December 31, 1911, valued at approximately $1,800,000, of which about 42,000 tons, valued at about $770,000, is credited to that portion of the lower river where improvement is desired. Owing to the recent completion of a third fertilizer factory it is expected that the commerce for 1912 will be considerably larger.

The improvement proposed extends about 2¾ miles above the mouth of the river, about 1½ miles above the present deep-water project in front of the city of Wilmington.

On page 14 it says:

If the improvement is worthy of being made at all, it is worthy of being made in the way that I have described. If we spend $50,000 in making a 150-foot channel, it is my prediction that we will spend $50,000 more in the next 10 or 12 years in keeping it open, and we will have an unsatisfactory channel most of the time.

He says that a personal inspection of the plants located on the banks of this portion of the river has been made by the present district officer, a thorough examination being made of two of the fertilizer plants and all the details of their operation. The parties interested were communicated with as to cooperation, and a letter from this office and reply, dated August 29, 1912, are attached thereto.

This seems to be a proposition in favor of a fertilizer factory, and I submit there is no excuse for the Government spending money for that purpose.

Now, referring to the Army Engineer's report, it appears that they have by the use of money appropriated by Congress attained an additional depth at the Highway Bridge of one-tenth of a foot—that is 1 inch—and below that point is an additional depth of half a foot.

It seems to me that as long as this is near the mouth of the river and of benefit to a fertilizer factory alone, there ought to be a contribution.

Mr. MOORE of Pennsylvania. Is this the Neubegen River?

Mr. FREAR. This is the Northeast River.

Mr. MOORE of Pennsylvania. I want to ask the gentleman a question. He is advancing new ideas here all the time.

Mr. FREAR. I want to state to the gentleman that this is an unusual proposition for a private concern, as I read the report.

Mr. MOORE of Pennsylvania. But the gentleman is stating ideas to the House, some of which I think are worthy of discussion. The gentleman objects to the improvement of the stream up to the fertilizer factory. This is a section of the country where they use fertilizers.

Mr. FREAR. You might just as well put in a sidetrack from a railroad as to dig a trench from this river up to that factory.

Mr. MOORE of Pennsylvania. Several years ago I had an inquiry made as to the cost of transporting fertilizers from a city like Philadelphia or Baltimore to Wilmington, N. C., and I found that to send it over the rails it would cost about $4.80 for a short ton of 2,000 pounds, while to send it over the inside waterways would cost $1.80 per ton of 2,240 pounds. It did seem to me that there ought to be some relief for the farmers of the South who desire to obtain fertilizers from the northern factories. The gentleman from Wisconsin has several times discussed the question of economy and saving money by not passing the river and harbor bill. I want to ask the gentleman whether he thinks we are saving any money by refusing to pass this bill when we have appropriated $20,000,000 for the erection of a nitrate plant which may involve——

Mr. FREAR. I may agree that both are extravagant, but let me ask the gentleman, does he believe it is a proper thing for the Government to dredge a ditch or channel up to an individual fertilizer factory?

Mr. MOORE of Pennsylvania. I think if the enterprise is established, the plant is constructed, the men are employed who must go back and forth, and if the fertilizer factory is removed far enough so as not to interfere with the resident portion, that we ought to afford them means to get back and forth. If the gentleman has ever lived near a fertilizer factory he will understand the conditions. [Laughter.]

Mr. FREAR. If this be the policy of the Government to furnish this facility to a factory, it is a different policy from what is generally understood, because this is for an individual institution. It is not for the general public. We might just as well, Mr. Chairman, say that the Government should build a sidetrack up to this particular fertilizer factory for a mile and a half as to say that it should dig a channel.. It does not seem a proper use of public money.

Mr. COX. Mr. Chairman, I want to ask some member of this committee a question, and I do not care who gives me the information. This is a proposition to improve the Northeast River in North Carolina in accordance with the recommendations in House Document No. 1356, Sixty-second Congress, and so forth. I hold in my hand the report of the River and Harbor Committee. I am not interested in the discussion as to the advisability or nonadvisability of this proposition, but on page 14 of this document it says:

After careful consideration the board reports that in its opinion the conditions, present and prospective, justify the Federal Government in participating in this improvement under proper conditions of cooperation, and that it is advisable for the United States to undertake the construction of a channel 150 feet wide and 22 feet deep, as proposed by the district officer, at an estimated cost of $50,750 and an annual maintenance charge of $3,000, provided local or other interests will contribute one-half the estimated cost, $25,375, of first construction.

What I want to know is whether this bill provides for that local contribution?

Mr. SMALL. No part of this appropriation will be available or expended until the local interests have contributed an equal amount, and that sum has been deposited with the treasurer.

Mr. COX. What is the plan of the War Department; what do they require before the work begins as to the raising of the money?

Mr. SMALL. The War Department does not attempt to control the manner in which the money shall be raised.

Mr. COX. No; but the War Department does not begin its work until an equal amount has been furnished by the people—by the local interests.

Mr. SMALL. Not until the local interests have raised that amount of money and placed it in the bank.

Mr. COX. The proposition is based on this report, and it carries with it the local aid as recommended by the committee?

Mr. SMALL. Yes.

Mr. COX. I thank the gentleman.

Mr. SMALL. Mr. Chairman, just a word. I think it fair to say that no one can read the report upon which this item is based without being convinced of its merit. While it refers to several rivers, as a matter of fact, the improvement embraces only about a mile and a half of the Northeast River. For a mile and a quarter from the mouth of the Northeast River, the Northeast River emptying into the Cape Fear River, it is included in the

general project of the Cape Fear River, at and below Wilmington. This project begins at a point one mile and a quarter above the mouth and extends therefrom a mile and a half above. There are large fertilizer plants located on this stretch of river. It is an anomalous proposition that industries located along a river should constitute an objection against the improvement of that river. It has been supposed that industries along the river which increase the commerce of the river offered an additional reason for its improvement, but as the engineers find that these industrial units will be benefited by the appropriation, they recommend that the Congress shall only appropriate for half and that such half shall only be available when local interests contribute the other half. It is a proposition which is worthy, and ought to be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Newbegun Creek, N. C.: Completing improvement in accordance with the report submitted in House Document No. 24, Sixty-third Congress, first session, $5,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, amend by striking out lines 22 to 25, inclusive.

Mr. FREAR. Mr. Chairman, the only reason for this is that this is another of those new projects which, it seems to me, ought very well to be left out of the bill. I read from House Document 24, page 5, Sixty-third Congress, first session:

12. It has not been possible to obtain complete statistics as to the annual commerce of the stream, owing to the partial destruction by fire of the records of the gasoline boat, but from the data that could be obtained it is estimated that the annual commerce amounts to about 5,000 tons, valued at $300,000.

That is to say, the gasoline boat was burned, and that destroyed all the evidence they had of commerce. To continue:

13. This is the first examination of this creek that has been directed by Congress, and no work has ever been done upon it by the United States, but about 30 years ago an attempt to improve the bar was made by a local steamboat company, which excavated the southern channel now used.

14. The work desired by the community is the provision of a narrow channel available for boats having a maximum draft of about 4½ feet. This would require a channel of about 5 feet deep inside of the creek proper, while to allow for wave action the depth over the bar should be not less than 6 feet.

15. The creek is fairly free from logs, snags, or similar obstructions, those that exist being of but little importance to navigation. In connection with other improvement, however, there are a few snags which it would be well to remove.

16. On account of the extremely small amount of sediment in the creek and the absence of caving banks and consequent snags it is believed that the cost of maintenance of the improvement should be almost negligible within the creek. Even over the bar the maintenance of a channel would not be very difficult, judging from the condition of the small channel dredged 30 years ago and still plainly apparent.

17. The total amount of work suggested above is small, and the cost would probably not be great, but what this cost will be can only be determined by a survey.

It seems to me that a matter of this kind is not of sufficient importance to be placed in the bill at this time. It carries $5,000, and while it is a small item to object to, yet we spent an hour, as I remember, before this bill was taken up in determining whether or not we would allow $300 to the Military Committee to have its hearings indexed, so that it does not seem to me that I am taking up too much time in presenting to the House the item in this way.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Winyah Bay, S. C.: Continuing improvement and for maintenance, $150,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word for the purpose of making a statement in regard to both these projects. The first is in reference to the Cape Fear River. That is a project with considerable commerce. We have expended $6,281,168 upon that. There are now on hand $152,524 according to the Engineer's report. One hundred and twenty-three thousand dollars is the amount asked for and allowed in this bill. It has quite a large commerce, but a very large amount of money has been appropriated for that stream.

Coming down to the other project, Winyah Bay, we have made appropriations of $3,232,991, and have on hand a balance of $107,374. The appropriation here is $150,000. The commerce is 183,746 tons, and of that timber products amount to 156,300 tons. That leaves an actual commerce, deducting the timber products of only 27,446 tons. The statement in the Engineer's report further says that the freight rates on lumber and crossties advanced 20 per cent during the year upon this waterway. Notwithstanding the fact that the Government has put all of this money into the waterway, the freight rates on lumber and crossties has advanced. In other words, the Government has no way of determining the water rates. It can not exercise any influence, although it puts $3,000,000 into the proposition, or in the case of the Cape Fear proposition $6,000,000. We have no authority to say these rates should be controlled. I am speaking of this because it relates directly to a proposition which I proposed in a bill for a waterway commission, in which that commission is given authority to control waterway rates. It does not seem right that the carrier should have unlimited leeway in fixing rates after the Government has gone on and put money into the stream and improved it.

Mr. SPARKMAN. How much in the way of lumber did the gentleman say went down that stream?

Mr. FREAR. I said timber products and the commerce amounted to 183,746 tons.

Mr. SPARKMAN. I understood the gentleman to say that the actual commerce was not so very much. Is not lumber actual commerce?

Mr. FREAR. Oh, yes; but it usually can be barged in light-draft boats. Here are $3,000,000 that we have put into this waterway.

Mr. SPARKMAN. It is actual commerce.

Mr. FREAR. Surely; and so are logs. Take the stream that runs through my home town. At one time when the lumber trade furnished a great deal of the commerce of the Northwest that stream was a very important stream and carried a commerce greater than the Mississippi River. At that time raft after raft of logs and lumber was carried down every day from many mills upon the river. What was known all over the great Northwest as the great lumber industry was still in existence, but to-day there is nothing; the last raft went down two years ago, and nothing is there to-day. I am speaking of that because it is only a temporary commerce and it does not require deep-draft boats.

Mr. SPARKMAN. Does not that section of the country in which the gentleman lives have some other resources which would keep up the commerce of his town?

Mr. FREAR. There is practically no commerce there. It has a river a mile wide, which floats the largest boats on the Mississippi River. We have got a channel right up to the town. There are probably a dozen towns altogether, one of which has a population of 10,000, and there is practically no commerce.

Mr. SPARKMAN. Does the population of the town indicate anything as to the condition of the commerce?

Mr. FREAR. No. We have no use for the waterway, except for the purposes of excursions.

Mr. SPARKMAN. What I wanted to inquire was whether the population is growing?

Mr. FREAR. Yes; it is growing. It was urged differently yesterday, or a day or two ago, to which I did not care to reply, but this town contains about 4,000 inhabitants, and across a little stream of a few feet in width is another part of the town that employs some 500 men in the shops.

Mr. SPARKMAN. In that country, does not the gentleman regard lumber as commerce?

Mr. FREAR. It is temporary commerce; that is all.

Mr. SPARKMAN. Well, it is temporary in a sense almost everywhere.

Mr. FREAR. The Mississippi River does not float a raft to-day.

Mr. SPARKMAN. It is less temporary in a State like Florida, for instance, because the timber is growing all the time the year round, and it reproduces more than in more northerly States. But usually in any section of the country there are other activities, other resources, which should develop the commerce, even when the timber is exhausted.

Mr. FREAR. Let me say this in reply to that commerce. One hundred and eighty-three thousand seven hundred and forty-six tons of commerce, of which timber products were 156,300 tons; that leaves 27,446 tons, of course, of other commerce which can be carried on this waterway on very small or shallow boats, as it does not require deep-draft boats. But does not the chairman think that $3,312,000 deserves a larger commerce than 27,000 tons? One more question which I think is a far more important one than that. Here the Army engineers say the freight rates on lumber and crossties advanced 20 per cent during the year. Now, ought not there to be some way by which the Government, after improving a harbor by expending so much money, could control waterway rates as well as through commissions we now control railroad rates?

Mr. SPARKMAN. That may be true, but we have not that question before us at this time.

Mr. FREAR. I understand; but it is a question which has suggested itself.

Mr. SPARKMAN. Whatever control the Government may have of such things is the result or will have to be the result of legislation. But we have not now that matter before us.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Did the gentleman move to strike out the Winyah Bay item?

Mr. FREAR. No; I moved to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. I want to say to the gentleman from Wisconsin that I think this appropriation should be made for Winyah Bay. The gentleman discussed the lumber commerce of the country and rather disparaged it, because he did not think the value would be as great as that of ordinary merchandise. Commerce here is not confined to lumber. Several years ago I took a Clyde Line steamer and went into Winyah Bay, destined for Georgetown. The steamer had a mixed cargo of merchandise. It also had passengers, but it did not reach Georgetown on time, because, although it only drew about 13 feet of water, it stuck in the mud, and we had to wait for the tide to help us into Georgetown. It seemed to me then that this historical old town, named after "the Father of His Country," or rather King George, ought to receive some consideration at the hands of the Federal Government. The vessel I traveled on was carrying general merchandise; it was part of a regular steamship line, which ought not to be subject to a mud bath every time it tried to get into the town named after King George.

Mr. LEVER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. LEVER. The gentleman from Pennsylvania knows, of course, because he knows everything about river and harbor improvements——

Mr. DYER. Except the Mississippi River.

Mr. MOORE of Pennsylvania. Coming from the farmer's special friend, I am delighted with the compliment.

Mr. LEVER. That one of the largest sawmill companies in the world is located at Georgetown, S. C.

Mr. MOORE of Pennsylvania. That is true.

Mr. LEVER. And the gentleman must know that within the last two months there has been growing up a large immigration from the State of Indiana——

Mr. COX. Good people.

Mr. LEVER. Of farmers who are going into that section about Georgetown, buying up land and going into the business of intensive agriculture, so that that section of the State promises to be in the near future one of the most progressive agricultural sections of the entire southern country.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman from South Carolina that, entirely independent of the information he has given to the House as an expert, which he is, on the subject of farming, I have traced out, through experts in the Department of Agriculture, the fact that the land in this vicinity—which has not been opened up because of the lack of railroads and the wretched condition of many of the waterways—is of the richest sort, and simply awaits an improvement of this kind to induce settlers to go there and make the land fructify and engage in world-wide commerce.

Mr. COX. The gentleman need not worry. Indianians have gone down there, and they will make it fructify.

Mr. MOORE of Pennsylvania. So long as the gentleman from Indiana is on the job he will hold the Indiana farmer where he is; but as soon as that farmer can break away——

Mr. COX. If the gentleman can introduce some plan to get some Indiana farmers over into Pennsylvania, they will reduce the price of his eggs.

Mr. MOORE of Pennsylvania. We have been paying enough for them; but I am glad to see the gentleman from Indiana with us on this proposition. We do not like to have vessels stuck in the mud when they are trying to get into Georgetown with Indiana products or the products of any other State.

Mr. HUMPHREYS of Mississippi. Do I understand the gentleman from Pennsylvania is insisting that the people contribute down there toward this improvement? If he is insisting now that those people there be called upon to make further contributions than they have already made——

Mr. MOORE of Pennsylvania. No; I am making no such proposition.

Mr. HUMPHREYS of Mississippi. Or is this to be spent on the Atlantic seaboard?

Mr. MOORE of Pennsylvania. I am frank to admit that this is a part of the general project. And I think the Government will get an ample return for its expenditure.

Mr. HUMPHREYS of Mississippi. Then I withdraw my objection.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Great Peedee River, S. C.: For maintenance, $5,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

I trust my friend from Pennsylvania [Mr. MOORE] will not leave at this moment, because this is for the purpose of permitting him and the gentleman from Mississippi [Mr. HUMPHREYS] to finish that discussion on the subject of the flood-control bill. I am frank to say that I think the gentleman from Mississippi has really the best of the argument so far, notwithstanding the experience and the ability of the gentleman from Pennsylvania, who could see in the last project that Georgetown was named after the "Father of his Country."

Mr. MOORE of Pennsylvania. It might date back further than that. It might have been named after King George.

Mr. FREAR. The Great Peedee is now under discussion. We have spent $340,300 there, or that has been the amount of the appropriation in the past; $5,000 on hand, and $5,000 is here proposed in the bill. I have simply made a pro forma amendment because I realized there may be some maintenance that will be necessary down there. But the report says, on page 604:

A railroad recently built has caused the marked falling off of the river business.

Now, we have made our investment. We have considerably over a quarter of a million dollars in this stream. A railroad has been built in there. We have put $340,000 in the project, and this further amount is to be put in the Great Peedee and be continued for all time to come. I ask the gentleman in all seriousness what could be the reason for continuing a large project on that river?

Mr. LEVER. Will the gentleman yield?

Mr. FREAR. I have only made a pro forma amendment, and I want to get the expert opinion of my friend from Pennsylvania, although I will yield to the gentleman from South Carolina.

Mr. LEVER. I wish to inquire if the gentleman predicates his opposition to the proposition on the theory that a railroad has been built paralleling the river, and that therefore the Government ought to abandon the improvement of the river in the interest of the railroad?

Mr. FREAR. That is a very proper question. My answer to that would be that I think the Government ought to insist on minimum rates, so that a railroad can not drive commerce off the waterway. And I think the gentleman would probably join me in that.

Mr. LEVER. The gentleman thinks by abandoning the river projects you will get these rates?

Mr. FREAR. No; I do not propose abandoning it.

Mr. PLATT. The gentleman believes that we should raise these railroad rates so that commerce can live?

Mr. FREAR. If we are going to put money into the stream we ought to protect the Government's investment after it is put there.

Mr. PLATT. I agree with the gentleman, that if we conduct these on business principles we would have to raise railroad rates all over the country to enable the streams to do business. There is not the slightest doubt of that.

Mr. SMALL. Mr. Chairman, I would like to call the attention of the committee to the shipping bill passed at the last session and approved September 7, 1916. Section 18 gives the Shipping Board authority to fix the rates by water carriage in interstate commerce, and reads as follows:

SEC. 18. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the

board and after 10 days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made; but the board for good cause shown may waive such notice.

Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

It does not give authority to fix the minimum rate, but it does have authority to control and regulate the rates and to require interstate-water carriers to file the maximum rate for transportation between such points in interstate commerce, and goes a very long way toward giving the Shipping Board complete control over rates of water carriers in interstate commerce.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Santee, Wateree, and Congaree Rivers, S. C.: For maintenance, including the Estherville-Minim Creek Canal and the Congaree River as far up as the Gervais Street Bridge, Columbia, $30,000; for improvement of Congaree River in accordance with the report submitted in House Document No. 702, Sixty-third Congress, second session, $50,000; in all, $80,000.

Mr. FREAR. Mr. Chairman, I move to strike out all of the paragraph after the $30,000 item for maintenance.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 15, by striking out, after "$30,000," in line 18, the remainder of the paragraph down to and including line 21.

Mr. FREAR. Referring to the Congaree River: On the Santee, Wateree, and the Congaree Rivers the Government has appropriated $1,268,395. On the Congaree River it has appropriated $668,208, of which $43,101 was the last balance reported on hand, and $30,000 is the amount asked for in the bill, which is not objected to, because it is a maintenance proposition. The commerce upon this river, as I have it—and I desire to be corrected if I make a mistake—is 4,324 tons. That hardly seems possible. I desire to be corrected if I am not correct.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FREAR. I would like to read from the next report, if I may. It says practically all the commerce of this river was conducted by one old stern-wheel steamer of 132 tons, which made 36 trips. That was after $168,238 was expended. I think I was right about the commerce, because I see that the total commerce on this river for three years reached only 14,000 tons. The engineers have asked for a large amount here for bank protection.

Now, beginning with the new poject, which is objected to, reading from page 4, it says:

A steamboat line has been established upon the river and is now in operation, its terminal being just below the lock. The commerce reported amounts to about 4,000 to 12,000 tons annually. It appears there has been a material saving due to the operation of the boat line.

As a matter of fact, we find by taking the report of 1916 that in three years after this large investment of money the total commerce reached only 14,032 tons.

This is document 702. It says:

There is at present nothing which could be described as a "terminal" possessing "terminal facilities," in the usual meaning of these terms. There is only the ordinary river landing, with a small tent to protect the freight at Granby. There are no wharves nor public space available for wharves.

And, reading back, it says:

It appears from the report considered that the required project depth can be secured by dredging, but that with the small dredge in use the time required is so long that before the work is completed a new freshet season has arrived and new shoals are formed, so that at no time is the channel unobstructed.

It appears to the special board that inasmuch as the dredging and staging have not been able to maintain the project, the Government should adopt more adequate means of improving the river. That is in addition to the $168,000 that has already been put in the stream, I take it.

I move, Mr. Chairman, to strike that part of the paragraph out regarding the new project.

Mr. LEVER. Mr. Chairman, I do not desire to take the time of the committee in discussing this item, but in view of what the gentleman from Wisconsin [Mr. FREAR] has said I think it very well, for the RECORD at least, that the facts in this case should be known, and I shall use only my allotted time.

The item of $50,000 proposed to be stricken out is for revetment work on the Congaree River. The situation is this: This system of waterways, the Santee, Wateree, and Congaree Rivers, makes a distance of 208 miles, connecting with Winyah Bay, at Georgetown, as the end of navigation and at Columbia, the capital of the State, as the head of navigation.

Under a project adopted more than 30 years ago a 4-foot channel was guaranteed on this river for 12 months in the year. There has been some navigation under the existing project. There have been repeated efforts to put on a substantial boat line. But the difficulty has been found in the fact that at two points on the river we have caving banks and sand bars, which have made it almost impossible to carry on a 12-month, all-the-year navigation, with the result that boats could not keep their published schedules at Georgetown, where they connect with the Clyde Line, and therefore in a large measure commerce failed to materialize as hoped and anticipated.

It is true that there has been expended $668,000 on this proposition, but with an expenditure of $50,000, as recommended by the engineers advising the committee, it is proposed to make this a navigable stream 12 months in a year, with a 4-foot channel for a distance of 208 miles.

The Chief of Engineers in his report, Document No. 702, says:

I therefore report that the further improvement of the Congaree River, of South Carolina, seems advisable to the extent of obtaining a 4-foot navigable channel assisted by a properly devised bank protection—

And so forth.

The $50,000 proposed in the bill is for the purpose of protecting the banks at Gill and Congaree Creeks, so as to prevent the sand from coming in and filling up the channel.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LEVER. Not now. Let me make just one further statement. I read further from this document, to this effect:

Unless the channel below the lock is made more stable and permanent and the low-water depth of about 4 feet secured, the expenditures already made—

Six hundred and sixty-eight thousand dollars, as the gentleman from Wisconsin properly said—

will be of little benefit. It seems advisable, therefore, to undertake some additional work, with a view to securing a permanent channel of about 4 feet depth at low-water stages under proper supervision.

Now, then, the proposition is to make available to the public the benefits of an expenditure of $668,000 by appropriating $50,000 more. If that is not a proposition of sound, common, ordinary, South Carolina, Wisconsin horse sense, I do not know where you can find one. Here we have expended our money. We have made our river navigable, with the exception of two points, involving a distance of 7 miles, which can not be put into good condition except by revetting the banks and keeping them from rolling into the river, at an expenditure of $50,000. And yet, with that sense of economy which some of us can not understand, some gentlemen are willing to fall back into the breast chains and declare we will not spend the other $50,000. It does not seem to me to be good business. It may be in Wisconsin, in the gentleman's district. It is not in South Carolina.

Now, one further point: It is true that the commerce of this river does not show very large in comparison with that of some other rivers and with some other projects, probably, and yet it is due to the fact that we have not had the 4-foot channel which was guaranteed to us by Congress in 1885, more than 30 years ago. If you will give us a 4-foot all-the-year channel, I think I can safely guarantee that in a year from the completion of the project the commerce of this river will have doubled, tripled, quadrupled, even more than that; and as proof of that I desire to read into the RECORD a statement received recently from the secretary of the Chamber of Commerce of Columbia, S. C., which reads as follows:

Since our last conference with you, and at the time of the meeting when you addressed us so forcibly on the subject of this work and the efforts you would make to secure this appropriation, a great deal of interest has been stimulated in the larger development of traffic on the waterway between Columbia and Georgetown, and I am pleased to report that we have interested some parties who have expressed their willingness to join our merchants in the organization of an adequate navigation company and the construction of terminals and warehouses. This work is estimated to cost between $150,000 and $200,000, and in addition to the terminal facilities will consist of a fleet of powerful towboats and barges capable of handling an enormous amount of tonnage on the river. Of course, the organization of this company is predicated upon the fact that we will have all-the-year navigation, and continuously without interruption on a minimum depth of 4 feet. Another incentive to the establishment of this line is the prediction being freely made that there will be a considerable advance in the rail rates between the East and Columbia within the near future, and this would naturally give a larger margin of profit to the water line, and therefore increase the ability to maintain such line on basis of a fair and remunerative revenue.

That is the latest statement that we have upon the proposition. Make available this $50,000, which will give us this 4-foot channel, and here is a guaranty of the beginning at once of a barge line involving an expenditure by private individuals and citizens of Columbia of $200,000. Now, let me say this further to the gentleman from Wisconsin——

Mr. FREAR. Will the gentleman yield?

Mr. LEVER. In just one moment. The head of navigation on this river is the city of Columbia, S. C. That city is in the very center of the State of South Carolina. From it radiate nine great trunk lines of railroad reaching every part of the State

of South Carolina. It has been my hope and my dream that by the improvement of the Congaree River Columbia, S. C., will become the wholesale distributing depot for heavy freight for practically the entire State of South Carolina. With these facts, does not the gentleman think we have made a good case?

Mr. FREAR. I think the gentleman has made an unconscious misstatement. I know he would not do it purposely. On page 615 of the last Army Engineer's report it says—

A channel suitable for 4-foot navigation at all but extremely low-water stages has been secured by snagging——

Mr. LEVER. What report is that?

Mr. FREAR. This is the Engineer's report for 1916, just out. We have spent $668,000 on the stream. We have secured only 14,000 tons in three years, or a little over 4,000 tons a year, which is only approximately one trainload a year. I do not question, of course, but what eventually there may be some commerce, but it seems to me that is a fair test, and we have 4-foot navigation for the project, according to the report.

Mr. LEVER. I desire to extend my remarks on this proposition.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. FREAR. I offered an amendment to strike out the new proposition, I think.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement and for maintenance, $40,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. I do this to make an inquiry from any of my good friends from Georgia in reference to these three rivers. I find from the engineer's report that we have expended on the Altamaha River, $259,000; on the Oconee, $279,000; and on the Ocmulgee, $492,000. The engineer also says that the Macon-Atlantic Navigation Co. operated a new self-propelled steel barge from Macon to the mouth of the river during the last five months of the year and anticipates putting on another self-propelled barge, whatever that may mean, about August, 1916. My inquiry has to do with the hearings held by the Committee on Rivers and Harbors last year, in which the advocates of the proposition at that time testified about this boat line. They had had a good deal of trouble to get a boat of light enough draft to run on the river and had tried all kinds of experiments. Mr. Long testified that finally they did find a European article which would draw little enough water so that they could put it in a boat and bring it over here. They selected "the Bollinger engine, manufactured at Stockholm, which requires 28 cents an hour to run it," so the gentleman testified. He goes on and describes what a great engine it is. I am coming now to my inquiry. The testimony continued—

We put an electric plant on this boat. We can blow a horn, or rather a whistle, by electricity, and do various other things. We have a number of conveniences—

And so on. I think I brought this matter up last year, and I would like to make inquiry whether on any one of those three rivers up to date any one has ever heard that remarkable whistle blown? After the expenditure on the three rivers of something over $1,000,000 it is well worthy of knowledge whether that great event, the blowing of the electric whistle on the one boat running on those rivers, has ever been heard up to date? [Laughter.] It is a wonderful thing. We ought to know all about how that whistle sounds, which seems to be about all the result the Government has secured for such an enormous expenditure.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Satilla River, Ga.: for maintenance, $2,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word in line 18. I have made no motion in reference to some of the items which have been presented to me, but it occurs to me that it is well for us to see where our investments have gone in past years, and what results we are getting on the money that is being expended. Taking the proposition that was read a moment ago for Fancy Bluff Creek, Ga., it is only a small appropriation, it is true, but in 1915 the office expenses were $725, and there were no operations at all on the river. The commerce was 2,513 tons, of which 1,565 was timber and ties rafted, leaving only 948 tons of commerce on that creek. The cost for office expenses, for carrying on the work on that river, for overlooking it, according to the engineer's report, was $725. One launch makes trips on the river. I submit that that is a situation that calls for criticism somewhere at sometime. Why are we paying $725 for office expenses for an annual tonnage of 948 tons?

Take Satilla River, Ga., the item that has just been read, for maintenance, $2,000. It is a small item, but in 1915 there was no operations on the river, yet $519 was spent for office expenses last year. The commerce was 67,000 tons, which looks reasonably large; but logs, timber, and timber products reached 63,000 tons—more on that stream than on the other—leaving a net of a little less than 4,000 tons. One steamboat makes two trips a week; it does not say where; but this is a situation where, as on the preceding stream, we are performing no work at all, we are making no improvement, and yet on the former project we spent last year $725 for office expenses for 948 tons, and on this project $519 for a little less than 4,000 tons outside of the timber. These facts speak for themselves.

Mr. TREADWAY. Mr. Chairman, I rise in opposition to the motion of the gentleman from Wisconsin, whatever it was. My attention has been called to a point which I neglected to state in connection with the three rivers of which mention was just made. I infer that our honorable colleague and friend from Wisconsin [Mr. STAFFORD] attended a performance in town last evening, in which a steamboat was one of the principal features displayed. Instead of a whistle, such as the boat to ply on the three rivers just mentioned has, bells are prominent in the sketch. In the course of the performance, there is a lady who seems to have various gentlemen friends aboard of the boat who are particularly cordial to her. Her husband says she is a somnambulist and follows bells. Naturally each gentleman begins ringing a bell to attract the attention of the unfortunate but handsome lady. Now, I suggest that the advocates of the Altamaha, Oconee, and Ocmulgee Rivers take the electric whistle and use it as an attraction for the lady somnambulist. I know of no better way in which this appropriation could be used if the Government is to receive any return whatever for this expenditure of public money. If there is water enough to float the boat, the wonderful whistle might call to the shores the beautiful girls who no doubt live along the banks.

Mr. MOORE of Pennsylvania. Mr. Chairman, I know of no better time to say a serious word than the present. The gentleman from Massachusetts, a member of the Rivers and Harbors Committee, who is going to support the bill although he thinks it has some objectionable items, not including Boston Harbor, of course, has made merry over the Altamaha, Oconee, and Ocmulgee Rivers, and is inclined to satirize the power boat that seems to be doing service down there.

Having been in this vicinity, and having observed that men in good faith undertook to improve local conditions by putting a steamboat service on these rivers, I am not inclined to make fun of them. It is an easy thing for one coming from a great city having large appropriations to make light of a smaller community, where the river has not been improved and where men are making desperate efforts with the small means at their command to do business. But if we are to improve the big streams we can not consistently deny assistance to the smaller streams which are the feeders of the larger streams. These three rivers feed larger river territory. These three rivers penetrate a country that is not penetrated by railroads or by navigable streams through which the people can get their products to market. Now, what comes out of these three streams?

Mr. TREADWAY. Mud. [Laughter.]

Mr. MOORE of Pennsylvania. Cotton, fertilizer, naval stores, lumber, staves, timber, and a variety of merchandise, and at the mere mention of these substantial things a few gentlemen from the larger cities cry, "Mud." Well, it may be "to laugh" with them; their items are secure in the bill, but it is not a square deal to the smaller communities who have just as much right to consideration as the larger cities. [Applause.]

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Am I correct in the impression I have that the gentleman is in favor of this bill? [Laughter.]

Mr. MOORE of Pennsylvania. I think the gentleman's question carries its own answer. I have been in this section of country, and I want to say solemnly and seriously that many views I formerly had of rivers and harbors and the river and harbor bill have changed. After the Civil War these streams were blocked up and stagnated by reason of the conditions over which the people of the community had no control. Great plantations that had formerly used these streams had gone to pieces. Boats had been sunk in these rivers, the logs and timbers had fallen, and fever and ague prevailed.

Why, I have listened to some very eloquent gentleman upon this side of the House discuss the days of fever and ague in

Illinois and Indiana, and I have observed that after their streams were improved the health of the people improved, and the streams began to carry commerce back and forth. I have come to believe that the far Southern States have as much right to have these waterways of theirs clarified and purified and made navigable as did the people of Indiana and Illinois and as do the people of Pennsylvania and New York. [Applause.]

I venture to say that no man who scans this bill item for item will be able to produce a table showing that there is any undue contrast between the amount appropriated that goes into the Southern States and the amount appropriated that goes into the States along the northern tier of States. The showing will not be prejudicial to the South. To improve these choked-up rivers is not only an aid to navigation, it is in the interest of the public health, and it is the least we can do, for we are in constant contact with the people of the South, to aid them in cleaning out these streams. It is doing something for the general welfare when we say to the man upstream who has only a few bales of cotton to sell that we will help him to put that cotton on a barge and carry it downstream to Macon or Savannah in order that it may go aboard the big ships that carry it to the great cities of Boston, Philadelphia, and New York. I for one want the man in the interior to have that chance.

Here is a steamboat that carries lumber, cotton, staves, and other commodities from Macon to Savannah. I am told there are now two steamboats in operation. The gentleman ridicules it because it has a whistle. It seems to me that that whistle will sound louder in the world of progress than any echo emanating from any Member of Congress who is dissatisfied with this bill. That whistle means that they are taking a new interest in industry in the South and are struggling to get out of the backwoods. We ought to give the southern farmer a chance to come out and amount to something in this world. [Applause.] He can do it on the waterways.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

St. Marys River, Ga. and Fla.: For maintenance, $7,000; for improvement in accordance with the report submitted in House Document No. 540, Sixty-fourth Congress, first session, $15,000; in all, $22,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word for the purpose of referring to this project, and, incidentally, to suggest something in regard to some remarks of my distinguished friend from Pennsylvania [Mr. MOORE], who seems to think that the reason for the loss of traffic in these southern streams is because these streams have been blocked up, and that after all these years a boat has finally been placed on them because of improvement. There is one thing that the gentleman said in his interesting speech in which I concur very strongly, and that is that there should be no distinction between improvements for the North and improvements for the South. No one believes that there should be. There has been no such criticism. My criticism was made as much on northern projects as on southern.

The upper Mississippi is one of the best channels in the world to-day. Senator Burton said there was 4½ feet throughout the upper Mississippi, but the commerce is practically gone, not because the river is blocked up. You will see some commerce mentioned in the report. When we get to it I shall refer to it and tell you what the commerce is, because I have been up and down there, and I will also give you the report of the people along the stream; but I say now that it has lost 90 per cent of its commerce on the upper river, not because the stream was blocked up, but because conditions have changed. That condition will continue to exist with reference to the smaller streams unless the suggestion of the gentleman from South Carolina can be put into effect, respecting the enforcement of minimum rates, and thereby prevent railroad competition from carrying traffic away from the stream.

I wish now to refer to the St. Marys River. According to Document 540, Sixty-fourth Congress, first session, they have a channel of 17 feet at mean low water, and they desire to have a 20-foot channel. The reason for that, which seems to be urged strongly, is that over at Fernandina they have a deeper channel, and they ought to have similar conditions at St. Marys. I read further from this document, beginning on page 5:

The entrance to Cumberland Sound has been improved, at a cost of $3,500,000, and affords a depth over the bar of 24 feet at low water. Very extensive jetty work has been built at this place and an enormous amount of material has been scoured out by the action of the current alone. Work has also been done by dredging, and more is contemplated, with a view to widening and also straightening the channel. No advantage at present can be had from this extensive and costly improvement, except what results to the harbor of Fernandina, Fla. This harbor is situated on Amelia Island and is difficult of approach by rail.

4. In any commercial harbor the land approaches are just as important and worthy of consideration as the water approaches, and it is readily seen by an examination of the map that Fernandina is not conveniently accessible by rail to a wide extent of country. St. Marys, being situated on the mainland of Georgia, in a part of the country which is rapidly developing, might well become an important commercial harbor, but to become so it must be usable, and the work of improving the waterway must precede the construction of the land approaches.

The St. Marys has only had small appropriations thus far—something like $22,000. This bill carries $7,000 for maintenance, outside of a new project, but the commerce is largely logs and timber, the same as on these other streams, logs which, of course, are floated. It is said that the commerce amounts to 100,000 tons; but, deducting those products, it resolves itself down to less than 5,000 tons.

Mr. SPARKMAN. I suggest to the gentleman that if he will deduct the remaining five thousand, there will not be any left.

Mr. FREAR. Oh, yes; that is true; but I am speaking about a 17-foot channel for timber products which you now have, and yet you ask for a 20-foot channel, not for the timber products, but for the 4,901 tons remaining. The project is completed, and yet here is a new project. I am not moving to strike out the project. I simply call attention to the fact as shown by the reports.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Tampa Harbor and Channels, Fla.: For maintenance of Hillsboro Bay, $60,000; for improvement in accordance with the report submitted in House Document No. 1345, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $300,000; in all, $360,000: *Provided*, That nothing in this bill nor in the act approved June 25, 1910, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," shall be so construed as to prevent the use of any part of the Ybor Estuary zone for industrial or other legitimate purposes when the same is not needed for commercial uses, nor to exclude the building and operation of a railroad or railroads by private parties or railroad companies under such rules and regulations as the Secretary of War may prescribe, subject to the right of the city of Tampa to construct and operate a municipal railroad on said estuary zone as set forth in said report.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "*Provided*," at the end of line 2, page 18, insert the following:

"That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,125,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*."

Mr. TREADWAY. Mr. Chairman, my reasons for offering this amendment are twofold. In the first place, it seems to me that in a large harbor like that of Tampa, where the Government takes on such a project as this, and as meritorious as we know it to be, the Government can very readily enter into a continuing contract and thereby save quite large sums of money. I realize that at times this principle has not been advocated, but nevertheless it is a good business policy. I simply have offered the amendment in accordance with the report of the engineers, which will make this improvement of Tampa Harbor a continuing project, and to the amount that is called for by the engineers' report in House Document 1345, Sixty-fourth Congress, first session.

That is the business standpoint from which I offer the amendment. I also offer it from a sentimental standpoint. It has been my privilege to serve upon the Committee on Rivers and Harbors in the past two Congresses, during a period of four years. During all of that time the honored chairman of the committee has served this House, Congress, and the Government with great ability, capacity, and success. [Applause.] I know others will say words of praise of the chairman of the committee at the completion of the reading of the bill, but it will not be my place at that time as one of the younger Members to be accorded that privilege. I think, Mr. Chairman, that after a Member has completed 22 years of faithful service in this House on one committee, having been for three Congresses chairman of that important committee, and when he has performed the duties of that position solely as he has seen them from the standpoint of public welfare, with no selfish interests whatsoever, and when he is about to leave these Halls, Congress could do no better service to itself and to the country than to allow him to return to his home city feeling that the one project in which he has been personally interested—during my connection with the committee at least—shall be carried to completion, and that the authorization of that completion should be made during the time that he himself is a Member of this House. I do not need to say, I am sure, that neither the gentleman himself nor any member of the committee was aware that I was to offer this amendment, but I do it in all sincerity, realizing it will not cost the Government

as much money to adopt it to-day as it will to continue the project during the period of four years, and I also do it out of the feeling in my heart of regard for the gentleman in whose district the project appears and who so richly and worthily deserves our commendation. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I am very deeply grateful to the gentleman for the kindness which prompts the amendment he has offered. I appreciate it more than I can express in words, but I really must ask the committee not to adopt it. I realize, Mr. Chairman, it would have been better if every project in this bill for which appropriations are made insufficient to complete the various projects could have been put under continuing contract. In many, perhaps in all, cases it would cost much less, as the work could be done more cheaply in that way than by annual appropriations. There are about 25 or 30 of these new projects, for the completion of which no provision is made in this bill. As I stated, I would have preferred if provision by cash or continuing contract could have been made for the completion of all of them, but under the circumstances, in view of Treasury conditions, in view of the idea prevailing that there might be a deficit later on, although I do not think now there will be such at any time, the committee could not see its way clear to provide for the completion of these projects, and I do not think it is right for me to accept for myself what I did not see my way clear to advocate or recommend for others, and for that reason I must, though reluctantly, ask the committee not to adopt the amendment. This I do reluctantly for two reasons——

Mr. MEEKER. Will the gentleman yield?

Mr. SPARKMAN. In just a moment—reluctantly, first, because of the appreciation I have for the spirit that prompted the amendment, and, secondly, for the reason that I think the committee would be doing an injustice to others by thus favoring me. I therefore request the committee not to adopt the amendment. Now I will yield to the gentleman.

Mr. MEEKER. If this amendment be adopted, would not the ultimate completion of that work be done for less money?

Mr. SPARKMAN. I think so.

Mr. MEEKER. And the intent of Congress is evidently to complete the work?

Mr. SPARKMAN. That is true. The same may be said, however, I think, of every other uncompleted project in the bill. I think it would have been a good business proposition to have placed them all under the continuing contract system if we could have seen our way clear to have done so.

Mr. HUMPHREY of Washington. Mr. Chairman, during my service upon committees very seldom have I voted against the wishes of the chairmen, but this is one time that I trust that the committee will not follow the wishes of the chairman of the Committee on Rivers and Harbors. [Applause.] It will not add any more to the cost of this project, but will probably reduce the cost. It is a meritorious project, and under the circumstances it ought to be unanimously voted in, notwithstanding the protest of our honored friend from Florida.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that I may proceed for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I want to indorse what has been said. The amendment is for a commercial proposition, and it is one that is well worthy, and, as the gentleman from Massachusetts [Mr. TREADWAY] very well said, it is economy for the Government to do it. I believe that nothing could be better than for the chairman of this committee to set an example that ought to be observed by the Government in authorizing contracts that are necessary and which will eventually be performed cheaper by this very course. We can all testify to this fact by voting against the chairman's wishes, and I think it will be the best expression that he can make of doing business in a businesslike way and at the same time extending a deserved compliment to a gentleman whom we all so highly admire. [Applause.]

[Mr. HULBERT addressed the committee. See Appendix.]

Mr. SWITZER. Mr. Chairman, I rise to support the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY], and ask the committee to ignore the request of the chairman. It seems to me that, owing to the importance of the port of Tampa and this particular project and the long services of the chairman of the Committee on Rivers and Harbors, that this committee could in no way better show its appreciation of the long and valuable services of the chairman than in voting to put this particular item upon the continuing contract basis. It will not cost the Government a single dollar more, but will probably save money in the end, and it insures the completion of the project, regardless of whether any river and harbor bill will be passed in the future. I think one and all will bear me out when I say that to know the distinguished chairman of this committee is to like him. He is easily approached; he is painstaking and considerate on all occasions; and I think one and all will bear testimony that the many acts of kindness and courtesy extended will ever grow in the recollection of his colleagues and associates through their journey of life in the years to come, and I desire to say at this time that it matters not wherever his life's journey hereafter may take him, whether into the civil walks of life or again back to the Halls of this Congress in answer to the call of legislative duty, I wish for him prosperous hours and pleasant days, and trust that it will vouchsafe for him joyous smiles, radiant as when first he greeted me. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to. [Applause.]

Mr. HULBERT. I ask unanimous consent that I may have read from the Clerk's desk a very brief article from to-day's New York Times.

The CHAIRMAN. Without objection, the Clerk will read the article referred to.

There was no objection.

The Clerk read as follows:

To WOODROW WILSON,
President of the United States:

Our country is to be congratulated upon your true presentation of Americanism. Every American devoted to the Declaration of Independence must regard your message to the Senate with pride and approval.

The quality, the representative Government, and the pursuit of happiness, the keystone of the Republic, you have accurately expressed. While it is true that traditional American policy is opposed to entangling alliances with European nations, it is also true that this opposition is predicated upon the dangers such entanglement with imperialism would bring to democracy. If the world espouses our ideals, the danger no longer exists.

I would consider myself recreant to every activity in which I have been engaged, to every word I have uttered and written on this matter, if, in view of all that has been said and done, I did not commend your twentieth century promulgation of Americanism to the world.

In speaking of Poland as a concrete case, you have spoken for Ireland, Belgium, and other small nations. The document is the greatest American paper since Lincoln's emancipation proclamation. It is my earnest wish and, I know, the wish of every member of our society that it may reestablish truth and justice in the world, for such a world is a world of peace.

JEREMIAH A. O'LEARY,
President American Truth Society.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask to have an editorial published in to-day's Washington Times read at the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that an editorial published in to-day's Washington Times be read at the Clerk's desk. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

THE PRESIDENT'S PEACE ADDRESS.

President Wilson's address to the Senate yesterday reveals him as the great American peril. If we are destined to be entangled in the near future in war or in minor embroilment with any or all of the powers now at war, it may be set down as certain that the catastrophe will be the outcome of his amazing indiscretion.

His address is calculated to give greater or less offense to every country now at war except Germany and Austria, and it must convey small satisfaction to these latter. It is, in fact, so vague in its conceptions and so indefinite in its expressions that almost any meaning may be read into its more or less flowing periods, and every Government or people that chooses may take umbrage at some one or other of the implied proposals. The truth of this will become more and more apparent as the views of the European newspapers are matured and recorded—probably in a day of two, when they sufficiently overcome their astonishment to size up the real purport of this strange upwelling of inchoate humanitarianism.

Perhaps the strangest sentence of all is that in which Mr. Wilson says, "I am speaking as an individual." How can the President of the United States speak on world politics as an individual? He seems to see the point in the next sentence, but the perception of his responsibility as "the head of a great Government" does not check him. He goes on to settle the affairs of the universe in the first person singular with a rapt conviction characteristic rather of Peter the Hermit or John of Leyden than of a serious twentieth century statesman. Indeed, the speech as a whole is rather a dithyramb than a political thesis. So far as it means anything, it is epileptiform in its fatuity, but for the most part it baffles all serious interpretation in the complicated beauties of its own verbiage.

Its essential vacuity does not prevent it from being full of injurious possibilities. There is the passage, for instance, regarding "a united, independent, and autonomous Poland." What does it mean? Is it an indorsement of Germany's impudent hoax, the erection out of Russian territory of a buffer State under Prussian domination for the protection and aggrandizement of the central powers? If so, how will England, France, and Italy receive the idea? Or is it an indorsement of the Russian plan for a Poland built up out of Prussian, Austrian, and Russian conquests? If the latter, what will they say of it in Vienna and Berlin?

Then there is the pronouncement on that sounding but absolutely hollow and meaningless phrase, "the freedom of the seas." What is Mr. Wilson's idea of such freedom? Does he contemplate giving over the Bosphorus and Dardanelles to Russia? Or does he mean driving England out of Suez and Gibraltar? Does he contemplate excluding Italian and Austrian warships from the Adriatic or to forbid Britain

to blockade the Ems and the outlet of the Skager-Rack? May Germany bind England in a ring of submarines, or may Russia blockade the Baltic ports of Germany? And what of the Panama Canal? Are we to give up all jurisdiction over it?

It makes the average man's head swim to regard the various possibilities of "the freedom of the seas," "free access to the open paths of the world's commerce." These phrases are a German invention, dating back to the end of 1914 or beginning of 1915, when the economic pressure of the British fleet began to tell in the war. They mean the disarmament of England—simply this and nothing more. How are we to expect England will receive Mr. Wilson's solemn indorsement of the proposition, uttered in the august presence of the United States Senate?

Besides, there are so many things left unsaid in the President's harangue. Poland, indeed? But what word is there of Belgium or Serbia? What allusion is there to the martyrization of Armenia? To the new threat against Switzerland? There is to be no victory in the war; only a peace between equals! "Mankind is looking now for freedom of life, not for equipoises of power." We confess to inability to get any distinct significance from this portion of the President's remarks. His ideas seem to us to belong to the realm of dreamland, where everything is balmy but elusive, roseate but shifting, and unstable as the forms in a kaleidoscope.

This is the sort of peace which the United States will not be allowed to help in concluding, but which this country is, nevertheless, to set the seal of permanence upon by becoming its guarantor. In doing this it appears we are not violating the tradition which comes down to us from the Father of His Country, warning us to avoid entangling alliances with the nations of Europe, for the curious reason that "there is no entangling alliance in a concert of power." Plainly it must differ in some occult way from a concert of powers, which, as Mr. Wilson himself inferentially, if not directly, shows us is the surest way to competition, jealousy, hostility, and belligerency.

No greater puzzle for the historian has ever been placed upon the page of time than this move of Mr. Wilson, sprung without warning upon a dismayed people and a disconcerted world. What was the genesis of it? Who prompted it? What is the true motive? What does Mr. Wilson expect to accomplish? Conundrums to the ordinary mind, without an answer consistent with honor and common sense!

Mr. CHURCH. Mr. Chairman, I would like to ask unanimous consent to extend my remarks in the RECORD by having printed therein a joint resolution of the California Legislature, asking that Congress enact certain legislation for the benefit of certain oil operators in the State of California.

The CHAIRMAN. Is there objection to the request?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, has this resolution heretofore been incorporated by the action of another body?

Mr. CHURCH. Oh, no. This resolution has just been passed during the last week.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The following is the resolution referred to:

STATE OF CALIFORNIA,
DEPARTMENT OF STATE.

I, Frank C. Jordan, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of assembly joint resolution No. 2 of the Forty-second Legislature of the State of California with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. I further certify that this authentication is in due form and by the proper officer.

In witness whereof, I have hereunto set my hand and have caused the great seal of the State of California to be affixed hereto this 19th day of January, A. D. 1917.

[SEAL.]

FRANK C. JORDAN,
Secretary of State,
By FRANK H. CORY, *Deputy.*

Assembly joint resolution No. 2, relating to the oil industry of the State of California.

Whereas the oil industry of California is in a demoralized condition, caused by litigation instituted and threatened by the United States Government against bona fide operators, who entered upon and were developing public lands in good faith at the time of their withdrawal, and continued such development under the law, as they were legally advised it to be, until by such efforts they greatly increased the production of oil and, in some instances, were the means of opening up new oil fields; and

Whereas unless Congress settles by a law these vexatious disputes the present litigations will probably continue for many years, resulting in great hardship to the operators by preventing the marketing of their oil, and to the public by reason of constantly increasing the price of gasoline and oil due to the stoppage by the Government of the operation of large areas of this land, and also resulting in many instances in bankrupting the small operators who have not the resources to stand years of expensive litigations against the United States Government; and

Whereas we firmly believe that justice requires that the Government shall legalize the claims of all locators who were actually developing such land in good faith at the time of its withdrawal: Now, therefore, be it

Resolved, That the Legislature of the State of California respectfully request the Congress to enact such legislation as will legalize the rights of these operators; and be it further

Resolved, That the secretary of the senate be, and he is hereby, directed to send a certified copy of these resolutions to each of our Senators and Representatives in Congress, to the President of the Senate, and to the Speaker of the House of Representatives, to the Attorney General, the Secretary of the Navy, and the Secretary of the Interior.

C. C. YOUNG,
Speaker of the Assembly.
WM. D. STEPHENS,
President of the Senate.

Attest:

FRANK C. JORDAN,
Secretary of State,
By FRANK H. CORY, *Deputy.*

The Clerk read as follows:

Apalachicola Bay, Fla.: For maintenance, $14,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling attention to the last two items, and in view of the fact that another item that we are approaching will be considered in that same connection.

Apalachicola Bay has received $516,000 thus far. Eleven thousand dollars balance on hand, and by this bill it carries $14,000 more. The commerce upon that stream is 22,947 tons, of which the timber products reach 9,334 tons, or a balance of 13,613 tons. After expending over half a million dollars on this stream we have a total of less than 23,000 tons, and after deducting timber products, about 13,000 tons or a little over that is about a dollar a ton for interest and maintenance.

Now, the St. Andrews project has had $264,563. This bill asks for $36,000 more. The project has been completed. The average maintenance expense, I understand, is about $35,000 per year. The commerce on this stream is 130,479 tons, according to page 2354 of the Engineer's report. Timber products reach over 100,000 tons, leaving a net commerce on this item, deducting timber products, of about 29,925 tons.

Timber is a fair commerce, although temporary. There is no criticism as to that. But why not have local contribution when the cost is so heavy. Beyond that, Mr. Chairman, I call attention to the fact that, with the timber commerce eliminated, the commerce on the stream on which we have paid over half a million dollars is only 13,613 tons; and the St. Andrews stream affords only a little more result for the large expenditure of money we have made on that stream.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Oklawaha, River, Fla.: For maintenance, $5,000; for improvement in accordance with the project set forth on page 17 of House Document No. 514, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $100,000: *Provided*, That the channel outside of the locks provided for in said report shall be constructed to a depth of 4 feet above the mouth of Silver Springs Run; in all, $105,000.

Mr. FREAR. Mr. Chairman, I move to strike out all after line 21.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 18, beginning with line 22, strike out the remainder of the paragraph.

Mr. FREAR. This refers to the Oklawaha River, and for the new project that has been proposed, and in reading the preceding statistics regarding the other two streams I did it to show the waste of money which we are proposing when we adopt this project. After an expenditure of about $100,000—$98,000 is the appropriation that we have made, but, of course, there is a large expense for water hyacinth and other expenditures the Government has made upon that stream—I want to read, because I was corrected yesterday, and improperly, as I believe, from statistics as shown on page 2302 of the Engineer's report for 1916. Here is what it shows:

Logs, cypress and pine, 27,624 tons; total commerce on that river, 29,393 tons—

which puts it at the identical figures, as I said, and that is something over 1,700 tons after an expenditure of over $100,000.

The Oklawaha River, Mr. Chairman, has been discussed quite frequently. It has been suggested that it is partially a reclamation project. The cost as proposed by the Board of Engineers, an estimated cost, as proposed here, is $733,000, in addition to what we have put into the stream for original construction, and $12,000 per annum for maintenance, subject to local conditions, recommended by the board. The first recommendation asked for by the Army engineers is $175,000. The subsequent appropriation should be sufficient to complete the work in four years. This bill does not propose to carry out the wishes of the Board of Engineers.

I call attention at this time to the enormous waste of money in view of those other two projects which I read. Here we propose, for 1,700 tons of commerce, to expend three-quarters of a million dollars, cost of $12,000 for maintenance a year, and substantially about $18,000 a year for interest, which means about $30,000 a year for interest and maintenance that we will have for this stream and for the small commerce which has been shown.

I read from page 5 of House Document No. 514, Sixty-third Congress:

It is believed that the present and prospective commerce is sufficient to warrant the United States in undertaking this improvement along

the lines proposed by the district officer, at a total estimated cost of $733,000 and $12,000 annually for maintenance, provided that any land necessary for the construction of the waterway shall be given to the United States without charge.

And then it is suggested that this is the condition on which this improvement is to be made: That they shall establish and operate a boat line over this waterway which will be competitive with the railroads and not subject to control or purchase by a railroad or other corporate interest.

I submit, Mr. Chairman, the absurdity of that condition being placed in the Army Engineer's report—that a boat line is to be established there that will be competitive with the railroads and not subject to control or purchase by a railroad or other corporate interest.

What is the method of providing for that? Say that a boat is to be placed upon this stream. I presume there is no regular boat there now, although there may be pleasure boats there. They must place a boat line there that will not be interfered with. How long? For 5 years or for 10 years? What is the restriction to be placed by the engineers? Upon that simple restriction it is proposed that an expenditure, approximately, of three-quarters of a million dollars shall be made.

On another page of the report it is said that—

> At this time a railroad was built from the St. Johns to Fort Mason. At that time transportation on the St. Johns River was provided for by a line of steamers by the means before mentioned. Railroad and lake navigation at the head of Lake Oklawaha was afforded reasonable facilities to markets at reasonable rates.

So that this project, it seems, is purely for the purpose of providing waterway transportation, notwithstanding railroads reach close to the river at various points. If there be any question of trying to force railroad rates down, as is presented in some of these reports, that can be done by going to the State railroad commission.

Now, I do not intend to take any more time on this, except to suggest that I have before me a report dated Washington, December 11, in which the Army engineers refuse to recommend the improvement of the St. Croix River, which runs beside the town in which I live, because the commerce only reaches about 7,000 tons. During the summer season 8,500 passengers were carried on that river. This stream runs to the great park region a few miles above. I presume that a hundred thousand passengers are carried on the trains, largely to those places. That has been in past years one of the greatest streams of the North, so far as logging and rafting are concerned. I believe the engineers did right. That stream runs past my home. I can not see how justly, in view of the facts as I know them to exist, they could propose to increase the appropriation for that stream beyond maintenance, although it was asked for by some local people.

Recently there was a proposition that a canal be put on that river, to cost something like $8,000,000. The Army engineers were not in favor of it. There was nothing to justify it, because the canal would have been a wasteful project, so far as we could ascertain, and they decided against the people of Wisconsin and Minnesota who came down in behalf of that proposition. I believe they decided right in the action that they have taken.

Under leave I add to this statement the following concerning the Oklawaha project:

In the CONGRESSIONAL RECORD of January 3, page 937, appears an extract from the Leesburg (Fla.) Commercial, of December 29, 1916, placed in the RECORD by Mr. CLARK of Florida. In that article extended in the RECORD with commendable dispatch after its publication appears the statement:

> It is true that this recognition was never given until the South had sent into the Senate and House of Representatives so many men of force and ability that recognition was literally choked from the unwilling throats of those who had long done all the shouting and all the planning and had reaped all the harvests. * * * Now that the South is coming somewhat into its own, now that the waters of the South are being offered to the attention of the Nation * * * there has arisen a cry of "pork." * * * Mr. FREAR is from Wisconsin, and to those who are near enough to see the development of his cry of crookedness (the Oklawaha River) his purist pleas are grotesque. * * * For instance, he holds up his hands in horror, figuratively speaking, at the dreadful waste of three-quarters of a million dollars upon a few hundred swamp dwellers along the banks of a crooked river, the Oklawaha. * * * He never heard of Leesburg and Eustis and Tavares and Mount Dora.

THE CAUSE FOR OPPOSITION.

The country expects Congress to do justice to the Oklawaha, to Leesburg, and to Florida without fear or prejudice. In response to suggestions in the article, let me say that anyone who arrays section against section for the purpose of exciting prejudice is not performing any public service; but if sectionalism results in extravagance, it ought to be frankly discussed. So far as I know, the people of Florida, individually and collectively, are just as good as the people of any other State; and with this admission made in good faith, I desire briefly to reply to criticism coming from the Leesburg purveyor of knowledge, inserted by the gentleman from Florida's second district, and to discuss further the merits of the Oklawaha $733,000 new project contained in the pending bill.

The charge is that the South, by literally choking the North, has come into its own because so many men of "force and ability" are now coming from the South. I do not question the force and ability of any Member, North or South, nor the fact that, viewed from the Leesburg standpoint, Florida has come into its own. My objection is that Wisconsin and the country is largely paying wasteful bills for Florida and many other localities, and as a citizen and Representative of my State and of the country I seek to secure public understanding of the fact that taxpayers are paying for waste wherever located. Further, that it is unjust to the tax-paying public for Congress to load such burdens upon them.

MONEY GIVEN WITHOUT CHOKING.

In order to show long-continued generous treatment by the Government of Florida's waterways, permit me to say that, as nearly as can be estimated, Florida has received about $20,000,000 in waterway appropriations. Some of these waterways are interstate and a small portion, possibly 10 per cent, should properly be borne by the adjoining State of Georgia, if any such division be deemed necessary. For the same reason it is impossible to say exactly what portion is properly chargeable to a particular district, but the second district, recently reapportioned, has been generously treated. For many years this district was represented by the gentleman who inserted the article in the RECORD. Recently his district was changed to exclude several old counties and include several new ones; none of the latter, however, have any considerable waterways. For that reason, and in order to show exceptionally generous treatment by the Government of Florida and the second district, whether choked from the North or given voluntarily, I append projects formerly in that old district with two in the new. The list following indicates liberal appropriations compared to the actual commerce served, whatever may have been the inducement:

WATERWAY PROJECTS CREDITED TO THE SECOND DISTRICT.

St. Marys River, Nassau County	$22,450
Savannah to Fernandina, Nassau County	508,608
Fernandina and Cumberland, Nassau County	3,647,510
St. Johns and Cumberland, Nassau County	202,065
St. Johns River, Duvall County	7,527,341
Key West, Dade County	815,500
Indian, St. Lucia County	177,500
Lake Crescent, St. Johns County	25,600
Oklawaha, Marion County	92,621
Cutting Hyacinth, Marion County	161,416
Swaunee, Levy County	85,890
Withlacoochee, Levy County	335,269
Total	13,601,170

While several of these streams are interdistrict and one or two interstate, it is also true that all the waterway projects in the old district are not included in the above list.

WHO PAYS FLORIDA'S BILLS?

Florida, and the second district in particular, having received liberal treatment in both waterways and also public buildings, we find that last year Wisconsin contributed $12,993,916 to the Federal Treasury (Internal-Revenue Report, 1916, p. 50), while Florida's contribution was $1,816,214. The income tax for 1915 was $1,338,284 for Wisconsin and $242,151 for Florida, or Wisconsin's contribution was about five or six times that of Florida. Of course, New York, Illinois, and other large States, paid far more than Wisconsin, but for practical comparisons these two States can be considered. Illinois contributed $10,745,840 for income taxes and $65,287,404 in all, while New York contributed $45,200,057 for income taxes and $104,910,480 in all. Apart from the objectionable practice of wasting public funds either North or South, the injustice of the present locality burden borne by direct locality taxation is emphasized.

So far as can be determined Florida will receive $746,000 in the pending river and harbor bill for old projects, while Wisconsin, with the second largest waterway commerce in the country, receives $82,000, not counting the upper Mississippi, which is a wasteful project, possibly as bad as many of those in Florida, and with an insignificant actual commerce. But this does not tell half the story of Florida's appropriations, because, in addition to $746,000, which is appropriated by this bill to continue old waterway projects in Florida, the bill also carries $457,700 more with which to start several new projects in Florida that engineers estimate will cost $2,215,700 before completion, which will require constant additional appropriations to complete and increase the maintenance charge many thousands annually.

This bill, then, carries for Florida 20 different items, reaching $1,203,700 in cash, and assumes new waterway burdens in that State reaching $2,311,700.

Wisconsin, with many times the actual waterway commerce of Florida, receives $82,000 for old projects and $77,000 for new projects, or a total of $159,000. Can anything be more unfair from a business standpoint, or more unjust to the taxpayers of the country?

If, then, Wisconsin, with a great waterway commerce, pays $6 for every dollar paid by Florida, and receives about 11 per cent of the amount spent in Florida for waterways in 1917, is it not time to inquire why three-quarters of a million more is to be expended on the Oklawaha, which engineers report is a "crooked" stream with practically no commerce, but recommended for another three-quarters of a million?

THE OKLAWAHA PROJECT.

The new project for the Oklawaha, contained in this bill, is for $733,000.

Oklawaha River has received in appropriations from the Government $98,710 thus far, and a good share of $161,416 appropriated for cutting water hyacinth on Florida waters has also been spent on that stream. Apart from a new project involving three-quarters of a million dollars for this same stream, the pending bill contains an item for maintenance of the present project. The Oklawaha is not materially different from many other streams or creeks in Florida and elsewhere contained in every river and harbor bill. In the limited time afforded by debate on one item, in a bill which covers over 350 different items, I desire briefly to present some of the facts disclosed from official reports.

After an expenditure of considerably over $100,000 on this creek, including hyacinth cutting, the 1916 Engineer's Report, page 2302, shows statistics of 29,393 tons of commerce. Of this traffic, 27,624 tons consisted of pine and cypress logs floated on the stream somewhere and were only weighed in the fertile imagination of the Engineers' Department. Of the remaining 1,769 tons of commerce, 1,011 tons consisted of "miscellaneous freight," valued at exactly $10 per ton and hauled blank distance, according to the report. Two passenger boats may carry freight, but the report is not specific. Five per cent of "trade," it is estimated, is carried by water, indicating that the entire trade, apart from logs and miscellaneous, is not large. On page 690 of the 1916 report it is stated that after spending over $100,000 "no effect on freight rates has been observed." Tabulated, the commerce statistics show as follows:

	Tons.	
Commerce		29,393
Logs	27,624	
Miscellaneous (doubtful)	1,011	
		28,635
Net total commerce		758

On page 2301 of the 1916 report it appears that $1,398.26 was spent by Army engineers last year, of which $823.26 was for "field work" and $675 for office expenses. In other words, "office expenses" almost equaled the cost of taking out overhanging bushes, snags, and so forth, that were in the way, and taking out 60 cubic yards of rock, to increase the depth to 4 feet at extreme low water over shoal places. That depth is greater than the depth developed in the channel of the Mississippi River below Keokuk at different times of the year, according to personal knowledge, which is supported by the experience of captains and pilots on the greatest river in the country, and in any event sufficient to provide for 1,769 tons of doubtful commerce distributed throughout 365 days of the year. And for this creek and commerce the Government must now pay $733,000 more, with the single condition that a "boat line" will be put in operation.

PERSONAL KNOWLEDGE OF THE OKLAWAHA.

While I have relied on facts set forth by the Engineer's report, it has been charged that I have no personal knowledge of the Oklawaha. If anything additional to the official report is needed, let me say that a Mississippi River pilot from my own district, who approves my opposition to the enormous waste on the Mississippi, has given me first-hand information of the Oklawaha. He knows the river and has even handled the pilot's wheel on that river. Another man of standing and former high official position, for whom I am sure every member of the Minnesota delegation would vouch, has also voluntarily given me his personal observations of the Oklawaha. A third man from my own district, who owns a winter home on the Oklawaha, has also given me his personal impression of the river. Three men whose standing is high have each confirmed my judgment of the Oklawaha. That judgment is determined by official reports from which I have quoted.

Any disinterested person who reads the Engineer's report—No. 514, Sixty-third Congress—on the Oklawaha must inevitably come to the same conclusion that the new project is indefensible.

LOCALITY PREJUDICE.

It has been claimed that locality prejudice causes opposition to this extravagance. I never care to defend from unjust insinuations and will not do so now, leaving my own condemnation of Mississippi River extravagance along my own district to speak for itself. However, as stated before, another project runs past my own home. It is known as the St. Croix River, which averages about a mile in width for 20 miles near my home, and floats the largest boats that ever run on the Mississippi River. The navigable river is about 75 miles in length, and extends up to the Interstate Park, maintained by Minnesota and Wisconsin, and visited by presumably over 50,000 people every year.

Before a dollar was ever spent by the Government upon that river, I saw continuous rafts of logs and lumber, reaching many millions of tons annually, floated down the river to the Mississippi. Barges of grain and boat loads of freight were sent down daily by a score of steamboats that then plied the river.

During the past 35 years a total of $158,656 have been spent on the river, or about as much as on the Oklawaha, counting hyacinth cutting. After floating several hundred million tons of commerce, according to the judgment of old river men, the 1916 report quotes 1915 commerce at 7,172 tons of lumber and lath and 8,500 passengers, which it may be suggested compares favorably with the Oklawaha. A dozen or more cities and villages are along the river, running in size from cities of over 10,000 population to villages of several hundred.

Nothing has been spent on the river for several years, and in a recent statement the Chief of Engineers said it would be unprofitable for the Government to undertake any new project. Although the river is as large as the upper Mississippi where they join, and has been one of the great commerce-bearing streams of the upper Mississippi Valley, I do not question this finding. Yet if located in Florida, I submit this river would be entitled to millions of dollars of public funds.

I offer this statement not by way of justification for opposing waste, but because I desire to approve of an economical act by the Chief of Engineers, to which my attention has been directed, in refusing to approve any extravagant new project for the St. Croix.

WHY SPEND $730,000 MORE ON THE OKLAWAHA?

Returning to the criticism by a paper published in the village of Leesburg, which was inserted by the Representative from Florida's second district, and which declares appropriations for Florida are now "literally choked" from the taxpaying North because of the force and ability of Florida Members, I will say that whether the waste is North or South, it deserves condemnation, and the new $733,000 Oklawaha project, carrying an annual interest maintenance and lock charge of $27,000, is one of the most wasteful, in my judgment. The Florida paper asks if we have never heard of Leesburg (844 population) or Eustis (529 population), or Tavares (218 population), or Mount Dora (150 population), according to the 1910 census. We have, and in submitting these few remarks I would, indeed, be chargeable with oversight if I failed to mention them separately, and to speak of them with all due respect; but after studying their relative importance in the commercial world, accompanied by the 2-ton or 5-ton per day creek on which they are located, I am yet unconvinced that Wisconsin and other Northern States should put three-quarters of a million dollars more into the Oklawaha. Let Florida do it.

A suggestion that Kissimmee, which gets a public building in the 1917 bill, is not on the Kissimmee River project must be fought out by the belligerent Leesburg village Commercial with the Chief Engineer of the Army. On page 704 of the 1916 report that official says the full project has been completed on the Kissimmee River "from Kissimmee to Istokpoga Creek," all of which is interesting from a geographical viewpoint, if not valuable commercially, in view of the condition of the Kissimmee during eight months of the year. The Kissimmee gets $47,000 additional in this bill, which fact speaks for itself as to this "new project."

With this brief explanation I am content to leave the subject, believing that taxpayers throughout the country will oppose the waste of another three-quarters of a million on the Oklawaha and $47,000 on the Kissimmee, which are only two of scores of indefensible projects that are now hammering at the Treasury doors for public money.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CLARK of Florida. Mr. Chairman——

Mr. FREAR. Mr. Chairman, will the gentleman yield a moment until I can ask unanimous consent to extend my remarks in the RECORD?

Mr. CLARK of Florida. Yes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. I will ask leave to extend my remarks, also, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] has very peculiar ideas about his opposition to these items. I want to say—and I will put that in the RECORD—that I received a letter, written on January 3 of this year, from the chairman of the local committee at Leesburg, Fla., advocating this improvement—Leesburg is at the head of this improvement—asking me to invite the gentleman from Wisconsin, who had heretofore attacked this item, to make a visit to Florida, stating that they would regard him as their guest from the time he left Washington until the time he got back to Washington; that they would provide him with a boat and a guide, so that he could see this whole stream; and only asking that he would come back here and get upon this floor and state what were his real impressions of the situation.

Under date of January 5 I sent to the gentleman that invitation, and I desire to put into the RECORD my letter to him, in which I stated that if he would indicate when it was convenient for him to start I would see to it that all the arrangements were made.

The gentleman from Wisconsin did not treat me with courtesy enough to answer my letter, but he wrote to the chairman of the committee at Leesburg, under date of January 6, declining that invitation; so that the gentleman stands here to-day opposing this project when he has absolutely no knowledge of the Oklawaha River at all. When I went before the Committee on Rivers and Harbors to present this project and to lay before that committee the facts as to it the gentleman from Wisconsin, who is a member of the committee, was conspicuous by his absence. He heard none of the hearings on this project; he absolutely declined to go down there and learn the exact truth, and yet he is willing to stand in this presence and oppose it. What must be thought of a legislator who will recklessly brand as unworthy a project which all the engineers have approved when the facts show beyond question that the legislator is utterly ignorant on the subject?

The correspondence I have referred to is as follows:

CHAMBER OF COMMERCE,
Leesburg, Fla., January 3, 1917.

Hon. FRANK CLARK,
Washington, D. C.

DEAR MR. CLARK: We understand Congressman FREAR is fighting our Oklawaha project and is making many assertions about it that are not correct.

Thinking that perhaps Mr. FREAR will be fair enough to make a personal investigation, if the opportunity is offered him, we want to ask you to extend him on behalf of this committee an invitation to make a personal inspection of the Oklawaha River as our guest from the time he leaves Washington until he returns. The only condition attached to this proposition being that Mr. FREAR agrees to state on the floor of the House the exact impression he gains from the investigation.

The Oklawaha River, if improved as per the bill which passed the House in 1914, will save in freight rates in the first year the territory it will serve as much as the project will cost.

Mr. J. D. Young gave Mr. FREAR this same invitation two years ago and it was not accepted. If you will extend this invitation on behalf of our committee and urge that it be accepted, you will very much oblige us.

Very truly, yours, G. G. WARE, *Chairman.*

JANUARY 5, 1917.

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am inclosing herewith the original of a letter just received by me from Mr. G. G. Ware, chairman of the Oklawaha River improvement committee of the Chamber of Commerce of Lake County, Fla., wherein you will observe he authorizes me, in behalf of his committee, to extend to you an invitation to make a personal inspection of Oklawaha River as the guest of the committee named from the time you leave Washington until you return here.

You will note that the only condition attached to the invitation is that you will agree to state upon the floor of the House the exact impression you may gain from such investigation.

You have for some time been attacking the river and harbor bills reported to the House, and the Oklawaha River project has been one of the special objects of your attack and therefore it seems to me that this is a proposition which is eminently fair to the project, to the people behind it, to the Florida delegation who advocate it, as well as to yourself.

If you simply desire that the facts may be known and that justice may be done, this is your opportunity to learn at first hand what these facts are. I cordially join with this committee in inviting you to go to Florida at any time convenient to yourself. If you will advise me as to when it will be convenient for you to make the trip, I will see to it that all the necessary arrangements are made.

Trusting that you may find it convenient to accept the invitation of these good people and learn the exact truth as to this waterway and the proposed project, and asking that you will extend me the courtesy of an early reply, I am,

Yours, very truly, FRANK CLARK.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1917.

Mr. G. G. WARE, *Leesburg, Fla.*

MY DEAR SIR: Yours of the 3d instant, addressed to Mr. CLARK, has been transmitted to me, together with the article from the Leesburg paper, inserted in the paper by a Florida Representative.

If information is needed further than that furnished by the Leesburg paper, the Government engineers' reports, and disinterested people of excellent standing who are familiar with the river and whose judgment has been given, I will write you for additional information.

The speech to which you take exception was made nearly three years ago, during the 1914 debate on the river and harbor bill, which bill was the last one, and only one, to contain the new item for the Oklawaha. Though passed by the House, the item was stricken out by the Senate committee, together with the Kissimmee new project, before the bill was reported to the Senate. That bill was subsequently defeated. Apparently the Senate committee, acting on its own initiative, came to the same conclusion regarding the inadvisability of appropriating three-quarters of a million dollars for the Oklawaha.

Very truly, yours,

JAMES A. FREAR.

I desire also to file for printing in the RECORD a telegram which I have received to-day from the Ocala (Fla.) Board of Trade advocating this improvement, which reads as follows:

OCALA, FLA., *January 22, 1917.*

Hon. FRANK CLARK, M. C.,
Washington, D. C.:

Ocala, Leesburg, Umatilla, Eustis, Tavares, Marion County, and Lake County, together with adjacent territory, are dependent on improvements of the Oklawaha and Silver Springs Rivers to give them reasonable and competing rates of freight. Our many thousands of tons of incoming and outgoing freights per annum would double the first year after the water rates were given by the improvement of the rivers. The rapid development of this, the most fertile and resourceful section of the State, would be unprecedented in a very few years. The billions of tons of phosphate and lime, the billions of feet of manufactured lumber and saw logs, with millions of crossties, shingles, piling, hundreds of thousands of tons of agricultural products, cattle, hogs, horses, and mules, together with thousands of boxes of oranges, grapefruit, and vegetables. We respectfully urge the undivided support of our Senators and Members of Congress to do all in their power to give us the relief prayed for by the improvement to the Oklawaha and Silver Springs Rivers.

MARION COUNTY BOARD OF TRADE,
L. R. TRAMMEL, *Secretary.*

Permit me to say that Ocala is a city of some eight or nine thousand people, a very progressive city, in the center of a magnificent agricultural section and in the heart of the hard-rock phosphate region of the State of Florida and tributary to the Ocklawaha River.

Permit me to state, Mr. Chairman, that this river is about 125 miles in length. It rises in a chain of lakes near Leesburg, and a number of other cities and towns in Florida grace the shores of these lakes, and flows in a northerly direction, emptying into the St. Johns River at Welaka.

The engineers surveyed the river. The local engineer, the Chief of Engineers, and the Board of Engineers all concurred in recommending this improvement as a meritorious and worthy one. This project was in the river and harbor bill of 1914 and passed this House. It was killed in the Senate, because that was the time when the Senate struck out all items and appropriated a lump sum for the old improvements.

Mr. SHERWOOD. When was that report made?

Mr. CLARK of Florida. The report of the Government engineers was in 1914. I want to state that Leesburg is just about the same distance from Jacksonville, Fla., as is Sanford, Fla. Sanford, Fla., enjoys water transportation, being near the head of navigation on the St. Johns River. It also has rail transportation. The freight rates from Jacksonville to Sanford are just about one-half what the rates are from Jacksonville to Leesburg, and the improvement of this waterway will save to the people of Leesburg and that vicinity $400,000 or $500,000 annually in freight, as shown by the report of the engineers.

I want to say further that Ocala, a city of some eight or nine thousand population, is within 5½ miles of Silver Springs, at the head of what we know as Silver Springs Run, which is navigable, and which flows into the Oklawaha River. Ocala and all that surrounding country will be tributary to this waterway, and there will be a saving on freight to the people of Ocala and the country tributary to it of $500,000 or $600,000 additional, making a saving in freights on the commerce there to-day of approximately a million dollars a year to the people of that country by this improvement.

Since this report was made various other enterprises have gone into that country. In the Oklawaha River Valley the lands are as rich as any lands on the earth. Right in front of the Speaker's desk now is a picture of a part of a cornfield of 1,000 acres which last year produced 100,000 bushels of corn without a particle of fertilizer. There is no land in this country that can excel that, even in the corn belt of the West; a thousand acres with 100 bushels of corn to the acre clear through it is a yield that can be equaled in but few localities.

Our people down there have recently begun to raise hay. There was a time, only two or three years ago, when practically all the hay used in the State of Florida was shipped into it from the West. Since the Agricultural Department has found Sudan

grass and Natal grass and Rhodes grass our people have been experimenting with these grasses, and Natal grass especially finds a home there. Only last year in this very same valley there were over 30,000 tons of Natal grass hay raised.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Florida asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Will $100,000 complete this work?

Mr. CLARK of Florida. No. The engineers recommend $733,000 for the whole improvement. Mr. Chairman, this waterway strikes right through the very heart of the State of Florida. It runs 125 miles in length through the very center of the State.

The gentleman from Wisconsin speaks of the fact that they have a railroad there. That is true. There are two railroads that strike Leesburg and most of the towns in this community, but there are great sections of country where the railroad lies 50 or 60, and in some places 75 miles from the river, and there is that great stretch of country in there with absolutely no transportation on the face of the earth to-day. The people are going in and settling it up. Right across is one of these little towns, Howey, just established. They have built a hotel with 50 rooms, stores have sprung up, they have electric lights, and it is quite a flourishing little village. The people have gone into clearing this hammock land, which is the richest on earth. They are raising hogs and cattle and grain and hay, and all of those products which are heavy in their nature and which can and will take advantage of water transportation.

I want to say, further, that right contiguous to this waterway are great beds of kaolin, infusorial earth, and phosphates, and in the county of Lake, where these lakes are, the headwaters of the waterway, there are millions of tons of the finest of road-building clay in the world. There are many counties in our State which have not the clay to build these hard roads which they have bonded themselves to build, and the clay is being shipped into other counties for road-building purposes. It is too expensive to ship it on the railroad. If these waterways are improved, millions of tons of clay will be shipped into other counties. I might say that different counties in Florida have bonded themselves within the last year or two to the amount of $12,000,000 to build these hard roads, and the time is not far distant when there will be a perfect network of hard roads all over the State. As I say, some counties have not got this clay, and this material will be shipped into those counties. Lake County has an abundance of it, and if this waterway is improved all the counties in the middle section of the State can avail themselves of it and get the benefit of cheap transportation for road-building material. Mr. Chairman, the engineers have approved of this item, and I sincerely trust that it will stay in the bill. [Applause.]

Mr. Chairman, as I have previously stated, there is to-day enough of commerce tributary to the Ocklawaha River upon which, if this improvement is made, there will result in a saving to the people living in that territory approximately $1,000,000 per annum in freight charges. Surely an undertaking which will produce such beneficent results can not be a bad investment for the Government. Enterprises are to-day awaiting the action of Congress with relation to this improvement, and as soon as this project is adopted, these enterprises will take form, and both population and commerce will increase by leaps and bounds in that favored territory. With millions of acres of the most fertile and productive soil under the sun; with vast areas of timber and timber products; with millions of tons of phosphate, kaolin, infusorial earth, or kisselguhr; with unlimited quantities of as fine road-building clay as can be found on this hemisphere; with our cattle, hogs, farms, groves, and gardens; with our incomparable climate and progressive people we only need this waterway to give the world an object lesson in progress such as has not been witnessed within the past half century.

As to the merits of the project, we have the solemn official report of the Army engineers, men skilled in their profession and charged with the duty of investigating all such propositions and making report upon their official honor. These officers have no interest in this project, and they say that this project is a meritorious one and one worthy to be undertaken by the Government.

On the other hand, only one man in this great body opposes it. The gentleman from Wisconsin [Mr. FREAR] is that man. What does he know about it? Nothing. Is he an engineer skilled in his profession? No. What knowledge has he as to this project? None; absolutely none. I say this, Mr. Chairman, and I am warranted by the facts in saying it. The gentleman from Wisconsin is a member of the Committee on Rivers and Harbors, but when the committee held the hearing on this project the gentleman from Wisconsin was not present and did not hear one word of it.

The good people down in Florida who live in the section to be benefited by this proposed improvement, desiring that the gentleman from Wisconsin should see this waterway and the country bordering it, and thus for himself get the truth of the matter, invited him to come down there as their guest, without any expense to himself, and the gentleman declined the invitation. What must we conclude from this action of the gentleman in declining to visit the waterway and in absenting himself from the hearing on this project? Does it look as though the gentleman really wanted to know the truth? Does this conduct indicate that he is seeking to treat this matter fairly and justly? It may be the gentleman will claim he did not visit the river because Congress was in session and he was busy. It will be noted he did not give that excuse in his letter to Mr. Ware, but suppose that was his real reason for declining the invitation; what does the gentleman say about the same invitation extended to him by Capt. Young last year? Ah, Mr. Chairman, in view of all the facts in this case and in view of the fact that the gentleman went out of his way to denounce another bill lately pending in this body as a "sectional bill" constructed in the interest of the South, when there was not a scintilla of evidence to support such contention, we must conclude that the gentleman from Wisconsin is actuated in this matter by his lofty and patriotic desire to emit the venom of a pent-up provincialism upon a great section of our common country. No man rises to the full stature of American citizenship until he is big enough and broad enough to stand for the progress, the betterment, and the glory of every portion of our great Republic. No man is a true American who can not in good conscience plant his feet upon the soil of any State in the Union and say, "This is my own, my native land." No man whose patriotism is not broad enough and deep enough to encompass every section of the Republic is fitted to be a Representative on the floor of the American Congress.

Mr. Chairman, in conclusion, I shall append to these remarks the hearing on this project before the Committee on Rivers and Harbors. As heretofore stated, the gentleman from Wisconsin [Mr. FREAR], who is a member of that committee, was not present. The hearing was with relation to the Oklawaha and Kissimmee Rivers, but I shall only insert the portion of it referring to the Oklawaha:

OKLAWAHA AND KISSIMMEE RIVERS, FLA.

COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 8, 1917.

The committee, at 12 o'clock m., proceeded to the consideration of the project for the improvement of the Oklawaha River, in the State of Florida.

STATEMENT OF HON. FRANK CLARK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA.

Mr. CLARK. I want to say, Mr. Chairman and gentlemen of the committee, that I think it hardly necessary for me to go into this matter very fully, because it has already been gone into heretofore and the committee, in 1914, reported the item and it passed the House. But as you gentlemen know, it went out in the Senate because that was the time they adopted a lump sum and struck out all items.

The report (Doc. 514), with which I have no doubt the committee is thoroughly familiar, contains a very full exposition of the whole subject. I want to call the attention of the committee to some of the commerce that is tributary to this waterway as shown at that time, and also to the freight rate and the question of its effect upon this commerce. The committee will remember that Sanford, Fla., is about the same distance from Jacksonville as Leesburg, on this waterway, and the freights, as given here at the time of this report, show that the rates were just about one-half from Jacksonville to Sanford of the rates from Jacksonville to Leesburg, the proposition being, of course, that if this waterway is improved it will mean a tremendous saving in freights to the people tributary to that waterway.

The country adjacent to this river has improved a great deal since then, and I especially want to call the attention of the committee to some of the things that have transpired to make this very much more important now than at that time, and I expect I am going to say something that is going to surprise the committee very much. I know it would surprise some others of the members of the committee if they were present. Since this report was made there is an instance of a thousand acres of land tributary to this waterway which has been developed, planted in corn this last year, and 100,000 bushels of corn gathered from that thousand acres. To show you something of the fertility of the soil and something of the productiveness of it, and something of what is going on in that country, I have here a picture of a portion of that corn field that I would like very much for the committee to look at while I am calling attention to some other facts with reference to it. And I want to state that there are very, very, many thousands of acres of land undeveloped just as productive as this thousand acres which has been put into cultivation. And also tributary to it is a Natal hay field. The people down in that country have just begun raising hay. This is a new hay which was introduced into our section of the country by the Department of Agriculture. The fact has been that until late years all the hay used in the State of Florida has been shipped into it; but the people have found by actual test that Rhodes grass and Sudan grass and Natal grass all grow to perfection in that country, and they are now engaged in raising immense quantities of hay, and they are raising corn, too.

It was thought for a long time down in our particular section of the country that corn could not be grown to any advantage, but the fact is that the heavy hammock lands in that section of the country are just as rich as the Valley of the Nile, and just as productive, and there is an actual demonstration of it when 1,000 acres in a body of land produced 100,000 bushels of corn.

Mr. BOOHER. What do you mean by hammock land?

Mr. CLARK. Hammock land is what you call bottom land in your district. It is a heavy soil covered with oak, hickory, and magnolia.

The CHAIRMAN. All of the hardwoods grow in that section?

Mr. CLARK. Yes.

The CHAIRMAN. As a rule, there is very little pine timber on it?

Mr. CLARK. Very little. Occasionally you will find some; you will find very many palmetto trees scattered about.

The CHAIRMAN. Hammock land is covered with hardwood as distinguished from pine land?

Mr. CLARK. Yes, sir.

Mr. COSTELLO. What is the approximate value of land like that on which this corn was grown?

Mr. CLARK. That is slightly over $200 an acre.

Mr. EDWARDS. That is in its cleared state?

Mr. CLARK. That is in its cleared state and put in cultivation. There are 22,000 acres in that tract, and you can not buy an acre of it.

The CHAIRMAN. It is worth more than $200 an acre. I apprehend you could not buy that hammock land for $200 an acre.

Mr. CLARK. After it is in cultivation I presume you could not; but I presume if you would take a large body of land you would get a good deal of that hammock on it, and probably you would get it for $50 an acre.

Mr. EDWARDS. What is the nearest large town to this improvement?

Mr. CLARK. There are a number of towns, Mr. EDWARDS, that are tributary to it. There is Ocala, and the country tributary to Ocala would be largely benefited by this improvement. Ocala is a town of six or seven thousand population, in the center of a very large agricultural country. Then there is Leesburg, and although the census shows only about 1,500, I think, within the corporate limits, it has really about 4,000 population.

Mr. EDWARDS. Is Ocala below the frost line?

Mr. CLARK. There is a question about where the frost line is. It is not very cold there. They grow citrous fruits there all right.

Mr. EDWARDS. They do at Leesburg all right.

Mr. CLARK. Oh, yes. I want to state further that there has been established, since this report was made, at Leesburg (which is practically at the head of this improvement), I mean on the lake at the head of the Oklawaha River, a station for the gathering of hides, furs, bones, iron, rags, paper, and other articles, by-products, and junk, which needs water transportation. This handles not less than 100 tons a month. A moss-refining industry is being established at Leesburg with a capacity of 5 tons daily, which needs water transportation. A company is being organized to establish a boat line from Leesburg to Jacksonville, with two trips weekly, carrying passengers and freight. Stock to the amount of $4,500 has been subscribed to date. If the greater depth is granted, this line will make daily sailings and will put on large freight boats.

Steps have been taken for the establishment on the shore of Lake Griffin Canal of a bonded warehouse for Natal hay, of which there is approximately 30,000 tons produced each year along the river and on the shores of the lakes. And the growing of this Natal hay is just a matter of the last three or four years. The people have just begun to get started. I think—in fact, I know—it originated with the Department of Agriculture in sending out these little packages of grass seed. I sent a good many of them all over that country, and I know the rest of the delegation did, and it got started in that way, and it is undoubtedly the hay for that country. And they are making the best of it.

I want to call your attention to an article here, gentlemen, on the subject of this improvement and advocating the improvement. It says:

"By far the greatest development of the past year in the domain of this project is the bringing under cultivation of the rich muck land in the Oklawaha Valley below Lake Griffin. This year there was one field of corn, 1,000 acres in extent, which produced approximately 100,000 bushels of corn. From that field alone 3,400 tons were carried by water, and water transportation was the only possible hope. If it had been necessary to haul that corn to a railroad for shipment, it would have required a haul of 4 miles and a return of the same distance with empty wagons. The road is both hilly and sandy, and the loads would have been small. It would have been a task to daunt the most valiant. So it was lightered in shallow barges at great inconvenience and with ever-present danger of striking a twist in the stream that the barge could not be drawn around.

"Across Lake Harris from Leesburg is the new town of Howey, which has added a great deal to the tonnage this year. This town has a new hotel of 50 rooms, the material for which was brought to Howey by water. In fact, there is no other way to reach Howey except by team or auto. There are upward of 500 tons of material and fixtures in this building alone. Then Howey has imported farm machinery, tools, electric-light equipment, dynamite, and other industrial supplies to the extent of approximately 1,000 tons more. Food supplies and other products, with furniture and hardware for the homes, add considerably to the total, making the tonnage for this one little community not less than 2,000 tons. This is all new in the past 12 months, and it is not only permanent but is merely a start toward a great tonnage that will grow larger from year to year.

"There are now over 12,000 acres of land in Lake County alone producing hay. The average production is 2½ tons to the acre for the year, making a total now of 30,000 tons. Less than one-fourth of this is consumed on the farms where it is produced, but must be shipped to the open market for redistribution. That gives a total of 22,500 tons of hay which moves now, and with a constantly growing acreage this will grow by leaps and bounds. To go back three years, it is found that the total production was about 100 tons of this hay. A jump from 100 tons to 30,000 tons in three years is something that transportation facilities must be prepared to meet, and when it is known that the acreage being cleared for this Natal hay is greater now than ever before the great increase in the immediate future can be seen very readily.

"There is one great industry which is only awaiting the providing of water transportation to spring into being, furnishing a tonnage that will be greater than any industry now affords. This is in road clay.

"Lake County is underlaid with a peculiar formation of clay, and this is of particularly good quality for road building in the section adjoining the lakes. All along the Oklawaha and the St. Johns Rivers are counties where road material has to be imported. The 250 miles of good roads in Lake County can be reproduced in any of these river counties when it is possible to float barges of the clay that is so plentiful in Lake County, but in order to make it profitable or even possible to transport this clay it must be moved in large lots.

"The supply of this clay is practically inexhaustible and the demand so great that it insures a permanent commerce if water transportation is provided.

"All of these things that have been presented are new."

I have the figures, and I will file them with the committee. At Ocala—Ocala, you gentlemen will remember, is about 4½ miles from Silver Springs. Silver Springs Run empties into the Oklawaha River and is tributary to it. The people of Ocala at one time had a small boat or two running on that run and going to Jacksonville, in fact. They have a hard road, and there is a railroad right to the spring at the head of the run. There is a strong movement on foot to build an electric line now from Ocala to Silver Springs, which would make that entire country there tributary to this waterway. So that if this improvement is made, it not only means all these towns along these lakes and along the Oklawaha River proper, which are Leesburg, Eustis, Mount Dora, Tavares, Tangarine, Lisbon, Harvey, and other towns, but it means a benefit to the business of Ocala and that whole surrounding country, which is immense. I have a statement from the Ocala Board of Trade showing the freights which they paid last year, and Ocala is about as far from Jacksonville as Sanford, and the rates which obtained from Jacksonville to Ocala would be about the same as to Leesburg. They paid in freights $996,000 and some odd—practically a million dollars in freights. And it is figured that this improvement would cut that practically in half, which would be a saving for the Ocala country of at least $450,000 to $500,000 in freight rates.

Now, I want to call your attention for a moment or two to what Maj. Slattery (Capt. Slattery at that time) said with reference to this:

"I am of the opinion that a material development of this country would follow the construction of a reliable waterway from Lake Dora to the mouth of the river, suitable connecting waterways being provided to points on the shores of the lakes at the headwaters; that the improvement of the river is worthy of being undertaken by the United States, notwithstanding the fact that the cost will be great, compared with the commerce that will be benefited at the present time and for some years hence; that three plans of improvement should be considered. * * *

"The canals at Leesburg will provide public terminals under the control of the municipal authorities, and it is stated by those interested in the improvement that similar facilities will be provided at other points.

"Along the banks of the river there is much marshland, which would be highly productive if reclaimed. It may be possible to coordinate the reclamation of this land with the improvement of the river in the interest of navigation."

The CHAIRMAN. That has not been done in this project?

Mr. CLARK. No.

The CHAIRMAN. No reclamation of land is involved?

Mr. CLARK. No; I understand not. He mentions that, though, in his report. I just mention it to show his opinion.

Mr. KETTNER. You have read the proviso on page 2, have you, of that report?

Mr. CLARK. Yes. There would be no difficulty about that at all, Mr. Kettner. The people understand that thoroughly, and are willing for that sort of a condition to be attached to it, so far as that is concerned. They are willing to meet it.

Now, gentlemen, if you have noticed the map attached to this report—I wish you would look at it for a moment, if you have not noticed it—you will see that the Oklawaha River begins in this chain of lakes up here near Leesburg. Leesburg is between Lakes Harris and Griffin, an immense chain of lakes. There is Lake Harris, at this point, and Leesburg is located right here, between Lake Harris and Lake Griffin [indicating on map]. Here is Lake Eustis, Lake Dora, and all of this chain of lakes here [indicating], and the river comes out of Lake Griffin, goes in a northerly direction here [indicating]. Here is Silver Springs Run, here is Silver Springs, and here is Ocala [indicating]. Silver Springs Run comes out of the spring which, by the way, is an immense body of water. I was on it last fall, and it is some 60 or 70 feet deep; and I would like to say for the benefit of the committee that, although I have lived in Florida for about 33 years now and I have been to Silver Springs, I never really realized what it was until that trip. There is nothing in the United States any more wonderful than Silver Springs, right there near that place.

Mr. EDWARDS. Why is it so wonderful?

Mr. CLARK. Well, you go out in a glass-bottom boat they have there, and the water is so clear and crystal you can see a 10-cent piece on the bottom of the lake, sometimes 60 or 70 feet deep.

Mr. EDWARDS. Can you see anything besides money on the bottom?

Mr. CLARK. You can see anything; yes. It is perfectly clear, and there are great caverns, apparently, under there. There is one place called Christmas Eve, with a lot of beautiful trees, which look like Christmas trees, on the bottom, apparently covered with tinsel. And there is one scene of a snowstorm down there. The water coming up from the bottom, I presume, throws little fine particles of rock into the water, presenting the appearance of a snowstorm. It is a wonderful place, and there is plenty of water there, and the boats come right up——

Mr. EDWARDS. Is it sulphur water?

Mr. CLARK. No; it is not strong with sulphur.

Mr. EDWARDS. Does it have any health-giving qualities?

Mr. CLARK. I do not know that it has, Mr. Edwards; it is just a clear, pure water.

Mr. KETTNER. Has the gentleman ever visited the Catalina Islands?

Mr. CLARK. No; but I would like to. And I want you to see Silver Springs, too. I was going to say this river runs up here, and there is Silver Springs; there is the run coming down into the Oklawaha River, and then the river goes on up in a northerly direction and comes into the St. Johns River at Welaka, which is in Mr. SEARS's district.

Mr. BOOHER. What is the distance from the source of the river to the mouth?

Mr. CLARK. I should judge it must be 125 or 150 miles—isn't it, Mr. Chairman?

The CHAIRMAN. What is that question; I did not catch it?

Mr. CLARK. The distance from the source of the river to the mouth?

The CHAIRMAN. About 125 miles.

Mr. BOOHER. What part of that is this proposed improvement to cover?

Mr. CLARK. The improvement, as I understand it, is to cover from the source here to Silver Springs Run.

The CHAIRMAN. There may have to be some work down below?

Mr. CLARK. Yes; there may be some work to be done below; but, as I understand it, that part is in pretty good condition at the present time.

Mr. BOOHER. How far is the river navigable now; or is it navigable?

Mr. CLARK. Oh, yes; it is navigable up to Silver Springs.

Mr. BOOHER. And then from Silver Springs, or Silver Springs Run; is that where this improvement is to be made?

Mr. KETTNER. No; from Lake Harris to Silver Springs.

Mr. CLARK. Lake Harris is down at the source of the river.

The CHAIRMAN. It extends to the head of Silver Springs Run.

Mr. CLARK. It is over here [indicating] and runs to the head of Silver Springs Run.

The CHAIRMAN. And the upper end of the improvement is at Lake Dora?

Mr. CLARK. Yes; at Lake Dora; and there are canals connecting those lakes.

The CHAIRMAN. Lake Dora is near Tavares?

Mr. CLARK. Yes; at Tavares. Tavares is the county seat of the county in which Leesburg is situated.

Mr. BOOHER. How long is the river before it goes into the St. Johns River?

Mr. CLARK. About one hundred and twenty-five or thirty miles; something like that. And I want to call your attention, too, to the fact that this stream runs right through the heart of the State. It touches the very heart of the State of Florida. It goes through some of the most productive lands in the whole State. Anything can be grown there except apples and wheat; but almost anything else in the world can be grown right there tributary to this waterway, and if they can get a permanent watercourse there that will be navigable at all times—and the engineers say we can—it is going to develop a wonderful commerce through that country between all this lower country from here to Jacksonville [indicating on map].

Mr. BOOHER. What are the rail facilities through that country? Have you railroads through that country?

Mr. CLARK. Yes; the Seaboard Air Line and the Atlantic Coast Line.

Mr. EDWARDS. There is an immense area there that is without transportation except on the coast.

Mr. CLARK. Oh, yes; so is this area here [indicating]; there is no railroad here at all.

Mr. HULBERT. The Oklawaha River runs parallel to the railroad, doesn't it?

Mr. CLARK. Yes; but some distance from it.

Mr. BOOHER. Is there a railroad on both sides of the river?

Mr. CLARK. Yes. Here is the Atlantic Coast Line right here.

Mr. BOOHER. How close does that get to the river?

Mr. CLARK. Oh, I do not know how close.

Mr. BOOHER. What is the average distance from the river of the railroad on the west?

The CHAIRMAN. The Atlantic Coast Line is the nearest.

Mr. CLARK. The Atlantic Coast Line is the nearest. I can not say what the average distance is; it is so crooked.

The CHAIRMAN. It varies, probably, from 5 to 10 miles.

Mr. BOOHER. From the river?

The CHAIRMAN. Yes.

Mr. BOOHER. How far is the river from the other railroad?

Mr. CLARK. This is the Atlantic Coast Line on this side [indicating]. That is a very great distance; you see up here it is two-thirds across the State.

Mr. BOOHER. Then it is 100 or 200 miles from this river?

Mr. CLARK. It must be at least 100.

Mr. HULBERT. Is Lake George navigable?

Mr. CLARK. Yes; Lake George is part of the St. Johns River.

Mr. HULBERT. And the Atlantic Coast Line, which you have just referred to, parallels Lake George and its connection with the St. Johns River?

Mr. CLARK. Yes, sir.

Mr. HULBERT. So that that section of the State is served by the Atlantic Coast Line and also by a navigable lake, Lake George, and the St. Johns River?

Mr. CLARK. Yes, sir.

Mr. HULBERT. And the west side of the State is served by the Ocala Northern Railway and the Oklawaha River, which parallel one another.

Mr. CLARK. Yes.

The CHAIRMAN. There are minerals which are being produced there, kieselguhr and kaolin earth?

Mr. CLARK. Yes, sir. That was all covered in the former report, you know.

The CHAIRMAN. That is rather heavy freight?

Mr. CLARK. Yes; extremely heavy.

The CHAIRMAN. I understand that they will constitute one of the important items of commerce down this river whenever it is improved; at least, that is the purpose of it?

Mr. CLARK. Yes.

The CHAIRMAN. Kieselguhr is something that enters into the manufacture of explosives, I believe, and kaolin is used in making chinaware.

Mr. COSTELLO. And they use it for filtering purposes.

Mr. TAYLOR. Is there any potash along the proposed improvement?

Mr. CLARK. We have phosphates.

Mr. TAYLOR. Phosphates, I mean.

Mr. CLARK. Oh, yes; there is a great deal of phosphate all through that country, and that would be transported that way.

I do not think of anything else, unless the committee desires to ask some questions, as everything is so thoroughly set out in that report of Maj. Slattery's.

Mr. HUMPHREY. Would you point out on this big map where this improvement is located?

Mr. CLARK. Here is Ocala right here; Silver Spring: is here——

Mr. EDWARDS. That is in the same county with Ocala?

Mr. CLARK. Yes; in the same county; Marion County. Here is Leesburg; the Oklawaha River comes right up this way [indicating on map].

Mr. HUMPHREY. Then it goes out the St. Johns River?

Mr. CLARK. When it gets here, it comes down here and down to there; it starts here and goes around [indicating].

Mr. HUMPHREY. Do you remember the distance?

Mr. CLARK. About 125 miles.

Mr. BOOHER. As I understand you, the principal part of the improvement is to be made between Silver Springs and Starkes Ferry?

Mr. CLARK. No; it is to be made here, from Leesburg up.

Mr. BOOHER. From Leesburg up?

Mr. CLARK. Yes; that is where the improvement is to be made. It would be about 60 miles across there in the pine country where there is not any transportation at all.

Mr. BOOHER. There is no railroad here at all?

Mr. CLARK. None at all.

Mr. BOOHER. What railroad is that [indicating on map]?

Mr. CLARK. That is the Coast Line?

Mr. BOOHER. And then between the Oklawaha River and the Coast Line there are places 60 to 70 miles across most of the way?

Mr. CLARK. Yes.

Mr. BOOHER. Then on the west side of the river the railroad comes in at Ocala?

Mr. CLARK. Yes.

Mr. BOOHER. And about how far from Ocala is that?

Mr. CLARK. From Ocala over to Silver Springs is about 5½ miles. That puts you at the head of Silver Springs Run and that lands you into the Oklawaha.

I do not know, gentlemen, that I care to take up any more time. I would like to file a statement with reference to the commerce at Ocala and the country tributary to it. I had that statement, but forgot to bring it along.

Mr. CHAIRMAN. I wish you would do that, Mr. Clark.

Mr. CLARK. I would like to do that, because I contend when this improvement is made it is going to benefit all that whole section of the country.

A gentleman asked about the hammock land and the kind of growth. I would like to say you find live-oak trees 3, 5, or 6 feet in diameter, and you could put one of them out in the middle of the street here and it would touch the curb on each side—one of these wide streets.

The CHAIRMAN. That does not appeal much to Mr. KETTNER, however, out in California.

Mr. CLARK. No; but it takes good land to produce trees like that; you will agree to that?

Mr. KETTNER. Yes; indeed.

Mr. HULBERT. I would like to ask Mr. CLARK one question: What is the special urgency of the adoption of this Oklawaha project at this time, and to what extent would it suffer if it was passed over until the Sixty-fifth Congress?

Mr. CLARK. Well, Mr. HULBERT, the country is rapidly improving. Florida gained more, the census people say, in percentage of population in the last year, than any State in the Union. I get that from the Census Bureau.

Mr. HULBERT. Does that take it Palm Beach and Ormond Beach?

Mr. CLARK. It takes in actual all-the-year-around residents, and not tourists. And that is a fact; that is a statement we get from the Census Bureau—that we gained in percentage a greater population than any State in the Union. The country is building up very rapidly. These people are paying enormous freight rates, and it is absolutely impossible for them to keep it up. They have continued and they have lived, but they are not getting a fair show in the race of life as long as they have to pay those enormous rates of freight.

Mr. HULBERT. What I mean is, Is there any particular urgency for the adoption of it at this time?

Mr. CLARK. I do not know that there is any particular urgency for its adoption at this time, except that the sooner they get relief from the intolerable conditions under which they are laboring the better off they will be and the better for the country.

Mr. EDWARDS. And the saving of the freight rates in that one locality alone would almost pay for it?

Mr. CLARK. Yes. The freight savings in one year, as shown by this report, would be $600,000. If it would amount to four or five hundred thousand in the Ocala country alone, you would have millions saved in freight.

Mr. EDWARDS. And it would more than pay for it with the savings in one year?

Mr. CLARK. Yes. I understand that two years ago, in view of this proviso Mr. KETTNER referred to a while ago, the people in the community got ready for this work, and they have secured the right of way and have complied with that proviso; and they are ready at any time to close the matter up.

The CHAIRMAN. As I understand, the Government is not to purchase any right of way at all?

Mr. CLARK. None at all; no, sir.

The CHAIRMAN. The Government is not to be at any expense for securing the right of way?

Mr. CLARK. Not a particle; and, of course, the committee understands, I suppose, that Leesburg has issued bonds for the purpose of connecting those two canals; that is shown in the report here—connecting those two lakes, I mean—Lake Harris and Lake Griffin.

Mr. DUPRÉ. That is in the committee's proviso?

Mr. CLARK. Yes. And a part of that work has already been done, and they are ready to go forward at any time they know this improvement is going ahead.

(The following is the statement filed by Mr. CLARK:)

Incoming and outgoing freight, Ocala, Fla., and tributary territory, compiled by Ocala Board of Trade—This freight would all be affected by Oklawaha River improvement.

HANDLED BY HOWARD BOAT LINE.

		To Palatka.	Local.
General merchandise	tons	345	4,680
Hay and grain	do	386	1,560
Fertilizer	do	18	960
Naval stores	do	1,883	4,239
Sirup	do	19	25
Oranges	boxes	2,186	957

Handled by "Sharpshooter," locally out.

Groceries	tons	88
Hay	do	81
Grain	do	2,800
Lumber	do	157
Miscellaneous	do	52
Vegetables	do	166
Fertilizer	do	196
Oranges	boxes	295
Sirup	tons	34
Iron	do	6
Rosin	do	829

Spirits	tons	206
Gasoline	gallons	18
Hardware	tons	17
Tonnage into Silver Springs, various		1,790

The new cotton mill has orders out for 10 cars of machinery. It will use 1,200 bales of short cotton, and will ship out 1,000 cases of cotton yarn. Plant cost, $100,000. This by negroes. Will have one equally as large in construction by whites. Every line of business will have 50 to 100 per cent increase coming year.

Business, incoming.

			Freight charges.
Cotton	tons	260	$12,300
Dry goods	do	1,235	34,443
Fertilizer	do	975	8,430
Groceries (fancy)	do	1,237	45,475
Groceries (wholesale)	do	11,775	94,340
Gas and oil	do	7,370	15,320
Hardware	do	12,300	97,375
Hay	do	6,450	8,750
Lumber and timber	do	9,840	19,000
Meats, fresh and salt	do	1,500	3,500
Machinery	do	14,575	64,150
Miscellany	do	25,000	175,000
Wood	do	3,850	2,450
Live stock	do	350	2,600
Coke	do	460	3,900
Pig and scrap iron	do	4,000	3,500
Nails, wire, fencing	do	350	17,960
Building material	do	13,350	26,860
Total		114,877	635,068

Business, outgoing.

Cattle	head	54,820	$65,000
Mules	do	3,807	7,000
Hogs	do	10,000	10,000
Cotton	bales	8,000	12,000
Corn	bushels	500,000	5,000
Peanuts	tons	500	Varies.
Watermelons	cars	1,200	18,000
Vegetables	do	2,500	43,750
Cantaloupes	do	750	11,250
Cotton seed	tons	180	3,420
Crate materials	do	4,320	5,440
Fertilizer	do	1,710	18,600
Groceries	do	732	6,900
Grapefruit	boxes	75,000	75,000
Lumber and timber	tons	5,022	71,200
Machinery	do	3,500	3,500
Miscellany	do	1,450	20,790
Naval stores, rosin	barrels	170,000	25,500
Naval stores, spirits	do	55,000	16,500
Oranges	boxes	530,000	530,000
Sand	tons	90,000	4,500
Lime products	do	15,000	15,000
Building rock	do	19,000	28,125
Total			996,475

To this add: Phosphate, 300,000,000 tons, now paying $1.35 per ton average freight charges to ports, while millions go to interior points to fertilizer factories; over 1,000,000,000 feet of lumber; now moving to Cuba from one mine as fertilizer, soft phosphate, 25,000 tons annually under contract. Freight, $6.21½ per ton.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Kissimmee River, Fla.: For maintenance, $4,000; completing improvement in accordance with the report submitted in House Document No. 137, Sixty-third Congress, first session, $47,000; in all, $51,000.

Mr. FREAR. Mr. Chairman, I move to strike out lines 6, 7, 8, and 9 on page 19.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 19 strike out lines 6, 7, 8, and 9.

Mr. FREAR. Mr. Chairman, this is the same motion I made when this item was up four years ago, and I have seen nothing to change my judgment in regard to it now. I will not discuss the Oklawaha River any further than to say that I have information of men who have run it, who have turned the pilot wheel on the river, men who stand high in the Northwest as any men, have told me that my judgment of the river is entirely right.

Mr. CLARK of Florida. Will the gentleman tell us who these men are?

Mr. FREAR. One is a former governor of a State who has lived there and knows the conditions. There were three men, two of whom came to my office. Two are constituents of mine, one was Capt. Doughty, of my own district, living on the Mississippi river.

Mr. CLARK of Florida. Does the gentleman think he ought to quote authority on the floor attacking a project——

Mr. FREAR. I am quoting Army engineers and the gentleman criticized me because I did not take advantage of the courtesy of these people and go down there when every Member of the House knows that I have been engaged on bills which have been before this House almost all the time.

Mr. CLARK of Florida. The gentleman did not get my question. I ask him if he thinks it is fair and right to attack a project upon this floor upon the authority of people whom he will not name?

Mr. FREAR. No; but on the authority of the Army engineers' report. I may say that the gentleman's invitation to me to go down and accept the courtesy of the people there, of course, was impracticable.

Mr. CLARK of Florida. Does not the Army engineers recommend it?

Mr. FREAR. Yes; and I am reading from the report of the conditions there. The gentleman is championing his own projects and that is all right. He has the same privilege that I have to criticize this or others. Why, Mr. Chairman, in our State we have a commission that reduces freight rates. By looking at the map of the Oklawaha every point on it appears to be within 10 miles of a railroad. It seems to me that what the people want is to go to the railroad commission and have them fix rates, and not ask the Government of the United States to spend this large amount of money when there is such a small amount of commerce.

Coming now to the Kissimmee River——

Mr. SPARKMAN. Mr. Chairman, just one moment while the gentleman is on the Oklawaha River. It is true the House has adopted that project in so far as it can adopt it, but I want to call attention to the fact that it is not adopted in its entirety. The full $733,000 is not to be expended in carrying out the part of the project we have adopted. It is some two or three hundred thousand dollars less than that amount. I do not recall the exact figures, but it is a good deal less, because we only adopted the locks with the 6-foot depth while providing for the construction of the channels outside of the locks to a depth of 4 feet, which reduces the cost very materially. Of course I shall be frank enough to say that I think that when that channel is completed, and the commercial development takes place which I believe is going to take place, Congress will also authorize the digging of the channel to a depth of 6 feet outside of the locks, but the project as we have adopted it here does not contemplate anything beyond 4 feet outside of the locks.

Mr. FREAR. Mr. Chairman, accepting the statement of the chairman, which is always very fair in such cases, he says it will probably lead to a project of 6 feet, which, of course, will run fully as deep as the present project.

Referring to the Kissimmee River, we have spent only a small amount on that river. We have an old project on the river, but this is a new project, and on page 29 of House Document No. 137, Sixty-third Congress, first session, the report of the engineers, I find that one steamboat line uses this waterway and that this line operates two light-draft boats and a number of barges, which make one round trip every week throughout the year, except when it is rendered impassible by excessively low stages of water. Although the amount of commerce handled on this river is extremely small, the board is of opinion that the river is worthy of improvement.

Turning back to page 15, there is a statement which I read into the RECORD four years ago, and which, it seems to me, is entitled to appear again. It is from Clay Johnson, who furnishes the information to the Army engineers, showing that in 1902 there were six and a half months when the boats could not use the river on account of the drought; in 1903, none; 1904, four months; in 1905, one and a half months; in 1906, none; in 1907, eight months; and in 1908, five months. It could not be used during those periods in those years. The commerce upon this river, according to a statement from the State Bank of Kissimmee, signed by Clay Johnson, the same individual, as will be found on page 14 of the report, amounted to 20,000,000 pounds and over, or about 10,000 tons, and of that some 6,000 tons were logs. Again comes the Kissimmee State Bank's report subsequent to that, in 1907, showing again 10,000 tons of commerce, of which a large portion, I presume over half, apparently, was logs, and the next year a commerce about one-half of which is logs. So that the commerce is small. On page 15 of the document there is a letter written by G. F. Kribbs to the United States Engineer Office, and in that letter Mr. Kribbs states that there may be a real estate project there, so to speak. He says that the tract of land he mentioned is the Fort Gardner lands, comprising some 25,339 acres, and that it is owned by recent purchase by E. W. Bowen & Co., of Delphi, Ind. I suppose that is offered in evidence to enlarge the commerce and help conditions down there. The point I wish to make is that after the money we have put into this river, making it navigable enough to have two boats that travel once a week on a round trip, where there are but 10,000 tons of commerce a year, half of which is logs, which is extremely small, and where the river is dry or so nearly that they are unable to operate the boats for sometimes

as much as eight months in the year, it does not seem that it is now a wise policy for the Government, whether the river be in Wisconsin or Florida, to continue its improvements as is proposed here.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. FREAR. Certainly.

Mr. HULBERT. I want to get cleared up in my mind the matter of the resolution which the gentleman stated he had introduced for an investigation in regard to the letting of contracts by the Army engineers. Was that in the Sixty-third Congress or the Sixty-fourth?

Mr. FREAR. The Sixty-third.

Mr. HULBERT. Has the gentleman reintroduced the resolution in this Congress?

Mr. FREAR. Yes.

Mr. HULBERT. When was it introduced?

Mr. FREAR. Yesterday.

Mr. HULBERT. So that the gentleman made no attempt to bring the matter to the attention of the Committee on Rivers and Harbors in the Sixty-fourth Congress at the first session of the Congress, nor in the second session until after the committee had reported its bill and the bill had been presented and was being considered under the five-minute rule?

Mr. FREAR. That is true. I will say to the gentleman this, that when the facts were called to my attention as they have been here, when I discovered by the reports that one company was controlling all of the contracts, then it occurred to me that it was time to make an investigation again.

The matter had passed from my mind during last session. It is for the committee to act and ask if a hearing was wanted. It is immaterial, I am only one individual Member of this Congress. I am not a prosecuting officer. If it was worthy of consideration the committee would have sent for me and I would have been very glad to have gone before them and furnished the evidence I had.

Mr. HULBERT. The bill was not before the committee until introduced yesterday.

Mr. FREAR. I am referring to the Sixty-third Congress.

Mr. HULBERT. And I am talking about the Sixty-fourth.

Mr. FREAR. It was not developed, I am trying to explain to the gentleman, until I discovered in the Army engineer's report the fact that all of the Baltimore district was controlled by this dredging company. That caused me to make the inquiry.

Mr. HULBERT. When did the gentleman first discover it?

Mr. FREAR. Several days ago, because I had been busy on other matters, let me assure the gentleman.

Mr. HULBERT. When did the gentleman introduce the resolution?

Mr. FREAR. I introduced it yesterday at the same time——

Mr. HULBERT. Why did not the gentleman introduce the resolution as soon as he found that condition of affairs existed and ask for a hearing before this bill was considered?

Mr. FREAR. Mr. Chairman, it strikes me I have made a fair explanation and it strikes me that that is not a fair criticism. The gentleman criticizes me for not having introduced the resolution——

Mr. HULBERT. Why did not the gentleman call for a hearing? He is on the committee.

Mr. FREAR. That is impossible; the gentleman is only one passenger on the committee.

Mr. HULBERT. I have been a very active passenger, and I can not say as much for the gentleman from Wisconsin.

Mr. FREAR. I was referring to myself, and that may be true, but I want to say this, that the newspapers of New York, I understand, quoted the gentleman he would not vote for the bill unless the new projects were put in for New York Harbor. I do not know whether that is true or not.

Mr. HULBERT. There is not such a statement in any paper of New York City.

Mr. FREAR. I read something to that effect some days ago.

Mr. HULBERT. And I challenge the gentleman to produce any such paper.

[Mr. SEARS addressed the committee. See Appendix.]

Mr. SPARKMAN. Mr. Chairman, I will detain the House only a few moments on the motion made by the gentleman from Wisconsin [Mr. FREAR]. This is, in my judgment, one of the best river projects in the bill. There are only two or three which might be placed above it, if indeed there are any. Newtown Creek, N. Y., and probably Westchester Creek carry a larger tonnage in proportion to the amounts expended upon them, respectively, but the first named is almost in a class by itself. But I hold in my hand a list of projects now on the books, 118 in number, I think, not all of them appropriated for in this bill. In fact, most of them are not appropriated for in this bill, because they do not now need any appropriations. When, however, money is needed for the purpose of maintaining the channels already completed by the Government, such funds will be appropriated. I am going to print this list in the RECORD.

I risk nothing in saying that few, if any, of them make as good showing, when the commerce is compared with the cost of the project, as does the Kissimmee River.

The table is as follows:

List of waterways showing large expenditures when compared to commerce accommodated.

Locality.	Adopted in act of—	Total amount appropriated.	Amount in this bill.	Commerce (tons).
Harbor at Isle of Shoals, Me	1910	$86,453		2,225
Georges River, Me	1896	36,000		13,188
St. Albans Harbor, Vt	1910	5,000		444
Plymouth Harbor, Mass	1913	391,959		37,113
Hyannis Harbor, Mass	1902	221,267		3,891
Woods Hole Channel, Mass	1896	343,599		59,925
Merrimack River, Mass	1899	415,366		89,529
Great Salt Pond, Block Island, R. I	1902	238,033		9,080
Pawcatuck River, R. I	1896	198,500	$1,000	39,073
Milford Harbor, Conn	1902	79,100		13,312
Fivemile River Harbor, Conn	1888	49,140		2,498
Southport Harbor, Conn	1912	67,435		20
Westport Harbor and Saugatuck River, Conn	1896	35,465		6,031
Mattituck Harbor, N. Y	1896	124,750		1,312
Great South Bay, N. Y	1902	173,000		18,434
Sheepshead Bay, N. Y	1912	44,000		11,654
Dunkirk Harbor, N. Y	1910	1,089,112		1,411
Cape Vincent Harbor, N. Y	1899	220,000		4,338
Plattsburg Harbor, N. Y	1910	223,180		6,808
Browns Creek, N. Y	1899	50,000		8,998
Absecon Inlet, N. J	1912	300,000	45,000	5,237
Matawan Creek, N. J	1881	90,120		11,974
Woodbury Creek, N. J	1913	46,500	2,000	11,270
Toms River, N. J	1910	14,050		4,997
Absecon Creek, N. J	1912	18,200		3,699
St. Jones River, Del	1910	113,756		7,063
Broadkill River, Del	1907	108,862	10,000	5,879
Inland waterway from Chincoteague Bay to Delaware Bay	1910	197,250	1,000	10,601
Warwick River, Md	1892	49,081		8,541
Latrappe River, Md	1892	24,931		6,949
Tyaskin Creek, Md	1907	36,836	5,800	6,334
Tuckahoe River, Md	1912	15,600		2,208
Potomac River at Cedar Point, Md	1910	16,300		2,698
Milford Haven Harbor, Va	1908	31,275		7,933
Upper Machodoc Creek, Va	1910	26,400		11,528
Aquia Creek, Va	1912	56,536		11,424
Blackwater River, Va	1907	22,000		3,622
Scuppernong River, N. C	1902	34,900	3,500	9,448
Fishing Creek, N. C	1901	37,750		2,450
Contentnia Creek, N. C	1899	85,000	1,000	9,607
Smiths Creek, N. C	1910	17,650		5,895
Waterway between New River and Swansboro, N. C	1830	70,130		13,013
Shallotte River, N. C	1913	13,945		6,290
Waterway between Charleston and opposite McClellanville, S. C	1907	214,690		10,818
Little Pedee River, S. C	1888	45,200		1,442
Great Pedee River, S. C	1902	340,300	5,000	15,758
Congaree River, S. C	1910	668,298	80,000	4,324
Sapelo Harbor, Ga	1910	23,000		7,660
Savannah River above Augusta, Ga	1892	73,470		8,643
Cowhead River, Ga	1912	3,000		483
Fancy Bluff Creek, Ga	1913	10,000	1,000	2,513
Flint River, Ga	1880	481,500		23,603
Sarasota Bay, Fla	1907	132,500		8,554
St. Josephs Bay, Fla	1912	20,500		3,438
Orange River, Fla	1902	8,100		3,490
Crystal River, Fla	1902	34,000		2,141
Suwanee River, Fla	1899	85,812		7,685
Channel from Apalachicola River to St. Andrews Bay, Fla	1910	525,000	14,500	775
Tombigbee River from Demopolis, Ala., to Walkers Bridge, Miss	1911	400,350	10,000	34,233
Pearl River below Rockport, Miss	1907	346,411		30,650
Tchula Lake, Miss	1881	41,951		744
Steele and Washington Bayous and Lake Washington, Miss	1910	24,050		2,286
Bear Creek, Miss	1910	5,433		2,850
Waterway, Franklin to Mermentau, La	1907	316,792	5,000	5,630
Waterway, Mermentau to Sabine River, La	1910	405,000	2,000	14,308
Bayou Plaquemine Brule, La	1910	38,000	2,000	7,916
Bayou Que de Tortue, La	1912	29,000		5,759
Johnsons Bayou, La	1899	14,500		2,270
Red River below Fulton, Ark	1892	2,874,687	55,000	27,325
Bayou Bartholomew, La	1881	84,731		1,150
Bocuf River, La	1888	92,100		5,390
Tensas River and Bayou Macon, La	1884	78,500		2,802
Waterway, West Galveston Bay to Brazos River Canal, Tex	1907	373,400	15,000	
Waterway, Brazos River to Matagorda Bay, Tex	1910	383,000	30,000	9,064
Waterway, Aransas Pass to Pass Cavallo, Tex	1907	211,850	10,000	3,032
Channel from Aransas Pass to Corpus Christi, Tex	1910	334,610	15,000	26,803
Cypress Bayou and waterway between Jefferson, Tex., and Shreveport, La	1910	286,701	5,000	11,444

List of waterways showing large expenditures when compared to commerce accommodated—Continued.

Locality.	Adopted in act of—	Total amount appropriated.	Amount in this bill.	Commerce (tons).
Red River, between Fulton, Ark., and Washita River, Tex	1912	$569,000		2,076
Sulphur River, Tex. and Ark	1907	45,989		
Saline River, Ark	1910	33,191		2,550
Current River, Ark	1894	80,985		6,371
French Broad and Little Pigeon Rivers, Tenn	1880	240,000		8,866
Clinch River, Tenn	1880	61,251		5,291
Port Clinton Harbor, Ohio	1872	107,971	$500	9,009
Vermilion Harbor, Ohio	1905	175,122	500	982
Ontonagon Harbor, Mich	1910	476,675	9,000	4,697
South Haven Harbor, Mich	1905	582,000	3,600	27,435
Harbor at Saugatuck, Mich	1910	561,439		31,491
Holland Harbor, Mich	1905	779,366	10,000	30,426
White Lake Harbor, Mich	1907	380,701	5,500	10,071
Pentwater Harbor, Mich	1907	339,820		6,061
Arcadia Harbor, Mich	1905	63,000		10,983
Petoskey Harbor, Mich	1902	131,500		1,291
Mackinac Harbor, Mich	1910	79,000		17,217
Rogers City Harbor, Mich	1910	6,000		9,415
Monroe Harbor, Mich	1872	262,015		8,840
Clinton River, Mich	1886	101,564	1,500	14,352
Port Wing Harbor, Mich	1902	79,992	8,000	1,432
Oconto Harbor, Wis	1910	144,730		3,400
Algoma Harbor, Wis	1907	339,177		16,330
Two Rivers Harbor, Wis	1907	371,100	2,500	
Port Washington Harbor, Wis	1910	253,400		19,560
St. Croix River, Wis	1878	158,565		7,172
Zippel Bay, Minn	1911	31,781	1,000	775
Grand Marais Harbor, Minn	1879	180,350		4,298
Red River of the North, Minn	1876	378,623		125
Michigan City Harbor, Ind	1902	1,894,338		15,370
Illinois and Mississippi Canal	1890	7,657,803		32,276
Osage River, Mo	1890	1,072,500	10,000	22,083
Gasconade River, Mo	1880	222,000	10,000	22,037
Tillamook Bay and Bar, Oreg	1912	564,200	5,000	9,710
Nehalem Bay, Oreg	1912	326,175		23,643
Siuslaw River, Oreg	1910	540,162	5,000	6,757
Yaquina River, Oreg	1913	31,800	3,000	8,452
Columbia River, above Celilo Falls to mouth of Snake River	1907	550,000	20,000	8,394
Canal at Cascades, Columbia River, Oreg. and Wash	1896	3,914,000		42,477
Clatskanie River, Oreg	1910	21,200	5,620	9,490
Swinomish Slough, Wash	1892	224,602		32,925
Total		38,558,633	439,520	1,287,663

Now, just a word regarding the statement made that this river is dry eight months in the year. I do not know that such statement has been made this afternoon, but it was made before, and I think repeated several times. Now, according to a table which I find in the report, on page 15, there was one year out of seven when the river was too low for boats to run on it for a period of eight months, but the average was much below that. Two of those seven years the boats ran the year round, in one year six and one-half months, in another four months, in another one and one-half months, and in another five months, so that the average is a little more than three months during those seven years.

I want to say further that the navigation on that river has improved during the past few years, and since this report was made, because private individuals have, in a few instances, opened up the channels there so that more water is flowing in from the lakes above than was the case before. The lakes have been lowered, but the channel has been benefited.

It seems to please some critics of this stream to call it a "creek," the idea being, no doubt, to minimize its importance by thus designating it. But I wish to say that it is in no sense a creek, for if a stream from 50 to 100—yes; in some places 300 to 400—feet wide and 137 miles long does not rise to the dignity of a river, then I do not know what it would take to make a river. Furthermore, it runs through one of the richest sections in the world. There are contained in the valley of this stream at least 2,000 square miles, it is said, of the finest muck land to be found anywhere, only waiting to be reclaimed to be of service. I wish to add, however, that this improvement is not intended for reclamation purposes, and the work done in accordance with the project will not reclaim a foot of land.

Now, a word as to the commerce on this stream. It is true that in the report of 1913 the district engineer, quoting from a report made by an assistant dated some time in 1909 or 1910, fixed the commerce at 10,000 tons. But the report of the Chief of Engineers for 1916 gives the commerce at 71,000 tons, showing an increase in six years of 700 per cent. There are few projects, Mr. Chairman, in the country that can show such a healthy growth and such a steady and rapid increase.

Again, I wish to call attention to the fact that this river runs into Lake Okechobee, with a shore line of 90 or 100 miles; that, running out of this lake from the southwest side, is the Caloosahatchee River, which empties into the Gulf, and that this stream is of sufficient depth to accommodate light-draft vessels; indeed, it is now accommodating quite a commerce, as the Engineers' Report will show. In addition to this there are two or three canals cut through in the direction of Miami, on the Atlantic side, all of sufficient capacity to accommodate boats drawing 5 and 6 feet of water. So that this river, in connection with the Caloosahatchee River and the canals metioned, will give a waterway of more than 300 miles in extent.

Another matter mentioned by the gentleman from Florida [Mr. SEARS] is that there is no railroad paralleling this river and that the only transportation that the people have, or will have for many years to come, is the river, and, in my judgment, it should be improved—at least to the extent recommended in the report—without further delay.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

Mr. HUMPHREY of Washington. I suggest to the gentleman from Florida that he move that the committee rise.

Mr. SPARKMAN. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

CORRECTION.

Mr. FESS. Mr. Speaker, I ask unanimous consent for the elimination of a paragraph in the RECORD that was placed there by my own mistake. It does not belong in the article at all, for it has nothing to do with the peace documents.

The SPEAKER. How will the Reporters know which paragraph the gentleman refers to?

Mr. FESS. I will point it out to them.

The SPEAKER. Was there any colloquy based upon it?

Mr. FESS. No; it was a mistake of my own.

The SPEAKER. The rule is that if there is any colloquy based on the paragraph it can not be cut out. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DELAWARE RIVER BRIDGE.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent that the bill (S. 7748) authorizing the construction of a bridge across the Delaware River may be taken from the Speaker's table and laid before the House, a bill of similar tenor having been reported from the Committee on Interstate and Foreign Commerce.

The SPEAKER laid before the House the bill (S. 7748) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey and Petty Island, in said county and State.

Mr. STAFFORD. Mr. Speaker, I do not care at this juncture to make a point of no quorum, but I would like to inquire of the gentleman before the matter is brought up for consideration what part of the Delaware River the bridge is supposed to be built?

Mr. BROWNING. I will state that the William Cramp Sons' Shipbuilding Co. have bought Petty Island, which is about 2 miles long, in the Delaware River and near the Jersey shore. They are unable to go on with the building until the railroad connection is made on the island.

Mr. STAFFORD. And this only provides for a bridge from the mainland to the island?

Mr. BROWNING. That is all.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United New Jersey Railroad & Canal Co., a corporation created and organized under the laws of the State of New Jersey, and such other corporation or individuals, if any, as shall be associated with said company for the purpose, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the intervening portion of the Delaware River, at a point suitable to the interests of navigation, from the mainland of Camden County, in the State of New Jersey, to Petty Island, in said county and State, in accordance with the provisions of "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and that said bridge may be either for railroad purposes alone, or in part for railroad and in part for highway purposes, at the option of said United New Jersey Railroad & Canal Co.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BROWNING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill (H. R. 19776) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden, State of New Jersey, and Petty Island, in said county and State, was laid on the table.

EXTENSION OF REMARKS.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the proposed embargo on wheat.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the proposed embargo on wheat. Is there objection?

There was no objection.

BRIDGE ACROSS NANTICOKE RIVER, DEL.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del., a similar House bill being on the calendar, reported from the committee.

The SPEAKER. The gentleman from Delaware asks unanimous consent to take from the Speaker's table the bill S. 7359, a similar House bill being on the calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Delaware Railroad Co., a railroad corporation organized and existing under laws of the State of Delaware, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Nanticoke River, at a point suitable to the interests of navigation, at Seaford, county of Sussex, and State of Delaware, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MILLER of Delaware, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 19000) was laid on the table.

DANISH WEST INDIAN ISLANDS (S. DOC. NO. 686).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the treaty signed August 4, 1916, between the United States and Denmark for the cession to the United States of the Danish West Indian Islands, and the obligations of the United States under the convention.

The attention of the Congress is especially invited to the necessity for action being taken by the Congress during its present session that will enable the Government of the United States to discharge its conventional obligation to pay to the Government of Denmark the sum of $25,000,000, which, by Article V of the convention, the United States agrees to pay in full consideration of the cession within 90 days from the date of the exchange of the ratifications of the convention. This exchange of ratifications was effected on January 17, 1917; so that the good faith of the United States requires the payment of the $25,000,000 not later than April 17, 1917, and to do this provision by the Congress during its present session for the payment is imperative.

WOODROW WILSON.

THE WHITE HOUSE, *January 22, 1917.*

The SPEAKER. The message will be referred to the Committee on Foreign Affairs and ordered printed.

Mr. STAFFORD. Mr. Speaker, should not that message be referred to the Committee on Appropriations? It embodies an appropriation which the Government is obliged to make.

The SPEAKER. The Chair thinks it ought to go to the Committee on Foreign Affairs. Of course, the Appropriation Committee will make the appropriation.

Mr. STAFFORD. The President calls attention to the exigency that arises, and it is virtually the occasion for a deficiency.

The SPEAKER. But it is something that originates in the diplomatic department of the Government, transmitting a report of the Secretary of State about the purchase of these islands. The Appropriation Committee will have no difficulty in bringing in an appropriation, if it desires to.

Mr. FESS. Mr. Speaker, may a Member of the House ask the Speaker a question for information?

The SPEAKER. If it is easy.

Mr. FESS. What would happen if the House should refuse to appropriate the necessary money to take care of the requirements of the treaty in this case?

The SPEAKER. It would simply be the end of the matter until another Congress did it. It would be violating one of the treaty stipulations of the country. If the House will bear with the Chair for a moment, the Chair remembers very distinctly the time the House had up for consideration an appropriation of $20,000,000 to pay for the Philippine Islands. Thirty-five Members fought it here to the jumping-off place, but the best lawyers in the House insisted that the treaty having been made, we were under a moral, if not a legal, obligation to pay the money. We had a very warm debate which lasted nearly a day.

Mr. EAGLE. Does the Chair suppose that we will get the same white elephant with these Danish West Indies that we got with the Philippines?

The SPEAKER. Well, it is not as big an elephant at any rate.

ADJOURNMENT.

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 24, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce, transmitting lists of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historic interest (H. Doc. No. 1974); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 20353) concerning proof of widowhood in claims for pension, reported the same without amendment, accompanied by a report (No. 1333), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 17411) for the relief of William H. Keys, reported the same with amendment, accompanied by a report (No. 1334), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17692) for the relief of Frank Pinkley, reported the same with amendment, accompanied by a report (No. 1335), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 12317) for the relief of Stephen J. Haff, reported the same with amendment, accompanied by a report (No. 1336), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 20161) for the relief of William Blair, reported the same with amendment, accompanied by a report (No. 1337), which said bill and report were referred to the Private Calendar.

Mr. PETERS, from the Committee on Claims, to which was referred the bill (H. R. 17305) for the relief of William I. Wood, reported the same without amendment, accompanied by a report (No. 1338), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 4416) to reim-

burse L. W. Dragoo, formerly postmaster at Smithfield, Wetzel County, W. Va., for money, money orders, and postage stamps stolen, reported the same without amendment, accompanied by a report (No. 1339), which said bill and report were referred to the Private Calendar.

Mr. HARRISON of Virginia, from the Committee on Military Affairs, to which was referred the bill (H. R. 15999) to correct the military record of Asbury Scrivener, reported the same with amendment, accompanied by a report (No. 1340), which said bill and report were referred to the Private Calendar.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 2880) for the relief of Martin V. Parmer, reported the same without amendment, accompanied by a report (No. 1341), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1553) for the relief of Peter Kenney, reported the same without amendment, accompanied by a report (No. 1342), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5203) for the relief of Gardiner L. Eastman, reported the same without amendment, accompanied by a report (No. 1343), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 20410) to create a temporary building commission for the purpose of investigating all the public-building needs and methods of the United States in order to recommend a public-building policy; to the Committee on Appropriations.

By Mr. GREEN of Iowa: A bill (H. R. 20411) to amend an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, so as to exempt legacies and devises for public benevolent and charitable uses or purposes from its provisions; to the Committee on Ways and Means.

By Mr. TINKHAM: A bill (H. R. 20412) to amend an act entitled "An act making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 20413) to make an appropriation to compensate the Cherokee Indians for part of the lands conveyed to the Cherokee Tribe of Indians by the patent of December, 1838, afterwards patented to white persons who intermarried with Cherokee Indians prior to the 1st day of November, 1875; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 20414) for the establishment of a probation system in the United States courts, except in the District of Columbia; to the Committee on the Judiciary.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 347) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof; to the Committee on the Library.

By Mr. WICKERSHAM: Concurrent resolution (H. Con. Res. 69) authorizing joint committee of House and Senate to consider matters of legislation relating to the Alaska railroad, coal fields, fisheries, and for other purposes; to the Committee on the Territories.

By Mr. SINNOTT: A memorial of the Legislature of the State of Oregon, favoring the bill known as the "volunteer officers' retirement bill"; to the Committee on Military Affairs.

Also, a memorial favoring a constitutional amendment providing national prohibition; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20415) granting a pension to Edward Wilkinson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 20416) granting an increase of pension to James C. Claxton; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 20417) granting an increase of pension to William J. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20418) granting a pension to Roman Ginther; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20419) granting an increase of pension to John I. Smallwood; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 20420) granting a pension to Admire M. Wood; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 20421) granting an increase of pension to John M. Brown; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 20422) for the relief of Eugene K. Stoudenmire; to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 20423) granting an increase of pension to Nicholas Reigenold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20424) for the relief of William S. Colvin; to the Committee on Claims.

My Mr. FOCHT: A bill (H. R. 20425) granting an increase of pension to Edward H. Harpster; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 20426) granting an increase of pension to Joseph B. Antoine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20427) making an appropriation to compensate Samuel Grant for pay, bounty, and clothing pay while in the service of the Government of the United States; to the Committee on Claims.

By Mr. HENSLEY: A bill (H. R. 20428) granting an increase of pension to Mary Reilley; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20429) granting an increase of pension to Charles E. Speer; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 20430) for the relief of Hyter Myers; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 20431) granting an increase of pension to Timothy Hixson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20432) granting a pension to Lilly Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20433) for the relief of Jesse P. Brown; to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 20434) granting a pension to Carral A. Cantrell; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 20435) granting an increase of pension to John Q. Goss; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota (by request): A bill (H. R. 20436) for the relief of Alfred B. Andrews; to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 20437) granting certain lands to Converse County, Wyo., for a public park; to the Committee on the Public Lands.

By Mr. PARK: A bill (H. R. 20438) granting a pension to Eugene A. Hendricks; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 20439) granting an increase of pension to John C. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20440) granting an increase of pension to Jonas F. Fortney; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 20441) granting an increase of pension to John N. Dansdill; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 20442) granting an increase of pension to John W. Robinson; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri. A bill (H. R. 20443) granting a pension to Martha Adams; to the Committee on Invalid Pensions.

By Mr. STOUT: A bill (H. R. 20444) granting an increase of pension to William G. Long; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 20445) granting an increase of pension to Charles W. Foster; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 20446) granting an increase of pension to Charles H. Stockon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorials of Ashley public school of Ashley; Methodist Episcopal Sunday School of Ashley; Woman's Christian Temperance Union of Ashley; Christian Women's Board of Missions, 74 people, of Fulton; and the Methodist Episcopal Church South Woman's Missionary Society of

Fulton, all in the State of Missouri, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Humanitarian Cult, of New York, in favor of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of the Bryn Mawr Woman's Club, of Chicago, Ill., for the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. CANDLER of Mississippi: Memorials of First Presbyterian Church Society, 25 people, of Corinth; Daughters of the American Revolution, 32 people, of Corinth; As You Like It Club, 15 people, of Corinth; 34 people of Corinth; 20 people of Corinth; and Christian Ladies' Aid Society, of Corinth, Miss., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of New York State Fish, Game, and Forest League, of New York, indorsing Senate bill 7858 and House bill 20080; to the Committee on Agriculture.

By Mr. CARY: Petition of Brotherhood of Railroad Trainmen, Local No. 128, of Milwaukee, Wis., protesting against passage of House bill 19730; to the Committee on Interstate and Foreign Commerce.

Also, telegram from Michael Weiner, of Milwaukee, Wis., urging referendum for District prohibition; to the Committee on the Judiciary.

Also, telegram from Edwin Weiner, of Milwaukee, Wis., urging a referendum for District of Columbia; to the Committee on the District of Columbia.

Also, telegram from Hugo Weiner, of Milwaukee, Wis., urging a referendum for District prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of citizens residing in Rochester, N. Y., protesting against the passage of mail-exclusion bills, etc.; to the Committee on the Post Office and Post Roads.

By Mr. DARROW: Petition of 46 residents of Philadelphia, Pa., in behalf of Federal censorship of motion-picture films; to the Committee on Education.

By Mr. EAGAN: Memorial of Nampa (Idaho) Chamber of Commerce, in re United States Reclamation Service; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Manufacturers and Dealers' Association of America, opposing prohibitory bills; to the Committee on the Judiciary.

Also, petitions of sundry citizens, opposing prohibitory bills now before Congress; to the Committee on the Post Office and Post Roads.

Also, memorial of Orange Chapter, Daughters of American Revolution, in re immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Papers to accompany House bill 8118, for relief of Amos M. Stroh; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Memorial of Woman's Auxiliary, Railway Mail Association, for increase in railway mail clerks' salaries; to the Committee on the Post Office and Post Roads.

By Mr. HERNANDEZ: Papers to accompany House bill 20378, for the relief of Arthur H. Loomis; to the Committee on Pensions.

By Mr. HOPWOOD: Petitions of Farmers' Institute, 150 people, of Spraggs; 24 people of Buena Vista and Durham; Valley Chapel Sunday School, of 63 people, of Brock; Epworth League of Brock; Woman's Christian Temperance Union, 50 people, of Brock; Men's Bible Class of Methodist Episcopal Church Sunday School, of Connellsville, all in the State of Pennsylvania, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. LOBECK: Memorial of 150 members of the Omaha Woman's Club, indorsing the resolution proposing equal suffrage; to the Committee on the Judiciary.

By Mr. McFADDEN: Letter from Dr. William Q. Granville, president Pennsylvania College, Gettysburg, Pa., in favor of increasing the appropriation for a monument to John Ericsson; to the Committee on the Library.

By Mr. McGILLICUDDY: Petitions of the Baptist Church of Norway, Me., the Congregational Church, the Epworth League, and the Christian Endeavor Society, all of South Paris, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Papers to accompany House bill 19391, granting an increase of pension to Frank B. Gorman; to the Committee on Pensions.

By Mr. OAKEY: Petition of Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Engineers, Order of Railroad Conductors, and the Brotherhood of Railway Trainmen, of New Haven, Conn., opposing House bill 19730; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN: Petitions of sundry citizens of New York, opposing prohibitory bills; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petition of rural carriers at Thorndike, Readfield, West Lubec, Bryant Pond, Skowhegan, Waterville, Stockton Springs, East Sullivan, Winthrop, Freedom, Pittsfield, Dexter, Perry, Harrington, and Ellsworth, all in the State of Maine, asking consideration of bill to fix compensation of carriers upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

By Mr. PHELAN: Petition of sundry citizens, opposing prohibitory bills; to the Committee on the Post Office and Post Roads.

By Mr. PRICE: Petition of 26 citizens of Hurlock, Md., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petitions of Epworth League, 96 people, of Hurlock; Modern Woodmen of America of Hurlock; Women's Club, 19 members, of Hurlock; Priscilla Club, of Hurlock; and sundry citizens of Rising Sun, Md., for national prohibition amendment; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Hans Bros., of San Francisco, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of California State Church Federation, opposing universal compulsory military training; to the Committee on Military Affairs.

Also, memorial of Woman's World of Chicago, in re zone system for second-class postage; to the Committee on the Post Office and Post Roads.

Also, petition of N. S. Young, of Roseville, Cal., in re compulsory arbitration act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Florinde B. Huggus, of San Francisco, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, memorial of Navy Yard Retirement Association, in re Government pensions; to the Committee on Appropriations.

Also, memorial of Waterfront Workers' Federation of Pacific Coast, in favor of a new marine-hospital building in San Francisco; to the Committee on Public Buildings and Grounds.

Also, memorial of Western Precipitation Co., of Los Angeles, Cal., in re development of national parks; to the Committee on the Public Lands.

Also, memorial of National Model License League, opposing prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Citizens' Educational League of California, in re vocational-education bill; to the Committee on Education.

Also, petitions of sundry citizens and organizations opposing sundry prohibitory bills now before Congress; to the Committee on the Post Office and Post Roads.

Also, memorial of Marlin Arms Co., of New Haven, Conn., in re preparedness; to the Committee on Military Affairs.

Also, petition of Henry C. Merme, of Rochester, N. Y., in re Senate bill 4429 and House bill 18986; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of legal voters of the seventh congressional district of Kansas, favoring the Randall bill, excluding liquor advertisements from mails; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of citizens of Bexar County, Tex., against the passage of certain bills prohibiting liquor traffic between the States; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Mrs. Jessie L. Coggeshall and 11 others, female citizens of Providence, R. I., against the passage of House bill 14731 and Senate bill 6915; to the Committee on Insular Affairs.

Also, petition of Branch 25, United National Association of Post Office Clerks, of Providence, R. I., in favor of the Madden reclassification bill; to the Committee on the Post Office and Post Roads.

Also, petition of Cigarmakers' Union No. 94, of Providence, R. I., against the passage of bill providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, papers to accompany House bill 20404, for relief of Thomas A. Owens; to the Committee on Invalid Pensions.

Also, petition of Providence Web Pressman's Union, No. 12, of Providence, R. I., against the passage of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *January 24, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the all-great, the all-loving God. Our words can not express Thy glory, neither can our hearts contain the fullness of Thy love. Thou dost see within us that which is worthy of Thy care. We bless Thee that we can be greater than our acts. All instincts immature, all purposes unassured, are a part of the wealth of the life that Thou hast given to us to be molded and shaped and patterned after the Divine plan. Take us this day into Thy keeping to guard and guide us according to Thine own great plan of life. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Sterling
Bankhead	Gronna	Norris	Sutherland
Brady	Harding	Overman	Thomas
Bryan	Hardwick	Poindexter	Thompson
Catron	Hollis	Robinson	Townsend
Chamberlain	Husting	Saulsbury	Vardaman
Clapp	Jones	Shafroth	Wadsworth
Clark	Kenyon	Sheppard	Walsh
Culberson	Kern	Sherman	Watson
Cummins	Lane	Shields	Weeks
Curtis	McLean	Smith, Ga.	Works
Dillingham	Martine, N. J.	Smith, S. C.	
Fernald	Myers	Smoot	

Mr. KENYON. I desire to announce that the Senator from Kentucky [Mr. JAMES] and the Senator from Rhode Island [Mr. COLT] are absent attending an important committee hearing before the Committee on Patents.

Mr. TOWNSEND. I have been informed this morning that my colleague [Mr. SMITH of Michigan] is detained from the Senate on account of illness. He is paired with the junior Senator from Missouri [Mr. REED]. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE]. He is absent owing to illness. I ask that this announcement may stand for the day.

Mr. CHAMBERLAIN. I wish to announce the absence of the junior Senator from Virginia [Mr. SWANSON] on account of illness. He is paired with the Senator from Washington [Mr. JONES]. I ask that this announcement may stand for the day.

Mr. CLARK. I announce the absence of my colleague [Mr. WARREN]. He is unavoidably detained from the Chamber by illness. He is paired with the Senator from North Carolina [Mr. OVERMAN]. This announcement may stand for the day.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding day.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 7359. An act authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.; and

S. 7748. An act to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey and Petty Island, in said county and State.

HOUSE BILL REFERRED.

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. HUSTING presented a memorial of the Commercial Club of Ripon, Wis., remonstrating against the return of certain moneys appropriated for the construction of a public building at Ripon into the Treasury of the United States and praying for the enactment of legislation diverting these moneys for the benefit of Aviation Corps of the War Department, which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by the Merchants and Manufacturers' Association of Milwaukee, Wis., favoring the enactment of legislation amending the Panama Canal act so as to permit the continuance of railroad ownership, control, or operation of steamboat lines on the Great Lakes, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted at the Farmers' National Congress, held at Indianapolis, Ind., October 20, 1916, favoring the rigid safeguarding of the public's interest in water powers and other natural resources and requesting in particular the defeat of the Shields and Myers water-power bills and the defeat of the Phelan amendment, and favoring the enactment of certain other legislation, which were ordered to lie on the table.

Mr. LANE. I present a memorial of the Twenty-ninth Legislative Assembly of the State of Oregon, relating to the so-called Civil War volunteer officers' retired list bill, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the honorable Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Twenty-ninth Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas there is now pending in the Congress of the United States S. 392, introduced by Hon. CHARLES E. TOWNSEND, known as the Civil War volunteer retired-list bill, to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War; and

Whereas the Committee on Military Affairs have reported the same to the Senate with amendments and as thus amended the committee recommended that the bill do pass; and

Whereas the provisions of said bill are as pledged by Congress and President Lincoln at the opening of the Civil War to the several States and to the Volunteers furnished by them; and

Whereas the present policy of the Government is to retire all surviving officers of the Regular Army and Navy at half pay for life, at ages less than any of those who will receive the recognition accorded by this act; and

Whereas full retired pay for life to all survivors of the Revolutionary War, the War of 1812, and Indian wars in accordance with rank have been granted and furnishes a commanding precedent; and

Whereas public sentiment of the Nation is shown by the unanimous action of the legislatures, 13 States speaking for approximately 50,000,000 of our people, recommending the enactment of such a measure: Therefore be it

Resolved by the senate (the house of representatives concurring), That our Senators and Representatives in Congress and the entire Congress of the United States of America be, and are hereby, memorialized and requested that said bill, known as the Volunteer retired bill, be speedily taken up and put upon its final passage, and which will give the same aid according to rank as that given to the retired officers of the Regular Army, deducting any pensions that they now receive.

Resolved further, That the chief clerk of the senate is hereby directed to transmit certified copies of this memorial to the President of the Senate and Speaker of the House of Representatives of the National Congress and to each of the Oregon Representatives and Senators in Congress.

Adopted by the senate January 12, 1917.

GUS C. MOSER,
President of the Senate.

Concurred in by the house January 16, 1917.

R. M. STANFIELD,
Speaker of the House.

STATE OF OREGON, SENATE CHAMBER.

I, John W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of Senate joint memorial 5, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 12, 1917, and concurred in by the house January 16, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 18th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. LANE. I present a memorial of the Twenty-ninth Legislative Assembly of the State of Oregon, favoring national prohibition, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Senate joint memorial 4.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectively represent that—

Whereas it is proposed that the Congress of the United States submit to the various States of the Union a constitutional amendment forever prohibiting the manufacture, sale, and importation within the United States and their dependencies of intoxicating liquors for beverage purposes; and

Whereas it is known that the traffic in intoxicating liquors results in great industrial, economic, and moral loss, and greatly increases human suffering without compensatory benefits; and

Whereas the abolition of such traffic has, wherever fairly tried, brought about great improvement in the moral and economic condition of mankind; and

Whereas 23 States of the Union have by constitutional amendment or legislative enactment abolished such traffic: Therefore be it

Resolved by the Senate of Oregon, the House of Representatives concurring, That the Congress of the United States be, and it is hereby memorialized to submit to the States, as soon as practicable, the said proposed amendment of the National Constitution; and be it further

Resolved, That, after concurrence of the house of representatives herein, the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives from Oregon in the Congress of the United States.

Adopted by the senate January 11, 1917.

GUS C. MOSER,
President of the Senate.

Concurred in by the house January 16, 1917.

R. N. STANFIELD,
Speaker of the House.

STATE OF OREGON, SENATE CHAMBER.

I, John W. Cochran, chief clerk of the senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 4, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 11, 1917, and concurred in by the house January 16, 1917, and that the same is a full, true, and correct transcript therefrom, and of the whole thereof.

In witness whereof I have hereunto set my hand this 18th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. JONES presented a petition of the Cloverland Grange, Patrons of Husbandry, in the State of Washington, praying that the Federal Reserve System be extended to the Federal farm-loan banks, which was referred to the Committee on Banking and Currency.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Salem, Oreg., praying for national prohibition, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Waterfront Workers' Federation of the Pacific Coast, of San Francisco, Cal., praying for the enactment of legislation to provide new accommodations for the Marine Hospital at San Francisco, which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5362. A bill to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young (Rept. No. 964);

S. 6376. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 965);

S. 6380. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 966); and

S. 6382. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 967).

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 6377. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 968);

S. 6379. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 969);

S. 6383. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 970); and

S. 6629. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 971).

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6378. A bill to consolidate certain forest lands within the Cache National Forest, Utah (Rept. No. 972); and

S. 6381. A bill to consolidate certain forest lands within the Sevier National Forest (Rept. No. 973).

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes, reported it with amendments and submitted a report (No. 974) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 7982) granting an increase of pension to Ida E. Cook (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 7983) granting an increase of pension to Derrick Huck (with accompanying papers);

A bill (S. 7984) granting an increase of pension to Dallas Wamsley (with accompanying papers); and

A bill S. 7985) granting an increase of pension to George Wells (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 7986) to authorize the President to appoint Second Lieut. Ambrose I. Moriarty, retired, to the grade of lieutenant colonel in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 7987) granting an increase of pension to Aurelia H. Gibson; and

A bill (S. 7988) granting an increase of pension to Simon Hasselback (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 7989) for the relief of Horace P. Hulett; and

A bill (S. 7990) for the relief of R. S. Van Tassell; to the Committee on Public Lands.

A bill (S. 7991) granting an increase of pension to Catherine C. Patrick; and

A bill (S. 7992) granting a pension to Henry Blake; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7993) granting an increase of pension to Isaiah W. Deemer (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7994) granting an increase of pension to James S. Gray (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 7995) granting an increase of pension to Charles Richards; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7996) granting a pension to Israel W. Bennett; and

A bill (S. 7997) granting an increase of pension to Jesse S. Baldwin; to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 7998) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages; to the Committee on Finance.

By Mr. HARDING:

A bill (S. 7999) granting an increase of pension to Edward E. Gould (with accompanying papers); and

A bill (S. 8000) granting an increase of pension to Emily A. Baldrige Cavender (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 8001) granting an increase of pension to Van R. Eels (with accompanying papers); and

A bill (S. 8002) granting an increase of pension to Alonzo Beckwith (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NORRIS submitted an amendment proposing to increase the appropriation for salaries and field and station expenses, including the maintenance of nurseries, and to extend the work to the Niobrara division of the Nebraska National Forest from $5,000 to $10,000, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. LEWIS submitted an amendment providing that hereafter when emergencies or the needs of the service require letter carriers in the City Delivery Service and clerks and special clerks in first and second class post offices to work in excess of eight hours a day for such additional service they shall be paid at a rate of 50 per cent higher than their salaries as fixed by law, intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. WADSWORTH submitted an amendment proposing to amend existing legislation authorizing the acquisition of a site at Yonkers, N. Y., at a limit of cost of $250,000, and the erection thereon of a public building at a limit of cost of $250,000, so as

to increase the limit of cost for the site and building to $625,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted two amendments intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which were referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

WATER-POWER DEVELOPMENT.

Mr. HUSTING submitted an amendment intended to be proposed by him to the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which was ordered to lie on the table and be printed.

PUBLIC BUILDINGS.

Mr. LODGE submitted an amendment intended to be proposed by him to the public-buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

COUNT OF ELECTORAL VOTES.

Mr. KERN. I offer the following concurrent resolution. I ask that it be read, and then I will ask unanimous consent for its present consideration.

The concurrent resolution (S. Con. Res. 30) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 14th day of February, 1917, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The concurrent resolution was considered by unanimous consent and agreed to.

AMENDMENT OF THE RULES.

Mr. STERLING. Mr. President, in pursuance of the notice I gave of a motion to amend the rules, I offer the following resolution and ask its reference to the Committee on Rules. First, I ask that it be read.

The resolution (S. Res. 328) was read and referred to the Committee on Rules, as follows:

Resolved, That paragraph 2 of Rule XXXVIII, of the Rules of the Senate, be amended so that it shall read as follows:

"2. All proceedings of the Senate when acting upon nominations shall be in open executive session except when the Senate by a majority vote shall otherwise decide. Upon a motion for a secret executive session upon any nomination each Senator shall be entitled to speak once and for five minutes only. If the Senate decides that any nomination should be considered in secret session, then all information communicated to or remarks made by a Senator when acting upon such nomination concerning the character or qualifications of the person nominated, also all votes upon such nomination shall be kept secret. If in any case charges shall be made against a person nominated, the committee may in its discretion notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected shall not be regarded as a secret."

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, in April last I delivered a speech upon equal suffrage. I do not want to repeat the speech, but I wish to add to it certain statistics consisting of six or eight lines and a paragraph, which I desire to have published in the RECORD, if there is no objection.

Mr. SMOOT. The Senator wishes to put in the RECORD just what he desires added to the speech.

Mr. SHAFROTH. What I want to add to it consists of simply the election returns in various States of the Union, comprising about six or eight lines, the insertion of the word "Nevada" in one place and "British Columbia" in another, and then about half a page of a review of the situation as to the State of Illinois. I ask unanimous consent that this matter be inserted in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The additional matter referred to is as follows:

In 1916 Colorado cast 294,375 votes, and Maine 136,405 votes.

* * * * * * *

In 1916 Kansas polled 629,813 votes, and Oklahoma 292,416.

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In 1916 Washington polled 370,000 votes, and Connecticut 214,283 votes.

* * * * * * *

And in Kansas in 1916, 629,813 votes.

* * * * * * *

And in Oregon in 1916, 261,650 votes.

* * * * * * *

And in Washington in 1916, 370,000 votes.

* * * * * * *

Illinois uses a separate ballot for women, and again and again the count in local elections has proved that women, who are in the minority in that city, cast a vote quite in proportion, or even large in proportion, to their numbers. The presidential election of 1916 is representative. In Chicago 504,674 men and 303,801 women registered, and of these 487,210 men, or 96.5 per cent, and 289,444 women, or 95.2 per cent voted. Chicago women not only registered themselves, but apparently stimulated men to enroll in larger numbers than ever before. The results show a poll list for 1916 three times that of Chicago in the presidential election of 1912. Then, when men only voted, the registration was 291,503. In 1916 the total registration was 808,475. In commenting upon the increased Chicago electorate shown by the registration, the New York Globe of October 21 says:

"Assuming the substantial accuracy of the careful estimate of the Chicago Tribune that in Chicago there are 512,657 men and 501,384 women eligible to register, it seemed to the Globe that more than 61 per cent of the women, a good deal more than a majority, gave evidence of wanting to vote."

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The VICE PRESIDENT. Is there further morning business?

Mr. CUMMINS. I ask that the resolution which I offered yesterday may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 326, submitted yesterday by Mr. CUMMINS, as follows:

Whereas on the 22d day of January, 1917, the President of the United States appeared in person before the Senate and announced certain views touching the policy the United States should adopt and pursue respecting the principles upon which the belligerent powers of Europe should make peace, and respecting the manner in which the peace so made should be permanently maintained; and

Whereas the President declared in his communication as follows:

"I have sought this opportunity to address you because I thought that I owed it to you as the council associated with me in the final determination of our international obligations to disclose to you without reserve the thought and purpose that have been taking form in my mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations"; and

Whereas it is impossible for the Senate to take official action upon these grave matters until the treaties creating such new duties and defining this new plan have been made by the President and submitted to the Senate for ratification or rejection; and

Whereas it was the obvious object of the address to invite a free and frank expression from the Members of the Senate for guidance in his arduous work; and

Whereas the proposals presented to this body involve the integrity of the Nation and the peace of the world and it is our bounden duty to advise the President of our individual opinions concerning the undertaking upon which the country is asked to embark: Therefore, be it

Resolved, That on Monday, the 29th day of January, immediately after the conclusion of the routine morning business the said address of the President shall be laid before the Senate for discussion and its consideration shall continue to the exclusion of all other business until each Senator shall have had an opportunity to speak thereon; but no Senator shall speak more than once nor more than one hour.

Mr. CUMMINS obtained the floor.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I yield for a question.

Mr. BRANDEGEE. The pending resolution probably touches the most important matter that has ever been before the Congress of the United States, so I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Smith, Ga.
Brady	Harding	Nelson	Smoot
Brandegee	Hitchcock	Norris	Sterling
Bryan	Hollis	Oliver	Stone
Catron	Hughes	Overman	Sutherland
Chamberlain	Husting	Poindexter	Thomas
Clapp	Johnson, Me.	Pomerene	Thompson
Clark	Jones	Reed	Townsend
Culberson	Kenyon	Robinson	Wadsworth
Cummins	Kern	Saulsbury	Walsh
Curtis	Lane	Shafroth	Watson
Dillingham	McCumber	Sheppard	Weeks
Fernald	McLean	Sherman	Works
Gallinger	Martine, N. J.	Shields	

Mr. KENYON. I desire to make the same announcement I heretofore made as to the Senator from Kentucky [Mr. JAMES] and the Senator from Rhode Island [Mr. COLT], who are absent on committee service.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. Mr. President, I have no disposition to speak at length upon the resolution which I have offered. I sincerely hope that we may be able to reach a vote upon it before the morning hour has expired.

It will be observed that the resolution which is now before the Senate does not invite nor even properly permit a discussion at this time of the soundness or unsoundness of the principles announced in the President's message. I will do all I can do to hold the debate to the point in issue. What is it? It is this, Mr. President: Ought the Senate on some day in the near future to do the country the justice and render the President the respect of informing the people and advising the President of our views concerning a policy of the most vital import to which he has told us he is about to commit this Government? For the proper disposition of the resolution it matters not whether the President is right or wrong. In either case his announcement is the most important ever made by a Chief Executive of the United States. He so regards it; the whole country so looks upon it; and foreign nations so accept it. He has come to the Senate frankly, boldly, and I assume with sincerity, saying that he owed it to us to disclose to us without reserve the purpose in his mind. Why did he owe it to us to disclose without reserve the thought and purpose in his mind? The President himself answered the question. I quote from his address:

> I have sought this opportunity to address you because I thought I owed it to you as the council associated with me in the final determination of our international obligations.

Are we to sit dumb under this appeal? The time to vote, it is true, has not arrived, but is the council, of which the President speaks, to remain silent while public opinion is forming and the public judgment is being entered?

I have no authority, of course, to speak for the President, but I am bound to believe that those who oppose this resolution are not his true friends. It must be that he desires and expects the freest and fullest debate upon the tremendous issues he has raised. Of what value can we be to him as a council if we lock our lips and allow him to go his way unadvised of our approval or dissent?

I do not know whether there is a Senator who intends to vote in opposition to this resolution; I hope there is not; but if there be one whose thought is tending in that direction I ask him to reflect a moment, for it seems to me that opposition means a doubt respecting either the sincerity or the courage of the President.

If we are not to render our opinions in response to his, it means that he chose the Senate simply as a conduit through which to pass this new doctrine to the ministers of foreign affairs and the newspapers of the world or as a setting for a beautiful picture skillfully painted. It is hard to believe that anyone will be willing to put the President in the position of having so flagrantly misused the privileges of the Senate of the United States. Or it means that he is one of those unhappy persons who feels safer in a company where he alone is armed and who cares to hear no shot save his own. Mark you, I hold no such doubt; I am not challenging either the sincerity or the courage of the Chief Executive, but I commend the inference that seems to me to be inevitable to those who are thinking of opposing the resolution.

It ought not to be referred to the Committee on Foreign Relations, as was suggested yesterday by the chairman of that committee. It is not now a matter for action; it is a subject for expression. There is no information of which I can conceive that can be furnished the Senate by the Committee on Foreign Relations. We have before us a subject so comprehensive, so profound, so fundamental, that each Senator must reach a conclusion upon it from his own view of the proper relation which the United States should sustain toward the world. If there ever was a time when duty commanded the Senators to express to the world, to their own country, and to the President their honest convictions regarding a proposal which affects the integrity of the Nation, the peace of the world, and the happiness of mankind, this is the proposal, and this is the time which requires conscientious speech.

I hope that the apprehensions of the Senator from Missouri, somewhat vaguely expressed yesterday, but easily understandable, nevertheless, will not be realized. I understand the pressure which now rests upon all Members of the Senate, as well as all Members of the other House; I appreciate the desire to close the business of this session and to avoid the necessity for a special or extraordinary meeting of Congress; but even if it is or shall become necessary to hold an extraordinary meeting of Congress, it is no answer to the suggestion I have made. There is no legislation that can be proposed comparable in importance with the recommendation or the announcement of the President. The fate of the Republic in years to come, the freedom of our people, the integrity of our sovereignty, may lie in these proposals and in the action which may be taken upon them. We will be false to the highest duty which the Constitution and the country places upon us and to our obligations to the great millions we represent if we sit silent now.

I do not know whether or not the Members of the Senate concur with the proposals that have been so clearly made before us; I have not inquired. There is not in my mind a partisan tinge. I think Senators will bear me witness that when I desire to support the President I do so without the least reserve, and this is not a partisan suggestion. I do not undertake to predict the position of any Senator regarding the questions which have been thus thrust upon us; but I do know that the President is not the only person who is charged with the duty of speech upon such a subject.

I can not believe, either, that the consideration of the message will require the length of time which the Senator from Missouri thought it would required. I think that every Senator ought to be given an opportunity to speak, but that does not mean that every Senator will speak; and I have no doubt that in one day or two days of faithful work the voice of the Senate will be heard, and that then we can resume the consideration of the legislative measures which are before, or may come before, the Senate.

Mr. President, upon these reasons I submit the resolution, with the earnest hope that it will meet favor with a majority of the Members of this body.

Mr. STONE. Mr. President, the Senator from Iowa states it as his opinion that any Senator who opposes this resolution is not a friend of the President. I do not speak with knowledge, but I venture to express a doubt as to whether the President is so obsessed with a delusion that the Senator is so affectionately devoted to him as to be willing to trust his fortunes in the Senator's hands.

Mr. President, I am against this resolution. I think it an unwise one. Evidently it has been introduced by the Senator without due deliberation and with great haste, as if he were apprehensive that some one else might precede him upon the stage.

What is to be accomplished by this resolution if adopted? The resolution itself declares that it is impossible for the Senate to take official action upon these grave matters at this time. Impossible to take official action, but the Senator has written in the resolution that it was the obvious object of the address to invite a free and frank expression from the Members of the Senate for the guidance of the President. There is no official action to be taken, but it is proposed that there shall be individual expressions from Members of the Senate as to their several opinions regarding the address delivered by the President; and so it is resolved that on Monday next the resolution shall be laid before the Senate for discussion, and that its consideration shall continue, to the exclusion of all other business, until each Senator shall have had an opportunity to speak thereon, but that no Senator shall speak more than once, nor exceeding one hour.

If every Senator here should deliver a speech expressive of his opinion touching this message, 96 hours would be consumed. If this talkfest should continue for seven hours per day, more than two weeks of the time of the Senate would be consumed, or practically half the time yet remaining of this session. But the Senator says that in his opinion only a few would desire to speak, and he therefore concludes that the speaking would probably end within two days. The Senator is of the opinion, however, that the few addresses delivered would sufficiently outline the attitude of the Senate and give a just and full expression of the Senate's opinion of the message.

Why so? The stated object of the resolution is to give each individual Member of the Senate an opportunity to express his personal opinion for the guidance of the President. If we should have three or four or a half dozen speeches disapproving and criticizing the address, in whole or in part, and another half dozen speeches indorsing and approving the address, how would the President be enlightened? In what way would the President's footsteps be guided? It is an unwarranted assumption to say that 8 or 10 or a dozen speeches made here by Senators in the course of two or three days would unfold and lay bare to the President and the country and the world

the judgment of the entire Senate upon the merits or demerits of the address, and disclose the attitude of the individual Members of the Senate upon the great questions presented in the address of the Executive. We would get nowhere, the President would get nowhere, unless every Senator spoke his own opinion. The Senator from Iowa would have no right to say that he spoke for any other Senator. He would speak for himself only; and so it would be with all others. Each speech would be the individual act of the speaker. Of course, the President would have the views of this limited number, but what of the great majority remaining silent?

Mr. President, we are within four or five weeks of the 4th of March, when this session of Congress will terminate. There is no way to prevent Senators from speaking upon this subject if they wish to. Moreover, there is no desire upon the part of the President's friends to suppress the fullest speech with respect to this matter. On the contrary, it is invited. If any Senator cares to express his views, whether favorable or unfavorable, either for the guidance of the country or the President, or that he may declare his personal attitude on these great problems, he can do so. Let Senators discuss it if they wish; let the country discuss it; let the world discuss it, forthwith; but for the Senate to set aside such an amount of time as that outlined in this resolution, to be devoted to a debate about the President's message, when no official action can be taken at the end, seems to me would be a melancholy waste of time. I am opposed to it. There is other business to do.

Mr. President, I am going to renew the motion I made on yesterday and withdrew—because under the rule the resolution had to go over for the day—that the resolution be now referred to the Senate Committee on Foreign Relations, to which the message itself has been referred by the action of the Senate, and leave Senators here to make such speeches as they please from time to time; but I do not think we should project this discussion at this juncture to the exclusion of all other business—an aimless, barren discussion, in so far as official result is concerned. Valuable, no doubt, it would be. Speeches will be made by some Senators whether this resolution goes to the Committee on Foreign Relations or whether it is agreed to here on the floor. Speeches will be made from time to time under one pretext or another. Very well; so be it. But I am utterly opposed, and I think the Senate ought to be opposed, to a resolution that puts all other business aside and makes this the exclusive business of the Senate, until every Senator here can have an opportunity to tell the President what he thinks, to the end that the President may, in the language of the preamble, be guided by these deliverances.

I move that the resolution be referred to the Committee on Foreign Relations.

Mr. SHAFROTH. Mr. President, I am heartily in accord with the Senator from Missouri in urging that this resolution be referred to the Committee on Foreign Relations. Every Senator here has investigated this question to a considerable extent. A number of Senators have already introduced resolutions which give an outline of their ideas as to the kind of an international agreement they believe should be effected. It seems to me that if we submit this matter to the Senate without any resolution before it for consideration there will follow a rambling debate which can not produce any result.

I do believe with the Senator from Iowa that it is important that this matter should be presented to the people of the United States, and I hope that whatever resolution may be introduced and referred to the Committee on Foreign Relations will receive consideration; that the hearings will be open, so that full and free discussion may be had, and that they be printed and used as public documents.

I would suggest that, inasmuch as we are bound to have an extra session of the Senate on the 4th of March, then would be an appropriate time for the consideration of this measure, together with the consideration of any resolution that may be presented by the Committee on Foreign Relations. Thus the discussion of this question will not be in the way of the passage of legislation which is pending and which it is necessary to put through in order to avoid an extra session of Congress.

A session of the Senate at the end of a presidential term is always called for the purpose of considering executive business, and that will be a very proper time, it seems to me, to discuss this question in as full a manner as the Senator from Iowa desires. But until that time, it seems to me that the proper course of procedure is to get into concrete shape some proposition, have it perfected by the Committee on Foreign Relations, and then submit it to the Senate for determination.

For myself, I have believed for a number of years that there should be an international arbitration tribunal, with the power to enforce its decrees. I do not believe that the trial tribunal or court should consist of members of various nations, so that we might be drawn into the systems or policies of European Governments. I believe that that tribunal should be composed of judges in attendance upon the tribunal, ready for service; and whenever nations become involved in a controversy each should have the right to appoint two judges upon its side, or more, if agreed upon. The judges so selected to determine who should be the fifth judge or the seventh or the ninth, as the case might be, and thereupon the determination of those judges to constitute the decree of the court.

I believe that such procedure would give a fair opportunity to determine questions equitably between big powers and little nations. If the United States should have a controversy with Holland, that nation would have its two representatives, the United States would have its two representatives, and the fifth judge selected would be named by agreement, or if not, and no better way determined, then by chance.

Mr. President, these are views which I have already presented in some respects to some of the committees of the Senate, and, while I have not a resolution that is thoroughly studied and it must be only suggestive, I want to introduce now a resolution, which I ask the Secretary to read.

Mr. CUMMINS. I have no objection, of course, to the reading of the resolution, but I do object to its being considered at a time when my resolution is before the Senate.

Mr. SHAFROTH. Very well. I ask that it be read at present.

The PRESIDING OFFICER (Mr. WALSH in the chair). The Chair understands that the resolution will be read as a part of the remarks of the Senator from Colorado.

Mr. SHAFROTH. Yes, sir.

Mr. GALLINGER. Let it be read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Resolved, That it is the sense of the Senate that the United States endeavor to negotiate with the nations of the world a treaty for the establishment of an international court, with power to enforce its decrees, which court shall recognize and maintain the territorial integrity of each nation as it exists at the time of the ratification of such treaty and determine all other controversies arising between the nations.

The Senate suggests in the negotiation of such treaty that each nation appoint from two to five judges to remain in attendance on the tribunal. That when a dispute is submitted between two nations each shall have the right to select two of the judges in attendance and the four so designated to select the fifth, and if they can not agree the fifth judge shall be selected by chance, unless the parties to the dispute agree to some other mode of selection. That the determination of such judges shall constitute the decree of the court. That by agreement of the nations involved in the controversy the court may consist of a greater number of the judges in attendance. That each nation shall contribute for the support of said tribunal such funds, naval and military establishment as may be agreed upon, to be controlled by said international tribunal, and shall reduce its own naval and military establishment for the enforcement of its own laws and peace and order in its own territory as may be agreed upon.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. I observe the Senator proposes to have a court and that that court shall have power to enforce its decrees.

Mr. SHAFROTH. Yes, sir.

Mr. GALLINGER. Just what will be the modus operandi of enforcing those decrees? Is it to be by military and naval forces?

Mr. SHAFROTH. Yes, sir.

Mr. GALLINGER. In other words, we go to war to secure peace. Is that it?

Mr. SHAFROTH. No; I think not.

Mr. GALLINGER. Oh, yes.

Mr. SHAFROTH. The proposition is embodied in the latter part of the resolution. It means that there shall be a contribution of military and naval establishments of various Governments. I have not any doubt that there are numerous objections that can be made to any such resolution, but the world is now being drenched in the blood of millions, and I believe we have to yield some of our sovereignty in order to prevent the wholesale slaughter not only now continuing but which is likely to recur at intervals for ages to come.

Mr. GALLINGER. But, Mr. President, I am still unable to follow the reasoning of the Senator. We have a court and we give it power to enforce its decrees. Then we provide that those decrees shall be enforced by military means.

Mr. SHAFROTH. By contributing them to the tribunal and its using them. It is just like the sheriff being under the control of the State court, just as the United States marshal is under the control of the United States court.

Mr. GALLINGER. But——

Mr. SHAFROTH. They have a right to invoke the power of the State and Nation, respectively, if necessary to enforce a process.

Mr. GALLINGER. I understand; but is this court to order out the naval and military forces of the several nations?

Mr. SHAFROTH. No, sir; it is to have its own military force, and the military forces of the various nations will be reduced and should be reduced to a peace footing.

Mr. GALLINGER. Now, I will ask the Senator a further question, because I want to understand his position.

Mr. SHAFROTH. Very well.

Mr. GALLINGER. The several nations will contribute of their military and naval forces?

Mr. SHAFROTH. As may be agreed upon between them.

Mr. GALLINGER. As may be agreed upon between them. Whom are they going to fight? Each other?

Mr. SHAFROTH. They are to fight no one if no one disputes the decrees. It is just like the force back of a court. There is a force back of the United States courts; and there is no resistance. That is the theory upon which, in my judgment, wars will cease.

Mr. GALLINGER. If one nation repudiates the decree, then all the other nations are to pounce upon that nation?

Mr. SHAFROTH. No; the court enforces it by having a sufficient force to do it. That is the position. This is revolutionary—of course, it is revolutionary; there is no question of that; but at the same time if we are going to stop these horrible catastrophes that are happening we have to invoke something more effective than has been employed in the past.

Mr. GALLINGER. Does not the Senator think we would have pretty serious entangling alliances when we went into a matter of that kind?

Mr. SHAFROTH. No; I think not, because we should have our treaty, and that treaty will clearly define what shall be the powers of the court and what shall be the force behind the court. The mode of determining the controversy is practically the same as that which we now, by arbitration, invoke in disputes with other nations. The proposition is to agree by treaty to submit every controversy and that the court shall enforce its decree.

Mr. CUMMINS. Mr. President——

Mr. SHAFROTH. I will yield in just a moment. It seems to me that from a proposition of that kind there can be evolved something that will have a great tendency in the future to prevent war. It does not interfere with the integrity of any nation. Consequently there can be no question submitted as to whether Great Britain has any claim to any of our territory which once belonged to her, or to any territory which we acquired from Mexico. The very jurisdiction of the court excludes the consideration of such questions. Nay, more; the territorial integrity of each one of the nations at the time of the ratification of the treaty must be recognized and must be enforced by this very tribunal. Instead of any waiving of the Monroe doctrine, leaving the South American Republics unprotected, it will make and turn over to a greater force, namely, this tribunal, the enforcement of the maintenance of their territorial boundaries. Consequently it makes them more secure than even under the Monroe doctrine. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Colorado has announced that he is opposed to my resolution. Does he not recognize that he is doing at this moment the very thing that I provide for in the resolution, namely, a discussion of this subject? I have not provoked a discussion of the merits of the subject.

Mr. SHAFROTH. Mr. President, I agree with the Senator in his desire to get a discussion. It may be that this resolution I have offered will not voice the sentiment of anybody but myself, but I believe it is something that ought to be discussed. I believe the Senator's position is right, that it should be discussed, but not at this session. What I want is a discussion of it when the Senate is in extraordinary session after the 4th of March, and then we will have all the time necessary, without an interference with other matters pending before Congress.

Mr. CUMMINS. The Senator is discussing it now at this session, and taking up the very precious time which he desires to save.

Mr. SHAFROTH. I have been speaking only 10 minutes. I merely wanted to emphasize the fact that the resolution offered by the Senator from Iowa ought to go to a committee for an examination of these questions, and that that committee should determine as to the form and ascertain the best mode of procedure with relation to it.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I yield. I was going to sit down.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. FALL. I rose for the purpose of receiving a little enlightenment, if possible, from the Senator from Colorado.

Mr. SHAFROTH. Very well, I will answer the Senator's question.

Mr. FALL. Does the Senator think the resolution could be adopted and could be followed out without an amendment to the Constitution of the United States?

Mr. SHAFROTH. I doubt it very much. I have a resolution pending to that effect at the present time.

Mr. FALL. Would not that amendment to the Constitution of the United States necessarily provide that when a military force was engaged in enforcing the decree of the court it was war?

Mr. SHAFROTH. I have introduced a resolution, and I had a hearing upon it before a subcommittee of the Judiciary Committee last Thursday, in which I proposed that this power should be given by a constitutional amendment. The power now to declare war is in Congress, and in my judgment in order to remove that power it is necessary to adopt a constitutional amendment.

Mr. FALL. And vest it in the President?

Mr. SHAFROTH. No; not vest it in the President, but in Congress, or vest it in the Senate and the President.

Mr. FALL. Not vested in the court the Senator speaks of?

Mr. SHAFROTH. No. But you have to grant certain powers to the court.

Mr. FALL. Then you practically vest in the court the power to declare war?

Mr. SHAFROTH. If we are to have a controversy settled by arbitration——

Mr. FALL. I am seeking enlightenment. I want to follow up my questions logically if I can.

Mr. SHAFROTH. I am trying to answer the Senator logically.

Mr. FALL. Very well.

Mr. SHAFROTH. I said, in order to have a peace-enforcing tribunal, in my judgment, you must vest the necessary power somewhere, and it has got to be not in any individual nation but must be of necessity in the court which determines these controversies submitted to them.

Mr. FALL. While we were engaged in this little adventure with both our land and naval forces, under the Constitution of the United States the President would still have the right to suspend the writ of habeas corpus here in the United States, for example, to commandeer every man in any line of industry.

Mr. SHAFROTH. I think not. You still——

Mr. FALL. He has that right now, in time of war.

Mr. SHAFROTH. That is all true, and he is continuing that right. I have not any doubt that he would continue it.

Mr. FALL. Then that would be fighting. That would be war.

Mr. SHAFROTH. As to internal affairs, there is no question but that we have to maintain a force.

I do not believe the League to Enforce Peace propaganda will do the thing that is most desired by all the nations, and that is a reduction of armament. Billions of dollars are spent each year by the nations in supporting large armies and navies, and those billions raised by taxation oppress the people of the world. Some way must be devised to relieve that burden. I believe this proposition is a better one, but I recognize that this is outside of the question that is presented. I only brought this up as an illustration to show the fact that the question in concrete form ought to be considered by a committee carefully, and if a discussion arises such as the Senator from Iowa suggests, it ought to be a discussion when we have a special session of the Senate and can devote time for that purpose.

Mr. FALL. Then will the Senator answer this question: What, in his opinion, was the object of the President of the United States in injecting this matter necessarily into the field of discussion by an address to the Senate of the United States?

Mr. SHAFROTH. It was prompted by motives of humanity. That is the reason.

Mr. FALL. To whom? To the Senate?

Mr. SHAFROTH. To all, and for the Senate to consider the matter.

Mr. FALL. That is exactly the proposition of the Senator from Iowa, that the Senate shall consider the matter.

Mr. SHAFROTH. But we do not consider other matters in the Senate in that way. We refer them first to committees. Nearly all resolutions are submitted to committees. All measures of a complicated nature are always submitted to a committee, and that committee by investigation can suggest the best measure. There is nothing here that is concrete.

Mr. FALL. The records will show that during the last four years there have been 61 resolutions upon one certain matter of very near interest to the people of the United States submitted to the Foreign Relations Committees and only one reported out.

Mr. SHAFROTH. It may be those investigations showed that they were not proper to be reported out.

Mr. FALL. Precisely.

Mr. SHAFROTH. Or it may be there has been no attempt to follow up the resolutions to get an expression of the committee.

Mr. FALL. If, in the opinion of the President of the United States, this was a proper matter for discussion, does not the Senator agree with the President of the United States?

Mr. SHAFROTH. I do, and I believe there ought to be discussion, but I do not think it ought to take place before the 4th of March. It can take place immediately afterwards.

Mr. FALL. Then why did not the President wait until after the 4th of March?

Mr. SHAFROTH. Because, as a matter of fact, it is a subject that is uppermost in the minds of the people, and the people ought to think about it and the people ought to discuss it. That is true.

Mr. FALL. Precisely.

Mr. SHAFROTH. But we have limitations upon this session. We are limited in time to the extent of a little over four weeks, and if we discuss it we will do nothing else.

Mr. FALL. Exactly. The Senator knows perfectly well this discussion will likely proceed, and that then those who are opposed to its being openly discussed in the Senate, as are some, will insist that we are filibustering against some appropriation bill or against some bill which the Senator is interested in, for example. Although he says that the people of the United States want this discussion, that it should be discussed by their chosen representatives, yet that will be thrown in our teeth whenever one of us rises here to offer a few remarks either in agreement or disagreement with the ideas of the Senator or those of the President of the United States.

Mr. NORRIS. Mr. President, the Senate is not to blame for the address of the President. We can not assume, it seems to me, anything else than that the President expected some action by the Senate. We can not expect the Senate to take action without some debate. That will take time. If we enter upon a discussion of a question as important as this is, it will take a great deal of time. Now, I am not averse to entering upon that discussion. I hope that when we do enter upon it there will come out of the discussion some concrete proposition, some resolution.

It seems to me that if the President wanted this debate to take place at a special session after the 4th of March he would have waited until then to deliver his message. It does not follow, however, from that that the Senate necessarily ought to take up the time of the country, with the certainty of an extra session coming on if we do take it up, by entering into the debate now.

I have a good deal of sympathy with the proposition of the Senator from Colorado—that, if we are going to have a special session, we ought to debate this question after the 4th of March, if in the meantime we can do the business necessary to avoid an extraordinary session. I think that is something for the Senate to determine.

It strikes me also that the weakness, if there is a weakness, in the resolution of the Senator from Iowa is that it contains no concrete proposition. I am of the opinion that if we entered into the debate, as the Senator has proposed, it would result in some resolution coming out of the debate and being adopted by a majority of the Senate, possibly. A discussion that will not result in that, while it may do a great deal of good, will not do the amount of good, it seems to me, that it ought to do, and will not place the Senate in a position where it takes any direct and concrete stand on the subject, which, it seems to me, is something we are bound to do since the President has brought the matter before us.

Personally, it seems to me the matter ought to be brought before the House of Representatives just the same as it has been brought before the Senate; but the President evidently thinks differently. We can not, it seems to me, escape the proposition that we must take some action. Ordinarily the proper course to be pursued would be to refer the resolution to the appropriate committee, which in this case, of course, would be the Foreign Relations Committee. I know there is a feeling that if the resolution is referred to that committee it will, like many other resolutions, not see daylight again. The Foreign Relations Committee itself only a week or two ago, when a resolution was introduced to approve some action of the President, did not want the resolution referred to that committee, but wanted the Senate to act upon it at once. This proposition is of greater importance than was that. Personally, I should like to see the resolution referred to the committee. However, I think we ought to adopt some direction in reference to the report of the committee, fixing the time within which it must act. This resolution should not take the course of other resolutions which have gone to that committee. Therefore, I am going to submit an amendment to the motion of the Senator from Missouri [Mr. STONE].

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I do.

Mr. BORAH. I want to say a word in reference to some of the resolutions which have gone to the Foreign Relations Committee during the last two years and which have been buried there, as the Senator from Nebraska [Mr. NORRIS] and as the Senator from New Mexico [Mr. FALL] have stated. As to many of those resolutions, the authors of the resolutions desired them to be buried in that committee. There have been a number of resolutions introduced here with reference to certain matters sent to the Foreign Relations Committee with no expectation that they would ever be returned. I think the Foreign Relations Committee would report any resolution in some form when there was any real manifestation of interest upon the part of the Senate that it should be reported. I can call to mind some five or six resolutions which have been introduced with reference to Mexico and certain other matters, whose authors were very desirous of getting them into the Foreign Relations Committee so that they would never again be heard of.

Mr. NORRIS. I have no doubt that that is true; but, on the other hand, there have been many resolutions referred to that committee where the authors of the resolutions were very anxious to have them reported. I am going to test the sense of the Senate as to whether or not it wants this resolution to go to that committee to remain there, or whether it wants proper action taken, by submitting a motion to amend the motion of the Senator from Missouri; and if it is in such shape when reported that we can, in the judgment of the Senate, finish it before the 4th of March, that can easily be done, but when the report comes in, if the Senate desires to put it over after the 4th of March, if we are to have a special session, then, so far as I am personally concerned, I see no objection to it going over until that time. That is not very far off, and we can perhaps have a better discussion after having time for deliberation and investigation.

Mr. President, I presume we all have some well-defined ideas on the various questions presented by the President. I know, so far as I have been able, I have given some of these questions a great deal of attention for quite a number of years. I do not want to discuss now what I think ought to be done, if anything, because that would only bring on a debate, which, it seems to me, would be useless as it could not accomplish anything. When we get a concrete proposition before us, however, something will come out of it, and I am of the opinion that even a debate on the question will accomplish a great deal of good. I do not believe that in this debate we ought to take up the questions which have been submitted, for instance, by the Senator from Colorado, important as they are, and some of which, I think, will in due time be considered and ought to be considered. Whenever we undertake in any proposition which we may offer to the world to lay down the details of any proposal we shall get into difficulty, because that is something which must be passed upon by other nations as well as ours.

I am in favor of trying to do something, even though we may not accomplish all that any man thinks we ought to accomplish. We can perhaps get something out of such an effort; and even though we get nothing out of it, it will be something worthy of a trial and fair consideration of honest men everywhere in the civilized world. I therefore move, Mr. President, to amend the motion of the Senator from Missouri by adding the following words: "with instructions to report the same back to the Senate, with such recommendations as said committee may deem proper, within 10 days."

Mr. CLARK. Will the Senator from Nebraska yield to me for a question?

Mr. NORRIS. I yield to the Senator for a question.

Mr. CLARK. Does the Senator's amendment contemplate that the committee shall report back amendments that are not germane to the proposition of the Senator from Iowa? The proposition of the Senator from Iowa is simply to fix a date for the discussion of the President's address or of the matters contained therein.

Mr. NORRIS. I see the point which the Senator from Wyoming makes, and I think there is a good deal in it. Probably the committee would go a little bit further than that in order

to bring in a concrete proposition. As I have stated, the only weakness I see in the proposition of the Senator from Iowa is that it provides for nothing but debate, and while I think the debate might at its close result in the adoption of some concrete proposition, at the same time I believe we ought to let the committee have an opportunity to shape such a resolution or amend the pending resolution, and when reported back it will be subject to whatever action the Senate may desire to take.

Mr. CLARK. Of course, if the committee shape a resolution of that sort, it would travel far afield from either the resolution of the Senator from Iowa or from the address of the President.

Mr. NORRIS. They might do both. The resolution of the Senator from Iowa, I think, would bring about, perhaps, some action by the Senate—the adoption of some resolution or of some concrete proposition. If it does not do so, there is not anything to do but to debate it. That might do some good; I am not disputing that; but at the same time I think we ought to take definite action. For instance, the President has embodied various propositions in his address; he had asked the Senate for leave to address the body, and has delivered his address; he has given us his ideas as to what we ought to do, and as to many things. So it seems to me the Senate ought to say, since it has been asked by the President to take action, whether it believes in this proposition or that proposition or believes in them in a modified form. The Senate ought to respond, it seems to me, to the invitation which the President has extended.

Mr. REED. Mr. President, I should like to ask the Senator a question.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Missouri, as I think he rose first.

Mr. REED. Does the Senator know of any way that the Senate can express its opinion except by the adoption of a resolution or the enactment of a law?

Mr. NORRIS. No; offhand I should say not. It seems to me that we must do one or the other.

Mr. REED. The resolution which is now before us does not call for an expression of the opinion of the Senate, but for an opportunity for individual Senators to make speeches. That is all there is in the resolution.

Mr. NORRIS. It seems to me that technically that is all there is in it, and, while I think that the discussion might result, and would result, in the introduction and adoption of some concrete resolution, I believe that we ought to consider such a resolution.

Mr. REED. May I not ask the Senator a further question?

Mr. NORRIS. I yield.

Mr. REED. Is not the resolution squarely in the teeth of the rules in that it undertakes, first, to cut off the right of Senators to take up any ordinary matter of business provided for by the rules, and, second, in that it undertakes to limit debate, a thing that can only be done by unanimous consent?

Mr. NORRIS. Well, that presents another question. Of course, the resolution does limit debate; there is not any doubt about that. I personally have not any objection to that part of it, although in one sense it may be true that it is an amendment of the rules. I now yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, the Senator has stated that if there is a possible defect in the resolution of the Senator from Iowa it is that it lacks in concrete statement. I will ask the Senator whether he thinks there was any concrete statement in the stump speech from the throne that was delivered in the Senate of the United States by the Chief Executive on the occasion referred to, when the matter concerned solely the treaty-making power, under the Constitution vested in the Senate in conjunction with the President, and whether any issue was presented to the country at large either by the nations in mortal combat or by any measure then pending in the Senate? Was it not rather intended to forestall and foreclose independent action on the part of the Senate by appealing in advance of Senate action to public opinion that the President's view might sink unanswered into the minds of the general public before the Senate had a chance to discuss the question? Who can foretell the terms of such a league as proposed? Shall the Senate sit silent under such an attempt to commit it by an acquiescence? Was not that rather the purpose of the Chief Executive in appearing in this Chamber and delivering such a message when no issue was pending in this Senate? Was it not rather for the purpose of preventing dispassionate action by the Senate, making us accept whatever treaty shall be hereafter transmitted to us, and compelling us to ratify it by the coercion of the public opinion sought to be created? What reason is there for suddenly injecting the subject into this Senate when nearing the end of the session?

I will ask, further, whether it was not the intention of the Chief Executive by devoting three days a week to the room not far from the Senate Chamber, not trusting his own majority Members of the Senate to conduct the business that might properly be before it, to come here and, by the appearance of the patronage-dispensing executive power of this Government, to coerce the majority party into his demands and into obedience to his program? I ask whether that is not really the concrete proposition presented by the Senator from Iowa in his resolution?

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska will recognize, of course, that he has yielded the floor to the Senator from Illinois.

Mr. NORRIS. Yes.

The PRESIDING OFFICER. The Senator from Nebraska is again recognized.

Mr. NORRIS. Mr. President, of course, I did not yield the floor willingly. Like the Senator from Illinois has indicated, I have been coerced. But, Mr. President, I do not want to discuss now, although I have my own ideas about that question, the motives of the Chief Executive. The Senator from Iowa clearly outlined in the presentation of the resolution offered by him that he was not going to question them, and I do not think we ought to do so; and, while the question propounded by the Senator from Illinois is very short and simple, at the same time I do not care to enter into that phase of the debate, particularly now. I am assuming, as the Senator from Iowa assumed when he presented his resolution, that, whether one agrees or disagrees with the President, he was acting within his rights, and acting in good faith; and I want, so far as I can, to have the debate proceed on that theory; and so I will not enter into a debate on the question the Senator from Illinois brings up.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield only for a question. If the new rule is to be enforced on me, I want it enforced as to every other Senator.

Mr. THOMAS. I merely wanted to ask the Senator if he did not think that the Senate has before it matters of more immediate and pressing importance, demanding urgent consideration than the subject of the resolution which we are now considering?

Mr. NORRIS. In answer to that question, I will say I do not. I agree with the Senator from Iowa that the questions presented by the Chief Magistrate of the Nation are of more importance than anything else that can possibly come before the Senate. I should like, if I could, to meet the questions the President has presented, without interfering with the regular routine of the Senate, since the 4th of March is so close at hand, and it seems to me that might be a good way to dispose of the matter; but I would not do that, even though it meant an extraordinary session of Congress, if it could be construed as dodging the question, for I am not in favor of dodging it; I think we ought to meet it; I think it is the most important of any business that can possibly come before us, and we ought to respond to the suggestions of the President.

Mr. THOMAS. Mr. President——

Mr. NORRIS. I do not care to debate the matter any longer. I desire to have my amendment stated.

Mr. THOMAS. May I ask the Senator another question?

Mr. NORRIS. I yield for a question.

Mr. THOMAS. Conceding that this matter is important, will that importance be at all affected by a postponement until the routine business of the Senate shall have been concluded?

Mr. NORRIS. If we are to have a special session of the Senate following the 4th of March, when the question can be taken up, that would not be such a delay, it seems to me, as would be very material.

Mr. THOMAS. We are going to have a special session of the Senate and a special session of Congress; we can not avoid it; we have wasted half of our time, and now we are allowing other matters to intrude here still further.

Mr. NORRIS. That may be, but we are not to blame for this other matter.

Mr. THOMAS. I am blaming nobody.

Mr. NORRIS. We did not ask that the question be brought up; the President has brought it here, and, without questioning his motives or anything else, it is here.

Mr. THOMAS. I am blaming nobody.

Mr. NORRIS. We can not avoid it; it is before us; and if we are going to have a special session anyway, then I am in

favor of taking this question up first and doing the other business afterwards.

Mr. THOMAS. I repeat, I am blaming nobody, Mr. President. I am stating what I think is a fact, that we are not attending to our business.

Mr. NORRIS. Mr. President, I do not yield for a speech.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. NORRIS. I hope the Chair will invoke the new rule on every Senator, if it is to be enforced at all. I now desire to have my amendment stated, Mr. President.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. Does the Senator desire to interrupt me?

Mr. WEEKS. Yes.

Mr. NORRIS. Very well; I yield to the Senator.

Mr. WEEKS. The discussion about a special session is interesting, because——

Mr. NORRIS. Well, Mr. President, I do not yield to the Senator to make a speech in my time, because the Chair has already announced that that will take me off the floor.

Mr. WEEKS. I do not wish to do that, and I will not interrupt the Senator.

Mr. NORRIS. I would be glad to yield if it were not for that. Now, I offer the amendment which I have suggested, and I should like to have it stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Mr. STONE has moved that Senate resolution 326 be referred to the Committee on Foreign Relations. To that motion Mr. NORRIS offers the following amendment, namely, to add the words "with instructions to report the same back to the Senate, with such recommendations as it may think best, within 10 days."

Mr. SMITH of Georgia. Mr. President, I trust that we may still be able to finish the regular business before the 4th of March, and that an extra session for general business may not be necessary.

I think it was eminently appropriate that the President should have come to the Senate last Monday and to give us his views as he did.

I consider the address of the President delivered at that time a masterful expression of the highest ideals of international relations.

It appeals to the people of the world for justice in the treatment of nation by nation.

It points the way to an end of the present war and to a permanent peace.

It voices the hope of the world for lasting peace.

It is expressed in language so brave and beautiful that I wish it might remain for a while to speak by itself.

I recognize the fact that we will be called upon on the floor of the Senate to debate the various suggestions contained in that address. We will have an extra session of the Senate, of course, following the 4th of March. I hope we may finish our regular business now while the House and the Senate are both in session, and I would be much gratified to see this subject go over until the 5th of March, when we will not be crowded with the regular work which is now upon us, and when we might devote ourselves exclusively, if we see fit, to the discussion of the suggestions contained in the President's address. I shall support the motion of the Senator from Missouri to refer the resolution to the Committee on Foreign Relations.

Mr. WEEKS. Mr. President, when the President of the United States addressed the Senate the other day he evidently had one of two purposes in mind. He used this language:

> I have sought this opportunity to address you because I thought that I owed it to you as the council associated with me in the final determination of our international obligations—

And so forth. Now, he was either using the Senate as a megaphone through which to address the world, or he expected some action on the part of the Senate. If action is not to be taken before the 4th of March, I am wondering in what kind of a position this country is going to be in case a victory occurs between the 4th of March and the convening of Congress next December; because the President says, in another part of his address, speaking of the terms of peace:

> They imply, first of all, that it must be a peace without victory.

Are we to remain in session after the 4th of March watching the course of events in Europe to see whether there is a victory, and try to take action before a victory occurs; or what is to be our course?

I should like to ask the Senator from Missouri if it is the purpose of the majority to take up this address and consider it before the 4th of March, or if it is the purpose to consider it at an extra session after the 4th of March?

Mr. STONE. I do not know the purpose of the majority. There has been no expression, except such as has been heard this morning, by Senators on this side, so far as I am informed. Speaking for myself, as I have already stated, I do not think this resolution should be agreed to, for the reason that under its very terms the statements to be made by Senators expressive of their views, if generally indulged, would consume nearly half of the time remaining of this session. That is my own opinion.

Mr. President, I hope the Senate will not consent to the amendment proposed by the Senator from Nebraska [Mr. NORRIS]. The Senator from Nebraska himself has indicated his opinion to be that the public interests would be better promoted by postponing any general discussion on the floor of the President's message until the Senate reassembles immediately after the 4th of March.

Mr. NORRIS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. STONE. Certainly.

Mr. NORRIS. I want to ask the Senator if he does not think that if this resolution were to be reported back in 10 days from now, at the time the report was made we would then be definitely able to know, perhaps, whether the regular business of the session could be transacted before the 4th of March; and if so, whether we could not reach an agreement at that time that the report of the committee should go over until the 5th of March, and be taken up at a special session?

Mr. STONE. Mr. President, we know now as well as we will know 10 days hence that it will require every moment of the time of the Senate, even with longer sessions than we have been holding, to complete the business of the Senate before the 4th of March, so as to avoid an extra session of the Congress; and if we came back here 10 days hence to reach an agreement by unanimous consent, I can see no more prospect of that being done then than now. Besides, I think a matter of this kind had better go to the committee without an attempt to instruct that body as to what it shall do.

I hope the amendment will not be agreed to.

Mr. LODGE. Mr. President, it seems to me that we have confused a little the only real issue involved in the resolution of the Senator from Iowa [Mr. CUMMINS]. There is no doubt at all that if Senators desire to speak upon the statements made yesterday by the President of the United States nothing can prevent their doing so in the course of ordinary debate on matters before us, like appropriation bills. They can not be prevented from saying what they feel moved to say on that subject.

The proposition of the Senator from Iowa, as I understand it, is simply to limit the debate upon the President's discourse to a given time; to set aside a certain time for that debate, which in his opinion and in the opinion of many others, I think, may be inevitable. My own opinion is that we should save time by taking one day and devoting it to this subject and letting those speak who want to, with an understanding that we should not discuss it in connection with appropriation bills and other matters of regular business. My own belief is that the adoption of the resolution of the Senator from Iowa would save, instead of wasting, time.

I am very anxious, as I suppose we all are, to avoid an extra session of Congress. Therefore the proposition of the Senator from Iowa seems to me to assume importance, and in my judgment it would be a timesaving arrangement. But when we come to the question of instructions to the Committee on Foreign Relations, it is perfectly obvious that to report back this resolution with recommendations would simply mean that within 10 days we should report back this resolution with a recommendation as to whether we would hold the debate on another day or whether we would let it run on in general fashion. Does anyone suppose that we can attach to this resolution of the Senator from Iowa recommendations to arrange for the peace of the world at the present time and also for the future peace of the world after this war is over? Simple as that would be, beyond doubt I think it would not be in order attached to a resolution which only concerns the time for debating this subject.

I do not wish to exaggerate the importance of settling the present war and all future wars by Senate resolution; but I think it would take even the Foreign Relations Committee—for which I have the profoundest respect, naturally, being a member of it—more than 10 days to determine how it would be best to end the present war and then secure the peace of the world subsequently.

It seems to me that those are important subjects. I know the great attraction which they possess. There is an immense fascination in settling other people's business and meddling with other people's affairs, especially when the resolution which is to settle them really amounts to nothing. The subjects brought forward by the President, however, amount to a great deal; and to discuss all that he advises, easy, clear and simple as his propositions are, will take time.

I do not think myself that the mere fact that the Senate is silent binds the Senate in any way or can be interpreted as meaning that they agree with all the propositions which the President has advanced. I do not think that failure to express dissent binds the Senate to the President's views any more than the Executive can bind this country without a treaty ratified by the Senate. But if we are now to discuss the President's propositions, I honestly think that we should save time and have a better expression of opinion if we should follow the suggestion of the Senator from Iowa.

Mr. THOMAS. Mr. President, I shall detain the Senate but a moment, as I do not intend to refer to the resolution itself, beyond saying that the sentiments expressed by the Senator from Georgia [Mr. SMITH] are largely my own concerning the President's address. I merely wish to emphasize the importance of devoting the remaining time of the present session to pending business.

We must enact into law between now and the 4th of March 13 great appropriation bills. One is now before the Senate as our unfinished business, upon which we have spent a week, and I shall be agreeably surprised if we get a final vote upon it to-day. At that rate of progress, Mr. President, and with a special session, we will consume the time between now and the beginning of the next fiscal year in disposing of the bills alone.

Then we have for consideration the Porto Rican bill, the corrupt-practices bill, the flood-control bill, the leasing bill, the railway legislation—consisting, perhaps, of several bills—and the revenue bill, upon which we can not hope to make very rapid progress. It is probably the most important of them all. These demand our first consideration, and the problems of peace may well await a more convenient season.

I am satisfied that the European conflict will continue until after the 4th of March; and I quite agree with the Senator from Massachusetts that it would be difficult for any body of men, however capable, to put an end to it or to arrange for a world peace in that interval. The time is invaluable to us for the business in hand if we will only use it. For my part, I do not perceive how it is going to be possible, even if we spend our days and nights in the effort, to avoid an extra session of the Congress in order to transact business which could have been disposed of in very great part between the 6th day of December and the present day had we striven to do so, and much of which, because of our failure, must necessarily go over to another session. So let us devote the few days that remain to this Congress to the disposal of our calendar and make as much progress upon it as we can.

Mr. LEWIS. Mr. President, may I ask the attention of the Senator from Massachusetts [Mr. LODGE] and the Senator from Iowa [Mr. CUMMINS]?

Is it not understood that the message of the President was communicated to foreign countries? If that be true, would not the Senators assume that if we entered on the discussion of this subject at this time, before there was any reply from any of the foreign nations, we might seriously embarrass whatever reply they might be inclined to make? And, I ask the Senate, is it not worthy of our consideration that if we are to enter into a discussion of this matter we might, out of regard to the fact that the President has submitted the proposition of cooperation to foreign countries, allow time enough to elapse so that they could respond if they wished and express whatever viewpoints of amendment or qualifications they might have rather than enter upon the discussion now? May we not in the expression of the honest view of any Senator as to the right of the issue in behalf of one nation in the conflict or the wrong in principle or conduct of one nation in the conflict, or the viewpoint we as a body take of what might be the conditions of peace, what terms should be accepted and what conditions should be rejected—would we not to some degree disclose something of a discourtesy to the nations and somewhat embarrass them as to the form of reply that they might make or spirit of cooperation they otherwise might indicate? Then might I not take the liberty of submitting to the Senate whether we might not put obstructions in the path of the President by virtue of our own expressions, embarrassing to some degree such reply as he might make to such answer as the foreign Governments might make, by disclosing the attitude of the Senate in such opposition by its expression as would defeat the very purpose which the able Senator from Iowa has in his mind and which the Senator from Massachusetts clearly has in his—that the matter should receive that serious consideration of unprejudiced reflection before we entered upon the discussion?

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. LEWIS. I yield to the Senator from Iowa, since it was to himself I addressed the interrogation, among others.

Mr. CUMMINS. Is it the understanding of the Senator from Illinois that the message of the President to the Senate was intended to secure a reply from foreign nations? Was it delivered for the purpose of asking the foreign nations to reply to it?

Mr. LEWIS. I answer the Senator: It is my viewpoint that when the President of the United States sent the document to the nations of the earth interested in securing peace his purpose was to elicit from them their viewpoints as to the propriety or practicability of those views, in so far as it concerned the foreign nations to cooperate with us in the design.

Mr. CUMMINS. Then the Senator from Illinois, I take it, believes that the message having been delivered to the Senate as the council with the President, the Senate ought to be silent until the foreign nations make reply?

Mr. LEWIS. I answer the Senator: The Senator from Illinois does not say that it ought to do so, nor does the Senator from Illinois say that the Senate is bound to do so. The Senator from Illinois merely took the liberty of suggesting to the able Senator, if he did not think there was propriety in the delay, and some advantage to be gained from it that would serve as an aid to the object in view—while on the other hand a very free discussion now—which, if discussed at all, would, as the Senator from Massachusetts correctly says, enter into all of the details of the method of regulation of the affairs of other nations—might awaken antagonisms in certain sections because of the misunderstanding by those far from us as to what was meant on the floor of the Senate, or, though correct understanding, serve as an obstruction to the President at this time, which no Senator here desires, of course, deliberately to do? I was merely submitting to the able Senator from Iowa the question whether he did not think it were propriety and the part of wisdom that we delay the discussion, that we might encourage any reply or rejoinder from the foreign nations in a spirit of such hopefulness and unprejudiced character as would enable us to execute whatever design for world peace is practicable—not that it was necessary that we delay or that we were under obligation to do it—but that it is profitable.

Mr. HARDING and Mr. CUMMINS addressed the Chair.

Mr. LEWIS. If the Senator from Iowa still has the floor for the purpose of propounding a query, I owe it to the Senator from Iowa to yield to him.

The PRESIDING OFFICER. To whom does the Senator from Illinois yield, if to anyone?

Mr. LEWIS. I yield to the Senator from Ohio, since the Senator from Iowa has taken his seat.

Mr. HARDING. The Senator from Illinois did not include me in his special address when he took the floor.

Mr. LEWIS. I will say to the Senator he is included.

Mr. HARDING. I wish to ask him if the Senate has not already established a precedent in stating its opinion regarding the peace note before the foreign powers had an opportunity to make a reply thereto?

Mr. LEWIS. Will the Senator pardon me? I did not catch his observation because of the noise in the Chamber, which made it impossible.

Mr. HARDING. I wanted to ask the Senator if the Senate had not already established a precedent in passing its judgment upon a peace note by the Executive before the foreign powers to whom it was addressed had an opportunity to reply.

Mr. LEWIS. Mr. President, first responding to the able Senator's allusion that I did not include him in my inquiry, I desire to inform him that wherever I seek information or guidance he is always included in the inquiry. But second——

The PRESIDING OFFICER. The hour of 1 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. May I ask unanimous consent that the unfinished business——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. LEWIS. I take it the Senator from Montana wishes to have the unfinished business laid aside?

Mr. MYERS. I do.

Mr. LEWIS. I yield for a question, as I know the Senator is not going to take me off the floor.

Mr. MYERS. I ask unanimous consent that the unfinished business be laid aside temporarily for the consideration of the appropriation bill.

Mr. OVERMAN. I ask the Senate to proceed with the consideration of the legislative, executive, and judicial appropriation bill.

Mr. STONE. Mr. President——

Mr. CUMMINS. I rise to ask for a unanimous-consent agreement. I hope before the appropriation bill is taken up the proposed agreement may be put before the Senate. I ask unanimous consent that the resolution go over until to-morrow without prejudice, to be taken up at the close of the routine morning business.

Mr. STONE. I dislike to object, but I should think the matter is now practically at a point where a vote could be taken. Are we to consume two hours again to-morrow morning in debate? Let us vote on it now.

Mr. CUMMINS. Mr. President, I would be very willing to vote, but I have some suggestions to make in reply to the argument of the Senator from Missouri with respect to the reference. I only remind him that if the resolution goes to the calendar, as it must go without the unanimous consent for which I have asked, I will be able to move to take it up at any time after 2 o'clock any day and the debate will simply be renewed.

Mr. STONE. I hoped that the acting chairman of the Committee on Appropriations would consent to withhold his request to take up the appropriation bill for a few moments until we could dispose of this matter.

Mr. CUMMINS. I can not answer about the few moments. I do not know how long it will take to dispose of the resolution. I can answer for myself, but I can not answer for the Senator from Illinois or for anybody else.

Mr. STONE. Let the resolution go to the calendar.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Iowa, and the resolution goes to the calendar.

The Senator from Montana [Mr. MYERS] asks unanimous consent that the unfinished business be laid aside for the purpose of considering the appropriation bill. Is there objection? The Chair hears none, and the appropriation bill is before the Senate. The Senator from Illinois [Mr. LEWIS] is entitled to the floor.

Mr. LEWIS. Mr. President, I have nothing to say in conclusion, other than to do the courtesy I owe to the Senator from Iowa to respond to his inquiry. He is correct. There was a resolution tendered here in the Senate which did precipitate a discussion previous to the reply of foreign nations, but because there was one instance of that which may be the subject of some objection upon the one hand it ought not to form a precedent for the future.

But there is this distinction, I ask the able Senator from Ohio to note: That was a resolution to approve or disapprove, to affirm or dissent, from the action of the President, and it was concrete. Here there is no resolution for that object, but one of more general discussion, that may involve criticism and condemnation of all those interested with whom we hope for harmonious relations. There is a distinction, as I see it.

LEGISLATIVE, ETC., APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. POINDEXTER. Mr. President, I offer the following amendment to the bill.

Mr. OVERMAN. I suggest to the Senator from Washington that his amendment is not now in order.

Mr. POINDEXTER. I ask unanimous consent to consider it now, as I shall be compelled to leave the Senate for a while. I understood that the committee amendments were disposed of.

Mr. OVERMAN. If the Senator has to leave the Chamber, I have no objection.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Washington.

The SECRETARY. On line 16, page 79, where it reads "foreman of laborers, $840," it is proposed to strike out "$840" and in lieu to insert "$1,000."

Mr. POINDEXTER. Mr. President, this is a matter that the Superintendent of Public Buildings and Grounds recommended to the committee. Col. Harts appeared in person before the committee and recommended this increase. The foreman of the State, War, and Navy Department Building has had his salary increased from $1,000 to $1,200. It seems to me to afford some consistency in the pay of men who have similar places this salary should be increased from $840 to $1,000. I trust that the acting chairman of the committee in charge of the bill will not oppose it.

Mr. OVERMAN. Mr. President, this is estimated for, but the committee laid down a policy that we would not increase anybody's salary. That is the policy adopted by the committee at the outset, because if we once began it we would have to increase many salaries. This is one of the many.

The Senate have opened the door for these increases and has already made an increase of a million dollars. All I can say is that the committee thought we ought not to increase these salaries, and that is all I have to say. The Senate can do as it pleases. If we do this, of course we can not object to a great many other amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington. [Putting the question.] The ayes seem to have it.

Mr. OVERMAN. I call for a division.

Mr. TOWNSEND. Mr. President, I hardly know how to proceed with this matter, because if it is to be the policy of the Senate not to increase the salaries of individual clerks or employees, I dislike to recognize a single exception which has no especial virtue. I know a good many people in the Government service who ought to have an increase of salary. As I said yesterday, when a worthy case is specifically presented to me I am going to support it. I have in mind many good clerks in the employ of the Government who should have their salaries increased according to my judgment, but I dislike to make a discrimination.

Mr. SMOOT obtained the floor.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Husting	Overman	Sutherland
Brady	Jones	Poindexter	Thomas
Bryan	Kenyon	Ransdell	Thompson
Clapp	La Follette	Reed	Tillman
Clark	Lane	Robinson	Townsend
Curtis	Lewis	Shafroth	Underwood
Fall	Lippitt	Sheppard	Vardaman
Fernald	Lodge	Sherman	Wadsworth
Gallinger	Martine, N. J.	Shields	Walsh
Gronna	Myers	Smith, Ga.	Watson
Harding	Nelson	Smith, Md.	Weeks
Hardwick	Newlands	Smith, S. C.	
Hughes	Norris	Smoot	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Senator from Utah.

Mr. SMOOT. Mr. President, the Senator from Washington [Mr. POINDEXTER] appeared before the subcommittee on this item and presented the request that this salary be increased. It is also true that it was estimated for. But, Mr. President, in considering increases of salaries for individual cases the committee as a whole decided that it would be much better not to enter into individual cases, and the majority of the committee decided that there should be no increases at all. I will say to the Senator that there were a few increases agreed to, but after the decision was arrived at they were all cut out of the bill.

I wish to say to the Senator from Washington that no doubt there is merit in the case; but there are hundreds of cases in the bill that are even more meritorious than this particular case; and if we undertake to increase this amount it would be unjust to all the other cases, unless we went through the bill and picked out every one and agreed to the increase here on the floor of the Senate.

It is for that reason, Mr. President, that I hope the amendment offered by the Senator from Washington will not be adopted.

Mr. POINDEXTER. Mr. President, the Senator from Utah admits that this is a meritorious proposition. His only objection to it is that other meritorious items have not been presented and can not be acted upon. It seems to me that he has a very insufficient reason for defeating this amendment. We have to deal with these propositions as they are presented. This one is presented and the others are not presented.

For the information of Senators who were not here a moment ago when I presented it I will say it is an amendment to increase the salary of the foreman of laborers in the State, War, and Navy Building from $840 to $1,000 a year. A similar employee in the Treasury Building, who has not as much work to do, who has not as much responsibility, has had his salary increased

from a thousand dollars a year to $1,200 a year. To approach at least to consistency and uniformity we should raise the other man from $840 to $1,000. As the Senator says, it has been estimated for by the Treasury Department, and it has been requested by the State, War, and Navy custodian. Col. Harts, Superintendent of Public Buildings and Grounds, who studied this proposition and who is familiar with all the details, appeared before the committee and urged that this increase be made. To say that there are many discrepancies and a great many cases of injustice that have not been remedied is not a sufficient reason for refusing to remedy the only one that is presented. That seems to me to be rather an illogical position for the committee to take. I know myself of a great many other discrepancies in the salaries of employees.

I have in my hand a statement from an employee. The letter perhaps ought not to be put in the RECORD as a whole. He is an employee in the Internal-Revenue Bureau, who calls attention to the fact that men in the Internal-Revenue Service get $1,100 and $1,200 a year for the same services and for the same position for which men in the customs department of the Treasury Department get $3,000 a year. There is no justice in that at all, but because that injustice exists and we are not in a position to deal with it at this moment does not justify me in refusing to consider and to offer and to promote, if possible, a remedy in another case which has come before me.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield.

Mr. KENYON. I ask the Senator this question: Does this man come under the amendment that was adopted yesterday? Would not that result in raising his salary?

Mr. POINDEXTER. It would raise it to some extent.

Mr. KENYON. That would bring it up to over $900?

Mr. POINDEXTER. Yes; it also brings up $120 the salary of the corresponding man in the Treasury Department.

Mr. SMOOT. No; the Senator is wrong there. The increase of salary under the amendment that was offered yesterday does not affect an employee receiving $1,200. It was limited to a thousand.

Mr. POINDEXTER. The Senator is correct.

Mr. KENYON. How many cases does the Senator's amendment cover?

Mr. POINDEXTER. Only one case. As a specific instance of the sort of lack of discrimination in the adjustment of salaries I wish to read this paragraph:

> As an instance, before the headquarters of the customs office was changed from Port Townsend to Seattle, the clerk in charge of the Seattle customhouse received a salary of $3,000 per annum, while the deputy collector in charge of the internal-revenue office at Seattle received a salary of $1,100 per annum. At the present time the deputy collector in charge of the Tacoma office of the customs, which corresponds to the deputy in charge of the internal-revenue office at Seattle, receives a salary of $3,000 per annum, while the deputy in charge of the internal-revenue office at Seattle receives a salary of only $1,200 per annum, when, as a matter of fact, the liability of the deputy in charge of the internal-revenue office at Seattle is greater than that of the deputy in charge of the Tacoma customs office, and the work is much more arduous and the questions submitted to him for his action are more perplexing. He is also required to give a heavy bond, because of his stamp-account liability, which does not exist with the corresponding position in the customs service.

The Senator from North Carolina in charge of the bill admitted that this condition exists generally in the various departments of the Government. That being the case, it seems to me that the Committee on Appropriations instead of saying that there is no remedy for this situation, if I may be allowed to suggest the manner in which it could be dealt with in a very simple way at the proper time, have had ample time heretofore to request the departments to furnish them with a statement showing the inequality of salary in the department and a proposal and a system for making them more uniform and for adjusting the discrepancies that exist.

I do not know that the committee have done anything of that kind. I suppose they have not, because it has not been presented here; but it seems to me it ought to be done, and with such a report as that and with the explanation of it which would come from the committee the appropriations could be correspondingly adjusted.

Mr. SMOOT. Mr. President, just a word. It was just such cases as this, Mr. President, and others that we undertook to partially correct yesterday when we agreed to increase the salaries of this class of employees of the Government 10 per cent. Now that the Senate agreed to the advance of 10 per cent to ask an additional sum of $160 I think is virtually a violation of what we agreed on yesterday. Under the amendment that we agreed to yesterday this employee will get $924. If the amendment offered by the Senator from Washington is agreed to, his salary will be increased to $1,000. Then he would get 10 per cent on the thousand, which would make it $1,100, or an increase to this one individual of $260. That is hardly fair to the other laboring men.

Another thing that I desire the Senate to consider is that the man referred to by the Senator in the Treasury Department is drawing $1,200, is not doing the same work that the man who is foreman in the State, War, and Navy Building, and he has been drawing a higher salary for many years past.

I hope the Senate will not agree to the amendment, because it will be a favoritism shown to this one man greater than we can possibly extend to any others. The men who are receiving salaries above a thousand, who, we all admit, ought to have an increase, do not even get the 10 per cent. Therefore the discrepancy would be even greater, if this amendment were adopted, between this individual and the many, many others who ought to receive the increase.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. POINDEXTER. Why does the committee leave the salary of the foreman of laborers in the Treasury Department at $1,200 a year? The increase of the salary of the foreman of the laborers in the State, War, and Navy Building, which this amendment affects, even with the 10 per cent increase the Senator refers to, which would come under the amendment already adopted, could be only $1,100, whereas the similar position in the other department is paid $1,200?

Mr. SMOOT. The designation is the same in the other department, but the labor is not the same. If the Senator will take the hearings in the House when the increase of this officer in the Treasury Department was made, he will find there a statement showing just why it was increased. I admit, Mr. President, that the designation is the same in both cases, but the labors are not the same. That is the reason why there has been a discrepancy in the past between them.

Mr. POINDEXTER. The labors are the same, and if there is any difference of salary for the labor it ought to be in favor of the man in charge of the larger building—the State, War, and Navy Department Building—rather than the Treasury Department Building. They occupy the same identical position and have the same responsibility.

Mr. SMOOT. All I know is what the testimony shows. I will say to the Senator I am not acquainted with either man. If we change the salaries fixed in the bill, we do not know where it is going to lead to, and I hope the amendment will not be adopted.

Mr. THOMAS. Mr. President, in view of the result of the vote on yesterday I had not intended to say anything further upon this bill, but the pending amendment so clearly illustrates our slipshod methods of financial legislation and so emphasizes my insistence that this whole subject of compensation should be practically investigated and reported to the Senate that I may be pardoned for emphasizing it by just a few remarks.

Mr. JONES. I desire to suggest to the Senator from Colorado that I have prepared an amendment, which I intend to propose to the bill, providing for an investigation of this very subject by the Bureau of Efficiency.

Mr. THOMAS. I am delighted to know the Senator has done so, and I earnestly hope that his amendment may be incorporated into the bill and may become a law.

Mr. OVERMAN. I think that is already provided for by an amendment in the bill.

Mr. JONES. I have examined the amendment to which the Senator from North Carolina refers, and I do not think it covers this phase of the matter.

Mr. LANE. What is it the Senator from North Carolina says is already in the bill?

Mr. SMOOT. Authorization for an examination into the workings of the departments by the Bureau of Efficiency.

Mr. LANE. Is that in this bill?

Mr. SMOOT. It is in this bill.

Mr. THOMAS. Mr. President, of course the assertion of the Senator from Washington [Mr. POINDEXTER] that the justice of the proposed measure is not at all affected by the fact that others in similar situations should find relief can not be answered directly. It is true that, standing apart and by itself, the needs for the appropriation should not be affected by similar needs of those occupying similar positions; but a moment's reflection will disclose the injustice consequent upon legislating a salary for one single individual of a class and leaving the class where it was before. Every man passed over or slighted by such legislation justly feels a sense of wrong. One of his fellows has been singled out by a special amendment to a great appropriation bill and has been given an increase of compensation, and

every other man of that class would act very properly if he should insist that it should be used as a precedent. As a consequence we would be confronted with amendments in individual cases which, however extensive they might be, would still leave exceptions here and there. They would only intensify the sense of injustice and its actual existence. I hope that this amendment and all similar amendments will be rejected.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. POINDEXTER].

The amendment was rejected.

Mr. OVERMAN. Mr. President, I think we are through with the committee amendments, except one which I desire to propose. Some amendments are, however, intended to be proposed by the Senator from Utah [Mr. SMOOT]. I desire to introduce an amendment on behalf of the committee. I will say that the committee has eliminated certain words in the amendment which the then Presiding Officer ruled out of order. I am going to insist on the amendment as I shall now offer it, unless the Chair rules the amendment out of order, as the other amendment was ruled out of order. I have changed the language. The original amendment read:

Assistant to the Secretary, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of $5,000 per annum, from March 1, 1917, to June 30, 1918, both dates inclusive, $6,666.67.

The then Presiding Officer ruled that that was the creation of a new office and was out of order. That was the amendment which had been framed by the committee. Now I have changed the wording so that the Secretary of the Treasury may appoint an assistant at $5,000. That is in the same class as would be an increase in the number of clerks. It is no more than an increase by the addition of a clerk. I submit the amendment now and ask that it be read. I should like to have the ruling of the Chair on it before I say anything as to its merits.

The VICE PRESIDENT. The amendment submitted by the Senator from North Carolina will be stated.

The SECRETARY. On page 37, line 13, after the numerals "$12,000," it is proposed to insert the following:

Assistant to the Secretary, at the rate of $5,000 per annum from March 1, 1917, to June 30, 1918, both dates inclusive, $6,666.67.

Mr. GALLINGER. Mr. President, I will ask the acting chairman of the committee if this is an amendment similar to the one which was ruled out on a point of order, except that its phraseology has been changed?

Mr. OVERMAN. In the shape the committee first reported the amendment the Assistant Secretary was to be nominated by the President and confirmed by the Senate. In its present shape the Secretary of the Treasury is allowed to appoint an assistant.

Mr. GALLINGER. In other words, instead of the President making the appointment the Secretary of the Treasury is to make it?

Mr. OVERMAN. Yes.

Mr. GALLINGER. Does the Senator from North Carolina think that that takes the amendment out of the rule?

Mr. OVERMAN. I think it does. It is merely an increase of the force.

Mr. GALLINGER. As I do not believe at all in this proposed official for the Treasury Department, I make the point of order that the amendment is general legislation.

The VICE PRESIDENT. The Chair dislikes to come in conflict with a former ruling and a decision of the Senate, but, to be entirely consistent with his former ruling on amendments to this bill, the Chair will state that he does not believe that the provision for a clerk or an assistant is general legislation. The present occupant of the chair therefore overrules the point of order.

Mr. GALLINGER. I will call the attention of the Chair, before he finally determines the question in his mind, to the fact that this is adding an appropriation to the bill which has not been estimated for in any way.

Mr. OVERMAN. The Senator from New Hampshire is mistaken about that.

Mr. GALLINGER. If I am mistaken, I withdraw the suggestion. Does the Senator from North Carolina state that it has been estimated for?

Mr. OVERMAN. Yes.

Mr. GALLINGER. Is that estimate found in the Book of Estimates?

Mr. OVERMAN. Yes.

Mr. GALLINGER. I do not so understand.

Mr. OVERMAN. It is found in a special document which was sent down here supplementary to the estimates.

Mr. GALLINGER. But it is not found in the Book of Estimates. I should like to have it read.

Mr. OVERMAN. Does the Senator desire the whole document read?

Mr. GALLINGER. I want to have it read. I want to know just what is in the document, for it is in conflict with my former understanding.

Mr. OVERMAN. I ask the Secretary to read the document which I send to the desk.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 26, 1916.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to submit herewith for the favorable action of Congress an estimate of appropriation for salary of an Assistant to the Secretary of the Treasury, to be appointed by the Secretary, with compensation at the rate of $5,000 per annum, the same to be available from the date of the approval of the act.

The duties that have been recently imposed upon the Secretary of the Treasury through the creation of the Federal Reserve Board, the Federal Farm Loan Board, the new tariff and internal-revenue legislation, the income tax, and taxes upon inheritances, munitions, etc., and the promotion of increased financial and commercial relations with the several Republics of Central and South America, together with the tremendous growth of the business of the Treasury Department, make it imperative that the Secretary be granted additional assistance, and I can not too strongly urge upon the Congress the granting of this request, inasmuch as the Secretary himself and his three Assistants and their respective staffs are driven to the utmost to discharge the duties of their offices.

Respectfully,

W. G. MCADOO, *Secretary.*

ESTIMATES OF APPROPRIATIONS REQUIRED FOR THE SERVICE OF THE FISCAL YEAR ENDING JUNE 30, 1917, BY THE TREASURY DEPARTMENT.

Salaries, office of Secretary of the Treasury: For Assistant to the Secretary of the Treasury, to be appointed by the Secretary, at a salary of $5,000 per annum, the same to be available from the date of approval of the act, and so much as may be necessary for this purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal years 1917 and 1918.

Mr. GALLINGER. I call the attention of the Chair to the fact that this estimate proposes a salary for an official, to take effect upon the approval of the act. Then I should like, in that connection, to again have the proposed amendment of the Senator from North Carolina read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary again read the amendment proposed by Mr. OVERMAN.

Mr. GALLINGER. Mr. President, I call the attention of the Chair to the manifest change in the estimates.

The VICE PRESIDENT. The Chair does not see how the question of estimates has anything to do with the action of the committee beyond informing the committee that there is need for such an Assistant. The Chair always supposed that was the sole purpose of an estimate and the reason of the rule.

Mr. SMOOT. Mr. President, under the law the Secretary of the Treasury before a certain date is required to submit estimates for the expenses of all the departments of the Government. The estimates which were submitted under the law were not for this fiscal year, but for the coming fiscal year, beginning June 30, 1917.

Mr. OVERMAN. May I ask the Senator a question?

Mr. SMOOT. Yes.

Mr. OVERMAN. Is it not in order to make an appropriation immediately available in some paragraph of this bill, and have we not done that on every appropriation bill?

Mr. SMOOT. Yes; it is done very often, but that does not alter the situation of an estimate that may come in. I think that the estimate made for the coming fiscal year is perfectly proper, and that no point of order could be made against an amendment coming within the terms of that estimate, but it does seem to me that a point of order could be made against an amendment under an estimate for the fiscal year as to which the estimates were required to be made before the 15th day of November, 1915.

Mr. BRYAN. Mr. President, what is the need for an estimate if the amount is reported by a standing committee of the Senate? Such a committee can report an amendment without any estimate from anybody. It seems to me that does away with any contention that that part of the amendment is subject to a point of order. If there had been no estimate whatever the committee could have reported the amendment.

Mr. SMOOT. I think not.

Mr. BRYAN. An amendment is in order if it has been estimated for or reported by a standing committee.

Mr. GALLINGER. But does not the Senator from Florida think that provision of our rules means that a proposed amendment shall be first submitted and referred to a standing committee and reported back? Does the Senator hold that the Committee on Appropriations can make any amendment in order which it chooses to put on a bill?

Mr. BRYAN. I think the Appropriations Committee can make an appropriation in order without any estimate and that the same privilege is given to all committees reporting appropriation bills—the Post Office Committee, the Committee on Commerce, the Agricultural Committee, the Committee on Military Affairs, and so forth.

Mr. GALLINGER. I do not interpret the rule in that way; but I shall not controvert it. I have no disposition to antagonize the ruling of the Chair, for the Chair is always fair; but it seems to me that this proposed amendment is not in harmony with the supplemental estimate sent here by the Secretary of the Treasury, and that it actually antagonizes the rule.

The VICE PRESIDENT. The rule is as follows:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments. (Jefferson's Manual, sec. 35.)

The Chair thinks that the committee had a right to report the amendment. In order to be a little more specific about it, the Chair will say that in the ruling the other day on the question of decreasing a salary, the Chair expressed the opinion that it was within the power of Congress either to increase or decrease a salary. It seems to the Chair that the creation of an office which is not constitutional in its character is not general legislation; it is special legislation; and has to do with the man who happens to secure the place.

Mr. JONES. Mr. President, while the point of order was made by me the other day and sustained by the Chair and his decision was approved by the Senate, I shall not take the time of the Senate by appealing from the decision of the Chair today, although I think the decision is wrong.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Carolina [Mr. OVERMAN] on behalf of the committee. (Putting the question.) The "noes" seem to have it.

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Oliver	Smith, S. C.
Brady	Jones	Overman	Smoot
Bryan	Kenyon	Poindexter	Sutherland
Catron	Lane	Pomerene	Thomas
Clapp	McCumber	Ransdell	Thompson
Clark	McLean	Reed	Underwood
Colt	Martine, N. J.	Shafroth	Wadsworth
Fall	Nelson	Sheppard	Walsh
Gallinger	Newlands	Shields	Watson
Husting	Norris	Smith, Ga.	Weeks

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. HARDING, Mr. SMITH of Maryland, and Mr. VARDAMAN answered to their names when called.

Mr. SMITH of Arizona, Mr. CHAMBERLAIN, Mr. LANE, Mr. MYERS, Mr. DILLINGHAM, Mr. GRONNA, Mr. BANKHEAD, Mr. SAULSBURY, Mr. STONE, Mr. TILLMAN, Mr. SHERMAN, and Mr. CUMMINS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, this amendment having been declared in order, all that any of us can do is to either vote for or against it as the individual Senator is led to feel it to be his duty.

We have heard a great deal about economy. We have been told that we ought not to increase the salary of a single person in the Government service this year, because the condition of the Treasury is such that we ought not even to go to that extent in adding to the burden of the finances of the country; and yet, Mr. President, in the face of that and in the face of our refusal to increase the salary of a man who is getting $600 and who, with his wife and children, is on the verge of starvation, the proposition is now presented that we shall create a new office of Assistant to the Secretary of the Treasury at $5,000 a year.

Mr. President, I presume the Secretary of the Treasury is a hard-worked man. He has been put on various commissions which, in my judgment, ought to have been given to some other person, because it is getting to be the fashion that no commission can be appointed that two or three Cabinet officers are not placed on it, and to that extent they are forced to neglect the duties of the position to which they were originally appointed. The Secretary of the Treasury has three assistants. It will be said that they have specific duties to perform. He has a corps of helpers, covering almost every possible activity in that great department, and why he requires an assistant, subject directly to him and to be appointed by him, at this time when we are all cautioned to exercise economy surpasses my comprehension.

The amendment in its present form is worse than when it was originally offered, because that amendment proposed that the President should appoint this $5,000 official subject to confirmation by the Senate of the United States, while this amendment proposes that the Secretary of the Treasury shall use his own sweet will and appoint any man whom he chooses to appoint. I do not question the wise action of the Secretary in making the appointment, but, nevertheless, it gives a wide field for the exercise of favoritism and for the appointment of a man who, very likely, the Senate would not agree to confirm if the Senate had a voice in the matter.

If, however, the majority of this body feel that they are justified in refusing to increase the salary of a single man or woman in the public service because of the exigencies of the fiscal situation, and then they feel that it is good legislation or wise economy to appoint this high-salaried official, I certainly will bow to the decision of the Senate, and try to feel that the action on the part of this body was wise. I want the privilege of voting against the proposition, and that is all that I can ask under the circumstances.

Mr. OVERMAN. Mr. President, the head of this great department has sent to the Senate a special letter in which he says that the Congress has imposed upon him so many additional duties that it is impossible for him to perform the duties of his office with his present force. If that is true, it is the duty of the Senate, without regard to any partisan considerations, to give the assistance required. I desire to read to the Senate what the Secretary of the Treasury has said about the necessity for this assistant. I take it for granted he tells the truth about it. He knows whether he can perform the duties that Congress has placed upon him. We have this message from him. Listen to what he says:

> The duties that have been recently imposed upon the Secretary of the Treasury through the creation of the Federal Reserve Board, the Federal Farm Loan Board, the new tariff and internal-revenue legislation, the income tax, and taxes upon inheritances, munitions, etc., and the promotion of increased financial and commercial relations with the several Republics of Central and South America, together with the tremendous growth of the business of the Treasury Department, make it imperative that the Secretary be granted additional assistance, and I can not too strongly urge upon the Congress the granting of this request, inasmuch as the Secretary himself and his three assistants and their respective staffs are driven to the utmost to discharge the duties of their offices.

In addition to that, he said before the committee:

> Not only has the work of the Treasury Department increased tremendously in the last three years, but new duties have been imposed upon the Secretary which are very exacting. For instance, take the Federal reserve act. Under that law the Secretary of the Treasury is chairman of the Federal Reserve Board, being a member of the board ex officio. While the Secretary can not attend every meeting of the board, he must attend meetings frequently, and I do attend just as often as I can. Sometimes those meetings require two hours, and sometimes more, out of the day.
>
> In addition to that, the Federal farm-loan act created the Federal Farm Loan Board as a new bureau in the Treasury Department, which, of course, must be administered under the direction of the Secretary. This law also makes the Secretary of the Treasury a member, ex officio, and chairman of the Farm Loan Board.
>
> That work requires a great deal of time and patience, and as time goes on the Secretary of the Treasury will be obliged to give a great deal of attention to those two organizations. It is literally impossible for me to keep up with all of the work which the Secretary has to do with the present assistance I have. I must have, in order to be fully effective in the work, an assistant who is at my hand to take up the most important parts of the work. For instance, there are a great many matters relating to official correspondence for which I should have a man sitting next to me, intimately familiar with the matters and having full knowledge of all that is going on in the Secretary's office, so that he may relieve the Secretary of a lot of the detail work which he now has to try to do himself. I think that any Secretary of the Treasury will be more effective in the future if he can devote his time and his abilities to the larger affairs of the department. I can not get that relief through any of the Assistant Secretaries of the Treasury, because each of them, under the organization of the department, has a very large division of the bureaus under him, and he has got to administer those particular bureaus.

And so on, Mr. President.

Now, here is the head of this great department saying that it is imperative to have this help. Every Senator knows that we have doubled and quadrupled the duties of the Treasury Department during the last few years. The present Secretary has three or four times as much to do as any Secretary of the Treasury ever had before. When the head of a great department

comes down and says he needs some relief, I think we ought to give it to him, and I ask that it be done.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN]. [Putting the question.] The Chair is unable to decide.

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired generally with the senior Senator from Oklahoma [Mr. OWEN]. He does not seem to be present, and I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. GALLINGER (when his name was called). I transfer my pair with the senior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent for the day on account of illness, and I am paired with him for the day. Therefore I withhold my vote on this amendment. If I were at liberty to vote, I would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. WATSON (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK] and in his absence withhold my vote. If at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. CURTIS. I ask whether the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has not.

Mr. CURTIS. I have a pair with that Senator, and therefore withhold my vote. Were I at liberty to vote, I would vote "nay."

Mr. VARDAMAN. I have a general pair with the junior Senator from Idaho [Mr. BRADY], who is absent. I therefore withhold my vote.

Mr. LODGE (after having voted in the negative). I have a general pair with the senior Senator from Georgia [Mr. SMITH], who, I think, has not voted. I therefore withdraw my vote.

Mr. OVERMAN (after having voted in the affirmative). I desire to announce that I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will allow my vote to stand.

I also desire to announce that my colleague [Mr. SIMMONS] is at home sick. I wish that announcement to stand for the day.

The result was announced—yeas 32, nays 20, as follows:

YEAS—32.

Ashurst	Johnson, Me.	Overman	Shields
Bankhead	Kern	Phelan	Smith, Md.
Bryan	La Follette	Pomerene	Smith, S. C.
Clapp	Lane	Ransdell	Stone
Fletcher	Lewis	Reed	Thompson
Hughes	McLean	Robinson	Tillman
Husting	Myers	Shafroth	Underwood
James	Oliver	Sheppard	Walsh

NAYS—20.

Borah	Gronna	Martine, N. J.	Smoot
Brandegee	Harding	Nelson	Sterling
Clark	Kenyon	Norris	Sutherland
Dillingham	Lippitt	Poindexter	Townsend
Gallinger	McCumber	Sherman	Weeks

NOT VOTING—44.

Beckham	Fall	Lee, Md.	Smith, Ariz.
Brady	Fernald	Lodge	Smith, Ga.
Broussard	Goff	Martin, Va.	Smith, Mich.
Catron	Gore	Newlands	Swanson
Chamberlain	Hardwick	O'Gorman	Thomas
Chilton	Hitchcock	Owen	Vardaman
Colt	Hollis	Page	Wadsworth
Culberson	Johnson, S. Dak.	Penrose	Warren
Cummins	Jones	Pittman	Watson
Curtis	Kirby	Saulsbury	Williams
du Pont	Lea, Tenn.	Simmons	Works

So Mr. OVERMAN's amendment was agreed to.

Mr. OVERMAN. Mr. President, we have been discussing here the question of the coordination of these salaries, and the adjustment of these salaries, and the duplication of work. I did have here one day a pile of books that high lying on my desk that the Bureau of Efficiency reported were duplications. I do not know whether they were or not; but that was the report they made to me. Now, I am going to introduce an amendment which, if adopted, will save this country $30,000,000, so I am informed. I want the Senate to consider what they are doing, and I ask everybody to listen to the reading of the amendment.

Mr. HUGHES. That is a very rash act.

Mr. OVERMAN. Well, it will save $30,000,000, anyway.

Mr. SMOOT. If it is carried out.

Mr. OVERMAN. If it is carried out properly and reported to Congress.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 151, at the end of the bill, after line 20, it is proposed to insert a new section, as follows:

SEC. 8. The President is hereby authorized, during the vacation of the Congress, to take action looking to a proper and scientific coordination of the work of the various executive departments of the Government; and he is hereby empowered to transfer and, if deemed desirable, to consolidate bureaus, divisions, offices, and other governmental activities, in order that duplication of service may be abolished and extravagance and unnecessary expenditures eliminated. A report shall be made to the Congress on the first day of the next session thereof of any action taken under the provsions of this section.

Mr. GALLINGER. Mr. President, I should like to ask the acting chairman of the committee exactly how this saving of $30,000,000 is to be brought about?

Mr. OVERMAN. Mr. President, it will be brought about by the saving in printing, and in the saving through the recommendation of the Appropriations Committee to the next Congress as to the employees that can be dispensed with and the bureaus that can be abolished and incorporated with other bureaus. There is no question in the world in my mind that the next Congress will be able to save that much money to the Government.

Mr. GALLINGER. I will ask the Senator, in all good faith, if he has ever known of an instance where an attempt of this kind has been made when a single clerk was dismissed?

Mr. OVERMAN. I never have known it to be done, but it seems to me it ought to be done.

Mr. GALLINGER. Does the Senator believe that it will be done?

Mr. OVERMAN. Of course; under the law the Civil Service Commission has to give notice and have a hearing before dismissing any clerk. As the Senator from New Hampshire says and intimates, I never have known one to be dismissed.

Mr. GALLINGER. No; neither have I.

Mr. OVERMAN. But it is worth a trial to report to this Congress whether it can be done.

Mr. GALLINGER. Mr. President, it will amuse us for a few minutes, and it may amuse the country for a little while. More drastic action than that will have to be taken before this great saving, or any considerable part of it, will be made. There is never an instance where the force is reduced in one department or one division that those very men and women are not transferred to some other department or division, and the work goes merrily on, and the expenditure goes merrily on, and no saving whatever is accomplished.

Mr. OVERMAN. I admit that, but now I want to try to do that very thing.

Mr. GALLINGER. I have no objection to the trial being made; but I want to enter the realm of prophecy and say that instead of $30,000,000 the saving will come a good deal nearer 30 cents. With that I will content myself, and let other Senators discuss the matter if they see proper to do so.

Mr. LANE. Mr. President, before the Senator takes his seat I should like to ask him a question.

Mr. GALLINGER. I yield to the Senator for a question.

Mr. LANE. If more drastic and proper action could be taken to accomplish this saving, will the Senator kindly suggest it? He would like to do something which would remedy the evil, I assume.

Mr. GALLINGER. Certainly; I want very much to reduce the expenses of the Government, because I am an economist.

Mr. LANE. Yes; but what method does the Senator recommend?

Mr. GALLINGER. I do not know what the method would be, but I think this method has been worked out very hastily, and that it will accomplish nothing practical.

Mr. OVERMAN. Mr. President, does not the Senator think that I am a little moderate in view of the statement that was made by the leader on his side of the Chamber some few years ago that $300,000,000 ought to be saved?

Mr. GALLINGER. Yes; but the leader on this side of the Chamber meant, as I happen to know, that if the affairs of the Government were placed in the hands of a business man or a business corporation with a free hand that saving could be

made. Under our system, however, it can not be made, and never will be made.

Mr. OVERMAN. I think the Senator will also agree with me—because I have often heard his voice upon the floor of the Senate to that effect—that there are some bureaus of this Government that might be changed and consolidated with others.

Mr. GALLINGER. That is my judgment; but I do not believe it will be done. That is the trouble.

Mr. OVERMAN. I do not know whether it will be done or not, Mr. President.

Mr. GALLINGER. And I reach my conclusions from a long observation—not much experience, but observation.

Mr. OVERMAN. Is it not worth another trial?

Mr. GALLINGER. I have no objection to it. I simply wanted to sound a note of warning—that is all—that the Senator's $30,000,000 saving is a dream, and nothing else. It is nothing else but just a dream.

Mr. HUGHES. More like a nightmare, would the Senator say?

Mr. GALLINGER. Well, we might call it a nightmare.

Mr. NORRIS. A nightmare is a dream.

Mr. GALLINGER. Or we might use another phrase which has become somewhat classic, but which I will not use. Nothing will come of it; that is all.

Mr. OLIVER. Mr. President, I will ask the Senator from North Carolina if this very line of work is not now being undertaken by the Efficiency Board, from which Congress expects a report at the opening of the next session?

Mr. OVERMAN. Mr. President, there is no harm in the President acting together with the Efficiency Board in looking into this matter and sending a message and report to Congress. I believe the Efficiency Board are doing work along this line. I have agreed with everything they have done, and have helped them to get appropriations to do it; but I think there are some things that the President can do that the Efficiency Board can not do, and I should like to have his active cooperation.

Mr. OLIVER. It rather seems to me that this resolution would duplicate work that is now being done by the Efficiency Board, and it gives very, very broad powers. It gives power during the recess of Congress to upset a great deal of work that has been done by the Congress. I do not want to vote against anything that looks toward economy; but I would suggest that a good deal of consideration ought to be given before such broad powers are conferred as are conferred by this amendment.

Mr. NORRIS. Mr. President, I want to suggest to the Senator from North Carolina that he change his amendment by adding the word "regular" before the word "session."

Mr. OVERMAN. How would it do to say "during the recess"? I think that is better—"The President is hereby authorized, during the recess," in stead of "vacation."

Mr. NORRIS. There may be a recess for only 10 or 12 days.

Mr. OVERMAN. "The regular session," then.

Mr. NORRIS. Well, "the regular session."

Mr. OVERMAN. I accept that.

Mr. SMOOT. Even then, Mr. President, I think that if we have an extra session of Congress it would be impossible to make the report.

Mr. OVERMAN. Well, I am willing to say, "and report on the first Monday of December next."

Mr. NORRIS. That would be the regular session.

Mr. OVERMAN. I have adopted the suggestion made by the Senator from Nebraska and also the Senator from Utah, Mr. President.

Mr. VARDAMAN. Mr. President, may I ask the Senator in charge of the bill a question?

Mr. OVERMAN. With pleasure.

Mr. VARDAMAN. This amendment involves no extra outlay of money, does it?

Mr. OVERMAN. No; not a dollar.

Mr. VARDAMAN. It does not create any offices?

Mr. OVERMAN. Not an office.

Mr. VARDAMAN. If it does no good, it will do no harm, then.

Mr. OVERMAN. It authorizes the President and the Efficiency Board to see if anything can be done. Why, Mr. President, it is known that we can not, in the short time we have, go into this subject.

Mr. VARDAMAN. I hope Senators will understand that I am not opposing it, but I have often been impressed before by the helplessness confessed by the Senate when anything of this character is proposed. The mention of such matters is always accompanied with the statement that we can not make the bad condition any better—sovereign in power, yet helpless to correct or improve an admitted inaccuracy or error. I agree with the Senator from New Hampshire [Mr. GALLINGER] that I do not see any special good to come from it; but whatever may come will doubtless be good. At any rate, let us hope so. I still hope that the time may come some day when the Senate will have the time to do itself that which is best for the American people and not depend upon somebody else to do it.

Mr. JONES. Mr. President, I wish to ask the acting chairman of the committee a question about this amendment. I have simply heard it read, but, as I caught it, it authorizes the President to abolish any bureau of the Government he sees fit to abolish.

Mr. OVERMAN. Yes.

Mr. JONES. And then he can reorganize it in any way he sees fit.

Mr. OVERMAN. And report to Congress when it is done.

Mr. JONES. In other words, under this amendment the President can abolish all the bureaus of the various departments of the Government and reorganize them, if he sees fit, in the interest of economy.

Mr. OVERMAN. And report to Congress; yes.

Mr. JONES. That will simply bring about a condition of inefficiency and disorganization that nobody can measure, and we will have to have a provision for an assistant to the President at the next session—two or three of them, in fact.

Mr. ROBINSON. Mr. President, this amendment should not be adopted on the theory that it relates to trivial matters or is of slight importance. It is very far-reaching in its significance, and I believe it should be adopted, because it is calculated to result in a better administration of the departments of the Government and in a saving of many million dollars annually to the people of the United States.

Mr. President, we hear much said in the Senate about the subject of economy. My observation is that every legislative officer campaigns on a platform favoring economy, and that no legislative officer consistently pursues or carries out that platform. The Appropriations Committee of the Senate reported the legislative, executive, and judicial bill this year with practically no increases. After giving very careful consideration to the subject it was decided that a bona fide attempt should be made to put into effect the principles of economy in the appropriation of public funds. The effort is threatened with failure.

I have reached the conclusion that if any reform worth while is ever consummated in these matters, if the tide of expenditures which is flowing high, and which within a few years will reach the $2,000,000,000 per annum mark is ever stemmed, it must be done upon a comprehensive scale, having in view conditions existing in all the various departments of the Government. If it is accomplished at all, it must be done in a broad and general way. Nothing of a substantial nature is accomplished by reducing a salary here and there, for such results are merely temporary and are not consequential.

It is undoubtedly true that in almost every department of the Government systems of accounting prevail which belong to generations that are past. I sincerely doubt whether the system of accounting that prevails in any of the departments could meet the approval of any expert accountant. There is almost unlimited duplication done in the work of these various departments.

The Senator from New Hampshire [Mr. GALLINGER] who has seen fit to ridicule this amendment by prophesying that if agreed to it will accomplish naught, has, during the course of the debate on this bill, illustrated this duplication by showing that in one department, approximately, 40 individuals have to pass upon a single item or account. There is no one who will justify or even excuse that practice. The Senator from New Hampshire is very experienced in legislative matters, and it may be that he is right in asserting that there is no possibility of practicing economy—a doctrine which we all preach when it applies to some appropriations in which our constituents are not particularly interested.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. ROBINSON. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will ask the Senator if he has carefully examined the amendment that is proposed?

Mr. ROBINSON. I have not examined the amendment with great care. It was submitted to me only a few moments ago.

Mr. GALLINGER. I will ask the Senator if he thinks we ought to place in the hands of the President the power to transfer, and, if deemed desirable, to consolidate bureaus, divisions, offices, and other governmental activities, and then report to Congress when he has done it? That is all he can report.

Mr. ROBINSON. Yes.

Mr. GALLINGER. It seems to me that every bureau and division and department of the Government may be torn to pieces by this action.

Mr. ROBINSON. Mr. President, I think the Senator's construction of the amendment is correct; and I stated in the beginning of my remarks that we ought not to adopt this amendment on the theory that it is not far-reaching.

We are investigating these various subjects now through what is known as the Bureau of Efficiency; and I think the Senator from New Hampshire will bear witness to the fact that, in so far as its work has come to the attention of the Appropriations Committee, it has proven very efficient, very fearless, and very courageous.

Mr. GALLINGER. I think that bureau intends to do good work and is doing good work, but I will feel better convinced of that after we have gotten rid of some of the activities of the Government that they think are unnecessary.

Mr. ROBINSON. I think what has already occurred and is occurring in the Post Office Department is an illustration of the value of this work, and I think the Senator from Utah [Mr. SMOOT], who in my judgment knows more about the details of the administrative affairs of the Government than any other man connected with it, will bear witness to that fact. If anything is ever to be accomplished somebody must be given power to act when definite information is obtained, else we will be always dealing with the matter in piecemeal and accomplishing little or nothing. If it is proposed to bring about these results by dealing here and there with a single bureau or even a single department, Congress will be besieged by those who have personal interest in the matter and the result will be that very little will be done.

Mr. GALLINGER. This is what troubles me, if the Senator will permit me.

Mr. ROBINSON. I yield to the Senator.

Mr. GALLINGER. These departments have been established by legislation and the bureaus and divisions have been organized wisely as we have supposed, and yet we put into the hands of the President of the United States, taking it absolutely out of the hands of Congress, the power to disrupt the entire organization——

Mr. ROBINSON. No.

Mr. GALLINGER. And to dismiss as many men as he pleases, to do what he pleases, and then report to Congress that he has done it. That is about the purport of this amendment as I read it. It may be that some good will come of it. I do not anticipate that much good will come from it.

Mr. ROBINSON. Mr. President, I appreciate the suggestion just made by the Senator from New Hampshire and I repeat the statement I made in the beginning, that the amendment is far-reaching, but I am arguing now that if a better system of administration and a more economical system of administration is ever put into effect it must be done in this way or in some similar way. Congress can not deal with all these matters in their infinite detail. Congress does not have time to do it.

This amendment reposes it in the head of the Nation, who has just as much interest in the welfare of the people of this country and in the proper administration of the Government certainly as any other man in it, to take action when in his opinion economy and efficiency will be accomplished. The fact that a report must be made to Congress will, in the last analysis, give Congress the power and the opportunity of passing on the changes that are made in detail, and that is perhaps the only way it ever will be brought to Congress, unless upon recommendations made by heads of departments.

Mr. GALLINGER. If the Senator will permit me, the Senator, I think, is wrong there. The amendment gives the President the power to do this thing. It authorizes him to do it and to report to Congress that he has done it. What can we do?

Mr. ROBINSON. Congress can repeal it if it is objectionable. The Senator laughs. I hope he will find amusement in this subject, because the proceedings of the Senate during the last week have certainly not awakened much interest or afforded great pleasure to anyone. We waste a great deal of our time in discussing matters that are not before the Senate and not important, but this is of real importance.

Mr. GALLINGER. If the Senator will permit me, the President under this is authorized to reorganize, practically to disrupt, the entire system pertaining to our executive departments, and if we are going to repeal it we simply have to reenact the laws, and that we would not do.

Mr. ROBINSON. The Senator proceeds upon the theory that the President of the United States wants to disrupt the Government.

Mr. GALLINGER. No; I am not making any criticisms.

Mr. ROBINSON. He has power to do that in other ways now, if he be that kind of officer.

Mr. GALLINGER. My suggestion would be, if this should be inquired into, I do not care who does it—the President if you choose, although I think he has an abundance of duties on his hands—but if he chooses to do it, let him report to Congress recommendations, and then we, acting upon those recommendations, could accomplish this reform. I think that would be the orderly way to do it. That is my opinion.

Mr. ROBINSON. The difficulty about that is, as I have been attempting to show, if we proceed in that way, we shall continue just as we have been proceeding for years. We will talk and talk and do nothing. The Efficiency Board is making these investigations, and, as the Senator from New Hampshire has admitted, is doing its work thoroughly, honestly, and fearlessly, and now, Senators, is the time to take a progressive step forward, if you are ever going to do it.

Mr. OLIVER. Will the Senator allow me?

Mr. ROBINSON. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I will say to the Senator, in the first place, this authority we are giving the President in the ordinary course can not be executed or consummated without a great deal of work and consequently a great deal of time. In the ordinary course it will be impossible for him to bring about these changes before the opening of the next regular session of Congress.

I suggest, therefore, to the Senator that it would be better to confine the amendment to an authorization to the President to make investigations as to what changes are necessary, and that at the opening of the next session of Congress to submit a schedule of what bureaus may be abolished or what places may be abolished and what changes may be made. For my part I can not see my way clear to confer the power of action upon him.

Mr. ROBINSON. In reply to the suggestion of the Senator from Pennsylvania, it is very rare indeed, if ever, that Congress abolishes a bureau or abolishes an office. The political influences which are constantly brought to bear to perpetuate offices when once created make it a practical impossibility to accomplish the end sought in that way. We create offices, we create bureaus, we are constantly legislating into existence new instrumentalities of government, and they have multiplied until they are almost innumerable. But we rarely abolish an office. What can be the objection of Senators to taking a positive and aggressive step toward the abolishment of those that are no longer needed or the consolidation of those that are duplicating work unnecessarily, thus bringing about the economic and efficient administration of public affairs?

Mr. WORKS. Mr. President——

Mr. ROBINSON. I yield to the Senator from California.

Mr. WORKS. The Senator suggests, I think very correctly, that Congress has not time to look into these details and do what the Senator thinks ought to be done. Is not that just as true respecting the President? This work would have to be done through some additional instrumentality provided either by Congress or by the President. Neither of them would do it personally. Why is it that Congress can not legislate directly upon that question and provide some means by which conditions can be changed?

I agree with the Senator thoroughly that it does need change. The business of this country is being very badly done, extravagantly done, and I would cooperate with him and other Senators to bring about a better condition of things. The question in my mind is whether you are going to help the matter by attempting to turn over to the President of the United States a duty that belongs to us.

Mr. ROBINSON. Mr. President, the Senator has said that he recognizes the necessity for a reform in the matter which this amendment covers. The condition is not a new one. It has existed for a long time. It existed prior to the date when the distinguished Senator from California first graced this body with his presence. We have all known for many years that this Government is inefficiently organized, and yet we have done little to bring about substantial reform. The reason for this is apparent. Congress is a political body. The abolition of a bureau of the Government must be accomplished in spite of great political influences or a consolidation of bureaus for that matter. We might do that in one particular, but if Congress undertook the work of revising the conditions existing in all the departments it would not have time for the other work committed to its charge. The President of the United States could not make the investigation which will be necessary before this amendment is carried into effect, but the Board of Efficiency which Congress has created, and which Congress is constantly paying to make investigations and reports and recommendations, can do the work. If the President finds that their recommendations are correct he can put them into effect and then put

the burden on those who want to take a step backward rather than upon those who want to take a step forward. The Senator from California, of course, knows—everyone here knows—that the President can not personally make such investigation; but I repeat we have been dealing with this subject, some of us, for a quarter of a century, and yet we make no progress because of the infinite variety of details which are involved in the work contemplated. We shall make no great progress until we repose in some authority the power to do what everybody admits ought to be done.

Mr. NORRIS and Mr. WORKS addressed the Chair.

Mr. ROBINSON. I yield first to the Senator from Nebraska.

Mr. NORRIS. I yield to the Senator from California.

Mr. WORKS. I want the Senator to understand that I am quite in sympathy with the view he has presented on this subject. I think the political party, if there is one, or if one can be organized, that will to some extent perfect the business side of the Government will render the greatest possible service to the people of the country; but I doubt very much whether the Senator is going in the right direction to accomplish that result. It certainly is a terrible arraignment of the Congress of the United States that it can not be done through this body. If we are so controlled by politics that these bureaus can not be abolished or the business of the Government reformed, this country is in a pretty bad situation; if we have to turn over to the President of the United States, the executive department of the Government, the duty that belongs to us, because we are so controlled by politics that we are not able or willing to do it, it is a sad commentary on the Congress of the United States.

Mr. ROBINSON. The Senator from California argues in a circle, if I may be permitted to so characterize his statement. He admits the necessity for legislation. He admitted in his previous statement that Congress can not make the necessary investigations, and he supported that statement with the declaration that neither can the President do it. Therefore, he would have you reach the conclusion that there is no remedy.

Mr. WORKS. No, Mr. President, the Senator is not quoting me correctly.

Mr. ROBINSON. I am not quoting the Senator at all. I am taking the liberty of placing my construction upon what he said.

Mr. WORKS. Very well; then the Senator has placed a wrong construction upon what I said. What I meant to say, if I did not say it, was that Congress can not do those things directly, but it may provide means by which somebody else, some commission or organization created for that purpose, can do this detailed work. That is precisely true of the President as well; but certainly the Congress of the United States ought to be able to provide some means by which a large proportion of these bureaus could be abolished, because I think they should be, and have the business done on a business basis and in a business way. I do not see any reason why the Government can not do business in a business way as well as any other organization.

Mr. ROBINSON. If the Senator will permit an answer to that, I do not mean any reflection on Congress. I recognize the fact that legislative duties in the Congress of the United States have become very arduous. It is preposterous to talk about the United States Senate as now constituted, or as it ever will be constituted, doing the detail work which is necessary to make the reform contemplated in this amendment. We have done the best thing possible under the circumstances, the best thing which has been suggested. We have created a bureau or department, if you want to call it that, to make the investigations. We have tried it out, and we are satisfied, those of us who have gone somewhat into the details of its work, that it is doing conscientious and fearless work, and we are willing now to go forward and do something substantial and general.

You need not be afraid that the Government is going to be disrupted by the abolishment of bureaus and the consolidation of bureaus. Has the Government of the United States become so bureaucratic that its existence depends on the continuance of any bureau? Nothing that the President of the United States would approve, or any executive charged with responsibility to the people of this Nation, would accomplish any serious interruption in the administration of public affairs. The President more than any other one man is interested in the success of the administration of which he is the head. No function of government now in operation will be suspended. Everything that is being done will be continued. The waste arising from the duplication of work will be stopped. The President can order reforms to be put into operation when admitted deficiencies are disclosed. It is not purely a legislative duty that is intrusted to him; it is a practical work to carry forward the effect of the investigation which Congress has authorized and caused to be made. If we were to act on every report of the Bureau of Efficiency, we would probably debate one recommendation to abolish a single unnecessary bureau from the first Monday in December until the 4th of March.

Mr. NORRIS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. NORRIS. I am in sympathy with the object sought to be accomplished by this amendment. Personally, I am not afraid of its adoption as it is now; but I want to suggest to the Senator from Arkansas, and also to the Senator from North Carolina, would it not be advisable to provide in the amendment that these consolidations should be made by the President upon the recommendation of the Board of Efficiency? We have this board already established, and I understand that they are doing real good work. We are taking another step here that will give the President the authority, under the terms of the amendment, to disregard the recommendations of the board. If the report of the board is satisfactory, why not let the President and the board act together jointly? The President must have somebody to do this work, and let it be done through the instrumentality of that board.

Mr. OVERMAN. That is the way provided.

Mr. NORRIS. Let the President have authority to carry out the recommendations of the board.

Mr. ROBINSON. Speaking for myself only, and of course I would not assume to speak for anybody else, I have no objection whatever that action should be taken only upon the recommendation of the Board of Efficiency or when recommended by the Board of Efficiency. But the suggestion made by the Senator from North Carolina, I think, answers the argument as to the necessity of having such an amendment.

Mr. WORKS. Mr. President——

Mr. ROBINSON. I yield to the Senator from California.

Mr. WORKS. May I ask the Senator whether the Efficiency Board has recommended the abolition of any of the existing bureaus?

Mr. ROBINSON. No.

Mr. WORKS. How long has that Efficiency Board been in existence?

Mr. ROBINSON. I do not know the exact date of its creation.

Mr. SMOOT. I will say to the Senator, if he will allow me——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. SMOOT. Nearly all the heads of departments of the Government object to the Bureau of Efficiency making an investigation. The Post Office Department, however, has welcomed the investigation. The Post Office Department is the only department in the Government that has allowed, or at least has welcomed and invited, the Efficiency Bureau to make an examination of the detailed plans of the workings of the department with a view of recommending changes that will insure efficiency and save money. Through the recommendation of the Efficiency Board there has been saved to the Government of the United States hundreds of thousands of dollars in the Post Office Department here in Washington alone.

The Postmaster General at the present time is trying to run the post office in the city of Washington on business principles. He is willing to accept recommendations from this board. He puts the findings of the bureau into force by coming to the Appropriation Committees of Congress and asking that the changes recommended be made.

But I want to say to the Senator that that is the one department of our Government that so far has availed itself of the recommendations made by the Bureau of Efficiency.

I call attention of the Senator to page 31 of this bill, and there he will find amendments offered to the bill, agreed to by the Senate, authorizing the Bureau of Efficiency to investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, with recommendations, and so forth. That is one. Then to investigate the work of the Subtreasuries, and so forth. Then, again, to investigate the methods of transacting the public business in the Civil Service Commission and report to the Senate at the next regular session of Congress. Then to ascertain the rates of pay of employees and commercial statistics in different parts of the United States, and so forth.

Mr. WORKS. The Senator has not answered my question, whether this board has recommended the abolition of any bureaus.

Mr. ROBINSON. I wish to call the attention of the Senator from California to the fact that the board has no authority to recommend the abolishment of bureaus. This amendment is designed to give in effect that power to the board. The powers of this board are defined by law.

The Senator from California asked when this board was created and whether it has recommended the abolishment of any bureau. As suggested by the Senator from Minnesota [Mr.

CLAPP], if this board volunteered without express authorization of Congress a recommendation that a bureau which Congress had created be abolished, Congress would resent it and abolish the Bureau of Efficiency.

Mr. WORKS. I think the Senator is right about that. So far as my own experience and observation go, we have been creating new bureaus and new divisions ever since I have been in the Senate, and I have no recollection of any of them ever having been abolished.

Mr. ROBINSON. In reply to the question the Senator asked a moment ago, I will state that the clerk of the committee has called my attention to the fact that this bureau was created by act approved February 28, 1916. But it had been in effect in existence for some time prior to that, having operated at first in the Civil Service Commission. When it began to do real work the Civil Service Commission objected. Congress then expressly authorized the board and defined its duties in the act that I have mentioned, which was a general appropriation act. The bureau has labored under great difficulties ever since its creation, but in spite of that fact it has accomplished a great work.

Mr. OVERMAN. I wish to say further for information along this line that under the last administration, as the Senator will remember, we appointed a Board of Efficiency and gave them $10,000 apiece. Whether they ever made a report to Congress I do not know. Nothing has been done under it.

Mr. ROBINSON. They made a report.

Mr. OVERMAN. They made a report but never did a thing. Here we had a board, paying the members $10,000 apiece. What came out of it? Absolutely nothing. Then, we got this man appointed, and he has done some things.

The PRESIDING OFFICER (Mr. REED in the chair). The Chair would like to inquire who has the floor?

Mr. ROBINSON. I have the floor, and I shall take pleasure in surrendering it in just a moment. I have consumed more time than I intended.

Mr. WORKS. I want to say that my question was not put with a view of criticizing the board, because I know nothing about its work. If the Efficiency Board has no authority to recommend the abolition of bureaus, I think it ought to have it, and either the President of the United States or somebody else should be given the authority to abolish a bureau on the mere recommendation of the board. I am quite in sympathy with that idea myself, but it may be that this amendment goes a little too far and turns over everything to the President of the United States and nobody else.

Mr. SMOOT. I wish to say to the Senator from California that if Congress will act on the recommendations that have already been made by the Bureau of Efficiency we will cut out of every appropriation bill many hundreds of thousands of dollars. But every time we try to cut out Congress will not do it; there is opposition to it; and we can hardly abolish an office in the Government when we know it is absolutely unnecessary.

Mr. ROBINSON. You can hardly abolish an office, and you know it, unless you create two new offices.

Mr. WORKS. The Senator is about correct.

Mr. ROBINSON. It never has been done, and it will not be done.

Now, I want to conclude what I have to say with the simple suggestion that while I have not had an opportunity of studying this amendment for any great period, I am convinced that it will be practical; that it will accomplish results; and that it will save Congress a great deal of time and a great deal of labor. I hope the amendment will be adopted.

Mr. CUMMINS. I should like to ask the Senator from Arkansas a question.

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not agree with the Senator from Arkansas in regard to the general incompetency of Congress. I am bound to think it does its work fairly well. Nor do I agree with his general sweeping denunciation of the Government. I think the Government of the United States is conducted about as well as any government in the world, and comparing the magnitude of its operations it is conducting it as cheaply as any government in the world. But that is neither here nor there.

The Senator from Arkansas thinks Congress should have the virtue to adopt this amendment, and not the virtue to apply a remedy in a particular instance, I take it. Does the Senator from Arkansas think we ought to give the President or any other person or any other commission the power to abolish the Children's Bureau? We discussed the question of the appropriation that ought to be made for the maintenance of the Children's Bureau here for three days or more. Having determined that matter, we instantly say to the President, "You can abolish the Children's Bureau if you desire, or you can consolidate it with the Census Bureau, or with a bureau in the Department of Commerce, or with the Bureau of Fisheries, or any other bureau of the Government."

I am not suggesting that I think the President would do that, but I am saying it is cowardly for Congress to abdicate its duty in that regard and transfer its obligation to anybody. It is purely a legislative function and not an Executive function.

Mr. OVERMAN. The Senator knows that the President would not do anything revolutionary. Congress does not want to go on with that sort of work. It will have its opportunity to act when the appropriation bill comes before it.

Mr. CUMMINS. I recognize that we could overturn anything the President might do, but that is no answer to my suggestion that having with infinite pains created certain instrumentalities with which to carry on the Government, we are then saying to some other person, if you do not believe that these instrumentalities are efficient you may abolish them. It is not intended, I take it from what I have heard, to give the President the power to abolish the Civil Service Commission and to remove all the employees of the Government from the rules of the law requiring admission upon competitive examination. That may be wise or unwise. We have thought it to be wise to require an examination upon merit. I am not going to discuss the soundness of the general system. I am saying that it is a reprehensible thing to do to try to transfer the authority to abolish the commission to somebody else.

Mr. OVERMAN. Under this amendment he could not abolish it.

The PRESIDING OFFICER. The occupant of the chair begs to inquire again who has the floor?

Mr. ROBINSON. I have the floor, and I should like to resume and conclude. The Senator from Iowa rose to ask me a question, but made a speech in criticism of the remarks I made before he took the floor.

Mr. CUMMINS. I did not intend to enter into the time of the Senator from Arkansas.

Mr. ROBINSON. My time is unlimited, so that is not an important consideration.

Mr. CUMMINS. What I wanted to know is what is the meaning of "scientific coordination"? If the Senator from Nevada [Mr. NEWLANDS] had used the term, I would have no difficulty in interpreting it.

The PRESIDING OFFICER. Does the Senator from Arkansas yield further?

Mr. ROBINSON. I yield.

Mr. CUMMINS. I beg the Chair's pardon. I took the floor in my own right and in my own time, I supposed. I will wait until I can do so.

Mr. ROBINSON. Mr. President, the Senator from Iowa took the floor and stated that he desired to ask me a question. He prefaced his question by the remark that he would not go to the extent I had in making a general attack upon the efficiency or the assertion of the inefficiency of Congress. I want to reply to that for just a moment.

I had said during the course of my remarks that this branch of Congress wastes a great deal of time in the discussion of subjects that are not relevant, and I make no apology for that. The failure of the United States Senate to legislate, the pendency of many important questions before the Congress, the frittering away of time in the United States Senate by the delivery of speeches which nobody wants to hear and which no one reads, have discredited the Senate. I make no apology for saying that I regard the United States Senate as an inefficient body. I am willing to take my share of the criticism and censure that is implied by that statement.

If Senators who apparently have been asleep during the course of the last month could hear the murmurings of the people of the United States in complaint against the dilatory practices which prevail here, they would wake from their slumber and take the responsibility of passing upon the important measures which have already been too long deferred. I said that if we waited for the Senate of the United States to pass upon the question as to whether a bureau should be abolished or whether an office should be abolished we would make little or no progress, either concerning the subject matter of this amendment or with general legislation, and I maintain that is true. The only way to accomplish a comprehensive reform is by passing legislation necessary to ascertain what ought to be done and then authorize the Executive to do it. Put the burden of reversing action on the influences which oppose reform.

I have already too long detained the Senate. It is not often that I impose my views upon this body. I realize the many limitations upon my own knowledge. I would not be competent to do the work which is contemplated in this amendment

the burden on those who want to take a step backward rather than upon those who want to take a step forward. The Senator from California, of course, knows—everyone here knows—that the President can not personally make such investigation; but I repeat we have been dealing with this subject, some of us, for a quarter of a century, and yet we make no progress because of the infinite variety of details which are involved in the work contemplated. We shall make no great progress until we repose in some authority the power to do what everybody admits ought to be done.

Mr. NORRIS and Mr. WORKS addressed the Chair.

Mr. ROBINSON. I yield first to the Senator from Nebraska.

Mr. NORRIS. I yield to the Senator from California.

Mr. WORKS. I want the Senator to understand that I am quite in sympathy with the view he has presented on this subject. I think the political party, if there is one, or if one can be organized, that will to some extent perfect the business side of the Government will render the greatest possible service to the people of the country; but I doubt very much whether the Senator is going in the right direction to accomplish that result. It certainly is a terrible arraignment of the Congress of the United States that it can not be done through this body. If we are so controlled by politics that these bureaus can not be abolished or the business of the Government reformed, this country is in a pretty bad situation; if we have to turn over to the President of the United States, the executive department of the Government, the duty that belongs to us, because we are so controlled by politics that we are not able or willing to do it, it is a sad commentary on the Congress of the United States.

Mr. ROBINSON. The Senator from California argues in a circle, if I may be permitted to so characterize his statement. He admits the necessity for legislation. He admitted in his previous statement that Congress can not make the necessary investigations, and he supported that statement with the declaration that neither can the President do it. Therefore, he would have you reach the conclusion that there is no remedy.

Mr. WORKS. No, Mr. President, the Senator is not quoting me correctly.

Mr. ROBINSON. I am not quoting the Senator at all. I am taking the liberty of placing my construction upon what he said.

Mr. WORKS. Very well; then the Senator has placed a wrong construction upon what I said. What I meant to say, if I did not say it, was that Congress can not do those things directly, but it may provide means by which somebody else, some commission or organization created for that purpose, can do this detailed work. That is precisely true of the President as well; but certainly the Congress of the United States ought to be able to provide some means by which a large proportion of these bureaus could be abolished, because I think they should be, and have the business done on a business basis and in a business way. I do not see any reason why the Government can not do business in a business way as well as any other organization.

Mr. ROBINSON. If the Senator will permit an answer to that, I do not mean any reflection on Congress. I recognize the fact that legislative duties in the Congress of the United States have become very arduous. It is preposterous to talk about the United States Senate as now constituted, or as it ever will be constituted, doing the detail work which is necessary to make the reform contemplated in this amendment. We have done the best thing possible under the circumstances, the best thing which has been suggested. We have created a bureau or department, if you want to call it that, to make the investigations. We have tried it out, and we are satisfied, those of us who have gone somewhat into the details of its work, that it is doing conscientious and fearless work, and we are willing now to go forward and do something substantial and general.

You need not be afraid that the Government is going to be disrupted by the abolishment of bureaus and the consolidation of bureaus. Has the Government of the United States become so bureaucratic that its existence depends on the continuance of any bureau? Nothing that the President of the United States would approve, or any executive charged with responsibility to the people of this Nation, would accomplish any serious interruption in the administration of public affairs. The President more than any other one man is interested in the success of the administration of which he is the head. No function of government now in operation will be suspended. Everything that is being done will be continued. The waste arising from the duplication of work will be stopped. The President can order reforms to be put into operation when admitted deficiencies are disclosed. It is not purely a legislative duty that is intrusted to him; it is a practical work to carry forward the effect of the investigation which Congress has authorized and caused to be made. If we were to act on every report of the Bureau of Efficiency, we would probably debate one recommendation to abolish a single unnecessary bureau from the first Monday in December until the 4th of March.

Mr. NORRIS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. NORRIS. I am in sympathy with the object sought to be accomplished by this amendment. Personally, I am not afraid of its adoption as it is now; but I want to suggest to the Senator from Arkansas, and also to the Senator from North Carolina, would it not be advisable to provide in the amendment that these consolidations should be made by the President upon the recommendation of the Board of Efficiency? We have this board already established, and I understand that they are doing real good work. We are taking another step here that will give the President the authority, under the terms of the amendment, to disregard the recommendations of the board. If the report of the board is satisfactory, why not let the President and the board act together jointly? The President must have somebody to do this work, and let it be done through the instrumentality of that board.

Mr. OVERMAN. That is the way provided.

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Mr. WORKS. May I ask the Senator whether the Efficiency Board has recommended the abolition of any of the existing bureaus?

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Mr. WORKS. How long has that Efficiency Board been in existence?

Mr. ROBINSON. I do not know the exact date of its creation.

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Mr. OVERMAN. They made a report but never did a thing. Here we had a board, paying the members $10,000 apiece. What came out of it? Absolutely nothing. Then, we got this man appointed, and he has done some things.

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Mr. OVERMAN. Under this amendment he could not abolish it.

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Mr. CUMMINS. I did not intend to enter into the time of the Senator from Arkansas.

Mr. ROBINSON. My time is unlimited, so that is not an important consideration.

Mr. CUMMINS. What I wanted to know is what is the meaning of "scientific coordination"? If the Senator from Nevada [Mr. NEWLANDS] had used the term, I would have no difficulty in interpreting it.

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Mr. ROBINSON. Mr. President, the Senator from Iowa took the floor and stated that he desired to ask me a question. He prefaced his question by the remark that he would not go to the extent I had in making a general attack upon the efficiency or the assertion of the inefficiency of Congress. I want to reply to that for just a moment.

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I have already too long detained the Senate. It is not often that I impose my views upon this body. I realize the many limitations upon my own knowledge. I would not be competent to do the work which is contemplated in this amendment

and carry on my other legislative duties. It must be done by some one besides Senators and Representatives, and I submit that it is fair to repose the great authority in the Executive of the Nation. If that is done, I believe that substantial reforms will be accomplished in spite of the melancholy forebodings of the distinguished sage, the Senator from New Hampshire, who has had so much experience in these matters that he does not contemplate an attempt to accomplish anything in this behalf with any degree of hope or encouragement.

Mr. OLIVER. Mr. President, in the shape in which this amendment is drawn I think it confers powers upon the President that Congress should hesitate long before conferring. A wide and far-reaching amendment like this ought not to be sprung suddenly upon the Senate without warning; and feeling, as I do, that it is clearly obnoxious to the rules of the Senate I make the point of order against it that it is general legislation upon a general appropriation bill.

The PRESIDING OFFICER. The point of order is made that the proposed amendment is obnoxious to the rule which prohibits general legislation upon a general appropriation bill.

Mr. OVERMAN. Mr. President, I regret that there is a Member of the Senate who would make a point of order against an amendment like this, which is proposed to effect a great reform, when it was admitted, even on the other side of the Chamber by a former leader of this body that we are spending $300,000,000 more annually in the conduct of the affairs of the Government than we ought to spend. I say that this proposed amendment will save $30,000,000, and I am satisfied it will. I ask the Senator from Pennsylvania if he still insists upon his point of order?

Mr. OLIVER. Mr. President, if the authority which is proposed to be conferred upon the President can not be executed before the opening of the next session of Congress——

Mr. OVERMAN. Mr. President, if the Senator from Pennsylvania insists upon his point of order, I am bound to admit the amendment is subject to the point of order. Does the Senator still insist upon his point of order?

Mr. OLIVER. I do, unless the framer of the amendment will so construct it as to limit it to investigation and report.

Mr. OVERMAN. If the Senator insists on his point of order, I am bound to admit it, and I will do the best I can. I wanted some power somewhere to accomplish this object. We have had a board which has spent thousands of dollars and which has never accomplished anything. For 30 years we have been trying to do something and have not been able to do it. The best thing I can do now is to try to get a report, and then let us see if Congress will act; but they will not act.

The PRESIDING OFFICER. The point of order, the Chair understands, is not insisted upon provided the Senator from North Carolina will change the form of the amendment.

Mr. OVERMAN. If the Senator from California still insists on the amendment, I shall offer another amendment, but I do not think it will accomplish what is desired.

Mr. OLIVER. Mr. President, I will say that I am in entire sympathy with the reform which is sought for by the Senator from North Carolina.

Mr. OVERMAN. I appeal to the Senator from Pennsylvania to withdraw the point of order. He knows that there can not be anything revolutionary done without a report to Congress. I ask him now, in the interest of economy, to withdraw the point of order. We shall be in session——

Mr. OLIVER. I will not confer upon the President of the United States, or upon anyone else, the power to do away with any bureau or to reconstruct any of the executive departments, as they have been established year after year and term after term by Congress.

Mr. OVERMAN. Well, Mr. President, if the Senator insists on his point of order I will offer the following amendment:

The President is hereby authorized during the recess of the Congress to take action looking to a proper and scientific coordination of the work of the various executive departments of the Government, and he is hereby requested to report upon the question of transfer and consolidation of bureaus, divisions, offices, and other governmental activities, in order that duplication of service may be abolished and extravagance and unnecessary expenditures eliminated, and report with recommendations; and the report and recommendations shall be made to Congress on the first day of the regular session thereof, the first Monday in December, 1917.

Mr. OLIVER. I am in entire sympathy with that amendment, and I shall make no point of order against it.

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw the point of order to the amendment as modified?

Mr. OLIVER. To the amendment as modified I shall make no point of order.

Mr. GALLINGER. I should like to see the amendment.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. LIPPITT. I was simply going to suggest to the acting chairman of the committee that the point of order had not been ruled on.

Mr. OVERMAN. Everybody knows, Mr. President, that the proposed amendment is out of order, if any Senator objects to it, because it is general legislation.

Mr. CLARK. I desire to ask the Senator from North Carolina a question. Does the Senator think it is quite in keeping to virtually direct the President to report at a time certain to Congress on his action?

Mr. OVERMAN. I think it is proper.

Mr. CLARK. It seems to me it would be better to leave out the time.

Mr. SMOOT. Mr. President, I wish to suggest to the Senator from North Carolina that we appeal to the Senate at this time to stand by the Committee on Appropriations in carrying out the recommendations next year of the Bureau of Efficiency. I say now that the Bureau of Efficiency will make more recommendations to Congress by the 1st day of December, 1917, than Congress will carry out. If we give the bureau authority to enter all of the departments of the Government for an investigation of this very question, and if we carry out the recommendations in their reports, we shall not have to authorize the President or anyone else to do anything other than that which the bureau recommends, and we shall save millions of dollars to the Government of the United States in doing it.

Mr. GRONNA. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Yes; I yield.

Mr. GRONNA. I want to ask the Senator from Utah if the Board of Efficiency have made reports?

Mr. SMOOT. Oh, yes; they have made a number of reports, Mr. President.

Mr. GRONNA. Have this bureau recommended the coordination of other bureaus, and have they stated that some of this work is being duplicated; and if so, to what extent?

Mr. SMOOT. They have reported duplications of work, and not only duplications of work, I will say to the Senator, but they have reported the proper system of accounting that should be employed. They report what is absolutely necessary to put the Government departments upon a business basis. As I have stated before, about the only department of the Government which has adopted any of the reports made by the Efficiency Bureau is the Post Office Department in the city of Washington.

Mr. GALLINGER. Mr. President, right there——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Yes.

Mr. GALLINGER. The Senator from Utah has paid a tribute to the Postmaster General two or three times during this session. Will the Senator specifically state how those savings were accomplished in the Post Office Department?

Mr. SMOOT. Mr. President, I can not state them in full, but——

Mr. GALLINGER. They have not dismissed any clerks, have they?

Mr. SMOOT. They have decreased the number of clerks by over 100 in the last three years, and I am only speaking of the Post Office Department in the city of Washington. Where deaths or vacancies have occurred they have not always been filled. No new clerks have been employed because of a vacancy occurring, but the Postmaster General has rearranged the work of the department so that to-day we find that the increased amount of work which has come to the department has been taken care of; and, if testimony amounts to anything, it has been taken care of in a better way than it has been in the past.

Mr. GALLINGER. I am very glad to hear that.

Mr. SMOOT. I want to say that the Postmaster General gives the Efficiency Bureau credit for bringing that improvement about. It is true that he has been in sympathy with the bureau's work. If he had not been, there would have been no change in the department, as there has been no change in most of the other departments.

Mr. GRONNA and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and, if so, to whom?

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. GRONNA. I want to ask the Senator from Utah another question. I think the Senator will remember that a year or so ago I made a suggestion that there ought to be a coordination of some of the bureaus of the departments made, because I had discovered that much of the work was being duplicated. I know that there have been reports made by the Agricultural Depart-

ment which really belong to the Census Bureau. Duplication of work of that kind, of course, ought to be eliminated. If the Efficiency Bureau has made reports, why have not those reports been printed, so that Members of the Senate could make use of them?

Mr. SMOOT. Those reports have been printed, I will say to the Senator. Not only that, but I do not believe there has been an appropriation bill passed within the last year which has conformed to the recommendations in those reports. The bureau has, however, only been in operation since the 28th of February, 1916, less than one year; but their reports have been printed. I have a number of reports from the Bureau of Efficiency that I have looked over carefully.

Mr. GRONNA. I agree with the Senator that the Bureau of Efficiency ought to be given time to do this work, and then it will be for the Senate either to carry out their recommendations or to reject them.

I am not in favor of the amendment offered by the Senator from North Carolina, which, if adopted, would impose this great burden upon the President of the United States. So long as we have a bureau appointed to make investigations regarding this matter, I think we can wait until that bureau has done its work.

Mr. OVERMAN. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. I yield to the Senator.

Mr. OVERMAN. One trouble with the Bureau of Efficiency is that their presence in the departments is sometimes resented. For instance, Mr. Brown, Chief of the Bureau of Efficiency, has experienced a great deal of trouble on account of the resentment upon the part of Cabinet officers that he should be given power over them. I do not ask that power be given to any subordinate official over the Cabinet officers, but I am asking now that the President investigate and suggest a plan to Congress by which the desired reform can be brought about, and I do not think anybody ought to object to that.

Mr. JONES and Mr. STERLING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and if so, to whom?

Mr. SMOOT. I will yield to the Senator from Washington, who, I think, rose first.

Mr. JONES. I merely want to ask a question in order that I may get the matter clear. I understood the Senator a moment ago to say that the good results accomplished through the Efficiency Board had been accomplished in the Post Office Department here?

Mr. SMOOT. Yes; in the city of Washington.

Mr. JONES. I wanted to find out where this improvement was made, whether in the work of the department generally or in the city post office here in Washington?

Mr. SMOOT. In the Post Office Department here in Washington; in the office of the Postmaster General, the offices of the First Assistant Postmaster General, the Second Assistant Postmaster General, the Third Assistant Postmaster General, and the Fourth Assistant Postmaster General, and also in the city post office.

Mr. JONES. That is what I wanted to get clear.

Mr. SMOOT. I can not say as to the working of the Post Office Department outside of Washington, because there has been no investigation made of that, so far as I know; but I do know that there has been an investigation made in the Post Office Department in the city of Washington.

Mr. President, I simply wish to add a further word before I take my seat. The Senate will notice that we have increased the appropriations for the Efficiency Bureau from $43,000 to $60,000, an additional amount of $17,000. The Senate committee recommended that increase in order that the bureau might extend the work they are now engaged in. If it is desired to secure information necessary to coordinate and bring the organization and workings of the departments to a business basis, all that we have to do is to increase this appropriation and give the authority to the Efficiency Bureau, which we are proposing to give in this bill. We shall then get a report before the end of next year, and if the Senate and the House of Representatives will carry out the recommendations that will undoubtedly be embodied in that report, I have no hesitation in saying that it will result in saving the Government of the United States millions of dollars annually.

Mr. STERLING. Mr. President, it seems to me quite proper, if this work is to be done at all, that it should be done by the Efficiency Board. The very name "Efficiency Board" would imply that this would be a part of its work; but I think the trouble is, as I gather it from the statements of Senators, that the Efficiency Board has never had explicit direction and authority along this particular line.

Mr. President, the President of the United States himself can not personally do this work; we are all aware that he must avail himself of the services of some board or body in order that he may ascertain the facts upon which he will act or upon which he will make recommendations to Congress, if we leave it in the shape in which the Senator from North Carolina now proposes to leave it. I have heard read the substitute offered by the Senator from North Carolina, giving the President power to make investigation concerning this matter. As I have said, I believe it is part of the Efficiency Board's duty to do that; and I propose the amendment I send to the desk as a substitute for the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. The Secretary will state the proposed amendment to the amendment.

The SECRETARY. As a substitute for the amendment offered by Mr. OVERMAN it is proposed to insert the following:

That the Efficiency Board is hereby authorized and directed during the vacation to make thorough investigation looking to a proper and scientific coordination of the work of the various executive departments of the Government and to ascertain what work or activities of one bureau, division, or office may be transferred to another, or what bureaus, divisions, or offices in such departments may be consolidated, to the end that duplication of service may be abolished and extravagance and unnecessary expenditures eliminated. Said board shall report the result of its investigations, with recommendations to Congress, on the first Monday in December, 1917.

Mr. OVERMAN. Mr. President, all the members of the committee know that that amendment will not do at all. The President will have to be given the authority that comes with the force of an act of Congress. In conference and in committees it has developed that there has been trouble, perhaps because of the lack of authority of the Bureau of Efficiency. Mr. Brown, the chief of that bureau, has made recommendations, some of which have been adopted, and yet the chiefs of divisions and Cabinet officers resent his being put over them. I want to put the President at the head of it, and then, in coordination with this bureau, he can make a report to Congress, and it will come with such force that Congress will be obliged to take some notice of it. Under the present circumstances all of the members of the committee know the great trouble Mr. Brown has had, and he is going to continue to have such trouble. The heads of the departments will continue to resent his coming within their particular spheres of action. If we give the President authority now to make this investigation and report his recommendations, we can get a better report and it will be more forceful.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. OVERMAN. Certainly.

Mr. GALLINGER. Does the Senator think that, after this debate, any department of the Government will refuse to allow Mr. Brown to prosecute his activities? And, again, can not the President order those departments to permit Mr. Brown to make his investigations? I should say so.

Mr. CURTIS. Mr. President, I should like to have the amendment of the Senator from North Carolina again read.

The PRESIDING OFFICER. The amendment of the Senator from North Carolina will be stated by the Secretary.

The SECRETARY. It is proposed to insert the following:

The President is hereby authorized during the recess of the Congress to take action looking to a proper and scientific coordination of the work of the various executive departments of the Government, and he is hereby requested to report upon the question of transfer and consolidation of bureaus, divisions, offices, and other governmental activities, in order that duplication of service may be abolished and extravagance and unnecessary expenditures eliminated.

Mr. LANE. Mr. President, that seems to me to refer particularly and only to duplication and overlapping of work. Does the Senator think it will cause the making of a survey of the value of the work which the Government is receiving and take into consideration the equities between the employees and the Government as to the standard of service and wages?

Mr. OVERMAN. I think that will all be taken care of. There is another provision in the bill concerning the Bureau of Efficiency.

Mr. LANE. Does the amendment provide for that?

Mr. OVERMAN. The amendment is general in its terms, but there are in the bill special provisions in regard to investigations by the Bureau of Efficiency.

Mr. LANE. The general terms as expressed, it seems to me, are not so important as the subjects to which I have referred. If the amendment accomplishes that purpose, I am quite in favor of it, but if it merely confines the work to investigating what bureaus overlap in their work, and leaves the larger and

more important questions untouched, I do not think it would be of much value.

Mr. OVERMAN. The Senator must remember that there is an amendment already in the bill which, I think, cares for the matter which he has in mind.

Mr. CURTIS. Mr. President, I hope the amendment offered by the Senator from North Carolina will be adopted. This is not the first time Congress has authorized the President to take action to reduce the expense of running the executive departments of the Government. I have before me the sundry civil appropriation bill of 1912, in which will be found the following provision:

The President is authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914, bringing the total cost of said service for said fiscal year within a sum not exceeding $10,150,000 instead of $10,500,000, the amount authorized to be expended therefor on account of the current fiscal year 1912; in making such reorganization and reduction in expenses he is authorized to abolish or consolidate collection districts, ports, and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in his judgment may be necessary to make such organization effective and within the limit of cost herein fixed; such reorganization shall be communicated to Congress at its next regular session and shall constitute for the fiscal year 1914 and until otherwise provided by Congress the permanent organization of the customs service.

Under that authority the then President of the United States, Mr. Taft, did reorganize the service and there was saved in the first year $350,000, and, as has been well said by the Senator from North Carolina [Mr. OVERMAN], the Senator from Utah [Mr. SMOOT], and the Senator from Arkansas [Mr. ROBINSON], a proper reorganization of the bureaus of this Government and the prevention of the duplication of work will save each and every year from forty to fifty million dollars. I hope the amendment will be agreed to and that the effort made by this Congress to prevent the duplication of work, to consolidate bureaus, to discontinue needless offices and employments, and reduce expenses will be successful.

Mr. STERLING. Mr. President, I should like to ask the Senator was the Efficiency Board created at the time of the passage of the act from which he has quoted?

Mr. CURTIS. The Efficiency Board, as I understand, was in existence at that time. The Efficiency Board, as a matter of fact, was not created last year. An Efficiency Board of some kind has been in existence for a number of years. I think the first one was appointed during President Taft's administration; but the members of the committee will remember that last year there was some trouble because of the fact that one of the departments wanted to eliminate the Efficiency Board; they wanted to have it removed from the rooms it had been assigned, and so Congress in the appropriation bill of last year provided for its permanent establishment.

The Senate will remember that when the Indian Appropriation bill was under consideration a year ago, and while the measure was in conference, an item authorizing the Efficiency Commission to do certain work was stricken from the bill, because it was said those in authority would not consent to the Efficiency Board entering the department and making an investigation and report. By reason of that statement the opposition here was strong enough to defeat the conference report on the Indian appropriation bill and send it back to conference, and authority was given for the investigation to be made.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from South Dakota?

Mr CURTIS. Certainly.

Mr. STERLING. I should like to ask the Senator this question: Does the Senator think if the Efficiency Bureau had been permanently established at the time of the passage of the act to which he refers that there would have been any need of the act itself conferring upon the President the power therein provided for?

Mr. CURTIS. I am afraid there would have been; I am afraid that the various departments would oppose the Efficiency Board coming in to make investigations, but I think if they are authorized and directed to make investigation by the President, and an order is issued by him, then there will be no trouble.

Mr. STERLING. Mr. Presient, I should like to ask the Senator if he believes that an order from the President for an investigation by the Efficiency Board ought to have any more potency than an act or resolution of Congress?

Mr. CURTIS. No; I do not, and I do not know that it would have; but I know that it did appear in the debate a year ago that after the Congress by an amendment had authorized the Efficiency Board to investigate a certain department the information was given to the Senate by the chairman of the committee that the item was stricken from the bill in conference because the head of the department opposed the Efficiency Board making the investigation. Senators will recall that.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Kansas yield to the Senator from Washington?

Mr. CURTIS. Certainly.

Mr. JONES. I desire to ask the Senator if, as a matter of fact, the efficient part of the legislation from which he has quoted with reference to the reorganization of the customs service was not the authority given to the President to make the changes that he found it desirable to make?

Mr. CURTIS. I think so. I might state that the investigation of the customs service a number of years ago showed that many thousands of dollars were being wasted each and every year. It was costing the Government from $100 to $1,500 in some places to collect a single dollar, and $200 or $300 in some places where there were no collections made whatever. I had the pleasure of offering an amendment giving this authority to the President of the United States. That amendment was not adopted at that session, but later on the amendment which I have read was adopted, and the President, acting upon the reports made to him by his subordinates, consolidated certain ports of entry, abolished useless offices, and saved to the Government $350,000 that year, as directed by the provision, and I understand that saving has been made each and every year since. If $350,000 could be saved in that service, how many millions might be saved if the same rule should be applied to the various departments of this great Government?

Mr. TOWNSEND. Mr. President, I have listened to the discussion and to the arguments which have been presented. I have come to this conclusion from what has been stated, and I should like to be corrected if I am wrong:

The Efficiency Board which has been established has been doing excellent work. The Efficiency Board recognizes all of the needs which the Senators have been discussing this afternoon. The only obstacle in the way of that board is the obstruction placed in its way by the Cabinet officers. The Cabinet officers are the creatures of the President. We now propose practically to take away from the Efficiency Board and to discredit the work that they have been doing by saying to them: "We will put you directly under the control of the President"—under the control of the President, whose Cabinet officers have prevented, up to date, the very investigation which Senators demand.

Mr. OVERMAN. Mr. President, the investigations now being conducted by the Efficiency Board are different from those authorized by this amendment. They now investigate as to the number of clerks required, the character of clerks, and so forth. They have not the power, and they ought not to be given the power, to investigate as to the duplication of service and the abolishment of bureaus. The bureau has only a particular line of work at present—that is, to investigate how better business methods can be adopted in these departments, what clerks can be reduced, and matters like that. They have no broad authority such as is conferred by this amendment. What I desire is that they shall be able to act in conjunction with the President, and I say to the Senator that better progress will be made in that way.

Mr. TOWNSEND. Let me ask the Senator a question. If this amendment is agreed to, the result will be to place in the hands of the President the responsibility for these investigations, will it not?

Mr. OVERMAN. Not at all. Mr. Brown, who is the head of the Efficiency Bureau, has a duty to perform under this act. If the Senator will get the bill and read it he will see the authority granted there. He does not work outside of it. This amendment does not say anything about what measures the President shall adopt. I suppose he will use this man whenever he can.

Mr. TOWNSEND. Is there any power conferred in this amendment which the Efficiency Board does not now possess?

Mr. OVERMAN. It is altogether different and far-reaching. The other is only limited.

Mr. NELSON. Mr. President, will the Senator yield to me for a minute?

Mr. TOWNSEND. I yield.

Mr. NELSON. I want to suggest to the Senator from North Carolina, as well as to the Senator from Michigan, that the amendment ought to be modified so as to authorize the President to make use of and utilize the work of the Efficiency Board and require the Efficiency Board to report to him. That would avoid duplication. The President could utilize the work of the board, and that would be the end of it.

Mr. OVERMAN. Mr. President, the Senator is right about that; but under the law now the head of that board has to report to the President. The President will have his report; and in addition to that, the President will receive reports as to bureau consolidations and take the whole matter into consideration and broaden it so as to have the two reports.

Mr. NELSON. Is the Efficiency Board required to report directly to the President?

Mr. OVERMAN. To the President; yes. I want to say to the Senator from Michigan that there is a provision on page 31, which I think I will read:

> The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and shall submit a report to the Congress, with recommendations, at its next regular session.

That all goes to the President. The head of that bureau has a particular, limited work to do. This amendment enlarges that work and gives the President power to use him or any other departmental officer he wishes to use in order to make this investigation.

Mr. TOWNSEND. Let me now repeat my question to the Senator. As I understand, the only criticism that has been made of this Efficiency Board or of its work is that the Cabinet officers do not cooperate with, but rather obstruct, its work in the departments.

Mr. OVERMAN. I did not say Cabinet officers; I said chiefs of bureaus and others in the departments. They all resent it, because they know that some of them have got to go. The whole department resents it.

Mr. TOWNSEND. Is there any question in the mind of the Senator that if the President suggested to those Cabinet officers that this board should have full opportunity to investigate, it would be given that opportunity?

Mr. OVERMAN. They have that authority now, and would do it, I think. They do not complain to him. They complain to Congress. At present, you see, their authority is limited. They could not report on the question of the abolishment of a bureau or the consolidation of a bureau or the duplication of work. We did give them special authority to investigate the duplication of work as to printing matters, and so forth; not duplication of work in general, but duplication of printing. That is as far as they have gone.

I do not know, Mr. President, whether our legislation here is going to stand in conference or not, because there is a great deal of opposition to it; and I want some broad power—not a limited power—to take in this whole subject, and let us see what we can do at the next session of Congress.

Mr. BRYAN. Mr. President, I will ask the Senator to look at pages 31 and 32. That language was written in there because it was thought it would be necessary to enable this bureau to go ahead with work which it wanted to do and could not do unless authorized. At first, the bureau was under the Civil Service Commission, but friction arose and the bureau was placed directly under the President, so that it would not be under any department. There seems to be, and I think it is reasonable to suppose that there would be, a sort of comity among the departments, the bureau chiefs, and so on, and they resent anybody coming in to show them how to do their work. That is where the trouble has come. They have been opposed to it, because, when the representatives of the Efficiency Bureau go into a bureau they go in there to see if they can not dispense with some of the help they have, if they can not suggest to them that certain work could be done with fewer men, that their system of accounting is not up to date, and so on; and I suppose the people in these bureaus think they know as much about it as anybody else does.

So the language that is written into these appropriation bills has come, fragment by fragment, for the last two or three years. That is, they have done some work, and they find they have to come to the Committee on Appropriations to get authority to do a little more. Why any bureau or department or commission should object to a set of experts coming into better conditions in that commission or bureau or department I do not understand. Nevertheless, I suppose it is human nature that they should do it.

I do not think it makes very much difference one way or the other about the amendment of the Senator from North Carolina. The force and effect of it is lost, in my judgment, when you do not authorize the President, when he gets a report from this board of experts—if I may call them such—that a certain bureau ought to be limited in its work, to stop it right there and report to Congress. Of course, the President is going to get his information from this very bureau. That is all there is to it.

Mr. SMOOT. And he can not get it in any other way.

Mr. BRYAN. He can not get it in any other way.

Mr. TOWNSEND. Mr. President, I want to ask the Senator from Florida, in whose judgment I have a good deal of confidence—I know he has looked into this matter very carefully—if he thinks there is anything in the point I make; that is to say, if we now adopt this amendment, will we not in some measure discredit and weaken the work of the Efficiency Board?

Mr. BRYAN. I do not think so. If I did, I should be very much opposed to it.

Mr. TOWNSEND. That is the only objection I have to it. I am in favor of the principle, the idea, of the amendment; but if it is true that this board is doing good work, and we have now added to its powers and given it more authority in this bill, then if we say that the head of these Cabinet officers who have obstructed the work is to be given charge of it all—is to be put in charge, practically—it seems to me it means that we are not going to have as efficient work as we have been having on the part of the Efficiency Board.

Mr. BRYAN. Of course, Mr. President, this bureau reports directly to the President, and the President will get whatever information he gets from this very bureau. I do not think there will be any conflict. I doubt if much will be done, however, except what is being done by this bureau. There is this good that it may do: In view of the discussion which has taken place during the pendency of this bill, and the attention which has been called several times to the fact that there is duplication of work in these various bureaus, it may cause the President to take a more active interest in it than he otherwise would.

Mr. WORKS. Mr. President, it seems to be agreed on all sides that something should be done to systematize the work of the different departments of the Government. About that, I think, there is very little difference of opinion. It seems now that the power and authority of the Efficiency Board is so limited that it would not be able to do what we really want done. If this matter should be referred to the Efficiency Board in the first instance, and then to the President finally, he would find this difficulty about it, it seems to me:

It is perfectly apparent that the heads of departments, who are the advisers of the President, are antagonistic to any movement of this kind. They resent any effort on the part of Congress to deal with this question in any way. If there should come about a conflict of opinion between the Efficiency Board and a member of the President's Cabinet as to what should be done in the department, what would likely occur? The President would be almost certain to take the advice of the head of the department as against the Efficiency Board, and you would find difficulty in carrying out any project of this kind for that reason, it seems to me.

If the authority of the Efficiency Board were increased to deal with this very question of the abolition and consolidation of bureaus and anything else that might lead to greater efficiency in the departments, and they were authorized to make their reports to the Congress of the United States and call upon Congress to act upon their suggestions, we might get at a matter of that kind.

I see that the Senator from New Jersey [Mr. HUGHES] smiles at that idea. That is one of the difficulties about it. We have no confidence in ourselves. It is openly stated here that Congress could not be expected to do anything along those lines, for political reasons.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Jersey?

Mr. WORKS. I do.

Mr. HUGHES. I should be perfectly willing to vest the power in the Efficiency Board itself, although I do not know the members of it or who they are. I should be willing to vest it in any body out of whom there would be some likelihood of getting action. But I have served around here long enough to know that, in my opinion, it would not be worth walking across this Chamber to get the legislation to which the Senator has just referred.

Mr. WORKS. I am very much afraid the Senator is right about that; and I agree with him that it might be better to establish some organization—the Efficiency Board would probably be as good as anybody else—to determine these questions absolutely. I do not think it would be a wise thing, for the reason I have stated, to commit it to the President, where there would be an absolute conflict of opinion between the heads of the departments and the Efficiency Board as to what ought to be done.

Mr. HUGHES. Mr. President, the first act of the Efficiency Commission of which I have any recollection had to do with the consolidation of customs divisions, as I recollect it.

Mr. SMOOT. That is what they were first appointed for.

Mr. HUGHES. There had been an effort going on during all of my service in the House to bring about that consolidation. It was shown, year after year, that the maintenance of certain customhouses cost five or six thousand dollars a year, and that sometimes they would collect as much as 80 or 90 cents in a year. [Laughter.] That matter was notorious. It was scandalous. It was debated before the Houses; the newspapers called the attention of the country to it; but the gentlemen who were interested in those customhouses in various parts of the country pooled their forces and retained them. Finally the consolidation was had and the customhouses were abolished by a sort of trick. I mean by that it was done as it is attempted to be done here, by giving the President some power; and the people who gave the President the power did not understand the power they were giving him, or they never would have given it to him. It was done on an appropriation bill, I think, and a great part of it went in in conference.

At any rate, the power was given to somebody. It was given to President Taft, as I recollect. The customs divisions were consolidated and a number of useless offices were abolished, and the greatest roar of righteous indignation went up from the various legislative bodies that constitute this Congress that ever touched my ears in all my service.

Mr. OVERMAN. I object to the word "righteous." The Senator ought to say "unrighteous."

Mr. HUGHES. Anybody who has served here for any length of time knows how difficult it is to abolish a place. I would not have any faith in the President's being able to stand up against the pressure that would be brought to bear upon him if it were necessary to turn out the people who could be dispensed with in the interest of economy. It will not, however, be necessary to turn them out. The President can so manage this affair that these men can all be preserved in their status. They can all be kept upon the list, and they can be transferred about from one bureau to another, as is done in the case of the Pension Office employees.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from California?

Mr. HUGHES. Certainly.

Mr. WORKS. Does the Senator think that these people ought to be retained in the service of the Government if they are not needed?

Mr. HUGHES. Why, no; I do not think so. Whether I think so or not, however, is a matter of small moment. They would be retained.

Mr. SMOOT. There are deaths and resignations going on all the time.

Mr. HUGHES. As the Senator from Utah suggested, there are deaths occurring constantly, and there are a few resignations, despite the popular belief to the contrary. Every once in a while a man does resign from the Government service.

Mr. CLAPP. Mr. President, there is also a constant necessary expansion of work, requiring the constant increase of those who can render the service, that would undoubtedly take care of the situation in the main.

Mr. HUGHES. There is no question about that. Some reference has been made here this afternoon to the change that was instituted in the Office of the Auditor for the Post Office Department. There were a great many clerks there whose services were dispensed with. I will not venture to say how many.

Mr. SMOOT. One hundred and three.

Mr. HUGHES. The services of 103, the Senator from Utah says, were dispensed with there by the installation of machinery, and the work was brought up to date. But those people were all taken care of. They were transferred to various other departments of the Government. None, that I know of, were absolutely thrown out of the service, and, even if they were temporarily suspended, they retained their civil-service status, and they would have the right to be appointed when certain other positions were to be filled.

It is only in that way, however, and it is only by giving somebody the power that we can bring about the desired results. I would not give this power to anybody if it carried with it the authority to increase places. But what difference does it make if we give a man the power to reduce places, to abolish places, and consolidate places when we all want places abolished and consolidated? I do not think we will gain much by it; but we can not lose. The pressure that would be brought to bear upon any official of the Government who was charged with this duty and given this power would be something terrific; but as long as he has not the power to increase the places the people—and they are what Congress has in mind—must be the gainers.

Why, we have no conception, and the people have no conception, of the true condition of affairs in the Government service to-day, and as it has been for a number of years. I remember being driven over to the station one day by one of the cab drivers out here, and I got to questioning him as to how he managed to make a living. It had always been more or less of a mystery to me how those chaps out in the quadrangle existed from year to year on the small amount of business they seemed to do. He told me that he had a fixed compensation which came from two men whom he drove to the Pension Office every morning. It was a disreputable looking sort of a rig that he drove, and I could not imagine any highly paid members of the Pension Office staff being driven to and from their work in this sort of an arrangement. I questioned him a little, and I found out that they were not driven down there because they thought they could afford to drive to and from their work; but two of them engaged this man to drive them down there, because they could not walk from the house to the carriage, and they could not walk from the carriage to the Pension Office. Each morning he reported to their houses and helped them out and into the carriage, and he helped them from the carriage to the Pension Office; and at night the operation was repeated in the other direction.

That will give you some sort of an idea of the way the Government's work is being performed. Not so very long ago, in my service in the other body, the man at the head of one of the departments appeared before one of the committees and testified that if the elevators did not run 70 per cent of his force could not get to work. [Laughter.]

Are we going to continue to let these things go on? If we are, it is only a question of time, and a very short time at that, when the civil service will absolutely break down. We will be unable to get the work of the Government transacted. Somebody will have to take over the responsibility and the duty of consolidating and shifting and adjusting, and putting certain people to doing certain work that they can do, and giving other people an opportunity to do work that they can do.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Minnesota?

Mr. HUGHES. Certainly.

Mr. NELSON. Does not a part of the difficulty to which the Senator refers—that is, retaining a lot of helpless, inefficient, superannuated men in the service—arise from the fact that we have not in this country, as they have in most other countries, a system of pensions for civil employees of the Government?

Mr. HUGHES. Of course. There is no question about that.

Mr. NELSON. And would it not be a good plan to establish such a system, not on a basis of funds furnished by the Government, but on the basis of funds contributed by these men out of their salaries, requiring them to contribute a certain percentage?

We have an illustration of how such a contribution system works in the beautiful Soldiers' Home out here belonging to the Regular Army. Barring the funds that Gen. Scott brought back from Mexico, all the revenues and all the costs of that institution have been derived from small contributions made by the soldiers of the Regular Army, the privates and noncommissioned officers, out of their pay, and out of the fines imposed by courts-martial. They were so successful in that that a few years ago they had enough funds to enable them to cease requiring any contributions from the soldiers of the Army. To-day that magnificent institution, one of the best in the country—the very best, in fact—is supported without a dollar of expense to the Government. That institution has been built up, barring the contribution that Gen. Scott brought in, by the contributions of soldiers in the Army.

Now, why could we not do something of that kind in the civil service, instead of keeping in the service a lot of helpless old men? I have seen them. Perhaps it is not very gracious in me, approximating old age, to speak of these things, and yet, after all, it has struck me as peculiar. I have seen old men and women helped on the cars and helped off the cars going to their offices, and I have gone into those offices and found them sitting in chairs all day, reading the newspapers, and once in a while taking a little nap. [Laughter.]

The only way in which we can get rid of this condition is by establishing a system of pensions. I can very well understand how the heads of these bureaus and the heads of the departments are possessed of the milk of human kindness, and when these old men become helpless and have no means of support they do not feel like turning them out in the cold. The only way they can get around it is to reduce them from $1,800 to $1,600, and

from there to $1,400, and from there to $1,200, and $1,000, and $900, and so on, as long as they can possibly keep them there; and that is the way, indirectly, in which we pension them.

There are to-day hundreds of men and women in the departments who are practically getting pensions from the Government in that form. That is, they get the smallest amount of salary—$840 or $900 or $1,000. Men and women that were once getting from $1,400 to $1,600 and $1,800 are getting that, and it is practically nothing more than a pension.

In order to reform the civil service, and reform it from the bottom up, you must establish a system of pensions and retirements. You must require retirement at a certain definite age, and allow the employee a pension, and let that pension fund be created, as it is in most other countries, not by contributions from the Government but by taking out a small portion from the monthly salary of every clerk, and establishing a fund in that way. That is the way to reform the civil service, and you can not reform it from the ground up until you establish a system of that kind.

Mr. HUGHES. Mr. President, I agree with every word the Senator has said; and I would admit the absolute and utter hopelessness of doing anything under the provision originally suggested by the Senator from North Carolina if it were coupled with the suggestion that those holding the places we could dispense with were to be turned out of the service, because I know that that would present an insurmountable obstacle to putting into effect what the Senator originally suggested. I think it would be easier to deal with the proposition that confronts us now if we had a retirement plan. It would be cheaper for the Government to-day if we could retire, at five or six hundred dollars a year, a great many civil servants who are getting as high as twelve, fourteen, and sixteen hundred dollars a year, and are doing practically no work.

Mr. NELSON. Mr. President, will the Senator allow me for just a moment?

Mr. HUGHES. I yield to the Senator.

Mr. NELSON. I want to suggest that we have made a little progress in the Coast Guard Service, as we call it. It used to be the Revenue-Cutter Service. We first put the members of that service on the same basis as officers of the Regular Army. Then, in order to help out the Life-Saving Service, we tried to pass a bill for retiring those people, when they got old and helpless, on a small portion of their salaries; but we were met with the objection that it was establishing a civil pension. So, in order to get around that technical objection, they said in another Chamber—I need not specify where; Senators can guess—"If you will combine the Revenue-Cutter Service and the Life-Saving Service and merge them in a new institution, and call it the Coast Guard Service, we will allow theses life-saving men to be retired, and provide for a system of pensioning them."

A year ago we tried to do something for the Lighthouse Service. The poorest paid employees in all this broad land are the keepers of our lighthouses. Their average pay is not over $600 a year. I secured the passage a year ago or so, I do not remember the date, of two bills prepared in the department. One proposed to increase the pay of lighthouse keepers from $600 to $700 a year. The other proposed to provide for a system of retirement. The Senate with unanimity almost passed those bills, and if that retirement would only pass the other body of Congress, those men would be provided for. But we are met with the objection to civil pensions.

It seemed at first to be a very serious matter to me to embark on a system of civil pensions, but I do not see how we can possibly purge the civil service of the Government, how we can possibly put it on a solid footing, without providing in some form for a system of civil pensions, so that when men get disabled either from old age or other causes and are unfit to perform their share of service they can be put upon a retired list and have some provision for their old age. Unless you can accomplish that the system will continue as it is to-day. As long as there is a drop of the milk of human kindness in the bureau chiefs and heads of departments they will hesitate to turn out the old helpless people in the service.

I do not want to delay the proceedings on this bill, and it may seem ungracious for me to inject these remarks, yet, Mr. President, I can not help doing it. I have given the matter some thought. While I was in the first instance opposed to civil pensions, I can not for the life of me, after studying the question carefully, see my way to cure the evil, the dry-rot that is now in every department, except by establishing a system of civil pensions.

Mr. HUGHES. I agree with what the Senator has said. I believe myself the absence of some such system as he has described is a great stumbling block in the way of these attempted reforms. That is what we are trying to do now. I can cite the experience of my own municipality. We had a police force on which most of the men were in about the same physical condition as the old servants in the Government service now. They were on the police force, but they could not do police duty any more than these old men can do clerical duty. They were replaced under a proper civil-service law by young, strong, vigorous men, and, if my memory serves me right, we have had a better police force and it did not cost any more or but little more money than it cost before.

We have no civil-pension system in this country. I hope we are going to have one soon. I rejoice in the fact that the last Democratic platform in terms declared in favor of some form of retirement.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Will the Senator from New Jersey yield?

Mr. HUGHES. Certainly.

Mr. SMOOT. The Senator will have a chance to vote upon the retirement plan as an amendment to this bill. If I am informed correctly, the Senator from Ohio [Mr. POMERENE], chairman of the Committee on Civil Service and Retrenchment, intends to offer an amendment to the bill providing for a retirement plan for Government employees. The amendment will provide that an employee reaching the age of 65 shall have the privilege of retirement, but compulsory retirement will be enforced at the age of 75. At any time between the age of 65 and 75 the head of the department in which the employee is working may question his ability to perform a full day's work and ask for his retirement. If the employee doubts the judgment of the head of the department, he can have the question submitted to a commission and it in turn will decide as to whether he shall be retired or not.

The plan provides a payment on retirement of one-half of the salary received by the employee, but in no case to exceed $600 per year. To carry that plan out, with the contributory system provided for, would take about 22 or 23 years before it will be on a paying basis, and in the meantime it will cost the Government in the 22 years about $140,000,000.

Mr. HUGHES. Mr. President, I venture to say that we are spending $140,000,000 needlessly this fiscal year. I venture to say that we are paying out for services more than $140,000,000 to people who are unable to render the service to the Government for which they are being paid. I venture to say that the net loss to the Government for services paid for and not received will amount to $147,000,000 for this fiscal year.

Mr. GALLINGER. Has the Senator made any calculation about that?

Mr. HUGHES. I know that no one can dispute it.

Mr. GALLINGER. I dispute it most emphatically. The Senator had better look into that.

Mr. HUGHES. The Senator can not prove that I am wrong.

Mr. GALLINGER. The Senator can not prove that he is right.

Mr. HUGHES. I know that.

Mr. SMOOT. I will say to the Senator that the amount of all the salaries paid to employees of the Government amounts to $390,000,000 this year. So, I think, the Senator is a little high in his figures.

Mr. HUGHES. I think I am nearly right. I thought perhaps I was a little low, but anyway I am sorry that the Senator felt compelled to modify his original amendment. It was a long step in the right direction.

Mr. OVERMAN. I have modified it.

Mr. HUGHES. I understand the Senator was compelled to modify it, because if a point of order had been insisted upon it would have gone out; but for the life of me I can not see why any Senator really in favor of economy and against extravagance, and I believe practically everyone in this Chamber is in favor of economy and against extravagance in the abstract, should object to the amendment as originally proposed.

Mr. FLETCHER. Mr. President, I wish to call the attention to the report of the United States Bureau of Efficiency, Document No. 1793, Sixty-fourth Congress, second session, which is quite interesting evidence on this subject. The bureau reports:

> As a result of this work the annual estimates for appropriations for the executive departments have been reduced by $260,000. Changes have also been effected in the departments that did not result in reduced estimates, but either prevented increases or will eventually cause reductions of about $140,000, and plans have been submitted for changes in methods which should, if put into effect, result in a further annual saving of more than $375,000.

It will be remembered that the present Bureau of Efficiency was a division of the Civil Service Commission from March 25, 1913, to February 27, 1916, and since then it has become an

independent establishment. The last appropriation for it was $40,000, May 10, 1916. The report further states:

These savings have been effected by avoiding the necessity for filling vacancies and appointing additional clerks, rather than by dropping clerks from the rolls. In no case has the bureau recommended the dropping of a clerk, although it has necessarily approved the dismissal of a few employees for inefficiency in accordance with the Executive order establishing a system of efficiency rating in the Post Office Department. The bureau has made a special effort to find suitable places for all employees displaced on account of improvements in methods and in most cases it has been successful in finding positions satisfactory to the employees.

So in line with the suggestion of the Senator from Minnesota this pruning out of employees need not cause any distress or displace people absolutely. They can be used in the extension of the service and in the expansion of the work of the Government as it goes naturally on.

I think the proposition of the Senator from North Carolina was a sound one, and I think perhaps if we can not get the original proposition, any move in this direction is advisable, because while the President is not obliged to accept the recommendation or advice of the Bureau of Efficiency, undoubtedly he will be influenced by what they suggest. If he has their advice that in a certain department there are more employees than are needed in certain bureaus and there could be changes made to the advantage of the service in the promotion of economy and certainly in the promotion of efficiency, he would be empowered to make the orders carrying out those recommendations; and I have not any doubt but what under some plan or arrangement like that efficiency would be promoted and a great saving to the Government would be accomplished. I think a movement of this sort is in line with the efforts which we have been previously making, more or less feeble, and at the same time there is a possibility of accomplishing a great deal of good in promoting efficiency as well as in promoting economy.

Mr. CLAPP. Mr. President, I wish to say a word in regard to the Bureau of Efficiency. I felt that I ought to do that. There are, of course, two questions here not immediately involved. The question of how to make provision for those clerks who have reached an age when they are no longer efficient is one question which will be dealt with probably under the amendment to be offered by the Senator from Ohio [Mr. POMERENE]. I only want to say, with reference to that at this time, that whatever we may think of a civil-service pension list it is inevitable; conditions are bound to enforce it, and when that question comes up I desire to offer some suggestions.

What I want to say about the Bureau of Efficiency is that when the bureau was first created the power or authority was very limited, and, while I was not opposed to it, I was not at all enthusiastic over its creation. I want to make that statement.

From time to time we have enlarged its power. We are enlarging its power in the bill to-day. After studying its work somewhat from a spirit not of hostility but lack of sympathy, I want to testify to the efficiency of that bureau. I believe the bureau has demonstrated that it is one of the most valuable adjuncts which Congress has created. Having formerly taken the attitude of one at least wanting in sympathy, I felt it was only due to make this public acknowledgment.

I think we should adopt the amendment. I should like to have the amendment in its original form adopted. We may as well recognize the fact, deplorable perhaps as it is, that we have got to make some provision that will relieve Congress from the necessity of facing a condition which, owing to human nature, we practically have been unable to face. In a proposition that simply deals with the question of the transfer of employees, it seems to me we ought not to be too particular as to what particular power or authority is vested, whether in the President or in the Efficiency Bureau or in the coordination of their activities. The deplorable fact remains that we have been unable to meet the condition, and by vesting this additional authority under the coordination of the authority conferred upon the President, I believe we will be able to effectuate a very valuable reform. I wanted to make this public statement with reference to what I had seen and learned and my change of views from one of want of sympathy to one of full sympathy with the creation and work of the Bureau of Efficiency.

Mr. STONE. Mr. President, before the vote is taken I desire to submit some data respecting a particular matter. We have heard a good deal said since this bill has been before the Senate as to possible ways of saving money to the Treasury. We have heard a good deal about duplication of work, about large and even extravagant expenditures. I wish to speak of a matter with a view to calling the attention of the Efficiency Bureau, of the Appropriations Committee of the Senate, and of the Congress to what I think is, or at least what strikes me as being, an abuse which if corrected would save a considerable sum of money to the Treasury without impairing the effectiveness of the public service.

Some days ago I went down to the bureau in charge of the collection of the internal revenue, and also to the office of the Assistant Secretary of the Treasury in charge of the collection of customs, to make inquiry concerning certain information coming to me.

The salaries paid to collectors of customs at ports and to other officials subordinate to the collectors are, to my mind, unduly large, large to the point of actual extravagance as compared with the salaries and expenses incident to the collection of the internal revenue. For example, at the port of New York in the last fiscal year there was collected in customs $152,943,408.27. In the district of New York there was collected of internal revenue $84,803,404.95.

Mr. President, it costs the Treasury $2.70 for the collection of every hundred dollars taken in at that port, but it costs the Treasury only 38 cents on the hundred dollars for the collection of the internal revenue. I have a list of the important ports showing the same general condition, which I will ask to print in the RECORD, without consuming time to read it. The sum of the matter, as shown by this list, is that during the last fiscal year $215,346,735.78 of customs were collected in all the ports where customs are collected throughout the country. To collect that amount of customs it cost $9,280,797.33, or $4.30 for every hundred dollars collected.

During the same year there was collected of internal revenue throughout the country $512,733,287.77—considerably more than double the amount of customs collected—but it cost the Treasury to collect more than a half billion of internal revenue only $7,199,163.32, or $1.40 on the hundred dollars collected, as against $4.30 on the hundred dollars for the collection of customs.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. The figures which the Senator from Missouri is presenting are very interesting, and I assume that the Senator will readily see that it is a much more expensive process to collect customs duties than to collect internal-revenue duties. Collectors of customs have to go through a process that takes cognizance of every importation that comes into the country, while the internal-revenue tax is paid to collectors in each State and by them transmitted to the Treasury in bulk. Of course, I do not mean to say that that is not an excessive cost in the collection of import duties, but there is a difference, which I think the Senator from Missouri will readily appreciate.

Mr. STONE. Mr. President, the difficulty of collecting internal revenue, of preventing frauds of various kinds, requiring men to go into every community to ferret out the frauds and to prosecute the criminals, is as great, it seems to me, as are the difficulties involved in examining cargoes coming in in order to prevent undervaluation and to prevent smuggling of articles that ought to pay a duty, and various things of that kind where fraud may be practiced. Those conditions have to be met by the trained forces, or supposedly trained forces, under the collectors; but the same is relatively true, although along somewhat different but not less difficult lines, in preventing frauds and collecting the revenues to which the Government is entitled under the law relating to the internal revenue.

Mr. President, at New York the collector of customs receives a salary of $12,000. That is equal to the salary of the Secretary of the Treasury. I am informed he has eight deputies or assistant collectors under him, who, I am told, receive from $7,000 to $9,000 each. How about the internal-revenue collector? The internal-revenue collectors of that same city receive $4,500 and their deputies receive $2,500. There is no collector of internal revenue anywhere in the country receiving over $4,500, and no deputy who receives more than $2,500.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. STONE. Let me just make the comparison—whereas in these ports the collectors of customs receive $12,000, $7,000, $6,000—scarcely one of them receives less than $5,000. You can take the seven principal ports on the Atlantic, the Gulf, and the Pacific and you will find that the salaries received by the collectors of customs are from nearly double to two and one-half times as much as the collectors of internal revenue in the same

cities receive, and the salaries paid to their deputies run in the same proportion.

Mr. GALLINGER. Mr. President, has the Senator from Missouri made a comparison as to the amount collected in the city of New York, for instance, from customs and from internal revenue?

Mr. STONE. I have already stated that.

Mr. GALLINGER. I think that would be interesting.

Mr. STONE. It is interesting, and I will restate it; but I yield first to the Senator from New York.

Mr. WADSWORTH. The Senator from New York is entirely willing that the Senator from Missouri should first reply to the Senator from New Hampshire. I will ask for the Senator's generosity a moment later.

Mr. STONE. For the fiscal year 1916, in the port of New York, or district of New York, the amount of customs collected was $152,943,408.27. In the same district the amount of internal revenue collected was $84,803,404.95. It is true that in the district of New York the amount of customs collected is about 45 per cent greater than the amount of internal revenue collected, but the salaries paid to the officials collecting the customs revenue are from, approximately, two to two and one-half times as much as those paid to the officials collecting the internal revenue.

In the other ports, outside of New York, the comparative salaries run somewhat in the same proportion, as will be shown in the table I mean to print in full. The aggregate amount of internal revenue collected throughout the country is largely in excess of the amount of customs. It is only in the port of New York that the amount of customs collected is in excess of the amount of internal revenue collected.

Mr. President, I can cite the port of Boston, the port of Baltimore, the port of New Orleans, the port of San Francisco, and so on, where the collectors of customs receive $7,000 per annum, which is $2,000 more than the Assistant Secretary of the Treasury, who has control and supervision over all customs collections at all the ports of the country. No wonder that it costs $4.30 for every $100 received to collect customs and only $1.40 on $100 to collect internal revenue.

Now, Mr. President, I am going to ask leave to print these tables and the communications which I have here, furnished in response to my personal request by the Commissioner of Internal Revenue and by the Second Assistant Secretary of the Treasury, having charge of customs.

The PRESIDING OFFICER. Does the Senator make that request now?

Mr. STONE. Yes, sir; a request to insert these tables and communications in the RECORD for the information of Senators, and particularly of the members of the Appropriations Committee and the Efficiency Board. These salaries ought to be equalized. There ought to be a readjustment of salaries throughout the country everywhere; there is no doubt about that in my mind.

The PRESIDING OFFICER. Without objection, permission is granted the Senator from Missouri to print the matter referred to in the RECORD.

The matter referred to is as follows:

Statement showing collections of the Customs and Internal-Revenue Services for the fiscal year 1916; also salaries of certain officers.

COLLECTIONS.

District.	Customs.	Internal revenue.
New York	$152,943,408.27	$84,803,404.95
Boston	9,831,046.71	16,059,024.68
Philadelphia	15,121,689.13	18,916,121.58
Chicago	6,101,608.67	27,280,779.86
Baltimore	1,784,702.92	13,280,091.14
New Orleans	6,548,644.28	19,182,988.37
San Francisco	4,754,196.87	12,347,689.29

COST OF COLLECTION.

District.	Customs.	Percentage cost.	Internal revenue.	Percentage cost.
New York	$4,177,145.94	2.7	$321,486.85	0.38
Boston	899,177.12	9.1	147,906.17	.92
Philadelphia	497,683.27	3.3	141,736.60	.76
Chicago	295,144.81	4.8	134,578.53	.49
Baltimore	273,000.96	15.3	184,911.02	1.40
New Orleans	211,501.48	4.8	89,538.64	.88
San Francisco	468,910.36	9.9	212,875.47	1.72

SALARIES OF COLLECTORS.

District.	Customs.	Internal revenue.
New York	$12,000	$13,500
Boston	7,000	4,500
Philadelphia	7,000	4,500
Chicago	7,000	4,500
Baltimore	7,000	4,500
New Orleans	7,000	4,500
San Francisco	7,000	4,500

[1] Three collectors at $4,500 each.

NOTE.—Salaries of collectors of customs at seven ports exceed the salary of the Commissioner of Internal Revenue.

Recapitulation.

Total receipts, customs	$215,346,735.79
Total receipts, internal revenue	$512,723,287.77
Total cost of collection, customs	$9,280,797.35
Total cost of collection, internal revenue	$7,199,163.32
Percentage of cost of collection, customs	4.3
Percentage of cost of collection, internal revenue	1.4

NOTE.—In addition to the collectors at the seven ports (customs) whose salaries exceed that of the Commissioner of Internal Revenue, at the port of New York there are 12 additional officers of the Customs Service whose salaries exceed that of the commissioner, as follows:

Survey of customs		$8,000
Appraiser of merchandise		8,000
Naval officers of customs		8,000
Board of General Appraisers (nine)	each	9,000

Salary of the Commissioner of Internal Revenue, $6,500 per annum.

(Salaries of officers taken from latest issue of the Blue Book of the Census Office, dated 1915. Other data taken from the reports of the Secretary of the Treasury and the Commissioner of Internal Revenue for the fiscal year 1916.)

INTERNAL-REVENUE BUREAU ACTIVITIES AND ECONOMIES.

Efficient business methods inaugurated in Internal-Revenue Service and a fair and impartial enforcement of laws during present administration resulted in uncovering gigantic frauds and evaded taxes to the unprecedented amount of more than $50,000,000, of which $22,509,576.41 was assessed and collected during the three fiscal years ending June 30, 1916. This total recovered amount was greater by $2,700,000 than the entire cost of collecting the total revenue receipts of $1,308,413,205.59.

These frauds and most of the evasions existed unchecked and undiscovered during 12 or more years preceding this administration.

Eleven million three hundred and twenty-six thousand one hundred and twenty-five dollars and eighty-two cents was unearthed in corporation excise tax alone, $8,443,707.60 of which was due since 1909, 1910, 1911, 1912, and 1913.

Five million six thousand six hundred and ninety-six dollars and ninety-two cents of income tax otherwise lost to the Government was discovered and collected.

Nine hundred and eighty-four thousand seven hundred and ninety-one dollars and forty-one cents in compromises of minor evasions was turned into the Treasury.

Gigantic oleomargarine frauds amounting to more than $27,000,000 existing unchecked during previous administrations were brought to light. The statute limitations barred assessment of all but $5,168,166.13, the other being collectible by suit. To date $950,406.87 has been recovered and $1,000,000 more is expected to be recovered in the near future.

Four million two hundred and forty-one thousand five hundred and fifty-five dollars and forty-five cents from frauds and evasions of distilled spirits, tobacco, and miscellaneous taxes was paid into the Treasury.

One gigantic whisky conspiracy operating for many years in more than a dozen States was hounded to light. Eleven conspirators tried to date have been convicted and are serving prison sentences. Three hundred and eighty-three thousand one hundred and twenty-five dollars and sixty cents of evaded taxes and fines in this one case is a matter of record. It is estimated that more than $20,000,000 was evaded in remote years by this one conspiracy.

In one oleomargarine conspiracy 34 offenders in a single city were convicted or plead guilty and sentenced to terms of imprisonment totaling 63½ years and to pay fines aggregating $138,000.

One investigation of tobacco frauds extending over three States resulted in the seizure of 236 factories of the offenders and the uncovering of a large amount of tax.

ECONOMIES EFFECTED.

While the above millions of taxes otherwise lost to the Government were being ferreted out through the energetic activities of the commissioner and his organization, more efficient methods for handling the public business were put into operation and economies effected which result in a saving of more than $500,000 annually.

Four hundred thousand dollars is saved annually through the discontinuance of Government gauging at rectifying establishments.

Fifty thousand dollars is saved in clerks' salaries annually by elimination of duplicate and unnecessary work and installing of modern equipment.

Fifty thousand dollars is saved annually in cost of paper, printing, ink, and labor through improvements made in form and size of internal-revenue stamps.

COST OF COLLECTION.

The activities of the bureau is reflected in the cost of collection. The average cost during the past three years was only $1.51 per $100, as compared with $1.67 per $100 for the four years of the previous administration. If the rate of collection under this administration had remained as high as the cost of the previous administration, the additional expense to the Government during the past three years would have amounted to approximately $2,000,000.

The records of the Internal-Revenue Bureau show that never in its history have results been achieved in any way comparable with those of the last three years. The amount of evaded taxes discovered and economies effected does not in any way measure the value of the efficient

administration of internal-revenue laws to the Government, the honest trade, and the public in general. This strict and impartial enforcement of the internal-revenue laws has not only brought additional revenues but will prevent a recurrence of such frauds and conspiracies so long as the present policies are continued.

TREASURY DEPARTMENT,
Washington, January 12, 1917.

Hon. WM. J. STONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your request of to-day relative to the compensation of collectors of internal revenue, etc., I have the honor to advise you that the maximum amount of salary that can be paid under the law to any collector of internal revenue is $4,500 per annum. The compensation of collectors of internal revenue was limited to this amount by the act of February 8, 1875 (18 Stat., 309), and this act, as amended by the act of March 1, 1879 (20 Stat., 327), also limited the compensation to $4,500 per annum.

In fiscal year 1875 the total collections from internal-revenue sources amounted to $110,071,515, and in 1879 to $113,449,621.38. In fiscal year 1916 the internal-revenue receipts amounted to $512,723,287.77. There was collected in last fiscal year in one collection district $42,475,733.33 as internal-revenue taxes, and the collector for this district received compensation of $4,500 per annum.

No chief deputy in any of the 64 collection districts receives more than $2,500 per annum as compensation.

When the Internal-Revenue Service was established in 1862 the salary of the Commissioner of Internal Revenue was fixed at $4,000. Under the act of March 3, 1875, fixing the compensation of the bureau force in Washington, the salary of the commissioner was increased to $6,000. The rate of compensation so remained until July 16, 1914, when it was raised to $6,500, the present rate.

The responsibilities imposed upon the commissioner are heavy, the importance of the office is great, and the functions have widened in scope and magnitude very materially in recent years owing to new revenue laws, many in effect since the salary was increased to $6,500. The commissioner has supervision of a force approximating 5,000 employees and has control of annual appropriations amounting to over $8,000,000.

The cost of collection in fiscal year 1916 was 1.4 per cent, the lowest cost for collecting internal revenue in the last 50 years.

Sincerely, yours,

W. H. OSBORN, *Commissioner.*

TREASURY DEPARTMENT,
Washington, January 12, 1917.

Hon. WILLIAM J. STONE,
United States Senate.

MY DEAR SENATOR: I have to refer to your verbal inquiry of Mr. Peters's confidential clerk relative to salaries paid to collectors of customs and collectors of internal revenue.

I inclose herewith a copy of a book prepared by the Treasury Department, giving the salaries of all presidential officers, with certain exceptions, in and under the Treasury Department, wherein you will find a list of the officers mentioned by you, together with their salaries. The salaries of collectors of customs were established on a fee basis by section 2659 of the Revised Statutes, and some were later changed to compensation per annum by an act of Congress. (See p. 35, Supp. Rev. Stat., Vol. I, 1874–1891). Upon the reorganization of the customs service in 1913 all collectors of customs were placed upon a per annum basis. (See H. Doc. 1450, 62d Cong., 3d sess.)

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

Mr. WADSWORTH. Mr. President——

Mr. STONE. I yield the floor to the Senator.

Mr. WADSWORTH. I desire to ask the Senator if the information which he has in hand goes so far as to inform him whether or not a considerable number of the employees in the Internal-Revenue Service who work in the city of New York are not in fact residents of other States?

Mr. STONE. I know nothing about that. I assume it as probable that that is true, although I am not definitely informed. The Senator probably knows more about that than I do.

Mr. WADSWORTH. My information on that point is not conclusive, but, so far as it goes, it leads me to believe that a considerable number of the employees are residents of other States; and that results in their being able to collect from the Government, in addition to their salaries, $3 per diem because they are nonresidents, which tends to increase the cost of the collection of internal-revenue taxes.

Mr. STONE. That may be another abuse which ought to be corrected. I am not criticizing the nonemployment of New Yorkers or the employment of people from the outside. It is immaterial to me where they come from. It is a question of what the work costs the Government. Is there any further question the Senator desires to ask?

Mr. WADSWORTH. I simply desire to say that the information I have is to the effect that a considerable number of these employees working in the Internal-Revenue Service in the city of New York are not and never have been residents of the State of New York; that some of them come from as far away as North Carolina, and then do not reside in the city of New York, but reside in New Jersey, so that they are entitled to $3 per diem subsistence in addition to their salaries.

Mr. JONES. Mr. President, I wish to say to the Senator that I am glad to have that information and to know that some of the employees in New York are coming from other States, because the great complaint I have from my State is that many employees are sent out from New York.

Mr. SMOOT obtained the floor.

Mr. STONE. Will the Senator allow me to make one observation I neglected to make?

Mr. SMOOT. I yield to the Senator.

Mr. STONE. I wish to say that the salaries for internal-revenue collectors and likewise those for customs collectors are of long standing. They were established for internal-revenue collectors, as the Commissioner of Internal Revenue informs me, first, by the act of February 8, 1875, afterwards amended by the act of March 1, 1879. The salaries of the collectors were then fixed at $4,500; and Mr. Peters informs me, in giving me the statutes fixing the salaries of customs collectors, that they go back as far as 1874 and 1891. It has been a long time. At the time the salaries of the collectors of internal revenue were fixed by the law of 1875, the amount of internal revenue then collected throughout the country was only $110,071,515; and when that act was amended in 1879 the amount of internal revenue then collected was $113,449,621.38, while now the amount of internal revenue collected is over $500,000,000, more than double the amount collected upon customs at all the ports of the country.

Mr. SMOOT. Mr. President, I think the Senator from Missouri was very unhappy in making the comparison between the cost of collecting the internal revenue and the cost of the collection of customs; but I think he has done a service in calling attention to the extravagant salaries paid to the collectors of customs and the assistant collectors of customs at ports of entry.

There is no comparison in the actual cost of the collecting of revenue from customs and the collecting of the internal revenue of our Government. Of the amount of internal revenue collected, $512,000,000, over half, nearly two-thirds, comes from tobacco and liquor. Of course, there is very little expense attached to the collecting of that tax. The balance comes mostly from the income tax, and the expense of collecting it is nominal as compared with the collection of customs dues.

For instance, to-day over half of all of our importations come in free of duty. Now, every pound of those importations has to be examined. Many of the articles have to be counted; they all have to be weighed and an account kept of them, so that the statistics of our Government will be correct as to the amount of importations of every class of goods, whether they be entered free or whether they be entered under a rate of duty fixed by Congress. So the comparison of the percentage of cost of collecting does not, in my opinion, prove anything as to what salaries ought to be.

Take the whole of the salaries that are paid to all of the collectors and deputy collectors: It would be a very, very small percentage upon the amount that is collected—I mean the salary alone—an infinitesimal percentage; but the expense attached to the collection of customs is considerable, not taking into consideration the wages paid. I know most of the employees of the Government are underpaid in comparison with what the collectors and deputy collectors receive. Why should the collector of the port of New York receive $12,000?

Mr. OVERMAN. Mr. President, I hate to interrupt the Senator, but that is the very thing I am asking to have done right now by this amendment. I hope the Senator will let it go to conference. I am sorry that this debate has been injected, because the amendment that I am introducing is designed to carry out the very idea suggested—to investigate and see about it.

Mr. STONE. I simply wanted to give notice that there was such a situation. I did not start the debate.

Mr. SMOOT. I would have been through before this time if I had not been interrupted, because I do not want to take an undue time of the Senate.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Yes; I yield.

Mr. NELSON. Can the Senator from Utah inform me what salaries the board of appraisers are getting?

Mr. SMOOT. I think the board of appraisers get $9,000 each, Mr. President.

Mr. NELSON. And how many of them are there?

Mr. SMOOT. I have not looked it up of late. There are seven or nine, as I remember.

Mr. OVERMAN. There are nine, Mr. President.

Mr. SMOOT. I knew there were very few. I did not remember the exact number. I want to say to the Senator from Missouri, however, that I believe the highest salaries paid by the Government of the United States, when you take into consideration the responsibility and the class of the work, are those that are paid to the collector at the port of New York and the deputy collectors, and, I might say, in all of our ports of entry; at least, in the principal ports of entry of the country. It

ought to be stopped. Why, only last year on an appropriation bill I tried to defeat a provision that allowed collectors $4 per diem when absent from home. The collectors of New York live in New Jersey, cross the river twice a day at a cost of 10 cents, and draw their per diem of $4 on the ground that they are absent from home. The item was put in the appropriation bill over my protest, and the practice ought to be rectified.

The PRESIDING OFFICER. The question is on the adoption of the substitute offered by the Senator from South Dakota.

Mr. STERLING. Mr. President, before the question is put on the substitute I desire to perfect it by inserting just three words. I think perhaps this Efficiency Bureau should report to the President, and hence I want to insert——

Mr. OVERMAN. That is already provided.

Mr. STERLING. It is not provided in this amendment.

Mr. OVERMAN. The general law provides it.

Mr. STERLING. If the general law provides it, I am satisfied.

The PRESIDING OFFICER. The question is on the adoption of the substitute.

Mr. FLETCHER. May the substitute be stated?

Mr. OVERMAN. Mr. President, I want to say that the substitute in its present form amounts to nothing. Unless we have some power above this man that assists him and aids him, it will amount to absolutely nothing. I know what I am talking about. I know how they have refused to give these people rooms, even. I know how the head of the board is hampered at every step he takes. Unless we have the President in charge of this matter the amendment might as well not go in. It is nothing more than a waste of time.

Mr. STERLING. Mr. President, I am the author of the substitute, and I think I may say a word in reply to the Senator from North Carolina—just one word, and that is all.

It has been stated on the floor of the Senate this afternoon that the Efficiency Bureau has been retarded in its work by being refused facilities by the several departments. That may be true under the general powers of the Bureau of Efficiency, under the general scope of its work; but here is an amendment that directs the attention of the Bureau of Efficiency to a particular work for a particular purpose, and I do not believe that there is any department of the Government or any head of a bureau but that will say to the Bureau of Efficiency, "You shall have all the facilities that we can afford you in order to conduct this investigation."

Mr. President, if that is not the situation, it is to be deplored, and a remedy is needed; and I think perhaps the report of the Bureau of Efficiency will disclose whether or not they have been afforded the necessary facilities by the several departments of the Government and heads of bureaus. For that very reason, if for no other, I think this amendment should prevail. Let us know, indeed, whether the heads of departments can shut out the Bureau of Efficiency from making proper investigations authorized by the Congress.

Mr. KENYON. Mr. President, will the Senator yield?

Mr. STERLING. Certainly.

Mr. KENYON. I should like to have the Senator state just exactly how this substitute differs from the amendment offered by the Senator from North Carolina.

Mr. STERLING. It differs from the amendment as the amendment is now proposed in this respect: The President is to do it all under the amendment proposed by the Senator from North Carolina.

Mr. KENYON. And the Senator eliminates the President entirely?

Mr. STERLING. I eliminate the President and provide that it shall be done by the Bureau of Efficiency, and that the Bureau of Efficiency shall report to Congress on the theory that it is work peculiar to the Bureau of Efficiency.

Mr. KENYON. The Senator's substitute, then, simply eliminates the President's connection with the matter?

Mr. STERLING. Yes.

Mr. OVERMAN. Mr. President, I want to say to the Senator that if he had been receiving the telephone messages that I have he would not introduce such an amendment. They resent the idea of one man being given power over all of these Cabinet officers, the heads of these great departments. The head of this board will not be able to do any effectual work on that account.

Mr. NELSON. Mr. President, I want to call the Senator's attention to the following provision, on page 32 of the bill:

> Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose.

Then I want to call the Senator's attention to the language on the preceding page:

> The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government or banks of the Federal Reserve System; and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

Mr. STERLING. I thank the Senator from Minnesota for calling attention to that provision. I had thought, once, that perhaps I should have inserted in my amendment a provision to the effect that heads of departments and heads of bureaus should be required to furnish these facilities; but that is fully covered by the part of the bill read by the Senator from Minnesota.

Mr. OVERMAN. Mr. President, let us have a vote on it.

The PRESIDING OFFICER. The question is on the adoption of the substitute proposed by the Senator from South Dakota.

Mr. LANE. Mr. President, before the vote is taken I should like to say a word or two, or three—maybe half a dozen.

It seems to me that you will not be putting a fair burden upon either the President or the Board of Efficiency if the amendment of the Senator from North Carolina is adopted, for this reason: The Board of Efficiency will naturally be a bit timid about making a stringent report upon some of the departments when the board know that the head of that department has been appointed by the President, and they might fear they would offend him. Unless the head of the board is a man with a good deal of backbone, and a purposeful man, it will weaken his recommendations, perhaps, when they should not be weakened.

In addition to that, the President has more than he can do. He can not check up these things. Did you ever read one of the reports of this Board of Efficiency, or try to analyze one of their reports on methods of bookkeeping? It takes a Philadelphia lawyer to work out one of them. It would take a certified accountant to tell what they are about, and to analyze them on their merits.

It is not fair to either of them. The President should be freed of this burden, for he has to meet every day the men, his own appointees, whose methods are being criticized, and whose forces, may be, are being trimmed in consequence of the criticism. It is an unfortunate position in which to place either one of them.

The best place for the report to be made is right to Congress. They are the direct representatives of the people. I do not think, as a rule, they do any favors on either side of the question. It is merely their duty to see that the business is carried on properly and as economically as possible.

Therefore I shall favor the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from South Dakota [Mr. STERLING].

The substitute was rejected, on a division.

The PRESIDING OFFICER. The question now is on the original amendment of the Senator from North Carolina [Mr. OVERMAN].

The amendment was agreed to.

Mr. OVERMAN. Mr. President, here is one amendment which the chairman of the Committee on Patents asked me to offer for him, which I will accept, and let the matter go to conference.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 101, following line 15, it is proposed to insert:

> The Committee on Patents of the Senate is hereby directed to investigate the needs of the Patent Office respecting both its force and its equipment, and to report to the Senate at the opening of the next session of the Congress.

Mr. GALLINGER. Mr. President, I will ask that that amendment be stated once more.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. GALLINGER. Mr. President, that is a remarkable request to come from the Commissioner of Patents. The Commissioner of Patents might well make that investigation himself; but in view of the amendment just agreed to, offered by the Senator from North Carolina, it does seem to me that we had better not agree to this amendment. It is unnecessary, and it is foolish, and it is particularly foolish as coming from the Commissioner of Patents. I hope it will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was rejected.

THE CALENDAR.

Mr. OVERMAN. Mr. President, before any other amendments are introduced, I will say that I am going on with the bill; but I want to ask unanimous consent at this time that at

the hour of 4 o'clock to-morrow we shall take up the calendar under Rule VIII, and proceed under that rule with the consideration of unobjected bills on the calendar, to continue until the Senate adjourns.

Mr. MYERS, Mr. JONES, and Mr. OLIVER addressed the Chair.

The PRESIDING OFFICER. Is there any objection to the request?

Mr. JONES. Mr. President, I want to ask the Senator from North Carolina a question. As I understand, his request is to consider the unobjected bills on the calendar.

Mr. OVERMAN. Yes, sir.

Mr. JONES. While as a general rule we do not accomplish very much by night sessions, it does seem to me that the consideration of unobjected bills on the calendar might very well be carried on at a night session, and save the daytime for other matters.

Mr. OVERMAN. I fully agree with the Senator, except that we can not go on with the calendar to-morrow night. I thought we might take up two hours to-morrow afternoon in passing these bills and get as far along as we can; and then, after that, we can take up the calendar at night where we left off, and get through with it in that way. To-morrow evening, however, there is a sort of general understanding——

Mr. JONES. Of course, if that is the situation, that is another matter.

Mr. OVERMAN. I think the Senator is right about it, and I fully agree with him.

Mr. JONES. I simply wanted to suggest that one thing we can do at night is to take up these unobjected bills on the calendar. Those who are interested in the bills will be here.

Mr. OLIVER. Mr. President, is this a request for a unanimous consent?

Mr. OVERMAN. Yes.

Mr. OLIVER. I suggest to the Senator from North Carolina that he amend the unanimous-consent request by limiting it to the consideration of Senate bills on the calendar.

SEVERAL SENATORS. Oh, no!

Mr. OLIVER. My reason for that is that it is very important to get the Senate bills passed, so as to get them over to the House in time to have them passed by the House.

Mr. OVERMAN. I will say to the Senator from Pennsylvania that I think we will get all these bills up. There are a good many pension bills that will have to be considered.

Mr. OLIVER. I am perfectly willing to except all pension bills, but I really think we ought to pay special attention to Senate bills, because if we do not get these Senate bills out of the way here we never will get them over to the House in time to be passed. We can devote another day, later on, to the consideration of House bills on the calendar, and that will finally pass them.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from North Carolina what disposition he is making of this bill?

Mr. OVERMAN. I am going on with this bill until half past 5, and then I will yield to the Senator from Missouri [Mr. STONE] to ask for an executive session. I think we will get through with most of the amendments by that time.

Mr. VARDAMAN. Is it the purpose of the Senator to conclude the consideration of this bill this afternoon? Does he expect that that will be done?

Mr. OVERMAN. Oh, Mr. President, that is impossible, I think. There are a few amendments that I think will be adopted without any debate. I want to get those in the bill, and then leave open any contested matters.

Mr. VARDAMAN. Is the Senator now asking for a unanimous-consent agreement to vote on the bill to-morrow afternoon?

Mr. OVERMAN. No, no. I will say to the Senator that the unanimous-consent request is that to-morrow evening at 4 o'clock we take up the consideration of unobjected bills on the calendar for two hours, from 4 o'clock to adjournment.

Mr. CLAPP. Is the calendar to be considered before the appropriation bill is disposed of?

Mr. OVERMAN. This bill will be disposed of by that time.

Mr. VARDAMAN. We do not know.

The PRESIDING OFFICER. Unanimous consent is requested. Is there objection?

Mr. CLAPP. I do not object, but I wish to emphasize the position taken by the Senator from Pennsylvania. We can take bills that have passed the House and pass them within a week or two of the end of the session, but the Senate bills that are meritorious and should be passed ought to be sent to the House at as early a day as possible.

Mr. OVERMAN. The request is for the consideration of unobjected Senate bills and House pension bills.

Mr. OLIVER. Unobjected bills.

The PRESIDING OFFICER. Is there objection to the request for the consideration of unobjected Senate bills?

Mr. OLIVER. And pension bills.

The PRESIDING OFFICER. And pension bills. Is there objection to the request?

Mr. GRONNA. I wish to suggest to the Senator from Pennsylvania that that is a matter which could easily be disposed of. If we do not want to consider House bills, we can simply object to them.

Mr. OLIVER. There are House bills that we would not like to object to. I would not want to put ourselves in the position of objecting to them.

Mr. GRONNA. It is the request of the Senator to consider only Senate bills?

Mr. OLIVER. And House pension bills at that time.

Mr. GRONNA. I have no objection to that.

Mr. THOMAS. There are upon the calendar quite a number of House bills to which amendments have been made by Senate committees. It seems to me it would be quite as important to get such bills back to the House as to get original Senate bills to the House.

Mr. OLIVER. Not quite as important, for they can be disposed of by conference. I will say to the Senator from Colorado that when a bill has once passed the House and has been amended in the Senate there is a quick way of obtaining action by both Houses.

Mr. THOMAS. If the Senator insists on his request without modification, of course I do not object.

The PRESIDING OFFICER. The Chair hears no objection to the request, and it is so ordered.

LEGISLATIVE, ETC., APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. SMOOT. On page 37, line 10, I move to strike out the period at the end of the line and insert a comma and the following: "and the State, War, and Navy branch printing office is hereby abolished."

Mr. OVERMAN. I have no objection to the amendment.

Mr. SMOOT. It is simply carrying out what the committee intended.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 37, line 10, after the word "State" and before the period, insert a comma and the words "and the State, War, and Navy branch printing office is hereby abolished."

Mr. SMOOT. In this connection I wish to say that the abolishment of this branch printing office will save to the Government $25,998.75 a year.

The amendment was agreed to.

Mr. SMOOT. On page 46, line 17, I move to strike out the words "by the use of labor-saving devices," and the same amendment on page 47, beginning in line 5, and including line 6.

I will say, Mr. President, that the amendment if agreed to will allow the Post Office Department to use seven employees whom they can not now use under this appropriation because of the fact that there is no room for them to work upon the labor-saving devices and the further fact that they can not use those devices.

Mr. OVERMAN. I have no objection to the amendment.

Mr. GALLINGER. That is, there are seven supernumerary employees and we are changing the bill so as to give them employment? I suppose that is the substance of it?

Mr. SMOOT. No; the object of it is this: They can use them in that department for other work, but under the wording of the law they can be used only on labor-saving devices. It simply authorizes the Postmaster General to take these seven employees and use them in work that they can do and which it is necessary to be done and not try to use them on labor-saving devices.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On page 95, lines 23 and 24, an amendment was adopted in these words:

Public, No. 132, Sixty-fourth Congress, page 42.

It should read:

Public laws, first session Sixty-fourth Congress, page 300.

Mr. OVERMAN. That is right.

Mr. SMOOT. I ask for a reconsideration of the vote by which the amendment at that point was agreed to.

The PRESIDING OFFICER. Without objection, it is reconsidered. The question is on agreeing to the amendment of the Senator from Utah to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. On page 98 of the bill the paragraph beginning at line 21 and ending on page 99, line 6, was passed over at my request. I now offer the following amendment, and will then explain it. I move to insert the following proviso:

Provided, That this limitation shall not apply to any grade or class in which less than 40 persons are appropriated for.

Mr. President, I will explain that so that the Senate may understand it.

Mr. GALLINGER. Let us understand where it is proposed to insert it and exactly what change it makes. Let the Secretary report it.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. After the word "promotion," on page 99, line 3, insert:

Provided, That this limitation shall not apply to any grade or class in which less than 40 persons are appropriated for.

Mr. OVERMAN. I wish to say if the Senator had made that 10 or 12 clerks it would have been all right. Still I know it will be considered in conference, and I will let it go to conference. I will not say anything more about it, but let it go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. On page 46 there was an amendment offered by the Senator from Utah [Mr. SMOOT], in line 21. I move to strike out the words in lines 21 and 22 "during the fiscal year 1918," and before the words "The Secretary," line 21, to insert the word "Hereafter."

Mr. SMOOT. I hope that amendment will not be adopted, because it would make this a permanent law. There may be conditions in the office that we ourselve would want to change; but the amendment I have offered has been adopted, and it will only interfere with a certain class of clerks if the amendment offered by the Senator from Florida now is adopted.

Mr. GALLINGER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. GALLINGER. The bill can not intelligently be considered unless amendments are sent to the desk and read from the desk. I do not know what we are considering now.

The PRESIDING OFFICER. The point of order is well taken. The Senator from Florida will please submit his amendment in writing.

Mr. BRYAN. I send the amendment to the desk in order that the Secretary may read it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 46, lines 21 and 22, strike out the words "during the fiscal year 1918," and before the words "The Secretary," line 21, insert the word "Hereafter," so as to read:

Hereafter the Secretary of the Treasury may diminish from time to time, as vacancies occur by death, resignation, or otherwise.

Mr. OVERMAN. I have no objection to the amendment.

The amendment was agreed to.

Mr. BRYAN. On page 7, line 3, after "two thousand," I move to strike out "two" and insert "three," so as to read:

Three assistant clerks, at $1,440 each.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, line 4, after the numerals "$2,000," strike out the word "two" and insert "three," so as to read "three assistant clerks at $1,440 each."

Mr. BRYAN. The reason for that, I will say, is that on page 11 in repealing the Senate resolution we repealed one that applied to a clerk in the Committee on Post Offices and Post Roads. It seems to me it would be better to let the language repealing the resolution stand and, inasmuch as the clerk is needed in that committee, to provide for him in the bill.

Mr. OVERMAN. I understand that out of the contingent fund of the Senate this clerk has been paid for years. The committee thought it wise to abolish all such clerkships. However, this clerk belongs to the Post Office Department; he has been there for years, and I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. I send to the desk an amendment which I offer.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 119, after line 3 and the committee amendment, insert:

In order to effect economy in the matter of auditing and accounting, the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, stations, or non-accounting offices in any post office for the transaction of such postal business as may be required for the convenience of the public.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Florida.

Mr. GALLINGER. Is that proposed to apply to all the cities of the country?

Mr. BRYAN. Yes, Mr. President.

Mr. GALLINGER. And it will require more clerks, of course?

Mr. BRYAN. No. I can explain it to the Senator in a minute.

Under the present plan there are some 55,000 post offices. Forty-five thousand of them are in the fourth class. Under the present system of accounting an account is kept with each of the offices. It is now proposed to arrange the offices into districts. Of course, there will be a first-class office in a district. That first-class office will account for the fourth-class offices and the department will deal with the larger office.

It is stated here in a memorandum furnished by the department that the accounts kept will be reduced from more than 1,000,000 to less than 100,000, and that doing the work in this way will save something over half a million dollars.

Mr. GALLINGER. Very likely I have overlooked some legislation that has been agreed to. Have we legislated to abolish the postmasters throughout the country in the large offices except that we make classes and then have clerks?

Mr. BRYAN. No; this does not contemplate the abolishment of any post office.

Mr. GALLINGER. I did not suppose we had legislated along that line.

Mr. BRYAN. No.

Mr. GALLINGER. Very likely I do not understand this matter at all. We will take it in a city of 25,000, we will say, or 10,000, and as a rule they have one or more branch offices in the city. There are a good many in this city. Exactly what does the Senator's amendment contemplate, in a few words?

Mr. BRYAN. Here in Washington, if this were not the Capital and if the accounting were done by the main office, it would account for the branches and for all the fourth-class postmasters in a certain territory, and the department would hold the main office accountable for the stock furnished them—the stamp account, stamped paper, and the supplies generally. It is set forth that they will have in the Post Office Department here less than 100,000 accounts, whereas they now have to account with each one of the 45,000 post offices, and the accounts run up into a million in number. The saving according to this estimate will be about a million dollars. It does not abolish any post offices. It authorizes the concentration of the accounts.

Mr. WEEKS. I wish to ask the Senator from Florida what that question has to do with this bill? It seems to me that it belongs to the Post Office appropriation bill.

Mr. BRYAN. No; the Senator will notice immediately preceding page 119 there is a rearrangement of the help in the Post Office Department, including the auditors, and as this falls under the auditor's work the Post Office Department asked the committee to offer this amendment in connection with it.

Mr. WEEKS. It is pretty difficult to get the full import of what the amendment means. It gives the Postmaster General authority to appoint superintendents in the outside offices.

Mr. BRYAN. No; it does not do that. It would hold the postmaster at, say, Nashville, Tenn., to account to the Post Office Department for perhaps a dozen offices immediately around that city, if they were fourth class or below the second class, perhaps. It merely concentrates the bookkeeping. The postmaster of that city would take up the offices around in the outlying territory and the Post Office Department here would hold him responsible instead of the smaller offices.

Mr. WEEKS. What would the postmaster at Nashville have to do with these superintendents?

Mr. BRYAN. It places the burden on him. Here is what it would do. I will read the memorandum.

[Memorandum for the Postmaster General.]

TREASURY DEPARTMENT,
Washington, January 12, 1917.

The following changes in the system of postal accounting, involving a reduction in the number of accounting offices, is respectfully recommended. It is believed that the installation of the proposed system

would result in more effective administrative supervision at the smaller post offices, insure better postal service to the public, and provide a more efficient system of accounting.

PRESENT SYSTEM.

In the fiscal year 1916 the postal revenues amounted to $312,057,683.83, and the receipts from money orders issued $765,722,336.80, making a grand total of $1,077,780,025.63.

On January 1, 1917, there were 55,610 post offices in operation, of which 45,393 were fourth class. There were also approximately 7,000 branches and stations which serve the public in the same manner as regular post offices. It is generally admitted that the service at branches and stations is more efficient than at the average fourth-class post office, because they are under the immediate supervision of the postmaster at a near-by office, and cases of incompetency, neglect of duty, or improper conduct are speedily disclosed and remedied. A fourth-class postmaster is accountable to the department at Washington direct, and there is no personal supervision except through the occasional visit of a Post Office inspector, who on account of the multiplicity of their duties seldom visit the smaller offices. The department has no other means of keeping informed as to the character of the service which the postmaster subsequently renders except through the medium of correspondence, complaints on the part of the public, and reports from the Auditor for the Post Office Department relative to the nonrendition of accounts or failure to deposit surplus postal and money-order funds.

The present system of accounting is not satisfactory, because it necessitates the preparation and settlement of more than a million monthly and quarterly accounts annually, many of them from postmasters at the smaller offices who are unfamiliar with the preparation of accounts. It also involves the transmission through the mails of approximately 5,000,000 separate remittances of surplus funds, many of them consisting of only a few dollars. Not only does the maintenance of such a cumbersome system materially augment the clerk-hire cost, but it likewise necessitates the holding of larger money-order reserves at these offices, thereby increasing the liability of loss by fires and burglaries.

PROPOSED SYSTEM.

It is recommended that the larger post offices be designated as "accounting offices," and that all stocks of postage stamps, stamped paper, money-order forms, and supplies be sent to them direct for distribution to the smaller, nonaccounting post offices, in the same manner as at stations in the larger cities. The postmasters at the nonaccounting offices would report direct to the accounting postmasters, deposit their surplus funds, and receive their supplies from him daily, weekly, or as often as local conditions might require. Under this plan the stocks of money-order forms, stamps, and other supplies could be reduced to a fraction of the amount now carried, and thereby decrease the liability for loss on account of thefts, etc. As postmasters at the larger offices are almost invariably selected from the ranks of successful business men of demonstrated executive ability, there can be no doubt that their advice and supervision would result in an immediate and marked improvement in the character of the service rendered to the general public at the smaller offices. That the system of accounting outlined is feasible is demonstrated by the fact that the larger post offices render the accounts for the stations and branches in this manner now. The postmaster and the service at the nonaccounting office could be continued as at present, the change involved being the matter of accounting, with the benefit which would result from the supervision of the postmaster at the accounting office.

SYSTEM OF ACCOUNTING AT POST OFFICES.

Each of the 55,610 postmasters renders a stamp account and a postal account at the close of each quarter. In my opinion, it would be a marked advantage to consolidate these accounts, and require the accounting postmaster to render a monthly account, and thereby make it possible for the department to complete the settlements and compile a financial statement covering the fiscal operations of the Postal Service within 30 days after the close of each month, and in time to be utilized by the various officers of the department in the administration of the service. Under this plan the number of accounts to be settled would be reduced from a million to less than one hundred thousand annually.

ADMINISTRATIVE EXAMINATION OF ACCOUNTS.

The administrative examination and summarizing of accounts, which has operated so successfully with respect to expenditures for mail transportation and supplies, representing annual payments of $100,000,000, and revenue collections on account of stamps and stamped paper totaling upward of $277,000,000, could be extended to the combined monthly stamp and postal accounts of postmasters.

MONEY-ORDER ACCOUNTS.

The audit of postmasters' money-order accounts presents a radically different problem from that encountered in any other class of Government accounts, due to the fact that money orders are valid for payment for 12 months from the last day of the month of issue. It follows, therefore, that a postmaster's money-order account can not be finally audited until all orders issued by him have either been presented for payment and returned as vouchers or become invalid by lapse of time. Obviously, under such conditions it would be impracticable to make a double examination of money-order accounts—once in the Post Office Department and again in the Treasury Department. After thorough consideration, I have reached the conclusion that the system worked out by the Dockery Commission, after months of investigation and study, and subsequently enacted into law, is still the best solution of that problem. Moreover, the findings of that commission are further strengthened by reason of the introduction of automatic electric machinery, which has to a large extent eliminated the human element in the audit, cut the cost in half, and placed it on a plane of almost absolute mechanical accuracy.

FINAL AUDIT AND SETTLEMENT OF ACCOUNTS.

As outlined, the proposed system contemplates that postmasters at accounting offices shall forward a consolidated monthly account to the Post Office Department direct for administrative examination and summarizing, after which the accounts, copies of the journals, and all supporting vouchers, pay rolls, and abstracts shall be sent to the Auditor for the Post Office Department for final audit and settlement. While I am not in position to estimate the economies which would undoubtedly result in post offices and in the Post Office Department if the proposed amendment is adopted, the expense of auditing in this office would be reduced by at least a quarter of a million dollars annually.

CHAS. A. KRAM,
Auditor for the Post Office Department.

Mr. WEEKS. Mr. President, I think there is some virtue in providing a central reservoir to furnish supplies to outlying post offices, and I should think there might be some saving in the amount of stock carried at the small offices; but if this proposition contemplates giving the postmaster at the central office any authority over the appointment or removal or having anything to do with any of the employees of the postmasters in the subordinate offices, I am opposed to it.

Mr. BRYAN. It does not. I will say to the Senator, it has no such purpose in view. It is simply designed to let the accounting of the smaller offices be done at a central office, so that the department here would have a less number of accounts to go through and examine. The postmaster who furnishes the supplies would do that at the central office.

Mr. WEEKS. I understand the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JONES. Mr. President, I should like to ask the Senator from Florida a question. This amendment, as I understand, is based on the theory that it will work an economy, and I hope it will; but it has occurred to me that it will necessitate a great many additional employees in the accounting offices throughout the country, and that possibly the saving will not be very great. Furthermore, it seems to me that they have certainly got quite an efficient system of accounting here, or they ought to have, where it is concentrated; and they can take care of it, I should think, much better than to have the various offices throughout the country taking care of the accounts.

Mr. BRYAN. Of course, the smaller offices then would get their stamp supplies and their forms from near-by offices.

Mr. JONES. I understand that.

Mr. BRYAN. And the office of the auditor would only check up the main office from which the supplies were furnished.

Mr. JONES. I understand that; but when it comes to economy, the offices throughout the country that furnish the supplies to the outlying offices will have an additional burden imposed on them, and they will come here for additional help.

Mr. BRYAN. I do not know as to that. Here is a memorandum handed me just a while ago by the chief clerk of the Post Office Department. It says:

[Memorandum for Senator BRYAN.]

POST OFFICE DEPARTMENT,
Washington, January 24, 1917.

The Postmaster General has asked me to say to you that you may state to the Senate that if the amendment which you are to offer on the floor, providing for the establishment of nonaccounting post offices, is enacted into law the resulting economy to the Government will approximate the increased amount called for in the legislative bill, under the Smoot amendment, viz, $564,561.50, and at the same time immeasurably increase the efficiency of the service.

W. I. DENNING, *Chief Clerk.*

Mr. JONES. I can see how it will make a saving to a certain extent in the office here in Washington City, but I should like to know whether or not the department has taken into account or made any estimate as to the additional employees throughout the country which such a provision as this will require?

Mr. BRYAN. In the memorandum which I read a few moments ago they said they would save a quarter of a million dollars in the office in Washington, and that they would save three-quarters of a million dollars in the country.

Mr. JONES. How will they save that in the country?

Mr. BRYAN. But evidently from this memorandum they would not save that much, because this is a little less than $600,000 all told.

Mr. JONES. I do not see how they are going to save very much throughout the country. It seems to me they will require additional employees throughout the country, because the offices that are made the central accounting offices are going to come in and ask for more help. They are going to say it makes additional work when they have to look after these offices; that they must have an additional clerk, or possibly more than that; and instead of bringing about economy outside of Washington, it seems to me that it will make more expense outside. I am not going to make any point of order myself against the amendment, but it does seem to me that it will not save much.

Mr. WEEKS. I make the point of order against the amendment on the ground that it is not germane to the bill. I think it should be taken up by the Post Office Committee and considered there.

Mr. BRYAN. We are considering the item for the Auditor for the Post Office Department, and I think I can offer the amendment in such a form as to bring it within the rule.

Mr. OVERMAN. Suppose we let it go over until to-morrow.

Mr. WEEKS. In addition to the amendment not being germane, it seems to me it is general legislation.

Mr. BRYAN. I think perhaps it is subject to that point.

Mr. WEEKS. I do not wish to interfere with anything that will mean real economy.

Mr. BRYAN. Suppose we let it go over until to-morrow morning. I will publish in the RECORD the memorandum from the chief clerk of the department, and the Senator can read it.

Mr. GALLINGER. Mr. President, before that is done I should like to repeat the inquiry I made of the Senator from Florida. The Senator is always frank, and I take what he says unreservedly when it is as to a question of fact. I ask the Senator if this amendment contemplates the abolition of postmasterships in cities and the establishment of a system by counties or otherwise, with clerks in the place of postmasters. I have been told in the last 10 minutes that that is exactly what will occur under this amendment.

Mr. BRYAN. I asked the Postmaster General that very question, and he said "no"; that he had no such idea in contemplation.

Mr. GALLINGER. That has been agitated, as the Senator knows.

Mr. BRYAN. He said that this amendment was not intended to accomplish that purpose at all, but was merely designed to bring about economy in accounting.

Mr. SMOOT. Mr. President, may I interrupt the Senator?

Mr. BRYAN. Certainly.

Mr. SMOOT. If this amendment is adopted and there is one postmaster appointed, and he is the postmaster of the district and all others are suboffices, the clerks in the suboffice under the central office would not have to be appointed through the civil service. There is nothing in the law that would compel that.

Mr. BRYAN. The clerks in what office?

Mr. SMOOT. The suboffice that is under the post office that is to be reported to.

Mr. BRYAN. They are fourth-class postmasters, and they would make their own reports.

Mr. SMOOT. If that is the case, why would not the postmaster appointed in a city, we will say, be over all the other suboffices within a given district, which would report to the postmaster in the city. They are fourth-class postmasters to-day, but will they be fourth-class postmasters if the amendment is agreed to? Will they not be merely clerks at the other offices, and will not those offices be suboffices and, therefore, not under civil service?

Mr. BRYAN. That amounts to the same thing the Senator from New Hampshire asked me. I asked the Postmaster General in regard to that, and he said that was not the purpose at all.

Mr. SMOOT. I have been informed that that would be the effect of the amendment.

Mr. BRYAN. The letter that I have published in the RECORD states that the purpose is to simplify the accounting by having the accounting done in central offices, as to the stamps furnished, the forms, and various kinds of books, and the post office in the center will keep the run of the accounts.

Mr. OVERMAN. Mr. President, I understand the amendment goes over until to-morrow.

The PRESIDING OFFICER. Without objection, the amendment goes over.

Mr. OVERMAN. I understand the Senator from Missouri [Mr. STONE] desires an executive session. The Senator from Montana [Mr. MYERS] is not present, but I presume he would like to have the unfinished business laid before the Senate; and I ask that that be done.

WATER-POWER DEVELOPMENT.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

HOUR OF MEETING TO-MORROW.

Mr. OVERMAN. I move that when the Senate adjourns it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 25, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate January 24, 1917.

ASSISTANT TREASURER OF THE UNITED STATES.

William H. McClendon, of Amite, La., to be Assistant Treasurer of the United States at New Orleans, La., in place of William W. Heard, resigned.

POSTMASTERS.

ALABAMA.

Gordon T. Dannelly to be postmaster at Camden, Ala., in place of W. B. Jones, resigned.

ARIZONA.

John Evans to be postmaster at Duncan, Ariz. Office became presidential July 1, 1916.

ARKANSAS.

O. F. Craig to be postmaster at Newark, Ark. Office became presidential January 1, 1917.

CALIFORNIA.

William D. Browning to be postmaster at Strathmore, Cal. Office became presidential January 1, 1917.

William E. Hunt to be postmaster at Kelseyville, Cal. Office became presidential October 1, 1916.

Mabel P. Reeder to be postmaster at La Manda Park, Cal. Office became presidential October 1, 1916.

COLORADO.

Laura E. Wible to be postmaster at Deertrail, Colo. Office became presidential January 1, 1917.

CONNECTICUT.

William O. Burr to be postmaster at Fairfield, Conn., in place of Simon C. Bradley, resigned.

FLORIDA.

Eleanor R. McKenna to be postmaster at Palm Beach, Fla. Office became presidential October 1, 1916.

GEORGIA.

Gussie C. Lyon to be postmaster at Roswell, Ga. Office became presidential January 1, 1917.

IDAHO.

Marie Leeper to be postmaster at Elk River, Idaho, in place of John L. Rettig, resigned.

ILLINOIS.

Eva Carson to be postmaster at Mahomet, Ill. Office became presidential October 1, 1916.

Orrie Dunbar to be postmaster at Newark, Ill. Office became presidential January 1, 1915.

Philip A. Dwyer to be postmaster at Stonington, Ill., in place of A. D. Housley. Incumbent's commission expired August 9, 1916.

Ellen O. Johnson to be postmaster at Galatia, Ill. Office became presidential October 1, 1916.

Charles Koenig to be postmaster at Brookfield, Ill. Office became presidential October 1, 1916.

Conrad C. Miller to be postmaster at Chadwick, Ill. Office became presidential October 1, 1916.

Lulu F. Ross to be postmaster at London Mills, Ill. Office became presidential October 1, 1916.

Miles B. Sloan to be postmaster at Victoria, Ill. Office became presidential October 1, 1916.

INDIANA.

Earl Chamberlain to be postmaster at Chalmers, Ind. Office became presidential October 1, 1916.

George M. Mount to be postmaster at Crothersville, Ind., in place of John M. Nelson, removed.

IOWA.

John P. Fischbach to be postmaster at Granville, Iowa. Office became presidential October 1, 1916.

Ray Hamilton to be postmaster at Washta, Iowa. Office became presidential October 1, 1916.

Frank L. Wacholz to be postmaster at Forest City, Iowa, in place of Robert C. Plummer, resigned.

KANSAS.

Dudley Lunger to be postmaster at Mayetta, Kans. Office became presidential October 1, 1916.

Bertha McDonald to be postmaster at Cuba, Kans. Office became presidential January 1, 1917.

R. P. Sloan to be postmaster at Larned, Kans., in place of J. C. McConnaughhay, resigned.

William P. Turner to be postmaster at Leonardville, Kans. Office became presidential October 1, 1916.

LOUISIANA.

Samuel Lisso to be postmaster at McNary, La. Office became presidential October 1, 1916.

Charles C. Subra to be postmaster at Convent, La. Office became presidential January 1, 1917.

MASSACHUSETTS.

Anna E. C. Barrett to be postmaster at Siasconset, Mass. Office became presidential October 1, 1916.

Josephine E. Dempsey to be postmaster at South Ashburnham, Mass., in place of A. C. Lombard. Incumbent's commission expired March 21, 1916.

Robert H. Lawrence to be postmaster at South Dartmouth, Mass. Office became presidential October 1, 1916.

Walter B. Loring to be postmaster at Holden, Mass. Office became presidential October 1, 1916.

Charles F. Skillings to be postmaster at Hathorne, Mass. Office became presidential October 1, 1916.

Matthew D. E. Tower to be postmaster at Becket, Mass. Office became presidential October 1, 1916.

MICHIGAN.

James L. Erkenbeck to be postmaster at Grand Junction, Mich. Office became presidential January 1, 1917.

MINNESOTA.

C. A. Dermond to be postmaster at Franklin, Minn. Office became presidential October 1, 1916.

MISSISSIPPI.

Joseph E. Lane to be postmaster at Flora, Miss. Office became presidential January 1, 1917.

MISSOURI.

Walter E. Duncan to be postmaster at Newburg, Mo. Office became presidential January 1, 1917.

Oberon C. Meadows to be postmaster at Licking, Mo. Office became presidential January 1, 1917.

MONTANA.

Peter Des Rosier to be postmaster at Browning, Mont., in place of I. T. Whistler, removed.

Earl A. Wheeler to be postmaster at Gilman, Mont., in place of Helen A. Hedrix, removed.

NEW HAMPSHIRE.

Frank J. Aldrich to be postmaster at Pike, N. H., in place of E. Bertram Pike. Incumbent's commission expired December 14, 1912.

Earle E. Brooks to be postmaster at Franconia, N. H. Office became presidential October 1, 1916.

NEW JERSEY.

William J. Christian to be postmaster at Stoneharbor, N. J. Office became presidential January 1, 1917.

Herbert C. Dodge to be postmaster at Sparta, N. J. Office became presidential October 1, 1916.

NEW MEXICO.

Ira Allmon to be postmaster at Estancia, N. Mex., in place of James Walker, resigned.

NEW YORK.

Cora T. Chadeayne to be postmaster at Firthcliffe, N. Y. Office became presidential October 1, 1916.

George T. Luce to be postmaster at Hartwick, N. Y. Office became presidential October 1, 1916.

NORTH CAROLINA.

Annie K. Brown to be postmaster at Red Springs, N. C., in place of N. A. Brown, deceased.

Joseph B. Colvard to be postmaster at Jefferson, N. C. Office became presidential October 1, 1916.

OHIO.

Mary June Dick to be postmaster at Harrison, Ohio, in place of David B. Dick, deceased.

Samuel Eichenbaum to be postmaster at Corning, Ohio, in place of Sol. Fischer, removed.

OKLAHOMA.

Waldo E. Watkins to be postmaster at Valliant, Okla., in place of Julia P. Montgomery, resigned.

PENNSYLVANIA.

Margaret B. Berneker to be postmaster at Camp Hill, Pa. Office became presidential October 1, 1916.

John J. Coughlin to be postmaster at Shenandoah, Pa., in place of Daniel W. Bedea, deceased.

RHODE ISLAND.

Charles H. Brown to be postmaster at Hope Valley, R. I. Office became presidential October 1, 1916.

TENNESSEE.

William S. Bare to be postmaster at Bluff City, Tenn. Office became presidential October 1, 1916.

TEXAS.

William D. Lawrence to be postmaster at Bryan, Tex., in place of John E. Astin, resigned.

Charles W. McCoppin to be postmaster at Riviera, Tex. Office became presidential October 1, 1916.

Charles A. Tiner to be postmaster at Lavernia, Tex. Office became presidential January 1, 1917.

VIRGINIA.

Harry B. La Rue to be postmaster at Warm Springs, Va. Office became presidential January 1, 1917.

Alexander L. Martin to be postmaster at Catawba Sanatorium, Va. Office became presidential October 1, 1916.

Joel W. Semones to be postmaster at Hillsville, Va. Office became presidential January 1, 1917.

John N. Walker to be postmaster at Mineral, Va. Office became presidential January 1, 1917.

VERMONT.

Elwin J. Clogston to be postmaster at Williamstown, Vt. Office became presidential October 1, 1916.

WASHINGTON.

I. Wells Littlejohn to be postmaster at Pateros, Wash. Office became presidential January 1, 1917.

WISCONSIN.

Theodore Koennigs to be postmaster at Schleisingerville, Wis. Office became presidential October 1, 1916.

Ella M. Taylor to be postmaster at Blue River, Wis. Office became presidential October 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 24, 1917.

ASSISTANT SECRETARY OF STATE.

William Phillips to be Assistant Secretary of State.

THIRD ASSISTANT SECRETARY OF STATE.

Breckinridge Long to be Third Assistant Secretary of State.

APPOINTMENT IN THE NAVY.

William B. Black to be a second lieutenant in the Marine Corps.

POSTMASTERS.

FLORIDA.

E. O. Douglas, Sebring.

GEORGIA.

Dollie Allen, Ellaville.

Don T. Barnes, Canon.

KENTUCKY.

G. H. Bunger, West Point.

RHODE ISLAND.

Peter J. Heffern, Pawtucket.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 24, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, in whom we live and move and have our being, forgive, we beseech Thee, our sins and cleanse us from all guile, that we may stand in Thy holy presence with clean hands and pure heart, receive the assurance of Thy blessing, be guided by Thy wisdom, upheld by Thy strength, and reflect Thy love in thought and deed after the splendid example of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday——

EXTENSION OF REMARKS.

Mr. BAILEY. Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BAILEY. To ask unanimous consent to extend my remarks in the RECORD on the subject of the national revenue.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of the national revenue. Is there objection? [After a pause.] The Chair hears none. The Clerk will call the committees.

CALENDAR WEDNESDAY.

When the Committee on Foreign Affairs was called,

Mr. FLOOD. Mr. Speaker——

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that no quorum of the House is present.

The SPEAKER. The gentleman from Alabama makes the point that there is no quorum present. The Chair will count. [After counting.] Ninety-five gentlemen are present—not a quorum.

Mr. FLOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Edwards	Jones	Oliver
Barchfeld	Fairchild	Kahn	Patten
Beakes	Finley	Kennedy, Iowa	Pou
Beales	Flynn	Kiess, Pa.	Pratt
Bennet	Foster	Lafean	Ragsdale
Booher	Gallivan	Lenroot	Rauch
Bruckner	Gardner, Mass.	Lewis	Reavis
Caldwell	Garner, Tex.	Liebel	Riordan
Callaway	Garrett	Lobeck	Roberts, Nev.
Campbell	Gould	Loft	Rowland
Cannon	Graham	McCracken	Rucker, Mo.
Carew	Gray, Ind.	McCulloch	Sanford
Carlin	Green, Iowa	Maher	Schall
Carter, Mass.	Griest	Mapes	Scott, Pa.
Chandler, N. Y.	Griffin	Martin	Scully
Chiperfield	Hamilton, N. Y.	Mays	Sherley
Coady	Harrison, Miss.	Miller, Del.	Tague
Costello	Hart	Mondell	Wilson, Fla.
Dale, N. Y.	Haskell	Moon	Wilson, Ill.
Davenport	Haugen	Mooney	Winslow
Davis, Minn.	Henry	Moss	Woodyard
Davis, Tex.	Hill	Nelson	
Driscoll	Hinds	Norton	
Dupré	Humphreys, Miss.	Oldfield	

The SPEAKER. On this vote 340 Members responded to their names, a quorum.

Mr. FLOOD. Mr. Speaker, I move to dispense with further proceedings under the call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

CHANGE OF REFERENCE.

The SPEAKER. There is a bill (H. R. 19944) to authorize and direct the Secretary of War to acquire, by purchase, certain lands embraced within the battlefield of Gettysburg, and making appropriation therefor. In some way it was referred to the Committee on the Public Lands, and clearly it ought to go to the Committee on Military Affairs. Without objection, the change of reference will be made.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7644. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the Vice President had appointed Mr. JONES and Mr. MARTINE of New Jersey members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

The message also announced that the President had approved and signed bill and joint resolutions of the following titles:

On January 18, 1916:

S. 6864. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917.

On January 19, 1917:

S. J. Res. 186. Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; and

S. J. Res. 194. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7644. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

DIVERSION OF WATER OF THE NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I am directed by the Committee on Foreign Affairs to call up the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that the bill is improperly on the Union Calendar.

The SPEAKER. The Chair will hear the gentleman.

Mr. HUDDLESTON. Mr. Speaker, this bill is to authorize private persons and corporations to divert water from the Niagara River above the Falls in the United States for the purpose of generating power, electric or mechanical. It is not a proposition involving a tax or charge upon the people. It does not touch appropriations of money or property. It does not require such appropriations to be made. It does not authorize payments out of appropriations already made. It is not relieving any liability to the United States for money or property or referring any claim to the Court of Claims. The only theory that I can conceive on which this bill should be placed on the Union Calendar is that it touches the grant of property of the United States or that it relates to a tax or charge upon the people.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUDDLESTON. Certainly.

Mr. MANN. This bill, when it was reported to the House, was placed on the House Calendar.

Mr. HUDDLESTON. I think not.

Mr. MANN. Well, the gentleman is mistaken. The bill as reported was placed on the House Calendar. I believe it was changed to the Union Calendar in the House. If it was changed from the House Calendar to the Union Calendar in the House, I do not think the point of order would lie against that, because the change was made by the House.

Mr. HUDDLESTON. I will say to the gentleman I am not advised on that point as to the change of reference of the bill.

Mr. MANN. The bill as reported to the House was printed. A copy of the bill, which was printed January 15, 1917, was referred to the House Calendar in order to be printed. Now, I think there was a change of reference to the calendar made in the House itself and a day or two after that; but if so, no point of order will lie against it, because that is action taken by the House.

Mr. HUDDLESTON. I think so. I think it will, but the first thing we ought to consider is the circumstances under which that change was made. I have no information on that subject. Now, if it was changed by unanimous consent a certain situation is presented, but if in an unauthorized manner another situation would be presented.

Mr. MANN. I would like to know what the fact is. I do not know of any way it can be changed except by unanimous consent.

Mr. HUDDLESTON. I assume, Mr. Speaker, the bill is on the wrong calendar.

The SPEAKER. The gentleman must assume the bill is on the right calendar.

Mr. HUDDLESTON. Then the question of change to another calendar is irrelevant, and it is unnecessary to discuss it. I want to take up these things in logical order.

The SPEAKER. If the gentleman will permit, here is what the RECORD shows: January 12, 1917, referred to the Committee on Foreign Affairs and ordered to be printed; January 15, 1917, referred to the House Calendar and ordered to be printed; January 16, 1917, ordered stricken from the House Calendar and referred to the Committee of the Whole House on the state of the Union and ordered to be printed. On page 1517 of the RECORD the RECORD shows that it was done by unanimous consent.

Mr. HUDDLESTON. May I inquire whether it actually appeared in the printed House Calendar as being on the House Calendar?

The SPEAKER. It did.

Mr. HUDDLESTON. On that point I would submit, Mr. Speaker, that the House by unanimous consent can not, so far as Calendar Wednesday is concerned, put a bill on a calendar that it does not belong on. If the bill is now on the wrong

calendar, it can not be called up. Calendar Wednesday was created for a certain purpose; that is, to call up bills on certain calendars. Now, if a bill is not on one of those calendars, whether it may have been put off by unanimous consent or not, is not the controlling factor. The point is, where is the bill now when it is sought to be called up. Is it on the right calendar? Is it on the calendar which gives it a place of privilege? That is the issue, it seems to me, we have to decide. I submit that it is not on such a calendar, and therefore is not within the rule providing for Calendar Wednesday and which gives it privilege.

Mr. Speaker, this rule requiring bills to be put on a calendar is for a purpose; that purpose is to give Members notice that a certain bill will be called up. Now, if this bill ought to be on the House Calendar and is not there, Members who wanted to be heard on the bill have had no chance to be heard, have had no notice it would be called up. Hence it would be improper to call it up.

The SPEAKER. Has it not been on the printed calendar? What other notice could there be?

Mr. HUDDLESTON. It must be on to-day's calendar, not that it was there a few days ago or could have been on the calendar.

The SPEAKER. But it has been on the Union Calendar, and has been there for several days.

Mr. HUDDLESTON. If I may be allowed to proceed with that point as a secondary point, it is on the wrong calendar, and can not be treated as being on any calendar.

Mr. MANN. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. MANN. Does the gentleman doubt the authority of the House to refer to any calendar by motion?

Mr. HUDDLESTON. I do, unless it is on Calendar Wednesday. We may, by unanimous consent, on Calendar Wednesday proceed with a bill in any way we choose, but the rule is mandatory, and requires that a bill shall be in a certain position when it is called up, and if it is not in that position it may be objected to; and the point I am making is that this bill is not in that position.

Mr. MANN. The House has the authority, if given the right to make the motion, to refer it to any calendar or any committee. The House can refer any bill to the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON. When it does that the bill loses the privilege to come up on Calendar Wednesday. It must be on Calendar Wednesday, in the position which the rule says it must be in; that is, on a certain calendar.

Mr. MANN. You can call up a bill on Calendar Wednesday either from the House or Union Calendar.

Mr. HUDDLESTON. The gentleman jumps from one point to another. As soon as I catch him on one he is off on another. I propose to deal with the suggestion as to whether that bill is now properly on any calendar at all. If it is on the wrong calendar, it can not be brought up. That is the position I take.

Mr. MANN. The gentleman assumes that the House has no control over its own business.

Mr. HUDDLESTON. I assume that the House has rules which guide it, and unless those rules are waived at the time they may be waived, they must be adhered to.

Mr. MADDEN. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. MADDEN. Does not the gentleman think that all the Members of the House have as much power as a rule?

Mr. HUDDLESTON. They have it to-day, but they did not have it last week. They could not do away with the rule last week by unanimous consent. A Member might get on the floor and ask unanimous consent when only half a dozen Members are here, to dispense with all the rules of the House both for that day and all time to come. It seems to me such a position is utterly untenable.

Now, if the Speaker is of opinion that by the action taken in the House unanimous consent agreements, if any are made, would waive the question whether this bill be on one calendar or another, then I have nothing further to say. But if the Speaker be not of that opinion, then I will take up the question of whether it can be considered when it is on the wrong calendar.

The SPEAKER. The House has absolute control over its own business, and could by unanimous consent abolish every one of these rules in a minute and a half. It could put the bill on the Private Calendar if it wanted to.

Now, as to this Wednesday business, you take bills from the Union and House Calendars indiscriminately. So much for that.

Now, this bill ought to be on the Union Calendar, where it is. Section 6 of the bill says:

> The Secretary of War, in granting any permit for the diversion of water under this act, shall include therein a provision requiring the payment to the United States of a reasonable annual charge, assessed on the basis of the quantity of water diverted.

That brushes the other points out of the way. The point of order is overruled.

CHANGE OF REFERENCE.

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I rise to ask for the correct reference of a bill. Here is a bill (H. R. 20410) to create a temporary building commission for the purpose of investigating all the public-building needs and methods of the United States in order to recommend a public-building policy. It was referred to the Committee on Appropriations, I judge, inadvertently. It certainly ought to have gone to the Committee on Public Buildings and Grounds.

The SPEAKER. Without objection, the reference——

Mr. FITZGERALD. What is the bill?

Mr. MANN. Mr. Speaker, we can not understand what is taking place.

The SPEAKER. It is House bill 20410, a bill to create a temporary building commission for the purpose of investigating all the public-building needs and methods of the United States in order to recommend a public-building policy.

Mr. FITZGERALD. It appropriates $50,000. The Committee on Appropriations has as much jurisdiction over it as the Committee on Public Buildings and Grounds. I object.

The SPEAKER. The gentleman from New York objects.

Mr. CLARK of Florida. It appropriates that much for the purpose of paying the expenses of the commission.

The SPEAKER. The gentleman from New York objected. That is the end of it.

Mr. CLARK of Florida. I move, then, Mr. Speaker, that the reference be changed.

The SPEAKER. You have to make that motion by direction of your committee.

Mr. CLARK of Florida. Very well. I will get a meeting of the committee.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ESCH, for seven days, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein two memorials from the Twenty-ninth Legislative Assembly of the State of Oregon, addressed to the Congress of the United States.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD by printing two memorials from the Legislative Assembly of the State of Oregon. Is there objection?

There was no objection.

REGULATION OF THE NIAGARA RIVER.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Has the request of the gentleman from Virginia [Mr. FLOOD] been put to the House yet? He made some request.

The SPEAKER. He just simply called up his bill.

Mr. COOPER of Wisconsin. I think he made some request.

The SPEAKER. These other gentlemen impigned on the scene with some motion or other. This is Calendar Wednesday, and the House resolves itself automatically into Committee of the Whole House on the state of the Union to consider House bill 20047, for the control and regulation of the waters of Niagara River above the Falls, and for other purposes.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to ask the gentleman from Virginia one question. Would he not consent that we take up, when we go into the committee, a proposition to extend the time or change the date mentioned in the joint resolution, which fixed March 4 next as the date for the expiration of the right to use that water for a year; meanwhile to consider a proposition to act upon the suggestions made before our committee by the Chief of Engineers and Col. Keller and the Secretary of War on this proposition day before yesterday?

Mr. FLOOD. I would not, Mr. Speaker. The conference committee changed the date of the joint resolution from the 4th of March to the 1st of July. The House and the Senate have agreed

to that change. This bill has been considered by the Committee on Foreign Affairs for several years, and that committee considered it as carefully as the Chief of Engineers and the Secretary of War or anyone else could have considered the proposition. I think it is but fair to this committee to lay it before the House now. I do not consent to that.

The SPEAKER. The House resolves itself into Committee of the Whole House on the state of the Union to consider House bill 20047, with the gentleman from Missouri [Mr. ALEXANDER] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20047, which the clerk will report by title.

The Clerk read as follows:

A bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. CLINE].

The CHAIRMAN. The gentleman frm Indiana [Mr. CLINE] is recognized for 20 minutes.

Mr. CLINE. Mr. Chairman, the subject matter of this bill came under the consideration of Congress in 1906, when President Roosevelt sent his message to the House recommending that the jurisdiction of the Niagara River as a navigable stream be taken charge of by the Federal Government. Certain information had reached the President that large diversions of water authorized by the State of New York and by the Dominion of Canada from the Niagara River had been made by granting franchises for generating electric power. In 1902 there was created an International Waterways Commission. In 1906, when the President sent his message to Congress he incorporated in that message a request by the Committee on Rivers and Harbors that the International Waterways Commission should report to the House the condition existing at Niagara Falls with reference to the diversion of water from the Niagara River and its effect upon the scenic beauty of the Falls and upon the navigation of the connecting lakes as affected by the diversion.

That committee made its report on the 22d of March, and the request was complied with on the 22d of March by the International Waterways Commission, making a report which was followed by a message of the President in 1906, on the 27th of March, incorporating the report of the commission and making certain recommendations to Congress. The commission found that there had been authorized five great power companies at Niagara Falls to take certain amounts of water aggregating 60,900 cubic feet of water per second from the river above the Falls, setting out the amount that was apportioned to each company; also stated that that diversion would affect the scenic beauty of the Falls, lower the level in Lake Erie, and consequently affect navigation, and recommended some legislation be taken to prevent such large diversion.

The diversion authorized by the State of New York and the Dominion of Canada called for about 27 per cent of the amount of water going over the cataract. This condition alarmed the President, and he recommended that legislation be had along these lines. He also recommended that Congress recommend to the Secretary of State the negotiation of a treaty with Great Britain with relation to the diversion of the water from the international boundary line. He recommended that pending that negotiation, before a treaty could be made, Congress enact certain legislation temporarily to supply the necessities that would arise in the case and also to prevent undue deflection of the water.

In less than 100 days after that suggestion was made by President Roosevelt Congress passed a law, in 1906, known as the Burton law, setting out the amount of water that should be apportioned to the companies on this side of the river. The Burton Act was a temporary act and limited to three years, during which time it was expected that a treaty would be promulgated to take care of the situation.

The treaty was declared operative in 1910 on the 13th of May, and in the meantime the Burton Act had expired. Congress, recognizing the importance and the necessity of taking care of the situation, by resolution twice renewed the Burton Act. The Burton Act finally expired, I think, in 1913 or 1914, since which time there has been no direct legislation on the subject.

The Burton Act provided for the diversion of water to the amount of 15,600 cubic feet per second above the Falls. It provided that the Niagara Falls Power Co. should have 8,600 cubic feet, the Hydroelectric Manufacturing & Power Co. 6,500 cubic feet per second, and the Erie Canal 500 cubic feet per second, amounting in all to 15,600 cubic feet per second.

The power companies had already become organized and were diverting water at that time. They were organized about 1893 and began the development of electric current. I may say that one of those companies had been creating mechanical power at Niagara Falls for 60 years, a company known as the Shellcroft Co. As soon as electricity began to be developed this company participated in the development of electric power. At that time there was a small population at Niagara Falls—about five or six thousand people.

The development of two companies on this side of the river in conjunction with three on the other side of the river induced a larger population to come, until now there is a city of between 45,000 and 50,000 people located at Niagara Falls and engaged in some of the largest manufacturing enterprises in the United States. A great many electrochemical products are manufactured at Niagara Falls exclusively and used in all the manufacturing industries of the country. I mention that to show the great importance of the entire subject connected with the diversion of waters of Niagara River above the Falls and the use of electric current in manufacturing and for lighting purposes.

The Burton Act provided that there might be imported from Canada 160,000 horsepower. The treaty that was afterwards proclaimed provided for the diversion of 20,000 cubic feet per second on the American side, and 36,000 on the Canadian side. The Burton law limited, however, the diversion on the American side to 15,600 cubic feet per second. Of course, it had nothing to do with the diversion on the Canadian side, but the provision for the importation of electric current was based on the assumption that the American enterprises on this side would get the development of electricity on the other side because there was at that time more current created than the manufacturing industries of Canada could use.

In a short time after the Burton Act was passed there was appointed in Canada, or created in Canada, what is known as the Hydroelectric Commission, that had entire charge and jurisdiction of the development of electricity and its transmission. The Hydroelectric Commission of Canada having that authority provided that the diversion of waters of Niagara River on the Canadian side and the creation of electric current for exportation should be subject to the demand by Canadian authorities—that one-half of the current created could be withdrawn at any time for the benefit of Canadian enterprises.

Under the Burton bill there had been imported the largest amount at any one time, 180,000 horsepower. By the creation of the condition at Niagara Falls the demand became so great on the American side for horsepower that many enterprises located on this side formerly were obliged to go to the Canadian side to get the power they wanted. That demand increased so rapidly, Mr. Chairman, that the Hydroelectric Commission of Canada has withdrawn from export something like 75,000 horsepower, leaving about 110,000 horsepower now being used by the American side that is created on the Canadian side and imported over here. Connected with this question has been the interest of the State of New York as a State, as a sovereignty, and whatever rights it has in the development of electric power. On the other hand, the civic associations of the country were protesting against the use of the water for manufacturing purposes upon the theory that it affected the scenic beauty of the Falls.

The Committee on Foreign Affairs have had this bill or similar bills under consideration for the last 4 or 5 years. They have thrown the subject open to a thorough investigation, and all the parties who desired to be heard upon this subject have been heard. Consequently the committee report the bill now under consideration. I will not take very much time in explaining the provisions of the bill, because they are very fully set out in the report accompanying it.

The first question was to determine who should have the right to divert water, and under what circumstances it should be diverted. Something like $60,000,000 of capital have been invested by the power companies in the manufacture of electricity at Niagara Falls on the American side. There have also been located on the American side manufacturing enterprises with a capital of something like $50,000,000. Electrical power is now very extensively used in western New York. The city of Buffalo and towns and villages in the State of New York within a radius of 50 miles of Niagara Falls are dependent

upon the electricity generated on the American side and imported from the Canadian side to keep their business going. Numerous petitions have been sent to the Committee on Foreign Affairs, showing the necessity for larger diversions of water, insisting that the full amount of 20,000 cubic feet per second be granted to these power companies; that is, that we should authorize the use of 4,400 cubic feet more, or the difference between 15,600 cubic feet and the 20,000 cubic feet authorized under the treaty.

The committee, after careful consideration of the subject and after some personal investigation, concluded that the diversion of the additional 4,400 cubic feet would not affect the scenic beauty of the Falls to their detriment, and that considering the need for more power now existing at Niagara Falls, the diversion of this additional 4,400 feet is necessary. I may say that the American users of imported power have been notified that there will be withdrawn from exportation 50,000 horsepower more by the 1st of June. The committee have drawn this bill with the intention of being absolutely fair to the power companies and fair to the people.

Mr. FESS. Will my colleague yield for a question?

Mr. CLINE. I yield to the gentleman from Ohio.

Mr. FESS. I think there are a good many Members on the floor of the House who feel that this power is wasted, that it ought to be utilized, and I think they would go to the extent of utilizing it beyond the point of destruction of the scenic beauty. That is the thing that concerns me. I am afraid of that tendency. These gentlemen say that the Lord has put that power there for use, and that only a few people see the scenic beauty of the Falls. I am concerned as to whether this legislation will endanger the beauty of the Falls.

Mr. CLINE. I will say to my friend from Ohio that the committee have been very much concerned over that proposition, and with possibly one or two exceptions on the committee they believe that the diversion of 4,400 feet more will not disastrously or seriously affect the scenic beauty of the Falls.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. I yield to the gentleman five minutes more.

Mr. CLINE. The committee incorporated in this bill one of its most important sections, seeking to have the water that is diverted from the Niagara River used to its highest efficiency. One of the companies at Niagara Falls secures 10 horsepower per cubic foot from the water diverted. Another company taking water at the same point and returning it to the river at the same point that its competitor does develops 20 horsepower per cubic foot. The committee believe that parties taking water from this great reservoir ought to be required to secure the very largest possible efficiency that can be developed. For instance, one power company takes 8,600 cubic feet per second and develops about 90,000 horsepower. If it developed the same amount of horsepower that its competitor does it would develop 163,000 horsepower from the same amount of water.

Mr. FESS. And what it does not develop is an actual waste of power?

Mr. CLINE. So the result is that this power company is taking from the Niagara River more than 300,000,000 cubic feet every 24 hours, from which it derives no benefit, and from which the manufacturers receive no benefit. The policy of the committee is to require that company to develop that power for the benefit of western New York and its great manufacturing enterprises, and I will say to my friend and to the committee that the company propose to do that.

Mr. FESS. Does this bill require it?

Mr. CLINE. This bill requires that, and the company has already set aside a sinking fund variously estimated at from $2,000,000 to $5,000,000 for the purpose of complying with the requirements of this bill.

Mr. KINCHELOE. Will the gentleman yield for a question?

Mr. CLINE. Yes.

Mr. KINCHELOE. Have the American enterprises ever drawn as much as 20,000 cubic feet per second from the river?

Mr. CLINE. American enterprises have never drawn 20,000 cubic feet until the 17th day of this month under the special permit, and that is for special purposes.

Mr. KINCHELOE. I understood the gentleman to say that he did not think, and the committee did not think, that if this maximum were used it would seriously or disastrously destroy the scenic beauty of the Falls. Does the gentleman think it will destroy it to any extent?

Mr. CLINE. Not to any visual extent. Theoretically, of course, it will. I want to say this one further word in reply to the question asked by the gentleman from Ohio [Mr. FESS]: The difficulty experienced by these two companies arises from the fact that one company takes the water from the river, drops it down 130 feet through its penstocks onto the wheels, and then carries it a mile and dumps it back into the river, losing in its tailrace 80 or 90 feet of fall that it ought to utilize, while the corresponding company takes the water and carries it to the place where it proposes to return it to the river and there drops it into its penstocks with a fall of about 212 feet, and consequently gets the benefit of that additional fall.

I say that the purpose of this bill is to correct those conditions and to supply to the people of Niagara Falls and the vicinity all of the power that could be generated from the use of that much water.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. SNELL. Is there anything in this bill or in existing law that definitely defines what are State rights, what are the Federal rights, and the rights of the riparian owners?

Mr. CLINE. Mr. Chairman, I will state to the gentleman that the position of the committee is that when the Federal authority takes jurisdiction of a water power or of a navigable river that authority supersedes the rights of all riparian owners and whatever rights the State has. That is, the Federal Government will not divide its jurisdiction in a question of this kind with a State.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, this is a bad bill. It is a bill that the House ought not to adopt. It is one that if adopted we will spend a good deal of our time hereafter regretting.

I wish there was time in which to discuss this bill fully before the membership of the House. There are many serious defects in it. A half hour is wholly inadequate to point them out.

This bill is on the Union Calendar, but it ought to be on the Private Calendar. The title of it, "To regulate the diversion of water from Niagara River," is misleading. It ought to be entitled "A bill to grant for all time the water power of Niagara Falls to exploiting companies that have enjoyed that benefit for the last 20 years." That would, at least, be candid and advise the House in respect to the nature of the measure.

Twenty years or more ago the generation of electric power at Niagara Falls was entered into by the Hydraulic Power Co. and by the Niagara Falls Power Co. They were granted all the rights they asked for by the State of New York. They acted upon the theory that a riparian owner could do whatever he pleased. They have diverted the water as they pleased down to this very good day, and have never paid the State of New York one cent, except in the way of ordinary taxes, and have never paid the National Government one cent. In every measure that has been passed by Congress the rights of these two generating companies, these two exploiters of the people of western New York, have been carefully safeguarded. The Burton Act provided that only these same two companies should be permitted to use water under it. In the resolutions which were passed extending that act, every time it was provided that only those two companies should be permitted to continue to use the water or should have any advantage from it.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. In a moment. The other day, when we passed a resolution on the subject, we carefully provided that the water must be taken by those who are now using it. We might as well have mentioned in that resolution the names of the Hydraulic Power Co. and the Niagara Falls Power Co., and we might just as well put those names in this bill and give them exclusive privileges at Niagara Falls, for by the construction of this bill we have made it impossible for any other person or concern to come in and get a permit. This bill is so framed that it is absolutely impossible that there should be any competition with these two concerns. The other day the attorney for one of these concerns, after having given careful consideration to the bill, and having objected to some of the provisions that have been forced into it by amendment in committee, remarked to a member of the committee, "There is one thing about this bill; you have fixed it so that nobody can get any benefit out of these Falls except the two companies that are now getting it." That was at least candid; and I want to say to you that nobody who has made a study of this bill can for a moment doubt that statement. You are perpetuating concerns which have no right to be perpetuated; you are perpetuating a privilege which has never been granted by the people of the United States; you are making permanent the ownership and control of rights which have been usurped and which have been grossly abused.

I say these rights and privileges have been abused by these two companies. Why do I say that? Because they have been allowed to do just as they pleased for the last 20 years. They have been allowed to sell power to whomsoever they chose to sell it; they have been allowed to charge whatever they wanted to charge; they have been allowed to discriminate among consumers at will; they have abused these great privileges with the utmost tyranny toward the people of western New York.

I do not represent anybody in western New York. They have their Representatives here; able, and no doubt they have their own views about this matter, and I do not cavil with them. But I have heard voices from western New York. Still, small voices have come to me; the voice of the inarticulate mass of the people of western New York has come to me to plead against the perpetuation of this exploitation. I may not have heard the majority voice. Perhaps it is the minority voice. You know, a man is like a wireless-telegraph system. He hears what he is tuned to hear. Just as the installation must be tuned to gather a certain message, so must the man be tuned to gather a certain message. I have been tuned to gather the message of the exploited class; I have been tuned to gather the message of the masses of the people; I have been tuned to gather the voice of the man who has no newspaper, of the man who uses current in a small way, of the man who toils, of the man who has corns on his hands. I want to say to you that if you are tuned to catch that kind of a voice you can not give your vote in favor of this bill.

This bill purports to deal with the Niagara River above the Falls. Some of you gentlemen perhaps do not know that there is just about as much power possibility below the Falls as there is above the Falls. The fall from the foot of the Falls to Lake Ontario is about 100 feet. There are vast possibilities in the way of power development in the lower part of the river. This bill deals with the upper part of the river. It makes it impossible that permittees under this bill should develop that power with the greatest head, with the greatest efficiency.

It makes it impossible for them to develop the power at the greatest efficient head. Over on the American side we are now developing power, one of the companies, at a 212-foot head, and the other, I think, at a 140-foot head. On the Canadian side they are just about to install a development at 305-foot efficient head. That means something. Every foot you allow water to fall adds one-eleventh of a horsepower for each cubic second-foot to the power that may be generated. We are fixing it in this bill so that there can be no efficient development on the American side. We are fixing it so that this water will have to be turned back into the river, and if there be any development below the Falls the water will have to be taken out again, carried through tunnels at vast expense, and then dropped into Lake Ontario with much of the power lost. Why should that be done? Because there are two concerns there whose interests we have to protect. That is why we should do it. Because there are concerns there already with installations that are employed to develop electric power and therefore it will not do that we should provide that full 305 feet or more in order to get this power for the benefit of the public.

I was amused by one statement in the majority report filed on this bill. It says this:

> Every phase of the situation has been patiently and carefully considered, and in the opinion of the committee the provisions of the accompanying bill do no violence to any interest, and fully conserve, promote, and protect the rights of the United States, the State of New York, the companies operating at the Falls, and of the users and consumers of electric current, and yet preserve the scenic beauty of the Falls.

The committee says in its report that this bill "protects the rights of those who are operating" at the Falls. I insist that these concerns have no right which should be protected. Congress has never granted them any rights, but for 20 years they have sat there and taken toll from the people and overcharged them for current and discriminated and abused their privileges and have heaped up their millions, and they have been more than paid back every cent that they ever invested in their plants. One of those concerns has a vast capitalization that is all water, not a single dollar of real money invested in the capital stock, and every year they pay 8 per cent on all their millions of water in addition to the 5 or 6 per cent to the bondholders. They have got $5,000,000 hoarded up in their treasury. They have hoarded up their money until they have a surplus of $5,000,000 in their treasury out of unjust and outrageous charges.

Mr. LINTHICUM. Is it not a fact the State of New York gave them the right to construct and use the water before the United States Government ever took jurisdiction over the subject?

Mr. HUDDLESTON. I will answer the gentleman. The State of New York gave those people anything they asked for. The State of New York attempted to give the same rights in reference to these waters as it has given away elsewhere in the same State. Only the other day the Supreme Court of the United States, in the case of Long Sault, and so forth, Co. against Call, held that no State had authority or power to grant any rights in a navigable stream; that it had no right whatever to do it; that such a grant was absolutely void; that the States only controlled navigable streams in trust for the people and could not grant them away, but must manage them as trustees.

Mr. DEMPSEY. Will the gentleman yield? I wanted to refer to the decision. I think the gentleman misapprehends the effect of the decision.

Mr. HUDDLESTON. I must ask the gentleman not to interrupt me. The gentleman undoubtedly will have time in which he can expatiate on the decision. The gentleman knows lawyers differ sometimes.

Mr. DEMPSEY. I have the decision in my hand.

Mr. HUDDLESTON. I suppose that gives the gentleman a correct interpretation of it. I have also held it in my hand. [Laughter.] There is not time sufficient to discuss this bill as fully as it ought to be. It is full of faults. You can drive a four-horse team through it in a dozen places. But I want to talk to you and show how these companies have treated the people of western New York in their charges. They are imposing upon them. They are not giving them a square deal.

The schedule rates for power on the American side range up from $20 per horsepower. I got these figures from the New York Public Service Commission. From that figure it runs up to 8 cents per kilowatt hour. Now, on the Canadian side what do we find? We find the electrical situation over there is under the control of a public commission, a commission which is not trying to make any profit out of the people, but which buys 100,000 horsepower from Canadian hydroelectric concerns, who are right across the river from the American developers, at $9 per horsepower. On the American side the companies are selling power at a minimum of $20 per horsepower.

Mr. SNYDER. That is $20 per horsepower per year?

Mr. HUDDLESTON. Yes. On the other side, right across the river, they are selling at $9 per horsepower. This Canadian commission is delivering that power to 100 or more municipalities in Ontario at prices which are shockingly low when we compare them with the prices being charged on the American side.

Mr. AUSTIN. May I ask the gentleman what the charge per horsepower is in Alabama on the Coosa River project?

Mr. HUDDLESTON. They charge all the traffic will bear.

Mr. AUSTIN. Give us the figures.

Mr. HUDDLESTON. They charge anything they like.

Mr. AUSTIN. Can not the gentleman give us the figures? It is in his State.

Mr. HUDDLESTON. I can not give them exactly.

Mr. AUSTIN. Let us have the benefit of that.

Mr. HUDDLESTON. That is not the question that is before us.

Mr. AUSTIN. But the gentleman is comparing the Canadian price to that which is being charged on this side.

Mr. HUDDLESTON. I said they charge all the traffic will bear. I can not be more specific than that.

Mr. AUSTIN. That is indefinite and not specific.

Mr. ANTHONY. How much is it? Tell us.

Mr. HUDDLESTON. I do not know. I tell you that they charge all the traffic will bear.

Mr. COOPER of Wisconsin. What locality are these gentlemen talking about?

Mr. HUDDLESTON. The Coosa River, in Alabama.

On the Canadian side at Niagara, following our example, about 15 years ago the Government granted to the Ontario Power Co., Canadian-Niagara Falls Power Co., and Electrical Development Co. the right to divert water for power purposes, and these concerns started out upon the same general plans which had previously been followed on the American side. However, they have not been permitted to continue in that fashion.

In 1905 the Legislature of Ontario incorporated the Hydroelectric Power Commission as a public cooperative agency, with authority to purchase or generate power and to transmit the same for distribution among Ontario cities and towns at cost. Under this plan 99 communities in Ontario are now being served.

While authorized to construct works for generating power, the Canadian commission considered it proper to respect the investments of the existing generating companies. There were already three companies with generating plants on the Canadian side having quantities of power available for sale, so that the commission, not desiring to interfere with them, followed the course of asking those companies to bid to supply it with power at a price which would protect their bondholders and shareholders. As the result a contract was entered into with the Ontario

Power Co. for 100,000 horsepower for 30 years at $9 per horsepower.

The entire 100,000 horsepower was not used at the beginning. It was to be delivered at the bus bar of the company to the commission. The latter constructed transmission lines to various cities as they accepted the plan and the amount of power increased each year until at present when the entire 100,000 horsepower is being taken. In addition to this the Canadian commission is generating power at Severn, Wasdells, and Eugenia Falls, and has six plants in operation in the "Trent."

The most recent report of the commission to which I have access is for the year ended October 31, 1915, and my facts are taken very largely from it.

The commission is purchasing power at $9 per horsepower from the Ontario Power Co., at Niagara, and is generating it directly at the other points mentioned. It is being transmitted practically all over Ontario, almost every city and town being supplied. The power is sold to the municipalities at cost plus the expenses of the commission and an amortization charge based on a 30-year plan. The municipalities own their own distributing systems and sell the power to consumers substantially at cost.

At the date of the report referred to the commission had assets of $12,900,000, practically all of which consisted of its works. The cities had, together, $17,600,000, consisting of reserves of $3,400,000 and their distributing systems.

Over on the American side, at Buffalo, one-fourth of the distance from the point of generation that Toronto is, they are charging $20 to $200 per horsepower, and the basis is 8 cents a kilowatt hour. It is a sliding scale that goes down to about 4 cents. The price on the American side is more than double what is being charged in Canada. And this does not apply to the city of Toronto alone. There are 99 cities in Ontario that are getting the benefit of this system. Toronto consumers before the cooperative system was instituted paid 8 cents for domestic current and——

Mr. STAFFORD. Will the gentleman yield?

Mr. HUDDLESTON. In just a moment. In 1915——

Mr. AUSTIN. Give us the technical terms. Is that per kilowatt?

Mr. HUDDLESTON. Mr. Chairman, I decline to be interrupted by the gentleman.

Mr. AUSTIN. I just wanted you to straighten it out.

Mr. HUDDLESTON. The city of Toronto, with a population of 470,000, received power at $14 per annual horsepower and in turn charged consumers 3.9 cents per kilowatt hour for domestic and 2.8 cents for commercial current. Toronto consumers before the cooperative system was instituted had paid 8 cents for domestic and 12 cents for commercial current. During 1915 in Toronto alone $1,393,000 was saved to consumers by the cooperative system. Toronto uses 100-watt lamps for street lighting; they cost $8 per annum, figuring 74 cents per capita for street lighting.

The city of Hamilton has 101,000 population. Its power cost is $14 per horsepower. Its 100-watt street lights cost $8 per annum. It sells domestic power at 3.7 cents per kilowatt hour and commercial power at 1.9 cents. The previous rate was 8 cents, and over $250,000 was saved to its consumers in 1915 alone.

Now I yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. The gentleman's statement has furnished me with the information I desired.

Mr. PLATT. Will the gentleman yield for a question?

Mr. HUDDLESTON. London, with a population of 56,000, pays 55 cents per capita for street lighting. It sells power to domestic users at 2.4 cents and to commercial users at 3 cents. The previous rate was 9 cents per kilowatt hour. London saved its consumers $263,000 in electric charges in 1915.

Windsor, with a population of 22,000, has a higher rate on account of its great distance from the point of generation. It pays $38 per horsepower for power and distributes it at 4.9 cents per kilowatt hour to domestic users and 3.9 cents for commercial use. Its previous rate was 12 cents for domestic and 8 cents for commercial use. Windsor street lighting costs $1.39 per capita. During 1915, $35,800 was saved to Windsor users by the cooperative system.

The Canadian commission also supplies electric energy to farmers upon terms so cheap that they use it for thrashing, sawing wood, chopping ensilage, lighting, and other farm purposes. The average cost of current to farmers during 1915 was 5.5 cents per kilowatt hour.

In 1915 the Canadian commission served 120,000 different users. The lowest cost was 2.4 cents for domestic and 1.9 cents for commercial current. The average cost for all Ontario was 3.9 cents for domestic and 3.1 cents for commercial current. Prior to the beginning of the commission's operations the average cost of these same users was 9.3 cents for domestic and 10.4 cents for commercial power.

The demand for light and power under the just and economical methods of the commission is rapidly increasing. The commission is now installing a new plant at Chippewa and Queenston Heights. They will utilize the water remaining to Canada under the British treaty with an effective head of 305 feet, with the result that 300,000 horsepower additional will be produced.

THE AMERICAN WAY.

On the American side the Niagara Falls Power Co. is diverting water with only a 140-foot head, and is getting, as I am informed, only 11 horsepower per cubic foot. The Hydraulic Power Co. has a 212-foot head and get about 19 horsepower per cubic foot. These concerns at present take 15,600 cubic second-feet and there remains to us under the treaty 4,400 cubic second-feet.

The difference between power cost in Ontario and the prices charged on the American side is shocking. I have been able to learn of no American consumer who gets power for less than $16 per horsepower. This is the rate given to some of the big manufacturing concerns at Niagara. The lowest rate in Buffalo is $20 per horsepower, from which price the charge ranges to as high as $200 per horsepower. Buffalo users not of the favorite class take power upon a sliding scale, upon a basis of 8 cents per kilowatt hour with 1 cent off for prompt payment. This charge is double the charge in Toronto, which is more than three times farther from the point of generation.

I see no reason why we should not learn a lesson from Canada in the generation and distribution of hydroelectric energy. Why should we not have our own public agency to develop the available power at Niagara in the most efficient way, get the most energy we can out of the water we have, and sell it to our people on fair terms? Why should we allow a middleman's profit, or the profit of two or three middlemen, as the case may be?

The Niagara power generating and developing interests and their affiliations ramify through practically every big financial interest in America. Is not the arm of Congress strong enough despite the opposition of these interests to write a just and fair law for the development of Niagara power for the benefit of the people to whom it really belongs? Is it possible that we are to be forced to allow a private profit out of this great natural resource, the property of the people? Is the system so fixed on us that we must continue to allow the masses of the people, middle and small consumers, to be sweated and exploited by the rapacity of those who have fixed themselves at Niagara?

Mr. PLATT. I just wanted to call the gentleman's attention to the fact that that is done in Canada under State and not under the Federal Government. You are going to take away from the State of New York authority to do anything of that kind.

Mr. HUDDLESTON. It does not make any difference whether the commission is created by the Federal Government or the government of one State. That has nothing to do with it. Under the Canadian system the Province of Ontario has the right to do this. The State of New York has not the right.

Mr. PLATT. Oh, yes; it has.

Mr. HUDDLESTON. The gentleman will please not interrupt me.

The CHAIRMAN. The gentleman from Alabama declines to yield.

Mr. HUDDLESTON. The State of New York has not any right in this power nor has any other State. The United States of America controls that power, and we should create a commission, the Federal Government should create a commission, to see that the people of New York are no longer exploited by these private interests.

Mr. PLATT. The Public Service Commission of New York regulates it.

Mr. HUDDLESTON. Why can we not do it here? Why should the United States be the most reactionary country in the world? Why, Mr. Chairman, there is not a civilized nation on earth except the United States that considers it necessary to have a private go-between, a middleman, between a great natural resource such as Niagara is, and the man who takes the product of that resource. Not a country. It is done in England; it is done in Germany; it is done in France; and it is done in Canada. Why can we not do it here? Are we more conservative than they? Is it one of the accepted political principles of America that in no instance will we allow municipal ownership? Will we not under any circumstances allow the people who own the resources to get the benefit of them directly? Will we insist always on taking the resources and giving them to some grasping, rapacious middleman to use them to oppress the people?

What they have in Canada is in principle nothing more than municipal ownership, and that is what we ought to have

in New York; that is what we ought to have at Niagara. We ought to have a district in western New York composed of the people who use this power, and they should be allowed to develop it for their own benefit without giving a profit to anybody.

Mr. TEMPLE. Do the municipalities or the Province or Dominion Government in Canada own the generating plants?

Mr. HUDDLESTON. The Canadian power commission, created by the legislature of Ontario, as I am informed, owns nine generating plants. Before the commission was created certain private corporations had been given rights at Niagara. That commission is not developing power itself at Niagara, but it is taking power from those developing concerns. But the commission is not confined in its activities to Niagara. There are other water powers in Ontario. At Port Arthur, 1,000 miles from Niagara, they have a plant owned and operated by this commission, generating hydroelectric power and selling it to the people at a price less than half what the people in Buffalo are getting it for.

Mr. TEMPLE. Do I understand that each one of the generating plants at Niagara on the Canadian side is a privately owned plant?

Mr. HUDDLESTON. They are, but one of them sells to this commission at $9 per horsepower, and right across the river their American competitors are fleecing the people to the extent of a minimum price of $20 a horsepower, right in Niagara, delivered at the company's bus bar.

Mr. SMITH of Minnesota. Is it not true that the same parties own the Ontario Power Co., on the Canadian side, that own one at least of the power companies on the American side?

Mr. HUDDLESTON. The Canadian Niagara Power Co. is owned by the same group of American capitalists from New York City that own the Niagara Falls Power Co. on the American side. Now, as to the Ontario Power Co. I have not specific information, but I have reason to think it is also owned by or affiliated with the same interests. It is all one thing. That is all it is. And I want to say this further, Mr. Chairman, right on that point——

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. In a moment. I want to say this, that these generating concerns, wherever you find them in the United States, are affiliated. They stand as one; they stand to keep the people from enjoying the benefit of their own natural resources. They keep a periodical going for the purpose of discounting and discouraging anything like municipal ownership and discrediting it and lying about it, trying to make out it is a failure. Whenever any effort is made in this House or in any other legislative body in the United States to provide for cooperative ownership it is met with the united opposition of all those concerns. Each one of them has its hand in the pockets of the people, and as a plunderbund they stand together for squeezing the people. Each one wants to guard his own interests first and then guard the interests of the rest of their crowd.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. SNELL. Can the gentleman tell how much any of these Canadian cities have lost in distributing this power?

Mr. HUDDLESTON. They have lost nothing.

Mr. DILLON. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. DILLON. Can the gentleman tell us if these Canadian plants pay the Canadian Government anything for the use of the water with which they generate the power?

Mr. HUDDLESTON. Those operating and generating concerns on the Canadian side, as I am informed, pay 75 cents a horsepower to a park commission, which uses the money received to beautify a park around the Falls.

Mr. DILLON. So that the Canadian Government does get some advantage from it?

Mr. HUDDLESTON. They get it at $9 per horsepower, and the concern that gets the $9 pays the park commission 75 cents of it to beautify the park.

Mr. DILLON. Another question, if the gentleman will permit.

Mr. HUDDLESTON. Yes.

Mr. DILLON. Can the gentleman give me the total amount which the Canadian Government is receiving from these various plants per year?

Mr. HUDDLESTON. The amount is about 220,000 horsepower, so I am informed, and they get 75 cents per horsepower for the beautification of the surrounding country at Niagara Falls.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. SMITH of New York. I wanted, before the gentleman finished, to have him state his attitude in regard to Government ownership of water-power projects. As I understand the gentleman's position, he is opposed to private water powers in general. Is that correct?

Mr. HUDDLESTON. Most emphatically not. But at Niagara Falls, Mr. Chairman, where it is not an experiment—the demand for the power is there, the people live there, when the teeming millions of western New York are crying out for it, and when it is not an experiment in mechanical operation—where we know it will work, we know what it costs, and no chances are being taken on it, why should it be turned over to these private concerns that stake nothing, risk nothing, hazard nothing, in order that they may get the profit out of it? Unless a man is prepared to say, "I will never consent to the people owning and cooperatively managing the things they use"—unless a man takes that position, he ought not to oppose the public ownership at Niagara Falls.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. COOPER of Wisconsin. How many corporations are there between the water and the consumer of the electric current?

Mr. HUDDLESTON. There are in some instances three, and never less than two.

Mr. COOPER of Wisconsin. Yes.

Mr. HUDDLESTON. And there are in all instances two.

Mr. COOPER of Wisconsin. Yes.

Mr. HUDDLESTON. Oh, these generating concerns are not willing to take the trouble to fleece the people themselves. They do not do their own skinning. They farm out the business of skinning the people to intermediaries. The Buffalo General Electric Co. has that privilege in the city of Buffalo. They get that power at $16.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. COOPER of Wisconsin. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Alabama is recognized for two minutes more.

Mr. HUDDLESTON. They get that power delivered at Buffalo at $16 per horsepower, a level amount of $16 per horsepower, and turn right around and sell it to the people of Buffalo at from $20 to $200 per horsepower.

Mr. KREIDER. Mr. Chairman, will the gentleman yield for a question?

Mr. HUDDLESTON. Yes.

Mr. KREIDER. For information. Is the gentleman informed as to the amount of water taken from the Niagara River on the American side as compared with the amount taken on the Canadian side?

Mr. HUDDLESTON. I am. About 36,000 cubic feet per second is authorized to be taken on the Canadian side and on the American side 20,000 cubic feet per second.

Mr. KREIDER. What treaty or relation is there between the United States and Canada that governs the amount of water that is taken from the river?

Mr. HUDDLESTON. That is the treaty provision. I have been trying to find out why the Canadians were allowed to take so much more water from the river than ourselves. It looks to me as if we had the right to take as much water from the river as they have. It is as much our water as it is theirs. I was under the impression that our allowance was affected by the Chicago drainage canal. But I learned yesterday that it was done in order to protect great vested interests; that the great United States of America had conceded to Canada 16,000 cubic second-feet of water more than we get in order to prevent competition with American interests, so that the Niagara companies might have a monopoly. That is another reason why we should wipe out this incubus that has fixed itself upon Niagara. Let us wipe out this selfish interest. It stands in the way of development. It stands in the way of justice and progress. Not only are we allowing these companies to exploit our own people, but to serve their interests we are conceding to the people of Canada rights that belong to us. We ought to denounce the treaty and get all the water that belongs to us, a fair division of the water of Niagara, and develop it for the benefit of our own people. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. LINTHICUM. Mr. Chairman, the Committee on Foreign Affairs took up the question of Niagara Falls water power nearly six years ago at the extra session which was called in 1910. Since that time we have had hearings, and many people, representing all interests, have appeared before the committee, and there are over 500 pages of hearings upon this Niagara Falls proposition. The committee wanted to protect the Government and to protect every interest concerning Niagara Falls. It found that the Government had not taken jurisdiction of the Niagara Falls situation early enough, that the National Government had taken no interest in the matter whatever, but that the State of New York, assuming that it had jurisdiction in the premises, had granted certain rights to certain individuals to take water from the Niagara River and to develop power. Certain men went in there at that time and put their money into a rather doubtful enterprise. To-day we can hardly realize that in those days it was doubtful. They invested somewhere around $50,000,000, two companies going in there, as they thought, upon a proper right, that granted them by the State of New York, the Government of the United States assuming no jurisdiction and apparently intending to assume no jurisdiction. Nothing was done by the National Government until President Roosevelt sent his water-power message to Congress, and then the Government took jurisdiction in the premises, Congress passed the Burton resolution and began to consider the question of diversion of the water at Niagara Falls. We must remember that there are many interests involved. There is not only the question of the development of the power, but the question whether the scenic beauty of Niagara will be destroyed or in anywise lessened. Then there is the question as to the great towns and cities which have grown up around this power plant and the great industries that have grown up, which, because of certain recent inventions, have begun to manufacture articles that go into commerce, which have made these various manufacturing enterprises more beneficial to the public and more profitable to those interested. I am also told that there is involved the manufacture of an article which goes into the drinking water that supplies some 400 towns and cities in this country. So the problem has grown into an immense one, and a very complicated one. It is not, as my friend the gentleman from Alabama [Mr. HUDDLESTON] would say, that you can dismantle the plant and that somebody else can come in and take those rights if they can get them. It has grown into one of those things which must be either owned by the Government or regulated by the Government and thus placed under Government control. It has grown to such proportions that you can not say to somebody, "If you will give us a certain price for the water you may come in and take it." It takes years to construct these plants. It takes considerable time to develop the companies to supply the electricity.

The gentleman from Alabama goes into the question of subsidiary companies, and says that these power companies do not supply the current directly to the consumer. That is very true in many instances. In various towns along the border other electric companies have grown up as distributing companies. They have secured the right to distribute to consumers in the various cities and towns in which they have been incorporated, and if a new company were to come in there and try to get the right to erect poles or to put in subways and go into competition with the established companies, they would find it absolutely impossible to do so. You must have the supply companies in order to distribute the current.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. LINTHICUM. If the gentleman will defer his question until later, and make a note of what he wishes to ask me, I will endeavor to answer it.

Now, after holding all these hearings, discussing the whole proposition in committee and having the various individuals before us, we have finally drafted what we believe to be a complete bill, or as complete as we could possibly make it. In that bill, on page 2, we say that any State in which the power is furnished may have control over it; so that the passage of this bill does not affect the control of any State wherein electric energy is distributed, but that State may control its distribution and control the price; and a State like New York, having a great public-service commission, ought to be able to say to these companies what they shall charge, how the power shall be distributed, and where it shall be distributed. If the States do not do it, certainly this Government should not be compelled to enter into those things. We have left the question of taxation to the State, and the only thing we have provided that they shall not do is that they shall not be allowed to levy a charge for the rights and privileges acquired under the provisions of this act. In other words, the State is left in absolute control of the situation, except that it shall not charge for the rights which we are granting and for which we expect to be paid.

We also went into the question of the construction of these plants, providing that the plans for them must be submitted to the Secretary of War, examined by the Board of Engineers, and when passed upon, that the plants must be constructed in accordance with these plans, subject to a penalty if they deviate from the plans which were passed upon.

We went into the question of efficiency. I believe it will be absolutely impossible to get any more water from above the Falls than the 20,000 cubic feet per second provided in the treaty, so far as the water on this side is concerned. For that reason we believe every horsepower that it is possible to get out of that water should be developed. One company at Niagara Falls, the Hydraulic Power Co., is getting 19 horsepower per cubic foot per second. The Niagara Falls Power Co. is getting 10 horsepower per cubic foot per second. We have provided that the Secretary of War shall require this latter company to dismantle its plant and remove it if necessary to another place; also that it must get not less than 20 horsepower per cubic foot per second, and that will require the expenditure by that company of perhaps some ten or twelve million dollars.

I was talking casually the other day with the president of the Niagara Falls Co. and I spoke to him about this legislation. He said, "What we want is some permanent legislation, so we may know what we can do, so we can get capital to come in and invest in our company, and if it is necessary to dismantle to do so and build our plant in such a manner that we will get the 20 horsepower per cubic foot per second the bill requires." The company can not do anything, they can not get the capital to go ahead and do things unless we give them some guaranty that they will be protected in their expenditure of money under some legislation enacted by Congress.

We have provided that if the diversion of this water in any wise affects the navigation of the river or the efficiency of the river as a boundary stream the Secretary of War may revoke the permit. Therefore if it is found that it is interfering with the rights of the National Government the Secretary of War may absolutely revoke the permit.

Then, in order to comply with the ideas of some gentlemen of the committee, we have further provided that these permits shall run for only 50 years, so that the Government under ordinary circumstances may recapture its rights again at the expiration of 50 years.

Section 6 of the bill provides that—

> The Secretary of War, in granting any permit for the diversion of water under this act, shall include therein a provision requiring the payment to the United States of a reasonable annual charge, assessed on the basis of the quantity of water diverted.

This provision would give the Government proper remuneration for the water which these companies would take, and we thought that by making it so much per cubic foot per second instead of so much horsepower it would be a greater incentive for these companies to develop every horsepower possible out of a cubic foot of water. If they were to pay $20 per cubic foot, they would want to get all of the power out of that cubic foot that they possibly could, because the more power they could get the more profit to the company.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SMITH of Minnesota. As I understand, the gentleman wants to protect the companies now engaged in business at the Falls. I want to ask why, in granting these permits, any different rule should apply than in granting any other permit that is to be granted under other acts, for instance, the general dam act.

Mr. LINTHICUM. Because these men have gone in and expended their money under what they thought was authority from the State of New York. Under the general dam act that the gentleman speaks about a man may go in or he may not, the works are not constructed.

Mr. SMITH of Minnesota. I presented a proposition to this House last year asking that a municipality that had parted with several hundred thousand dollars of its property to the United States Government be given a preference, and this House turned it down on the ground that there should be no preference given in granting permits. Did the gentleman from Maryland vote against my proposition?

Mr. LINTHICUM. I do not remember the proposition at this time.

Mr. COOPER of Wisconsin was recognized.

Mr. NORTON. Mr. Chairman, I think this is one of the most important pieces of legislation before the House that has been presented at this session of Congress, and every Member should

be here. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-nine Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Driscoll	Howell	Porter
Aiken	Edmonds	Humphreys, Miss.	Pou
Anthony	Edwards	Jacoway	Pratt
Barchfeld	Esch	Jones	Price
Barkley	Estopinal	Kahn	Ragsdale
Beakes	Fairchild	Kelley	Rauch
Beales	Finley	Kennedy, Iowa	Reilly
Bennet	Flynn	Key, Ohio	Riordan
Britten	Foster	Kless, Pa.	Roberts, Nev.
Bruckner	Frear	Kincheloe	Rodenberg
Brumbaugh	Gallivan	Lenroot	Rowland
Byrnes, S. C.	Gardner	Lewis	Rucker, Mo.
Caldwell	Garner	Liebel	Sanford
Callaway	Garrett	Lobeck	Schall
Campbell	Glynn	Loft	Scott, Pa.
Cannon	Gould	McCulloch	Scully
Cantrill	Graham	Maher	Sells
Carew	Gray, Ind.	Mann	Smith, Tex.
Chiperfield	Griest	Mapes	Sparkman
Church	Griffin	Mays	Stout
Coady	Hamilton, Mich.	Miller, Del.	Sutherland
Coleman	Hamilton, N. Y.	Mondell	Tague
Copley	Harrison, Miss.	Mooney	Thomas
Costello	Hart	Morgan, La.	Tinkham
Crago	Haskell	Moss	Whaley
Cullop	Helgesen	Nicholls, S. C.	Wheeler
Dale, N. Y.	Henry	Oglesby	Wilson, Fla.
Davenport	Hill	O'Shaunessy	Wilson, Ill.
Davis, Minn.	Hilliard	Overmyer	Winslow
Davis, Tex.	Hinds	Parker, N. J.	Woodyard
Dewalt	Hopwood	Patten	

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 20047) relating to the diversion of water of Niagara River, finding itself without a quorum, he had caused the roll to the called; that 309 Members had answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. COOPER of Wisconsin. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Wisconsin has 28 minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, there has been some discussion of Government ownership during the debate, but from my point of view that subject is not necessarily involved in the consideration of the pending bill, and therefore I shall not discuss it. I am opposed to the bill and in favor of acting in accordance with the advice given to the Committee on Foreign Affairs at its hearing day before yesterday by Col. Keller, of the Corps of Engineers, and by Gen. Black, Chief of Engineers, both of whom are familiar with the great difficulties of this problem, their advice being in effect that this bill be not enacted into law at this session, that the time limit fixed in the joint resolution recently passed be extended until March or later in 1918, and that meanwhile there be an investigation and a report by a commission of disinterested experts. I shall later quote from their testimony. I desire first to answer a question asked here a moment ago by a gentleman who, after asking it, contradicted the reply made by the gentleman from Alabama [Mr. HUDDLESTON]. Here is a correct statement by the gentleman from Alabama of facts taken from the report, dated October 31, 1915, of the Canadian commission, which I will read in answer to the question:

The commission is purchasing power at $9 per horsepower from the Ontario Power Co. at Niagara, and is generating it directly at the other points mentioned. It is being transmitted practically all over Ontario, almost every city and town being supplied. The power is sold to municipalities at cost, plus the expenses of the commission, and an amortization charge based on a 30-year plan. The municipalities own their own distributing systems and sell the power to consumers substantially at cost.

In 1915 120,000 different users in Canada paid the Canadian commission the following-named rates for the use of electric current, the lowest being 2.4 cents per kilowat hour for domestic purposes, and 1.9 cents for commercial purposes. "The average cost for all Ontario was 3.9 cents for domestic and 3.1 cents for commercial current." In this country for the electric power generated at the same cataract, the people pay 8, 9, 10, or 12 cents. There are always at the Falls, on the American side, two or three separate, private companies, never less than two, between the water and the ultimate consumer of the electric power.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. COOPER of Wisconsin. I can not now.

Mr. MILLER of Minnesota. I just wanted to ask a question.

Mr. COOPER of Wisconsin. I can not stop to answer now, as my time is limited. The gentleman will please pardon me. For the power at Niagara the lowest rate in Buffalo is $22 per horsepower, from which the price ranges as high as $100 per horsepower. The lowest price paid there that any one could find—and I take this from my colleague, Mr. HUDDLESTON, who told me that it was the result of his inquiry—the lowest price charged there to an American consumer was $16 per horsepower.

Mr. Chairman, there is only one proposition involved in the pending bill, and that relates to the development, use, and control of hydroelectric power generated from water diverted above the Falls. The bill as originally introduced provided for the control and regulation of hydroelectric-power development not only above but also below the Falls. The provisions concerning development below the Falls were stricken from the bill. But the engineers and the Secretary of War believe and recommend, and after listening to their statements and recalling all the other testimony before the committee I believe that this gigantic problem of development and control, both above and below the Falls, should be solved in one bill. At this point let me direct attention to important testimony, still unprinted, which was taken day before yesterday before the Committee on Foreign Affairs. Secretary of War Baker said:

Gen. Black has handed me some figures showing that 20,000 cubic feet per second used below the Falls would develop 600,000 horsepower, while the same diversion of water as now used develops 250,000 horsepower, showing that the gain from using the same water below instead of above would be about 75 per cent—or 150 per cent.

Attention has been called to-day to the fact that this bill was reported to the House after it had been a long time before the committee. Mr. Chairman, the mere fact that a committee has favorably reported a bill is entitled to respectful consideration. I have entire respect for each member of that committee, for with all of them I have with much pleasure served as a fellow member. But I have more than once seen a large majority of a committee favorably report a bill to the House and then seen the House agree with the minority of the committee and defeat the bill, and subsequent events prove that the minority of the committee was right in all of their contentions and the majority utterly wrong in theirs. I well remember one especially important case of this kind.

So, although the opinion of the majority of a committee is entitled to respect, it ought not absolutely, without regard to the facts, to control the judgment of Members of the House.

They do things differently in protecting the public interests in some other countries. Here is what they did in one instance in Switzerland and Germany, as reported in 1914 by Robert P. Skinner, a United States consul. In an official report he says:

The works at Rheinfelden were begun 15 years earlier. The company has a capital of 12,000,000 marks ($2,856,000). This enterprise is the result of a common effort between the German concern and the Swiss Canton of Basel City. The cantonal authorities first proposed to build independent works 6¾ miles above Basel, where there is a fall in the Rhine of 16⅝ feet. Eventually the German and Swiss interests were consolidated and the Kraftübertragungs-Werke Rheinfelden, A.-G., obtained the concession.

Before the German and Swiss interests were fused there was a prolonged discussion of the subject, participated in by the Grand Duchy of Baden and the Swiss Cantons of Argau, Basel City, and Basel Land, and the principal point discussed was the advisability of giving over the concession to a private corporation. The Canton of Basel City reserved the right to be represented in the board of managers of the corporation and in the financial management, and provided for the interests of future users of current. The profits of the concern are limited by the terms of the concession, and should they be exceeded, consumers are entitled to a reduction in rates. During the fiscal year 1913 the company's net earnings were 1,055,993.40 marks ($251,326), and it paid a regular dividend of 8 per cent and a superdividend of 4 per cent out of the available surplus.

Now, what does that plant charge consumers for power, and what do consumers in this country pay? I recall that only two years ago in debate here the gentleman from Connecticut, Mr. Donovan, spoke of a reduction in that State in the charge per kilowatt hour from 16 cents to 12 cents. What do they charge consumers over there under this arrangement by which a company is allowed to earn, and does earn, regular dividends of 8 per cent and superdividends of 4 per cent? I read from the same report of our consul:

Prices for a 500-volt current for industrial purposes are quoted per kilowatt hour as follows: For the first 10,000 kilowatt hours, $0.0214; 10,001 to 20,000 kilowatt hours, $0.019; 20,001 to 30,000 kilowatt hours, $0.0166; 30,001 to 50,000 kilowatt hours, $0.0142; 50,001 to 80,000 kilowatt hours, $0.0119; 80,001 to 120,000 kilowatt hours, $0.0107; 120,001 to 150,000 kilowatt hours, $0.0099; 150,001 and more kilowatt hours, $0.0095.

Charging such rates for industrial purposes, they make an 8 per cent regular dividend and a 4 per cent superdividend, and yet gentlemen are called socialists here when only trying to

legislate reasonably, in the interest of the American people, and seeking a wise solution of this problem at Niagara Falls. However, the mere calling of ephithets does not frighten away from his duty any man worthy of a place on this floor. [Applause.]

The problem of the development of the water-power resources of the country and of the generation and control of hydroelectric current is the greatest industrial problem before the American people. The water powers of this Nation are its only great natural resources which are inexhaustible. You can exhaust veins of coal, you can exhaust resources of timber, but the water flow is inexhaustible. So long as the world shall endure you can not destroy the power of flowing water to generate electricity. It is this fact, together with the further fact that the electricity thus generated can be carried and successfully used for industrial purposes hundreds of miles from the water powers themselves, which make the development, distribution, and control of hydroelectric power the greatest of our industrial problems.

A day or two ago when we had before the Committee on Foreign Affairs the Secretary of War, a member of the committee, the gentleman from Mississippi [Mr. HARRISON], asked whether it would not be well to insert in the Cline bill—the bill we are now considering—a provision for an investigation and report as to the possibilities of hydroelectric development below the Falls, and thereupon Gen. Black, the Chief of Engineers, who, as Members of the House know, is a West Point honor man, and is now soon to go upon the retired list, said:

> I think if you were to do that it would be better to direct an investigation to be made of the best method of utilizing the power of Niagara Falls, above or below; and if it should be deemed wise by the committee to do that, it would be a very simple matter to extend the authority given to the Secretary of War a few days ago by joint resolution to cover the additional period. That, I think, might make it unnecessary to pass the Cline bill now—

The bill before us—

> That, I think, might make it unnecessary to pass the Cline bill now; and I should think it might be advisable not to pass any bill until further and full information is before the Congress than is apparently before it to-day.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. COOPER of Wisconsin. I can not yield. I have only a very few minutes, and the gentleman will have an abundance of opportunity. He is a member of the committee.

Mr. MILLER of Minnesota. I have no opportunity to get time, but I would like to ask a question for information, and, if the gentleman has not time, I do not want to rob him of it.

Mr. COOPER of Wisconsin. I probably have less information than I have time, but I will yield to the gentleman. [Laughter.]

Mr. MILLER of Minnesota. I thank the gentleman. I desire to inquire if the gentleman has any exact information relative to the charges made the consumers on this side of the boundary line? Now, some information was given in the speech of the gentleman from Alabama [Mr. HUDDLESTON]. I have reason to believe that is full of great irregularities and inaccuracies; but if the gentleman has made an independent investigation and can furnish us much information, I should very much like to have it.

Mr. COOPER of Wiscosin. I can not give the gentleman the exact charges, but I am reliably informed that one company has a $5,000,000 surplus and $5,000,000 of watered stock and that it pays dividends on the water.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. COOPER of Wisconsin. I yield to the gentleman.

Mr. MILLER of Minnesota. I have been informed that the company to which the gentleman refers as having a large surplus has never paid a dividend on its stock. Now, will the gentleman yield for one more question, which will be brief?

Mr. HUDDLESTON. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. HUDDLESTON. I have in my hand blank contracts which the Buffalo General Electric Co. requires the people of Buffalo to sign before they serve them, and these contracts say that the maximum rate is 8 cents per kilowatt hour.

Mr. MILLER of Minnesota. But the gentleman must well know, if he has investigated the subject at all, that there is the widest range of price to consumers using electric power, between those who use surplus power, between those who are using great quantities of power, and between those who are small consumers.

Mr. HUDDLESTON. I trust the gentleman will not take up all the time the gentleman yielded to me.

Mr. MILLER of Minnesota. But the gentleman is not putting it fairly——

Mr. HUDDLESTON. These figures show what the sliding scale is, and it shows it did not go below what I said in my remarks, about 4 cents per kilowatt hour.

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. MILLER of Minnesota. Is not this a fair assumption? Is it not fair to state also that the Secretary of War, on the exact point the gentleman from Wisconsin has just very properly brought to the attention of the committee, stated that this larger proposition would contemplate the absorption of the two powers already in existence, and, that being the case, could not that absorption be made in the future if we desired to make it with the Cline bill as a permanent law as though we were now operating without this Cline bill?

Mr. COOPER of Wisconsin. I do not know that I can answer that any more effectively than by quoting from the testimony given day before yesterday by the Secretary of War himself. However, I am unable to find that testimony now. It has not yet been printed and the typewritten manuscript of it, on the table here, is a most confusing compilation; the numbers of the pages running from 1 to 37 and then beginning again and running from 1 to 33.

Mr. PLATT. Will the gentleman yield for a brief question?

Mr. COOPER of Wisconsin. If the gentleman will have my time extended I will yield to any number of questions, but inasmuch as I have but a very short time to cover a very large subject, and shall in any event do this very imperfectly, I must decline to yield. However, the gentleman looks so grieved I will yield to him. [Laughter.]

Mr. PLATT. I wanted to ask the gentleman whether he thought it possible for a corporation to have $5,000,000 surplus and $5,000,000 watered stock at one and the same time? Does not the surplus cover the stock and show it is not water?

Mr. COOPER of Wisconsin. The committee was told by a gentleman from New York that the stock issued by the company was watered, and he was a man entirely familiar with the facts.

Mr. PLATT. Well, I was asking the gentleman——

Mr. COOPER of Wisconsin. Suffice it to say, gentlemen, that Col. Keller, of the Corps of Engineers, and the Chief of Engineers, Gen. Black, said that it would be wise to have a thorough investigation, not only of the possibilities above the Falls, but also of the possibilities below the Falls; that tunnels must be dug; that engineering works above the Falls might possibly be necessary to prevent the erosion which is now destroying the hitherto well-known contour of the Horseshoe Falls. A great economy in the use of water with a much larger development of hydroelectric power and the possible preservation of the scenic beauty of the Falls were some of the things which the engineers suggested that a thorough investigation might show.

Now, no harm could come to these companies if to-day, in accordance with the recommendations of the Secretary of War and the engineers, we were to pass a joint resolution providing for the appointment of a commission of experts to make such an investigation and to report, say, in December next, and extending the time recently granted to the companies now using the water. They would have all of their rights preserved and Congress would secure the information which the engineers say that it ought to have before it pass any bill.

Mr. SHERLEY. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. SHERLEY. The bill provides for revocable permits not exceeding 50 years. I am not sure what is meant by that. Is it the idea to issue 50-year permits? And I ask, right in connection with the question the gentleman is discussing, whether at this time we ought to complicate the matter by causing investments to be made that might create equities when a different development would be more economical?

Mr. COOPER of Wisconsin. We could very well word the resolution extending the time so that it would not induce investments and create vested rights which would complicate the situation by limiting the use of the water to the corporations now using it and enjoying those privileges.

Mr. SHERLEY. But the question I want to get answered, if possible, is where it is contemplated, under the terms of the bill, that there will be issued 50-year permits?

Mr. COOPER of Wisconsin. That is the understanding we have. But revocable, of course.

Mr. SHERLEY. It says "revocable," but presumably they are going to require a good deal of money to be invested in order to use the water that the permit grants. Now, I doubt if they will get that under a short lease.

Mr. COOPER of Wisconsin. If we should extend the time, the expenditure would not be large. They, having absolute control there, could make an expenditure and charge rates to

compensate them. Moreover, in any arrangement which may be made there must, of course, be ample compensation provided for losses, if any, occasioned by legislation. The primary consideration here ought to be the protection of the interests of the people—the consumers, the public—but, of course, always with the understanding that those who have made investments shall not suffer the loss of even one penny by anything done or permitted to be done by Congress.

Mr. FESS. Would the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. FESS. Is the revocation which is written in here to be a punitive one, if the conditions of the law are violated, or is it at the option of the Government to revoke it at any time?

Mr. COOPER of Wisconsin. They are revocable at any time when there is a violation of the conditions of the law.

Mr. FESS. But suppose we have discovered some new plan that this bill would antagonize and we ought to revoke it in order to inaugurate the new plan; could we do that, or must it be on the violation of this law that the revocation comes?

Mr. COOPER of Wisconsin. That, I will say to the gentleman from Ohio, is one of the questions that came to my mind immediately upon hearing the testimony of the engineers. The possibility, as they said—I believe they think it a strong probability—that an investigation would show that there could be much more economical use of the water—much greater efficiency in developing power—it occurred to me at once, as suggested by the question the gentleman has propounded, that we ought to wait and have this investigation made rather than to proceed to do something after the difficulty has arisen.

Mr. McKENZIE. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. McKENZIE. Is it the judgment of the gentleman from Wisconsin that it is inadvisable to pass this bill at this time?

Mr. COOPER of Wisconsin. It is, Mr. Chairman, unquestionably. The testimony of two men as competent and disinterested and high-minded as are Gen. Black and Col. Keller, of the Corps of Engineers of the United States Army, would, I think, cause anyone to pause who has so slight a knowledge as I possess of the possibilities of electrical development.

Mr. LONDON. Was that testimony taken after the bill had been reported?

Mr. COOPER of Wisconsin. That testimony was taken after the bill was reported. It was taken on day before yesterday.

Mr. LONDON. What was the occasion for taking the testimony?

Mr. COOPER of Wisconsin. I do not know. I came into the room when they were testifying.

Mr. SABATH. It was on the Smith bill, providing for below the Falls.

Mr. LONGWORTH. Will the gentleman yield for a brief question?

Mr. COOPER of Wisconsin. Yes; it was on the Smith bill. I yield to the gentleman from Ohio.

Mr. LONGWORTH. The gentleman says, I believe, or suggests, that the resolution we passed the other day be continued for a year, and in the meantime we have an investigation of the whole situation. If that was done, would it prejudice any rights under present conditions at all?

Mr. COOPER of Wisconsin. I think the extension can be so worded that it will not prejudice any rights, and I do not think it would—any more than it did the resolution we recently passed—jeopardize the rights of any person or corporation.

Mr. LONGWORTH. The fact is it would make a smaller limit on the amount that might be diverted?

Mr. COOPER of Wisconsin. The resolution as passed gives them 20,000 feet, which is the maximum amount permitted to be used on the American side, under the terms of the treaty with Great Britain. The new resolution would not lessen the amount nor modify the conditions.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague from Wisconsin?

Mr. COOPER of Wisconsin. In a moment. Then I will yield to the gentleman and others. The gentleman from Ohio [Mr. LONGWORTH] asked a question a moment ago which brought to mind something that I read recently in issues of Collier's. One article was by Edison, another by Tesla, another by Steinmetz, the chief engineer of the General Electric. There are not three greater electricians, if indeed they have their equals, in the world. These masters of the science agreed in saying that however rapid—amazing—the development had been in recent years, yet it was nothing at all to be compared with what in the near future is certain in the matter of hydroelectric development and in the uses of electricity.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

EXTENSION OF REMARKS.

Mr. COOPER of Wisconsin. Under the leave granted I add excerpts from the report—printed since the debate—of the testimony of Gen. Black, Chief of Engineers, and of Col. Keller, of the Corps of Engineers of the United States Army, before the Committee on Foreign Affairs:

Gen. BLACK. The farther back that recession takes place in the Horseshoe Falls the greater will be the amount of water diverted to that particular point; so that water will come from both edges of the Horseshoe Falls and from the American Falls. The way to stop that—and it can be stopped—is by constructing adequate engineering works which will tend to spread this flow of water over a greater area and decrease the wear at any one point.

* * * * * * *

Mr. CLINE. How much recession has taken place, Colonel?

Col. KELLER. The total recession is a matter I do not know about absolutely. In 1907 and 1908, when we made our measurements, we figured that from the beginning of the period when accurate records were available the recession had been about 150 feet, and that up to that time the rate had been about 5 feet per year. More recently I understand the rate has been accelerated and is now about 6 feet per year.

Mr. CLINE. Have you made any estimate of the cost of the engineering project for the distribution of the water?

Col. KELLER. No, sir; no formal estimate has ever been made. The proposal was first made by us in our report of 1909 and 1910, in a general way, and, inasmuch as Congress had never given us a mandate to investigate the matter, we naturally did not feel at liberty to prepare an estimate.

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Gen. BLACK. The language of the text is "That the Secretary of War is hereby authorized to grant permits"—apparently more than one. Take the conditions at the gorge. There have been three general plans offered to the War Department at one time or another for the utilization of the power. One was for a dam at the gorge. That has been very seriously objected to by engineers who have investigated it, partly because of the certainty of drowning out existing power sites and because of the very great danger of increasing the ice gorges.

The third plan, which is a practicable plan and which, excepting for the amount of water taken away, would work no injury to the appearance of the Falls, is the channel plan. We have not had time to investigate this carefully. This bill has never been referred to us officially at all. The Cline bill has never been referred to us at all. Col. Keller has been looking at this matter and knows a great deal about it from previous investigations; but personally the first notice I had of this hearing was on Friday afternoon. Of course Saturday we could not do much. We did what we could Saturday.

Col. KELLER. I think the ground has been rather completely covered, except in reference to a question asked by Mr. MILLER, which Gen. Black, in a way, referred to me.

I wish to explain that the investigations which have been previously made by the War Department in regard to the power situation on the Niagara River were all predicated on the authority which was granted in the Burton Act of June 29, 1906, which relates specifically to diversion above the Falls. So that we have made no determination of what could be done below the Falls, because we were not asked to do that.

* * * * * * *

Gen. BLACK. I think if you were to do that, it would be better to direct an investigation to be made of the best method of utilizing the power of Niagara Falls, above or below, and if it should be deemed wise by your committee to do that it would be a very simple matter to extend the authority given to the Secretary of War a few days ago by joint resolution to cover the additional period. That, I think, might make it unnecessary to pass the Cline bill now, and I should think it might be advisable not to pass any bill until further and better information is before Congress than is apparently before it to-day. * * *

The idea which the Secretary had did not embody at all the confiscation of the power given to existing companies, and I think if we do so that it would be better to get a maximum amount of power developed and that the companies that do exist should be compensated.

Mr. HARRISON. They could be dissolved and suffer no monetary loss.

Gen. BLACK. Another advantage of that method would be this, that any conduit prepared there by the United States could be prepared so that any given amount could be increased to any extent that was deemed wise in the future. It would not be limited in any way, but the amount actually taken could be limited. It makes a measure which is more elastic than any other that has been introduced up to this time.

In regard to the amount of water taken, as we know, there are about 56,000 feet taken by the two countries above. We are only going to take 40,000 below. That is what is proposed for the United States. What Canada will want, I am quite uncertain; but it looks to me as though it might be possible, and an investigation may show, that with adequate compensation works a greater amount could be taken from above the Falls and none diverted below, and the whole amount converted into energy at one point, putting the compensation works to restore to the Falls the broad sheet that formerly existed. That would leave intact the beauty of the rapids and the whirlpool below, which is an important feature.

So, if my recommendation were asked for, I would say get a little information before acting.

* * * * * * *

Mr. GOODWIN. How long would it take to make that investigation and submit a report?

Col. KELLER. Probably a year would be sufficient; that is, an entire working season.

Mr. COOPER. Suppose we should pass the necessary legislation by the 4th of March. When could we have a report?

Col. KELLER. I think you could get a fairly valuable report by next December.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Can I have one more minute?

Mr. FLOOD. I regret I have given out all my time.

Mr. LONGWORTH. I ask unanimous consent that the gentleman may have five minutes more.

Mr. COOPER of Wisconsin. I consent to the gentleman in charge of the time on that side having five minutes more.

Mr. MILLER of Minnesota. I ask unanimous consent, Mr. Chairman, that the time for general debate be extended.

Mr. SHERLEY. You can not do that.

Mr. MILLER of Minnesota. Why?

Mr. SHERLEY. Because the rules of the House prevent it.

Mr. MILLER of Minnesota. I withdraw my request.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. RAINEY. Mr. Chairman, this controversy over water power has been proceeding in this House for five or six years. Those of us who have stood for conservation of water power have insisted, first, that there shall be compensation to the Government for the use of the power possibilities in our rivers granted to public-service corporations or even to private individuals. We have contended that there shall be some method of regulating the cost to the consumers, and we have contended that there ought to be in any bill that passes this House a reasonable recapture clause. And those of us who have been Members of this House for a considerable period of time have witnessed the policy I have outlined here develop on this floor.

The general dam act, pending now in conference between the two Houses, was not made by any committee of this House. It was made here on the floor, and by tremendous majorities, and the power groups in this country are beginning to understand that any rights they succeed in obtaining from Congress must observe those principles, no matter what view the other branch of this Congress may take for the present.

This bill preserves these principles for which we have been contending, at least so far as these principles apply to the situation at Niagara. We are advised by the gentleman from Wisconsin [Mr. COOPER]——

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit one interruption?

Mr. RAINEY. Yes, sir.

Mr. COOPER of Wisconsin. Is the gentleman aware of the fact that this bill contains no provision whatever that the rate shall be reasonable?

Mr. RAINEY. I think it contains that principle, but I will get to that phase of the question soon.

Mr. COOPER of Wisconsin. It does not.

Mr. RAINEY. We are advised by the gentleman from Wisconsin that distinguished engineers, who have been long in the service of the United States and are approaching the retirement period, have said that they want more time in which to consider this question in order to suggest what this bill shall be. They have had six years of time. During a considerable portion of that time these companies, without warrant of law, were diverting waters from above the Falls at Niagara.

Mr. FLOOD. Mr. Chairman, may I interrupt the gentleman a moment?

Mr. RAINEY. Yes.

Mr. FLOOD. The gentleman says these engineers have had six years of time.

Mr. RAINEY. Yes.

Mr. FLOOD. Is it not a fact that they have had since 1906, 11 years ago, and an appropriation of $50,000 with which to make an investigation?

Mr. RAINEY. I think the gentleman is right. In the House here we have been holding up water-power development in this country for six years, and now the engineers insist that we shall hold it up for a still longer period in order to give them time to study the problems at Niagara. We have educated these engineers in our schools free of charge. We have permitted them to direct the expenditure on our rivers of scores and scores of millions of dollars. We have the right to believe that they understand the fundamental principles of hydraulics, and I think they do. They know what the declivity is there at Niagara, and it has been known for over a century. They know what the stream flow is there at Niagara, and that has been known for perhaps nearly that length of time.

These are the elements to be considered in reaching their conclusions; and, so far as I am concerned, if they are not prepared to make up their minds now as to how the diversion ought to be made there, at the easiest place in all the world to make diversions for the purpose of developing hydroelectric energy, it is time we went to our State universities and selected from them our engineers to pass upon these questions.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CLINE. I want to ask the gentleman if he does not remember that in the Sixty-first Congress the Army engineers filed a report, No. 105, and another report, No. 143, covering two very large volumes, exhausting the whole subject?

Mr. RAINEY. Yes; I remember that; and even if there is anything in their position this bill gives them the right to control absolutely the structures and the canals and all the other works to be constructed there for the purpose of diverting water and generating power, and companies developing power there, or diverting water there, must submit, first of all, to these engineers the plans of their structures, and the engineers must approve them, just as they approve dams in our navigable rivers; and if any changes are to be made by these companies the changes must meet with the approval of these engineers. If there is any better way of securing the services and the judgment of these engineers and permitting them to control these diversions, I do not know how it can be arranged.

This bill does provide for the regulation of cost to consumers all the way down the line. It provides that that regulation shall be made by the public utilities commissions in States where the power is used. I am aware that is not always the best way of doing it, because on the Mississippi River we have a tremendous development of power under permission of Congress, and every horsepower of hydroelectric energy developed there can be delivered in any one of three States, and either Iowa, Missouri, or Illinois can use it all. Those States all have their public utilities commissions, and we are presented there with the possibility of the delivery in one State of all the power that can be developed there, and we are presented with the possibility of a competition between the public service commissions of those States, which may result in the delivery of that power in that State whose public utilities commission will permit the power company or transmission and distributing companies to charge the highest price and not the lowest price to the ultimate consumers. But this bill provides against an emergency of that kind. I am assuming that the power developed there can possibly be delivered in more than one State. Perhaps a portion of it can be, at any rate. But this bill provides that those rates shall be subject to review by the Secretary of War, and if there is any attempt to charge rates that are improper and too high the Secretary of War can prevent it.

Mr. SMITH of Minnesota. Will the gentleman yield there?

Mr. RAINEY. Yes.

Mr. SMITH of Minnesota. The gentleman says "subject to the approval of the Secretary of War."

Mr. RAINEY. Yes.

Mr. SMITH of Minnesota. Which virtually means that the Secretary of War shall regulate and control the rates?

Mr. RAINEY. Yes; if it is necessary to do so.

Mr. SMITH of Minnesota. There are three fundamental principles which must be recognized in every bill of this sort in order to have it perfect. Does the gentleman believe that the Secretary of War, or any other Secretary, is in a position to determine what rates shall be charged for service if we simply leave it in that way without providing the necessary machinery to enable the Secretary of War to determine equitably what the proper rate shall be?

Mr. RAINEY. I hope the gentleman will not take too much of my time. This bill provides that the public-utilities commission of a State can fix the rate, subject to review by the Secretary of War; and the Secretary of War has at his command at all times the services of these distinguished engineers to advise him.

The bill we are considering prevents waste. I understand that the structures at Niagara, as at present arranged, and the diversion canals are so imperfect that there is a loss of from 35 to 45 per cent of the power possibilities there, and that over one-third, perhaps nearly one-half, of the water diverted above the Falls is permitted to go back into the river again without accomplishing in the way of hydroelectric development what it ought to accomplish. A loss of this kind is indefensible, and the control of the diversion canals and structures given the Secretary of War and the Chief of Engineers by this measure ought to have the effect of preventing waste of this character.

The bill provides for the preservation of the scenic beauty of the Falls. This feature does not appeal to me as strongly as the power possibilities. However, a large portion of the people who live in the United States are anxious to have the beauty of the world's greatest cataract preserved. As long as this sentiment prevails it will be necessary, in my judgment, to recognize it in water diversions at Niagara. There may come a time, however, in the future when the demand for this power

may be so great as to minimize the effect of opposition of this kind.

So far as I am concerned personally, I would prefer to see Government ownership and distribution applied to power possibilities in our rivers. I realize, however, and have realized during all the discussions of this subject which have occurred in this House in recent years that it is impossible to hope for this for many years in the future. Therefore, I have been anxious to preserve in any grants of power where there are declivities in our rivers the principle of compensation to the Government. There is possible at Niagara—at the Falls and in the gorge below the Falls—a hydroelectric development of perhaps 7,000,000 horsepower. I understand it is possible to develop there 3,000,000 horsepower in the gorge and at the Falls without interfering with the scenic beauty of the Falls. If at some time in the future the Government should collect a toll of $1 per horsepower per year, which would be a reasonable charge, the revenue possibilities at Niagara might exceed $3,000,000 per year. There is at the present time an actual development in our rivers of 7,000,000 horsepower. A very conservative estimate would place the power possibilities in our rivers at from fifty to seventy-five millions of horsepower per year. Not long ago our Geological Survey estimated these possibilities at 300,000,000 horsepower. With storage possibilities on the watersheds of our rivers, the revenue from this source in the future assumes tremendous proportions if the Government reserves the right to charge tolls. We are not at liberty to give away generously the last of our national assets—the power possibilities of our rivers. Inasmuch as we can not have, in my judgment, in any reasonable time in the future Government ownership and control of the facilities for generating and distributing power from our rivers, we ought to reserve to the Government, as this bill does, the right to collect revenue out of these national assets.

A considerable portion of the population of the United States seems to be irrevocably committed to the theory of indirect taxes. Even assuming that tolls to the Government will increase the cost to the consumer of power, the great party to which I do not belong can not object to this method of indirect taxation. In this country, however, the cost of hydroelectric power is regulated by the possible competition of power generated from coal, and in no other way, unless public utilities commissions in the various States can be induced to adopt the policy of regulating, according to a different standard than this, the cost to the ultimate consumer of power. I expect in time to see an adequate regulation in this particular by our public utilities commissions.

Fortunately we will in the future have always presented to us the development and distribution of hydroelectric power in the Province of Ontario by the Government. I have before me the very illuminating reports issued annually by the hydroelectric power commission of that Province. These reports will always be available in this country, and a public sentiment can thereby be created which will compel public-utilities commissions to protect the consumers of hydroelectric energy from exorbitant charges by the generating and distributing companies.

The bill does not appear to me to contain an adequate recapture clause. In fact, it contains no recapture clause at all. The permits, however, are revocable and run for a definite period of 50 years. The structures are already there and only require such modifications as the Secretary of War and the Chief of Engineers may prescribe. The condition at Niagara, therefore, is not in this particular the condition presented at points where no development has as yet been attempted. However, I expect to vote for a recapture clause if an amendment containing a suitable provision in this particular is presented. I may present an amendment of that character myself.

The development of hydroelectric energy is essentially a natural monopoly. This makes it necessary always for the Government to retain control of its development, distribution, and ultimate cost to the consumer. The bill we are now considering preserves these features. I understand that the power companies at Niagara are willing to operate under the bill we are considering. If they are, the long fight we have been making for a proper conservation of water power is won so far as Niagara is concerned, and this bill, if it passes both Houses in its present form, will constitute the model upon which all future legislation of this character must be based. We have not been holding back the development of the power possibilities of our rivers. The rapidly forming power groups have been doing that by insisting that the Government must give away without reservation all power possibilities wherever there are declivities in our rivers, and that there must be no adequate regulation of cost to consumers and no possible hope for revenues to the Government at any time in the future. When the power groups in the country—sometimes appropriately denominated "The Water-Power Trust"—realize this situation legislation will be possible for the development of the power which they say is at present going to waste in our rivers.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FLOOD. I yield seven minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, while I shall offer some amendments to this bill, they are slight in character, and I feel it only just to this committee to say that I believe they have taken an abundance of time and have given fair and honest consideration to this bill and have reached, on the whole, a just and comprehensive plan for the development of the power situation. Now, let us see locally what the situation is and how it affects the country at large. Locally the situation is this: Before the power development came at Niagara there were two small villages there, containing 3,000 people. They have grown to 50,000 people. Besides that, all of western New York has grown rapidly as the result of that power development.

Now let us take the general situation. As the result of that power development Niagara has become not the electrochemical center of the State of New York or of the United States, but it holds the proud position of being the electrochemical center of the whole world, and this development should be undertaken with that in view. Nothing should be done to harm nor is there any cause to complain of those who have brought about such beneficial and such magnificent results.

I want to answer very briefly what was said by the gentleman from Alabama [Mr. HUDDLESTON]. He said generally that he approved of the situation in Canada. What is that situation? The situation in Canada is that that power is under the control not of the Canadian Government but of the local government of the Province of Ontario. So it is proposed in this bill that this power shall be under the control primarily of the public-service corporation of the State of New York, and in that we are following exactly the lines advocated by the gentleman from Alabama. Also, in the only other point he made we follow the Canadian practice. The Hydroelectric Commission in Canada does not generate power. It continues the companies that generated it and takes the power from those companies. So on this side the companies are to continue to develop power and the public-service corporation is to regulate their charges, and that, as an additional safeguard, is to be under the review of the Secretary of War.

Now, let us see whether there is anything to complain of in the matter of charges. As I understand it, Mr. Speaker, in all the abundant and prolonged hearings before this committee, not one manufacturer who appeared before the committee complained that the charges imposed upon him were excessive. The charges averaged $16 per year per horsepower. What were the charges quoted by the gentleman from Wisconsin [Mr. COOPER] as being exemplary charges? In Germany the very lowest charge to the greatest user was $60 per horsepower. Translated from kilowatt hours into horsepower it was about four times the average charge at Niagara, and the gentleman from Wisconsin says the German charge is admirable.

The gentleman from Alabama [Mr. HUDDLESTON] also said that the decision in the Long Sault case shows that the State of New York can not deal with this power situation, and with the regulation of charges. The Long Sault decision is simply this, that as a State holds the beds of rivers in trust for its people, no State can give to a private company the regulation of navigation in that stream. That was what was attempted. It was attempted to give to that company exclusive control of navigation, and that is all that was decided in that case.

In this matter I am not going to repeat what the gentleman from Illinois [Mr. RAINEY] said, but it does seem to me that there has been an abundance of time for investigation. Six years have elapsed. During all that time the best technical advice which was obtainable has been secured by this committee. It has developed that 19 or 20 horsepower per cubic foot per second is an effective use of the water at Niagara. This bill provides that that power must be developed. It means the investment of several million dollars by one of these companies to produce it. The gentleman from Wisconsin [Mr. COOPER] says there can be no harm from delay. As was well pointed out by the gentleman from Indiana [Mr. CLINE], who first presented this bill, there can be harm from delay, because to-day only 10 horsepower per cubic foot are being produced, whereas 19 horsepower can be produced, and during all the time that we wait capital will not invest. There has been something said about the scenic beauty of Niagara, and I want to say a word on that

question. I want to quote what Secretary Baker said about it in a very brief way.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, for six years I have been intensely interested in the development and control of water power in the public interest. I am not going to apologize for repeating what others have said in connection with this bill. It has been obvious all through the long struggle that if we are to permit private individuals and corporations to receive the privilege and to assume the responsibility of utilizing and purveying water power, we must have a definite termination of time and a full control of charges; otherwise the grantees will not be working in the public interest and will not be entitled to privileges that we may grant.

This bill covers all the requirements that we who have been working for proper conservation have asked. It goes a step further than our prior bills in requiring another feature that has never appeared in any bill in this House, except in the Hetch Hetchy grant, when, for the first time, we established a requirement for the utmost beneficial use of the water and water power, and in confirming that precedent this bill has gone ahead of every other water-power bill heretofore proposed.

This bill provides for State regulation where the State is prepared to exercise competent authority, and further provides that the Secretary of War may always stand on guard to see to it that the privileges granted by the Federal Government through us shall be exercised in any State for the general welfare. I believe that such double regulation is right and proper. This bill specifically provides that there shall not be created under the bill anything in the nature of vested rights. Such a limitation prevents the necessity of our putting in the bill specifications of what the Government shall have to pay for its resumption of rights at the expiration of the grant. Under the terms of the bill the revocable grant runs a maximum term expiration of 50 years, and then all rights and property are forfeited, unless out of the kindness of the then existing Congress the grantees receive payment for tangible assets. The grantees are specifically cut off from claiming any vested rights or franchise values at the expiration of their term or at any other time.

We have in this bill a provision for compensation. None of us who have stood for conservation have believed that the Federal Government should look to large revenues from compensation for such privileges, but, as a matter of fact, the compensation we require is in its nature like the sovereign power of taxation, it is regulative and a necessary condition upon which we must insist and which is inherent if we are to maintain consecutive control. It may at times be the only means whereby we can adequately regulate such privileges. As far as I am concerned, I would rather see all water power operated directly by the States, by the municipalities, or by the Federal Government [applause], but if we are going to grant the privilege to individuals and corporations to utilize and operate these water powers, I believe that this bill is the best framed measure in the public interest that has come before this Congress. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. FLOOD. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes.

Mr. FLOOD. I yield that to the gentleman from Oklahoma.

Mr. FERRIS. Mr. Chairman, I shall not attempt to deal critically with the bill under consideration. I shall make no effort to deal with any international phase of the question that may present itself. I shall not deal at all with the esthetic or scenic questions that may or may not be here involved. I shall not deal with any personal equation that may present itself, with reference to the granting of the rights dealt with in this bill. What I shall say will have to do with the salient provisions that every well-considered adequate water-power bill should contain. Briefly, I shall attempt to enumerate them as follows:

First. No legislation, Executive order, or department ruling should permit the patenting or the title in fee to pass out of the Federal Government under any conditions. The fee title should be reserved in perpetuity to the United States. The bill under consideration is a revocable permit proposition, which, of course, does not deal with the patenting of any specific thing. Hence, this particular requirement is not in all things essential to this particular bill. It is, however, intensely important in dealing with the general water-power policy.

Second. The dam sites should be leased for a period of time not longer than 50 years, without any entangling alliances or phrases difficult to understand, on which the courts might quibble or debate as to the relative rights of the Federal Government and the lessee after the term has expired.

Third. The recapture provision should provide that all nonperishable property, such as land, water rights, dam sites, good will, and so forth, should go back to the Federal Government at actual cost, and that all perishable property in connection with the plant should come back to the Federal Government at the end of the lease at its fair value. In both cases the interest of the public is conserved and made certain. The bill under consideration does not contain a recapture clause, and if the revocable permit phase of the question is preserved I assume none is necessary. It will be observed that the grant or permit is subject to revocation at any time.

Fourth. Strong, clear, well-understood provisions should be inserted in the lease contract for the revocation of the permit for a violation of the conditions thereof.

Fifth. Provisions should be inserted in the lease requiring diligence and prompt construction of the plant so that the property may not be held for speculative purposes.

Sixth. A royalty or rental for the use of dam sites and the property of the Federal Government should be required in all cases except for municipalities which furnish current to consumers without profit. This is provided for in section 6 of the pending measure.

Seventh. The Federal Government should at all times maintain its paramountcy and full control.

Eighth. Annual reports should be exacted from the power companies, so that the public might at all times know of their acts and doings. This provision is highly essential, and I do not think the pending bill contains any provision for such reports. If it does not, either in this body or in the Senate such a provision should be incorporated.

Ninth. The Federal Government should reserve to itself full power to fix rates for service, capitalization, bond issues, and so forth, in interstate projects and, where there is no public-utilities commission for this purpose, in intrastate projects. I should like to see the pending bill strengthened on this requirement, although the supreme right of revocation rests with the Secretary under the pending bill, which may obviate the necessity of this requirement.

Tenth. Each lease, permit, or consent of Congress should contain a provision that upon proof that any such permittees, lessees, or grantees have conspired to prevent the development of water power or to limit the output of already constructed plants the lease should be revocable in a court of competent jurisdiction. Water power is a natural monopoly, and the greatest sort of care and caution should at all times be exercised in issuing permits that authorize its creation by strong, virile, vigorous laws and regulations. Something of this sort is due the teeming millions of America, who have the right to expect that this great national blessing will be carefully preserved for them and carefully preserved in their interest.

I am not a member of the Committee on Foreign Affairs, which has prepared and brought into the House this bill, but a hasty examination of it shows that it embodies largely the salient provisions just enumerated. Doubtless there will be controversies over the various sections contained in this bill, which deals with such an intricate subject, but I prophesy that in the end the Committee on Foreign Affairs will largely be sustained by the House.

The dangers that will beset this bill are at the other end of the Capitol, where the position has been taken that no compensation whatever shall be received by the Federal Government as a royalty for the water-power rights granted by the Federal Government. To me this doctrine has always been fallacious, has always been unwarranted, and, I believe, will never be approved by the Congress or tolerated by the generous constituencies maintaining the Congress.

Section 6 of the pending bill deals with the question of a royalty, a charge or tax, in an open, frank way. There is no effort to evade; no effort but an effort to honestly, solemnly, and openly do the thing the courts have always held they have the right to do, to wit, lay down conditions and prescribe charges that shall go with any property the Federal Government has under its control.

Mr. AUSTIN. Will the gentleman yield?

Mr FERRIS. I have but five minutes.

Mr. AUSTIN. Is not the gentleman in error in stating the position of the body at the other end of the Capitol?

Mr. FERRIS. I can not yield to the gentleman; I can not go into that; but that has been the line of controversy that has held up two water-power bills for four or five years, and they are now being held up.

Twice in the last few months, as chairman of the Public Lands Committee, aided by 20 efficient members of the committee,

have I piloted through this House a bill dealing with 72.6 per cent of the water powers of the United States. I am fully aware of the honest differences of opinion that prevail among the Members of the Congress as to what shall constitute an adequate, proper water-power policy. I also know what trials and tribulations the Committee on Foreign Affairs has been subjected to in bringing into this House this bill. They are entitled to the greatest sort of credit. [Applause.]

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. SHERLEY. Mr. Chairman, I am interested in trying to find out what is expected to be done under the language of a revocable permit, which the bill provides may be granted for a period not longer than 50 years, because I notice that there is no provision in the bill for what we have designated as recapture, and it is important also in view of what has been suggested by the gentleman from Wisconsin [Mr. COOPER] as to whether it is desirable to permit grants to be issued before determining whether the power should be developed above or below the Falls.

Mr. FERRIS. Mr. Chairman, I am a little fearful that I shall not have time to go into that other than to say that on page 7 the proviso beginning on line 6 deals with the right of revocation, and the second proviso on line 14 provides an alternative method of revocation. This bill is not founded on precisely the lines that I would like to see it founded upon. It deals with a revocable permit. The bill that I have had most to do with was not a revocable-permit law at all. It proposes to execute a lease for a given term of years, and when the term is expired it is through. This provides a revocable permit, which the Secretary of War can at any time revoke.

Mr. SHERLEY. The reason I asked that is this: The complaint that is now being made by men who want to develop water power is that they can not get capital to invest unless they have known, fixed, stable terms for long periods of time. Hence the need of a 50-year lease, and hence their objection to a revision of prices at the end of 20 years and every 10 years thereafter. If it is proposed here to grant an actual 50-year lease, we ought to understand it. If it is proposed to grant a lease which may be terminated at any time, which I think under the law would be possible, then I want to ask what assurance have we that that sort of arrangement will result in the proper development of water power, and also whether we will not be confronted with the pleadings of special equities whenever we undertake to exercise the right to revoke?

Mr. FERRIS. I so much regret my inability to deal with the question submitted. Perhaps under the five-minute rule I can reach it.

The CHAIRMAN. All time has expired, and the Clerk will read.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. I wish to offer a substitute for the bill, and would ask whether it may be done at the end of the reading of the first section?

The CHAIRMAN. Of course, the bill will be read by sections, and amendments will be in order at the conclusion of each section.

Mr. HUDDLESTON. I wish to offer an entirely different bill.

The CHAIRMAN. The Chair understands it would be in order.

The Clerk read as follows:

Be it enacted, etc., That no diversion of the waters of the Niagara River above the Falls shall be permitted except for the purposes and to the extent hereinafter authorized, and any diversion not authorized and permitted as by this act provided shall be unlawful: *Provided*, That this prohibition shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation, when such diversion is authorized in accordance with the provisions of law.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment, and in connection with it I desire to give notice that if it be adopted I shall move to strike out the other sections of the bill.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the first section of the bill and insert:

"*Be it enacted, etc.*, That the short title of this act shall be 'The Niagara Power Commission Act.'

"SEC. 2. That the Niagara Power Commission be, and the same is hereby, chartered as a public corporation with the powers hereinafter granted.

"SEC. 3. That said Niagara Power Commission shall be governed, controlled, and operated by a board of three commissioners subject to the general supervision of the Secretary of the Interior, to whom they shall make reports, and who shall make and prescribe suitable rules and regulations for the performance of their duties under this act. Said commissioners, not more than two of whom shall be members of the same political party, shall be appointed by the President of the United States by and with the advice and consent of the Senate. One of said commissioners shall be designated by the President to serve for two years, one for four years, and one for six years, and thereafter each commissioner so appointed shall serve for six years unless sooner removed for cause by the President. The President shall at will designate one of said commissioners as chairman, who shall receive an annual salary of $6,500, and the two other commissioners shall receive annual salaries of $6,000 each, all salaries being payable monthly. Each commissioner shall with 15 days after notice of his appointment take and subscribe the oath of office. No commissioner during his continuance in office shall be an officer or director of any other institution.

"SEC. 4. That the business of said Niagara Power Commission shall be the production of electric energy from the waters of Niagara River and the distribution of same as hereinafter provided.

"SEC. 5. That said Niagara Power Commission shall have, hold, and enjoy for the production of electric energy the exclusive right to use and divert water in the United States in and from the Niagara River above, at, and below the Falls thereof, to the limit fixed by and under the provisions of the treaty between the United States and Great Britain proclaimed May 13, 1910, and to that end said Niagara Power Commission shall have succession until it is dissolved by act of Congress, and shall have the powers under such rules as the Secretary of the Interior shall prescribe, to adopt a seal; to sue and be sued; to make contracts and incur liabilities; to buy, sell, and acquire property; to condemn lands, generation plants, works, and other property and easements therein; to construct works, dams, stations, and transmission lines; to lease, contract for, produce, and distribute electric energy; and generally to have all such powers of similar corporations as may be within the reasonable intendment hereof, and as may be reasonably necessary to carry on its said business; and for said purposes and upon approval by the Secretary of the Interior, may issue bonds and obligations bearing interest at not more than 5 per cent per annum, secured by mortgages on its property.

"SEC. 6. That the said Niagara Power Commission shall transmit and distribute, in the United States only, electric energy to municipalities and consumers convenient to its works and lines, justly and without unreasonable discrimination and as nearly as may be at the cost of delivery plus reasonable charges to cover the expenses of its operations, including the salaries of the commissioners, and plus such further annual charges as will be reasonably sufficient to discharge all of the obligations of said Niagara Power Commission so as to leave same free from debt at the end of a period of 50 years: *Provided*, That no distribution or sale of such energy shall be made for consumption within the corporate limits of any municipality which may be able, willing, and ready to assume the distribution of same therein.

"SEC. 7. That all municipalities receiving electric energy from said Niagara Power Commission shall in turn distribute so much of same as may not be required for municipal purposes to consumers within their corporate limits for a fair, just, and reasonable charge and without unreasonable discrimination therein, failing which such municipality shall not be entitled to receive such electric energy.

"SEC. 8. That said Niagara Power Commission shall use said waters at an efficient head and with reasonable economy, and shall pay into the Treasury of the United States for all electric energy which may be generated from said waters at the rate of $1 per annual horsepower, and no franchise or property taxes, license, or charge shall be levied upon or collected from it by any State on account of the rights and franchises granted hereby, but the power of any State to levy valuation taxes on its other property is preserved.

"SEC. 9. That said Niagara Power Commission may license and authorize the use and diversion of said waters for the production of electric energy for not more than five years after the passage of this act, in which event said Niagara Power Commission shall have the prior right to take so much of the electric energy produced therefrom as it may require, paying a reasonable charge therefor, not exceeding at the rate of $15 per annual horsepower, such electric energy to be distributed by said Niagara Power Commission as provided by section 6 of this act.

"SEC. 10. That the use or diversion in the United States of water from said Niagara River above, at, or below the Falls for the production of hydroelectric energy except as provided by this act shall be unlawful, and each act thereof shall constitute a separate offense and be punishable by fine of not more than $5,000.

"SEC. 11. That this act shall take effect January 1, 1918, and the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MILLER of Minnesota (interrupting the reading). Mr. Chairman, is this an amendment to a single paragraph?

The CHAIRMAN. The Chair understands it is in the nature of a substitute.

Mr. MILLER of Minnesota. Is it proper to offer an amendment to a single paragraph, which amendment is in the form of half a dozen paragraphs, and a whole bill?

The CHAIRMAN. The Chair thinks it is in order. The gentleman from Alabama offered this as a substitute for the first section and gave notice that if adopted he would move to strike out the remaining sections of the bill.

The Clerk concluded the reading of the amendment.

Mr. FLOOD. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section or germane to the bill.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. HUDDLESTON. I do desire to be heard on the point of order. Mr. Chairman, the title of the bill under consideration is "A bill for the control and regulation of the waters of Niagara River above the Falls, and for other purposes." That title with reasonable accuracy states the real purpose of the bill. The purpose of the bill is to authorize the taking of water from the Niagara River for the generation of hydroelectric power, and the bill goes further to state the terms on which the

water may be taken and regulates the distribution of the power and the sale of it. The bill authorizes the diversion of power by a public corporation. I call the attention of the Chair to the first paragraph of section 2:

First. No permit shall be granted hereunder except to a State or municipal corporation or political subdivision thereof, or to a public-service corporation or to a public-service agent of a State.

And so forth.

It also authorizes the grant of permits to private corporations. Of course, we all know it is not expected that any public corporation will get this benefit, but it is in the bill just the same. Now, the difference between the bill under consideration and the substitute that I have offered is in two things. I provide that this diversion of water and creation of power must be by a public corporation. I exclude private corporations and private persons. Furthermore, I create that public agency. The bill we have under consideration contemplates the creation of a public agency by the State of New York, whether it be a private corporation or a public corporation. The substitute that I have offered creates in itself, by virtue of the power of Congress, this corporation which will take this water from the stream. I can not see why it is not germane.

If one class of corporations may take it under the bill under consideration, why may not a substitute be offered that would authorize another class of corporations to take it? Would not that be germane? Undoubtedly so.

If we may pass a bill which contemplates the creation of a corporation by a State, is it not germane, instead of delegating that power to the State or allowing it to exercise it, that we shall exercise the power and create the corporation ourselves? How can it be said that this is not germane to the question?

The real subject is the thing that should be looked at. What is it? It is the diversion of the water from the Niagara River for the creation of hydroelectric energy and to provide for the distribution thereof. Is not that exactly what the substitute provides for? Undoubtedly so. I do not see how it can be said that the substitute is not germane to the subject matter.

Mr. FLOOD. Mr. Chairman, the purpose of this bill is to authorize the Secretary of War to issue permits to corporations or individuals to take water from the Niagara River above the Falls. That is the real purpose of the bill. In 1906 the Federal Government assumed control of the waters of Niagara River. Congress passed an act authorizing certain parties to divert from above the Falls 15,600 cubic feet of water. That law has expired. After that law was enacted, and before it expired, our Government entered into a treaty with Great Britain by which the Government was authorized to grant permits to the extent of 20,000 cubic feet of water per second, and the Canadian Government was authorized to grant permits for 36,000 cubic feet of water per second. Under the treaty, therefore, this Government has the right to grant permits to divert this water up to 20,000 cubic feet per second. There is no law authorizing the Secretary of War to carry out that right. The law we had has expired by limitation, and this bill is for the purpose of giving the Secretary of War the right to exercise the right we have under the treaty. That is the main purpose of the bill, and it further provides for regulation of the price of the power generated from this water by the public-service corporation of the State in which the power is used. The substitute is an entirely different proposition. It creates a public agency to generate hydroelectric power. It creates a department of Government for the purpose of handling that hydroelectric power when it is generated. There is nothing in this bill that would justify an amendment being offered providing a department of Government for the purpose of controlling water power here or anywhere else in this country. For these reasons, Mr. Chairman, I think it is clearly not germane to this section or to the bill.

Mr. SHERLEY. Mr. Chairman, the question of germaneness is always one that presents something of difficulty to the chairman of a committee, because no two cases are quite alike. I have been unable in a hurried examination to find a case on all fours with this presented, though the principle involved seems to be very plain. The bill which is before the House is a bill authorizing the issuing of permits or grants. The amendment which is proposed in the nature of a substitute is a bill for Government operation of the water power at Niagara. Now, it has been held in reference to a bill relating to the issuing of a right of way to a railroad company that it was not in order to propose an amendment for the purchase and operation of the railroad. It seems to me that the reasoning that applied there, holding that amendment not germane, applies equally here. The fact that matters are somewhat akin, that they deal with the same subject matter in a general way, is not what determines the question of whether an amendment is germane and therefore in order.

If that were the rule, then it would be in order here to make any sort of provision that related to water power, because the bill relates to water power. The point I desire to call the Chair's attention to is that this is a leasing bill. It deals with that subject only. The amendment of the gentleman from Alabama [Mr. HUDDLESTON] does not deal with the subject of leasing, but undertakes to create a commission of the Government that shall itself develop and sell water power, and I hold that it is therefore not germane within the rule of the House touching germaneness of amendments.

Mr. HUDDLESTON. If the Chairman will permit, I wish to call the attention of the Chairman to the treaty that has been referred to. The portion of the treaty relating to the subject under discussion is article 5, which is as follows:

ARTICLE V.

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

I direct the attention of the Chair to the fact that, so far as the treaty is concerned, it is wholly immaterial whether the diversion be by a private individual, by private corporations, by public corporation, or by some agency or official authorized by the Government to make the diversion. Therefore the question of lugging the treaty into this issue is wholly foreign to the point of order.

Mr. FLOOD. I do not think, Mr. Chairman, the treaty has anything to do with this question. I simply mention that under the treaty we could authorize the diversion of a greater quantity of water than has heretofore been diverted.

Mr. HUDDLESTON. The gentleman used the expression that the treaty provided that we should issue a permit, and I wish to call his attention, as well as the Chair's, to the fact that no such provision is in the treaty. It simply provides that we may authorize it; and it makes absolutely no difference, Mr. Chairman, whether that authority be given to a public corporation, a private corporation, to an official, or to private citizens. They have the same right to grant to one of these instrumentalities as to another.

Mr. SHERLEY. The treaty has nothing to do with the point of order, so far as that is concerned. Congress could legislate an enactment that would be an annulment of the treaty.

Mr. HUDDLESTON. I think I understand the point of order. I am stating that the treaty has nothing whatever to do with it. That is what I am speaking about.

Mr. SHERLEY. I wondered why you were speaking about something that you said had nothing to do with the point of order.

Mr. HUDDLESTON. I am merely replying to gentlemen on the gentleman's side of the question who were under the impression that it did. Let us not be diverted from the main thing that we are here to do. What are we here to do? We are here to authorize the diversion of water from Niagara River for the purpose of producing hydroelectric energy. Now, that is what we are legislating about; and a bill which takes the place of another bill and yet has for its object that same purpose is certainly germane to what we have before us.

I submit that this is not creating a department of government. It is not going afield, as the gentleman intimates, but it is authorizing an agency which the Government creates and names and which the bill itself provides for, for it says:

Or a municipal corporation or political subdivision thereof.

Evidently the only difference between that principle in the substitute I have offered and the bill that we have under consideration is that in the bill it is contemplated that the corporation shall be created by the State of New York. Under my amendment, which is the same as H. R. 20081, which I introduced some time ago, we are to create the corporation ourselves and not leave it to some one else.

The CHAIRMAN. Rule XVI, paragraph 7, says:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

As the Chair understands the rule, two subjects are not necessarily germane because they are related or belong to the same general class, and the question that the Chair is called on to decide is whether or not the amendment offered by the gentleman from Alabama as a substitute for the pending bill embodies a proposition different from the bill under consideration, and after due consideration the Chair is of the opinion that the amendment is not in order, and therefore the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of War is hereby authorized to grant revocable permits for the diversion of water for power purposes from said Niagara River above the Falls to an amount stated in the permits not exceeding in the aggregate a diversion of 20,000 cubic feet per second at any one time. All permits granted by authority of this act shall be granted upon the following conditions:

First. No permit shall be granted hereunder except to a State or municipal corporation or political subdivision thereof, or to a public-service corporation or to a public-service agent of a State, duly constituted and authorized to engage in the business of furnishing to the public light, heat, power, or electric current, and whose services, charges, and practices shall be regulated by the State in which such business is conducted: *Provided*, That nothing in this act contained shall be construed to prevent any State in which such works are located or in which such business is conducted from levying taxes upon the property, and excises and charges upon the business, of said permittee or from making and enforcing any lawful regulation with respect to the said property and business; but in any valuation made of the property of the permittee for any purpose no value whatever shall be claimed or allowed for the rights and privileges acquired under the provisions of this act: *Provided further*, That all charges, rates, and services of any permittee hereunder shall be subject to regulation in accordance with the laws of the State within which the service is rendered and subject to the approval of the Secretary of War, and in case of the failure of any State to provide the necessary laws for the regulation of such charges, rates, or services, then such regulation, upon complaint made and hearing thereon, shall be made and ordered by the Secretary of War and the Chief of Engineers: *And provided further*, That nothing in this act contained shall be construed to affect the right of the Congress to exercise its power of regulation of interstate commerce as applied to the business of any such permittee. Every permit shall require the permittee, at all times during its operation under such permit, actually to engage in the business of furnishing light, heat, power, and electric current.

Mr. DEMPSEY. Mr. Chairman, a parliamentary inquiry. I have some amendments which I wish to offer.

The CHAIRMAN. The Clerk has not finished reading the section.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry. I would like to inquire whether it is not in order to offer amendments to the various paragraphs of the bill without regard to the section? Otherwise we are going to be required to go through three or four pages dealing with different matters without being able to amend, and I suggest that it will make a rather inconvenient consideration of the bill.

The CHAIRMAN. The rule for the consideration of a bill like this is to consider it by sections. We consider appropriation bills by paragraphs.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the amendments may be offered by paragraphs.

Mr. DEMPSEY. I will ask the gentleman from Virginia if it may not be understood that in that we have the right reserved to offer an amendment to the first paragraph. We are on the second.

Mr. FLOOD. Yes.

The CHAIRMAN. The rule is that appropriation bills are read by paragraphs and the others by sections. The gentleman from Virginia asks unanimous consent that this bill be read by paragraphs.

Mr. STAFFORD. With a supplemental provision that amendments may be in order to the first paragraph, which has already been read.

The CHAIRMAN. With the understanding that amendments may be in order to the first paragraph, which has already been read. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 2, strike out the word "revocable" before the word "permits," and after the word "permits" insert the words "revocable for cause as hereinafter provided."

Mr. DEMPSEY. Mr. Chairman, as I understand it, there is no claim here on the part of the committee that these permits are to be revocable at will. The only way they are to be revocable is for cause. Now, there might very easily be a dispute as to the meaning of the language as it is in the bill, and all that the amendment offered does is to make that absolutely clear and beyond dispute, which the committee itself had in mind in drafting the bill, and that is all that is sought to be accomplished.

Mr. SHERLEY. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SHERLEY. The gentleman makes a statement that I have been trying to obtain since I came in on the floor, by inquiry addressed to those who were addressing the Committee of the Whole. He says it was the intention of the Committee on Foreign Affairs to grant 50-year leases or permits which would be only revocable for cause?

Mr. DEMPSEY. As stated in the bill.

Mr. SHERLEY. Whereas the colloquy that took place here indicated that the permits were to be revocable at any time without regard to cause, and I then raised the inquiry as to whether if that was so you would get anyone to make any investment under a permit that might last only a day.

Mr. DEMPSEY. I do not believe that it would be possible, and I will say in reply to the gentleman that I understand the Niagara Falls Power Co., which develops now only 9 or 10 horsepower per cubic foot per second, will have to expend a great many million dollars—I think ten or fifteen million dollars—in order to make the development absolutely essential to bring it up to 19 horsepower, which is practically as high as they can go with the local situation as it is. Now, it would be absolutely impossible to finance any project and expend any such amount of money with a term revocable absolutely at will and without cause, and that is not my understanding of what the committee has intended at all.

Mr. SHERLEY. Well, I would like to ask the gentleman this further question: Assuming that his amendment should be adopted, is it his idea to carry in the bill a recapture clause?

Mr. DEMPSEY. Well, that has not been in my mind at all, and I thought that situation would take care of itself.

Mr. SHERLEY. Well, it never has done so in the past.

Mr. DEMPSEY. Here is what I had in mind: it has not been suggested by those who are interested in the plants, and I thought this: The physical assets will be there at the end of the time—the power houses, the tunnels, the various means by which this development is brought about. Now, the Government does not own that. The Government can not acquire that except by paying for it. And here are these people, with this development already made. It belongs to them. It can not be taken away from them. Of course, it is not of use to them—it becomes largely of no use—the instant the Government says you can not use the water for the purpose of generating power.

Mr. SHERLEY. In every power bill that has been before Congress in recent years and passed by this House provision has been made—not a very satisfactory one—but provision has been made looking to giving to the Government the right to take over the property at the termination of the lease, and I am particular about seeing to it that the inertia of the Government shall be in favor of the Government and not in favor of the grantee, so that the inaction of the Government shall not continue indefinitely a grant that we mean to end at the close of a given period.

Mr. DEMPSEY. Why would the failure to insert a recapture clause have that effect? It seems to me the failure to insert a recapture clause would have just the opposite effect.

Mr. SHERLEY. What you have really here is a lease for 50 years.

Mr. DEMPSEY. Yes.

Mr. SHERLEY. Now, at the end of that time, if we have not some machinery by which the Government can get it again the grantee continues in possession until the Government takes affirmative action, which I and others here know can be prevented for years and years at a time.

Mr. DEMPSEY. Simply by reason of the failure to act?

Mr. SHERLEY. Oh, yes. We want to see to it that the inertia of the Government shall be exercised in favor of the Government and not in favor of the grantee. I do not want to see that cushionlike opposition used to extend for many years the life of the grant.

Mr. DEMPSEY. I do not believe that anybody at Niagara would object to a proper recapture clause. In fact, I think they would regard it as a local benefit and not as a disadvantage. I do not believe any one of them would oppose such an amendment. I would support it. I would be glad to see the gentleman offer such an amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CLINE. Mr. Chairman, I want to speak in opposition to the amendment.

This bill provides for the issuance of certain permits, revocable for certain causes. We do not pretend to set out all the

reasons in this bill why the Secretary of War or when the Secretary of War may revoke the permits. This abrogating clause was inserted for the benefit of the Government in including in this section a revocable provision. My understanding of the rule is that where you undertake to set out in a bill the grounds for objection to continuing a permit you will be confined to those grounds named in the revocation. This was put in here for the purpose of meeting a condition that might arise during the term of the 50-year permit, when some condition might arise which is not included in the exception here. Suppose a condition would arise whereby the Government would want to take over these power plants for use in an emergency. Under this power here of authorizing the Secretary of War to take them over under a revocable permit the Government could do it. It should not have to resort to the causes set out in this bill in order to find ground on which to revoke the permit. Suppose it was taken over or reconstructed into a nitrate plant in the case of an emergency that might exist and we should want authority to do this.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. SHERLEY. Where do you find in this bill any authority to take over anything? You have the authority to quit giving them the right to use the water.

Mr. CLINE. We have the authority to quit giving them the right to use the water at the end of 50 years.

Mr. SHERLEY. Yes; but the right to take over—what I mean by the recapture clause is not in this bill.

Mr. CLINE. The recapture clause will not be included in the bill in the light in which you view it; but there is a proceeding here that can be instituted in the district courts of the United States to wind up this institution, and that would permit the Government to do the winding up, if it wants to.

Mr. SHERLEY. Where is that?

Mr. CLINE. That is on the sixth or seventh page, I think.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. DEMPSEY. Does not the gentleman think it would be fairer to put in a proper recapture clause and then make your permit revocable only for cause?

Mr. CLINE. I will tell you what I think about it. I think the Government ought not to be compelled to assign a cause in this bill if it wants to revoke the permit. I want to see more liberty given to the Secretary of War in reference to this project than we would include in the exceptions you might name in the bill. It is idle to assume that a Secretary of War is going to revoke permits without a good cause——

Mr. DEMPSEY. Why not say that he must have good cause?

Mr. CLINE. Especially considering the interests involved in this bill in the development of electricity.

Mr. DEMPSEY. Why not say so? Why not provide that the Secretary of War shall not act except for good cause? Why not say it in express terms? That would prevent all ambiguity and would be a trap for nobody.

Mr. CLINE. That would make it an ambiguous statement, because what might be a good cause on the part of the Secretary of War, might not be a good cause on the part of the power owners.

Mr. DEMPSEY. This is simply a power to be exercised by the Secretary of War.

Mr. CLINE. Certainly.

Mr. DEMPSEY. And he has the right to act for any cause enumerated in the bill.

Mr. CARTER. And he is the judge of it.

Mr. DEMPSEY. And he is the judge of it. We submit it, not to some tribunal, but to the Secretary of War, who really represents and is a great officer of one of the parties, and who will be supposed to give that party the benefit of any possible doubt.

Mr. CLINE. The Secretary of War ought to be the judge——

Mr. DEMPSEY. This makes him the judge.

Mr. CLINE. He ought to be the referee to whom to refer this proposition.

Mr. DEMPSEY. I agree with you perfectly, but to say that it shall be for cause, and let him judge whether there is cause or not, is simply leaving it to him——

Mr. CLINE. Then you might as well strike out the word "revocable" without that limitation.

Mr. DEMPSEY. No; it is revocable for cause.

Mr. FLOOD. Does not the gentleman realize that if we should adopt the language he suggests it would throw this question into court whenever, on account of any national exigency, the Secretary of War should want to revoke these permits, and that it would give the power companies the opportunity to put off the Government by going into court?

Mr. DEMPSEY. I do not think so.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I think the amendment offered by the gentleman from New York [Mr. DEMPSEY] ought to be adopted. This morning I criticized this bill as being a bill for the benefit of the power companies now operating at the Falls. If the rights granted are revocable at will, no one can afford to ask for a permit except somebody who is right there now, who has made the investment and will not be put to any additional expense. Upon a permit revocable at will no outsider will come in and ask the Secretary of War for permission to construct works and make a big investment. The work may be taken over by the Government, or in the absence of a recapture clause the right to take water will be cut off and the permittee left with a big, expensive plant on his hands without having had any opportunity to recoup himself. But if this amendment is adopted, it fixes it so that anybody not connected with the two companies that are there now can go in and can ask for a permit and get a permit with the assurance that he can hold it for 50 years if he lives up to his contract in good faith. Now, do we want to give the opportunity to outsiders to come in? Do we want to give an opportunity to people on the outside to make investments at Niagara, or do we want to do as I said this morning, hold Niagara for the benefit of the Hydraulic Power Co. and the Niagara Falls Power Co.? If the latter is what we desire, then leave it in the power of the Secretary of War to cut off this permit at will, and we shall have accomplished our purpose.

Mr. SAUNDERS. Mr. Chairman, if it is suggested that this amendment is to be desired in the interest of the Government, then that suggestion is certainly not well taken. This is an amendment most decidedly favorable to the individual lessee, or permittee. Certainly if adopted, it will give the permittee the means with which to obstruct the action of the Government when the authorities desire to terminate his permit, for good and sufficient reasons. A situation might well arise at some particular time when it was desirable that the activities of the permittees should immediately cease, and the power to effect this termination should be afforded. It may be said that this will put the permittees at the whim, or caprice of the Government. That may be so theoretically, but it is not likely, on the contrary it is highly improbable that this power of revocation will be exercised either whimsically, or capriciously. The present companies have operated for a long time under revocable permits, without interruption. The plain purpose of the language of the bill is that the permits shall be revocable at will, that is to say that the Government shall have full authority, at any time that it sees fit, for cause seeming good to itself, to put an end to the operations that are in progress by virtue of these permits. The moment you insert the words "for cause," you limit the authority of the Government, and afford material that may be used by the permittees for the purposes of obstruction, and delay. It would be most unfortunate to surround the Government with these limitations, and invest the parties using this power with the means of vexatious delay when the immediate cessation of their activities, might be in the highest degree desirable.

Mr. DEMPSEY. As I understand the gentleman, his argument is that the Government should be permitted, in case of national necessity, to intervene and take over this water to answer the national use.

Mr. SAUNDERS. Whenever in the judgment of the Government the time arrives that the activities of the permittees should cease, the Government should have the authority to compel an immediate discontinuance of these activities.

Mr. DEMPSEY. Does not the gentleman believe that can be covered by proper language, so as to answer that purpose, instead of leaving it indefinite, hazy, uncertain, as this will leave it?

Mr. SAUNDERS. The language used is proper. This language is definite. It leaves nothing hazy or indeterminate, so far as the power of the Government is concerned. That is what troubles the people who are using, or contemplating the use of this water. It is on account of the very definite, and distinct power of revocation that is given to the Government, that the potential power users are dissatisfied with this language. They see only too plainly that no opportunity will be afforded to interpose tedious legal delays to the revocation of their permits. That is the very reason they object to the language employed. The language of the bill is very definite and clear in its meaning.

Mr. DEMPSEY. Does not the gentleman believe a clause can be added substantially to this effect: Said permit shall be subject to the right of the Secretary of War, in his absolute, un-

guided, and unaided discretion, to take over the use of the power at any time whenever he may deem that the national exigencies, for the protection of the Government or otherwise, demand?

Mr. SAUNDERS. Suppose that language should be adopted. It would merely serve to bring us to the same situation that confronts us. If the Government should be disposed to be whimsical, or capricious, it could assert that an exigency had arisen, and under that pretense, expel the permittees. The present language, I agree, admits of a whimsical, and capricious exercise of power. So would the language suggested.

Mr. DEMPSEY. I think the bill as drawn makes it revocable, not for such cause as was indicated in the statement just made, but makes it revocable, as the gentleman stated a moment ago, at the whim or caprice of the Secretary of War.

Mr. SAUNDERS. If you choose to put it that way.

Mr. DEMPSEY. Or at the absolute, unguided will and not the discretion of the Secretary or the need of the Government. That is the difficulty.

Mr. SAUNDERS. I used that language merely to illustrate the large powers committed to the Federal Government by the language of the bill, not to intimate that these powers would be used capriciously, or in bad faith. It is a very common thing in State legislation to provide that charters given may be revoked at the will of the legislature. It is done in my own State. What happens if it is desired to terminate activities that may be considered obnoxious? Why the general assembly repeals the act affording the charter, and the operations of the company then and there cease. The parties interested can not go into court, to raise any controversy, or interpose any delay.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. DEMPSEY. May I make this suggestion: In addition to the language of the amendment, suppose we add "revocable for cause, as hereinafter provided, and for any national exigency"?

Mr. SAUNDERS. Still you do not in any wise create a situation in any wise different from that presented by the language used in the bill.

Mr. LONGWORTH. Will the gentleman from Virginia yield?

Mr. SAUNDERS. Yes.

Mr. LONGWORTH. Will the gentleman state what provision there is in the bill that would enable the Secretary of War to take over the plant at any time the Government needed it? I have been unable to find it.

Mr. SAUNDERS. There is only the recapture provision on page 7.

Mr. LONGWORTH. I have read page 7 and I find no such authorization.

Mr. SAUNDERS. I have not said the bill would give any such authority to the Secretary of War.

Mr. LONGWORTH. And there is no provision by which the Government could take the plant.

Mr. FLOOD. At the botton of page 9 we not only authorize the Government to take them but to remove them.

Mr. SHERLEY. Under certain conditions; but it does not authorize the Government to take them over.

Mr. LONGWORTH. Yes; under certain conditions; but not to be able to use them.

Mr. SAUNDERS. The gentlemen are confusing two situations. I have not said that the bill provided any machinery for taking over and using these plants.

Mr. LONGWORTH. But the author of the bill made that specific statement to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SAUNDERS. There is no complete provision for taking over the plants. What I may have said in that connection was merely by way of illustration.

Mr. BURNETT. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. BURNETT. Would not the language proposed by the gentleman from New York [Mr. DEMPSEY] embrace not only a national exigency, but causes brought about by the permittee?

Mr. SAUNDERS. Yes, but it simply multiplies words, and it does not materially change the situation.

Mr. DEMPSEY. Mr. Chairman, I would like to add to my amendment, if the gentleman will yield.

Mr. SAUNDERS. I will yield.

Mr. DEMPSEY. I want to add, after the word "provided," the words "or any national need or exigency."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modify the amendment by adding, after the word "provided," "for any national need or exigency," so that the amendment as modified will read:

"After the word 'permit,' insert the words 'for cause as hereinafter provided, or for any national need or exigency.'"

Mr. CRAMTON. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. CRAMTON. The gentleman is dealing with the situation of the importance of the National Government being able in a case of national exigency—we will say, for the national defense—by being able to avail itself of this water power without delay. If the bill provided only for the termination of the permit and does not take over the equipment by which the water can be utilized, how, then, can the Government make any use of it without delay in such exigency?

Mr. SAUNDERS. Mr. Chairman, I will try to answer all of these questions as satisfactorily as I can. Several gentlemen have taken language that I used by way of illustration—and so understood by the committee—and put me in the attitude of saying that the bill provided the machinery for taking over and using the plants of the permittees. It is not contended that the bill contains such a provision. In fact it has been admitted that it does not, and the chairman has stated that he was considering offering an amendment to that end. That amendment will appropriately come later.

I have sought to point out that the Government ought to have the powers given by the bill, namely the power to bring to an instant conclusion all of the activities of the permittees in this connection. The time might well come when it would be highly desirable for the Government to have and to exercise such a power. It may be very well to provide later in the bill for a complete taking over of and operation by the Government of the plants of the permittees, but that would call for a carefully drawn amendment. For the present we are concerned with determining whether it is desirable for the Government to be clothed with the power to get rid of the permittees without delay, whenever in the judgment of the Government the time has arrived for such action. The action of the Secretary in such a case, will be the action of the Government, and this action will not be lightly, or capriciously taken. The terms of the permit, will afford the working terms for capital seeking to use this power, and while the absolute power of revocation is afforded, it is not a power that would be capriciously exercised, so long as the public interests did not require it.

Mr. TILSON. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. TILSON. The gentleman does not contend that we have any power under this bill to take over and use the plants.

Mr. SAUNDERS. For the time being I waive all of that, and confine myself to the power given to the Government to get rid of the permittees.

Mr. TILSON. What is the use of this at all; why not rely on the national-defense act by which you can take over and use these plants?

Mr. SAUNDERS. Let us dispose of the matter in hand. The objection to the amendment of the gentleman from New York is that it will put in the hands of the permittees, the power to interpose delay and obstruction to the attempted exercise of the Government's power of revocation. This means of obstruction should not be afforded. The Government ought to be untrammeled in this respect. With respect to the permits, it may be taken for granted that the Government will issue permits that will be reasonable in their terms. Capital will not be deterred from operating and investing under these permits, merely because the Government is clothed with the power of untrammeled revocation. In many instances capitalists have invested large sums, and conducted elaborate operations under State charters, altogether undeterred by the fact the general assembly of the State could repeal that charter, and terminate their activities, at any time. This Damocles sword that the States have held over many such charters has not in anywise deterred capital from investment. Indeed it has secured very beneficial results of public advantage.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. STAFFORD. Does the gentleman think that capital will want to invest in the development of large plants which are to be subject to the whim, the will, or the wisp of some Secretary of War?

Mr. SAUNDERS. Oh, that is an old old bugaboo.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS. That is an old bugaboo. The Niagara companies are operating now or have been operating under revocable permits, as I understand the situation.

Mr. STAFFORD. They are not.

Mr. SAUNDERS. I understand such is the case, and shall leave it to other gentlemen to put the evidence in the RECORD. In my own State when it was proposed to put into our acts of incorporation, the legislative authority to repeal same at will, the spokesmen for capital came before us, and insisted that the proposed action, would stop development and investment in Virginia. We replied, all right, that we would take the risk and from that time forward Virginia has developed in an industrial and commercial way to a most remarkable extent. I have no apprehension that the language of the pending bill will deter capital from arranging for the use of the power at Niagara.

Mr. STAFFORD. Do I understand that the State of Virginia has passed a law whereby permits are revocable upon the edict, the ipse dixit, of some administrative officer?

Mr. SAUNDERS. No, on the part of the legislative body.

Mr. STAFFORD. That is an entirely different thing.

Mr. SAUNDERS. Not a bit of it in principle. Of course one is legislative, and the other is executive, but that makes no difference in the principle. The same possibility or capricious or wanton exercise of power, exists in either case. We were told in Virginia that to give this power of arbitrary repeal to the general assembly, would paralyze our industrial progress. It has not done so. The retention of the power by the general assembly has served to hold down corporate operations to a most wholesome extent, and cause them to serve the public welfare. I am satisfied that the power granted by the language of the pending bill, will be exercised in wise and wholesome fashion, that reasonable terms of operation will be afforded by the permits, and that capitalists will be eager to come to terms with the Government for the privilege of using this great power at Niagara. They will not be alarmed, or deterred by this bugaboo of revocation. While the Government will be clothed under the language used with the power of revocation, the permittees will not be disturbed in the useful operation of their plants, or in the enjoyment of the privileges afforded, at the whim or caprice of the Government. They will be fully assured on that point, and will feel as you feel, and as I feel, that they may rely upon the justice and integrity of the parent Government. But when the time arrives that in the public interests, the activities of the permittees should be speedily terminated, the Government should have the untrammeled power to bring this to pass.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Several Members rose.

The CHAIRMAN. All debate upon this amendment is exhausted.

Mr. SHERLEY. Mr. Chairman, I desire to offer a new amendment and to debate it. I offer to amend the amendment by striking out all of the amendment except that part which strikes out in line 2, page 2, the word "revocable."

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. SHERLEY. Mr. Chairman, let me say in passing that I do not desire to delay the committee in the consideration of this bill, but the bill is not going to be passed in four or five minutes, and it ought not to be. We have now reached, right at the beginning of the discussion, one of the most important features in the bill, and if gentlemen propose to get impatient over discussion they wil find it difficult to pass the bill at all. The word "revocable," if stricken out, would have the effect of then leaving paragraph 1 providing that the Secretary of War is authorized to grant permits subject to the conditions following, and afterwards we could provide in the other sections the conditions as we see fit. No one can claim that I am in favor of giving particular privileges to grantees of water power. I have not incurred the enmity of most of those gentlemen for some years past because of my liberality toward them. But while I do not want to give them something to which they are not entitled, I think we ought to try to pass laws that will give a fixed status, as far as it practically can be done. I do not believe in a permit that may be revoked at any time. Now, it may be at Niagara that those who are already there with money invested and must have power in order to go forward will take anything you give them, and it may be that to that extent you can pass such a law as proposed that will be workable, but to the extent that you expect to have large additional capital put into the development of this power you will be disappointed if you have a revocable permit at the will of the War Department.

In my judgment, what ought to be done is to provide for a lease of a fixed time—personally, I have never believed in a 50-year lease, but most people differ with me in that regard—provide for a lease for a definite period, state the terms upon which it may be revoked, and then provide for the taking over, at the option of the Government, the property at the end of the 50-year period. Now, the provisions of this bill do not provide for recapture at all. The reference that the chairman of the Committee on Foreign Affairs has made to page 7 of the bill is simply a reference to language that applies in the case of a permittee who has violated some of the requirements of the act whereby two courses are given to the Government. Either it can proceed to cancel the permit or cause the Department of Justice to institute proceedings of a penal nature for the violation of some obligation and in certain instances permit the sale of the property and the purchase by some one at that court foreclosure sale who shall take it subject to the rights and with the privileges granted to the original permittee; but there is not a line that relates to the Government taking over the property. Now, so far as has been suggested by the gentleman——

Mr. FLOOD. May I interrupt the gentleman?

Mr. SHERLEY. Certainly.

Mr. FLOOD. The author of the bill and myself have discussed the matter, and we have reached the conclusion that it would be very well to offer an amendment later to put in a provision for a recapture clause.

Mr. SHERLEY. Well, I am glad the gentleman has that view.

Mr. FLOOD. That is the point the gentleman is discussing?

Mr. SHERLEY. Yes; but I desire also to further discuss the question of revocable permits. I do not think Congress ought to pass an act which makes a permit revocable at will, with or without cause. I do not think that is fair.

Mr. FLOOD. These people were never provided for under any other kind of a permit. They have operated for 11 years under a revocable permit and never complained.

Mr. SHERLEY. That does not justify it. The fact that we have certain people in a vice and can compel them to take what we give them ought not to be the determining factor in what we do. For this reason: It has been suggested, and to my mind with some force, that a great deal of the power that is now being used there is being used uneconomically. For instance, the report states that one power company is losing 42 per cent of the power that it ought to get from the amount of water it takes. Does the gentleman suppose that he is going to get that company to make any very great investment in order to use to its maximum efficiency that power under a revocable grant?

Mr. FLOOD. Not the slightest doubt in the world of it. It is the cheapest water power in this country, and there will be no trouble to get permittees.

Mr. SHERLEY. Then the gentleman has more confidence than I have.

Mr. FLOOD. They have been before the Committee on Foreign Affairs for three or four years and have never complained of this provision.

Mr. CLINE. And they are in harmony with that provision and have already got a sinking fund to take care of it. The gentleman is worse scared than they are.

Mr. SHERLEY. The gentleman is not worse scared, but the gentleman is not willing to be swept off his feet in a hurry to put the bill through.

Mr. FLOOD. Nobody wishes to hurry the gentleman; no member of the committee has tried to hurry him. The gentleman asked me a question and I want to answer it. We have considered this provision for several years. These water-power companies have been here. They have never raised any objection, but they are perfectly willing to trust to the good faith of the Secretary of War that he will not revoke permits without a good reason, without cause, unless some great national exigency demands it. This is not one of the objections they have raised to this bill. This is a great asset, a cheap water, and customers without limit at their door. There will be no trouble to get investors to take this water who will trust the Secretary of War.

This bill has been framed in the interest of the public, as we thought.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I had occasion several times to put into water-power bills a proviso giving to the Secretary

of War the right to fix a charge and at the end of 20 years to change it, and every 10 years thereafter. As a result of that provision I have had a great many men interested in water-power matters who seemed to think that I was standing in the way of a proper bill, come to see me, one of them a few minutes ago. They have contended without exception that they would not be able to get capital to invest if at the end of 20 years they were liable to be subject to new charges. Now, I have not agreed with them about that, because I think the 20-year period is long enough. But if their contention be partially true, and that has been the unanimous testimony of these men, how much more true is it, in spite of what the gentleman from Virginia [Mr. FLOOD] says, that a revocable permit, which does not guarantee to capital that is invested an hour's existence, will not be such as to induce capital to invest?

Now, I grant you that you have a peculiar situation at Niagara. You have a lot of people there who are there by sufferance. Those people who have their money in there have got to take what they can get, but I hope to see the development of Niagara by some other companies aside from those which are there. I hope to see a development larger and more economical than has been going on, and in order to get that I believe we ought to give them fixed terms, and I see no reason to have a permit revocable without cause.

As the gentleman from Connecticut [Mr. TILSON] suggested, we have now power under a law that we passed at the last session to take over not only water-power companies, but any other companies in America and operate them when necessary in time of war. So that need has been taken care of. It seems to me what we ought to do is to provide for such term as we think is fair and the conditions upon which it may be ended and then proper provision for taking over the property in the event we should want to do so at the end of that period. And I say that, not with the desire to make captious criticism of this bill or interfere with its consideration. I want to be, if I can, of service, but I do not think the language as it exists now is wise.

Mr. BURNETT. Mr. Chairman, I rise to speak in opposition to the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] and to speak in favor of the amendment offered by the gentleman from New York [Mr. DEMPSEY]. It seems to me, Mr. Chairman, that we ought at least to be fair in this matter, and while, as has been so well said by the gentleman from Kentucky, we may have the Niagara power companies by the throat, and can ram down them anything we want to, and on account of the investments already made we may force them to take it, is it right to do so? Suppose we do it; suppose next week the Secretary of War should decide to revoke their permits, then will any other company take it? If this amendment of the gentleman from New York [Mr. DEMPSEY] goes in—possibly they will, but if it is left to the whim and caprice, perhaps a whim or caprice that is tinctured with politics of some Secretary of War—it will be hard to find other men that are ready to invest their money. It costs an immense sum to establish one of these plants, Mr. Chairman, and if they are revocable on any whim of a Secretary of War, I imagine it would be a long time before timid capital would want to invest with this kind of a law staring them in the face.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BURNETT. Yes.

Mr. MADDEN. Would the insertion of the words "for cause" add anything to the security of the investor? Would not the Secretary of War have the right to determine cause according to his whim?

Mr. BURNETT. Possibly that might be true in the first instance, but if that was an arbitrary and unjust decision, certainly the rights of those people could be tried and adjudicated in the courts of the country. Gentlemen say that is the trouble. They do not want it possible for the courts to decide it.

Mr. Chairman, the courts of this country are both for the protection of people and for the protection of property, and it is not unreasonable to say that if the Secretary of War has unjustly decided that there is cause, or decided without any cause, that those people ought to have the right to adjudicate their rights in the courts of the land. Let us not be oppressive. This great Government, with all its instrumentalities for enforcing its rights is the last one that ought to want to impose on any individual, whether he be in the hamlets and in the cottages of the peasants or whether he be the man who is investing his money for the development of our great country. [Applause.]

There can not be any harm come of this amendment; but there might be immense harm hereafter, if the amendment is not adopted, if some Secretary of War did not like the political affiliations of these gentlemen, or if he did not like them for any other reason, and should arbitrarily revoke their permits. While he would try to look into all these matters as carefully as possible himself, yet he would necessarily have to leave them to a great extent to others. If the amendment of the gentleman from New York [Mr. DEMPSEY] is adopted, he would be very apt to give some good cause if he revoked the permit, and I imagine he then would be very careful not to be oppressive to men who have invested their capital. I was glad to hear my friend from Kentucky [Mr. SHERLEY] say that we ought to be just, at least, to these people. They have invested their money. They have some right to protection. And certainly we should not leave it where to-morrow the permittees may invest millions of dollars more and some Secretary of War would revoke their rights for what he considered cause and they be left without remedy or protection. I am not saying that any Secretary of War would do that; but, Mr. Chairman, the very fact that he has the power to do it will make people very timid about investing money in such a precarious enterprise. They will want to know that, after spending their millions of dollars for the purpose of building up an industry, it can not be whimsically taken away from them by the caprice of some man with official power; and as I understand the admissions of the able chairman of this committee, as the bill now stands that very thing would be possible. It is no answer to the proposition to say that no Secretary of War will be unjust. The very fact that he has the power to do it will keep capital from taking any chances on such an investment.

The CHAIRMAN. The time of the gentleman from Alabama has expired. All debate on this amendment is closed.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. FERRIS. Mr. Chairman, two propositions are laid down here, and they both ought to be replied to. The gentleman from New York [Mr. DEMPSEY] seeks to widen, in the very broadest way, this bill. In other words, he proposes to provide that for cause, and for cause only, can these rights be cut off.

Now, that gets you into court immediately. It becomes a question of whether it is a sufficient cause, which is a question for the courts to adjudicate, and which makes it impossible for the Government to wrench its property away from them except only after trial and litigation. This is usually a long-drawn-out affair, and is not sufficiently summary.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Missouri?

Mr. FERRIS. For a question; yes.

Mr. SHACKLEFORD. I want to ask the gentleman if it is to be deprecated that a citizen, or a deputation of citizens, are asking too much when they are asking for a fair hearing before the courts of the country? [Applause.]

Mr. FERRIS. Well, the gentleman from Missouri, who long sat on the bench, knows that I deprecate no such thing. When it comes to a proposition of granting rights, we have the right to say what the grant or right shall be, whether little or much; and we have the right to say further whether or not the grantee shall be permitted to wind us around the courts for 15 or 20 years before we finally get our property back.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FERRIS. I regret I can not yield. I oppose the amendment offered by the gentleman from New York [Mr. DEMPSEY]. I believe it is wide enough to drive a coach and six through it.

Now, I want to get to a question that I think is even more important, and that is the question raised by the gentleman from Kentucky [Mr. SHERLEY], and apparently acquiesced in by the gentleman from Ohio [Mr. LONGWORTH], as to whether or not there ought to be a recapture clause inserted in this bill. In all the preceding bills, including my own bill, No. 407, which went through here by unanimous consent, there was such a provision, a recapture clause, and I think it laid down the correct procedure. But this bill is founded on an entirely different hypothesis. It is on an entirely different plan. It does not deal with the Government's estate in that way at all. It first grants a revocable permit; in the former bills they were specific permits fixed and certain for a specified term of years. I share what the gentleman from Kentucky says, that a revocable permit for these little projects of the West that require new construction would not in most cases be workable. This, however, presents no such case. We have a law now that does not work. I may add it is a revocable-permit law, and we are trying to get away from it. But I want to call the attention of the gentleman from Kentucky to the fact that this

is an entirely different proposition. At Niagara Falls the water-power interests are pretty well intrenched already. Their plants are already built. They are going concerns now. They need more water. Little or no additional expenditures will be required to use this additional water. I visited them last summer myself. They are all in motion. The plaintive tones of the gentleman from Alabama [Mr. BURNETT] would scarcely appeal to him if he would go up there and see those plants. They would not appeal to him or to anybody else who knew the facts. They are pretty well intrenched, and they are getting along pretty well, and the chance to get additional water diverted is very alluring and the prospect of making their plants stronger and generating more electricity is very promising. It is not only promising but certain. Their ability to generate is present, also their market conditions are certain.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SHERLEY. If the gentleman will permit me, I am not prepared to say that they ought to have the same inducements that other people might need, but whatever terms we may make, we should make them clear and not subject to arbitrary action at any time of an executive officer.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Virginia?

Mr. FERRIS. I will yield in a moment to the gentleman.

Mr. DEMPSEY. I would like to ask the gentleman a question in reference to what the gentleman says.

Mr. FERRIS. Will the gentleman let me go a little further? Then I will yield to all of the gentlemen.

Mr. DEMPSEY. Very well.

Mr. FERRIS. The gentleman from Kentucky, acquiesced in by the gentleman from Ohio [Mr. LONGWORTH], seems to say that there is no recapture clause in this bill. That is true, but there is a much higher authority here than that.

Let me read it. It occurs on page 9, beginning with line 17:

And provided further, That in any case where the Secretary of War shall revoke any permit granted under authority of this act, he may remove, or cause the removal of, any structures or parts of structures, or any construction incidental to or used for the diversion of water or the transmission of power as herein provided, and such removal may be enforced by mandamus, injunction, or other summary process by application to the district court of the United States in the district in which such structure may in whole or in part exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War.

Mr. LONGWORTH. But that does not provide for taking over the property.

Mr. FERRIS. This assumes that the taking over will be a simple process. If we are able to stop them, and even make them remove their property, the retaking would be perfectly simple.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. FERRIS. I do not think I will use all the five minutes. I want to try to hurry on. I want to yield to one or two other gentlemen. What can the Secretary of War do? He can revoke the permit. What next can he do? He can make them clear out the property and get out of the way for the institution of a more modern plant, for the institution of a new plant, for the installation of a new institution, either operated by the Government or by any succeeding grantee, permittee, or lessee. This seems to me amply sufficient to preserve what the gentleman is clamoring for.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Ohio.

Mr. LONGWORTH. We passed through Congress last year an appropriation of $20,000,000 to build a nitrate plant or plants. Under this bill, as it stands to-day, would it be possible, or after this bill is passed will it be possible, for the Government in any way to acquire any of this property for the use of the Government in the manufacture of nitrates?

Mr. FERRIS. Why, yes; they could revoke the permit to-morrow or any succeeding day, and use the power for a nitrate plant any time they wanted to.

Mr. LONGWORTH. They can destroy the buildings, but they can not put up new buildings for use in the manufacture of nitrates.

Mr. FERRIS. The property would, in all things, be unfettered, and Congress could do anything it desired. The real property is the falling water. That is the thing that does not rust out nor wear out, and that will be with us for all time. It is not a lot of old claptrap machinery that may be worn out or rotted out with passing years. Our main solicitude should be for the dam site—the falling water, and so forth—not the machinery and purchasable paraphernalia.

Mr. LONGWORTH. Does the gentleman contend that the language he has read would authorize the erection by this Government in time of necessity, or the acquisition by this Government of an existing plant there for the manufacture of nitrates?

Mr. FERRIS. Not at all. I do not contend that.

Mr. LONGWORTH. But the gentleman just said he did contend that.

Mr. FERRIS. No; I said we could clear out their plant and institute a new one, of course getting appropriate authority from Congress, or from the department, or whatever department of the Government has the power. We can do that without any complication from any permittee or lessee or grantee. This committee, intending to be in absolute harmony with the spirit of the House, has brought in a bill that is drastic and very powerful and very strong. It is fashioned in the public interest. They have done well. They are entitled to be supported. Under the circumstances I think the committee were justified in doing what they did do. Of course, if an independent proposition was desired on the purchase of the property, that could be incorporated, but in a revocable-permit bill I do not think it necessary.

Mr. SAUNDERS. Will the gentleman yield to me now?

Mr. FERRIS. I yield to the gentleman from Virginia.

Mr. SAUNDERS. The question was asked by the gentleman from Wisconsin, and several other gentlemen have suggested that the language here used about revocable permits is very vague, and they have expressed a little apprehension lest there would not be development under any bill that used language of that sort. I merely want to put into the RECORD in this connection, for the gentleman's purposes, and as a part of his argument, this language taken from the act relating to the diversion of the waters of the Niagara River, passed some years ago, under which this great plant has been built up there. Here is the language contained in that act:

SEC. 5. The Secretary of War is authorized to revoke any or all permits granted by him by authority of this act, and nothing herein contained shall be held to confirm, establish, or alter any powers heretofore claimed or exercised connected with the diversion of water or the transmission of power.

Then in addition to that I call the attention of the gentleman from Oklahoma to the fact that this language is used in the act—

That the right to alter, amend, or repeal this act is hereby expressly reserved.

So both those things are found in that act.

Mr. SHERLEY. The last language read by the gentleman is not necessary, as the Supreme Court decided a week ago.

Mr. SAUNDERS. I deny that. It means a great deal.

Mr. SHERLEY. The Supreme Court held, in substance, that the insertion of those words did not add to the power of Congress.

Mr. FERRIS. I do not want to yield for a legal argument.

Mr. SHERLEY. And I do not want to make one. The point is that that act that was passed did not give the kind of a revocable grant that this does, and that act was so unsatisfactory that we are now making a new one.

Mr. FLOOD. Let me suggest that that act was perfectly satisfactory as long as it lasted, but it expired by limitation. And it was renewed two different times afterwards.

Mr. DEMPSEY. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from New York.

Mr. DEMPSEY. Is it not a fact that the act which the gentleman from Virginia [Mr. SAUNDERS] has read was passed after the development was made, and was not that development made on a grant from the State of New York, and the riparian rights, and not under that act at all?

Another thing. As I understand the gentleman from Oklahoma [Mr. FERRIS], he bases his argument against the amendment proposed by the gentleman from New York upon the fact that while, where the undertaking is a new one and has not been financed, revocable permits are objectionable because they are not workable, yet we have got these fellows caught. They are already in the meshes; we can make them do this, and, although it is not fair or right or just, we can make them do it, and therefore let us make them do it.

Mr. FERRIS. I am told by the chairman of the committee that they do not object to that.

Mr. DEMPSEY. But I am here offering an amendment for that very purpose.

Mr. FLOOD. Let me say that this is the cheapest water power in the United States, if not in the world, and if they do not want to stay there other gentlemen may come in.

Mr. DEMPSEY. I am not speaking for them; I am speaking for all the people, and these people do distribute power cheaper than anyone else in the United States.

Mr. FLOOD. They do not; they get the cheapest power, and then charge the largest price for it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STAFFORD and Mr. LONGWORTH asked unanimous consent that the time of the gentleman from Oklahoma be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. A few minutes ago I directed an inquiry to the gentleman from Virginia whether a revocable permit would induce capital to invest its money for the development of the surplus water power. He instanced the former law as applicable to the amount of power in existence at that time. I direct the inquiry as to whether any additional capital has been invested since that time for the development of water power?

Mr. FLOOD. The law itself limited the quantity of water taken to the two existing companies.

Mr. STAFFORD. And therefore the citation made by the gentleman from Virginia is not applicable.

Mr. FLOOD. The development of power has been greater since then, for they have developed by new machinery an increased power.

Mr. FERRIS. Water power at Niagara can be developed at the lowest cost of any place in the country. I do not believe that laying down a fairly drastic rule for Niagara will be counted as a precedent for the building up and generation of hydroelectric energy at other points.

Mr. SUMNERS. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SUMNERS. This discussion has proceeded on the theory that this authority permitting the use of this energy is revocable at the pleasure of the Secretary of War. It is true that it states that it is revocable. On page 7, beginning on line 6, the conditions are stated, as I understand the bill, under which revocation takes place.

Mr. FERRIS. They have a general right to revoke as provided in section 2, page 2. The first proviso on page 2 is the one that provides for the revocation by the War Department and the second authorizes an alternative one, and the esthetic fellows who do not think any water ought to be used at all, and then another one on account of the treaty provision; and still others which contain other specific provisions.

Mr. SUMNERS. I am afraid the gentleman did not get my question. There is a general statement on page 2 that confers revocable authority, but the gentleman understands that the rule is that where a general term is used and then there is a limitation put upon the right, that the limitation controls. I have not found anything in the bill which would at all broaden the conditions that appear on page 7, which provides that if any permittee at any time shall fail or refuse after receiving reasonable notice to comply with any provisions of the act or any of the conditions of the permit, and so forth, the Secretary of War may revoke the permit. Second, there is a provision that if the permittee fails to comply with any lawful order or regulation made by the Secretary of War and the Chief of Engineers the Secretary of War may revoke the permit. Whether it was a lawful order or regulation would be governed by the language of the bill.

Mr. FERRIS. I hope the gentleman will not ask me in the short time allotted me to construe the bill. I am not in charge of this bill, and of course am not the best authority to draw fine distinctions or to place construction on the same. I will yield to the chairman for that purpose. I am sure he will be able to deal with the construction of the later sections in the bill. Anyway, if the gentleman from Texas is right, we can amend the sections he has just read when we reach them.

Mr. SABATH rose.

Mr. LONGWORTH. I believe the Chair recognized me a moment ago.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. SABATH. I do not desire to deprive the gentleman from Ohio of the floor, but I am a member of the committee and for the last 30 minutes I have been endeavoring to attract the eye of the chairman, but I will yield to the gentleman from Ohio.

Mr. LONGWORTH. Possibly the gentleman from Illinois can answer the question which I would like to have answered by some member of the committee. I think it is extremely important, in view of the action taken by this Congress with regard to the expenditure of $20,000,000 for the manufacture of nitrogen that we should determine whether, if this bill is passed, Niagara Falls could be used for the location. Let me state what the situation is to-day, as I understand it.

We gave a very broad authorization to the President to determine by what means nitrogen can be made in this country, whether by the use of water power or by some other means, and whether it ought to be consolidated in one plant or made in several plants. The gentleman from Virginia [Mr. FLOOD] I think is wrong, and also the gentleman from Oklahoma [Mr. FERRIS], in stating that Niagara is the best and cheapest water power in the world. My information is that the Norway water power is much cheaper. That was where Germany used to make her nitrogen out of the air.

Mr. FLOOD. Mr. Chairman, I think the gentleman is right about that, but that is the only water power in the world that is as cheap as Niagara.

Mr. LONGWORTH. The fact is, and I pointed it out in my discussion in opposition to this nitrate plant, that the German interests gave up their control of the Norway water power because they had discovered methods of making nitrogen more cheaply than even by the cheapest water power in the world; but suppose this commission which the President has appointed, which I understand consists of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, should decide that water power was the best way of making it, and that there should be one plant to make it, would it be possible, if this bill were passed, to have that plant situated at Niagara Falls?

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DEMPSEY. I would call the gentleman's attention to the language of this amendment, and then call his attention to the inquiry propounded by the gentleman from Texas [Mr. SUMNERS]. There is a question on page 7 whether these permits are revocable except for the cases specified.

Mr. LONGWORTH. That is for violation of the provisions of the act.

Mr. DEMPSEY. Yes. Now, under the amendment as offered by me, they are revocable for any national need or exigency, so the gentleman's question is solved at once if the amendment be accepted.

Mr. LONGWORTH. Precisely; and I shall vote for the gentleman's amendment for that reason; but I want to know whether if that amendment be not adopted, and if the bill goes through as it stands, Niagara is eliminated as a site for this nitrate plant and only Muscle Shoals left?

Mr. FLOOD. I stated to the gentleman from Kentucky [Mr. SHERLEY], and I supposed the gentleman from Ohio heard it, that there would be an amendment offered to the bill.

Mr. LONGWORTH. That is what I want to get at. I want to understand what the situation is.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. SMITH of New York. I desire to state to the gentleman from Ohio that the War Department has already decided that the nitrate plant can not be located within 200 miles of the border; so Niagara has been eliminated without any provision.

Mr. LONGWORTH. I was not aware of that fact.

Mr. SMITH of New York. Both the Navy Department and the War Department have fixed upon that.

Mr. LONGWORTH. Then, of course, this nitrate plant seems to be driven farther south.

Mr. SABATH. Mr. Chairman, I am of the opinion that the gentleman from New York, as well as the gentleman from Alabama, is unduly alarmed about the power given the Secretary of War in this bill. The Secretary had the power under the present act to revoke the permits of these companies, but instead of revoking the permits he has granted them, as well as did the former Secretary, additional permits under which they now operate. I think it has been explained by the gentleman from Texas that the Secretary is limited in his power to revoke this permit, inasmuch as the provision in section 4, on page 7, clearly defines when and how he can revoke permits granted under this bill. The bill clearly sets forth that if any permittee shall at any time fail or refuse, after receiving reasonable notice thereof, to comply with any of the provisions of the act, or with any of the conditions of the permit or any lawful order or regulation made by the Secretary of War and Chief of Engineers, in accordance with the provisions of the

act, the Secretary of War may revoke the penalty—not at will, but he must first serve the companies with a notice, and if they should fail to comply with the notice given by the Secretary or Board of Engineers, or with the order of the department, then the Secretary would have the power to act, and not before. But even if the permittees should fail to comply, I am certain no Secretary would revoke a permit issued by him, because we know from past experience that very seldom a grant or franchise given to private corporations, as these two are, are revoked, because there are usually many additional provisions to be found in any act, the same as in this one, which give the grantees or permittees the right to contest.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SABATH. Yes; I yield.

Mr. DEMPSEY. So long as the gentleman from Illinois contends that the Secretary can only revoke for the causes "hereinafter stated," can there be any objection to putting that into the bill; and, secondly, would not the additional clause suggested that it might be revoked also if a national need or exigency which may exist, entirely aside from and in any addition to the nitrate plant; would not that be an addition to the bill as something for the Government's benefit and not against it?

Mr. SABATH. No; that would be merely a repetition. The mere fact that it is provided for, how the permit could be revoked, is clearly set forth and it is not necessary to set it forth again. As to the other question that the gentleman propounded to me, I wish to say that I fully agree with the gentleman from Kentucky [Mr. SHERLEY], and I believe that a proper and carefully drafted provision of recapturing the plant could be inserted in the bill which would cure the so-called defect that the gentleman from New York believes the bill may contain.

Mr. TILSON. Will the gentleman yield?

Mr. SABATH. I will.

Mr. TILSON. I was just going to ask the gentleman what benefit, after all, accrues if we can simply revoke the permit, shut off the water, and compel the owners to clear out their buildings? Then we have nothing left. We simply destroy the property and then should have to proceed under the right of eminent domain, or some other process, to get the real estate and proceed to erect a plant of our own. In my judgment, a proper recapture provision should go into the bill in the interest of all concerned.

Mr. SABATH. The gentleman is right; I agree with the gentleman, and that is the reason I have answered the gentleman from New York that I heartily favor the proposition submitted by the gentleman from Kentucky that a carefully prepared amendment should be adopted that would give us the right of recapture. To my mind it will be a grave mistake if we do not in every possible way protect the interest of the people from these as all other similar corporations, combinations, and trusts.

The CHAIRMAN. All debate on the amendment is exhausted.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. COOPER of Wisconsin. Mr. Chairman, I wish to put in the RECORD some of the testimony given by Chief of Engineers, Gen. Black, and by Col. Keller before the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FORTIFICATIONS APPROPRIATION BILL (H. REPT. NO. 1350).

Mr. SHERLEY. Mr. Speaker, I am instructed by the Committee on Appropriations to report the oill (H. R. 20453) making appropriation for fortifications and other works of defense, and I desire to say that I shall endeavor to call the bill up immediately following the consideration of the rivers and harbors bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Wisconsin reserves all points of order on the bill. The bill is referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LONGWORTH. Mr. Speaker, the gentleman from Kentucky says that he intends to call this bill up immediately after the conclusion of the consideration of the rivers and harbors bill. My understanding is, acquired from the chairman of the Committee on Ways and Means, that it is his intention to call up the revenue bill on Monday and endeavor to secure its passage on Tuesday. I desire to ask the gentleman from Kentucky if his plans are running counter to those of the gentleman from North Carolina?

Mr. SHERLEY. No; I hope to get this bill over to the Senate before Monday.

Mr. LONGWORTH. The gentleman thinks he will be able to pass it before Monday?

Mr. SHERLEY. I hope so.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. RUCKER of Missouri, for the day, on account of illness.

To Mr. GARNER, for two days, on account of sickness.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7748. An act to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey and Petty Island, in said county and State; and

S. 7359. An act authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. IGOE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah Ann Hepps, H. R. 4824, Sixty-third Congress, no adverse report having been made thereon.

Mr. BURGESS. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. FLOOD. Mr. Speaker, I was going to ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. That is exactly what the gentleman from Texas asked.

Mr. FLOOD. No; I think he moved.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned to meet at 11 a. m. to-morrow, Thursday, January 25, 1917.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy, submitting deficiency estimates of appropriations for the service of the Navy Department and Naval Establishment (H. Doc. No. 1975); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting an estimate of deficiency in the appropriation for operation and maintenance of fire-control installations at seacoast defenses, Panama Canal, for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1976); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy, sub-

mitting an urgent deficiency estimate of appropriation for contingent expenses of the Navy Department, fiscal year 1917 (H. Doc. No. 1977); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, requesting that the estimate as originally submitted for "Operating supplies for public buildings, 1918," be increased in the sum of $200,000, or from $1,760,000 to $1,960,000 (H. Doc. No. 1978); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (H. R. 19771) to permanently renew patent No. 24917, reported the same with amendment, accompanied by a report (No. 1344), which said bill and report were referred to the House Calendar.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 17085) to permit homestead and desert-land entry on lands withdrawn for reclamation purposes, reported the same with amendment, accompanied by a report (No. 1347), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (S. 2222) for the relief of the heirs of Antoine Bayard, reported the same without amendment, accompanied by a report (No. 1345), which said bill and report were referred to the Private Calendar.

Mr. ASHBROOK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 1346), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 1869) correcting the military record of Reuben Sewell, reported the same with amendment, accompanied by a report (No. 1348), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15852) for the relief of Allen Hyatt, reported the same without amendment, accompanied by a report (No. 1349), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAYDEN: A bill (H. R. 20447) to establish the Grand Canyon National Park in the State of Arizona; to the Committee on the Public Lands.

By Mr. TOWNER: A bill (H. R. 20448) providing for the purchase of a site and the erection thereon of a public building at Osceola, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. HOWARD: A bill (H. R. 20449) to establish engineering experiment stations in the States and Territories in connection with State universities or engineering schools for the promotion of engineering and industrial research; to the Committee on Education.

By Mr. CARLIN: A bill (H. R. 20450) to amend and reenact section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House on the state of the Union.

By Mr. GRAHAM: A bill (H. R. 20452) to acquire a site for a public building in the city of Philadelphia, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. SHERLEY: A bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SPARKMAN: A bill (H. R. 20495) to amend the acts of July 27, 1892, June 27, 1902, and September 8, 1916, to increase the pensions of widows of veterans of various Indian wars prior to 1860; to the Committee on Pensions.

By Mr. PADGETT: Joint resolution (H. J. Res. 348) authorizing the Commissioners of the District of Columbia to execute a deed or deeds conveying title to lots 13 and 14 in square 801, District of Columbia, to the United States for use for naval purposes; to the Committee on the District of Columbia.

By Mr. GODWIN of North Carolina: Joint resolution (H. J. Res. 349) providing for the appointment of a joint committee to investigate and report on the subject of the retirement on annuities of superannuated civil-service employees; to the Committee on Appropriations.

By Mr. HAMILL: Joint resolution (H. J. Res. 350) requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians); to the Committee on Foreign Affairs.

By Mr. HULBERT: Joint resolution (H. J. Res. 351) proposing an amendment to section 7, Article I, of the Constitution of the United States relative to the Executive veto of separate items in bills passed by Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 20454) granting a pension to Roy G. Zimmerman; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 20455) granting a pension to Noah Lehman; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 20456) granting an increase of pension to Judge B. Cecil; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 20457) granting an increase of pension to William McCloud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20458) granting an increase of pension to Mary V. Price; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 20459) granting a pension to Letta Davidson Webster; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 20460) granting an increase of pension to Jonathan H. Robbins; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 20461) granting a pension to Mrs. Alada Thurston Paddock Mills, widow of Albert Leopold Mills, late major general, United States Army; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 20462) granting an increase of pension to Alvin W. Every; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20463) granting an increase of pension to William F. Clapham; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 20464) granting a pension to Margaret Gately (also known as Sister Catherine); to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20465) granting an increase of pension to Samuel H. Askew; to the Committee on Pensions.

By Mr. HUGHES: A bill (H. R. 20466) granting an increase of pension to Michael P. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20467) granting an increase of pension to John Trenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20468) granting an increase of pension to Jesse R. Mercer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20469) granting an increase of pension to John T. Whetzal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20470) granting an increase of pension to Charles White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20471) granting an increase of pension to John J. West; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 20472) granting an increase of pension to George Rush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20473) granting an increase of pension to Stephen Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20474) granting an increase of pension to John Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20475) granting an increase of pension to Elias Baker; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 20476) for the relief of the estate of Loyeau Berhel, deceased; to the Committee on War Claims.

By Mr. MEEKER: A bill (H. R. 20477) for the relief of the legal heirs of Edmonia R. Robards, deceased; to the Committee on War Claims.

By Mr. MONTAGUE: A bill (H. R. 20478) granting a pension to Elizabeth S. Naylor, widow of Harold S. Naylor, late first lieutenant Fifth United States Field Artillery; to the Committee on Pensions.

Also, a bill (H. R. 20479) granting a pension to Mary L. Pritchett, widow of Edwin E. Pritchett, late first lieutenant, Fifth United States Field Artillery; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 20480) granting an increase of pension to Albert S. Scroggins; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 20481) granting a pension to Margaret E. McNutt; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 20482) granting a pension to Edward Van Kleeck; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 20483) for the relief of George P. Brewster; to the Committee on Claims.

Also, a bill (H. R. 20484) to satisfy certain claims against the Government arising under the Department of Commerce; to the Committee on Claims.

Also, a bill (H. R. 20485) to satisfy certain claims against the Government arising under the War Department; to the Committee on Claims.

By Mr. REAVIS: A bill (H. R. 20486) granting a pension to Martin W. Morganson; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 20487) granting an increase of pension to Thomas A. Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20488) granting an increase of pension to George W. Prewett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20489) granting an increase of pension to Richard B. V. Nipper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20490) granting an increase of pension to Charles Kilgore; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 20491) granting a pension to Polly Tipton; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 20492) granting an increase of pension to Enos Pearce; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 20493) granting a pension to Johanna McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20494) granting an increase of pension to George Stevens; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of the Woman's Club of the People's Church of Cincinnati, Ohio, protesting against military training in public schools; to the Committee on Military Affairs.

By Mr. BACHARACH: Petition of 40 people of Cedarville, 50 Baptist people of Cedarville, Christian Endeavor people of Wildwood, Civic Association of Lumberton, 30 people of Cumberland, 76 people of Bridgeton, 180 people of Fairton and St. Stephen's Episcopal Church, of Florence, and Woman's Christian Temperance Union and 100 people of Delanco, all in the State of New Jersey, for national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of Bible Class of United Presbyterian Church, 35 people; Central Woman's Christian Temperance Union, 175 people; Grace Lutheran Church, 375 people; and St. John's Reformed Church, all of Johnstown, Pa., for national prohibition; to the Committee on the Judiciary.

Also, petitions of G. H. Dilling, Saxton; Louis E. Kaylor, Ebensburg; Frank S. Shallenberger, Hollidaysburg; J. E. Allison, Johnstown; John H. Tickerhoof, Portage; and Clarence B. Colvin, Schellburg, all in the State of Pennsylvania, rural mail carriers, for an allowance for equipment and maintenance; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: Papers to accompany House bill 19738, for relief of Edwin C. Beall; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20010, for relief of John S. Skeels; to the Committee on Invalid Pensions.

By Mr. CAREW: Petitions of sundry citizens, protesting against enactment of prohibition laws; to the Committee on the Judiciary.

By Mr. CARY: Petition of 500 voters of Milwaukee, Wis., protesting against the passage of House bill 8986, Senate bills 4429 and 1082, House joint resolution 84, House bill 17850, and any other prohibition measures; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of Merchants' and Manufacturers' Association of Milwaukee, Wis., asking that legislation be enacted to provide for greater transportation facilities on the Great Lakes in accordance with the recommendation of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of George A. Gibson Co., of New York, in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Minnesota: Petition of city council, approved by mayor, of Minneapolis, Minn., requesting that an embargo be placed on certain food products; to the Committee on Ways and Means.

By Mr. DUNN: Petition of O. E. Benedict, of West Webster, N. Y., and Q. F. Lamberton, of West Henrietta, N. Y., asking for the favorable consideration of bill to fix the compensation of rural carriers upon a more equitable and specific basis; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of 126 people of Alameda; First Baptist Church of Alameda; Congregational Church, 325 people, of Alameda; Christian Endeavor Society, 40 people, of First Christian Church of Alameda; First Methodist Church of Alameda; 105 members of Epworth League of Oakland; 100 people of Oakland; 1,200 people of Oakland; 100 people of Alameda; First Methodist Episcopal Church, 334 people, of Alameda, all in the State of California, for national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Papers to accompany House bill 19964, for relief of Frank F. Randolph; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of William McCord, of Hemlock, N. Y., favoring House bill 14428, to increase pensions of maimed soldiers; to the Committee on Invalid Pensions.

Also, petition of Printers' Union No. 275, of Chicago, Ill., favoring House resolution 137; to the Committee on Rules.

Also, petition of Svenska Amerikanaren, of Chicago, against the enactment of House bill 16145; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of Surviving Union Volunteer Officers of the Civil War, for the volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of Central Federated Union of New York, in favor of increase for Government employees; to the Committee on Appropriations.

By Mr. GUERNSEY: Petition of Eureka Grange, 186 people, of Mapleton; Penobscot Pomona Grange; 750 people of Olamon; 34 voters of Bridgewater, all in the State of Maine, for national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 19211, for relief of A. B. Reeser; to the Committee on Invalid Pensions.

By Mr. HILL: Petitions of men's Bible class, 50 people, of Georgetown; Epworth League of Georgetown; Woman's Christian Temperance Union, 50 people, of Georgetown; and King's Daughters, 30 people, of Branchville, all in the State of Connecticut, for national prohibition; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of 67 citizens of Denver, Colo., for national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Memorial of Epworth League of the Methodist Church of Salt Lake City, Utah, in favor of excluding from the mails all advertisements of alcoholic liquors; to the Committee on the Post Office and Post Roads.

Also, memorial of Railway Mail Association of Ogden, Utah, for increased pay for civil-service employees; to the Committee on the Post Office and Post Roads.

By Mr. HULBERT: Petitions of 208 citizens of Niagara City, protesting against the passage of Senate bill 1082, Sheppard bill; Senate bill 4429, Bankhead bill; House joint resolution 84, Webb bill; House bill 17850, Howard bill; and House bill 18986, Randall bill; to the Committee on the Post Office and Post Roads.

By Mr. LEHLBACH: Petitions of sundry citizens opposing prohibition bills; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition regarding freedom of the press; to the Committee on the Post Office and Post Roads.

Also, memorial regarding embargo on food products; to the Committee on Ways and Means.

By Mr. LINTHICUM: Memorials of Henry A. Brehm, of Baltimore, Md., and the Conservation Commission of Maryland, indorsing House bill 20080; to the Committee on Agriculture.

By Mr. LONGWORTH: Petition signed by many residents of Cincinnati, Ohio, protesting against the passage of House bill 18086, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Post Office and Post Roads.

By Mr. McCRACKEN: Petitions of 50 people of Lapwai, 30 people of Kendrick, and 20 people of Cottontown, Idaho, for national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of 6,000 citizens of St. Louis, Mo., protesting against the pending prohibition measures; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of John W. Lee, Adolph Tuin, and other citizens of Philadelphia, Pa., protesting against House bill 18086, Senate bills 4429 and 1082, House joint resolution 84, and House bill 12800; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of Mrs. W. A. Zahn, Mrs. A. B. Kaufman, Miss Bess Z. Carey, Mrs. T. E. McCausland, and Miss Beatrice G. Melus, all of Pittsburgh, Pa., with reference to the Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Massachusetts Real Estate Exchange, urging consideration by Congress of old-age pensions and social insurance; to the Committee on Appropriations.

Also, petition of San Luis Obispo Chamber of Commerce, urging the enlargement of the Sequoia National Park, the creation of the Grand Canyon national park, and the appropriation of $319,000 for the Yosemite National Park; to the Committee on Appropriations.

Also, petition of the San Francisco Advertising Club, urging the enlargement of the Sequoia National Park, the creation of the Grand Canyon national park, and the appropriation of $319,000 for the Yosemite National Park; to the Committee on Appropriations.

By Mr. ROWE: Memorial of New York Canners' Association, in re pure-food legislation; to the Committee on Agriculture.

Also, memorial of New York Post Office Laborers' Benevolent Association, Branch No. 1, for increased pay for watchmen, messengers, and laborers; to the Committee on the Post Office and Post Roads.

Also, memorials of Central Federated Union and sundry citizens of New York, opposing prohibitory bills; to the Committee on the Judiciary.

Also, memorial of The Bronx Board of Trade for increased appropriation for use in re import trade; to the Committee on Appropriations.

By Mr. STAFFORD: Petitions of residents of the first congressional district, protesting against national and District of Columbia prohibition and the mail-exclusion bills; to the Committee on the District of Columbia.

Also, memorial of Merchants & Manufacturers' Association of Milwaukee, Wis., an organization representing 1,600 business men, petitioning Congress to amend the Isthmian Canal act so as to permit packet lake carriers to be operated by connecting railroad carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Resolutions of the Good Hope Farmers' Club, of Lockhart, Minn., protesting against the proposed embargo on foodstuffs and farm products; to the Committee on Ways and Means.

Also, resolutions adopted by the Clover Leaf Farmers' Club, of Clearbrook, Minn., protesting against the proposed embargo on foodstuffs and farm products; to the Committee on Ways and Means.

By Mr. TINKHAM: Memorial of board of directors of the Taunton Chamber of Commerce, of Taunton, Mass., in re remedial interstate-traffic legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNER: Petition of 45 people of Woman's Christian Temperance Union; Young People's Society of Christian Endeavor of Congregational Church; 30 people of Epworth League, all of Corning, in the State of Iowa, for national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of Woman's Missionary Society, 30 people, of Greeley; Woman's Christian Temperance Union, 150 people, Fort Collins; 98 people of Kelly Evangelical Sunday School; First Baptist Church, 68 people, Fort Morgan; Woman's Foreign and Home Missionary Society of Fort Morgan; 30 people of Fort Morgan; 200 people of Fort Collins; Christian Church, 145 people, Fort Morgan; and Young People's Christian Union of Boulder, all in the State of Colorado, for national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *January 25, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast said of old where there is no vision the people perish. Every question presented to us is impressive with its relation to the questions yet to arise in our national life, and every problem bears within itself its ever-widening circle of influence and power affecting the issues which are before us. We thank Thee that there is light upon the future, as well as a voice out of the past. We pray for that vision which will enable us to see clearly the path of duty and righteousness and justice, and led on by the God of our fathers may we establish that which is right in the sight of God. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, there are but eight Senators in the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Nelson	Smoot
Bankhead	Gallinger	Norris	Stone
Beckham	Hardwick	Oliver	Sutherland
Brady	Husting	Overman	Thomas
Brandegee	James	Reed	Tillman
Bryan	Johnson, Me.	Robinson	Townsend
Chamberlain	Jones	Saulsbury	Underwood
Clapp	Kenyon	Shafroth	Vardaman
Clark	La Follette	Sheppard	Walsh
Colt	Lane	Sherman	Watson
Culberson	McCumber	Shields	Weeks
Curtis	Martine, N. J.	Smith, Md.	Works
Dillingham	Myers	Smith, S. C.	

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN] because of sickness. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE.

Mr. SMITH of Maryland. Mr. President, I desire to state that the Subcommittee of the Committee on Appropriations is at work on the District of Columbia appropriation bill, and we are very anxious to push it forward as fast as possible. I ask that the members of the subcommittee be excused from attendance on the session of the Senate to-day.

Mr. ROBINSON. I suggest that the Senator state the names of the Senators composing the subcommittee, so that it may appear of record.

Mr. SMITH of Maryland. The subcommittee is composed of the Senator from Tennessee [Mr. LEA], the Senator from Oklahoma [Mr. OWEN], the Senator from Arkansas [Mr. ROBINSON], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], and myself.

The VICE PRESIDENT. The request is that the subcommittee, which has in charge the District of Columbia appropriation bill, shall be excused from attendance in the Senate to-day. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 7359. An act authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.; and

S. 7748. An act to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island, in said county and State.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present resolutions adopted by the Legislature of Montana, favoring the enactment of legislation to provide for the development of water power, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

House resolution 2, introduced by Mr. Scott.

To the honorable PRESIDENT OF THE SENATE OF THE UNITED STATES:

We, your memorialists, the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, do hereby respectfully submit the following resolution:

"Whereas there is now pending in the Senate of the United States a bill for an act providing for the development of water power and the use of public lands in relation thereto; and

"Whereas the State of Montana is desirous of the reasonable development of its resources under such laws and regulations as will effectively conserve the public interest, is vitally interested in the consideration of such water-power bill; and

"Whereas there exists in our State an urgent need for the opportunity of developing its water power as an aid to its industrial growth and progress; and

"Whereas there are situated within the State of Montana many large streams and natural power sites of magnitude and great potential possibilities, the early development of which, for the production of hydroelectric energy and other kindred uses, depends entirely, in large measure, in the attitude and action of the National Congress in connection therewith: Now, therefore, be it

"*Resolved*, That we, the House of Representatives of the State of Montana, respectfully ask, in connection with the water-power bill now under consideration in the Senate of the United States, for immediate legislation such as will permit, fully and freely, the development of water power in the streams and power sites on the public lands and on the Indian reservations in Montana, under such rules and regulations as the Congress of the United States may prescribe.

"*Resolved*, That a copy of this resolution be transmitted by the secretary of state to the Hon. HENRY L. MYERS and Hon. THOMAS J. WALSH, United States Senators at Washington, D. C."

I hereby certify that the foregoing resolution transmitted to you this day originated in the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, and was duly passed this 16th day of January, 1917.

S. V. STEWART,
Governor.

JAS. F. O'CONNOR,
Speaker of the House.

Attest:

C. H. TREACY,
Chief Clerk.

Approved January 16, 1917.

S. V. STEWART,
Governor.

Filed on January 16, 1917, at 1.45 p. m.

C. T. STEWART,
Secretary of State.

—

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house resolution No. 2, memorializing the Congress of the United States for the early consideration of water-power legislation, enacted by the fifteenth session of the Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, on the 16th day of January, 1917.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 16th day of January, A. D. 1917.

[SEAL.]

C. T. STEWART,
Secretary of State.

Mr. ASHURST. I present a memorial of the Legislature of the State of Arizona unanimously adopted, and I ask that the same be read.

The memorial was read and referred to the Committee on Indian Affairs, as follows:

Senate memorial 1.

THIRD STATE LEGISLATURE,
SENATE CHAMBER.

To the Senate and House of Representatives of the Congress of the United States of America and the honorable the Secretary of the Interior, Washington, D. C.:

Your memorialist, the Third Legislature of the State of Arizona, respectfully represents:

That there is embraced within the Colorado River Indian Reservation in Yuma County, Ariz., approximately 150,000 acres of highly fertile river-bottom lands, splendidly adapted to the growing of general agricultural products, and of rich mesa or high table lands especially adapted, by reason of unusually favorable conditions of soil and climate, to the culture of citrus and other valuable fruits.

That exhaustive engineering investigations conducted by the State land department of Arizona, under and by authority of certain acts of the second legislature, and with the permission of the Secretary of the Interior, establish beyond reasonable doubt the existence of underground water resources, adequate in quantity and quality for the successful reclamation of the said lands and the feasibility of such reclamation by means of pumping plants by individual settlers or cooperative communities of settlers.

That the reclamation and development of this splendid body of land and its utilization by progressive agriculturists and horticulturists would greatly enhance the wealth and prosperity of the State of Arizona, provide homes for thousands of patriotic citizens, and increase the production of those food supplies so sorely needed for the sustenance of the peoples of the world.

That the allotment of such of the lands embraced within the said Indian Reservation as may be needed by the Indians attached thereto, and the opening of the remainder to settlement or sale, would not only effect these most highly desired objects but would also be an act of simple justice to the town of Parker, which, though established by virtue of Federal action and encouragement, finds itself after years of waiting still surrounded by Indian lands and effectually cut off from the development to which its natural resources entitle it.

Wherefore your memorialist, the Third State Legislature of Arizona, respectfully but urgently prays that such action be had by Congress and by the Secretary of the Interior as may be necessary to effect the proper, just, and expeditious allotment to the Indians attached to the said Colorado Indian Reservation, of the lands needed by them or for their use, and the restoration of the remainder of said reservation or some considerable portion thereof to entry under the United States land laws, or its subjection to sale under such terms and conditions, rules, and regulations as will prove just to the Indians at present owning the said land and to the settlers who will be attracted to it, thus achieving in the fullest measure the beneficent purposes described herein.

And your memorialist will every pray.

Passed the senate January 17, 1917, by the following vote: 19 ayes.

D. H. CLARIDGE,
President of the Senate.

C. P. HICKS,
Secretary of the Senate.

Passed the house January 18, 1917, by the following vote: 34 ayes, no nays, one absent, none excused.

A. A. JOHNS,
Speaker of the House of Representatives.

Attest:

SAM W. PROCTOR,
Chief Clerk.

Mr. NELSON presented a petition of the City Council of Minneapolis, Minn., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. CHAMBERLAIN. I present a memorial of the Legislature of Oregon, praying for national prohibition, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 4.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas it is proposed that the Congress of the United States submit to the various States of the Union a constitutional amendment forever prohibiting the manufacture, sale, and importation within the United States and their dependencies, of intoxicating liquors for beverage purposes; and

Whereas it is known that the traffic in intoxicating liquors results in great industrial, economic, and moral loss, and greatly increases human suffering without compensatory benefits; and

Whereas the abolition of such traffic has, wherever fairly tried, brought about great improvement in the moral and economic condition of mankind; and

Whereas 23 States of the Union have by constitutional amendment or legislative enactment abolished such traffic: Therefore be it

Resolved by the Senate of Oregon (the House of Representatives concurring), That the Congress of the United States be, and it is hereby, memoralized to submit to the States, as soon as practicable, the said proposed amendment of the National Constitution; and be it further

Resolved, That after concurrence of the house of representatives herein the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives from Oregon in the Congress of the United States.

Adopted by the senate January 11, 1917.

GUS C. MOSER,
President of the Senate.

Concurred in by the house January 16, 1917.

R. N. STANFIELD,
Speaker of the House.

STATE OF OREGON,
SENATE CHAMBER.

I, John W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 4, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 11, 1917, and concurred in by the house January 16, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 18th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. CHAMBERLAIN. I present a memorial of the Legislature of Oregon, favoring the enactment of legislation to exclude liquor advertisements from the mails. I ask that the memorial may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 3.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas 23 States of the Union have, by constitutional amendment or statutory enactment, prohibited the traffic in intoxicating liquors, and the enforcement of the laws of said States in that behalf is hampered and impeded by the circulation through the United States mails within said State of advertisements inducing and encouraging the purchase and importation of intoxicating liquors, and such importation of liquors is often made for the purpose of evading the laws of States prohibiting the liquor traffic, to the great detriment and injury of the citizens of such States: Therefore be it

Resolved by the Senate of Oregon (the House of Representatives concurring), That the Congress of the United States be, and it is hereby,

memorialized to enact such legislation as will prohibit transmission through the mails of the United States of written or printed matter advertising intoxicating liquors for sale or other distribution for circulation within States whose laws prohibit the same; be it further

Resolved, That after concurrence of the house of representatives herein the chief clerk of the senate shall transmit copies of this memorial to the Senators from Oregon in the Congress of the United States.

Adopted by the senate January 11, 1917.

GUS C. MOSER,
President of the Senate.

Concurred in by the house January 16, 1917.

R. N. STANFIELD,
Speaker of the House.

—

STATE OF OREGON,
SENATE CHAMBER.

I, John W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 3, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 11, 1917, and concurred in by the house January 16, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 18th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. CHAMBERLAIN. I have also a memorial of the Legislature of Oregon, praying for the passage of the so-called volunteer officers' retirement bill, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the honorable Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Twenty-ninth Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas there is now pending in the Congress of the United States Senate bill 392, introduced by Hon. CHARLES E. TOWNSEND, known as the Civil War volunteer retired list bill, to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War; and

Whereas the Committee on Military Affairs have reported the same to the Senate with amendments and as thus amended the committee recommended that the bill do pass; and

Whereas the provisions of said bill are as pledged by Congress and President Lincoln at the opening of the Civil War to the several States and to the volunteers furnished by them; and

Whereas the present policy of the Government is to retire all surviving officers of the Regular Army and Navy at half pay for life at ages less than any of those who will receive the recognition accorded by this act; and

Whereas full retired pay for life to all survivors of the Revolutionary War, the War of 1812, and Indian wars in accordance with rank have been granted and furnishes a commanding precedent; and

Whereas public sentiment of the Nation is shown by the unanimous action of the legislatures of 13 States, speaking for approximately 50,000,000 of our people, recommending the enactment of such a measure: Therefore be it

Resolved by the senate (the house of representatives concurring), That our Senators and Representatives in Congress and the entire Congress of the United States of America be, and are hereby, memorialized and requested that said bill, known as the volunteer retired bill, be speedily taken up and put upon its final passage, and which will give the same aid according to rank as that given to the retired officers of the Regular Army, deducting any pensions that they now receive.

Resolved further, That the chief clerk of the senate is hereby directed to transmit certified copies of this memorial to the President of the Senate and Speaker of the House of Representatives of the National Congress and to each of the Oregon Representatives and Senators in Congress.

Adopted by the Senate January 12, 1917.

GUS C. MOSER,
President of the Senate.

Concurred in by the house January 16, 1917.

R. N. STANFIELD,
Speaker of the House.

—

STATE OF OREGON,
SENATE CHAMBER.

I, John W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 12, 1917, and concurred in by the house January 16, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 18th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. McLEAN presented petitions of sundry citizens of Milford, New Haven, Hartford, and Wallingford, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of the New Departure Manufacturing Co., of Bristol, Conn., remonstrating against the proposed tax on net incomes of corporations, which was referred to the Committee on Finance.

Mr. SMITH of Arizona. I have received a number of telegrams relative to conditions at the Papago Indian Reservation in my State, and in order to preserve them I ask that they may be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

TUCSON, ARIZ., *January 25, 1917.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Am advised the Government contemplates water developments on Santa Cruz River above Tucson that would seriously affect water supply of Tucson and of various irrigation projects. We protest against any developments that would in any way interfere with the supply for projects already completed. Over $3,000,000 have been used to complete our development, and we now have over 100 farmers established who would suffer.

TUCSON FARMS CO.

—

TUCSON, ARIZ., *January 25, 1917.*

Hon. M. A. SMITH,
United States Senate, Washington, D. C.:

Resolution 478.

"Whereas at a call meeting of the mayor and common council of the city of Tucson, held in said city on the 24th day of January, 1917, the attention of the council was directed to the fact that the proposed Indian appropriation bill now before the Congress of the United States contains provisions for appropriations for development of water in the San Xavier Indian Reservation in Pima County, Ariz., and which said development if carried out would in the opinion of the city engineer of the city of Tucson greatly imperil the supply of water obtained by this city and supplied to the people of the city of Tucson: Now, therefore, be it

"*Resolved by the mayor and common council of the city of Tucson*, That the mayor and common council of the city of Tucson on behalf of the residents of the said city do hereby most strongly protest against the passage of such appropriations; and be it further

"*Resolved*, That copy of this resolution be mailed at once to the Hon. MARCUS A. SMITH, with a request that he personally present the foregoing resolution to the proper committees or to Congress, and he use every effort to forestall the appropriation aforementioned."

Passed and adopted by the mayor and common council of the city of Tucson this 24th day of January, 1917. Approved this 24th day of January, 1917.

O. C. PARKER, *Mayor.*

Attest:

L. O. COWAN,
Recorder and Ex Officio Court Clerk.

—

TUCSON, ARIZ., *January 25, 1917.*

Hon. M. A. SMITH,
Washington, D. C.:

The undersigned, owners of about 20,000 acres out of a possible 30,000, Indians owning about 5,000, in the Santa Cruz Valley, Pima County, Ariz., adjacent San Xavier Indian Reservation, on information that the United States Indian Service are seeking to develop and use the water of the Santa Cruz River above our lands, protest against any such arbitrary procedure. We are dependent for irrigation of our lands on the underflow of the Santa Cruz River below the reservation. This project menaces our water supply on which we are entirely dependent, and we urge you as our representative to do all possible to prevent it.

Tucson Farms Co., H. C. Kinison, I. F. Nichols, F. S. Leeberger, Mary T. Hampshire, Joaquin Carrillo, Quintus Monier, Catherine Hesse, Kenney Bros., Henry Petersen, S. B. Rohrer, Three Rivers Land Co., Estate of F. S. Romero, John Nelson, A. Steinfeld, Guild Farm Co., Nathan Kendall, Belle Barnes, Hugo Donau, Henry Proctor, Mrs. C. E. Langhoren, Peter Cordovia, C. M. Sims, Lee Milligan.

Mr. PENROSE presented petitions of sundry citizens of Pennsylvania, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented a petition of sundry citizens of Fort Branch, Ind., praying for the establishment of a national leprosarium, which was ordered to lie on the table.

He also presented memorials of the Central Labor Union of Kokomo, and of sundry citizens of Terre Haute, in the State of Indiana, remonstrating against the enactment of legislation to provide for compulsory arbitration of disputes between railroads and their employees, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Thomas J. Clark Branch, Friends of Irish Freedom, of Indianapolis, Ind., praying that the United States use its friendly intervention and good offices during the peace negotiations to follow the European war to bring about the recognition of the independence of Ireland, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Chamber of Commerce of Gilroy, Cal., and a petition of the Stanislaus County Board of Trade, of Modesto, Cal., praying for the enactment of legislation providing for the improvement and development of the national parks of the country, which were referred to the Committee on Public Lands.

Mr. POINDEXTER presented a memorial of the Order of the Eastern Star, of Seattle, Wash., remonstrating against the alleged deportation of Belgians by Germany, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 6943) for the relief of Frederick Tessman, reported it without amendment and submitted a report (No. 975) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 1063. A bill to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands" (Rept. No. 976);

S. 5438. A bill for the relief of Nels A. Levang (Rept. No. 977); and

S. 7894. A bill to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the State of Montana (Rept. No. 978).

Mr. BRADY (for Mr. WARREN), from the Committee on Military Affairs, to which was referred the bill (S. 7713) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation, reported it without amendment and submitted a report (No. 979) thereon.

Mr. JOHNSON of Maine, from the Committee on Claims, to which was referred the bill (S. 890) for the relief of the legal representatives of John T. Brickwood, deceased, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger, reported it without amendment and submitted a report (No. 981) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1685) for the relief of John R. Monteith, reported it without amendment and submitted a report (No. 980) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county (with accompanying papers); to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 8004) authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes; and

A bill (S. 8005) granting to the county of Custer, State of Montana, certain land in said county for use as a fairground; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 8006) granting an increase of pension to E. G. Thompson; and

A bill (S. 8007) granting an increase of pension to D. F. Siegfried; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 8008) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved September 8, 1916, and for other purposes;

A bill (S. 8009) granting an increase of pension to John Dodgion (with accompanying papers);

A bill (S. 8010) granting an increase of pension to William H. Culter (with accompanying papers);

A bill (S. 8011) granting a pension to Emma Ervin (with accompanying papers);

A bill (S. 8012) granting an increase of pension to John F. Dixon (with accompanying papers);

A bill (S. 8013) granting an increase of pension to Henry W. Ela (with accompanying papers);

A bill (S. 8014) granting an increase of pension to Jefferson Hurst (with accompanying papers);

A bill (S. 8015) granting a pension to John Cropper (with accompanying papers); and

A bill (S. 8016) granting an increase of pension to Marion Pierce (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 8017) granting an increase of pension to William H. Van Name; and

A bill (S. 8018) granting an increase of pension to Theodore A. Maltby (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8019) granting a pension to Daniel Kennelley;

A bill (S. 8020) granting an increase of pension to George H. Clark;

A bill (S. 8021) granting an increase of pension to Joseph Artley;

A bill (S. 8022) granting a pension to Charles G. Meyer;

A bill (S. 8023) granting an increase of pension to Rebecca M. Smith;

A bill (S. 8024) granting an increase of pension to Mary Elizabeth Lambert (with accompanying papers); and

A bill (S. 8025) granting a pension to J. K. Gleeson (with accompanying papers); to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 8026) for the relief of John Griffin to the Committee on Military Affairs.

A bill (S. 8027) granting an increase of pension to Jacob M. Westfall (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 8028) to provide an additional judge for the District Court of the United States for the Western District of Missouri; to the Committee on the Judiciary.

By Mr. ASHURST (by request):

A bill (S. 8029) to incorporate the Kee-too-wah Band of Cherokee Indians in Oklahoma, otherwise known as the Night Hawks, into an industrial community for their mutual benefit and protection and the promotion of education, self-government, self-control, and industry among them, and for other purposes; to the Committee on Indian Affairs.

By Mr. POINDEXTER:

A bill (S. 8030) granting an increase of pension to Marcus M. Holmes (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 8031) to remove the charge of desertion from the military record of David D. Sharp; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 8032) to amend section 3847 of the Revised Statutes so as to grant postmasters having money belonging to the Government authority to deposit the same with trust companies; to the Committee on Post Offices and Post Roads.

By Mr. PAGE:

A bill (S. 8033) granting an increase of pension to Charles Minor (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A joint resolution (S. J. Res. 201) requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians); to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment providing that village delivery service shall be established in all towns and villages having a population of 1,000 or more in which the postal receipts shall have been in excess of $3,000 for the past fiscal year, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. PENROSE submitted an amendment providing for compensation to printers in the Post Office Department, 10 at $1,500 each, 6 at $1,400 each, 4 at $1,300 each, 2 at $1,200 each, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment providing during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees receiving salaries at a rate per annum less than $1,000, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment providing that in addition to compensation now allowed by law the further sum of $15 per month be allowed each rural-delivery carrier serving a route 18 miles or more for maintenance of such equipment as is neces-

sary in the discharge of his duties as a letter carrier, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment authorizing a report upon the feasibility of constructing the Colorado River Indian irrigation project, intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was ordered to lie on the table and be printed.

Mr. POMERENE submitted an amendment proposing to appropriate $50,000 to enable the Secretary of Agriculture to establish and maintain horticultural experimental stations in the Mississippi Valley, to be located in the principal grape-growing States of Missouri, Ohio, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. HUGHES submitted an amendment providing that postmasters having public money belonging to the Government at any office within a city or town where there is no Treasurer or Assistant Treasurer of the United States or designated depositary may deposit the same temporarily at his own risk in any National or State bank or trust company, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. POINDEXTER submitted an amendment providing that the office of postmaster in each class shall hereafter be a non-political office and shall be within the classified civil service, and appointments thereto shall be made in accordance with the civil-service rules, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. PHELAN submitted an amendment authorizing the Secretary of War to convey to the regents of the University of California that portion of the military reservation of the Presidio of San Francisco, Cal., on which the Palace of Fine Arts is located, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

PUBLIC BUILDINGS.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the public-buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. FLETCHER submitted two amendments intended to be proposed by him to the public-buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the public-buildings bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. CURTIS submitted an amendment intended to be proposed by him to the public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

THIRTEENTH FEDERAL FARM-LAND BANK DISTRICT.

Mr. CURTIS. I submit an amendment intended to be proposed by me to the bill (S. 7583) to amend the Federal farm-loan act by providing for the establishment of the thirteenth Federal farm-land bank district, to be composed of the States of Colorado, Wyoming, Utah, and New Mexico, and to establish a Federal land bank therein at Denver, Colo. I am opposed to that measure, and I should like to offer this amendment when it is taken up. I ask that the amendment may lie on the table.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

EXPORT TRADE.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (H. R. 17350) to promote export trade, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATIONS.

The VICE PRESIDENT. Are there concurrent or other resolutions? If there be none, the morning business is closed.

Mr. OVERMAN. Mr. President, I ask unanimous consent to proceed to the consideration of House bill 18542, which is known as the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment offered by Mr. BRYAN, on page 119, after line 3, to insert the following words:

In order to effect economy in the matter of auditing and accounting, the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, stations, or non-accounting offices in any post office for the transaction of such postal business as may be required for the convenience of the public.

Mr. BRYAN. Mr. President, the Senator from Massachusetts [Mr. WEEKS], who raised a point of order on the amendment, is engaged in the Committee on Post Offices and Post Roads and will be in the Chamber in a moment. Meantime I desire to say that the Postmaster General has written a letter, in which he states that it is not his purpose to withdraw anybody from the classified service. I quote from a letter which he wrote to the Senator from Utah [Mr. SMOOT], who has sent me a copy of it.

Mr. SMOOT. Why not have the entire letter read, so that it will be in the RECORD?

Mr. BRYAN. I think this is the vital part of the letter:

The sole purpose of this amendment is to enable the department to establish a more effective, practical, and scientific system of accounting and auditing.

Mr. WEEKS entered the Chamber.

Mr. BRYAN. The Senator from Massachusetts is now in the Chamber, and I ask him if, in view of this statement by the Post Office Department, he will not withdraw his point of order?

Mr. WEEKS. I am anxious to cooperate in any proposition to bring about real economy in the Postal Service without interfering with the existing order more than is necessary. I am fearful that the proposition introduced by the Senator from Florida may mean the abolishment of postmasters at the option of the postmaster at a central post office or the changing of employees or in some other way interfering with that part of the service, which, I think, should be strictly under the jurisdiction of the Post Office Department at Washington.

I have prepared a substitute for the proposition which the Senator from Florida has introduced. I will send it to the desk, and should like to have it read. If the Senator from Florida will accept the substitute, I shall withdraw the point of order which I have made against his amendment.

The VICE PRESIDENT. The substitute offered by the Senator from Massachusetts will be stated.

The SECRETARY. As a substitute for the amendment offered by Mr. BRYAN, it is proposed to insert:

In order to promote economy in the distribution of supplies and in auditing and accounting, the Postmaster General may designate districts and central offices in such districts through which supplies shall be distributed and accounts audited, but in no case shall the postmaster at the central station be given authority to abolish offices, to change officers or employees in offices included in such district.

Mr. BRYAN. Mr. President, I shall accept the amendment which the Senator from Massachusetts offers, and shall agree that it shall stand in the place of the amendment which I have offered, if I may properly do so.

The VICE PRESIDENT. Then the Chair understands that the point of order made by the Senator from Massachusetts is withdrawn?

Mr. WEEKS. I withdraw the point of order.

The VICE PRESIDENT. The question is on the substitute amendment offered by the Senator from Massachusetts, which has been accepted by the Senator from Florida.

The amendment was agreed to.

Mr. BRYAN. I think perhaps it would be well, with the permission of the Senator from Utah, to have the letter written by the First Assistant Postmaster General on this subject inserted in the RECORD, if there is no objection.

The VICE PRESIDENT. In the absence of objection, the letter referred to will be inserted in the RECORD, without reading.

The letter referred to is as follows:

JANUARY 25, 1917.

Hon. REED SMOOT,
United States Senate.

MY DEAR SENATOR SMOOT: I notice from the RECORD of yesterday that in discussing the legislative bill in connection with the establishment of nonaccounting offices, you ask whether in the event these offices

are made nonaccounting offices, "Will not those offices be suboffices, and therefore not under civil service?"

I wish to state for your information that if the proposed amendment is enacted into law it will not result in the withdrawal of a single position from the classified civil service, neither will the name of the office be changed or its status affected in any particular, nor would the service to the public be affected in any way. The sole purpose of this amendment is to enable the department to establish a more effective, practical, and scientific system of accounting and auditing.

Sincerely, yours,

_____,
First Assistant Postmaster General.

Mr. BRYAN. In view of the adoption of the last amendment, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 46, line 18, it is proposed to change the total from "$284,730" to "$254,730."

Mr. SMOOT. That is a reduction of $30,000.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Florida.

The amendment was agreed to.

Mr. JONES. Mr. President, during the discussion of this bill we have had a good many references to what are stated as facts, that in various departments there are employees working side by side, doing the same kind of work, but who are paid entirely different salaries. Many suggestions have been made that such conditions as those should be investigated by the Efficiency Bureau and should be remedied.

I think it has also been stated by the Senator having charge of the bill that the amendments already adopted cover that phase of the matter. I do not think so; I have some doubt about it. It has been stated that the amendments on pages 31 and 32 cover that matter. I do not think so. The first paragraph of the amendment, on page 31, as I think, simply covers the methods of examining and auditing claims against the United States. The second paragraph simply relates to the investigation of work performed by the Subtreasuries and a report to Congress. The third paragraph simply provides for the investigation of methods of transacting public business in the Civil Service Commission. That paragraph certainly does not cover the situation referred to. The fourth paragraph provides for ascertaining the rates of pay by the various State and municipal governments. That does not cover this phase of the situation. The last paragraph simply provides that officers and employees in the executive departments shall furnish representatives of the Efficiency Bureau information with reference to the matters that they are authorized to investigate. Therefore none of these paragraphs, I take it, cover definitely that phase of the situation.

Mr. BRYAN. I think that is true; but if the Senator from Washington will notice the text of the House bill, on page 31, he will see that it reads:

To investigate duplication of statistical and other work and methods of business in the various branches of the Government service.

However, I see no objection to doing anything else that will confer the general authority that is desired.

Mr. JONES. I was going to submit an amendment that might be considered in connection with all these other amendments in conference. So, to come in after the amendment adopted, on page 32, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After line 20, on page 32, it is proposed to insert the following:

The Bureau of Efficiency shall investigate the classification, salary, and efficiency of the employees of the departments in the District of Columbia and report fully or partially to Congress by January 1, 1918, as to needed equalization or reclassification; and if a partial report be submitted, then a full report shall be submitted as soon thereafter as possible, with such recommendations as the bureau may deem proper.

Mr. OVERMAN. I see no objection to that amendment, and I accept it.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WEEKS. Mr. President, I ask that the amendment which I send to the Secretary's desk be stated.

The VICE PRESIDENT. The amendment offered by the Senator from Massachusetts will be stated.

The SECRETARY. After the word "appropriated," on page 1, line 8, of the substitute adopted on motion of Mr. SMOOT, it is proposed to add the words "this appropriation to be immediately available."

Mr. WEEKS. Mr. President, I shall want a yea-and-nay vote on this proposition, if it is not accepted by the committee. I do not want to be cut out from that privilege; but I shall not call for a quorum unless it is necessary.

My purpose in offering that amendment is to provide for the immediate needs of the employees who are affected by the substitute offered by the Senator from Utah [Mr. SMOOT], which was adopted last Tuesday.

I should have offered it at that time, if the Senate had not immediately adjourned. Undoubtedly, it is the purpose of the Senate—and, I think, properly so—to provide that employees now paid $480 or less shall receive 15 per cent additional compensation, and employees now drawing $1,000 or less shall receive 10 per cent additional compensation; but that additional compensation under the amendment of the Senator from Utah as it now stands will not be available to these employees until next July. The high cost of living is here; if there is any reason for this increase—and I think there is—then the increase should be made immediately available.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. I yield.

Mr. NORRIS. I am in entire sympathy with the Senator's amendment, but it occurs to me that, if inserted at the place indicated, it would not be applicable. I wish the Senator would have the entire amendment read as it would be if the amendment were agreed to, and see whether he has proposed to insert it at the proper place.

Mr. WEEKS. Mr. President, I think it is offered at the proper place. I have no objection to its being read, so that the Senate will understand what I am getting at; but I assume that, if the purpose of the Senate is demonstrated on the vote which shall be taken on this motion, the conferees can adjust it so that it will carry out the object which I have in mind.

Mr. SMITH of Georgia. Will the Senator explain a little further to us just what the amendment does contemplate?

Mr. WEEKS. It contemplates that employees receiving $480 a year or less shall immediately, commencing with the approval of the bill, receive 15 per cent additional compensation to that which they are now receiving?

Mr. SMITH of Georgia. Per month?

Mr. WEEKS. Per month. And those receiving $1,000 or less shall receive an additional compensation of 10 per cent.

Mr. SMITH of Georgia. That would add five additional months. The Smoot amendment carries the additional compensation for 12 months, does it not?

Mr. WEEKS. It would add 5 more months, the Smoot amendment now carrying an increase for 12 months beginning next July.

Mr. SMITH of Georgia. That would add to this year's expenditures, running through the entire system of Government appropriations, five-twelfths as much more as will be carried by the so-called Smoot amendment.

Mr. WEEKS. Quite likely it would add $400,000 or $500,000 to the expenditures.

Mr. SMITH of Georgia. Four or five million dollars.

Mr. WEEKS. No; I mean hundreds of thousands of dollars to the expenditures for this year.

Mr. SMITH of Georgia. That is, on this particular bill; but if we apply the same principle straight through the other appropriation bills, as no doubt will be done, it will add $6,000,000 more of appropriations for the present fiscal year.

Mr. WEEKS. I think that is probable; I have not the figures. The Senator from Utah can inform us about that.

Mr. SMOOT. The amount that would be required under the amendment, applied only to this bill, would be $561,000.

Mr. SMITH of Georgia. But applied to all other appropriation bills, it would be much more; and if the proposal is finally agreed to, it will probably apply to more than this bill.

Mr. SMOOT. Applied to all employees of the Government in the classification indicated it would involve $13,000,000.

Mr. SMITH of Georgia. And this amendment would involve five-twelfths of $13,000,000.

Mr. SMOOT. As I understand, if we adopt the amendment of the Senator from Massachusetts, then whatever amount to be appropriated becomes immediately available.

Mr. SMITH of Georgia. Oh, no; that is not what the Senator from Massachusetts said.

Mr. SMOOT. That would be the effect of it.

Mr. SMITH of Georgia. What the Senator from Massachusetts said, if I understood him, was that the same principle which the amendment of the Senator from Utah will apply for the next fiscal year, beginning the 1st of July, shall also apply during the next five months, and that the employees covered by the amendment shall monthly for the next five months receive the same increase which they will receive under the amendment of the Senator from Utah for the fiscal year beginning July 1 next.

Mr. WEEKS. The Senator from Georgia is right, except that it shall apply on the approval of the bill, of course, whenever that may be.

Mr. SMOOT. Then, Mr. President, I doubt whether the amendment will reach the object intended.

Mr. WEEKS. I am not quite confident that the amendment will do that, but I take it for granted that the matter can be adjusted in conference, so that the purpose of the amendment will be carried out; but what I want to say, Mr. President, is that we do not know what conditions are going to be a year from now or six months from now. By that time we may get back to normal conditions, and the prices of articles that these people have to buy may have returned to the prices which obtained a year or two years ago. We do know, however, that now they are compelled to pay excessive prices for everything they buy, and therefore, if there is any reason for adopting the Smoot substitute—and I think there is—it should be made immediately applicable, so that it may now afford relief to these employees.

Mr. WORKS. Mr. President, as I understand the effect of the amendment offered by the Senator from Massachusetts, it does not apply to the provisions of the Smoot amendment at the present time, but simply provides that money shall be available to meet the obligation of that amendment. However, that obligation does not arise until the 1st of July, and therefore it is proposed to make available now money to pay an obligation which will not arise until the 1st of July, instead of increasing the pay at the present time.

Mr. WEEKS. I do not think that it has that effect, Mr. President.

Mr. WORKS. I may be mistaken about it.

Mr. WEEKS. I want to have the additional money available now for these employees.

Mr. SMITH of Georgia. The Senator wants this additional money immediately available?

Mr. WEEKS. I do.

Mr. SMITH of Georgia. Not the money appropriated by the amendment of the Senator from Utah, but, in addition to that, the Senator desires to appropriate an amount for similar extra compensation for the next five months?

Mr. WEEKS. That is it exactly. Mr. President, I might not have voted for the Smoot amendment if I thought Congress would be in session on the 1st of July and things would become normal by that time. I would have approached that matter in an entirely different way. I would have been glad, then, to have taken up the individual merits of employees and determined whether they were entitled to more compensation, but now we know that these people are probably suffering, and I do not want to wait six months to determine that they shall have relief, which it was evidently the intention of the Senate in the vote taken the other day that they should have.

Mr. SMOOT. Mr. President, I will read the section now as it will be if the Senator's amendment shall be adopted, and I think, after reading it, he will agree with the construction which I put upon it. Section 7, with the amendment of the Senator from Massachusetts, will read as follows:

That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of $480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at the rate of more than $480 per annum and not exceeding $1,000 per annum, so much as may be necessary is appropriated—

Then comes the amendment of the Senator from Massachusetts that—

This appropriation to be immediately available.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. NORRIS. It seems to me very plain that if the amendment of the Senator from Massachusetts is adopted another amendment will be necessary. I think it would be a simple matter to provide such an amendment which could be inserted at the beginning of the so-called Smoot substitute. Will the Senator read a line there, and I will suggest what ought to be stricken out in order to make it work properly.

Mr. SMOOT. I will read it over again.

That to provide, during the fiscal year——

Mr. NORRIS. At that point, strike out the words "during the fiscal year 1918." If we strike those words out, we will be making appropriations that will run during the entire fiscal year plus the time from the enactment of the law to the beginning of the present year.

Mr. SMOOT. No; if we strike those words out, there will be no appropriation for the fiscal year 1918.

Mr. NORRIS. Yes; the appropriation comes later in the amendment. We do not have to state "during the fiscal year"; but that limits it. If it is not so limited, it would be for the life of the bill and become immediately available as soon as the bill became a law and expire, of course, with the end of the fiscal year for which the law is made.

Mr. WORKS. I think the Senator is mistaken about that, because it would only take effect the 1st of July. The whole bill applies to that year.

Mr. NORRIS. But if it is made immediately available, it will become applicable.

Mr. WORKS. But if we insert a provision there respecting this particular item that this shall commence, not the 1st of July but from the time of the taking effect of this act, it will meet the situation.

Mr. SMOOT. Besides, the act provides in the title that it is "an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes."

Mr. WORKS. But you may fix a particular time when this particular provision or section of it shall take effect.

Mr. SMOOT. Yes; but the amendment of the Senator from Massachusetts does not do that.

Mr. WORKS. Certainly not.

Mr. WEEKS. Mr. President, I have a recourse which I am quite willing to adopt. I think the Senate knows exactly what I am driving at. I will offer an amendment to the bill in the Senate which will provide for an expenditure of $561,000, to be made immediately available, under the terms of this whole substitute.

Mr. OVERMAN. Mr. President, do I understand that the Senator insists on this amendment now?

Mr. WEEKS. I will withdraw this amendment and offer an amendment in the Senate which will provide a definite amount of money. I do not know how much would be required.

Mr. SUTHERLAND. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 145, line 11, it is proposed to strike out "$7,000" and insert "$8,500." The amendment has reference to the salaries of the judges of the circuit courts of appeals.

Mr. SMITH of Georgia. Mr. President, the salaries of the judges of the circuit courts of appeals is fixed by general statute, and is a general law. I make the point of order that this amendment is out of order for that reason, and for the further reason that it has not been reported by a committee or estimated for by a department of the Government.

Mr. SUTHERLAND. Mr. President, I suppose the amendment is subject to a point of order; but I had hoped that the point of order would not be made.

Mr. SMITH of Georgia. Mr. President, I certainly shall make it and insist upon it.

Mr. SUTHERLAND. I have no doubt the Senator will make it, because he has made it; but that does not alter the fact that I had hoped he would not make it.

Mr. SMITH of Georgia. I misunderstood the Senator. I thought he meant he still hoped it would not be made, and that was my reason for saying that I must insist upon it.

Mr. SUTHERLAND. No; my hopes have gone glimmering, Mr. President. I indulged them up to a certain point, and then I abandoned them. I repeat, however, that I had hoped that the Senator from Georgia would be moved to let the amendment be voted upon by the Senate.

If I may be indulged just a moment before the point of order is ruled upon—and I shall take but a moment—I want to call attention to the fact that for the ability which is necessary, and the character of the service which is rendered by these judges, in my judgment they are the poorest paid servants of the Government of the United States.

The members of the Federal Reserve Board receive $12,000 per annum, or $5,000 more than a circuit judge of the United States, and $6,000 more or twice as much as a district judge of the United States.

The members of the Federal Farm Loan Board receive $10,000 per annum, and although a plea has been made here for economy, a determined fight was made on the side of the Chamber from which this point of order is now made to retain those salaries at $10,000 per annum, and they have been retained.

The members of the Federal Trade Commission receive $10,000 per annum. For the life of me I can not understand why a member of that board should be paid $10,000 per annum and a circuit judge should be paid only $7,000 per annum, or $3,000 less.

The members of the Interstate Commerce Commission receive $10,000 per annum, and yet these judges, who are paid $3,000 less compensation, are obliged from time to time to review and pass upon the decisions of this commission. Again, I am unable to understand why a member of the Interstate Commerce Commission should receive $10,000 per annum, and a circuit judge

of the United States—of whom certainly greater ability is required, and greater learning is required—should be paid only $7,000 per annum.

The members of the Tariff Commission, I think, receive $7,500 per annum, while these judges receive the sums I have stated.

Mr. President, the increased cost of living affects the judges as it affects everybody else. They are obliged to educate their children; they are obliged to send their boys to college; they are obliged to keep up some sort of a decent appearance before the world; and I venture to say that many of them, if not most of them, upon this meager salary are to-day living a hand-to-mouth existence. It is not in keeping with the dignity of a great Government like this that we should permit officers of this character to receive such small salaries and thereby compel them to live meanly.

A judge of a United States court, of course, can do nothing except attend to his judicial duties. He can not go into business and make something in addition to his salary. He can not speculate. He can not do anything except attend to the duties of his office. True, it is a life position; but he can add nothing to his compensation in order that his family may be taken care of if he passes over in advance of them.

It seems to me, in view of these facts, that I was justified in indulging the hope that the Senator from Georgia—himself a great lawyer, who has practiced before these judges, and who understands quite as well as I do that what I say about it is the fact—would not insist upon this point of order.

These judges are receiving smaller salaries than we pay ourselves, and certainly it requires as much ability to be a judge of the circuit court of appeals as it requires to be a Senator or a Representative in the Congress of the United States. We are not precluded from adding to our compensation, when Congress is not in session, by practicing law, and a good many lawyers do that. There are business men in both Houses of Congress who engage in various kinds of business, which the judge is forbidden to do.

Mr. President, I regret very much that this act of common justice can not be performed because the rule of the Senate forbids it.

Mr. SMITH of Georgia. Mr. President, I do not agree with the view of the Senator from Utah that the circuit judges are not paid as much as United States Senators. They are really paid more. While their salaries are nominally only $7,000 and ours are $7,500, when judges of the circuit court of appeals attend the sessions of court their expenses are paid—not only their traveling expenses but their hotel bills. They are allowed, I think, $10 a day for subsistence. This part of their work lasts through at least half of the year. The high cost of living, so far as they are concerned, is largely provided for in this way, and their actual compensation is thus made more than that of a Senator. The cost of a Senator's living in Washington is in no way provided for.

Mr. President, in point of fact, we know that the Senators and Congressmen for the past five years have been called upon to give practically their entire time to the service of the Government. I do not suppose 1 lawyer in 20, in either body, has undertaken to do any law practice; but, on the contrary, all have given practically their entire service to the Government.

The Senator suggests that the compensation of the members of the Farm Loan Board and the Federal Trade Commission is too high. I shall vote whenever I have an opportunity on a general bill to put their compensation at $7,500 each. I am not in favor of increasing the pay of this class of Government officials. The United States circuit court judge has an office for life. He has no more elections. He has no more contests. He has not the burdens that a Senator has upon him growing out of his office. Each Senator is called upon to contribute substantially from his salary for the incidental responsibilities that grow out of his office. His personal mail growing out of his office which can not be classed properly as frankable matter puts a substantial tax upon him. There are calls incident to his office from home that put a substantial tax upon him, and he must make his race every six years. When the time comes that he is worn out, if he lasts in office that long, he retires practically with nothing to do, eliminated from his professional work, eliminated from any activities to provide either for himself or for his family, while, on the contrary, the circuit court judge takes his office for the balance of his life. If sickness comes upon him, he continues to draw his salary. If feeble health comes, he continues to draw his salary; and when the advanced age of 70 is reached, he can retire and for the balance of his life draw his pay just as though he were in active service. All of these things should be considered; and the life-time salary allowed the circuit court judge is equal to a higher salary paid temporarily to an officer in Washington.

At this time I am unwilling to see any increase in the higher-paid service rendered to the Government. A little later, when normal conditions exist, when the present heavy tax upon the National Treasury incident to preparedness ceases—I hope it will cease at no distant day—I shall be willing then to consider any increase of pay to circuit court judges. Now, I am against it; and I insist upon the point of order which I made against the amendment offered by the Senator from Utah.

The VICE PRESIDENT. The point of order is sustained upon the grounds that the amendment was not estimated for nor reported by any standing committee of the Senate. It is not sustained upon the ground that the salary is fixed by law. The Chair is of the clear opinion that the Congress of the United States can increase or diminish the salaries of public officials, and that that is not general legislation.

Mr. MYERS. Mr. President——

Mr. SMITH of Georgia. I do not wish the fact that I raised the point of general legislation to imply that I still consider that objection sound.

The VICE PRESIDENT. The Chair remembers to have ruled with the Senator from Georgia on this very bill as the Chair has ruled just now.

Mr. SUTHERLAND. Mr. President, I do not like to let the statement of the Senator from Georgia go without saying that my recollection is that such a ruling was not made by the Senate. I do not think we have ever held that an amendment to increase the amount of salary paid to an officer already in office constituted general legislation. We did hold, and I think correctly, that an amendment which proposed to create a new office, and fix the salary, was general legislation.

Mr. MYERS. Mr. President, a few days ago I offered several amendments to this bill. I ask that the Secretary read them.

The SECRETARY. The following amendments were offered by the Senator from Montana on January 18 last:

On page 95, line 7, strike out "fifty-three" and insert in lieu thereof "fifty-seven"; on page 95, line 8, strike out "seventy-seven" and insert in lieu thereof "eighty-three"; also, in line 8, strike out "eighty-one" and insert in lieu thereof "eighty-nine"; on page 95, line 9, strike out "sixty-nine" and insert in lieu thereof "seventy-seven"; and on page 95, line 19, in the total, strike out "$647,450" and insert in lieu thereof "$679,850."

Mr. MYERS. Mr. President, this is a series of amendments offered by me at the request of the Commissioner of the General Land Office, on account of the enormously increased amount of work of the General Land Office and the local land offices in the public-land States, growing out of the 640-acre homestead bill, which is now a law. It has been a law for about a month, I think, or something like that; and it has already resulted in enormously increased work in all of the public-land States of the country for the local land offices. There have been thousands of filings made, and many thousands of dollars tendered as fees in the various local land offices of the public-land States. Now, this work is all in addition to the work that those local land offices had been performing theretofore. It is fresh work, new work, springing up in the last month, and it is going to continue for several years until all the land that is available to be taken up under the 640-acre homestead law is taken up and disposed of.

Speaking for Montana, from experience and observation, I know that prior to the taking effect of this law the local land offices in Montana had all the work they could perform and keep up with, with the limited amount of clerical help they had. I know that the local land officers at points like Glasgow, Lewistown, Great Falls, Havre, Miles City, and Billings, which are in the public-land sections of the State where the public-land business is active and where there are many entries, have had in the past all they could do; they were hard pressed to keep up with their work, before the enactment of this law, and since then there has been a veritable avalanche of application to enter land under the law. I will read some figures and a statement in regard to the matter.

The Commissioner of the General Land Office advises me that last week he telegraphed to 61 out of the 98 local land offices, and up to yesterday had received replies from 51. A compilation of the replies indicated that 23,063 applications had been filed under the 640-acre homestead law, covering an area of 8,272,000 acres. The money deposited, including fees and commissions for the above, amounted to $546,212.94. When the remaining 10 offices are heard from, undoubtedly the total number of entries will amount to at least 25,000 or more, which indicates an enormous amount of new business.

This new business is going to far more than pay for the little increase in this bill I have asked for. The increase in the appropriations of this bill which I have asked for this purpose amounts to about $35,000 for the coming year, and already, in less than a month's time in which this law has been in operation,

the fees paid into the local land offices amount to more than half a million dollars, they amount to $546,212.

I ask Senators to think of that. In less than one month there has been more than half a million dollars paid into the Treasury of the United States by virtue of the operation of this law, and for the coming year I only ask by my amendment for an increase of about $35,000, which is trivial.

The provisions of the law are such as to permit applications to enter land immediately after the law became effective. Anyone who knows of a tract of 640 acres of public land which he thinks would properly come under a classification of such land as is described in this law may go to the local land office in which the land is situated and apply to enter it under the 640-acre homestead law. He may tender the fees for his filing. It is true, then, that he has no right to go on the land and perfect his homestead entry by residence. He must wait until the Secretary of the Interior or the Commissioner of the General Land Office sends out inspectors and has the land classified, and if the land is classified as land coming under this law, the applicant may then enter upon his homestead and proceed to comply with the law and perfect his homestead entry. If it is not classified as land properly coming under the law it is true he can not go ahead. But I feel safe in saying that I believe in the large majority of cases where land is applied for it will eventually be classified as land proper to come under the provisions of the law, because the terms of the law are plain, and it is the duty of an applicant to go on the land and to see it, and if it is not such as is described by the law he does so at his peril, and he knows that he will lose time and money by his application.

I have read in the newspapers which have come from Montana that there has been a veritable race to the land offices to file on land under this law, and from the figures I have quoted here and from all the reports which the Senators from the West must have received through the newspapers or otherwise from their home States, it is plain that there is a great increase in the amount of work devolving upon the local land offices in the Western States and, of course, upon the General Land Office, for what makes work for the local land offices makes work for the General Land Office. Most of this work, in fact all of it, will affect the General Land Office and increase its work.

Now, what are we going to do about this work? We have started the machinery which makes this work. It has already brought in more than a half million dollars in fees. We have required this extra work of those land-office officials and their clerks out there, and of the General Land Office, and what are we going to do about it? Are we going to require them to make bricks without straw? Are we going to require them to perform this work without sufficient clerical help?

It is the duty of Congress to provide this extra allowance for help. Common sense and business and justice require it. It is not only going to make a great deal of extra work in the local land offices of the public-land States, but it is going to make an enormous amount of extra work in the General Land Office here in Washington. There will be appeals from the rulings of the local land offices which must be heard here in the General Land Office. Inspectors must be sent out to classify these lands, and unless we intended to provide the instrumentality for carrying on this work we should not have enacted the law. That is patent.

Commissioner Tallman appeared before the Committee on Appropriations, or a subcommittee, I do not know which.

Mr. OVERMAN. He appeared before the subcommittee.

Mr. MYERS. And he stated the needs growing out of this law. It is true, I understand, that the Appropriations Committee granted a part of his request, but he insists very strongly that he needs all he asked for, and when you come to think of it the increase which I have asked for is less than $35,000 in a year. In view of this enormous increase of work which has already brought in, in less than one month, more than a half million dollars in fees, I think we would be justified in relying upon the representations of the Commissioner of the General Land Office. He is supposed to know the details of this matter. He is supposed to know the requirements of his own office and the amount of clerical help which it will take to conduct his own office and the local land offices in the Western States. I do not believe there is any ground for believing that there is any misrepresentation in the matter.

I wish to read a communication the Commissioner of the General Land Office has written to me on the subject, and to read from the hearings briefly. I shall not detain the Senate long, but it is such an urgent matter that I want to lay it clearly before the Senate. The letter I have is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 18, 1917.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: Pursuant to my conversation with your office over the phone yesterday afternoon I beg to state that a few days ago I appeared before the subcommittee of the Senate Committee on Appropriations and asked for additional clerical assistance to meet the necessities of this office that will inevitably be imposed as a result of the enactment of the grazing homestead law of December 29, 1916. You will find my testimony commencing on page 123 of the hearings before the subcommittee. You will also find a statement I handed the committee printed on page 127 of the results of the enactment of other more or less similar laws.

The additional clerical assistance for which I asked (p. 128) was 4 clerks at $1,600 a year, 6 clerks at $1,400 a year, 8 clerks at $1,200 a year, and 8 clerks at $1,000 a year, making a total of 26 clerks, whose salaries will aggregate $32,400.

I said $35,000, roughly speaking, but the commissioner says only $32,400.

This may be provided for by amendments on page 95 as follows—

Then follow the amendments which the Secretary read.

The additional clerks above described should not be confused with the 13 additional clerks already allowed by the Senate committee on the statutory roll, for these clerks are simply substituted in the place of 16 clerks now employed on another and different appropriation, which will become exhausted on June 30 next.

It appears that the increase which I have asked in my amendment is the only provision contemplated for this extra work on account of the 640-acre homestead law. These other increases are for other necessary work.

I can only say at this time that, in addition to the statement submitted by me as printed on page 127 of the hearings, all preliminary reports from local land offices are to the effect that there is very great activity in the filing of applications to enter lands under the grazing-homestead act. Estimates for additional assistance for clerical services in local United States land offices will be submitted in connection with the sundry civil appropriation bill.

Very truly, yours, CLAY TALLMAN, *Commissioner.*

Mr. President, I am not in favor in these times of stress and revenue deficit of increasing the salaries of the employees of the Government who are at present on the pay rolls. I think there is grave objection to that, if carried to any great extent, for the time being; but here is another and different proposition entirely. This is not to increase the salary of anybody now on the pay roll, but it is simply to provide instrumentalities for carrying on new and additional work which Congress has imposed upon the General Land Office and the local land offices of the Western States.

I know from visiting the offices in Montana, from personal inspection and talking with registers and receivers and from my correspondence with them, I know it to be a fact that prior to the enactment of the 640-acre homestead law there was not a land office in Montana in which it was not a struggle for the register and receiver and the clerks to keep up with the work that was already coming in at that time. I know they had to work full hours, and in many cases they had to work at night, and to work extra hours, and even had to work on Sundays sometimes. I know there was not an office in Montana that did not have all that it could do and all that ought to be required of the people working in it, and some of them even then were stating their needs to me for extra help under the old order of affairs.

Now, Congress has gone to work and deliberately put this large amount of extra work on them and what are we going to do about it? Are we going to require them to do this work without any more help when they already had all the work that their office forces could perform?

Congress in its wisdom enacted the 640-acre homestead law. It evidently thought it was in the interest of the people; it evidently thought it was in the interest of justice; it evidently thought it was right to do so; and it evidently thought that some good was going to flow therefrom, that it was going to result in benefit to the people.

Mr. OVERMAN. Will the Senator yield to me?

Mr. MYERS. With pleasure.

Mr. OVERMAN. The Senator will notice that in this office they wanted extra clerks and we gave them 13 extra clerks, and the Senate has already adopted the amendment. He does not desire to have that action reconsidered?

Mr. MYERS. No; I am moving to perfect the bill as it now stands in Committee of the Whole. I think I have that privilege. I waited until the committee amendments were disposed of and individual amendments could be offered. The Commissioner of the General Land Office says that the 16 extra clerks allowed were not for the purpose of attending to this extra work created by the 640-acre homestead law. He says it is for another purpose entirely. I have read his letter here. It ap-

pears that there has been nothing granted for the extra work required by the 640-acre homestead law. It is true that where the House allowed 51 clerks of a certain class the committee increased it to 53, but this amendment calls for 57, 4 more. Of another class the Senate committee and the Senate raised the number from 74 to 77, an increase of 3, but my amendment calls for 83. In another instance of another class the committee and the Senate increased it from 77 to 81, but my amendment calls for 89, and in another instance the committee increased it from 65 to 69, an increase of 4, and my amendment calls for an increase to 77.

Is there a western Senator here who wants to see any land office in his State so swamped with work and so handicapped with inadequate and insufficient office help that the office will not be able to keep up its work, that the public work will suffer, and that applicants who enter land under the law will not be able to have their applications promptly attended to? Is there any Senator here from a western State who wants to see any land office in his State kept behind in its work? I can not believe that such is the case. I believe we all want to see the public business in the offices in our States kept up to date in an adequate and efficient manner and that we all want to see the public business conducted with prompt dispatch and efficiency.

It does seem to me that the emergency of this situation is so great and so urgent and so apparent that there should be no hesitation about unanimously granting my request and adopting my amendments.

Before I take my seat I will read the statement of the Commissioner of the General Land Office on this subject.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER, GENERAL LAND OFFICE,
Washington, January 4, 1916.

The following table shows the number of original homestead entries and the aggregate areas from 1909 to 1916, inclusive:

Year ending June 30—	Number.	Acreage.
1909	75,445	12,302,146.20
1910	98,598	18,329,115.62
1911	70,720	15,189,087.02
1912	52,991	11,246,238.89
1913	57,800	11,222,053.59
1914	61,229	12,117,087.50
1915	62,360	12,439,774.62
1916	65,262	13,628,107.03

It will be noted that the number of entries for 1909 was 75,445, whereas for the fiscal year 1910, following the enactment of the enlarged homestead law of 1909, original entries increased to 98,598, with an increase of over six million in acreage. It will further be noted that for every year since the three-year act of June 6, 1912, there has been an increase of original entries from 52,991 in 1912 to 65,262 in 1916, an increase of about 2,400,000 in acreage. This has been due in part to the more liberal conditions of the three-year law and doubtless, to a considerable extent, as a result of very extensive designations of lands to be entered under the enlarged homestead act during recent years.

The act of March 4, 1915, permitting the filing of petitions for designation along with applications to enter has very largely increased the work, because it requires just as much work to act on these petitions as it would to take action on an equal additional number of original homestead entries under the ordinary practice. There were over 14,000 such petitions filed during the fiscal year 1916.

The Kinkaid Act, allowing homestead entries for 640 acres each in Nebraska, became operative June 28, 1904. For the year ending June 30, 1904, there were 4,726 original homestead entries made in that State, covering an area of 1,310,712.56 acres; of this number, however, approximately 1,260 were made during the last three days of that year under the Kinkaid Act, leaving 3,466 entries as made under the old homestead law limiting each entry to 160 acres. The following year, during all of which the Kinkaid law was operative, the number of entries jumped to 10,736 and the area to 4,778,352.42 acres, the increase being a little more than 300 per cent in the number of entries made.

By reason of the three-year homestead law of June 6, 1912, the sundry civil appropriation act of August 24, 1912, made provision for additional clerks as follows: Eight at $1,200 per annum, 8 at $1,000 per annum, and 8 at $900 per annum, but this additional appropriation was not continued for the following year.

Mr. OVERMAN. Will not the Senator from Montana put that in the RECORD? I want to get along with this bill. The Senator also has a bill coming up, and we never can pass this bill unless we are more expeditious. We have 13 general appropriation bills to pass, and if we occupy three days in the consideration of each one, it will take all the time remaining.

Mr. MYERS. It will only take me about two minutes to finish this, and I am not subject to any reproach for having occupied too much of the time of this body. I speak but seldom, and when I do speak I have something to say.

Mr. OVERMAN. I am not complaining of the Senator as to that, but I merely desired to know if he would not put that matter into the RECORD without reading.

Mr. MYERS. I want Senators to hear it. It will take only about two minutes longer to read it. It continues:

This new grazing act—

It is the new grazing act about which I am reading just now, and I want Senators to hear this, for it is the most important part of it—

This new grazing act will undoubtedly result in a tremendous increase of business because of its sweeping provisions and large territory to which it applies. Moreover, it must undoubtedly result in an increase in work far in excess of the proportionate increase in number of entries as compared with the ordinary homestead law. In the first place, it should be noted that it doubles the area, necessitating double the amount of work in making notations on and examining the tract records. In the next place, the law provides for the filing of petitions for designation along with the applications, which means that practically all the work of noting and examining tract books has to be done twice, once on the petition and then when the entry is allowed. It should be further noted that section 6 of the act provides for an exchange of lands, the entryman to relinquish his former entry entirely and take a new one. This means not only a cross-reference and cross-posting and examination, but also an examination of the record of the original entry proposed to be relinquished and of the reconveyance and abstract of title. It should be further noted that this act has a universal mineral reservation; therefore the surface of lands heretofore open to entry only under the mineral laws will be subject to the provisions of this act. The provisions of the act providing for various forms of additional entries and second entries all require examination of the records as to the original entry in order to determine what the entryman is entitled to. On the whole this act is not only bound to result in a very large increase in number of original entries under it during the next few years but the terms and conditions of the act are such that each entry will require more time and attention than under other similar laws heretofore enacted.

Mr. President, in conclusion, I merely wish to say that I do not believe the Commissioner of the General Land Office is trying to deceive Congress or to get something out of it on false pretenses. I know he is not. The Commissioner of the General Land Office, I believe, knows his business; he knows the amount of help it will take to carry on this work, and he has stated it under his oath of office. It is his duty to lay these matters properly before Congress, and I believe he ought to have the help for which he asks.

As to the 16 clerks referred to by the Senator from North Carolina [Mr. OVERMAN], the acting chairman of the committee, Commissioner Tallman in a letter states that they are for another purpose, and that there is no appropriation really made, so far as the extra work under the 640-acre homestead law is concerned. I think that my amendments certainly ought to be adopted.

Mr. SMOOT. Just a word, Mr. President. In the first place, I wish to say that in the case of the increase of clerks which are allowed to the General Land Office the number is double the number of increases in all the other departments of the Government.

In relation to the last statement made by the Senator from Montana, that the increased number of clerks which were allowed by the committee are not for the enforcement of the 640-acre homestead grazing law, but for another purpose, I wish to say the Senator is mistaken; but there was an estimate for 13 additional clerks made for the General Land Office. The House of Representatives, after hearings, refused to grant the 13 clerks estimated for, as did the Senate. When the bill was being considered by the subcommittee of the Committee on Appropriations of the Senate, the Commissioner of the General Land Office appeared before the committee and asked for 26 additional clerks on account of the passage of the 640-acre homestead grazing law. The committee allowed one-half the number of clerks asked for. The Commissioner of the General Land Office asked for 4 clerks at $1,600, 6 clerks at $1,400, 8 clerks at $1,200, and 8 clerks at $1,000.

Mr. MYERS. May I ask the Senator from Utah a question?

Mr. SMOOT. In just a moment. The committee granted 2 clerks at $1,600, 3 clerks at $1,400, 4 clerks at $1,200, and 4 clerks at $1,000. I pleaded with the committee to grant at least half of the number of clerks asked for, because I felt that there was an absolute necessity for those clerks in order that the law might be carried into effect.

Mr. MYERS. I would like to ask the Senator from Utah a question.

Mr. FLETCHER. I ask the Senator from Utah whether or not, in considering the granting of these clerks, the understanding was that any of them were to be used in this work? As I understand, when a department calls for an appropriation for a certain number of clerks they are all placed before the appropriation is made; they are placed where the department wants them. In the case of a general appropriation for clerks, unless it was for this particular purpose and understood by the department and agreed on with the committee, they probably would not be used for that work.

Mr. SMOOT. They should be used for that work, because if it had not been for that work there would not have been an increase of one clerk in the department, I will say to the Senator.

The estimate for additional clerks asked for was denied by the other House, and all would have been denied by the Senate had not the Commissioner of the General Land Office appeared before the subcommittee and called their attention to the passage of the 640-acre homestead grazing law and stated to the subcommittee the number of entries which had already been made under it. By the way, I might say that all the expense attached to the passage of the law so far must be paid out of this year's appropriation and not out of the appropriations for the fiscal year 1918, and if there is a deficiency it must be provided for before the end of June 30, 1917. The committee thought that by giving the 13 clerks—one-half the number asked for—with the work done between now and June 30, the department perhaps could get along.

I wish to say to the Senator from Montana that there is not a question in my mind that if there should be a deficiency at the end of the next year—and this appropriation is for next year—there would be appropriated, without a question, the amount of money needed to take care of the extra help which would be made necessary on account of the passage of the law. The Senator knows, however, that there is no Senator who wants to appropriate less money than sufficient to enable the Commissioner of the General Land Office to execute the additional work required by the passage of any public-land law.

Mr. MYERS. I understood the Senator to say awhile ago that the 13 clerks allowed were not for the work under the 640-acre homestead law.

Mr. SMOOT. They are for that work, and for no other work.

Mr. MYERS. Then I will ask the Senator another question. The Senator said that he pleaded with the committee to give half the number of clerks the commissioner asked for. Does the Senator believe, or does he not believe, that the entire number the commissioner asked for will be necessary to perform the work under the new law?

Mr. SMOOT. I will say to the Senator that I am unable to answer that question definitely, because I do not know what work will be done between now and June 30 of this year.

Mr. MYERS. Then I will ask the Senator this question——

Mr. SMOOT. Just a moment. In other words, most of the entries under that law may be made by the end of June 30 of this year. A great deal of the expense involved may be entailed on account of the passage of the law by June 30, 1917, and whatever expense there may be, whether little or great, must be paid out of the appropriations for the General Land Office for this fiscal year. There may be a deficiency, and if there shall be, of course that will be considered under the deficiency appropriation bill; but I think the Commissioner of the General Land Office understands that Congress wants to appropriate enough money to see that the 640-acre homestead grazing act is put into full operation.

Mr. MYERS. I believe the Commissioner of the General Land Office is in a better position than is anybody else to calculate the amount of work that will be required under that act. I want to ask the Senator this question——

Mr. SMOOT. Mr. President, if the Congress of the United States granted every request made by the heads of the various departments of the Government for additional clerks and expenses this bill alone would carry three or four million dollars more than it does carry.

Mr. MYERS. I want to ask the Senator a question right there. If the 640-acre homestead law in less than one month has already brought in fees to the amount of more than half a million dollars, does not the Senator think it is reasonable to grant an increase of $32,000 for additional help?

Mr. SMOOT. I believe that we ought to grant all that is necessary, but I think that the committee, under the situation existing to-day, has done fairly well in considering the requests of the Commissioner of the General Land Office.

Mr. MYERS. I think we ought to do more than "fairly well"; we ought to do full justice, I think. Giving half of what is needed, I do not think is just.

Mr. NELSON. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. I yield to the Senator.

Mr. NELSON. I desire to call the attention of the Senator to the fact that, in respect to the new 640-acre homestead law, before anything can be done under it, the General Land Office must send men out into the field to examine and classify the lands and ascertain what land is subject to 640-acre homestead entry. It will, therefore, take a long time before the department will have those lands segregated and classified, so that any homestead entries can be made under that law. Consequently, there is not involved any immediate increase at all in the work in the office here; but the increase, as I conceive, will be in respect to the men who are sent out to examine the lands and ascertain whether they come within the classification of the 640-acre homestead law.

Mr. SMOOT. The statement made by the Senator is correct, with one exception. The 640-acre homestead law provides that a citizen may make an application for certain lands and that application shall be filed in the local land office; but, as the Senator has said, nothing will be done in the office here at Washington until after the examination is made and the lands designated, so as to determine whether they can be entered under the act. Then, many of the applications, Mr. President, which have been made, are likely to be found to cover land which the department will not designate. In that case there will be no work whatever, so far as the clerks in the Land Office here are concerned. So, Mr. President, I hope that the amendment will not be agreed to.

Mr. MYERS. Mr. President, I merely want to say in regard to what the Senator from Minnesota [Mr. NELSON] has said, that the extra work is now going on in the local land offices in attending to the thousands upon thousands of applications to enter land under this law. The expenses in that connection and the work involved have already begun.

Mr. SMOOT. Mr. President, the Senator understands that the clerks asked for are not for the local land offices, but are for the office here in Washington.

Mr. MYERS. I want to ask the Senator, in case of a rush or an emergency or extra work in any local land office, if clerks can not be detailed from the General Land Office here and sent to the local land office temporarily, for the time being? I know of no law or rule to prevent that being done; and I think it is often done.

Mr. SMOOT. I do not think it is done; in fact, I do not believe that it can be done under the law, unless there is a specific provision in the appropriation bill granting that power. As the Senator has noticed, to this bill I offered an amendment, which was adopted by the Senate, authorizing the Commissioner of the General Land Office to bring certain employees from the field to Washington for the purpose of doing certain work here in the office, but neither the Commissioner of the General Land Office, the Secretary of the Interior, nor any other head of a department or bureau of the Government has any right to do that until authorization is given by law.

Mr. MYERS. It may be that the clerks already allowed are for the work here in the General Land Office; but the Commissioner of the General Land Office in his statement, from which I read awhile ago, dwells very largely upon the increased work which will result in the local offices, and from his communication to me he evidently had that largely in mind. What makes work there, of course, makes work, too, in the General Land Office.

Mr. SMOOT. Mr. President, in this very bill we appropriate for every local land office; we provide for the number of clerks that shall be employed at each; we provide for the surveyor; and we name the amount that shall be paid. The amendment of the Senator, however, has nothing to do with the local land offices, but provides for 26 additional clerks for the General Land Office here in Washington.

Mr. WORKS. Mr. President, I should like to ask the Senator from Utah whether he thinks it will be necessary for the Government to examine each of the separate tracts of land in order to determine their classification?

Mr. SMOOT. I know from past experience that there will not be an entry perfected until the lands are examined by officials of the Interior Department.

Mr. WORKS. Does the Senator think that is necessary?

Mr. SMOOT. I believe, of course, that to carry out the intent of the law examination will have to be made, more particularly under this law than under any other law we have ever passed.

Mr. WORKS. I should suppose that the Geological Survey or the Interior Department could determine most of these matters without a personal and specific examination upon each separate tract of land.

Mr. SMOOT. I think examination will have to be made, just the same as examination to-day is made as to every entry made under the 320-acre enlarged homestead act.

Mr. JONES. Mr. President, I should like to ask the Senator a question. Is it the Senator's idea that the 640-acre homestead law requires an examination of each specific 640-acre tract before an entry is allowed?

Mr. SMOOT. I do not think there is any question that examination will be made of each tract.

Mr. JONES. Does the Senator think that is necessary under the law?

Mr. SMOOT. Under the law I think it is necessary.

Mr. JONES. I will say to the Senator that my impression was that the law gave the Secretary authority to designate certain areas within which 640-acre homestead entries could be made, but that it did not require examination of each particular tract. If I had supposed that was what it meant, I do not think I would have consented to its passage, as I did.

Mr. SMOOT. All I know in relation to that matter is that applications will not be made in any one particular section of a State. The law provides—which I tried to prevent—for the right of application before the land is designated. I know that a great deal of trouble will come from it.

Mr. JONES. My idea was this——

Mr. SMOOT. Just a moment. I know that under the enlarged-homestead law an entryman has the right to make an entry, and before he can secure patent the land is examined many times before designation. Every case so far that has been entered under the enlarged-homestead law has been examined, and I believe that every application and every entry that will be made under the 640-acre homestead grazing law will also be examined, not only by the General Land Office but it will be referred to the Geological Survey, and a representative from the Geological Survey will make an examination also to see whether it is mineral lands.

Mr. JONES. Mr. President——

Mr. BRADY. Mr. President, I simply want to say that it is absolutely necessary under the law to make an examination for the purpose of determining whether it is grazing land or not.

Mr. JONES. It ought not to have been necessary under the law to examine each particular tract. It will be very easy to determine in a particular locality whether this township or that township is of this or that character, and then designate it. If the Secretary finds that the land in that territory is grazing land, he ought to have had authority to designate this and that township within which these entries could be made. Why, it will cost pretty nearly as much as the land is worth to make these investigations.

Mr. SMOOT. It will cost the Government a great deal more than the Government will ever get out of it to make the examinations.

Mr. JONES. Why, certainly.

Mr. BRADY. If the Senator does not think these applications will be made unless they are examined, I do not believe that can be done.

Mr. MYERS. Mr. President, I simply want to say that if all of this work is to be done in the General Land Office, as the Senator from Utah says—and upon an examination of the amendment I see that that is the case—it is all the more reason to presume that the Commissioner of the General Land Office knows what is necessary to carry on the work in his own office. It is my understanding that under the law each tract of land applied for must be separately inspected, and it is going to require an army of inspectors and an immense amount of expense.

Mr. OVERMAN. I hope we will not get into any discussion of the land laws here on this appropriation bill. I ask Senators not to start up that debate again. I want to say about this amendment that the House committee went into this matter fully with Mr. Tallman, and thought he had clerks enough. The Senate committee increased his clerks 13 over those allowed by the House. It will be a hard matter to hold even what we have done, and it would be impossible if we adopted this amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

The amendment was rejected on a division.

Mr. SHIELDS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 127, line 7, after the words "commercial interests," it is proposed to insert the following:

Provided further, That not exceeding $15,000 of this sum may be expended for personal services in Washington, D. C.

Mr. SHIELDS. Mr. President, this amendment is offered at the suggestion of the Secretary of Commerce in order to systematize and make more efficient the objects and purposes for which this appropriation is to be made. It is not a request for an increased appropriation, but to make more effective the appropriation already provided for in the bill. It is made necessary, as I understand, by a ruling of the Comptroller of the Treasury that similar lump-sum appropriations, or any part of them, can not be used in the District of Columbia without express permission of Congress in making the appropriation.

The sum appropriated in this case is to be used, under the direction of the Bureau of Foreign and Domestic Commerce, to maintain agents abroad in looking after markets for American products and also commercial agencies in the United States, eight in number, I think. The purpose or desire of the Secretary of Commerce after four years' experience is to use part of the appropriation in having a chief of divisions here in Washington to manage, control, and make more efficient these traveling agents. There is no officer now who can discharge those duties, and it is necessary to detail men from time to time to look after them. There is no system, no coordination, and cooperation in these various agencies and agents; and the Secretary is of the opinion that if he is allowed to use a portion of the sum here and have some system and organization the money could be used with a great deal more advantage and the purposes of the appropriation accomplished. The Secretary is perhaps more competent to speak upon this matter, after his experience, than anybody else. I take it that he is right about it. I hope that the amendment will be agreed to.

Mr. OVERMAN. Mr. President, I just want to say that I personally was in favor of this amendment in the committee; but there were 17 Senators there, and everybody but myself was opposed to it. They did not think it was necessary to do this. It is out of line with the previous action of the Senate, and the committee is opposed to it.

Mr. SMOOT. Mr. President, in this paragraph it is proposed to make an appropriation of $125,000 for a certain purpose, and that purpose is to promote and develop the foreign and domestic commerce of the United States. There has been of late a tendency where an appropriation is made in a lump sum to be expended outside of the District of Columbia to secure a part of the appropriation for the payment of clerks located and living in the District of Columbia.

The House has taken the position—rightfully, I believe—that that should not be. The Senate so far has taken the position that it is unwise to do it, and that when money is appropriated for the development and promotion of the foreign and domestic commerce of the United States it means that the money shall be spent outside of the District of Columbia.

If there are not enough clerks, provide for them in the regular way; but do not take a part of a lump-sum appropriation for a specific purpose and pay it to clerks in the District of Columbia.

I think if the Senators understood the tendency of late to adopt this course they would agree with the Committee on Appropriations, not only of the House but of the Senate.

This same proposition was presented to the Appropriations Committee of the House, but the committee would not adopt it. The Committee on Appropriations of the House has objected to it not only this year but for years past, and this is not the first time it has been proposed to the Committee on Appropriations of the Senate. It is wrong in principle. If the Secretary of Commerce wants assistants here in Washington in his department, let them be provided for in the usual way and not take a part of the appropriation that is made for specific work outside the confines of the United States.

Mr. SHIELDS. Mr. President, I can see no soundness whatever in the proposition the Senator has advanced. The Secretary of Commerce, as he says, asks for these clerks and thinks an appropriation ought to have been made for them.

Mr. SMOOT. No; the Senator did not say that.

Mr. SHIELDS. And yet the committee did not do it.

Mr. SMOOT. The Senator misunderstood me.

Mr. SHIELDS. If he was sound about the necessity for these clerks, about the policy of allowing an appropriation for them, it ought to have been made in the bill.

The Secretary of Commerce, after four years of experience in managing this Bureau of Foreign and Domestic Commerce, finds that it is without a head, without system, and without organization, and that a clerk in Washington is necessary. He wants a division here in order to make the work of the bureau more efficient. He is of the opinion, after administering this office for four years, with similar appropriations, that he can decrease the force in the field and provide a head for it here in Washington and get better results and have more efficient work done for both foreign and domestic commerce.

I take it that the Secretary knows more about this matter than any Senator does. It has been his duty to attend to this bureau. He has devoted himself to it, and he makes this recommendation, and it seems to me that Senators can act upon that more advisedly than they could upon the representations of the House, or any Senator, in regard to it. It is not an increase of an appropriation. It is a wise and proper disposition of part of the fund that is already appropriated in order to make it effi-

cient; in other words, to prevent it from being used without efficiency.

Mr. SMOOT. Mr. President, the Senator from Tennessee misunderstood what I said if he thought I said that the Secretary of Commerce had asked for the appropriation for these clerks. I was very unhappy in what I stated if the Senator drew any such conclusion. I stated that the Secretary of Commerce had asked that the amendment offered by the Senator be adopted by the Committee on Appropriations, and it in turn refused to adopt it. I did say that if there is work that is to be necessarily done in the Department of Commerce, and it has not the clerks necessary to do it, the proper way to do would be to ask for an appropriation for clerks for that purpose. Of course, if the Secretary of Commerce says that he has too many employees in the foreign field, then we ought to reduce the appropriation.

I want to say to the Senator, however, that the Secretary of Commerce has not only asked that this amount be appropriated, but he has asked for an increased amount. I have been rather in sympathy with him, because I have believed that our foreign trade, not only in all the European countries but our commerce in South and Central America, should be promoted, and I would not haggle over the amount of money that was appropriated for that purpose.

But that is not the object of the amendment of the Senator from Tennessee. The object is to take the men that are in the foreign service and bring them into the Washington office, pay them the same salary that they are paid for foreign work, and not have them specifically appropriated for as all of the other clerks are. I think it would establish a precedent that would work harm if it is adopted by the Senate, and I sincerely hope that it will not be.

Mr. SHIELDS. Mr. President, the Senator is entirely mistaken in his premises. It is not to bring men out of the field, only so far as is necessary for the purpose of organization.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. SHIELDS. I do.

Mr. OVERMAN. If we can stop this debate, I will accept the amendment and let it go into conference.

Mr. SHIELDS. Well, that is satisfactory to me.

Mr. JONES. Mr. President, I am going to say a word or two.

This matter was not brought up in the full committee, because this amendment was not suggested there, or anything of the kind; and the situation was not called to my attention until after the bill was reported. Now, it has been represented to me that we have not the force here in Washington to handle the business that results from the reports of these commercial attachés who are abroad. Of course, they are abroad for the purpose of gathering information and sending it here; and in order to make that information available it must be classified. Furthermore, the fact that we have them abroad brings many inquiries to the department here from our people, who want the information gathered by these special agents.

It has been represented to me that the department has not the force here in Washington that is necessary to take care of those inquiries and furnish the information that is asked for. As I understood the Senator from Utah, he suggested that whatever force is necessary to take care of that situation ought to be provided, and the salaries of the employees fixed as clerks here. As I understand, however, we have not done it. Now, if we will not do it in one way, we ought to do it in another way. If we will not give them the necessary help here to furnish this information and use the information which is gathered by these people abroad, then we ought to provide that some of this money shall be used for that purpose.

Of course, I would not be in favor of bringing these special agents from the field and putting them to work here, but I do not understand that that is really what they want to do. I do not know whether that would be done under the amendment suggested by the Senator from Tennessee or not; but we ought to have some assistance by which this information can be used and made available. If we can not get it by having the clerks and employees specifically appropriated for, then we ought to use some of this money for that purpose. I would rather see it done in the other way.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. I do.

Mr. SHIELDS. I wish to say to the Senator from Washington that there is no intention of bringing all of these clerks in from the field.

Mr. JONES. We ought not to bring any of them here, for that matter.

Mr. SHIELDS. Perhaps it is not the intention to bring in any of them. It is simply desired to use part of the money that otherwise would be expended in keeping them in the field.

Mr. JONES. I will say to the Senator from Tennessee that I take it he would be entirely satisfied, no matter how we provided the force, so that we get the force here to make this information available.

Mr. SHIELDS. Oh, certainly.

Mr. SMOOT. Mr. President, this is not the first year that this appropriation has been made. I think it began three years ago; and I think the appropriation to-day is in exactly the same words, but perhaps not the same amount, as it was when it was first included in the legislative appropriation bill. The work has been done; the reports have been made; the clerks that are already in the department have done the work. The information has been sent broadcast to the country; and there is no necessity now of putting in here a provision that a certain part of the money appropriated for a certain specific purpose shall be devoted to the payment of clerks in the District of Columbia.

Mr. JONES. Mr. President, let me ask the Senator a question, because he is thoroughly familiar with this matter—more familiar with it than I am. I want to ask him if, in his judgment, the force here is ample to furnish the information that comes in from these various attachés to the business men who ask for it?

Mr. SMOOT. I wish to say that the Committee on Appropriations have been most liberal with the Department of Commerce. I have been in sympathy with the work of that department, as I stated before, and I wanted it to expand. I wanted secured for this country all the foreign trade that is possible. I am quite sure, if there is not a single clerk put into the Department of Commerce this year over and above what we have already given, the department will do the necessary work. It has been done for the past two or three years.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Tennessee [Mr. SHIELDS]. [Putting the question.] The noes seem to have it.

Mr. SHIELDS. I understood that the amendment was accepted.

Mr. OVERMAN. I accepted the amendment.

The PRESIDING OFFICER. The Senator can not accept it. The question has to be put to the Senate.

Mr. SHIELDS. I think the Senate understood that it was accepted.

The PRESIDING OFFICER. The question has to be put to a vote.

Mr. SHIELDS. I ask for a division.

The amendment was rejected on a division.

Mr. JONES. Mr. President, on the 18th of the month I offered an amendment which I had printed and which I intend to propose to the bill. I send the amendment to the desk. It is the same as the printed amendment, except that I have stricken out the Committee on Enrolled Bills and also the Committee on Privileges and Elections from the amendment as printed.

Mr. OVERMAN. Mr. President, this amendment will affect every Senator probably in the Chamber. It is a matter personal to the Senate, and I think Senators ought to be here, therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. MYERS. I suggest that the unfinished business be laid before the Senate before that is done.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived the Chair lays before the Senate the unfinished business, which is House bill 408.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. I make the point of order that no business can be laid before the Senate after the absence of a quorum has been suggested.

The PRESIDING OFFICER. The roll call had not proceeded. No name had been called.

Mr. POINDEXTER. My point is not that, Mr. President. It is not a question of calling the roll under the rule, it is the question of an absence of a quorum being suggested by a Senator.

The PRESIDING OFFICER. The hour of 1 o'clock arrived, and before the Secretary had begun to call the roll the unfinished business came before the Senate, and the Chair laid it before the Senate. The question now is, Is there any objection to laying it aside temporarily?

Mr. JONES. I suggest that that can not be done until a quorum is present when the suggestion of the absence of a quorum is made.

Mr. POINDEXTER. I make the further point of order that the Senate can not transact any business, there being less than a quorum present.

The PRESIDING OFFICER. It has not been disclosed that there is no quorum present. Is there objection to laying aside the unfinished business temporarily?

Mr. POINDEXTER. I object on the ground that the absence of a quorum has been suggested and that the rules of the Senate require a call of the roll to ascertain whether a quorum is present.

Mr. OVERMAN. That is true. The absence of a quorum has been suggested and the roll should be called.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. MYERS. I withdraw my request that the unfinished business——

Mr. POINDEXTER. I object to the Senator withdrawing his request.

Mr. MYERS. I have a right to withdraw it.

Mr. POINDEXTER. I object to the transaction of any business until we have a quorum of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hughes	McLean	Robinson
Borah	Husting	Martine, N. J.	Shafroth
Brady	James	Myers	Sheppard
Bryan	Johnson, Me.	Nelson	Sherman
Chamberlain	Jones	Norris	Smith, Ga.
Clark	Kenyon	Oliver	Smoot
Colt	Kern	Overman	Sterling
Culberson	La Follette	Page	Sutherland
Fall	Lane	Penrose	Tillman
Fletcher	Lee, Md.	Pittman	Underwood
Gronna	Lewis	Poindexter	Vardaman
Harding	Lippitt	Pomerene	Watson
Hardwick	Lodge	Ransdell	Weeks
Hollis	McCumber	Reed	

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is detained on account of sickness and that the Senator from West Virginia [Mr. CHILTON] is detained at his home on account of sickness in his family.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

WATER-POWER DEVELOPMENT.

Mr. MYERS. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the appropriation bill.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

RETIREMENT OF FEDERAL JUDGES (S. DOC. NO. 688).

Mr. SUTHERLAND. Before the consideration of the appropriation bill is resumed I ask permission, out of order, to make a formal motion. I ask that the Committee on Printing be discharged from the consideration of a certain document which I submitted the other day so that it may be returned to the desk.

Mr. OVERMAN. I beg the Senator's pardon; I can not hear a word that he is saying.

Mr. SUTHERLAND. I ask that the Committee on Printing be discharged from the further consideration of a document which I submitted for printing as a public document relating to Senate bill 706. I do this because I desire to have the document returned to the Senate so that I may make use of it.

The PRESIDING OFFICER. Without objection, the order will be made.

FOREIGN POLICY.

Mr. BORAH. Mr. President, will the Senator in charge of the appropriation bill yield to me to have a resolution read and lie on the table?

Mr. OVERMAN. I yield for that purpose.

Mr. BORAH. I offer a resolution, which I ask to have read and that it may lie on the table.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 329), as follows:

Whereas in September, 1796, George Washington, then President of the United States, declared, "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible * * *." And that "Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities"; and

Whereas in response to a letter addressed to him by James Monroe, then President of the United States, concerning the policy afterwards declared by President Monroe and since known as the Monroe doctrine, Thomas Jefferson said in reply: "The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a Nation. This sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe. Our second never to suffer Europe to intermeddle with cisatlantic affairs. America, North and South, has a set of interests distinct from those of Europe and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe"; and

Whereas James Monroe, President of the United States, afterwards amplified this policy incorporating it in a message to the Congress of the United States declaring in effect that any attempt on the part of foreign Governments to extend their system to any portion of this hemisphere as dangerous to our peace and safety, and setting forth in full the policy which was afterwards and ever since has been known as the Monroe doctrine; and

Whereas the policies thus early announced by Washington, Jefferson, and Monroe, and ever since adhered to by this country regardless of political parties, have contributed greatly to the peace and happiness of the people of the United States; and

Whereas we believe any material departure from these policies would be fraught with danger to the peace and happiness of the people of the United States involving us in all probability in the controversies of other nations: Therefore be it

Resolved, That the Senate of the United States reaffirms its faith and confidence in the permanent worth and wisdom of these policies and shall seek in all matters coming before it, touching the interests or affairs of foreign countries to conform its acts to these time-honored principles so long and so happily a part of our own policy.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

LEGISLATIVE, ETC., APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The PRESIDING OFFICER. The senior Senator from Washington [Mr. JONES] offers an amendment, which will be read.

The SECRETARY. After the words "clerks and messengers to the following committees," on page 3, in line 8, strike out the remainder on that page, all of page 4, all of page 5, all of page 6, all of page 7, and lines 1, 2, and 3 on page 8, and lines 1, 2, 3, and 4 on page 10, and insert the following:

Agriculture and Forestry: Clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Appropriations: Clerk, $4,000; 2 assistant clerks, at $2,500 each; 2 assistant clerks, at $1,440 each; messenger, $1,440; laborer, $720. To Audit and Control the Contingent Expenses of the Senate: Clerk, $2,500; assistant clerk, $1,440; messenger, $1,200. Banking and Currency: Clerk, $3,000; assistant clerk, $1,800; assistant clerk, $1,440; messenger, $1,200. Claims: Clerk, $2,500; assistant clerk, $2,000; assistant clerk, $1,440; messenger, $1,440. Commerce: Clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Conference Minority of the Senate: Clerk, $2,220; assistant clerk, $1,800; 2 messengers, at $1,200 each. District of Columbia: Clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Finance: Clerk, $3,000; assistant clerk, $2,220; assistant clerk, $1,600; assistant clerk, $1,440; messenger, $1,440; 2 experts (1 for the majority and 1 for the minority), at $2,000 each. Foreign Relations: Clerk, $3,000; assistant clerk, $2,220; messenger, $1,440. Indian Affairs: Clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Interstate Commerce: Clerk, $2,500; 2 assistant clerks, at $1,800 each; messenger, $1,440. Judiciary: Clerk, $2,500; assistant clerk, $2,220; 2 assistant clerks, at $1,800 each; messenger, $1,440. Joint Committee on the Library: Clerk, $2,500; assistant clerk, $1,440; messenger, $1,200. Military Affairs: Clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Naval Affairs: Clerk, $2,500; assistant clerk, $1,800; assistant clerk, $1,440; messenger, $1,440. Pensions: Clerk, $2,500; assistant clerk, $1,800; 3 assistant clerks, at $1,440 each; messenger, $1,440. Post Offices and Post Roads: Clerk, $2,500; assistant clerk, $2,000; 2 assistant clerks, at $1,400 each; messenger, $1,440. Public Buildings and Grounds: Clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Public Lands: Clerk, $2,500; assistant clerk, $1,800; assistant clerk, $1,440; messenger, $1,200. Rules: Clerk, $2,720, to include full compensation for the preparation biennially of the Senate Manual, under the direction of the Committee on Rules; assistant clerk, $1,800; messenger, $1,440. In all, $159,740.

For assistance to Senators who are not chairmen of committees specifically provided for herein, as follows: Seventy-five clerks, at $2,220 each; 75 assistant clerks, at $1,440 each; 75 messengers, at $1,200 each. In all, $364,500: *Provided*, That the employees of those committees whose chairmen retire from the Senate at the end of the present session of Congress shall be paid the salaries they are now receiving until the next meeting of Congress.

Mr. JONES. Mr. President, this is quite an important amendment. We have by an amendment already adopted by the Senate to this bill provided for the correction of an abuse or a condition of things in another body that at least ought to be corrected. I voted for that proposition; I thought the correction ought to be made. That opinion was based to a certain extent upon what I had observed when a Member of that body. I think it is very opportune now for the Senate to remove some cause of complaint on its own part. Some of us have been trying for quite a while to get some of the inequalities corrected and to provide a straight-out way by which the employees of the Senate shall receive their pay. The amendment that I have proposed endeavors to do that.

I will state now for the benefit of Senators who may have come in after I made my statement a few moments ago that the amendment as I have proposed it is printed and copies can be obtained at the desk. It is the amendment under date of January 18, except that I have modified it by striking out, on page 2, the Committee on Enrolled Bills and the employees of that committee and the Committee on Privileges and Elections. I struck out the Committee on Enrolled Bills because the other provision in the amendment takes care of that situation exactly as it would do if the Committee on Enrolled Bills was left in. As to the Committee on Privileges and Elections, the only change here is that the messenger now provided for that committee is reduced from $1,440 to $1,200, making all the messengers of the various committees receive the same pay.

Mr. President, I have not proposed to abolish any of the committees of the Senate. Those committees are provided by the rules of the Senate. So that, as far as the amendment goes, all the committees are left in existence and legislation proper to be referred to this or that committee can still be referred to those committees.

What my amendment does is simply this: It leaves the employees of those committees that everyone recognizes as really working committees just as they are now and with the salaries which we have been providing in the various appropriation bills from time to time. Whether those salaries are too high or not I do not say. Whether those committees have too many employees I do not say. I leave that matter for such consideration as the Senate may desire to give it, but I have taken the provisions with reference to the employees of those committees which everybody knows seldom, if ever, make a report to the Senate, and from that we have a right to conclude that they have no very considerable business at any rate and cut them out of the appropriation bill, and I provide that each Senator not the chairman of a committee specifically provided for herein shall have a secretary at $2,220 a year, an assistant clerk at $1,1440, and a messenger at $1,200. It leaves the chairmen of most of the committees that are not mentioned in the amendment provided for just as they are now. It does reduce the compensation of three or four assistant clerks and one or two clerks, but it places every Senator who has not a real active committee upon exactly the same basis as any other Senator so far as his help is concerned and the compensation which goes to that help.

Mr. OVERMAN. I should like to ask the Senator whether this increases or decreases the appropriation.

Mr. JONES. Under the amendment I offer, as I have worked it out with the clerk of our committee, there is a reduction of, I think, a little over $9,000.

Mr. SMOOT. Then the figures in the amendment are wrong.

Mr. JONES. The figures in the amendment as printed have been changed. I forgot to call attention to that. The aggregate amount under the first paragraph is $159,740. Under the second paragraph it is $364,500.

Mr. SMOOT. That makes an increase of 95,000.

Mr. JONES. No; the Senator is wrong about that. The Senator is leaving out the $105,000 provided for the 20 Senators in another page of the bill. That is cut out on page 10.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. JONES. In just a moment when I call attention to this item. On page 10 in the bill we provide $105,600. That is stricken out so that it makes a saving.

Mr. LODGE. The saving is immaterial.

Mr. JONES. Yes; I think the saving is immaterial.

Mr. OVERMAN. Why did you strike that out?

Mr. JONES. Because that is covered in the last paragraph of my amendment. Instead of 20 Senators as provided for there, I provide for 55 Senators.

Mr. OVERMAN. Does not the Senator think then that he should move to strike out the specific appropriation for 20 Senators?

Mr. JONES. I think so. I cover it here in my amendment.

Mr. OVERMAN. How is it covered?

Mr. JONES. Every Senator who is not specifically provided for as chairman is taken care of in the last paragraph.

Mr. SMITH of Georgia and Mr. REED addressed the Chair.

Mr. JONES. I yield to the Senator from Georgia. He rose before the Senator from Missouri.

Mr. SMITH of Georgia. The Senator has named 26 committees and he proposes to provide for 73 Senators. There are more than 73 Senators who are left without any committees at all.

Mr. JONES. Seventy-five Senators. I have provided for them. The print has been changed there.

Mr. SMITH of Georgia. I wish to ask the Senator why he left out of the list of live committees the Committee on Privileges and Elections? Do you regard that as a dead committee?

Mr. JONES. No; I will tell the Senator why I left it out. As we have been providing all the time, the clerk of that committee gets $2,220 and the assistant clerk gets $1,440 just as we provide for Senators. The only change is in the messenger. I do not think the messenger of the Committee on Privileges and Elections ought to get any more than the messenger of any other Senator.

Mr. SMITH of Georgia. We ought to change the name of messenger and call him a clerk. They are all clerks.

Mr. JONES. I think the Senator is right; but, of course, the Committee on Privileges and Elections has nothing special to do except when there is a contest or something of that kind.

Mr. SMITH of Georgia. Why does the Senator leave out from the list of committees the Committee on Education and Labor and leave in the Committee on the Library? Is it not true that the Committee on Education and Labor has vastly more work and many more bills than the Committee on the Library? Does not the Senator know that the Committee on Education and Labor now has the vocational-education bill before it, and a number of others?

Mr. JONES. I will tell the Senator why I did that. As now provided, the clerk of the Committee on Education and Labor gets $2,220. According to what we have been providing, the clerk of the Committee on the Library gets $2,500. I do not know whether that is the way it ought to be or not, but, nevertheless, that is the way it has been for a long time, and I assumed that the increase was made because the Senate considered that there was increased work for that committee. I know that the Committee on Education and Labor during the last year or two has been doing considerable work, and that several bills have been brought out—the vocational-education bill and others.

Mr. SMITH of Georgia. The assistant secretary is charged by that committee with the duty of keeping up the correspondence, which is constantly coming in from different parts of the United States about matters pending before the committee, and the salary was fixed at $1,800 on account of his additional work other than the ordinary work that he does for a Senator. Those salaries were based on the fact that the secretary really was the Senator's secretary and the work was done by the two assistants. It was largely correspondence, and the salaries were fixed with a view to giving them additional compensation on account of the fact that by reason of the existence of the committee there was a large amount of correspondence that they did. There really are now and have been during the past 12 months many letters to the committee from educational institutions all over the United States and various labor organizations about measures the committee has considered, and I object to a reduction of their salaries.

Mr. JONES. Mr. President, the Senator of course knows more about the work of that committee than I do. I have taken it for granted that the secretary of one committee of more importance than another would be the man who would get the increased pay; and it was largely upon that basis that I framed the amendment as I did. I know that a few years ago the Committee on Education and Labor apparently had nothing to do, that it reported no bills. However, I do not think the fact ought to be overlooked that there are many committees that do not ordinarily have much work to do, but there may come up a special matter of legislation or special conditions may bring to a committee additional work. As soon as that is taken care of and completed, we know that there will not be very much additional work for that committee; and should there be, it could be taken care of very well by the chairman of the committee showing the necessity for additional help before the Committee to Audit and Control the Contingent Expenses of the Senate, just as we often do here in order to provide the help that is necessary to meet what might be termed an emergency.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I only want to say to the Senator from Georgia that, so far as I am concerned, I would not oppose the proposition, if he thought that the business of his committee required more assistance, and that the assistant clerk, instead of the secretary, was the man upon whom he imposed that additional work, and that it was necessary for the efficient service of that committee that he should have more pay. Now, I yield to the Senator from Missouri.

Mr. REED. The Senator from Washington made a statement which I could not hear. How much does his amendment save?

Mr. JONES. As I figure it, it makes the expenditures of the Senate about $9,500 less than now. Of course, I have not framed this amendment with the special object in view of saving anything; I would be glad to save, if I could; but what I really have done is to put the employment and pay of our assistants upon such a basis that we could not be charged with trying to give pay under a sort of subterfuge.

Mr. REED. In order to possibly save $9,500 it is proposed to tear up all these committees, all of the present arrangements, to change the salaries of a lot of clerks, to introduce chaos into the public business, and probably not save a cent in the end.

Mr. JONES. Oh, Mr. President, I do not tear up anything. Every committee continues just exactly as it now is. There is not any change in the composition of the committees; there is not any change in the jurisdiction of the committees; there is not any change in the committees in any respect whatever. Every committee is provided for by the rules. We ought to abolish a lot of the committees, so far as that is concerned, but I am not now proposing to do that.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Yes.

Mr. NORRIS. The Senator from Washington has made a suggestion since I first interrupted him that I want to call to his attention. Would not the effect of the adoption of this amendment be the abolition of a number of these committees?

Mr. JONES. I think not. Every committee is provided for in our rules.

Mr. NORRIS. Yes; but appropriations to keep them going would be kept from them. I am not objecting on that account; I am in favor of it. I am going to vote for the Senator's amendment, I think, and I think we ought to abolish a whole lot of our committees. It seems to me that ought to be done. When we take the appropriations away from them we ought to abolish the useless committees, as well as take away the appropriations.

Mr. JONES. No, Mr. President; as a matter of fact, these appropriations are not made for committees, but they are made for the Senators who are chairmen of the committees. We simply use the fact that a Senator is the chairman of a certain committee to make the compensation of his help a little bit different from that of some other Senator, although his work is no greater.

Mr. OVERMAN. Mr. President, I understand the Senator's amendment increases the salary of the clerks of all those Senators who have not chairmanships——

Mr. JONES. No; those Senators who are not specifically provided for.

Mr. OVERMAN. And it puts them on an equality with about 50 committees whose clerks now receive a salary of $2,200 a year, making all Senators equal in that respect?

Mr. JONES. Yes.

Mr. OVERMAN. And in order to make that increase the Senator proposes to decrease the salaries of the clerks of some other committees, and make their salaries equal also with the clerks of Senators who have no committees?

Mr. JONES. Not in order to do that.

Mr. OVERMAN. Well, I mean that is the effect of it.

Mr. JONES. Yes; that is true.

Mr. OVERMAN. And by doing that the Senator saves about $10,000, but he does not interfere with any Senator, so far as the chairmanship of any committee is concerned. I think myself many of these committees ought to be abolished. I think the Committee on Rules has had that matter under consideration, and probably will recommend at the next session some change in respect to it. I want Senators to understand that I am asking these questions so as to bring out exactly what the Senator from Washington proposes. I think it is to equalize the salaries of clerks of those Senators who are not chairmen, increasing their salaries from $2,000 to $2,200; and then he proposes to reduce the salaries of clerks to some committees who are getting $1,800, $1,600, $1,500, down to $1,440, so as to put them all on an equality; and he lets the larger committees stand as they are.

Mr. JONES. That is correct.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. I do.

Mr. HOLLIS. I should like to ask the Senator from Washington to withdraw the Committee on Enrolled Bills from his amendment. He includes that committee merely because its clerks do not get more compensation than do the clerks of the inactive committees. The clerks on that committee are very active, practically every day. They are charged with the custody and the safe transmission of all the Senate bills, and they have often to take them to the White House.

Mr. JONES. Let me suggest to the Senator from New Hampshire why I cut that committee out. I cut it out because the provision I make for it is just the same as it now is.

Mr. HOLLIS. I know it is as to the compensation.

Mr. JONES. That is what I mean.

Mr. HOLLIS. I have not asked to have them given larger compensation; but they are a very active and a very busy set of employees. They have to be accomplished enough to proof read and to compare bills, and I think a committee so active as that should not be put into the dead list.

Mr. JONES. That is the reason why I framed the committee amendment in the form I introduced it. I had not noticed that the compensation of these employees was just the same. I was providing by the amendment for inactive committees; but when I noticed that the compensation was just the same, I thought it would not interfere with the work of the committee or in any way with the personnel of the employees of the committee, and, therefore, just cut it out so as not to have any more than were necessary.

I have always recognized, or at any rate I have understood, that that committee was really an active committee; that it had to look after bills, had to get them to the President, and all that sort of thing, and I was really surprised to see that the compensation of its clerks was just the same as the compensation of the clerks of the inactive committees.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from Washington a question. The Senator from New Hampshire [Mr. HOLLIS] speaks of the Committee on Enrolled Bills. I notice that the assistant clerk to that committee receives $1,440. The Senator from New Hampshire says that that is somewhat a live committee—half-way alive, anyhow. The assistant clerk of the Committee on Engrossed Bills is paid $1,800. Is that a more active committee than is the Committee on Enrolled Bills? Why is it that an assistant clerk of one dead committee receives more than the assistant clerk of another dead committee?

Mr. HOLLIS. I have no information about the Committee on Engrossed Bills, and I am speaking entirely from hearsay. I think that is a committee chairmanship which is held by the minority; it is probably more or less a complimentary appointment, and carries with it the same emoluments as do some others; but I do not know who is the chairman of the committee. The Committee on Enrolled Bills, however, is one of the active committees; and because of that fact I can not vote for the amendment of the Senator.

Mr. JONES. I will say that it would not make any difference in the pay of the help of the Senator; it would not make any difference in the expenses; and I would have no objection myself——

Mr. HOLLIS. That is the trouble about it. They are not my help; they are not my assistants; they are really doing committee work, and they are doing it very satisfactorily. It is technical work, and I think it should be recognized as such.

Mr. JONES. As I was about to say, I would have no objection to that. In the first instance, I left it in because I thought that that committee did have considerable work to do.

Mr. SMITH of South Carolina. Mr. President, I merely want to make an inquiry. I have had no time to study the amendment and I just came into the Chamber. What effect would this amendment have on the Immigration Committee and its assistants?

Mr. JONES. I can tell the Senator in just a moment. I think the amendment cuts something down in that committee.

Mr. SMITH of Georgia. Does the Senator leave out the Immigration Committee?

Mr. JONES. Yes; I have left the Immigration Committee out.

Mr. SMITH of Georgia. The committee in which I am especially interested is the Committee on Education and Labor.

I shall protest against that committee being left out. I not only regard it as an active committee, but I think it ought to become a more active committee. I think there is a broadening field for the work of that committee; and whether I remain connected with it after the 4th of March or not, I wish to see its work enlarged. I am sure there is a field for service in that committee, and that it ranks really in importance with a number of other committees.

Mr. JONES. I will tell the Senator from South Carolina what this proposition does to the Immigration Committee. The clerk of the Immigration Committee now gets a salary of $2,220. That is just the same as all the secretaries of all these unimportant committees get, and is exactly the amount that I provide. The assistant secretary gets $1,800; so I cut that down to $1,440 under my amendment. I desire to say that the Immigration Committee has had one bill of very great importance before it in the last two or three Congresses. When that bill shall have been disposed of, as we hope it will be at this session, so far as reports or anything of that kind are concerned, that committee, it seems to me, will not have any more business than other committees to which I have referred.

Mr. SMITH of South Carolina. I think the Senator is not well advised as to that, for the reason that, even though the immigration bill becomes a law, under its operation questions will arise from time to time to which it will be absolutely essential for the Immigration Committee to consider, and it is absolutely necessary for the secretary of that committee to keep in touch with the different suggested amendments and other matters that will come to our attention as the result of the administration of the law. I take it that it is one of the most important committees of this body, and its work is continuous and will not end with the passage of the immigration bill. We have matters pending before us now touching the administration of the immigration laws, and we will have before us from time to time other questions that will have to be looked into and considered if we are to keep pace with the development of this important question. I do not know of a committee whose activities should be more carefully guarded than those of the Committee on Immigration.

Mr. JONES. Mr. President, I recognize the force of what the Senator suggests; and when he as chairman of that committee urges upon the Senate and points out the importance of having an assistant clerk at $1,800 instead of at $1,440 I myself would not be constrained to oppose a proposition of that sort. I want to say that some of us have been urging a reform of this kind for quite a while. Senator after Senator has stood on this floor and said that there ought to be a change; that conditions ought to be corrected; but we have not been able to get anything done; and so I have proposed this amendment. It is subject, of course, to amendment, and I am glad to hear made upon the floor of the Senate these statements from chairmen of various committees. I recognized when I included certain committees in the amendment which, apparently, have been doing something lately and have been having business before the Senate that very likely the Senate would wonder why they were stricken out; but I have been of the majority and I have been of the minority, as I am of the minority now.

When I was of the majority and had a committee or two they had some business for a little while. I was chairman of the Committee on Industrial Expositions when there came up the contest between New Orleans and San Francisco as to the holding of the Panama Exposition. I had a great deal of correspondence while that bill was pending; but when it was disposed of the correspondence dropped off, and there was not anything more than the ordinary business of a Senator to attend to, although that was plenty. I was also chairman of another committee which, from its name, was a pretty important committee—the Committee on Irrigation. There were one or two matters of legislation pending while I was chairman of that committee which brought a little extra business; but as soon as those matters were disposed of, by reason of the fact that I was chairman of the committee, I did not have much more work than I had ordinarily been in the habit of doing.

Many of the other committees are in the same situation; but when a Senator, like the Senator from South Carolina, chairman of the Committee on Immigration, points out the work of his committee and the Senator from Georgia [Mr. SMITH], the chairman of the Committee on Education and Labor, points out the work of his committee, and when they indicate that they think the work is going to develop still further in the future, I have no objection myself to giving—in fact, I want to give—whatever compensation is adequate and ought to be given. I think that every Senator as a Senator ought to have certain employees to do his work; and then, if he is chairman of a committee and has extra work to do, that committee as a committee ought to be allowed sufficient compensation and help to do the work required of it.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, the trouble is that the Senator has not adjusted his reductions in that way. Take the Committee on Education and Labor. The clerks of that committee get $700 more than the clerks of a Senator who has no committee; but I want to say that I could not for $700 employ an outside secretary to conduct the correspondence and do the amount of extra work that falls upon the men who assist me. I feel sure that the work of the committee will continue to develop. So that those young men fully earn the $700 additional by the additional work they do on account of committee service.

Mr. JONES. Mr. President, I want——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. In just a moment.

Mr. LODGE. I do not want the Senator to yield, for I would rather wait until he finishes; but he is letting other Senators in to make speeches, and I thought it was my only chance.

Mr. JONES. I will let the Senator in in a moment.

Mr. LODGE. I will wait till the Senator gets through, if he will not let anybody else in.

Mr. JONES. I can not shut off anybody.

Mr. LODGE. Then, I want to be let in.

Mr. JONES. I will let the Senator in in just a moment. I do not claim that this is a perfect proposition. I had to draft it the best way I could to get the matter before the Senate. I was told by one of the Senators who has been working with me on these matters that I had cut out so many committees that I would probably have nearly every Senator against the amendment. Well, I do not think so. There may be some of the committees that ought to have more help than I have provided, such as the Committee on Education and Labor and possibly the Committee on Immigration; but if the Senate, after having the matter presented, think that these committees ought to have more help they can very easily amend my amendment, and I would not object to an amendment by the Senator from Georgia, nor would I object to an amendment by the Senator from South Carolina, along the lines they have suggested, and the same thing is true as to other Senators. If they make a good showing, we can get this matter adjusted and we can put it on a fair basis. Now I yield to the Senator from Massachusetts.

Mr. LODGE. On that very point I do not think we can adjust this matter by an amendment on the floor of the Senate in any way to do justice as it ought to be done. I agree that dead committees ought to be abolished, but the question ought to be taken up by a committee and properly considered, and not disposed of by an amendment offered on the floor by an individual Senator.

Mr. SMOOT. And the rules of the Senate changed.

Mr. LODGE. What I rose to do was to call attention to the case which came up in the colloquy between the Senator from Washington [Mr. JONES] and the Senator from New Hampshire [Mr. HOLLIS], with reference to the Committee on Engrossed Bills. That committee has nothing to do, but it is a very old committee, and has always been given, since I have been here, at any rate, to a member of the minority, and to one of the members of the minority having the longest service.

The clerk at $1,800 attached to the Committee on Engrossed Bills was allowed when the Republicans were in the majority to the Senator on the Democratic side who, by length of service, received the chairmanship of that committee.

I am going to take my own case. I was chairman of the Committee on Immigration when the control of the Senate changed, and let me say that the Committee on Immigration has a great deal of work to do year in and year out. I know the facts concerning that committee, and it ought to have an adequate force of assistants. When the control of the Senate changed I was given the chairmanship of the Committee on Private Land Claims. I took it as I found it and as it had been held by the late Senator Bacon and by the Senator from North Carolina [Mr. SIMMONS]. My messenger by the change was cut down from $1,440 to $1,200. I did not wish him to be cut down, and I have paid the difference ever since. To the Committee on Private Land Claims, the chairmanship of which, as I have said, was previously held by Senator Bacon and by Senator SIMMONS, the Republican majority had always allowed an $1,800 clerk, and it has that $1,800 clerk now. I did not ask for it; I took it as I found it.

I do not think that Senators of long service, representing, as I do in part, more than three and a half million people, should have their clerks, who are constantly employed, cut down in

the way proposed, and if they are cut down I shall pay the difference. I am not going to have my clerk, who I think is earning the money he has been receiving, cut in that way, and I shall pay the difference out of my own pocket.

I do not think the readjustment ought to be made in the way proposed. I think that length of service and the amount of business that Senators from great States have, which must vary in different cases, ought to be taken into consideration; all these things ought to be considered, and considered properly by some committee. It can not be done here in a moment on the floor simply by one Senator making a draft of what seems to him about right. I think that we need a little more consideration of such a question, because it affects the comfort of every Senator here and what he ought justly to have. I hope this amendment will not be attached to the bill. I should be glad to see the dead committees abolished and have nothing but real committees, and then have proper allowance made to Senators who are not chairmen of committees, and have all other inequalities adjusted; but I sincerely hope that such a proposal will not be tacked on this bill in any form.

Mr. SMITH of Georgia. Does not each Senator have three clerks now?

Mr. LODGE. Practically so—two clerks and a messenger.

Mr. SMITH of Georgia. Ought we not change the designation "messenger" to "clerk"? Are the messengers not really all stenographers and secretaries?

Mr. LODGE. Yes; the whole thing ought to be revised carefully by a committee which would give the whole subject consideration. This amendment raises some men arbitrarily and lowers others arbitrarily, and I do not think it ought to be done in that way.

Mr. JONES. It does not raise the salaries of any employees, except to put the secretaries to Senators upon the same basis.

Mr. LODGE. It raises some salaries in doing that.

Mr. JONES. That is true.

Mr. LODGE. Of course it does.

Mr. JONES. But, Mr. President, I realize the force of some of the suggestions made by the Senator from Massachusetts. I realize that length of service may involve additional work and that the fact that a Senator represents three and a half million people may require more work than if he represented a smaller State; and yet when we come to deal with this matter as between Senator and Senator, we can not take those things into account fairly and justly. The Senator from a Western State having a million and a half people may have far more official business than the Senator from an Eastern State with a million and a half people; at least, that is the way it looks to me, although I may be wrong about it; and yet Senators from Western States have all sorts of questions coming before the departments in relation to public lands and matters of that sort that an eastern Senator does not know anything about; and, in addition, they have commercial questions, manufacturing questions, and many other questions.

Mr. LODGE. I have no desire to cut the Senator down; I think he ought to have whatever force is required.

Mr. JONES. I am not here urging this amendment because of myself; I am here urging this amendment in order that Senators may put themselves in an open position, at any rate, with reference to this matter. So far as I am concerned, if a Senator goes before the proper committee and shows that he needs more help to do his official work, he ought to have it, and the people of this country want him to have it; and there would be no criticism of him.

The Senator from Massachusetts says that this ought to be done after consideration; that the question ought to be referred to a committee. Why, Mr. President, we have been trying to do it in that way time and time again. In the Sixty-third Congress I introduced and pressed a resolution of this character. The chairman of the Committee on Rules assured us that the matter would be taken up during the vacation and would be considered, and yet nothing was done. Senator after Senator on this floor admitted that the condition of things ought to be changed. Now, Mr. President, we have before the Senate a proposition to change it. I know it is harder to work out the problem on the floor of the Senate than it would be possibly in committee; but we can not get any committee to do it; we can not get any committee to try to do it; and it seems to me that now is the time to adopt some proposition here, let it go to conference, and then we will have a committee to consider it; the conferees can consider it, and if they recognize that there is an injustice done, that some committee should have some additional help or pay, it can bring it back here with the necessary change. But we have got to begin at some time; we have got to take the step at some time, or else we will go right on with conditions as they are now.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield to the Senator.

Mr. SMOOT. Mr. President, I am chairman of one of the inactive committees; in fact, I might say there is no necessity for that committee meeting once a year. Under this amendment my assistant clerk would receive $1,440. The Senator states that he is perfectly willing that each Senator should have all necessary help. Mr. President, my assistant clerk is paid $1,800, and I am compelled very often to hire additional assistance for my office work.

Mr. LODGE. So am I.

Mr. SMOOT. I will say to the Senator that two-thirds of all of my mail comes from States other than Utah. The Senator knows perhaps what work I have to do, and I can not ask my assistant clerk to work for less than $1,800. He is at the office the first thing in the morning, he comes to my home at night, and is frequently there after midnight. It is not additional help that I desire, but I do desire to pay him for the work he performs. Under this amendment all that he could get would be $1,440.

I do not want another assistant clerk, so long as I can get along with the three clerks I have. I have been perfectly willing when a tariff bill was under consideration to pay for the services of additional clerks, and I have done so ever since I have been in the Senate of the United States. I have never asked the Senate to do that for me. All I have asked the Senate to do was to pay my assistant clerk $1,800, and I venture to say that neither the Senator from Washington nor any other Senator on this floor will, in view of the work that he does, question that he ought to receive that amount.

Mr. KENYON. Mr. President, the Senator from Washington has stated that exceptions could be made and every Senator could have what he needed. I think it is recognized that the Senator from Utah is perhaps the hardest working Senator in this body, and perhaps he ought to have more help; but that does not apply in very many cases, because very few Senators work as the Senator from Utah works.

Mr. SMOOT. I do not want an additional clerk. All I want is that my clerk, who is compelled to work so hard, should be paid $1,800. I want to say now that even if this amendment is agreed to he will be paid $1,800, if I have to pay it.

Mr. JONES. Mr. President, no man can question the situation with reference to the Senator from Utah. I venture to say that there would not be a Senator here who would vote against an amendment to this amendment providing that the assistant clerk to the Senator from Utah should receive $1,800 a year; but let provision be made directly in that way and not through the medium of a dead committee. Let the country know that the Senator from Utah has shown the Senate that he ought to have this pay for his assistant clerk, and not have it go out that other Senators, who have insignificant and dead committees, can not get as much for their clerks because they belong to such committees. The Senator from Utah gets that amount for his assistant clerk now because of his connection with the committee, but let it be known that the Senator from Utah has shown to the Senate that his assistant is entitled to this pay, and then there can be no criticism and there will be no criticism. There can not be any criticism upon the Senate for a situation like that. That is what I should like to see the Senator from Utah do. Put an amendment to this amendment squarely up to the Senate, and I venture to say there will not be a single vote against it. We all know what the Senator from Utah does. Even with that, however, since Senators are referring to what their clerks and secretaries have to do, I want to say that I have to-day the secretary whom I had when I entered the House of Representatives; and in my judgment there is not a secretary of any Senator here who does more work than that secretary does. He works early and late, day in and day out, vacation and every other time, and yet I am not asking for any more pay for him. He ought to have more pay, so far as that is concerned. But when we come to arrange this pay upon the basis of Senators who are equal upon this floor, we must take some basis of that sort to reckon the computation; and then, when a Senator comes in and shows that he has more work than he can do, or that he has to work his help extra time and extra hours, let the Senate, after a showing, grant additional pay.

Mr. TILLMAN. Mr. President——

Mr. JONES. I yield to the Senator from South Carolina.

Mr. TILLMAN. I will call the attention of the Senator from Washington to two time-honored and old committees that are hard worked—the Committee on Military Affairs and the Committee on Naval Affairs. I find that the Committee on Military Affairs has a clerk at $2,500, an assistant clerk at $2,220,

an assistant clerk at $1,440, and a messenger at $1,200. The Naval Affairs Committee has a clerk at $2,500—which is the same as the Military Affairs Committee has—an assistant clerk at $1,800, an assistant clerk at $1,440, and a messenger at $1,440. The Senator can very readily see the differences. There is no reason for them, and I think he deserves credit for bringing this matter in here and calling the attention of the Senate to it. Everybody is agreed that the Committee on Rules ought to take up this matter and go about it in a judicial way and investigate it thoroughly and do whatever is right, and I agree with him.

Mr. JONES. I think the Committee on Rules probably ought to have done it, but the Committee on Rules has not done it, and this seems to be about the only way that we can get anything done. So I am going to have this amendment submitted to the Senate, at any rate, and let the Senate take such action as it sees fit to take.

I believe that in the next month the committee of conference—and of course the Senate part of that committee will probably be the only one that will really have anything to do with this amendment when it gets into conference—can act as a committee with reference to this matter, if the Senate thinks the committee should act in regard to it. I think they should, too; but, nevertheless, we have been unable to get them to do it.

Mr. TILLMAN. Why not give them an order to do it?

Mr. JONES. If the Senator can have that done, I would have no objection myself. In regard to the matters to which the Senator has called attention, of course I have not changed those.

Mr. TILLMAN. I say they are time-honored and of long standing and unfair, because I think the Naval Committee does as much work as the Military Committee does, and since the preparedness program has come out I reckon it does more in some respects.

Mr. JONES. Well, that is possibly so.

Mr. President, to meet one very serious objection that some one has suggested I am going to strike out of my amendment the word "messengers" in line 15, page 3, and put in the word "stenographers."

Mr. SMOOT. Mr. President, let me suggest to the Senator that that matter has been before the Senate many times, and has been considered by the Senate; and I want to call the attention of the Senator now to what the objections have been in the past.

Senator after Senator has risen in his place and stated, "I have a young man working for me for $1,200 as messenger. He attends school at the George Washington University or the Georgetown University. He is not a stenographer; but I have so much running around to do, so much business to do with the different departments, that I brought him here for the purpose of enabling him to secure the education he desires and do the work of a messenger. He is not a stenographer, and I do not want to hire him really as a messenger and have him designated as a stenographer when he is not one."

Mr. JONES. And yet what about the great number of Senators that have stenographers that are called messengers? I have a stenographer that I call a messenger.

Mr. SMOOT. I will say to the Senator that I would not have a messenger in my office unless he was a stenographer.

Mr. JONES. I would not, either.

Mr. SMOOT. I am only calling attention to the position that has been taken here by a number of Senators in the past, and I believe it will apply at the present time.

Mr. JONES. As the Senate does not seem to be unanimous about changing that word "messengers" to "stenographers," I will leave it as it is.

Mr. LODGE. My clerk is a stenographer.

Mr. JONES. Yes; and not only my clerk but my assistant clerk and my messenger are all stenographers. I could not get along in my office unless they were all stenographers, so far as that is concerned; but I can hardly conceive of a Senator having a secretary that is not a stenographer.

Mr. SMOOT. I know a number of them that do.

Mr. JONES. I have no doubt that that is so.

I think everybody understands this amendment now, and understands what is desired to be done, so I will leave it with the Senate for such discussion as it sees fit to have, and then have a vote.

Mr. SUTHERLAND. Mr. President, I am not particularly concerned about this amendment, because I belong to that class of Senators who very shortly will retire to a place where committees cease from troubling; but I do suggest that the amount which will be saved by this change is so inconsiderable that it is hardly worth making. We are expending unnecessarily, I think, in many appropriations, ten times the amount that is involved here. I think in some respects we are appropriating too much money, and in some respects we are appropriating altogether too little.

I proposed an amendment here a short time ago to raise the salaries of the judges of the various courts, to which a point of order was made and sustained. I think that was an amendment that should have been adopted. We refuse to pay these judges what they ought to have, and yet we are constantly passing legislation providing for unnecessary offices, like some of the commissions and bureaus, and paying them extravagant salaries.

We passed through the Senate not very long ago a bill which proposed to vest in the President of the United States power to appoint, when, in his discretion, he thought the public business justified it, additional judges wherever a judge had reached the age of 70 years and was eligible to retire. That bill is now pending in the House. I sincerely hope that it will not finally become law; but, if it should, it would involve us, I think, in an unnecessary expenditure of money, because it is quite likely that as rapidly as these judges reach 70 years of age additional judges will be appointed. So, by legislation of that character, we are constantly adding to the unnecessary expenditures of the Government.

We not only pass such legislation which is not subject to objection as to its legality, but we are passing legislation which is at least of questionable constitutionality. I think the piece of legislation to which I have called attention is of that character. The question was discussed while the matter was pending before the Senate; but I have nowhere seen a clearer and more convincing discussion of the constitutional phase of that proposed legislation than that contained in a memorandum written by Judge Evans, of Kentucky, which I submitted a few days ago, and which, under the order of the Senate, was sent to the Committee on Printing. For some reason that committee has concluded that it ought not to be printed, although, as I say, my own judgment about it is that it is exceedingly valuable and exceedingly timely, because of the fact that this legislation is still pending.

I sought to have the document printed as a Senate document, in order that it might be utilized with as little expense as possible. I am informed that it would have cost only $40 to have printed it. Now that the Senate may see how valuable it is, let me call attention to it. It is with reference to Senate bill No. 706.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SUTHERLAND. I will yield to the Senator for a question.

Mr. FLETCHER. I simply want to correct the statement of the Senator to the effect that the committee has refused to print the document. The document was referred to the committee only a day or two ago. Yesterday the estimate of cost was obtained upon it. There has been no opportunity to get a meeting of the committee. The chairman of the committee is absent from the city.

Mr. SUTHERLAND. Then I have been misinformed. I was told that the majority of the committee had concluded not to allow the memorandum to be printed.

Mr. FLETCHER. There has been no opportunity for the committee to have a meeting. The chairman of the committee is absent, and there has been no chance to have a meeting. There is opposition to the printing of the document, however.

Mr. SUTHERLAND. Then, Mr. President, I understand there is opposition to its being printed, and its remaining in the hands of the committee probably means simply that it will be held indefinitely. If there is no objection, I will not take the time to read it; I will have it printed as a part of my remarks. I will ask unanimous consent first.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Georgia. Mr. President, I do not think and did not think the memorandum ought to be printed as a public document. If the Senator will pardon me for a moment, I will state why. This legislation——

Mr. SUTHERLAND. Mr. President, I will not yield for that purpose.

Mr. SMITH of Georgia. Well, I will let the Senator read it.

Mr. SUTHERLAND. If the Senator objects, I will read it:

Memorandum——

Mr. SMITH of Georgia. Mr. President, I withdraw my objection. The Senator can print it in the RECORD if he desires. To save the time of the Senate, I withdraw my objection to having it printed without reading it.

Mr. SUTHERLAND. Let me further suggest to the Senator that it will be far less expensive——

Mr. SMITH of Georgia. And I was going to say that if the Senator will allow me to make a brief statement I am, so far as I am concerned, ready to consent that it be printed as a document.

Mr. SUTHERLAND. Let me suggest, before the Senator begins, that all I care for is to have it printed as a public document; and I am making the request in good faith, because I believe it to be a valuable document, and valuable at this time. It will cost a great deal more to have it printed in the RECORD than it will to have it printed as a public document; and if I may have the consent of the Senate to its being printed as a public document, I shall have nothing more to say about it.

Mr. SMITH of Georgia. With just a brief explanation, I am ready to withdraw my objections to its being printed as a public document.

Mr. SUTHERLAND. Very well.

Mr. SMITH of Georgia. I want to state to the Senator why I objected. This measure has passed out of the Senate. The Senate has acted favorably upon the constitutionality of the legislation. It is now pending in the House; and it seemed to me that if the House wanted this information the House should have it printed as a public document, rather than the Senate. For us to go back and print documents upon matters on which we had already legislated might be misconstrued to indicate a doubt as to the soundness of the action which we had taken. I have no doubt the legislation will be constitutional and wise. Instead of being an expense, it will prove an economy of judicial administration. But, in view of the fact that the Senator can put it into the RECORD by reading it, if he wishes to do so, I withdraw my objection to save the RECORD and time of the Senate. I presented an objection to its being printed as a public document. It will be, as the Senator said, less expensive to print it as a public document, and take less time. Therefore I withdraw my objection, and am willing for the Senator to have unanimous consent now to print it as a public document.

Mr. SUTHERLAND. Mr. President, I ask unanimous consent that the memorandum may be printed as a document (S. Doc. No. 688).

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the manuscript of the memorandum in opposition to the passage of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which relates to the compulsory retirement of Federal judges of the United States, by Walter Evans, judge for the western district, Kentucky, be printed as a document.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. JONES].

Mr. WALSH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Smith, Ariz.
Bankhead	Gallinger	Norris	Smith, Ga.
Beckham	Harding	Oliver	Smoot
Borah	Hardwick	Overman	Sterling
Brady	Hollis	Page	Sutherland
Broussard	Hughes	Penrose	Thomas
Bryan	Husting	Pittman	Tillman
Chamberlain	James	Poindexter	Townsend
Clapp	Jones	Ransdell	Vardaman
Clark	Kenyon	Reed	Walsh
Colt	Lane	Robinson	Watson
Culberson	Lee, Md.	Saulsbury	Weeks
Curtis	McCumber	Shafroth	
Dillingham	McLean	Sheppard	
Fall	Martine, N. J.	Shields	

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names on the roll call. There is a quorum present. The question is on the amendment of the Senator from Washington [Mr. JONES]. [Putting the question.] The Chair is in doubt.

Mr. JONES. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). Having a general pair with the senior Senator from North Carolina [Mr. SIMMONS], and observing his absence, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. In his absence I will withhold my vote.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness, and I have agreed to pair with him for the day. Therefore I can not vote on this question. If I were at liberty to vote, I would vote "yea."

Mr. NORRIS (when his name was called). Upon this question I am paired with the senior Senator from Illinois [Mr. LEWIS], who has been called from the Chamber. If the Senator from Illinois were present, he would vote "nay" and I would vote "yea."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

The roll call was concluded.

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. I have a pair with that Senator. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. NORRIS. I transfer my pair with the senior Senator from Illinois [Mr. LEWIS] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. DILLINGHAM (after having voted in the negative). May I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not.

Mr. DILLINGHAM. I am compelled to withdraw my vote, then, having a pair with that Senator.

Mr. GALLINGER. I transfer my pair with the senior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

The PRESIDING OFFICER (Mr. BECKHAM in the chair). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. SHERMAN (after having voted in the affirmative). I understand the senior Senator from Kansas [Mr. THOMPSON] has not voted.

The PRESIDING OFFICER. He has not.

Mr. SHERMAN. I have a pair with that Senator, and therefore withdraw my vote.

Mr. HOLLIS. I transfer my pair with the junior Senator from New York [Mr. WADSWORTH] to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 18, nays 43, as follows:

YEAS—18.

Beckham	Colt	McLean	Tillman
Borah	Curtis	Norris	Townsend
Brady	Harding	Page	Watson
Bryan	Kenyon	Poindexter	
Clark	Lane	Sterling	

NAYS—43.

Ashurst	Hughes	Newlands	Smith, Ga.
Bankhead	Husting	Oliver	Smith, S. C.
Brandegee	James	Overman	Smoot
Broussard	Kern	Pittman	Stone
Chamberlain	Lee, Md.	Ransdell	Sutherland
Culberson	Lippitt	Reed	Thomas
Fletcher	Lodge	Robinson	Underwood
Gallinger	McCumber	Saulsbury	Vardaman
Hardwick	Martine, N. J.	Shafroth	Walsh
Hitchcock	Myers	Sheppard	Weeks
Hollis	Nelson	Smith, Ariz.	

NOT VOTING—35.

Catron	Gore	Martin, Va.	Smith, Md.
Chilton	Gronna	O'Gorman	Smith, Mich.
Clapp	Johnson, Me.	Owen	Swanson
Cummins	Johnson, S. Dak.	Penrose	Thompson
Dillingham	Jones	Phelan	Wadsworth
du Pont	Kirby	Pomerene	Warren
Fall	La Follette	Sherman	Williams
Fernald	Lea, Tenn.	Shields	Works
Goff	Lewis	Simmons	

So Mr. JONES's amendment was rejected.

Mr. OVERMAN. Recurring to page 8, the Senator from Virginia [Mr. SWANSON], who is upon the Committee on Naval Affairs, desires a reconsideration of the vote by which the lines 4, 5, and 6 were stricken out by the Senate. After a discussion with the subcommittee we have agreed to interpose no objection to a reconsideration of the vote by which the amend-

ment was adopted, and I ask the Senate to disagree to the Senate committee amendment. The Senator from Utah [Mr. SMOOT] desires to submit a statement, however, before that is done.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment was agreed to.

Mr. NORRIS. Mr. President, we were unable to hear a word that was said by the Senator from North Carolina.

Mr. OVERMAN. To explain more thoroughly, there was an amendment reported by the committee, and also adopted by the Senate, striking out lines 4, 5, and 6, on page 8, as follows:

For compiling the Navy Yearbook for the calendar year 1916, under the direction of the chairman of the Committee on Naval Affairs, $500.

The committee thought, as there was very little work involved in the compilation of the yearbook, this appropriation ought not to be allowed, and I do not think we will allow it in the future; but inasmuch as the clerk has already done the work and he has been getting heretofore this amount, and even more than this sum, the subcommittee, after consulting about the matter, have agreed to a reconsideration. The chairman of the Naval Committee said this man had done the work with the idea that he would get this increase, and he ought to have it; and as that was the understanding, and he had been getting it for years, the committee have agreed to say to the Senate that they are agreeable to have it stricken from the bill. I understand it has been reconsidered without objection, and the question comes again before the Senate as to whether the Senate will agree to the committee amendment. I think probably at this time it would be best to disagree to the Senate committee amendment, for the reason that this man did the work under a kind of implied contract that he was to get this money, and the Senate ought to bow to it. However, Mr. President, I do not think the Senate will ever make this allowance again.

Mr. OLIVER. Did I understand the Senator in charge of the bill to say that this matter had been recommitted to the subcommittee?

Mr. OVERMAN. No; I did not say that. I said that I consulted some of the members of the subcommittee. I did not see the Senator from Pennsylvania, but I knew the Senator would agree to it.

Mr. OLIVER. I have not heard anything of it. I will ask the Senator from North Carolina if the same understanding did not exist last year—that it would not be allowed this year?

Mr. OVERMAN. I do not know as to that. It is for the Senate to say whether they will allow it. The work has been done, and it was done, as the chairman claims, under an implied contract. In the past we have paid as much as $2,000 for this work. The Senate cut it down to $500 last year. I give notice that we will not agree to it again, and we ought to notify now the chairman of the committee that this amount will not be allowed again.

Mr. OLIVER. I think I have a distinct recollection that in the committee last year there was an understanding that it would not be allowed this year. I know I have a very distinct recollection of that kind.

Mr. OVERMAN. I do not recollect about it.

Mr. SMOOT. Mr. President, in the committee I insisted that this provision should be eliminated from the bill and the committee voted to strike out the provision from the bill. I will state that for the last three years at least I have objected to paying for the compilation of the Navy Yearbook. Three years ago it was $1,000, two years ago it was $1,000, and this year the House appropriated $500.

The Senator from Pennsylvania [Mr. OLIVER] is right when he says it was distinctly understood by the subcommittee that it would not be appropriated for this year, but I understand that the chairman of the committee received no notice to that effect, and it was the understanding and there was an implied contract to do the work, and he feels under obligation that this amount shall be paid this year for compiling the year book.

But, Mr. President, so that the Senate may know that the committee has not done an injustice in taking the position it did, I wish to call attention to what the compilation of the Navy Yearbook for 1914 consists of. From pages 1 to 805 there are nothing but naval appropriation acts beginning with the appropriation act of the second session of the Forty-seventh Congress. In fact, I should like to see that part of the Navy Yearbook discontinued and do away with the expense, because all any one interested in it would have to do would be to send for a copy of the appropriation act of a particular year. But here are 805 pages with nothing but the naval appropriation acts, as I have said.

From page 806 to page 809 there are tables prepared by the Navy Department.

On page 872 is the first of the personnel of the Navy, and that runs to page 879.

There are 944 pages in the book. The annual report of the Secretary of the Navy, December 1, 1914, extends from page 893 to page 944. This constitutes the Navy Yearbook outside of the few pages showing the personnel of the Navy, the yearly naval pay, and the personnel legislation. That is all there is in the Navy Yearbook for that year, but as far as I am concerned, the chairman of the committee not having been notified last year that this appropriation would be discontinued, and as there was virtually an implied contract between the chairman of the Naval Committee and the clerk who did the work, I shall not object to the payment of $500 this year.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the amendment.

The amendment was rejected.

Mr. WEEKS. Mr. President, I send an amendment to the desk, which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 8. From the date of the approval of this act and during the remainder of the fiscal year ending June 30, 1917, the increase of pay provided for in section 7 of this act shall apply and be paid to the employees to whom the said section refers. The appropriation for this purpose shall be immediately available.

Mr. WEEKS. Mr. President, the purpose for which this amendment has been offered has been explained to the Senate two or three times. I should like to refer to it once more, because probably there are Senators present who have not heard it. It simply does for the balance of this fiscal year what the Senate has already voted to do for the fiscal year 1918. As the necessity exists to-day for the increased pay to these employees, I think there should be no objection to the payment as proposed in the amendment.

Mr. OVERMAN. Mr. President, this amendment will make a deficiency in the deficiency appropriation bill of over $500,000. It means an increase, with the Smoot amendment, of over $6,000,000. All our appropriations have been made for the current fiscal year, beginning July 1, 1916. Therefore I say this amendment will require a deficiency appropriation of over $500,000. If the increase is paid now instead of the 1st day of July, as the Smoot amendment provides, and if it is carried out, as it will be, on every appropriation bill, and as it should be if allowed in this bill, as I calculate, it will make an increase of $6,000,000 and something over. In round numbers, the Smoot amendment will increase $6,000,000 and there will be a total increase of $19,000,000. I hope the Senate will vote it down.

Mr. SMITH of South Carolina. Mr. President, I rise to inquire if this matter has been estimated for and has been recommended by a standing committee? If that has not been done, I raise the point of order that it is out of order.

Mr. WEEKS. I hope the Senator from South Carolina will not make a point of order, because if he does I shall offer it as an amendment to the Smoot substitute when the bill comes into the Senate. The Senator will not gain anything by doing it. We might as well have a vote on the proposition under the circumstances, for we will have a vote when the bill comes into the Senate.

Mr. SMITH of South Carolina. I will make the point of order now, because if I do not, then when it comes up on the Smoot amendment it will be in order. Therefore I make the point of order.

The PRESIDING OFFICER. Does the Chair understand the Senator from South Carolina to insist on his point of order?

Mr. SMITH of South Carolina. I insist on it.

Mr. WEEKS. The Senator will not gain anything, because it will be in order on the Smoot amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. WEEKS. I reserve the right to offer the amendment in the Senate.

Mr. NELSON. Mr. President, I move to strike out all in the bill from line 18, on page 62, down to the bottom of page 65. This relates to what are commonly called the Subtreasury provisions of the bill. I called attention to this matter the other day and to the fact that now under existing law it is utterly unnecessary to maintain these Subtreasuries They had their origin way back in the early history of the country. The Government in its early days carried on its fiscal operations through the Banks of the United States, the First and Second. The Government deposits were made in those banks and the Government payments were made in checks on those banks.

Those who are familiar with the history of the country know how the Second Bank, the last Bank of the United States, came to give up the ghost. It resulted from the removal of the Government deposits. It lingered along for some time after it was deprived of those deposits, but finally died. That left the Government without any institution in which to deposit its collections of internal revenue and customs and money derived from other sources. In other words, it left the Government entirely without any fiscal agent. Resort was made, under those circumstances, to some of our State banks. We had in those days a system of State banks organized under State laws issuing currency based on all kinds of security and as varied as were the laws of the different States. The panic that came in 1837 resulted in showing what a vicious system that was. The Government lost some of its deposits in some of those State banks. I do not at this moment recall just how many thousand dollars it amounted to, but it lost a considerable amount.

Finally, in order to get some relief during the administration of President Van Buren the Subtreasury system was adopted—that is, provision was made for the appointment of a number of assistant treasurers of the United States to be located at various points. These Subtreasuries were made the depositories of the Government funds, and the Government carried on its fiscal operations through them. That system still exists. The ground for its existence has long ago ceased to exist.

It was demonstrated time and again prior to the adoption of the present reserve system how utterly vicious and dangerous the Subtreasury system was in this respect—that is, the Government deposits were deposited in the treasuries and accumulated there. The money was taken out of the circulation of the country and piled up in the Subtreasuries, so that at times there was a stagnation and almost a panic in the money market of the country.

The only way the situation could be relieved, Mr. President, or attempted to be relieved under the old system was for the Secretary of the Treasury to withdraw the Government deposits from the Subtreasuries, especially the great Subtreasury in New York, and deposit them in the banks of the country. The moment the funds were deposited in the banks the money entered into the circulation of the country, and did not lead to such a shrinkage and diminution of the currency of the country as it did while the money was tied up in the Subtreasuries.

We passed two years ago or more the Federal Reserve Act, creating a system of Federal reserve banks. That act as it originally came from the House of Representatives required the Secretary of the Treasury to deposit all Government funds absolutely in the reserve banks. Objection was made to that on the part of the Treasury Department when the bill came before the Senate committee. The result was that there was a modification; and the law as finally passed is found in section 15 of the Federal Reserve Act. It provides as follows:

SEC. 15. The moneys held in the general fund of the Treasury, except the 5 per cent fund for the redemption of outstanding national-bank notes and the funds provided in this act for the redemption of Federal reserve notes, may, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits.

This clearly contemplated that this new system of banks was practically to take the place of the old Subtreasury system. With 12 reserve banks in the country there is no longer any occasion to maintain the system of Subtreasuries.

I wish to call attention to the total expense involved in the Subtreasury system. But before I do that I want to direct the attention of the Senate to the fact that in the main the Subtreasuries are places where Government funds collected in the shape of Government taxes are deposited and drawn against. With the Federal reserve banks, especially as to those located in the cities where there are Subtreasuries, there is no occasion to maintain the system of Subtreasuries. It is practically a duplication of work.

Now, I wish to call the attention of the Senate to the number of these Subtreasuries. There is one at Boston, one at Chicago, one at New York, one at St. Louis, one at San Francisco, one at Baltimore, one at Cincinnati, one at New Orleans, and one at Philadelphia. The total cost for these Subtreasuries as they appear in the bill amounts to $463,420.

Let me now call your attention to the salaries that are paid. The assistant treasurer at Baltimore receives $4,500; the assistant treasurer at Boston, $5,000; at Chicago, $5,000; at Cincinnati, $4,500; at New Orleans, $4,500; in New York, $8,000; in Philadelphia, $5,000; in St. Louis, $4,500; and in San Francisco, $4,500.

I can readily see how the men who hold these positions are very anxious to have these Subtreasuries retained. But there is no necessity for it. The other day there was a report from the Secretary of the Treasury on this subject, intimating that it is necessary to keep up the Subtreasuries because they are the depositories of gold and they have no other place to deposit the gold. That is not true. The gold is deposited in the mints and assay offices of the United States.

In looking over this appropriation bill, on the pages following the provisions that I have moved to strike out, I find that at Carson City, Nev., there is a mint, and the appropriation in the bill for that is $7,500. At Denver there is a mint and an assay office, and the appropriation for that is $191,600. At New Orleans there is a mint and an assay office, and the appropriation for it is $12,650. At Philadelphia there is a mint, and the appropriation for it is $448,600. At San Francisco there is a mint, and the appropriation for it is $250,000. At Boise, Idaho, there is an assay office, and the appropriation for it is $7,400. Deadwood or Black Hills, S. Dak., has an assay office, and there is an appropriation of $7,500 for that. Helena, Mont., has an assay office, with an appropriation of $8,400. New York City has an assay office, and the appropriation for that is $237,100. Salt Lake City has an assay office, and the appropriation for that is only $3,800. Seattle has an assay office, and the appropriation for it is $31,950. The aggregate amount of the appropriations for these mints and assay offices is $1,171,000.

The Secretary of the Treasury, in the letter which he has sent here—of course, it was written by some subordinate—is utterly mistaken in assuming that it is necessary to keep these Subtreasuries for the storage of gold.

I want to call attention to the fact that some of the members of the Efficiency Board have already investigated this question and made a report. The Senator from Utah [Mr. SMOOT] has a copy of that report, and I have no doubt he will present it to the Senate, from which it clearly appears that it is utterly unnecessary to maintain these Subtreasuries.

Last night I clipped the following from the Washington Star, which I want to read in this connection:

There is about seven hundred millions of gold bullion and coin that the assay office in New York City has been unable to safeguard because of its lack of facilities, and which it has put into the custody of the Subtreasury, its next-door neighbor. In the Subtreasury at New York the boxes containing this fortune are piled so high and take so much room that only a canyon between is left as an aisle for those who must walk through the vault. The congestion is unprecedented.

Besides—

I call attention to this fact, and it is a surprising fact—

Besides, there is no responsibility in the subtreasurer for the safety of the gold. The Director of the Mint and his subordinates in charge of the assay office are bonded to insure the safety of precious metals in their custody.

So it appears that the Subtreasury is not under any bond for the custody of the gold it receives. I will read it again:

Besides, there is no responsibility in the subtreasurer for the safety of the gold. The Director of the Mint and his subordinates in charge of the assay office are bonded to insure the safety of precious metals in their custody. And, furthermore, apparently the subtreasurer at New York is not delighted with the custody of all this wealth, even though he is not directly responsible. So—

Now, listen to this:

So arrangements are to be made to restore the gold to the custody of the mint. Assistant Secretary Vogel, of the New York Subtreasury, has arranged with Supt. Adam Joyce, of the Philadelphia Mint, to take at least $600,000,000 of gold into his charge.

There is already stored in the mint at Philadelphia over $470,000,000 in gold bricks. The increment from New York will mean that an additional $1,000,000,000 in gold will be together in one place.

An idea of just how much gold is involved may be gained from the fact that a gold brick 2 inches thick, 3½ inches wide, and 9 inches long is worth $8,000. In $1,000,000,000 there would be about 125,000 of these gold bricks. If placed end to end, they would stretch 18 miles. If they were bricks of clay, they would fill 55 wagons. But no wagon would be strong enough to carry the weight of a wagonload of gold.

This shows, Mr. President, in the first place, that the contention of the Treasury Department that these Subtreasuries are needed for the storage of gold is unwarranted, for most of the gold for which there is room has been stored in the assay office at New York City, and as to the balance which the Subtreasury does not want, it has made arrangements to remove to the mint at Philadelphia. So that reason falls to the ground.

If you take into account the fact, Mr. President, that the city of New York has a Federal reserve bank, that it has an assay office where the gold can be deposited, and that the overflow of gold in the assay office can be transferred to the mint at Philadelphia, you will see that there is no foundation for maintaining the Subtreasury at New York except to give desirable places to officeholders, the assistant treasurer at that place being a salaried officer at the rate of $8,000 a year.

The same thing is especially true as to San Francisco, to which I will call attention, and which in principle is in the same condition. At San Francisco there is a Federal reserve bank; there is a mint located there, an assay office, and also a Sub-

treasury. Mr. President, will any sane man tell me, if he is not particularly the guardian of or is not interested in the office-holders in that city, any reason why the fiscal operations of the Government in that part of the country can not be carried on through the Federal reserve bank, and why the storage of gold can not be adequately provided for in the mint and assay office at San Francisco?

More than that, from this article—and I think it is correct—it appears that these Subtreasuries or Independent Treasuries are under no requirement to give bond for the custody of the gold coin or the gold bullion that is put into their vaults. They give the usual official bond that such officers give, but no special bond is given for the custody of the gold in their possession.

To my mind, as I said the other day, the question is up to you gentlemen on the other side of the Chamber who are in control of the Government. If you believe in practicing the economy that you preach, here is a golden opportunity for you. Wipe out this whole Subtreasury system, which is a remnant of Van Buren's administration, and let the fiscal operations of the Government be carried on as the Federal reserve act of 1913 provided in section 15.

Mr. President, I was a member of the Committee on Banking and Currency at the time of the passage of the Federal reserve act. I then thought that we ought to have adopted the House provision which required the Secretary of the Treasury to deposit all Government funds in the reserve banks. The principle involved in that act was the reverse of the old Subtreasury system. The Subtreasury system gathered up the revenues of the country, tied them up, and kept them out of circulation, while by requiring the Government deposits to be made in the Federal reserve banks, as provided in the law, the money would be constantly in circulation, and no such stringency, as we had time and again under the Subtreasury system, would arise from the collection of the Government revenue.

The matter is still optional, and we continue to be at the mercy of the Secretary of the Treasury. If he sees proper, he can still withhold deposits from the Federal reserve banks; he can still have the money piled up in the Subtreasuries; and he can continue to do what was done under former administrations, after the money had been piled up, by disbursing it amongst favored banks throughout the country. How much fairer and juster is it not, Mr. President, to have the Government revenues as they are received deposited in these Government agencies which we have created, these Federal reserve banks, and in that way have them remain in constant circulation?

We have amply provided for the storage of gold. There is no occasion to maintain this Subtreasury system for that purpose. The newspaper article I read indicated that the Subtreasury at New York, even if it were absolutely necessary, is not in a condition to store all the gold, but that the bulk of it is stored in the assay office, and the balance of it is now to be removed to the mint at Philadelphia.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. Certainly.

Mr. HITCHCOCK. The Senator from Minnesota speaks as though this gold belonged to the United States Government. Does he think so?

Mr. NELSON. I do not speak of it in that sense at all.

Mr. HITCHCOCK. To whom does the gold belong?

Mr. NELSON. Most of it belongs to private individuals, and the Secretary of the Treasury will issue gold certificates on it. It is deposited with the Government.

Mr. HITCHCOCK. The Senator means that the Secretary of the Treasury has already issued gold certificates on it?

Mr. NELSON. I do not mean to say that. It may be possible as to some of it, but not as to all of it. Gold may be deposited in the assay offices and in the mint for future coinage on which there have been no certificates issued.

Mr. HITCHCOCK. I am speaking of gold now on deposit at New York and the larger Subtreasuries. In all those cases the gold is owned by the individuals who hold the gold certificates that are in circulation.

Mr. NELSON. To a large extent, but not absolutely so.

Mr. HITCHCOCK. Does the Senator know any provision of law under which the Federal reserve banks can accept this gold and issue gold certificates thereon?

Mr. NELSON. I will tell the Senator what the law is. A man can deposit gold in the Government mint or assay office under existing law, and on that deposit he can get his gold certificate.

Mr. HITCHCOCK. I think the Senator is mistaken.

Mr. NELSON. I am not.

Mr. HITCHCOCK. I think the gold that is deposited in the mint is deposited for coinage——

Mr. NELSON. Oh, no.

Mr. HITCHCOCK. But that the gold which is deposited in the Subtreasuries is already coined, and on that the Subtreasury issues certificates which circulate as money.

Mr. NELSON. Oh, not at all. The uncoined gold, or gold in bars, is deposited in the assay offices.

Mr. HITCHCOCK. Yes; and in the Subtreasuries.

Mr. NELSON. Oh, yes; some of it is deposited in the Subtreasuries.

Mr. HITCHCOCK. The Senator from Minnesota is seeking to abolish the Subtreasuries, and my impression is that some of the functions which those Subtreasuries perform can not be performed under existing law by the Federal reserve banks. I am in sympathy with the idea the Senator has, that those functions should be transferred to the Federal reserve banks, but I think before that can be done we must have legislation, and that we shall not attain the object simply by striking out the provision for the Subtreasuries. I know of no provision of existing law under which $25,000,000 of gold can be deposited in a Federal reserve bank and the man who deposits it receive gold certificates for it.

Mr. NELSON. No; but it can be deposited in the mint or in the assay office and gold certificates be received for it.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. I yield to the Senator.

Mr. SMOOT. I desire to say that out of a total of $2,093,000,000 in gold held by the Treasury, according to a late report of the Treasury Department, $1,740,000,000 is in the mints and assay offices of this country. Of that $1,740,000,000, about $450,000,000 is in Denver, $357,000,000 in San Francisco, $325,000,000 in the Philadelphia mint, and $607,000,000 in the New York assay office.

Mr. HITCHCOCK. I do not doubt that at all. It is placed there for safe-keeping, but the certificates are issued by the Subtreasuries, or they are issued by the Secretary of the Treasury here in Washington.

Mr. SMOOT. But only about 12.5 per cent of the gold held for the redemption of the gold certificates and United States notes is kept at the Subtreasury.

Mr. NELSON. Will both Senators yield to me? I have the law here, which I believe covers the case. I read from chapter 170, act of June 8, 1878.

Deposits of gold to be received by superintendents of mints or assayers of assay offices.

The Secretary of the Treasury be, and he is hereby, authorized to constitute any superintendent of mint or assayer of any assay office, an assistant treasurer of the United States without additional compensation, to receive gold coin and bullion on deposit for the purposes provided for in section 254 of the Revised Statutes.

Section 254 provides for deposits in the Subtreasury and the issuance of gold certificates. So we see that under the law the Secretary of the Treasury has the right to appoint the superintendents of the mints and assay offices to discharge this duty, without allowing them additional salary, and to make them technically assistant treasurers of the United States.

Mr. HITCHCOCK. Will the Senator read the section there referred to?

Mr. NELSON. Yes; I will.

Mr. HITCHCOCK. It is section 254 of the Revised Statutes.

Mr. NELSON. Here is section 254 of the Revised Statutes. It has been enlarged and amended, but the principle involved in it is not departed from.

The Secretary of the Treasury is authorized to receive deposits of gold coin and bullion with the Treasurer or any assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor, in denominations of not less than $20 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt.

And so forth. I need not read the remainder of section 254, which allows the deposit of gold coin and gold bullion in the Subtreasuries and the issuance of those certificates. As to the statute from which I quoted, the Senator can see how that dovetails and fits in with this provision. I am reading from the compiled statutes. This is found in the Statutes at Large, No. 26, statute 102. I read this again, having already once read it:

The Secretary of the Treasury be, and he is hereby, authorized to constitute any superintendent of mint or assayer of any assay office, an Assistant Treasurer of the United States, without additional compensation, to receive gold coin and bullion on deposit or for purposes provided for in section 254 of the Revised Statutes.

Mr. HITCHCOCK. Mr. President, if the Senator will permit me, I think he has put an erroneous interpretation on that section. The fact is that the Government of the United States has received something over two thousand million dollars of gold and has issued certificates against that gold, which certificates are in circulation among the people to a large extent.

Mr. NELSON. Yes.

Mr. HITCHCOCK. That provision is to allow the Secretary of the Treasury to deposit a part of that gold with the mint and assay offices of the country; and the Secretary of the Treasury in his letter to the chairman of the committee explains that it is desired not to keep this all in one place, but to keep it under the physical control of the Government itself, and not to intrust that gold to the Federal reserve banks.

Mr. NELSON. This amendment does not contemplate changing that. Striking out the appropriations for these offices and discontinuing them will leave in force the law I have just read. Can not the Senator see that? The Secretary of the Treasury can appoint every one of these officers in the mints and assay offices Assistant Treasurers of the United States, and when they are so appointed they have precisely the power that the Subtreasurer in New York has.

Mr. HITCHCOCK. No; there is where the Senator is mistaken.

Mr. NELSON. I am not mistaken.

Mr. HITCHCOCK. All they have the power to do is to receive and hold for the Government gold which the Government has already received from private individuals, through the Treasury Department and through the Subtreasuries.

Mr. NELSON. That is all the Subtreasurer can do.

Mr. HITCHCOCK. No; the Subtreasurer has the power, under the law, to issue certificates, but a mint officer has no power to issue certificates. Those certificates are the certificates of the Treasurer of the United States or the Secretary of the Treasury.

Mr. NELSON. The Secretary of the Treasury can issue those certificates.

Mr. HITCHCOCK. As I interpret the statute to which the Senator has referred, it simply makes those mints the storehouses of the Secretary of the Treasury to keep the gold for which he has issued gold certificates.

Mr. NELSON. That is all the Subtreasuries are—storehouses.

Mr. HITCHCOCK. No; the Senator is mistaken.

Mr. NELSON. No; I am not.

Mr. HITCHCOCK. The Subtreasuries issue those certificates direct.

Mr. NELSON. Suppose the subtreasurer does, the gold is there and they are storehouses for the gold.

Mr. HITCHCOCK. Yes.

Mr. NELSON. Suppose those certificates, instead of being issued by the officers of the mint, are issued by the Secretary of the Treasury, the gold still remains stored in the Subtreasury just as it does in the mints and the assay offices. There is no other difference, and the Senator can not demonstrate that there is, except in one particular, and that is when the gold is deposited in the mint it is in the hands of the Government, and I am inclined to think, in view of the way the statute reads, that those assistant treasurers can issue the same certificates that the assistant treasurers at the Subtreasuries can, because they are put in the same class; but, whether they can or not, the Secretary of the Treasury can issue the gold certificates if the gold is deposited in the mints or the assay offices. There can not be any doubt about the law. I will again read the provision. It is as follows:

The Secretary of the Treasury be, and he is hereby, authorized to constitute any superintendent of mint or assayer of any assay office, an assistant treasurer of the United States without additional compensation, to receive gold coin and bullion and deposit for—

For what?—

for the purposes provided for in section 254 of the Revised Statutes.

What are those purposes? The gold coin and bullion are deposited in the Subtreasury for storage and safe-keeping, and when these men are appointed assistant treasurers they become endowed with the same power as the Treasurer of the United States, and under this law they can undoubtedly issue certificates. I think, Mr. President, that any Senator who has this reform at heart and who desires to save the Government the expense of nearly a half million dollars a year need not have any difficulty about the law of the case.

My amendment simply strikes out the appropriation for these officeholders. I admit it is a cruel blow to all of them. Here are nine assistant treasurers of the United States, running in salary from $4,500 up to $8,000, as in the case at New York. It is a hard thing to turn them out, and I dare say they do not consider it much of an economy or much of a reform in the public service; but now, Mr. President, having established the Federal Reserve System, having provided expressly by law that the Federal reserve banks shall be depositaries of Government funds, the Secretary of the Treasury having a right to deposit everything, with but few exceptions, in the reserve banks and to draw checks against it, these officials are unnecessary. I will read the law again. It is very plain, but I am afraid some of the Senators who were not present when I read it before may not understand it.

SEC. 15. The moneys held in the general fund of the Treasury, except—

Now, what are the exceptions?—

except the 5 per cent fund for the redemption of outstanding national-bank notes and the funds provided in this act for the redemption of Federal reserve notes may, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits.

I think that was a very wise provision. The purpose of it was to destroy or afford the opportunity to destroy the viciousness that came from the old Subtreasury system. I will reiterate, at the risk of being guilty of undue repetition, that the great vice of the old Subtreasury system was that it piled up and accumulated the revenues of the Government at one or two points, principally in the Subtreasury at New York; that it took that money out of circulation, which led in many instances within my recollection to a money stringency in this country, and when that stringency came or was threatened, Mr. President, we saw the spectacle, which I hope we may never see again, of money being taken out of the Subtreasury of the United States and put into the hands of some favored large banks in New York City, instead of it being scattered in the channels of trade throughout the country. I read again the act of March 4, 1900, as amended by the acts of 1906, 1907, and 1911.

The Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any Assistant Treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose.

When the law provides that the Secretary of the Treasury may appoint the superintendents of the mints and assay offices Assistant Treasurers of the United States, it equips them with the powers and the attributes that an Assistant Treasurer of the United States has under the present system.

But, Mr. President, as I said in the outset, it is a question of reform in the Government service; it is a question of economy; it is a question of removing what I believe to be a duplication of work. The work that has heretofore been done by these Subtreasury systems can now be done by the Federal reserve banks, with the aid of the assay offices and the mints of the country; and, if in this contention for economy there is any desire to practice it here is a fine opportunity for doing so without injuring the service one iota. More than that, if we strike these provisions from the bill the matter will go to conference, and if any amendment is needed—and I doubt whether any material amendment will be needed—but if any slight change is required it can be easily effected by the conferees.

There is a necessity for the continuance of the mints and assay offices of the country for various purposes. First, they are needed for the coinage of gold; in the next place, they are needed for the convenience of the miners as assay offices; and they are also needed and are of value as depositories of gold that is placed on deposit with the Government.

I need add no more at present, Mr. President, but to say that this question is up to the Democratic Party. If they believe in the economy they have so persistently preached there was never a broader, a more open, or a better field in which to put it in practice than is now afforded by the opportunity I present them of striking out this section from the pending appropriation bill.

Mr. REED. Mr. President, usually I can agree with the Senator from Minnesota [Mr. NELSON]. I can not agree with him to-day in the advocacy of this proposition. I do not think the Senate will agree with him if we can get enough of the Members here to understand just what the question is.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum. I think the Senate ought to hear this question discussed.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Norris	Shields
Borah	Hollis	Oliver	Smith, Ga.
Brady	Hughes	Overman	Smith, Md.
Brandegee	Husting	Page	Smith, S. C.
Bryan	James	Penrose	Smoot
Chamberlain	Jones	Phelan	Sterling
Clapp	Kenyon	Pittman	Stone
Clark	Kern	Poindexter	Thomas
Culberson	Lee, Md.	Pomerene	Townsend
Cummins	Lewis	Ransdell	Underwood
Curtis	McLean	Reed	Vardaman
Fernald	Martine, N. J.	Robinson	Walsh
Fletcher	Myers	Saulsbury	Watson
Gallinger	Nelson	Shafroth	Weeks
Gronna	Newlands	Sheppard	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, I shall try to be very brief, indeed. I simply want to state the facts.

The proposition of the Senator from Minnesota is to abolish the Subtreasuries by striking out the appropriation. If that is done, it will leave us with no law, no plan to carry on the business that is now carried on by the Subtreasuries. It is not a proposition to abolish the Subtreasuries and adopt something in lieu of them, but simply to abolish the Subtreasuries by starving them to death.

It is true that there is a provision in the Federal reserve act, to which the Senator from Minnesota called attention, which provides that the moneys held in the general fund of the Treasury, except the 5 per cent fund for the redemption of outstanding national notes and the funds provided in that act for the redemption of Federal reserve notes, may, upon the direction of the Secretary of the Treasury, be deposited in the Federal reserve banks, which banks, when required by the Secretary, shall act as fiscal agents of the Government. But notice that the language of the act applies only to certain funds and certain moneys, whereas the Subtreasuries have many other functions and perform many other duties. If they are abolished by shutting off the revenue, these other functions and duties which they perform will be left without any agency of the Government to perform them. Surely, the Senate does not want to leave the fiscal matters of the Government in that chaotic condition.

It is also true, to state the matter fairly, that a portion of the duties might be performed by the supervisors of the mints if they were designated as subtreasurers; but here is a letter from the Secretary of the Treasury setting forth the business of the Subtreasuries. You will find it, Senators, in a letter which has been printed, and which is Document No. 1777 of the House of Representatives:

"They issue gold certificates; they are charged with the duty of acceptance of gold coins for exchange, acceptance of standard silver dollars for exchange, acceptance of fractional silver for redemption, acceptance of minor coins for redemption, acceptance of United States notes for redemption, acceptance of Treasury notes for redemption, acceptance of gold and silver certificates for redemption, cancellation (before shipment to Washington) of unfit currency, laundering of unfit currency which permits of this process, exchange of various kinds of money for other kinds that may be requested, remittances from United States depositary banks of their surplus deposits of internal-revenue, customs, money-order, postal, and similar funds, deposits of postal savings funds direct, deposits of money-order funds direct and indirect, deposits of post-office funds direct and indirect, deposits on account of 5 per cent redemption fund, deposits of interest on public deposits, deposits of funds belonging to disbursing officers, funds deposited for transfer to some other point through a payment by a Subtreasury located thereat, encashment of checks, warrants, and drafts drawn against the Treasurer of the United States and presented at a Subtreasury for payment, the payment of United States coupons and interest checks, and, in addition to the foregoing, the Subtreasuries have the custody of a large part of the reserve and trust funds, consisting of the gold coin and bullion and silver dollars deposited to secure gold and silver certificates and greenbacks."

It will be observed that all those offices and duties are being performed at present by the Subtreasuries; that it is not proposed to wipe out the Subtreasuries and substitute a new plan and create a new authority—a thing that, of course, might be done—but it is proposed simply to starve the Subtreasuries to death. That plan, if adopted, will leave us without Subtreasuries and without any department of the Government to perform the various functions that are enumerated by the Secretary of the Treasury.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED. I yield to the Senator.

Mr. GRONNA. Of course, many of the functions enumerated by the Senator can be performed by the Federal reserve banks, can they not?

Mr. REED. I called attention a moment ago to the only clause that gives the Federal reserve banks any authority, and that is limited. As I stated—perhaps the Senator was not in the Chamber at the time—that authority is very limited, and I called attention to the limitations.

Mr. GRONNA. I do not think the Senator understood my question. My question to the Senator from Missouri was this: Are not many of the functions enumerated by the Senator from Missouri now performed, or can they not be performed, by the Federal reserve banks?

Mr. REED. I shall have to repeat much I have already said if I answer the Senator. I have said that all of them can in some sort of fashion be performed by the Federal reserve banks if we pass a law giving the Federal reserve banks that authority. It is not proposed, however, to pass such a law now; and if we wipe out the Subtreasuries and do not pass a law creating some other authority—the Federal reserve banks or some other—then we will have these various duties that must be performed left without any agency to perform them.

There is at the present time a law which would give the Secretary of the Treasury the right to call upon the Federal reserve banks to do certain of these things, but only a small part of the duties that are performed by the Subtreasuries can be performed under the existing law. The existing law is limited to this:

> The moneys held in the general fund of the Treasury, except the 5 per cent redemption fund and the funds provided in this act for the redemption of Federal reserve notes, may, upon the direction of the Secretary of the Treasury, be deposited in the Federal reserve banks.

But that is only two out of many things that the Subtreasuries do.

Mr. GRONNA. I was interested in the statement made by the Senator from Minnesota to the effect that all these functions can be performed by the supervisors of the mints. I am just asking the Senator from Missouri for information as to that.

Mr. REED. I say that in my opinion—and I think I can not be mistaken—the Senator from Minnesota is in error if he meant to say that all of these duties that are now performed by the Subtreasuries can be performed by the banks, unless the authority shall be hereafter given to the banks by an act of Congress. That is to say, the law at present does not give that authority except to the limited extent to which I have already adverted. So that if we starve the Subtreasuries to death by enacting the amendment offered by the Senator from Minnesota, we will have these various duties and functions left without any agency to carry them on. Therefore, even if the Senator from Minnesota were right in his contention that these institutions are a source of large expense, and that money could be saved to the Government by abolishing them, manifestly before we strike them down we must set up in their place some agency or some authority to do the things that otherwise will remain undone.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. Certainly.

Mr. NELSON. I dislike to interrupt the Senator, but there is just one matter to which I want to call attention, and it is this:

There are really two kinds of gold kept by the Treasury. There is the gold that is stored there, on which gold certificates are issued. They may be issued by the Assistant Secretary of the Treasury in charge of the mints. Now, under the law, the Treasury is required to maintain a gold reserve—it used to be $100,000,000, I think; now it is $150,000,000—for the redemption of our paper currency, our greenbacks. That money is supposed to be constantly in the Treasury, and no gold certificates are supposed to be issued against it.

Mr. REED. That really does not change or controvert anything I have said. I do not think it does.

Mr. President, the next thing to which I call attention is this, and I want to impress the fact upon the Senate if I can: It is proposed to wipe out the Subtreasuries, and it is asserted that then all of the duties that are now performed by the Subtreasuries may be transacted by the Federal reserve banks, and all of the money now held by the Subtreasuries handled by them.

What are these Federal reserve banks? We talk of them here in the Senate sometimes as though they were Government banks, owned, controlled, and managed by the Federal Gov-

ernment. As a matter of fact, the Federal reserve banks are private institutions, the stock of which is owned by the various national banks and the few State banks and trust companies that have joined the Federal Reserve System. The majority of the board of directors of every one of these Federal reserve banks is elected by the member banks, and every officer save one within the banks is appointed by the officers who are elected by the member banks. The proposition, therefore, is to turn over certain functions, powers, and duties of the Government to private institutions that are owned and controlled by the banks of the country. When we propose to enter into that sort of thing it would be well for us to pause and reflect and make certain that we are not committing a great error.

I am not at all satisfied with the proposition that all of the money in the Federal Treasury should be deposited in these private banks, to be there managed and controlled by the directors of those banks, subject only to the supervision of the Federal Reserve Board. It is a very doubtful question. It is a question that ought to be thought over and studied, and not acted upon hastily. But I repeat that if we kill the Subtreasuries, and do not by express authority of law confer upon the Federal reserve banks powers not now possessed by them, we shall be left with important duties to be done, and no agency to perform them; and that we can not afford to do.

The next thing to which I call attention is the fallacy of asserting that we can wipe out the Subtreasuries and save the amount of money the Subtreasuries now cost. Mr. President, these Subtreasuries are not duplicating work that is being done by any other agency of the Government. The work which they perform must be performed by somebody. If you wipe out the Subtreasury and put the duties that it now performs upon some other instrumentality, that other instrumentality must be paid. You can not get the business done for nothing. Somebody has to be paid for it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. If the Senator will turn to page 31 of the bill which is under consideration, he will find this provision in it:

> The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government or banks of the Federal Reserve System, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

The Senate has put this provision in this bill, and I hope it will stay in the bill. I agree with the Senator that this is a rather sudden movement to abolish these Subtreasuries. I have no personal interest in any one of them. None of them is in my State. But inasmuch as we have given authority to the Bureau of Efficiency to investigate this matter, I think the Senator will agree with me that we might well allow it to remain as it is until we get a report from that bureau.

Mr. REED. I thank the Senator. I had in mind the particular clause to which he has referred, and had the leaf turned down in the bill; but I am very glad to have the Senator call attention to it, because he does it in his usual forcible and terse manner.

I was saying, however, that this work must be done, and if done it must be paid for. I call the attention of the Senators, and particularly of the Senator from Minnesota, to this fact: If we turn it over to the private banks, the Federal reserve banks, we can not compel them to do this work for nothing. They will be entitled to compensation for it. They are private institutions; and even if we were to pass a law adding this to their duties without compensation it would, nevertheless, add to their expense, and the expense ultimately would come out of the people of the country. So that if you have work that is being properly done, and is not a duplication of work being done by some other department of the Government, there is no occasion to change from the instrumentality employed to another in the interest of economy, unless you can do it in a cheaper way through some other instrumentality.

Nobody will argue that these Federal Subtreasuries have been extravagantly managed or run. I call attention again to this letter of the Secretary of the Treasury, addressed to the Speaker of the House of Representatives:

> It will be seen that the cost of maintaining these institutions, treating the Subtreasury system as a whole, is only one one-hundredth of 1 per cent, approximately, on the total transactions involved—an insignificant sum compared with business done, the important service performed, and the conveniences afforded the public.

In that connection I also call attention to a letter written by Mr. W. D. Vandiver, who is the subtreasurer at St. Louis, but who is a man who has given this and similar questions great study, in which he goes further than the Secretary of the Treasury. He states:

> Secretary McAdoo calls attention to the fact that the handling of four and a half billions of dollars of Government funds by the Subtreasuries last year cost only about one one-hundredth of 1 per cent.
>
> Does the Federal reserve bank, or any other bank in the country, operate on as small percentage as that?
>
> Furthermore, the Secretary counts only the funds handled for the Treasurer's general account. If he had included all the transactions of the Subtreasuries, the total amount handled would have reached a still larger figure—probably the stupendous sum of six and a half billions.

This letter—which I am going to ask leave to insert in the RECORD, so that Senators may read it; I do that particularly because the hour has come, I think, when we are to take up some other matter by common agreement—throws a flood of light upon this question, and I hope Senators will read it.

The PRESIDING OFFICER. In the absence of objection, the letter will be printed in the RECORD.

The letter is as follows:

> TREASURY DEPARTMENT,
> UNITED STATES SUBTREASURY,
> *St. Louis, Mo., January 23, 1917.*
>
> Hon. JAMES A. REED,
> *United States Senate, Washington, D. C.*
>
> DEAR SENATOR: I see from the CONGRESSIONAL RECORD that some people still have very erroneous ideas about the Subtreasuries.
>
> My old friend Senator NELSON, of Minnesota, says that they are useless and that they can be abolished without any inconvenience to the Government merely by turning over their work to the Federal reserve banks.
>
> It is surprising that so able and experienced a public official as he would imagine that these banks and the Subtreasuries are duplicating each other's work. It is still more surprising that anyone at all acquainted with Government business would imagine that any private corporation is going to take over a large amount of Government work and do it for nothing.
>
> Congress might abolish the Subtreasuries, but could not abolish the work. It is Government work, just as much as that done by the Bureau of Printing and Engraving or any other branch of public service. Furthermore, it is done by as faithful and efficient a corps of expert clerks and tellers as can be found in any bank in the country.
>
> There are plenty of patriots willing to do this work for Uncle Sam, but I don't know any of them that are willing to do it for nothing.
>
> There are two questions involved in this discussion:
>
> 1. Should the Government relinquish control of its own currency and coin—seven hundred and thirty-four millions of it held in Subtreasuries—and turn it over to private corporations? Secretary McAdoo says no. I think he is right. The principle involved answers the question at once. Secretary McAdoo has investigated the matter and knows the working of the system. His letter of December 16 to the Speaker of the House of Representatives is a very clear statement of the case. If you have not read this letter, I hope you will call for it and bring it to the attention of other Senators.
>
> 2. Would it save the Government any expense to have the work done in the reserve banks?
>
> On this question the Secretary only raises a doubt, but does not discuss the question, leaving it for future investigation.
>
> I have given the question careful attention and am fully convinced that it would not save the Government a single cent, but would cost many thousand dollars more than it now costs.
>
> Secretary McAdoo calls attention to the fact that the handling of four and a half billions of dollars of Government funds by the Subtreasuries last year cost only about one hundredth of 1 per cent.
>
> Does the Federal reserve bank or any other bank in the country operate on as small percentage as that?
>
> Furthermore, the Secretary counts only the funds handled for the Treasurer's general account. If he had included all the transactions of the Subtreasuries the total amount handled would have reached a still larger figure—probably the stupendous sum of six and a half billions.
>
> I venture the statement that no other institution in America ever handled that volume of actual cash, currency and coin, without an expense of at least 50 per cent more than the Subtreasuries cost.
>
> To put a plain, practical point to it, right here in St. Louis the Federal reserve bank last year handled less cash than this office did, and only about twice the total volume of business of all kinds, and yet had an expense account of nearly four times the total cost of the Subtreasury.
>
> In fact, the bank has three officers that draw more in salaries than the total appropriation for this office, with 26 faithful and efficient employees. This is not said in criticism of the bank, but a just and fair comparison will show that the Subtreasury is a much more economically conducted institution than any bank.
>
> The work of this office has increased fully 25 per cent since the reserve banks were started, and the clerks and tellers are working overtime every day and have not had a dollar added to the appropriation for salaries.
>
> To abolish the Subtreasuries and employ the banks to do the work, instead of saving expense, would add many thousand dollars to the cost of getting this work done, besides turning the Government funds over to private corporations.
>
> These facts ought to be better understood in both Houses of Congress.
>
> Yours, very truly, W. D. VANDIVER.

Mr. REED. Mr. President, in conclusion I call attention to the fact that the Senator from Minnesota is mistaken in reading a newspaper article to the effect that the subtreasurers give no bonds. The bonds run as high as $500,000 for a single treasurer, that at New York, and I ask leave to print a list of the bonds.

The PRESIDING OFFICER. In the absence of objection, that may be done.

The matter referred to is as follows:

Bonds of the subtreasurers of the United States.

San Francisco	$350,000
Chicago	450,000
New Orleans	300,000
Baltimore	250,000
Boston	250,000
St. Louis	300,000
New York	500,000
Cincinnati	250,000
Philadelphia	300,000

Mr. REED. I also desire to print as a part of my remarks, so that it may appear in the RECORD, the letter of the Secretary of the Treasury of December 16 to the Speaker of the House of Representatives; and in view of the fact that the hour has arrived for transacting other business, I conclude my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 16, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In the legislative, executive, and judicial appropriation act approved May 10, 1916, it is provided that—

"The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the Subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued the reasons in full for such continuance; also, if any or all of said Subtreasuries may be discontinued what legislation will be necessary in order to transfer their duties and functions to some other branch of the public service or to the Federal reserve banks."

In accordance with the above authorization and direction, I have the honor to report as follows:

There are nine Subtreasuries located, respectively, in the cities of Boston, Mass.; New York City, N. Y.; Philadelphia, Pa.; Baltimore, Md.; Cincinnati, Ohio; Chicago, Ill.; St. Louis, Mo.; New Orleans, La.; and San Francisco, Cal. The Subtreasury system was authorized by the act of August 6, 1846, and subsequent acts amendatory thereof.

The duties and functions of the Subtreasuries may be stated generally as follows:

Issue of gold order certificates on gold deposits.
Acceptance of gold coins for exchange.
Acceptance of standard silver dollars for exchange.
Acceptance of fractional silver for redemption.
Acceptance of minor coins for redemption.
Acceptance of United States notes for redemption.
Acceptance of Treasury notes for redemption.
Acceptance of gold and silver certificates for redemption.
Cancellation (before shipment to Washington) of unfit currency.
Laundering of unfit currency which permits of this process.
Exchange of various kinds of money for other kinds that may be requested.
Remittances from United States depositary banks of their surplus deposits of internal-revenue, customs, money-order, postal, and similar funds.
Deposits of postal savings funds direct.
Deposits of money-order funds direct and indirect.
Deposits of post-office funds direct and indirect.
Deposits on account of 5 per cent redemption fund.
Deposits of interest on public deposits.
Deposits of funds belonging to disbursing officers.
Funds deposited for transfer to some other point through a payment by a Subtreasury located thereat.
Encashment of checks, warrants, and drafts drawn against the Treasurer of the United States and presented at a Subtreasury for payment.
The payment of United States coupons and interest checks.

In addition to the foregoing the Subtreasuries have the custody of a large part of the reserve and trust funds, consisting of the gold coin and bullion and silver dollars deposited to secure gold and silver certificates and greenbacks.

The receiving of deposits and payment of checks has been assumed to a large extent since the establishment of the Federal Reserve System by the designation of Federal reserve banks as Government depositaries in those Subtreasury cities where Federal reserve banks are located. Federal reserve banks are located in the Subtreasury cities of Boston, New York, Philadelphia, Chicago, St. Louis, and San Francisco. New Orleans has a branch of the Federal reserve bank of Atlanta, while neither Baltimore nor Cincinnati has a Federal reserve bank.

It has always been deemed advisable to deposit the gold reserve and trust funds of the Government in several places, rather than to concentrate them in one, for reasons of security as well as public convenience.

The Federal reserve act does not expressly, or by implication, contemplate the substitution of the Federal reserve banks for the Subtreasuries, nor would it, in my opinion, be possible, or advisable if possible, to attempt such a substitution. While the general or current fund of the Treasury may, in the discretion of the Secretary, be deposited in the Federal reserve banks, the reserve and trust funds of the Government, viz, gold coin and bullion and silver dollars held in trust by the Government against outstanding gold and silver certificates and greenbacks, are not included in this authorization. The gold coin and bullion held against gold certificates, amounting at present to more than $2,000,000,000, a considerable part of which is deposited in the Subtreasuries, should not, in my opinion, be committed to the custody of any private corporations (and the Federal reserve banks are private corporations), but should be in the physical control of the Government itself. This applies with equal force to the $152,979,025 of gold reserve held against United States notes and Treasury notes of 1890 and the silver dollars held against silver certificates. If, however, it should be deemed advisable to transfer the custody of these trust funds to Federal reserve banks or to any other private corporation or corporations, it would be necessary to make a special deposit of such funds in vaults especially constructed for the purpose and to maintain a Federal guard or some form of adequate Government control over such vaults.

Since the Federal reserve banks are, as I have already stated, private corporations, just as are the national banks, the duty of providing the necessary storage vaults and of assuming the custody and control of these trust funds could not be imposed upon the Federal reserve banks by legislation. It could only be accomplished by negotiation and agreement, involving, necessarily, compensation for the service performed. Whether or not arrangements could be made with Federal reserve banks, or any private institutions, for the custody of these trust funds upon terms and under conditions satisfactory to the Government, and at a saving in cost over the Subtreasury methods, while, at the same time, providing all of the conveniences in handling these funds and the same measure of security as now afforded by the Subtreasury system, is a matter upon which I am unable to express an opinion. I desire to repeat, however, my earnest conviction that it would be unwise to commit the custody of these trust funds to any private institution or institutions. The custody of these trust funds, their maintenance, direction, control, and administration are distinctly a governmental function, and should be exercised only by the Government.

Aside from the custody of the trust funds of the Government, the Subtreasuries perform a highly useful service to the public in making exchanges of money, supplying money and coin where needed, and reducing the cost and expense of shipments of money and coin from a common center. It is necessary to maintain the facilities and conveniences provided by the Subtreasuries in the large centers of business in the country, such as the cities in which the Subtreasuries are now located. Even if these particular functions could be transferred to Federal reserve banks where they exist, the services rendered by the substituted agencies would have to be compensated for. This would involve expense to the Government, while, at the same time, the facilities provided might not be as thorough and satisfactory as those supplied by the Subtreasuries themselves.

It has been suggested that the Subtreasuries are merely conveniences and not necessities, and that their duties might be performed entirely by the Treasury in Washington. This is in a sense true, but the cost of handling all the business from a common center, in a country so extensive as the United States, might be greater than the expense of the Subtreasury system, whereas the delays and inconveniences which the public would have to suffer might prove a very serious handicap upon business. It could with equal force be argued that internal-revenue offices throughout the United States could be abolished and all of the work done at Washington, and, in like manner, that many of the customs offices thorughout the country could be abolished and all of the work done from Washington. It is the duty of the Government to provide adequate facilities to meet the convenience and necessities of the public in all parts of the country, and the problem must be considered as a whole and not merely in detail.

It may be possible to reduce the expense of administration of some, or all, of the Subtreasuries. It has been only one year since the Federal reserve banks were made Government depositaries and fiscal agencies, and the current or general funds of the Government in such cities transferred to Federal reserve banks. About that time I appointed an improvement committee (described in my annual report of 1915) to make a careful study of departmental methods in all directions and to report upon the best means of improving the general administration of the Treasury service in its various important branches. The administration of the Subtreasuries is one of the subjects for investigation, and I sincerely hope that within another year it may be found possible to reduce the expense of operating these institutions in some, if not in all, of the cities where they are now located.

The amount of the Government funds in each Subtreasury, the volume of the total transactions annually performed by them, and the cost of maintaining these institutions are set forth in the following table:

Subtreasury.	Government funds held June 30, 1916.	Total transactions, fiscal year 1916.	Expense of maintenance, fiscal year 1916.
Baltimore	$12,573,371.07	$108,215,675.59	$32,749.53
Boston	34,452,695.24	217,020,680.17	52,051.29
Chicago	120,537,589.79	597,365,033.95	84,325.04
Cincinnati	31,388,651.90	105,703,081.30	28,819.14
New Orleans	31,917,751.13	73,990,519.44	27,481.22
New York	329,402,485.45	2,461,715,492.12	187,587.75
Philadelphia	26,183,266.27	473,623,903.18	57,792.76
St. Louis	48,629,847.19	193,370,692.54	37,385.63
San Francisco	99,088,010.01	291,058,033.53	25,812.27
Total	734,173,671.05	4,525,063,111.82	535,004.63

It will be seen that the cost of maintaining these institutions, treating the Subtreasury system as a whole, is only one one-hundredth of 1 per cent, approximately, on the total transactions involved—an insignificant sum compared with business done, the important service performed, and the conveniences afforded to the public. Aside from New York, the cost of maintaining the other eight Subtreasuries is $347,416.88, which is a comparatively small sum to pay for the service and convenience they provide. If these institutions were abolished, the total cost of operating them would not be saved, as a counter expenditure by the office of the Treasurer in Washington, resulting from the increased work that would be thrown upon that office, would be entailed.

I am of the opinion that it would be inadvisable at this time to abolish all, or any, of the Subtreasuries. It is an important matter and should be considered deliberately. With the test of further experience it may develop that the functions of the Subtreasuries, or some of them, may be transferred to Washington, or to some other agency, but action should not be taken hastily or inadvisedly.

I regret exceedingly that my necessary absence from Washington, in connection with the establishment of the Federal farm-loan banks and other public business, made it impossible for me to submit this report to the Congress at an earlier date.

Respectfully,

W. G. MCADOO, *Secretary.*

Mr. PHELAN. Mr. President, I send to the desk a letter on this matter, which I desire to have printed in the RECORD, inasmuch as I am prevented from addressing the Senate on the subject. It is a letter from the subtreasurer at San Francisco.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The letter is as follows:

STATEMENT OF SUBTREASURER AT SAN FRANCISCO.

All of the Subtreasury employees, except the assistant treasurers, are strictly under civil service; no one can be appointed to this service except eligibles who have passed civil-service examinations and are certified by the Civil Service Commission, and then the selection must be made from one of the three highest on the list. Nearly every employee of the San Francisco Subtreasury has held his position for from 15 to 25 years. Recently an employee resigned. All the employees under him were promoted one position, and the Civil Service Commission held a competitive examination for the vacant clerkship thus created. Over 50 bright young bank clerks took this examination, which was a very rigid one. About a dozen passed, and the three highest were certified as eligibles, and from their number one was chosen.

The duties and functions of the Subtreasuries are generally as follows: The payment of United States coupons and interest checks; payment of checks, warrants, and drafts drawn against the Treasurer of the United States and presented at a Subtreasury for payment; deposits of postal savings funds direct and money-order funds, direct and indirect; deposit of Post Office funds, direct and indirect; deposit on account of 5 per cent redemption fund; deposit of funds belonging to disbursing officers; deposit of interest on public deposits; funds deposited for transfer to some other point through a payment by a Subtreasury located thereat; exchange of various kinds of money for other kinds that may be required; remittances from United States depositary banks of their surplus deposits, of internal-revenue, customs, money-order, postal, and similar funds; laundering of unfit currency which permits of this process; cancellation (before shipment to Washington) of unfit currency; acceptance of gold and silver certificates for redemption; issue of gold-order certificates on gold deposits; acceptance of Treasury notes for redemption; acceptance of gold coins for exchange; acceptance of United States notes for redemption; acceptance of minor coins for redemption; acceptance of fractional silver for redemption.

In addition to the above, the Treasury Department often assigns special duties to the Subtreasuries. For instance, the assistant treasurer at San Francisco represented the Comptroller of the Currency during the money stringency incident to the war in 1914, and was chairman of the committee that passed on the securities offered for emergency currency.

Thirty million dollars was handled by the San Francisco Subtreasury on these emergency-currency loans without a single loss. The interest collected would pay the expenses of the San Francisco Subtreasury for many years. This entire work was done without cost to the Government.

The San Francisco Subtreasury has now in process of collection about 200 promissory notes of American refugees living in this vicinity and who were in Europe at the beginning of the war, and who under an act of Congress were loaned funds with which to purchase their return passage. These collections are also made without expense to the Government.

Panama Canal tolls are paid at this Subtreasury, and the owner of a vessel may pay the toll the day the ship is ready to enter the canal and have the canal advised by wire, which is a very great convenience to commerce.

Just now, as extra service, the San Francisco Subtreasury is receiving subscriptions for stock in the Federal land bank to be located at Berkeley.

It is true that the Federal reserve banks could discharge most of the duties of the Subtreasuries, but they could not do this work without employing, in addition to their regular force, employees with similar skill and experience to the force that is now doing the Subtreasury work; and the Federal reserve banks would have to pay as high, if not higher, salaries for this service than is now being paid by the Government.

I dislike to make personal comparison, but in support of this contention a comparison might be made between the salaries of the governors of the Federal reserve banks and those of the assistant treasurers, or between the salaries of the cashiers of the Federal reserve banks and those of the cashiers of the Subtreasuries, and I venture to suggest that it will be found that the principal employees of the Federal reserve banks are receiving more than twice as much salary as the principal employees of the Subtreasuries.

The Federal reserve banks are private corporations like national banks, and the duties of the Subtreasuries could not be imposed upon the Federal reserve banks without compensating them for such service.

It might not be necessary or wise to indefinitely continue all of the Subtreasuries where even most of the business could be taken over by Federal reserve banks, but such a change can not be accomplished except by proper legislation and negotiation and agreement regarding compensation to be paid the Federal reserve banks for the service; it certainly would be most unwise to abruptly stop all the business of the Subtreasuries by failure to make provision for their maintenance, as was recently attempted in Congress, without transferring their functions by proper legislation.

The total amount of Government funds held by the nine Subtreasuries on June 30, 1916, was $700,000,000 and the total transactions of these nine Subtreasuries during the fiscal year ended June 30, 1916, was nearly $5,000,000,000, and at a total expense of about $500,000, or approximately one one-hundredth of 1 per cent.

The San Francisco Subtreasury is third in number in assets, ranking next to New York and Chicago, third in the list of business transactions, and yet ninth, or the least of all the Subtreasuries, in expense of maintenance.

This Subtreasury at the end of the last fiscal year carried about $100,000,000 in funds, its transactions during the last fiscal year amounted to nearly $300,000,000 and its cost of maintenance was, in round numbers, $25,000.

And, as stated by the Secretary of the Treasury, if these Subtreasuries were abolished the total cost of operating them would not be saved, as a counter expenditure by the office of the Treasurer in Washington, resulting from the increased work that would be thrown upon that office, would be entailed, or if arrangement was made with the Federal reserve banks to do the work they would necessarily have to be compensated.

In addition to the foregoing duties and functions of the Subtreasuries, they have the custody of a large part of the reserve and trust funds, consisting of gold coin and bullion and silver dollars deposited to secure gold and silver certificates and greenbacks; much vault space is required for the deposit of these trust funds, especially the silver dollars; the new San Francisco Subtreasury Building, which has only been completed a year and a half, cost approximately a half million of dollars, and its vaults, among the largest and best in the country, cost $130,000; besides the large amount of gold coin stored in these vaults, they contain over $25,000,000 in silver dollars, nearly all of which are held as trust funds against outstanding silver certificates.

None of the Federal reserve banks have the facilities for taking over and storing these trust funds, and if they provide such facilities they would necessarily have to make a considerable charge for the service and safe-keeping of these prodigious sums of money.

The present Secretary of the Treasury and other Secretaries of the Treasury have always been very much opposed to committing the custody of these trust funds to any private institution or institutions; the custody of these trust funds, their maintenance, direction, control, and administration are distinctly a governmental function and according to the contentions of the Treasury Department should be exercised only by the Government.

A large portion of the money in the Subtreasuries are trust funds which really do not belong to the Government and can not be used by the Government because they are held as security for the payment of gold and silver certificates and greenbacks; hence it is a fallacy to argue that this money should be put in circulation through the medium of the Federal reserve banks. Any agency that holds this trust fund must hold it as a trust fund or, in other words, must hold it in storage.

San Francisco is a city of commerce and the Subtreasury here performs a highly useful service in furnishing merchants full weight gold coin for shipment to the Orient to settle trade balance; during the past six months $15,000,000 in gold coin has been withdrawn from the San Francisco Subtreasury for shipment across the Pacific.

Aside from the convenience to the business public provided by the Subtreasuries, in the large centers of business in the country, it is not considered good business safety to have all the money held by the Treasury Department, about $2,000,000,000, nearly all of which is trust funds stored in one place, and if it was that place would be a shining mark for the first enemy that undertook the invasion of the country.

In conclusion it is not claimed that the Subtreasuries are necessities but they are conveniences, and it is the duty of the Government to provide adequate facilities to meet the convenience of the public in all parts of the country. San Francisco is 3,000 miles from the Treasury at Washington, and if the Subtreasuries are to be reduced from nine to three, as recently suggested in Congress, shall the San Francisco Subtreasury, which is the only Subtreasury west of the Mississippi River and which not only serves that part of the country but Alaska, the Philippine and the Hawaiian Islands, be one of the three?

Respectfully,

WM. F. MCGEE,
Assistant Treasurer, United States.

SAN FRANCISCO, *January 9, 1917.*

Mr. POINDEXTER. Mr. President, I reserve the right to ask for a separate vote, when the bill goes into the Senate, upon the committee amendment on page 117 of the bill, and to ask for a division of that question, and for a separate vote upon the paragraph in the middle of page 117.

HOUR OF MEETING TO-MORROW.

Mr. OVERMAN. I move that when the Senate adjourns today, it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. OVERMAN. I now ask that the appropriation bill may be laid aside, as the hour of 4 o'clock has arrived, when we are to go on with the calendar under Rule VIII in pursuance of the unanimous-consent agreement.

The PRESIDING OFFICER. In the absence of objection, that will be done. The Chair hears no objection.

THE CALENDAR.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived the Senate under the unanimous-consent agreement of yesterday will proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as first in order on the calendar.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. It will go over.

The resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. NELSON. I ask that that may go over.

The PRESIDING OFFICER. It will go over.

The resolution (S. Res. 20) for appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armament, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. OVERMAN. I suggest that the Secretary call only the Senate bills. That is the understanding under the unanimous consent. The unanimous agreement was confined to Senate bills.

Mr. SMOOT. Senate bills and House pension bills.

Mr. OVERMAN. And House pension bills.

Mr. POMERENE. I was not here at the time the unanimous-consent agreement was entered into, being detained in committee at the time. I had no notice of it at all, except——

Mr. SMOOT. I will say to the Senator——

Mr. POMERENE. Just one moment, please. There are certain House bills here that are quite as important as the Senate bills. There is one here with reference to the establishment of a juvenile court in the District.

Mr. OVERMAN. If the Senator will yield to me, I want to say that it was concluded by the Senate that Senate bills now ought to be acted upon, because they would have to go to the House of Representatives. The House bills have already passed that body, and they are here; and we can have another session by unanimous consent and take up the House bills on the calendar.

Mr. POMERENE. Of course, I shall not interfere with the action under the Senate rule; but I confess I do not quite see the force of an agreement of that kind.

Mr. GALLINGER. Regular order!

Mr. SMOOT. It was virtually agreed, I will say to the Senator, that we shall hold a night session and take up the calendar at an early day.

Mr. GALLINGER. That was not agreed to.

Mr. SMOOT. I said it was virtually agreed to.

The PRESIDING OFFICER. The title of Senate bill 1107 has been read. Is there objection to its consideration?

Mr. SMOOT. I ask that it may go over because there is a House bill to which there will be no objection later on, I think.

Mr. FLETCHER. It is a very long bill and a long report.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. It will go over.

The resolution (S. Res. 107) relative to leasing of Osage oil lands was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. SMOOT. All these bills involving individual claims should go over. There is a general bill covering all of them.

The PRESIDING OFFICER. The bill will go over.

Mr. GRONNA. There are many bills not included in the bill the Senator from Utah refers to. There are some claims bills reported from the Committee on Post Offices and Post Roads and other bills reported from the Committee on Claims.

Mr. SMOOT. I refer to bills relating to the Post Office Department.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

Mr. BANKHEAD. There are a number of bills on the calendar reported from the Post Office Committee for private claims. I will state that there is a general bill, an omnibus bill, on that subject covering all these claims. So these individual bills may be passed over when reached.

Mr. SMOOT. Why not put them under Rule IX?

Mr. BANKHEAD. No; we do not want to do that.

The bill (S. 1065) to provide for summer-residence homesteads, and for other purposes, was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. WORKS. Let that go over.

The PRESIDING OFFICER. It will go over.

HOME FOR LEPERS.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, was announced as next in order.

Mr. GALLINGER. Mr. President, I am going to make an appeal for the present consideration of this bill. If any Senator will investigate the matter, he will see the need of an establishment such as is contemplated in the bill, and I hope it will not be objected to.

The PRESIDING OFFICER (Mr. HUSTING in the chair). Is there objection to the consideration of the bill?

Mr. RANSDELL. Mr. President, I wish to say just a word. It is one of the most important bills and is really one of the most pathetic we have before the Senate. There are a number of poor lepers in the country now who have no homes and who are suffering, and suffering terribly. The States can not provide places for them. There are only a very few of these poor people, and I hope no objection will be made to the consideration of the bill.

Mr. SMOOT. I want it distinctly understood that if the bill is going to lead to a discussion that will take the balance of the day I shall object.

Mr. SMITH of Georgia. It will not take more than five minutes.

Mr. RANSDELL. It will take only a few minutes. I will agree to withdraw it in 20 minutes if it takes that much time. I can expedite the matter by moving to substitue House bill 193, which passed the House and which differs in only one very slight particular.

Mr. SMOOT. Under the unanimous-consent agreement that can not be done.

Mr. GALLINGER. Oh, yes; as an amendment.

Mr. POINDEXTER. I should like to have the bill read.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill (H. R. 193) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of this act the Secretary of the Treasury is authorized to select and obtain, by purchase or otherwise, a site suitable for the establishment of a home for the care and treatment of persons afflicted with leprosy, to be administered by the United States Public Health Service; and either the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer to the Secretary of the Treasury any abandoned military, naval, or other reservation suitable for the purpose, or as much thereof as may be necessary, with all buildings and improvements thereon, to be used for the purpose of said home.

SEC. 2. That there shall be received into said home, under regulations prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, any person afflicted with leprosy who presents himself or herself for care, detention, and treatment, or who may be apprehended under authority of the United States quarantine acts, or any person afflicted with leprosy duly consigned to said home by the proper health authorities of any State, Territory, or the District of Columbia. The Surgeon General of the Public Health Service is authorized, upon request of said authorities, to send for any person afflicted with leprosy within their respective jurisdictions, and to convey said person to such home for detention and treatment, and when the transportation of any such person is undertaken for the protection of the public health the expense of such removal shall be paid from funds set aside for the maintenance of said home.

SEC. 3. That regulations shall be prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, for the government and administration of said home and for the apprehension, detention, treatment, and release of all persons who are inmates thereof.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site of suitable and necessary buildings for the purposes of this act at a cost not to exceed the sum herein appropriated for such purpose.

SEC. 5. That when any commissioned or other officer of the Public Health Service is detailed for duty at the home herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury.

SEC. 6. That for the purposes of carrying out the provisions of this act there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $250,000, or as much thereof as may be necessary, for the preparation of said home, including the erection of necessary buildings, the maintenance of the patients, pay and maintenance of necessary officers and employees, until June 30, 1917.

Mr. WATSON. Mr. President, I should like to ask the Senator from Louisiana what is the essential difference between the House bill and the Senate bill?

Mr. RANSDELL. In the House bill the doctors who are sent to wait on these leper patients are given additional pay amounting to one-half the pay of their regular grade and in the Senate bill the pay was to be one-quarter additional. I am frank to say I am trying to get the House bill passed, because I fear if we send it back we may not get it passed. I want to have the House bill passed, and that is the only particular in which they differ.

Mr. GALLINGER. It is inconsequential.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Louisiana is reporting this bill out of the committee?

Mr. RANSDELL. I ask that the House bill be substituted for the Senate bill. I move that the Committee on Public Health and National Quarantine be discharged from the further consideration of the House bill, and we report that bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The House bill is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 4086, to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, will be indefinitely postponed, without objection.

VOLUNTEER OFFICERS' RETIRED LIST.

The bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill has been read in full.

Mr. OVERMAN. I object, Mr. President.

The PRESIDING OFFICER. Objection is made and the bill will go over.

OPIUM TRADE.

The bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," was announced as next in order.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The bill was read April 24, 1916, and the question is on agreeing to the amendment of the Committee on Finance to strike out all after the enacting clause and insert a substitute, which will be read.

The Secretary read as follows:

That section 1 of an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, be, and is hereby, amended so as to read as follows:

"That on and after the 1st day of March, 1915, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium, anhalonium (mescale or muscale buttons, peliote), or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on: *Provided*, That the office, or if none, then the residence of any person shall be considered for the purposes of this act to be his place of business. At the time of such registry and on or before the 1st day of July annually thereafter every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs shall pay to the said collector a special tax at the rate of $1 per annum: *Provided*, That no employee of any person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs, acting within the scope of his employment, shall be required to register or to pay the special tax provided by this section: *Provided further*, That the person who employs him shall have registered and paid the special tax as required by this section: *Provided further*, That officers of the United States Government who are lawfully engaged in making purchases of the above-named drugs for the various departments of the Army and Navy, the Public Health Service, and for Government hospitals and prisons, and officers of any State Government, or of any county or municipality therein, who are lawfully engaged in making purchases of the above-named drugs for State, county, or municipal hospitals or prisons, and officials of any Territory or insular possession or the District of Columbia or of the United States who are lawfully engaged in making purchases of the above-named drugs for hospitals or prisons therein shall not be required to register and pay the special tax as herein required.

"It shall be unlawful for any person required to register under the terms of this act to produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away any of the aforesaid drugs without having registered and paid the special tax provided for in this section.

"That the word 'person' as used in this act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, so far as applicable, including the provisions of section 3240 of the Revised Statutes of the United States are hereby extended to the special tax herein imposed.

"That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this act into effect."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act to amend section 1 of an act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914."

BILLS, ETC., PASSED OVER.

The bill (S. 5206) for the relief of mail contractors was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 406) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory was announced as next in order.

Mr. STERLING. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 833) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

Senate resolution 119, authorizing the Committee on Fisheries to employ a stenographer to report hearings held before the committee was announced as next in order.

Mr. OVERMAN. Let the resolution go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service was announced as next in order.

Mr. OLIVER. Let the bill go over.

The PRESIDING OFFICER. It will go over.

Mr. RANSDELL. I will say that there is a tremendous demand for the passage of this bill all over the country. A great many doctors are very much interested in it, and I believe it ought to be passed.

Mr. WORKS. I wish to say that I shall have to take up considerable time in the discussion of the bill when it comes up for consideration. It is not intended to take up bills of that kind now, I believe.

Mr. RANSDELL. I ask the Senator if he wishes to discuss it?

Mr. WORKS. Yes.

Mr. RANSDELL. All right, I will not insist on taking it up if the Senator wishes to discuss it.

The bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 681) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. SAULSBURY. Let the bill go over.

The PRESIDING OFFICER. It will go over.

Senate resolution 416, amending Rule XXII of the standing rules of the Senate, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

The bill (S. 5772) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5344) for the regulation of the practice of podiatry in the District of Columbia and for the protection of the people from empiricism in relation thereto was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

JACOB NICE.

The bill (S. 1579) to correct the military record of Jacob Nice was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jacob Nice, who was a private of Company G, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States, as a private of said company and regiment, on the 17th day of August, 1865: *Provided*, That no back pay, pension, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill for the relief of Jacob Nice."

CORRUPT PRACTICES.

The bill (S. 5437) to further amend the act of Congress entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, to extend the same to elections for United States Senators and for presidential electors, and to regulate, control, and limit campaign and other contributions and expenditures in connection with such elections, and to define corrupt practices in connection therewith, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

JOHN L. O'MARA.

The bill (S. 698) to correct the military record of John L. O'Mara and grant him an honorable discharge was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That in the administration of the pension laws, John L. O'Mara, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on August 16, 1865: *Provided*, That no pay, bounty, or back pension shall accrue or become payable by virtue of this act.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John L. O'Mara."

PRACTICE OF PODIATRY IN THE DISTRICT.

Mr. SMITH of Maryland. Mr. President, there has been passed over a bill which I think was passed over under a misapprehension. It is a very important bill and probably is not understood. I refer to Senate bill 5344, for the regulation of the practice of podiatry in the District of Columbia. Its purpose is the regulation of the practice of chiropodists in this District. In most of the States of the Union chiropodists, before they may practice their calling, have to secure a license and to be examined as to their qualifications. In this city, however, anyone may become a chiropodist and, as a result, sometimes blood poisoning occurs from their practice. It seems to me it is very important that this calling should be regulated. This bill is approved by the physicians of the District of Columbia and is very highly recommended. The bill proposes to make regulations requiring an examination of anyone desiring to become a chiropodist. On examination it will be found that the States of Connecticut, Pennsylvania, New York, New Jersey, Ohio, Vermont, Michigan, Colorado, California, and other States have legislation upon this same line. It does seem to me that the District of Columbia should have such a law. I hope, therefore, there will be no objection to again recurring to the bill and that it may be considered and passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland for the consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5344) for the regulation of the practice of podiatry in the District of Columbia, and for the protection of the people from empiricism in relation thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS BLANCHETTE.

The bill (S. 5504) for the relief of Louis Blanchette, alias Lewis Blanchard, alias Louis White, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws, Louis Blanchette, alias Lewis Blanchard, alias Louis White, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Fourth Regiment Massachusetts Volunteer Cavalry, on the 1st day of February, 1864: *Provided*, That no pay, bounty, or back pension shall accrue or become payable by virtue of this act.

Mr. SUTHERLAND. Mr. President, let that bill go over.

Mr. GRONNA. This bill has been carefully considered by the Committee on Military Affairs, and it has been unanimously reported.

Mr. SUTHERLAND. I withdraw my objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INJURIES TO UNITED STATES EMPLOYEES.

The bill (S. 2846) to provide compensation for accidental injuries to employees of the United States resulting in disability or death was announced as next in order.

Mr. SUTHERLAND. Mr. President, we have already passed a bill covering that general subject, and while I do not think it is as good a bill as this, I think it is not worth while to undertake to consider this bill. I therefore move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

COMMAND OF THE AIR (S. DOC. NO. 687).

The next business in order was Senate resolution 210, which had been reported by Mr. PAGE, from the Committee on Printing, on June 3, 1916, as follows:

Resolved, That the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on May 9, 1916, entitled "Command of the Air," an address by Rear Admiral Robert E. Peary, United States Navy, retired, before the American Academy of Political and Social Science, be printed as a Senate document.

The resolution was agreed to.

EXHIBIT OF STATE RESOURCES IN WASHINGTON, D. C.

The bill (S. 3444) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. LODGE. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

MANUSCRIPT OF CHARLES CHAILLÉ-LONG.

The bill (S. 2292) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan statue, was considered as in Committee of the Whole. It proposes that for the purpose of acquiring the manuscript prepared by Charles Chaillé-Long, containing an account of the proceedings at the unveiling of the statue of the late Maj. Gen. George B. McClellan, to appropriate $800, to be paid to Charles Chaillé-Long upon the certificate of the chairman of the Joint Committee on the Library of Congress that the manuscript and account of proceedings is satisfactory.

Mr. JONES. For how much does that provide?

The PRESIDING OFFICER. The Secretary informs the Chair that the bill provides for an appropriation of $800.

Mr. SAULSBURY. Mr. President, I think, with the permission of the Senate, I may say that before any expenditure can be made the manuscript must be approved by the chairman of the Committee on the Library.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN B. WALKER.

The bill (S. 5974) for the relief of Ellen B. Walker was considered as in Committee of the Whole. It proposes to pay $5,000 to Ellen B. Walker, of Albuquerque, N. Mex., as full compensation for the death of her husband, Thomas A. Walker, who, while in the employ of the United States Government, in its Bureau

of Indian Affairs, lost his life by the collapse of a water-tower structure at Paguate, N. Mex., on July 17, 1915.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARCUS P. NORTON'S PATENTS.

The bill (S. 391) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise, was announced as next in order.

Mr. SMOOT. Mr. President, does this bill refer to the old Norton claims against the Government?

Mr. TOWNSEND. It does.

Mr. SMOOT. It has been before the committee for 13 years to my knowledge.

Mr. TOWNSEND. I know that; and it has been reported favorably time and time again.

Mr. SMOOT. Let the bill be read, so that we may see just what it provides.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Court of Claims be, and is hereby, vested with full jurisdiction to adjudicate and determine the claims of the heirs and legal representatives of Marcus P. Norton and his assignees arising from the use by the Post Office Department of inventions and devices for the postmarking of mail packages and the cancellation of postage stamps at one and the same blow, described and claimed in letters patent granted and issued upon the petition of Marcus P. Norton, and numbered and dated as follows in the record of the United States Patent Office: Twenty-five thousand and thirty-six, August 9, 1859; 37175, December 16, 1862; 38175, April 14, 1863, and all extensions and reissues thereof which said use was approved and authorized by joint resolution of Congress, July 14, 1870, and otherwise.

SEC. 2. That the said claim is hereby relieved from any bar of the statute of limitations, and suits shall be instituted hereunder within 90 days after the passage of this act upon the petition of George C. Lewis, agent, trustee, and attorney in fact for all parties of interest in said claim or the claim shall be forever barred.

SEC. 3. That in the trial of the said cause the court shall receive in evidence any testimony and exhibits which have heretofore been placed in evidence in any United States court in suits based upon the said patents or any of them; and that from such judgment or decree as may be rendered either party may appeal to the Supreme Court of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. OVERMAN. Mr. President, I should like to examine the bill for a moment. In the meantime the Secretary can proceed with the next bill on the calendar, and if I have no objection to Senate bill 391 I will so indicate.

The Secretary proceeded to state the next Senate bill on the calendar.

Mr. OVERMAN. I withdraw my objection, Mr. President, to Senate bill 391.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3351) to amend the act of August 30, 1890, was announced as next in order.

Mr. SHEPPARD. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 865) granting to the State of Arizona public lands for the construction, repair, and maintenance of public roads, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ALBERT L. REAM.

The bill (S. 2704) for the relief of Albert L. Ream, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. GALLINGER and Mr. LODGE. Let the bill be read.

The PRESIDING OFFICER. The Chair is informed that the bill has once been passed and been reconsidered; that the preamble has been agreed to; that the amendment on line 5, page 2, has been agreed to; and that there is an amendment now pending offered by the Senator from Indiana [Mr. KERN], which the Secretary will state.

The SECRETARY. On page 2, line 5, it is proposed to amend the amendment proposed by the committee by striking out "$3,650" and inserting in lieu thereof "$8,650."

Mr. GALLINGER. Let the bill be read. Most of us have no knowledge as to what it is.

Mr. KERN. Mr. President, I will explain the matter to the Senate. This claim has been pending here for three years. The case is about as follows: I have known all his life the claimant. He is a young man of high character, and was employed as foreman in connection with the work on the Panama Canal. He was receiving from the Government $112 a month. He met with an accident, which has totally disabled him. His age at that time was 37 years. The report of the Government officials, which has been made part of the report of the committee, shows that he was engaged in the line of his duty at the time of the accident, and that he was without fault. The evidence is conclusive that he is permanently injured.

The report of the committee allowing him $3,650 was made before the passage of the workingmen's compensation law, which was enacted some time ago. In accordance with the provisions of that act, he would have been entitled to receive one-half of his yearly salary, which would have amounted to about $56 per month. The certificates of his physicians are here; the statements of his neighbors are here; my own statement is incorporated in the report; and I felt that under the circumstances the amount allowed to a man of his age for total disability would not receive countenance in a court of justice and should not receive the indorsement of the Senate. I have asked that this young man be allowed $8,650. As I have said, this is a case of total disability, and I might add that the man has a wife, who is an invalid, dependent upon him. Altogether the circumstances of the case are such as to appeal very strongly to the humanity of this body as well as to its sense of justice.

Mr. SMOOT. Mr. President, the law provides that in case of such an accident occurring at the Panama Canal the employee shall receive one year's salary.

Mr. KERN. He has received the benefits of that act, but the amount was used up in doctors' bills and expenses. The man is entirely helpless.

Mr. SMOOT. I am saying what the law provides.

Mr. KERN. That law has ceased so far as he is concerned.

Mr. SMOOT. No; the Senator is mistaken as to the law not being in operation.

Mr. KERN. The law is not in operation as to him. The advice of counsel, as is stated here, is that that law is not applicable to this case.

Mr. SMOOT. I know that there have been many, many cases of accidents in the Panama Canal, in connection with which the Committee on Claims have allowed an amount equal to a year's salary to the person injured. The cases that come here, however, are cases that happened before the law was passed. Since the passage of the law the only reason for such a claim coming to the Senate is because of the fact that the allowance of a year's wage is not considered sufficient.

Mr. KERN. Of course, in this case that allowance was used up at once. The man is a total wreck and received the injury while in the line of duty.

Mr. SMOOT. If we pass this bill, Mr. President, it will only create a precedent under which every man who is hurt or injured in any way at the Panama Canal and is not satisfied with the present law will get some Senator or Representative to introduce a bill for his relief.

Mr. KERN. This accident, as I understand, occurred in 1912, and the man has been waiting four years for some relief.

Mr. SMOOT. The law to which I have referred was passed before 1912, as I remember. I think it was passed in 1910.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana. Is there objection to the amendment?

Mr. SMOOT. Why not pass the bill for the amount that the committee allowed, $3,650?

Mr. BRYAN. I will say this in justification of the committee: Of course, this man received his year's salary; that is $1,350. The committee came to the conclusion that in view of the severe injury they would allow $5,000, subtracting from that the amount he had already received, making the amount $3,650. If that is done, he will have received $5,000.

Mr. KERN. Mr. President, it is a question for the Senate. It is a matter of humanity as well as of justice. It has been certified here that the injury was received by this man in the line of duty. He was not at fault. He received this terrible injury, and, to use his own language, which is made part of the report of the committee:

> The justice of my claim I leave to the decision of those through whom this claim will be presented to the United States Government for adjustment. At the same time I retain implicit confidence in my Government to answer an appeal based upon an accident, which, like a bolt out of a clear sky, deprived me of a perfect physical being by dashing me into a future of weakness and pain.

Mr. SMOOT. Of course I know that there have been accidents in our arsenals in which the eyes of persons have been destroyed, and I know that there have been arms blown off, and an accident at the Panama Canal in which the lower part of the body

was crushed; but I do not know of a claim that has been paid by the Government of the United States exceeding $5,000. I know it is an unpleasant thing to discuss a case like this, but I am only saying that that has been the past practice of the Senate. Of course, if the Senate wants to pay this man $8,650 besides the $1,400 that has already been paid him, it is creating a new precedent. If the Senate wants to establish that precedent, it can do so.

Mr. KERN. Since that time there has been a congressional expression of opinion in the law we passed as to what employees ought to receive. There had been none up to that time.

Mr. SMOOT. Well, he has already received his one year's pay.

Mr. KERN. Oh, he received those wages, I suppose.

Mr. HUGHES. Mr. President, under the law as passed what would he have received?

Mr. SMOOT. Fourteen hundred dollars; and he has received that.

Mr. KERN. He would have received $50 a month as long as he lived. His expectancy of life is now 25 years.

Mr. HUGHES. Under the employers' liability law that we recently passed?

Mr. KERN. Yes.

Mr. HUGHES. What are the Senator's figures based on?

Mr. KERN. My figures were $8,650.

Mr. OVERMAN. That was to be paid in cash, in order to discount it.

Mr. HUGHES. Do you arrive at that by a calculation of what he would receive if he were subject to the provisions of the law we passed?

Mr. OVERMAN. If it is paid in cash, it ought to be discounted according to the mortality table.

Mr. HUGHES. I am asking the Senator if the figures in his amendment are based on a calculation?

Mr. KERN. No; they are not based on a calculation, further than this——

Mr. LODGE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. LODGE. The agreement was that we should consider unobjected bills. This bill is arresting the whole calendar. I have no objection to it myself—none whatever—but the debate is holding up the entire calendar.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. BRYAN. Yes.

M. JONES. What is the amendment?

Mr. KERN. $8,650 instead of $3,650.

Mr. BRYAN. Let us take a vote on it. I ask for a vote on the amendment.

Mr. SMITH of Georgia. What is the amendment?

Mr. OLIVER. Let the amendment be stated.

The SECRETARY. It is proposed to strike out "$3,650" and in lieu thereof to insert "$8,650."

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The Chair is unable to decide.

Mr. HUGHES. I call for a division.

The amendment was agreed to, on a division.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

RANK AND PAY OF PETTY OFFICERS.

Mr. McCUMBER. Mr. President, I ask unanimous consent to return to Order of Business 368, Senate bill 883, a bill to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade. I was not in the Chamber when that bill came up. I want to say to Senators, in asking this privilege, that it affects 56 noncommissioned men. I hope the Senator from Georgia will listen before he shakes his head. There may be other shaking before we get through with this calendar on other bills, if a bill is objected to simply because we have no knowledge of it and refuse to allow a Senator to state what the bill is.

We have already passed a law which advances all of the commissioned officers who have had 30 years of service in the United States Army. This bill seeks to advance to the next higher grade—which, with a noncommissioned officer, would be corporal—those who have had service in the Civil War and also 30 years of service in the Army of the United States, and to advance their pay. There are 56 of these men still living, so that the entire expense will amount to about $5,000. The passage of the bill is recommended by the department, and the full report shows that it ought to pass. I hope Senators will not interpose an objection to extending the same justice to those in the ranks that has been done to the commissioned officers.

Mr. SMITH of Georgia. Mr. President, is not the Senator mistaken when he says that all of the commissioned officers he describes have been advanced this much? The daughter of a brigadier general who lives in Atlanta called on me to-day and urged me to have her father advanced one degree. His service began in 1855, and he served all through the war, and served over 30 years in the Regular Army.

Mr. McCUMBER. This bill relates to the Navy rather than to the Regular Army. I was mistaken in speaking of the Regular Army.

Mr. SMITH of Georgia. I told this lady that I did not think it ought to be done; that I could not do it, though her father is one of my fellow citizens, and one of my friends. I thought he ought to stand under the law as it was passed when he entered the service and when he served.

Mr. McCUMBER. But if the Senator will read the report, he will find that a law has been passed affecting all the commissioned officers in the Navy. A year ago there were 115 that would have been affected by this bill. The department now reports that there are 56 that will be affected. They reported that about $10,000 would cover the expense a year ago. The department, in recommending the passage of the bill, reports that $5,000 will cover the entire expense. Inasmuch as it has been applied to all of the commissioned officers, and there are but 56 of the noncommissioned officers and petty officers still remaining, it seems to me there can be no objection to this bill.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. VARDAMAN. Did I understand the Senator to say that this bill only applied to the noncommissioned officers?

Mr. LODGE. That is all—noncommissioned officers.

Mr. McCUMBER. Yes. The commissioned officers have already been advanced.

Mr. VARDAMAN. Have the commissioned officers been given what you are asking for the noncommissioned officers?

Mr. McCUMBER. Yes; they have been.

Mr. VARDAMAN. The bill ought to be passed, then. I hope the consideration of the bill will not be objected to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears no objection.

Mr. SMITH of Georgia. I objected to it, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. OLIVER. Regular order!

Mr. SMITH of Georgia. But if it is true, Mr. President——

Mr. OLIVER. Regular order!

The PRESIDING OFFICER. The regular order is called for.

Mr. SMITH of Georgia. I have the floor. I think I can finish what I want to say. If all of the commissioned officers in that class have been advanced, I do not like to object to the noncommissioned officers being advanced. I withdraw the objection.

Mr. BRYAN. Mr. President, let me ask the Senator from North Dakota whether the commissioned officers have been advanced, as a matter of fact?

Mr. McCUMBER. I shall have to get the report. The report states that they have been advanced.

Mr. BRYAN. I will ask the Secretary to read the bill, beginning with line 10—the proviso. It is not printed here in the bill I have. It is a defective print.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Provided, That if such advanced rank or rating shall not carry with it an increase of pay, or if there be no higher enlisted grade to which advancement may be made as herein authorized, then and in such cases said men shall receive an increase of pay of 20 per cent over and above the retired pay actually received by them, respectively, at the time of the passage of this act.

Mr. BRYAN. Mr. President, I should like to ask the Senator another question. During what period of time must these people have served? Have they served since the Civil War?

Mr. McCUMBER. I understand it is 30 years.

Mr. BRYAN. Have they served 30 years since the war?

Mr. McCUMBER. No; that would be, I suppose, including the war service.

Mr. BRYAN. But as the bill is drawn they need not have served except prior to April 9, 1865. That would be one proposition. Of course if they had served 30 years since the war in the Navy or Marine Corps, they would have a stronger claim, it seems to me.

Mr. McCUMBER. Of course that would mean since the close of the war. I call attention to the following language on page 2 of the report:

It may be added that all of the enlisted men to be benefited by this measure have had at least 30 years' service, for enlisted men are not placed on the retired list unless they have 30 or more years of service.

Mr. BRYAN. That probably explains it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. If there be no objection, the bill will be considered to have been reported to the Senate, engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Georgia. No, Mr. President; I do not want to agree to the passage of the bill. I am opposed to all that character of legislation, but I will not interpose an objection to its being considered.

The PRESIDING OFFICER. The bill is in Committee of the Whole and subject to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TOWNSEND. Mr. President, I simply desire to call the attention of the Senate to the fact that we have again recognized the principle of Civil War service. These men are retired at an advanced rank because of their service during the Civil War.

ORDER OF BUSINESS.

Mr. VARDAMAN. Mr. President, I rise to make a parliamentary inquiry. Do I understand that under the terms of the unanimous-consent agreement only Senate bills are to be considered this afternoon?

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that only Senate bills and House pension bills are in order under the unanimous-consent agreement that has been entered into.

Mr. VARDAMAN. I am very much interested in the House bills reported from the Post Office Committee, but under the agreement they can not be considered.

FISH-CULTURAL STATION, LOUISIANA.

The bill (S. 4811) to establish a fish-cultural station at some point in the State of Louisiana was announced as next in order.

Mr. JONES. Mr. President, how much of an appropriation does this bill carry?

The PRESIDING OFFICER. It carries $50,000.

Mr. JONES. I simply desire to say that the Committee on Fisheries, at a meeting a few days ago, reported a House bill, and the amount in each case was reduced to $40,000. I propose an amendment, therefore, making the amount $40,000 instead of $50,000.

Mr. OVERMAN. Is that an omnibus fish-hatchery bill?

Mr. JONES. The bill we acted on the other day is. This bill is not.

Mr. OVERMAN. I object to the consideration of this bill, then.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

FISH HATCHERY, DELAWARE.

The bill (S. 4970) to establish a fish hatchery in the State of Delaware was announced as next in order.

Mr. SMOOT. That is a bill of the same kind. There is an omnibus bill dealing with this whole subject.

Mr. OVERMAN. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 5395) to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3773) to cancel the allotment of Davie Skootah, on the Lummi Reservation, Wash., and reallot the lands included therein was announced as next in order.

Mr. JONES. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. POMERENE. Mr. President, may I ask what was done with Order of Business 586?

SEVERAL SENATORS. That is a House bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, no action is in order on House bills.

The bill (S. 5335) conferring upon tribes of Indians the right to recall their agents or superintendents was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

OLIVER C. RICE.

The bill (S. 4915) for the relief of Oliver C. Rice was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. GALLINGER. Is there no proviso to that bill as there usually is in other bills of that character?

The PRESIDING OFFICER. No; there is not.

Mr. OVERMAN. Let it go over, then.

The PRESIDING OFFICER. The bill will be passed over.

JAMES B. SMOCK.

The bill (S. 4620) to remove the charge of desertion against James B. Smock was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill?

Mr. OVERMAN. I object to it, unless somebody shows that he was not a deserter.

Mr. GALLINGER. Let it be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The SECRETARY. The bill has been reported with a committee amendment proposing to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James B. Smock, who was a private of Company H, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 27th day of November, 1862.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. OVERMAN. I object.

Mr. CURTIS. Mr. President, I hope the Senator will not object.

Mr. OVERMAN. If the Senator can show me that this man was not a deserter, I will withdraw my objection.

Mr. CURTIS. I say, I hope the Senator will not object to this bill. It has the usual proviso, and the bill is strongly recommended by the department. The evidence shows that he went home sick and supposed he had a discharge. He had his certificate, and it was considered as a discharge.

Mr. OVERMAN. If the Senator assures me that he was not a deserter, I will withdraw the objection.

Mr. GALLINGER. I will ask if the usual proviso is attached to the bill?

The PRESIDING OFFICER. There is none.

Mr. CURTIS. I will move as an amendment the usual proviso—that no back pay or anything of that kind shall be allowed.

Mr. GALLINGER. Let it be put in the usual form.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, after line 5, insert:

Provided, That no back pay, bounty, or other allowance shall accrue after the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER C. RICE.

Mr. OLIVER. I notice that the bill just preceding was passed over for the same reason. I suggest that it be taken up and passed with the same proviso.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent to recur to the bill which was just passed over. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4915) for the relief of Oliver C. Rice, and it was read as follows:

Be it enacted, etc., That in the administration of the pension laws Oliver C. Rice shall hereafter be held and considered to have been in the military service of the United States as a drummer of Company D, Nineteenth Regiment Indiana Volunteer Infantry, from the 7th day of August, 1861, to the 7th day of March, 1862, and to have been discharged honorably as a drummer of said company and regiment on the date last mentioned.

Mr. WATSON. I ask that the usual proviso be added to the bill.

The SECRETARY. It is proposed to add in line 11 the following proviso:

Provided, That no back pay, bounty, or other allowance shall accrue after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE OF POWER PLANT.

The joint resolution (S. J. Res. 92) relative to the construction on the site selected of the central heating, lighting, and power plant authorized by the provisions of the sundry civil appropriation act approved June 23, 1913, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

EDWARD L. KEYES.

The bill (S. 6698) for the relief of Edward L. Keyes was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, in his discretion, by and with the advice and consent of the Senate, Edward L. Keyes, late second lieutenant, Fifth Regiment United States Cavalry, to be a second lieutenant of Cavalry in the United States Army, and to place him on the retired list of the Army with the rank of second lieutenant as of date of the approval of this act: *Provided*, That no pay, compensation, or allowance of any kind for any cause prior to the passage of this act shall accrue or be paid to said Edward L. Keyes by reason of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARE OF INDIGENT TUBERCULOUS PERSONS.

The bill (S. 5885) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes, was announced as next in order.

Mr. WORKS. Let that go over.

The PRESIDING OFFICER. The bill will go over.

THOMAS A. DICKS.

The bill (S. 4857) granting an extension of patent to Thomas A. Dicks was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

ADDITIONAL DISTRICT JUDGE.

The bill (S. 2512) to provide for the appointment of an additional district judge for the southern district of West Virginia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States shall appoint an additional district judge for the southern district of West Virginia, by and with the advice and consent of the Senate, who shall reside in said district and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That no vacancy in the office of the existing district judge of said southern district of West Virginia shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CONGRESSIONAL CLUB.

The bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C., was announced as next in order.

Mr. JONES. Let that go over.

Mr. POMERENE. I hope the Senator from Washington will not insist upon his objection.

Mr. JONES. I do not see why this property should be exempt from taxation.

Mr. POMERENE. Much may be said perhaps on both sides for that matter.

The PRESIDING OFFICER. Objection is made.

Mr. POMERENE. I intend to make my statement in any event.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. POMERENE. The property of the Daughters of the American Revolution has been exempted from taxation. This property is owned by this club, which is composed of the wives and daughters of Senators and Representatives, and I think it is performing a very great service in this city. I feel that it would not be inconsistent with the public good to have the bill passed. Every reason can be urged for it that has been urged in behalf of the exemption of the property of the Daughters of the American Revolution.

Mr. JONES. Let the bill go over.

The PRESIDING OFFICER. It will go over.

AMENDMENT OF INDIAN APPROPRIATION ACT.

The bill (S. 6715) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, was announced as next in order.

Mr. CLAPP. Let that go over.

The PRESIDING OFFICER. The bill will go over.

CHURCH PROPERTY AT KEYSER, W. VA.

The bill (S. 1989) for the relief of the Methodist Episcopal Church and the Presbyterian Church, Keyser, W. Va., was announced as next in order.

Mr. BRYAN. Let that go over.

Mr. GALLINGER. Mr. President, I am going to make an appeal in behalf of this bill. The Senator from West Virginia [Mr. GOFF], who is absent on account of illness, is very much interested in it. I do not think there is any valid objection to it, and I hope it will be considered.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I think this bill was considered along with the others at the time the omnibus claims bill was pending. My recollection is that it was considered by the committee at that time and was not reported favorably.

Mr. GALLINGER. It is now reported by the Senator from Arkansas [Mr. ROBINSON] favorably without an amendment. It was introduced by the Senator from West Virginia [Mr. CHILTON], and, as I said, the junior Senator from West Virginia [Mr. GOFF] is very greatly interested in it, and has requested me to aid in securing its passage.

Mr. BRYAN. Mr. President, I have not had a chance to examine it.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. BRYAN. I yield.

Mr. ROBINSON. On behalf of the Senator from West Virginia [Mr. CHILTON] I desire to join in the request of the Senator from New Hampshire that consideration be given to the bill at this time. The Senator from West Virginia is unable to be present and is very much interested in the passage of the bill. By direction of the Committee on Claims I reported the bill in August of last year. It has been pending on the calendar since that time. I ask that the bill be considered.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BRYAN. Let me ask the Senator from Arkansas how it happened that this claim was not included in the omnibus claims bill? Has it been before the Court of Claims?

Mr. ROBINSON. Yes.

Mr. BRYAN. I see no finding of the court. I think the Senator is mistaken. I do not think this claim has ever been before the Court of Claims.

Mr. ROBINSON. I have no personal recollection about the matter. I am basing my statement upon the report which accompanies the bill.

Mr. BRYAN. That is the very reason why these claims were required to go to the Court of Claims. Here we have ex parte statements, statements by the parties interested, without an opportunity on the part of the Government to meet the claim. All similar claims have been required to go to the Court of Claims. It would not be in order now, because the Crawford amendment was adopted to prohibit any more being referred.

Mr. ROBINSON. If the Senator from Florida will permit me, I have refreshed somewhat my recollection concerning the claim by referring to the report. It appears that the case was referred to the Court of Claims and the evidence submitted; but under

the provision which the Senator from Florida has in mind the court has not determined the matter. The committee, however, considered the evidence in this case and instructed me to report the bill, and of that committee the Senator from Florida is the chairman.

Mr. BRYAN. Yes; and that is the reason why I am so careful about it. I should like to see everybody treated alike. No claim has been allowed without a reference to the Court of Claims. Congress two years ago decided that they would not refer any more claims to the Court of Claims. This is a claim for damages done during the Civil War.

Mr. GALLINGER. It is $1,500 in each case. It is a very small amount compared to bills we are constantly passing.

Mr. BRYAN. I am not going to object to the bill being considered. Still, I want to register my objection to the bill. The Senator from West Virginia [Mr. GOFF] is a member of the committee.

Mr. TOWNSEND. May I ask the Senator from Florida if this is not a case similar to many claims for the destruction of church property which the committee acted upon and reported in the omnibus bill?

Mr. BRYAN. It is; it is the same class of claim, and we have refused to consider them at all. They have gone to the Court of Claims. Of course, this claim could not be referred to that court now, in view of the Crawford amendment. It is not in the same situation with all the other claims that were submitted to the Court of Claims and favorably adjudicated. They were all included, as the Senator knows, in an omnibus bill. Of course, this claim existed at that time. It was not placed in that omnibus bill. The Senator from Michigan is very familiar with the work that was done upon that bill. I can not remember each of the individual claims, but there must have been some good reason why the committee did not put the claims of these two churches into that omnibus bill. The Senator from West Virginia [Mr. GOFF] was a member of the subcommittee that examined into it. My purpose here is to prevent the passage of one claim which does not stand any higher than many others the payment of which has been refused by Congress.

Mr. TOWNSEND. Does the Senator object, then, to the consideration of the bill?

Mr. BRYAN. No; I do not like to be placed in that attitude; I am opposed to the passage of the bill.

Mr. TOWNSEND. It occurs to me that it is rather an unusual proceeding. There were many of these claims——

The PRESIDING OFFICER. With the Senator's permission, the Chair understands that there is no objection to the consideration of the bill.

Mr. GALLINGER. There is no objection.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. SMITH of Georgia. If the claim has not been referred to the Court of Claims, I will object.

Mr. ROBINSON. The claim has been referred to the Court of Claims and the evidence submitted and the case was ready for determination, but before the case was determined under the Crawford amendment in the omnibus bill which passed here a year or two ago the court held that it had no jurisdiction to determine the case.

Mr. SMITH of Georgia. Then, Mr. President, I object. There are a large number of claims in exactly the same condition, and they ought all to be treated alike.

Mr. GALLINGER. There will be a great many other objections in the next few weeks if this is objected to.

Mr. TOWNSEND. I hope the Senator from New Hampshire will not take that view of it.

Mr. GALLINGER. I will take it.

Mr. TOWNSEND. Here is the situation. Many of these claims were reported by the Committee on Claims. We passed upon all the bills that we thought were proper at that time and put them in an omnibus bill. This bill was not presented or, if it was, it was rejected.

Mr. ROBINSON. Will the Senator yield for a statement? The omnibus bill——

Mr. OLIVER. Mr. President, a question of order.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. OLIVER. I understand the consideration of this bill has been objected to.

Mr. SMITH of Georgia. I want to say a word.

Mr. OLIVER. We are acting under a unanimous-consent agreement.

Mr. SMITH of Georgia. Then I will withdraw the objection temporarily that I may have an opportunity to say something to the Senator from New Hampshire.

Mr. OLIVER. I do not think the Senator has the right to withdraw an objection temporarily for the purpose of making a speech. We are acting under a unanimous-consent agreement, and we want to get through with the calendar. I am perfectly willing to have the bill considered, and I hope that all bills will be considered as we go along, but to have general debate for half an hour as to whether or not we will take up a bill is not in accordance with the spirit of the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair is disposed to agree with the Senator from Pennsylvania; but, I dare say, a certain amount of discussion will be tolerated for the purpose of enlightening the Senate.

Mr. SMITH of Georgia. What I wanted to say was this: The House has passed a bill authorizing the Court of Claims to take up all the cases that were cut off and dispose of them. We have reported that bill favorably, and it is now pending on our calendar. If we can dispose of it, this case will be then at once disposed of by the Court of Claims, just as the others. I am just anxious to help treat all alike; that is all. With that statement, if the Senator from New Hampshire feels that I ought not to object to his pressing this bill, I will not object.

Mr. GALLINGER. Just a word, Mr. President. The report says this bill was sent to the Court of Claims. The Court of Claims found "that the church, as a church, was loyal to the Government." In that respect it is different from a good many others passed here. The report states that from about April 1, 1862, to the 28th of November, 1864, military forces of the United States held possession of said church building and continued such possession and destroyed the property. I do not think a technicality ought to lie against the bill.

Mr. BRYAN. I want to say to the Senator from New Hampshire that I care nothing about the amount involved in the passage of the bill, considered by itself. The finding, however, that the church, as a church, was loyal is the finding in every case before the court. The members might be disloyal, yet the church, made up of membership, was loyal. But I am going to end all this discussion by objecting, because we certainly ought to have the finding of the Court of Claims here before the bill is passed.

The PRESIDING OFFICER. Objection is made.

DR. B. R. HUNTINGTON.

The bill (S. 2461) for the reinstatement of Dr. Bert R. Huntington in the Medical Corps of the United States Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Bert R. Huntington, late a first lieutenant of the Medical Corps, United States Army, to the grade of first lieutenant, Medical Corps, United States Army: *Provided*, That prior to such appointment the said Bert R. Huntington shall pass, in a manner satisfactory to the Secretary of War, the professional and physical examinations required of candidates for appointment as first lieutenants in the Medical Corps of the Army: *And provided further*, That in computing the said Bert R. Huntington's term of service necessary for promotion to the grade of captain he shall be given credit for the full term of his prior service as a first lieutenant of the Medical Corps.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill authorizing the appointment of Bert R. Huntington as first lieutenant, Medical Corps, United States Army.

USE OF SCHOOL BUILDINGS.

The bill (S. 5800) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes, was announced as next in order.

Mr. NELSON. Let that go over.

Mr. HOLLIS. I appeal to the Senator not to object. This bill does not fasten on the District of Columbia the use of public-school buildings as community forums. That is already authorized under existing law, but certain questions have arisen as to the order of procedure and the disposal of conflicting claims. This bill is for the purpose of allowing the inhabitants who live near the school building to take charge and do the business in an orderly and proper way. I hope the Senator will withdraw his objection.

Mr. SMITH of Georgia. I am very anxious to examine the bill before it is passed.

Mr. HOLLIS. The bill was carefully examined by the District Committee and the report was unanimous. There was no objection to it. I hope it will be allowed to pass.

Mr. GALLINGER. Regular order!

Mr. NELSON. I am opposed to the principle of the bill, and so I shall have to insist on my objection.

The PRESIDING OFFICER. Objection is made.

LOAN OF RIFLES.

The joint resolution (S. J. Res. 99) authorizing and directing the Secretary of War to grant the free use, for military drill, of rifles to any duly accredited camps of the Sons of Veterans Reserve was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with an amendment to strike out all after the resolving clause and insert:

That the Secretary of War be, and he is hereby authorized to grant to duly accredited camps of the Sons of Veterans Reserve the free use for military drill of any rifles in the possession of the War Department. The Secretary of War shall arrange for the loan of such rifles in quantities sufficient to meet the requirements for military drill of the certified membership of such camps of said Sons of Veterans Reserve as make application, without cost, other than transportation charges, to said organizations, but under such suitable bond, executed by a responsible bonding company, for the care and return of said equipment as the Secretary of War may reasonably require: *Provided*, That the Secretary of War shall be furnished with a list of the certified membership of such camps of said Sons of Veterans Reserve as make application and the number attending military drills, which drills shall be held at least once a month; and if it shall appear that the number attending such drills falls below 50 per cent of the number of certified members of such camps of the Sons of Veterans Reserve, the rifles loaned shall be returned to the War Department.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing and directing the Secretary of War to grant the free use, for military drill, of rifles to duly accredited camps of the Sons of Veterans Reserve."

WORLD'S SUNDAY SCHOOL ASSOCIATION.

The bill (S. 4500) to incorporate the World's Sunday School Association was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, page 3, line 25, after the words "body incorporate," to insert "of the District of Columbia."

Mr. OLIVER. Mr. President, I ask the Senate to disagree to that amendment. The very worthy gentlemen who desire this incorporation are very anxious to secure a national charter. There is no danger of it being abused, and I think they should be granted that privilege. They want to do work all over the world and they think that the granting of such a charter will give them greater prestige.

Mr. OVERMAN. We can not grant national charters.

Mr. OLIVER. I shall not insist upon disagreeing to the amendment if the Senate thinks a national charter should not be granted, but these gentlemen are exceedingly anxious——

Mr. OVERMAN. The Judiciary Committee has considered the matter and has decided that we can not do that.

Mr. SMITH of Georgia. The bill has been reported favorably.

Mr. OVERMAN. It has been reported favorably, but with amendments.

Mr. OLIVER. The committee have reported that this should be a corporation merely of the District of Columbia, but these gentlemen are exceedingly anxious to become a corporation of the United States.

Mr. OVERMAN. We can not grant them such a charter.

Mr. SMITH of Georgia. I remember that we took the matter up, and we did the best we could for them.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, on page 5, after line 3, to strike out section 5, as follows:

SEC. 5. That the said association may, if it be considered advisable or advantageous in the carrying on of the work of the association in the different countries of the world, divide itself into two or more divisions, whose names, powers, and limitations shall be declared and defined by the by-laws, and each of said divisions, when so defined and organized, shall have all the powers herein granted, but shall be subject to the laws and rules of the countries in which they have jurisdiction as fully as if they were independent corporations, provided that no such division shall have the right or power to create any obligation to be borne or assumed by the association as a whole or any other division thereof.

The amendment was agreed to.

The next amendment was, in section 6 (5), page 5, line 18, before the words "of the United States," to strike out "constitution" and to insert "Constitution and laws," so as to make the section read:

SEC. 6 (5). That the association may adopt and change at will such rules and by-laws as it deems proper for its government and control not in conflict with the charter, the Constitution and laws of the United States of America, the United Kingdom of Great Britain and Ireland, the Province and Territories of the Dominion of Canada, or any State, country, Territory, Province, or district in which such rule or by-law is sought to be enforced, and shall provide the time of meetings, the number necessary to constitute a quorum for the transaction of business, and how votes of members shall be cast, and such other matters as may be found necessary and proper for the carrying out of the objects of the association.

The amendment was agreed to.

The next amendment was, in section 8 (7), on page 6, line 8, after the words "city of," to strike out "New York, in the State of New York, one of the United States of America. Meetings," and insert "Washington, D. C., but meetings," so as to make the section read:

SEC. 8 (7). That the association's principal office shall be in the city of Washington, D. C., but meetings of the association may be held at any place selected by the association, and may be called in the manner authorized by the by-laws.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. SUTHERLAND. I should like to know why it is necessary to incorporate a society of this kind as a corporation of the District of Columbia? There is a general law in the District of Columbia——

Mr. OVERMAN. I did not report the bill.

Mr. SUTHERLAND. Just a moment—under which an incorporation may be had. What is desired, as I understand, by this association is that it shall be incorporated by an act of Congress. There is nothing to be gained by having it incorporated as a corporation in the District of Columbia.

Mr. OVERMAN. They wanted an act of Congress, and we did not think that it would do any harm if they should be created a corporation of the District of Columbia. We discussed that matter. I did not report the bill, but we saw no objection to the passage of this bill as amended if they desired to make their society a corporation of the District of Columbia.

Mr. WATSON. I should like to ask the Senator from North Carolina what reason is there why they can not be incorporated under the laws of the United States?

Mr. OVERMAN. We have uniformly refused to incorporate societies under the laws of the United States and to give them national charters.

Mr. SUTHERLAND. We have heretofore incorporated societies by general act of Congress.

Mr. OVERMAN. I do not think so.

Mr. SUTHERLAND. Oh, yes; but, of course, the necessary Federal foundation must exist. I have not examined this bill so as to determine that matter.

Mr. GALLINGER. Mr. President, if the Senator will permit me, these gentlemen, who seem to be scattered over the world, can come here and incorporate in the District of Columbia on the payment of $1. I think a charter from the District of Columbia would amount to nothing. They want a broader charter; they want a national recognition; and I think they ought to have it, for they are engaged in a great work.

Mr. OLIVER. Then, I move to reconsider the vote by which the first amendment was agreed to.

Mr. OVERMAN. I shall object until the Senator from Missouri [Mr. REED] who had charge of this bill comes in.

The PRESIDING OFFICER. Objection is made.

Mr. OLIVER. Then, I am willing to have the bill passed as it stands, but I really think that national recognition should be accorded to these gentlemen.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

BILL PASSED OVER.

The bill (S. 6823) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas and New Mexico to determine the feasibility and cost of an irrigation project thereon was announced as next in order.

Mr. GALLINGER. Let that bill go over.

Mr. SHEPPARD. Mr. President, that bill carries no appropriation. It merely authorizes a survey and examination, and I hope the Senator will not object to it.

Mr. GALLINGER. I ask that it go over for to-day.

The PRESIDING OFFICER. Objection is made.

STOCK-WATERING PRIVILEGES ON FLATHEAD RESERVATION, MONT.

The bill (S. 6716) to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont., was announced as next in order.

Mr. SHAFROTH. Mr. President, I should like to inquire what has become of Order of Business No. 724?

Mr. GALLINGER. That is a House bill.

Mr. SHAFROTH. Are we not considering bills on the calendar?

Mr. GALLINGER. We are considering Senate bills only.

Mr. SHAFROTH. I hope this bill may be considered. It merely allows the city of Salida, Colo., to purchase certain public lands for park purposes.

The PRESIDING OFFICER. The bill to which the Senator refers is not in order under the unanimous-consent agreement. The Secretary will state the next Senate bill on the calendar.

The SECRETARY. The bill (S. 6716) to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. Objection is made.

Mr. MYERS. I desire to say that that bill is recommended by the Interior Department; in fact, it was drawn by the department. I merely wish to state the nature of it.

Mr. SMOOT. Mr. President, I will say that I received a letter a few days ago in relation to the bill, and I have not had time even to look at the report. If the Senator will allow the bill to go over, I do not think I will have any objection to it later.

Mr. MYERS. I think the Senator ought to give as much credence to my words as to those of the writer of the letter. I will ask the Senator from whom was the letter?

Mr. SMOOT. Mr. President, the letter I received was from a citizen of Montana, but I really have forgotten his name. It only recently reached me, and I have not had time to examine it.

Mr. MYERS. I merely want to state—and I will only take a moment or two—that this bill is for the benefit of a large number of people on the Flathead Reservation. Along the Flathead River there is some rough, unbroken land which has never been homesteaded. The settlers back of that land have let stock run across the land to the river. This bill merely provides that when that rough, broken land may be patented it shall be patented subject to the rights of the stock owners back of it to let their stock run across the beaten path to the water.

Mr. SMOOT. The bill may be all right, and I have no objection to it from what I know personally, but I received a letter regarding it; I have not given the letter consideration, and therefore I ask that the bill go over.

Mr. MYERS. I think this will be the last chance for it to be passed, and I regret that it can not be passed at this time.

The PRESIDING OFFICER. Objection is made.

A. J. LOWARY.

The bill (S. 6737) for the relief of A. J. Lowary was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to A. J. Lowary $98.75, that sum having been paid into the Treasury in exchange for a lease of certain land which thereafter was never enjoyed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CALIFORNIA.

The bill (S. 6692) to amend section 6 of an act to expedite the settlement of title to lands in the State of California was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 6 of the act of Congress approved July 1, 1864, being an act entitled "An act to expedite the settlement of titles to lands in the State of California," being chapter 194 of volume 13 of the Statutes at Large, page 334, is hereby amended to read as follows:

"SEC. 6. That it shall be the duty of the surveyor general of California to cause all the private-land claims finally confirmed to be accurately surveyed and plats thereof to be made whenever requested by the claimants: *Provided*, That each claimant requesting a survey and plat shall first deposit with the Secretary of the Interior a sufficient sum of money to pay the expenses of such survey and plat, and of the publication required by the first section of this act, and the money so deposited shall be available for expenditure by the surveyor general in payment of the expenses of such survey and plat, including all the expenses incident thereto, and of the required publication. Whenever the survey and plat requested shall have been completed and forwarded to the Commissioner of the General Land Office, as required by this act, the surveyor general shall state an account showing the exact cost of the survey, plat, and publication, and any excess deposited over such cost shall be returned to the claimant."

Mr. TOWNSEND. Mr. President, I do not know that I properly understood the reading of the bill, but as I caught it there is a provision to direct the surveyor general of the State of California to perform some act. I will ask the Secretary to read again that portion of the bill.

The Secretary again read the bill.

Mr. JONES. I think that bill had better go over.

Mr. PHELAN. Mr. President, may I inform the Senator from Washington that that bill is highly recommended by the Department of the Interior, and I have here a letter written by the Secretary of the Interior asking that it be passed?

The PRESIDING OFFICER. Is there objection to the bill?

Mr. JONES. If the Senator sees no objection to it, I will not object. I did not notice that the Senator was present.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill was reported to the Senate without amendment.

Mr. OVERMAN. I understand that in that bill Congress is directing the surveyor general of California to survey private lands. What have we got to do with the surveyor general of a State?

Mr. WALSH. Mr. President, the surveyor general of the State is a Federal officer, and the bill provides that the claimant must deposit the expense of making the survey.

Mr. OVERMAN. That is all right, if he is a Government officer.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. CARTER.

The bill (S. 6783) for the relief of William F. Carter was considered as in Committee of the Whole. It proposes to validate the homestead entry of William F. Carter, of Lothair, Mont., for the south half of section 20, township 31 north, range 4 east, Montana meridian, in the State of Montana, made under the act of February 19, 1909 (35 U. S. Stat. L., 639), subject to future compliance with the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS WITHDRAWN UNDER RECLAMATION PROJECTS.

The bill (S. 6829) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws, was considered as in Committee of the Whole.

Mr. JONES. I should like to ask the chairman of the committee to explain briefly what is the necessity for that legislation?

Mr. MYERS. Mr. President, that bill was drawn by the Interior Department, was sent to me, and introduced by request. Not having originated it, I am not as familiar with it as if I had originated it myself. As I understand, however, there are certain public lands which have been withdrawn from reclamation projects for administrative purposes, and this bill provides simply for their disposition.

Mr. JONES. It refers to improvements made on the lands. I was going to ask the Senator whether or not this bill applies to those tracts which may have been reserved in the different projects upon which the Reclamation Service have placed their headquarters and other buildings?

Mr. MYERS. That is the exact application of it.

Mr. JONES. And they do not need them any longer, and therefore want to dispose of them?

Mr. MYERS. That is the exact application. They want some law enacted whereby they may be allowed to dispose of them.

Mr. WALSH. Mr. President, I think the language of this bill is altogether too broad. It might seem to imply that the Reclamation Service might go out and utilize the fund ad libitum for the purpose of improving lands under a project, and then put those lands up at public auction for sale. The real purpose of the bill is simply to permit the sale of those lands no longer needed upon which buildings have been constructed for administrative purposes and where possibly a garden may have been cultivated in connection with them. I move to amend by inserting after the word "fund," in line 10, on page 1, the words "for administration or other like purposes."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 10, after the word "fund," it is proposed to insert "for administration or other like purposes."

Mr. MYERS. Mr. President, I think that is a good amendment. It merely carries out and makes plain the idea the bill was designed to carry out; but I will ask my colleague if the word he suggested was not "administrative"?

Mr. WALSH. No; "administration."

Mr. MYERS. I thought the Senator suggested "administrative."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA W. THRAILKILL.

The bill (S. 6671) to validate the homestead entries of Anna W. Thrailkill was considered as in Committee of the Whole.

It provides that Anna W. Thrailkill's homestead entries 023955 and 035325, Great Falls series, covering the southeast quarter of section 24 and the northeast quarter of the northeast quarter of section 25 of township 23 north, range 9 east, and lot 3 of section 19 of township 23 north, range 10 east, of the Montana meridian, in Montana, be validated and permitted to remain intact in the same manner as though she had not, before applying therefor, perfected title to a tract of 307.77 acres under the desert-land laws.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIBLEY ISLAND, MISSOURI RIVER.

The bill (S. 6730) revoking authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak., was considered as in Committee of the Whole. It proposes to repeal the provision contained in an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes" (29 Stat. L., pp. 413–435), reading as follows:

That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLEVELAND L. SHORT.

The bill (S. 3735) for the relief of Cleveland L. Short was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, lines 5 and 7, after the words "sum of," to strike out "$10,000" and insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cleveland L. Short the sum of $2,000 in full payment for permanent injury caused by his being pushed from a moving train on the Panama Railroad, Canal Zone; and the said sum of $2,000 is hereby appropriated for such purpose out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. Mr. President, I think that requires a little explanation. The bill reads that Cleveland L. Short received an injury by being pushed from a moving train. It does not say who pushed him from the moving train.

Mr. LEE of Maryland. I can explain that to the Senator.

Mr. GALLINGER. I should like to have the Senator do so.

Mr. LEE of Maryland. This is the case of an employee on the Panama Canal work who was in the habit of going to his place of employment by train. The train usually slowed up at the point where he usually got off to enable all the workmen whose daily work was at that point to get off there. On the occasion when this accident happened to Mr. Short, however, the train did not slow up; he was afraid to jump; but other persons behind him pushed him so that he lost his balance and fell off the train. His foot was crushed, and his leg amputated above the ankle.

Now, under the Panama Canal law, as this was a good surgical job and healed in 45 days, this man received only $227 compensation, which is a manifestly inadequate sum in view of his being so seriously crippled for the remainder of his life.

Mr. GALLINGER. The report recites that he was "either pushed or fell from a train." Is it possible that we have any law that gives compensation to a man in the Government service who happens to fall from a moving train? Can that be possible?

Mr. LEE of Maryland. There is a per diem allowance, I believe, for men in hospitals who are injured in the course of their work.

Mr. GALLINGER. Yes; but this was not in the course of his work.

Mr. LEE of Maryland. Well, that is what he got. He got $227 as an allowance, as I understand it.

Mr. GALLINGER. I think that was more than he deserved.

Mr. SMOOT. If that is the case, Mr. President, then he can return to his work, and perhaps he is working now.

Mr. GALLINGER. I shall have to object to the consideration of the bill.

Mr. LEE of Maryland. He can return to some kind of work; but it is perfectly obvious that being without one leg, he is crippled for life, and very seriously crippled for life.

Mr. SMOOT. Does the Senator know what work he is doing now?

Mr. LEE of Maryland. I do not know; no.

Mr. SMOOT. Is he in the employment of the Government?

Mr. LEE of Maryland. That was a good many years ago—1909, if I remember correctly.

Mr. GALLINGER. I object, Mr. President.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

JOHN G. YOUNG.

The bill (S. 3731) for the relief of John G. Young was considered as in Committee of the Whole. It proposes to pay, out of any money in the Treasury not otherwise appropriated, to John G. Young $719 for salary as deputy collector in the sixth district of North Carolina for the months of January, February, March, April, May, June, July, and August, in the year 1879.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO. ET AL.

The bill (S. 6949) for the relief of the Chicago, Milwaukee & St. Paul Railway Co., the Chicago, St. Paul, Minneapolis & Omaha Railway Co., and the St. Louis, Iron Mountain & Southern Railway Co. was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill may go over.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

Mr. LEE of Maryland subsequently said: Mr. President, I am going to ask the Senator from Georgia, who objected before he had heard the purport of Senate bill 6949, to withdraw his objection, so that I can briefly tell the Senate that it refers the cases of three railroads to the Court of Claims.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent to return to Order of Business 748. Is there any objection? The Chair hears none.

Mr. LEE of Maryland. Mr. President, this bill is for the purpose of consolidating three bills and referring to the Court of Claims claims for the relief of three railroads which were held by the Post Office Department to be land-aided railroads, and which in that way lost 20 per cent reduction of what was due them under certain contracts for carrying the mails. It was found afterwards by investigation and adjudication that they were not land-aided railroads, and thus in the Court of Claims they have already recovered for the length of time that they could recover money due them on these contracts, so far as limitations would permit.

This present bill consolidates three bills, one of which was introduced in behalf of the Chicago, Milwaukee & St. Paul Railway Co., one for the Chicago, St. Paul, Minneapolis & Omaha Railway Co., and one for the St. Louis, Iron Mountain & Southern Railway Co., so as to permit them to go back to the Court of Claims, and if they can prove that they carried this mail matter for additional time claimed, to be compensated regardless of limitations. This relief was considered just by the committee; and similar action has been taken in quite a number of other cases which are mentioned in the report. So that this relief is consistent with previous legislation and with what seems right under the report of the Postmaster General to permit these railroads to go to the Court of Claims for an adjudication regardless of limitations.

Mr. SMOOT. Mr. President, this claim is made after a six-year limitation, is it not?

Mr. LEE of Maryland. They were not permitted to bring suit during that time.

Mr. SMOOT. Are not the claims always paid by the department when they are just, and have they not six years in which to make those claims?

Mr. LEE of Maryland. The department was in error, as a matter of fact and of law. It held that these railways were land-aided roads. For a period of years the department so held.

Mr. SMOOT. Did they hold it after the six-year limit had passed or before?

Mr. LEE of Maryland. They have been holding it for a longer period than six years, so that when the roads were permitted to go to the Court of Claims they could only sue for the six years which is allowed in the Court of Claims. This bill permits them to go back again, and, if they can prove that they carried this mail under contract, and that the Post Office Department improperly deducted 20 per cent from their contract on this erroneous hypothesis, they can recover that 20 per cent equitably due.

Mr. SMOOT. It is rather a doubtful measure, I think.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that, any statute of limitations to the contrary notwithstanding, the Court of Claims is hereby given jurisdiction to hear and determine the claims of the Chicago, Milwaukee & St. Paul Railway Co., in accordance with the decisions of said court in causes Nos. 28272, 29636, and 30159, and the claims of the Chicago, St. Paul, Minneapolis & Omaha Railway Co., in accordance with the decision of said court in cause No. 29875, which was affirmed by the Supreme Court of the United States, and the claim of the St. Louis, Iron Mountain & Southern Railway Co., in accordance with the decision of said court in cause No. 24409: *Provided*, That the court in rendering judgment shall enforce the provisions of section 3477, Revised Statutes of the United States, prohibiting the assignment of claims against the United States, and shall render judgment for said claimants only for the amounts in which they, and not any predecessors of theirs, were underpaid, it being the purpose of this act to waive only the statute of limitations, and not any other legal defense the United States may have to said claims: *Provided further*, That the same right of appeal to the Supreme Court of the United States as exists in other cases in the general jurisdiction of said court is hereby granted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK, OWATONNA, MINN.

The bill (S. 1724) to reimburse the First National Bank of Owatonna, Minn., for revenue stamps stolen or lost in transit, was announced as next in order.

Mr. SMOOT. Mr. President, it is nearly 6 o'clock. As soon as this bill is passed I should like to ask the Senator from Missouri if we had not better adjourn. There is no doubt but that we will hold a night session in the near future to take up the calendar.

Mr. NELSON. This bill involves only $42.

Mr. STONE. There is not anything on the calendar in which I am interested.

Mr. NELSON. Let this bill be passed.

Mr. SMOOT. Yes; let it be passed.

The PRESIDING OFFICER. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the First National Bank of Owatonna, Minn., $42, to reimburse the bank for that amount of revenue stamps stolen or lost while in transit from St. Paul, Minn., to Owatonna, Minn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT OR NEAR BELTON, MONT.

The bill (S. 784) to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with an amendment, on page 2, line 2, after the word "meridian," to strike out "described as follows: Beginning at the point where the north line of the southwest quarter of the northwest quarter of said section 36 intersects the southerly right-of-way line of the Great Northern Railway Co., which right-of-way line is distant 100 feet southeasterly from, measured at right angles to, the center line of the said company's railway as now located and constructed; thence southeasterly at right angles to said right-of-way line 330 feet; thence southwesterly at right angles, parallel with and distant 330 feet southeasterly from said right-of-way line 660 feet; thence northwesterly at right angles 165 feet; thence southwesterly at right angles, parallel with and distant 165 feet southeasterly from said right-of-way line to the west line of said section 36; thence north along said section line to the said right-of-way line; thence northeasterly along said right-of-way line to the place of beginning; containing about 8 acres," and to insert: "Within the following-described area: Beginning at a point on the southerly line of the right of way of the Great Northern Railway Co., 100 feet southerly from and at right angles to the center line of the main track of said railway at a point in said center line 484 feet easterly from its intersection with the west line of said section 36; thence southerly at right angles to said center line 330 feet, this course following, approximately, the line of the westerly fence constructed by the United States Forestry Service in 1909; thence easterly at right angles to the last-described course 672 feet; thence northerly at right angles to the last-described course to the said southerly line of right of way, this course following, approximately, the line of the easterly fence constructed by the United States Forestry Service in 1909; thence westerly along the said southerly line of the right of way of the Great Northern Railway to the place of beginning, excepting therefrom that portion within lot 8, containing 5 acres, more or less."

Mr. JONES. Mr. President, I want to ask the Senator if it is not usual to lease these lands in the national parks for a period of years instead of to sell outright the title to them?

Mr. WALSH. In reply to the Senator from Washington I will say that this land is not within the park; it is outside.

Mr. JONES. Oh, this land is outside of the park?

Mr. WALSH. Yes.

Mr. JONES. Is it in a forest reserve?

Mr. WALSH. It is in a national forest.

Mr. JONES. Is it not customary to lease even lands in a national forest instead of selling them? I thought we were trying to get private holdings out of the national forests instead of encouraging them.

Mr. WALSH. My recollection is that we have a provision of law authorizing the sale of small areas within the forest reserves. This is only 5 acres.

Mr. JONES. I will say to the Senator that we have had up here several times the proposition of submitting to the Secretary the question of making leases of small tracts of land within the national forests. I am not sure that we have even passed that legislation. But this is the first instance I recall of our permitting the sale to private parties of public lands in these forest reserves. I wanted to ask the Senator whether he thought this was really a wise thing to do?

Mr. WALSH. I can not think otherwise. Let me say to the Senator that the land in question is immediately adjacent to the right of way of the Great Northern Railroad Co. It is the station at which passengers get off to enter the Glacier National Park by the western entrance, and the buildings will really become a part of the railroad property, just the same as yards would be or anything of that kind.

Mr. JONES. Does not the Senator think it would be to the advantage of the Government to have land so advantageously located as that leased from time to time?

Mr. WALSH. The bill provides, as the Senator will see, that the hotel is to be operated under rules and regulations prescribed by the Secretary of the Interior.

Mr. SHAFROTH. Mr. President, I hope the Senator will not object to the Government selling any land. That is the only way in which a State can get any taxes whatever. It seems to me, in view of that fact, that this is a very meritorious bill.

Mr. JONES. Of course, Mr. President, I should be in favor of that as a general policy; but I do not like to say at one place, "You can sell," and at another place "You can not."

Mr. SHAFROTH. I believe in getting the land in private ownership wherever you can. I am in favor of this bill.

Mr. JONES. I doubt very much the propriety of our doing that; but I am not going to object myself to the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS DAHUFF.

The bill (S. 6862) for the relief of Amos Dahuff was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Amos Dahuff, who was captain of Company H, Twelfth Regiment Indiana Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 19th day of February, 1865, provided that no back pay, bounty, pension, or other emolument shall accrue prior to the approval of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STONE. Mr. President, I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 26, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 25, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, whose glory shines round about us on land and sea and sky and whose goodness pours itself out in a thousand blessings new every morning and fresh every evening, we thank Thee for the æsthetic sense which enables us to appreciate the beauties thus displayed and for the gratitude which inspires worship and praise. And we pray that we may walk worthy of such preferment in the wake of Him who taught us nobility of soul and the splendor of a perfect character, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE—PUBLIC-BUILDING INVESTIGATION.

Mr. CLARK of Florida. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I move a change of reference of the bill H. R. 20410, to create a temporary building commission for the purpose of investigating all the public-building needs and methods of the United States in order to recommend a public-building policy, from the Committee on Appropriations to the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Florida, by authority of the Committee on Public Buildings and Grounds, moves that the bill H. R. 20410 be rereferred to the Committee on Public Buildings and Grounds from the Committee on Appropriations.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. STAFFORD. Will the gentleman kindly inform the House what is the scope of the bill that is proposed to be referred from the Appropriations Committee to the Committee on Public Buildings and Grounds.

Mr. CLARK of Florida. The title expresses it very fully, I think.

Mr. FITZGERALD. I understand the bill was referred to the Committee on Appropriations because it carries an appropriation of $50,000, and the practice of the Speaker has been, when Members insist on referring bills carrying appropriations to committees that have not jurisdiction of such bills, to refer them to the Committee on Appropriations.

Mr. BARNHART. Mr. Speaker, will the gentleman yield? All of the public-building bills, of whatsoever kind, carry authorization of appropriations. That is all this seeks to do.

Mr. FITZGERALD. That is a different thing. Authorization and appropriation are two different things.

Mr. BURNETT. The form of the bill as introduced is for a direct appropriation. Would that oust the jurisdiction of the committee because somebody has put it in the form of an appropriation?

Mr. FITZGERALD. Yes; it does.

Mr. LANGLEY. The subject matter of the bill is properly one that should go to the Committee on Public Buildings and Grounds.

The SPEAKER. Committees not authorized to make appropriations begin to crop out in that regard. However, this committee never did.

Mr. BURNETT. Some other committees are doing it now.

The SPEAKER. I know. That is what the Chair is talking about. Finally the Chair announced that he intended to refer bills that carried appropriations to the Committee on Appropriations. If he did not do that, every committee in the House would be making appropriations.

The question is on the motion of the gentleman from Florida [Mr. CLARK] to rerefer this bill to the Committee on Public Buildings and Grounds.

The question was taken, and the motion was agreed to.

EXAMINATIONS ON ELLIS ISLAND.

Mr. BENNET. Mr. Speaker, I move to discharge the Committee on Immigration and Naturalization from the further consideration of the present resolution, which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 370.

Resolved, That the Secretary of Labor be directed to send to the House of Representatives a copy of the examinations into conditions on Ellis Island, taken by and before Byron H. Uhl, assistant commissioner of immigration, at Ellis Island July 25, 26, and 27, 1916.

Mr. BURNETT. Mr. Speaker, I make the point of order that is not a preferred matter. It does not come within the rule.

The SPEAKER. What point of order does the gentleman make?

Mr. BURNETT. That it is not preferred. The gentleman can not call it up at this time without unanimous consent.

Mr. BENNET. The gentleman means it is not privileged?

Mr. BURNETT. Yes.

The SPEAKER. This resolution was introduced on September 8.

Mr. BENNET. It is strictly privileged under the rules of the House.

The SPEAKER. This resolution has been privileged for some time.

Mr. BENNET. Mr. Speaker, I move that the committee be discharged from further consideration of it.

Mr. FITZGERALD. Mr. Speaker, did the Speaker overrule the point of order that it is not privileged? The rule is that the House can call for information in the possession of the head of a department. This resolution requests a copy of certain documents, or examination, taken at Ellis Island, which does not appear on the face of the resolution to be in the possession of the Secretary.

The SPEAKER. The resolution is:

Resolved, That the Secretary of Labor be directed to send to the House of Representatives a copy of the examinations into conditions on Ellis Island, taken by and before Byron H. Uhl, assistant commissioner of immigration, at Ellis Island July 25, 26, and 27, 1916.

It was introduced on September 8 and referred to the Committee on Immigration and Naturalization and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, this requires certain labor on the part of the head of the department. It is not calling for information in his possession but for a copy of certain testimony.

Mr. BENNET. It is calling for nothing but information. It is calling for facts.

Mr. FITZGERALD. It does not call for facts. It asks the Secretary to make a copy of something and send it to the House.

Mr. BENNET. It always requires labor to comply with a request of the House of Representatives. All that is necessary to do is to make a copy of that and send it.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Alabama.

Mr. BURNETT. On the point of order?

The SPEAKER. Yes.

Mr. BURNETT. Well, Mr. Speaker, I think it is not a matter of information that is asked for, but it is a matter of the copying of the contents of a lot of papers. A matter of information would be answered by giving the information that the Secretary of Labor has, but instead of asking for the information that the Secretary of Labor has it is asking for the copy of a whole lot of papers without indicating how much, or what they relate to, or anything of the kind, except investigation at Ellis Island.

I do not think it is within the rule in respect to calling for information, because it may involve an immense amount of work in making copies of papers.

Mr. FITZGERALD. He might be entitled to call for documents in possession of the department, but under the guise of a privileged resolution to compel the Secretary to furnish him with a copy of a deposition is something new in our practice. It is not calling for a document in the possession of the Secretary, but merely for a copy of such a document. We may have the right to call for documents, but I know of no right, as a matter of privilege here, to compel department heads to copy and send them to us.

Mr. MANN. Well, Mr. Speaker, it is queer to me for the gentleman from New York to make the argument that the House can not call for a copy of a document in the possession of a department.

Mr. FITZGERALD. It can call for the document itself.

Mr. MANN. There is no right to insist that the original document be sent to the House. We call for information; that is, for a copy of the document on file. That is what we usually call for.

Mr. FITZGERALD. This is not a document at all. The gentleman has not called for information. He has called for a copy of something.

The SPEAKER. The Chair does not believe that this resolution comes within the rule. The point of order is sustained.

PERMISSION TO A COMMITTEE TO SIT DURING SESSIONS.

Mr. JOHNSON of Kentucky rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. JOHNSON of Kentucky. For the purpose of asking the consent of the House that the Committee on the District of Columbia may sit during the sessions of the House.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the Committee on the District of Columbia be authorized to sit during the sessions of the House. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. CRAGO. Mr. Speaker, I rise for the purpose of asking unanimous consent to insert in the RECORD a brief summary of the life and death of Joseph Benton Donley, formerly a Representative in the Forty-first Congress, who died at his home at Waynesburg, Pa., on January 23 last.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated by him. Is there objection?

There was no objection.

JOSEPH BENTON DONLEY.

The summary of the life and death of former Representative Donley is as follows:

Joseph Benton Donley, a former Representative from Pennsylvania; born in Mount Morris, Pa., October 10, 1838; completed preparatory studies; was graduated from Waynesburg College in 1859; entered the Union Army as a captain of the Eighty-third Illinois Infantry in 1862; was graduated from the law university of Albany, N. Y., in May, 1866, and admitted to the bar; elected as a Republican to the Forty-first Congress (March 4, 1869–March 3, 1871); after retirement from Congress practiced law in Waynesburg, Pa. He died at his home in Waynesburg Wednesday, January 23, 1917.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 14th day of February, 1917, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

RIVER AND HARBOR BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 20079, the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20079, with Mr. RAINEY in the chair.

The CHAIRMAN. The committee will be in order. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20079, the river and harbor bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Waterway from Mississippi River to Bayou Teche, La.: For improvement in accordance with the smaller project submitted in House Document No. 610, Sixty-third Congress, second session, $100,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement: *Provided further*, That this provision shall not be construed as authorizing the purchase or improvement of any privately owned canals or waterways.

With a committee amendment, as follows:

Amend, on page 22, line 2, after the word "lands," by inserting the words "and easements."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Bayous Vermilion and Plaquemine Brule, and Mermentau River, La.: For maintenance, including channel, bay, and passes of Bayou Vermilion, and tributaries of Mermentau River, $46,000.

Mr. DUPRÉ. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Amendment offered by Mr. DUPRÉ: On page 22, line 15, after the word "for," insert "continuing improvement and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sabine River, La. and Tex.: For improvement in accordance with the report submitted in House Document No. 668, Sixty-third Congress, second session, $30,000: *Provided*, That all sunken logs and timber taken by the United States, after due notice, from said stream, or from any other navigable waters of the United States, in the process of clearing them for navigation, shall become the property of the United States, subject to sale, and that the proceeds of sale shall go to the credit of the improvement.

Mr. TREADWAY. Mr. Chairman, I make a point of order against this item on page 23, from line 1 to line 10. It is beyond the scope of privileged matter which can be reported in a river and harbor bill, in that we assume the right of legislation for all navigable streams in addition to the item in the paragraph.

Mr. SPARKMAN. I can not understand what the point of order is.

Mr. TREADWAY. The item for taking logs from navigable streams and assuming them to be owned by the Government, irrespective of the fact that it applies solely to that stream, is beyond the scope of privileged matter under a river and harbor bill. The item is not privileged matter in a river and harbor bill, and therefore it is out of order under Rule XI, as to the rights of the River and Harbor Committee.

Mr. ASWELL. Mr. Chairman, I would like to state that this item has the indorsement of the Engineers of the War Department, and has been thoroughly investigated. It is not taking a penny from the Government, but, on the other hand, something will be returned. The logs returned will be of great profit. I hope the gentleman will not insist on his point of order. This will not cost the Government a penny, but will return some money to the Government. It is a limitation solely, and it will save money to the Government.

Mr. TREADWAY. There is no proof whatever that the logs in the stream do belong to the Government. We are assuming ownership of them and beginning all kinds of legal entanglements by proposing this legislation and making it general legislation as well as applying to this particular item.

I call the attention of the Chair to the fact that the sentence on line 6 reads, "or from any other navigable waters of the United States." I maintain that is beyond the scope of our rights as a Committee on Rivers and Harbors to retain or report an item of that sort.

Mr. SPARKMAN. Mr. Chairman, the Committee on Rivers and Harbors has jurisdiction of the improvement of rivers and harbors. This provision is clearly in the interest of the improvement of the Sabine River. By reference to the project, if the Chair desires to refer to the project, he will ascertain that the object of the improvement is in the interest of navigation. It is for the improvement of the river by the taking out of logs to increase the navigability of the stream, the logs now obstructing very materially the navigation of that river.

The CHAIRMAN. There can not be any doubt about that, but the question is whether the Government has any right to sell them.

Mr. SPARKMAN. This provides means for the removal of these logs, a little different, to be sure, from the ordinary method we would pursue for taking logs from the stream. But it is intended to accomplish that purpose. It provides, of course, that the logs shall be taken out, that a dredge or boat shall be constructed at the cost mentioned in the report, and that boat having been constructed it shall be utilized in taking out these logs, which shall be condemned and sold by the Government and the proceeds applied to the cost of taking out the logs and the cleaning out of the stream.

Mr. DUPRÉ. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. DUPRÉ. Would it not obviate the objection of the gentleman from Massachusetts if an amendment was adopted so as to limit the arrangement to that particular stream, and not have it apply to other navigable waters of the United States?

Mr. TREADWAY. I will say to the gentleman that if an amendment of that kind is offered I should be disposed to withdraw my point of order—if you make it apply solely to this one stream.

Mr. BURGESS. Mr. Chairman, I offer the following amendment: Strike out in line 6, beginning with the word "or," the remainder of the line and the word "States" in line 7.

Mr. DUPRÉ. And also change the word "them" in line 7 to "it."

The CHAIRMAN. The Clerk will report the amendment.

Mr. TREADWAY. And the word "such" should be inserted before the word "sale" in line 9.

The Clerk read as follows:

Amend, on page 23, by striking out after the word "stream" in line 6 the words "or from any other navigable waters of the United States"; strike out the word "them" in line 7 and insert "it"; and in line 9, after the first word "of" before the word "sale," insert the word "such."

The amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, now that the reason for the point of order that I raised has been removed, I will withdraw it, and I would like to speak to the merits of the item. I move to strike out the item.

Mr. McLAUGHLIN. Mr. Chairman, I would like to renew the point of order against the paragraph as it stands.

Mr. MOORE of Pennsylvania. I make the point of order that the gentleman's point of order comes too late. There has been discussion on the paragraph.

Mr. ASWELL. A parliamentary inquiry, Mr. Chairman. Does not the point of order come too late?

Mr. McLAUGHLIN. Mr. Chairman, it seems to me that a paragraph might be subject to a point of order with one wording and not subject to a point of order with another. The fact that the amendment was adopted and certain words stricken from the paragraph might make the remainder of the paragraph subject to a point of order, whereas it was free from it before the amendment was adopted.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Michigan makes his point of order now after the paragraph has been amended and discussed. It is clear that it comes too late under the rule to make a point of order against the paragraph that has been both amended and discussed.

Mr. MANN. Mr. Chairman, the universal rule is that a point of order may be reserved, but an amendment can not be offered while a point of order is reserved or while a point of order is pending. When the point of order is reserved and withdrawn and an amendment is offered it is too late to make a point of order against the paragraph. It would not be too late to make a point of order against the amendment, but in this case the point of order was made and withdrawn and an amendment was offered amending the paragraph in three places. It is too late to make a point of order against the paragraph; otherwise in the House we might amend a provision after a long debate and then the point of order made against it. The rule of the House is very strict. In the Senate they have a different rule.

The CHAIRMAN. The Chair thinks the point of order to the paragraph comes too late.

Mr. TREADWAY. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 23, by striking out the paragraph beginning in line 1 and ending in line 10.

Mr. TREADWAY. Mr. Chairman, I regret very much to object to this item; it is a very small item, and I realize that there are several Members of the House who are interested in it. I think, however, the principle involved is serious and objectionable.

The question involved is whether or not the Government can get its pay for the expense of dredging a stream by selling the logs that it takes out of the stream. As we have now removed the feature of general legislation, making it applicable everywhere, the item is not as objectionable as before, but nevertheless we are a great institution to follow precedents. We are establishing a precedent by voting this item into the bill which will come back time and again in the future to plague us if we are going to have future river and harbor legislation.

I wish to call particular attention to this House that it ought not, for the sake of gratifying a local representative that the logs may be gotten out of the stream in his neighborhood, to adopt a form of new legislation relative to river and harbor work. We are taking a very serious legal step. Has this Government any right to assume ownership over these logs? If it is a raft that is floated down stream, somebody owns it and somebody formed it. Somebody owns the adjoining bank where the logs may have fallen into the stream. Who is to determine that we own these logs and can sell them in order to pay the expenses of getting them out or snagging them? Let us go a little easy on this item.

Further than that, let us see what the report of the engineers say in reference to it. I read from the House document, page 668, Sixty-third Congress, second session—

To give a navigable channel for draft of 3 feet for the entire year. The district officer is of opinion that the cost of improvement by any suitable method would be excessive, and he expresses the opinion that this river is not worthy of further improvement at this time. In this opinion the division engineer concurs.

The board states that this river is very greatly obstructed by logs, snags, and so forth—

the removal of which would undoubtedly be expensive and out of reasonable proportion to the resulting benefits if the costs were entirely borne by the United States. If, however, the United States can be reimbursed by the sale of logs—

Mark you, that does not say that the engineers say they think it should be reimbursed, but simply—

If, however, the United States can be reimbursed by the sale of logs removed from the bed of the stream in the progress of the improvement, it believes the cost might come within reasonable limits.

Mr. Chairman, certainly that is a very negative approval of the project on the part of the Chief of Engineers, and then the board goes on to recommend this very general legislation which we have just voted out of this item, and then continues to say that with that authority granted them, namely, this general authority, it would recommend that possibly the Government might get even and get its money back under the logging process. Therefore, I maintain that we are entering upon a very doubtful legal step in assuming that we can snag the logs out of the river and that they belong to the Government. They do not belong to the Government.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Just a moment. Further than that, the project is not approved upon its merits by the Board of Engineers. I now yield.

Mr. ASWELL. Is it not the custom of the War Department to sell the logs they take out of the streams?

Mr. TREADWAY. It is a legal question whether any such right exists, and I do not think the Government has ever assumed ownership.

Mr. ASWELL. Is it not the custom?

Mr. TREADWAY. I do not thing it is. It came up in the committee and was discussed there, and so far as I know we did not consider that the logs snagged out of the river belonged to the Government.

Mr. ASWELL. It is my information that it is the custom.

Mr. TREADWAY. It never has so appeared before our committee, and I am sure that it is a grave legal question in the mind of the chairman himself.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. McLAUGHLIN. The gentleman was reading from the report of the Board of Engineers. Does the Board of Engineers recommend this particular project if the logs can be taken out and sold at a profit, or does it recommend the policy of taking the logs out and selling them?

Mr. TREADWAY. It hoped that the Government might give them the authority first, and then it continues, if I may be allowed to quote again in answer to the gentleman's question:

Contingent upon such legislation—

Namely, the legislation to which I have referred and which we have already cut out—

the board recommends that an appropriation of $30,000 be made for the construction of a suitable snag boat, and its operation for a period of one year on the Sabine River, and that the work of clearing the river continue thereafter so long as sufficient revenue is derived from the sale of logs to pay for the operation of the plant.

The engineers themselves say very distinctly that the only way the Government can ever get square on the deal is to sell the logs.

The report further says:

While estimates of cost are not ordinarily presented in reports on preliminary examinations, the estimate given by the board is entirely for plant and its operation, no survey or other investigation being required to determine the probable expenditure required.

So far as we can pay for it by selling something that does not belong to us the engineers advocate it.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COX. The paragraph under consideration provides for the improvement of this river by taking the proceeds derived from the sale of logs and applying them to the improvement of the river. My query is this: With the language in the bill just as it is, with these amendments incorporated in it, supposing the Government does not derive enough money with which to pay for this $30,000 snag boat, then will the improvement go on or will it have to stop?

Mr. TREADWAY. The only way it is recommended, the only way the engineers recommend it, is upon the assumption that we are going to get enough money to pay $30,000 for the boat. If they do not, they do not recommend its being done.

Mr. COX. That being true, suppose the provision in the bill remains in the bill and becomes permanent law, then will they have the power and the appropriation to go ahead and make the boat?

Mr. TREADWAY. From my experience in this body, which I admit is somewhat short, I am led to think that if we do not get the $30,000 from the sale of the logs, in the next Congress the advocates of the measure would come back and say, "Why, we have this $30,000 boat down there and it is a shame to let it lie idle, so let us pay the expense of it and get the snags out."

Mr. COX. Then the gentleman thinks the improvement would go ahead?

Mr. TREADWAY. Yes.

Mr. SMALL. Mr. Chairman, this is about the only project in this bill in which it is found that the cost of maintenance can probably be obtained through the value of the material recovered in the bottom of the channel. It appears from the report that the upper reaches of the river which it is proposed to improve are unusually filled with sunken logs, saw logs, commercial logs, logs which have a value and which are readily marketable after they are gotten up from the bed of the river. It is well known that logs being sunk in fresh water do not deteriorate, but that no matter how long they remain in the water when taken up they are in the same condition and in as good condition as when they were originally sunken. I think everyone familiar with the subject will corroborate that statement. We have a proposition here for the improvement of a river in which it is recommended that $30,000 be appropriated for the construction of a snag boat. The operation of that boat, the maintenance of the stream which involves the taking up of logs, is to be paid for by the sale of the logs which have a marketable value.

This is an item in the bill which, in accordance with the report of the engineers, is in the interest of economy. It saves to the United States the cost of any maintenance and it is estimated——

Mr. TREADWAY rose.

Mr. SMALL. I am coming to the legal part of it in a moment—it is estimated that the logs recovered from the river will be of sufficient value to pay for the operation of the snag boat and to clear this river of these sunken logs. The report shows that the value of the logs in this stream is estimated to be of the value of a half a million dollars. Now, Mr. Chairman, as to the legal right of Congress to appropriate these logs to public use. This is a public highway as to which the United States has the same authority and jurisdiction as the States would have over any public highway. Can it be doubted for a moment that if a person leaves property on a public highway and after due notice fails to remove it that the sovereign has the right to remove it and appropriate the property to its own use? This simply provides that after due public notice to whoever are the owners of these logs to remove them within a certain time, that if not removed the United States will remove them and appropriate the logs so removed to its own use by sale of same and expend the proceeds in the improvement of the highway or river which they impede. I think there can not be the slightest doubt that Congress has that right. These logs are derelicts. They have been there for years—some of them. They impede the navigable waters. The United States, the sovereign of that highway, certainly has the right to give notice to whoever may be the owner to remove them within a certain time, and if not removed that the sovereign itself will remove them and sell them and appropriate the value of the same to its own use. I think there can not be the slightest question in reference to that legal proposition.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. SLAYDEN. The Sabine is, in every sense of the word, actually and legally a navigable stream?

Mr. SMALL. I think so.

Mr. SLAYDEN. And it is the privilege of the Government, and I conceive it to be its duty, to keep it a navigable stream. Now, if it were filled with mud, they would have to remove the mud to improve the navigation of the stream. They would get nothing for the mud. Now, is it not particularly fortunate under these circumstances that it will take out something else than mud by which it may remunerate itself for at least a part of the cost of the improvement?

Mr. SMALL. Whether fortunate or unfortunate, certainly the Government has the right in taking them out to say what shall be done with them and say that it appropriates to the public use these logs after they are taken out. It seems to me, Mr. Chairman, that in this case, where the appropriation is to furnish the instrumentality of the snag boat to be used in taking the obstructions out of this river, to wit, logs, and the actual expenditure necessary in taking out the logs is to be borne by the sale of the logs, it is a meritorious feature, instead of one to be condemned as the gentleman from Massachusetts seems to contend.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. SMALL. Certainly.

Mr. SAUNDERS. What is done with snags we remove by the ordinary snagging process? They destroy them, do they not?

Mr. SMALL. They usually have no value and they are destroyed. They have no marketable value.

Mr. SAUNDERS. You can not put them on other people's land?

Mr. SMALL. No.

Mr. SAUNDERS. You can not set them afloat because that will be a detriment, so they destroy them.

Mr. SMALL. Yes.

Mr. SAUNDERS. Then according to the analogy of that if we commence operations on the Sabine River to-day these logs have got to be pulled out and destroyed?

Mr. SMALL. Yes.

Mr. SAUNDERS. Then there is an alternative that in lieu of destroying them the committee is endeavoring to cause them to pay some of the proportionate cost of removal.

Mr. SMALL. That is all; and it is estimated in this case that the logs are so numerous and so valuable that they would furnish a sufficient amount to pay for the cost of the operation of the snag boat, or, in other words, the cost of the maintenance.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. HAMILTON of Michigan. Have there been any decisions of the courts determining the title of marked logs raised under conditions prescribed in this bill?

Mr. SMALL. I can not say as to any decision of the courts of the United States, but there have been numerous decisions in the States that where property is left in a highway or left in a stream or otherwise abandoned that the sovereign, the legislature, has a right to prescribe conditions for their removal, and if not removed, that then they may be destroyed or appropriated to the public use.

Mr. HAMILTON of Michigan. There is a law as to abandonment, but there is also a law as to marked logs with reference to the question of title, and the question of title there has been determined by a decision of the courts.

Mr. SMALL. Well, all that leads to the question of the right of the public as to obstructions in a public highway, in this case a navigable stream. Mr. Chairman, I think the item has merit and ought not to be stricken out.

Mr. HUMPHREY of Washington. Mr. Chairman, this item to which my friend from Massachusetts [Mr. TREADWAY] referred, I am frank to say I do not think is a good one, but I think the gentleman from Massachusetts makes the point of order to the only good thing there is in it. I do not believe that this river ought to be improved, but if we do improve it we ought to leave in the provision that we now have in that section. I have no doubt about the legality or about the power of the Government to take these logs and condemn them and sell them. The Government has the power to remove any obstruction in navigable waters, and very frequently we have removed vessels. Out in my part of the country the Government removes fish traps worth thousands of dollars. Now, when logs are taken out of a stream they are either burned or otherwise destroyed or abandoned.

I think we will make a very great mistake if we do not permit the Government to take these logs and sell them where they are of value. What can be the use of compelling the Government to either destroy or abandon these logs if they are of any value? I regret that my friend from Massachusetts [Mr. TREADWAY] made a point of order against the general legislation. The point

of order was well taken, of course, but that would have been a valuable piece of legislation and in my judgment ought to have been in here, and if the committee thinks this item should remain in the bill at all I think by all means we should leave in this provision in regard to selling these logs.

Mr. WATKINS. Mr. Chairman, having been in a hearing on the Committee on the Territories on the question of prohibition, which has been agitating the committee for some time, I happened not to be in the House when the section was reached, as it was at a time when it was not expected it would be reached in the bill. Therefore I could not present the views which I would have presented as to the general proposition of this section being in accordance with the general law which is already in existence, and for that reason, as well as for the reason that I wish to have the item retained in the bill, I will read the law on this subject, which is perfectly clear and conclusive. And I give the gentlemen who have thought there was no law sustaining this item the benefit of the fact that this law is incorporated in a general rivers and harbors act and not in a special statute, and for that reason I suppose has been overlooked in this discussion.

The act approved March 3, 1899, was entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." Now, this is the way that section reads:

SEC. 19. That whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, merchantable timber, or other similar obstruction, and such obstruction has existed for a longer period than 30 days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, logs, merchantable timber, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War, at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion the Secretary of War may cause reasonable notice of such obstruction of not less than 30 days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed "To whom it may concern" in a newspaper published nearest to the locality of the obstruction requiring the removal thereof: *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than 10 days, for the removal of such obstruction as soon as possible after the expiration of the above specified 30 days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, merchantable timber, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: *Provided*, That such bidder shall give satisfactory security to execute the work: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States.

We do provide the manner in which the notice shall be given to those who have any legal rights in the property. There is the right absolutely given to those who have the removal of the obstructions to take the obstructions, whether it be rafts, merchantable timber, or whatever character of obstruction it may be, out of the water, and the following section gives the right to the United States Government, after due notice, through an advertisement, to sell these obstructions which have been taken out, when they are worth being sold, and converted into money and covered into the Treasury of the United States.

Mr. Chairman, for 30 years this stream was one of the navigable streams, located partly in the State of Louisiana and partly in the State of Texas, and was used for the purpose of navigation, and on that account many of these logs have been dropped into the river from the rafts that were being towed in it by the boats that were carrying them to the mills up and down the river. For the last 15 years those obstructions have been so great as to impede the navigation of the river, and for a space of 30 or 40 miles to absolutely prevent it. The river is now navigable to where these logs are piled up in it, and below Orange, Tex., to the Gulf the river is already navigable, and the rivers and harbors bill that we are now considering has provided for appropriations for the Sabine River up to the city of Orange. There is no question about its being a navigable river. The logs are there, and the Board of Engineers report that the logs should be removed, and that it will take about $30,000 to put a snag boat in the river and remove them, and the estimate is, there will be about $500,000 worth of logs which can be taken out, and the money for them put into the United States Treasury. During the last few minutes the gentleman asked whether or not it would be acceptable for him to remove the logs under contract. Of course, I would not take any part in such a contract myself. He asked if we should not go in together and buy these logs. There are hundreds of people in that country who would be glad to buy these logs at many times the value that it would cost the Government of the United States to take them out. This is not a hasty report of the Board of Engineers. They fully considered this question before they reported on it. It was reported favorably by the Chief of Engineers and by the Board of Engineers, and was argued before the Board of Engineers by the United States Senator from Louisiana, by one Senator from Texas, and Members of the House from Louisiana and Arkansas at the time when the question was up, as to the importance of the navigation on the Sabine River.

Mr. DAVIS of Texas. Mr. Chairman, this stream is in my district. I represent the State at large. A part of its length serves as a State line between Texas and Louisiana. The so-called obstruction of logs for about 30 miles prevents a regular continuous navigation for something over 200 miles. I have been up and down and all over the country adjacent to and surrounding the Sabine River. I live up toward the head in the interior of the State. These logs often float down during overflows for several hundred miles from immense timber belts, where they have been cut for sawmills. A vast forest of the finest kind of pine, white oak, red oak, and burr oak is found all up that river section. Instead of the timber being damaged by being under the water, I will say that an oak log after it lies in the water for several years is known in the markets of the world as "antique" oak, and is far more valuable than when fresh, and pine is not damaged. And for this timber to be converted into money is an easy problem, and I think we are adopting a proper method by being able to utilize some of the stuff we take out of a stream to pay for the labor invested in improving its value as a navigable stream.

I just wanted to make these remarks on this question.

Mr. McLAUGHLIN. Mr. Chairman, I very much——

Mr. SPARKMAN. I would like to see if we can not place some limitation on this debate. How much time would the gentleman like?

Mr. TREADWAY. Mr. Chairman, I would like another five minutes.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto end in 20 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] is recognized for five minutes.

Mr. McLAUGHLIN. Mr. Chairman, I am very much interested in this paragraph, because it presents a situation with which I have had some experience in my district. In the first place, there is an unfavorable report by the Corps of Engineers, but the committee proposes an appropriation. The engineers have occasionally made unfavorable reports concerning harbors in my district, and in every case I have had to take my medicine. I never have been able to get an appropriation from this Congress for any harbor blacklisted by the Corps of Engineers. But it is said there is a saving clause here, in that there is an opportunity for lifting logs from the bottom of the river and disposing of them at a profit, and thereby meet the expense of the improvement. I live in a lumber district, or it was one years ago, at the mouth of a river down which as much log timber floated as over any river in this country. I believe I say that advisedly, and for hundreds of miles the bottom of that river is covered with sunken saw logs.

The Supreme Court of the State of Michigan in a well-considered opinion determined only a few years ago—four or five years ago—that the title to sunken logs remains in the original owners of them, and that anyone who disregards the rights of the original owner and raises logs and undertakes to appropriate them or the proceeds of their sale to his own use is liable for the value of them to the original owner. I was connected with litigation in the courts of our State where these questions were involved, so am somewhat familiar with them.

Now, as to the opportunity of making money out of the raising of these logs, I know of several instances where companies were organized for raising logs in that way, the incorporators having obtained assignments of the log marks from the original owners, those assignments carrying title to the sunken logs; and during the time the log-lifting companies carried on the business of raising logs there was loss in every case. There was, I believe, no instance of profit. No instance of profit is shown in all the experience of the men or companies who undertook that business. So there is nothing in this claim of the gentlemen from Texas that here is "a saving clause" which will justify this House if it wishes to adhere to the policy of following the report of the Board of Engineers or in overturning the report of the Board of Engineers or disregarding the first portion of it, which says that this project is altogether unworthy.

Now, I think, Mr. Chairman, that this Government might enact legislation making it legal and proper for the engineers

to lift these logs, so that the question of ownership of and title to the logs would not stand in the way of the improvement of a navigable stream. The title to these logs can be acquired, and in the course of improving a navigable stream the right can be acquired to take the logs from the bottom of the stream and convert them to the use of the Government or sell them and put the money in the Treasury. But that right can be acquired only after notice to the owners, and nothing being done by the original owners after due notice they can be held to have abandoned their property. The Government can then assume control of the property, remove it from the river, and sell it and devote the proceeds to meeting the expense of making the improvement.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. DAVIS of Texas. I do not call to mind the statute of Louisiana, but I think our statute in Texas covers all the right an original owner may have 250 miles above the raft. Two years after he is estopped from claiming ownership if they have passed off his region of territory. It may be the same in Louisiana.

Mr. McLAUGHLIN. There is no such law in my State, and while, of course, I do not question the statement the gentleman makes I think his recollection is wrong. I believe there is now no law that will permit or protect the Government or its engineers in taking possession of the logs or appropriating to itself the proceeds of the sale of them. I believe there should be such a law; but I very much doubt the wisdom of Congress assuming to enact so important a provision by inserting these carelessly drawn lines in an appropriation bill.

Mr. FREAR. Mr. Chairman, in view of the success I have had in offering amendments on the floor of the House, and in order to help my friend from Massachusetts in his effort to strike out this item, I wish to say a word. I know he will appreciate my efforts.

I want to suggest to the House that this argument seems to be in a wrong direction, because, as will be seen by the testimony I will submit to you, instead of the removal of the logs relieving navigation the logs will ruin navigation if they are once taken from the streams. [Laughter.] I read now from Document No. 668, page 3:

5. The district officer states that if the river were cleared of obstructions there would be a practicable channel to Logansport for boats drawing 3 feet at stages in the river corresponding to a gauge reading of not less than 9 feet. Such stage, however, averages only about four months per year, and there will probably be seasons when this navigable period will not exceed one to two months.

6. The district officer expresses the opinion that no improvement of the river with a view to open-river navigation will ever be advisable above mile 100, and that practical navigation on that section can only be secured by means of locks and dams. He states that the river may be susceptible of improvement below mile 130 for boats drawing 3 feet for about seven months and below mile 70 for the entire year. The information obtained in connection with the preliminary examination indicates that a complete removal of obstructions would be quite expensive, and the district officer expresses the opinion, in which the division engineer concurs, that the river is not worthy of further improvement at this time.

Then four gentlemen from this House, with one from the other end of the Capitol, went before the board and gave some expert information upon this subject of navigation, so that the board was convinced that they had made a mistake, and they had an open hearing. Here is something that was developed there—I read from page 8. I wish the committee would pay attention to this, because it is interesting. I read from paragraph 17. It says:

17. Open-river navigation therefore appears to be practicable only for an average period of about four months, and that such period will be in general during the period January to June, inclusive. It must be expected, also, that there will be seasons when this navigable period will be limited to from one to two months, with possibly less than one month of continuous navigation.

Now I will read from page 8, paragraph 18:

18. As there are no farm products to be moved during the high-water period, January to June, inclusive, the only industries to be benefited at present by improvement are those in the lumber business. These industries are large and important, but their life is a limited one. Further, it is doubtful if those interested in such industries desire any modification of the present channel conditions.

Now, we have got down to one month, Mr. Chairman, when it is reported they may have navigation. But, reading on page 25, from the letter of the Sabine Tram Co. to Maj. T. H. Jackson, I find this:

We have some 50 miles of river front along the Sabine River in Newton County, Tex. At this time we think it would do harm to the river instead of benefit, for the reason that whenever the logs are cleaned out it will result in lowering the water by letting it run off. This is shown north and south of our mill at Deweyville, Tex. By taking the logs and obstruction out it caused the river to get shallower each year the logs were removed. Mr. Axtell, while with the Government, was up at our mill while it was low. We think he was of the same opinion.

There is other evidence along that line. But here, Mr. Chairman, it appears that with the logs in the best they could do is to have one month's navigation in a year, and the people living along there say that if you take these logs out it will prevent navigation. In the light of all this testimony I ask you, Ought we not to leave them in there?

Mr. TREADWAY. Mr. Chairman, I had hoped that this item might be stricken from the bill, but my friend from Wisconsin [Mr. FREAR] says that he realizes that his support of my proposition will concentrate support in favor of the item. [Laughter.] In spite of his assistance I wish to call attention in regard to two facts. On page 10 of the report in a preliminary examination by the district engineer, Maj. Jackson, I find that he states that the great question here is flood control and complete reclamation of the overflowed land. So it is not a question of navigation, it is one of flood control and complete reclamation of the land, according to the report of the engineer. I have not time to read all the applicable items from that report, but the whole thing is illuminating.

Let me call attention to this fact. I am reading from the report of Maj. Jackson, of the Corps of Engineers:

There can be no doubt that at the present there is no need of any improvement of this river, and it is certain that the cost of the removal of snags, drift, overhanging trees, and other accidental obstructions, so far as may be necessary to enable the stream to be used at low water and also at ordinary water stages by boats of as great a draft as permitted by the natural conditions of the stream when free of the above-named obstructions is too great to justify the expenditure. Further, it is my opinion that no improvement of this river with the view of open-river navigation will ever be advisable above about mile 100. If navigation is desired above that point, it must be obtained by the construction of locks and dams.

Now, Logansport, the place to which they are intending to get navigation, is 292 miles up stream, and the engineer says that there is no possible chance of getting navigation for more than 100 miles. So it looks as if that part of the river might be considered a nonnavigable stream according to the district engineer.

Now, we find here a statement from Gen. Black, Chief of Engineers, in support of this very testimony that there is no navigation on the river above mile 100, and, as I say, Logansport is 292 miles upstream. You are getting logs out of a nonnavigable stream.

Now, then, with reference to the legal claim and the law set up by the gentleman from Louisiana, and further referred to by the gentleman from North Carolina, let me say to the gentleman from Louisiana that if his definition of merchantable timber applied to these logs, why did the board of engineers come to Congress and ask for legislation authorizing them to sell these snagged-out logs? They knew that that law was in existence, and that if it applied to the logs in the Sabine River they never would ask to have this paragraph go into the bill, because they would know that they already had authority.

Furthermore, the gentleman from North Carolina states that it is very evident that we have the sovereign right, and so forth. He has put that up as his opinion. I do not question the gentleman's legal ability; I do not claim to have any. I am not a lawyer, but I am exercising a little horse sense in connection with this matter. I would like to ask the gentleman from North Carolina whether his opinion as to the sovereignty of the Government in this respect has ever been legally established in such a case as this. He makes his own statement of that fact, but there is nothing to back it up. Consequently we come back to the point where we started, when I say that we enter into very serious legal complications when we assume ownership of these logs in the stream. The river is not worthy of improvement, anyway; it is not worth the improvement unless you can pay for the logs that the Government gets, and if we do take them and use them as our own we are getting into bad legal complications. The whole thing is wrong.

Mr. BORLAND. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BORLAND. I am surprised to hear the gentleman from Massachusetts make such a profound legal argument when he says he is not a lawyer. Did the gentleman ever hear of the old English common-law doctrine of flotsam and jetsam, by which the sovereign has the right to seize everything floating in navigable waters?

Mr. TREADWAY. Evidently the gentleman from Louisiana does not consider these logs flotsam and jetsam; he seems to think they are valuable; but, nevertheless, it seems to me that the item is unworthy of a place in the river and harbor bill. It is this kind of items that renders us liable to the criticisms that are heaped upon us, taking all the good projects and putting a few of the bad ones up against them in the balance.

Mr. SMALL. Mr. Chairman, I desire to correct an erroneous statement made by the gentleman from Michigan [Mr. McLAUGHLIN]. That gentleman is usually so accurate that I am

sure he would desire to be corrected in this instance. He stated that this proposition had not received a favorable report. He is mistaken in that. There was a favorable report on this project. It is well known under the law that the question of whether a favorable report exists depends on the final report and recommendation of the Chief of Engineers. It is possible that there should be an unfavorable report by the district engineer; it is possible that there should be an unfavorable report by the division engineer, and also by the board of review, known as the Board of Engineers for Rivers and Harbors, and yet if the Chief of Engineers makes a favorable recommendation and report, then it is deemed that the project has a favorable report.

In this instance, it is true, the district engineer did not make a favorable recommendation, based solely on the ground that the cost was excessive, and the division engineer concurred with him, but when it went before the Board of Engineers for Rivers and Harbors that board reviewed the evidence, and after a full hearing of the evidence they reached the conclusion that the improvement was desirable, based on the condition that the fund for its maintenance should be provided by the proceeds of sales of sunken logs which have been removed from navigable streams, and the Chief of Engineers concurred with the Board of Engineers for Rivers and Harbors, making thereby a favorable report.

Mr. McLAUGHLIN. Will the Committee on Rivers and Harbors recommend the abandonment of this proposition if the proceeds from selling the logs do not yield a profit?

Mr. SMALL. I can say for this member of the committee that if it transpires that the proceeds from the sale of the logs are not sufficient to pay the cost of maintenance, I would be opposed to continuing the project.

Mr. Chairman, I only desired to correct the inadvertent statement of the gentleman from Michigan [Mr. McLAUGHLIN]. I do not desire to go further into the legality of it, except to give this illustration. In 1890, in the river and harbor act, there was a provision which has been repeated since forbidding persons moving logs by raft or otherwise from dropping them into the channel of the river and making it a misdemeanor if they did so, so that these logs in the bottom of the river are there now as the result of a violation of law. One other illustration. We have a statute as to derelicts in navigable streams. If a barge is sunk or a vessel or a steamer, we have a statute now which provides that after notice the War Department, through the engineers, may destroy or remove the derelict, and if they may remove and destroy obstructions in navigable streams, certainly that implies and carries with it the right to utilize them for any purpose the Government may deem proper.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Bayou Grossetete, La.: For maintenance, $1,000.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the Savannah, Ga., items, by the insertion therein of certain documents.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The documents referred to are as follows:

SAVANNAH, GA., *December 8, 1916.*

Hon. CHARLES G. EDWARDS,
House of Representatives, Washington, D. C.

MY DEAR MR. EDWARDS: I beg to acknowledge receipt of your telegram of this date, advising us that the Committee on Rivers and Harbors has decided against hearing arguments from committees seeking appropriations for their ports. We appreciate that you have done, and are doing, everything possible for Savannah and feel that our interests are safe in your hands.

Mr. Conant has prepared some data which he is mailing to you tonight, and Maj. Williamson also has prepared some good arguments which he will forward to you. If there is anything we can do at any time to further the interests of the desired appropriation let me know by wire and it will have prompt attention.

With sincere regards.

W. J. PIERPONT, *Mayor.*

SAVANNAH HARBOR, GA., ARGUMENT IN FAVOR OF ADOPTING THE PROJECT FOR FURTHER IMPROVEMENTS, AS RECOMMENDED BY THE BOARD OF ENGINEERS AND CHIEF OF ENGINEERS, BY E. R. CONANT, CHIEF ENGINEER, SAVANNAH, GA.

The length of the coast line between Norfolk, Va., and the southern point of Florida is 1,200 miles. Savannah is located midway between these points. Norfolk, Va., is a deep-water port, and its commerce and location warrants such improvements as will accommodate the deepest draft bottoms. Between Norfolk and the southern point of Florida the Federal Government has improved, and is still improving, 10 ports. The improvements have not been carried out to the same extent at each of these ports, and it would not be expected that all of the ports could be improved so as to accommodate the deep-draft bottoms.

There is no question but that at least one port over this 1,200 miles of the coast line should be improved, so as to accommodate vessels that are increasing in tonnage and draft. The increase in commerce at some of these 10 ports has been notable during the last 10 years. At some of the places there has not been a response in the way of increase in commerce proportional to the expenditure made by the Government.

In the tabulation given below are the names of the ports extending from Norfolk, Va., to Key West, Fla., the total appropriation made by the Government from the commencement of the improvement of each port to June 30, 1915, the value of commerce of each port for the year 1914, and the value of commerce for the year 1904, 10 years previous.

Ports.	Total appropriation made for improvement up to June 30, 1915.	Value of commerce for the year 1914.	Value of commerce for the year 1904.
Key West, Fla.	$780,230	$13,434,175	$5,229,150
Miama, Fla.	665,727	3,197,136	514,710
Jacksonville, Fla.	6,827,869	60,718,452	28,000,000
Fernandina, Fla.	3,647,510	9,230,082	10,715,000
Brunswick, Ga.	1,428,328	38,343,320	20,939,000
Darien, Ga.	175,365	1,450,909	917,240
Savannah, Ga.	10,676,226	349,193,305	193,320,000
Charleston, S. C.	5,095,234	46,800,741	49,994,000
Georgetown, S. C.	3,142,022	4,146,954	9,546,843
Wilmington, N. C.	6,146,168	28,682,163	44,726,500

The figures given in the tabulation were taken from the reports of the Chief of Engineers to the Secretary of War.

From the above tabulation it is observed that the value of commerce, which passed through the port of Savannah, Ga., in 1914, was greater than all of the other nine ports combined by over $140,000,000, whereas in 1904 the commerce of the port of Savannah while greater than all other of the nine ports combined, was but approximately $13,000,000 over the total value of commerce of the nine ports for that year. Not only has Savannah responded in the way of commerce for each improvement giving increased depth since first improvement of the harbor, but comparing the commerce with the other ports, it is observed that if any port is worthy of continuing the improvement, as far as response in the growth of commerce is concerned, the port of Savannah should be favorably considered.

On account of the cost in obtaining improvements sufficent to accommodate the largest size bottoms, it can not be expected that the Federal Government can improve all of the ports to meet this condition. As Savannah has well responded as regards increase in commerce to all of the improvements made by the Government, and as there are no physical difficulties in the way of continuing its improvement so as to give a greater depth than now existing, as the Board of Engineers and the Chief of Engineers have indorsed the project whereby a material improvement can be accomplished within reasonable cost, and one which is warranted by prospective increase in commerce, therefore it is urged that favorable action be taken by Congress whereby the recommendation of the Board of Engineers and Chief of Engineers can be adopted.

Since the report was prepared by the district engineer for the new project, several new manufacturing industries have developed at Savannah, one of which is the immense sugar refinery, where an expenditure of approximately $5,000,000 will be made. Due to this industry alone, it is stated that the Government will receive a large amount in additional duties, perhaps to an extent of $3,000,000 annually and the commencement of receiving this excessive increase in duty may be expected early in the year of 1917.

In furnishing the above argument, it is not done with the intention of discouraging the Federal Government in making further improvements at any or all of the other ports noted, but only to bring out the fact that anticipating that all of the ports can not be improved to an extent of accommodating the increased tonnage and draft of the deepest bottoms; that your attention be invited to the conditions at Savannah, and to show that of any port on the South Atlantic coast south of Norfolk, Va., Savannah is more worthy than any other port of having continued improvements, so as to obtain an enlarged channel affording passage for increased size freight bottoms.

SAVANNAH, GA., *December 8, 1916.*

Hon. CHARLES G. EDWARDS, M. C.,
Washington, D. C.

MY DEAR MR. EDWARDS: About 1 o'clock to-day I received your telegram, and shortly afterwards was called up by the mayor for a conference, as he had received a similar telegram.

In accordance with your request, I am inclosing the statement which I had gotten up to read before the River and Harbor Committee, and I particularly want to call your attention to the matter of the sugar refinery. There is no question but what this $10,000-a-day duty will be forthcoming, and the chances are it will even be larger, for the management have decided to increase the plant to a 50 per cent increase in the output; so the Government will be recouped inside of two or three years for nearly all the money they have spent so far on this harbor. I shall send a copy of this statement later to Senator SMITH, so that he will be prepared to take care of the bill in the Senate.

We all appreciate your work and what you have done for the Savannah Harbor, and I sincerely hope that you will succeed on this bill as you have in the past as a good wind-up to your work in Congress.

Yours, very truly,

WM. W. WILLIAMSON.

This committee appears before you in the hope of securing your support for the further improvement of the Savannah Harbor, Col. W. C. Langfitt's specifications for a depth at mean low water of 26 feet from the Seaboard Air Line Railway bridge to Quarantine, 30 feet from Quarantine to the sea, and the widening of the channel in places, has been approved by the Board of Engineers, the Chief of Engineers, and now comes to you for your consideration. The bill carries an appropriation of $1,920,000 and covers a period of four years for the work.

We have always understood it to be the policy of your committee to give their approval and support to meritorious projects, such as show a large increase in commerce on the expenditures made. We ask, therefore, your careful attention to the data following, using Government figures, which will show that commerce at Savannah has enormously responded to the greater depth of water.

Statistics on water-borne commerce of Savannah.

Years.	Appropriations.	Expended.	Controlling depth of harbor at mean low water.	Water-borne commerce for calendar year.	For every additional foot in depth attained commerce has increased in one year—	And for the period a commerce of—
			1885.	1884.		
From 1874 to June 30, 1885	$882,000	$831,614.40	13 to 14 feet	$51,630,518		
			1905.	1904.		
From 1885 to June 30, 1905	[1] 6,682,983	6,569,323.22	19 feet	193,820,760	$28,438,000	
						$201,930,693
						194,836,773
						209,018,494
			1912.	1911.		167,941,267
From 1905 to June 30, 1912	[2] 2,546,764	1,968,639.20	22 feet	246,678,077	17,619,000	186,701,147
						224,512,440
						246,678,077
						1,431,618,891
						296,444,106
			1916.	1915.		360,536,275
From 1912 to June 30, 1916	680,000	1,258,663.28		420,088,304	43,352,000	349,193,325
						420,088,304
Total	10,791,747					1,426,262,010
To be deducted from appropriation on Savannah Harbor	122,700					
Total	10,669,047	10,628,240.10				

[1] Expended on channel between Savannah and Beaufort $106,700
[2] Expended on channel between Savannah and Beaufort 16,000
Total 122,700

Controlling depth of harbor for 1916 remains practically the same as of 1912, but there has been an advance in the general depth of the harbor.

Owing to the exhaustion of the appropriation, a uniform depth of 26 feet was not attained, and it is to secure this depth to Quarantine and 30 feet to the sea that the present bill is asked for. The tendency is to build larger ships, as they can be operated more economically than smaller ones, proportionately. A large and deep ship starting from Savannah at the top of high water will find that on reaching Quarantine the tide has fallen about 2 feet; hence the necessity for 30 feet from Quarantine to the sea.

Comparing Savannah in 1905 and 1915–16, we give you the following information:

Miscellaneous commercial data.

1905.	
Number of banks and trust companies	10
Number of telephone subscribers	5,591
Enrollment in public schools	6,891
Population	75,000
Post-office receipts	$200,540.83
Capital, surplus, and undivided profits of banks and trust companies	$5,059,704.35
Deposits in banks and trust companies	$13,360,638.90
Real and personal property tax returns (66⅔ per cent)	$43,228,682.00
Value of water-borne commerce	$201,931,000.00
1915 AND 1916.	
Number of banks and trust companies, Sept. 1, 1916	18
Number of telephone subscribers, Sept. 1, 1916	7,726
Enrollment in public schools, Oct. 1, 1916	10,008
Population	90,000
Post-office receipts, calendar year 1915	$289,320.09
Capital, surplus, and undivided profits of banks and trust companies, Sept. 1, 1916	$10,014,549.00
Deposits in banks and trust companies, estimated, 1916	$30,000,000.00
Real and personal property tax returns (66⅔ per cent) calendar year 1915	$58,063,392.00
Value of water-borne commerce, calendar year 1915	$420,088,304.00

We believe that Savannah has a great future. It has the largest cottonseed oil refinery in the world; it is one of the leading cities of the world in the manufacture and shipment of commercial fertilizer. Savannah vied with New Orleans as the second cotton port, one year New Orleans beating Savannah by a few thousand bales and the next year Savannah beating New Orleans. The result depends largely upon the size of the crop in the contiguous territory.

Many improvements of magnitude are now under way or in contemplation on the river front. A sugar refinery, which is nearing completion and which will handle 1,000,000 pounds of sugar daily, will pay the Government a duty of $10,000 per day, or approximately $3,000,000 annually, thus recouping the Government in four years for the total expenditure at Savannah, including the present amount asked for. The Savannah Warehouse & Compress Co. is just being completed at a cost of almost $1,000,000. It will supply a long-felt want, relieving the congestion that has occurred annually. A large barrel factory and a pulp factory are also in course of construction. Several other large enterprises are projected, but for the present can not be disclosed.

Approximately 6 miles of utilized wharf front affords shipping accommodations unsurpassed south of Baltimore; one slip has a length of 2,005 feet.

The connections at Savannah's terminals by rail and water are unsurpassed. Owing to the curvature in the coast, Savannah is nearer to Omaha, Kansas City, St. Louis, Memphis, Nashville, and other western cities than either New York, Philadelphia, or Baltimore. The connections by rail embrace all the most important roads in the Southeast and include the Seaboard Air Line Railway, Atlantic Coast Line Railway, Central of Georgia Railway, Southern Railway, Savannah & Statesboro Railway, Savannah & Northwestern Railway, and the Midland Railway. With these rail lines and their connections, Savannah serves both as a port of import and export for a very large territory, extending to Missouri, Kansas, Oklahoma, Kentucky, and Tennessee.

COASTWISE STEAMERS.

The Ocean Steamship Co. sail: Three steamers a week for New York; two steamers a week for Boston.

The Merchants & Miners' Transportation Co. sail: Two steamers a week for Baltimore; two steamers a week for Philadelphia.

The large increase in water-borne commerce is not due to the handling of munitions, for with the exception of steel billets and pig iron Savannah has handled little else in this line; but in spite of this her commerce has expanded, whilst that of neighboring ports has declined, as will be seen from the subjoined table:

Expansion of Savannah's commerce compared with other ports.

	Valuation, 1913.	Valuation, 1915.
Savannah, Ga.	$360,536,275	$420,088,304
New Orleans, La.	315,082,532	368,522,285
Boston, Mass.	208,824,704	296,195,076
Wilmington, N. C.	46,736,713	46,638,404
Charleston, S. C.	79,225,772	57,394,658
Brunswick, Ga.	58,258,725	44,675,521
Jacksonville, Fla.	71,244,336	61,022,944
Fernandina, Fla.	9,697,281	2,732,197
Tampa, Fla.	50,480,000	44,319,230
Pensacola, Fla.	36,573,434	23,095,884
Mobile, Ala.	61,368,688	46,440,771
	413,584,939	326,319,609

Rank of principal ports of the United States in foreign exports of domestic and foreign merchandise.

	1910	1912	1914 (revised custom districts).
Atlantic coast:			
New York	$651,986,356	$817,945,803	$864,546,338
Savannah	63,428,155	104,288,925	110,594,981
Baltimore	77,381,507	92,210,877	100,690,231
Boston and Charlestown	70,516,789	69,692,171	65,715,181
Philadelphia	73,266,343	69,009,730	65,182,514
Norfolk	8,155,818	11,998,504	25,625,255
Wilmington	20,922,398	28,705,448	25,870,851
Charleston	8,104,821	12,423,035	20,829,302
Jacksonville	2,391,090	2,329,322	(1)
Gulf coast:			
Tampa	4,395,972	4,409,640	41,838,924
Mobile	27,526,245	31,230,117	50,805,641
New Orleans	140,376,560	149,160,910	193,839,961
Galveston	173,178,992	218,146,097	255,767,608
Pacific coast:			
San Francisco	31,180,760	49,249,734	63,374,903

[1] Changed to Tampa, Fla.

The United States Government has spent to date $10,699,364.91 on the improvement of Savannah Harbor. These expenditures for construction and maintenance when read in their totalities seem large,

but the gratifying increase in commerce with the improvements gives at once a justification of past work and future growth of the port.

The growth of foreign exports at Savannah as compared with the leading ports of the Atlantic, Gulf, and Pacific coasts can be better illustrated by the following figures, compiled from the records of the United States Bureau of Foreign and Domestic Commerce:

Comparison of foreign exports with the leading ports of the Atlantic coast.

	Per cent.
1884 to 1904, inclusive:	
Savannah, gain	170
New York, gain	53½
Boston, gain	41½
Baltimore, gain	92
Philadelphia, gain	95½
1904 to 1914, inclusive:	
Savannah, gain	105½
New York, gain	70½
Boston, loss	26½
Baltimore, gain	32½
Philadelphia, loss	8½

RECAPITULATION.

1884 to 1914, inclusive:	
Savannah, gain	454½
New York, gain	162½
Boston, gain	3½
Baltimore, gain	154½
Philadelphia, gain	78½

The Clerk read as follows:

Red River, Ark. and La.: For maintenance below Fulton, Ark., $55,000.

Mr. BLACK. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Rivers and Harbors Committee [Mr. SPARKMAN] for some information just at this point. I notice that the item just read carries $55,000 for the maintenance of the Red River below Fulton, Ark., to the mouth of the Red River in Louisiana. The rivers and harbors appropriation bill usually carries an appropriation for the maintenance of the Red River in the way of keeping the channel open and free from accumulated drifts in Arkansas, Oklahoma, and Texas from Fulton, Ark., to the mouth of the Washita River, in Oklahoma, and in reading through the bill I find that item has been omitted this year. I would like to ask the chairman of the committee the reason for that omission. I presume that the reason for it is that the report of the Army engineers shows a sufficient amount of money on hand to continue the work as it has been carried on in the past, without an additional appropriation at this time, and if such is the fact, I would like to have that information.

Mr. SPARKMAN. Mr. Chairman, I will say in response to the gentleman's inquiry that the report shows just that condition. It reads as follows:

Proposed operations: The funds available will be expended substantially as follows: (*a*) About $25,000 in the repair of levees destroyed by overflows in 1915 and 1916; (*b*) the remainder in caring for the Government snag boats *Denison* and *C. A. Culberson* and quarter boat *No. 3* at a cost of about $500 per month, and in two trips of the *Denison* of about six months each at about $1,500 per month for necessary work of preventing the formation of rafts. The available funds will be exhausted about June 30, 1918. No estimate for the fiscal year ending on that date is therefore submitted.

Mr. BLACK. Then I understand that the funds now on hand will run until near the end of the fiscal year 1918, in so far as relates to the present operations, and that will be at the end of the period for which this bill makes appropriations?

Mr. SPARKMAN. That is the idea, as I understand it.

Mr. BLACK. That was all that I wanted to say in reference to the item at this time.

Mr. FREAR. Mr. Chairman, I move to amend by striking out the paragraph.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Page 23, strike out lines 12 and 13.

Mr. FREAR. Mr. Chairman, this is an amendment to strike out the paragraph for the expenditure of $55,000 for the maintenance of the Red River below Fulton. I am very much pleased to think that I was able to help my friend from Massachusetts [Mr. TREADWAY] on the preceding item, although we failed to strike out a project which has water in the river only one month in the year, according to the official report; but, as some one suggests, perhaps in the future artesian wells may be placed there.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MADDEN. What month of the year is it that the water is in the river?

Mr. FREAR. It is some time between January and June, but the report says that it would be of no practical benefit, because at that time there are no agricultural products to float.

Mr. MADDEN. If there is nothing more definite than between January and June one would not know when to bring his boats there.

Mr. FREAR. That is the difficulty exactly. Mr. Chairman, the Red River has received $2,874,687 thus far below Fulton. There are $88,221 on hand and $55,000 more is asked for at this time. Last year we expended something like $65,000. The Engineer's report, on page 1007, says:

A transportation company has been organized to operate a line of boats, and it proposes to begin regular trips in the near future.

We have expended $2,874,687 on this river, and we are now told that a boat line may possibly be organized some time in the future. The commerce last year reached 27,325 tons, of which timber reached 9,000 tons and sand and gravel 4,000 tons, leaving a net balance of 14,275 tons hauled 35 miles, which is the net result of an investment of nearly $3,000,000 in the Red River, according to the official report.

Mr. WATKINS. Mr. Chairman, the present traffic on the Red River is no index to the character of the stream. The reason that a new barge line and steamboats are to be placed in the river is because of the fact that at the last session of our State legislature there was an amendment provided to be submitted to the people of Louisiana, and that amendment was submitted in November of last year, allowing the State to levy a special tax for the establishment of a barge line. This became necessary in reference to the Red River, and this will apply particularly and almost exclusively to the Red River, because of the fact that the appropriations in the last few years have not been adequate to clear the entire river of logs and snags. The Red River is one of the greatest navigable streams in the United States. It is over 1,200 miles long and there are 600 miles of navigable stream, and it has been navigated for over 50 years. A great portion of this money appropriated was for the purpose of taking a raft out of the river many miles long, which had prevented the navigation of the river and which caused all that section of land to be overflowed, and it took a large amount of money to remove that raft.

After this raft was removed and they began actually to navigate the river it was navigable for a long number of years, and it finally happened they made such small amounts of appropriation for a few sessions of Congress that the engineers were not enabled to take all the snags out of the river and they began to knock the bottom out of the boats plying up and down the river. Navigation was simply suspended temporarily for the purpose of enabling the people to readjust themselves to the changed conditions. The new navigation company has been organized, provision for the barges has been made, and everything is in shape to carry out the regulations for the traffic up and down the river on this barge line, which is going to be inaugurated on a very extensive scale. A large part of the river is already being navigated not throughout its length from the Mississippi to Fulton, Ark., as heretofore, but up and down the river, and that is many miles, as shown by the report of the engineers.

Mr. BUTLER. Will the gentleman yield?

Mr. WATKINS. I will yield to the gentleman.

Mr. BUTLER. How long is the river?

Mr. WATKINS. One thousand two hundred and seventy-five miles.

Mr. BUTLER. How wide is it?

Mr. WATKINS. It averages about 100 yards—300 feet.

Mr. BUTLER. How deep is it?

Mr. WATKINS. At Shreveport, practically the head of navigation, 32 feet.

Mr. BUTLER. I am very much obliged to the gentleman. The gentleman thinks they would have more water in it if it were not so long. [Laughter.]

Mr. WATKINS. Well, I will just say, "So long."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Waterway on the coast of Texas: For maintenance of the West Galveston Bay-Brazos River section, $15,000; for maintenance of the Brazos River-Matagorda Bay section, $30,000; for maintenance of the Aransas Pass-Pass Cavallo section, $30,000: *Provided*, That any portion of the amount herein or hereafter appropriated for a given section of said waterway may, upon recommendation of the Chief of Engineers, be transferred by the Secretary of War and made available for maintenance of improvement in any other section; in all, $75,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph, lines 4 to 13, inclusive.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 24, by striking out the paragraph beginning with line 4 and ending with line 13.

Mr. FREAR. Mr. Chairman, I do not care to read the records of the Army engineers contained in the report in this case. Let me say I am ony taking a few items which I have checked over, because unless they have a different relation to other items there is no object in continual repetition; but this is different from

the others, as was the last, which was the case of having paid $2,800,000 for a river and finding as a result of our investment 14,000 tons of freight hauled 35 miles. Now, there is a different situation here. We have put in about $1,000,000, in round figures, on this project, and here is what I wish to call to the attention of the committee: They have a waterway organization down in Texas, and a very strong one, I believe, with a gentleman by the name of Mr. Holland at the head of it, who, I think, is regarded as a very able and intelligent man by all the papers that have come to us. Here is what he says about this particular project, and it is for the advice of the committee that I am reading. It appeared in the Houston Post, November 6, a year ago. He says:

It is not the appropriations that cause the rivers and harbors bill to be called "pork barrel," but the manner of making the appropriations. For instance, it is no secret that the intercoastal canal at a depth of 5 feet does not meet the demands of the lightest draft navigation for boats and barges—

Mind you, he says "lightest draft"—

Nothing less than 9 feet will make a waterway that will meet the demands of commerce—but we have proceeded on the theory that it is easier to secure the smaller appropriations and have accepted a minimum of 5 feet with the belief that it could be easily deepened to 9 feet by additional appropriations. However, when the first and second appropriations are added together it will cost the Government more than twice as much as it would have cost had the original appropriation been made on the basis of 9 feet. Penny-wise and pound-foolish is what I call it, and unless these practices cease we will never have a good Government. The time for decisive action is here; the time for half-hearted pleading is past. We ask for appropriations for a real waterway of 9 feet minimum depth, not for a makeshift of 5 feet depth.

Then, as an afterthought, he has a genuine inspiration and says:

The fact is that an inland waterway from Maine to Mexico, with a minimum depth of 12 feet, is an actual necessity for the protection of the country.

There is a statement from which it appears that this expenditure of money does not meet navigation needs for the lightest draft vessels, and it is evident from the report when you stop to read the commerce which does not reach a thousand tons. Now, it seems to me that it is a waste of money after having expended nearly a million dollars without getting any result, and it would seem wise to save that $75,000 for the future needs of the Treasury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Colorado River, Tex.: Completing improvement in accordance with the report printed in Rivers and Harbors Committee Document No. 3, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, strike out lines 1 to 5, inclusive.

Mr. FREAR. Mr. Chairman, this is somewhat different from the Sabine River and others, and I wish to read from the official report with reference to it. On page 11 the district officer comes to this conclusion. He says:

In view of the difficulty of improving the river between mile 21 and Bay City I would recommend that the improvement of this section be not undertaken for the present, but that the part of the river from a connection with the Intercoastal Canal in Matagorda Bay to mile 21 in the river be improved at a cost of $25,000.

The section I read a few moments ago was where they stated the canal is practically valueless and they could not use it, and that boats of the lightest draft will not run on that waterway, and unless there is some further money appropriated it is useless to put this money in. So unless there is something further to offer it is useless to put this money into that river. On page 7 the division engineer says:

The division engineer, however, can not join in the recommendation that the river is worthy of improvement to mile 21 at the present time—

He overrules the district engineer—

There is practically nothing upon this portion of the Colorado River to originate a commerce, and the conditions along this portion of the river at the present time are such as would render any local commerce difficult.

And then on page 3 the report says:

It appears, however, that there are only about a half dozen farms now in operation in the immediate vicinity of the river below mile 21. It is not seen how local commerce of any magnitude can originate for some time to come, and it is not thought that through commerce via the present intracoastal waterway would seek an outlet at this point.

Of course it can not, if that previous report which I read is true—

The board therefore reports in its opinion it is not advisable for the United States to undertake any improvement of this stream at the present time.

Mr. BUTLER. Will the gentleman yield?

Mr. FREAR. In just a moment. The Chief of Engineers reached the conclusion that because of this Intercoastal Canal, which will not permit a boat of the lightest draft to carry freight, according to the statement, that this creek ought to have this amount of money because of this Intercoastal Canal there; and he reports and recommends that this $25,000 be permitted, overruling the Board of Engineers.

Mr. BUTLER. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. BUTLER. Did I understand the gentleman to say that the committee has reported in favor of improving this stream against the advice of the engineers?

Mr. FREAR. The Chief of Engineers overruled the Board of Engineers, who give all the reasons why the river is not capable of any possible commercial use; but the Chief of Engineers simply overruled them and wiped out their judgment, so to speak.

Mr. BUTLER. I am hunting for a precedent. I have a few creeks in my corner of the State, and I am looking up precedents. I have not gotten any yet.

Mr. BURGESS. Mr. Chairman, I wish to read as follows:

I concur in general with the district officer and the Board of Engineers for Rivers and Harbors in the opinion that for the section of river from mile 21 to Bay City the benefits to be derived from the improvements are not commensurate with the expense that would be entailed, and it is therefore considered that this section is not worthy of improvement by the Government at the present time. For the section from a connection with the Interconstal Canal in Matagorda Bay to mile 21 in the river I concur with the district officer in the opinion that the improvement can be made at a reasonable cost in comparison with the benefits derived; and in view of the offers of local cooperation as to bridges and terminal facilities, I recommend that the locality be improved by the United States to the extent of redredging a channel 5 feet deep and 40 feet wide across the bar at the mouth and snagging, removing remains of old rafts, and cutting overhanging timber from the mouth to mile 21, at a total estimated cost of $25,000, on condition that the improvement be not undertaken until after the construction of a railroad spur to some point at or near mile 21, and a public wharf on each side of the river at this place, with public roads leading thereto, and suitable bridge draws in the bridges below mile 21, satisfactory to the Chief of Engineers and to the Secretary of War, all free of expense to the United States.

That is the total expense that this Government has had, namely, $25,000; and the local authorities will be at much more expense than that. I submit that the appropriation ought to be granted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Arkansas River, Ark. and Okla.: For maintenance by snagging operations, $35,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. Some time ago the president of the Mississippi River Commission, Col. Townsend, who is a recognized authority on the subject of the Mississippi Valley, in view of the waste that had occurred in this valley through money placed in these rivers, made the following recommendation before a waterway organization in this city, wherein he said:

Specifically, the writer would not abandon any navigable stream in the Mississippi Valley that has been partially improved, but would leave 58 of them in statu quo, confining operations to snagging and the maintenance of existing works, and would concentrate appropriations on opening up a channel of the capacity of that existing on the lower middle Mississippi to Chicago and Pittsburgh. * * *

If the facilities thus afforded by the Government are utilized, the upper Mississippi and the Missouri River should then receive attention.

Now, I speak of that at this time because it will be referred to hereafter, that here is one of the best authorities in the country, who advises us to stop throwing money away.

Mr. Chairman, I moved to strike out the last word. How much have we put in these streams? Let us see. On the Ouachita River, which we have just passed, over $4,212,869, with a balance of $672,000 on hand, and we just passed an item of $10,000 more. What is the commerce? It floated 97,000 tons last year. Timber barged, 36,000 tons; staves, 6,000; sand and gravel, 8,000; all for an investment of $4,212,000.

Mr. Chairman, I made a pro forma amendment. Take the Arkansas, and we have here $3,328,336, and on hand $309,499. The commerce is 39,996 tons—logs, 20,713; bolts, 2,550; brush, 4,560; hauled 2 miles; total 27,823, or a net commerce on the Arkansas River of 12,143 tons, on an investment of over $3,000,000. Why, Mr. Chairman, think of the figures we are reaching. Think of the cost to the Government. What is it? Ten, twenty, thirty, or fifty dollars per ton, for maintenance, in addition to the interest charges on that amount.

Mr. SPARKMAN. I understand the amendment applies to the Ouachita River.

Mr. FREAR. I refer to that so as not to take any more time. I moved to strike out the last word. I made a pro forma amendment in order to discuss the two items.

Mr. TAYLOR of Arkansas. Mr. Chairman, the Arkansas River was taken over, or adopted, by Congress, according to my recollection, in 1879. It has been provided for, I think, in every river and harbor bill from that time until now.

The gentleman from Wisconsin [Mr. FREAR] does not seem to be well posted as to what may be found in the reaches of the river and the commercial value of the tonnage. I read from the report of the Engineers, in Document No. 461, House of Representatives, Sixty-fourth Congress, first session, relating to the upper reaches of the river between Little Rock and Fort Smith. The engineer says:

I have not available an analysis of the freight movement in the Arkansas Valley from which to determine the quantity that would be affected by dependable transportation lines on the Arkansas River. In the report upon the examination of the river between Little Rock and Ozark this was given as 608,000 tons for that 144 miles of river. Of this quantity 400,000 tons was coal.

I would like to say to the House that the coal referred to is anthracite, which is being used to-day, as I have been told, on our battleships. It is not so good as the Pittsburgh anthracite, but it is a hard coal and a great steam producer.

Mr. BUTLER. Mr. Chairman, will the gentleman yield there?

Mr. TAYLOR of Arkansas. Yes.

Mr. BUTLER. When did the Government buy that coal for the battleships? I am pleased that the Government did so. But when?

Mr. TAYLOR of Arkansas. I have no information as to that. I read further:

By using this as a basis, the assumption may be made that the total tonnage of freights that would be affected by dependable transportation lines on the Arkansas River from its mouth to Muskogee and Fort Gibson would be 675,000 tons of general freights and 600,000 tons of coal, making a total of 1,275,000 tons.

Now, this is in the upper stretch of the river from Little Rock to Fort Smith and into Oklahoma. If you leave Little Rock going south down toward the Mississippi River, this river traverses one of the richest valleys in the world. Little Rock is the capital of Arkansas. This past year there were over 200,000 bales of cotton shipped out of Little Rock alone. Lying across the river on the eastern side is the great county of Lonoke, the home county of Senator ROBINSON, and is in the district I represent. This county is a great county for the production of cotton and rice. This county borders on this river. When you come down to my home county of Jefferson, which I believe is one of the richest bodies of land in the world, you find that last year this county, which is split wide open by this river, produced, I am told, about 73,000 bales of cotton. A bale of cotton weighs, you know, about 500 pounds, and that cotton averaged 25 cents a pound last fall, and I saw some of it selling for 35 cents a pound. Pine Bluff, my home, is the capital city of this county, situated on the bank of the Arkansas River. This city handled this cotton season 150,000 bales of cotton.

Now, leaving my county, on the other side is Arkansas County, lying on the other side of this river. This is a great prairie county. Our friends from Missouri, Ohio, Illinois, Indiana, Kansas, and Nebraska came down to these lands and discovered that they were adapted to the production of rice. This last year they produced there one and one-half million bushels of rice, which sold for $1.05 a bushel. All this traffic can be done by this river.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Arkansas. Yes.

Mr. FESS. About what is the supply of the anthracite coal?

Mr. TAYLOR of Arkansas. I can not say, except what this report says. This coal region is above me and above my district.

Mr. FESS. I was simply asking for information.

Mr. TAYLOR of Arkansas. I understand the supply is inexhaustible.

Mr. FESS. Is it genuine anthracite?

Mr. TAYLOR of Arkansas. It is good anthracite, with very little dross.

Now, down through Lincoln and Desha Counties the same condition exists with reference to commercial values.

Mr. Chairman, the source of this river is in Colorado. It comes down from the State of Colorado and through portions of Kansas and into Oklahoma, and splits the State of Arkansas wide open in the middle. At one time I saw this river measured by the engineers and it disclosed a depth of 70 feet. There are plying in the river to-day below Little Rock two or three boats that are doing good business. We have two snag and dredge boats in the river, owned by the Government.

Now, the last report that was made touching this river you will find on page 901 of the Report of the Chief of Engineers for 1914, House Document No. 461, and in that report it is said that the amount that can be profitably expended in the fiscal year ending June 30, 1916, for maintenance of improvement is $237,500.

Mr. SWITZER. Mr. Chairman, will the gentleman yield there?

Mr. TAYLOR of Arkansas. Yes; I yield to my committee colleague.

Mr. SWITZER. I want to call the attention of the gentleman to the fact that the expensive improvement in the past is what was referred to by the gentleman from Wisconsin [Mr. FREAR]. That part of the improvement has been abandoned, has it not? This item is merely for the maintenance of the stream as it originally existed, is it not?

Mr. TAYLOR of Arkansas. The gentleman is correct, except that the improvement of the river has not been abandoned. It is for snagging and the maintenance of the stream.

Mr. SWITZER. The principal improvement that the gentleman from Wisconsin referred to was recommended to be abandoned by the United States Engineers, and it was abandoned, but it should not be dragged in here to the prejudice of this item.

Mr. TAYLOR of Arkansas. No. I do not quite agree with the gentleman.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Arkansas. Yes.

Mr. BUTLER. I am interested in the question of how much the Government has expended on it.

Mr. SWITZER. It should not be brought in in connection with this item.

Mr. BUTLER. How much has the Government lost on this project?

Mr. SWITZER. It is just like the coal business or any other business. Sometimes a coal mine pays, and sometimes it does not. It is the same with respect to a river project. Sometimes river projects fail, but that is no reason for stopping the policy of the improvement of rivers.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TAYLOR of Arkansas. Now, Mr. Chairman, my friend from Ohio [Mr. SWITZER] refers to the recommendation of abandonment. He is mistaken about that. Here is the report of the engineer on that feature of the case. He says that he is of the opinion that the improvement of the Arkansas River should not be abandoned, but is inclined to the belief that the work of revetting the banks should be continued. He says the commercial importance of the river is increasing all the time, and that is natural under an increase of population. The population of the great State of Arkansas through which this river runs has increased every year since its admission to the Union. The lands are being cleared, and where lands along this river were worth $15 to $25 an acre formerly, they are worth to-day $80 to $100 an acre. Do not be misled by anything that has been said. The bill only carries $35,000 for the maintenance of the river in the way of snagging and maintenance. [Applause.]

Mr. SPARKMAN. Mr. Chairman, let me say in response to what the gentleman from Arkansas has stated, that the $35,000 appropriation is made in accordance with the recommendation of the engineers themselves; they recommended a modification of the project and an appropriation of $35,000 for the purpose of putting into effect that modification.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Arkansas River, Ark. and Okla.: For maintenance by snagging operations, $35,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I do this not for the purpose of consuming time but to continue the discussion and show how mistaken we sometimes are in reference to these things. The Arkansas River received last year $209,000 instead of $35,000, which it carries for this year, and we are carrying on improvements now. The Arkansas has $309,000 to its credit in the Treasury, or did have at the end of the last fiscal year. I concede that this is only for maintenance, but we are carrying on the improvement notwithstanding the Board of Army Engineers recommended the abandonment except for the maintenance of snagging and the construction of a snag boat. That is all stated in House Document 461, Sixty-fourth Congress, first session.

Mr. SPARKMAN. They recommended that the existing project be modified and not abandoned as the gentleman says. There is quite a difference between the modification and abandonment of a project, and I just wanted to make the distinction clear, otherwise it might give the public the impression that we were going contrary to the recommendations of the engineers, whereas the reverse is true. They have recommended not the abandonment of the project but a modification of it.

Mr. FREAR. Is it not true that the amendment was put on in the Senate and was refused by our committee?

Mr. SPARKMAN. Oh, that has nothing to do with our action to-day. I am not looking backward; I am looking to the future. They recommended that the existing project be modified so as to limit the work to snagging the river, from it to the mouth of the Neosho, and it is in accordance with that recommendation that this $35,000 is appropriated.

Mr. FREAR. Mr. Chairman, we have put in $3,823,336 on that river, and they said that when the improvement was completed the river would be in splendid condition to carry coal. Now, the total commerce was 39,966 tons last year, and taking out the sand and gravel and timber it would leave about 16,000 tons, and that included 1,200 tons of coal that was hauled 20 miles. That was the original proposition, that when we had put in $3,000,000 into the Arkansas River it was to be made a great coal-carrying stream. The same was true of the Big Sandy, where we hauled 12 tons of coal year before last for Government purposes after an expenditure of between $1,000,000 and $2,000,000. They said that there were 800,000,000 tons of coal tributary to this river, and we find that while 900,000 tons of coal were shipped by rail out of the territory in 1914, only 2,716 tons were shipped 7 miles by water; that was two years ago. That shows that we are continually engaged in pursuing rainbow promises and prospects not realized, and when there is such a tremendous amount of expenditure being urged upon the committee it is important that we should retrench.

Mr. SWITZER. Mr. Chairman, I do not see why there should be so much criticism of the engineers because some projects that they recommended for the Arkansas River a number of years ago, after the expenditure of a few million dollars, are concluded to be failures and their abandonment recommended. Engineers are not, of course, infallible. If eight or ten million dollars had been expended on experimental work on some harbor where it afterwards failed to develop a large amount of commerce, and there had been a failure you would hear nothing of criticism. We have spent on the mouth of the Mississippi River, on the South Pass, more than $10,000,000. What are we doing to-day? Why, we are digging the Southwest Pass and have expended on that something like $10,000,000. Why? Because they found that the South Pass is deteriorating and unless we spend millions more on the South Pass, which they do not believe would be wise, it is going to close up several miles at the mouth and there would be no navigable outlet for the stream. But because it costs a large amount of money there is no reason for our abandoning river and harbor improvement. The mouth of the Mississippi River near the city of New Orleans has a tonnage of 6,000,000 or 7,000,000 annually valued at more than $350,000,000, as large as the port of Duluth and Superior, that my friend from Wisconsin is generally talking about.

What I am calling the attention of the committee to is that there are a number of large harbors, and I see some in the bill, where we have expended thousands and millions of dollars in experimental work and which the engineers can not tell until after they have tried out the proposition what the result will be. You have to expend money in experimentation, and because a few hundred thousand dollars has been wasted in experimentation on our rivers, is no reason why you should condemn the whole policy. After it has been demonstrated that this work will not result in any great benefit as a national project the engineers recommend the abandonment of the Arkansas River, and we followed it. All we have appropriated for in this bill is enough money to keep the channel in the condition it was before we undertook the new improvement which was abandoned.

Mr. TILSON. Will the gentleman yield?

Mr. SWITZER. Certainly.

Mr. TILSON. Has the gentleman in mind the point on the river where they have abandoned the project?

Mr. SWITZER. They have abandoned that project, and this appropriation is to take the snags out of the river to keep the original channel open to the Mississippi River.

Mr. TILSON. Does the gentleman know where the head of navigation now is after the abandonment?

Mr. SWITZER. I do not know.

Mr. SMALL. Mr. Chairman, I would like to supplement briefly the appropriate remarks of the gentleman from Ohio. The gentleman from Wisconsin referred to the condition of this river and its commerce. I assume that his efforts were to show that the original project for the improvement of the river was still in force. He did not mention in the slightest way that the engineers under the authority of section 14 of the act of 1915 had made a reexamination of this stream and had recommended that the original project had been modified to the extent of abandoning the improvement, and that further we were only to continue snagging, and they recommended an appropriation of $35,000 for that purpose.

Mr. SPARKMAN. The last river and harbor bill authorized a new survey for the purpose of examining the entire stream. That report has not come in and of course we can not tell what the engineers may do. At present we are only trying to carry out the recommendation for the modification.

Mr. SMALL. Mr. Chairman, any gentleman who discusses an item in an important bill like this ought to give all of the facts bearing upon the contention which he makes. When he tells only part of the truth and withholds a part, certainly he can not escape criticism of his candor and his genuine desire to inform the House of what is the truth. The gentleman from Wisconsin [Mr. FREAR] has a habit in discussing these rivers and harbors appropriations of citing to the House disjointed statements in the report and avoiding everything which is favorable as a rule, and asking the House to reach a conclusion based only upon a partial statement of the facts. These facts either through a press agency which he maintains or otherwise are given to the press and the impression is sought to be made that they represent the truth as to these projects. Such is not the fact, and I entertain the hope, though it may be vain, that this statement which I make may have the same publicity as these partial statements of the truth which he has made many times in discussing this rivers and harbors bill, and if it has that same publicity I shall be very happy. I do say, and I repeat it, that any Member who seeks to maintain the confidence of this House and the country in discussing any proposition before this House owes it to himself and to his colleagues and the country when making a statement to tell all of the truth and not confine himself to partial and disjointed statements which do not represent all of the truth.

Mr. HULBERT. Mr. Chairman, I move to strike out the last two words, and I would like now to invite particularly the attention of the gentleman from Wisconsin [Mr. FREAR]. In the colloquy between he and I on Tuesday, as appears on page 1872 of the RECORD, if he used the words "new projects," I clearly misunderstood the statement of the gentleman and I desire to state in that connection that on the 21st day of December, 1916, before the question of new projects had been decided by the committee, I wrote a letter to the President of the United States, from which I shall quote a brief paragraph:

> I do not feel that I could conscientiously vote for another rivers and harbors bill appropriating $30,000,000 for the further improvement and upkeep of old projects, some of which have become obsolete, while others are not, in my opinion, worthy, and ignore such pressing needs as those detailed above.

The items "detailed above" refer to a concise statement of the various new projects reported by the Chief of Engineers in New York Harbor and its tributaries and New York State. That letter was printed in full in various New York papers, including the New York Sun, of January 2, 1917, and I desire to extend my remarks in the RECORD by printing that article therein. If that is the article to which the gentleman referred, I want to say to him that I stand by that article and the statement in that letter.

Mr. FREAR. Mr. Chairman, I was just going to say that that was my impression, but I could not say positively. I thank the gentleman because we are both agreed on that statement.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

NEW YORK PROTESTS TO WILSON ON PORK—REPRESENTATIVE HULBERT URGES PRESIDENT TO ADVOCATE HARBOR PROJECTS HERE—TELLS OF UNITED STATES WASTE—COUNTRY'S GREATEST FORT NEGLECTED AND MONEY SQUANDERED IN OTHER PLACES.

Indignation at the pork appropriations of the rivers and harbors bill, which will authorize the expenditure of $30,000,000 on improvements mostly of local value in the South, while less than 2 per cent is appropriated to aid in the development of New York Harbor, the gateway to 50 per cent of the Nation's commerce, has caused GEORGE MURRAY HULBERT, Representative from the twenty-first district of New York, to send a vigorous protest to President WILSON.

Under the system of appropriating money for the improvement of rivers and harbors, Representative HULBERT pointed out yesterday, most of this year's funds will go to carry on what are known as continued projects, many of which he says are of doubtful value. The military value of the East River, which if deepened would give the

United States what would amount to a Kiel Canal and make a blockade almost impossible. The commercial advantages to be derived from ridding the Hudson of the shoals which render valueless the city's $1,800,000 1,000-foot piers have all passed over the heads of the rivers and harbors committeemen, who apparently have more faith in the advantages to be gained by making improvements of local advantage in the South.

The whole present scheme of river and harbor improvement is wrong, Representative HULBERT believes.

"When the Army engineers have surveyed a project and approved it," he said, "only enough money is appropriated to carry on the work for a short time to get it under way. This causes delays and years when the construction halts altogether, and an inevitable wastage and general inefficiency result. Why, some improvement work has dragged on so long under the present archaic system that before the work was anywhere near completed it was abandoned, because it was seen that it had been overtaken and passed by modern needs. You can imagine how many millions this has cost the country.

NO BACKING FROM NEW YORK.

"It is easy to understand how the South gets these appropriations and just as easy to understand why New York does not. For years New York did not have representation on the Rivers and Harbors Committee; the southerners dominated it. When they wanted a thing they had the solid backing of their communities, while New Yorkers are too much interested in other things to give their Representatives the necessary driving power to get a thing through. That is why it takes years to get an appropriation to make the rivers navigable for the deep-draft ships that bring billions into the port of New York.

"Why, when a hearing was granted on this East River project—unfortunately it was on Lincoln's Birthday—I sent telegrams to the mayor, to business organizations, to various public officials and men interested in the development of the water front, and how many do you think showed up to get what they had been clamoring for? Not one. My only two witnesses were Admiral Benson and Col. Black.

"When the reclamation bill for the South came up I had telegrams and letters from banks and business men of all kinds in the city urging me to vote for it. Why? Because their correspondents in southern cities were for it to a man and demanded action. They are getting it.

RIVER SHOULD EASE CONGESTION.

"The people of New York have been talking about traffic congestion and figures have been offered to show that a person is killed in the streets every 12 hours and one injured every 24 minutes. Did they ever stop to think that nothing would aid in relieving the congestion of New York as much as the improvement of the East River from Third Street to Forty-second Street, so that the boats from Boston, Maine, and other eastern points could unload and load their cargoes at a point away from the points of congestion down town? Now, all that freight is landed there where the island is narrowest and then trucked through the city."

In his letter to the President, Mr. HULBERT says:

"DECEMBER 21, 1916.

"DEAR MR. PRESIDENT: Less than 2 per cent of the $30,000,000 which the proposed rivers and harbors bill will carry is appropriated for the great harbor of New York and its tributaries.

"The improvement of the East River, under an antiquated plan adopted in 1868, was suspended 'as economically inadvisable' in 1912 when the project was only 63 per cent completed.

"No further appropriation can be made until the 35-foot channel recommended by the Secretary of War in 1912 is adopted as a new project.

"Meanwhile the commerce upon this 16-mile strait has increased in value from $1,500,000,000 in 1914 to over $4,000,000,000 in 1915, and I am reliably informed has further greatly increased in 1916.

NEW YORK'S NEW PIER.

"On the Hudson River the city of New York has recently constructed a new 1,000-foot pier and deepened the adjacent slips to 40 feet at Forty-fifth Street, and has planned the construction of other piers with a view to accommodating the largest transatlantic liners at this point instead of at Twenty-third Street, where the river is much narrower.

"But from Thirty-third Street to Fifty-sixth street there is a shoal on the Manhattan side of the river, over which approximately only 22 feet of water obtains, so that the pier already erected and the others to be constructed will not be available for the purpose intended until this shoal is removed.

"No appropriation can be made therefore until the adoption of the new project which has been recommended by the Secretary of War.

"Admiral Benson recently testified to the difficulties of navigating the U. S. S. *Utah* up the East River to the Brooklyn Navy Yard; that vessel is about 540 feet long.

"Battle cruisers authorized by the last naval appropriation bill will have a length of between 800 and 900 feet.

"Admiral Benson strenuously urges the improvement of Buttermilk Channel, separating Governors Island from the Brooklyn shore, recommended by the Secretary of War May 3, 1913.

NEW PROJECT MUST BE ADOPTED.

"But no appropriation can be made for this improvement until the adoption of the new project as recommended.

"In the same way, I might demonstrate the urgent necessity of taking on 'Upper Bay opposite Anchorage' recommended by the Secretary of War January 10, 1914; 'Craven Shoal,' recommended January 12, 1916; 'channel between Staten Island Sound and Hoffman Island,' recommended January 25, 1916; 'Bay Ridge and Red Hook Channel,' recommended March 25, 1914; 'Newtown Creek' (commerce valued at $150,000,000), recommended March 22, 1916; 'Westchester Creek' (commerce valued at $500,000), recommended December 10, 1915.

"The State of New York has constructed a Barge Canal at an expense of $160,000,000. The Secretary of War recommended two improvements in connection therewith, viz, Harlem or Bronx Kills (1902) and the Narrows of Lake Champlain in 1913.

"Boats passing through the Harlem River to the Barge Canal termini on Long Island must pass through Hell Gate. The Harlem Kills improvement would shorten the distance more than 5 miles and avoid the dangers and relieve the congestion in Hell Gate.

"Boats operating on the State Barge Canal, Champlain division, can not pass the Narrows (14 miles long), and freight to and from points on Lake Champlain and the St. Lawrence must be transferred at Whitehall.

OTHER IMPROVEMENTS NEEDED.

"No appropriations for these improvements can be made until the new projects recommended have been adopted.

"Ogdensburg Harbor is another imperative improvement.

"It is scarcely conceivable that it has a commerce valued at $50,000,000 per annum. There is also maintained at this point the only all-year ferry service to Canada west of Montreal.

"I do not feel that I could conscientiously vote for another rivers and harbors bill appropriating $30,000,000 for the further improvement and upkeep of old projects, some of which have become obsolete, while others are not in my opinion worthy, and ignore such pressing needs as those detailed above.

"It certainly does not seem to me to be equitable that only 2 per cent of the appropriation should be applied to the improvement of the harbor and its tributaries which accommodate more than 50 per cent of the commerce of the Nation.

"I hope, Mr. President, you will favor the adoption of such new projects as are imperatively needed and urge the inclusion of the New York Harbor items, inasmuch as they are national in character."

Mr. FREAR. Mr. Chairman, I rise for the purpose of presenting to the committee in all fairness the weight of the argument offered by the gentleman from North Carolina [Mr. SMALL], who, if his side of the House is successful in the next Congress in organizing the House, will be the chairman of the Committee on Rivers and Harbors. I do not suppose that the gentleman could have followed the argument when he was criticising my report in the original talk we had upon the floor. I agree with the gentleman that any man who seeks to mislead this House has no right to the confidence of the House. I have given you here the money that has been expended on the Arkansas River. I have given you the money that has been expended on the Washita River, and the gentleman from Ohio [Mr. SWITZER] and the gentleman from North Carolina [Mr. SMALL] agree as to its abandonment or modification. I explained what little commerce has resulted. Let us see what he says in all fairness and his desire to take advantage of one who is seeking here alone on the floor of this House to expose waste in this bill. He, with others, continually jumps into the breach so as to show his indignation. Let us see what he said. I call on the RECORD. The gentleman from New York [Mr. HULBERT] agrees now that my statement was right in regard to himself. I would not misrepresent a single person or project on the floor of the House. There is nothing to gain by it. It is purely a question of project and not a question of personality. I speak of this because I am coming to the project to which all this is addressed, the Cumberland River, and you will get the force of it in a minute. I read now from page 4 of my minority views:

Then we find a new project in the bill for $4,500,000 for the Cumberland River above Nashville, with an initial appropriation in the bill of $200,000, requiring over 20 years to complete. This is in addition to $3,282,500 already appropriated for the upper river in order to produce in 1915 about 37,000 tons of commerce, excluding sand hauled 9 miles and timber products. On this same river, the Cumberland below Nashville, the Government has further appropriated in past years $3,184,207, in addition to $632,000 more, contained in the pending bill to produce in 1915 just 16,374 tons of "commerce," excluding timber products and sand and gravel.

That is the report. The gentleman from North Carolina took the floor to say that that statement was not true in substance. What did he say? He took the rafted products, ignoring the statement giving the items as timber products, and I say as I said then that this item is exactly true from the Engineer's report. My report is correct in that particular. The Secretary is a fair and honorable young man and has followed me and checked me up in all these items. I am sure he has found no such error.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. TREADWAY. Is it not a question of the veracity of the gentleman or any other gentleman in the House but rather the fact that the report directly says that the benefit to be derived from such a project as the Cumberland River can not be secured until the completion of the various items? In other words, there are eight locks. I think it is, in the project now before us, and naturally is it not a fair statement that until these are all completed the real benefit from the project can not be secured? I think that is the point.

Mr. FREAR. Oh, that has no relation at all to this.

Mr. TREADWAY. It surely has relation to the merits of the project.

Mr. FREAR. It has no relation to the statement of the gentleman from North Carolina [Mr. SMALL], who criticizes my report and said these statements were not correct. They were absolutely correct, according to the Engineer's report, because I checked them up immediately afterwards. Now, the gentleman criticizes me for telling half truths. I can not afford that, and neither can any man who wants to be fair, and I try to be fair. I have not made a single statement in regard to commerce, a single statement in regard to a project, that I did not believe to be just and square. I take that as illustrating the gen-

tleman quoting me wrong, and this is not a question of rafting I was discussing. I was discussing here the very statement he was correcting me on—timber products. I will put it in the RECORD, if necessary, to confirm the statements made in this report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] says that he is entitled to the sympathy and cooperation of this House because he is standing alone——

Mr. FREAR. Will the gentleman yield? I never made such a statement.

Mr. SMALL. Mr. Chairman, if it were proper, I would like to have the stenographer read what the gentleman did say about standing alone here.

The CHAIRMAN. Without objection, the stenographer will read.

Mr. SMALL. I understand he is not on the floor, but I would like to have him sent for to see who is right about this. The gentleman stated substantially that he was standing alone here defending, or whatever the words were he used, but, at any rate, that he was standing alone here exposing the faults, waste, extravagances, and stealings in this bill.

Mr. FREAR. I trust the gentleman will permit me to interrupt him for——

Mr. SMALL. I do not desire to yield.

Mr. FREAR. The gentleman misquotes me.

Mr. SMALL. Mr. Chairman, I do not yield. I do not misquote him. I will ask the Chair whether he has sent for the stenographer?

Mr. FREAR. The gentleman misquotes me right there.

Mr. SMALL. Mr. Chairman, I make the point of order the gentleman is out of order.

The CHAIRMAN. The gentleman must not interrupt the Member who has the floor without his consent.

Mr. SMALL. Mr. Chairman, I want the Chair to send for the stenographer and have those words repeated which he did say here. The gentleman from Wisconsin virtually states that he is the only gentleman in this House who has the honesty, the integrity, the sense of public duty to stand here and expose the iniquities in a bill reported by a committee of which he himself is a member, and in the formation of which bill he admits he took very little, if any, part, but consumed his time in preparing a minority report. And this gentleman says by reason of his peculiar fitness and qualifications that he is the only one who has the patriotism and the courage to stand up here and fight this bill. He admits that he is the only one, and upon that theory and that basis he goes before the country and the press as the only man of sufficient virtue and honesty to stand up here and contest a bill reported by a committee of which he was a member, a bill which he did not help to formulate and report, a member of the committee who, as he said upon the floor of this House, would not vote for the bill under any conditions. He would have us to believe that he is the only honorable Member of this House fitted to discharge this duty of public critic and conservator of public morals. And that is the answer the gentleman makes, Mr. Chairman, about the suggestion that in regard to items here he picks out a segregated statement and upon that attempts to reach a conclusion himself and have the House reach a conclusion that a certain proposition is without merit, and at the same time fails to tell all of the truth. That is the statement I made, and that is the statement I can prove; that is the statement I put to the country.

Mr. FREAR. Mr. Chairman, may I have two minutes of time?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I simply stated in regard to the report to show that the gentleman did not quote me correctly. He asked me what did I say. I certainly did not ask for sympathy. The gentleman says I am on this committee, and refused to take part in the proceedings and to support the bill now under consideration.

Mr. SMALL. Will the gentleman yield?

Mr. FREAR. I have not the time or I would do so.

Mr. SMALL. I want to have the gentleman's statement read.

Mr. FREAR. Surely.

The CHAIRMAN. The gentleman from North Carolina asks that the stenographer read certain extracts from the remarks of the gentleman. Is there objection? [After a pause.] The Chair hears none. The Chair will say that the matter is being written up.

Mr. KITCHIN. Mr. Chairman, I suggest that we get a typewritten copy.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that when the transcript be made it be brought into the House.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that when the matter is written up by the stenographer it be read by the Clerk from the desk. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. The point I objected to was the quotation that the gentleman read into my remarks. I did not ask for sympathy. Of course, I said I stood alone. Why? Not because I had more ability nor because I had more integrity nor because I had more intelligence. But I have made some study of these matters, and am endeavoring to show the waste that has occurred in past years.

Some gentlemen on the committee did not want me to go on the committee, I have been advised. But I have made a study for the purpose of improving conditions, if I can, improving the character of the bill, and it was suggested by Members on the floor that I stand alone, but when the votes are counted I will not stand alone. We will not have as many votes as we had last time.

There are 80 new projects. They will diminish the vote materially; but I realize that I will not stand alone when this bill again comes up for passage.

The CHAIRMAN. The time of the gentleman has expired. The Chair will state that the matter has been transcribed by the Reporter and is in possession of the Clerk, and the Clerk will read.

The Clerk read as follows:

Let us see what he said in all fairness and his desire to take advantage of one who is seeking here alone on the floor of this House to expose this bill. He, with others, continually jumps into the breach, so as to show his indignation.

Mr. SMALL. That is the part to which I referred.

Mr. FREAR. I agree that is a correct statement.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read from the bill.

The Clerk read as follows:

Cumberland River, Tenn. and Ky.: For maintenance above Nashville, $5,000; for improvement above Nashville in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors, printed in Rivers and Harbors Committee Document No. 10, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $200,000; continuing improvement below Nashville, $632,000; in all, $837,000.

Mr. TREADWAY. Mr. Chairman, I move to amend by striking out, beginning in line 19 at the end of the line, the words "for improvement," and on page 26 through the figures "$200,000." In other words, the new project.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 25, beginning on line 19, after the figures "$5,000," strike out the words "for improvement" and all of the paragraph down to and including "$200,000," on line 1, page 26.

Mr. TREADWAY. Mr. Chairman, the reason I make the motion is this: We have already improved the Cumberland River below Nashville to the extent, up to June 30, 1916, of $3,290,000. In the report of the engineer we find that the work is about 45 per cent completed. In other words, eventually the cost of the improvement below Nashville will be something over $7,000,000.

Now, that is a distinct project, previously adopted, for which I have more or less sympathy as to its merits, and further, what criticism may be addressed to it, in my opinion, hardly can hold, because in a lock-and-dam project we all know that until the completion of the entire project it is not fair to draw comparisons of handling of freight and the usual commercial statistics.

But I want to differentiate between that project and the new project which we are asked to take on now above Nashville. We are committing the Government to another lock-and-dam proposition which the engineers now estimate will cost $4,500,000.

Now, so far as I know, in my experience on the Committee on Rivers and Harbors, a completed lock-and-dam project has not been brought forward. In other words, the whole system is an experiment. We have quite a number of them. The principal illustration, of course, is the enormous expenditure on the Ohio River, not yet completed. This one below Nashville is not yet completed. Let us go slow before we take on something which evidently, while it may have merit—I will not deny it has not, because I am not prepared to argue either

way in that connection—nevertheless is not an emergency, and we should not undertake this work at the present time and in the present condition of the Treasury.

Let us wait before we get into this new one, costing, as it will, as is estimated, $4,500,000, or undoubtedly five or six millions before we get through. Let us see what the result is to be on the Ohio River, or what it is to be on the lower Cumberland, and these various other lock-and-dam projects. We do not need to have too many experiments going on at the same time. And that is what we are going to do when we take on this new project—experimenting still further as to the merits of the lock-and-dam proposition.

Mr. HULL of Tennessee. Mr. Chairman, I concede the best of motives to my friend from Massachusetts, Mr. TREADWAY, in making a motion to strike out this clause of the bill. I am very much surprised, however, in view of the actual facts pertaining to this project, that the gentleman from Massachusetts feels constrained to make the motion. The truth is, instead of being a new project, this project is 30 years old. It was recommended favorably by the Department of Engineers in 1886.

Mr. TREADWAY. May I interrupt the gentleman?

Mr. HULL of Tennessee. I am coming to the period when it was temporarily discontinued.

Mr. TREADWAY. Is it not true that it is a new project as to having been adopted in the river and harbor bill under the definition of what is known as a new project?

Mr. HULL of Tennessee. Not under what we know as a new project, except very technically. This project was favorably reported by the Department of Engineers to Congress from 1886, the entire 20 years following, until 1906. I take it that there is not a project in this bill that has been more closely scrutinized by every engineer connected with the Cumberland River, from the district engineer and the division engineer and the Board of Engineers, to the Chief of Engineers, than this project. In 1906 the shippers who originally made the reports of commerce had grown old, and many of them had died, and new ones neglected to report the commerce. The result was that suddenly this project was directed to be temporarily discontinued. A complete investigation of the facts as to the commerce followed, with the result that the district engineer, the division engineer, the Chief of Engineers, and the Board of Engineers recommended that this old project be continued until completion.

Now, the facts are, Mr. Chairman, that practically the same reason exists in favor of continuing this improvement that would exist in favor of building a railroad contemplated to be built into an immense timber and coal region which could not be developed until the road was completed to that locality. It would be as futile to stop the construction of such railroad when it got within sight of the country which was to furnish to it the chief commerce, as to discontinue this project when the locks and dams constructed have simply reached the gateway of a great undeveloped coal and timber and oil and agricultural region, 200 miles in length and 85 to 125 miles in width, which has been literally bottled up for a hundred years, and which, if opened by slack-water navigation, according to the testimony of business men and engineers who have made a personal inspection of it, would enable the States on the lower Cumberland, the lower Ohio, the Mississippi, and the Gulf ports, to receive all the coal and the hardwood timber that they would need for a generation.

Now I submit, Mr. Chairman, that 30 years ago, when Congress and the Department of Engineers turned to this river, which is 500 miles of navigable stream, 200 of which passes through this undeveloped section without transportation facilities, the chief object they had in view was to open up this undeveloped section which was to be depended on to furnish the chief commerce for the lower river. This project rests, therefore, not only on the ground that it is one of the oldest in the bill and has received the approval of all the engineers in the service and of Congress more frequenty than almost any other project in the bill, but it rests on the further ground that it is an uncompleted project, and we can not hope to develop the real commerce of that river until it is completed. Then it rests upon the further ground that this section is utterly bottled up, and that this is the only method of egress.

A very able Member of another body nearly three years ago, without understanding all the facts, made a very violent assault upon this project, and yet when he discovered the true facts, he rose in his place and frankly admitted that this project was in fact entitled to immediate improvement.

Now, my friend from Massachusetts [Mr. TREADWAY] suggests that there is no urgency in this project.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HULL of Tennessee. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request.

There was no objection.

Mr. HULL of Tennessee. The gentleman from Massachusetts suggests that there is no urgency in regard to the resumption and continuance of this up-river improvement. The fact is, Mr. Chairman, that there is the greatest urgency. I remember that during last fall there was a coal famine throughout the lower Cumberland River section, along the railroads even, when the people were utterly unable to secure coal on account of freight congestion all over the country. If the river had been open to navigation the people throughout the lower Cumberland and Tennessee and Ohio and Mississippi Valleys would have had the most ample supply of coal at the lowest possible prices. Then to say that this great undeveloped section, that these unlimited undeveloped resources, now bottled up and impossible of development—to say that that is not an emergency would indicate to my mind that it would be impossible to find an emergency river and harbor project.

Those are the chief outstanding facts in connection with this matter. Some other gentlemen on the upper and lower river will doubtless desire to consume a few minutes, and with this statement I submit to the candid judgment of the committee that the small sum of $200,000, merely to commence one lock, while the lower river is now approaching completion, so far as the appropriations are concerned, fits in precisely with the recommendations of the engineers who at times have questioned the immediate improvement of the upper river, but in the same connection stated that as the completion of the lower river was approached it would be proper to proceed with the completion of the upper river. This item should be $350,000, as recommended by the engineers.

To show a faint insight into the boundless commercial possibilities of the upper Cumberland, I read a letter recently received from Mr. O. H. Anderson, president of Oneida & Western Railroad Co., as follows:

ONEIDA, TENN., *January 15, 1917.*

Hon. CORDELL HULL,
Washington, D. C.

DEAR JUDGE HULL: I am familiar with the territory traversed by the Cumberland River from Burnside, Ky., to Nashville, Tenn., and have made a study of the natural resources of this territory, and can say that the territory between Lock 8 on the Cumberland River and Burnside is possibly the finest area of hardwood timber east of the Mississippi River. This territory is from 75 to 125 miles in width, without transportation facilities of any kind save for the tides in the river during the winter and spring of each year.

The coal fields situated on the south and east of the river in Scott, Pickett, and Fentress Counties are undeveloped and will remain so unless it is possible to get slack-water navigation on the river. I am now engaged in building a railroad west from Oneida, Tenn., through Fentress and Pickett Counties in the direction of the Cumberland River, and expect ultimately to complete this road to a point on the river in the heart of this territory.

We have opened up a seam of coal in Fentress County 4 feet 6 inches in thickness without a parting, and if the road was completed to the river and we had slack-water navigation all of the States bordering on Cumberland River, the Ohio and Mississippi Rivers and tributaries that are navigable, could be supplied from this source with coal, timber, and other resources, and could be supplied a great deal more cheaply than is possible from any other section of the country. We have tested out 6,000 acres of coal lands and find it underlain with this seam of coal, and we are certain that at least 40,000 acres along the line of this road contain this seam of coal. The reports made by the geologists of the State of Tennessee and the surveys made by the Government failed to disclose the fact that this vast territory is underlain with coal, and for this reason many prospective coal men have been deterred from making a sufficient investigation.

We certainly hope that you will be able to secure legislation during this session of Congress that will enable us to develop this vast region as it should be developed. As you are aware, a large portion of this territory produces oil in paying quantities, and it is only a question of time until the development will be made, with proper transportation facilities.

Yours, very truly,

O. H. ANDERSON,
President Oneida & Western Railroad Co.

Mr. McKELLAR. Mr. Chairman and gentlemen of the House, it is not often that I take part in a matter of this kind, where I am not on the committee, and have not, of course, as accurate knowledge as the members of the committee may have about the project. But I want to say about this particular appropriation that I do have some personal and, I believe, accurate knowledge. The Cumberland River is improved from Nashville northward for about 115 to 125 miles. There is a considerable trade on it, and there has been developed, by reason of these river improvements, a large area of territory. A railroad has gone up that far, which has developed the territory more. Now, from a point on the railroad called Cookeville north to the Kentucky line there is no means of transportation at all except this river. They have no railroad transporta-

tion at all now in that great country included in Clay, and Pickett, and Fentress, Jackson, Overton, and other counties up there in that vicinity along the banks of this river. They have no other transportation except the river. If the river is opened up there, it would develop a very large territory. It is a part of the present project. Although it is called, I believe, by the experts, a new project, really it is a part of the present project. It is just a development of the present project, and it is more necessary than improvements lower down on the river, if that is possible, for this reason, that lower down on the river they have railroad transportation. Higher, and especially through Clay County, they have no transportation, and they have to haul with wagons and trucks all through that country.

I want to say that I have been all over that country. I went over it in a Ford. I am familiar with it. I went right along the banks of the river for many miles. It is one of the richest portions of our country. It is a beautiful and picturesque country. Richer or more productive lands can not be found anywhere, and these people are as fine as there are in the world.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. MADDEN. Do I understand the gentleman to say he went down the river in a Ford?

Mr. McKELLAR. I went both up and down the banks of the river in a Ford. I did not try the Ford on the river. It was not Salt River, either.

I want to say to the House, speaking seriously about it, that this is a very worthy project. They have productive farm lands and coal lands. It is a rich soil. They raise corn and wheat and potatoes and hogs and everything that can be raised in this country of ours, almost. All that they lack is transportation. Their best and easiest method of transportation is through this river that has been improved within just a few miles of where it will do them the most good, and it ought to be improved up to the Kentucky line. A large territory would be served and developed.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. McKENZIE. I want to ask the gentleman, Are there any railroads that tap this section of Tennessee?

Mr. McKELLAR. There is a railroad that goes through from Nashville to Knoxville, known as the Tennessee Central, but it does not tap this section of the country. The only means of ingress and egress is by team, or, when the weather is good, by automobiles. But ordinarily, under usual conditions of weather, they have to haul all of their truck out of there by team, and they have to haul in with teams all that they buy. Now, there is no reason in the world for that condition of affairs. This is just a gap between projects that have already been undertaken. I believe, so far as I know, it is more necessary than any other project that is in this bill. In my judgment, if we were to omit anything from the bill, we could omit any other project better than we could this. The district engineer reported in favor of it. The division engineer reported against it. Then a lot of gentlemen went before this board and presented the matter, and the board reversed itself, so the project has been put in the bill, and it should remain in the bill. I am sure if the gentleman from Massachusetts [Mr. TREADWAY] was familiar with the situation as we are down there, and as the Congressman from that district [Mr. HULL of Tennessee] is, who knows about the matter personally, and like all of those people who appeared before the board and who know the situation, the gentleman would not press his amendment to strike this out. It is one of the most deserving projects in the bill, and I hope the House will permit it to stay in. It is a small appropriation, comparatively speaking, but it is due the people of that part of our State to have some method of transportation better than they now have. This river is there. It can be improved, and in my judgment it ought to be improved, and I hope the motion of the gentleman to strike it out will not prevail, and I hope my distinguished friend from Wisconsin [Mr. FREAR] will not press his objections.

Mr. POWERS. Mr. Chairman, the river and harbor bill now under consideration carries a provision of much interest and great importance to the whole State of Kentucky, and especially that portion of Kentucky which lies in the congressional district I have the honor to represent. I refer to that provision which indorses the expenditure of four and one-half million dollars for the complete canalization of the upper Cumberland River from Burnside, Ky., to Nashville, Tenn., and which makes immediately available for that purpose the sum of $200,000. Mr. Chairman, I have long since learned to respect and value the opinion of the gentleman from Massachusetts [Mr. TREADWAY], who has made a motion to strike out this item from the bill. But he is not conversant with the facts, as I shall proceed to show. He does not understand the situation. Of course, his motion will not prevail.

I hope this sum of $200,000 will be increased in the Senate, so that at least a part of the sum as increased may be used in purchasing four lock and dam sites in the State of Tennessee and six or eight in the State of Kentucky. When these sites are selected and locks and dams built thereon, it will complete the canalization of the entire upper Cumberland from Nashville to Burnside. There are now seven locks and dams in the Cumberland River, in the State of Tennessee, above Nashville, and a site already selected for the eighth lock and dam. On the Kentucky side we have but one lock and dam, namely, Lock and Dam 21, 30 miles below Burnside, Ky. The sites for all the new locks and dams on the Kentucky side will have to be selected and paid for.

WHO IS RESPONSIBLE FOR LOCK 21.

In the political campaigns down in the eleventh congressional district of Kentucky there has been much contention as to whether credit is due to former Congressman D. C. Edwards or former Congressman Dr. W. Godfrey Hunter for Lock and Dam No. 21 below Burnside.

Away back in 1882 Congress made provision for a survey of the upper Cumberland River to determine the feasibility and cost of improving it from Nashville, Tenn., to Burnside, Ky. The report of this survey also included the improvement of the Cumberland River to Smith Shoals above Burnside, Ky. The entire project, as later revised, provided for the construction of 28 locks and dams, also a minimum depth of 6 feet in the river for the entire distance from Nashville, Tenn., to the proposed head of navigation, a distance of 357 miles. This was approved by Congress, and work on this project was commenced in 1888 and was continued at intervals up to February 26, 1906, when the Board of Engineers for Rivers and Harbors recommended that the work on the locks and dams already begun should be completed and that the rest of the project should be discontinued.

Locks 1 and 2, on the Tennessee side, had at that time been completed, while Lock 21, on the Kentucky side, and Locks 3, 4, 5, 6, and 7, on the Tennessee side, were under construction. Since February 26, 1906, Lock 21, on the Kentucky side, and Locks 3, 4, 5, 6, and 7, on the Tennessee side, have been completed, but it must be remembered that on February 26, 1906, the Board of Engineers for Rivers and Harbors said that they would not recommend any more money for any further improvement on the upper Cumberland River, either on the Kentucky or the Tennessee side, except to complete the locks and dams already begun. That there can be no chance of inaccuracy, I quote the following from House Document No. 10, Sixty-third Congress, second session:

> On February 26, 1906, the Board of Engineers for Rivers and Harbors, after visiting the river and holding hearings to obtain full information, submitted a report (printed as H. Doc. No. 699, 59th Cong., 1st sess.), from which the following is quoted: "The board is of the opinion that the regulation of the river and * * * the completion of Locks and Dams Nos. 3, 4, 5, 6, and 7, above Nashville, * * * is worthy of being continued by the United States, but that the construction of the locks and dams proposed between Carthage and Burnside, except No. 21, now under contract, is not at present justified by the commerce involved."

This shows that I am not mistaken in the statements I have made. This report of the Board of Engineers for Rivers and Harbors, made on February 26, 1906, put the upper Cumberland River on the "bum," so to speak, and not a single cent of money has been expended since that day, except on Lock 21, for the buying of a single site for any other lock and dam in the Cumberland River on the Kentucky side, nor the appropriation of a single cent for the construction of one.

Congressman D. C. Edwards entered Congress on March 4, 1905, and remained in Congress for six years, or until March 4, 1911, when I succeeded him. He had been in Congress a few days less than one year, when the Board of Engineers for Rivers and Harbors, on February 26, 1906, reversed the policy of constructing enough locks and dams in the Cumberland River (28 in number) to make the river navigable the year round from Nashville, Tenn., to Burnside, Ky.

Mr. Edwards was a Member of Congress for six years. His first term began on March 4, 1905, and his last term ended on March 4, 1911. Dr. W. Godfrey Hunter was the man in Congress just prior to the first term of Mr. Edwards. Dr. Hunter became a Member of Congress on March 4, 1903, and continued in Congress for two years, or until March 4, 1905, when Mr. Edwards succeeded him. It was Dr. Hunter who succeeded in inducing the Fifty-eighth Congress to begin the improvement of the upper Cumberland below Burnside by appropriating $74,000 for this purpose. Dr. Hunter was a Member of the Fifty-eighth Congress, while Mr. Edwards was a Member of the Fifty-ninth, Sixtieth, and Sixty-first Congresses. So, in the Fifty-

eighth Congress $74,000 was appropriated by Congress to locate and begin the construction of Lock 21, below Burnside, Ky. The rivers and harbors bill, carrying an appropriation of $74,000, became a law on March 3, 1905, before Mr. Edwards became a Member of Congress. Then, to Dr. W. Godfrey Hunter is due the credit of securing the first $74,000 to begin the construction of Lock and Dam 21. On June 3, 1906, March 4, 1907, and June 25, 1910, Congressman Edwards secured $120,000, $30,000, and $85,000, respectively, to help complete Lock and Dam 21.

It has been the policy of the Government to begin at the mouth of the river and build locks and dams from the mouth up, and not from the head down. This accounts for the fact that, while the Government in 1882 decided upon the policy of improving and canalizing the entire upper Cumberland and adhered steadfastly to that policy for a quarter of a century, no Member of Congress from the eleventh congressional district of Kentucky was able to get any money appropriated to begin building locks and dams at the upper end of the river below Burnside, Ky.; and this, too, notwithstanding the fact that the eleventh congressional district during all this time was represented by a Republican Representative, and notwithstanding the further fact that during the last 16 years of this period, or down to March 4, 1911, the Republican Party was in power in the Nation, with Republican Presidents in the White House, supported by Republican Congresses.

During the Republican rule Democratic Members of Congress from the State of Tennessee had gotten from Republican Congresses appropriations sufficient to build and construct Locks and Dams 1, 2, 3, 4, 5, 6, and 7 in the Cumberland River above Nashville, Tenn. These appropriations, all told, will amount, in round numbers, to $3,000,000. Republican Members of Congress from the eleventh congressional district were just as able men as those from the State of Tennessee and just as faithful to their trusts; but they were unable to induce the Government to break its precedent and policy of improving its navigable rivers from the mouth up and not from the head down, and it remained for Dr. W. Godfrey Hunter to break this precedent.

WHAT HAD TO BE DONE TO SECURE APPROPRIATIONS.

It is an impossible task to get Congress to make an appropriation to build a lock and dam in any stream unless the Board of Engineers for Rivers and Harbors and the Chief of Engineers of the Army recommend such construction. On February 26, 1906, they said in a report that the commerce in the upper Cumberland was not sufficient to justify the Government in expending more money in constructing locks and dams in the upper Cumberland on the Kentucky side except to complete Lock and Dam 21, as I have heretofore pointed out. This report of February 26, 1906, was made during the first year of Congressman Edwards's first term in Congress, and during the remaining five years he was a Member of the House he was unable to get the Government to reverse itself. He was unable to get any money appropriated to start any new locks and dams in the upper Cumberland, although he worked hard and faithfully to that end. It was a difficult thing to do.

When I became a Member of Congress on March 4, 1911, I found the upper Cumberland still under the ban, the Government refusing to start any new locks and dams there. All those conversant with the situation and interested in the canalization of the upper Cumberland knew that we never would get Congress to appropriate any more money for the purpose unless we could get a favorable report from the Board of Engineers for Rivers and Harbors to that effect. Realizing our dilemma, those interested in the improvement of the upper Cumberland set to work to see if they could get the Board of Engineers for Rivers and Harbors to reverse itself and report favorably instead of adversely upon the further canalization of the upper Cumberland. The first logical step in this matter was the introduction of a resolution before the Rivers and Harbors Committee of the House of Representatives, and accordingly the following resolution was introduced before and passed by that body:

Resolved by the Committee on Rivers and Harbors of the House of Representatives of the United States, That the Board of Engineers for Rivers and Harbors, created under section 3 of the river and harbor act, approved June 13, 1902, be requested to reconsider its previous reports on Cumberland River above Nashville, Tenn., and to make a further report with recommendation as to the desirability at the present time of constructing one or more locks and dams above Lock No. 7.

On December 5, 1912, the said board granted a hearing here in Washington to those interested in the canalization of the upper Cumberland, and Congressman CORDELL HULL, who represents the Tennessee district on the Cumberland River just south of the Kentucky boundary line, myself, and others appeared before that board and made arguments for the complete canalization of the upper Cumberland from Burnside, Ky., to Nashville, Tenn. We urged that the commerce in the upper Cumberland and the isolation of our people from railroads and the lack of transportation facilities fully justified the Government in spending the money to improve and canalize this stream. We asked for a new survey of the upper Cumberland.

The board granted our request and instructed the local engineer, Maj. Burgess, who is stationed at Nashville, Tenn., to make a complete survey of the upper Cumberland from Burnside, Ky., to Nashville, Tenn., which he did, making his report on December 30, 1913. Maj. Burgess made a most thorough and exhaustive examination of the advisability of a complete canalization of the Cumberland River between those two points and reported favorably on that project. He estimated that it would cost the Government $4,500,000 to complete the canalization of the upper Cumberland from Burnside, Ky., to Nashville, Tenn.; that four new sites for locks and dams would have to be secured on the Tennessee side and six or eight on the Kentucky side, and that to purchase these sites and construct the necessary locks and dams would cost about $4,500,000, and that it ought to be done at the expense of the Government.

The division engineer differed from Maj. Burgess, the local engineer, in this: The division engineer recommended that the canalization of the upper Cumberland ought not to be undertaken by the Federal Government unless the State of Kentucky and the State of Tennessee would undertake to pay half of the expense of it, or, in other words, $2,225,000. Those interested in the canalization of the upper Cumberland knew that the States of Kentucky and Tennessee would never do this, and the Board of Engineers for Rivers and Harbors on January 28, 1914, kindly granted us a hearing on this proposition. A pretty complete delegation of Senators and Members of Congress, both from the States of Tennessee and Kentucky, appeared before the board on that date and made arguments in favor of the complete canalization of the upper Cumberland at Government expense. I am one of those who made an argument upon that occasion. The Board of Engineers for Rivers and Harbors, after hearing the arguments made before it, recommended to the Chief of Engineers of the Army that the entire upper Cumberland be locked and dammed at Government expense.

On February 4, 1914, in making his report to Hon. STEPHEN M. SPARKMAN, chairman of the Committee on Rivers and Harbors, of which I was a member, the Chief of Engineers of the United States Army said:

After due consideration of all the facts available I concur with the views of the district officer and the Board of Engineers for Rivers and Harbors. The first appropriation should be $340,000, for securing all lock and dam sites and for beginning construction of Lock and Dam No. 8, with contract authorization for $201,000, covering the completion of this lock and dam. Subsequent appropriations should be sufficient to permit the beginning of construction of two additional locks and dams each year.

We incorporated in the rivers and harbors bill of 1914 the item of $340,000 to buy the remaining sites and properly begin the complete canalization of the upper Cumberland. We passed that bill through the House, but a filibuster killed it in the Senate. There has been included an item of $200,000 in the bill we are now considering, "for improvement of the Cumberland River above Nashville in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors, printed in Rivers and Harbors Committee Document No. 10, Sixty-third Congress, second session, and subject to the conditions set forth in said document."

I have every confidence that this item in the bill will be passed by this House. Should it pass the Senate, be approved by the President, and become a law, the policy of the complete canalization of the upper Cumberland will be indorsed by the Government, and it will be only a question of time when the entire upper Cumberland will be locked and dammed. The Board of Engineers for Rivers and Harbors, as well as the Chief of Engineers of the Army, recommend that after this year the Government undertake to construct each year thereafter one additional lock and dam in the upper end of the river below Lock 21, and one in the lower end of the river above Lock 8, so in a few years this work will be completed, if this bill becomes a law, and the people in the counties along the Cumberland River from Burnside to Nashville will realize their dreams of over a quarter of a century.

We feel that we are justly entitled to this. On February 4, 1914, the Board of Engineers for Rivers and Harbors said in its report:

Data now available indicate that there is a commerce on the upper Cumberland amounting to about 300,000 tons, which is considerably more than heretofore reported.

When we consider the fact that boats are able to run on the greater portion of the upper Cumberland only four or five months out of the year, the wonder is that our commerce reaches 300,000 tons annually.

On the Kentucky side, below Burnside, the Cumberland River runs through or close to the counties of Pulaski, Wayne, Clinton, Cumberland, Russell, and Monroe. Taking the counties as a whole, their wealth consists largely in timber and coal. Coal constitutes no part and timber but a small part of the present commerce on the upper Cumberland.

The Board of Engineers for Rivers and Harbors in their report of February 4, 1914, to the Chief of Engineers, United States Army, made this statement:

A large part of this area is covered with timber of high value within hauling distance of the river, but under the existing uncertainties of navigation it can not be economically marketed. Much of the land in the valley and back in the hills is fertile but can not be cultivated to advantage for the same reason. There are also extensive coal lands that can be made tributary to the upper reaches of the river by short rail connections, and it is claimed that these lands will be developed and that coal will be shipped out in large quantities.

This tells the story. It explains why our commerce is no larger than it is. It emphasizes the need of the canalization of this river in order to reach a market with our products.

According to the census of 1910 there were 283,200 acres of standing timber in Clinton County and 51,367 acres of woodland.

Cumberland County had 185,760 acres of standing timber and 95,341 acres of woodland. Monroe County had 86,945 acres of standing timber. Russell County had 80,666 acres. Wayne County had 17,818 acres of forest lands. This timber is virtually all there yet. It constitutes a part of the greatest boundary east of the Mississippi River of hardwood timber in this country, such as poplar, oak, walnut, cedar, chestnut, hickory, ash, and other valuable hardwood timbers.

All of the counties with possibly one exception is rich in coal.

Hon. W. A. Dicken, of Albany, Ky., a safe banker and conservative man, wrote me some time ago about coal lands in Clinton County. He said:

We estimate the number of acres of coal lands in Clinton County to be 12,500; average thickness of veins, 4 feet. The coal in this county is of good quality.

And so, gentlemen, with the other counties.

THE WEALTH OF LOWER COUNTIES.

But objection has been raised that the population of these counties have not increased much within the last 20 years and that, judging from the assessed value of their property, they are very poor. It is true that their population has not increased very rapidly. From 1890 to 1910, the population of Clinton County, for example, increased only from 7,000 to 8,153, and this, too, for the simple reason that they have been cut off from the outside world. It is true that they are rich in a certain sense, but their riches have not been given in as much. Why should it be? What is their coal and timber worth to them except to pay taxes on? What is their agriculture products worth to them except to subsist upon? It is a lamentable situation. If you will give these people ample transportation facilities, they will tell you a different story. I was reared on Brush Creek, up in Knox County. I remember when there was not a foot of railroad in that county or any of the adjoining counties. All these counties were rich in coal, but it was worth nothing to the owners, because they could not get it to market.

Brush Creek Valley comprises an area of over 10,000 acres. The creek is about 15 miles long. Many, many years ago one man owned all this territory. As part of the folklore of that neighborhood it is handed down to us that the former owner of this now princely domain sold the entire territory for a bedquilt and a rifle gun. I can remember when this land sold for less than $5 per acre. It is one of the richest coal fields in Knox County. A railroad has been built to it. When leased at 10 cents a ton royalty, each acre of this land brings the owner about $1,000 in royalties. Most of this territory has been bought up by coal mining companies. It is to-day worth millions, with coal mining operations scattered all over it. Bell County adjoins Knox. I was virtually grown when the first railroad ran into that county. In 1900 Bell County's population was 15,701; in 1910 it was 28,447. It virtually doubled in 10 years. Bell County now produces more coal than any other county in the State of Kentucky. Her output last year was over 3,000,000 tons, or one-eighth of the entire output in the whole State.

Kentucky now stands fifth in the coal-producing States of the Union. Eastern Kentucky has 10,270 square miles of bituminous coal territory. Western Kentucky 6,400 square miles. The entire State of Pennsylvania has only 14,200 square miles. We have more square miles of bituminous coal territory in Kentucky than in the State of Pennsylvania, yet Pennsylvania in 1912 produced 160,000,000 tons of bituminous coal; Kentucky produced only 16,000,000. Why is this? The answer is transportation facilities. What has caused the lands on Brush Creek in Knox County in my time to increase from $5 per acre to over $100 per acre? The answer is transportation facilities.

What will cause both the population and the wealth of the counties of Wayne, Clinton, Cumberland, Russell, and Monroe to double themselves, as has been done in the county of Bell?

The answer comes back transportation facilities. These people are cut off from the outside world. There is a territory there in Kentucky and Tennessee as big as the State of Connecticut without a foot of railroad in it. They have neither railroad transportation nor water transportation. They would not be asking you through their Representative here for water transportation if they had transportation by rail. It has been the policy of the Committee on Rivers and Harbors, and of this House and of Congress, to appropriate money on streams that have railroads going up and down either bank, and this Congress is still doing it. I voted for those things when I was on the Rivers and Harbors Committee. I voted for one in the State of California. I voted for others. I did it because I felt that the projects were worthy, and that the expenditure of the money was amply justified. If this Congress expends the money of the country on streams that have railroads going up and down either bank, if that is justifiable—and the Congress has taken the position heretofore that it is—how much more justifiable is it to spend money on streams that have absolutely no transportation either by water or by rail?

Mr. Chairman, ours is a deserving people. Wayne County has produced her Shelby M. Cullom, late a United States Senator from the State of Illinois. Clinton county nursed at her breast Gov. McMillan, of Tennessee, as well as Gov. Bramlette, of Kentucky. Monroe County claims the unique distinction of having furnished in the person of one man, Preston H. Leslie, a governor for two States. The people of southeastern Kentucky, these among them, are the greatest and purest reservoir of old Anglo-Saxon in this country.

Gentlemen, the justice of the cause of the people of the upper Cumberland are demanding an appropriation at your hands. I am relying upon your sense of fairness and your love of justice to give it to them. [Applause.]

Mr. FREAR. Mr. Chairman, I rise to support the motion of the gentleman from Massachusetts [Mr. TREADWAY], because it occurs to me, with all due respect to the distinguished gentlemen who are supporting this measure, that it is wasteful. That is the only question with most of these propositions, and I recognize that there is a difference of opinion between those who are supporting and those who are opposing the different projects. I realize also the interest that is shown in this project, and that has been shown by very distinguished gentlemen who appear in the report urging the adoption of the project. After the Army engineers had refused, again they withdrew from that position. Now, what was true 30 years ago in regard to conditions in this country, I submit, is different to-day, and I want to quote the opinion of a man who I think is an authority on this subject. As I said, it is purely a question of judgment.

Senator Burton said on the floor of the Senate—not in this particular case—

The waste which has been incurred in canalization of rivers by the expensive system of locks and dams has been even worse than the improvement of open-channel rivers, the navigation of which has dwindled to such small proportions.

I just read a few moments ago a statement of Col. Townsend who said that we ought to stop work on all of these rivers in the Mississippi Valley, with two exceptions, until we have made two practical going propositions. I am not quoting his exact words.

I understand, of course, that in a case like the Cumberland River there is a break in the channel caused by this lack of development, but in the Mississippi River, without a break from St. Paul clear down to New Orleans, we could not get the commerce there, because the moment that commerce develops a railroad is immediately constructed and carries away the tonnage. That is quite true of almost every river I can think of. That is our experience with some of these other rivers. Thirty years ago it was looked upon as a big improvement, like the Hennepin Canal and the Big Sandy, but to-day we find there is no commerce to go on those rivers.

Mr. McKELLAR. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. McKELLAR. Does not the gentleman think that after the river projects have been completed and the country developed it is natural for railroads to go there; but do not the people get the benefit of it in the reduced rates on the railroad?

Mr. FREAR. That is the difficulty with the whole thing. They are trying to use the Government and the Government's money for the express purpose of securing a reduction of freight rates,

when, as a matter of fact, I understand to-day they are seeking to raise railroad rates in order to enable the railroads to make a reasonable profit. In practically every State the railroad commission has the power to regulate rates. It ought not to be necessary for the Government to go in and develop these projects in order to reduce railroad rates.

Mr. POWERS. The gentleman is not contending that the reduction of railroad rates enters into this item?

Mr. FREAR. Oh, no; I was just answering the gentleman from Tennessee. Now, Mr. Chairman, I am always glad to have this project come up because it compels some able Members of the House to come here while we are discussing the river and harbor bill, and they always enlighten the House.

Mr. HULL of Tennessee. I want to say that I appeared before the gentleman's committee, but the gentleman from Wisconsin was not present.

Mr. FREAR. I sincerely regret it. I am always delighted to hear the gentleman from Tennessee. I have heard him make several good speeches in the House, but not on the river and harbor bill, and I enjoyed them very much. Now, Mr. Chairman, that is one of the reasons I oppose these projects, because my experience is that results are not what we hoped they would be. We spend enormous sums of money without realizing reasonable results. That is the waste of which the country has right to complain.

Mr. BYRNS of Tennessee. Mr. Chairman, the existing project for the improvement of the Cumberland River was adopted more than 30 years ago, so far as the upper part of the river is concerned. The project on the lower river was adopted in 1892, and there have been no modifications of these projects except by elimination of one or two of the locks and dams which were originally proposed.

Under that project the Cumberland River was divided into two parts—what is known as the upper and lower river, the dividing line being at Nashville, Tenn. There have been constructed eight locks and dams in the upper part of the river, beginning at Nashville, Lock 21 being at Burnside, more than 300 miles above Nashville.

In the lower river one lock and dam was completed several years ago, and recently two additional locks and dams have been completed and another is nearing completion. The appropriation made last year was sufficient to enable the Government to begin the construction of Locks E and F, and that appropriation, with the appropriation in this bill, will almost entirely complete the canalization of the lower river. Notwithstanding this fact, notwithstanding the fact that as a result of the action of Congress we have a great slack-water canal there situated almost midway of the navigable portion of the river, but which does not reach the great territory in the upper part of the river so rich in coal and timber products, the gentleman from Massachusetts and the gentleman from Wisconsin would have Congress abandon the work and not carry out the project as originally planned by the engineers and by various Congresses extending over a period of 30 years, and thus not give to that section and the country the advantages which were originally contemplated.

Mention has been made of the rich territory contiguous to the upper Cumberland River. I dare say there is no section of the country which is more fertile and more capable of high development than the Cumberland River Valley, through which this great river flows. The land will produce any crop grown in the Temperate Zone. No section of country offers better advantages for stock raising and other farm activities. Mention has been made of the great coal fields that exist on the upper part of the river and the abundance of forest products which would be available if there were any means of transportation.

As has been stated, railroads do not penetrate and can not penetrate this section, and the only method by which this coal and timber can be secured for the benefit of the people of the country is by way of this river.

I dare say there is no section of the country, Mr. Chairman—certainly very few—which are richer in coal than the upper Cumberland River, and if this appropriation of $200,000 is made to begin the construction of Lock 8 it will begin the work of making this river available as an outlet for all the coal and timber products and the rich agricultural products in that valley.

In the letter read by my colleague [Mr. HULL] the statement is made that the coal fields situated on the southeast of the river in Scott, Pickett, and Fentress Counties are undeveloped, and will remain so unless it is possible to get slack-water navigation on the river.

The gentleman writing this letter states that he is now engaged in building a railroad west from Oneida, Tenn., through Fentress and Pickett Counties in the direction of the Cumberland River, and that he expects ultimately to complete this road to a point in the river in the heart of this territory. He further states:

> We have opened up a seam of coal in Fentress County 4 feet and 6 inches in thickness without a parting, and if the road was completed to the river and we had slack-water navigation all of the States bordering on the Cumberland River, the Ohio, and Mississippi Rivers and tributaries that are navigable, could be supplied from this source with coal, timber, and other resources and could be supplied a great deal more cheaply than is possible from any other section of the country. We have tested out 6,000 acres of coal lands and find it underlaid with this seam of coal and we are certain that at least 40,000 along the line of this road contains this seam of coal.

He is building the road from these rich coal fields toward the river, but there must be a river navigable all the year round if this coal is to find its way to the markets of the country.

As showing the interest taken in the improvement of this river and its importance from a commercial standpoint, I wish to read a part of an editorial which appeared the other day in the Nashville Banner, one of the leading and most influential papers in the entire South. This editorial says:

> Busy scenes are being enacted at the Broad Street wharf during these days of flood tide in the Cumberland River, remindful of the time when the Cumberland took a much more conspicuous part in the trade with the sections which it connects with Nashville. The high water has lifted the prows of the steamboats to a point only a few feet below the level of the street, and the wharves are packed with cargoes for shipment. It is announced that the *Alabama*, a large steamer, has been brought to this city for service on the lower Cumberland. All boats plying on the Cumberland with Nashville as headquarters report a boom in business.
>
> The decadence of the river transportation business has been lamented most earnestly by the business men of this city. More than once Nashville has been threatened with the loss of a favorable freight rate because of the limited traffic brought here by water. Such busy scenes as now prevail at the wharf would convince any unprejudiced visitor of the importance of the river trade and of the competition which it furnishes for railroad transportation.
>
> It is a matter of congratulation that the Cumberland River has been provided for in the appropriation bill. The extension of the locks and dams will in time provide transportation all the year around along several hundred miles of the Cumberland above and below Nashville. While the big river steamers will not be able at all seasons to push their noses almost into Broad Street as at present, they will be able to carry a steady traffic up and down the Cumberland, thence up and down the Ohio and Mississippi Rivers, reaching the largest commercial centers, and to the enrichment of communities without other means of freight connection with the outside world, and thus bring added prosperity to Nashville's commercial life.

So I say, gentlemen, that, looking at the whole situation and knowing as I do the richness of this great section which is penetrated by the Cumberland River, there is, I am sure, not an appropriation in this bill which is more meritorious than that recommended looking to completing the improvements on the upper and lower Cumberland River. This is not a new project, because this project was started more than 30 years ago. Congress has already constructed locks which have resulted in stock water navigation extending 125 miles above Nashville.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Chairman, if the gentleman will pardon me, I call his attention to the fact that that railroad company has already expended $800,000 in constructing 20 miles of road toward the Cumberland River through this section, and would spend probably $1,000,000 more to get it to the river. They are depending upon slack-water navigation to develop that.

Mr. BYRNS of Tennessee. Mr. Chairman, I thank the gentleman for the statement. His statement is convincing as to the necessity for making these improvements.

The gentleman from Wisconsin [Mr. FREAR], it seems to me, in some of his attacks upon various proposals in this bill has proceeded upon a wrong theory. He has proceeded upon the idea that no improvement should be undertaken unless the commerce already in existence fully justifies it. He has ignored the effect which such improvements will have in developing commerce by affording a cheap and certain outlet to the markets of the world in cases like this, where railroad facilities are inadequate or totally lacking. I submit these improvements are expected to develop commerce, and certainly no gentleman who is familiar with the territory through which the Cumberland River flows can doubt for one moment that when this river is fully improved it will greatly increase commerce. It is unreasonable to expect that boats will be put into commission upon a river where there is not all-the-year-round navigation. There is another reason for the improvement of this particular river, a reason which obtains as to all these various improvements.

and I want to take a moment of your time to refer to the report of the engineer upon the question of freight rates.

I have stated to you that in so far as this river is concerned we have at present a great slack-water channel of about 150 or 160 miles, affording all-the-year navigation. But both above and below it there are several months in the year when boats of reasonable size can not be operated. The engineer states in regard to the upper Cumberland that the completion of Lock 21, which is more than 300 miles above Nashville, has caused a reduction in freight rates of about one-half within its pool area:

Locks Nos. 1 to 7 have caused a reduction in railroad freight rates between Nashville and Carthage, 115.8 miles, and in river freight rates between Nashville and West Point, 125.2 miles.

The same is true with reference to the improvement on the lower Cumberland River. The engineer states:

The work on Locks B, C, and D will not facilitate navigation until the locks and dams are completed and placed in operation; nor can it be expected that the lower Cumberland River will be continuously navigable until the two remaining locks and dams have been completed. *Nevertheless, even in its present condition, the lower Cumberland River has a marked effect on railroad freight rates, and the navigable facilities offered by this stream are undoubtedly responsible for the favorable freight rates which Nashville has been granted, as compared with rates between towns not connected by a navigable waterway.* The effect of the continuous navigation provided by the canalization for the 41.4 miles below Nashville was noted from the immediate reduction by about 50 per cent in the rates charged by the Tennessee Central Railroad over that part of its line which parallels the pool of Dam A.

So I submit, Mr. Chairman, that from every standpoint this appropriation should be made. My only regret is that the Rivers and Harbors Committee could not see its way clear to make a still greater appropriation to more speedily carry on this work on the upper river, so that that section and the people there could sooner begin to enjoy all of its advantages. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $5,000,000.

Mr. LIEB. Mr. Chairman, as a member of the Committee on Rivers and Harbors, I have given thoughtful consideration of every item the pending bill contains, and I am sure of my own knowledge that no apologies are necessary. It is proposed to enact into a law one of the most meritorious pieces of legislation ever framed for the improvement of rivers and harbors. I think it is unfortunate that many items which should have gone into the bill have been left out because of the desire to economize. It therefore stands to reason that, having eliminated some very worthy projects, the remaining proposals are still more necessary in the program of development and must consequently represent the very cream of waterway needs in the country to-day.

We have reached the item proposing to make appropriations necessary to continue the canalization project of the Ohio River, but before going into the merits of the improvement of this stream which forms the southern boundary of the district I have the honor to represent, I wish to refer to my colleague, the eminent chairman of the Committee on Rivers and Harbors.

I venture to say there is not a man on the floor of the House who does not view with reluctance the fact that Mr. SPARKMAN retires from Congress on the coming 4th of March. [Applause.] But the loss is not all ours, as the State of Florida loses a stalwart champion of its glories, its resources, and its preponderance as a unit in the system of a great Government.

Furthermore, the Nation loses from the halls of its Congress a representative and a leader whose invigorating personality, knowledge of the duties he has so worthily assumed, and whose value as a coworker is seldom eclipsed. [Applause.] He has been a Member of the House and of the River and Harbor Committee for 22 years, six years of which he has served as chairman of this important committee. I have been on the committee with him for four years, and therefore consider myself competent to judge of his capabilities. But if I had served with him over a span of a score or more of years, I do not believe I would know him any better than I do.

When Members of the House work together on a committee for any length of time they naturally entertain before long a feeling of partnership, much the same as men who engage in a business partnership. That is the way I feel toward Mr. SPARKMAN. But it has been a relation of partnership looking toward the best interests of the national constituency. It has been brought about through close association, and therefore I feel it is but fitting to mention my high regard for our chairman.

Few men I have ever known have displayed the industry that has characterized Mr. SPARKMAN'S activities in behalf of river and harbor improvements. He has in this and other ways shown himself eminently fitted for the sphere of congressional deliberation that he has been brought into as a result of his qualifications. I have taken several trips of investigation in an official capacity with the chairman, and mention this because it was here that I was treated to my greatest surprise as to the working qualities of the eminent Representative from Florida.

Trips of inspection taken by a committee do not always call for the arduous labor that characterizes the pursuit of duties in Washington, but I want to say that if anyone goes anywhere else with Mr. SPARKMAN he will soon learn that he sets a hard pace in his diligent and conscientious labors. Early in the morning and late at night finds him studiously engaged in the work at hand. His powers of observation are keen to the utmost, and he evidences an unusual willingness to grasp every piece of information brought to his attention as a sure guide for his future reference.

No doubt this capacity for diligent work is what makes him so well informed on river and harbor subjects. Whether the subject be important or unimportant, our chairman is invariably ready for a reply when information is asked of him. This retentive quality of his can best be appreciated by those who know how valuable it is to have at the tip of one's tongue an immense array of data and figures from among hundreds of river and harbor projects. Mr. SPARKMAN'S knowledge is not confined to this country, as he traveled to various parts of the world as a member of the National Waterways Commission.

I am prompted to quote a few lines from the pen of James Whitcomb Riley:

And so it is you cheer me,
My old friend,
For to know you and be near you,
My old friend,
Makes my hope of clearer light,
And my faith of surer sight,
And my soul a purer white,
My old friend.

[Applause.]

Mr. BARKLEY. Mr. Chairman, I rise for the purpose of taking advantage of this opportunity to say a few words about the improvement of the Ohio River in the neighborhood of its mouth. The committee has just passed an item on the Cumberland River in which $632,000 are appropriated for the purpose of continuing the canalization of the Cumberland River below Nashville, comprising about 192 miles from Nashville to the mouth of the river at Smithland, Ky. In the original project of improving the Cumberland River locks ranging from A to G were provided for, but as the Rivers and Harbors Committee and Congress had given its approval to a project for the canalization of the Ohio River they took into consideration the building of Lock and Dam No. 52 below the mouth of the Cumberland River and above Paducah on the Ohio. Lock and Dam G has been eliminated from the Cumberland River because after Lock and Dam 52 is completed the water will be backed up into the Cumberland sufficiently far to eliminate the last lock that was to have been completed on that river. I am not certain whether the appropriation in this bill will be sufficient to complete the Cumberland or not. It will go a very long way toward completing the improvement of that great stream, but in order that the object of Congress and of the committee and of the Army engineers may be carried out, for the Cumberland River to receive the benefit of its combined improvements together with that of the Ohio River, it is necessary that the construction of Lock and Dam No. 52 below the mouth of the Cumberland River be commenced at the very earliest possible date. I have been before the Committee on Rivers and Harbors and before the Board of Army Engineers, and I have camped upon the trail of the Chief of Engineers from time to time, urging the beginning of Lock and Dam No. 52 on the Ohio River at the very earliest possible moment, not only on account of the necessity of this improvement for the benefit of the navigation of the Ohio, but in order that the improvement upon the Cumberland River might not be retarded by delay in constructing Lock and Dam 52 below the mouth of that river on the Ohio River. For some reason, I presume reasons that appeal to the Army engineers from a technical standpoint, they have uniformly begun to construct locks and dams at the source of a river and have gone down to the mouth of the stream. I do not profess to be an engineer, I do not profess to criticize the technical skill of these men who have devised that method of improvement, but it does seem to me if there is any way for the Committee on Rivers and Harbors to remedy that by bringing in a bill specifically to instruct the Board of Engineers and Army officers where and when to begin this construction, it ought to be done. It seems to me that great injustice is worked

at the mouth of these rivers where the greatest amount of commerce exists by failing to construct the locks and dams on those great streams until smaller parts of the river have been completed where there is comparatively small navigation and commerce as compared with that on the great body of the river near its mouth.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. BARKLEY. I will yield to the gentleman.

Mr. SMITH of Minnesota. Is it not necessary before there can be any amount of commerce on these rivers to have the whole system completed, and does it make any difference whether you have a big project or a little project, is it not true you have to have it all in operation before you are going to get sufficient commerce to warrant the investment of capital in boats, terminals, and so forth?

Mr. BARKLEY. That is true, that the river is not completed as a whole for commercial purposes until it is canalized from beginning to end; and instead of beginning at that end where there is little commerce it seems to me that the engineers might shift their arrangement in such a way as to improve the river at a point where commerce exists in larger quantities than at the mere sources of those rivers.

Mr. SWITZER. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. SWITZER. The gentleman has read the report of the Secretary of War on the lower Ohio?

Mr. BARKLEY. I have; but that report has not been adopted, and I want to say to the gentleman from Ohio I hope it will not be adopted, because if it is adopted—the gentleman refers to the dredging of the lower Ohio River?

Mr. SWITZER. What objection would the gentleman have to trying a cheaper method of obtaining the desired depth of the river? What is the objection to trying out such a proposition where it is inexpensive?

Mr. BARKLEY. I will say to the gentleman, with reference to Locks and Dams 53 and 54, it may be possible for the recommendations of the engineers to be put into operation, though I do not think so; but in view of the fact that Lock and Dam 52 not only is to be constructed for the benefit of the Ohio River but in order also to back water up into the Cumberland River about 30 or 40 miles, I think it would be extremely inadvisable to eliminate Lock and Dam 52 on the Ohio River, and I desire to say——

Mr. SWITZER. That is an engineering problem, is it not, after all?

Mr. BARKLEY. Of course it is an engineering problem. As I stated in the beginning, I do not profess to be a civil engineer or an Army engineer, but it is a well-known fact that commerce has been hindered and delayed and perhaps driven off the lower Ohio River because of the delay, and why not put these locks and dams at points where it will be worth while to construct them when all this system has been completed instead of completing them on small portions of the river where commerce is not so important?

Mr. SPARKMAN. The elimination of Lock and Dam 52 on the Ohio would make necessary the construction of Lock and Dam G on the Cumberland?

Mr. BARKLEY. It would. I was going to suggest that if the recommendation of the engineers should be complied with and Lock and Dam 52 on the Ohio River should be eliminated, it would still be necessary to readopt the project contemplating the building of Lock G on the Cumberland River, but inasmuch as the building of this one lock on the Ohio will improve that river and the Cumberland, too, it seems to me it ought not to be eliminated but that it ought to be begun and constructed as soon as possible.

And down toward the mouth of the river, where ordinarily the bed of the river is in some places a mile and a half wide, it is going to be a tremendous proposition to build and complete a lock and dam of the dimensions of Lock and Dam No. 52. In view of what the gentleman from Minnesota [Mr. SMITH] says, it seems to me that they ought to give early attention to the locks on the lower river, so that it will not delay the completion of the entire project any more than is necessary.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto end in eight minutes.

Mr. BARKLEY. Reserving the right to object, is the gentleman from Wisconsin [Mr. FREAR] going to discuss the Ohio River?

Mr. FREAR. Entirely confined to that.

Mr. BARKLEY. It may be necessary for somebody to say something in reply.

Mr. FREAR. I think so; but it will not be struck out of the bill.

Mr. SPARKMAN. Let it go in then, Mr. Chairman.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

I realize that this is one of the items that Col. Townsend says ought to be improved, if any, in this experimental test that he proposes. It is a very expensive experiment, however, and I do not believe that we have followed it very closely so as to know that $59,377,000 has already been appropriated for the stream, and $33,265,000 more will be required on this last project, or $92,642,783 altogether; that is, for the 9-foot project. It is an experiment.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. FREAR. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman says $90,000,000 is designed for the project.

Mr. FREAR. That will be the total appropriation of money outside of the maintenance we ask when this canalization system is completed. This last project carries $50,000,000 or $60,000,000.

Mr. HUMPHREYS of Mississippi. This amount of money has been expended by the United States Government on the Ohio River since the Government began to do the work?

Mr. SPARKMAN. The canalization was some $62,000,000 or $63,000,000.

Mr. FREAR. Yes. We have or will spend $92,000,000 in preparing this stream for commerce and getting it in as good shape as we can. Of course, the argument that was offered just a few moments ago that the stream will never pay at its best until all the system is completed, may be said to be true of the Mississippi and other rivers.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. FREAR. I prefer not to yield now.

And for that reason I want to call attention to the traffic. It is given by the Army engineers at 4,814,000 tons in 1915. That is quite a large commerce in a way, although even in their reports they have in past times placed it as high as 13,000,000 tons, as I now remember. But it is now put down at something over 4,000,000 tons on the average, as they estimate, carried 25.6 miles on the average. There is that long river of 1,000 miles, with an average tonnage of 4,814,000, that is carried the average distance of 25.6 miles.

That tonnage, and I say this in order that my good friend from Ohio may have an opportunity of dwelling on this, is coal, 2,353,663 tons; gravel, 1,181,000 tons; sand, 1,824,000 tons; and waste, 28,000 tons. Leaving out the coal and other items named, and I suppose coal has value, leaves 63,683 tons, all hauled an average distance of 25.6 miles. I do not understand how we can stop the project. We are working on it. But that is the prospect we have of returns. So far 19 locks have not been touched. We had more coal and commerce of all kinds on the Ohio River before any locks were ever started, and because of the railroad competition on both sides of the river, which occurs on the Mississippi and occurs on all these large rivers, I predict that if any of us live long enough to see this project completed the commerce will be no larger than it is to-day. I hope I will be disappointed in that prediction, but that is my judgment, based upon the experience we have had with all these other projects.

Mr. MOORE of Pennsylvania. I understood the gentleman to say that $92,000,000 has been spent on this project.

Mr. FREAR. Has been appropriated or will be appropriated—on the Ohio River before the project is completed.

Mr. MOORE of Pennsylvania. And the present project contemplates the expenditure of $63,000,000?

Mr. FREAR. Sixty-three million dollars. We will spend $92,000,000 on the river, and this is all the commerce that has been developed after nearly $60,000,000 expenditure to date.

Mr. MOORE of Pennsylvania. Sixty-three million dollars has not been spent up to date?

Mr. FREAR. Thirty million dollars more will be spent on this river.

Mr. MOORE of Pennsylvania. The gentleman says we have 19 locks on the Ohio——

Mr. FREAR. To build yet.

Mr. MOORE of Pennsylvania. And about one-half of the project cost has been expended?

Mr. FREAR. Just about.

Mr. MOORE of Pennsylvania. So that $92,000,000 has not been spent?

Mr. FREAR. No. I said that would be the total amount. Only about $55,000,000 to $60,000,000 thus far.

Mr. MOORE of Pennsylvania. The gentleman is adding the previous expenditures to the $63,000,000 project?

Mr. FREAR. Yes; to show the amount that has gone into the river to develop the present commerce.

Mr. MOORE of Pennsylvania. Only half of which has been expended?

Mr. FREAR. Yes; that is right as to the last project.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWITZER. Mr. Chairman, I wanted a few moments.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. SWITZER. Mr. Chairman, I do not at all believe that the gentleman from Wisconsin [Mr. FREAR] takes his motion very seriously.

Mr. FREAR. It was a pro forma amendment.

Mr. SWITZER. This being a stream 968 miles long, and having utilized former expenditures to the extent of $55,000,000, and requiring only $33,000,000 more to complete the project, no one would think of abandoning it in the state it is now in—that is, there is work in progress on 17 locks and dams, and, of course, if the appropriation ceased, these uncompleted dams in the river, some of them half completed and others two-thirds constructed, would have to be removed, and then we would have to appropriate about as much money to remove those impediments as we have heretofore expended on the river, so that it would be ridiculous to strike out this item.

Mr. FREAR. I did not move to strike it out.

Mr. SWITZER. The gentleman is always referring to the small amount of tonnage on the Ohio River, and he sneers at the item of coal. The facts are, as shown by the reports of commerce for the year 1915, as I recollect them, that there is seven and one-half million tons of commerce, exclusive of ferriage. The gentleman says that at one time there were 18,000,000 of tonnage.

Mr. FREAR. That is the report of the engineers.

Mr. SWITZER. I will say this, that these reports made at that time to the Army engineers that the gentleman referred to have later been gone over, and the Army engineers now say that frequently the commerce was counted two or three times at some places at that time, and when the project was adopted in 1910 the special board and the Chief of Engineers discussed that matter of 13,000,000 tons, and they said that the commerce at that time, including the ferriage, excluding duplications, was about 9,300,000 tons. Including the ferriage in 1915, the commerce is 9,000,000 tons, and the last report of the Engineers shows that the commerce has not changed much in the last three or four years. It is now practically what it was when the report on this project was adopted in 1910. Still the gentleman from Wisconsin persists in saying that the commerce is disappearing from the Ohio River.

Mr. MEEKER. Mr. Chairman, will the gentleman yield for a question?

Mr. SWITZER. Yes.

Mr. MEEKER. I want to ask the gentleman if he believes that with the present trackage it would be possible for the railroads paralleling the Ohio to carry those 4,000,000 tons of coal additional?

Mr. FREAR. It is only two and one-half million tons.

Mr. SWITZER. The tonnage is 7,500,000 tons, including about 4,500,000 tons of coal. The gentleman from Missouri is nearer right than the gentleman from Wisconsin.

Mr. MEEKER. I thank the gentleman. One other question. The addition of three and one-half million tons of coal to the trackage of the Ohio railroads would make it impossible for them to haul it?

Mr. SWITZER. There is no doubt about that. There is no question but that this great waterway has been a great factor in holding down the rates on railroads paralleling the Ohio River. In the last 50 years more has been saved to the shippers of the country in reduced freight rates on account of this navigable stream than has been appropriated to keep the stream in running order.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. SWITZER. Yes.

Mr. BARKLEY. I would like to ask the gentleman if it is not true that if this river were canalized, so that the traffic would be open to the shippers all the year around, not only coal but other freights would be largely increased?

Mr. SWITZER. There is no question about that. But when the canalization is completed—and that is some years in the future—I do not know what the future tonnage of the river will be, but we do know that the tonnage of the Monongahela River, at the source of the stream, has doubled since its canalization. We do know that the activities along the upper Ohio are as great as those along the Monongahela, and we know that the coal is being carried on the Monongahela at 4 or 5 cents a ton, whereas it formerly cost 40 cents a ton to carry it; and I have no doubt but that the commerce of the stream is going to increase year by year. The valuation last year was $50,000,000, excluding ferriage. The valuation in the year 1915 was $150,000,000, including ferriage, besides the 2,000,000 passengers on the main channel, and something like two and one-half or three millions of passengers on the ferries.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield there?

Mr. SWITZER. Yes.

Mr. McKENZIE. Is this stream open to navigation in the winter months?

Mr. SWITZER. It depends on the winter. It has been open most of this winter. But in my time I have seen the Ohio River closed during the holidays, and closed sometimes for two or three months in the year on account of ice. I take it that only for a few weeks this winter has the ice appeared. It depends on the severity of the winter and volume of water in the river. If the water is high when the cold weather comes on, it does not freeze over so readily.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Clerk read as follows:

Ontonagon Harbor, Mich.: For maintenance, $9,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word, just to add a word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. Mr. Chairman, I want to commend the reports as they are at present put in, which leave out the question of ferriage. As the gentleman from Ohio [Mr. SWITZER] well said a moment ago, the ferriage was $150,000,000. That has been figured in these estimates heretofore, and has apparently given a very large commerce to these rivers. It figured in the Mississippi River reports, as I will show when I get to that. But they are now taking out the ferriage. Of course, it is an absurdity to add that to the commerce of the river, because we do not need a deep channel, or a 9-foot channel, to get ferriage. That has been the difficulty with the Ohio River heretofore. Even without the canalization project we would not have to send this coal down on the railroads, because for 50 years we sent it down the Ohio to New Orleans in time of good water. I speak of this because it will show the character of the reports we are getting, because they are more accurate. I think the gentleman from Ohio is right. I do not think the loss of commerce would appear as great now as in the past. They calculated it according to a poor system. It is difficult, of course, to arrive at the actual commerce on a river, but they have added it up and find the whole commerce was carried only about 25 miles.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. ALLEN. This winter we came near having a very severe coal famine down the Ohio Valley, and until there was a rise in the river and enough water to float the barges that were waiting up the Kanawha and they were floated down there was no relief.

Mr. SWITZER. Will the gentleman allow me to interpose there?

Mr. ALLEN. Certainly.

Mr. SWITZER. The rise in the river to which the gentleman refers, which relieved that coal famine, was produced by opening some of those closed locks up the river, and adding to the current of the stream the water that had been conserved above. The coal came down on that rise caused by opening the locks.

The Clerk read as follows:

Pentwater and White Lake Harbors, Mich.: For maintenance of White Lake Harbor, $5,500.

Mr. McLAUGHLIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McLAUGHLIN: Page 28, at the end of line 5, add the following: "and for maintenance of Pentwater Harbor, $5,000."

Mr. McLAUGHLIN. Mr. Chairman, I believe the facts respecting Pentwater are different from those respecting any other project in the bill. You will notice that in line 4 the bill speaks of "Pentwater and White Lake Harbors." They are two harbors within 20 miles of each other; in fact, have always been carried as one project on the books of the Corps of Engineers. In 1909 the local engineer made a report which was approved by the Chief of Engineers and reported to Congress, recommending $151,000 for the maintenance, repair, and improvement of these two harbors—this one project. The Chair and other members of the committee will remember that 1909 was the year when a very small river and harbor bill was passed, carrying appropriations only for worthy projects and those most needing support. Under those circumstances the Chief of Engineers recommended $151,000 for this project—

these two harbors. Urged by the desire for economy, and on the demand of the then chairman of the Committee on Rivers and Harbors, Mr. Burton, of Ohio, the Chief of Engineers modified his report and recommended $101,000 for these two harbors, and in a bill carrying only about $9,000,000, and as everyone well understood, making provision only for worthy projects, there was carried an appropriation of $101,000 for these two harbors.

A little later a survey was had of these harbors, and the engineer making the report differed from the engineer who had made the former report, and recommended that no more money be expended for these harbors. That unfavorable report stands to-day; but there was $101,000 in the fund, and under direction of Congress the Corps of Engineers have been expending that money little by little, year after year, keeping those harbors open, keeping those places on the map.

That was the condition up to two years ago, when, failing to pass a regular river and harbor bill, Congress appropriated a lump sum of $25,000,000 to be expended in the discretion of the Chief of Engineers. That authorization carried power and conferred discretion upon the Chief of Engineers to divert money from any fund or standing to the credit of any project and add it to the $25,000,000. The Chief of Engineers, going over the list of projects in his office, found $48,000 remaining in the fund for these little harbors, and arbitrarily diverted it and added it to the big sum of $25,000,000, leaving these little harbors altogether without money for their further maintenance.

I am not asking this House to disregard the recommendation of the engineers that no more money be appropriated for these harbors. I am simply asking the House to restore to that fund and to the credit of one of these harbors, a small part of the money heretofore appropriated, and which, in my judgment, was improperly diverted and taken away by the Chief of Engineers. I doubt his authority under the act of two years ago, but he exercised that power, and he has totally depleted the fund for these harbors. He has made a recommendation this year of $5,500 for one of the harbors, White Lake—and this bill carries a provision for that amount for White Lake—but no recommendation was made for Pentwater, and this bill carries nothing for it. I repeat, I am not asking this House to make an appropriation contrary to the recommendation of the engineers. I am simply asking the House to correct the mistake the engineers made in diverting the money that Congress had appropriated and set aside for this project, leaving this harbor without money.

I am asking for only a small part of the money that Congress has heretofore provided and intended should be used for these harbors so that they may be kept alive and given time for growth and development. I am not asking money for new work; simply asking for money enough to keep the harbor alive for a while, that it may have a little more time in which to justify a demand for permanent support. On the harbor of Pentwater there has been expended upward of $300,000. It is a beautiful harbor. Formerly there was a large amount of business, largely lumber, but there has been a change in conditions in that part of Michigan. The lumber industry has gone, but agriculture and manufacture and fruit growing have come to take the place of lumber, and the county in which Pentwater is located, and of which it is the only port, is one of the very best fruit counties of the State of Michigan, but there is no outlet for its products. The engineers report a lack of commerce, but the harbor has not been maintained so there could be commerce. It is a fine summer-resort country, too; but the engineers in their investigation and report take no notice of passenger business. They report the dead freight, but pay no attention to live freight. I say it is a great fruit country, and splendid agricultural development, and there would be numerous and large shipments of fruit and farm products if there were harbor facilities. We all know that fruit is perishable, and that the growers of it will not take it to a harbor if they are in doubt as to the boat coming and going on schedule time. In that respect conditions have not been very favorable.

The owners of the boat lines have expressed their desire to make Pentwater one of their regular ports, and to make regular trips to that harbor, and I have many times heard residents of the village of Pentwater say that very often a boat plying Lake Michigan and scheduled to enter that harbor would come and stand off the harbor, but the captain, doubting his ability to enter during rough weather, would take his boat away. That difficulty could have been overcome if a little more money had been available for the improvement of the harbor. It can be kept in reasonable condition for a short time with this money. I am asking for only $5,000, a small part of the $48,000 appropriated by Congress, which was intended for the maintenance of the harbor, but improperly diverted by the engineers, a serious mistake on their part. The adoption of my amendment will provide this little sum. It seems to me that conditions and facts as I describe them ought to appeal to the House and that there should be no opposition to the amendment.

Mr. SPARKMAN. Mr. Chairman, I regret exceedingly to have to oppose the amendment offered by my friend from Michigan [Mr. McLAUGHLIN], but to adopt it would be to go directly in the face of the recommendation of the engineers, something that we have not heretofore done in this bill. The Board of Engineers in the report made by that body on June 15, 1915, used this language:

> In view of the conditions existing at this harbor, the district officer in 1909 recommended its abandonment, and this recommendation has been included in recent annual reports of the Chief of Engineers. As a result of the present investigation the district officer now reaches a similar conclusion and recommends that the harbor be abandoned. In the opinion of the division engineer the harbor is not worthy of any improvement in amplification of the present project, but it is worthy of maintenance of the existing piers and of the present project channel for such width, less than the project width of 150 feet, as may be necessary for the harbor traffic.
>
> 3. This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated June 15, 1915, concurring in the views of the district officer.
>
> 4. After due consideration of the above-mentioned reports I concur in the views of the district officer and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Pentwater Harbor, Mich., from the mouth of the channel to Pentwater Lake is deemed unworthy of further continuance or maintenance, and it is recommended that the project be abandoned and appropriations for this harbor discontinued.

It will be observed that we have not inserted a provision abandoning this project. We have treated that like we have a few others where similar recommendations have been made, and have used no language that would have the effect of abandoning the project. But we did not think, in the face of the recommendations, that we could go any further than appropriate the $5,000 for White Lake.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. McLAUGHLIN. What does the gentleman think of the action of the engineers in diverting $48,000 from this little project?

Mr. SPARKMAN. I would not think that action should be condemned in view of the conclusions to which they arrived that the project was not worthy of further improvement and maintenance. I am not defending the conclusion that the engineers have reached. I do not know anything about it, except what I see in the report. I would like to make this suggestion to the gentleman, that instead of trying to have the bill amended so as to insert an item of $5,000 for Penwater he have the matter referred back to the engineers; and if they have made any mistake let those interested go before the board and have it corrected. Let them proceed regularly, and not contrary to the report of the engineers.

Mr. McLAUGHLIN. If the course suggested by the gentleman from Florida is followed, and we get no appropriation this year, there will be no commerce at that harbor, because the sand will drift in and no ship can enter. There will be no commerce upon which the engineers can report. This little appropriation that is asked for, only a small part of the large amount that they took away from the fund, ought to be made in order to keep the harbor open and in normal condition when next examined by the engineers.

Mr. SPARKMAN. I am only asking the committee to go with the engineers in this matter. They have recommended its abandonment. I do not want to do that now. It may be that the gentleman or some one else can induce them to change their opinion. But here we are confronted with the recommendation that no more money be appropriated. If we appropriate the money in this bill, we would be contrary to the recommendation of the engineers.

Mr. McLAUGHLIN. Mr. Chairman, may I occupy a little more time?

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto close in seven minutes, five minutes to be occupied by the gentleman from Michigan.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, I wish to add a few words concerning the history of this project. This $101,000 that I speak of was appropriated in 1909. Following that there was an unfavorable report by the Corps of Engineers, and inasmuch as the expenditure of the $101,000 was under the law discretionary

with them, they refused to spend any part of it. When the attention of Congress was called to the fact that an appropriation of $101,000 had been made and yet the engineers refused to spend the money, this Congress, this House, with the approval of the Senate, inserted in the river and harbor bill of 1910 a positive direction to the engineers to expend the money theretofore appropriated. The engineers have been following that direction and have been spending the money, and if they had not improperly diverted it there was enough money for several years, so that the harbor might have time to grow and develop and later on justify a favorable report.

It seems to me, Mr. Chairman, that the distinguished chairman of the committee does not take the proper view of this matter. I am not asking the House to go contrary to the report and recommendation of the engineers. I believe that the policy pursued by the committee has been right. It should follow the engineers. I am simply asking that a portion of the money improperly diverted be returned to the fund.

Mr. SPARKMAN. Will the gentleman yield?

Mr. McLAUGHLIN. I will.

Mr. SPARKMAN. In view of the recommendation that no more money be expended on the harbor either for improvement or maintenance, would we not violate the recommendation if we made this appropriation?

Mr. McLAUGHLIN. I do not look upon this as additional money; it is the return of a portion of the money improperly diverted.

When I learned the diversion had been made I called to see the Chief of Engineers and asked him why it had been done. He said, "We had authority to do it, and if you need more money you can go to Congress and get it." I told him of the difficulty I would have in the face of his unfavorable report, and he expressed the opinion that very likely Congress would take care of it. Now, I appeal to this committee to correct the mistakes of the engineer. I believe I am right and that I am asking only what is fair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. SPARKMAN) there were 32 ayes and 52 noes.

So the amendment was rejected.

The Clerk read as follows:

Harbor of refuge at Harbor Beach, Mich.: For improvement in accordance with the report submitted in House Document No. 1700, Sixty-fourth Congress, second session, $100,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do not know that I am against this paragraph, but it seems to me we ought to have some information about it. I do not know what the population of Harbor Beach, Mich., is or what the postal receipts are in that vicinity; but we ought to have some information, so long as we are about to appropriate the enormous sum of $100,000 for improvements at Harbor Beach; we ought to know what the postal receipts are and what the population is.

Michigan is a very important waterway State, and it is represented here by some distinguished men who are not wholly in favor of appropriations for public buildings, provided the population and the postal receipts do not come to certain standards.

I am not sure, however, but that a great deal of money that might have gone into public buildings has already been expended at Harbor Beach, Mich. One hundred thousand dollars is asked for now. Such reports as I have seen indicate that we have expended upward of $2,000,000 at this point in order to rear certain sheltering arms into the sea to protect a few vessels that might be in distress.

Mr. Chairman, if we were to apply the $2,000,000 that we have expended at Harbor Beach, Mich., the population of which is not referred to in the engineer's report, and the postal receipts of which are not mentioned by any of the reports, according to the standards of certain gentlemen from Michigan, we could erect at $10,000 each about 200 post offices throughout the country; or, if we applied this $2,000,000 to the erection of post offices at $10,000 each throughout the country, then, according to certain arguments we have heard, we could, if we distributed these post offices according to the districts, gather together a majority of the votes, and thus carry the bill. [Laughter.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MEEKER. Has the gentleman noticed that this is a harbor of refuge?.

Mr. MOORE of Pennsylvania. Yes; a harbor of refuge.

Mr. MEEKER. Is the gentleman aware that Michigan has just gone dry? [Laughter.]

Mr. MOORE of Pennsylvania. Yes. A harbor of refuge for $100,000.

Mr. MEEKER. That explains it.

Mr. MOORE of Pennsylvania. It has been a harbor of refuge for $2,000,000 altogether, up to date. If we took the $2,000,000 that has gone into Harbor Beach, Mich., the population of which is not mentioned, and the postal receipts of which are not mentioned, and applied it to public buildings as I have indicated, we could erect 200 public buildings at $10,000 each, and probably acquire 200 votes in this House in order to put that public-building bill through. But if we did that, Mr. Chairman, what would become of Harbor Beach, Mich.? What would this Michigan district say if its Representative went home without any pork for Harbor Beach?

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. KEARNS. Does the gentleman from Pennsylvania mean to insinuate that the average Member of this House can be purchased with a post office costing $10,000?

Mr. MOORE of Pennsylvania. Mr. Chairman, so long as the gentleman puts a serious question to me, I would say that even now it is dangerous for a Member of this House to attend a banquet that costs a dollar and a quarter a plate [laughter], because if he does so, he might come under the keen, cold, gray eye of the gentleman from Jasper, Ind., who would rise in his place and with indignation furrowing his brow, say that such a man, attending a dollar-and-a-quarter banquet, might be susceptible to the charge of corrupt practice. [Laughter.] Mr. Chairman, I call attention to this item of $100,000, grown in this way through a series of years to $2,000,000, deposited by the Government at Harbor Beach, Mich., which might have been applied to public buildings, but which was not in order that gentlemen may realize that that large sum remains safe and snug behind the breakwater at Harbor Beach.

It may be that public buildings should not go into the district of any other gentleman while this worthy project is going on at Harbor Beach, but I am inclined to think that even though gentlemen representing such important projects as Harbor Beach, Mich., should get away with $2,000,000 in the course of a few years, still they might prove up by giving us the population and the postal receipts. [Laughter.]

The Clerk read as follows:

Clinton River, Mich.: For maintenance, $1,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, we have here the item of $1,500 for maintenance of the Clinton River, Mich. Is there anyone here upon the committee or in the Committee of the Whole who can explain this item of the Clinton River, Mich.? I look about me, Mr. Chairman, and look over the observant countenances upon the floor. Gentlemen from Michigan are here, as are gentlemen from Wisconsin. I call upon anyone of these gentlemen to inform the House, if they will, about this item of $1,500 for maintenance at Clinton River, Mich. Do I get a rise? [Laughter.] Does any gentleman defend this item? Is there a man, with soul so dead, from Michigan, who never to himself hath said, this is mine own, my little pet? [Laughter.] I see gentlemen from Michigan here—a great waterway State, with great waterway statesmen; will not some gentleman from Michigan rise? [Laughter.] Why, Mount Clemens is in Michigan, and somewhere near by that wonderful resort runs the Clinton River. Has no one ever gone up there to be cured of rheumatism? Cranberries are grown in this vicinity, and they compete with the cranberries of the New Jersey coast. Is there no one here to speak for this cranberry inlet? [Laughter.] Mr. Chairman, I still have a little time to give away to any gentleman who denounces the pork barrel, any gentleman who has it down in the depths of his representative corporosity to denounce appropriations made in the districts of other gentlemen, who will rise now and speak for the Clinton River. No one rises.

Mr. Chairman, I find in the engineer's report this simple statement:

Preliminary examination of Clinton River, Mich.: Report dated October 2, 1915, is printed in House Document No. 1014, Sixty-fourth Congress, second session.

Bear in mind, all of the formalities have been gone through with by somebody who represented the Clinton River, in Michigan. But the engineers say that—

Further improvement by the United States is not deemed advisable at the present time.

And yet we are spending—think of it, ye proponents of post offices and Federal buildings—$1,500 for maintaining this river up there somewhere in Michigan, where you can go for a perfectly safe cure. [Laughter.]

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I do; I am glad some gentleman has at last risen. Will the gentleman from Minnesota please tell me the population in the vicinity of the Clinton River?

Will the gentleman tell me the postal receipts along the Clinton River? Will the gentleman tell me why we should desecrate the Clinton River in a "pork barrel"? Will the gentleman tell me if we are warranted in risking this $1,500 of the people's money——

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. MOORE of Pennsylvania (continuing). To improve the Clinton River when the whole State has gone dry? [Laughter and applause.]

Mr. SMITH of Minnesota. What is the tonnage?

Mr. MOORE of Pennsylvania. I can not find out, and I am appealing to some one to tell us the tonnage of the Clinton River.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. Does the Chair rule that the gentleman is conducting a filibuster upon this important measure?

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to argue that point of order, but the gentleman from Michigan having risen, I yield to him the balance of my time. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Indiana Harbor, Ind.: Completing improvement and for maintenance, $415,200.

Mr. SABATH. Mr. Chairman, I move to strike out the paragraph which provides for an appropriation for Indiana Harbor of $415,200.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 30, strike out all of lines 19 and 20.

Mr. SABATH. Mr. Chairman, in making this motion to strike out this paragraph I do not intend, like my friend from Pennsylvania [Mr. MOORE], to entertain the membership of this committee, but I do so because I believe that it is improper for this committee to continue to appropriate large sums of money to any project that is subject to the control of private interests or corporations. Some few years ago in this locality the Government owned a river which the United States Steel Trust did not quite like, and therefore they closed it up and built a channel for their private use. Finding it was rather expensive to maintain that channel, they turned it over to the United States, so that the Government would have the privilege annually of appropriating from about $50,000 to $100,000 to maintain the channel for this poor, oppressed Steel Trust. Now, I have before me the report of the Board of Engineers, from which it appears that they expect some benefits for the people of that district to be realized in the near future. Unless I am very much mistaken, no one else outside of the Steel Trust and the Standard Oil Co. has up to this day used this channel, and I can not see why we should be called upon to maintain, enlarge, and protect, at such a tremendous cost, this privately owned channel.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. SABATH. I will yield to the gentleman.

Mr. HUMPHREY of Washington. Suppose that the business of the Steel Trust and the Standard Oil Co. at Indiana Harbor was divided up among 15 or 20 small concerns, would the gentleman then be in favor of improving this harbor?

Mr. SABATH. Oh, were it in the interests of the people, yes; but where it is for the direct interest of a gigantic trust I am opposed to it, especially when we know that millions and millions of dollars are being made by this trust that is seeking and claiming the aid of this body.

Mr. HUMPHREY of Washington. Will the gentleman yield further?

Mr. SABATH. Yes.

Mr. HUMPHREY of Washington. Do not those two companies do the same amount of business and employ the same number of men and pay the same amount of wages as if they were divided up among a number of men or a number of companies?

Mr. SABATH. Oh, they do more business than 15 companies, more than all the other companies in their particular line in the United States. I want to say to you that I very seldom see anybody coming to the rescue of the smaller men and urge the granting of benefits to them just as the gentleman is urging that we should come to the aid and assistance of this tremendous trust.

Mr. MADDEN. Will my colleague yield?

Mr. SABATH. Yes; I yield to the gentleman.

Mr. MADDEN. The United States steel plant is at Gary, Ind., is it not?

Mr. SABATH. No; but they are now using Indiana Harbor and they are also filling in a lake known as George Lake which belonged to the Government until it was discovered by the steel company. Now they believe it is their own, that it belongs to them, and so they have commenced filling it in.

Mr. MADDEN. How far is Gary from Indiana Harbor?

Mr. SABATH. It may be about——

Mr. MADDEN. Ten miles?

Mr. SABATH. Eight or ten miles I should say.

Mr. HUMPHREY of Washington. Will the gentleman yield for one question?

Mr. SABATH. Yes; I will yield to the gentleman.

Mr. HUMPHREY of Washington. Is Indiana Harbor in the gentleman's district?

Mr. SABATH. No, it is not; and for the information of the gentleman from Washington I wish to say that neither he nor any other man has ever heard me ask for appropriations for my own district. What I desire to do is to oppose any unfair appropriation, whether it be for your district or for my district. I would not hesitate, if my district were in need of an improvement, to ask for it, but I would not ask for a large appropriation for the benefit of a trust or a corporation which has taken away property that formerly belonged to the Government and converted it to its own uses and benefits.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. SABATH) there were—ayes 10, noes 54.

So the amendment was rejected.

Mr. HULL of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. FOSTER). The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $30,000.

Mr. McKENZIE and Mr. BENNET rose.

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] is recognized.

Mr. McKENZIE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, after line 7, insert the following:
"Fulton Landing, Fulton, Ill.: For improvement of landing at Fulton, Ill., $10,000."

Mr. BENNET. Mr. Chairman, I rise for a preferential motion relating to the paragraph.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BENNET. Mr. Chairman, I rose at the same time that the gentleman from Illinois [Mr. McKENZIE] did to inquire about the paragraph in lines 4, 6, and 7. The Chair recognized the gentleman from Illinois to offer a new paragraph below.

The CHAIRMAN. The Chair understands this is an amendment.

Mr. McKENZIE. It is a new paragraph.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is correct.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking in entire good faith of some one from Illinois, What is Copperas Creek?

Mr. MADDEN. Copperas Creek is a place down the river where we have had dams to regulate the flow of the water, and where it is thought necessary to erect these dams in order to lower the stage of water, so that it will not overflow the adjoining country.

Mr. BENNET. The word "creek" does not necessarily mean it is a small body of water?

Mr. MADDEN. It is the main Illinois River at Copperas Creek. It is the name of the town.

Mr. BENNET. I want to say that some of our New York papers, I am sorry to say, have been passing comments on this bill because it provides for the improvement of creeks.

Mr. RAINEY. Mr. Chairman, Copperas Creek is one of the locks and dams on the Illinois River, located at a point on the

river near where the creek by the name of "Copperas" flows into the river. Hence the name given the dam. It is not a dam called "Copperas Creek." It is a dam across the Illinois River, which cost over $1,000,000 to build, through which lock in that dam commerce on that great river passes.

Mr. BENNET. Mr. Chairman, the two gentlemen from Illinois have made such precisely similar explanations that one might have thought they rehearsed them if they had had a chance to do so. I thank the second gentleman from Illinois also.

The mere use of the word "creek" in a bill does not mean that the body of water is small. For instance, as to the State which I represent in part, there are appropriations in this bill for Newtown Creek, on which there is a tremendous commerce; Westchester Creek, on which there is about as much commerce as there is on the Mississippi River; and East Chester Creek; but I do not think it is fair even for the newspapers in my own State, without investigation, to criticize an item for a creek simply because of the use of the word "creek." If it is a real creek, that is so shallow that possibly it only amounts to a heavy dew, that is justifiable, but the mere word ought not to be a basis for criticism.

Mr. SMITH of Minnesota. Will my colleague yield for a question?

Mr. FREAR. May I inquire what paper is making those extravagant statements?

Mr. BENNET. I do not own stock in any New York paper, and I decline to advertise any of them.

Mr. FREAR. I was wondering whether the fact that it was based upon commerce was the reason that it was humorously treated by the gentleman.

Mr. BENNET. Those I mentioned simply used the word "creek" as——

Mr. MEEKER. Because it says "Copperas Creek" does not mean that it is "copper."

Mr. SWITZER. Were they careful to exclude all the creeks in New York State from criticism?

Mr. BENNET. They do not criticize any creeks in New York State.

Mr. SMITH of Minnesota. I want to know if it is not true that newspapers do not care especially for the facts? What they care about is something that will attract attention. For example, a young friend of mine was being instructed as to how to gather news for the newspapers, and his instructor, one of our able editors, said, "Now, young man, if you run across an item where a dog bites a man, that is not news. Do not bring that in. But if you find a case where a man bites a dog, bring that in." Now, that is the proposition that is involved in these criticisms. The papers want us to present something that will excite the curiosity.

Mr. BENNET. That was always one of my favorite stories. [Laughter.]

Mr. RAINEY. Mr. Chairman, I move to strike out the last two words.

Mr. McKENZIE. Mr. Chairman, what has become of the amendment?

The CHAIRMAN. The gentleman from New York offered a preferential motion, on which he wished to be heard.

Mr. McKENZIE. Then I will wait until that is disposed of.

Mr. RAINEY. Mr. Chairman, in further explanation of the Copperas Creek item, I desire to say Copperas Creek, on the Illinois River, is located about halfway between the mouth of the river and the head of navigation on the river, and it marks the point on the river where the Government work ends and where the work of the State of Illinois commences, because above Copperas Creek, on the Illinois River, the State of Illinois maintains the navigability of the river. Therefore if the New York papers are talking about Copperas Creek, they ought to discuss it in connection with the work the State of Illinois does. And, so far as I know, no other State contributes toward maintaining the navigability of a great river within its boundaries. We think so much of the Illinois River, above Copperas Creek and below Copperas Creek, and of the possibilities of connecting Lake Michigan with the Illinois River by a channel extending from Lake Michigan down to the Gulf of Mexico that the State of Illinois, when the question was submitted to the voters in that State, authorized the Legislature of Illinois to bond the State to borrow $20,000,000 for the purpose of improving this great waterway.

Mr. BENNET. Will the gentleman yield?

Mr. RAINEY. Yes, sir.

Mr. BENNET. Has the gentleman ever heard about what the State of New York did in bonding our State to improve the Mohawk, a navigable stream?

Mr. RAINEY. Yes; and the State of Illinois furnishes the commerce which makes it possible for the State of New York to appropriate $100,000,000 for the purpose of improving the Erie Canal.

Mr. BENNET. Inasmuch as there are no tolls on the canal and we paid for the whole canal, part of the statement of the gentleman from Illinois [Mr. RAINEY] is correct, but not the important part.

Mr. RAINEY. The State of New York is honored by having the commerce of the great State of Illinois pass through its territory.

Mr. HULBERT. Mr. Chairman, will my colleague from New York accept an amendment to his statement?

Mr. BENNET. Yes.

Mr. HULBERT. The State of New York has appropriated $157,000,000 instead of $101,000,000.

Mr. RAINEY. I congratulate the State of New York on its policy in the matter of waterway improvements. The State of Illinois feels the same way about the waterways within its boundaries, and if it is possible for the State of Illinois to get a channel at least 14 feet deep opened down to the Gulf of Mexico the State of Illinois might be induced to appropriate a still larger amount than the people of that State have authorized its legislature to appropriate.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will report the amendment offered by the gentleman from Illinois [Mr. McKENZIE].

The Clerk read as follows:

Amendment offered by Mr. McKENZIE, to follow line 7, page 31: "Fulton Landing, Fulton, Ill.: For improvement of landing at Fulton, Ill., $10,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

Mr. SPARKMAN. I reserve a point of order on the amendment, Mr. Chairman.

Mr. McKENZIE. Mr. Chairman, I do not know whether this amendment is subject to a point of order. However, I want to make a very brief statement in connection with it.

Fulton is a town in Whiteside County, in the State of Illinois. It was at one time a great shipping point. Large sawmills were located there, and it was one of the good harbors or landings on the Mississippi River. In 1907 the Government expended $4,015 in dredging out this landing, but since that time the channel has filled up, and it is impossible now for a boat to get up to the landing.

The people of Fulton sent me a petition, signed by all the leading people of the town of Fulton, asking me to take this matter up with the proper authorities. I sent the petition to the Mississippi River Commission, believing that they had jurisdiction over the matter. Col. Townsend, however, sent it to Maj. Hoffman, stationed at Rock Island, stating that it was a matter over which they had no jurisdiction, and that it required a specific appropriation. I received a letter from Maj. Hoffman in which he states that he can not divert any of the appropriation made for channel purposes to the improvement of a landing, and that it will be necessary to have a specific appropriation made for this purpose.

Now, he further says it will cost quite a large sum of money, perhaps $20,000, to put this landing in first-class order, due to the fact there is a solid rock bottom to the river at that point, and that it will be necessary either to blast out a part of that rock bottom or build out some sort of a structure into the river where the boats may land the freight that is brought up and down the river.

Now, I want simply to state this, in conclusion, if I may have a minute further: It seems to me an idle policy to appropriate millions of dollars annually for the improvement of the Mississippi River channel and then refuse to appropriate any money to make it possible for the boats to land at the towns along the river. What are we improving the channel for, if it is not to permit the boats to land and to take on and put off freight? Are they simply to pass up and down the river in this channel that we are spending so many millions in improving? It seems to me that if there is any argument in favor of improving these waterways, it carries with it the fact that we ought to improve the landings.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. SUMNERS. Would it be a feasible scheme to depend on the community there to improve their own landing, or would the expense be too great for that?

Mr. McKENZIE. I think it would be too great a burden, and I do not think it would be just.

I might add this word: Some years ago, to improve the channel, the engineers built a dam out in the river which the

people of Fulton say produced an eddy that filled up the landing place. The engineers of the Army, however, contradict that statement, and say that that is not the fact. But the fact remains that the landing has filled up with silt, and it is impossible for the boats to get up to the landing. I think, Mr. Chairman, if we are going to make appropriations at all, this is one of the items that would appeal to the judgment of any reasonable man.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. McKENZIE. Yes.

Mr. HULBERT. Is there a House document report on this proposed improvement?

Mr. McKENZIE. No, sir.

Mr. HULBERT. The gentleman has not introduced any bill or brought the matter to the attention of the Committee on Rivers and Harbors?

Mr. McKENZIE. No, sir. It came to my attention too late for that. I was under the impression that the Mississippi River Commission had the right to use part of the money appropriated for that commission to be distributed for the improvement of the river.

Mr. HULBERT. There has not been any survey or authorization of a survey as to the exact necessities at that point?

Mr. McKENZIE. It is a project that has been under the jurisdiction of the War Department. In 1907 there was expended $4,015 to improve this, and they said it was only temporary. To make it complete would cost $20,000. I am asking now for an appropriation of only $10,000.

Mr. SPARKMAN. Mr. Chairman, the amount that the Government has expended was for improving the channel of the river?

Mr. McKENZIE. Yes.

Mr. SPARKMAN. The gentleman's amendment is to appropriate money to construct or improve a landing?

Mr. McKENZIE. Yes.

Mr. SPARKMAN. That being the case, Mr. Chairman, I think it is clearly subject to a point of order.

Mr. SABATH. Mr. Chairman, I desire to ask the chairman of the Committee on Rivers and Harbors a brief question. Will he withhold the point of order for a moment?

Mr. SPARKMAN. Yes.

Mr. SABATH. I notice various appropriations here, but I have not noticed any appropriation for Bubble Creek, in Chicago. Not that I am in favor of any appropriation for that great waterway, but I would like to know whether anyone came before the committee asking legislation to close that creek?

Mr. SPARKMAN. I do not recall any request of this kind.

Mr. SABATH. Not at this session?

Mr. SPARKMAN. Not at any time.

Mr. SABATH. The gentleman knows that one branch of the Chicago River has been closed, and it is being closed now.

Mr. SPARKMAN. No; I was not aware of that.

Mr. SABATH. No recommendation has been secured from the committee or from Congress on that subject?

Mr. SPARKMAN. I do not recall any at all.

Mr. SABATH. For the gentleman's information I wish to say that the people owning adjoining land have been filling in that creek and are now in the market to dispose of the property, and are ready to close the other branch, and are advertising for sale property which to my mind belongs to the Government.

Mr. SPARKMAN. Has the gentleman ever presented that matter to the War Department?

Mr. SABATH. Yes; I wrote a letter to the War Department a year ago and they answered me that an application had been made for the closing of that creek, and that they understood it was being filled in, and that they did not believe anyone would raise any serious objection. I myself would not be opposed to closing that creek were it not for the fact that I do not believe those people should secure title to property which to my mind belongs to the Government.

Mr. SPARKMAN. If it is navigable water, they can not acquire title by filling it up without authority. They would have no legal authority to do that.

Mr. SABATH. I do not think they have. Will the gentleman advise me in what way to proceed, or will his committee aid me to bring about a condition whereby this land can be reclaimed from those who unlawfully hold it, and be turned over to the Government?

Mr. SPARKMAN. If I were in the gentleman's place, I would present the matter, as the gentleman no doubt has, to the War Department. If the War Department does not act, then I would present the matter to the United States district attorney, because there is a statute prohibiting such acts and the courts have the authority to cause the removal of such obstructions.

Mr. SABATH. Has the Secretary of War the right to grant a permit to fill in any channel or creek which has been used and recognized as a navigable stream?

Mr. SPARKMAN. Congress alone can authorize the filling in of navigable water.

Mr. SABATH. It requires the action of Congress?

Mr. SPARKMAN. Yes.

Mr. SABATH. Before anyone can obstruct or fill in any such navigable stream?

Mr. SPARKMAN. That is correct.

Mr. HULBERT. Has it occurred to the gentleman that he might introduce a resolution asking for an investigation, have it referred to the proper committee, and request a hearing thereon?

Mr. SABATH. I wish to say to the gentleman that two years ago I introduced a resolution, with which the chairman of this committee is familiar, asking for a survey of the Chicago River and the Lake front, and showing the obstructions by private interests of the shores and rivers. The resolution was embodied in the bill two years ago, and for two years every month or six weeks I asked the Board of Engineers for a report, but up to this date I have not been able to secure it. That is the reason I am asking the chairman for advice, as to whether there is a way in which I can proceed to secure the information and to stop these people from doing these unlawful things, such as they are doing on George Lake, where the Steel Corporation is filling in that body of water without any warrant of law.

Mr. SPARKMAN. The War Department has ample jurisdiction to prevent all such trespasses as the gentleman mentions.

Now, Mr. Chairman, I ask a ruling on the point of order.

The CHAIRMAN (Mr. FOSTER). The gentleman from Florida [Mr. SPARKMAN] makes a point of order on the amendment offered by the gentleman from Illinois [Mr. McKENZIE], on the ground that it is not germane to the bill. Does the gentleman desire to be heard on the point of order?

Mr. McKENZIE. No.

The CHAIRMAN. The Chair thinks this amendment offered by the gentleman from Illinois does not come within the rule as to items in a river and harbor bill, being for the improvement of a landing. Therefore the Chair sustains the point of order.

Mr. SUMNERS. Mr. Chairman, I ask unanimous consent to make a brief statement, not exceeding five minutes, with reference to a project which is not in this bill, but has been carried in the bill heretofore.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes to explain a matter which is not in this bill, but which has been in previous bills. Is there objection?

There was no objection.

Mr. SUMNERS. Mr. Chairman, heretofore there has been carried in the river and harbor bill a Trinity River item. In justice to my constituents and to the Members of the House I want to make a very brief statement with reference to that project. In the last Congress I was authorized to state to the Rivers and Harbors Committee that the people of Dallas and that vicinity would contribute $3,000,000 toward the completion of the project if the Congress would make an appropriation covering the rest of the necessary expenditures. Since that proposition was made to the Congress the engineers having the matter under consideration have made a report in which they change the former estimate of $6,000,000 for the completion of the project to about $13,000,000. This report was made at about the beginning of this session of Congress. The local people interested, recognizing that Congress would probably require a larger contribution from them than that which they had formerly proposed to make, felt that they would require further time to investigate the matter and ascertain just what propositions they could make to Congress. Therefore, as the Representative of that district, I did not ask the Rivers and Harbors Committee to incorporate in this bill an item for the Trinity River. I make the statement for the purpose of explaining, in a measure at least, the absence of the item in the bill, and to explain to the Members of the House why the people of Dallas and vicinity have not proceeded further with reference to the $3,000,000 proposition which they authorized me to make at the last Congress. I hope that when this bill comes before the committee again for consideration that I will be prepared to make the committee and Congress another definite proposition looking to the completion of this project.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I was not able to hear all the statement that the gentleman from Texas [Mr. SUMNERS] made with relation to this matter, although I realize his very great interest in the improvement of Trinity River, as he has expressed it to the committee previously and also on the floor of the House. But in justice to myself and in the expectation of voting for the river and harbor bill when it comes to a vote to-day or to-morrow, as long as the question of the Trinity River has come up—and I am sorry it has come up—I wish to say that so far as I am personally concerned one of the reasons why I shall vote for the present river and harbor bill, and did not vote for the last one, is the fact that the Trinity River is left out. There were two or three similar propositions in the last river and harbor bill that are not in this bill.

When general debate was on a few days ago I stated that I thought there were fewer items to condemn in the present bill than in any bill during the last four years, and the omission of the Trinity River and the Brazos, and a few of the same kind, is one of the reasons why I made that statement.

Mr. SUMNERS. Will the gentleman yield?

Mr. TREADWAY. Yes; with pleasure.

Mr. SUMNERS. I do not know whether the gentleman understood my statement——

Mr. TREADWAY. I did not hear all of it.

Mr. SUMNERS. My statement was in explanation of why we had not proceeded further with reference to the $3,000,000 proposition that I made last year to your committee. I am going to present it when the river and harbor bill comes before Congress next year, and I hope the gentleman will put on the slow pedal in so far as prejudicing the Trinity River project is concerned.

Mr. TREADWAY. I will say that no member of the committee, certainly not myself, would in any way impugn the good intentions of the gentleman from Texas in thoroughly living up to any statement that he ever made to any of us, because we all appreciate the high character of the gentleman and his good faith in carrying out what he may promise to undertake.

The Clerk read as follows:

Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building and protection of levees, at the localities under the jurisdiction of said commission, including the Ohio River from its mouth to the mouth of the Cache River, which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same.

Mr. RAINEY. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of calling the attention of the committee to the act of 1916, which carried a paragraph providing that any funds in that act or which may hereafter be appropriated by Congress for the improvement of the Mississippi River between Head of Passes and the Ohio River, and which might be allotted to levees, might be expended under the direction of the Secretary of War on any part of the river between Head of Passes and Rock Island, Ill.

This paragraph in the bill I have no doubt intends to carry out this provision which is now a part of the law of the land. In the event that this bill should fail in the Senate and a lump sum should be appropriated, and any part of the lump sum should be allotted for levees on the Mississippi River, the clause in the act of 1916 would undoubtedly come into operation, and appropriations for levees on the Mississippi River would also be expended for levees on the upper part as far as Rock Island.

If the bill should become a law, it is a question in my mind whether this paragraph would permit the expenditure of the $6,000,000 that might be allotted to levees on the upper Mississippi River as far off as Rock Island. The paragraph provides for an appropriation to be expended on the Mississippi River from Head of Passes to the mouth of the Ohio River. Then later on in the paragraph it authorizes the engineers to use a part of this money for the general improvement of the river and a part of it for completing and for the protection of levees at the localities under the jurisdiction of the said commission. The commission has never exercised jurisdiction, until the act of 1916, over levees on the upper river. I want to suggest to the committee, knowing as I do that the committee intends that this section shall carry out the provisions of the law, the advisability of offering some committee amendment to make it plainer.

Mr. SPARKMAN. Mr. Chairman, to make the matter certain which the gentleman from Illinois thinks is uncertain, I will offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Line 17, page 31, after the first comma and before the word "for," insert the word "and," and after the word "levees," at the end of line 17 and before the comma, insert the words "between Rock Island, Ill., and Head of Passes."

The CHAIRMAN (Mr. FOSTER). The question is on the amendment.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. GREEN of Iowa. I rise for the purpose of asking the chairman of the committee why should the Government build levees along the Mississippi when it does not build levees along the Missouri? The Missouri is much more liable to overflow up above the mountains than the Mississippi in the same place.

Mr. SPARKMAN. In principle there is no difference as far as I can see, but it has been supposed all along that the necessities were greater on the Mississippi River than on the Missouri River.

Mr. GREEN of Iowa. To go a little further, why should the Government, which is supposed to be working simply in the interest of navigation, build levees for either of them?

Mr. SPARKMAN. On the Mississippi and on some other rivers, but especially the Mississippi, that part between the mouth of the Ohio and the Head of Passes, it has been supposed, and is yet supposed, that the building of levees is to some extent in the interest of navigation.

Mr. GREEN of Iowa. On what theory?

Mr. SPARKMAN. Upon the theory that there is a tendency always to wash new channels and fill up the old channels. But revetment is more in the interest of navigation, but that is hardly a response to the question asked by the gentleman.

Mr. GREEN of Iowa. That would be true as to the Missouri River also.

Mr. SPARKMAN. My own individual opinion is that the building of levees along the banks of the river has very little to do with and affords very little protection to navigation. The main thing, of course, as we all know, is the protection of property against overflows from floods that come from above. And I want to say another thing right there—that the country has acquiesced in, indeed, has advocated, that class of improvement on that part of the river on the theory that the water coming from other States above overflows the lands below, causing great damage to property, and that the country at large ought to contribute, along with the people there, toward the protection against those floods.

Mr. GREEN of Iowa. Then this is a reclamation project in part?

Mr. SPARKMAN. Very largely, though it is somewhat in the interest of navigation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. FREAR. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 31, line 12, strike out the figure "6" and insert the figure "1."

Mr. FREAR. Mr. Chairman, I listened a few moments ago to the remarks of the gentleman from Massachusetts [Mr. TREADWAY] in regard to this bill as he compared it with its predecessor which contained the item for the Trinity River. I differ with him in judgment as to the merits of the two bills. However, that is a matter of individual judgment. I can not understand how anyone after examining the 80 new projects that have been put into this bill can come to any conclusion that this bill is better than the other, notwithstanding that the Brazos and the Trinity and other projects are out. There are many items pointed out to-day along this line as vicious as any ever proposed in any river and harbor bill.

The amendment which I offer is an old one and I presume it will not be acted upon favorably by the committee, because the gentleman from Pennsylvania [Mr. MOORE] and myself conducted a heroic though very ineffective campaign against the flood-control bill. At that time we believed, at least I did, and I take it that he did, that the Government has no right under the present order of things, under the present character of improvements that have been conducted, to reclaim land along the lower Mississippi River. I can submit and will submit extended

remarks upon this subject showing that there is no question that most of this money is being used for the reclamation of lands or for the building of levees and revetments and things of that character. For navigation that river is the finest in the country; it has a splendid channel, as we have been told by Mr. BARNHART and all who use the channel. I will not refer to the commerce, because that has been discussed so many times; but I do say that it occurs to me that is a fair proportion of the amount that would be needed for an open channel, but I do not pretend to base any judgment upon it beyond that, and it is for the purpose of registering a protest against the use of Government money for the reclamation of lands along the lower Mississippi River.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SWITZER. The gentleman, as I recall, has asserted that if these items were to come in before the House by themselves they would likely not meet with the approval of Congress. Is it not a fact that this item for the lower Mississippi was segregated together with a bill for the Sacramento, and that it passed this House by a vote of 150 to 53, and that both of the items had been denounced by the gentleman, as well as by Senator Burton, as being exclusively reclamation projects; and is it not a fact that the gentleman was unable to get a record vote upon the two propositions that passed in the first session of this Congress?

Mr. FREAR. Mr. Chairman, the gentleman is correct in every particular. The bill is not yet through the Senate, however. I do not know but that it may go through. However, it will probably get a record vote, and it will not be unanimous. I believe, however, that unless we want to stand committed to the policy of reclaiming lands, we should adopt this amendment. I concede that this is a case that merits attention among the first if we undertake private-land reclamation, but I have been opposed to it because I believe it to be wrong in principle. If the California proposition had not gone along with it, I doubt whether it would have had nearly the vote finally received. That is neither here nor there. I move to strike this out because the larger portion of the money, which is similar to that carried in the $45,000,000 flood-control bill, is for land-reclamation purposes.

UPPER MISSISSIPPI RIVER WASTE—$28,000,000 APPROPRIATED FOR WHAT?—THE UPPER RIVER HAS BEEN SURRENDERED TO A POWER COMPANY THAT CONTROLS AND PREVENTS NAVIGATION—$27,000,000 OF GOVERNMENT MONEY HAS BEEN LARGELY WASTED ON THE UPPER RIVER, WHICH IS ONLY A FRACTION OF $159,000,000 APPROPRIATED FOR THE MISSISSIPPI RIVER DURING PAST YEARS TO OBTAIN A WATERWAY.

Mr. Chairman, I desire to submit notes gathered on a trip taken down the Mississippi River in August, 1916. I have lived on or near the river for many years, have boated the river during much of that time, and believe that the statement submitted gives an accurate understanding of actual conditions on the upper Mississippi River to-day. I offer herewith the testimony of many witnesses.

By preface, it was no ride at Government expense or through the courtesy of anyone, but was taken in order to have first-hand knowledge of a 700-mile section of the Mississippi River on which we have spent $27,000,000, during which time commerce has decreased 90 per cent, and yet navigation has never been more dangerous nor obstructed for reasons specifically set forth.

No conscious bias beyond that developed by facts presented exists, and I may further add that I traveled at my own expense, had no letters of introduction, and was unacquainted with a single officer or pilot of the boat or company when I took passage at St. Paul. Further I will say that other river pilots with whom I am acquainted, and who are among my own constituents, have confirmed the judgment herein expressed, and strongly commend the efforts to bring facts and the enormous waste of money to public attention.

After several years' study of river and harbor legislation, I am convinced that the cancer of waterway waste, reaching hundreds of millions of dollars, has its seat in the region of the country drained by the rivers of the Mississippi Valley. Waste occurs elsewhere in creeks, rivers, and bays all along the different coasts, but in the Mississippi Valley occurs waste that annually reaches a dozen millions or more. For this reason I invite attention to one project, typical of many, which discloses where the fault lies and how far afield we have drifted from the actual needs of navigation.

The criticisms are intended to be helpful, and I am prepared to admit that Congress is primarily responsible for results, because it has blindly followed recommendations of those who neither by training, taste, nor experience are fitted for the practical side of navigation or business methods. This does not impugn the honest motives of men nor the integrity of officials, but we should face the facts and assume our own share of responsibility.

MEMORANDA OF DATA AFFECTING THE UPPER MISSISSIPPI RIVER FROM ST. PAUL TO ST. LOUIS, GATHERED ON A TRIP DURING THE MONTH OF AUGUST, 1916.

We left St. Paul Thursday night, August 24, on the steamer *St. Paul*, Capt. Day in charge, with about 120 passengers aboard. The visible freight consisted of two automobiles, a Ford machine carried part way, a few boxes of soap, possibly 20 or 30 in number, and several cases of beer and Bevo, destined for river points in Iowa. The boat has 1,200 tons capacity, but carried less than 50 tons of freight, including weight of passengers and baggage.

The *St. Paul* is the largest boat on the river. It is about 270 feet in length, 74 feet in width, and draws 3½ feet or 5 feet when fully loaded. Remained on deck practically all of each day, and the first traffic boat seen on the river, aside from Government craft marked "U. S.," was a little towboat with a small barge of sand. This we passed below Clinton, 354 miles distant from St. Paul, on Saturday, August 26, at a point practically half way from St. Paul to St. Louis. It was reported that we passed the first boat at Dubuque during the night at a point 289 miles below St. Paul. On the trip down we passed probably 20 or more boats marked "U. S." tied up on shore or engaged in work along the river. Some of these were flatboats loaded with stone or brush; several dredges, most of which were idle, and two dredges belonging to the Burlington Road, near La Crosse, were also passed along the river.

With the exception of Government work boats the river was practically deserted from daylight to dark. Our boat whistled alone for landings or drawbridges. I was informed by officials of the boat that there is very little river traffic found on the upper Mississippi River.

The captain of the *St. Paul*, Capt. A. O. Day, a man of high standing, has traveled on the river for over 30 years. He formerly owned boats on the river and related many instances of his struggle with railway companies, which have now captured all the river freight. As stated, his boat, the *St. Paul*, is the largest on the upper Mississippi River, and is reported in the folder to have a 1,200-ton capacity, but she didn't appear to carry more than a dozen tons on the trip, apart from passengers and baggage.

BOATS RUN 12 WEEKS EACH YEAR.

The *St. Paul* is maintained by the passenger business, which ceases about September 1, when school term begins. It made 7 round trips during 1916 in a season of less than 12 weeks, and is the largest of several boats run by the Streckfus Line, largely for excursion business. Our boat easily passed over bars of 4 feet, when the measurements were called out by the pilot, but we were stuck on several bars below Keokuk and landed 17 hours late in St. Louis. Capt. Day said that before improvements were made on the river an average depth of about 6 feet in the channel was usually maintained during the boating season. At that time fully 130 boats were on the upper river. For some years the number has been growing less, until in 1916 probably not more than a dozen boats are engaged in actual regular river traffic, and of these the Streckfus Co. has three passenger boats and two excursion boats in use. As before stated, all the boats rely on excursion business for support, and none are serious freight or passenger competitors of the railways which run along both banks of the river.

A significant statement made by Capt. Day, of this the largest boat on the upper Mississippi River, is to the effect that after Government expenditures made on the upper Mississippi River—now aggregating over $27,000,000—the river is in worse condition than before the expenditure of a dollar was made. One evidence pointed out lies in the poor channels and vastly increased dangers now incurred. Capt. Day indicated sunken wing dams along the river, some of which were afterwards taken out by the Army engineers, who first put them in. No lights were on these wing dams as a rule, and they are a constant menace to pilots at certain stages of the river. Of course the menace is not so widespread since the 130 boats have diminished to approximately 10 per cent of the number formerly on the river.

FOUR-FIFTHS OF THE MONEY HAS BEEN WASTED.

Enormous waste of Government funds was pointed out on every side in order to verify some old or new theory. I asked Capt. Day how much money was needed for the maintenance of a channel in the upper Mississippi River, according to his best judgment. His answer, given in the presence of others, was

significant. Dividing the 700 miles of the upper Mississippi River, from St. Paul to St. Louis, into six districts, he said $30,000 would be sufficient to run every single district, or a total of $180,000 annually, for the upper river.

Asked what was being done with the $1,500,000 now annually dumped into the river, an amount nearly ten times that required for actual navigation, he declared little permanent benefit had been secured by the vast expenditure of $27,000,000, and reiterated that in many respects the river was more easily navigable before this expenditure had been made.

This judgment is not from an irresponsible or immature man seeking to carry out a theory. It is the conviction of a riverman of vast experience who is running the largest boat and one of the very few boats left on the river. Other rivermen and pilots gave similar opinions, although not always with equal frankness.

A SPECIFIC INDICTMENT OF CRIMINAL CARELESSNESS.

At Keokuk our boat dropped 30 feet in the locks so that the upper part was 15 feet below the level of the canal-lock walls. When down in the four-walled pit the captain said that in case of fire the Government has made no provision for saving passengers. No fire apparatus is on the adjoining walls, which walls are controlled by a private power company. No chance of escape is offered to passengers or crew, and sometimes 1,000 excursionists are carried on a single boat through the lock. The only method of reaching the top wall is by a little iron ladder 1 foot wide. Caught by fire, flood, or other disaster within this 30-foot four-walled cellar, passengers would be helpless, like rats in a trap.

The boat is in the lock only for a few minutes at a time during which to guard against accident, but as boat officials said, "We need an *Eastland* disaster to get relief from the Keokuk Dam menace." Ladders and fire apparatus should be provided either by the Government or power company and protection should be provided without delay.

Another fact appears to be notoriously in evidence. The Keokuk Dam has been turned over to a private company by the Government. Col. Hoffman is in charge of this part of the river. Many tales of his orders and pronouncements were related by different pilots and engineers, running from his efficiency record, when he cut the wages of men in two, in order to make a showing to his superiors, down to his arbitrary dealings with rivermen, none of whom apparently give him a good word. Possibly they were prejudiced, but the river is primarily for navigation, and the power company and engineers are now the appellant court to which rivermen must appeal.

While instructions require that dam gates be opened so as to maintain sufficient water for navigation, it is cheaper for this private power company to generate electricity with a 30-foot head than with one of 25 feet, and so river soundings in the channel a few miles below Keokuk frequently showed only 3, 4, and 5 feet depths, which were called off in my hearing.

CONGRESS TO BLAME FOR POOR NAVIGATION.

Cooper Lake is a backwater formed by the Keokuk Dam of some 60 miles length and about a mile in width. When we went through the dam the water on the upper side, where the power is generated, was reported as at its usual level. We were dropped about 30 feet in the lock, and from the dam down to Alton we hobbled over sand bars, with occasional involuntary stops, totaling 17 hours' delay, before we reached St. Louis. At that point readings were presented to me showing that the Keokuk Power Co. monopoly not only dams the greatest river in the world and sells its power at top-notch figures but it also obstructs and prevents navigation on a river which has thus far swallowed up $27,000,000 in public funds. The Keokuk Power Co. lobby, like the Muscle Shoals Power lobby, on the Tennessee River, does not waste its time with Congress after securing a great public right for its private purpose; but what answer can be made to the charge of rivermen that both Congress and the Keokuk Dam need an intimate acquaintance with the facts when both, acting with the Army engineers, have practically destroyed navigation on the upper Mississippi River excepting during two or three of the earlier months of the year.

The Government wastes much time and effort in protecting navigation on mud creeks throughout the country, and Congress betrays interest wherever a railroad bridge or other obstruction is proposed on streams little or big, but on the greatest river in the world we close our eyes to the Keokuk Dam and to real needs of navigation.

PLENTY OF WATER, SO RESPONSIBILITY IS CLEAR.

Plenty of water for navigation was found at St. Paul when we started on the trip, and for many miles below on the river, until Keokuk was reached. The St. Croix, Chippewa, Cedar, Wisconsin, and numerous other navigable rivers empty into the Mississippi; but after leaving Keokuk, below the dam, the river was shallow and neither wing dams, dredging boats, nor Army engineers have been able to relieve the situation. At different points along this part of the river the shallow condition exists, and the *Dubuque*, *Quincy*, and *St. Paul*, belonging to the Streckfuss Co., were repeatedly grounded. The Keokuk Dam benefits a private power company. I am informed this power is sold in St. Louis at the same cost that would be required if generated by coal and steam. It is a private monopoly, pure and simple, and has the privilege of damming the greatest river in the country. It seriously interferes with what little navigation remains. It was a piece of profligacy to give away to a private company this public right, and Congress is to be blamed for the situation which has been brought about.

Last year we appropriated $1,500,000 for the river above St. Louis in order to keep contractors and Government employees busy on a useless job. The 1916 bill passed the House at $1,200,000 after a hard fight. Champions of economy and of the people then went the House $300,000 better and secured more money for the upper Mississippi, an extravagant project, which lacks navigation or boats with which to navigate. One million five hundred thousand dollars for the upper Mississippi in 1916 is at the rate of $2,000 per mile, whereas, according to Capt. Day, $180,000 for the 700-mile stretch would have done better work if properly used.

NINETY-NINE PER CENT GOES BY RAIL; WHY?

The situation is significant. From St. Paul, Minn., to St. Louis, a hundred or more river towns, little and big, are shipping hundreds of millions of tons of products annually. The amount is so large it would be hard to accurately estimate, but presumably 99 per cent of all that traffic is carried by the railways, while the Government is spending millions of dollars every year on the Mississippi River without producing any result. Probably less than one-tenth of 1 per cent of the actual commerce along the river finds its way into an insignificant freight tonnage carried on the river. This is apart from sand, logs, and ferriage statistics which have figured in Army engineers' reports. The tonnage is carried by several boats, whereas a hundred or more boats were engaged in actual traffic throughout a large part of the year before Government improvements were begun. For this same traffic Army engineers in 1916 recommended $2,000,000 for upper Mississippi River annual improvements, in addition to the $27,000,000 already expended. The recommendation for $2,000,000 is ten times the amount suggested by Capt. Day, who runs the largest boat on the river. What can better describe the unbusinesslike method of river improvements carried on by the Government than this very fact, and what further illustration is required to show hopeless results?

Engineers have asked for specific complaints of neglect or inefficiency. These are pointed out all along the river. Lights are supposed to be placed for steering so as to aid pilots, yet many of these are so obstructed by the surrounding brush and trees as to be of little use. I say this from personal observation. Light 288 is 65 miles past St. Louis. It could not be seen either from above or below because of surrounding foliage. My attention was directed to this and other lights by the pilots, who claimed to have made complaint of these conditions. The current is constantly shifting on the river. When Col. Hoffman was asked for targets to mark different reaches of the course, he was reported to have said, "We can not afford to place targets on every course," and yet Hoffman runs the division by efficiency methods, leaving pilots to run the course by guess.

"IMPROVEMENTS" HAVE INCREASED DANGER.

Take the buoy proposition. Hundreds of dams project out into the river, frequently sunken just below the surface and at angles of the river where no exact means exists of determining the end of the dangerous artificial reef by day or by night. Pilots pointed out this danger and said in reply to their demands for buoys only a limited number were furnished, and these were not placed until July, 1916, or at a time when the season was nearing its close. In one case, the pilot showed where he is obliged to steer by a snag in the center of the stream because the buoy, once established, had long since disappeared. It was said that a small boat with five men could establish all the buoys needed. Two boats would do the work on the upper river in proper shape, and yet the Government keeps a large fleet busy building mats, dams, and trailers parallel to the channel, while neglecting the most important part of present navigation.

In discussing experiments made by engineers, it was pointed out by pilots that on the Minnesota side of the river, below Winona, a dam was put in on one side of the river, then taken out because it was not giving anticipated results, and then again replaced on the first site. An experimental boat, one of these built by Army engineers, was pointed out. It draws, I am advised, 4 feet of water. The largest passenger boat on the river, the *St. Paul*, 1,200 tons, only draws 3½ feet when running light, but in building experimental towboats we provide 4-foot draft, whereas an important element to consider in river navigation is the advantage of a light-draft, practical boat.

BARGE ANTICIPATIONS AND REALIZATIONS.

Mr. Barnhart's barges have been heralded for years, but it is significant that not one of Barnhart's boats is on the upper river. They are run by screws and, in the judgment of river men, there is no more show for a commercial screw boat on the river than for a battleship on the Trinity River in Texas. Not enough water and too much bottom to the river explains the situation. Such barges can not back up and are of no possible use on the upper river, according to every practical river man with whom I consulted, and yet they are heralded by river lobbies which are interested solely in procuring large appropriations. Barnhart was promised 600,000 tons of merchandise by merchants on the lower river if he would put a line of barges to New Orleans. When he went after the freight with his first barge, I am informed he secured a total of four carloads. He also went to St. Paul after river freight with his unloaded barge and they gave him bouquets, banquets, and fine words. New Orleans and St. Paul were strong on promises, but railways continue to carry the freight and Barnhart recuperated last summer in the quiet surroundings of a sanitorium, reflecting upon the uncertainties of Mississippi River navigation. No regular boat line runs from St. Louis to New Orleans, I was informed, but $6,000,000 or more is annually spent for the lower river, $325,000 for the middle stretch and $1,500,000 more on the upper. No noticeable freight is carried on the upper river outside of the misleading statistics. That is our Government's ledger account for an expenditure on the upper and the lower Mississippi River, already reaching $150,000,000.

FROM THE MEN WHO USE THE RIVER.

When in St. Louis I visited the Streckfus Co.'s officers, who were all strangers to me, and asked what complaints, if any, they had made as to conditions. Reports of gauge readings were shown, verifying the statements made by captains and pilots of water held back by the Keokuk Dam Co., which resulted in a 17-hour delay on bars below Keokuk for our boat, which drew only 3½ feet that trip. A statement from practically all the boat lines on the upper river is appended to show that criticism is not confined to one or two captains or pilots. These are the men for whom Congress is supposed to be appropriating millions of money annually on the Mississippi River for navigation purposes. Is their petition worth considering? Let me add the letter and petitions were not solicited. Upon being informed of conditions I stated that the matter could best be reached by petition from those using the river. Petitions are to their Representatives in Missouri and Illinois.

Letter was received while away from home and I am trying at this time to refer their communications to the proper department at Washington—Congress—which alone can get action. I trust their petition will get more attention than others sent to local officers, which have passed unrecognized, according to their report.

I assume these petitions have been transmitted in like manner to other Members, but in any event they speak for themselves.

LETTER OF TRANSMITTAL.

STRECKFUS STEAMBOAT LINE,
St. Louis, Mo., September 21, 1916.

Hon. J. A. FREAR, M. C.,
Hudson, Wis.

DEAR SIR: I, as secretary of the Steamboat Owners' Association, of St. Louis, Mo., who own, control, and run steamers upon the Mississippi River out of St. Louis, am handing you two copies (each different) of signed petitions (the originals of same are filed with this association) and await your wishes, when needed. They are also signed by many captains and pilots who have traversed this upper river.

These petitions, with your comments, should at once be referred by you to the proper department at Washington for immediate action.

We ask that you kindly furnish us with a copy of your letters to the department. The attention this river is getting, and has been getting this year, is unbearable.

I thank you, await your immediate reply, and beg to remain,

Yours, very truly,

JOS. STRECKFUS,
Secretary Steamboat Owners' Association of St. Louis, Mo.

PETITION 1.

ST. LOUIS, MO., *September 21, 1916.*

To the honorable Members of Congress States of Missouri and Illinois (on and along the Mississippi River from St. Louis, Mo., north), Washington, D. C.

GENTLEMEN: We, the undersigned steamboat men, have tried hard to make river navigation and transportation upon the Mississippi River north of St. Louis, Mo., a success, but it seems without avail.

Your Mr. A. E. Richards, assistant United States engineer, stationed at Hannibal, Mo., is, in our opinion, thoroughly incompetent and unreliable. He is apt and willing to cover up things he has failed to do, etc., but to actually aid us, one and all, he positively is the limit.

We respectfully ask for his transfer for this river and for the betterment of the service; his resignation, however, would be preferable.

We need action and attention on the Mississippi River during the early months of the year, not wait until September and October, when most all river traffic has ceased.

All this matter has been repeatedly called to the attention of Maj. Hoffman at Rock Island, Ill. He pays no attention to the same, has excuses, and has failed to ever notify us of any attention or investigation he or his office has ever given same. This data is needed by us.

The Mississippi River for navigation needs a competent set of men to manage same and to be on the job more of the time than off, as is apparent to people who have to and do run the river daily.

William Bush, pilot; Selby H. Crader, pilot; G. T. Williams, pilot; Jas. Phillips, pilot; J. E. Short, pilot; R. M. Streckfus, master *Sidney;* D. H. Dippel, pilot; J. H. Laycock, pilot and master; Eugene Sprinkle, pilot; H. Woodruff, pilot; B. A. Burns; Jos. Streckfus, master; Streckfus Steamboat Line, John Streckfus, president; *Belle of Calhoun*, O. W. Sebastian, owner; Jos. Streckfus, secretary; Capt. B. J. Winters; John W. Warren, master and pilot; John Streckfus, jr., master; John Streckfus, master.

A second petition is also submitted, which I find verifies the notes made on the trip down the Mississippi. Here are shown repeated evidences of neglect and arrogance that would not be permitted in any other department of the Government.

PETITION 2.

ST. LOUIS, MO., *September 20, 1916.*

To the honorable Members of Congress States of Missouri and Illinois (on and along the Mississippi River from St. Louis, Mo., north), Washington, D. C.:

GENTLEMEN: We, the undersigned steamboat men, find the lighthouse service upon the Mississippi River from St. Louis north in a very bad, unsafe, and unsatisfactory condition.

We need more buoys, markings, lights, etc., and the attention given the river is inadequate and inexcusable. In fact, it is deplorable and dangerous, steamers grounding daily.

We ask that you proceed and have the lighthouse system on the Mississippi River north of Missouri River taken out of the United States Engineering Department (Maj. Hoffman, at Rock Island, Ill.) and placed back in the Lighthouse Department, where it formerly was, and furnish a lighthouse tender to do nothing else but attend to the lights and lighthouse duty, attending to same at all times, and not lay up on shore most of the time.

This needs immediate attention, and continual attention, not a few spurts now and then, but all the time, all the year navigation is on; and we want daily or trip reports of same. We haven't gotten a report of soundings and changes of channel, etc., for at least two years past. We want them and need them positively, the same as is furnished river men from St. Louis down by the Lighthouse Service steamer.

Wm. Bush, pilot; Selby H. Crader, pilot; G. T. Williams, pilot; Jas. Phillips, pilot; J. E. Short, pilot; R. M. Streckfus, master steamer *Sidney*; D. H. Dippel, pilot; J. H. Laycock, pilot and master; Eugene Sprinkle; H. Woodruff, pilot; B. A. Burns, pilot; John W. Warren, master and pilot; Jos. Streckfus, master; Streckfus Steamboat Line, by John Streckfus, president; Eagle Packet Co., by Henry W. Leyhe, manager; *Belle of Calhoun*, by O. W. Sebastian, owner; Steamboat Owners' Association of St. Louis, by Henry W. Leyhe, president; Steamboat Owners' Association of St. Louis, by Jos. Streckfus, secretary; Madison Coal Corporation (tugs), by Roy Parker, captain; Capt. B. J. Winters; John Streckfus, jr., master; John Streckfus, master.

THE MISSISSIPPI RIVER FROM THE MISSOURI TO THE OHIO—WHERE HAS EIGHTEEN MILLIONS GONE?

This stretch of 200 miles has received from the Government in appropriations $18,104,855, based on the recommendation of Government engineers. The pending bill carries $350,000, or $1,750 per mile for this short stretch of river.

Senator Burton is authority for the statement made in Congress that we have expended more money on this 200 miles of river than has been expended by the German Government on the Rhine. The commerce on the Rhine reaches many millions of tons annually. That shown on the middle section of the Mississippi River, according to St. Louis commercial reports, is insignificant.

Three sections of the river are presented briefly to show where our $130,000,000 of taxpayers' money spent on the Mississippi has been used under the recommendations of Government engineers and results achieved by that expenditure. Surely, it is a lesson in waste and mismanagement that calls for some better system and more economical administration.

ON THE LOWER MISSISSIPPI—PROFLIGATE WASTE RUN RIOT.

Over $100,000,000 has been spent by the Government on this project, including the Passes, of which amount $88,159,555 was

appropriated from the Ohio River south to the Passes. After the enormous sum of money had been expended on the lower river, I quote from an address by the Chief of Engineers made before a waterway congress, December 7, 1916, a few weeks ago, wherein he says:

On the Mississippi River we have an improved waterway of ample depth and sufficient width and open the year round from St. Louis to New Orleans; but it is only just within the last year or two that that waterway began again to be used and used in a rational way.

In passing down the Mississippi from St. Louis to New Orleans two weeks ago we left St. Louis one morning early. The same day a barge load of freight left St. Louis. All the way down the Mississippi River we saw that barge loaded at intervals. Finally we reached New Orleans, and the barge load of freight got there at exactly the same time. * * * Later I saw the manager of the barge line and he told me that, although this enterprise of theirs is but a new one and as yet is little known, it is to-day making money. [Applause.] Such a development when started is bound to go on.

PLAYING TAG WITH A BARGE.

After an expenditure by the Government of over $80,000,000 of taxpayers' money on this lower 1,000-mile stretch of the river, or at the rate of $80,000 per mile, we are informed that the lower Mississippi River is still in good shape for navigation. More than this, ocular demonstration of the fact was had that a boat was running on the river; it was seen. And according to the statement made before a rivers and harbors congress the engineers' boat kept up near the freight barge and saw it "all the way down the Mississippi."

In fact, the Government boat played tag all the way down the river with the only barge now running from St. Louis to New Orleans.

A boat has arrived. If the $6,000,000 given by the Government annually to reclaim private lands along this stretch of the river is wisely valued by landowners who are benefited, that barge will be kept going as an advertisement of the fact that after an expenditure of fabulous sums of public money, the river will still float boats as in days of yore when "improvements" were unknown. Hundreds of boats that once ran from St. Louis to New Orleans have vanished with the old oxen teams, but one barge has been discovered, and the Chief of Engineers kept his eye on that barge all the way down the Mississippi.

Can any greater exposition of the absurdity of the lower Mississippi River commerce be presented than a bare statement of facts offered by the Government official named, and can any greater evidence of waste of public funds be presented anywhere than that disclosed by appropriations aggregating over $88,000,000 for a stream which has lost its once great commerce, but thanks to Providence and an annual injection of from $6,000,000 to $8,000,000 by the Government, a new barge has been constructed which floats and carries freight.

The lower Mississippi appropriation is not for navigation, but is used toward a 16,000,000-acre private-land reclamation project. project.

A HUGE LAND-RECLAMATION SCHEME.

Any man who desires confirmation of the purpose of the Mississippi land-reclamation scheme will find it fully expressed in the following statement from the 1912 report of the Mississippi River Commission, page 3724:

While the levees have a certain degree of utility in the improvement of the channel and are necessary to "promote the interests of commerce" by providing landing places for the interchange of traffic in times of flood and protecting the lines of railway behind them, their immediate and main value is the protection of the alluvial lands for the benefit of their owners.

What need be added to this unqualified admission by an official agent of the parties in interest?

Quoting from a comprehensive brief in the United States Supreme Court of Hon. B. E. Moses, of Memphis, he says in this connection:

This so-called protection of the alluvial lands along the Mississippi River is primarily and fundamentally a work of "reclamation," as that term is generally understood. * * * The history of the levee system along the Mississippi River is merely a repetition of the fight of mankind from time immemorial to reclaim for cultivation the fertile alluvial plains of the rivers of the world. The futility of the fight under the past method of "levees only" is apparent and real and has been impressed upon the people of the valley during the floods of the last two years by ruin, starvation, and death, incident to the breaks in the levee system.

The Government is reclaiming lands that were never before used, and for the benefit of private interests. This purpose is not disputed by any recognized authority, so far as I can ascertain.

It is cloaked under the title of "flood control," "navigation," and other delusive terms, but with the best channel in its history, without producing any commerce, this bill taxes the people for $6,000,000 profligate waste on the lower Mississippi.

WHAT HAS $28,012,091 BOUGHT FOR US?

On January 13, 1916, about a year ago, on pages 1125 and 1126 of the RECORD, I gave a statement of upper Mississippi traffic, which is based on the Chief of Engineer's Report for 1914. This same official in the 1916 report recommends $2,000,000 more for the 700-mile upper Mississippi River stretch, and asks that it be placed in the pending bill. He further reports on hand for this upper-river project on June 30, 1916, $1,589,832. Remembering that the Government had appropriated for this 700-mile stretch of Mississippi River above the mouth of the Missouri $28,012,091, or $4,000 per mile, the following statement based on official reports shows how that great sum of money has been wasted in order to carry out a theory and maintain a regiment of employees.

The opinions of river men, steamboat owners, captains, and pilots, together with petitions, have been presented in order to get the public view of engineering inefficiency and extravagance. Let us now read the confessions as disclosed from official reports. I here repeat that part of my remarks of January 13, 1916, which bear directly on the waste of money along the upper Mississippi.

"PROFLIGATE WASTE."

Keeping in mind that actual commerce on the river has probably decreased 95 per cent during the past few years, during which time over $25,000,000 of Government funds has been dumped into this 700-mile stretch of river, let us see how the Chief of Engineers excuses an allotment in 1915 of an even million in addition to the balance on hand and in addition to approximately $30,000 per mile already spent on this project. Examine his statement of commerce, taken from page 2437 of the Chief of Engineer's Report for 1914.

The report says the quantity of freight carried by all boats, including the rock and brush used in Government work and also including logs and lumber floated down the stream, is as follows, and then follows a table, of which 772,392 tons hauled 9,445,576 ton-miles, valued at $781,897, is for material used by the Government in improving the river.

Upper Mississippi River freight statement for 1913.

Designation.	Short tons.	Ton-miles.	Valuation.
Logs	64,489	30,245,340	$315,271
Rafted lumber, shingles, etc.	13,570	4,400,147	190,001
Miscellaneous freight	1,294,864	12,229,310	31,417,968
United States material	772,392	9,445,576	781,897
Total	2,145,315	56,320,373	32,705,137

Classified freight traffic, 1913.

Articles.	Amount.		Valuation.	Average haul.	Ton-miles.
	Customary units.	Short tons.			
				Miles.	
Apples	160,000 barrels.	11,505	$200,218	34.4	395,959
Automobiles	5,703	6,034	9,545,950	3.8	23,014
Brick	192,190 pieces	981	3,052	7.3	7,157
Brush	656,644 cubic yards	82,450	170,191	20.6	1,700,694
Cement	4,305 tons	4,305	34,378	9.9	425,790
Coal	26,236 tons	26,236	90,400	13.5	354,401
Corn	119,000 bushels	3,463	77,431	6.4	22,144
Farm produce	13,565 tons	13,565	359,319	23.5	318,900
Fish	6,539 tons	6,539	666,600	9.8	62,486
Gravel	268,103 cubic yards	398,179	195,242	9.1	3,621,435
Hay	2,615 tons	2,615	44,269	5.4	14,122
Lath	3,056,000 pieces	1,018	10,575	317.2	322,989
Live stock	58,954 head	28,713	5,218,730	6.6	190,202
Logs	8,904,380 feet b. m	98,268	463,631	316.2	31,074,221
Lumber	19,167,689 feet b. m	30,408	467,775	138.0	4,195,827
Merchandise	17,101 tons	17,101	2,107,830	126.9	217,089
Oats	3,550 bushels	55	1,775	1.0	55
Rock	535,143 cubic yards	708,066	562,077	11.3	7,976,674
Sand	430,173 cubic yards	562,040	209,143	4.7	2,653,545
Shells	11,428 tons	11,428	246,229	42.9	490,801
Shingles	622,000 pieces	65	1,866	1.3	85
Teams	23,501	26,609	6,540,900	1.7	46,537
Wheat	11,500 bushels	382	12,347	7.9	3,015
Wood	21,847 cords	34,248	108,213	16.4	560,865
Miscellaneous	71,042 tons	71,042	5,366,996	231.0	1,642,366
Total		2,145,315	32,705,137	26.2	56,322,373

A comparative statement of upper-river commerce is also offered by years, during which period $25,000,000 have been expended by the Government on the advice of Army engineers. While the 1913 commerce was only about 35 per cent of that floated in 1885, it will be ascertained upon analysis that over nine-tenths of the 35 per cent floated in 1913 is bogus commerce,

or, assuming the 1885 commerce reported to have been legitimate, in 28 years river freight fell approximately 96 per cent.

Mississippi River: Mouth of the Missouri to St. Paul, Minn.
[From reports of the Chief of Engineers, War Department.]

	Tonnage.
1885	5,607,196
1886	3,200,000
1887	3,500,000
1888	3,750,000
1889	3,500,000
1890	4,200,000
1891	3,300,000
1892	3,750,000
1893	3,200,000
1894	2,975,000
1895	3,000,000
1896	2,250,000
1897	3,200,000
1898	2,800,000
1899	2,900,000
1900	2,400,000
1901	2,125,000
1902	1,900,000
1903	4,545,129
1904	4,534,539
1905	4,089,318
1906	3,847,319
1908	2,581,857
1909	1,916,114
1910	1,836,035
1911	2,081,566
1912	1,830,294
1913	2,145,315

[From Reports of the Chief of Engineers, War Department, 1904, vol. 2, p. 2157, and 1913, vol. 2, p. 2385.]

	Tonnage.
Average tonnage for years 1877 to 1903, inclusive	4,615,376
Tonnage in 1912	1,830,294
Decrease	2,785,082

Referring to the 1913 statement, let us briefly examine the items, which show some remarkable facts.

ENGINEERS' STATISTICS OF COMMERCE (?).

"Commerce" reached 2,145,315 tons in 1913, so the Chief of Engineers reports. Tons of what? Let us see:

	Tons.
Brush for river construction work	82,450
Gravel dredged from river	398,178
Rock for river work	708,000
Sand dredged from river	562,000
Logs that have floated for 50 years	98,268
Lumber and wood barged	64,408
Animals ferried across river	55,322
Automobiles ferried across river	6,034
	1,974,980

All could be floated in 2 or 3 feet of water, leaving 170,335 tons of questionable commerce remaining, which was hauled on an average of 26 miles or thereabouts.

What a legislative travesty when eleven-twelfths of the commerce for which $1,000,000 was allotted by the Chief of Engineers is of that character. Who weighed the brush? Who weighed the logs? Who weighed the rocks, gravel, sand, and so forth, used in the river work? Where was it carried and for what purpose? Was it floated 1 mile or 10 miles? Who knows? Why measure Government material for river work, anyway?

A WONDERFUL SYSTEM IN VALUING "COMMERCE."

The Chief of Engineers says that 26,609 tons of horses were carried a mile and a half across the river, and their value was $6,540,900, or one-fifth of the total. Other live stock carried across the river, he says, was valued at $5,218,730; and then, to cap the climax, this report adds that 6,034 tons of automobiles ferried across the river were valued at $9,545,950.

Nearly two-thirds of all the glowing commerce valuations on the upper Mississippi, including Government sand, rock, and gravel, turns out to be animals and automobiles ferried across the river.

Again, how much of the remaining 170,000 tons was repair material or Government supplies out of a total of 772,000 tons reported? How much was duplicated before it could boost a million-dollar allotment for the upper river?

QUADRUPLICATIONS OF SAME FREIGHT STATISTICS.

Last session Chairman SPARKMAN was asked by Mr. CALLAWAY in debate if river tonnage passing different places was not often included in the Chief of Engineers' reports, and if it was not duplicated, to which the chairman frankly responded: "Oh, yes; it is duplicated, triplicated, and quadruplicated in some cases." With that indefinite rule of estimate, if 170,000 tons, not of Government materials but of actual commerce, still remained, but was quadruplicated in computation, it would actually amount to less than 45,000 tons, for which $1,000,000 was given April 1 by the generous Chief of Engineers, with an additional $1,000,000 annual interest charge for past expenditures. Yet the little harbor of Ashland, in my own State, handled 5,623,000 tons during the same year, excluding 35,000 tons of logs, while the Superior-Duluth Harbor handled 46,875,416 tons, or about 1,000 tons to 1, if river estimates were quadrupled by our guardian of the Treasury, the Chief of Engineers.

What shall be said of an official who now demands $2,000,000 annually for traffic that has decreased to an insignificant fraction of what it was 30 or 40 years ago? Comparatively no expenditures were then made on the upper river; $2,000,000 annually now. What value can be attached to such flimsy statistics which serve as a basis for an expenditure of a million dollars annually?

From $6 to $16, depending on the basis of estimate, is the annual cost to the Government for every ton of actual commerce on the upper river, including river ferriage, and of that remaining "commerce" 22 per cent was shells and soft coal floated a few miles in barges. We could have built a permanent bridge in 1915 across the river with that million dollars or bought a hundred ferries, if need be, or could have built and stocked 50 miles of Government-owned railway, with something to show for the investment. Again, we could have built a fine highway from Minneapolis to St. Louis. Better still, and up to date, we could annually buy a half dozen Ford trucks to carry all the actual commerce on the river and turn a good part of the remaining nine hundred and ninety thousand-odd dollars back into the Treasury to help lighten war-tax burdens and save a depleted Treasury from bankruptcy. But scores of dredgers and contractors would have been without occupation. Reasonable channel work on the river is needed, but who can excuse this great waste?

In a public speech at St. Paul August 3, 1915, Senator Burton declared the present St. Paul to St. Louis stage of water of 4½ feet is greater than the Elbe's, and yet our river is without commerce. What has become of the $25,000,000 spent on the upper Mississippi River? Who divided the money and who is behind the lobby that is now wildly shouting for more? Where is the commerce? Twenty-five million in 40 years for dredgers while we were losing our commerce.

NO COMMERCE PRESENT OR PROSPECTIVE.

Last session the bogus river commerce on the upper Mississippi was exposed. I have been criticized by Representatives from St. Paul and Minneapolis because of assumed disloyalty to my own section of the country. In other words, it was proper to denounce worthless southern expenditures, providing we overlooked northern waste. When it was demonstrated that Mississippi River commerce is a myth, the House was gravely assured that an experimental trip was to be made in 1915, and commerce would be rejuvenated by Mr. Bernhard, a New Orleans barge owner, who figuratively, could make water run up hill. Two barge lines had proved disastrous failures in recent years, but another commercial Ajax had been discovered, and he proposed to revolutionize economic laws.

Picture the situation. The Twin Cities receive or ship, possibly, several hundred million tons of commerce annually. The Government contributes nothing toward the expense, but, on the contrary, the Interstate Commerce Commission and State railway commissions are authorized to prevent freight extortion by controlling railway charges. On the other hand, before one dollar was ever expended on the river, over 40 years ago, several hundred boat arrivals occurred annually at St. Paul, but after an expenditure by the Government of some $25,000,000 on the upper Mississippi River, commerce is comparatively non est, while nothing larger than a logger's batteau or an Indian canoe ever tried to get up to or go down river from Minneapolis.

The Chief of Engineers gives ridiculous commerce reports and rainbow promises to justify continuing extravagant expenditures; but this year St. Paul tried to enlist business men in furnishing freight for the Bernhard barge proposition, and I quote from a report to show how the mountain labored in order to bring forth a diminutive mouse. Ponder over this tremendous folly and ask yourselves what lunacy commission would report as of sound mind any business man guilty of the feeble judgment Congress has displayed with an annual investment of $1,000,000 in this upper Mississippi River project. Every year it nestles in the barrel recommended by the Chief of Engineers and his army of dredgers and contractors. Why? Is it to offset the $6,000,000 to $7,000,000 annual lower river grab? Remember the following report is of possible, not actual, guaranteed river commerce, in anticipation of which Representatives waxed eloquent on this floor when the bill was before the House last session. I quote from the St. Paul Dispatch of August 12, 1915,

but have a fuller statement of the report, which only emphasizes the folly attending an expenditure of twenty-five millions on the upper Mississippi River:

[From the St. Paul Dispatch, Aug. 12, 1915.]

DEMAND IS SLIGHT FOR RIVER SHIPPING—ASSOCIATION OF COMMERCE COMMITTEE FINDS 20 FIRMS USING WATER FREIGHT.

A report made to-day by a special committee of the Association of Commerce shows little demand at this time for river transportation. An estimated tonnage of 10,464 inbound and 2,472 outbound for one year was made to the committee by 20 out of 64 business firms.

THIRTY-SIX DO NO RIVER BUSINESS.

Thirty-six of the 64 firms said they could do no business by river transportation.

Eight shippers said they may be able to use the river, but were unable to make any definite statement. Several of the largest firms did not reply to the communication sent to them by the committee.

REPORT FOR A YEAR.

The tabulated report for a year showed from foreign ports by way of New Orleans 1,124 tons of freight would come in and only 7 tons go out. From Pacific and Atlantic ports, by way of New Orleans, 4,200 tons will come in and 1,715 go out.

Along the Mississippi River 2,704 tons could be picked up and 165 tons sent to the way points. From St. Louis to St. Paul the inbound is estimated at 606 tons and the outbound at 360. Pittsburgh and other points on the Ohio would send 1,830 and take 225 tons from St. Paul.

TOTAL TONNAGE 12,936.

The total tonnage is estimated by the 20 concerns at 12,936. This is the estimated amount of the business and not an estimate of all St. Paul firms.

For October 160 tons can be brought in by river and only 3 tons sent out.

The committee which made the investigation is composed of H. T. Quinlan, J. W. Cooper, C. E. Tuttle, C. H. Bigelow, C. J. McConville, Charles Patterson, H. S. Sommers, J. A. Seeger, J. A. Gregg, and J. Clair Stone.

Can anything be added to this tragic statement of a $25,000,000 expenditure for a waterway that will float about 12,000 tons of commerce for St. Paul annually out of a hundred million tons and over handled by the Twin Cities? Some open-river expenditures ought to be made to provide for the small existing local freight, but $40,000 per mile is a notorious waste of money directly chargeable to the Chief of Engineers.

COL. TOWNSEND'S CONFIRMATION—A REMARKABLE STATEMENT THAT COMMANDS ATTENTION.

Before presenting the Merchants' Exchange illuminating table of commerce I desire to quote briefly from a speech made by Col. C. McD. Townsend, Army engineer and president of the Mississippi River Commission. Incidentally, the address was delivered before the $50,000,000 annual river lobby that recently held its annual round-up in this city. He said, page 215, CONGRESSIONAL RECORD, Sixty-fourth Congress:

St. Louis for the past 50 years has been the principal origin or terminus of the traffic on our western rivers, and its records summarize their tendencies. Its river commerce attained its maximum of 2,120,000 tons in 1880, and has since steadily declined to 153,000 tons in 1914. In contrast it may be stated that the commerce at Sault Ste. Marie, the outlet to Lake Superior, in 1880 was 1,300,000 tons, and attained a maximum of 79,000,000 tons in 1913. The commerce of New York Harbor exceeds 125,000,000 tons.

Shipments and receipts of freight at St. Louis by rail and specified rivers, 1890–1913.

[Compiled from the St. Louis Merchants' Exchange reports.]

SHIPMENTS.

Year.	Upper Mississippi River.	Lower Mississippi River.	Missouri River.	Ohio River.[1]	Total by river.	Total by rail.	Grand total.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	22,547	543,805	10,035	.....	601,862	5,270,850	5,872,712
1891	18,630	445,150	19,280	.....	512,930	5,216,228	5,729,158
1892	51,595	392,635	29,455	1,000	502,215	5,969,754	6,471,969
1893	54,230	342,785	12,775	.....	436,900	[2] 5,554,593	5,991,493
1894	52,190	281,635	4,075	.....	363,080	4,780,256	5,143,336
1895	30,780	241,155	5,505	.....	303,355	5,349,327	5,652,682
1896	31,510	508,960	1,355	.....	572,410	5,400,728	5,973,138
1897	36,225	406,315	.....	.....	469,365	6,137,265	6,606,630
1898	33,805	339,435	300	.....	399,583	7,079,319	7,478,902
1899	33,675	151,135	.....	.....	203,205	[2] 8,266,393	8,469,598
1900	36,675	187,385	1,225	.....	245,580	9,180,309	9,425,889
1901	23,392	158,493	7,185	.....	209,271	10,653,065	10,862,336
1902	23,130	174,517	4,840	.....	[2] 224,266	11,035,586	[2] 11,259,852
1903	44,855	146,498	2,345	.....	212,207	12,971,173	13,183,380
1904	21,775	46,320	2,620	.....	82,565	13,731,194	13,813,759
1905	25,730	35,295	4,705	.....	80,575	15,225,973	15,306,548
1906	36,000	34,905	5,565	.....	89,185	17,672,006	17,761,191
1907	25,155	35,550	3,095	14,700	78,500	18,296,416	18,874,916
1908	27,280	30,285	5,320	9,855	72,740	15,700,168	15,772,898
1909	16,695	21,140	.....	10,170	48,005	17,153,097	17,201,102
1910	12,510	24,815	.....	11,100	48,425	20,187,270	20,235,695
1911	11,270	38,150	415	17,630	67,465	17,974,337	18,041,802
1912	9,025	24 330	.....	9,940	43,295	20,368,613	20,411,908
1913	8,830	20,000	7,284	11,470	47,584	22,129,175	22,176,759

[1] From 1907 to 1913, inclusive, the tonnage given under the head of the Ohio River includes the Illinois, Cumberland, and Tennessee Rivers also.

[2] Corrected.

Shipments and receipts of freight at St. Louis, etc.—Continued.

RECEIPTS.

Year.	Upper Mississippi River.	Lower Mississippi River.	Missouri River.	Ohio River.	Total by river.	Total by rail.	Grand total.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	128,960	222,075	21,350	102,500	663,730	9,969,291	10,633,021
1891	90,865	209,095	25,065	63,890	592,140	10,098,729	10,690,869
1892	135,435	212,545	13,063	96,930	687,200	11,229,005	11,916,205
1893	111,710	216,300	8,000	33,490	599,403	10,408,039	11,007,444
1894	111,400	219,195	5,480	35,375	583,510	9,512,910	10,096,420
1895	78,170	239,690	3,270	35,440	508,830	10,489,344	10,998,174
1896	61,165	345,105	1,245	62,640	671,765	10,763,116	11,434,881
1897	51,435	311,540	250	26,915	576,670	11,921,279	12,497,949
1898	33,910	311,915	790	37,130	506,586	12,962,850	13,469,435
1899	45,410	238,140	565	39,440	466,610	14,805,872	15,272,482
1900	50,070	274,445	2,725	2,700	512,010	15,375,441	15,887,451
1901	68,470	233,885	3,860	57,315	462,805	17,433,523	17,896,328
1902	38,005	248,905	6,030	59,890	416,920	18,060,809	18,477,729
1903	32,705	160,085	1,415	111,435	340,410	21,580,403	21,920,813
1904	25,405	132,585	2,685	102,400	295,370	23,319,871	23,615,241
1905	31,190	107,520	3,580	125,755	289,850	23,915,690	24,205,540
1906	31,140	106,670	2,485	160,120	327,670	27,292,617	27,620,287
1907	21,440	91,325	3,655	173,155	289,575	29,156,094	29,445,669
1908	19,245	70,165	4,365	199,405	293,180	23,577,922	23,871,102
1909	24,305	67,395	160	159,730	251,590	27,075,248	27,326,838
1910	13,390	54,450	240	75,410	143,540	31,538,865	31,682,405
1911	37,480	62,060	490	201,800	301,830	28,965,658	29,267,488
1912	24,060	45,875	910	151,580	222,425	31,108,026	31,330,451
1913	27,735	11,275	5,380	166,735	211,125	32,221,676	32,432,801

Total receipts and shipments at St. Louis by rail and by water for years given.

[From reports of the Merchants' Exchange, St. Louis.]

Year.	Total by water.	Total by rail.	Grand total.
	Tons.	*Tons.*	*Tons.*
1880	1,831,385	8,852,204	10,783,589
1890	1,265,592	15,240,141	16,505,733
1900	757,590	24,555,750	25,313,340
1905	370,425	39,141,663	39,512,088
1910	191,965	51,726,135	51,918,100
1911	369,295	46,939,995	47,309,290
1912	265,720	51,476,639	51,742,359
1913	258,709	54,350,851	54,609,560

FOUR MILLION WANTED FOR MORE LAND RECLAMATION.

To show what Missouri and Illinois Members are up against I quote briefly from proceedings of the Upper Mississippi Drainage Association as reported in the Globe Democrat of November 9 last:

The chief topic under discussion was a plan to obtain Government aid in completing levees between Rock Island and Cairo. This can be done, according to statements made at the meeting, with $4,000,000. It was pointed out that $60,000,000 has been appropriated by the Government for work south of Cairo and a very small amount for the river north of Cairo. It was decided to ask the next session of Congress to appropriate $1,000,000 a year for this work.

Sure. But why stop at $1,000,000 or $4,000,000, when the lower Mississippi has had more than $60,000,000 and nearer $100,000,000 from the Government, largely for land reclamation? Why not demand that for every dollar spent on the lower river reclamation work and every dollar spent on the Missouri River reclamation work an equal amount should be spent on the upper river? In short, why not throw open the Federal Treasury doors and take over every land reclamation and private water-power project in the country? If one gets a grab, why not all? Incidentally, this is the 780,000-acre reclamation project covered by the resolution just offered.

IS NOT COL. TOWNSEND'S JUDGMENT SOUND?—IT CALLS A HALT ON 58 RIVER PROJECTS. WHY NOT?

Again, I quote from Col. Townsend's remarkable address before the river and harbor lobby, which was extended in the RECORD of December 11, 1915. Therein he says:

Specifically the writer would not abandon any navigable stream in the Mississippi Valley that has been partially improved, but would leave 58 of them in their status quo, confining operations to snagging and the maintenance of existing works, and would concentrate appropriations on opening up a channel of the capacity of that existing on the lower and middle Mississippi to Chicago and Pittsburgh * * *.

If the facilities thus afforded by the Government are utilized, the upper Mississippi and the Missouri Rivers should then receive attention.

Col. Townsend calls a halt on the upper Mississippi and the Missouri River improvements until the $100,000,000 Ohio and $275,000,000 lower Mississippi projects are finished; and if these streams are ever utilized (?), then go on with the remaining 58 projects, including the Missouri and upper Mississippi. He is amply sustained in his demand for a halt on the 58 projects, but our rivers will not be "utilized" for reasons hereinbefore set forth.

ANOTHER SPECIFIC INDICTMENT—SILVER STIMULANTS FOR THE MISSISSIPPI NEAR ST. LOUIS.

About $17,223,000 of Government funds have been dumped into the 200-mile stretch of the Mississippi, reaching from the mouth of the Missouri to the mouth of the Ohio. After spending over $86,000 per mile on this part of the river, Senator Burton, the greatest waterway authority in the country, says we had spent more money on this 200 miles of river than the Prussian Government had spent on the entire length of the River Rhine during all the centuries that have passed. Traffic on the Rhine ordinarily reaches 45,000,000 tons annually, or many hundred times the traffic reported on this 200 miles of the Mississippi. Yet the Chief of Engineers gave $300,000 on April 1, 1915, in addition to $297,260 balance on hand, or about $3,000 per mile in 1915 to keep dredgers busy on this notoriously wasteful project, and this bill calls for $350,000 more for that 200 miles of river.

From an unexpected source Senator Burton is corroborated in his statement of monumental waste along this part of the river. All the faith of waterway lobbyists and river enthusiasts in recent years has been pinned to J. H. Bernhard, the boat builder, who once predicted a rejuvenation of river traffic. Every citizen devoutly hopes Bernhard's prophecy will be realized, but in a discussion by Mr. Bernhard, found in the proceedings of the American Society of Engineers for 1915, occurs this remarkable statement, that is respectfully dedicated to the horn of plenty controlled by Chief Kingman:

To-day the Mississippi from St. Louis to its mouth affords a channel which is the best to be found in any stream in the world * * * and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways only to see the water-borne traffic grow less as the years go by. Still the average "river man" will insist the poor condition of the channels keeps our inland waters idle. This is preposterous; the Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length, yet in 1913 more than 97,000 vessels passed the Dutch and German frontier on the Rhine.

Here is the opinion of Bernhard, the man who once ran a barge to St. Paul and then threw up the sponge. Every authority that deals in facts and not rainbow chasing reaches the same conclusions. What have we secured for $130,000,000 in round numbers in these three stretches of the river, and how are we to unload a Sinbad burden that grows like Jack's beanstalk? "Criminal waste" is the only proper term to describe a condition of affairs which the public is supporting by direct taxes and through the recommendations of engineers. The Government ought not to contribute more than a nominal amount for maintenance of this river, according to the opinion of Col. Townsend, until we ascertain whether or not any of these improved inland waterways will be used by the public.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $350,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin [Mr. FREAR] has associated me with his opposition to the Mississippi River item. I recall having taken some steps with respect to the flood-control bill, because at the time the flood-control bill came in a provision had already been made for the Mississippi River in the rivers and harbors appropriation bill, and my criticism at the time was based largely upon the fact that we were taking away from the Committee on Rivers and Harbors a very important branch of its work and perhaps preferring one particular part of the river work of the country to others equally deserving and worthy of Government appropriation. I desire to ask the chairman of the Flood Committee at this time as to the status of the flood-control bill.

Mr. HUMPHREYS of Mississippi. The bill has been reported by the Senate Commerce Committee without amendment, and, in view of the fact that the prayers of the righteous availeth much and in view of the further fact that, being righteous, I am continuously prayerful for the passage of the bill, I think the chances for its passage through the Senate are good.

Mr. MOORE of Pennsylvania. The bill carries $45,000,000, if I recall it correctly, for the Mississippi?

Mr. HUMPHREYS of Mississippi. An authorization of $45,000,000.

Mr. MOORE of Pennsylvania. Yes; with a view of completing the work?

Mr. HUMPHREYS of Mississippi. Completing the levee work. There will be about $30,000,000 for levees, $15,000,000 for revetment, and that will be supplemented by not less than $15,000,000 contributed by local interests toward levee construction, and that will complete the levees.

Mr. MOORE of Pennsylvania. When the flood-control bill was before the House gentlemen interested in the Mississippi, of course, did not relinquish their claims upon the Committee on Rivers and Harbors, but sought the appropriations in the usual way last year. They have done the same this year, since the flood-control bill is still pending in the Senate.

Mr. HUMPHREYS of Mississippi. The flood-control bill, as the gentleman will recall, put the Mississippi and the Sacramento Rivers under continuing contracts.

Mr. MOORE of Pennsylvania. I understand the purpose of the flood-control bill, but we have made two appropriations in the river and harbor bill for work upon the Mississippi since the Flood Control Committee was established.

Mr. HUMPHREYS of Mississippi. No; the river and harbor bill passed last year before the flood-control bill did.

Mr. MOORE of Pennsylvania. Mr. Chairman, the chairman of the Flood Control Committee, who, as I have said before, is entitled to most of the credit for the establishment of that committee, having attempted to segregate the Mississippi improvement from other river work in the country, is hopeful that the bill will pass in the Senate. He is wise enough still to come under the jurisdiction of the Committee on Rivers and Harbors for such annual appropriations as may be necessary to continue the work.

Mr. HUMPHREYS of Mississippi. If the gentleman will permit me——

Mr. MOORE of Pennsylvania. So it seems to me it may be a fair question—because I am not opposing the improvement of the Mississippi; I think it ought to be improved—to inquire whether the $45,000,000 contemplated in the flood-control bill might be reduced by the amount of appropriations that are being made through the Rivers and Harbors Committee in the rivers and harbors bill?

Mr. HUMPHREYS of Mississippi. Undoubtedly, I believe that will be done. If the gentleman understands, the flood-control bill is not an appropriation bill——

Mr. MOORE of Pennsylvania. I understand.

Mr. HUMPHREYS of Mississippi. But it simply authorizes a certain amount of money to be expended, and the appropriation, if the bill had been finally passed, would have been carried in the sundry civil bill. As it is, it is carried in the rivers and harbors bill, but I assume if the bill does pass the Senate, that next year the amount which is estimated will be carried in the sudnry civil bill and certainly if this $6,000,000 bill should become a law I assume that the $45,000,000 would be reduced that much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for one more minute to finish the question.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania for one minute? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I take it the Flood Control Committee will adhere to its desire to obtain $45,000,000 for completion, notwithstanding there may be a lessening of the amount actually needed for completion, by virtue of the appropriations made in the rivers and harbors bill?

Mr. HUMPHREYS of Mississippi. Yes; $45,000,000 is the estimate, and we hope it will pass just exactly as it passed the House and as it has been reported now in the Senate.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. FESS. Are we to understand, then, that if the flood-control bill passes these items will not be in the next bill?

Mr. MOORE of Pennsylvania. That was my understanding of the statement made by the chairman of the Flood Control Committee when the bill was up, and which he now repeats, that just as soon as the Flood Control Committee is in funds or has the authorization, then requests on the Committee on Rivers and Harbors will cease.

Mr. HUMPHREYS of Mississippi. Undoubtedly; and that would then go on the sundry civil bill.

Mr. GALLAGHER. Is it not a fact that this appropriation is for the same purpose as the flood control?

Mr. HUMPHREYS of Mississippi. There is no difference in the world.

Mr. GALLAGHER. Then the gentleman is kind of getting a double crack——

Mr. HUMPHREYS of Mississippi. Oh, the gentleman does not understand it. The same kind of improvements that are being carried out under the rivers and harbors bill will be continued under the flood-control bill if it passes.

Mr. MOORE of Pennsylvania. The flood-control bill, I will say to the gentleman from Illinois, carries only an authorization for an appropriation.

Mr. GALLAGHER. That is true; but the money will be provided, and if the bill passes these items cover the same purposes.

Mr. HUMPHREYS of Mississippi. Undoubtedly.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Mississippi to let us have this clear here at this time, so nobody will misunderstand it in future. If the flood-control bill does not pass the Senate, the bill is going to come up the next time, and we are going to thrash this all out again. Now, if I understand the proposition, if the flood-control bill passes and this bill passes, then the appropriation made to the Flood Control Committee will be $6,000,000 less than it otherwise would be?

Mr. HUMPHREYS of Mississippi. Undoubtedly.

Mr. MEEKER. It is not the intention to duplicate this appropriation?

Mr. HUMPHREYS of Mississippi. Oh, no; not at all.

Mr. SPARKMAN. I will say it is intended, if the flood-control bill passes in time, that this will be reduced by six millions, is it not?

Mr. GALLAGHER. It is intended, if this bill passes and the flood bill is defeated in the Senate, that the work will go on?

Mr. HUMPHREYS of Mississippi. This work would go on, of course. But if the flood bill would pass in the Senate, this would be just $6,000,000 toward that appropriation that is authorized. It would not be duplicated.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $1,200,000.

[Mr. SMITH of Minnesota addressed the committee. See Appendix.]

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Mr. Chairman, I suppose this may be called my project. It flows along the border of the State past some of the counties in my district. The engineers recommended $2,000,000 for improvement this year. Before the committee—and I do not think there will be any objection to my stating this fact—when asked my judgment, I said that it ought to be cut in two, if not more than that. It was placed at $1,200,000 on the advice of the chairman without objection, and that is what appears in the bill.

I have been advised, Mr. Chairman, at different times that I knew little about the river that I have lived on all my life and have been on a great many miles practically every year. So I was interested last summer in taking a trip down the Mississippi River for the purpose of renewing old acquaintance. We left St. Paul, which, as well as Minneapolis, can send all of the commerce of that great city by water if she chooses, but does not, and we went on the largest boat on the river, the *St. Paul*, down to St. Louis.

In my extended remarks, which I intend to include here, I will relate some incidents to those who care to examine those remarks, of the opinions of rivermen and the captain of the boat, one of the best captains in the country, Capt. Day, of the largest boat on the river, the *St. Paul*.

We had an abundance of water. You will remember that for only three months in the year they have navigation for these boats. This boat made seven round trips last year, supported largely by excursion business.

Briefly, the first boat we passed was about 300 miles south of St. Paul, which met us carrying any commerce—a small towboat—with a barge loaded with sand.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. FREAR. I do not wish to be interrupted until I make this statement and then I will yield. We went down to Keokuk without any trouble from the stage of water. We passed two or three boats of the line carrying excursionists and we had 100 passengers. At Keokuk we dropped 30 feet in the locks. In the statement that I will print I will show the trouble that we found with wing dams and conditions which Capt. Day said made the river far worse than before a single dollar had been spent on the river. We have appropriated $28,000,000 for this river. How it has been wasted. We went on down below Keokuk and there we were stuck 17 hours at three different points on the river. Why? Because the Keokuk Dam to-day obstructs the river by holding back the water for a 30-foot head. Notwithstanding the St. Croix and the Rock River and Wisconsin, all great rivers flowed into the Mississippi after we left St. Paul, yet after we got below Keokuk Dam the navigation was worse than at any other place.

I heard the Chief of Engineers say before our committee the other day that below Rock Island the river is in splendid condition. I not only take issue with him, but present the best authority that can be found in the country, better than that of the Chief of Engineers, and I desire to read it. That may be a pretty large statement, but I think I will convince the House that the statement is true.

Now, I will read from a letter from the Strekfus Co., of St. Louis, the largest and practically only boat line on the upper river. I have the letter, which was sent to me with two petitions. I received the petitions after having told them to take the matter up with their local Representatives. I shall read a part of both, but I will print it all. It was dated St. Louis, September 21, 1916, and was sent to me. I did not ask for this, but am glad to present it, for it tells a tragic tale of inefficiency and worse:

To the honorable Members of Congress of the States of Mississippi and Illinois (on and along the Mississippi River, from St. Louis, Mo., north), Washington, D. C.

GENTLEMEN: We, the undersigned steamboat men, have tried hard to make river navigation and transportation upon the Mississippi River north of St. Louis, Mo., a success, but it seems without avail.

Your Mr. A. E. Richards, assistant United States engineer, stationed at Hannibal, Mo., is, in our opinion, thoroughly incompetent and unreliable. He is apt and willing to cover up things he has failed to do, etc., but to actually aid us, one and all, he positively is the limit.

We respectfully ask for his transfer, for this river and for the betterment of the service; his resignation, however, would be preferable.

They go on to say—

We need action and attention on the Mississippi River during the early months of the year; not wait until September and October when most all river traffic ceased.

This is signed by 12 pilots and 5 steamboat men from the Streckfus Steamboat Co. and other companies.

A second petition is also submitted, sent in the same way. This says—

We, the undersigned steamboat men, find the lighthouse service upon the Mississippi River, from St. Louis north, in a very bad, unsafe, and unsatisfactory condition.

Only by reading the extended statement which I have prepared can you understand fully what some of these difficulties are, which have not been obviated but which have been made greater by these so-called improvements that exist on the Mississippi River. The petition goes on to say—

We need more buoys, markings, lights, etc., and the attention given the river is inadequate and inexcusable. In fact, it is deplorable, dangerous, and steamers grounding daily.

Understand, they have over 4½ feet above the Keokuk Dam, but below the dam the power company controls all agencies. It has destroyed any possibility of navigation. The petition proceeds—

We ask that you proceed and have the lighthouse system on the Mississippi River north of Missouri River taken out of the United States Engineering Department (Maj. Hoffman at Rock Island, Ill.) and placed back in the lighthouse department (where is formerly was), and furnish a lighthouse tender to do nothing else but attend to the lights and lighthouse duty, attending to the same at all times and not lie up on shore most of the time.

This needs immediate attention and continual attention; not a few spurts now and then, but all the time, all the year navigation is on, and we want daily or trip reports of same. We have not gotten a report of soundings and changes of channel, etc., for at least two years past. We want them and need them positively, the same as is furnished river men from St. Louis down by the Lighthouse Service steamer.

This is signed by a long list of pilots and a long list of steamboat men; practically all the men on the upper Mississippi River have signed. It was sent voluntarily by them, and is presented to the House in my extended remarks, which I will print here in to-day's RECORD.

Mr. Chairman, we have spent about $28,000,000 on the upper river, and according to the statement of one of the oldest and most experienced captains on the river, running the largest boat on the river, the *St. Paul*, the river is not in as good condition as it was before a dollar of money was expended. He says before those dams were placed there he could carry a large traffic; that then they had 6 feet practically the whole way, and now, during the short navigation season, they have less than 3½ feet below the Keokuk dam, where we grounded on several occasions. That is the situation that has resulted after an investment of $28,000,000 in the upper river. On the entire river the Government has invested $159,000,000, and during that time the once large commerce of the river has disappeared. Even now the men who run on the upper river receive no protection from the Government. A power plant owns navigation for which we have paid $28,000,000.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from Minnesota for a question.

Mr. SMITH of Minnesota. Is the gentleman surprised, in the face of those facts, that the traffic on the river has declined?

Mr. FREAR. The boats under favorable conditions could not compete with the railroads, because the people will not send freight by these boats. That will be more fully covered in my extended remarks. Mr. Bernhard went to St. Paul with his barge and they greeted him with bouquets and with a banquet, but when it came to tonnage there was no promise from the men above, because they wanted better, quicker service, which they got from the railroads. I am confident that the only way you can get commerce back on the river to any extent is by making minimum rates in favor of boat traffic that will prevent railroads from driving the boats off the river. This boat line, the largest on the river, which runs only three months in the year, is maintained almost entirely by passenger business and not by the freight business, because there is practically no freight carried. On the boat on which I went down there were not 20 tons of freight, and it is a 1,200-ton boat. Outside of the passengers and baggage there were not 20 tons of freight.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. FREAR. My time has expired, I am sorry to say.

Mr. RAINEY. Mr. Chairman, I find myself in agreement with the gentleman from Wisconsin [Mr. FREAR]. Conditions on the upper Mississippi River, so far as the obstructions caused by the Keokuk Dam are concerned, are exactly as the gentleman from Wisconsin has described them. In fact, he has not told the story as bad as it really is.

Ten or twelve years ago we gave to the Mississippi River Development Co. the right to dam the Mississippi River, and the franchise we gave them is not limited by its terms. They constructed at Keokuk, on the river, a great dam, representing to those in England and in Canada and in this country, whom they induced to invest in the stock, that it was possible to develop there over 200,000 horsepower of electrical energy. Upon that statement, absolutely false, they financed this enterprise. I have in my possession a letter from the engineers, dated not long ago, advising me that 75,000 horsepower was as much as they could develop at that point on the river without impounding the water. By impounding the water there in the nighttime, and that is permitted by the Secretary of War and by the engineers, they are able to develop there horsepower somewhat larger than 75,000, but not nearly as large as the amount they represented they could develop. They market most of this in the city of St. Louis. They control the distributing companies in St. Louis and the public-service corporations and the distributing companies at the present time throughout Illinois, and no living man has been benefited by the building of this dam across that river. The property is now part of the rapidly developing Water Power Trust in this country, and the dam is an obstruction to navigation and river steamers do ground below the dam. That is made possible by the fact that the engineers or the Secretary of War, or both of them, have issued permits to the company now owning the structure across the river to actually impound in the nighttime the water which flows in the Mississippi River.

I had a hearing before the Committee on Rules some time ago and made a record of the existing evidence, and it shows that these permits are granted, and that as a result of that vessels run aground below the dam. I know of no reason why we should expend millions and millions of dollars upon the upper Mississippi River and then permit a private corporation to dam it up, and then permit executive officers of this Government to authorize that company to stop the natural flow of the water in the Mississippi River and hold it back of their dam in the nighttime. I now offer to amend this section by inserting, after the figures "$1,200,000," in line 11, page 32, the following language:

Permits shall not be granted by the Secretary of War or the Chief of Engineers, or either of them, allowing the impounding of waters above any dam in the Mississippi River.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 32, by inserting, at the end of line 11, the following: "Permits shall not be granted by the Secretary of War or the Chief of Engineers, or either of them, allowing the impounding of waters above any dam in the Mississippi River."

Mr. STAFFORD. Mr. Chairman, on that I reserve a point of order. I did not know that the gentleman was going to offer an amendment, or else I would have followed more closely the speech that he made concerning the navigability of this stream and the difficulty encountered by the construction of the Keokuk Dam. I am not sufficiently advised to allow this amendment to go through without some further elucidation of the subject. The amendment is clearly not within the province of this committee to report. The jurisdiction of matters pertaining to dams on navigable streams is with the Committee on Interstate and Foreign Commerce. I will ask the gentleman who proposes the amendment whether the matter has ever been considered by that or any other committee, or whether it is just merely the opinion of the gentleman framed to meet the conditions as he believes them to be?

Mr. RAINEY. Mr. Chairman, I have stated the conditions as I know them to be. The gentleman from Wisconsin [Mr. FREAR] will corroborate me in what I have said.

Mr. FREAR. I gave the statement of all of the pilots and steamboat men on the upper river to that effect.

Mr. STAFFORD. Unfortunately I was out of the Chamber when the gentleman from Wisconsin was discussing this item, and for a part of the time while the gentleman from Illinois was discussing it.

Mr. RAINEY. Mr. Chairman, I will say to the gentleman that the dam as operated by the company now operating it is a real obstruction to navigation in the Mississippi River. The company is permitted by the engineers and by the Secretary of War to close its gates in the nighttime to prevent the water from flowing over the dam and down the river, so as to impound the water back of the dam in order that during the remainder of the hours of the 24 they can generate hydroelectric energy in a quantity sufficiently large to yield the returns the company operating and owning that dam think they ought to have.

Mr. STAFFORD. Has this proposal ever been submitted for investigation to the War Department or to any bureau or branch of that department?

Mr. RAINEY. I will say that I have called the attention of the War Department to it frequently.

Mr. STAFFORD. Has there been any formal investigation or hearing upon the subject?

Mr. RAINEY. Yes; there was a hearing before the Committee on Rules in the House on a resolution which I introduced myself. The hearing was had about a year ago.

Mr. STAFFORD. There has been no investigation of its merits by any committee of the House?

Mr. RAINEY. No; I do not know that such an investigation has been had.

Mr. STAFFORD. Mr. Chairman, I think the matter is too important to incorporate in the rivers and harbors bill that will affect the rights—I do not know how extensively—of some large hydro company. It may be the users of hydroelectric power. I do not think that it is good legislation to put on this bill an amendment of this character——

Mr. DYER. Will the gentleman yield for a suggestion?

Mr. STAFFORD (continuing). Without further investigation by some duly constituted authority of Congress or of the War Department. Yes; I will yield.

Mr. DYER. My understanding is that the Committee on Interstate and Foreign Commerce sent a subcommittee there for the making of certain investigations; what it was or what their report is I do not know, but I do not think they have made any report. I do not think myself the amendment of the gentleman from Illinois ought to be permitted at this time without more complete information, and I should myself insist upon the point of order.

Mr. STAFFORD. The statement of the gentleman from Missouri confirms the position I was about to take, and I make the point of order.

Mr. RAINEY. Mr. Chairman, I want to discuss the point of order.

Mr. SPARKMAN. Mr. Chairman, suppose I make this request: That this matter go over until we have reached the end of the bill and then we can return to it and probably in the meantime we can thrash out something that might meet the situation. I want to say that I myself would be a little afraid that we might do unintentionally an injustice if we adopted this amendment. I do not know that any investigation has been made, certainly the engineers have made none as the result of any action taken by Congress on the subject, and I think if we are going to do anything at all some provision looking to an investigation by the engineers would be better than to legislate now in the dark.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that this paragraph and amendment may be passed over with the point of order pending until the close of the bill.

Mr. STAFFORD. Mr. Chairman, I have no objection to the request.

Mr. RAINEY. I have no objection to the request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the public-buildings bill that passed the other day, and I desire to insert in connection therewith a couple of editorials from the New York Sun.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. STAFFORD. The paragraph has been passed over, with the point of order pending.

Mr. SPARKMAN. Then I will not make the request.

The Clerk read as follows:

Mississippi River between Brainerd and Grand Rapids, Minn.: For maintenance, $2,000.

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that he may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAGSDALE. Mr. Chairman, I was very much interested in the proposition advanced on this floor a few moments ago that this House create a commission which would divest this House of authority to control the expenditure of appropriations under a rivers and harbors bill. In other words, as I understand it, we are to appropriate a lump sum which we leave entirely to the War Department or a commission created by this Congress, and that this commission would have entire charge of all sums of money appropriated by Congress to be spent in its wisdom.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. RAGSDALE. In just a moment.

Mr. SMITH of Minnesota. I was going to say the gentleman misunderstood the proposition I made. There is no such proposition as that. It was simply that a commission should take charge of the water resources of this country, of course operating under the direction of Congress.

Mr. RAGSDALE. That we would vest them with authority to go ahead and in their time spend sums of money and make recommendations. If this Congress would find the same condition of affairs existing under the expenditures of the sums of money that would place in their power, if this Congress would find the same condition of affairs existing in the handling of the powers that we would give them that we find to-day in the War Department in the handling of our troops on the border, I want to say for one that I am unqualifiedly opposed to it, and I hope I shall never see any such legislation enacted. Answering the call of the President of the United States, with the approval of the Secretary of War, we gave authority to that department to take charge of the boys that came to the colors, and they were sent to the border.

We understand that in the handling of these troops on the border there would be no discrimination. I understood they were to be recalled from the border with regard to the longevity of their service, and yet, Mr. Chairman, I find that in my own State there has been the grossest discrimination against the boys from our State, to the extent that I feel that I could not properly represent the people of my part of the State if I did not come on the floor of this House and protest against the outrageous treatment that has been accorded them by the Secretary of War. He seeks to excuse himself from this only on the ground that he has divested himself of the authority and put it in control of Gen. Funston on the border. Why, Mr. Chairman, when we empower the Secretary of War to take charge of our men on the border he can not excuse himself by saying that he has delegated that authority to anyone. I have been there in person. I have received letters and telegrams from widows and from people at home who needed their boys there. It is true that we have had remarkably few deaths among the men that have gone from my State, but, Mr. Chairman, when I go to the War Department and ask for information as to the time that these men will be brought back, I am met only with the information that they have no idea, but that I must go to Funston. Why, it is a most remarkable procedure that Members of Congress coming here clothed with the powers that we have, have to go to the War Department and ask for the simplest bits of information affecting the men that we now have on the border and are referred to a man a thousand miles away.

Where can we get the information that we are to give to our people? We get it from nowhere. Has it been right, this treatment of our boys? Take the letter I have just received and which I ask unanimous consent to print in the RECORD. Take the report given me here by the Secretary of War, which shows on the face the grossest injustice in dealing with these men. Here are States, among them the State of Rhode Island, every single troop of which has been brought home. Why are our troops still there, that have been there within a few days of the same period of time that the others have served, troops that have been home for 90 days and that were not 90 days in the service on the border? And yet, what are we told to-day as to the reason why they should stay there?

Mr. NORTON. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. NORTON. May not this be the reason, namely, that the troops from your State are kept down there, so that they may require more drill?

Mr. RAGSDALE. Oh, yes; that may be the reason, and it may be the reason that because the troops of your State were incapable of good service, and they needed good troops, that mine are kept there. We will take the record of South Carolina, and the flag has never yet suffered at her hands. I will not discuss with the gentleman the troops of his State, because I want to stay on friendly terms with him. [Laughter.]

Mr. Chairman, no man ever yet came here and tried to be smart or funny at the expense of the bravery of the men from South Carolina. No brave man, who knows their record and knows the history of that State, would ever question it. In all of history, all of the glory, of this country, on every field of battle, whenever called upon to do yeomen service, they have never faltered, and in a way the gentleman has never yet done, as far as I know, and their record speaks against any such insinuation as he would make against them. When he has gone to the front himself, when he has done anything that would make him worthy of holding this flag aloft, then let him come here and impugn the integrity and bravery of the State I represent, but until then please do not ask me for further time.

Mr. NORTON. Will the gentleman yield?

Mr. RAGSDALE. No, Mr. Chairman; I will not yield further to a man who wants to ask that question.

Mr. FESS. Will the gentleman yield to me?

Mr. RAGSDALE. Why, certainly. [Laughter.]

Mr. FESS. The Secretary of War comes from my State——

Mr. RAGSDALE. Yes, sir.

Mr. FESS. All the troops went down at one time from Ohio.

Mr. RAGSDALE. Yes, sir.

Mr. FESS. And part of them have been released and part of them have met with what you call a discrimination.

Mr. RAGSDALE. I am not here to represent the State of Ohio. The gentleman does it so well that I would not wish to succeed him. I am here to take care of the people of my State, and I say that in the handling of the troops from the different States of the Union and the handling of the troops from my State there is shown an unfair and unpardonable discrimination.

If the Secretary of War, if Maj. Gen. Funston, will give to this Congress or to me, as a Representative of that people, any legitimate excuse that justifies their retention on the border for a period of time beyond that of other troops, and the reason for the discrimination between them and other troops, I will not say a word. But when I go to him as the Secretary of War, when I go to the proper authority, as I conceive it here, in the War Department, and I am referred to Maj. Gen. Funston as to the time they will come back, then it seems to me I have a right to protest.

There is no war on the border to-day. I understand that there is some little trouble over in Mexico, but I understand we are withdrawing all of our troops from Mexico.

If, therefore, our troops are no longer needed in Mexico; if the war, whatever it may have been in Mexico, so far as we are concerned, is at an end; if the time has come when all the other troops can leave there, has not the time arrived when all the Federal soldiers, the Regular Army, down there can defend themselves from the puny little band of Villa, and these men allowed to return to civil life, where they belong? [Applause.]

I have no desire to interfere with the operations of the War Department. I have no desire to do anything that would reflect in any way upon the attitude that this Government should take in its foreign relations. But I do say that one of two things ought to occur—we either ought to use the troops that we have on that border or, as far as they have been drawn from civil life, when they have served for the period of time that those men have served there by way of comparison with other

troops they ought to be allowed to return home; and I would like to know from the War Department why it is not permitted to them. [Applause.]

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, January 24, 1917.

Hon. J. WILLARD RAGSDALE,
House of Representatives.

MY DEAR MR. RAGSDALE: Referring to your request over the telephone on yesterday afternoon for a statement showing the dates of arrival on the Mexican border of organizations of the National Guard and the dates of departure therefrom of such organizations for home stations for muster out, I beg leave to inform you that no official statement setting forth the information that you are seeking has ever been issued by the department. However, there is inclosed herewith a copy of a schedule which has been prepared for use within the department only, which sets forth the information sought by you. It is presumed that the schedule is substantially correct, but still I would not like to have it used in a public way or given out for publication as an official document.

With reference to the selection of National Guard units to be sent home for muster out, it may be stated that the general rule under which the commanding general, Southern Department, has operated has been to return such units in the order of their dates of arrival on the border. Other considerations, such as the tactical situation surrounding border service and the necessity for a gradual reduction at critical points on the border, which would not involve the entire depletion in any one section, have at times required a modification of the general rule mentioned above.

Trusting that the inclosed unofficial schedule may serve your purpose fully, I remain,

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

(One inclosure.)

History of movements of National Guard organizations called into the service of the United States under dates of May 9 and June 18, 1916.

[Corrected to include Jan. 24, 1917. Italic notations indicate corrections and dates obtained from various sources.]

State.	Organization.	Date of departure from mobilization camp.	Date of arrival on border.	Date of departure from border.	Date of arrival at home station.	Date of muster out.
Alabama (Montgomery)	First brigade headquatrers	Oct. 24, 1916	Oct. 28, 1916			
	First Infantry	Oct. 20, 1916	Oct. 24, 1916			
	Second Infantry	Oct. 18, 1916	Oct. 22, 1916			
	Fourth Infantry	Oct. 23, 1916	Oct. 27, 1916			
Ordered home Jan. 22, 1917	Battery A, Field Artillery	Oct. 4, 1916	Oct. 8, 1916			
	Battery C, Field Artillery	do	do			
	First Company Signal Corps	Oct. 24, 1916	Oct. 28, 1916			
	Ambulance Company No. 1	do	do			
	Field Hospital Company No. 1	do	do			
	First Cavalry	Dec. 9, 1916	Dec. 12, 1916			
Arizona	First Infantry	June 19, 1916	June 19, 1916			
Arkansas *ordered home*	First Infantry	Aug. 10, 1916	Aug. 13, 1916			
	Second Infantry	do	do			
California (State Fair Grounds, Sacramento).	First Brigade Infantry	July 4, 1916	July 6, 1916	Oct. 18, 1916	Oct. 20, 1916	Nov. 6, 1916
	Second Infantry	June 30, 1916	July 3, 1916	Oct. 22, 1916	Oct. 25, 1916	Nov. 15, 1916
	Fifth Infantry	July 3, 1916	July 5, 1916	Sept. 4, 1916	Sept. 4, 1916	Oct. 7, 19166
	Seventh Infantry	do	July 6, 1916	Oct. 18, 1916	Oct. 20, 1916	Nov. 11, 1916
	First Squadron Cavalry	June 29, 1916	July 2, 1916	Oct. 26, 1916	Oct. 28, 1916	Nov. 17, 1916
	First Battalion Field Artillery	June 30, 1916	July 3, 1916	Battalion headquarters and Battery B, Dec. 13, 1916.	*Dec. 15, 1916*	Battalion headquarters Battery B, Dec. 21, 1916.
				Battery A, Dec. 20, 1916	*Dec. 22, 1916*	Dec. 30, 1916
				Battery C, Dec. 21, 1916	Dec. 23, 1916	*Jan. 6, 1917*
	Company B, Signal Corps	July 4, 1916	July 6, 1916	Oct. 19, 1916	Oct. 21, 1916	Nov. 6, 1916
	Ambulance Company No. 1	do	do	Oct. 14, 1916	Oct. 16, 1916	Oct. 31, 1916
	Field Hospital No. 1	do	do	do	do	Do.
	Company A, Engineers	Oct. 1, 1916	Oct. 3, 1916			
Colorado	First Battalion Infantry	Oct. 13, 1916	Oct. 16, 1916			
	Second Battalion Infantry	do	do			
	First Squadron Cavalry	Oct. 11, 1916	do			
	Battalion Headquarters Field Artillery	Sept. 30, 1916	Oct. 3, 1916			
	Battery B, Field Artillery	do	do			
	Battery C, Field Artillery	do	do			
	Company A, Signal Corps	Oct. 12, 1916	Oct. 14, 1916			
	Field Hospital No. 1	do	Oct. 15, 1916			
Connecticut (Niantic)	First Infantry	June 27, 1916	July 4, 1916	Oct. 5, 1916	Oct. 12, 1916	Oct. 30, 1916
	Second Infantry	do	July 4, 1916	Oct. 17, 1916	Oct. 26, 1916	Nov. 8, 9, 11, 14, 1916.
	Troop A, Cavalry	June 29, 1916	July 7, 1916	Oct. 14, 1916	Oct. 22, 1916	Nov. 4, 1916
	Troop B, Cavalry	June 27, 1916	July 6, 1916	Oct. 13, 1916	Oct. 21, 1916	Oct. 28, 1916
	Battery E, 10 Field Artillery	Oct. 1, 1916	Oct. 9, 1916			
	Battery F, 10 Field Artillery	do	do			
	First Field Company, Signal Corps	June 27, 1916	July 6, 1916	Oct. 15, 1916	Oct. 21, 1916	Do.
	Ambulance Company No. 1	June 27, 1916	July 5, 1916	Oct. 14, 1916	do	Do.
	Field Hospital No. 1	do	do	do	Oct. 22, 1916	Nov. 8, 1916
Delaware *ordered home for muster out*	First Batallion Infantry	July 25, 1916	July 30, 1916			
	Second Batallion Infantry	do	do			
District of Columbia (Fort Myer, Va.)	Third Infantry	Oct. 4, 1916	Oct. 9, 1916			
	First Separate Batallion	July 4 1916	July 9, 1916	Oct. 8, 1916	Oct. 15, 1916	Oct. 23, 1916
	Troop A, Cavalry	Oct. 2, 1916	Oct. 6, 1916			
	Battery A, Field Artillery	do	Oct. 7, 1916			
Ordered home for muster out	Battery B, Field Artillery	Aug. 7, 1916	Aug. 13, 1916			
	Company A, Signal Corps	July 4, 1916	July 9, 1916	Dec. 13, 1916	*Dec. 20, 1916*	Dec. 27, 1916
	Field Hospital No. 1	do	do	Oct. 17, 1916	Oct. 23, 1916	Oct. 28, 1916
Florida	Second Infantry	Oct. 2, 1916	Oct. 6, 1916			
	Field Hospital No. 1	Oct. 18, 1916	Oct. 21, 1916			
Georgia (Macon)	First Brigade Headquarters	Oct. 23, 1916	Oct. 28, 1916			
	First Infantry	Oct. 24, 1916	Oct. 27, 1916			
	Second Infantry	Oct. 22, 1916	Oct. 27, 1916			
	Fifth Infantry	Oct. 23, 1916	Oct. 28, 1916			
	Second Squadron Cavalry	Oct. 25, 1916	Oct. 29, 1916			
	Troop A, Cavalry	do	do			
	First Batallion, Field Artillery	Oct. 3, 1916	Oct. 7, 1916			
	Field Hospital No. 1	Oct. 25, 1916	Oct. 29, 1916			
Idaho	Second Infantry	July 7, 1916	July 11, 1916	Dec. 19, 1916	Dec. 23, 1916	
Illinois (Springfield)	First Brigade *Headquarters*	June 30, 1916	July 2, 1916	Sept. 1, 1916	Sept. 4, 1916	Oct. 5, 1916
Ordered home	*Second Brigade Headquarters*	*July 2, 1916*	*July 5, 1916*			
	First Infantry	June 28, 1916	July 1, 1916	Sept. 1, 1916, less Supply Company, which departed Oct. 18, 1916	Sept. 3, 1916	Oct. 4, 1916
					Oct. 21, 1916	Nov. 5, 1916
	Second Infantry	June 29, 1916	July 2, 1916	Sept. 4, 1916, less Supply Company, which departed Oct. 18, 1916	Sept. 7, 1916	Oct. 5, 1916
					Oct. 21, 1916	Nov. 5, 1916

History of movements of National Guard organizations called into the service of the United States, etc.—Continued.

State.	Organization.	Date of departure from mobilization camp.	Date of arrival on border.	Date of departure from border.	Date of arrival at home station.	Date of muster out.
Illinois (Springfield) *ordered home for muster out.*	Third Infantry	July 2, 1916	July 5, 1916			
	Fourth Infantry	July 1, 1916	July 5, 1916			
	Seventh Infantry	June 30, 1916	July 2, 1916	Dec. 29, 1916	*Jan. 1, 1917*	
	Eighth Infantry	July 4, 1916	July 6, 1916	Oct. 7, 1916	Oct. 11, 1916	Oct. 27, 1916
	First Cavalry	July 1, 1916	July 4, 1916	Oct. 17, 1916	Oct. 23, 1916	Nov. 17, 1916
	First Field Artillery	July 4, 1916	July 7, 1916	Oct. 10, 1916	Oct. 13, 1916	Oct. 31, 1916
	Battery F, First Field Artillery	do	do	Sept. 7, 1916	Sept. 10, 1916	Sept. 25, 1916
	Company A, Engineers	do	do	Oct. 17, 1916	Oct. 20, 1916	Nov. 3, 1916
	Company A, Signal Corps	do	do	Dec. 21, 1916	Dec. 24, 1916	*Jan. 3, 1917*
	Field Hospital, No. 1	do	do	Oct. 10, 1916	Oct. 12, 1916	Oct. 23, 1916
	Field Hospital, No. 2	do	do	Oct. 17, 1916	Oct. 20, 1916	Nov. 3, 1916
Indiana (Fort Benjamin Harrison), *ordered home.*	First Brigade *Headquarters*	July 10, 1916	July 14, 1916			
	Company I, First Infantry	July 11, 1916	July 15, 1916	Sept. 19, 1916	Sept. 23, 1916	Oct. 2, 1916
	First Infantry	do	do			
Ordered home for muster out	Band, Second Infantry	July 10, 1916	July 16, 1916	Sept. 19, 1916	Sept. 23, 1916	Sept. 26, 1916
	Second Infantry	do	do			
	Third Infantry	July 7, 1916	July 11, 1916	Dec. 4, 1916	Dec. 8, 1916	Dec. 29, 1916
	First Battalion, Field Artillery	July 6, 1916	July 10, 1916	*Jan. 2, 1917*	*Jan. 6, 1917*	*Jan. 19, 1917*
	Battery B, Field Artillery	do	do	Sept. 13, 1916	Sept. 16, 1916	Sept. 28, 1916
	Company A, Signal Corps	July 8, 1916	July 11, 1916	Dec. 30, 1916	*Jan. 3, 1917*	
	Field Hospital No. 1	*July 8, 1916*	*July 11, 1916*	do	do	
	Field Hospital No. 2	*Dec.* 16, 1916	*Dec.* 19, 1916			
	Ambulance Company No. 1	July 8, 1916	July 11, 1916	Dec. 30, 1916	*Jan. 3, 1917*	*Jan. 12, 1917*
Ordered home for muster out	Ambulance Company No. 2	July *12*, 1916	July *16*, 1916			
Iowa (Des Moines) *ordered home for muster out.*	First Brigade Headquarters	July 25, 1916	July 29, 1916			
	First Infantry	do	do	Dec. 18, 1916	Dec. *22* and 24, 1916.	*Jan. 15, 1917*
	Second Infantry	July 22, 1916	July 27, 1916			
Ordered home for muster out	Third Infantry	July 21, 1916	July *24*, 1916			
	First Squadron, Cavalry	July 23, 1916	July 27, 1916			
	First Battalion, Field Artillery	July 24, 1916	July 28, 1916	Batteries A and B, Dec. 14, 1916, Battalion Headquarters.	Dec. 19, 1916	Battalion Headquarters and Battery A, Dec. 24, 1916.
	First Battalion Field Artillery	July 24, 1916	July 28, 1916	Bat. C., Dec. *14*, 1916.	Dec. *19*, 1916	*Batteries B and C*, Dec. 30, 1916.
	Company A, Engineers	July *23*, 1916	July 27, 1916	Dec. 24, 1916	Dec. 27, 1916	*Jan. 13, 1917*
Ordered home for muster out	Field Hospital No. 1	July 21, 1916	July 25, 1916			
	Ambulance Company No. 1	July 21, 1916	July 25, 1916			
Kansas (Fort Riley)	First Infantry	July 6 and 7 1916.	July 9, 1916	Oct. 13, 1916	Oct. 15, 1916	Oct. 30, 1916
	Second Infantry	July 1, 1916	July 3, 1916	Oct. 24, 1916	Oct. 26, 1916	Nov. 12, 1916
	Battery A, Field Artillery	July 6, 1916	July *8*, 1916	Dec. 11, 1916	Dec. 13, 1916	Dec. 22, 1916
	Company A, Signal Corps	July 6, 1916	July *8*, 1916	*Jan. 3, 1917*	*Jan. 5, 1917*	*Jan. 15, 1917*
	Troop A, Cavalry	Sept. 25, 1916	Sept. 28, 1916			
	Medical detachment					Dec. 22, 1916
Kentucky (Fort Thomas)	First Brigade, Headquarters	Aug. 30, 1916	Sept. 4, 1916			
Company A, First, Company L, Second, Company D, Third, ordered home for muster out.	First Infantry	Aug. 31, 1916	Sept. 4, 1916	*Co. A, Jan. 21, 1917.*		
	Second Infantry	Aug. *30*, 1916	Sept. *3*, 1916	*Co. L, Jan. 21, 1917.*		
	Third Infantry	Aug. *31*, 1916	Sept. 4, 1916	*Co. D, Jan. 27, 1917.*		
	Company A, Signal Corps	Aug. *30*, 1916	Sept. *3*, 1916			
	Field Hospital No. 1	Aug. *30*, 1916	Sept. 4, 1916			
	Ambulance Company No. 1	Aug. *30*, 1916	Sept. 4, 1916			
Louisiana (Alexandria)	First Infantry	July 20, 1916	July 22, 1916	Sept. 2, 1916	Sept. 4, 1916	Sept. 25, 1916
	Troop A, Cavalry	July 18, 1916	July *20*, 1916	Sept. 29, 1916	Oct. 1, 1916	Oct. 6, 1916
Ordered home for muster out	First Battalion Field Artillery	do	do			
	Field Hospital No. 1	Aug. 6, 1916	Aug. 7, 1916			
Maine (Augusta)	Second Infantry	June 29, 1916	July *4*, 1916	Oct. 7, 1916	Oct. 14, 1916	Oct. 25, 1916
Maryland (Laurel)	First Brigade Headquarters	July 5, 1916	July *10*, 1916	Oct. 17, 1916	Oct. 24, 1916	Oct. 30, 1916
	First Infantry	June 30, 1916	July *5*, 1916	do	do	Nov. 4, 1916
	Fourth Infantry	July 5, 1916	July *9*, 1916	Sept. 1, 1916	Sept. 7, 1916	Sept. 26, 1916
Ordered home for muster out	Fifth Infantry	do	July *10*, 1916			
	Troop A, Cavalry	July *8*, 1916	do	Dec. *14*, 1916	*Dec. 19, 1916*	Dec. 23, 1916
	Field Hospital No. 1	do	do	Dec. 25, 1916	*Dec. 30, 1916*	*Jan. 6, 1917*
	Ambulance Company No. 1	July 5, 1916	do	do	do	Do.
Massachusetts (South Framingham)	Second Brigade Headquarters	June 27, 1916	July 3, 1916	Oct. 29, 1916	Nov. 6, 1916	Nov. 24, 1916
	Second Infantry	do	July *2*, 1916	Oct. 7, 1916	Oct. 15, 1916	Nov. 4, 1916, less Supply Company, mustered out Nov. 10, 1916.
	Fifth Infantry	do	July *1, 2*, 1916	Oct. *14*, 1916	Oct. 21, 1916	Nov. 15, 1916
	Eighth Infantry	do	July 3, 1916	Oct. 29, 1916	Nov. 6, 1916	Nov. 24, 1916
	Ninth Infantry	June 27, 1916	July *1* and *2*, 1916.	Oct. 31, 1916	Nov. 7, 1916	Nov. 18, 1916
	First Squadron Cavalry	June 28, 1916	July 3, 1916	Nov. 2, 1916	Nov. 9, 1916	Nov. 23, 1916 Nov. 18, 1916
	First Battalion Field Artillery	do	July 2, 1916	Oct. 10–11, 1916.	Oct. 17, 1916	Oct. 30, to Nov. 27, 1916
	Second Battalion Field Artillery	do	July 3, 1916	Oct. *25*, 1916	*Nov. 1, 1916*	Nov. 24, 1916
	First Battalion Signal Corps	June 27, 1916	July *2*, 1916	Oct. 18, 1916	Oct. 24, 1916	Nov. 11, 1916
	Field Hospital, No. 1	do	do	Sept. 20, 1916	Sept. *26*, 1916	Oct. 17, 1916
Ordered home for muster out	Field Hospital, No. 2	Sept. 1, 1916	Sept. 7, 1916			
	Ambulance Company No. 1	June 27, 1916	July 1, 1916	Dec. 12, 1916	*Dec. 17, 1916*	*Dec. 28, 1916*
Ordered home for muster out	Ambulance Company No. 2	Sept. 1, 1916	Sept. 7, 1916			
Michigan (Grayling)	First Brigade headquarters	Oct. 1, 1916	Oct. *5*, 1916	Dec. 31, 1916	*Jan. 5, 1917*	*Jan 16, 1917*
	Thirty-first Infantry	July 8, 1916	July *11*, 1916	do	do	*Jan. 20, 1917*
Under orders, 12/18	Thirty-second Infantry	July 14, 1916	July *18, 1916*	*Jan. 18, 1917*		
	Thirty-third Infantry	Oct. 6, 1916	Oct. 11, 1916			
	Troop A, Cavalry	Oct. 4, 1916	Oct. *9*, 1916			
	Troop B, Cavalry	do	do			
	Battery A, Field Artillery	Oct. 1, 1916	Oct. 5, 1916			
	Battery B, Field Artillery	do	do			
	Company A, Engineers	Oct. *4*, 1916	Oct. 9, 1916			

History of movements of National Guard organizations called into the service of the United States, etc.—Continued.

State.	Organization.	Date of departure from mobilization camp.	Date of arrival on border.	Date of departure from border.	Date of arrival at home station.	Date of muster out.
Michigan (Grayling) *under orders, 12/18.*	Company A, Signal Corps	Oct. 4, 1916	Oct. 9, 1916			
	Field hospital No. 1	Oct. 10, 1916	Oct. 14, 1916			
	Ambulance Company No. 1	do	do			
	Ambulance Company No. 2	do	do			
Minnesota (Fort Snelling)	First Brigade Headquarters				Jan. 11, 1917	Jan. 20, 1917
Ordered home	First Infantry	July 12, 1916	July 16, 1916			
	Second Infantry	July 15, 1916	July 19, 1916	Jan. 4, 1917	Jan. 11, 1917	
	Third Infantry	July 10, 1916	July 15, 1916	Dec. 2, 1916	Dec. 7, 1916	Dec. 19, 1916
Ordered home for muster out	Second Battalion, First Field Artillery	July 19, 1916	July 24, 1916			
	First Battalion, First Field Artillery	Oct. 1, 1916	Oct. 7, 1916			
	Battery F, First Field Artillery	July 19, 1916	July 24, 1916	Sept. 13, 1916	Sept. 17, 1916	Sept. 26, 1916
Mississippi (Jackson)	First Infantry	Oct. 17, 1916	Oct. 19, 1916			
Missouri (Nevada)	First Brigade Headquarters	July 4, 1916	July 6, 1916	Dec. 28, 1916	Dec. 31, 1916	Dec. 31, 1916
	First Infantry	June 30, 1916	July 3, 1916	Sept. 1, 1916	Sept. 4, 1916	Sept. 25, 1916
	Second Infantry	July 5, 1916	July 8, 1916	Dec. 23, 1916	Dec. 31, 1916	Jan. 18, 1917
	Third Infantry	July 8, 1916	July 12, 1916	Sept. 1, 1916	Sept. 3, 1916	Sept. 26, 1916
Ordered home for muster out	Fourth Infantry	July 4, 1916	July 6, 1916			
	Troop B, Cavalry	July 5, 1916	July 8, 1916	Dec. 26, 1916	Dec. 29, 1916	Jan. 5, 1917
	First Battalion, Field Artillery	July 1, 1916	July 4, 1916	Dec. 15, 1916	Dec. 17 and 18, 1916.	Dec. 21 and 22, 1916
	Battery A, First Field Artillery	do	do	do	Dec. 18, 1916	Dec. 21, 1916
	Company A, Signal Corps	do	do	Jan. 3, 1917	Jan. 5, 1917	Jan. 15, 1917
	Field Hospital No. 1	July 9, 1916	July 11, 1916	Dec. 26, 1916	Dec. 29, 1916	Jan. 5, 1917
	Ambulance Company No. 1	July 5, 1916	July 8, 1916	do	do	Do.
Montana (Fort Wm. H. Harrison)	Second Infantry	July 2, 1916	July 6, 1916	Oct. 11, 1916	Oct. 16, 1916	Nov. 3, 1916
Ordered home for muster out	Troop A, Cavalry	Aug. 7, 1916	Aug. 10, 1916			
Nebraska (Lincoln)	Fourth Infantry	July 7, 1916	July 10, 1916	Dec. 27, 1916	Dec. 31, 1916	Jan. 15, 1917
	Fifth Infantry	July 9, 1916	July 14, 1916			
Ordered home for muster out	Company A, Signal Corps	July 7, 1916	July 10, 1916			
	Field Hospital No. 1	July 7, 1916	do			
New Hampshire (Colchester)	*Ordered home*, First Infantry	July 15, 1916	July 20, 1916			
	Troop A, Cavalry	Oct. 17, 1916	Oct. 23, 1916			
	Battery A, Field Artillery	Oct. 3, 1916	Oct. 9, 1916			
	Company A, Signal Corps	Oct. 17, 1916	Oct. 22, 1916			
	Field Hospital No. 1	do	do			
New Jersey (Sea Girt)	First Brigade Headquarters	July 2, 1916	July 9, 1916	Sept. 4, 1916	Sept. 9, 1916	Oct. 2, 1916
	First Infantry	June 26, 1916	July 2, 1916	do	do	Oct. 7–11, 1916
	Fourth Infantry	July 1, 1916	July 7, 1916	do	do	Oct. 12–14, 1916
	Fifth Infantry	June 30, 1916	July 4, 1916	Oct. 27, 1916	Nov. 3, 1916	Nov. 14, 1916
	First Squadron Cavalry	July 2, 1916	July 9, 1916	Oct. 8, 1916	Oct. 15, 1916	Oct. 21, 1916
	Battery A, Field Artillery	June 27, 1916	July 3, 1916	Oct. 8, 1916	Oct. 14, 1916	Do.
	Battery B, Field Artillery	June 26, 1916	do	do	do	Oct. 25, 1916
	Battery C, Field Artillery	Oct. 1, 1916	Oct. 10, 1916			
	First Field Company, Signal Corps	July 1, 1916	July 6, 1916	Oct. 14, 1916	Oct. 22, 1916	Oct. 28, 1916
	Field Hospital No. 1	June 27, 1916	July 2, 1916	Oct. 8, 1916	Oct. 14, 1916	Oct. 21, 1916
	Ambulance Company No. 1	do	do	do	do	Do.
New Mexico (Columbus)	First Infantry	July 14, 1916	July 14, 1916			
	Battery A, Field Artillery	June 18, 1916	June 18, 1916			
New York (Green Haven, Camp Whitman).	Sixth Division Headquarters	July 1, 1916	July 6, 1916	Dec. 14, 1916	Dec. 22, 1916	Dec. 23, 1916
Ordered home for muster out	Sixth Division Supply Train	Oct. 17, 1916	Oct. 24, 1916			
	First Brigade Headquarters	July 8, 1916	July 11, 1916			
	Second Brigade Headquarters	do	do	Sept. 5, 1916	Sept. 11, 1916	Sept. 27, 1916
	Third Brigade headquarters	June 28, 1916	July 8, 1916	Dec. 15, 1916		
	Second Infantry	July 7, 1916	July 16, 1916	Sept. 21, 1916	Sept. 27–29, 1916.	Oct. 7–30, 1916
	Third Infantry	July 13, 1916	July 21, 1916	Sept. 8, 1916	Sept. 14–15, 1916.	Oct. 5, 1916
	Seventh Infantry	June 27, 1916	July 2, 1916	Nov. 22, 1916	Nov. 28, 1916	Dec. 2, 1916
	Twelfth Infantry	June 29, 1916	July 5, 1916			
	Fourteenth Infantry	June 27, 1916	July 2, 1916	Sept. 8, 1916	Sept. 13, 1916	Oct. 11, 1916
	Twenty-third Infantry	July 4, 1916	July 11, 1916	Jan. 2, 1917	Jan. 9, 1917	Jan. 17, 1917
	Sixty-ninth Infantry	July 11, 1916	July 17–18, 1916.			
	Seventy-first Infantry	June 27, 1916	July 2, 1916	Sept. 6, 1916	Sept. 11, 1916	Oct. 6, 1916
Ordered home for muster out	Seventy-fourth Infantry	July 4, 1916	July 10, 1916			
	First Regiment Cavalry	*First squadron, June 28, 1916. Second squadron, July 6, 1916. Third squadron, July 1, 1916.*	*First squadron, July 5, 1916. Second squadron, July 12, 1916. Third squadron, July 7, 1916.*			
	Squadron A, Cavalry[1]	July 6, 1916	July 13, 1916	Dec. 15, 1916	Dec. 23, 1916	Dec. 28, 1916
	First Field Artillery	June 28, 1916	July 5, 1916	*Batteries A, B, and C, Oct. 19, 1916. Headquarters and Batteries D, E, and F, Oct. 27, 1916.*	*Batteries A, B, and C, Oct. 26, 1916. Headquarters and Batteries D, E, and F, Nov. 3, 1916.*	*Battery B, Nov. 1, 1916. Battery A, Nov. 4, 1916. Battery C, Nov. 8, 1916. Headquarters and Batteries D, E, and F, Nov. 15, 1916.*
	Second Field Artillery	July 8, 1916	July 14, 15, 16, 1916.	Dec. 30, 1916	Jan. 6, 1917	Jan. 12–20, 1917.
	Third Field Artillery	Oct. 3, 1916	Oct. 10, 1916			
	Twenty-second Engineers	July 12, 1916	July 18, 1916	Dec. 2, 1916	Dec. 10, 1916	Jan. 4, 1917
	First Battalion	July 12, 1916	July 8, 1916	Oct. 15, 1916	Oct. 21, 1916	Oct. 30, 1916
	Second Battalion	July 14, 1916	July 22, 1916	Dec. 16, 1916	Dec. 24, 1916	Jan. 4, 1917
	First Battalion, Signal	July 5, 1916	July 10, 1916	Dec. 13, 1916	Dec. 20, 1916	Dec. 28, 1916
	Field Hospital, No. 1	June 28, 1916	July 5, 1916	Oct. 14, 1916	Oct. 20, 1916	Oct. 25, 1916
	Field Hospital No. 2	July 15, 1916	July 21, 1916	Dec. 14, 1916	Dec. 22, 1916	Dec. 27, 1916
	Field Hospital No. 3	Oct. 13, 1916	Oct. 17, 1916	Jan. 5, 1917	Jan. 10, 1917	Jan. 18, 1917
	Field Hospital No. 4	Nov. 10, 1916	Nov. 15, 1916			
	Ambulance Company No. 1	July 10, 1916	July 16, 1916	Oct. 14, 1916	Oct. 19, 1916	Oct. 24, 1916
	Ambulance Company No. 2	do	do	Dec. 14, 1916	Dec. 21, 1916	Dec. 27, 1916
	Ambulance Company No. 3	June 28, 1916	July 6, 1916	Dec. 28, 1916	Jan. 3, 1917	Jan. 6, 1917
Ordered home for muster out	Ambulance Company No. 4	July 15, 1916	July 21, 1916			
	Field Bakery					

[1] Machine gun company same dates all through.

History of movements of National Guard organizations called into the service of the United States, etc.—Continued.

State.	Organization.	Date of departure from mobilization camp.	Date of arrival on border.	Date of departure from border.	Date of arrival at home station.	Date of muster out.
North Carolina (Camp Glenn, Moorehead City).	First Brigade Headquarters	Sept. 25, 1916	Sept. 29, 1916			
Under orders	First Infantry	Sept. 25, 1916	do			
	Second Infantry	Sept. 26, 1916	Sept. 30, 1916			
	Third Infantry	Sept. 27, 1916	Oct. 1, 1916			
	Company A, Engineers	Oct. 17, 1916	Oct. 21, 1916			
	Company B, Engineers	Oct. 17, 1916	do			
	Troop A, Cavalry	Sept. 23, 1916	Sept. 28, 1916			
	Troop B, Cavalry	do	do			
	Field Hospital No. 1	do	do			
	Ambulance Company No. 1	do	do			
North Dakota (Fort Lincoln), *under orders Dec. 8.*	First Infantry	July 22, 1916	July 26, 1916	Jan. 23, 1917		
Ohio, Columbus	First Brigade Headquarters	Sept. 6, 1916	Sept. 10, 1916			
Under orders	Second Brigade Headquarters	Aug. 30, 1916	Sept. 3, 1916			
	Second Infantry	Sept. 5, 1916	Sept. 9, 1916			
	Third Infantry	Sept. 7, 1916	Sept. 11, 1916			
Under orders to return home for muster out.	Fourth Infantry	Aug. 30, 1916	Sept. 3, 1916			
	Fifth Infantry	Aug. 29, 1916	do			
	Sixth Infantry	Sept. 6, 1916	Sept. 10, 1916			
	Eighth Infantry	Aug. 31, 1916	Sept. 4, 1916			
Ordered home for muster out	First Squadron Cavalry	Sept. 1, 1916	Sept. 6, 1916			
	First Battalion Field Artillery	Sept. 2, 1916	Sept. 6, 1916			
	First Battalion Engineers	Sept. 7, 1916	Sept. 12, 1916			
	Separate Company D Engineers	Sept. 3, 1916	Sept. 7, 1916			
	First Battalion Signal Corps	Sept. 3, 1916	Sept. 7, 1916			
	Field Hospital No. 1	Sept. 8, 1916	Sept. 12, 1916			
	Field Hospital No. 2	Sept. 1, 1916	Sept. 5, 1916			
	Field Hospital No. 3	Sept. 8, 1916	Sept. 12, 1916			
	Ambulance Company No. 1	do	do			
	Ambulance Company No. 2	Sept. 1, 1916	Sept. 5, 1916			
Oklahoma (Fort Sill)	First Infantry	July 19, 1916	July 22, 1916			
	Troop A Cavalry	do	July 21, 1916			
Ordered home for muster out	Troop B Cavalry	do	do			
	Company A Engineers	July 19, 1916	do			
	Field Hospital, No. 1	July 19, 1916	do			
	Ambulance Company, No. 1	Oct. 25, 1916	Oct. 26, 1916			
Oregon (Clackamas)	Third Infantry	June 27, 1916	July 1, 1916	Sept. 1, 1916	Sept. 5–6–7, 1916.	Sept. 25, 1916
	Troop A Cavalry	June 28, 1916	July 1, 1916			
	Battalion A, Field Artillery	do	do			
Pennsylvania (Mount Gretna)	Division Headquarters	July 5, 1916	July 10, 1916	Jan. 8, 1917	Jan. 14, 1917	Jan. 19, 1917
	First Brigad , Headquarters	July 1, 1916	July 5, 1916	Oct. 4, 1916	Oct. 9, 1916	Oct. 13, 1916
	Second Brigade, Headquarters	July 4, 1916	July 9, 1916	Jan. 3, 1917	Jan. 17, 1917	Jan. 19, 1917
Ordered home for muster out	Third Brigade, Headquarters	July 9, 1916	July 13, 1916			
	First Infantry	July 1, 1916	July 5, 1916	Oct. 4, 1916	Oct. 9, 1916	Oct. 23, 1916
	Third Infantry	July 2, 1916	July 6, 1916	Oct. 5, 1916	Oct. 10, 1916	Oct. 18, 1916
Under orders, Dec. 18	Fourth Infantry	July 8, 1916	July 13, 1916	Jan. 8, 1917	Jan. 14, 1917	Jan. 15–20, 1917
Ordered home for muster out	Sixth Infantry	July 7, 1916	July 12, 1916			
	Eighth Infantry	July 9, 1916	July 13, 1916			
	Tenth Infantry	July 2, 1916	July 8, 1916	Oct. 6, 1916	Oct. 12, 1916	Oct. 25, 1916, to Nov. 1, 1916.
	Thirteenth Infantry	Oct. 5, 1916	Oct. 10, 1916			
	Sixteenth Infantry	July 3, 1916	July 8–9, 1916	Jan. 4, 1917	Jan. 9, 1917	Jan. 13–17, 1917.
	Eighteenth Infantry	July 4, 1916	July 9, 1916	Dec. 18, 1916	Dec. 25, 1916	Jan. 5, 1917
Under orders Dec. 18	First Cavalry	July 6, 1916	July 12, 1916			
	Machine Gun Troop	Sept. 23, 1916	Sept. 28, 1916	Jan. 9, 1917		
	First Field Artillery	July 5, 1916	July 10, 1916	Nov. 14, 1916	Nov. 20, 1916	Dec. 4, 1916
Ordered home for muster out	Second Field Artillery (formerly Second Infantry)	June 30, 1916	July 6, 1916			
	Third Field Artillery	Sept. 30, 1916	Oct. 5, 1916			
	Company A, Engineers	June 29, 1916	July 4, 1916	Oct. 28, 1916	Nov. 4, 1916	Nov. 10, 1916
	Company B, Engineers	do	do	do	do	Nov. 13, 1916
Ordered home for muster out	Company C, Engineers	July 8, 1916	July 13, 1916			
	First Battalion, Signal Corps	June 30, 1916	July 4, 1916	Jan. 5, 1917	Jan. 10, 1917	Jan. 18, 1917
Under orders Dec. 18	Field Hospital, No. 1	July 9, 1916	July 14, 1916	Jan. 11, 1917		
	Field Hospital, No. 2	June 30, 1916	July 4, 1916	Oct. 5, 1916	Oct. 9, 1916	Oct. 18, 1916
Under orders Dec. 18	Ambulance Company, No. 1	July 9, 1916	July 14, 1916	Jan. 11, 1917		
	Ambulance Company, No. 2	June 30, 1916	July 4, 1916	Oct. 5, 1916	Oct. 9, 1916	Do.
	Field Battery			Jan. 11, 1917		
Rhode Island (Quanset Point)	Troop A, Cavalry	July 8, 1916	July 14, 1916	Oct. 8, 1916	Oct. 15, 1916	Oct. 31, 1916
	Troop B, Cavalry	do	do	Sept. 20, 1916	Sept. 26, 1916	Oct. 9, 1916
	Troop C, Cavalry	do	do	Oct. 8, 1916	Oct. 15, 1916	Oct. 31, 1916
	Troop M, Cavalry	do	do	do	do	Nov. 6, 1916
	Battery A, Field Artillery	June 30, 1916	July 6, 1916	Oct. 10, 1916	Oct. 16, 1916	Nov. 2, 1916
	Ambulance Company No. 1	July 9, 1916	July 13, 1916	Sept. 20, 1916	Sept. 26, 1916	Oct. 17, 1916
South Carolina (Lexington County, near Columbia).	First Infantry	Aug. 7, 1916	Aug. 11, 1916	Nov. 25, 1916	Nov. 30, 1916	Dec. 7, 1916
	Second Infantry	Aug. 9, 1916	Aug. 12, 1916			
	Company A, Engineers	do	Aug. 13, 1916			
Ordered home for muster out	Troop A, Cavalry	do	Aug. 12, 1916			
	Field Hospital No. 1	do	Aug. 13, 1916			
South Dakota (Redfield, to go to Fort Crook, Nebr., for muster out). (Ordered home for muster out.)	Fourth Infantry	July 31, 1916	Aug. 5, 1916			
Tennessee	First Infantry	Sept. 16, 1916	Sept. 19–20, 1916.			
	Third Infantry	Sept. 17, 1916	Sept. 20, 1916			
	Troop B, Cavalry	Sept. 15, 1916	Sept. 19, 1916			
	Troop C, Cavalry	Nov. 7, 1916	Nov. 11, 1916			
	Troop D, Cavalry	Nov. 7, 1916	Nov. 11, 1916			
Ordered home for muster out	Field Hospital, No. 1	Sept. 15, 1916	Sept. 19, 1916			
	Ambulance Company, No. 1	do	do			
Texas (Camp Mabry)	First Brigade headquarters	May 29, 1916	May 30, 1916			
	Second Infantry	May 25, 1916	May 26, 1916			
	Third Infantry	May 29, 1916	May 30, 1916			
	Fourth Infantry	May 27, 1916	May 28, 1916			
	Company A, Engineers	July 27, 1916	July 27, 1916			
	Company B, Engineers	Sept. 10, 1916	Sept. 10, 1916			
	Battery A, Field Artillery	June 23, 1916	June 25, 1916			
	First Squadron Cavalry	June 10, 1916	June 10, 1916			
	Field Hospital, No. 1	May 29, 1916	May 30, 1916			
Utah (Fort Douglas)	First Squadron Cavalry	July 8, 1916	July 10, 1916	Oct. 26, 1916	Oct. 30, 1916	Nov. 10, 1916
Ordered home for muster out	Second Squadron Cavalry	July 14, 1916	July 19, 1916			
	Battery A, Field Artillery	June 27, 1916	June 30, 1916	Dec. 13, 1916	Dec. 16, 1916	Dec. 22, 1916
	Field Hospital, No. 1	July 14, 1916	July 16, 1916	Dec. 22, 1916	Dec. 24, 1916	Dec. 30, 1916

History of movements of National Guard organizations called into the service of the United States, etc.—Continued.

State.	Organization.	Date of departure from mobilization camp.	Date of arrival on border.	Date of departure from border.	Date of arrival at home station.	Date of muster out.
Vermont (Colchester)	First Infantry	June 27, 1916	July 2, 1916	Sept. 21, 1916	Sept. 27, 1916	Oct. 11, 1916
	Company C, First Infantry	*June 27, 1916*	*July 2, 1916*	*Sept. 15, 1916*	*Sept. 20, 1916*	*Oct. 11, 1916*
Virginia (Richmond)	First Infantry	July 6, 1916	July 11, 1916	Jan. 2, 1917	*Jan. 7, 1917*	*Jan. 16, 1917*
Ordered home for muster out	Second Infantry	....do....	July 10, 1916			
	First Battalion, Field Artillery	Oct. 2, 1916	Oct. 7, 1916			
	Battery C, Field Artillery	*Oct. 3, 1916*	*Oct. 7, 1916*			
	Field Company D, Signal Corps	Oct. 18, 1916	Oct. 22, 1916			
	Field Hospital No. 1	....do....	....do....			
	First Squadron, Cavalry	Oct. 17, 1916	Oct. 23, 1916			
	Company A, Engineers	Oct. 18, 1916	Oct. 22, 1916			
Washington (American Lake)	Second Infantry	July 4, 1916	July 7, 1916	Sept. 2, 1916	Sept. 6, 1916	Oct. 8, 1916
	Troop B, Cavalry	June 30, 1916	July 3, 1916			
	Company A, Signal Corps	....do....	....do....			
West Virginia (Charleston)	Second Infantry	Oct. 18, 1916	Oct. 21, 1916			
Wisconsin (Camp Douglas)	First Brigade Headquarters	July 8, 1916	July 11, 1916	Dec. 27, 1916	Dec. 31, 1916	Jan. 3, 1917
Ordered home for muster out	First Infantry	....do....	....do....	....do....	....do....	*Jan. 19, 1917*
	Second Infantry	July 10, 1916	July 14, 1916			
	Third Infantry	July 12, 1916	July 15, 1916	Nov. 23, 1916	Nov. 26-27, 1916.	Dec. 14, 1916
	Troop A, Cavalry	July 1, 1916	July 5, 1916	Oct. 7, 1916	Oct. 11, 1916	Oct. 20, 1916
	Troop B, Cavalry	Sept. 26, 1916	*Sept. 29, 1916*			
	Battery A, Field Artillery	July 1, 1916	July 5, 1916	Oct. 7, 1916	Oct. 11, 1916	Oct. 26, 1916
	Field Hospital No. 1	July 13, 1916	July 18, 1916	Dec. 29, 1916	Jan. 1, 1917	*Jan. 18, 1917*
Wyoming (Cheyenne)	First Battalion, Infantry	Sept. 28, 1916	*Sept. 30, 1916*			
	Second Battalion, Infantry	....do....	....do....			

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. HEFLIN. Mr. Chairman, I do not think the Secretary of War needs any defense at my hands or at the hands of any gentleman who really knows the man well. He is an able and faithful Secretary of War. He has his duties and responsibilities, and he has performed those duties and met those responsibilities ably and well.

Now, the gentleman from South Carolina, my good friend Mr. RAGSDALE, finds that this man does not treat him with proper and courteous treatment when he goes down there.

Mr. RAGSDALE. Oh, no, Mr. Chairman; I never said that.

Mr. HEFLIN. I got the wrong impression, then, from the gentleman's remarks, and I think the House did.

Mr. RAGSDALE. That is no fault of mine if you drew the wrong impression of it yourself.

Mr. HEFLIN. That may be; but I will leave that suggestion to the judgment of the House.

Mr. RAGSDALE. Then you ought to submit it to the judgment of the House and leave it to them.

Mr. HEFLIN. I do now most respectfully submit that question to the judgment of the House. [Laughter.]

The Secretary of War, Mr. Chairman, has important and serious problems to deal with. The advisability of keeping the soldiers on the border is not a matter that rests entirely upon the broad and manly shoulders of the gentleman from South Carolina. [Laughter.]

The able Secretary of War, chosen by the able President of the United States, is handling that question as best he can and without the aid and advice of the gentleman from South Carolina, and I have no doubt he will be able to handle it to the end without his good offices. [Applause and laughter.] The President of the United States, with his multitudinous burdens, has not yet, so far as I know, invited the counsel of the gentleman from South Carolina in the determination of the question as to whether the soldiers should be withdrawn from the Mexican border. [Laughter.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. In a moment; and I regret that the gentleman from South Carolina feels called upon to bear this great burden all alone. I seriously regret it. [Laughter.] Now, I yield to the gentleman.

Mr. MEEKER. Is the serious problem that the President with his Secretary of War meets that of backing out of Mexico and saving his face at the same time? [Laughter.]

Mr. HEFLIN. The President and the Secretary of War will handle that matter in a manner entirely satisfactory to the American people. They may not be able to handle it to the satisfaction of my Republican friend the gentleman from Missouri and the gentleman from South Carolina, but nearly everybody else will be satisfied with what they do. [Applause on the Democratic side.]

I just want to say this in conclusion, Mr. Chairman: The President and the Secretary of War are handling all of these propositions well, better than I could handle them, and I feel that when they want my advice as to how they shall best conduct the business of the Army they will make it known to me, and when they do I will be ready to advise them. [Applause.] In the meantime I shall leave it to my good friend from South Carolina to offer advice as to how best they may conduct these matters. The Secretary of War, I repeat, needs no defense at my hands or at the hands of any gentleman here. He is the able and faithful representative of the United States Government in the War Department, and wherever he is known the people regard him as a perfect gentleman and as a man of superb intellectual power. [Applause.] And as to the man in the White House, his intellectual qualifications tower above ordinary situations like Pike's Peak above the ordinary hills of the gentleman's district. [Applause and laughter.]

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. RAGSDALE. One of the easy things that some men do is not to represent their people, but by following around and lallygagging and swinging incense to the President of the United States seek cheap notoriety among the people by letting them know that they are always ready to bow to the President of the United States and lead the public to think that they have a good standing at the White House. [Laughter.] I have no desire to be a favorite here with anyone. I have not come here to try to pose as the favorite of anyone. [Applause on the Republican side.] Nor do I seek nor sit and watch and prepare myself, like the learned and able counselor from the State of Alabama, for the time when the President will send to me for advice. I only pray God that the South Carolina troops will not have to remain on the border until the President does send to him for advice. [Laughter and applause on the Republican side.]

Mr. HEFLIN rose.

Mr. RAGSDALE. I can not yield.

Mr. HEFLIN. I hope the gentleman will note that the applause is on the Republican side.

Mr. RAGSDALE. The gentleman is so pleased with the sound of his own voice that he can not sit still, even for a moment. He loves to get up and hear himself talk, because he would fain believe, and has taught himself to believe, that he sings a sweet song and does it very gracefully.

Mr. HEFLIN rose.

Mr. RAGSDALE. Mr. Chairman, I can not yield. But, Mr. Chairman, when the gentleman tells me that the President of the United States may come to us for advice on foreign affairs, I would point to the fact that the President of the United States went the other day to that body that he thinks is qualified to hear him on foreign affairs, and I have no recollection of having read where at the wonderful delivery of the President's views on the foreign situation he sent a highly embellished and beautifully engraved invitation to the gentleman from Alabama to be on the floor of the Senate to hear him. [Laughter on the Republican side.] I have no doubt it was an oversight, and that in proper time he will make amends to the gentleman from Alabama; but up to this time no request has come to the gentleman whose towering hills are the watch towers of liberty, where men are raised and sent here to defend this administration, and to tell us what great and good men they have there, and that we ought to listen to them and disregard the physical conditions and the wishes of the men on the border, while the State of Alabama shines so much brighter than does the

State of South Carolina; but if the gentleman will consult with some of the Senators who represent the State of Alabama, from which he comes, he may find himself in absolute accord with the War Department and the White House, and yet not reflect singly the views of the people of Alabama.

Mr. Chairman, I have no desire to pose here to-day as reflecting in any degree upon this administration, nor have I even indirectly said that the Secretary of War was discourteous. I merely said that as I understood it the Secretary of War, who in our form of government has always had control of the men in the field, has refused to give me any reason why these men should remain on the border, and has refused to show me any condition that justifies their retention there, and has refused to give me any excuse for the discrimination that I charge now exists; and I shall maintain that position, believing I represent my people at home, even at the expense of receiving strictures from the distinguished gentleman from Alabama. [Applause on the Republican side.]

Mr. HEFLIN. Just one word.

Mr. HUMPHREYS of Mississippi. I ask for the regular order.

Mr. HEFLIN. Just one word.

Mr. HUMPHREYS of Mississippi. I demand the regular order.

The CHAIRMAN. The gentleman from Mississippi calls for the regular order. The pro forma amendment will be considered as withdrawn——

Mr. HEFLIN. I ask the gentleman from Mississippi to withdraw that demand.

Mr. HUMPHREYS of Mississippi. I will not withdraw it. I ask for the regular order.

Mr. HEFLIN. I desire to reply briefly to the remarks of the gentleman from South Carolina, and I hope the gentleman from Mississippi will not insist on the regular order.

Mr. HUMPHREYS of Mississippi. I do. I demand the regular order.

Mr. HEFLIN. Then I make the point of order that there is no quorum present, Mr. Chairman, if the gentleman from Mississippi does not want me to have an opportunity to reply.

Mr. KITCHIN. I suggest to the gentleman that he ask unanimous consent for three minutes.

Mr. HEFLIN. No; I will not do that.

The CHAIRMAN. The gentleman from Alabama makes the point of no quorum present. The Chair will count. [After counting.] One hundred and nineteen Members present, a quorum. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk began reading.

Mr. BENNET. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. That motion has been made.

Mr. BENNET. I move to strike out the last six words.

Mr. SPARKMAN. Mr. Chairman, I suggest that the Clerk finish the reading of the paragraph.

The CHAIRMAN. The Clerk will finish the paragraph. The Chair will recognize the gentleman later.

The Clerk read as follows:

Osage River, Mo.: Continuing improvement and for maintenance, $10,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word to suggest a remedy to the gentleman from South Carolina [Mr. RAGSDALE]. He ought to move into some doubtful State. Why should the Secretary of War pay any attention to South Carolina? He is sure of that vote. North Dakota got her troops back from the border, and see what she did on election day. [Laughter.]

Mr. NORTON. North Dakota troops are on the border now and are not making any cry about getting back.

Mr. HEFLIN. Mr. Chairman, I merely want to say another word or two in response to the attack made by the gentleman from South Carolina [Mr. RAGSDALE] upon the Democratic administration. The gentleman calls himself a Democrat and comes from a Democratic district in South Carolina, but the attack made by the gentleman upon the Democratic Secretary of War was applauded only by the Republican side of the House, and if the gentleman from South Carolina enjoys this Republican approval of his attacks upon the Democratic administration, why, he is more than welcome to it. [Laughter and applause.]

Twelve years, Mr. Chairman, I have served in this House, and I never yet made an attack on the constituted authority of my party since it has been in power. I think, in the main, it has performed its duty, and now it is doing it so well that it is entitled to praise, not only of the Democrats, but of Republicans, too. I do not like to hear a man who calls himself a Democrat seriously assail a Cabinet officer who has been as faithful and correct and right as Newton Baker, Secretary of War, and I thought it would not be inappropriate for some Democrat to rise and enter his protest against that performance coming from a Democrat. If my loyalty to one as faithful as the Secretary of War Baker has excited in the gentleman from South Carolina the impression that I am playing for favor at the White House, he is welcome to all that he gets out of it. [Applause on the Republican side.] I am used to your performances over there. I attended to you on the stump in 12 States in the last campaign. [Laughter and applause on the Republican side.]

Mr. McARTHUR. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. McARTHUR. Was not one of those States the State of Maine? [Laughter and applause on the Republican side.]

Mr. HEFLIN. I was up in Maine in September, but that was before Mr. Hughes got out on the circuit much. After he did get out it was not necessary to go in any of the States of the Union.

Now, since it is all over, while you nominated your strongest man, you are really sorry at heart that you nominated him, all of you. You have been defeated, you are down and out, and we propose to keep you down and out. [Applause on the Republican side.] You have been repudiated by the American people, and we are going to keep those stripes of repudiation where they can be seen. The Republican Party usually makes it plain to see the stripes, and we propose to keep that up.

Now, Mr. Chairman, I have no more to say. [Applause on the Republican side.] There is nothing that makes a Republican quite so happy as to hear a Democrat say he is going to quit talking, because whenever a Democrat talks he enlightens the masses, and wherever the masses are enlightened it reduces the number of Republicans in this House. [Applause.]

The Clerk read as follows:

Missouri River: For maintenance, and continuing improvement with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000; for snagging and maintenance between Kansas City and Sioux City, $35,000; for maintenance between Sioux City and Fort Benton, $50,000; in all, $1,085,000.

Mr. NORTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 33, line 6, before the word "in" insert "for revetment work, improvement and maintenance near Williston, N. Dak., $60,000."

Mr. STAFFORD. I reserve a point of order.

Mr. NORTON. Mr. Chairman, the amendment I have offered provides for an appropriation of $60,000 for the improvement of the Missouri River at Williston, N. Dak. The Federal Government has already made some improvements of the river at this point and the appropriation now asked for is needed for revetment work to protect revetment which has already been placed at this point to confine the river to a definite and permanent channel. At Williston the Government has expended nearly a million dollars for the construction of a large irrigation plant. The water for the irrigation project is taken from the Missouri River. Pumping apparatus and water pipes are placed on barges near the north bank of the river and in the work of the irrigation project it has been found necessary to protect the river bank from being washed away and the channel of the river changed.

On the 16th of December of last year Col. McIndoe, of the Division of Engineers of the War Department, made an investigation of the conditions of the Missouri River at this point and stated that there was urgent and immediate need for placing about 5,000 feet of revetment work there to protect the work already in place and to prevent the river bank from being washed away and the channel of the river entirely changed. The bank at this point is now and has been during the past summer washing away quite noticeably. The estimate is that that revetment work will cost about $12 a foot, and as there is needed about 5,000 feet, it will amount to $60,000.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Yes.

Mr. BORLAND. I understand, then, from the gentleman's statement, that this is not a navigation project at all, but is to protect that irrigation project?

Mr. NORTON. It is to protect the river bank at a point near where the pumps and intakes for the Government irrigation project are located and as well to confine the river to its present channel. In addition to improving navigation, the work proposed to be done is necessary to properly protect Government property on the river bank at that place.

Mr. BORLAND. As a matter of fact that irrigation project has not been so successful as was anticipated, and at the present time it amounts to no more than furnishing power for cheap lighting of the city of Williston?

Mr. NORTON. They have not operated the irrigation plant there during the past summer, but they expect to operate this year. About 8,000 acres are now under cultivation under this project.

Mr. BORLAND. Is not this true, that they expected to pump water for irrigation purposes, and used their plant for that pur-

pose, but pumping water for irrigation purposes is too expensive to enable people to farm at a profit in that particular latitude?

Mr. NORTON. Oh, no.

Mr. BORLAND. And, therefore, they have used their power plant to furnish light for the city of Williston?

Mr. NORTON. The statement of the gentleman is not correct. The fact is that during the past few years they have had more than the usual amount of rain in that particular section of the country, and they have not had the need they will have in ordinary years for irrigation.

Mr. BORLAND. So it is not even working as an irrigation plant?

Mr. NORTON. It is true that it did not operate as such last year.

Mr. BORLAND. The gentleman says it is not a navigation problem and it is not even an irrigation project.

Mr. NORTON. The proposed work is much needed to improve navigation and to protect property on the river bank belonging to the irrigation project and to protect and complete revetment work at this point that was put in there by the Federal Government a few years ago. The improvement already placed there has cost, as shown at page 451 of the hearings, $63,910.69, and of that amount the citizens of Williston and the Great Northern Railroad Co. contributed $42,962.63.

Mr. SPARKMAN. Mr. Chairman, I ask to have the amendment again reported.

The Clerk again reported the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, inasmuch as there has been no report upon this and it is perfectly clear that it is not for the purpose of navigation, the committee has no jurisdiction of it, and I make the point of order.

The CHAIRMAN. Does the gentleman from North Dakota desire to be heard upon the point of order?

Mr. NORTON. Yes; I should like to be heard in opposition to the point of order, Mr. Chairman. Clearly the amendment is not subject to a point of order. It is an appropriation for the improvement of the river at the point named and is an amendment which is certainly germane to the bill and to the paragraph which has just been read.

Mr. HUMPHREY of Washington. Mr. Chairman, the river and harbor bill is not an appropriation bill, and we have no jurisdiction over rivers except for the purpose of navigation. This is neither navigation nor improvement of the river.

Mr. NORTON. The work proposed to be done under the appropriation provided for by the amendment will improve the navigation of that section of the river just as any improvement along the banks of the Missouri River will. It is true that it will also protect the revetment already in place and that it will protect property belonging to and a part of the Government irrigation project at Williston.

Mr. HUMPHREY of Washington. It is for the purpose of helping the irrigation plant, and we have nothing to do with that.

Mr. NORTON. The revetment work that is proposed to be done there is needed, according to the engineer who recently examined the condition of the river at this point, for the proper protection of the river bank and the revetment work that was done there through an appropriation in this bill six or seven years ago.

Mr. STEENERSON. Is it necessary to irrigate the river before it can be navigated?

Mr. NORTON. If the gentleman knows anything about the Missouri River he can probably answer that for himself.

Mr. STEENERSON. I have been at Williston.

Mr. NORTON. Then the gentleman should know that this proposed improvement is certainly more needed than an improvement of the Red River for which the gentleman is asking.

The CHAIRMAN. The point of order is made to the amendment. The amendment provides for revetment work, improvement, and maintenance near Williston, N. Dak., in the sum of $60,000. The Chair knows nothing about the merits of the proposition, but on its face the amendment purports to be a proposition for the improvement of the river similar to all of the other clauses which appear in this paragraph. The Chair, therefore, overrules the point of order.

Mr. SPARKMAN. Mr. Chairman, I understood the Chair overruled the point of order.

The CHAIRMAN. Yes.

Mr. SPARKMAN. Mr. Chairman, I wish to state that there have been no surveys and no report of the engineers upon this matter; besides, we are not accustomed to specify the places where work is to be done. But the main objection to it is that there is no report from the War Department, or any of the engineers, upon which to predicate this amendment and the appropriation which it embodies.

Mr. NORTON. Will the gentleman yield?

Mr. SPARKMAN. I will.

Mr. NORTON. Does the gentleman mean to tell the committee that there are no appropriations in this bill for revetment work and work to protect the banks of rivers?

Mr. SPARKMAN. Oh, in general terms; yes.

Mr. NORTON. Certainly, there are many such.

Mr. SPARKMAN. I say in a general way, but the point I make is we are not specifying the locality for the expenditure in many, if in any, cases.

Mr. NORTON. The committee is specifying between Sioux City and Fort Benton.

Mr. SPARKMAN. There have been several of these propositions presented to the committee, and they have been almost, if not uniformly, turned down by the committee. I hope the amendment will not prevail.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. NORTON) there were—ayes 13, noes 35.

So the amendment was rejected.

Mr. FREAR. Mr. Chairman, I desire to offer an amendment to the paragraph.

Mr. RAGSDALE. Mr. Chairman, I thought the Chair recognized me for a moment.

The CHAIRMAN. The gentleman from Wisconsin is recognized. The gentleman from Wisconsin offers an amendment, which the Clerk will report:

The Clerk read as follows:

Page 33, line 4, strike out "$1,000,000" and insert in lieu thereof "$100,000," and on page 33, line 6, strike out "$1,085,000" and insert in lieu thereof "$185,000."

Mr. FREAR. Mr. Chairman, I do not intend to make any statement in regard to this except to say that it is practically in conformity with the recommendations of Col. Deakyne and Col. Townsend, and I know it will give opportunity for the committee to hear an excellent talk from our friend from Kansas City [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I may disappoint my friend from Wisconsin. I do not think he has enough faith in his amendment to argue it, and I do not think I shall. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Missouri River near St. Joseph, Mo.: Completing improvement at Lake Contrary, $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word just to make one observation on the Missouri River here, and that is, after an expense of $3,234,000 has been had on that branch of the river the commerce, according to page 2763 of the Army Engineer's report, reached 101,822 tons, of which sand hauled 2 miles by the owners was 100,335 tons, or 1,487 tons of commerce hauled by the Government at an expense of $100 a mile for furnishing the waterway.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Apoon mouth of Yukon River, Alaska: Completing improvement in accordance with the report submitted in House Document No. 991, Sixty-third Congress, second session, $45,000.

Mr. WICKERSHAM. Mr. Chairman, I offer the following amendment.

Mr. STAFFORD. Mr. Chairman, would the chairman of the committee have any objection to rising at this point?

Mr. SPARKMAN. Let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 13, at the end of line 13, insert as a new paragraph the following:

"Snake River Harbor, Nome, Alaska: Completing the improvement in accordance with the report submitted in House Document No. 1932, Sixty-fourth Congress, second session, $105,000."

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20079, the rivers and harbors bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. GRAY of Indiana, by unanimous consent, was granted leave of absence for two days, on account of illness.

Mr. BENNET. Mr. Speaker, I ask unanimous consent that my colleague [Mr. SANFORD] may be excused indefinitely, on account of the very serious illness of his wife.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague [Mr. SANFORD] may be excused indefinitely on account of the illness of his wife. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. SCHALL, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of George E. Day, no adverse report having been made thereon.

VISIT TO MONTICELLO.

The SPEAKER. Without objection, the Clerk will read a communication from the Hon. FRANK CLARK, of Florida, concerning the trip to Monticello.

The Clerk read as follows:

The Committee on Public Buildings and Grounds of the House will leave Washington at 9 o'clock a. m., on Sunday, January 28, 1917, on the Southern Railway to visit Monticello, the home of Jefferson. Any Members of the House who desire to go will be welcome. Ladies are also invited. Round-trip fare, including parlor car, $6 for each person. All who intend going will confer a favor on the committee by at once advising the clerk of the Committee on Public Buildings and Grounds of such intention.

CHANGE OF REFERENCE—SOCIETY OF SPONSORS OF NAVY.

The SPEAKER. There is a bill (H. R. 20252) to incorporate the National Society of Sponsors of the United States Navy which was referred to the Committee on Naval Affairs, but which should go to the Committee on the Judiciary. Without objection, it is so ordered.

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. McCRACKEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, January 26, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Laura Long, widow of Silas Long, deceased, *v.* The United States (H. Doc. No. 1979); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mason Covell *v.* The United States (H. Doc. No. 1980); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen L. Holmes, widow of Theodore J. Holmes, deceased, *v.* The United States (H. Doc. No. 1981); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Jones *v.* The United States (H. Doc. No. 1982); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Kate Hillier, widow of David Hillier, deceased, *v.* The United States (H. Doc. No. 1983); to the Committee on War Claims and ordered to be printed.

6. A letter from the Secretary of War, transmitting statements of expenditures and allotment costs of arms, components of arms and appendages fabricated, altered, and repaired during the fiscal year ended June 30, 1916, at the Springfield Armory, Springfield, Mass., and at the Rock Island Arsenal, Rock Island, Ill. (H. Doc. No. 1984); to the Committee on Expenditures in the War Department and ordered to be printed.

7. A letter from the Secretary of War, transmitting report of the National Forest Reservation Commission for the fiscal year ended June 30, 1916 (S. Doc. No. 643); to the Committee on Agriculture and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting reports from the accounting officers of this department showing what officers of the Government were delinquent in rendering their accounts for the fiscal year ended June 30, 1916, together with a list of such officers who, upon final settlements of their accounts, were found to be indebted to the Government, and who at the date of the report had failed to pay the same into the Treasury of the United States (H. Doc. No. 1985); to the Committees on Expenditures in the Interior, Navy, War, State, Treasury, and Post Office Departments and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a deficiency estimate of appropriations in the sum of $5,000,000 for Army and Navy pensions for the fiscal year 1917 (H. Doc. No. 1986); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate in the sum of $4,500,000 for Army and Navy pensions for the fiscal year 1918 (H. Doc. No. 1987); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting supplemental estimate in the sum of $150,000 for the examination and classification of lands for homesteads for the fiscal year 1918 (H. Doc. No. 1988); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 20362) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act, reported the same without amendment, accompanied by a report (No. 1352), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (H. R. 20414) for the establishment of a probation system in the United States courts, except in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1353), which said bill and report were referred to the House Calendar.

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park, reported the same with amendment, accompanied by a report (No. 1354), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 6799) to establish the Sawtooth National Park, in the State of Idaho, reported the same with an amendment, accompanied by a report (No. 1356), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ASWELL, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 1351), which said bill and report were referred to the Private Calendar.

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 5632) for the relief of Aquila Nebeker, reported the same with amendment, accompanied by a report (No. 1355), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12787) granting an increase of pension to Charles A. Morrison, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINTHICUM: A bill (H. R. 20497) to provide for the correction of clerical errors in invoicing and entering merchandise and to define the scope of the review before the Board of United States General Appraisers in customs litigation; to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 20498) to amend sections 2 and 13 of an act entitled "An act to promote the welfare of American seamen," etc., approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. BORLAND: A bill (H. R. 20499) to save daylight and to provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMLIN: A bill (H. R. 20500) to provide for the prohibition of the importation of intoxicating liquors into the Territory of Hawaii and to prohibit the manufacture and sale of intoxicating liquors therein under certain conditions; to the Committee on the Territories.

By Mr. PARKER of New York: A bill (H. R. 20501) to provide for the promotion of Americanization of immigrants through education and to appropriate money therefor; to the Committee on Immigration and Naturalization.

By Mr. SABATH: A bill (H. R. 20502) providing a tax on certificates of stock; to the Committee on Ways and Means.

By Mr. SMITH of New York: A bill (H. R. 20503) to amend section 4414 of the Revised Statutes of the United States relating to the appointment of local and assistant inspectors of steam vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. GODWIN of North Carolina: Joint resolution (H. J. Res. 352) providing for the appointment of a joint committee to investigate and report on the subject of the retirement on annuities of superannuated civil-service employees; to the Committee on Rules.

By Mr. CASEY: Joint resolution (H. J. Res. 353) to enable the Department of Labor to conduct an investigation of wages and labor conditions in the coal-mining industry, and making appropriation therefor; to the Committee on Appropriations.

Also, joint resolution (H. J. Res. 354) authorizing and directing the Department of Labor to conduct an investigation of wages and labor conditions in the coal-mining industry and to report thereon to Congress as early as possible; to the Committee on Labor.

By Mr. EMERSON: Joint resolution (H. J. Res. 355) to have the President of the United States call together medical experts to discover if possible a cure for the white plague; to the Committee on Appropriations.

By Mr. SCULLY: Joint resolution (H. J. Res. 356) authorizing the purchase of Shadow Lawn, with all its furnishings complete, for the purpose of presenting the same to the United States Government; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: Joint resolution (H. J. Res. 357) to create a joint committee from the Senate and House to sit to consider Alaskan needs and legislation; to the Committee on the Territories.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 358) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1917, etc.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 359) to state the rights of nations and to lay the foundations for the establishment of a court of nations, a congress of nations, and international army and navy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BENNET: Resolution (H. Res. 466) regarding inquiry concerning Ellis Island; to the Committee on Immigration and Naturalization.

Also, resolution (H. Res. 467) regarding inquiry concerning Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, favoring volunteer retired bill; to the Committee on Military Affairs.

By Mr. CURRY: Memorial from the State of California, favoring legalizing the claims of bona fide operators in the oil fields in California; to the Committee on the Public Lands.

By Mr. McARTHUR: Memorial from the Legislature of the State of Oregon, favoring the return of the Oregon National Guard from the Mexican border; to the Committee on Military Affairs.

Also, memorial from the Legislature of Oregon, favoring constitutional amendment providing national prohibition; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 20496) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House on the state of the Union.

By Mr. ASHBROOK: A bill (H. R. 20504) granting a pension to Conrad Hamman; to the Committee on Invalid Pensions.

By Mr. BENEDICT: A bill (H. R. 20505) granting a pension to Oliver T. Redfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20506) granting a pension to Henry H. Snow; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 20507) granting an increase of pension to Eugene L. Haughton; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 20508) granting a pension to Hugh McGinty; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20509) granting an increase of pension to Albert Fields; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 20510) granting a pension to Mary J. Wilbur; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20511) granting a pension to Fred Yoemans; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 20512) to admit Marguerite Mathilde Slidell d'Erlanger to citizenship; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: A bill (H. R. 20513) to waive the age limit and the disqualification of being married in the appointment of Charles P. Norman as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 20514) granting a pension to Henry D. Howell; to the Committee on Pensions.

Also, a bill (H. R. 20515) granting an increase of pension to Albert Vantassel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20516) granting an increase of pension to Silas W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20517) granting an increase of pension to George W. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20518) granting a pension to William D. Houser; to the Committee on Pensions.

Also, a bill (H. R. 20519) granting a pension to Joseph Karr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20520) granting a pension to Christian A. Baldwin; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20521) granting an increase of pension to Jacob Wetzel; to the Committee on Invalid Pensions.

By Mr. HOOD: A bill (H. R. 20522) for the relief of L. O. Johnson; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 20523) granting an increase of pension to Silas Shepherd; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 20524) granting an increase of pension to Andrew J. Bowman; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 20525) granting a pension to Hubert Hall; to the Committee on Pensions.

Also, a bill (H. R. 20526) granting a pension to Lyman Frink Gray; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 20527) granting an increase of pension to Daniel F. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20528) for the relief of J. H. Livingston; to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 20529) granting a pension to Amanda Comer, widow of George W. Comer; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 20530) granting an increase of pension to George H. Frush; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 20531) granting an increase of pension to Maxwell A. Carpenter; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 20532) to remove the charge of desertion against Carlos R. Tompkins; to the Committee on Military Affairs.

By Mr. WALSH: A bill (H. R. 20533) granting an increase of pension to Henry C. Russell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Arizona Bar Association, favoring creation of additional United States court in Arizona; to the Committee on the Judiciary.

Also (by request), petition of Woman's Club of Richard Center, Wis., favoring adoption of woman-suffrage amendment to the Constitution; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of Judson Grenell, Waterford, Mich.; James Minturn, Hoboken, N. J.; William A. Black, C. C. Higgins, James N. Astin, William Dobson, W. D. Courier, J. C. Butterfield, F. E. Tucker, Paul W. Law, Jesse G. Zelious, J. G. Kensherville, J. J. Adams, and N. C. Hinzel, of San Antonio, Tex.; John J. Hopper, New York; Grace Isabel Colbron, New York; Fiske Warren, Harvard, Mass.; Frank B. Hays, Alvin J. Barron, Charles H. Earle, J. P. Leonard, James J. Curran, and Benjamin Pelletier, of Lewiston, Me.; Thomas S. Bubier, Eldreth Arnold, S. K. Ballard, H. G. Casey, and W. E. Jackson, of Auburn, Me.; Witter Bynner, Windsor, Vt.; Arthur T. Chase, Boston; F. D. Lyford, W. F. Dudley, John H. Lynch, Michael Malloy, A. B. Soule, Alton D. Allen, Paul Hanschild, and R. H. Thayer, of Lewiston, Me.; H. J. Smith, Z. A. Bailey, H. D. Strout, and J. M. Maxwell, of Auburn, Me., for the passage of House bill 13281, to promote better trade relations with Latin America; to the Committee on Ways and Means.

By Mr. BENNET: Petition of sundry citizens of New York, protesting against the passage of House bills 17850 and 18986, Senate bills 1082 and 4429, and House joint resolution 84; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of the George H. Gibson Co., in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of National Model License League of Louisville, Ky., protesting against the passage of prohibition bill for District of Columbia; to the Committee on the Judiciary.

Also, petition of Israel Unterberg, protesting against the passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of New York Navy Yard Painters' Association of Brooklyn, N. Y., protesting the proposed increase in pay; to the Committee on Appropriations.

Also, petition of Board of Water Supply of New York, favoring consideration of certain items in sundry civil bill; to the Committee on Appropriations.

Also, petition of A. G. Hupfels, of New York, favoring legislation for the protection of migratory birds under recent treaty with Canada; to the Committee on Foreign Affairs.

Also, memorial of the Humanitarian Cult, favoring the Susan B. Anthony Federal suffrage amendment; to the Committee on the Judiciary.

Also, petition of Central Federated Union, of New York, protesting the passage of Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. BURKE: Memorial of Sheboygan Business Men's Association, protesting against legislation excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Memorial of New York State Fish, Game, and Forest League, favoring passage of House bill 20080 and Senate bill 7858; to the Committee on Foreign Affairs.

By Mr. CARY: Petition signed by Frank C. Metcalfe and 250 other members of the Glass Bottle Blowers' Association, of Milwaukee, Wis., protesting against the passage of legislation dealing with the liquor question; to the Committee on the Judiciary.

Also, petition by Carl Wegner, W. A. Peterman, and 5,000 other citizens of Milwaukee, Wis., protesting against the passage of Senate bills 1082 and 4429, House bill 18986, House joint resolution 84, and House bill 17850, or any other bills of similar character; to the Committee on the Judiciary.

Also, memorial of the Merchants and Manufacturers' Association, of Milwaukee, Wis., favoring the enactment of legislation amending the Panama Canal act so as to permit the continuance of railroad ownership, control, or operation of steamboat lines on the Great Lakes; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Gerlinger Steel Casting Co., of Milwaukee, Wis., with regard to the use of water of Niagara Falls; to the Committee on Foreign Affairs.

Also, petition of the Sivyer Steel Casting Co., of Milwaukee, Wis., urging permanent legislation with regard to the use of water of Niagara Falls; to the Committee on Foreign Affairs.

Also, petition of Oscar Brown, Edward Hintz, William Goetz, and 3,500 other citizens of Milwaukee, Wis., protesting against the passage of House bills 17850 and 18986, Senate bills 1082 and 4429, and House joint resolution 84; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Petition of Electrical Workers of Schenectady, N. Y., favoring the enacting of House bill 137, providing for the investigation of milk and its products; to the Committee on Rules.

By Mr. COADY: Petition of sundry citizens of Maryland, protesting against the passage of House bills 17850 and 18986, Senate bills 1082 and 4429, and House joint resolution 84; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Frank E. Wade, favoring the appointment of a probation officer in the United States judicial district; to the Committee on the Judiciary.

By Mr. FESS: Petition of Friends' Church (36 people), of North Lewisburg, Champaign County, Ohio, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Methodist Protestant Church (100 people), of North Lewisburg, Champaign County, Ohio, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Chicago Employing Electrotypers' Association, favoring an appropriation for the Bureau of Standards; to the Committee on Appropriations.

Also, petition of the Talking Machine Shop, of Rockford, Ill., favoring the Stephens fixed price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, favoring the Webb bill, House bill 17350; to the Committee on the Judiciary.

Also, petition of the Central Federated Union of Greater New York and Vicinity, favoring increased pay for Government employees; to the Committee on Appropriations.

By Mr. GALLIVAN: Petition of Friends of Irish Freedom, favoring resolution warning American citizens from taking passage on armed ships of belligerents; to the Committee on Foreign Affairs.

By Mr. GARDNER: Protests from various manufacturers, against the proposed increase in the tax on corporations; to the Committee on Ways and Means.

Also, protests from manufacturers in Massachusetts, against the proposed increase in the tax on the net income of corporations; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 11829, granting an increase of pension to Jacob D. Peterman; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 19914, granting a pension to John T. Rogers; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20521, granting an increase of pension to Jacob Wetzel; to the Committee on Invalid Pensions.

By Mr. KEISTER: Memorial of St. Mark's Lutheran Sunday School, First Methodist Episcopal Sunday School, Epworth League, First Baptist Sunday School, First Presbyterian Sunday School, 2,000 people in tabernacle, all of Jeanette, Pa., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. KETTNER: Petition of Henry P. Dimond, secretary Dried Fruits Association, San Francisco, Cal., and secretary Canners' League of California, San Francisco, Cal., favoring necessary legislation for the protection to consuming public in case of food products; to the Committee on Interstate and Foreign Commerce.

Also, telegrams from Robert M. McChargue, of Colton, Cal., and W. J. Hanford, worthy president Aerie 506, Fraternal Order of Eagles, of San Bernardino, Cal., opposing section 10 of House bill 19410; to the Committee on the Post Office and Post Roads.

Also, petition of Arthur W. Frazee, Hemet Baptist Sunday School, Hemet, Cal.; E. C. Cushman, San Jacinto, and 24 others, favoring Webb and Smith resolutions for adoption of prohibition amendment; to the Committee on the Judiciary.

Also, petition of Rev. William Thomas, Baptist Church; M. B. Allen, Baptist Young People's Union; and Mrs. Estelle Harper, Woman's Christian Temperance Union, all of Garden Grove; Redeemer's Presbyterian Church and 4 others, of Los Angeles; Harriet A. Waldman, Riverside Woman's Christian Temperance Union and 3 other churches of Riverside; Mrs. E. E. Elsdon, Highland Woman's Christian Temperance Union, Highland; Rev. Clyde W. Deming, Methodist Episcopal Church, Needles; and Arthur W. Frazee, Baptist Sunday School, Hemet, all in the State of California, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Mrs. Allan McIntyre, corresponding secretary United States Daughters of 1812, Pasadena, Cal., favoring passage of House joint resolution 230; to the Committee on the Library.

Also, petition of W. G. Fitzgerald, president Chamber of Commerce, Gilroy; C. N. White, business manager San Francisco Advertising Club; C. A. Bernhard, secretary Ukiah Farmers' Club (Inc.), Ukiah; J. H. Whitaker, secretary Board of Trade, Anaheim; Charles H. Roberts, secretary Chamber of Commerce, San Luis Obispo; and Walter G. Shmidt, Western Precipitation Co., Los Angeles, all in the State of California, favoring appropriation of $300,000 for Yosemite Park, enlargement of Sequoia National Park, and creation of Grand Canyon National Park; to the Committee on Appropriations.

Also, petition of Edwin R. Snyder, commissioner State Board of Education, Sacramento; Edward Hyatt, superintendent State of California, office superintendent of public instruction, Sacramento; and L. Woodard, Farmers' Educational and Cooperative Union, Campbell, all in the State of California, favoring passage of Smith-Hughes vocational-education bill; to the Committee on Education.

Also, petition of Paul A. Learned, president Cooks, Waiters, and Waitresses' Union, No. 673, San Bernardino; James A. Francis, president Church Federation of Los Angeles, Los Angeles; Julius Gabriel, Gabriel-Meyerfeld Co., San Francisco; John A. O'Connell, secretary Labor Council, San Francisco; and William C. Eddef, secretary Federated Trades Council, Sacramento, all in the State of California, protesting against House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, petition of John W. Mott, Retail Dealers' Credit Association, San Diego, Cal., favoring passage of House bill 18986 and Senate bill 4429—mail-exclusion bills; to the Committee on the Post Offices and Post Roads.

By Mr. LINTHICUM: Petition of sundry citizens of Maryland, favoring the passage of House bill 20080 and Senate bill 7857; to the Committee on Foreign Affairs.

Also, petition of James W. Cain, favoring a women's division in the Department of Labor; to the Committee on Labor.

Also, petition of Miss Sallie Mules and Electric Metallurgical Co., favoring diversion of waters of Niagara River; to the Committee on Foreign Affairs.

Also, petition of Nooker Electro Gem Co., favoring diversion of waters of Niagara River; to the Committee on Foreign Affairs.

Also, petition of Titanium Alloy Manufacturing Co., favoring diversion of waters of Niagara River; to the Committee on Foreign Affairs.

Also, petition of president Niagara Falls Board of Trade, favoring diversion of waters of Niagara River; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Memorial of the mayor and common council of the city of Astoria, Oreg., urging appropriation by Congress for the purchase of a suitable post-office site and the erection of a post-office building; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: Petition of Messrs. F. M. Duff, F. H. Johnson, H. M. Cole, O. T. Patterson, Wesley A. Lowney, and W. S. Miller, all of Pittsburgh, Pa., with reference to the Federal suffrage amendment; to the Committee on the Judiciary.

Also, petition of Pittsburgh Crushed Steel Co. and Wolverine Supply & Manufacturing Co., of Pittsburgh, with reference to excise tax on net incomes; to the Committee on Ways and Means.

By Mr. OAKEY: Petition of sundry citizens of Hartford, Conn., opposing the passage of mail-exclusion and prohibition bills pending before Congress; to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of sundry citizens of New York, protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. ROWE: Protest of E. La Montagne's Sons against House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, protest of Man-Suffrage Association of New York against woman suffrage; to the Committee on the Judiciary.

Also, memorial of National Temperance Union, of Boston, Mass., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. SCHALL: Petition of sundry citizens of the tenth Minnesota congressional district, favoring increase of rural mail carriers' salaries; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: Petition of Baptist Sunday School, 90 people; Woman's Missionary Society, 18 people; Southern Methodist Episcopal Sunday School, 125 people; Methodist Episcopal Sunday School, 75 people; Tennessee Training and Industrial School; Presbyterian Sunday School, 75 people; Baptist Church, 100 people; Woman's Christian Temperance Union, 58 people; Woman's Club, 19 people; First Presbyterian Church, 85 people; Christian Church, 60 people; Christian Church Sunday School, 75 people; Young People's Union, 40 people; Aid Society, Presbyterian Church, 24 people; all of Huntington, Carroll County, Tenn., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 19719, for granting an increase of pension to Wilson J. Parker; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petitions of Presbyterian Church, Londonderry; Congregational Sunday School, Hampton; St. John's Methodist Episcopal Church, Stafford; 27 voters, Rochester; all of New Hampshire, favoring a constitutional amendment providing for national prohibition; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of John Devoy Branch, Friends of Irish Freedom, Roxbury, Mass., favoring warning American citizens that they take passage or employment on armed ships of belligerent nations at their own risk; to the Committee on Foreign Affairs.

By Mr. YOUNG of North Dakota: Petition of Bismarck (N. Dak.) postal clerks, for increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of the North Dakota Annual Conference of the Methodist Church, favoring exclusion of liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *January 26, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that we may fully recognize the sacredness of our citizenship in a land built upon such boundless resources, such Divine ideals, such world-wide principles. Thou hast given to us to write the laws of a Christian Nation. We have not exhausted the treasure house of divine wisdom as Thou hast revealed to us Thy will in Thy word. In the fixing relation of these great principles to our national and social life we pray that we may be guided from day to day by Thy spirit, that the law of our land may be a transcript of the Divine mind. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Norris	Smoot
Beckham	Hardwick	Overman	Sterling
Borah	Hitchcock	Page	Thomas
Brady	Hollis	Pittman	Townsend
Bryan	Hughes	Poindexter	Vardaman
Catron	Johnson, Me.	Ransdell	Wadsworth
Chamberlain	Jones	Robinson	Warren
Colt	Kenyon	Shafroth	Watson
Culberson	Lane	Sheppard	Weeks
Cummins	McCumber	Sherman	Works
Curtis	McLean	Smith, Ga.	
Dillingham	Martine, N. J.	Smith, Md.	
Fletcher	Nelson	Smith, S. C.	

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] through illness. I ask that this announcement may stand for the day.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness, and that the Senator from West Virginia [Mr. CHILTON] is absent on account of sickness in his family. I will let this announcement stand for the day.

Mr. CURTIS. I wish to announce the absence of the junior Senator from Ohio [Mr. HARDING] on account of illness in his family. I will allow this announcement to stand for the day.

Mr. PITTMAN. I was requested to announce that the following members of the Committee on Indian Affairs are detained in that committee, but if their presence is required for a quorum they will come into the Chamber:

The Senator from Arizona [Mr. ASHURST], the Senator from Montana [Mr. WALSH], the Senator from North Dakota [Mr.

GRONNA]; the Senator from Minnesota [Mr. CLAPP], and the Senator from Maine [Mr. FERNALD].

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Sallie Berry Ennes, widow (remarried) of Arthur Berry, deceased, *v.* The United States (S. Doc. No. 691);

Elizabeth A. Jennings, daughter of Aaron Bunnell, deceased, *v.* The United States (S. Doc. No. 690); and

Edith M. Little, widow of Thomas J. Little, deceased, *v.* The United States (S. Doc. No. 689).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Legislature of the State of Nebraska, praying for the enactment of legislation to prohibit the granting of Federal permits or licenses for the sale of liquor as a beverage in prohibition States, which was referred to the Committee on the Judiciary.

He also presented a petition of the Parent-Teachers' Association of the Johnson and Powell Schools, of the District of Columbia, praying for the enactment of legislation to provide adequate appropriation for the support of the extension and development of the public library in the city of Washington, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the National Drug Trade Conference at its meeting held at Washington, D. C., January 16, 1917, favoring the adoption of certain changes in section 8 of the Harrison Antinarcotic Act, which were ordered to lie on the table.

He also presented memorials of sundry citizens of California and Ohio, remonstrating against the enactment of legislation to exclude liquor advertisements from the mail, which were ordered to lie on the table.

Mr. WARREN presented a petition of the Wyoming Wool Growers' Association, praying for an appropriation for the equipment and maintenance of a sheep experiment station in Fremont County, Idaho, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. I present a concurrent resolution adopted by the senate of the Legislature of the State of Kansas, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution 8 (by Senator Kimball).

Whereas the people of Kansas have for many years enjoyed the great benefit and satisfaction resulting from the prohibition of the liquor traffic within the State of Kansas and strongly favor both State and National prohibition; and

Whereas the people of Kansas realize the good to humanity and to the people of the United States that will result from the adoption of national prohibition: Therefore be it

Resolved by the senate (the house concurring therein), That the Congress of the United States be, and is hereby, requested to fulfill its duty to the Nation by submitting to the people thereof at the earliest possible date an amendment to the Constitution of the United States prohibiting the manufacture, sale, and importation of alcoholic beverages in the United States, and to in the meantime enact such additional legislation as may be necessary to aid and assist the States having prohibitory laws to better enforce them; and be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States and to the Members of the United States Congress and Senate from the State of Kansas.

Mr. WATSON presented a petition of Black Creek Local Union, United Mine Workers of America, of Linton, Ind., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a petition of Thomas J. Clark Branch, Friends of Irish Freedom, of Indianapolis, Ind., praying that the good offices of the United States be employed in the recognition of the independence of Ireland, which was referred to the Committee on Foreign Relations.

Mr. PAGE presented a petition of the congregation of the Free Baptist Church of Waterbury Center, Vt., praying for national prohibition, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA presented a memorial of the Nonpartisan League of Newburg, N. Dak., remonstrating against any change in second-class postal rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Nonpartisan League of Newburg, N. Dak., remonstrating against large appropriations being made for the Military and Naval Establishments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Nonpartisan League of Newburg, N. Dak., praying for Government ownership of railroads, which was referred to the Committee on Interstate Commerce.

Mr. SHEPPARD. I present a concurrent resolution adopted by the Legislature of Texas, which I ask to have read and referred to the Committee on Interstate Commerce.

The Secretary read the concurrent resolution, as follows:

Senate concurrent resolution 4 (by Mr. Bailey).

Whereas the decision of the United States Supreme Court in what is known as the Shreveport rate case gives the Interstate Commerce Commission the right to strike down a State-made rate, notwithstanding the fact that the State rate may be just and reasonable within itself; and

Whereas, if such is to remain the law, the right of a sovereign State to regulate its lines of railway transportation will be seriously crippled if not destroyed; and

Whereas the platform of the Republican Party, recently adopted at Chicago, contains a plank which boldly declares for the abolition of State railroad commissions: Therefore, be it

Resolved by the Senate of Texas (the House of Representatives concurring), That the Legislature of Texas, voicing the sentiment of the people of this State, is irrevocably in favor of the doctrine of the right of a State to regulate purely State commerce, and that we now here declare our steadfast opposition to any further encroachment by the Federal Government upon the rights of this State to regulate purely State commerce, and that our United States Senators and Representatives in Congress from Texas are earnestly requested to support and vote for any and every measure that has for its object the abridgment of the right of the Interstate Commerce Commission to further encroach upon the rights of a State, and for its further object the perpetuation of the right of a State to regulate purely State commerce and to fix and establish freight rates charged by railroad companies operative entirely within this State.

Resolved further, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

Indorsed: January 18, 1917.

Read and adopted.

JOHN D. MCCALL,
Secretary of the Senate.

In the house, January 18, 1917.

Received from the senate.

Read and adopted.

BOB BARKER,
Chief Clerk House of Representatives.

Mr. SHEPPARD. Mr. President, I wish to say that I have introduced a bill intended to cure the situation referred to in that resolution. The bill is pending before the Interstate Commerce Committee. A hearing was held on the bill at my request during the last session of Congress. So far, the committee has not taken any action on the bill. At the hearing representatives of the National Association of State Railroad Commissioners, members of State railroad commissions, including Hon. Earl Mayfield, railroad commissioner of Texas, and secretaries of several chambers of commerce of Texas cities, appeared and spoke. The city of Shreveport and the State of Louisiana were represented in opposition to the bill.

The VICE PRESIDENT. The resolution will be referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON MILLITARY AFFAIRS.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 7601) for the relief of Caleb T. Holland, reported it without amendment and submitted a report (No. 984) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 7433) for the relief of Winfield S. Solomon, reported it without amendment and submitted a report (No. 982) thereon.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 7598) for the relief of John H. Kidd, reported it without amendment and submitted a report (No. 983) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 8034) granting an increase of pension to John C. Daley (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 8035) to amend section 4 of the act of September 6, 1916, entitled "An act to amend the Judicial Code, to fix the time when the annual terms of the Supreme Court shall commence, and, further, to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. SMITH of Georgia:

A bill (S. 8036) to allow a pension of $30 per month to Edward Marvin Carter, of Savannah, Ga., for loss of eye at military camp, Macon, Ga., on July 13, 1916, while serving in the United States Army; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 8037) granting an increase of pension to Hiram Davis;

A bill (S. 8038) granting an increase of pension to George R. Ashley;

A bill (S. 8039) granting an increase of pension to Susan Soehner; and

A bill (S. 8040) granting an increase of pension to Samuel W. Fraley (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 8041) granting an increase of pension to Mary E. McCoy; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8042) granting a pension to Mrs. Thomas Kelly (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 8043) granting a pension to Ellen H. Russell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917; to the Committee on Appropriations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment providing that drop or local letters shall pay postage at the rate of 1 cent per ounce or a fraction thereof, including delivery at letter-carrying offices and on rural routes, intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $10,000 for the maintenance and education of children of lighthouse keepers for a period of three months in each year where there are no school facilities, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 to be expended under the direction of the Department of the Interior and the supervision of the National Park Service for constructive and conservational work in the newly created Sieur de Monts National Monument or Park, located on Mount Desert Island off the coast of Maine, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDINGS.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the public-buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

INDUSTRIAL DISPUTES.

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 7066) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

CLERICAL ASSISTANCE TO SENATORS.

Mr. JONES. I submit a resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 330), as follows:

Resolved, That the Vice President be authorized and directed to appoint a committee of five Senators to consider what clerical help should be allowed Senators and Senate committees. Such committee is authorized to sit while the Senate is in session or in recess, and is instructed to consider and report to the Senate on or before December 15, 1917, what clerical assistance should be allowed Senators to do their individual official work and what help should be allowed the different Senate committees to do committee work, and the compensation which, in its judgment, should be paid such help, with a view to securing economy, efficiency, and fair treatment in the performance of the business of the Senate and the official work of Senators.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, I will ask the Senator if there is any expense attached to the resolution?

Mr. JONES. There is not.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution? The Chair hears none, and the resolution is agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on January 25, 1917, approved and signed the following acts:

S. 5718. An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona; and

S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area.

THE INAUGURATION.

Mr. OVERMAN. I introduce a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 202) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 5, 1917, in accordance with such program as may be adopted by the Joint Committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $35,000, or so much thereof as may be necessary, the same to be immediately available; payment to be made upon vouchers approved by the chairman of said joint committee.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the joint resolution.

Mr. McCUMBER. I wish to ask the Senator a question or two before giving consent for the consideration of the joint resolution.

I notice that there has been introduced a joint resolution referring to the protection of life and property of citizens during the inaugural. I did not hear it read; in fact, it was not read. I do not know whether this joint resolution refers to the protection of life or of property, but I wish to suggest to the acting chairman of the Committee on Appropriations that in a great many cities in this country on great occasions steps have been taken to prevent the public from being robbed.

The Senator is as well aware as I am that these inaugurals have been made the occasions to grossly rob the American people. It was not very long ago that I had a constituent wire me—I will not say it was for the inaugural—to get a room at a certain hotel. I phoned down to the hotel and I found that he could get that room for $200. Rates something similar to that have been the rates that have been charged the American people by hotels in the city of Washington. I wish to ask the Senator if it is his intention or the purpose of his committee to allow another inaugural to pass without some protection of the American people who are invited to come to Washington?

Mr. OVERMAN. Mr. President, the joint resolution which I have introduced is to protect the Capitol Grounds, to erect stands, and to illuminate the Capitol, and as far as the grounds are concerned to the pay of policemen and officers to protect the public here. Of course, the joint resolution has nothing to do with the city outside of the Capitol Grounds. What the Senator refers to relates to the city and that is in charge of the city.

Mr. McCUMBER. I know, but, Mr. President, in a joint resolution or bill of this kind there could be well inserted an amendment that would take care of the visitors to the Capital and protect them against exorbitant charges.

Mr. OVERMAN. The Senator is right about that and the Senator from Maryland [Mr. SMITH] has just introduced a joint resolution which was referred to the Committee on Appropriations to aid the District in keeping order. I suggest that that would be the place for the amendment, because that is under the supervision, I understand, of the police department of the city. This joint resolution is simply for the Capitol and Capitol Grounds, to erect stands.

Mr. McCUMBER. As all the principal committees are in charge of Members of the Senate on the other side of the Chamber I hope the appropriate committee will take this matter up and do something to protect the people who are invited to come to Washington to view the inaugural.

Mr. OVERMAN. I fully agree with the Senator, and if the Senator will suggest to the Committee on Appropriations what he thinks would be necessary to put that suggestion into law I would be glad to consider it.

Mr. McCUMBER. Just a simple little law that shall provide a penalty to be imposed upon any hotel keeper who shall make a greater charge for the use of his rooms during the inaugural than is his usual charge, or if they think that is not enough they can double it and treble it, and yet you would save the people millions of dollars.

Mr. BORAH. The law might be simple in its terms, but it would be very difficult to pass it, I should suppose.

Mr. OVERMAN. I think it is a very difficult thing to handle, but it will have to be handled on another joint resolution that will come up hereafter.

Mr. McCUMBER. Why does the Senator from Idaho say it would be difficult to pass it?

Mr. BORAH. I am not quite ready for the Government of the United States to enter into the business of fixing hotel rates, at least I should want to reflect upon the matter.

Mr. McCUMBER. I am quite ready for the Government of the United States to enter into the business of protecting its citizens from robbery wherever that robbery may occur.

Mr. BORAH. Well, we can pass a law if we want against robbery and arson or anything of that kind.

Mr. McCUMBER. Or extortion, and this is extortion.

Mr. BORAH. But it can hardly be extortion in the ordinary when a man voluntarily goes into a hotel and registers. Whatever is done will have to be done by cooperation between the citizens and the hotel keepers here in Washington, but not without considerable opposition would I consent to passing a law of the Government of the United States establishing hotel rates. I do not want to see the Government assume the burden of establishing hotel rates. That would give rise to a few hundred more Government employees.

Mr. McCUMBER. Mr. President, I think we can prohibit extortionate charges by the proprietors of hotels as well as by other people. The Senator might say that he would not support a measure that would fix a reasonable rate of interest to be charged, but we do fix such rates, and we provide a penalty for extortionate interest charges.

Mr. NELSON. Will the Senator yield to me a moment?

Mr. McCUMBER. I yield to the Senator.

Mr. NELSON. I have watched, Mr. President, with great interest all that is being done here in the city of Washington to get a big crowd to attend the inaugural ceremonies. The people here get the use of the public streets and public buildings and secure aid to get visitors to come here from all over the country. That is well and good, but I have not noticed any efforts being made in the local press, by the local associations, or by any of the people of Washington to prevent the people of the United States from being robbed and plundered when they come here to attend the inauguration. I therefore suggest that before we afford them all of these accommodations and facilities we require from them something in the shape of protection for the American people who come here.

Mr. President, I have been here during several presidential inaugurations, and I have noticed the same thing to which the Senator from North Dakota [Mr. McCUMBER] refers—how the people are brought in here and how they are robbed by the proprietors of hotels and restaurants. It will be time enough for us to give the people here all these advantages and facilities when they show a disposition to properly regulate the rates to be charged here, and to prevent the visitors who come here to attend the inaugural ceremonies from being plundered and robbed.

Mr. OVERMAN. A discussion of that matter would be proper on a resolution pertaining to that subject; but this resolution only refers to the inaugural ceremonies. The Inaugural Committee has nothing whatever to do with the regulation of the city or the establishment of police regulations outside of the Capitol Grounds. This resolution is to enable the committee appointed by the Senate to arrange for the proper ceremonies at the Capitol. That is all it proposes to accomplish. There will probably be a resolution reported from the Committee on the District of Columbia to assist in keeping order in the city, but as to this resolution the Inaugural Committee has nothing whatever to do, except what is to be done right here at the Capitol.

Mr. WARREN. The Appropriations Committee is simply to appropriate the money to carry the laws into effect, and the matter to which the Senator from Minnesota refers will rest with some other committee. A resolution of that kind, it seems to me, should be referred to the Committee on the Judiciary or to some committee which might properly take jurisdiction of the subject.

Mr. OVERMAN. That matter can be discussed later, when a proper resolution is before the Senate. The passage of this resolution will merely enable your committee to erect stands and to provide for the ceremonies in the Senate and at the front of the Capitol. Our committee have no jurisdiction whatever over the city.

Mr. WORKS. Mr. President, I am not going to object to the present consideration of this resolution, but I want to enter my protest against any such expenditure of the public moneys as that for which it provides. The inaugural ceremonies in Washington are largely, almost entirely, a commercial enterprise, to which the Government should not make itself a party. I should like to see one President of the United States inaugurated with appropriate and dignified ceremonies suitable to a democracy. We are having in this country a coronation every four years. It is undemocratic; it is un-American; and I should like to see it abolished.

There is no reason why such ceremonies as these should be conducted upon the inauguration of the President of the United States, but there is every reason, to my mind, why it should not be done. I am not willing to make myself a party to any such proceedings as are going on now in the District of Columbia by which there will be spent hundreds of thousands of dollars to inaugurate the President of the United States. I should like to see the President himself declare against that sort of thing and protest against his inauguration being made the means of any such ceremony.

Mr. OVERMAN. Mr. President, the contemplated ceremonies will be very simple, and a resolution providing for similar ceremonies is passed by Congress every four years. No matter what the President or anybody else says, there will be at least 100,000 people here on the Capitol Grounds. Would not the Senator from California comfortably provide for them, so far as he could, seating capacity?

Mr. WORKS. Mr. President, these 100,000 people are inveigled into coming to Washington through the instrumentality of the people of the District of Columbia, who are advertising this as a great show.

Mr. OVERMAN. This resolution has nothing to do with the ceremonies in the District of Columbia outside of the Capitol Grounds.

Mr. WORKS. It has a good deal to do with it. We are contributing our funds for the purpose of helping carry out this entire proceeding.

Mr. OVERMAN. Not at all.

Mr. WORKS. There is no occasion for the Government of the United States to expend $25,000 or any like sum for the purpose of providing a place for the mere inauguration of the President. It is absurd on the face of it, and I should like to see the Senate raise its voice against that sort of misappropriation of public funds and the violation, as I think, of the very principles of the Government under which we are living.

As I said in the beginning, I am not going to object to the present consideration of the resolution, because I know very well it will be adopted. We are doing what we have been doing for a good many years; this, of course, is not the first occasion on which it has been done; but I had hoped that the President, who has done something toward preventing the expenditure of moneys in this way in the past, would go a little further than he has already done, and would enter his protest—which would be entirely sufficient—against this great show that is going to be carried on in the District of Columbia, merely because he is to be inaugurated President of the United States.

Mr. THOMAS. Mr. President, I shall not oppose the consideration of the resolution, although I largely sympathize with the views which have just been expressed by the Senator from California [Mr. WORKS]. I am gratified that the amount embodied in the resolution is not larger than it is. I am astonished, to paraphrase a familiar expression, at our own moderation under the circumstances. I am also in hearty sympathy with the suggestions made by the Senator from North Dakota [Mr. McCUMBER]. I do not know that we can directly reach the evil to which he refers. It is not confined to Washington, but is characteristic of caterers wherever there is an unusual gathering of American citizens. The old Spanish buccaneer, who rode the Spanish Main, flew the black flag, and took his life in his hands when he attacked his prey, must, if there is such a thing as a future life, turn over in his grave whenever he thinks of his modern successor, disguised as the proprietor of a hotel or at the head of some institution furnishing the necessities of life, because of the impunity with

which they carry on his old business sheltered under the forms of law.

I have observed, Mr. President, in this District that the people are largely a unit in their support of everything designed to get money out of the Federal Treasury when it is to be expended here. The amount which will be expended by the visitors to the inaugural ceremonies, unless something can be done to prevent it, will, as the Senator from North Dakota [Mr. McCUMBER] has suggested, probably be expressed by a million of dollars in the aggregate, and the greater portion of it will be extortion, pure and simple.

Some of us are trying to prevent an increase of appropriations by this Congress. In so doing we are obliged to resist an organized movement to increase the salaries of all employees. Instead of our receiving some little encouragement in the District, every newspaper and every organization is behind the movement, and some of them are ungenerous enough to criticize those of us who believe that this is not the time or the occasion for such increases. A morning paper in its issue of yesterday morning went so far as to assert that this proposed increase was an act of justice to an unorganized body of employees, when we know that they are not only organized, and thoroughly organized, but that they are affiliated with the greatest labor organization in the world and that they are carrying on an organized propaganda in the Capitol. As I have said, instead of receiving sympathetic support from the people of the District, or any part of them, in our efforts to economize, the entire trend of public sentiment and public effort is in favor of these increases. Of course the reason is obvious; the money is to be expended here, and the object of the business community of the District is to secure these added appropriations, because the great body of employees will merely be a conduit through which they will pass on the way to their own coffers.

Now, Mr. President, there should be some way of economizing so as to offset the consequences of this propaganda and in some degree make reparation for the extortions that are sure to be practiced upon the people of the United States who come to this inaugural. For instance, we can adopt a different system of taxation for the District.

Mr. President, I have been an advocate of what is called the half-and-half system. I have believed, all things considered, that it was fair both to the people and to the Government, and therefore I have voted against efforts to abolish it since I have been here; but I am about to pass the Rubicon. If the people of the District will manifest no disposition to assist those of us here who are trying to economize, if they band together on occasions like the inauguration to extort money from visitors—and they will do it—then let us require them to pay all the taxes essential for the support of the District Government; and if this propaganda of increases becomes successful, as it bids fair to be, then I must give notice that hereafter wherever it is possible to economize in the District I shall make the effort and join those committed to the abolition of the half-and-half system.

Mr. McCUMBER. Mr. President, the Senator from North Carolina [Mr. OVERMAN] has suggested that the proposition of which I spoke could be considered in connection with another joint resolution which has been introduced by the Senator from Maryland [Mr. SMITH]. The joint resolution which the Senator from Maryland has introduced reads, in part, as follows:

> Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance—

I think that we could leave the matter to which I have referred to the commissioners, and if we would add after the words "public conveyance" the words "hotels and restaurants," I think it would cover the matter.

I see no reason why we should throw the protecting arm of the Government around the citizen to save him from an extortion of $5 by a public conveyance and leave him unprotected when it comes to a hotel charging him $200 for a $5 room. I can see no great difference in principle unless it should be applied with a stronger arm where the extortion is the greater.

Mr. BORAH. Mr. President, do I understand this joint resolution is now before the Senate?

Mr. McCUMBER. No; the one from which I have read has merely been introduced for reference to the appropriate committee.

Mr. BORAH. Mr. President, I do not desire to discuss the matter now, but I shall do so when the proper time comes.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from California?

Mr. McCUMBER. I yield.

Mr. WORKS. I desire to ask the Senator from North Dakota how many people he thinks would come here to be robbed if the President were inaugurated in a quiet and dignified way, as I think the President of the United States should be inaugurated?

Mr. McCUMBER. I think, Mr. President, there would be very few of them; and I desire to say now that I agree with the views of the Senator in every respect in reference to the inaugural ceremonies.

Mr. BORAH. Mr. President, I am just as much opposed to ostentatious display as are the Senators who have spoken, but no one will come here to the inauguration who has not some money to spend. People understand before they come here the conditions which will prevail, for these things have been going on for years and years, and they understand perfectly well that they are coming here to have a good time, to share in the occasion, in its display, and in its good time with the people of the District of Columbia, and they know before they come that they will have to share their money with the people of the District of Columbia. That is what it takes to make a "good time"; and so long as we have inaugurations conducted in this way thousands and thousands of people are coming, and I have not seen any petition or other request coming from those people asking us to protect them after they get here. Before they come they understand precisely the conditions, and they are perfectly capable of taking care of themselves.

Mr. WORKS. Does not the Senator think that people who come here under those circumstances deserve to be robbed?

Mr. SHERMAN. Mr. President, as the Senator from Idaho [Mr. BORAH] has said, people will come here, but they will have to pay their bills, and I hope that the information furnished the Senate this morning will be given wide publicity, so that a certain number of my constituents will not have to borrow money from me with which to get home. [Laughter.] I have a considerable sum invested in that way that I never expect to see again.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment, offered by the senior Senator from Minnesota [Mr. NELSON], begins on page 62. It proposes to strike out all after line 18 down to and including the last line on page 65, striking out the Subtreasuries at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco.

Mr. SMOOT. Mr. President, the question of striking out the provision for the Subtreasuries, as provided in the amendment offered by the Senator from Minnesota, was considered by the Senate Committee on Appropriations; and the action of the committee was determined, I think, on a statement made by the Secretary of the Treasury. There were no detail reasons submitted by the Secretary why the Subtreasuries should not be abolished, but he did state to the committee, through the chairman of the committee and over the telephone, that he thought it would be very unwise to strike out the appropriations providing for the Subtreasuries.

The committee then prepared an amendment to the bill, as found on page 31, referred to by the Senator from New Hampshire [Mr. GALLINGER] yesterday, which reads as follows:

> The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government or banks of the Federal Reserve System, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

After a discussion of this amendment, Mr. President, if the Senate of the United States decides to adopt the amendment offered by the Senator from Minnesota, the Senate then can reconsider the amendment offered by the committee and disagree to it.

Mr. President, in the speech made yesterday by the Senator from Missouri [Mr. REED] in opposition to the amendment I notice this statement:

> What are these Federal reserve banks? We talk of them here in the Senate sometimes as though they were Government banks, owned, controlled, and managed by the Federal Government. As a matter of fact, the Federal reserve banks are private institutions, the stock of which is owned by the various national banks and the few State banks and trust companies that have joined the Federal Reserve System. The majority of the board of directors of every one of these Federal reserve banks is elected by the member banks, and every officer save one within the banks is appointed by the officers who are elected by the member banks. The proposition, therefore, is to turn over certain functions, powers, and duties of the Government to private institutions that are owned and controlled by the banks of the country. When we propose to enter into that sort of thing it would be well for us to pause and reflect and make certain that we are not committing a great error.

I think it is proper to call attention to the law and see whether the Federal reserve banks are privately owned banks and whether the Government of the United States has no control over them.

The Federal reserve act, in section 15, provides that the Federal reserve banks—

> When required by the Secretary of the Treasury, shall act as fiscal agents of the United States.

The act further, in section 11, authorizes the Federal Reserve Board—

> To exercise general supervision over said Federal reserve banks.

Again—

> To suspend or remove any officer or director of any Federal reserve bank.

Again—

> To suspend for the violation of any of the provisions of this act the operations of any Federal reserve bank, to take possession thereof, administer the same during the period of suspension, and, when deemed advisable, to liquidate or reorganize such bank.

In view of these provisions there seems to be no more danger that a Federal reserve bank might refuse to perform the duties required of it by the Secretary of the Treasury as fiscal agent of the United States under the Federal reserve act than there is fear that the Secretary of the Treasury himself might neglect to perform the duties required of him by law. If any reserve bank should violate the law, it would be the duty of the Federal Reserve Board to remove its officers and assume charge of the bank. If the board failed to do this, it would be the duty of the President to remove the members of the board and appoint persons who would perform their duty.

However, there is no conceivable incentive for any Federal reserve bank to lay itself open to the penalties provided for refusal to comply with the law. The banks would redeem gold and silver certificates out of moneys deposited with them by the Secretary of the Treasury. They would normally use these deposits as directed by the depositor, just as they would use any other deposit. It would, of course, be incumbent on the Secretary of the Treasury to keep in every reserve bank a sufficient amount of gold deposited to redeem all certificates presented by the bank. If, however, he should fail to do so the reserve bank could still receive gold and silver certificates presented for redemption and issue certificates of deposit therefor. These certificates of deposit could then be exchanged for gold and silver dollars at the nearest mint at the New York Assay Office or at the Treasury here at Washington.

At present a very large percentage of the redemptions at the Subtreasuries are made in this manner and doubtless the majority of the large redemptions made through the Federal reserve banks would be effected in the same way. Even if it were conceivable that a Federal reserve bank should expose itself to the penalties of disobeying the law, such action would have no more serious effect than to inconvenience the person presenting gold certificates for redemption. If the Subtreasuries should be discontinued, the Treasurer should continue to redeem gold and silver certificates at Washington, and he should retain in the Treasury, the mints, and the assay offices the entire amount of gold and silver dollars that is necessary to redeem the outstanding gold and silver certificates. The Federal reserve banks should be required to make redemptions out of the general fund deposits placed with them, or else by means of order on the assay office at New York, the mints, or the Treasury at Washington. Ordinarily the certificates redeemed would be reissued if fit for circulation and replaced by new ones if unfit for circulation. If, however, a Federal reserve bank should need an addition to its supply of metallic gold, such gold would have to be shipped from the nearest mint or assay office, either as additional deposit or in exchange for certificates returned to Washington.

Mr. President, even if every dollar had to be transported by express and the cost of transportation paid by the Government, it would be a small amount compared to the expense of maintaining the Subtreasuries that now exist. I will frankly state that I thought at first it was not wise to abolish these Subtreasuries; but after going into the details and finding out just the workings of the Subtreasuries, I am convinced that they ought to be abolished and that no harm will come to the business of the country if they are abolished at the present time.

In the discussion upon this subject four questions have arisen, and there seems to be some misunderstanding about them. I want to discuss briefly the workings of the department and of the Subtreasuries as affecting these questions that have arisen in this debate.

The first is that the Secretary of the Treasury is not authorized to deposit in the Federal reserve banks the gold and the silver dollars held for the redemption of gold and silver certificates and United States notes; that is, the so-called trust fund.

This is true; but only a small part, 12.5 per cent, of the gold held to redeem gold certificates and United States notes is kept in the Subtreasuries. Out of a total of two billion and ninety-three millions of dollars in gold held by the Treasury Office, according to the reports received December 14, 1916, there is one billion seven hundred and forty millions in the mints and assay offices of the country. Of this one billion seven hundred and forty millions of dollars, about four hundred and fifty millions is in the Denver Mint, three hundred and fifty-seven millions in the San Francisco Mint, three hundred and twenty-five millions in the Philadelphia Mint, and six hundred and seven millions in the New York Assay Office. The remainder of all the gold held by the Government, amounting to only three hundred and fifty-three millions of dollars, is in the Treasury and Subtreasuries. Of this $353,000,000, more than $100,000,000 is in the general fund and can legally be deposited in Federal reserve banks. Four millions of dollars is in the Treasury at Washington. The balance of the gold trust fund in the Subtreasuries is, therefore, only about $250,000,000, out of a total of two billion and ninety-three millions of dollars.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do.

Mr. WORKS. May I ask the Senator how many of these Subtreasuries are in the same cities that have reserve banks?

Mr. SMOOT. All of them with the exception of one, and that is at Baltimore. No; there may be two.

Mr. OVERMAN. Mr. President, the Senator is mistaken about that. Why, there are half a dozen.

Mr. SMITH of Maryland. Mr. President, the Senator is mistaken. I do not think Baltimore is the only one.

Mr. POMERENE. No, Mr. President; the city of Cincinnati has a Subtreasury and the Federal reserve bank of that district is located at Cleveland. There is no branch in Cincinnati.

Mr. OVERMAN. There are half a dozen of them; so the Senator is altogether wrong.

Mr. SMOOT. Well, I will name where they are, and then we will see.

One of the Subtreasuries is located at Baltimore, and, as I stated, there is no Federal reserve bank in Baltimore. Even if there is no Federal reserve bank there, Mr. President, there is no question but that the business of Baltimore can be taken care of just as well from Washington or the nearest Federal reserve bank as at present.

Mr. SMITH of Maryland. Mr. President, I want to say——

Mr. SMOOT. The Senator can in a few moments speak in his own time. Before I get through I will give my reasons for my statement. Then the Senator can criticize my reasons, if he so desires.

The next is at Chicago, one at Cincinnati, New Orleans, New York, Philadelphia, St. Louis, San Francisco. Those are the places where the Subtreasuries are located.

Mr. POMERENE. The matter the Senator is discussing now is covered by the letter of the Secretary of the Treasury himself, and, if I may read just three lines, the Secretary says:

> Federal reserve banks are located in the Subtreasury cities of Boston, New York, Philadelphia, Chicago, St. Louis, and San Francisco. New Orleans has a branch of the Federal reserve bank of Atlanta, while neither Baltimore nor Cincinnati has a Federal reserve bank.

Neither has a branch.

Mr. SMOOT. I forgot Cincinnati. I did mention Baltimore, but I really had forgotten Cincinnati.

Mr. NELSON. If the Senator will allow me——

Mr. SMOOT. I yield.

Mr. NELSON. There are two cities that have neither mints nor assay offices nor Federal reserve banks. Those are Baltimore and Cincinnati.

Mr. SMOOT. Those are the only two.

Mr. NELSON. Those are the only possible exceptions where anything can be urged in favor of retaining the Subtreasury.

Mr. SMOOT. The committee first agreed to strike out Baltimore from the bill, thinking that the Subtreasury there was unnecessary; but after a reconsideration, as I stated in my opening remarks, Baltimore was put back into the bill.

Mr. President, I desire to continue. A statement of the Federal reserve banks shows that they held on December 8, 1916, $427,000,000 in gold certificates; that is, they owned more of the gold in the Government custody than is kept in the Subtreasury. They could therefore, without authority of law, with the approval of the Secretary of the Treasury, take over all the gold in all the Subtreasuries by simply presenting the gold certificates which they hold. These figures make it apparent that the Subtreasuries are not needed for the custody of the gold trust funds.

Of the silver dollars held by the Treasury officers, about $156,000,000 is now in the Treasury at Washington, $190,000,000 in the mints, and $148,000,000 in the Subtreasuries. Of this $148,000,000, about $18,000,000 is in the general fund and can be deposited in Federal reserve banks.

The balance of the silver trust fund held in Subtreasuries is therefore about $130,000,000. This amount could not be deposited in the reserve banks, but would have to be transferred to the custody of superintendents of the mints or assay offices or else shipped to Washington. That is all the trouble there would be. There is no question but that the Treasury of the United States could order it to-morrow to be done, even if the Subtreasuries continue.

The other statement made, or one of the others, was that it is necessary to keep large amounts of metallic gold at the port of New York, and perhaps at other ports, in order to settle our trade balances in gold. In the New York Subtreasury there is about $113,000,000 in gold coin and no gold bullion. The assay office at New York has $607,000,000 in gold bullion. Foreign balances are commonly settled in bullion, not in coin. This bullion comes not from the Subtreasury but from the assay office in the form of certificate bars.

Mr. OVERMAN. From what is the Senator reading?

Mr. SMOOT. It is a statement that was made by Mr. Brown on a request for the facts as to where the gold of the Government was located and just what the Subtreasuries, the mints, and assay offices of the country hold.

Mr. OVERMAN. Mr. Brown wants to have the Subtreasuries abolished.

Mr. SMOOT. He does not make any recommendation.

Mr. President, foreign balances are commonly settled in bullion, not in coin. The purchasers of these bars—that is, gold bars—deposit their money in the Subtreasury and receive a certificate of deposit, which they present to the assay office as an order for the bars. The Federal reserve bank could with equal facility receive the purchase money and issue the certificate of deposit, which would be paid by the assay office. Therefore, while a Government office able to handle large amounts of gold is needed in New York to receive and furnish gold for the settlement of foreign balances, the Subtreasury is not needed for that purpose, as the assay office supplies the need.

The other statement was that the abolishment of the Subtreasuries would not save any money, because all the expense of more clerk hire, space, and transportation of currency that is now borne by the Government would have to be borne by the banks if the Subtreasuries were discontinued. In support of this contention it was stated that the transfer of the disbursing officers' accounts from the Subtreasuries to Washington in 1913, although proposed as a measure of economy, did not actually save any money.

The facts are, Mr. President, that the Federal reserve banks would undoubtedly have to assume the responsibility of transporting a large amount of currency to and from Washington if the Subtreasuries were discontinued. The estimate for 1918 for this purpose and other purposes amounts to $150,000.

To offset this expense the Federal reserve banks would necessarily receive, if the Subtreasuries were abolished to-day, gold deposits amounting to at least $70,000,000. These deposits would be interest free, as are the $30,000,000 of Government deposits the Federal reserve banks already hold. Interest on the total deposits of $100,000,000 at 2 per cent would exceed by about $1,400,000 a year the total amount of the clerical expense and transportation charges that the banks would incur by taking over the Subtreasuries' work.

The transfer of this business to Federal reserve banks would therefore not merely relieve the Government of a large amount of expense but would also provide the Federal reserve banks with increased opportunities for profits. There would be no offsetting loss to the United States, for the money in the Subtreasuries now earns no interest.

It should be noted also that the transfer of the disbursing officers' accounts to Washington in 1913 did not result in a saving of more than $50,000 a year, as is shown by a reduction in the estimates of the Treasurer's office as well as for the Subtreasuries.

The other statement was that the Federal reserve banks in some cities do not have adequate quarters, and particularly do they lack the vault space necessary to take over the Subtreasury business. If the Federal reserve banks had no other quarters with adequate vault facilities, there seems to be no reason why they should not be allowed for a moderate rental to use the quarters now occupied by the Subtreasuries. Such a plan would be convenient to the bank and profitable to the Government.

Mr. President, there is no question but that if the Subtreasuries are abolished the Government will save millions of dollars, and there is no question but that if the gold is deposited in the Federal reserve banks, and if they secure 2 per cent upon the amount of the deposit, there will be over a million dollars to the credit of these banks annually.

If we want to save in this bill money for the Government, and do no harm whatever to the business interests of the country, we can abolish the Subtreasuries now and allow the Federal reserve banks to do the business. They can do it now under the law as it exists, the very law that created them, as I have called attention to, section 15 and section 11 of the act itself.

Mr. President, I thought perhaps it would be better to make an investigation, as the committee thought, but after finding out just where the Government gold is deposited, how it is transferred from the credit of one Subtreasury to the other, I have become convinced there is no question but that it would be a proper thing to abolish all the Subtreasuries and allow the business to be done by the Federal reserve banks.

I therefore hope that the amendment offered by the Senator from Minnesota will be adopted.

Mr. OVERMAN Mr. President, I notice about five Democrats in their seats on this side of the Chamber. They ought to know what we are doing so as to be able to vote intelligently. Therefore, before beginning the few remarks I want to make, and it will be only a few, I feel compelled to suggest the absence of a quorum. I want to say that all during the consideration of this bill a number of the friends on this side have not been here. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WATSON in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gronna	Myers	Smith, Ga.
Borah	Hardwick	Nelson	Smith, Md.
Bryan	Hollis	Norris	Smith, S. C.
Catron	Husting	Oliver	Smoot
Chamberlain	Johnson, Me.	Overman	Sterling
Clapp	Jones	Page	Sutherland
Clark	Kenyon	Phelan	Thomas
Culberson	Kern	Pittman	Townsend
Cummins	Lee, Md.	Poindexter	Vardaman
Curtis	Lippitt	Ransdell	Wadsworth
Dillingham	Lodge	Robinson	Warren
Fall	McCumber	Shafroth	Watson
Fletcher	McLean	Sheppard	Works
Gallinger	Martine	Sherman	

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. GRONNA. I wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. LANE], the Senator from Montana [Mr. WALSH], and the Senator from Maine [Mr. FERNALD] are absent engaged on important business of the Senate.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. OVERMAN. Mr. President, I wish to say a few words about the proposed abolishment of the Subtreasuries. The head of the great fiscal department of our Government is the Secretary of the Treasury. Who knows most about whether the Subtreasuries ought to be abolished or not; the man who administers the fiscal concerns of the Government, or a Senator who has investigated this matter in a cursory manner here while the appropriation bill is before us?

It is contended that to abolish these Subtreasuries would save a great deal of money; that it would save $300,000. That is impossible. If the Subtreasuries are abolished, the Secretary of the Treasury reports that all of the business which is now done

by the Subtreasuries would have to be done somewhere. Therefor you will have to provide for the clerks that are now in the Subtreasuries if you abolish them. Instead of doing this and for the convenience of the people of the country at Boston, Cincinnati, and the other Subtreasury cities all the work will have to be done in Washington. The Secretary of the Treasury will be required to have a number of clerks to do the work that is being done now in these great cities. Therefore you might save the place of the superintendent of the Subtreasury, but the work which is done by all the other officers who perform the service that is done in the Subtreasuries will have to be done here in Washington, at a great inconvenience to the citizens of the country who have business with the Treasury Department.

Mr. President, the committee had this question before them for consideration. It has been time and again contended that the Subtreasuries ought to be abolished, and the committee think that is a question which ought to be investigated. We brought this matter to the attention of the Secretary of the Treasury in order that we might have a report from him, and he has reported that it would be suicidal now to abolish these Subtreasuries. Your committee thinking that probably, as the Senator from Minnesota [Mr. NELSON] has stated, the Subtreasuries in time should be abolished have provided in the pending bill that a report on that subject be made to the next Congress with a view to their abolishment. Ought we now at once to abolish the Subtreasuries when we have a report from the Secretary of the Treasury to the effect that the reserve system, which it is proposed to substitute for them, has only been in operation a little over a year and a half or two years? We shall probably abolish them in the future; they will be abolished, but they should not be abolished now, especially, I repeat, when we have made no provision in the pending bill for clerks in the Treasury Department to do the work which is now being done in the Subtreasuries in the great cities. Your committee thoroughly investigated the matter so far as we could, and we came to the conclusion that, instead of abolishing the Subtreasuries, we had better direct the Efficiency Board to go thoroughly into the matter and to report to us at the next session of Congress.

Mr. President, we could not abolish the Subtreasuries at this time. If this body should attempt to do it, or should adopt this amendment, it would not be sustained. There has been a fight in the House of Representatives on this subject. The committee in the other House did report to abolish the Subtreasury at Baltimore, and there is less necessity there for a Subtreasury than there is anywhere else, I will say with all deference to the Senator from Maryland, but on the floor of the House they reversed what the committee had done, because, as the House of Representatives think, and as our committee think, and as other Senators think, this is not the time to abolish the Subtreasuries.

Mr. President, I do not propose to read from the record, though a great many Senators have not heard this debate, but I am relying on what the Secretary of the Treasury says. I am going to read a few lines of his testimony, he being the head of this great service for the Treasury Department, being the man to whom we look, whose duty it is to report to us, and can we not rely on what he says about this matter?

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. OVERMAN. I do.

Mr. LEWIS. I desire to call the attention of the able acting chairman of the committee to the fact that I have understood, and I so reported to the Senator from Minnesota [Mr. NELSON], that in support of the position taken by the Senator from North Carolina [Mr. OVERMAN], the Secretary of the Treasury and the members of the Federal Reserve Board say that if these Subtreasuries are abolished they not only will continue to require, as the Senator from North Carolina has said, the same amount of force, but they will have also to be located at the same places; that they will have to send them to the people and not bring the people here, and that in the end we should neither save money nor force, nor would such action make for convenience.

Mr. OVERMAN. Mr. President, I am glad the Senator from Illinois has brought out that point. Not only has the Secretary of the Treasury reported against the abolishment of the Subtreasuries now, but the Federal Reserve Board, which knows more about this matter than does any Senator upon this floor, has also done so.

The Senator from Utah [Mr. SMOOT] stood with the committee here at first, but now he is upon the floor fighting their action, because, forsooth, he has received a little report from Mr. Brown, who has not investigated the matter thoroughly, as he should have done. I am surprised at the Senator from Utah. When this subject was before the committee we provided for a plan by which we could investigate it with a view to the abolishment of the Subtreasuries, but the Senator now comes in and advocates this amendment, when we had formerly voted that plan down in committee, and had even voted to restore the Baltimore Subtreasury. I am surprised at the Senator from Utah coming in here and doing that after we had considered the matter in committee.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I always gladly yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, inasmuch as we have put a provision into the bill directing the Efficiency Board to investigate this matter and to report to Congress, does the Senator from North Carolina think it was a very proper thing for the head of that Efficiency Board to interfere in any way with the subject?

Mr. OVERMAN. I do not. That is what I am referring to here and to the Senator from Utah now coming here with a report from Mr. Brown before Mr. Brown has been ordered to make this investigation. Does that indicate that Mr. Brown has prejudged the case?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I yield to the Senator from Utah.

Mr. SMOOT. I do not know whether or not the Senator from North Carolina was in the Chamber when I made my opening statement, but from the remarks which he has just made I should judge he was not. If the Senator was present, however, I will say that what he says is uncalled for. I told the Senate plainly that I had agreed in committee to allow this provision to go into the bill, and I called attention to the provision on page 31 of the bill authorizing an investigation to be made by the Efficiency Bureau. I then stated why I had changed my mind on the subject.

I do not want any Senator to cast reflections upon Mr. Brown. As I stated in my opening remarks, I asked Mr. Brown to inform me where the gold which had been deposited with the Treasury of the United States had been placed; whether it was in the mint, whether in the assay offices, or whether it was in the Treasury here in Washington, and the amount that was in the Subtreasuries. Mr. Brown merely furnished me that information. He has made no report. I have not said that Mr. Brown has made a report upon this matter after a thorough investigation. He simply states exactly where the gold is and how the transfers have been made, as I have previously stated.

Mr. OVERMAN. I am not reflecting on Mr. Brown. I think he is a very efficient officer. I desire to say that he has heretofore had duties placed upon him by provisions incorporated by the committee on appropriation bills, and I want to know why he has been investigating this matter without any authority? The only authority he has is that which we now propose to confer upon him. That he has been using his time in investigating this subject when he had no authority to do so seems to me apparent from the fact that the Senator from Utah comes here and reads a long statement which has been prepared for him by Mr. Brown, which occupied a half hour or an hour in its reading.

Mr. SMOOT. Mr. President, if anyone is to blame in the matter, it is not Mr. Brown. On the basis of statements made here, I asked for certain information of Mr. Brown, if he could obtain it for me. Mr. Brown prepared the figures which I have presented, and I believe they are perfectly correct. If there is anything wrong with the statement which I have made, then, of course, the statement should be criticized; but do not criticize Mr. Brown because of that fact, for I believe the figures are absolutely correct.

Mr. OVERMAN. Mr. President, the committee had, and the Senator from Utah, as a member of it had, a report from the Secretary of the Treasury; we had also a report submitted by Mr. Warburg, of the Federal Reserve Board; and, instead of relying on the report of the Secretary of the Treasury and of the Federal Reserve Board, the Senator from Utah goes back on his committee, stands up in the Senate, and uses a statement made by a man who had no authority to make an investigation. He did, however, make it, and the Senator reads that statement upon the floor here as against the statement of the Secretary of the Treasury of the United States and as against the desires of the Federal Reserve Board—12 good men, who are trying to do their duty and to inform Congress as to what it ought to do or not to do. The law has placed upon these officials the respon-

sibility of reporting to this Congress what we should do and what we should not do in regard to such matters.

The Senator from Utah does not rely upon the Secretary of the Treasury or upon the Federal Reserve Board, but he comes here relying upon an ex parte statement made by a Government official. It is of that I complain. I am not criticizing Mr. Brown, for he is a good and faithful officer; he has done great work, and I hope he will do greater work when we confer authority upon him to investigate this matter. I have no doubt he will then give us the right kind of a report. When, however, has he had time to investigate this subject? The matter we have given him to investigate was not along these lines at all. Hereafter, if this bill passes, Mr. Brown will investigate the matter.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I yield.

Mr. SMOOT. Mr. Brown has not made an investigation. I had not the time to do so or I could have gathered the facts myself which Mr. Brown secured for me. Not having the time, I asked him to do it for me.

So far as my action is concerned in approving an amendment offered by the Senator from Minnesota [Mr. NELSON] which is not in conformity with the action of the committee, I desire to say that I do not believe that I am bound by any action of any committee. I do not believe that I have to rely on whatever the Secretary of the Treasury says; and until to-day I have never heard of any report having been made by the Federal Reserve Board on the subject.

Mr. OVERMAN. Mr. President, the Senator was present and heard the debate on yesterday, and so I infer he heard the statement as to what Mr. Warburg had stated.

Mr. SMOOT. All I know is that it was not before the committee. I have not heard of a report until to-day, and it was never mentioned in the committee what the attitude of the Federal Reserve Board was. I desire to say now that whether or not this amendment carries—and I doubt whether it will carry—the Subtreasuries will be abolished, and I want to have particular notice taken of what I say on this day, that the Subtreasuries will be abolished. Why? Because they are a useless expense to the Government of the United States, and because the Federal reserve banks can do the same work and do it with less expense.

Mr. OVERMAN. Mr. President, I am of the opinion that the Subtreasuries will be abolished. As a member of the committee, I have been trying to do my duty, and I have not had time to investigate this matter as fully perhaps as has the Senator from Minnesota [Mr. NELSON], but I want to say that, being a member of the committee, I would rather rely upon the sworn estimates sent to the committee than to go out and get an estimate from some man who is not informed on the subject, and who has not been given the authority to investigate. I will state further that this report was before the committee, and the Senator from Utah saw it.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. I gladly yield to the Senator.

Mr. NELSON. The Senator has seen fit to extoll the Secretary of the Treasury, and he has just admitted that he thought this system ought to be abolished.

Mr. OVERMAN. No; I said that in time it would be abolished. I agree with the Senator as to that.

Mr. NELSON. That "in time it would be abolished," but he wants an investigation. I desire to say to the Senator that if the Secretary of the Treasury had done his duty he would have come before Congress with a scheme for abolishing this system and would have made recommendations to Congress accordingly; but he did not do that because it involved too many Democratic officeholders.

Mr. OVERMAN. Ah, Mr. President, my friend is bringing partisanship into this matter. My distinguished old friend from Minnesota, one of the best friends I have in the Chamber, now and then shows that he has a little yellow streak of Republicanism in him that will make itself manifest on occasions. This is no Democratic matter or Republican matter; it is a business matter. The Federal Reserve Board have reported that this is not the time to abolish the Subtreasuries.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. OVERMAN. I do.

Mr. LEWIS. Mr. President, may I say to the able Senator from North Carolina that there are 11 officers in the Subtreasuries who have been appointed by the Democratic administration, but there are 153 others connected with the Subtreasuries appointed by preceding Republican administrations, who will likewise suffer if the mere question of politics is to be considered, being wholly Republican.

Mr. OVERMAN. I have no doubt that two-thirds of the employees of these Subtreasuries are Republicans, as is the case in every other department of the Government, but that does not make any difference to me. I consider this a pure matter of business, and I ask Senators to throw aside politics and let us look at this question from a business standpoint. The Federal Reserve System has only been in existence a short time, and is probably not now prepared to take over this work. When the Secretary of the Treasury and the Federal Reserve Board say that the Subtreasuries ought not to be abolished at this time, not as Republicans or as Democrats, but as business men—when that opinion is given to us by the head of the department having supervision of all these matters—what are we going to do about it? Shall we vote according to our political sentiments, even if we destroy what has been considered heretofore a splendid system inaugurated for the benefit and convenience of the people who live away from Washington and who have business to transact with the Treasury? Shall we so vote as to make them come to Washington to transact their business?

Mr. President, let us see what the Secretary of the Treasury says on this subject. I want to read just a few words from his letter:

> I am of the opinion that it would be inadvisable at this time to abolish all, or any, of the Subtreasuries.

Mr. GALLINGER. Mr. President, from whom is the Senator quoting?

Mr. OVERMAN. From the Secretary of the Treasury. He continues:

> It is an important matter, and should be considered deliberately.

We have not now time to consider this matter deliberately, as we should do, and that is the reason why the committee asks for a board to investigate it.

The Secretary continues:

> With the test of further experience it may develop that the functions of the Subtreasuries, or some of them, may be transferred to Washington, or to some other agency, but action should not be taken hastily or inadvisedly.

In another part of his letter the Secretary of the Treasury says:

> Aside from New York, the cost of maintaining the other eight Subtreasuries is $347,416.88.

As the Senator from Minnesota has stated—

> Which is a comparatively small sum to pay for the service and convenience they provide. If these institutions were abolished, the total cost of operating them would not be saved, as a counter expenditure by the office of the Treasurer in Washington, resulting from the increased work that would be thrown upon that office, would be entailed.

Now, the Senator from Utah and other Senators want to abolish these Subtreasuries without providing a system in the Treasury to take their place.

Mr. NELSON. Let me ask the Senator a question, Mr. President. What does the argument which he has just read amount to? The statement of the Secretary of the Treasury amounts to this, that these institutions ought to be continued perpetually.

Mr. OVERMAN. Not at all.

Mr. NELSON. He does not recommend anything; he does not intimate that there ought to be a change. If he had done his duty, he would have looked into this matter and recommended the proper legislation for the abolition of the Subtreasuries.

Mr. OVERMAN. Well, Mr. President, the Secretary of the Treasury does say that it may be advisable to abolish them at some time in the future; but here comes the Senator again criticizing the Secretary of the Treasury, whose sworn duty it is to make these reports. I do not care what the Senator from Minnesota or any other Senator may say, the present Secretary of the Treasury, as almost everyone admits, has made a great Secretary of the Treasury, and has done a tremendous amount of work for the good of the people. He is trying to serve the people as best he can; and when we impose upon him the duty of telling us what should be done, and he performs that duty, the Senator from Minnesota rises, showing his politics and partisanship again, and criticizes the man who has been directed by law to send his report here. I am surprised that my very good friend should stand up here and criticize the Secretary of the Treasury simply because, in response to the law, he sends to Congress a letter in which he says that just at this time it would be very inadvisable to abolish the Subtreasuries.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. OVERMAN. I desire to read one further extract, and then I shall take my seat.

Mr. OLIVER. Very well.

Mr. OVERMAN. I quote further from the letter of the Secretary of the Treasury:

It has been suggested that the Subtreasuries are merely conveniences and not necessities, and that their duties might be performed entirely by the Treasury in Washington.

That is what Senators have said. Let us see:

This is in a sense true, but the cost of handling all the business from a common center, in a country so extensive as the United States, might be greater than the expense of the Subtreasury system.

Think of handling the business of the people of San Francisco here in Washington, when now it is handled in their own city through the Subtreasury there! Why should not the people of Philadelphia transact their business in that city, with the Subtreasury there, instead of coming here to Washington to transact it?

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that the Senator from Utah does not say that the business of the Subtreasuries should or would be transacted at Washington. The Senator from Utah claims that the Federal reserve banks have the authority under the law to do nearly all of this work, and therefore there would not be very much more work in Washington if the Federal reserve banks should take over the business of the Subtreasuries and administer it, as I believe they will.

Mr. OVERMAN. I think the Senator does believe that, but the men who are best informed about it do not believe so; the men under whose administration this matter comes do not agree with the Senator from Utah. I know the Senator from Utah is very wise, but sometimes he is about as wrong as others are, and in this case he has gone off halfcocked in making an effort in the Senate to-day to defeat the committee. That is what he has done. It shows that he went off halfcocked when last night he obtained a report from a man here in Washington, when all the time he had before him the report of the Secretary of the Treasury, saying:

Whereas the delays and inconveniences which the public would have to suffer might prove a very serious handicap upon business.

The Secretary of the Treasury expresses that as his opinion; the Federal Reserve Board concurs in that view; and I know that when the Senator investigates the matter thoroughly he will agree with them. That is the reason why I want to advise him hereafter not to take a position upon a mere ex parte statement. I do not blame him for fighting the committee if he desires to do so; he has a right to do that, and he has a right to change his mind; but I do criticize him for securing a paper and reading it this morning embodying a report from a man who was not authorized to make any investigation and putting that forward as against the statements of the Secretary of the Treasury and the Reserve Board. That is what I criticize.

Mr. SMOOT. Mr. President, I do not care anything about the criticism, but I do want to say that if the report of the Secretary of the Treasury is right and it is going to be an inconvenience to the business interests of the United States to abolish the Subtreasuries, then they never ought to be abolished; it would be wrong to abolish them, and the mere expense that there is attached to maintaining the Subtreasuries should not be considered if their abolition is going to interfere with the business of the United States; and I want to say to the Senator that he ought to change his mind and I ought to change my mind, and the Subtreasuries never ought to be abolished.

Mr. OVERMAN. No; all the Secretary of the Treasury says is that at this time they ought not to be abolished, but he intimates that a system can be worked out by which they can be abolished. He says:

It could with equal force be argued that internal-revenue offices throughout the United States could be abolished and all of the work done at Washington, and, in like manner, that many of the customs offices throughout the country could be abolished and all of the work done from Washington.

Why, Mr. President, all these things have been established for the benefit of the business men of this country, instead of requiring one central establishment here. This is a great, big country, and these conveniences ought to be furnished to the people.

I repeat that I think in time these Subtreasuries will be abolished; but let us not abolish them until we provide the necessary clerks to transact the business that is now being transacted by the Subtreasuries.

Mr. POMERENE. Mr. President, I confess that I have not had the time to make the personal investigation I should like to have made on this subject. I have relied largely upon the statements made by the Secretary of the Treasury and what I understand to be the position of the Federal Reserve Board.

The Senator from Utah [Mr. SMOOT] a moment ago referred to the city of Cincinnati and the Subtreasury in that city, and I address myself rather to the conditions there than to the situation generally throughout the country.

I am satisfied, from the information I have, that it would be a very great mistake for the Congress of the United States to discontinue the Subtreasury in Cincinnati. I think it will offend the entire business public in that section of the country. I know that the business people of that city are almost a unit in opposition to the attempt to abolish the Subtreasury. They have felt for a long time that they ought to have a branch of the Federal reserve bank, if not the Federal reserve bank itself, in that city. This position may be in part due to local pride; but there is a very large commercial business conducted from that city, and the Subtreasury there is serving a very large section of the country. I do not think I can place the situation before the Senate better than to read a paragraph or two from a letter I have received from Mr. Arthur Espy, the subtreasurer. He says, under date of November 17:

The functions of the Treasuries, particularly that of redemption and exchange, do not seem to me to be such that it would be wise for any private or semiprivate institution to be permitted to discharge them.

Then, referring to the local conditions, he says:

My office is located in the center of the large territory that it serves, and the business of the office has grown very much since I have been assistant treasurer.

I think he has been assistant treasurer for perhaps two years.

For instance, yesterday I made more than 50 shipments of coin in the territory bounded by the Lakes, Tuscaloosa, Ala., the eastern part of West Virginia, and Terre Haute, Ind. I can not see how any substitute system could be devised that would accomplish these services at so small a cost as the Subtreasuries can accomplish them. Appropriations for my office are only $24,830 for salaries, and about $1,000 for contingent expenses. The functions of the Subtreasuries can not be made profitable; and if the Federal reserve banks should assume them, they would certainly have to be paid a larger sum than it now costs to maintain the Subtreasuries. It is well to have the Government's gold widely distributed and in its exclusive charge. I have more than twenty millions of gold in my vaults, against which, of course, there have been issued gold certificates which are in circulation, and to-order gold certificates under the act of 1900. My business amounts to nearly $1,000,000 per day.

If the Subtreasury at Cincinnati is to be abolished, then, in my judgment, there must be some other arrangement made to accommodate the business of that section. Possibly it could be done by a branch bank, but that branch bank has not been organized. It has not yet been demonstrated that this branch bank could be conducted with more satisfaction or with less expense to the Government than the Subtreasury. I think that the Senate has done wisely by adopting the provision they have in the bill directing the Efficiency Bureau to investigate this subject and make a report. I have so much confidence in the Secretary of the Treasury, and in the Federal reserve banks, and in Mr Brown, whom the Senator from Utah quotes, that I believe that if they have an opportunity to investigate this matter they can come before the Congress of the United States with some concrete suggestions which will perhaps be to the benefit of the country financially as well as to the business world, and for this reason I am very clearly of the opinion that the amendment of the Senator from Minnesota ought not to prevail.

I realize that we sometimes like to inject a little politics into subjects of this character, and perhaps both sides of the Chamber are chargeable with that fault; but if it be pure politics, I think only one Democrat in the Subtreasury at Cincinnati would be displaced. I know the vast majority of the others, and I think all of them are Republicans. They are protected by the civil service. There has been no attempt by the Democrats to remove them; but if there had been a change of administration I think Senators on both sides will agree that there would have been an attempt to remove the subtreasurer.

Mr. REED. But not to abolish the Subtreasury.

Mr. POMERENE. But not to abolish the Subtreasury.

Of course, I do not think conditions have very materially changed in the last generation. All of these places were regarded as important and necessary to the public business during the Republican administrations. It may be that they have offended against business policy by retaining them; but if they have so offended for so many years, they ought not to object to a retention of this system for another year, until we shall have had a full opportunity to investigate and get full knowledge on the subject.

Mr. OLIVER and Mr. PHELAN addressed the Chair.

The PRESIDING OFFICER (Mr. LEWIS in the chair). The Chair begs pardon. Did the Senator from California address the Chair prior to the Senator from Pennsylvania?

Mr. PHELAN. The Senator from California first addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania realize that such is the case? The Chair does not wish to seem——

Mr. OLIVER. I addressed the Chair first, and I do realize that; but I am perfectly willing to yield to the Senator from California.

Mr. PHELAN. If that is the Senator's understanding, I shall be pleased to yield to him.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. OLIVER. I am perfectly willing to listen to the Senator from California, and I hope he will be allowed to take the floor.

The PRESIDING OFFICER. The Senator from California is now recognized.

Mr. PHELAN. Mr. President, in view of the fact that in San Francisco, Cal., there is a Subtreasury, I desire to bring such information as I have to the attention of the Senate, just as the Senator from Ohio [Mr. POMERENE] described the conditions in Cincinnati.

If the Subtreasuries were abolished, I do not know that it would be possible to transfer their functions to the Federal reserve bank, because the Federal reserve bank as I know it in California has not at the present time the facilities for doing the work of the Subtreasury. I will not advert to the fact that the Federal reserve banks are, like the national banks, private corporations, and therefore that they should not be wholly intrusted with the custody of the great reserves in coin and currency which belong to the United States; but I do know that the Federal reserve bank has no facilities whatever for the storage of coin. The Subtreasuries in all parts of the country have large storage facilities, vaults which give security; and within the last year and a half there has been erected in San Francisco a monumental Subtreasury building, costing for land and structure probably $500,000, and equipped with the best possible storage facilities. I do not know whether or not in this debate the question of storage has been raised, and yet it is one of the most important phases of this question.

I read but the day before yesterday that so large an accumulation of gold and silver had been piled up in the assay office and Subtreasury at New York that permission had been asked of the Government to transfer the major portion of it to the Philadelphia Mint for mere purposes of storage. Now, the Federal reserve banks not having facilities for storage, it would be utterly impossible, if this amendment prevailed—the amendment proposing the abolition of the Subtreasuries—for them to handle and hold the funds of the United States.

The Senator from North Carolina calls my attention to the table. In New York there is accumulated $320,000,000. In San Francisco I know there is approximately $100,000,000 in storage. The transactions there approximate $300,000,000; and, in passing, I may say that this enormous volume of business has been handled for $25,000. If the transfer were made in the interest of economy, I do not believe it would be possible for the Federal reserve banks to take care of this business of the Government at any such comparatively insignificant cost, for the reason that the Government would have to make arrangements with the Federal reserve banks in the first instance as to taking over this enormous business, and I do not believe that bankers would undertake that enormous responsibility at any such cost, because we all know that private banks pay very much more for the services of their assistants and their employees than does the Government.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Ohio?

Mr. PHELAN. I do.

Mr. POMERENE. Can the Senator inform us as to what it would probably cost the Government to furnish adequate storage facilities if this Subtreasury system were done away with and this gold were to be turned over to the Federal reserve banks?

Mr. PHELAN. I am not in possession of that information; but it stands to reason that it would cost the Government—or more properly cost the banks who are conducting that business for their stockholders for profit—a sum so large that they would have to make a very considerable charge to the Government for increasing their facilities. In the second place, it is a matter of time. It could not possibly be done, should this motion prevail, before there would be a need to make the transfer.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. PHELAN. I do.

Mr. SMOOT. There is only a certain amount of the gold in the United States Treasury that could be deposited in the banks, as suggested by the Senator, amounting to about $70,000,000. Now, does the Senator know that there is $1,740,000,000 of gold at the present time deposited in the mints and assay offices—not in the Subtreasuries, but in the mints and assay offices? You have in the San Francisco Mint, not in the Subtreasury, $357,000,000. So all that the reserve banks would be called upon to do would be to recive $70,000,000; and I do not know of a bank in all the world that does not want to receive deposits. The Federal reserve banks will not be permitted to receive the money that is in assay offices or in mints. That is not intended. That would not be the case if the Subtreasuries were abolished. But the Federal reserve banks could receive the $70,000,000 in the general fund, and that could be used just the same as any other deposits.

Mr. PHELAN. I will say in answer to the Senator that these mints, wherever they may be located—there is a mint in Philadelphia, in Denver, and in San Francisco—could doubtless be used for storage purposes; but there is a question there of divided responsibility. Should the Federal reserve banks receive $70,000,000, they would in that event have to provide increased storage facilities, let us grant; and in the second place they would have to obligate themselves to hold that money in storage. It is not true that by depositing this money, this coin, silver and gold, in the Federal reserve banks it will get into circulation—a thing highly desirable in most instances—but this money is held as a trust fund for the payment of gold and silver certificates and of greenbacks, and hence it is not desirable for the Federal reserve banks as such either to seek or to acquire it.

Mr. SMOOT. Mr. President, I know the Senator from California wants to be absolutely correct. The gold that is in the mints and the assay offices is held to redeem the gold certificates, just as the Senator says; but I was speaking of gold in the general fund. It is not held for the redemption of gold certificates. It will be deposited just the same as the Senator himself deposits money. It would be in circulation just the same as the deposits of the Senator go into circulation. I admit that the gold that is in the mints and the assay offices—the $1,740,000,000—is held for the redemption of gold certificates, and the silver that is held is held for the redemption of the silver certificates; and I called attention in my remarks to where the silver bullion was located.

Mr. PHELAN. The Senator from North Carolina [Mr. OVERMAN] calls my attention to a comment of the Secretary of the Treasury on the subject, which I will read before I quote the subtreasurer at San Francisco on the same subject. The Secretary of the Treasury says:

> The gold coin and bullion held against gold certificates, amounting at present to more than $2,000,000,000, a considerable part of which is deposited in the Subtreasuries, should not, in my opinion, be committed to the custody of any private corporations (and the Federal reserve banks are private corporations), but should be in the physical control of the Government itself. This applies with equal force to the $152,979,025 of gold reserve held against United States notes and Treasury notes of 1890 and the silver dollars held against silver certificates.

The subtreasurer at San Francisco, who, by the way, is a very competent subtreasurer, and who is the only Democrat, if I may refer to partisan politics, which has been raised here, in the Subtreasury, so far as I am advised, because the entire staff is under the civil service, has prepared a statement with his full and intimate knowledge of his own Subtreasury, in which he says——

The PRESIDING OFFICER. Will the Senator suspend until the Chair announces that, the hour of 1 o'clock having arrived the unfinished business must be laid before the Senate? It will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. The Senator from Montana is temporarily recognized for the purpose for which he rises.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the appropriation bill.

The PRESIDING OFFICER. No objection being heard by the Chair, it is so granted.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. PHELAN. I yield for the purpose of a question.

Mr. SMOOT. I ask unanimous consent that the Senate proceed with the consideration of House bill 18542.

The PRESIDING OFFICER. The Chair now lays before the Senate House bill 18542, and upon the request of the Senator from Utah for unanimous consent, there being no objection, it is so granted and the bill is before the Senate. The Senator from California is now recognized.

Mr. PHELAN. Mr. President, in the statement of the subtreasurer at San Francisco he says:

> In addition to the foregoing duties and functions of the Subtreasuries, they have the custody of a large part of the reserve and trust funds, consisting of gold coin and bullion and silver dollars deposited to secure gold and silver certificates and greenbacks; much vault space is required for the deposit of these trust funds, especially the silver dollars; the new San Francisco Subtreasury Building, which has only been completed a year and a half, cost approximately a half million of dollars, and its vaults, among the largest and best in the country, cost $130,000; besides the large amount of gold coin stored in these vaults, they contain over $25,000,000 in silver dollars, nearly all of which are held as trust funds against outstanding silver certificates.

He goes on:

> A large portion of the money in the Subtreasuries are trust funds which really do not belong to the Government and can not be used by the Government because they are held as security for the payment of gold and silver certificates and greenbacks; hence it is a fallacy to argue that this money should be put in circulation through the medium of the Federal reserve banks. Any agency that holds this trust fund must hold it as a trust fund, or, in other words, must hold it in storage.

I make the point that, inasmuch as we have not got in all parts of the country storage facilities connected with Federal reserve banks, it will be impracticable at this time to make the transfer.

I am not arguing against the abolition of Subtreasuries. Possibly there will be a way found when we receive the report of the Bureau of Efficiency, when the Secretary of the Treasury, under a resolution adopted last year by the House, makes his final report on the means by which a transfer can be made and the necessary provision made for storage and for the additional assistance; but at this time, if we put the money accumulated in such vast quantities in the hands of Federal reserve banks, there will not be sufficient facility, in the first place, nor would there be sufficient expert help, unless we took over the staff of the Subtreasuries, and there would not be fixed and bonded responsibility.

My recollection is that the subtreasurer at San Francisco receives $4,500 a year, but out of that he pays $500 to an insurance indemnity company for the enormous bond which is required of him; and instead of that office being one desirable for deserving or other Democrats, it is an office which seeks the man. Very few have the combined ability and responsibility to assume duties of that kind. In this instance I know that in seeking a man for that position who would be worthy of it there was very considerable difficulty encountered.

So there is nothing before us now but a mere business question, which is certainly not a political question, and I am sure we are united in the desire to accomplish for the Government the very best results.

It stands practically uncontradicted that the Federal reserve banks are not at this time capable of assuming the work of the Subtreasuries. In the second place, there is no demand from any part of the country that such a transfer be made, except the general demand, which is incessant all the time, to conduct the Government on business principles and with economy. There can be no economy now in making this transfer, possibly no economy at any time. It will only tend to a greater centralization if the money, as has been suggested, be transferred to Washington. The very purpose of the Federal Reserve System was to decentralize, to give to the different sections of the country facilities for doing their business without coming with hat in hand to Wall Street or with hat in hand to Washington.

On the Pacific coast we have a great territory which is served by our institutions, notably by the Subtreasury there. We have the Panama Canal, and the merchants have been accustomed, under authority of the Treasury Department, to deposit the tolls in the Subtreasury at San Francisco for the payment of their vessels passing through that waterway. That is an enormous advantage to the shipping of that port. Our port of San Francisco is a great commercial port. For transactions in the Orient it is necessary to ship gold to it and to ship gold in the course of business of full weight. The Subtreasury has served that purpose by giving full-weight gold in exchange for worn or abraised or depreciated currency or coin. We are in receipt constantly of great shipments of coin and metal from Australia.

So I think if on a fair consideration of this matter it were determined to abolish any Subtreasury, it would be necessary, on account of the peculiar character of the business of the port of San Francisco and the distance from the central Government, to maintain it there as an arm of the Treasury. The Treasury has provided for itself, as I told the Senate, a monumental building, a matter of pride to the Federal Government and the people, and in that building has installed great vaults for the storing of the coin and bullion.

I am merely making my contribution to this discussion as one having knowledge of that particular Subtreasury. I am willing, however, when the time comes and when we are advised by the Treasury Department and by the Efficiency Bureau, probably at the next session, to seek a consolidation, if such a thing were practicable, in order that there may be a decrease of cost and an increase of efficiency. But unless that can be proven, which I am disposed to doubt, so far as San Francisco is concerned, it would be futile for this body to take up a matter which would lead nowhere. There is no complaint whatever as to the administration of the Treasury Department; there is no political question involved; there is no petition either from the head of the Treasury Department or from the Federal reserve bank to make the transfer at this time.

Mr. SMITH of Maryland. To the contrary, they protest against it.

Mr. PHELAN. To the contrary, the Senator from Maryland reminds me, both the Department of the Treasury and the Federal Reserve Board have asked the National Legislature not at this time to interfere, and I submit it would be an interference with the orderly conduct of their great department to make a violent change at this time.

Mr. OLIVER. Mr. President, I have no doubt from the information which has come to me and from what I have gathered during this discussion that eventually these Subtreasuries will have to go, and in some way or other the duties now performed by them, with the possible exception of San Francisco, where the Subtreasury might be maintained on account of its great distance from the center, will be merged with the duties of the Federal reserve banks. I think this is all the more probable from the fact that in some places at least the regional Federal reserve banks maintain very expensive quarters and have a very expensive organization with very little to do, and it would be somewhat of a charity to give them additional reasons for existence by consolidating them with the Subtreasuries in the immediate neighborhood.

A Subtresury is not necessary to the existence of a place. There is no Subtreasury in the great city of Pittsburgh, where I live, and still that city and that district conduct a banking and monetary business far exceeding that of Baltimore or Cincinnati or San Francisco. On account of the great size of the pay rolls handed out week by week in that section the demand for coin and for currency is greater there than it is in almost any other city in the country.

But, Mr. President, I think that before we tear down this old system we ought to have something in view with regard to building up the new, and as there is nothing proposed except the mere abolition of these Subtreasuries now the duty would be cast upon the Treasury Department to legislate to a certain extent with regard to the method of transferring their duties.

The Bureau of Efficiency is at work upon this very question, and inasmuch as they are now in existence and going along doing the work, and doing the work at a very reasonable cost, I think Congress ought to be rather slow about abolishing them and should give the Bureau of Efficiency a chance to recommend a system upon which the substitution can be made.

I therefore am opposed to the amendment offered by the Senator from Minnesota [Mr. NELSON] and will vote for the continuance of these institutions for the present at least.

Mr. SMITH of Maryland. Mr. President, I think it probably entirely unnecessary that I should have anything to say upon this subject after listening to the lucid explanation of the Senators who have preceded me, who have shown most conclusively the fact that it is unwise at this time to abolish the Subtreasuries of the United States; but inasmuch as the city of Baltimore was involved in the doing away with the Subtreasury of that city I feel that I want to say a few words in regard to Baltimore City.

This matter was brought up in the House and the Subtreasury of Baltimore City was abolished by the House committee without any knowledge whatever on the part of the representatives of Baltimore City. After learning that such had been the case a committee came from Baltimore in order that they might be heard. I attended that meeting. I attended the hearings with the gentlemen who went before the committee of the House and it was proven most conclusively to that committee that they had done wrong in abolishing the Subtreasury at Baltimore, and, as we are all aware, it was put back.

Now, the argument used here is that they are seeking to abolish the Subtreasuries in order to save money. So far as

the report of the Secretary of the Treasury of the United States and so far as recommendations and the report of the reserve banks are concerned, I have come to the conclusion that there will be very little money saved.

Mr. President, aside from saving money it seems to me the convenience of the people of the United States should be considered to some extent. So far as Baltimore City is concerned, we felt that we were entitled to a reserve bank in Baltimore City. We were unfortunate and it was not given to us.

Owing to our inability to secure a reserve bank we are obliged to fall back upon the Subtreasury in order to conduct the business of Baltimore. There is over $200,000,000 worth of business done through the Subtreasury. In the statement by the bankers and business men of Baltimore before the committee, men in whom I have the utmost confidence and who would not make a misstatement, it was stated that if the Subtreasury was abolished in Baltimore City the expense to the business people and bankers of Baltimore City would amount to over $200,000.

Now, it does seem to me that we should not take this action in view of the fact that the Secretary of the Treasury of the United States and the Federal Reserve Board have protested against the abolishment of these Subtreasuries, in view of the fact that they have stated that there would be very little saving if they were abolished, in view of the fact that the convenience to the people of the United States would be very greatly interfered with. I will state to my friend, the Senator from Minnesota, for whom I have the highest regard, when he says that it is a political matter, that so far as Baltimore is concerned, I think that every man in the Subtreasury is a Republican but one. Therefore no such purpose as that can be accomplished. I think he was mistaken entirely in his statement. I think from what the Senator from Illinois stated that such is not the case with a majority of the employees.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. SMITH of Maryland. I do.

Mr. NELSON. I want to say to the Senator I am very sorry I injected that matter into the debate. It came from the fact that I thought the Senator from North Carolina took an unusual and undue and untenable course in the matter. He rather provoked me into saying what I ought not to have said. Senators who have served with me here for many years know that in matters of legislation I have as a rule never been actuated by a partisan spirit.

Mr. SMITH of Maryland. I do not believe——

Mr. NELSON. I want to say further, if he will permit me——

Mr. SMITH of Maryland. That is all right.

Mr. NELSON. I think myself that under present circumstances an exception should be made in respect to Baltimore and Cincinnati. It was my original purpose to offer the amendment in that form, but I thought perhaps that could be adjusted in conference. But I take it that the other side of the Chamber will be unanimous in voting down this proposition, so that it will not go to conference. If it could possibly pass and the matter go to conference, I should be very glad if an exception was made for the time being in favor of Baltimore and Cincinnati. I realize how both cities feel; that they feel they were slighted and discriminated against by the Federal Reserve Board.

Mr. SMITH of Maryland. I will say to the Senator from Minnesota there is no man in this body for whom I have a higher regard, and I am sure he would not have any political reason for the abolishment of the Subtreasury if he thought it was an improper thing to do, and I recognize that was not his intention.

Mr. NELSON. If the Senator will allow me a word further, when I first took up this matter and made my first remarks on the subject and afterwards until I was somewhat provoked by the remarks of the Senator from North Carolina the thought of politics never entered into my head. I never had the least idea of looking at it from that standpoint.

Mr. SMITH of Maryland. Now, Mr. President, in regard to this matter it does seem to me that a matter of so great importance, that affects so many people throughout the country, that brings about so much convenience to so many citizens, it would be a most improper thing to take this action without due consideration and in the face of the protests of the Secretary of the Treasury, in face of the protests of the Federal Reserve Board, in face of the fact that there will be very little money saved, in face of the fact that there is in the bill to-day an efficiency commission provided for that has been authorized to investigate this matter and see whereby if it shall be abolished the machinery shall be instituted to replace the work that is being done now by the Subtreasuries.

I do hope that the motion of the Senator from Minnesota will not prevail.

Mr. OVERMAN. Mr. President, there are seven Democrats on the floor and but six of the minority party. I do not think we ought to legislate with so small a number on the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Me.	Norris	Smith, Ga.
Beckham	Jones	Overman	Smith, Md.
Bryan	Kenyon	Page	Smith, S. C.
Catron	Kern	Phelan	Smoot
Chamberlain	Lane	Pittman	Thomas
Dillingham	Lee, Md.	Pomerene	Wadsworth
Fletcher	Lewis	Ransdell	Walsh
Gallinger	Lippitt	Saulsbury	Warren
Gronna	McLean	Shafroth	Watson
Husting	Martine, N. J.	Sheppard	Weeks
James	Nelson	Sherman	Works

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is not present. The Secretary will call the roll of the absentees.

The Secretary called the names of absent Senators, and Mr. FERNALD, Mr. STERLING, Mr. LODGE, Mr. FALL, Mr. CLAPP, Mr. HUGHES, Mr. CUMMINS, and Mr. BANKHEAD answered to their names when called.

The PRESIDING OFFICER. Fifty-two Senators have responded to their names. A quorum is present.

Mr. WEEKS. Mr. President, I am not in the habit of basing my action in opposing or favoring legislation which has to do with public matters which are located in Massachusetts, on the fact that they are located there. Although I think there is a great deal of sound reason and sense in the statement which has been made by the Senator from Minnesota [Mr. NELSON] relating to the Subtreasuries, I am convinced that Senators do not understand all the details of the work which is done by the Subtreasuries, and I am confident that there must be legislation passed which will enable the Federal reserve banks in cities where Subtreasuries are located to take over the functions which are now performed by the Subtreasuries. I have no doubt that an investigation, when it is made, will show that very many of the activities of the Subtreasury may be dispensed with, if they may not be entirely abolished. I hope such an investigation will be made, if this motion does not prevail; but it does seem to me that we ought to know more about the question than is contained in the information which has been thus far furnished to the Senate. Therefore I am opposed to action being taken at this time. Next winter I shall take a different position if the testimony which will be presented at that time convinces me that the Subtreasuries are no longer necessary.

Mr. LEE of Maryland. Mr. President, the Senator from Minnesota [Mr. NELSON] has very generously conceded that it was a mistake to consider this matter from a partisan standpoint. In view of that concession, I should like to call his attention and the attention of others here to-day to another general, broad consideration that applies to this proposition to abolish the Subtreasuries throughout the country.

Mr. President, the Subtreasuries are the direct fiscal agents of the United States Treasury throughout the land. Looking at the matter broadly, I can not help thinking that it is in the interest of the country to have these agents for this financial distribution, themselves holding Government cash, throughout the country in addition to the Federal reserve banks, because these agencies are direct agencies, subject to the direct policy of the Treasury Department. There is no board of directors, there are no stockholders with any kind of financial interest or policy that can intervene or affect or retard the action of the Subtreasury performing its functions under the orders of the Treasurer of the United States. Therefore, looking at this matter broadly, instead of abolishing these Subtreasuries I think every one of them should be preserved, and where necessary transferred to the cities of next size and importance so as to give to such cities the financial advantages which the functions of the Subtreasuries give wherever they may be located.

We have had rather a peculiar situation in Baltimore, the seventh city in the United States in size. Right down the line you may say the Federal reserve banks were given to the cities in proportion to their size and financial importance; but when it came to Baltimore there was a jump—a jump to the thirty-fifth city in the United States—namely, Richmond. Under

other circumstances, if we had had a Federal reserve bank in Baltimore, we would not have been able to have our bankers come to Washington and tell the committee of the House how important the Subtreasury was. They would have simply said, "Go ahead; we will transact this business through the Federal reserve bank."

I have no objection, Mr. President, to giving Federal reserve banks, wherever they may be located, powers similar to those that the Subtreasuries now exercise, but I do say that, in addition to the Federal reserve banks, the Subtreasuries should be preserved and should be further distributed throughout the country.

In the hearing we had before the House Committee on Appropriations when it was proposed to single out Baltimore and, in addition to the disadvantage of not having given her a Federal reserve bank, to which she was entitled in view of her size, business, and the volume of the financial transactions of our great Maryland city, it was proposed to take away the subtreasuryship also. Under such circumstances, Mr. President, we had quite a rally of our bankers. They came over here and told the House committee that the expenditure of $40,000, which the Government makes in Baltimore to maintain the subtreasurer's office, saves the city a direct outlay, in the opinion of those bankers, $200,000 a year just as a cash cost, and that the advantage to Baltimore in other ways was very large, and not a matter of dollars and cents. I want to read very briefly, in conclusion, from the testimony of Mr. Ingle, who is the president of the Baltimore Trust Co., and who, as a banking man, would naturally lean to putting this power in the hands of a Federal reserve bank, if there were one in Baltimore; but there being none in Baltimore, he states very clearly how important this Subtreasury is to that city. Mr. Ingle says:

> We find in having no reserve bank but in having a Subtreasury we are greatly convenienced for the very reasons I have told you about. We have not only all these little currency exchanges and nickels and smaller currency cared for immediately on the premises; but we are a community of 700,000 people, and as a part of the population of the United States entitled to some little measure of consideration in the expense undertaken by the Government on behalf of the people as a whole; and that expense, mark you, is $40,000 in serving a community of 700,000 people. But, as a banking proposition, as a matter of convenience, we put our money down there and get the certificates of the Subtreasury which we use as clearing-house funds, in $10,000 certificates. We make all of our 5 per cent deposits in there in cash from day to day, deposits in the redemption of circulating notes, all the deposits for transfer of funds, and so on. That represents deposits made in cities like Norfolk or wherever there is a collector of internal revenue or what not, and where they want to transfer funds in any particular direction they will ask us to make the deposit for them; and I could give you a whole lot of reasons, most important to those immediately in touch, why we should not be deprived of this very small look-in on the beneficence of the Government.

Continuing, at another place, he said:

> That is only one instance of many other facilities which it furnishes the banks, and through the banks the community at large. As Mr. Homer—

The president of the Baltimore Clearing House—

> said, there is a great demand there for nickels. Baltimore is the seat of the principal packing industry in the country—I believe that is not an overstatement—in fruits and vegetables and oysters, and such matters as that. They will go to the Subtreasury and get $1,000 worth of nickels instead of having little tin tags, and so on, to pay a man every time he shucks a quart of oysters, and every time he shucks out a quart of oysters they pass him out a nickel. Now, as you say, that oyster packer could go to Mr. Homer's bank and ask for $500 worth of nickels, and Mr. Homer could go to the Subtreasury and get the nickels and pass them over to his customer; but it all comes from the Subtreasury. Our subtreasurer is altogether indifferent as to whether he pays it to Mr. Homer's messenger or to the messenger of the packer, but it saves the labor of one man in the premises to get them direct. Take the railway system of Baltimore. They deal directly, not because the banks unloaded it on the Government, but that is a very large corporation. It handles a very large quantity of small change of one kind and another. Ordinarily, it would have to go to the bank, and the bank would probably count it and it would go to the Subtreasury and be counted again. Under the practice of the Treasurer's office many large enterprises of that sort deal with the Subtreasury, and it is a very great convenience indeed.

Mr. President, there is one other feature about which I want to speak in connection with which, it has always seemed to me, the functions of the Subtreasury should be enlarged rather than decreased. I refer to the question of the sanitary cleanliness of money. I believe that the insanitary condition of the circulating medium in this country should be changed, as far as possible, and that one of the present functions of the Subtreasuries all over the country should be increased and additional power and facility given the public for keeping money clean from a sanitary standpoint. One of the great changes of the future, as science further fights disease, will be added care and expenditure by the National Government, especially in the great cities, to prevent the currency from circulating contagion. Under those circumstances, and viewing the question either as a financial proposition or as a health proposition, the Subtreasuries should not be abolished, but, on the contrary, they should be more wisely distributed and their functions should be increased.

Mr. POMERENE. Mr. President, in view of the statement made by the Senator from Minnesota [Mr. NELSON], I desire to add to the debate just a word. Since the statement was made that the Subtreasuries were maintained because of political conditions, it will be interesting to know what the real facts are. I have since inquired of one of the Congressmen from the Cincinnati district, and I find that the office force of the Subtreasury in Cincinnati consists of the assistant treasurer and 16 subordinates. The assistant treasurer is a Democrat; the 16 subordinates are all Republicans; and I dare say that those 16 Republicans are safer under a Democratic chief than 16 Democrats would be under a Republican chief.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

Mr. NELSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the Senator from Oklahoma [Mr. OWEN], but I understand that if present he would vote as I intend to vote. Therefore I feel at liberty to vote and vote "nay."

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I feel constrained to withhold my vote.

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I understand that if present he would vote as I propose to vote. Therefore I record my vote "nay."

Mr. GALLINGER (when his name was called). I have a pair with the senior Senator from New York [Mr. O'GORMAN], but I am privileged to vote on this bill, and I vote "nay."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness, and I am paired with him for the day. Therefore I withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WADSWORTH (when his name was called). I inquire if the junior Senator from New Hampshire [Mr. HOLLIS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. WADSWORTH. I have a pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. SMITH of South Carolina (after having voted in the negative). I desire to ask if the senior Senator from South Dakota [Mr. STERLING] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SMITH of South Carolina. I have a general pair with that Senator, which I transfer to the junior Senator from Arkansas [Mr. KIRBY] and will let my vote stand.

Mr. CLARK (after having voted in the affirmative). I have a general pair with the senior Senator from Missouri [Mr. STONE], who, I understand, is absent from the city. I therefore withdraw my vote.

Mr. REED. I desire to say that my colleague [Mr. STONE] has been called from the city on some important matters, and that it is absolutely impossible for him to be here.

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withhold my vote.

The result was announced—yeas 15, nays 45, as follows:

YEAS—15.

Borah	Gronna	Nelson	Sutherland
Brandegee	Kenyon	Norris	Watson
Cummins	Lippitt	Poindexter	Works
Curtis	McCumber	Smoot	

NAYS—45.

Ashurst	Dillingham	Johnson, Me.	Myers
Bankhead	Fall	Kern	Oliver
Beckham	Fletcher	Lane	Overman
Broussard	Gallinger	Lee, Md.	Page
Bryan	Hardwick	Lewis	Phelan
Catron	Hughes	Lodge	Pittman
Chamberlain	Husting	McLean	Pomerene
Culberson	James	Martine, N. J.	Ransdell

Reed	Sherman	Thomas	Weeks
Saulsbury	Smith, Ga.	Thompson	
Shafroth	Smith, Md.	Walsh	
Sheppard	Smith, S. C.	Warren	

NOT VOTING—36.

Brady	Harding	Newlands	Sterling
Chilton	Hitchcock	O'Gorman	Stone
Clapp	Hollis	Owen	Swanson
Clark	Johnson, S. Dak.	Penrose	Tillman
Colt	Jones	Robinson	Townsend
du Pont	Kirby	Shields	Underwood
Fernald	La Follette	Simmons	Vardaman
Goff	Lea, Tenn.	Smith, Ariz.	Wadsworth
Gore	Martin, Va.	Smith, Mich.	Williams

So Mr. NELSON'S amendment was rejected.

Mr. CHAMBERLAIN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 2, page 103, it is proposed to insert the following proviso:

Provided, That no part of the appropriations made for the Bureau of Education, whether for salaries or expenses or any other purpose connected therewith, shall be used in connection with any money contributed or tendered by the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies; nor shall the Bureau of Education receive any moneys for salaries or any other purpose for the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies, except by act of Congress authorizing the same. Any person violating any or either of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or by imprisonment for not less than six months, or by both such fine and imprisonment, as the court may determine.

Mr. CHAMBERLAIN. Mr. President, my reason for presenting this amendment to the pending bill is because of the activities that have been indulged in through the Bureau of Education by agencies which seem to me to be inimical to the education of the youth of this country. A little over a year ago I introduced, and there was passed through the Senate, a resolution calling upon the secretaries of the different executive departments for information showing what funds were contributed by either the Rockefeller Foundation or the Carnegie Foundation to the activities of the several bureaus of this Government. There was a reply from each one of the departments—from the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of the Interior; in fact, from all the departments of the Government—and the reply in every case in answer to that resolution was, in substance, that there were no moneys being received from either the Carnegie Foundation or the Rockefeller Foundation for the work of those several departments or their bureaus.

Now, that reply from the Bureau of Education was measurably true. It stated a part of the truth, but it did not state all of the truth. Acting upon information that I have since received, I find that while it may be true that there is no money being received from either of these foundations directly, yet moneys are being paid in the way of salaries to individuals who are in the employ of these different corporate agencies, and they are at the same time nominally employees of the Government of the United States, because they are also on the pay roll of the United States at salaries of $1 per annum. In other words, the main salaries are paid by those who I claim ought not to have anything to do with the education of the children of this country. I know not from whence the money comes for these different salaries.

When my attention was directed to the fact that that resolution stated the truth only in part, I prepared another resolution, more searching and direct in its terms, and it, too, was passed by the Senate. A reply has just come from the Bureau of Education, to which the request was alone directed this time. The reply, Mr. President, shows a condition of things that this Government ought to crush now and put an end to methods that ought to be followed only by the Government of the United States. If any individual or corporation wants to contribute money to the Bureau of Education or to the Agricultural Department, or to any other department of the Government, there is no reason in the world why the consent of Congress should not be received as a condition precedent to the acceptance of these or any other gifts.

I presume the attention of the Senate has not been called to the report that just came in. It has been printed by the Appropriations Committee, to whom the report was referred.

Mr. OVERMAN. When was it referred to the Appropriations Committee?

Mr. CHAMBERLAIN. It was referred to the Committee on Appropriations on the 19th of January. Probably it ought to have gone to the Committee on Education and Labor, but it went to the Appropriations Committee.

It will appear from this report, Mr. President, that there are innumerable persons on the pay roll of the Bureau of Education acting in different capacities where the salaries paid by the Government of the United States are $1 per annum and where the salaries paid by outside agencies run up as high as six, eight, and ten thousand dollars per annum.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. CHAMBERLAIN. I yield.

Mr. OVERMAN. I should like to know, if the Senator can furnish me the information, why a man getting $10,000 is put on the Government pay roll at $1. Can the Senator give me any information as to that?

Mr. CHAMBERLAIN. Mr. President, I am frank to say that I have not had the opportunity to give the subject the investigation to which it is entitled since the report came in, because I have been engaged all the time with the Military Affairs Committee; but my own impression is that the persons named in the report have, to some extent, the benefit of the franking laws through the Bureau of Education.

Let me illustrate what might well happen: Some great educator of this country, who may be ever so highly respected by our people, writes a thesis on some great educational subject that may be very near to the hearts of the American people, and yet he has no way of getting it before the people except as he may be able to pay to get his literature distributed, or in so far as he may be able to get the press to publish it; and yet one of these pets of the Bureau of Education, Mr. President, may get his answer to it, or his own view, before the American people through the franking privilege. This may not be done directly, but ways may be and are devised to accomplish it, as I shall hereafter show.

Mr. SMOOT and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I do.

Mr. SMOOT. I can not see how that can possibly be done—I mean, under the law now existing. There is no franking privilege granted to any individual in a bureau or a department, and the only things that can be distributed under the franking privilege are governmental documents, Senate documents, or House documents. Of course if they were made Senate documents or House documents or governmental documents, then of course they could go through the mails free; but in order to do that of course they would have to have the head of the bureau or the head of the department have them printed as department documents.

Mr. CHAMBERLAIN. I am going to call your attention now to what has already developed in connection with this matter, in answer to the Senator from North Carolina and the suggestion of the Senator from Utah.

Mr. SMOOT. I do not say that it is not done. I am only saying to the Senator that the only way that I can see how it could be done is as I have suggested. I do not say that is has not been done in that way.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I do.

Mr. JONES. I was just going to suggest that they take that means of making it a public document or an official document of the bureau, and it not only goes out, possibly, under the Government frank, but also with the apparent stamp of approval of the Government.

Mr. CHAMBERLAIN. Yes; it goes out from a Federal bureau.

Mr. SMOOT. Then of course the department itself assumes that it is a Government document, and has it printed as such.

Mr. CHAMBERLAIN. Yes, sir.

When I introduced this resolution I began to get letters from all over this country in reference to it and commending my course. I received this morning a letter from an educational institution at River Falls, Wis., as to the methods that were being adopted to corrupt or change the educational methods in vogue, and that have been in vogue for a good many years, and directing them along channels that they ought not to go. Amongst other gentlemen who have written me letters on this subject is Mr. William H. Allen, director of the Institute for

Public Service, City Hall Square, 51 Chambers Street, New York City.

As soon as this resolution was introduced he took up the matter with me. I do not know what relation he may have to any other institution so far as this subject is concerned, and I do not care, but I wrote to him and I wanted to know more, and I am apologizing to the Senate because I have not had time to get to the bottom of this thing. I received a letter from him on the 18th—that was the day before this report was referred to the Committee on Appropriations, and the letter was written before the report was printed—and I take the liberty of reading his reply to the Senate, in order to call the attention of the Senator from Utah to this matter. Mr. Allen has had experience in work of this kind, and I am indebted to him for the information which his letter gives and for the suggestions he makes. He says amongst other things:

Very many thanks for your letter of January 12 referring to the resolution introduced by you re foundations and asking for information which I may have with respect to Rockefeller and Carnegie foundations, etc.

May I first make a suggestion or two with regard to the resolution itself, namely, that when reviewing the information furnished by the Department of the Interior you have in mind:

1. The franking privileges given to a number of agencies or individuals, as, for example, Prof. Judd, of the University of Chicago—

Now, nobody will ever charge that institution with being entirely free from the Rockefeller influence—

ostensibly to conduct an investigation for the United States Bureau of Education. This has meant in several instances not merely that private individuals have sent out questionnaires without postage cost, but that their reports have been issued by the bureau at public expense, and—which is more important—in the name of the bureau.

So that you see pamphlets and documents eminating from the Chicago University go out with the stamp of approval, as the Senator from Washington says, of the Government on them. That is not right. It ought to be stopped, and it will be when the people understand it.

Mr. OVERMAN. With the Government frank?

Mr. CHAMBERLAIN. Yes. I am not questioning the integrity of its methods at all. I do not know anything about it; but in the very nature of things no single educational institution in this country ought to be permitted to send out its views with the stamp of approval of the Government of the United States when there are so many other institutions that might not approve of them at all.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I do.

Mr. SMOOT. In order that it shall be printed as a departmental document it must of necessity carry with it the indorsement of the department, or else it would not be a departmental document.

Mr. CHAMBERLAIN. That is just what I am complaining of—that whenever these pets of the Chief of the Bureau of Education come to him with a document, he can easily find a way to make it a Government publication and give it the franking privilege, whereas some man who happened not to be so well favored by the bureau might knock at the door until doomsday and not have his document receive any governmental recognition, so that it, too, could go out.

Mr. SMOOT. Do I understand the Senator to assume, at least, if not to claim, that these men who receive $1 per annum compensation from the department are the pets of the department?

Mr. CHAMBERLAIN. Some of them; yes. I make that charge here and now.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I do.

Mr. WORKS. Is it not to be presumed that they all are?

Mr. CHAMBERLAIN. Yes; it is to be presumed that they all are.

Mr. WORKS. I am a little in doubt, however, whether this——

Mr. CHAMBERLAIN. If the Senator is going to call attention to the amendment itself, will he not wait until I get rid of this matter? Then I shall be glad to have any suggestions made with reference to the amendment. My purpose is to cut out these private activities, and to let the Government itself control the education of the youth of this country in its own way.

Secondly, Mr. Allen calls my attention to matters that I ought to consider and that the Senate ought to consider. He says further:

2. Persons whose salaries are paid from private funds, and whose work is really that of private agencies, have been attached to the United States Bureau, written letters in its name, etc. Personally, I believe this is an excellent thing, provided there is supervision by the bureau, which will prevent its being exploited.

Mr. OVERMAN. Mr. President, I should like to inquire if the Senator knows whether the stationery that they use is furnished to these people by the Government? The stationery bills at this time are very large, and we have had to increase the appropriations for that purpose to a certain extent. Can the Senator tell me whether or not stationery is furnished these officers who get $1 per annum from the Government?

Mr. CHAMBERLAIN. I do not know about that. I would not undertake to say. If I were to be permitted to express my personal opinion about this matter, I would say that the whole bureau and its methods ought to be investigated by the Congress of the United States. I think the people of this country ought to know, just as they did in the case of the Agricultural Department, just where these activities come from and who is putting up the money. The Government of the United States is big enough and able to put up all the money necessary to educate the children or to direct the educational institutions as the people may see fit.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I do.

Mr. JONES. Does the report that the Senator has set out the names of the persons and the institutions from which their compensation really comes?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. I wondered about that, because I had printed in the RECORD of the last session, at page 12028, a compilation that I got from the Department of Education which showed that there were 144 of these special officers.

Mr. CHAMBERLAIN. I was not advised of that. I wish I had seen it.

Mr. JONES. This matter was called to my attention, and I wrote to all the departments of the Government asking them to send to me the number and list of names of those who were in their employ at nominal salaries, the balance of their compensation being paid by some one else. That is printed beginning at page 12027 of the RECORD of last session; and under the report of the Bureau of Education they give a list comprising 144 names, giving the names of the individuals and the agency that pays the real salary to them. I did not know whether this report furnished that or not.

Mr. CHAMBERLAIN. I think it does. I think it furnishes the whole business. I have not read it, but I shall ask to have it printed in the RECORD as a part of my remarks.

Let me say here that Mr. Allen had to do, if I mistake not, with the Industrial Commission, and investigated this branch of the subject. I have not had an opportunity to look into it, but I think the Senate will find that there is published in that some of the results of his investigation.

Mr. Allen says:

3. Another kind of service which can do much injury is free service by persons who have influence with the commissioner and who write opinions about educational work for incorporation in the commissioner's report.

Now, note this. This is a reputable man, I assume. I do not know him personally:

Last year I protested against one such case because an admirable piece of work which was nearly 100 per cent successful for eight normal schools in Wisconsin was disparagingly and almost casually disposed of by the United States commissioner, who partially shifted the responsibility by saying it was the opinion of Prof. Judd, of the University of Chicago.

The same professor who has the benefit of the franking privilege in order to send out his effusions to the people of this country. What show has an individual as against such influence as that—a man who is paid $6,000 a year, and the Government pays him one dollar.

Mr. POINDEXTER. One dollar a year?

Mr. CHAMBERLAIN. Yes, sir; one dollar a year.

Mr. WADSWORTH. What is the purpose of that one dollar?

Mr. CHAMBERLAIN. I suppose it is to give them standing as officials of the Government. I do not know what else it is given for. I want to call attention to the fact that this subject was gone into here a year or two ago in reference to the Agricultural Department. Here was this great branch of the public service honeycombed with these same influences that I am complaining about now. Congress very promptly took the matter in hand, the Senate will remember, and fixed it so that they could not do it unless they did it in some underhand way. To avoid the suggestion which came to us at that time that these particular foundations were doing the work, they have now split up into little subsidiary corporations and are

operating in other ways, so that the original foundations do not appear to be doing the work.

I call attention here to this further remark of Mr. Allen:

Certain influences have been able to get free publication for doctors' theses and speeches. For instance, the United States bureau spent public funds to circulate broadcast a criticism of Charles W. Eliot, which was also circulated broadcast by the General Education Board as one of its occasional papers.

Is that a square deal for an eminent man like Dr. Eliot? He may differ with us all very radically in his theories of education and civic government and everything else; but we ought not to let an individual come in and at the expense of the Government circulate an answer to Dr. Eliot's suggestions published by him as a private citizen. Put them on the same footing. I have no objection to that. If President Judd or anyone else wants to criticize and analyze Dr. Eliot's views, however, he ought not to be permitted to do it as a Federal agent and in what purports to be a document issued under a bureau of this Government.

A great deal of literature is still current—

Says Mr. Allen—

that never ought to have been printed by the United States bureau and ought now to be scrapped; but it is notorious in school circles that a little clique of schoolmen can get anything printed by themselves or protegés which they will offer.

4. Another kind of influence which is perhaps even more serious is the influence of foundations which keeps the United States bureau from protesting against work that is shoddy and unfair. The Maryland survey of last year will, I fear, be highly commended in the next annual report of the commissioner. It has seldom been equaled for shoddy work. Partly because of foundation influence and partly because the United States bureau is living in a glass house. On surveys it is hamstrung when it comes to telling the truth about foundation surveys.

Whether there is any merit in that or not, I do not know. I do not pretend to draw any conclusions with reference to these various contentions; but what I am complaining of is that it is possible to do these things under a governmental bureau.

Mr. President, I shall not take time to read the whole letter, but in connection with the letter I am going to ask to have printed as a part of my remarks the "Memorandum re Rockefeller and Carnegie Foundations" furnished me by Mr. Allen. Inquiries brought forth the following facts from the foundations themselves.

Mr. OVERMAN. Why not read it?

Mr. CHAMBERLAIN. I think it ought to be read, but I dislike to take the time of the Senate to do so.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

[Memorandum re Rockefeller and Carnegie Foundations.]

INQUIRIES BROUGHT FORTH THE FOLLOWING FACTS FROM THE FOUNDATIONS THEMSELVES.

Professors of secondary education have been furnished southern universities—and the same men furnished State departments of education for supervising secondary schools "on the sole condition that the man selected shall be acceptable to us." One case with regard to which a copy of the letter was sent us from the files by the General Education Board is that of the University of Virginia. It was testified, however, that in most instances these men were looked over by the General Education Board. In the case of the States of Maine and New Hampshire a similar condition was made with respect to demonstration work by the Secretary of the Interior.

Other employees have been furnished to State departments of education in the South for elementary inspectors and negro school inspectors. Regarding this different opinions have been written us by southern educators, some of whom felt it restricted the freedom of public officers. Others felt that it had greatly strengthened State work. A western superintendent was offered some help from another private source, investigated among southern colleagues, and decided it would be better to do without the help than to suffer the restrictions that several superintendents reported.

The secretary of the General Education Board stated that he had found it necessary to refuse to settle questions for beneficiaries, i. e., to refuse the crown they wanted to give. In other words, the power of a great foundation is proportionate not to its money or to its giving but to our willingness to bend the knee for money.

The State of Maryland accepted a survey report from the General Education Board which would have been ridiculed and rejected if written by John Smith; in fact, much better summaries of the conditions in Maryland already existed in State records before the General Education Board gained prestige by doing that work. After the report was in a State-wide campaign was conducted that made it all anybody's life was worth to raise a question about the proposition. Then the New York newspapers and others throughout the country were flooded with statements that the survey report had been adopted with untold benefits, etc. Incidentally, among the reasons cited for passing the bill was that the new bill did not interfere with child labor of children 13 years old.

The rich State of Minnesota has been receiving funds from the General Education Board for studying certain phases of teacher-training work. Its university president has been a member of the General Education Board and is soon to come to the Rockefeller Foundation.

The Gary system is being investigated by the General Education Board under conditions which merit investigation. It is generally understood in educational circles that Prof. Cubberly, of California, who was first announced as secretary of the survey, found it necessary to retire because an assistant secretary of the General Education Board was to edit the findings of experts.

If the same kind of a report is made for the Gary system as is made for Maryland, the net result will cost this country hundreds of millions of dollars.

The overwhelming majority of influence in the board of education is exerted by a General Education Board member and paid officer. He circulated petitions, signed chiefly by other foundation members, which introduced a factional fight in the New York school board against an officer who was unanimously elected six months before. He and a paid employee of the Rockefeller Foundation and a principal officer of the Rockefeller Institute for Governmental Research buttonholed board members and fairly intimidated the town into a new presidency and a new policy. As everywhere else, the seriousness of the situation is not in the thing done but in the fact that newspapers, charitable societies, churches, and educators fall in line and applaud.

We think of picking a man as president who is persona non grata to the Rockefellers. So far as possible, they try to pick a man known to be persona particima. How could the situation be anything else, with the whole South under pension from the General Education Board and with lightning apt to strike any private college?

The Rockefeller publicity is very skilled. It announced its intention to give money conditionally. It keeps on announcing its intention until the college earns the money; it then announces that the college has earned the money. A few months later it announces the fact that the college was amongst the many that received money, and finally it announces it every year thereafter and carries the cumulative total, so that the same dollar given away or pledged is published as a new fact year after year. Since we called attention to this last year the publicity distinguishes former gifts from current gifts, but in such a way that most papers print the cumulative total first, and the public forgets the classifications. This same publicity credits Mr. Rockefeller not only with the amounts not given but with the amounts pledged and with the total toward which Rockefeller gifts are pledged. Thus, two years ago this month the General Education Board had headlines through the country "$119,000,000 given for education," and these headlines were supplied on its own releases. One of its secretaries repeated this in a national magazine. The fact was, up to that time it actually parted with $10,000,000, of which less than $6,000,000 had gone for other than colleges founded by Mr. Rockefeller.

In the summary of the General Education Board, 1902–1914, appeared numerous misstatements about its relation to the Department of Agriculture, e. g., that it had given money for the Department of Agriculture because the law did not permit the national authorities to spend money for such purposes. This was contrary to fact, because the department did have the right and did spend the money. In other words, would an investigation show that the General Education Board kept on spending money for farm demonstration work when the Government ought to have done it without its aid, because of the tremendous asset it would prove to the General Education Board to have all of the work in the South credited to the foundation?

A pathetically small amount of information was found at the offices of the General Education Board, which was not equipped to understand the great educational problems it was settling by its gifts of money. The financial and executive control of the foundation was on the part of a small group which had filled up the places vacated by men of national standing, who were first appointed to the General Education Board.

It was not customary for the executive committee to send information to the full board. For instance, the board never saw the summary of its first 13 years until the day when it finally approved the report as written and drafted resolutions commending this report as being scholarly, etc. Although it was stated that the executive board made no recommendations, the records showed that the group at headquarters practically determined the recommendations and allowances of the big-name members who have posed before the country as giving a great deal of time to these educational studies.

Incidentally, although established in the hope of making it a clearing house for givers to education, it was stated that no one else had left money in bequest to the General Education Board and that would-be testators had not sought information.

As to the Rockefeller Foundation, with its one hundred and odd million dollars, it is extensibly not going in for education. It has, however, decided to go in for medical education, with its large gift to Chicago. An investigation two years ago shows:

First. The foundation had only three or four clerks to spend $100,000,000.

Second. Whereas it had promised if given a national charter to keep a clearing house for information, it had actually forgotten all about the promise and the plan.

Third. The former dean of Columbia Law School declared that the Rockefeller charter was illegal because it did not agree with the constitutional requirement that the title state its purpose. The opinion was further expressed that two of its members, ex-President Eliot and Mr. Hepburn, had not been legally elected.

It was brought out clearly that there was nothing under the sun the foundation could not do under its present charter. There is no provision in its charter for public service.

Use of the union label was objected to by the secretary, and a charitable society therefore dropped the label.

One important interference with educational method by Rockefeller and General Education Board is well known, namely, a change of the municipal research program in New York and throughout the country. Certain public-school men wanted to get the scalp of a municipal research director. They got a General Education Board employee. He made a report which contained a number of charges against the educational methods of this New York bureau of municipal research. These charges the bureau's board, consisting of men like Robert Fulton Cutting, G. W. Wickersham, A. Shaw, V. Morawetz, declared and proved unsound, untrue, and biased. While the report was being read aloud by the thoroughgoing gentleman, Mr. Rockefeller, jr., telephoned to ask two officers of the bureau of municipal research to meet him at lunch. It was debated whether or not to even go to see him. A lunch meeting was held. Mr. Rockefeller offered $10,000 a year for five years, and later $20,000 a year, if the bureau of municipal research would discontinue the educational work in which its trustees declared their belief in answering charges by the General Education Board employee. Instead of resenting the offer, and instead of refusing to consider it until the General Education Board gave evidence that its report was unfair, the bureau of municipal research slunk away, and to this day has never had any acknowledgment of its proof that it has been blakguarded by the General Education Board. It accepted the money, and its whole program for citizen activity and for educating men for public service changed. As a direct offspring of this relation was the contention of the acting director of the bureau at the recent Springfield convention,

that when public officers are in sympathy with a civic body it should publish no facts that would lead the public to criticize or to condemn.

Like the General Education Board, the Rockefeller Foundation is in no real sense a foundation, as the complete control of it is in the hands of a small group in Mr. Rockefeller's personal office. Incidentally, the publicity work for all the Rockefeller Foundation is done by a publicity man, Mr. Ivy Lee, who has no official relation to these foundations and whose publicity work is not submitted to the trustees before going to the publisher.

As to the Carnegie Foundations, there are several which affect college independence. "The gratitude which is a lively sense of favors to come" has given the Carnegie Institution at Washington a great deal of influence. It makes disbursements. Anybody who is not good can not expect to get disbursements.

Analysis will show that though there has been a vast amount of criticism of the institution none of it has been outspoken.

The Carnegie corporation is very quiet as yet. You will remember that it furnished funds for attacking the proposition of the Panama tolls. It represents an enormous influence and has operated very little in the open as yet. There is reason to fear that it has subsidized the publication and advertisement of books by Messrs. Root, Taft, and others which attack modern liberal tendencies in government, and have been rigorously pushed by the Educational Review, of which Mr. Nicholas Murray Butler is editor.

When advertising these reactional works Mr. Butler has not advertised the fact that he is also officer of several Carnegie Foundations. When attacking numerous educators and applauding the Carnegie Foundation's surveys Editor Butler did not advertise or admit his connection with the Carnegie Foundation.

It is now notorious that the Carnegie pension plan has overreached itself and broken down. Colleges have found their tongues and hearts for the first time in 10 years. A slight investigation shows that while under pension by the Carnegie Foundation the college world has supinely delegated to the foundation responsibilities for studying and settling college questions. By having representatives of State universities on its board the Carnegie Foundation (the same is true of the General Education Board) makes it impossible for these officers to represent their own public.

When a college wants a president almost the first thing it does is to ask the Carnegie Foundation to name somebody. Great public service would be rendered by bringing out this fact clearly.

ATTITUDE TOWARD NATIONAL UNIVERSITY.

Whereas every State university president has been committed in favor of a national university, there is almost a solid line-up of the big private universities against such a public institution. The State university men have done very little to further it; the foundations have not openly opposed; they certainly have not helped, and it is taken for granted that they do not favor.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. CHAMBERLAIN. Yes.

Mr. GALLINGER. This document, a copy of which I hold in my hand, No. 684, is a letter transmitted to the Congress by the Secretary of the Interior, signed Franklin K. Lane. I find, in looking it over hurriedly, that there are 152 persons listed here—I think that is approximately accurate, perhaps substantially accurate—who are on the roll at $1 each per annum. That is the salary they are getting from the Government.

Mr. CHAMBERLAIN. Yes, sir.

Mr. GALLINGER. And then the salary that they are getting from other organizations is likewise stated in another column in most cases; not in all cases. So that the Senator's movement, I think, is very well warranted by the facts that have been developed, which show that something ought to be done.

Mr. CHAMBERLAIN. I think so, Mr. President, and that is the purpose of this resolution—to stop it. I do not know of any other way to do it except to limit the appropriations that have been made, or are being sought to be made, by this appropriation bill. I think it but fair to state that Mr. Claxton was appointed under a former administration as head of the Bureau of Education.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. SMOOT. I notice that the list contains at least 150 names, and that the private or corporate body by which the money is paid, over and above the dollar paid by the Government, is given in the list; and I do not find the Carnegie Foundation nor the Rockefeller Foundation in the list.

Mr. CHAMBERLAIN. And you will not find it, because, as I said a while ago, that information came from the Agricultural Department on a resolution offered by the distinguished Senator from Iowa [Mr. KENYON], and showed the Rockefeller and Carnegie Foundations. You do not see these names any more, or at least they are not so conspicuous.

Mr. SMOOT. Do I understand that the Carnegie and Rockefeller Foundations appropriate the money, say, to the Phillips Academy for the payment of Bernard M. Allen?

Mr. CHAMBERLAIN. I have no means of knowing, and that was the reason why I said that if my personal views were asked I should say the whole bureau ought to be investigated, and I shall probably move an investigation later; but take this one case now. I suppose there are some cases where the gifts are made by perfectly worthy institutions; but I will call the Senator's attention to the fact that there are men there under the $1 annual salary paid by the Government of the United States that are on some of these Carnegie and other foundation boards.

Mr. SMOOT. I notice here Calvin N. Kendall. He receives a salary of $10,000, and he is the State commissioner of education of the State of New Jersey.

Mr. OVERMAN. Mr. President, I notice one man here who is a professor in a university in my State. He seems to be getting a salary from somebody here, $1 from the Government, and also a salary from the State. I was wondering whether that prevails all through here. A great many of them are from universities and colleges. Here is the State agent of rural schools for North Carolina. The General Education Board gives him $2,500. I notice, however, that one of the professors in my State gets $2,500, and I was wondering if he got a salary from the foundation fund, and another from the State, and then $1 from the Government, so that he was paid from three sources?

Mr. CHAMBERLAIN. I do not undertake to say.

Mr. OVERMAN. Here is Fred N. Scott, professor of rhetoric in the University of Michigan. He seems to be getting a salary from the State, $4,000 from this fund, and $1 from the Government.

Here is a county superintendent of schools. Here is the president of the State Normal School of Kentucky. He is getting $3,600 from this fund. Here is a man from Miami University, and another one from Johns Hopkins. In the case of the University of Virginia, here is a man who is professor of agricultural education there, by the name of Abbey, marked "Z." I do not know what that means. Some of them seem to be getting two and three salaries here.

Mr. CHAMBERLAIN. Mr. President, that is not the worst part of it. It is bad enough as it appears in this report, but that is not the worst influence. Here are men in educational life, striving to accomplish the payment to them of a pension after their terms have expired; so that we find them not only holding out their capacious paws to the youth of the land, controlling their education, but undertaking to reach the educators who are to be dependent upon them and their nefarious pensions in the future.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. KENYON. I was compelled to be out of the Chamber when this matter arose. I should like to ask the Senator how it arises now. Has he offered an amendment to this bill?

Mr. CHAMBERLAIN. I am proposing an amendment to the bill. I will send the Senator a copy of it.

Mr. KENYON. I am glad the Senator has done so, and I am glad this matter is being brought to light.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I do.

Mr. WALSH. I ask the Senator from Oregon what privilege these gentlemen are entitled to enjoy by reason of thus being upon the salary list at $1 per annum? What is the reason why they are thus seeking official position, when as a matter of fact they are in the employment of some private individual?

Mr. CHAMBERLAIN. Mr. President, I do not believe the Senator was here when I read, in the case of the Chicago University, where Prof. Judd of that university is named in the report as getting $1 per annum from the Government and $6,000 a year from the university, and some of his work has had the benefit of the franking privilege. That is one case that is reported to me as having had the benefit of the franking privilege. Not only that, but he is using the franking privilege to answer other educators, and getting his literature distributed at the cost of the Government, while the private individuals can not do it.

Mr. OVERMAN. And they are printing their own documents.

Mr. CHAMBERLAIN. They are printing at Government expense the document of Prof. Judd in reply to a communication or an article written by Dr. Eliot. Now, whether we agree with Dr. Eliot or not is aside from this question; but here is a president of a university using the franking privilege under authority of the Bureau of Education, to circulate his views all over the country at the expense of the Government, while Dr. Eliot, I assume, is compelled to do it at his own expense, if he is sufficiently interested in getting his views before the public.

Mr. KENYON. Mr. President, is there not something still further—that in using the frank and sending the document through the country under the franking privilege, it carries,

to a certain extent in the public mind at least, the indorsement by the Government of these peculiar or particular views?

Mr. CHAMBERLAIN. It goes out as though it were actually an authoritative publication of the views of the Government. It is issued under the authority of the Government, apparently, as expressing the views of the Government officials themselves.

Mr. President, these institutions are like Providence. They "move in a mysterious way their wonders to perform." Now, I am going to call your attention to another activity along these same lines, to show you that they are moving with military precision all along the line, to get control of the education of the children of the land. I venture to say that if you put the educational system of this country in the hands of any particular class of individuals, in two generations they can practically change the form of our Government by educating the children along certain lines which the ideal of democracy would oppose, if the people thoroughly understood the situation.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I yield.

Mr. POINDEXTER. In that connection I should like to suggest that the framers of the Constitution apprehended some similar danger when they were so careful to legislate against any law establishing religion, and they followed it up by a statute most carefully excluding church control of the public schools of the country. The cult of Rockefeller, the cult of Carnegie, in the viewpoint which they represent in political economy and in government, is just as much to be guarded against in the educational system of the country as a particular religious sect.

Mr. CHAMBERLAIN. I do not think there is any question about it. I do not think any particular set of individuals, whether it be in industrial life, whether it be in railroad life, or whether it be in religious life, ought to have exclusive control of the education of children.

Mr. President, I confess to some feeling about this thing. The Senator from Washington [Mr. POINDEXTER] and I graduated from the same institution. It has the historical names of Washington and Lee attached to it. There have been efforts by some individuals, I am informed, to get money for that institution from these sources, and I am entirely opposed to its acceptance. As a matter of fact, I would rather educate my boy in a log schoolhouse built by the taxes imposed upon the people than have him receive an education in a marble palace built and maintained by these people.

Now, let us look at another activity of these distinguished financiers.

Mr. JONES. Before the Senator proceeds to another phase of it, I just want to ask him whether he has ascertained who constitutes the National Kindergarten Association?

Mr. CHAMBERLAIN. I am frank to say to the Senator, as I stated a while ago, that I did not have an opportunity to examine this report until the bill under consideration was on the heels of passage. It deserves careful consideration. What has this board got to do with immigration, I may ask?

Mr. JONES. Nothing at all. A large salary is paid by some organization of that kind. It would be very easy, of course, as the Senator suggested a moment ago, to have this foundation represented in organizations of that kind. Here is another organization, the National Kindergarten Association, and then the International Kindergarten Union. Their names are very similar. I should like to know whether any Senator here knows what these organizations are and how they are maintained and where they get their funds.

Mr. CHAMBERLAIN. That is the reason why I suggested there ought to be an investigation of the bureau, and I hope in considering it we may do it from a nonpartisan viewpoint, because I feel that there is no politics in it. It may be all right, but it does not look right to me. Now, they commence to take charge of kindergarten schools where little children go to kindergarten so that their mothers or fathers may work during a part of the day.

Mr. SUTHERLAND. Do I understand that the effect of the Senator's amendment would be to abolish altogether this scheme of collaboration.

Mr. CHAMBERLAIN. It abolishes the expenditure of the Government appropriation in connection with appropriations coming from any of these foundations or from any other source than a public source like a State, county, or municipality.

Mr. SUTHERLAND. Then I understand it would take off the roll of this bureau the names of all the people who are now listed at a dollar per annum?

Mr. CHAMBERLAIN. That might be the effect of the amendment, and I think that would not be an unmixed evil.

Mr. SUTHERLAND. I do not know whether it would be or not. I am trying to ascertain, because the matter is entirely new to me.

Mr. JONES. If the Senator will yield to me a moment, I wish to state that it does not cut off the State officials, as I understand the amendment.

Mr. WORKS. That is just what I wanted to call the attention of the Senator from Oregon to—that it did not do that thing and I think it should. But I will pass that for the present.

Mr. CHAMBERLAIN. I should like to pass up the question of getting the amendment in proper shape. I am frank to say I made it just as sweeping as I knew how.

Mr. SUTHERLAND. I should like to ask the Senator who was responsible for this scheme of collaboration at the beginning?

Mr. CHAMBERLAIN. I do not know. Insidious influences have got not only into the educational life of the United States, but it did get into the Agricultural Department, and I do not know how many other departments it has gotten into.

Mr. SUTHERLAND. It was, I suppose, inaugurated by the Secretary of the Interior.

Mr. CHAMBERLAIN. Does the Senator mean Secretary Lane?

Mr. SUTHERLAND. Whoever it was.

Mr. CHAMBERLAIN. It started long ago. If you are going to make politics out of it, Mr. Claxton, I think, is a Republican, and was appointed under a former administration.

Mr. SUTHERLAND. The Senator is altogether too suspicious. I had not any thought of politics about it.

Mr. CHAMBERLAIN. I hope not. It must have gotten in under some Secretary of the Interior, because the bureau comes under him.

Mr. SUTHERLAND. It came in under the Department of the Interior?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. With the sanction of whoever happened to be Secretary at that time?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. He must have thought at the time it would serve some wise purpose.

Mr. LANE. Not necessarily so.

Mr. SUTHERLAND. Not necessarily, but presumptively so; because I think most of our officials may be given credit for honesty of purpose. I should dislike very much to think that any other presumption ought to obtain.

Mr. OVERMAN. If the Senator will permit me, my recollection is that it started with the Department of Agriculture. I recollect some amendment which was introduced here on the Agricultural appropriation bill to stop the agents.

Mr. SUTHERLAND. If the Senator will permit me, I agree perfectly that we ought not to have in our public educational matters the predominating influence of private interests. The education of our children ought to be conducted under governmental and public auspices. I agree to that perfectly. But it seems to me that the Senator's amendment is too sweeping, if it destroys this scheme of collaboration altogether, because I can very well see that the influences in many respects might be for good.

Here are in this list over a hundred, somebody, I think, said 150, and on looking over it hastily I should say that the connection of a very large majority of the persons named in the Bureau of Education of the Government would be helpful.

Mr. CHAMBERLAIN. I am willing to concede that. I am in accord with the Senator, but we do not know what these influences are or just where this money comes from, except on the surface. I will say to the Senator that some men are on it who are directly connected with the Carnegie Foundation and its boards.

Mr. SUTHERLAND. Well, let those men be gotten rid of.

Mr. CHAMBERLAIN. It will take an investigation to find out the ramifications of these different agencies. For that reason my purpose was to restrict the whole business until that could be done. If these agencies are really what the Senator thinks they are, of benefit—and I agree to that in many cases—why can not the Government pay for them?

Mr. SUTHERLAND. I think the Government should pay for them. I have no objection to that at all.

Mr. CHAMBERLAIN. My purpose, I will say to the Senator frankly, was to stop the whole business, and then if any of these agencies are valuable—and I do not want anybody to infer that I am charging all these colleges with fraud and unfair dealing, but I do know that some of these people are tied up with these foundations and they ought not to have anything to do with the education of our youth in connection with the Government.

Mr. SUTHERLAND. A large majority of them are not.

Mr. CHAMBERLAIN. I am not so sure about that.

Mr. SUTHERLAND. I feel reasonably sure about it. I would not vote upon the theory that they are tied up. Here are various State institutions—the Universities of Virginia and Kansas, the University of my State, the University of Montana, and the universities of these other States.

Mr. CHAMBERLAIN. One of the gentlemen connected with the University of Virginia is on one of the Carnegie boards. You do not know what the connections are unless you go to work and investigate it.

Mr. SUTHERLAND. Would it not be better, before we undertake to deal with a question of this importance, to have an investigation and see what the facts are?

Mr. CHAMBERLAIN. I think a thorough investigation ought to come later. I will tell the Senator one of the reasons which actuates me, and this has come to me as the result of inquiring into this matter. It comes as a suggestion from Mr. Allen, the director of the Institute of Public Service in New York. I was not authorized by him to print his letter, but I am going to do it, at the possible risk of offense. It was not marked confidential and the public are vitally interested in it. In his letter to me he said:

> Apropos foundation influence you probably noticed that the General Education Board has appropriated funds for a test at and by the Teachers College of the Rockefeller board's idea of a "modern school." Will you consider the innumerable ways in which this venture with foundation funds is bound to affect educational standards?
>
> Teachers College—

That is the name of the institution—

> Teachers College is part of Columbia University. Yet this experiment is to be directed by a professor from the University of Chicago. On the board of trustees are to be several (four) foundation representatives, including an employee of the General Education Board, a paid employee, and one of its council.
>
> Teachers College is part of Columbia; Columbia wants more money.

That is the way with a lot of these institutions.

> Neither Columbia nor Teachers College is free to analyze impartially the proposal which it itself is conducting, even if it felt free to criticize a work of the Rockefeller Foundation. The power of life and death almost is held over school men of the country by the Teachers College and Columbia University. It is practically impossible to get anyone to criticize in the open a venture which starts there.
>
> People who want money from the various Rockefeller foundations consider that the line of quickest access and least resistance is that of applause; so we find overnight a world blindly applauding what many of them disapprove in the hope that their partisanship will find foundation support. Even this is done in a way where, if it fails, it will not be conclusive and the foundations themselves will be "out from under." The blunder can be laid at the door of the Teachers College.
>
> If Congress should pass a law making it impossible for foundations to subsidize other foundations, colleges, charitable agencies, etc., thus compelling foundations to walk in the open and assume responsibility for their own spending, there would be a different initial line up on a proposal like this and an attitude of impartial analysis during the experiment.

That is the reason why I put in the amendment a requirement that whenever these gifts are to be made to the Government of the United States by these institutions or others they must be accepted by an act of Congress. If a proposition came here to present the Government with $100,000 or $100,000,000, if it was all right the Congress of the United States would pass an act authorizing its acceptance. It has been done in the case of grants of land to the Government of the United States for military and other purposes where it was free from any question of fraud.

Mr. President, that is all I want. I am perfectly willing to have an investigation, but I want to have this thing stopped until an investigation can be had.

Let me call the attention of the Senate to this: In the Agricultural appropriation act of 1915 this question was discussed on an amendment of the Senator from Iowa [Mr. KENYON], and the Senate concluded to stop the activities of these people. Then there came back from the Department of Agriculture substantially the same sort of report that now comes to us from the Bureau of Education, and after a consideration of the subject this proviso was added to the Agricultural appropriation act that year:

> *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

That amendment in its present form was not made by the Senator from Iowa. It goes too far. I think it has had the effect, however, of cutting out the activities of these people in the Agricultural Department; but it went too far, because these institutions do not deal in the open. They do it underground and through agencies it is hard to uncover. Just exactly as I said, some of the men on this roll are connected with prominent universities of the country. They are also on the Carnegie board or connected with it in some way and drawing pay.

Mr. KENYON. Mr. President, I am glad the Senator from Oregon has taken up this subject. I have been informed on authority, which I will gladly produce on an investigation of the whole relationship of the Rockefeller Foundation to the Government, which ought to be made, that there are certain colleges in this country that have sought endowments, and the agent of the Rockefeller Foundation or the educational board had gone out and examined the curriculum of these colleges and compelled certain changes to be made in the studies and in the curriculum.

It seems to me that it is one of the most dangerous things that can go on in a Republic to have an institution of this power apparently trying to shape and mold the thought of the young people of the country. The same question arose in the Agricultural appropriation bill. The agricultural colleges then seemed in certain States to be coming under the influence of this organization, and professors who did not teach along the line that they might decree had in some instances been compelled to give up their positions.

I know that great good has been done, of course, along agricultural lines by the Rockefeller Foundation agency in cooperation with the Government, but there is an insidious influence in this thing, there is an unconscious influence all the time in the method by which this work is being carried on, and there ought to be an investigation of the whole subject. Until that time I agree with the Senator from Oregon that it ought to stop. Let us have an investigation of the relationship and work of the Rockefeller Foundation with respect to the Government.

Mr. CHAMBERLAIN. Right along the line the Senator has just stated, I do not recall exactly the circumstances, but they had put down the rating of Washington and Lee University, for instance, a number of years ago, because it was not in the particular class that some of these people connected with the foundation preferred, and I registered a protest with Mr. Claxton. In other words, they can prefer certain of these institutions, giving them a standing before the country, whenever they feel disposed to do so, and can give a college a black eye by simply placing it in a lower category than some of the others.

I think I have said all I care to say about this. I frankly state my purpose is to put this thing entirely out of business, and then it can be investigated, and when we determine what the conditions are we can change it to suit the conditions.

Mr. WATSON. I should like to ask the Senator a question. Not having heard of this propaganda before, I am entirely unfamiliar with it. I should like to ask the Senator whether or not he is familiar with any of the literature that is being circulated?

Mr. CHAMBERLAIN. I have glanced over it occasionally, but not for this purpose. As the Senator can see, I have had only two or three days to look into it, and I have not had an opportunity to get it together.

Mr. WATSON. I should like to ask whether or not, in obedience to the command or request or plea of any of these boards or organizations, of whatever character they may be, any textbooks have been introduced into any of the colleges as a result of their work?

Mr. CHAMBERLAIN. I am not prepared to answer the Senator.

Mr. WATSON. In other words, I am trying to find out how far they have carried their work in the various colleges and what the result has been.

Mr. CHAMBERLAIN. That would be involved in an investigation of the whole subject.

Mr. WATSON. I did not know but the Senator had investigated it.

Mr. CHAMBERLAIN. No; I have not.

Mr. President, I desire to have printed as a part of my remarks the resolution calling upon the Bureau of Education for information and the report thereon.

The VICE PRESIDENT. If there be no objection, such will be the order.

The matter referred to is as follows:

[Senate Document No. 684, Sixty-fourth Congress, second session.]

GENERAL EDUCATION BOARD OF THE ROCKEFELLER FOUNDATION AND CARNEGIE FOUNDATION.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1917.

SIR: In accordance with Senate resolution 307, adopted by the Senate on January 4 (calendar day, January 5), 1917—

"*Resolved*, That the Secretary of the Interior is hereby requested and directed to furnish to the Senate the following information: The relation, if any, of the organizations known as the General Education Board of the Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate enterprise to the work of the Bureau of Education; a statement showing the names and positions of all employees, if any,

of the Bureau of Education whose salaries are paid in whole or in part from funds contributed by the Rockefeller Foundation, the Carnegie Foundation, or from any other private or corporate funds or from funds derived from any source other than the Government of the United States; the names and positions of all administrative or other officers, if any, of the Bureau of Education who are in any way connected with the work of the General Education Board of the Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate enterprise, and the salaries, if any, received by them from the said Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate or other source than the Government of the United States"—

I have the honor to transmit herewith the accompanying statement from the Commissioner of Education, which contains all of the data at hand in this department at the present time.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, January 13, 1917.

DEAR MR. SECRETARY: In reply to Senate resolution 307, adopted January 4 (calendar day, January 5), 1917, I have the honor to submit the following statement:

There is no relation whatsoever of the organizations known as the General Education Board, the Rockefeller Foundation, and the Carnegie Foundation to the work of the Bureau of Education. The Bureau of Education has entered into cooperative relations with the Phelps-Stokes Fund, New York City, for the purpose of making a study of negro education in the United States; with the National Kindergarten Association, New York City, and the International Kindergarten Union for the purpose of investigating and promoting kindergarten education; with the National Congress of Mothers and Parent-Teacher Associations for the purpose of promoting education in the home; and with the Committee for Immigrants in America for the purpose of investigating and promoting the education of adult immigrants in the United States. No funds whatsoever are contributed to the Bureau of Education directly by any of the organizations above mentioned. The organizations with which cooperative arrangements have been made are now providing for the Bureau of Education the services of certain employees whose salaries, however, are paid directly to such persons by the several organizations. The persons whose services are thus furnished the Bureau of Education are under the direct supervision and control of the Commissioner of Education and do such work as is outlined for them by the commissioner.

There have been appointed also from time to time a considerable number of special collaborators throughout the United States who are employed in universities, colleges, and normal schools or who hold other educational positions, such as county superintendent of schools, etc. These persons perform only occasional service for the Bureau of Education, and no cooperative arrangements have been entered into by the institutions or other corporate bodies by which they are regularly employed.

The names of the persons employed by the Bureau of Education under the above-mentioned arrangements are appended hereto in two lists. The first list comprises the persons who have their headquarters in the Bureau of Education at Washington, and who devote practically all of their time to the work of this bureau. The one exception in this list is Dr. Willard S. Small, principal of the Eastern High School, Washington, D. C., who has a desk in the Bureau of Education, but gives to the work of the bureau only such time as can be spared from his regular duties. The second list includes the names of special collaborators employed by the Bureau of Education, who render only very occasional service to the bureau.

Cordially, yours,

P. P. CLAXTON, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Names of persons who are employed in the Bureau of Education at Washington, D. C., and whose salaries are paid in part by organizations other than the Federal Government.

Name of person.	Position in bureau.	Salary paid by bureau.	Private or corporate body by which salary is paid.	Salary paid by such body.
Thomas Jesse Jones	Special collaborator	$1	Phelps-Stokes Fund	$4,500
Ocea Taylor	do	1	do	2,000
Walter B. Hill	do	1	do	1,400
H. H. Wheaton	do	1	Committee for Immigrants in America.	2,500
F. E. Farrington	do	1	do	2,400
T. M. Ave-Lallemant.	do	1	do	1,500
Martha B. Burzynska.	do	1	do	1,200
Paul A. Malone	do	1	do	720
Isabel Malone	do	1	do	600
Marion Berger	do	1	National Kindergarten Association.	1,200
Mary L. Allen	do	1	do	520
Almira M. Winchester.	do	1	International Kindergarten Union.	1,500
Ellen C. Lombard	do	1	National Congress Mothers and Parent-Teacher Associations.	1,200
Florence E. Frisby	do	1	do	600
Edward J. Ward	do	1	None	None.
Henry E. Jackson	do	1	do	None.
Willard S. Small	Special agent in rural and industrial education.	(1)	Board of Education of the District of Columbia.	2,500
C. D. Jarvis	Special collaborator	1	None	None

[1] $10 per day when employed.

Special collaborators employed by the Bureau of Education at a salary of $1 per annum who render occasional service, with the names of organizations other than the Federal Government, by which additional salaries are paid.

Name of person.	Regular occupation.	Private or corporate body by which salary is paid.	Salary.
Bernard M. Allen	Instructor in Latin	Phillips Academy	$2,000
Kendric C. Babcock	Dean, College of Liberal Arts and Sciences.	University of Illinois	5,500
Ben Blewett	Superintendent of schools.	St. Louis (Mo.) Board of Education.	8,000
A. Maris Boggs	Dean, Bureau of Commercial Economics.	None	None.
E. C. Branson	Professor, rural economics and sociology.	University of North Carolina.	2,500
Edward F. Brown	Superintendent, bureau of welfare of school children and executive secretary New York school lunch committee.	New York Association for Improving the Condition of the Poor.	3,500
R. E. Cole	Member, council on naturalization.	Committee for Immigrants in America.	2,500
Nathan P. Colwell	Secretary	American Medical Association.	4,000
Mrs. Grace Davis	Field agent	National Kindergarten Association.	(1)
May Delahanty	Office secretary	do	1,500
Richard E. Dodge	Editor	Association of American Geographers.	200
Milton Fairchild	Chairman, Washington executive committee.	National Institution for Moral Instruction (Inc.).	1,800
Jessie Field	Rural and small town specialist.	National Board, Y. W. C. A.	1,800
Lloyd I. Friend	State supervisor of high schools and professor of secondary education in West Virginia University.	General Education Board, through West Virginia University.	2,500
L. J. Hanifan	State supervisor of rural schools.	General Education Board.	2,500
James F. Hosic	Head of English department, Chicago Normal School.	Chicago Board of Education.	3,500
Henry Israel	Secretary, county work department.	International committee, Y. M. C. A.	2,900
Charles H. Judd	Director, school of education.	University of Chicago	6,000
Calvin N. Kendall	State commissioner of education.	State of New Jersey	10,000
Charles H. Keyes	President	Skidmore School of Arts.	6,000
Clarence D. Kingsley	Agent for high schools	Massachusetts State Board of Education.	2,600
Esther E. Lape	Publicity director	Committee for Immigrants in America.	1,800
Bessie Locke	Corresponding secretary	National Kindergarten Association.	2,000
N. C. Newbold	State agent, rural schools for North Carolina.	General Education Board.	2,500
William F. Osgood	Professor of mathematics.	Harvard College and Radcliffe College.	6,300
Clarence A. Perry	Associate director, department of recreation.	Russell Sage Foundation.	3,000
Wm. L. Phelps	Professor of English literature.	Yale University	5,000
Mrs. Hannah K. Schoff	President	National Congress of Mothers and Parent-Teacher Associations.	None.
Fred N. Scott	Professor of rhetoric	University of Michigan	4,000
C. Alphonso Smith	Head, school of English	University of Virginia	3,300
Miss Louise Schofield	Clerk	National Kindergarten Association.	1,200
David Eugene Smith	Professor of mathematics.	Columbia University	6,000
George D. Strayer	Professor of educational administration.	Teachers College, Columbia University.	6,000
Glen L. Swiggett	Editing proceedings Pan American Congress.	None	None.
W. K. Tate	Professor of rural education.	George Peabody College for Teachers.	3,500
A. E. Wagner	Extension professor	Ohio University	2,300
Lenore P. Webster	Housewife	None	None.
C. W. Wright	County superintendent of schools.	County board of education.	1,800
T. J. Coates	President, State Normal School.	State of Kentucky	3,600
B. M. Davis	Professor of agricultural education.	Miami University	2,500
Edward F. Buchner	Director, College of Courses for Teachers and Summer Courses.	Johns Hopkins University.	3,500
Jackson Davis	General field agent	General Education Board.	
Helen M. Heffernan	Chairman, Chicago organization.	Illinois Congress of Mothers and Parent Teacher Associations.	None.
R. H. Powell	President, State Normal School.	State of Georgia	2,500
S. W. Straus		S. W. Straus & Co	
W. D. Weatherford		International committee, Y. M. C. A.	3,000
Lucy Wheelock	President	Wheelock Kindergarten Training School.	(2)
Wm. H. Maxwell	Superintendent of schools.	New York City Board of Education.	10,000

[1] $100 per month when employed. [2] Profits.

Special collaborators employed by the Bureau of Education at a salary of $1 per annum who render occasional service, etc.—Continued.

Name of person.	Regular occupation.	Private or corporate body by which salary is paid.	Salary.
R. W. Stimson	Agent	Massachusetts State Board of Education.	$3,500
B. W. Torreyson	Professor of secondary education.	General Education Board, through University of Arkansas.	3,000
Cyrus C. Adams	Geographer		
Myron J. Abbey	Professor of agricultural education.	University of West Virginia.	
Carter Alexander	Professor of school administration.	George Peabody College for Teachers.	
J. H. Ackerman	President, State Normal School.	State of Oregon	
Fannie Fern Andrews	Secretary	American School Peace League.	
S. G. Atkins	President State Industrial and State Normal School.	State of North Carolina.	
Herbert E. Austin	Professor	East Carolina Teachers' Training School.	
N. R. Baker	County supervisor of rural schools.	County board of education.	
Mary G. Barnum	Vice president	State Board of Education of California.	
Adelaide S. Baylor	State supervisor of household arts.	Indiana State Department of Education.	
Charles A. Bennett	Professor of manual arts.	Bradley Polytechnic Institute.	
Helen T. Birney		Mothers' Congress and Parent-Teachers' Associations.	
George W. Bissell	Professor of mechanical engineering.	Michigan Agricultural College.	
James L. Bond	State superintendent public instruction.	State of Arkansas	
Albert P. Bourland	Executive secretary	Southern Conferences for Education and Industry.	
Cyrus J. Brown	Rural-school supervisor.	State Department of Public Instruction of Louisiana.	
Ernest Burnham	Director, rural-school department, State Normal School.	State of Michigan	
Richard Burton	Professor of English	University of Minnesota.	
Mabel Carney	Supervisor teacher, training department.	Minnesota State Department of Public Instruction.	
Edmund S. Cogswell	Secretary	Teachers' Retirement Board of Massachusetts.	
R. W. Corwin	Physician		
Ellwood P. Cubberley	Professor of education	Leland Stanford Junior University.	
Margaret C. Curran			
Edward C. Elliott	Chancellor	University of Montana	
A. Caswell Ellis	Professor	University of Texas	
John C. Fant	State high-school inspector.	University of Mississippi.	
Leo M. Favrot	State supervisor of negro schools.		
Fred M. Fling	Professor of history	University of Nebraska	
Fred B. Frazier			
Edward A. Freeman	Superintendent of schools.	Grand Rapids (Mich.) Board of Education.	
Charles G. Haines	Professor of political science.	Whitman College	
William H. Hand	State high-school inspector.	South Carolina department of public instruction.	
Paul H. Hanus	Professor of education	Harvard University	
Marie T. Harvey	Teacher, Porter Rural School.	County board of education.	
Frank L. Hayford	Executive secretary, trustees of Massachusetts training schools.		
William H. Heck	Professor of education	University of Virginia	
Miss Caroline Hedger			
Edwin M. Hopkins	Professor of rhetoric and English language.	University of Kansas	
C. H. Johnston	Professor of secondary education.	University of Illinois	
George E. Keenan	Superintendent of schools.	Deer River (Minn.) board of education.	
Sherman C. Kingsley	Director	Elizabeth McCormick memorial fund.	
Walter E. Larson	State inspector of rural schools.	Wisconsin State Department of Education.	
Charles E. Little	Professor of Latin	George Peabody College for Teachers.	
George M. Lynch	State supervisor of rural schools.	Florida State Department of Education.	
N. C. Macdonald	State rural school inspector.	North Dakota Department of Public Instruction.	
Frank A. Manny	Investigator	Bureau of Welfare of School Children.	
Charles G. Maphis	Professor of secondary education.	University of Virginia	
W. B. Mooney	Professor of school administration.	Colorado State Normal School.	
Agnes Morris	Agent	Louisiana State Board of Health.	

Special collaborators employed by the Bureau of Education at a salary of $1 per annum who render occasional service, etc.—Continued.

Name of person.	Regular occupation.	Private or corporate body by which salary is paid.	Salary.
John F. Murray			
Joshua H. Paul	Professor of nature study	University of Utah	
Eugene M. Phillips	High school inspector	Minnesota Department of Public Instruction.	
John H. Phillips	Superintendent of schools.	Birmingham (Ala.) Board of Education.	
Paul W. Rea	Director	Charleston (S. C.) Museum.	
McHenry Rhoads	Professor of secondary education.	State University of Kentucky.	
Wm. F. Russell	....do	George Peabody College for Teachers.	
C. G. Sargent	Professor of rural and industrial education.	Colorado Agricultural College.	
K. B. Schlaegel			
Charles C. Schmidt	Professor of education	University of North Dakota.	
James W. Searson	Professor of the English language.	University of Kansas	
Thomas S. Settle	Field secretary	Playground & Recreation Association of America.	
Joseph H. Shriber	County superintendent of schools.	County board of education, Colorado.	
Charles F. Smith	Professor of Greek and classical philology.	University of Wisconsin	
Fred W. Smith	President	North Dakota School of Forestry.	
W. H. Smith	....do	Mississippi Agricultural and Mechanical College.	
F. E. Spaulding	Superintendent of schools.	Minneapolis (Minn.) Board of Education.	
Cora Wilson Stewart	President	Kentucky Illiteracy Commission.	
L. L. Summers	Industrial department, public schools.	Portland (Oreg.) Board of Education.	
John A. Thackston	State high school inspector and professor, rural education.	University of Florida	
Harlan Updegraff	Professor of school administration.	University of Pennsylvania.	
S. D. van Benthuysen	Dean of school of commerce.	Dakota Wesleyan University.	
N. W. Walker	Inspector of high schools	University of North Dakota.	
Mrs. C. P. Weaver			
Ray H. Whitbeck	Professor of geography	University of Wisconsin	
Henry G. Williams	State supervisor of normal schools.	Ohio State Board of Education.	
Thomas D. Wood	Professor of physical education.	Columbia University	
Thos. J. Woofter, jr	Student	....do	
Earl S. Wooster	Dean of rural department.	Idaho State Normal School.	
A. Duncan Yocum	Professor of education	University of Pennsylvania.	
J. W. A. Young	Professor of mathematics	University of Chilago	

Mr. WORKS. I wish to suggest to the Senator from Oregon that, in my judgment, he is not going to accomplish by this amendment all he desires to accomplish. I wish to suggest that the following be added to it at the appropriate place:

Nor shall any person, paid in whole or in part by any such corporation or individual for services rendered by him, be employed by the Government or become or remain an officer or employee of the Government.

Mr. CHAMBERLAIN. I am perfectly willing to have that inserted.

Mr. WORKS. That phase of it, I think, is not covered by the amendment. It simply provides that the Board of Education shall not accept money from these outside sources, and it does not prevent the employment of people who may be paid wholly by the Rockefeller Foundation as some of the institutions of that sort are. I think the Government ought to be kept separate and apart entirely from any outside influence in the matter of education. I think it is a very dangerous thing to allow any of these private institutions to interfere or become influential in the educational work of the Government.

Since I came into the Senate there was a bill introduced providing for the incorporation of the Rockefeller Foundation, a new corporation, for educational purposes. Perhaps it has gone out of the mind of Senators. It was never discussed here except that in a speech I made myself I referred to its provisions, but it actually passed the House of Representatives. Let me call the attention of the Senate to some of the provisions that are contained in that proposed legislation. One of the sections is as follows:

That for the promotion of such objects the said corporation shall have power to establish, maintain, and endow, or to aid others, whether individuals, associations, or corporations, to establish, maintain, and endow institutions and other agencies for carrying on said objects, and

any of them; to purchase, hold, sell, and convey real estate necessary for the said corporate objects, and to erect, improve, enlarge, and equip buildings or other structures necessary or convenient for said objects, or any of them, and to acquire, make, and furnish all necessary or convenient apparatus and other accessories; to employ and aid others to employ teachers, lecturers, assistants, and agents; to donate to any individual, association, or corporation engaged in similar work, money or property, real or personal, which shall at any time be held by the said corporation hereby constituted, subject to the terms of any gift, grant, bequest, or devise by which the said corporation shall have received the same.

And again it was provided—

That the total amount of property held at any one time, including that which is held absolutely as well as that which is held in trust, shall not exceed the value of $100,000,000, exclusive of increases in the value of property subsequent to its receipt by said corporation.

The bill was so broad in its terms that it provided a corporation that might enter into and control almost every educational institution of the country. It might aid in the employment of teachers, the payment of them, supplying the apparatus necessary to carry on the educational work, and at the time I undertook to say something about the bill before it reached the Senate in discussing another question. It never was taken up in the Senate. But it simply shows the tendency on the part of these people who are attempting to get control of the whole educational work of this country. I think it is a very dangerous tendency.

It is for that reason that I have suggested to the Senator from Oregon that there had better be a provision here preventing the employment by the Government of any people who are under the pay of any of these institutions.

Mr. CHAMBERLAIN. Will the Senator indicate where it ought to go in and I will be very glad to accept the amendment?

Mr. WALSH. While the Senator from California is looking into this matter I should like to inquire of the Senator from Oregon for information whether it is the fact that any employee of the Bureau of Education is at liberty to prepare any kind of a pamphlet he sees fit and have it printed and circulated under frank. Is there any law which authorizes such a privilege?

Mr. CHAMBERLAIN. I do not know of any law that would authorize these people as agents here to use the franking privilege, but suppose one of them did?

Mr. SMOOT. There is no law.

Mr. CHAMBERLAIN. There is no law to authorize it; but here comes a document from one of the agencies here. Here is the instance I gave a while ago, cited by Mr. Allen, who has had some experience in investigating these subjects. He says:

The franking privilege is given to a number of agencies or individuals, as, for example, Prof. Judd, of the University of Chicago, ostensibly to conduct an investigation for the United States Bureau of Education.

Suppose Mr. Claxton says: "I want you, Mr. Judd, to investigate a certain particular governmental function"—on immigration or anything that he may want to have investigated. He investigates it as an agent of the Government and Mr. Claxton puts it in——

Mr. WALSH. It then becomes a Government publication, and is issued and forwarded by the Bureau of Education.

Mr. CHAMBERLAIN. Yes; but it is the propaganda of an individual—of Mr. Judd.

Mr. OVERMAN. Some man wants to get his view promulgated, and at $1 a year he is employed to do it.

While I am on my feet I want to say that I spoke of the professor of a university and I inquired whether he was not getting three salaries—one from the foundation, one from the State, and one from the Government. I find that is not true, that he is getting a salary of $2,500 as professor at the university, and the Government then is putting him on the roll at $1 for some purpose. In almost all the colleges and universities of the country there is a roll, and they are getting $1.

I think the Senator from Oregon is doing a very valuable service to the country. I am sorry he did not bring this matter before our committee so that we could investigate it. We knew nothing in the world about it. I am going to accept the amendment; I shall not object to it, so that the conferees can investigate this matter and have Prof. Claxton before us and explain it. Then it will be in conference and we ought to take such action in conference as is proper. I am glad that the Senator brought it to our attention so that we can take some action. We will investigate it thoroughly if we have the time, and I expect the House conferees to agree with us to do it.

Mr. WORKS. Mr. President, this is so plain a proposition, to my mind, that it does not seem to call for additional investigation. I suggest to the Senator from Oregon the insertion of what I have already indicated after the word "same" and just before the penal clause in his amendment.

Mr. CHAMBERLAIN. I am perfectly satisfied to accept that and make it a part of my amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, after the word "same," just preceding the penalty clause, the following words:

Nor shall any person paid in whole or in part by any such corporation or individual for services rendered by him be employed by the Government or become or remain an officer or employee of the Government.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The Senate has made certain amendments to the bill, two of which have been reserved for a separate vote.

Mr. HUSTING. I reserve the right to offer an amendment to section 7.

Mr. OVERMAN. I understand that section 7 has been reserved for a separate vote.

The VICE PRESIDENT. The question is on concurring in the other amendments made as in Committee of the Whole save those which have been reserved.

The amendments were concurred in.

The VICE PRESIDENT. The following amendment was reserved for a separate vote, and it will be stated.

The SECRETARY. The Senator from Colorado [Mr. THOMAS] reserved for a separate vote the amendment on page 51, lines 6 and 7, after the words "draftsman $1,500," insert "private secretary for captain commandant, $1,400."

Mr. OVERMAN. I understand that was reserved for a point of order to be made on it, and according to a ruling of the Chair yesterday it is not subject to a point of order.

Mr. WALSH. Pending a disposition of that, I desire to inquire of the Chair whether House bill 408 was laid before the Senate?

The VICE PRESIDENT. It was laid down and temporarily laid aside. The question is on concurring in the amendment.

The amendment was concurred in.

The SECRETARY. The Senator from Washington [Mr. POINDEXTER] reserved a separate vote in the Senate on the amendment on page 117, beginning in line 6, and ending in line 18.

Mr. POINDEXTER. I offer the amendment to that amendment, which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 117, line 18, after the word "department," it is proposed to insert as a new paragraph the following:

The office of postmaster in each class shall hereafter be a nonpolitical office, and shall be within the classified civil service, and appointments thereto shall be made in accordance with the civil-service rules and, so far as practicable, by promotion, or transfer, upon merit, without regard to politics, from the employees of the Post Office Department, subject to the permanent civil-service regulations and requirements.

Mr. POINDEXTER. Mr. President, that amendment is in accordance with the recommendation of the Postmaster General, which is found on page 40 of his annual report for 1916. The Postmaster General there states:

The classifying of the position of postmaster of the fourth class has proven so satisfactory that there is every service reason why the classified service should be extended to include the position of postmaster at offices of the first, second, and third classes, and that legislation looking to that end is recommended on page 54 of this report.

He there sets out a draft of legislation containing in substance the amendment which I have offered.

Some time ago I had the matter investigated by the expert of the Bureau of Efficiency as to its effect upon the service, and it was estimated by him and by officials of the Post Office Department, that if the same principles of merit and efficiency were applied to the selection of postmasters and determining their qualifications, as applied in the classified civil service of the Post Office Department, it would not only improve the service, it would not only tend toward a better conduct of the business of the various post offices, but that it would save directly between $5,000,000 and $6,000,000 a year.

During the discussion of an amendment proposed by the Senator from North Carolina [Mr. OVERMAN], in charge of the bill, the other day, for an examination as to the duplication of work in the various bureaus and departments of the Government, he stated his desire to save $30,000,000, and so it occurred to me that an amendment upon this section of the bill, in line with the transfer there authorized, to save the small

sum of $5,000,000 or $6,000,000 a year would be very appropriate.

Of course, Mr. President, it would make some political difference in the conduct of the administration and of the changing administrations from term to term; but I imagine that it would be a great relief to the President of the United States. I know it would be a great relief to the Members of the House of Representatives, speaking of them not as Members of the House, however, officially, but as individual referees, to whom, under the custom of political patronage, is referred the selection of postmasters in their several districts. I know that it is frequently regarded as a political asset, though it is really a political liability. It is of no advantage politically or governmentally to any Member of Congress in either branch of Congress to have the duty and the power, if we choose to call it so, of selecting postmasters.

Mr. OVERMAN. I will accept the amendment, Mr. President.

Mr. POINDEXTER. I thank the Senator very much.

Mr. POINDEXTER subsequently said: Mr. President, I ask unanimous consent to print, in connection with my remarks upon the amendment I offered affecting postmasters, a portion of a message of President Taft of February 26, 1913.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

REDUCTIONS BY ELIMINATION OF SINECURES.

With respect to the first class, I have already submitted recommendations to Congress in several messages transmitting reports in which it is estimated that the direct salary cost of the Government may be reduced not less than $4,500,000 a year—this to be done by placing a large proportion of presidential appointments in the classified service. The salaries of postmasters of the first and second classes amount to over $6,000,000, while the salaries of assistant postmasters of the same classes amount to $2,820,000. If the position of postmaster were placed in the classified service, and these officers were given salaries equal to 20 per cent more than the salaries now given to assistant postmasters, the latter positions being no longer required, there would be a saving of $4,512,000. Besides this direct reduction that might be immediately made in the estimates, there would also be very large indirect reductions of cost that might be availed of in future estimates—reductions that can not be realized so long as appointments are on a partisan basis. These unnecessary indirect costs are due to the fact that a considerable part of the services outside of Washington can not be properly brought within the discipline of administrative officers. So long as high salaried local officers owe their appointments to local influence it may be assumed that their tenures will be fairly secure, regardless of their efficiency. This is discouraging to those in equally responsible positions who are rendering efficient service, but who, by reason of the nonpartisan character of the appointment, receive not more than half the amount of salary; it tends to destroy the esprit de corps, especially with subordinates; it carries with it expenditures that in many instances are unwisely made. Altogether, in the opinion of those who are best acquainted with the service, the indirect saving to the Government amounts to more than the direct saving indicated.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to; and without objection, the amendment made in Committee of the Whole as amended is concurred in.

Mr. OVERMAN. Mr. President, I think section 7 of the bill is the only remaining one which has been reserved.

The VICE PRESIDENT. Section 7 has been reserved.

Mr. JONES. I suggest the absence of a quorum, if we have reached section 7.

Mr. OVERMAN. I merely want a vote; I do not desire any debate.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smoot
Bankhead	Hughes	Page	Sterling
Beckham	Husting	Pittman	Sutherland
Borah	James	Poindexter	Thomas
Bryan	Johnson, Me.	Pomerene	Thompson
Catron	Jones	Ransdell	Vardaman
Chamberlain	Kenyon	Saulsbury	Wadsworth
Clapp	Lane	Shafroth	Warren
Culberson	Lee, Md.	Sheppard	Watson
Curtis	Martine, N. J.	Shields	Weeks
Dillingham	Nelson	Smith, Ga.	Works
du Pont	Norris	Smith, Md.	
Gallinger	Oliver	Smith, S. C.	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The question is on concurring in the amendments to section 7 as made as in Committee of the Whole.

Mr. SMOOT. Mr. President, a parliamentary inquiry. The question arises in this way: I understand that those who are in favor of the so-called Smoot amendment will vote "yea" and those who are opposed to it will vote "nay."

The VICE PRESIDENT. Yes.

Mr. OVERMAN. I should like to have the vote taken as it was taken originally. I move to strike out section 7 as amended, and get the vote in that way.

Mr. SMOOT. Does the Senator from North Carolina move to strike out section 7?

Mr. OVERMAN. I move to strike out section 7.

Mr. SMOOT. As amended?

Mr. OVERMAN. Yes; the original section, and then the vote to strike out will be "yea."

Mr. GALLINGER. I should think the question would be upon concurring in the amendment made as in Committee of the Whole.

Mr. OVERMAN. What I suggest will amount to the same thing.

Mr. GALLINGER. I know; but the parliamentary situation is as I have stated it.

The VICE PRESIDENT. The Chair does not see how the Chair could change the rule of the Senate in putting the question.

Mr. OVERMAN. Then, as I understand the Chair, the vote will be as to whether or not we shall strike out the committee amendment.

The VICE PRESIDENT. The Chair holds that the reserved question for a vote in the Senate was whether or not the Senate would concur in the amendment made as in Committee of the Whole. The amendment made as in Committee of the Whole was, as the Chair understands, to change the House text, and not to strike it out. If the Senate should refuse to concur in the amendment made as in Committee of the Whole, then the vote would come on striking out the original paragraph.

Mr. OVERMAN. The Smoot amendment has not been reserved.

The VICE PRESIDENT. It has been.

Mr. OVERMAN. The question is whether or not the Senate will agree to section 7 as amended by the Smoot amendment, the committee having brought a report here to strike out the whole section. So if the Senate refuses to strike out the whole section, the Smoot amendment will remain in the bill. If the Senate agrees to strike it out, that strikes out the whole section. The question is whether or not the Senate will strike it out. The Smoot amendment is already agreed to; no Senator reserved it for a separate vote; but the question was reserved on striking out section 7.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. HUSTING] reserved it for a separate vote.

Mr. OVERMAN. No Senator reserved the Smoot amendment for a separate vote, and the question is whether or not we shall strike out section 7 as the committee reported it.

The VICE PRESIDENT. The Chair can not change his ruling, which was that nothing can occur in Committee of the Whole beyond reserving for a separate vote in the Senate whatever may have happened to be the vote in the Committee of the Whole. It happens to have been that the vote in the Committee of the Whole was on what is known as the Smoot amendment, which takes the place of the committee's suggestion, and that must be first voted on. If it is not concurred in in the Senate, then the vote recurs on the committee amendment to strike out the original text.

Mr. SMITH of Georgia. But suppose it is concurred in?

The VICE PRESIDENT. Then the Senate will have agreed to just what the Committee of the Whole agreed to.

Mr. GALLINGER. Exactly.

Mr. SMITH of Georgia. But even after the Smoot amendment was agreed to in the Committee of the Whole, the question then arose on the committee amendment, which struck out the entire section as amended.

The VICE PRESIDENT. Oh, no——

Mr. SMITH of Georgia. Oh, Mr. President, if the Chair rules that it did not, I think I will have to appeal.

The VICE PRESIDENT. The Chair knows——

Mr. SMITH of Georgia. I say that was the action taken.

The VICE PRESIDENT. The Chair knows what took place, because the Chair was here. The Chair knows that the Senator from Utah submitted an amendment to the House text. That amendment was agreed to. Thereupon the Chair ruled that the question had to be put on the committee amendment to strike out. It was put and lost. So that the only thing that was reserved as in Committee of the Whole was what is known as the Smoot amendment. That was the only thing reserved for a vote in the Senate.

Mr. OVERMAN. Mr. President, I did not reserve the Smoot amendment.

The VICE PRESIDENT. No; the Senator from Wisconsin [Mr. HUSTING] reserved it.

Mr. OVERMAN. I reserved the amendment of the committee striking out section 7. Of course if the Senator from Wisconsin reserved the other amendment, that is different; but I did not know that.

The VICE PRESIDENT. The Chair did not say that the Senator from North Carolina had reserved that amendment. This is clearly the parliamentary situation: The vote comes first on concurring in the Smoot amendment. If that is carried, that is the end of it; but if it is lost, then the vote recurs on the committee amendment.

Mr. SMITH of Georgia. Mr. President, after it is concurred in and becomes a part of the House text, then surely we have the right in the Senate to vote upon the proposition to strike out the House text as amended.

Mr. GALLINGER. That is what the Chair has stated.

Mr. OVERMAN. That is the very thing I reserved—the amendment to strike out the original House provision. The Senate, as in Committee of the Whole, adopted the Smoot amendment to the original text, and, the original text having been amended, then the question recurred upon the committee amendment to strike out section 7. If section 7 is stricken out in the Senate, then there is no need to vote on the Smoot amendment; but if it is not stricken out and the Smoot amendment was reserved we would have to vote on that.

The VICE PRESIDENT. The Chair may be entirely wrong, and the question can easily be settled by an appeal, but the Chair rules that the vote is on concurring in the amendment made as in the Committee of the Whole, which was the substitution of what is known as the Smoot amendment for the original House text. If the Chair is wrong about that, it is easy for the Senate to settle it. The Chair has no pride of opinion about the matter.

Mr. OVERMAN. The Chair does not rule that we shall be deprived of an opportunity to vote on the committee amendment striking out section 7?

The VICE PRESIDENT. To what section 7 does the Senator from North Carolina refer?

Mr. OVERMAN. The last section of the bill, which the committee reported an amendment to strike out. That is what we have been talking about for almost a week.

The VICE PRESIDENT. But what does the Senator from North Carolina mean—the House provision?

Mr. OVERMAN. I mean that section 7 came here from the House. If the Chair will examine the bill, he will see the lines stricken through the section. The committee recommended that that section be stricken from the bill. Before a vote was taken on that the Senator from Utah offered to amend the House text, and the House text was amended. Now, the amendment to strike out the whole section is still here.

Mr. SMOOT. That was disagreed to.

Mr. OVERMAN. It was disagreed to, but I have reserved it for a separate vote in the Senate.

The VICE PRESIDENT. If the Senator reserved it for a separate vote in the Senate, he is entitled to a vote; but the first vote comes on concurring in the Smoot amendment.

Mr. OVERMAN. That is all right. I understood the Chair to say that when the Smoot amendment was acted upon, that would be the end of it.

The VICE PRESIDENT. What the Chair was trying to make clear was that it is the Smoot amendment we are about to vote upon.

Mr. OVERMAN. That is all right.

Mr. WEEKS. A parliamentary inquiry, Mr. President. On yesterday I offered an additional section, against which a point of order was made, and I reserved the right to offer it as an amendment to the Smoot amendment if that were concurred in. If the procedure is followed in accordance with the decision which the Chair has just made, will the amendment which I desire to offer to the Smoot amendment be in order?

The VICE PRESIDENT. Under the custom which has prevailed since the present occupant of the Chair has been here, at this point it would be proper to offer an amendment to the Smoot amendment. It can be offered now.

Mr. WEEKS. If I do not see fit to offer it now, will it be in order to offer it after action has been taken on the Smoot amendment?

The VICE PRESIDENT. The Chair can not answer that, because the Chair does not know the language of the amendment; but when the Smoot amendment has been once agreed to as in Committee of the Whole and then concurred in in the Senate, without a reconsideration of the vote whereby it was concurred in, the Chair is afraid the Senator's amendment would not be in order.

Mr. OVERMAN. I want to say that if it is offered after the Smoot amendment is voted on I shall object.

Mr. WEEKS. I do not think that the objection will stand; but I will take my chance on it.

The VICE PRESIDENT. There must be no doubt about what the ruling of the Chair is. So that no Senator may fall into a misapprehension, the Chair believes that if it is an amendment to the Smoot amendment it must be offered now, and that it can not be offered hereafter as an amendment to the Smoot amendment without a reconsideration of the vote whereby the Smoot amendment may be concurred in; but it may be offered as a separate amendment to the bill in the Senate.

Mr. GALLINGER. Question!

The VICE PRESIDENT. The question is on concurring in the amendment to section 7 agreed to as in Committee of the Whole on the motion of the Senator from Utah.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OVERMAN. Mr. President, it will not be necessary to have a yea-and-nay vote on that. I merely want a vote on the committee amendment.

Mr. SMOOT. If that be so, I will withdraw my request for the yeas and nays.

Mr. OVERMAN. We do not want a yea-and-nay vote on the Smoot amendment.

Mr. HUSTING. Mr. President, I had thought of offering an amendment to the Smoot amendment, but upon reflection I think perhaps that the matter that I wished to suggest can be taken care of better in conference than upon the floor of the Senate. I had in mind suggesting an increase of 20 per cent to employees who receive salaries at a rate per annum of $500 or less, 10 per cent to those who receive salaries of more than $500 and not exceeding $900, and 5 per cent to those receiving salaries between $900 and $1,800. I know that such an amendment would involve a great deal of discussion, and I have no disposition to delay materially the vote upon this bill. I desire to say a few words, however, to indicate why I think the Smoot amendment, at least, should be adopted.

The only fault I find with that amendment is that it does not go far enough. I am aware that I am not entirely in harmony with most of my colleagues on this side; but I can not adopt their reasoning upon this matter. I do not think it is fair to say that because we are living beyond our means therefore our hired help should suffer. I do not think that we are any more justified in denying proper advancement and compensation to Government employees, if such is deserved and needed, than a householder would be justified in refusing to compensate his hired girl because his family was living beyond his income. There have been measures before the Senate and before the other branch of Congress in connection with which millions and millions of dollars could have been saved, and we would not have been obliged to enter the plea that we could not afford to pay our help what they are entitled to receive.

It is said, among other things, that a horizontal raise is unscientific. Well, I do not think it is any more unscientific than the original method of fixing compensation by classes. If we originally fixed a class that would receive a compensation of $500, another of $700, another of $900, another of $1,200, another of $1,400, and so on, why can we not horizontally raise the grades for the same reason that we originally fixed them? Not only that, but the manufacturing industries controlled and directed by men who know business, who are supposed to be and probably are the best business men we have in the country, have given their employees a horizontal raise. All the manufacturing establishments that have raised the wages or salaries of their employees have raised these wages or salaries horizontally 5 per cent, 10 per cent, 15 per cent, or 20 per cent; so that we are not out of harmony with the general practice, even in private business, in raising wages horizontally.

The plea that we can not afford to pay employees adequate wages does not come with good grace from a Government that can afford to pay its employees what they are worth. It is said that if you grant a horizontal increase you are giving some a raise who do not deserve it. I presume that all those receiving a thousand dollars a year in compensation do not give the same equivalent for their wage; yet as long as they are in the thousand-dollar class they are treated as though they gave the same equivalent. So if the compensation for the class is raised, even though there are some undeserving ones in the class, we would only be doing what we are already doing now in paying some more than they deserve who are in a certain class.

And why should we hesitate to give a raise to 90 per cent of the employees simply because 10 per cent might undeservedly get the raise? I do not think it is equity—to say that we must keep 90 per cent down because 10 per cent ought not to go up. I think we should give those who deserve it this raise, eliminate the others or put then in a lower class if we do not think they are earning the increased salary. Therefore I do not think that the argument that we should not raise the salaries of employees because a few are undeserving is sound.

Some make the plea that this Government should refuse to pay proper wages to its employees because we have already appropriated too much money. What does this mean? It is conceded that wages are too low. Anybody who lives in Washington knows that a thousand dollars a year does not go very far here. I had not been here very long until I discovered that. I am sure older Senators, who have been here considerably longer than I have, know how far they would get, or how far anyone can get, with a thousand dollars a year in the city of Washington. This is not the cheapest place in the world to live in, as I think everybody will acknowledge who has lived here for any length of time; and yet we have here people who are only getting three, four, or five hundred dollars a year, some who are drawing only six or seven hundred dollars a year—not enough to pay one month's rent for a house of any consequence. You can not rent a house of any consequence here in Washington for less than $200 or $250 a month, and the amount of rent ranges all the way up to a thousand dollars a month. So money is needed. It is needed just as badly by the employees of the United States as it is needed by the employees of great corporations throughout the country.

The employees need this increase, and they deserve it. They deserve to get a living wage. Shall the United States Government say that it knows these employees deserve this increase, that it knows they need it, but that the country can not afford to pay them? That would mean that we are withholding from a class of employees money to which they are entitled and which they deserve in order that we may put it into some other enterprise. In other words, we are saddling part of the burden of the Government upon those lower classes, and asking that they shall be deprived of a raise in their wages in order that we may spend the money to which they are justly entitled for other governmental purposes. In other words, we want to saddle the burdens of government upon our employees. I do not think that is generous, and I do not think that it is just.

This country is rich enough to pay its employees what they deserve. If we want economy, let us not economize at the bottom; let us economize at the top. There are bills coming in here for river and harbor improvements, for flood control, and other things of that kind that will carry appropriations running up into the hundreds of millions of dollars in the final analysis. Let us cut off a few millions from these bills if we are going to adopt them, or let us postpone these matters a few years if we do not want to abandon them, and let us pay the employees of the Government that which they are entitled to. Let us not appropriate all the money that we can, to the last dollar that we shall be able to raise here in this country, and then at the last moment say to our employees: "We have spent all the money we have, and therefore you will have to stand for it. This burden will have to rest on you alone."

I do not think the great Democratic Party ought to put itself in this attitude of withholding from the masses of the people a just wage. How can we, with consistency, call upon the great manufacturing establishments and transportation lines of this country to treat their employees justly, when we, by a poor and bad example, go the other way? Can we say with consistency to the railroads and the manufacturing establishments: "Here, you must not work your men more than eight hours a day; you must pay them a living wage, a minimum wage," when at the same time we are so preaching, we are practicing the other thing? If we deny a raise to these employees instead of going before the country with a good example, we can only go before the people with a good precept and a bad example.

The Democratic Party, especially, has been the champion of the working classes. I hope to see it continue to be such; but let it start at home. Let us treat these men and women justly who are working for the Government. Let us not talk about the flag, and tell them to love the flag, and love their country, when the country over which this flag flies treats them so niggardly. You can not get them to love a country if it does not show some love for them; and I say this Government, in dealing with its own employees, should set an example to the country of how employees should be treated, so that precept and example and practice will go hand in hand.

I hope sincerely that not only the Smoot amendment will be retained in this bill and be adopted but that the conferees of the House will insist upon the raise provided for in the House bill, so that the raise of wages will cover all those classes mentioned in the House bill. It is only just and fair, and I sincerely hope that the Senate will come to see the matter in this light.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. Now the question recurs on the committee amendment to strike out, reserved for a separate vote in the Senate.

Mr. BRYAN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. JONES (when his name was called). As I have already stated, I am paired with the junior Senator from Virginia [Mr. SWANSON]. If I were at liberty to vote, I would vote "nay."

Mr. REED (when his name was called). Making the same transfer as on the last roll call, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. UNDERWOOD (when his name was called). Has the junior Senator from Ohio [Mr. HARDING] voted?

The VICE PRESIDENT. He has not.

Mr. UNDERWOOD. As I have a general pair with the junior Senator from Ohio, I withhold my vote.

Mr. WADSWORTH (when his name was called). On this question I am paired with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence, I will withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. HUSTING. I desire to announce that my colleague [Mr. LA FOLLETTE] is paired with the junior Senator from Oklahoma [Mr. GORE]. If my colleague were present, he would vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I do not see him in the Chamber, and I therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. He is not in the Chamber, and I must therefore withdraw my vote.

Mr. CATRON. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN], who is absent. I transfer that pair to the junior Senator from Utah [Mr. SUTHERLAND] and vote "nay."

Mr. BRANDEGEE. I am paired for the day with the senior Senator from Florida [Mr. FLETCHER] and therefore withhold my vote. If I were at liberty to vote, I would vote "nay"; and I understand that if the Senator from Florida were here he would vote "yea."

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is detained from the Senate on account of illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Oklahoma [Mr. GORE]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 24, nays 33, as follows:

YEAS—24.

Ashurst	Hughes	Randsdell	Smith, Ga.
Bankhead	James	Reed	Smith, S. C.
Beckham	Lewis	Saulsbury	Thomas
Bryan	Myers	Shafroth	Tillman
Culberson	Newlands	Sheppard	Vardaman
Hardwick	Overman	Shields	Walsh

NAYS—33.

Borah	Clapp	Husting	Lodge
Brady	Cummins	Kenyon	McCumber
Broussard	Curtis	Lane	Martine, N. J.
Catron	du Pont	Lee, Md.	Nelson
Chamberlain	Gallinger	Lippitt	Norris

Oliver	Pomerene	Thompson	Works
Page	Sherman	Warren	
Pittman	Smoot	Watson	
Poindexter	Sterling	Weeks	

NOT VOTING—39.

Brandegee	Gronna	Lea, Tenn.	Smith, Md.
Chilton	Harding	McLean	Smith, Mich.
Clark	Hitchcock	Martin, Va.	Stone
Colt	Hollis	O'Gorman	Sutherland
Dillingham	Johnson, Me.	Owen	Swanson
Fall	Johnson, S. Dak.	Penrose	Townsend
Fernald	Jones	Phelan	Underwood
Fletcher	Kern	Robinson	Wadsworth
Goff	Kirby	Simmons	Williams
Gore	La Follette	Smith, Ariz.	

So the amendment of the committee was rejected.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, after section 7, the following:

Provided, That from the date of the approval of this act and during the remainder of the fiscal year ending June 30, 1917, the increase of pay provided for in this section shall apply and be paid to the employees to whom the said section refers. The appropriation for this purpose shall be immediately available.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

Mr. THOMAS. Mr. President, I wish to make the same point of order that was made and sustained to this amendment when it was offered in Committee of the Whole. No estimate has been made for it; it adds a new item of appropriation; and it is an increase of an appropriation already made.

Mr. WEEKS. Mr. President, the proposition as it came from the House was general legislation. The point of order had been made against it in the House, and I understand it had stood. The proposition offered by the Senator from Utah, which has been adopted——

Mr. THOMAS. Mr. President, may I inquire of the Senator whether he offers this as a separate amendment, or as an amendment to the amendment of the Senator from Utah?

Mr. WEEKS. I offer it as an amendment to the amendment that has just been adopted.

Mr. THOMAS. Then I must make the additional point of order that the right to do so was not reserved in Committee of the Whole.

Mr. WEEKS. The Senator is mistaken about that; I did reserve in Committee of the Whole the right to offer it in the Senate.

The VICE PRESIDENT. The Chair has already ruled on that proposition—that if it was an amendment to the amendment of the Senator from Utah, the point of order would be sustained by the Chair. If it is offered as an amendment to the amendment of the Senator from Utah, the point of order is now sustained.

Mr. WEEKS. Mr. President, just one observation. I did not offer the amendment to the Smoot amendment before the vote which was just taken, because I did not care to take the responsibility of jeopardizing that amendment, which I think is extremely important to the people who are to be benefited by the amendment which was offered by the Senator from Utah. I think as a result my amendment is now in a hopeless parliamentary situation, which I greatly regret. I can not understand Senators who are willing to vote, as the majority did vote in this Chamber last fall, to increase the pay of men who are receiving twelve, fourteen, and sixteen hundred dollars a year and yet are willing in times like these, when these people must be suffering, to refuse to raise their pay to take care of the conditions as they exist to-day.

This failure to do so, it seems to me, is a reflection upon the humanity of the Senate. We must know, every Senator must know, that these people are underpaid, or at least many of them are. What kind of citizens can we have or expect to have who are paid only $480 under the living conditions of to-day? These are starvation wages; and the talk so frequently indulged in here about friendship for the laboring man is all leather and prunella when we refuse to raise the pay of people who are receiving starvation wages.

The VICE PRESIDENT. The bill is still in the Senate and open to further amendment. If there be no further amendment to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. OVERMAN. Mr. President, I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The VICE PRESIDENT. Is that a motion?

Mr. ASHURST. Yes; I move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE PRESIDENT. The Senator from Arizona moves that the Senate proceed to the consideration of House bill 18453.

Mr. SMITH of Georgia. Mr. President, I suggest to the Senator from Arizona that he ask unanimous consent to again temporarily lay aside the unfinished business and take up the Indian appropriation bill. The Senator from Montana [Mr. WALSH] is out of the Chamber.

Mr. ASHURST. I make that request, Mr. President.

The VICE PRESIDENT. The Senator from Arizona has asked unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate may proceed with the consideration of the Indian appropriation bill. Is there any objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. I ask that the formal reading of the bill be dispensed with and that the bill be read for committee amendments.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 2, line 7, after the words "Indian lands," to strike out "$100,000" and insert "$105,000," and in line 17, after the date "nineteen hundred and fourteen," to insert "*Provided further*, That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate and report to Congress his conclusions on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stat. L., 963). For the purpose of conducting this investigation the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, and the Secretary of the Interior is hereby authorized to make such surveys or resurveys as may be necessary for the purpose of carrying out the provisions of this act," so as to make the clause read:

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, $105,000, to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914: *Provided further*, That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate, etc.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc., on page 3, line 18, after the date "1910," to strike out "$235,000" and insert "$240,300," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir

sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, $240,300, reimbursable as provided in the act of August 1, 1914, and to remain available until expended.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc., on page 4, line 7, after the words "in all," to strike out "$244,700" and insert "$250,000," so as to read:

Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of $3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, $3,200; in all, $250,000.

Mr. THOMAS. May I inquire of the Senator having charge of the bill why the appropriation of $244,700 was increased by the committee to $250,000?

Mr. ASHURST. The increase is $5,300. The Committee on Indian Affairs believed from the statements made by the commissioner that that sum is adequate and proper and that the House did not appropriate a sufficient sum. It is $50,000 less than the estimate. That is the only statement I have to make.

Mr. THOMAS. The Senator of course knows the estimates are always large enough to cover possible contingencies. The fact that the estimate was $300,000 on the face of it of course makes a prima facie case, but I think that the appropriation made by the House for the construction, repair, and maintenance of bridges, reservoirs, and dams is sufficient and the amendment of the committee increasing it to $250,000 is more than enough. I object, therefore, to the adoption of the amendment.

Mr. ASHURST. I ask for a vote.

Mr. THOMAS. I move that the Senate amendment be not concurred in.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 4, line 13, after "$150,000," to insert:

Provided, That automobiles or any other vehicles or conveyances used in introducing intoxicants into the Indian country in violation of law, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140 of the Revised Statutes of the United States.

So as to make the clause read:

For the suppression of the traffic in intoxicating liquors among Indians, $150,000: *Provided*, That automobiles or any other vehicles or conveyances used in introducing intoxicants into the Indian country in violation of law, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140 of the Revised Statutes of the United States.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the relief and care of destitute Indians not provided for, etc., on page 4, line 24, after the word "sanatoria," to strike out "$350,000" and insert "$400,000"; so as to read:

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, $400,000.

Mr. WADSWORTH. May I ask the Senator in charge of the bill if this increase of $50,000 is due to an increase in the sick roll among the Indians or the development of conditions which show that in previous years there was not enough money appropriated to take care of them?

Mr. ASHURST. In reply to the Senator from New York, I will state that the estimate of the department was the sum of $400,000, and that within the past three or four years—I may say within the past six years—a very strenuous effort has been made to relieve the Indians from tuberculosis and trachoma, diseases with which they apparently seem to be peculiarly afflicted. In the judgment of the committee such excellent work has been done and so many of the tribes are being relieved from the ravages of these dread diseases that this seemed to be a most worthy and indeed a necessary appropriation, and we thought the whole sum of $400,000 is necessary. A system of small hospitals, sometimes accommodating 15 or 20 patients, has been constructed throughout various portions of the United States, and that system is meeting with great success, far superior to that met by the large hospitals.

The amendment was agreed to.

The next amendment was in the item of appropriation for the relief and care of destitute Indians not provided for, etc., on page 5, line 8, before the word "herein," to strike out "$350,000" and insert "$400,000," and in line 16, after the name "Oklahoma," to strike out "$20,000; Fort Lapwai sanatorium, Idaho, $40,000; Laguna sanatorium, New Mexico, $17,000; Mescalero hospital, New Mexico, $10,000; Navajo sanatorium, New Mexico, $10,000; Pima hospital, Arizona, $10,000; Phoenix sanatorium, Arizona, $40,000; Spokane hospital, Washington, $10,000; Sac and Fox sanatorium, Iowa, $30,000; Turtle Mountain hospital, North Dakota, $10,000; Winnebago hospital, Nebraska, $15,000; Crow Creek hospital, South Dakota, $10,000; Hoopa Valley hospital, California, $8,000; Jicarilla hospital, New Mexico, $8,000; Truxton Canyon camp hospital, Arizona, $8,000; Indian Oasis hospital, Arizona, $8,000," and insert "$30,000, $5,000 of which shall be immediately available; Fort Lapwai sanatorium, Idaho, $40,000; Laguna sanatorium, New Mexico, $17,000; Mescalero hospital, New Mexico, $10,000; Navajo sanatorium, New Mexico, $10,000; Pima hospital, Arizona, $10,000; Phoenix sanatorium, Arizona, $40,000; Spokane hospital, Washington, $10,000; Sac and Fox sanatorium, Iowa, $30,000; Turtle Mountain hospital, North Dakota, $10,000; Winnebago hospital, Nebraska, $15,000; Crow Creek hospital, South Dakota, $10,000; Hoopa Valley hospital, California, $10,000; Jicarilla hospital, New Mexico, $10,000; Truxton Canyon camp hospital, Arizona, $8,000; Indian Oasis hospital, Arizona, $10,000," so as to make the proviso read:

And provided further, That out of the appropriation of $400,000 herein authorized, there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet hospital, Montana, $10,000; Carson hospital, Nevada, $10,000; Cheyenne and Arapahoe hospital, Oklahoma, $10,000; Choctaw and Chickasaw hospital, Oklahoma, $30,000, $5,000 of which shall be immediately available; Fort Lapwai sanatorium, Idaho, $40,000; Laguna sanatorium, New Mexico, $17,000; Mescalero hospital, New Mexico, $10,000; Navajo sanatorium, New Mexico, $10,000; Pima hospital, Arizona, $10,000; Phoenix sanatorium, Arizona, $40,000; Spokane hospital, Washington, $10,000; Sac and Fox sanatorium, Iowa, $30,000; Turtle Mountain hospital, North Dakota, $10,000; Winnebago hospital, Nebraska, $15,000; Crow Creek hospital, South Dakota, $10,000; Hoopa Valley hospital, California, $10,000; Jicarilla hospital, New Mexico, $10,000; Truxton Canyon camp hospital, Arizona, $8,000; Indian Oasis hospital, Arizona, $10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 17, after the word "therewith," to strike out "$1,550,000" and insert "$1,650,000," so as to read.

For support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, $1,650,000: *Provided*, That not to exceed $40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to strike out:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $400,000: *Provided*, That the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

And to insert:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $625,000, of which at least $200,000 shall be used for the construction of new schoolhouses: *Provided*, That of this amount $300 may be expended for the purchase of a perpetual water right and right of way across the lands of private individuals, for the purpose of running a pipe line from a certain spring or springs located near the Sisseton Indian Agency buildings, South Dakota, to said buildings, the purchase of such water right to include sufficient land for the construction of a small cement reservoir near such spring or springs for the purpose of storing the water so acquired: *Provided further*, That not to exceed $500 of the amount herein appropriated may be used for the acquisition on behalf of the United States, by purchase or otherwise, of land for a site for the Mesquakie Day School, Sac and Fox, Iowa: *Provided further*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of general construction work in the Indian Service, and that not to exceed two of such employees may be assigned to duty in the Indian Office from time to time when their services, in the opinion of the Secretary of the Interior, are necessary: *Provided further*, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amount for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. THOMAS. The Senate committee has agreed upon an increase of $225,000 over the appropriation made by the House for this purpose. I should like to ask the chairman of the committee what the appropriation for this purpose was last year?

Mr. ASHURST. The appropriation for this same purpose last year amounted to $400,000. I will try to explain as briefly as I may the origin and purpose of this raise.

During the discussion before the Committee on Indian Affairs it was developed that there are in the United States something over 17,000 Indian children without school facilities, there being in one State, to wit, the State of South Dakota, some 1,250, there being in the State of Arizona some 7,500 Indian children without school facilities, there being in the State of New Mexico some 3,500 without school facilities. This item and another item in the bill somewhat related to it were the subject of a vast deal of discussion, and the committee felt that the Government owed it, if not by treaty at least in morals, as an obligation to these various tribes, to give the Indian children the benefits of an education.

It would require an appropriation of about $15,000,000 to provide ample school facilities for those Indian children who are not now equipped with school facilities. Manifestly the committee could not add $15,000,000 in one bill and at one session of Congress, but the committee did think this would be a forward moving step, that it would be a very excellent starting point to make a gradual increase in the appropriations for school buildings.

Whether the state of the Public Treasury at this time will warrant the additional expenditure is a matter that must address itself to the sound discretion of each individual Senator, but nevertheless, the stubborn fact remains that there are some 17,000 Indian children at this time without adequate Government or other school facilities.

That explains the reason for this amendment.

Mr. THOMAS. May I ask the Senator how many children of school age there are among the Indians?

Mr. ASHURST. What is the question?

Mr. THOMAS. What is the approximate aggregate number of Indian children in the United States of school age?

Mr. ASHURST. Who are not provided for?

Mr. THOMAS. No; the total.

Mr. ASHURST. Who are in school?

Mr. CURTIS. There are about 40,000.

Mr. THOMAS. Let me ask the Senator how long this lack of provision for the 17,000 children has existed?

Mr. ASHURST. It has always existed; that is, there have always been, I presume, a large number, ranging from ten or twelve to fifteen or sixteen thousand children of school age without school facilities.

Mr. CLAPP. Of course, there has always been a large number who had no school facilities.

Mr. THOMAS. I presume as long as we make appropriations there always will be, but I wish to ascertain whether this is an exigent situation or one which has been in existence for some time from year to year.

Mr. LANE. If the Senator will allow me, I will answer by saying that in nearly every treaty the Government made a solemn agreement with the Indians that they would furnish these schools, and they have not done it. In some cases the treaty is probably 50 or 60 years old, and the Government has failed to keep its pledge.

Mr. THOMAS. Mr. President, Indian treaties, generally speaking, are kept only when it is necessary to make large appropriations for the purpose. We have expended, I think, in the last 20 years nearly $250,000,000 from the Treasury for the purpose of educating and civilizing our Indian population, and they are hardly much more educated and civilized than when we began this system of appropriations. I believe that we should keep our treaty obligations, of course, and particularly with the helpless tribes of Indians; but as this does not seem to be a matter which has presented itself as an emergency between the time of the making of the last appropriation and the present time, I question the expediency of adding $225,000 to this item now.

The Senator having the bill in charge suggests that whether in view of the condition of the Treasury we should do it now is for the Senate to determine. I think it is not only for the Senate to determine but also for the committee to have determined. I do not believe that the condition of the Treasury has much to do with our actions in making appropriations anywhere. The situation of the Treasury is a matter of after consideration. Some time ago a reported leak from the State Department resulted in a great sensation consequent upon the loss on Wall Street and in the other exchanges of the country of large sums of money by a lot of gamblers. The House is now, I believe, in the throes of an investigation, the purpose being to determine the origin of that leak. We have so many leaks from the Treasury, however, and so many men and women armed with drills and hammers engaged in the delectable work of making as many more leaks as possible, it seems to be taken as a matter of course, it produces neither sensation nor an investigation. The leaks are so many and so numerous that the bottom of the Treasury now resembles a sieve or a watering pot more than anything else. I presume it will drop out very soon for lack of sufficient material in the bottom to hold the scattered pieces together.

Seriously, Mr. President, I do not believe at this time we should make these largely increased appropriations either in this or any other appropriation bill.

This bill as it comes to us from the House carries a total appropriation of $10,625,956.67. The total appropriations by the committee are $12,435,144.05, making a total increase of $1,809,187.38. The decrease by the Senate committee is $3,000, making a total net increase over the appropriations of the House of $1,806,187.38. Of course, Mr. President, we know that a million dollars is of but little consequence in a modern Government appropriation bill. However, these constant accumulations amount to a good deal for the taxpayers of the country to bear in the end.

I shall therefore move to amend the amendment of the committee by striking out, beginning after the word "therewith," on line 3, page 8, "$625,000, of which at least $200,000 shall be used for the construction of new schoolhouses," and to insert in place thereof the figures "$400,000," being the amount the House appropriated.

Mr. LANE. Mr. President, like the Senator from Colorado, I believe in economy, and I think that the people at this time expect and deserve careful consideration to be given to the moneys that we expend. I am going to give the Senator an opportunity to put into force his argument in favor of economy. If the Senator will change his amendment to one striking out about every other item in the bill but this one he will save about eight or nine million dollars, and will have done an act of personal kindness and justice to the Indians. This is one of the valuable items.

Mr. THOMAS. Does the Senator mean to strike out all other appropriations in the bill, whether made by the House or by the Senate committee?

Mr. LANE. It makes no difference who made them—all these general appropriations.

Mr. THOMAS. I want to understand the Senator. Does he mean all the amendments?

Mr. LANE. No; all the bill, with its eight or nine million dollars, practically none of which is for the benefit of the Indians. I am going to offer a substitute to cut them off, and I will give the reasons when I do so.

Mr. THOMAS. I want to assure the Senator that I will join him in that most heartily, particularly in view of the assertion he has just made that all these items of appropriation are of no benefit to the Indians.

Mr. LANE. They are not. It has been proven that a majority of them—I will not say all, but 99 per cent of them—are of no benefit to them.

But I want to state to the Senator that when he made the statement that we have appropriated, say, $250,000,000 for the education of the Indians, a gratuity appropriation in the past, he forgot to mention that at the same time we have taken away from the Indians, absolutely deprived them of, probably $250,000,000 worth of property and we owe them a debt in regard to the schools and it is long overdue.

Mr. THOMAS. If the Senator will permit me to interrupt him, I think it is a great deal more than that. It began with the landing of the Pilgrim Fathers on Plymouth Rock.

Mr. LANE. Likely enough, but whatever else we did in the past we solemnly agreed to educate and erect a schoolhouse and furnish teachers for every 30 Indian children. We have done nothing of the kind. I think the obligation of the Government to the Indian children is greater than any other. I believe that one item is worthy of support and should be supported and the money should be appropriated. You can take this bill as a whole, however, and go through it and strike out item after item, amounting in all to millions of dollars, without harming the Indians and you will also save the money to the people.

Mr. THOMAS. May I ask the Senator from Oregon whether his wholesale criticism of the appropriations contained in the bill are due to his conviction that the moneys thus provided for are diverted to other purposes?

Mr. LANE. They are not for the benefit of the Indians, but for the payment of salaries to the whites who manage the affairs of the Indians, with no benefit to the Indians whatever, as a rule, and many times with the loss of millions of dollars to them.

Mr. THOMAS. Then, let me ask the Senator whether the same fate does not await the amendment to which my amendment is directed?

Mr. LANE. I think the amendment ought to be amended so as to put the management of the Indian schools and other affairs in the hands of the Indians themselves.

Mr. THOMAS. I have no doubt they would learn quite as much as they have learned or would be likely to learn under the civilizing and uplifting influences of the Indian management.

Mr. LANE. I think if the Senator from Colorado fully understood the conditions and had gone through them carefully, he would agree with me in my opinion about these matters.

Mr. THOMAS. I do agree with the Senator there.

Mr. ASHURST. Mr. President, I ask unanimous consent to print in the RECORD, without reading, a list containing the names of teachers, compensation allowed, location of schools, and the average attendance of all the Indian schools in the United States. This is taken from House Document No. 1457.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, permission to do so is granted.

The matter referred to is as follows:

List showing names of teachers, compensation allowed, location of school, and average attendance of each school, payable from "Indian schools, support, 1916."

School.	Location.	Average attendance.	Name of teacher.	Salary.
ARIZONA.				
Camp McDowell day school.	McDowell	27	Hans B. Klingenberg	$720
Salt River day school	Scottsdale	52	William L. Johnson	840
			Donie H. Dutton	690
Lehigh day school	Mesa	20	Edward E. Palmer	795
Camp Verde day school	Camp Verde	22	Vacant	720
Clarksdale day school	Clarksdale	25	George W. Might	720
Colorado River boarding school.	Parker	85	Edward E. Horn	810
			Callie M. Graham	630
			Vacant	720
			Sylvia Worstell	600
Fort Apache boarding school.	Whiteriver	205	Malcolm G. Vernon	600
			Nellie M. Unger	600
			Ernest R. McCray (principal).	1,000
Cibecue day school	do	25	John B. Peters	780
Canyon day school	Fort Apache	30	Vacant	720
East Fork day school	Whiteriver	38	Ward C. Cramer	775
Havasupai day school	Supai	22	Vacant	720
Kaibab day school	Moccasin	12	Mabel C. Crosby	720
Leupp boarding school	Leupp	65	Anna Sheridan	780
			Vacant	690
			do	900
Moqui boarding school	Keams Canon		do	630
			do	600
Chimopovy day school	Toreva	34	James W. Buchanan	840
			John W. Drummond (principal).	1,000
Polacca day school	Polacca	99	Lena Langford	720
			Vacant	630
			do	600
Second Mesa day school	Toreva	67	George L. Leaming (principal).	1,000
			Ethel D. Platz	600
			Ruby Seaver	600
Oraibi day school	Oraibi	67	Vacant (principal)	1,000
			Grace Griffith	600
			Zoe H. Bailey	600
Hotevilla-Bacabi day school.	do	31	Emory A. Marks (principal).	1,000
			Vacant	600
			Carrie E. Fenton	600
Navajo boarding school	Fort Defiance	132	Mamie Dauberman	600
			Sadie E. Evans	810
			Christine Spreier	600
			Jennie O'Connor	630
			Maude McCafferty	600
Chin Lee boarding school.	Chin Lee	105	Joseph A. Garber (principal).	1,200
			Stella E. Laughlin	600
			America J. Seccombe (kindergarten).	630
Luki Chuki day school	Gallup	14	William J. Wells	600
			Ralph S. Hicks	840
			Myrtle E. Hicks	600
Tohatchi boarding school.	Tohatchi	145	John E. Wetenhall	1,000
			Vacant	600
			do	660
Cornfields day school	Cornfields	21	Ethel M. McConnell	600
			Ella Burton	840
Pima boarding school	Sacaton	222	Taylor P. Gabbard	1,200
			Cora M. Hall	720
			Zena R. Monroe	600
			Mary E. McNair	600
			Dorothy Schellhase	660
Maricopa day school	Phoenix	36	Jean O. Barnd	795
Gila Crossing day school	do	33	Sam S. Essary	795
Casa Blanca day school	Sacaton	46	Martin R. Chadick	720
Blackwater day school	Blackwater	30	Edna L. Plake	770
Pima Agency day school	Sacaton	22	Wilma Love	720

List showing names of teachers, compensation allowed, etc.—Continued.

School.	Location.	Average attendance.	Name of teacher.	Salary.
ARIZONA—continued.				
Santan day school	Santan	23	Mary Noyes	$780
Chiu Chu day school	Sacaton	8	Marvin B. Clark	840
Cocklebur day school	do	8	Herman O. Whiting	720
Gila Bend day school	Gila Bend	7	Daniel B. Linderman	770
CALIFORNIA.				
Bishop day school	Bishop	53	George Simmeral	840
			Mrs. Herbert Foster	600
Big Pine day school	Big Pine	17	Leonidas L. Goen	795
Independence day school	Independence	10	Annie Starr Hayes	795
Pine Creek day school	Round Valley	24	H. C. Weston	720
Campo day school	Campo	20	Ruth E. Boyd	750
Likely day school	Likely	15	Sarah R. Hacklander	770
Alturas day school	Alturas	11	Barbara K. Ivan	745
Lookout day school	Lookout	9	Oscar B. Colley	720
Fort Yuma boarding school.	Yuma	137	James Madison	750
			Agnes B. Waite	630
			Ada E. Lavander	600
Cocopah day school	do	13	Vacant	830
Hoopa Valley school	Hoopa	154	Charles A. Freeman	750
			Grace Mortsolf	600
			Agnes R. Wilhelm	600
Pala day school	Pala	18	Ora M. Salmons	900
			Salvadora Valenzuela	300
Capitan Grande day school.	Lakeside	13	Melvin D. Swain	720
La Jolla day school	Valley Center	10	Ray R. Parrett	720
Rincon day school	Rincon	10	John F. Chambers	770
Round Valley day school	Covelo	30	Adolph R. Stolz	720
			Annie P. Gorman	600
Upper Lake day school	Upper Lake	20	Edwin Tabor	720
Ukiah day school	Ukiah	19	Eva L. Schnell	720
Manchester day school	Manchester	6	Minnie Tillson	600
Cahuilla day school	Cahuilla	10	Emily C. Shawk	750
Mesa Grande day school	Mesa Grande	14	Thomas M. Games	720
Volcan day school	Santa Ysabel	15	Vacant	630
Tule River day school	do	10	Lydia Spicer Piesse	780
Auberry day school	Auberry	19	Frank E. Brennan	720
Burrough day school	Burrough	20	Edmund J. Bryant	720
COLORADO.				
Ute Mountain day school	Towaoc	20	Elizabeth L. Smith	600
Southern Ute boarding school.	Ignacio	58	Albert B. Reagan (principal).	840
			Ottilia A. Reagan	600
Allen day school	do	14	Joseph D. Turner	810
IDAHO.				
Fort Hall boarding school.	Fort Hall	126	Vacant (principal)	1,400
			Jessie M. Pinkerton	600
			Grace M. Jackson (kindergarten).	600
Kamiah day school	Kamiah	13	Nellie S. Guyer	780
Kootenai day school	Bonners Ferry	27	Merritt S. Fisher	720
IOWA.				
Fox day school	Toledo	19	Carl Stevens	750
Mesquakie day school	Tama	21	Nellie M. Sherwood	780
Sac and Fox Sanatorium	Toledo	57	Etta J. Snell	660
KANSAS.				
Great Nemaha day school	White Cloud	10	Mary I. Dupuis	600
MINNESOTA.				
Birch Cooley day school	Morton	12	Robert H. C. Hinman	720
MICHIGAN.				
Bay Mills day school	Bay Mills	21	Chester C. Pidgeon	1,000
MONTANA.				
Fort Belknap boarding school.	Harlem	61	John W. Lydy (principal)	1,300
			Alta R. M. Lenardson	660
Lodge Pole day school	Lodgepole	18	Clara I. Goodfellow	745
Milk River day school	Harlem		Vacant	600
Fort Peck boarding school	Poplar	90	Edward J. Peacore (principal).	1,200
			Mary B. McDougal	660
			Elizabeth Stratton (kindergarten).	660
Fort Peck day school No. 1	Culbertson	16	David A. Hiebert	720
Fort Peck day school No. 2	Brockton	15	Sarah A. Myers	720
Fort Peck day school No. 3	Oswego	12	Walter Riesbol	720
Fort Peck day school No. 4	do	22	Reid B. Winnie	720
Tongue River boarding school.	Lame Deer	51	Maurice W. Cooper (principal).	1,000
			William D. Kingsley	600
			Fern D. Davis	630
Birney day school	Birney	32	Ralf E. Cherrick	750
			Elizabeth M. Cherrick	630
Lame Deer day school	Lame Deer	24	John B. Batson	700
Blackfeet boarding school.	Browning	121	Marion C. Olmsted (principal).	1,000
			J. Edwin Levings	720
			Ruth A. McAnulty	600
			Joseph S. Krzykwa	600
Old Agency day school	Family	28	Wesley D. Helm	600
Heart Butte day school	Heart Butte	24	Alden J. Van Campen	600

List showing names of teachers, compensation allowed, etc.—Continued.

School.	Location.	Average attendance.	Name of teacher.	Salary.
NEVADA.				
Fallon day school	Fallon	11	Margaret A. Bingham	$745
Lovelocks day school	Lovelocks	14	Vacant	720
Fort McDermitt day school	McDermitt	47	George H. Beaman	745
			Della Beaman (kindergarten)	600
Moapa River day school	Moapa	13	H. Loramne Hess	780
Nevada boarding school	Wadsworth	64	Elizabeth A. James	690
			Anna Rintelman (kindergarten)	630
Wadsworth day school	do	13	Vacant	600
Walker River day school	Schurz	24	Hattie W. Hazen	720
Western Shoshone day school	Owyhee	21	Leonidas Swaim	840
Western Shoshone day school N. 2	do	21	William H. Pfeifer	840
Western Shoshone day school No. 3	do		Vacant	840
NEW MEXICO.				
Jicarilla boarding school	Dulce	103	Paul A. Walter	1,000
			Josephine R. Walter	730
			Louise B. Thompson	600
			Katherine Ferguson	600
Mescalero boarding school	Mescalero	88	Vacant	720
			Amelia B. Thomas (kindergarten)	720
Acomita day school	Cubero	38	Ottilia Kessel	720
Encinal day school	do	18	James C. Waters	745
			Maude E. Marshall	600
Isleta day school	Isleta	98	Vacant	720
			Grace Wyland	600
Laguna day school	Laguna	39	Agnes A. Morrow	720
Mesita day school	do	28	James G. Wilds	720
			Samuel E. Beahm	720
Paguate day school	do	64	Estelle M. Beahm	600
Paraje day school	Casa Blanca	29	Fred W. Canfield	720
San Felipe day school	Algodones	45	Fannie J. Dennis	840
Seama day school	Seama	30	Emma Dawson	840
McCarty's day school	Laguna	24	Alma H. Poole	600
Cochiti day school	Pena Blanca	18	Nettie Cook	775
Jemez day school	Jemez	59	Mary M. Boyle	660
			Mary Stephania Schramme	690
			Olive I. Davis	600
Pueblo Bonito boarding school	Crownpoint	133	Hattie E. Drake	720
			Robert E. Johnson, principal	1,100
			Katherine R. Walters	600
Placitas day school	Dixon	19	Walter L. Bolander	720
San Ildefonso day school	Ildefonso	14	Lucy I. Balfe	745
Santa Domingo day school	Domingo	57	Mary E. Dissette	840
San Juan day school	Chamita	38	Mrs. Henry H. Kramer	840
			Ruth Ferguson	625
Santa Clara day school	Espanola	27	Robert J. Warfield	720
Taos day school	Taos	61	Alice G. Dwyer	840
			Nellie N. Peery	500
Sia day school	Sia	14	Benjamin S. Bothwell	720
Day school inspector	Albuquerque		Ernest H. Hammond	1,400
			Emma Lumas	900
San Juan boarding school	Shiprock	179	Vacant	720
			Nellie Milam	600
			William J. Davis, principal	900
Aneth boarding school	Aneth		Mary E. Smith	720
Toadalena day school	Crozier		William L. Johnson	840
			Chester B. Risher	600
Zuni boarding school	Blackrock	113	Minnie I. Etzweiler	600
			Vacant	600
			Glenn E. Isaacs, principal	900
			Lovey L. Hunsinger	600
Zuni day school	do	139	Grace V. Haas	600
			Mary Teter	600
NORTH CAROLINA.				
Birdtown day school	Birdtown	16	Fernando G. Tranbarger	720
Snowbird Gap day school	Robinsville	12	John A. Hyde	270
Little Snowbird day school	Andrews	9	J. Fowler Hyde	270
Big Cove day school	Swaney	10	Mary W. Thompson	270
NORTH DAKOTA.				
Fort Berthold boarding school	Elbowoods	41	Paul Lotter, principal	840
			Rossana Ruffner	540
			Jessamine E. Hodgson	480
Fort Berthold day school No. 1	do	12	Lee E. Osgood	625
Fort Berthold day school No. 2	do	18	Lewis W. Page	750
Fort Berthold day school No. 3	do	20	Chas. W. Hoffman	750
Turtle Mountain day school No. 1	Belcourt	31	Theodore J. Klaus	745
Turtle Mountain day school No. 2	do	26	Wellington Salt	745
Turtle Mountain day school No. 30	Laureat	16	R. N. Clark	745
Turtle Mountain day school No. 4	Belcourt	35	Earl R. Hall	745
Turtle Mountain day school No. 5	Dunseith	12	Norris D. Richey	745

List showing names of teachers, compensation allowed, etc.—Continued.

School.	Location.	Average attendance.	Name of teacher.	Salary.
OKLAHOMA.				
Cantonment boarding school	Cantonment	74	Lucius C. Gibson	$840
			Luelle J. Harwood	600
			Jennie C. Brown	600
Cheyenne and Arapaho school	Darlington	128	J. E. Shields (principal)	1,100
			Jerdine Bonnin	780
			Anna Brace Bowman	690
			Dorothy Hudgins (kindergarten)	750
Fort Sill boarding school	Lawton	170	Charles Eggers (principal)	1,300
			Eva Eggers	600
			Tollie Pfister	600
			Nellie M. Mooney	630
			Roger W. Bishoff (principal)	1,200
Rainy Mountain boarding school	Gotebo	141	Flora A. De Lay	750
			Iva L. Burdick	600
			Isabel J. MacRoy (kindergarten)	600
			J. G. Pressly (principal)	1,200
Riverside boarding school	Anadarko	105	Marcia K. Sherry	600
			George Buckland	720
			Vacant	600
			Isadore Ricklin (principal)	1,000
			Nettie Taylor	530
Anadarko boarding school	Mount Scott	124	Annie Dietz (kindergarten)	530
			Vacant	540
Kiowa Agency	Anadarko		Jesse W. Smith (supervising principal)	1,200
			James H. Odle (principal)	900
Ponca boarding school	Whitesagle	93	Paph Julian	720
			Helen M. Colville (kindergarten)	600
Red Moon school	Hammon	21	Mattie Ewing Pruitt	600
			Dora Porterfield	810
Seger boarding school	Colony	84	Louise Strange (kindergarten)	720
			William H. Ross (principal)	900
			David W. Gilliland (principal)	900
Seneca boarding school	Wyandotte	125	Clara D. Allen	810
			Naomi Pacheco (kindergarten)	600
			Roxanna Smith	600
			Gertrude Lobdell	600
			Inez Hudson	600
Shawnee boarding school	Shawnee	97	Blanche A. Giltner (kindergarten)	630
			Fred M. Lobdell (principal)	900
Pawnee boarding school	Pawnee	73	Joseph E. Mountford (principal)	1,000
Sac and Fox boarding school	Stroud	60	Robert E. Manion (principal)	900
OREGON.				
Klamath boarding school	Klamath Agency	74	William H. Haehbarger	900
			Clyde B. Miller	660
			Helena B. Farrand	720
Modoc Point day school	do	11	Ross J. Ferguson	780
Yainax day school	Bonanza	12	John L. Richards	720
Klamath day school No. 1	Chiloquin	17	Fannie H. Delzell	810
Klamath day school No. 2	Yainax	7	Leslie J. Risley	780
Klamath day school No. 3	Paints Camp	14	Henry F. Markishtum	720
Siletz day school	Siletz	28	Arcadia G. Eldridge	720
Upper Farm day school	do	11	Robert R. De Boe	780
Warmsprings school	Warmspring	94	Walter E. Baker (principal)	900
			Ella Baker	690
Simnasho day school	Simnasho	13	Ransom C. Boczkiewics	720
SOUTH DAKOTA.				
Springfield boarding school	Springfield	57	Josephine A. Hilton	660
			Edith A. Kennon	690
			Ada C. Bush (kindergarten)	600
Yankton boarding school	Wagner	78	John F. Thompson (principal)	900
UTAH.				
Goshute day school	Ibapah	32	Amos R. Frank (superintendent)	1,000
Shivwits day school	Santa Clara	15	Elizabeth M. Molineux	720
Skull Valley day school	Iosepa	10	William J. Merz	840
WASHINGTON.				
Colville day school No. 1	Covoda	13	Vacant	720
Colville day school No. 3	Nespelem	27	George E. Peters	780
Colville day school No. 4	Daisy	23	Victor H. Johnson	720
Colville day school No. 5	Nespelem	22	Otis Melon	780
Colville day school No. 6	Daisy	16	Oscar Swindle	720
Colville day school No. 7	Jerome	3	Elvin W. Heninger	720
Colville day school No. 9	Keller	21	George Houser	750
Skokomish day school	Union	15	Henry F. Long	840
Queets day school	Taholah	12	Chester A. Bullard	840
Taholah day school	do	41	John H. Hofer	840
Neah Bay day school	Neah Bay	55	George A. Simms	750
			Gokie M. Simms	600

List showing names of teachers, compensation allowed, etc.—Continued.

School.	Location.	Average attendance.	Name of teacher.	Salary.
WASHINGTON—continued.				
Quileute day school	La Push	43	Fred D. Keene	$780
			Edyth Keene	600
Spokane day school No. 1	Lott	17	Frank B. Allison	750
Spokane day school No. 2	Chamokane	21	Harry C. Norman	780
Spokane day school No. 8	Springdale	11	Roger Gorman	720
Tulalip boarding school	Tulalip	149	William N. Sickles (principal)	1,200
			Mary Prall	720
			Nina M. Huriburt	690
			Francis M. B. Emerson	600
			Esther L. Newlove	600
Swinomish day school	La Conner	15	Lucy A. Case	720
Lummi day school	Marietta	14	Mary Moores	720
Port Gamble day school	Port Gamble	19	August Harman	840
Jamestown day school	Dungeness	12	Archie M. Taylor	840
Yakima boarding school	Fort Simcoe	120	George B. Haggett (principal)	1,200
			Isabelle B. Haggett	720
			Mellie E. Dohse	660
			Mary L. Leader	540
Kalispell day school	Cusick		Charles E. Inman	720
WISCONSIN.				
Lac Courte Oreille day school	Reserve	37	Xavier Grany	625
			Agnes Rietz	475
Lac du Flambeau boarding school	Lac du Flambeau	125	Allace S. White	630
			Bessie Peters	600
			Nora Grimstad	600
			Lucy P. Hart	720
			Cleo List	600
Oneida boarding school	Oneida	149	Alice Cornelius	660
			Lena Ludwick	600
Red Cliff day school	Bayfield	26	Seraphica Reineck	675
Wittenberg boarding school	Wittenberg	120	Martina Cleveland	810
			Esther A. Gunderson	750
			Myrtle A. Eickhoff	630
WYOMING.				
Arapahoe day school	Arapahoe	22	Robert H. Knox	720

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 9, line 15, after the word "employment," to insert:

Provided further, That where practicable the transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid and be available for reexpenditure.

So as to make the clause read:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $72,000: *Provided*, That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment: *Provided further*, That where practicable the transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid and be available for reexpenditure. The provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

The amendment was agreed to.

The next amendment was in the item of appropriation for the purposes of preserving living and growing timber on Indian reservations and allotments, etc., on page 19, line 11, after the word "Indians," to strike out "$425,000" and insert "$500,000," so as to read:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $500,000.

Mr. THOMAS. Mr. President, I should like to make one more effort to reduce these appropriations. I trust that the Senate committee amendment which has just been stated will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. ASHURST. Mr. President, I shall occupy but a moment, as I do not desire to take up the time of the Senate. The amount of the estimates for this item was $500,000. This appropriation is for what might be called an industrial item. It is regarded by the Bureau of Indian Affairs as one of the worthy items to be used for the purpose of training and teaching an Indian how to make a white man of himself. If the Senator from Colorado, however, thinks that the sum of $500,000 is too much, I hope he will not object to a slight increase of the appropriation. If the Senator finds himself unable to vote for the whole sum, why not let us have an increase, say, to $450,000? I think this is a worthy item, and I think the hearings which were held before the committee disclosed that the sum proposed to be appropriated will not be frittered away, but that the present appropriation for the same purpose is being used rather jealously and in a proper way.

Mr. THOMAS. Mr. President, of course I am not impugning the good faith of the chairman of the committee. I know he thinks that all of these are worthy items, or he would not have presented them here. I am also aware that the purpose of this increase is as stated. Let us read it and see what it is. It is as follows:

For the purposes of preserving living and growing timber on Indian reservations and allotments and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians.

Mr. ASHURST. If the distinguished Senator will yield to me a moment, I desire to suggest that he will be able to see upon reading the hearings that this is supposed to be, that it is intended to be, and I wish to assert that it is, for the specific benefit of the Indians in training them for industrial life. I hope, therefore, the Senator will withdraw his opposition and will let the amendment be agreed to.

Mr. THOMAS. I have no doubt it will be agreed to, whether I withdraw my opposition or not.

Mr. ASHURST. Would the Senator be content to let the amendment be agreed to appropriating $450,000?

Mr. THOMAS. No; I do not care to split the difference, Mr. President. If my objection is sound, it should be sustained; and if it is not sound, it ought not to be compromised.

The Senator from Arizona suggests that the purpose of this appropriation is to make a white man out of an Indian. Well, Mr. President, if the surplus in the Treasury was equivalent to the threatened deficiency I do not believe it would accomplish that. This appropriation has a most familiar sound. It has been in all the appropriation bills for the past four years and the Indians seem to know no more about preserving living and growing timber on their reservations now than when these appropriations began, and I think that when it comes to educating Indians in the proper care of forests the probabilities are that they could teach their teachers much more capably than the teachers would be expected to educate them.

There is no question, Mr. President, about the humane purpose involved in this and in other similar appropriations. What I object to is their increase at this time when we are obliged, if we will exercise the commonest elements of business prudence, to live within our income. Instead of doing that, Mr. President, I observe no tendency in that direction upon either side of the Chamber. Senators talk in favor of economy and in favor of retrenchment, but, as I said the other day, it is impossible to pick the place to begin.

The thoughtless appropriations which we make here are the cause of our present financial embarrassment. We are going ahead, all oblivious of the time when pay day shall arrive and when we must either confess our inability to meet our obligations or go further into debt by the issuance of bonds. I am opposed to it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in the item of appropriation for the purposes of preserving living and growing timber on Indian reservations and allotments, etc., on page 11, line 6, after the word "appropriated," to strike out "shall" and insert "may," and in line 10, after

the word "stockmen," to strike out "herein provided for," so as to read:

And provided further, That not to exceed $25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, foresters, farmers, physicians, and stockmen shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

The amendment was agreed to.

The next amendment was, on page 11, line 20, before the word "warehouse," to strike out "two" and insert "three," so as to make the clause read:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian Service.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the word "exist," to strike out "$8,000" and insert "$10,000," so as to make the clause read:

For pay of judges of Indian courts where tribal relations now exist, $10,000.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after "$135,000," to insert: "*Provided*, That not to exceed $5,000 of this amount shall me immediately available," so as to make the clause read:

For pay of special agents, at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $135,000; *Provided*, That not to exceed $5,000 of this amount shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 13, line 22, after the word "crops," to strike out "$300,000" and insert "$450,000," so as to make the clause read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $450,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

The amendment was agreed to.

The next amendment was, on page 14, line 10, after the word "exceed," to strike out "$200,000" and insert "$300,000," so as to make the clause read:

That not to exceed $300,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service.

Mr. THOMAS. Now, Mr. President, we come to an increased appropriation of $100,000.

For the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service.

The House appropriated the sum of $200,000 for that purpose. Let me ask the chairman of the committee——

Mr. ASHURST. Mr. President, if the Senator will pardon me, this is not an appropriation; this is simply an authorization on the part of the department to use a certain sum already appropriated, or appropriated in this bill, for a specific purpose, to wit, the repair and operation of motor-propelled and horse-drawn vehicles. It authorizes the utilization of a certain appropriated sum for this purpose.

Mr. THOMAS. Well, the fact is that the effect of the Senate committee amendment is to allow the expenditure of $100,000 more than the House provided "of applicable appropriations" for motor-propelled and other vehicles. Now, let me ask the Senator if that can not be dispensed with at present?

Mr. ASHURST. Mr. President, in reply to the very able Senator, I will read from page 8 of the report of the committee as to this item:

PURCHASE OF VEHICLES FOR INDIAN SERVICE.

No appropriation is carried in this paragraph, and it is necessary because section 5 of the legislative, executive, and judicial appropriation act for 1915 prohibited the bureaus of the Government from purchasing passenger-carrying vehicles without first obtaining permission and authority of Congress. (See 38 Stat. L., p. 508.) It is now more expensive to maintain vehicles and provide feed for animals than in former years, consequently $300,000 is allowed instead of $200,000, as was granted last year, and the Secretary is granted authority "to exchange automobiles in part payment for new machines used for the same purpose as those proposed to be exchanged." A number of automobiles have been in service for a long time, and it is more expensive to keep them in operation than to exchange them and buy cheaper and lighter machines. In the current law $50,000 instead of $30,000 is allowed this year for the purchase of motor-propelled passenger-carrying vehicles, as there are not a sufficient number of machines to provide for the physicians, matrons, and superintendents.

Mr. THOMAS. In other words, Mr. President, the superintendents, the farmers, the physicians, the field matrons, and the other paraphernalia of employees whose business it will be to expend these appropriations, are to be given $100,000 more this year for automobiles and other vehicles than was allowed last year, upon the theory that the cost of living is higher now than it was then.

This is the last objection that I am going to make to this bill. If the Senate sees fit to vote for this amendment under existing conditions, which I have reiterated here so often that I have no doubt it accounts largely for the empty seats that I see before me, I am through, so far as this bill is concerned.

Mr. ASHURST. Mr. President, before the vote is taken, I think the Senate is entitled to the following information. I read from page 92 of the House hearings:

During the fiscal year 1915–16 the Indian Service, by reason of legislation by Congress, was prohibited from purchasing any form of passenger-carrying vehicles. There were on hand in the Indian Service at that time 118 automobiles and 739 horse-drawn passenger-carrying vehicles, as reported to Congress, for the use of approximately 6,000 employees. By the appropriation act for the present fiscal year we were permitted to expend not to exceed $30,000 of the total amount available in the act for the purchase of motor-propelled vehicles, and $15,000 for the purchase of horse-drawn passenger-carrying vehicles. With these sums there have been purchased 70 automobiles and 112 horse-drawn passenger-carrying vehicles.

These vehicles are used in conveying children to and from school and in transporting physicians and matrons over the reservation. That is all I care to say about it.

Mr. LANE. Mr. President, I should like to say that this item has some merit in it. I think it could be trimmed; but there is actual need for the use of some of these vehicles. I think the Senator from Colorado will agree with me that a physician located in the middle of a reservation, perhaps 20 or 30 or 40 miles from its borders, when called to attend emergency cases and respond to calls coming at the same time from different directions, particularly in cases of childbirth, should have an automobile. Women have died for lack of proper medical attendance upon the reservations in such cases; some within the last year, I have been informed. It is cruel and wrong not to provide for a proper conveyance in such cases. The physician should be given a Ford or some cheap machine, and the matrons should also have some means of transportation. The superintendents are required to go over the reservations, and they are entitled to conveyances to take them about, though perhaps they would not make as much use of them for that purpose as they ought to do. The farmers do not need them so badly, but there is an actual need for these vehicles in some instances, and the item is a worthy expenditure to that extent.

Mr. HUGHES. Mr. President, I would not intrude into this discussion at all were it not for the threat just made by the Senator from Colorado [Mr. THOMAS], that unless some attention was paid to his objections as to this particular item he might retire from the Chamber altogether and leave this particular bill to the tender mercies of its friends.

Mr. THOMAS. Mr. President, I was not aware that I had threatened the Senate at all; I did not intend to do that. I merely wished to express my conviction that further objections were useless, since it appears that, as the legislative bill was no place for economy to begin, neither is the Indian appropriation bill any place for economy to begin. So I concluded, after this amendment, that I would retire, not from the Senate Chamber but from the position of objector, and wait until the next appropriation bill came up, to see whether I could discover that mysterious thing that seems to be nonexistent—a place for economy to begin.

Mr. ASHURST. Mr. President, if the Senator from New Jersey will yield——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Arizona?

Mr. HUGHES. I yield.

Mr. ASHURST. I hope the Senator from Colorado will not leave the Chamber. I think his statements are very frank and

manly, and I hope he will not desist from making objections merely because they happen to be overruled.

Mr. HUGHES. Mr. President, I will take the liberty of saying to the Senator from Colorado that if he is going to play the rôle of a saver of public money, he must not be so easily discouraged. I have acted in that capacity on a number of occasions and devoted a good deal of time to trying to save the public money. The Senator will encounter a great many disappointments and a great deal of discouragement; but one of the first things he must learn is to distinguish between authorizations and actual appropriations of money.

As I understand the facts with reference to this item, the money has already been appropriated; it is available; and every penny of it can be spent for horses and wagons.

Mr. THOMAS. Mr. President, if the Senator will pardon me, I understand the distinction, of course, between appropriations and authorizations. I also fully understood the statement of the chairman of the committee that this was a provision for the expenditure of an appropriation previously made; but why should we increase an appropriation previously made beyond the amount which has been expended in past years, there being no emergency that I have yet been able to perceive for the increase?

Mr. HUGHES. I think I can explain that to the Senator. I did not think he understood it. As the law now stands, this money would have to be spent for horses and wagons. They could spend it all for horses and wagons, but there is a statute which prevents them from spending it for automobiles. They would rather have automobiles than horses and wagons. Automobiles are more economical than horses and wagons.

Mr. THOMAS. If the Senator will look at the amendment, it provides for the expenditure of this money for horse-drawn vehicles as well as for motor-propelled vehicles; and, as I understand it, this amendment is necessary if any part of this money is to be expended either for horse-drawn vehicles or for automobiles.

Mr. HUGHES. I think not. It is only necessary——

Mr. THOMAS. Not to exceed $15,000 is to be used for the purchase of horse-drawn vehicles and not to exceed $50,000 for the purchase of motor-propelled vehicles.

Mr. HUGHES. There is a statute which would prevent them. As the law now stands they could not spend this money for motor-operated vehicles, because at one time in a spasm of virtue, of so-called economy, Congress rose in its wrath and said that certain gentlemen were riding around in automobiles who ought not to be riding around in automobiles, and solemnly enacted into law a restriction upon various officers of the Government and various departments of the Government which operated to prevent them from purchasing automobiles.

Mr. THOMAS. I fully agree with the Senator that if the expenditure is to be made, the automobile is the better vehicle.

Mr. HUGHES. That is the only thing we are deciding here. We are giving them authority which this official says he ought to have because of the cheaper operation of automobiles.

Mr. THOMAS. But while the money which is to be expended under this provision will be ostensibly used for the purposes recited in the amendment, as stated by the Senator from Oregon, like the other appropriations, the chances are that it will be diverted from its real purpose and expended in other directions.

Mr. HUGHES. I hope the Senator will stay and continue the scrutiny of these items, for if he is diligent and faithful in the performance of that duty, he will probably save the people of the United States $150,000 or $200,000 this afternoon. Surely that is worth while.

Mr. THOMAS. Mr. President, I doubt it. I do not believe that.

Mr. HUGHES. The Senator refused to accept the compromise of $50,000 awhile ago, and I simply shuddered at the nonchalance with which he waved away the offer of the chairman.

Mr. THOMAS. I refused to accept it, but that did not prevent the chairman of the committee from suggesting to the Senate the substitution of the sum mentioned by him in place of that which the bill then contained.

Mr. HUGHES. The chairman will not do that now.

Mr. THOMAS. I still say that if my objection was good, it was good in toto. If it was not good, it should not have prevailed.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was on page 14, line 18, after the word "exceed," to strike out "$30,000" and insert "$50,000," so as to read:

Provided, That not to exceed $15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed $50,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service: *Provided further*, That the Secretary of the Interior may hereafter exchange automobiles in part payment for new machines used for the same purpose as those proposed to be exchanged.

The amendment was agreed to.

The next amendment was, on page 15, line 6, after the word "prescribe," to strike out "$50,000" and insert "$100,000, said amount to be immediately available and to remain available until expended," so as to make the clause read:

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, $100,000, said amount to be immediately available and to remain available until expended: *Provided*, That not to exceed $15,000 of this amount may be used in reimbursing Indians for horses killed previous to the passage of the act of May 18, 1916, for which they have not heretofore been reimbursed.

The amendment was agreed to.

The next amendment was, on page 15, line 14, after the word "sold," to insert "to the highest bidder," so as to make the clause read:

That the Secretary of the Interior is hereby authorized to cause to be sold, to the highest bidder, under such rules and regulations as he may prescribe, any tract or part of a tract of land purchased by the United States for day school or other Indian administrative uses, not exceeding 160 acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the net proceeds therefrom in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased: *Provided*, That where the purchase price was paid from tribal funds, such proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to strike out:

That from and after the passage of this act the Secretary of the Interior shall have the power to authorize any superintendent, clerk, or other employee in the Indian field service to administer oaths and take acknowledgments in connection with matters pertaining to their official duties.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

Hereafter, for the purpose of reducing the expense of enforcing and administering the several statutes conferring or imposing duties upon the Secretary of the Interior, he shall have authority from time to time to make designations of not to exceed five special agents employed by the Creek Tribe of Indians in Oklahoma to investigate cases brought or to be brought in behalf of said tribe, or members thereof, to administer oaths, of which designations the courts of the United States shall take judicial notice. Any such agent so designated is hereby empowered, in the discharge of the duties imposed upon him, to administer to, or take from, any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under investigation by such persons. Any such oath, affirmation, or affidavit administered or taken by or before such agent shall, when offered or used in any court of the United States, have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such agent.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to strike out:

That the following provision of the act approved March 11, 1904 (33 Stat. L., p. 65), authorizing the Secretary of the Interior to grant rights of way across Indian lands for the conveyance of oil and gas, to wit: "No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior," be, and the same hereby is, amended to read as follows: "No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior."

And insert:

That the following provision of the act approved March 11, 1904 (33 Stat. L., p. 65), authorizing the Secretary of the Interior to grant rights of way across Indian lands for the conveyance of oil and gas, to wit: "No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior," be, and the same is hereby, amended to read as follows:

"Before title to rights of way applied for hereunder shall vest, maps of definite location shall be filed with and approved by the Secretary of the Interior: *Provided*, That before such approval the Secretary of the Interior may, under such rules and regulations as he may prescribe, grant temporary permits revocable in his discretion for the construction of such lines."

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," in section 2, on page 19, line 16, after the word "purposes," to insert "and for the installation of pumping machinery"; in line 22, after the word "land," to insert "$25,000"; and in line 24, after the word "structures," to strike

out "$15,000" and insert "in all $40,000"; so as to make the clause read:

For the construction and repair of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes and for the installation of pumping machinery on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land, $25,000; and for maintaining and operating the pumping plant, canals, and structures, in all, $40,000, reimbursable as provided in said act, and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 20, line 20, after the word "Indians," to strike out "on the Navajo Reservation, $25,000" and insert "$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians, $50,000, to be immediately available, reimbursable out of any funds of said Indians now or hereafter available.

The amendment was agreed to.

The next amendment was, on page 22, line 12, after "$175,000," to insert:

Provided, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686); *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

So as to make the clause read:

For completing the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., $100,000, to remain available until expended, the total cost not to exceed $175,000, and for beginning the construction of the necessary canals and structures to carry the natural flow of the Gila River to the Indian lands of the Gila Indian Reservation and to public and private lands in Pinal County, as provided in the Indian appropriation act approved May 18, 1916, $75,000, to remain available until expended; in all, $175,000: *Provided*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

The amendment was agreed to.

The next amendment was, on page 23, after line 16, to insert:

To enable the Secretary of the Interior, in his discretion, to purchase lands and water rights, with improvements, for the use of the Navajo Indians located on the public domain of Arizona, $25,000, or so much thereof as may be necessary, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

For the construction of two bridges over the Little Colorado and Canyon Diablo Rivers near the Leupp Indian Agency, Ariz., $42,500, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

That so much of article 2 of the agreement with the Indians of the San Carlos Indian Reservation concluded on February 25, 1896, accepted, ratified, and confirmed in the act approved June 10, 1896, reading "and that said money shall be paid to them in cash from time to time as the same shall become available, pro rata, share and share alike, to each man, woman, and child of the tribes now living upon and entitled to the privileges of the said reservation," be, and the same is hereby, amended to read, "and that said money, as the same becomes available, may, in the discretion of the Secretary of the Interior, be paid to or expended for the benefit of the Indians entitled thereto in such manner and for such purposes as he may prescribe."

The amendment was agreed to.

The next amendment was, under the head of "California," in section 3, page 24, line 17, after the word "employees," to strike out "$42,000" and insert "$50,000," so as to make the clause read:

SEC. 3. For support and civilization of Indians in California, including pay of employees, $50,000.

The amendment was agreed to.

The next amendment was, on page 24, line 20, after the word "Indians," to strike out "$10,000" and insert "$25,000," so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $25,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. THOMAS. Mr. President, I wish to inquire of the chairman in charge of the bill how many Indians in California are still homeless? My inquiry is prompted by the recitals on page 24, beginning with line 18, where $25,000 is appropriated for the purchase of lands for the homeless Indians in California.

Mr. ASHURST. I can furnish the Senator with that information, I think, in just a moment.

Mr. THOMAS. We have been appropriating money for homeless Indians in California ever since I have been here, and the more money we appropriate the more homeless they seem to be.

Mr. ASHURST. I wish first to say in a general statement that the California Indians have never been treated with that degree of legislative equity with which they ought to have been treated. Answering the Senator's question directly, there are now 2,782 homeless or landless Indians in the State of California.

Mr. THOMAS. Can the Senator inform me how many there were a year ago or two years ago who were homeless? The amount named seems to be the equivalent of the Democratic majority out there. [Laughter.]

Mr. ASHURST. Well, that is very substantial. With the permission of the Senate and the indulgence of the Senator, I will read from page 135 of the House hearings the figures regarding the purchase of lands for landless Indians in California.

For the fiscal year ending June 30, 1917, the amount appropriated was $10,000.

Mr. THOMAS. Which year was that?

Mr. ASHURST. The fiscal year ending June 30, 1917. That is the year we are now in.

Mr. THOMAS. Yes.

Mr. ASHURST. For the fiscal year ending June 30, 1916, $10,000 was appropriated.

The following is an analysis of the expenditure:

Land purchased, $15,217.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield; yes.

Mr. CURTIS. The table at the top of page 136 gives the Senator the information he desires.

There were purchased prior to 1913, under the appropriations of 1906 and 1908, 6,420 acres for 38 bands of Indians. There were 3,291 members of those bands.

There were purchased subsequently thereto, under the acts of 1914, 1916, and the joint resolution of 1915, 1,317 acres for 14 bands, the members of the bands being 863 in number.

The next purchase was 685 acres for 9 bands, comprising 617 members.

Mr. THOMAS. I am obliged to the Senator for his information. I notice, however——

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I yield.

Mr. MYERS. I am sure the Senator thinks these homeless Indians ought to have lands, and I am sure the Senator would much rather the Government would buy lands for them than to lease them some Government lands, would he not?

Mr. THOMAS. Oh, I do not object to giving the homeless Indians lands; but my curiosity is aroused, whenever these appropriations come in regular succession, as to how many Indians have been furnished homes and how many still remain homeless.

Mr. MYERS. But my idea is that the Senator would prefer a sale to leasing lands to them, would he not?

Mr. THOMAS. Why, certainly. I want to do anything at any time that will get title in the public lands out of the Government of the United States, even if the title is conferred upon Indians.

Mr. ASHURST. Mr. President, this will do that. As I said before, there are now 2,782 homeless and landless Indians in the State of California.

Mr. THOMAS. I do not think the Senator from Montana sees the purpose of my inquiry. What amazes me is that these Indians continue to be homeless; and I venture to predict that 10 years from now we will still be appropriating money for homeless Indians.

Mr. ASHURST. The Senator should bear in mind that when we entered upon the policy of purchasing lands for homeless Indians in the United States there were nearly 8,000 of them.

Mr. THOMAS. I do not know anything about it except what the Senator tells me. I am glad some of them have been provided for.

Mr. ASHURST. The Senator from Kansas pointed out the number that have been supplied with lands in years gone by.

Mr. THOMAS. But as the Indians decrease in number the appropriations increase in amount.

Mr. ASHURST. I think this will be the last year that this appropriation will be necessary.

Mr. THOMAS. Does the Senator think that?

Mr. ASHURST. I think this will be the last appropriation that will be necessary to purchase lands for homeless Indians in California.

Mr. THOMAS. The Senator is a young man. I think his head will be as gray as mine before these appropriations cease to appear in the appropriation bills.

Mr. VARDAMAN. The Senator from Arizona proposes to furnish them all homes by this appropriation. There will be no further homeless Indians in California.

Mr. THOMAS. As suggested by the Senator from New Jersey [Mr. HUGHES], when the last homeless Indian is provided with a home in California the probabilities are that we will begin to furnish homeless Indians with homes in New Jersey. [Laughter.] Now may I ask if the increase to $25,000 in this bill is also due to the high cost of living?

Mr. ASHURST. The high cost of land.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 25, line 4, after the word "allotments," to strike out "$15,000" and insert "$40,000," so as to make the clause read:

For reclamation and maintenance charge on Yuma allotments, $40,000, to remain available until expended and to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

The amendment was agreed to.

The next amendment was, on page 25, line 12, after "$3,500," to strike out "in all, $21,700" and insert "for new school building, $12,000; in all, $33,700," so as to make the clause read:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, $18,200; for general repairs and improvements, $3,500; for new school building, $12,000; in all, $33,700.

Mr. SMOOT. I wish to ask if the Indian children at the Fort Bidwell Indian schools are now in any kind of a school building, or are they being taught in any way?

Mr. ASHURST. I will ask the Senator to consider page 140 of the House committee's hearings, from which I am going to read. The commissioner stated as follows:

We are asking for a new school building, $12,000; dairy farm, $5,000; making the total $38,700. Last year we had an appropriation of $21,800. I offer for the record the following justification for that estimate:

Indian school, Fort Bidwell, Cal.

Fiscal year ending June 30, 1917, amount appropriated	$18,200.00
Fiscal year ended June 30, 1916:	
Amount appropriated	20,500.00
Amount expended	19,315.74
Unexpended balance	1,184.26
Analysis of expenditures:	
Salaries and wages	10,878.78
Transportation of supplies	295.03
Telegraph and telephone service	7.88
Subsistence supplies	1,962.46
Dry goods, wearing apparel, etc	2,034.28
Forage	173.00
Fuel, illuminants, lubricants, etc	1,458.86
Educational, stationery, and office supplies	283.14
Medical supplies	155.95
Implements, vehicles, tools, etc	339.06
Sundry supplies, equipment, etc	1,649.76
Miscellaneous	77.54
Total	19,315.74

Mr. SMOOT. That does not answer my inquiry.

Mr. ASHURST. I will give the information.

Mr. SMOOT. The Senate committee made an amendment to the provision appropriating $12,000 for the Fort Bidwell Indian School, California, for a new school building. Can the Senator tell me why they want a new school building or——

Mr. ASHURST. The estimates of the department call for the same, and the statement made by the assistant commissioner was to the effect that such a building is necessary. I have not the printed hearings before me.

Mr. SMOOT. In the past they have had sufficient room for educating those Indian children, have they not?

Mr. ASHURST. Let me answer the question by reading what the assistant commissioner said, if the Senator please:

The new construction work required at this school will include a new school building. This is an urgent need, the one now in use being an old building used as a hospital when the United States troops were stationed there. A building large enough to provide two or three classrooms and an assembly hall is required.

That is the language of the assistant commissioner.

Mr. SMOOT. We have just passed the legislative, executive, and judicial appropriation bill. The Senator will notice that the Committee on Appropriations cut everything out of that bill that could be cut out. They allowed no increases, as appeared in the estimates for all the departments. As I said last night, if the Committee on Appropriations had yielded and granted what the gentlemen of the departments and bureaus had asked for, the bill would have been increased nearly $3,000,000.

Mr. ASHURST. I understand.

Mr. SMOOT. I want to ask the Senator from Arizona if he does not believe that under the conditions of the Treasury today, with, I understand, six hundred and odd million dollars to be raised by the issuing of bonds and the imposition of additional taxes upon the American people, the Indians at the Fort Bidwell School could not get along for another year with the buildings that they already have?

Mr. ASHURST. Mr. President, I do not believe it. The committee has taken care to eliminate buildings in every place. The committee has used the most scrupulous care, and in a dozen instances has declined to appropriate for new sanitary buildings. If I remember correctly, these buildings in California, the schools being isolated, were about the only ones the committee did allow; and they seemed to appeal to the committee with some force, because the appropriation was asked for last year and denied. It is an urgent necessity on these two reservations.

Mr. SMOOT. It was denied last year; and has any real harm come to the Indians?

Mr. ASHURST. The necessity is greater.

Mr. SMOOT. Would any harm come to the Indians by a refusal to grant the request this year?

Mr. ASHURST. The necessity is greater this year. They are not given proper and adequate facilities for the housing and instruction of the school children. The necessity is very great.

Mr. SMOOT. This very question was presented to the Committee on Indian Affairs of the House. They pleaded with the House to put in this provision. The House did not think it was necessary, and therefore withheld it.

I recognize, Mr. President, that it is a very unfortunate item to begin to try to economize on when the question of education is involved, but I do not know where we are going to begin to economize. Every item we bring up it seems to me that that is not the proper place to begin.

Mr. THOMAS. If the Senator will permit me, I think we shall have to advertise for a place to begin. I do not know how else we will be able to discover it.

Mr. SMOOT. Mr. President, the House had this proposition presented to them and presented in the very language that was read by the Senator having the bill in charge, and after considering it and holding hearings upon it decided that the Indians could get along another year. I believe the Senate ought to agree with the House, and I believe this item ought not to be allowed.

Mr. LANE. I would suggest one thing to the Senator which may have influenced the committee's action in regard to this particular school, a fact which was brought to the attention of the Senate committee and not the House committee. A short time ago, a few weeks ago, three or four little children—girls aged from 8 to 12—ran away from the school. One of them was found the next day, or a day or two afterwards, frozen to death, and one or two others had their feet frozen so badly they had to be amputated. It must be an awful place, or an awful management of children, and the fear of punishment dreadful, when little children 8 to 12 years old would go out on the hillside and prefer to die by freezing rather than to go back and face the tender mercies or comforts of such a home as that.

It may be possible that that had an influence. It does influence me. I did not vote for it, for I rather suspected perhaps it was the treatment which they received from their guardians, but the statement of the fact in an excerpt taken

from the papers and publications might have influenced the committee to be a little overgenerous. The condition of the Indians all over the United States is miserable. I am going to offer a substitute to clean this business out if possible.

Mr. SMOOT. The very next paragraph provides for a new school building at Greenville Indian School. I wish further to say that I do not believe a school child, because of the character of the building, would go out and freeze to death. The treatment might be such that a child would rather die than go back.

Mr. THOMAS. The child may have run away, just as children do at times, for no particular reason.

Mr. VARDAMAN. Mr. President, I wish to know if the Senator from Oregon and the Senator from Utah agree about this matter.

Mr. THOMAS. We are holding an inquest.

Mr. LANE. I think the Senator is mistaken. I know he is mistaken, if he thinks that the surrounding conditions, with good sanitation, with pleasant surroundings and agreeable and comfortable rooms, when compared with moldy, damp, cold, and dreary ones, will not influence a normal child, Indian or white, either to stay or run away when the opportunity presents itself, and that it would go and perhaps even freeze to death rather than return. There are some of those buildings in bad condition, many of them throughout the country, some of which I have seen, and one could not blame the child. I do not say that there may have been a certain rule of discipline which the child dreaded so that until too late it would stay out rather than return. There is more in the bill than appears on the surface, and not to its credit.

Mr. SMOOT. Of course, the building occupied to-day for school purposes at Fort Bidwell, Cal., was a hospital used by the Government of the United States, and it does seem to me——

Mr. ASHURST. Mr. President, I do not want to interrupt the Senator, but I was going to ask, inasmuch as apparently this is controverted, that it may go over until to-morrow, and that the reading of the bill be resumed.

Mr. SMOOT. I am perfectly willing to vote. I want to vote on it.

Mr. ASHURST. Let it go over until to-morrow, and it can be investigated further. I wish to go on with the other items in the bill for half an hour.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Is that course agreeable?

Mr. SMOOT. All right; but I want the next item, for the Greenville Indian School, to go over.

Mr. GRONNA. Mr. President, there is no reason why this item should go over. The committee considered it with a great deal of care. Many of these buildings have been condemned as insanitary and unfit. I wish to say to the Senator from Utah that I objected to many of the proposed increases, but after I heard the statement from the Indian Office and from the men who are thoroughly acquainted with the conditions in this particular school I was satisfied that this increase should be made.

Mr. SMOOT. I have not read all the testimony that was given to the committee in the House, but the testimony read by the Senator having the bill in charge said nothing in relation to the sanitary condition of the school.

Mr. GRONNA. I will say to the Senator there was a great deal of discussion about this particular school. The Senate committee hearings have not yet been printed, or at least I have no copy.

Mr. ASHURST. The hearings will be available in the morning, if the Senator will pardon me.

Mr. GRONNA. I am sure the committee was justified in increasing this appropriation, and I am quite sure that when the Senate knows the facts it will not strike out the appropriation.

Mr. SMITH of Georgia. Mr. President, if we take up the average rural school in the United States, it would hardly meet the approval of the United States Senate as a perfectly suitable school. I have not any question but that the Indian school at this place as it now stands is up at least to the average rural school.

Mr. CURTIS. Mr. President——

Mr. SMITH of Georgia. One moment. I think this is a time for us not to add anything that is not absolutely necessary. For myself, while I am here I expect to vote against these increases. I regret very much that the Committee on Indian Affairs has added a million or more dollars to the bill.

Mr. THOMAS. Nearly $2,000,000.

Mr. SMITH of Georgia. Nearly $2,000,000. The policy elsewhere has been to cut down our appropriations rather than increase them. If there is any reasonable way to get along without these increases, I think we ought to vote them down and in addition try to find a place to make some reduction in the House appropriations.

Mr. CURTIS. Mr. President, I wish simply to suggest to the Senator from Georgia that this is an old abandoned fort. There are about 20 buildings there, and many of them are in a very bad condition. The Assistant Commissioner of Indian Affairs informed the committee at the Senate committee hearings that many of them are in an unfit condition for use and urged that this building was needed perhaps more than any other in the service.

They are entitled to some credit. The committee will remember that we had this item up a year ago when it was costing two hundred and fifty-odd dollars per capita to educate the children at Fort Bidwell. Under the arrangement this year they propose to carry it on for $167. I think that makes a pretty good showing for the office. It is a reduction of nearly $100 per capita. I believe the showing that was made before the Senate committee justified an appropriation for this new building.

The PRESIDING OFFICER. Is it the understanding that the Fort Bidwell and Greenville Indian Schools amendments shall go over?

Mr. ASHURST. Let them go over until to-morrow.

The PRESIDING OFFICER. Without objection, the amendments will go over.

Mr. THOMAS. It is the understanding that the paragraph, beginning in line 14 down to line 18, inclusive, goes over also?

Mr. SMOOT. I ask that both may go over.

Mr. THOMAS. Let them both go over.

The PRESIDING OFFICER. Without objection, they will go over.

Mr. THOMAS. I understand the other was not read.

The next amendment was, on page 25, line 17, after "$3,500," to strike out "in all, $21,700" and insert "for new school building, $9,000; in all, $30,700," so as to make the clause read:

For support and education of 100 Indian pupils at the Greenville Indian School, Cal., including pay of superintendent, $18,200; for general repairs and improvements, including laundry equipment, $3,500; for new school building, $9,000; in all, $30,700.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 25, after line 23, to insert:

For beginning the enlargement and improvement of the irrigation project upon the Torres Indian Reservation, Cal., for the irrigation of approximately 3,000 acres of Indian land, in accordance with the plans and estimates submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, $25,000, to remain available until expended and to be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the total cost of said irrigation project shall not exceed $150,000.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Arizona if this money is to be reimbursed to the Government?

Mr. ASHURST. It is. If the Senator will pardon me I will read from page 15 of the hearings, being the information the committee had on the subject:

Appropriation, $25,000; estimate, $25,000; not allowed by House.

The Torres Indian Reservation is in the Coachella Valley, Cal., at the head of the Salton Sea, and some distance northwest therefrom. The locality is generally below sea level, on the eastern edge of the San Jacinto Mountain Range, in Riverside County, Cal. There has been no previous appropriation by Congress. The Indians, numbering about 210, are known as Cahuillas. The area of the contemplated project is 4,200 acres. The source of water supply is from wells and it is proposed to sink some large wells which will enable the Indians to compete with the whites who have taken up alternate sections, the reservation having been set aside after the railroad land-grant selections had been made.

This is reimbursable, and the total limited cost of the project will be $150,000.

Mr. SMOOT. Does the Senator know whether the Indians have a fund at present in the Treasury of the United States?

Mr. ASHURST. They have not at this time.

Mr. SMOOT. How is it to be reimbursed? By payment by the Indians?

Mr. ASHURST. By payment from year to year as they earn money from the produce and crops they sell.

Mr. SMOOT. There is no provision here for that, but simply that it is to be reimbursed. It may be in 50 years or in 100 years.

Mr. ASHURST. That language is used invariably in the Indian appropriation bill. It really is to be done in accordance with rules and regulations prescribed by the Secretary of the Interior, for this reason: Some tribes have repaid the whole sum in one year. Others do not repay with the same alacrity

that they promised. It is left to the discretion of the Secretary of the Interior to promulgate rules and regulations as to when and in what manner and in what sum the money shall be repaid.

On the irrigation projects the white men have repaid in 20 years. I assume that the same time, say 20 years, will be given to the Indians. I do not wish to express a personal opinion, but I think this is a worthy appropriation.

Mr. SMITH of Georgia. Does the Senator say that there are only 120 Indians?

Mr. ASHURST. There are about 210 of these Indians.

Mr. SMITH of Georgia. We are giving them in the proportion of about $700 to an Indian.

Mr. ASHURST. If the distinguished Senator from Georgia will pardon me, we are not giving it to them.

Mr. SMITH of Georgia. We are appropriating it now, and we have got to raise it by taxation or by some sort of a revenue system. I do not know how we are going to raise it.

Mr. ASHURST. We are going to advance $25,000 this year and pledge the Government to advance the other $125,000 in the future. I am sure the Indians will repay this sum with the same promptness and with the same alacrity and with the same fidelity that the white men repay the sums they have had for similar projects out of the Federal Treasury.

Mr. SMITH of Georgia. I want to ask the Senator from Arizona what we are going to advance it from? From the deficit?

Mr. WADSWORTH. I understand there is not anything in the Treasury.

Mr. SMITH of Georgia. From the deficit we will have next year?

Mr. VARDAMAN. Of course, if we have any money left after we spend 40 times this sum for unnecessary battleships and armor plate I think we might as well give it to the Indians as anybody else. But I rose for the purpose of asking the Senator if this tribe of Indians have any money in the Treasury at all?

Mr. ASHURST. They have no money. They simply have a reservation and it is a checkerboard affair. Private parties own certain sections and the Indians own alternate sections. They are in a very warm climate and one which is very arid, but there is good land and good soil there which will produce crops in great abundance if the water is turned upon it.

Mr. VARDAMAN. This is a loan by the Government to those Indians for the purpose of irrigating and improving their land?

Mr. ASHURST. That is it exactly.

Mr. VARDAMAN. Have those Indians up to date been self-sustaining?

Mr. ASHURST. They have never within my knowledge had a dollar or a particle of assistance from the Federal Treasury.

Mr. PHELAN. Mr. President, I desire to submit that this proposition involves practically no expenditure on the part of the Government. The Indians are the wards of the Nation. The Nation now becomes the backer of the Indians. They have no other means by which they may develop the otherwise fertile land which, when water is applied to it, becomes highly productive This contemplates a loan practically of $25,000 this year for the beginning of the work, and that the Government shall be surely reimbursed as that land will be made fertile by the application of water.

I think we have a duty to our wards; in the chancery court it was regarded as the highest duty; and to abandon them to a State where they can not by their industry help themselves is an abandonment of a trust. I think that in the increased values by taxation this money will ultimately come back, even if there were no direct repayment, to the Government—not only to the Federal Government, but to the State government—by increasing the natural wealth, with the assistance of irrigation, of the whole country.

The Senator from Mississippi [Mr. VARDAMAN] talks of warships. The nations are involved in war for the purpose of acquiring territory, and here by peaceful methods we propose to acquire territory, for it is none the less the acquisition of territory when we reclaim it from the desert. So, from whatever point it is viewed, I think that this is a very wise appropriation even at a time when there is a deficit in the Treasury.

Mr. JONES. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. PHELAN. Yes.

Mr. JONES. I understood the chairman of the Committee on Indian Affairs to say that these Indian lands were in a kind of checkerboard situation, alternate sections being owned by private parties. Is there any water available for these lands in the hands of private parties?

Mr. PHELAN. Water in that region is derived from wells, as I understand.

Mr. ASHURST. This whole region is below sea level, being near the Salton Sea, and, as Senators know, many years ago land grants were made and the alternate sections have been acquired by the Indians.

Mr. JONES. Is it proposed to irrigate the Indian land by wells?

Mr. ASHURST. Yes, sir.

Mr. JONES. About how deep do they have to go to get water sufficient for irrigating purposes?

Mr. ASHURST. Let me read from the report of the committee. I will give the Senator a statement in reference to that matter in a moment.

Mr. PHELAN. We have in California the lowest land in the United States, and we also have the highest land. In the neighborhood of this valley, I think the land is 120 feet below the level of the sea, and we have in Mount Whitney the highest mountain in continental United States outside of Alaska. Having that low land, the only means of getting water upon it, as it is a desert and there is no rainfall, is by the sinking of wells.

Mr. JONES. I suppose that private parties have irrigated the land, which, of course, would indicate about how deep they would have to go.

Mr. ASHURST. Reading from page 114 of the House committee hearings, I find the following:

> The irrigation work here proposed is to supply eventually about 4,200 acres of very fertile desert land in the so-called Coachilla Valley in southern California. The Indian reservation at this point consists of alternate sections of land caused by the fact that the reservation was set aside after the railroad land grant had been made. This has permitted white settlers to occupy the railway land and has caused extensive water development upon the white lands, reducing the flow of the small artesian wells drilled some years ago for the Indians to such a point that they are no longer of use for irrigation. It is proposed to drill large wells and install pumping plants of the same type which are very successfully used by the whites on the adjoining land and distribute the water through impervious pipe lines in order to preserve to the greatest extent possible the valuable water supply. The fact that the ground-water plane of the deep wells proposed will either be just about the surface of the ground, or even above it, makes the expense of pumping comparatively light, and the development which has already been made by the white people previous proves the value of the proposed work, which will permit the industrious Indians of this reservation to become entirely self-supporting.

Mr. JONES. Where do these Indians now live?

Mr. ASHURST. They live near by on the land, notwithstanding its extreme aridity.

Mr. JONES. I know these lands are desert lands, and I suppose if they were not irrigated the Indians could not live on them and that they were probably living somewhere else.

Mr. ASHURST. They are nomadic in a way; they roam about from place to place, but for a large part of the time they live on these lands, notwithstanding their extreme aridity and lack of water.

Mr. JONES. Does the department hope that these Indians will themselves cultivate the land or will the land be leased to white people for the benefit of the Indians?

Mr. ASHURST. It is the hope and expectation of the department that the Indians themselves will raise crops on the land.

Mr. GRONNA. If the Senator from Arizona will pardon me, I will say to the Senator from Washington that the Assistant Commissioner of Indian Affairs stated that it was the intention of the department to divide the land into 10-acre lots and for the Indians themselves to cultivate the land.

Mr. JONES. How many acres do each one of these Indians have?

Mr. ASHURST. There are 4,200 acres in all.

Mr. JONES. How many acres does each Indian have as an allotment?

Mr. GRONNA. They have no allotments whatever.

Mr. JONES. Do they have no allotments at all?

Mr. GRONNA. No. This is simply land which has been bought for them; these Indians are on the land, and it has been divided.

Mr. JONES. Is it proposed to allot to each of these Indians a particular tract?

Mr. GRONNA. About 10 acres.

Mr. JONES. That would take up all the lands of the reservation, so that there would be no land left to sell to anybody.

Mr. GRONNA. That is correct.

Mr. JONES. Mr. President, of course I have not very much hope of the Indians themselves cultivating this land, but I do know what irrigation does for land of this character. If the lands can be irrigated for the sum of money that is provided in this bill, as the Senator from California has said, it will be money well invested. I hope the Indians may be induced to cultivate the land to some extent at any rate.

Mr. CURTIS. Mr. President, I will say to the Senator from Washington that these Indians now have a reservation of 20,800 acres, 200 acres of which they are farming by irrigation, and this project will cover 4,200 acres more.

Mr. SMOOT. Mr. President, it is now nearly half past 5 o'clock. May I ask the Senator from Arizona if he would be willing to adjourn at this time?

Mr. ASHURST. If that is desired, and there is no objection, I will move that the Senate adjourn until 11 o'clock to-morrow.

Mr. SMITH of Georgia. Mr. President——

Mr. ASHURST. I withhold the motion.

Mr. MYERS. Before that motion is put, may I not be recognized to ask unanimous consent——

The PRESIDING OFFICER. The Chair desires to know whether the amendment last discussed has been agreed to?

Mr. MYERS. I ask that the unfinished business be laid before the Senate.

Mr. SMITH of Georgia. That amendment has not been agreed to.

The PRESIDING OFFICER. It has not been agreed to.

Mr. MYERS. I ask that the unfinished business be laid before the Senate.

Mr. ASHURST. Just a moment.

The PRESIDING OFFICER. Without objection, the unfinished business will be laid before the Senate.

Mr. ASHURST. I object for a moment. I thought I heard an expression to the effect that the item was not agreed to.

The PRESIDING OFFICER. The amendment has not been agreed to.

Mr. ASHURST. That does not mean that it was disagreed to.

Mr. SMITH of Georgia. No; not at all. We simply have not acted on it.

Mr. SMOOT. Mr. President, one of the assistant doorkeepers has just notified me that there is to be a resolution come over from the House, announcing the death of a Representative, and that the Senator from South Carolina [Mr. TILLMAN] desires to present resolutions. If that be the case, I hardly think that we ought to adjourn for a few moments, but that we should wait a while to see if the resolution comes over. I do not know whether it is desired to have an executive session or not.

Mr. ASHURST. We can proceed with the bill until the resolution comes over.

Mr. JONES. Why can we not proceed with the bill for half an hour?

Mr. MYERS. Then I withdraw my request that the unfinished business be laid before the Senate.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 26, after line 9, to insert:

That section 3 of the act of January 12, 1891 (26 Stat. L., 712), entitled "An act for the relief of Mission Indians in the State of California," be, and the same is hereby, amended so as to authorize the President, in his discretion and whenever he shall deem it for the interests of the Indians affected thereby, to extend the trust period for such time as may be advisable on the lands held in trust for the use and benefit of the Mission Bands or villages of Indians in California: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause allotments to be made to the Indians belonging to and having tribal rights on the Mission Indian reservations in the State of California, in areas as provided in section 17 of the act of June 25, 1910 (36 Stat. L., 859), instead of as provided in section 4 of the act of January 12, 1891 (26 Stat. L., 713): *Provided*, That this act shall not affect any allotments heretofore patented to these Indians.

Mr. SMOOT. Will the Senator please explain just what that means?

Mr. ASHURST. Mr. President, this legislation was incorporated at the request of the Interior Department, and the Interior Department submitted the following letter addressed to the chairman of the committee dated May 10, 1916:

DEPARTMENT OF THE INTERIOR,
Washington, May 10, 1916.

MY DEAR SENATOR: On January 17, 1916, I invited attention to the urgent necessity of a law to authorize the extension of the trust period on lands patented to various Mission Indian bands in California. As a result Senate bill 4765 was introduced to amend the act of January 12, 1891 (26 Stat. L., 712), so as to authorize the President to extend the trust period on lands patented to the Mission Bands or villages of Indians in California whenever he shall deem it for the interests of the Indians.

As the trust period on approximately 10,000 acres of these trust lands will expire in September, 1917, it would be desirable if we could obtain this legislation during the present session, rather than try to procure the required authority at the following short session—

This was asked for at the last session—

These are tribal lands, and the Indians should not be permitted to have unrestricted control over their disposal. I shall be pleased to see favorable action taken on Senate bill 4765.

Cordially, yours,

FRANKLIN K. LANE.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

In other words, these trust patents are about to expire, and it is not believed wise, judicious, or proper to permit the Indians to alienate the land. That is the very thing that we want to avoid.

Mr. SMOOT. The lands have not yet been alienated by the Indians?

Mr. ASHURST. No; they belong to the Indians in commonalty.

Mr. SMOOT. This is merely designed to extend the trust period to prevent alienation?

Mr. ASHURST. The Senator is correct about that.

Mr. SMOOT. I think that ought to be done if the Indians are not capable of handling the lands themselves.

Mr. ASHURST. That is the situation, and I hope the proposed legislation will be agreed to.

Mr. SMITH of Georgia. It does not involve any appropriation, does it?

Mr. ASHURST. No appropriation is involved.

Mr. SMITH of Georgia. I do not object.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Now, I ask that the Indian appropriation bill be temporarily laid aside.

Mr. SMOOT. The resolutions, as I understand, have not come over from the House as yet.

Mr. SMITH of Georgia. The resolutions are not here, and we can agree to the next amendment, as it is a reduction.

Mr. ASHURST. I thought the resolutions had come over and was about to be presented. That is why I asked that the bill be laid aside. I now ask that the reading of the bill be proceeded with.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 27, after line 5, to insert:

That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands and for the construction of roads, trails, and other improvements for their benefit."

Mr. LANE. Mr. President, I was not present when that amendment was considered in the committee, or I would have insisted on an amendment to it. I have asked the Assistant Secretary if that fund could not be paid per capita to the Indians to improve their allotments. I should like to have the amendment go over, and I will offer an amendment to that effect.

The PRESIDING OFFICER. Is it the desire of the Senator that this amendment be passed over?

Mr. LANE. Yes.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Florida," in section 4, page 27, line 23, after the word "education," to strike out "$8,000" and insert "$5,000"; so as to make the clause read:

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, $5,000.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I can not understand that amendment. It seems to be a reduction of $3,000.

Mr. SMITH of Georgia. Yes; and it has been agreed to.

Mr. ASHURST. Startling as it may seem, that expresses the action of the committee.

Mr. THOMAS. May I ask if there are any other such surprising things in the bill?

Mr. ASHURST. Mr. President, I do not wish to injure his health by shocking the Senator from Colorado.

Mr. THOMAS. This is the only oasis of decrease in a desert of increase.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 28, after line 22, to insert:

IOWA.

SEC. 6. The Secretary of the Interior is hereby authorized, in his discretion, to expend for the benefit of the Indians entitled thereto, the sum of $10,334.96, together with the interest which has or may hereafter accrue thereon, remaining in the Treasury of the United States to the credit of the Sac and Fox of the Mississippi Tribe of

Indians of the State of Iowa, from the sum of $42,893.25 transferred to the credit of those Indians under the provisions of the act of June 10, 1896.

Mr. SMITH of Georgia. That does not involve an appropriation, as I understand, but simply allows the Indians to use a part of their funds?

Mr. ASHURST. That is true.

Mr. SMITH of Georgia. Then I have nothing further to say about it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 29, line 17, after the word "improvements," to strike out "$2,000; in all, $16,860," and insert "$4,000; in all, $18,860," so as to make the clause read:

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., including pay of superintendent, $14,860; for general repairs and improvements, $4,000; in all, $18,860.

Mr. SMITH of Georgia. Mr. President, I think we ought to accept the amount for repairs at the Kickapoo Indian school provided by the House. They allowed $2,000, and I do not think we ought to double that amount. We ought not to go through this bill merely increasing the allowances the House has made. If the House has in this one instance been a little economical, I think we ought to follow it.

The PRESIDING OFFICER. Is it the desire of the Senator that this amendment be passed over?

Mr. SMITH of Georgia. No; I do not ask that it go over, but I am opposed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] By the sound, the ayes seem to have it.

Mr. SMITH of Georgia. I ask for a division.

Mr. ASHURST. Just a moment. Before the division is had, I wish to say that the committee gave this matter careful consideration, and at all times the committee had in view the condition of the Treasury. This is one of the increases made by the committee that would seem to be worthy and necessary. This appropriation was not increased merely for the purpose of making an increase or suggesting an amendment. The hearings before House committee and the hearings before the Senate committee convinced the committee, and I think all the members thereof, that this item, an increase of $2,000, was proper, expedient, wise, and just.

Mr. SMITH of Georgia. Mr. President, let me ask the Senator if it is not true that a good deal of the work of the committee was done before they realized the fact that there was an absolute necessity for our spending for the fiscal year 1917–18 nothing that we were not obliged to spend and that the policy of economy and retrenchment was essential? I do not say that if we had a bulging Treasury, with all the money we needed, it would not be a good investment, but what I am objecting to is to spending any money anywhere that it is not absolutely necessary to expend during the fiscal year 1917–18.

Mr. CLAPP. Mr. President, at least one member of the Senate Committee on Indian Affairs realized when that committee was in session that we were facing a very large deficit. I do not think the committee was oblivious of that fact, nor does it seem to me that a bulging Treasury would justify unwarrantable appropriations.

The Indian situation presents this condition, and I should like the Senator from Georgia to consider it: When we were doling out rations and annuities to a large number of Indian tribes it took very little money to administer Indian affairs. The Government finally adopted the policy of individualizing the Indian, taking him out from his tribal condition, and as far as possible and as fast as possible making the individual Indian a self-sustaining being. It has been no easy problem; it has been a problem beset with difficulty; it has been a problem accompanied by many, many mistakes; but it does involve, and it will involve from year to year for some time to come, an increased expenditure. It costs more. When you try to make the Indian self-sustaining, when you have to have a larger personnel for administration to help guide and lead the Indian, when you begin to irrigate his land for him, when you begin to buy feed and machinery and stock for him, it is bound to cost more.

The Indian Committee went over this bill, and went over it carefully. Of course it is within the province of Senators to criticize it. It is within the province of Senators to express surprise that the Indian Committee may have reduced, here and there, an item in this bill; but I do not feel that the attitude that is taken toward the committee is exactly fair. It is perfectly proper, and I am finding no fault with that on the part of any Senator or group of Senators, to reject these items. But to say, as I have heard on the floor this afternoon, "Let us strike this; let us go for this," without waiting one moment to hear a justification for an item, it does seem to me, if I may be pardoned for the expression, is hardly the proper way to deal with a question where we have taken a people without their consent and placed them in the attitude of wards, we assuming the attitude of their guardians.

It may be that some items here could be deferred, although I think every item that has been increased is justified upon the principle either that buildings have reached the point where decay has set in, and the continuance of decay is not economy, or that postponing additional help to the Indians is not economy, and falls short of our duty to them.

Whatever is done I do hope that the consideration of this bill will not be proceeded with in a spirit which does seem to me, if I may be pardoned the expression, to be hardly the spirit with which to approach the consideration of a bill which involves our attitude not toward our equals, not toward our constituents, but toward a people that we hold as wards, we occupying the position assumed by ourselves of guardians.

Mr. GRONNA. Mr. President, I am quite sure that when the Senator from Georgia has the information as to why the increase is made, he will not object to it. The Senator from Georgia was one of the Members of this body who made it possible for the white child to get a vocational education. This amount is requested for the construction of a building to instruct the Indian boy in shopwork, and for physical training, indoor training, which is necessary in that climate on account of the inclement weather. I am quite sure that the Senator from Georgia will not object to it. It is absolutely necessary, as was shown to the committee by the Indian Office.

WATER-POWER DEVELOPMENT.

Mr. WALSH. Mr. President, in order to preserve the parliamentary status, I ask that the consideration of the Indian bill be discontinued at this time, and that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. In the absence of objection, that will be done. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

HOUR OF MEETING TO-MORROW.

Mr. TILLMAN. I move that when the Senate adjourns today it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

DEATH OF REPRESENTATIVE FINLEY, OF SOUTH CAROLINA.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. DAVID EDWARD FINLEY, late a Representative from the State of South Carolina, and transmitted resolutions of the House thereon.

The PRESIDING OFFICER. The Chair lays before the Senate the following resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. DAVID EDWARD FINLEY, a Representative from the State of South Carolina.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

In accordance with the foregoing resolutions the Speaker appointed as the committee on the part of the House Mr. CLARK of Missouri, Mr. LEVER, Mr. AIKEN, Mr. BYRNES of South Carolina, Mr. WHALEY, Mr. RAGSDALE, Mr. NICHOLLS of South Carolina, Mr. MOON, Mr. LLOYD, Mr. BELL, Mr. BARNHART, Mr. BLACKMON, Mr. GOODWIN of Arkansas, Mr. MANN, Mr. STEENERSON, Mr. MADDEN, Mr. KAHN, Mr. BRITT, and Mr. WASON.

Mr. TILLMAN. I send to the desk the following resolutions and ask that they be read.

The resolutions (S. Res. 331) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. DAVID E. FINLEY, late a Representative from the State of South Carolina.

Resolved, That a committee of six Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER, under the second resolution, appointed as the committee on the part of the Senate Mr. TILLMAN, Mr. SMITH of South Carolina, Mr. ASHURST, Mr. VARDAMAN, Mr. WALSH, and Mr. FERNALD.

Mr. TILLMAN. Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 27, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 26, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou from whom all blessings flow, humbly and reverently we bow before Thee and acknowledge our indebtedness and most devoutly pray that our gratitude may blossom into a fuller service to Thee and our fellow men; that thus we may lift ourselves and those with whom we come in contact into a purer atmosphere; that our religious energy may not waste itself in hollow forms and ceremonies, but become a living, vitalizing force under the divine leadership of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3526. An act to amend section 1 of an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes" approved December 17, 1914;

S. 5504. An act for the relief of Louis Blanchette, alias Lewis Blanchard, alias Louis White;

S. 2292. An act to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan Statue;

S. 5974. An act for the relief of Ellen B. Walker;

S. 391. An act for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise;

S. 2704. An act for the relief of Albert L. Ream;

S. 4620. An act for the relief of James B. Smock;

S. 4915. An act for the relief of Oliver C. Rice;

S. 6698. An act for the relief of Edward L. Keyes;

S. 2512. An act to provide for the appointment of an additional district judge for the southern district of West Virginia;

S. 2461. An act authorizing the appointment of Dr. Bert R. Huntington as first lieutenant, Medical Corps, United States Army;

S. J. Res. 99. Joint resolution authorizing and directing the Secretary of War to grant the free use, for military drill, of rifles to duly accredited camps of the Sons of Veterans Reserve;

S. 4500. An act to incorporate the World's Sunday School Association;

S. 6737. An act for the relief of A. J. Lowary;

S. 6783. An act for the relief of William F. Carter;

S. 6671. An act to validate the homestead entries of Anna W. Thrailkill;

S. 6730. An act to revoke authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak.;

S. 3731. An act for the relief of John G. Young;

S. 1579. An act for the relief of Jacob Nice;

S. 6949. An act for the relief of the Chicago, Milwaukee & St. Paul Railway Co., the Chicago, St. Paul, Minneapolis & Omaha Railway Co., and the St. Louis, Iron Mountain & Southern Railway Co.;

S. 784. An act to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes;

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California;

S. 6829. An act to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws;

S. 833. An act to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade;

S. 6862. An act for the relief of Amos Dahuff;

S. 5344. An act for the regulation of the practice of podiatry in the District of Columbia, and for the protection of the people from empiricism in relation thereto;

S. 1724. An act to reimburse the First National Bank of Owatonna, Minn., for revenue stamps stolen or lost in transit; and

S. 698. An act for the relief of John L. O'Mara.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3526. An act to amend section 1 of an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes" approved December 17, 1914; to the Committee on Ways and Means.

S. 4915. An act for the relief of Oliver C. Rice; to the Committee on Military Affairs.

S. 833. An act to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

S. 6949. An act for the relief of the Chicago, Milwaukee & St. Paul Railway Co., the Chicago, St. Paul, Minneapolis & Omaha Railway Co., and the St. Louis, Iron Mountain & Southern Railway Co.; to the Committee on Claims.

S. 6862. An act for the relief of Amos Dahuff; to the Committee on Military Affairs.

S. 6829. An act to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws; to the Committee on the Public Lands.

S. 6783. An act for the relief of William F. Carter; to the Committee on the Public Lands.

S. 6737. An act for the relief of A. J. Lowary; to the Committee on Claims.

S. 6730. An act to revoke authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak.; to the Committee on the Public Lands.

S. 784. An act to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes; to the Committee on the Public Lands.

S. 698. An act for the relief of John L. O'Mara; to the Committee on Military Affairs.

S. 5344. An act for the regulation of the practice of podiatry in the District of Columbia, and for the protection of the people from empiricism in relation thereto; to the Committee on the District of Columbia.

S. 5504. An act for the relief of Louis Blanchette, alias Lewis Blanchard, alias Louis White; to the Committee on Military Affairs.

S. 391. An act for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise; to the Committee on Claims.

S. 4500. An act to incorporate the World's Sunday School Association; to the Committee on the Judiciary.

S. 3731. An act for the relief of John G. Young; to the Committee on Claims.

S. 5974. An act for the relief of Ellen B. Walker; to the Committee on Claims.

S. 6671. An act to validate the homestead entries of Anna W. Thrailkill; to the Committee on the Public Lands.

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California; to the Committee on the Public Lands.

S. 4620. An act for the relief of James B. Smock; to the Committee on Military Affairs.

S. 6698. An act for the relief of Edward L. Keyes; to the Committee on Military Affairs.

S. 1579. An act for the relief of Jacob Nice; to the Committee on Military Affairs.

S. 1724. An act to reimburse the First National Bank of Owatonna, Minn., for revenue stamps stolen or lost in transit; to the Committee on Claims.

S. 2292. An act to acquire the manuscript of Charles Chaillé-long, containing an account of the unveiling of the McClellan Statue; to the Committee on the Library.

S. 2461. An act authorizing the appointment of Bert R. Huntington as first lieutenant, Medical Corps, United States Army; to the Committee on Military Affairs.

S. 2512. An act to provide for the appointment of an additional district judge for the southern district of West Virginia; to the Committee on the Judiciary.

S. 2704. An act for the relief of Albert L. Ream; to the Committee on Claims.

S. J. Res. 99. Joint resolution authorizing and directing the Secretary of War to grant the free use, for military drill, of rifles to duly accredited camps of the Sons of Veterans' Reserve; to the Committee on Military Affairs.

S. J. Res. 182. Joint resolution authorizing an exhibition of the various activities of the Government service; to the Committee on Industrial Arts and Expositions.

EXTENSION OF REMARKS.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the code of international law proposed to the American Institute, now in session, for the purpose of securing the freedom of the seas for neutrals in time of war.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20079, the river and harbor bill.

The SPEAKER. The gentleman from Florida moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill. The question is on agreeing to that motion.

Mr. ASHBROOK. Mr. Speaker, this is pension day, and while we are willing that the gentleman from Florida [Mr. SPARKMAN] should use the greater part of the day, yet we do not want to lose any of the rights of the Committee on Invalid Pensions or of the Committee on Pensions. If it can be understood and agreed that at a later hour in the day, say 5 o'clock, the bills on the calendar may be taken up and considered, I have no objection.

The SPEAKER. The gentleman from Ohio asks unanimous consent that at 5 o'clock pension bills be taken up.

Mr. ASHBROOK. Or immediately after the conclusion of the river and harbor bill.

Mr. MANN. Pension bills on the Private Calendar, to be considered in the House as in Committee of the Whole.

Mr. ASHBROOK. Yes; to be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that at 5 o'clock pension bills on the Private Calendar shall be considered in the House as in Committee of the Whole. Is there objection?

Mr. SPARKMAN. What is the request, Mr. Speaker?

The SPEAKER. The request is that at the conclusion of this bill, if it is concluded before 5 o'clock—that is, the river and harbor bill—these pension bills on the Private Calendar shall be taken up for consideration, and if the river and harbor bill is not passed at 5 o'clock, or up to 5 o'clock, that these pension bills shall be taken up at 5 o'clock and be considered in the House as in Committee of the Whole.

Mr. SPARKMAN. Reserving the right to object, Mr. Speaker, I should like to ask the gentleman if he can not eliminate that restriction so as to take up the pension bills after the disposition of the river and harbor bill, no matter when that occurs?

The SPEAKER. That is the first half of the proposition.

Mr. STAFFORD. Mr. Speaker, if the gentleman will yield, I do not believe there will be difficulty in passing the river and harbor bill before 5 o'clock. But even if that contingency should not happen there would be opportunity to pass the pension bills after that.

Mr. ASHBROOK. I have no objection to having the pension bills taken up after the passage of the river and harbor bill, with the understanding that they are the first thing in order after that bill is passed, if carried over until to-morrow——

The SPEAKER. The gentleman changes his request, and——

Mr. ASHBROOK. At the suggestion of the gentleman from Florida——

The SPEAKER. And asks that at the conclusion of the discussion of the river and harbor bill the private pension bills shall be in order and shall be considered in the House as in Committee of the Whole.

Mr. KITCHIN. Mr. Speaker, reserving the right to object, does the gentleman mean that if the river and harbor bill is not concluded to-day he wants to take it up to-morrow?

Mr. ASHBROOK. That is what I desire.

Mr. FITZGERALD. We have an appropriation bill ready, Mr. Speaker.

Mr. KITCHIN. There is an appropriation bill ready for consideration to-morrow the first thing.

Mr. ASHBROOK. Mr. Speaker, if that can not be agreed upon, I renew my original request as to 5 o'clock.

The SPEAKER. The gentleman from Ohio asks unanimous consent that at 5 o'clock the private pension bills shall be taken up for consideration and that they shall be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, Mr. Speaker——

Mr. SPARKMAN. Reserving the right to object——

Mr. MANN. I think we had better make an arrangement to take up these bills at the conclusion of the river and harbor bill. In any event, it will only take a few minutes. There is every probability that we can get into the fortification bill to-day, notwithstanding that agreement.

Mr. KITCHIN. Mr. Speaker, I do not think there will be any trouble about it if we finish the river and harbor bill at 5 or 6 o'clock to-day.

Mr. SPARKMAN. We can not foresee just what may happen, and——

Mr. MANN. I think they will get through the river and harbor bill long before that.

Mr. KITCHIN. I suggest to the gentleman from Ohio that we can stay here for the gentleman's bills, say, until 6 o'clock this evening.

Mr. ASHBROOK. With that understanding, Mr. Speaker, that we will not be crowded out and lose our rights to-day, I have no objection.

The SPEAKER. Who is to understand?

Mr. MANN. Let the gentleman make the request that at the conclusion of the river and harbor bill to-day it shall be in order to consider pension bills in the House as in Committee of the Whole.

Mr. ASHBROOK. Then I ask unanimous consent that at the conclusion of the river and harbor bill to-day pension bills on the Private Calendar be in order, and be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that at the conclusion of the river and harbor bill to-day pension bills on the Private Calendar shall be in order, and that they shall be considered in the House as in Committee of the Whole.

Mr. FITZGERALD. To-day?

The SPEAKER. To-day.

Mr. ASHBROOK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASHBROOK. What will be the status of these bills if the river and harbor bill is not passed to-day?

Mr. MANN. The status will be that after the committee rises these bills will be in order.

Mr. ASHBROOK. That is all right.

Mr. MANN. Whether the river and harbor bill is voted on to-day or not.

Mr. ASHBROOK. That is satisfactory.

The SPEAKER. Now let us see what the request is.

Mr. MANN. That at the conclusion of the river and harbor bill to-day, whether it be by passage or by the committee rising, it shall be in order to take up pension bills on the Private Calendar, to be considered in the House as in Committee of the Whole.

The SPEAKER. The request is that when the discussion of the river and harbor bill to-day ceases these pension bills shall

be in order, and that they shall be considered in the House as in Committee of the Whole.

Mr. SPARKMAN. I do not understand that to be the request.

The SPEAKER. The request is that whenever you quit debating this river and harbor bill to-day, no difference whether you are through with the bill or not, these pension bills come up.

Mr. KITCHIN. To come up to-day, immediately afterwards.

The SPEAKER. Yes. Is there objection?

There was no objection.

PRINTING.

Mr. BARNHART. Mr. Speaker, there are pending a number of bills that have been reported out by the Committee on Printing. Unfortunately, during the latter part of the last session of Congress the chairman of the Committee on Printing and one other member of the committee were unavoidably absent. There are 25 or 30 of these bills that ought to be passed. It will probably take an hour's time. I know the bills are privileged, but I would like to make some arrangement whereby we can take up these bills, and I would like to do it to-morrow, immediately after the reading of the Journal.

Mr. FITZGERALD. That can not be done. The fortifications appropriation bill is ready, and it is necessary to consider appropriation bills as promptly as possible.

Mr. BARNHART. These printing bills are privileged.

Mr. FITZGERALD. So are the appropriation bills. If the gentleman wants to contest the question of considering printing bills against appropriation bills, he can do that. The failure of these printing bills will not interfere with the summer vacation of Congress, but the failure of appropriation bills will, and Members will bear that in mind.

Mr. MANN. The printing bills affect the convenience of every Member of the House. I think the chairman of the Committee on Printing ought to have his chance.

Mr. BARNHART. Some of these measures are concurrent resolutions, and they are as important as some of the appropriation bills in some respects.

Mr. FITZGERALD. Oh, no; but the gentleman will undoubtedly have his chance.

Mr. BARNHART. The chairman of the Printing Committee has not asked to interrupt the proceedings at any time. If we do not get these bills through now, the probability is that later the Senate will have so much other business that it can not take care of them, and we will be left for the entire season. I think it is but fair to this committee, inasmuch as it has asked for no time and has not interrupted the proceedings of the House, that it be given time to consider these measures.

Mr. MANN. The gentleman might get a chance for a little while this afternoon.

Mr. HUMPHREY of Washington. I think we will get through with the river and harbor bill by 3 o'clock.

RIVERS AND HARBORS.

On motion of Mr. SPARKMAN, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. RAINEY in the chair.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Amendment by Mr. WICKERSHAM: Page 39, line 13, after the end of line 13 insert as a new paragraph the following:

"Snake River Harbor, Nome, Alaska: Completing improvement in accordance with report submitted in House Document No. 1932, Sixty-fourth Congress, second session, $105,000."

Mr. WICKERSHAM. Mr. Chairman, the river and harbor bill in the Sixty-third Congress carried an authorization for the survey of the Nome Harbor project. That survey has been made by the War Department and report made thereon. It is a favorable report, but it reached the Committee on Rivers and Harbors after this bill had been prepared and, as I understand, after it had been reported to the House, so the Committee on Rivers and Harbors had no opportunity to give consideration to the project, although it has been fully and favorably reported upon by the War Department, in accordance with the authorization contained in the bill passed in the last Congress.

I have moved to add to this bill the project as reported favorably by the War Department, and I appeal to the House to give favorable consideration to the matter and to hear me upon the importance of this project.

The Nome Harbor is a roadstead in front of the town of Nome. In other words, there is no harbor there. Vessels coming to the port of Nome are obliged to anchor a mile offshore, and all freight destined for Nome and the Seward Peninsula is sent ashore in lighters. The town of Nome is at the mouth of the Snake River, and in the mouth of that river there is a good small harbor, but unfortunately there is no approach to it across the beach. The appropriation asked for in the amendment proposed is to open a passage across the beach into this well-protected harbor for the small vessels frequenting that port and for the entrance of steam lighters carrying freight from the ocean-going vessels at anchor a mile offshore. Of course, the opening of this channel to a depth of only 8 or 10 feet will not admit the larger vessels, but will expedite the unloading of these with steam lighters, which can thus run into the harbor and unload, and save them from the expense and danger of unloading on the shallow beach by cranes or otherwise. It will also afford a safe harbor for small vessels in case of storms. But on account of the sand bars along the beach there is no opportunity for vessels to get into Nome Harbor until the sand is cleared away and a passage made for the entrance of vessels. We asked for a much larger appropriation than has been allowed by the War Department for this work. We went before the Board on Rivers and Harbors and tried to induce them to give us a larger amount, but in their wisdom the board limited us to $105,000.

The people of Alaska have no complaint to make in respect to the way the Committee on Rivers and Harbors has treated that Territory. Every time we have presented a project before that committee it has met the fairest consideration, and I think without exception we have received what we have asked for. I am satisfied that if the report of the War Department in this case had reached the committee in time it would have been favorably acted upon and the project would have been in the bill, but unfortunately the report was late.

However fairly the River and Harbor Committee has treated Alaska, Alaska has also treated the committee fairly, because we have never had but two projects and two small appropriations for river or harbor improvements in the Territory. Alaska, with its magnificent harbors and great waterways, has asked very little from Congress and has always received that little promptly and with the very fairest possible treatment.

Mr. SHERWOOD. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SHERWOOD. Can the gentleman give the amount of traffic in Nome Harbor?

Mr. HAMILTON of Michigan. And also will the gentleman state how far this bar extends out?

Mr. WICKERSHAM. The bar does not extend very far; it is a sand bar, but it extends far enough to close the opening into Snake River Harbor. It is easily removed.

Mr. HAMILTON of Michigan. But it will need some revetment?

Mr. WICKERSHAM. We need a jetty on each side.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. PARKER of New Jersey. Is there any tide there, and if so, how much?

Mr. WICKERSHAM. The tide is very small, only a few inches, but we have heavy storms along that shore.

Mr. PARKER of New Jersey. It is for the want of a tide to keep the bar out?

Mr. WICKERSHAM. Yes; to a great extent.

Mr. SHERWOOD. How deep is the channel there?

Mr. WICKERSHAM. We want an 8 or 10 foot channel; we only have light-draft vessels, and we only need a fair channel to enable steam lighters and smaller vessels to get in. When a storm arises now, the large vessels, as well as the small ones, have to run 15 miles beyond Nome to get behind Sledge Island for safety.

Mr. SHERWOOD. How large is the natural harbor at the mouth of Snake River?

Mr. WICKERSHAM. It is not very large, but sufficient for all small vessels that go to that port if the entrance could be cleaned out and protected by jetties.

Now, I am asked to state something about the trade of Nome. Nome was opened in 1898, when the gold strike was made on the Seward Peninsula. From that time to this large quantities of gold have been extracted from the sand, even on this beach, and also behind it on the ancient beaches now covered in the tundra. Many millions of dollars have been extracted from these sands, and large amounts of merchandise have gone to the port for that work. These shipments have had to be landed from vessels anchored a mile offshore by the use of lighters. In 1915 the merchandise landed at Nome amounted to $1,110,345. In the seven years, 1909 to 1915, inclusive, the merchandise to Nome, lightered to shore from vessels anchored in the sea, amounted to $8,448,522, or more than $1,200,000 per annum.

The gold output from Nome, going out over this same beach in lighters to vessels anchored a mile away, amounted last year to $2,900,000, and in the seven years from 1910 to 1916, both inclusive, it amounted to $20,623,335, or nearly $3,000,000 per annum.

The following table gives the value of the imports of merchandise to Nome alone for the seven years 1909 to 1915, both inclusive, and the export of gold from the Seward Peninsula for the years 1910 to 1916, both inclusive:

	Merchandise.	Gold.
1909	$1,701,623	
1910	1,145,758	$3,699,674
1911	1,060,993	3,246,498
1912	1,279,396	3,138,881
1913	1,223,599	2,239,057
1914	926,808	2,602,273
1915	1,110,345	2,796,952
1916		2,900,000
Total	8,448,522	20,623,335

Mr. WICKERSHAM. The merchandise landed at Nome is not all of the merchandise shipped to the Seward Peninsula. But all of the Nome merchandise is lightered to shore at large expense. It costs $4 or $5 additional for lightering. That would not all be taken off if this project was completed, but very largely it would be; there would probably be a saving of $2 or $3 a ton on all merchandise going to the Seward Peninsula if this project was completed.

Mr. HUMPHREY of Washington. If I remember correctly, the purpose of this improvement is not only for the benefit of commerce by greatly reducing the charges, but also it gives a safe place for the smaller vessels to enter in case of storm.

Mr. WICKERSHAM. Yes; to all that go up and down the coast. There is no harbor within 20 miles of Nome on each side. If a storm rises, a vessel has to run to Sledge Island, 15 miles away, to get in a zone of safety.

Mr. HUMPHREY of Washington. This improvement is to a large extent, then, for a harbor of refuge?

Mr. WICKERSHAM. Yes; many small vessels have been piled up on the beach in front of Nome, the value of which would more than build this harbor. Many vessels of that kind have gone ashore, large losses in property have occurred, and many lives have been lost for the want of this harbor.

Mr. SHERWOOD. How much of the year is the harbor free from ice?

Mr. WICKERSHAM. For five months.

I hold in my hand a report made by the Geological Survey on the Seward Peninsula. The report says:

> The value of the gold output of Seward Peninsula in 1916 was about $2,900,000, which is the same as that of 1915. In addition to this, stream tin and tungsten and antimony ore were produced to the value of about $100,000.
>
> Twenty-nine gold dredges were operated on the peninsula in 1916, seven in the Nome district, four in the Solomon River district, nine in the Council district, four in the Port Clarence district, three in the Fairhaven district, and two in the Kougarok district. In addition two tin dredges were worked in the York district. About 65 deep placer mines and 30 open-cut plants were operated on the peninsula during 1916. One of the notable events of the year was the development of the placers on Dime Creek, in the Koyuk district, in the southeastern part of the peninsula. The summer output of this new district has not yet been learned, but the product of the winter's mining, which was carried on by eight plants, was $100,000. These placers carry considerable platinum. The only other place on the peninsula where platinum has been reported is in the placers of Bear Creek, in the Fairhaven district.
>
> Besides the tin, tungsten, and antimony mining on Seward Peninsula, already described, there was considerable prospecting of copper and gold lodes. Some graphite was also mined and shipped from the Port Clarence district.

There is enough placer sands at and near Nome to employ thousands of miners with dredges and other machinery for an indefinite term—for a long period of years—if facilities for transportation and safe and cheap landings can be provided. This project is intended to be a permanent improvement, one of the best improvements that could possibly be made for the development of that mineral-bearing peninsula. Its miners have taken out in seven years more than $20,000,000, and much more prior to that time. I hope this committee will consider this project as an independent proposition and as one that is immediately necessary and of great benefit to our people. I am sure the Committee on Rivers and Harbors would have favorably reported this project if the report had been made in time, but, unfortunately for us, we could not get it before the committee until this bill had been reported. The whole trade of Alaska is much more with the United States than the trade of China. In the last three years the trade of Alaska with the United States has amounted to more than $70,000,000 per annum, whereas the trade with China is not nearly so much.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MILLER of Minnesota. Is that trade with Alaska growing or decreasing?

Mr. WICKERSHAM. It is a growing trade, and would increase more rapidly at this point if this project can be secured.

Mr. MILLER of Minnesota. I might suggest that the trade with China is constantly decreasing.

Mr. WICKERSHAM. That may be true; but that with Alaska is rapidly increasing as the following comparative statement will show.

The following table shows the total imports and exports of Alaska for the years 1913, 1914, and 1915, and also the total imports and exports for the same period between the United States and China and the Philippines:

Country.	Years.	Imports.	Exports.	Total.
China	1913	$40,120,826	$25,299,802	$65,420,628
	1914	36,313,770	20,367,701	56,681,471
	1915	52,837,503	19,752,824	72,590,327
Total, 3 years		129,272,099	65,420,327	194,692,426
Philippine Islands	1913	26,676,261	16,434,018	43,110,279
	1914	24,020,395	24,427,710	48,448,105
	1915	26,381,069	23,653,211	50,034,280
Total, 3 years		77,077,725	64,514,939	141,592,664
Alaska	1913	26,761,818	40,767,677	67,529,525
	1914	25,849,944	44,655,924	70,505,868
	1915	28,017,307	54,856,815	82,874,122
Total, 3 years		80,629,069	140,280,416	220,909,515

Mr. SHERWOOD. What is the population of Nome?

Mr. WICKERSHAM. About 5,000, and of the Seward Peninsula about 7,000. The miners of the Seward Peninsula take out more placer gold from these sands and produce more per capita than any other group of miners in American territory. It is a very rich gold country. In answer to the gentleman from Minnesota [Mr. MILLER] permit me to say that the total trade of Alaska with United States merchants exceeds the total trade and commerce of the United States with China or the Philippines or any other country in Asia, excepting only British India and Japan. It exceeds that of every country in South America, excepting only Argentina and Brazil. It exceeds that in every country in North America, except Canada, Mexico, and Cuba.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. WICKERSHAM. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, will the gentleman be able to conclude in those five minutes?

Mr. WICKERSHAM. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Chairman, the trade of Alaska with the United States is greater than the total trade between the United States and all countries on the African continent. Its trade with the United States is constantly increasing and is national in character. Alaska is the best customer the United States has in four continents, for every dollar in the Alaskan trade, both imports and exports, is an American dollar. There is no balance of trade against the United States in either direction. Every dollar flowing into or out of the United States in the Alaskan trade helps to increase the trade in the labor products of the whole United States and in developing the great natural resources of our common country.

The total amount of merchandise purchased in Alaska from merchants of the United States since its acquisition in 1867 amounts to $331,072,778. In that period the people engaged in developing Alaska have paid into the United States Treasury for internal revenue, customs, public lands, and other public dues the sum of $17,787,153. Alaska has produced more than 47 per cent of all the canned or other fish marketed from the Pacific coast, including Canadian waters. The value of the Alaskan fish and fur trade since 1867 now amounts to some $326,083,246. Alaska's mineral products for the same period amounts to the sum of $351,000,000.

Credit Alaska with her cash trade value since 1867:	
Merchandise imported from the United States	$331,072,778
Cash paid into the United States Treasury	17,787,153
Production of fish and furs	326,083,246
Mineral production	351,000,000
Total trade value of Alaska since 1867	1,025,943,177
Charge Alaska with all national expenditures:	
Purchase price paid to Russia	$7,200,000
Treasury Department expenditures, 1867–1916	43,904,681
Commerce Department expenditures, 1867–1916	7,271,657
Interior Department expenditures, 1867–1916	8,127,810
Agriculture Department expenditures, 1867–1916	859,934
Justice Department expenditures, 1867–1916	8,394,676
Navy Department expenditures, 1867–1916	1,146,665
War Department expenditures, 1867–1916	24,373,702
Labor Department expenditures, 1867–1916	76,068
Total national expenditures account of Alaska	101,355,193
Trade balance due Alaska	924,587,984

The trade of Alaska with the United States for 1915 exceeded $82,000,000; that for 1916 will exceed $100,000,000; if that for 1917 shall be as large, the total trade balance due Alaska on October 18, 1917, the date of the semicentennial of its purchase from Russia, will exceed $1,000,000,000 over and beyond all the national expenditures made in its purchase, government, and development.

In other words, Alaska has brought into the channels of trade in the United States in production and trade more than a billion dollars since we purchased it in 1867, and that trade is growing, it is increasing every year. We have received in those 50 years for river and harbor improvements less than $250,000, and we now appeal to this House and to the members of the Committee on Rivers and Harbors especially, to help this Territory by including this project with its small appropriation for the building of one of the most needed harbors in Alaska Territory. I hope the committee will give us this project, because it is so important to us, and it will not tend in any way to open the door to a flood of other projects, which the chairman of the committee is probably justly afraid of. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman and gentlemen of the committee, I think there is no question but that this item would have been included in the bill if the report had been received in time. I do not think that time is the essence of putting these projects in the bill. As has been already pointed out to you, the purpose of this improvement is to get 6½ feet of water at Nome, not only for the purpose of commerce but in order to furnish a harbor of refuge for those small vessels that have no other place to go in that portion of the sea. It very frequently happens that there are a number of vessels in that vicinity. No one will object on the merits of the proposition, and I think that we ought to put it in, although it was not received by the committee in time. It lacked only a few days and it was not due to the negligence of any one. The gentleman from Alaska [Mr. WICKERSHAM] secured the report as soon as he could. I know that I would have gotten it at the very earliest moment myself. I do not think that we can afford to be niggardly with the people of Alaska. When we consider the fact that during this last year that great Territory that cost us $7,200,000 has produced in wealth over $100,000,000 we can well afford to give them a few dollars to improve this harbor.

Let me call your attention for a moment to the conditions at Nome. They have a town which during the summer time has a population of about 7,000 people, and it has been estimated by the great English engineer, Mr. Richardson, that in the sand of Nome, along that beach in front of Nome itself, will be found a billion dollars in gold. That little stretch of sand is about 25 miles long and from 2 to 3 miles wide. If it runs at the rate of 25 cents a cubic yard there will be more than a billion dollars, and so far it has averaged over 50 cents a cubic yard, so there is at Nome a permanent community which as long as any of us will live, and years afterwards, will be taking out gold. I do not think that the House ought to hesitate a moment because this report was late in being received in giving this appropriation.

Mr. HAMILTON of Michigan. Will the gentleman yield for a friendly inquiry?

Mr. HUMPHREY of Washington. Certainly.

Mr. HAMILTON of Michigan. As bearing upon the log proposition, which was debated at some considerable length in the House yesterday, will it be possible to so arrange that the Government might get the gold taken out of the Snake River in making the improvement——

Mr. HUMPHREY of Washington. How is that?

Mr. HAMILTON of Michigan. This improvement involves the removal of sand in the Snake River in making this harbor improvement?

Mr. HUMPHREY of Washington. Unfortunately, let me say, the gentleman from Massachusetts made the point of order.

Mr. HAMILTON of Michigan. In view of the great wealth of that sand there it might be that the Government might actually be a gainer on this proposition.

Mr. HUMPHREY of Washington. Oh, it might be.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. HUMPHREYS of Mississippi. How much is proposed to be appropriated by this amendment?

Mr. HUMPHREY of Washington. One hundred and five thousand dollars.

Mr. HUMPHREYS of Mississippi. Does that complete it?

Mr. HUMPHREY of Washington. That completes the entire project. The Government engineers report says that it ought to be all appropriated at once, so it can be done economically and be hurried along. They have a short season, as the gentleman knows, there for doing work, and it ought to be appropriated at one time. That is also sufficient for the maintenance for an additional year.

Mr. WICKERSHAM. I desire to call the attention of the gentleman to the fact that the report also requires the people of Nome to give a certain amount—I think $12,500.

Mr. HUMPHREY of Washington. Yes; it requires the cooperation on the part of the people there also.

Mr. WICKERSHAM. Which they have agreed to do.

Mr. SPARKMAN. Mr. Chairman, the only objection that I could possibly have to this amendment is that the committee has not had time to consider it thoroughly as we usually consider such matters. The report came in after the bill was reported, and, although its date is some five days before the introduction of this bill, it was not received until a few days after the introduction of the bill in the House. On its face it appears to be a good proposition, a meritorious recommendation, and if it had come to us in time I have no doubt but what we would have inserted it in this bill. One objection now to it is the one just stated by the gentleman from Alaska, that it might open the door to other similar amendments, and for that reason we have heretofore strenuously objected to accepting amendments of this kind on the floor. I am going to leave this matter, however, entirely to the committee, believing if it is voted in the committee can protect us against any other similar amendments. I wish, however, to read the last paragraph of the report of the Chief of Engineers which is quite favorable. He says:

After due consideration of the above-mentioned reports—

That is the reports of the district and division engineers and the Board of Engineers—

I concur in the views of the district office, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of mouth of Snake River and Nome Harbor Alaska, is deemed advisable to the extent of dredging a basin in Snake River, with a connecting channel to Norton Sound 75 feet wide on the bottom and 8 feet deep at mean lower low water, revetting the banks of the river and constructing two jetties at the mouth, approximately as shown on accompanying map, except that the distance between jetties be increased as suggested by the Board of Engineers for Rivers and Harbors, all at an estimated cost of $95,000 for first construction, $13,500 for maintenance the first year, and $7,500 per annum thereafter, provided that the city of Nome will furnish evidence satisfactory to the Secretary of War that it will contribute $2,500 annually toward the maintenance of the improvement and furnish all lands or easements necessary to the proper execution of the work. The first appropriation should be $105,000, covering the entire cost of construction, and the Government's share of the first year's maintenance.

Mr. Chairman, I would like to have the amendment reported again. I want to see if the conditions imposed by the report are included in it.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection.

The amendment was again reported.

Mr. SPARKMAN. Mr. Chairman, if this amendment is to be adopted at all it should be adopted subject to the conditions set forth in said report.

Mr. WICKERSHAM. Mr. Chairman, I move to add to the amendment which I have proposed these words, "And subject to the conditions set forth in said document."

Mr. MANN. Where is that?

Mr. WICKERSHAM. It is to be added to the amendment.

Mr. SPARKMAN. It is to go before the amount, "subject to the conditions set forth in said document, $105,000." That is the way it should read.

The CHAIRMAN. Is there objection to the addition to the amendment? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 13, page 39, the following as a new paragraph:
"Snake River Harbor, Nome, Alaska: Completing improvement in accordance with the report submitted in House Document No. 1932, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document, $105,000."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I hope that the amendment will be agreed to——

SEVERAL MEMBERS. There has been no objection.

Mr. HUMPHREYS of Mississippi. My understanding was there was objection. I do not want to start anything by advocating the amendment. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Pawtucket River, R. I., with a view to increasing the width of channel through the ledge near Pawtucket.

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BURGESS: Page 41, after line 8, insert:
"Sterling Basin at Greenpoint, N. Y., with a view of securing adequate width."

Mr. BURGESS. Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Inland water route along the southern shore of Long Island, N. Y., from Jamaica Bay to Peconic Bay, with a view to providing a channel of adequate width and depth.

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. BURGESS: Page 41, after line 11, insert:
"Flushing Bay, N. Y."

Mr. BURGESS. Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Smith Creek, Pamlico County, N. C.

Mr. BURGESS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, line 12, change the word "Smith" to "Smiths."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the construction of a navigable waterway, of suitable depth and width to answer the needs of commerce, connecting the waters of the Flint and Ocmulgee Rivers in the State of Georgia.

Mr. BURGESS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. BURGESS: Amend, on page 42, after line 21, by inserting:
"Ashley River S. C., from the Standard Wharf to the Virginia-Carolina Chemical Co. to Lambs, with a view of improving the channel to a depth of not less than 8 feet."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Savannah River at and near Augusta, Ga., for the purpose of determining what additional improvement is necessary, if any, in the interest of flood protection; also the consideration of any proposition for cooperation on the part of local or State interests.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Some time ago we created what is called the Flood Control Committee, or something of that sort. There was considerable discussion in the House at that time, coming partly from the gentleman from Mississippi [Mr. HUMPHREYS], who became chairman of that committee, and partly from the various members of the Committee on Rivers and Harbors, of which he was then a member, in regard to what jurisdiction the Flood Control Committee would have. This bill, I think, for the first time carries a number of items in it in language in regard to flood control. Having created a new committee of the House for the purpose of studying protection against floods, thereupon the Committee on Rivers and Harbors inaugurates the policy of including the same character of items in the river and harbor bill. What is the use of the Flood Control Committee? I suppose every member of the Committee on Rivers and Harbors asks that question. We carry in the item a provision for flood control on the Mississippi River without any contribution from the local interests.

The flood bill that passed the House provided for contributions from the local interests. That was seriously attacked by various gentlemen on the Committee on Rivers and Harbors, because they said it would not require sufficient contribution from such interests. So they bring in a bill requiring no contribution from the local interests. I wanted to inquire just how far it is the intention of the Rivers and Harbors Committee to go along the line of protection from flood, in the hope that I could at least get a statement either from the distinguished chairman of the Flood Control Committee or the distinguished chairman of the Committee on Rivers and Harbors. Is it the purpose of the two committees to simply overlap each other's jurisdiction, or is it the intention of either committee to make any pretense of remaining within the bounds of its own jurisdiction?

Mr. SPARKMAN. Mr. Chairman, I ask that that amendment be reported again.

Mr. MANN. There was no amendment. I reserved the point of order on the paragraph providing for investigation relating to flood protection on the Savannah River. I shall not make the point of order, because I did not make a point of order on other items of a similar character in the bill, but I would like to know how far it is the intention of the Committee on Rivers and Harbors to go along the lines of flood protection?

Mr. SPARKMAN. Mr. Chairman, I would be glad to answer the question so far as the Committee on Rivers and Harbors is concerned. The reason we insert the Savannah River item, and, if there are others, the reason for inserting them, is that it may be developed that an improvement of that kind is in the interest of navigation. But, independent of that, it seems that the Committee on Flood Protection has no authority to make appropriations and that about the only way these investigations can be made is to have some committee authorize the investigation which has the authority to make appropriations to have the work done. The Committee on Rivers and Harbors, having that authority, having jurisdiction generally of the subject matter of the improvement of rivers, we thought that committee was a proper one, if not the only one, to make these authorizations.

Now, it is true that heretofore we have been very careful about inserting provisions in the river and harbor bill authorizing surveys for work in the interest of flood protection, but since the creation of the Committee on Flood Protection we have felt at liberty to go a little further than we had heretofore been going. Hence this provision regarding the Savannah River and perhaps some others may be found in that part of the bill containing surveys. That, I believe, is an answer to the gentleman's question.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. MOORE of Pennsylvania. The question as to the jurisdiction of the two committees was thrashed out very fully at the time the Flood Control Committee was organized. I was interested in ascertaining what point of order the gentleman from Illinois made, but I do not propose to ask him now. I assume he would have made the point of order on the ground——

Mr. STAFFORD. There may be some others here that will make the point of order. It is still pending.

Mr. MOORE of Pennsylvania (continuing). That this matter was not properly before the Committee on Rivers and Harbors. I want to ask the gentleman this——

Mr. BOOHER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield, but it is not my time.

Mr. BOOHER. Is it not true that the Flood Control Committee has only control over the Mississippi and the Sacramento Rivers?

Mr. MOORE of Pennsylvania. Up to date that is all——

Mr. BOOHER. Is not its action confined to those two rivers?

Mr. MOORE of Pennsylvania. I think not, according to the understanding at the time the Flood Control Committee was formed.

Mr. STAFFORD. There was no limit whatsoever.

Mr. MOORE of Pennsylvania. The only bill brought in by the Flood Control Committee and considered by the House was one pertaining to the Mississippi and Sacramento Rivers.

What I want to ask the gentleman from Florida is this: The Flood Control Committee has not power to appropriate, it can only authorize an appropriation. It has not had an opportunity to pass upon this particular matter. The Committee on Rivers and Harbors, therefore, has gone along in the usual way to provide for such rivers as it thinks it should provide for, in the matter of navigation, whether it involves the controlling of floods or not. Is not that the fact?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. Then the Committee on Rivers and Harbors has simply performed the functions assigned to it and has exercised its jurisdiction in this instance, pending whatever may happen as to the Committee on Flood Control when it gets into action. As the Savannah River is a navigable stream, and the Flood Control Committee not being in the harness to meet the situation, as it were, the Committee on Rivers and Harbors is meeting the emergency?

Mr. SPARKMAN. That is it; and I would say further, Mr. Chairman, that if this survey should develop the fact that the only improvement needed there is flood protection and not for navigation, it would go to the Committee on Flood Control for authorization. I am quite sure the Committee on Rivers and Harbors would not claim jurisdiction under those circumstances.

Now, the item reads:

Savannah River at and near Augusta, Ga., for the purpose of determining what additional improvement is necessary, if any, in the interest of flood protection; also the consideration of any proposition for cooperation on the part of local or State interests.

I think that this committee has jurisdiction of just such propositions as that under the circumstances. It might have been worded a little differently. For instance, it might have read, "necessary in the interest of navigation and flood protection," and I am perfectly willing to offer this amendment: After the word "of," on line 3, insert the words "navigation and," which I fancy will remove the trouble.

Mr. HUMPHREYS of Mississippi. Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, a point of order is pending. The amendment can not be considered until the point of order is withdrawn.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is a point of order pending? I think the gentleman from Illinois [Mr. MANN] made a point of order and then withdrew it.

The CHAIRMAN. He reserved it.

Mr. STAFFORD. I understand the point of order is still reserved?

The CHAIRMAN. Yes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman——

Mr. MANN. I withdraw the point of order.

Mr. STAFFORD. I renew the reservation of the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin renews the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I raise the point of order that the point of order having been made, and discussion having ensued thereon, it is too late now to make a new point of order.

Mr. STAFFORD. Mr. Chairman, the facts are these: The gentleman from Illinois [Mr. MANN] made a reservation of the point of order. During the discussion on the reservation he said he did not intend to press the point of order, but he did not, up to that time, and not until a moment ago, withdraw the reservation. Of course, no one had a right to interrupt the gentleman from Illinois when he said he did not intend to press the point of order. It was still pending under the parliamentary procedure of the House.

Mr. MOORE of Pennsylvania. Mr. Chairman, as I recall the facts, they are these: The gentleman from Illinois rose and reserved a point of order. There was discussion under the reservation of the point of order. The gentleman from Illinois took his seat, indicating that he did not intend to make the point of order. Then there was discussion. Then the Chairman's attention being called to the fact and the attention of the gentleman from Illinois being called to the fact, the gentleman from Illinois made the declaration that he had withdrawn the point of order. Then the gentleman from Wisconsin made his point, whereupon I contended he came too late.

The CHAIRMAN. The gentleman from Illinois reserved the point of order, and at the close of his remarks he withdrew the point of order, and the reservation was renewed by the gentleman from Wisconsin [Mr. STAFFORD]. There was no withdrawal of the point of order on this paragraph. The point of order is pending on this paragraph, and it will be reserved on the paragraph.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I think it is very clear that the Committee on Rivers and Harbors has no jurisdiction of this matter, and they have never before undertaken to exercise that jurisdiction. The committee has, in fact, always refused to entertain amendments of this character up until now. The Senate Committee on Commerce, which has a broader jurisdiction than the Committee on Rivers and Harbors, has during the past two or three years incorporated in the bill when it got to the Senate amendments providing for surveys looking to the control of floods in the various streams of the country, and those amendments were agreed to in conference, and therefore carried in the river and harbor bill. But this is the first time that the Committee on Rivers and Harbors of the House, as I understand it, has ever undertaken itself to exercise this jurisdiction.

Now, the reason I, as chairman of the Committee on Flood Control, made no point against it is this: That committee, as you know, is a new committee. We undertook last year in the bill that we passed to create the machinery whereby flood problems throughout the country could be properly investigated. Under the law as it stands to-day when these investigations are made the Board of Engineers for Rivers and Harbors must, in making their report, limit their recommendations to the question of navigation, and unless the project is considered worthy in view of navigation interests the report is unfavorable. This bill that we passed through the House from the Flood Control Committee would broaden the power and scope of the engineers in their investigations, and in making their recommendations to Congress they would not be limited to the sole question of the navigation interests, but any other Federal interest might be involved in it. But that bill has not yet become a law.

Now, with that bill pending in the Senate but never having been enacted into law, the Flood Control Committee was just in this attitude: We were unable to give any relief to gentlemen who sought surveys for the purpose of investigating flood problems. We were unable to do it ourselves, and, whereas the Committee on Rivers and Harbors had no jurisdiction of the subject matter, if we made a point of order against it it meant simply that nothing would be done.

For that reason as chairman of the committee I did not raise the point. There can be, I think, no question but that the Flood Control Committee has exclusive jurisdiction of the subject matter and that the Committee on Rivers and Harbors has no jurisdiction whatever.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. STAFFORD. The bill carries two items heretofore carried for the relief of the Mississippi and the Sacramento Rivers. I realize the doubt as to the passage through the Senate of the flood-control bill. I did not make any point of order against either of these propositions, thinking they were matters that should be continued. Now here we have a new policy. I would like to inquire of the gentleman whether he thinks it proper, in view of the fact that his committee is charged with the full consideration of the subject, to have another committee single out one or two items relating to flood control, and whether it is conducive to good legislation?

Mr. HUMPHREYS of Mississippi. I do not think I would like to answer that question, except to say that I believe the Committee on Rivers and Harbors has no jurisdiction of the subject matter.

Mr. STAFFORD. But has the committee of which the gentleman is chairman given consideration to the question of surveys of various projects?

Mr. HUMPHREYS of Mississippi. Yes, we have. There are a number pending.

Mr. STAFFORD. Will not this be a case of singling out some projects and barring others that are being considered by the Committee on Flood Control?

Mr. HUMPHREYS of Mississippi. The Committee on Flood Control has before it, I think, 10 reports on preliminary surveys that were ordered in the river and harbor bill, by virtue of amendments put on in the Senate two years ago; but as I say, we have no machinery in the War Department by which we can make these investigations until this flood-control bill passes the Senate. We have the jurisdiction but we have no organized court. We have no sheriff to execute our orders.

Mr. VINSON. I should like to ask the gentleman if this provision in the river and harbor bill to which the point of order has been made would not, by obtaining this survey,

facilitate the work before the Flood Control Committee on this same subject.

Mr. HUMPHREYS of Mississippi. Undoubtedly it would expedite it.

Mr. VINSON. Otherwise, as the flood-control bill is on a slow road to passage in the Senate, it means that these projects, which may be meritorious, must be held in abeyance, does it not?

Mr. HUMPHREYS of Mississippi. I think so. Nevertheless, it is a matter over which the Rivers and Harbors Committee have no jurisdiction.

Mr. STAFFORD. Do I understand that the committee of which the gentleman is chairman has given consideration to surveys of various flood-control projects?

Mr. HUMPHREYS of Mississippi. As I stated, we have a number before us. We have just been waiting until the Senate acts on the flood-control bill, to see whether they will pass the bill creating the machinery in the War Department whereby all these surveys can be made. We have just been waiting for the Senate to act. If the Senate acts, I think our committee is ready to act on the various propositions for surveys now pending in the committee.

Mr. STAFFORD. Mr. Chairman, I make the point of order that it is not within the province of the Committee on Rivers and Harbors to report items providing for flood control.

The CHAIRMAN. The point of order is sustained.

Mr. EDWARDS. I would like to have the Clerk report the amendment offered by the chairman of the committee.

Mr. STAFFORD. This is not an amendment; it is a paragraph in the bill.

Mr. TAYLOR of Arkansas. There was an amendment offered by the chairman of the committee.

Mr. STAFFORD. But a point of order was pending. It could not be offered.

Mr. SPARKMAN. I understand no amendment is permissible until the point of order is disposed of.

Mr. EDWARDS. An amendment could be offered by unanimous consent, could it not?

The CHAIRMAN. It could be offered by unanimous consent.

Mr. EDWARDS. I ask unanimous consent that the amendment offered by the chairman of the committee may be considered pending. I would like to say to the gentleman from Wisconsin [Mr. STAFFORD] that this is an important matter to the section affected. There is no conflict between the Committee on Flood Control and the Committee on Rivers and Harbors. The chairman of the Committee on Flood Control has explained the situation, and so has the chairman of the Committee on Rivers and Harbors. This item affects most largely the district represented by my colleague [Mr. VINSON]. He is on the Flood Control Committee. There is no desire on the part of the Committee on Rivers and Harbors to appropriate any of the functions and powers of any other committee, and no particular objection has come from anybody on the Flood Control Committee. I ask unanimous consent, therefore, that the amendment offered by the chairman of the Rivers and Harbors Committee be considered pending, which will obviate the point of order; and I hope the gentleman from Wisconsin [Mr. STAFFORD] will not interpose any objection.

Mr. STAFFORD. That would not obviate the point of order.

Mr. EDWARDS. I think it would.

Mr. STAFFORD. I will say to the gentleman that it would not; but, reserving the point, I will ask the gentleman if he will yield to me, to allow me to ask the chairman of the committee a question?

Mr. EDWARDS. Certainly.

Mr. STAFFORD. There is another item in the bill subject to a like point of order, relating to some flood-control arrangements between the States of Minnesota, North Dakota, and South Dakota, of the waters along the boundaries of those States. I wish to make an inquiry which is rather out of order, but my position will be guided somewhat by the purpose to be covered by that survey. Of course, there is no navigation connected with the proposal as found on page 45. It is purely a flood-control proposition.

Mr. SMALL. In answer to the gentleman from Wisconsin, I will say that this is a proposition which has been pending for some time between those States. They wish to enter into a compact, and under the Constitution it requires the consent of Congress to do so. They wish to enter into a compact with a view of making an agreement relative to certain boundary streams, as well as their tributaries, which go through these States to some extent, with a view to their improvement for flood protection as well as navigation. They propose to cooperate in furnishing the money for the investigation and to pay the entire expense of the improvement if upon a survey such improvement shall be deemed advisable. The purpose of this is simply to authorize them to enter into a compact and to authorize the Secretary of War to make this investigation in order to determine its advisability.

Mr. STAFFORD. May I inquire of the gentleman from Texas having charge of the committee amendments for surveys whether it is proposed to offer any committee amendment looking to a survey which embodies the policy of flood control?

Mr. BURGESS. I think not.

Mr. SMALL. The gentleman is inquiring about the Minnesota-North Dakota-South Dakota proposition?

Mr. STAFFORD. Yes.

Mr. SMALL. When that item is reached, we have a substitute to offer for it.

Mr. STAFFORD. Mr. Chairman, I do not wish to play favorites, but I do wish to avoid a conflict of jurisdiction of committees. If these are the only two items I am ready, with the amendment suggested by the gentleman from Georgia, to withdraw the point of order.

Mr. SMALL. I will say that there is to be no other amendment offered along that line.

Mr. STAFFORD. I withdraw the point of order.

Mr. SPARKMAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, on page 43, line 3, by inserting, after the word "of," the words "navigation and of."

The amendment was agreed to.

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent to return to page 42, line 16, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to page 42, line 16, for the purpose of offering an amendment.

Mr. STAFFORD. Reserving the right to object, let the amendment first be read.

The Clerk read as follows:

Page 42, after line 16, insert:
"Lynchs River, S. C."

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

Withlacoochee River, Fla., between Dunnellon and Lake Panasoffkee.

Mr. RAINEY. Mr. Chairman, I move to strike out the last word. On yesterday I offered an amendment on page 32 in this bill, after line 11, in effect preventing the impounding of water above the Keokuk Dam in the Mississippi River. The situation there is simply intolerable. Boats are being held up for hours in order that this company may pay the dividends it thinks it ought to pay. I do not want to insist on that amendment at this time—the Committee on Rivers and Harbors would have jurisdiction of any resolution that I might submit on that question—if the chairman will assure me that if I introduce a resolution of that kind the committee will find some time during the session to consider it.

Mr. SPARKMAN. I will say to the gentleman that the Committee on Rivers and Harbors has ample jurisdiction to make that investigation. After this bill is completed I probably shall not be here for the next two weeks, but there are other members of the committee who can and will be able to take the matter up and make the necessary investigation. I am authorized to say that.

Mr. RAINEY. Then, Mr. Chairman, I ask unanimous consent to return to page 32, line 11, for the purpose of withdrawing the amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 32, line 11, and withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Hillsboro River, Fla., from Michigan Avenue to Lafayette Street Bridge, Tampa.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, line 19, page 43, after the word "Tampa," by inserting:
"Back Bay of Biloxi, Miss., with a view to removing shoals at Cranes Neck and Biloxi mud flats and securing a depth of 12 feet."

The committee amendment was agreed to.

The Clerk read as follows:

Bayou Tigre, La.

Mr. BURGESS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 43, after line 20, insert:
"Bayou Tennebonne between Houma and Thibodaux."

The amendment was agreed to.

Mr. BURGESS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 43, after line 20, insert:
"Bayou Dorcheat, La., through Lake Bistineau and Loggy Bayou."

The amendment was agreed to.

The Clerk read as follows:

Intracoastal waterway from Calcasieu River, La., to Sabine River, Tex. and La., with a view to securing such width and depth as will meet the demands of commerce.

Mr. TREADWAY. Mr. Chairman, I reserve the point of order on the paragraph for the purpose of inquiring what an intracoastal waterway is, whether it is the same as would ordinarily be known as a canal? It seems to me that it is beyond the jurisdiction of the River and Harbor Committee if it is a canal. I am not sure as to it, and therefore I reserve the point of order.

Mr. SPARKMAN. Mr. Chairman, it might or might not involve the construction of a canal, but according to my understanding the waterway in that particular locality does not and will not involve the construction of a canal.

Mr. TREADWAY. It does not involve the construction of a canal?

Mr. SPARKMAN. It does not is my understanding.

Mr. BURGESS. It does not involve the construction of a canal.

Mr. SPARKMAN. It is merely an improvement of an intracoastal waterway already existing.

Mr. TREADWAY. The waterway is there, and the idea is to get a greater depth of natural waterway?

Mr. SPARKMAN. Yes.

Mr. TREADWAY. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Lake Bluff Harbor, Ill.

Mr. BURGESS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 44, after line 23, insert:
"Pentwater Harbor, Mich."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. BURGESS. Also the following.

The Clerk read as follows:

Strike out the words "Lake Bluff Harbor, Ill.," in line 25, page 44, and insert in lieu thereof the following:
"Bar in Lake Michigan in front of United States Naval Training Station, Great Lakes, Ill., with a view to dredging said bar so as to permit lake vessels to land at said station."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of War is authorized to make such preliminary examinations as can be made from available data without making field surveys, touching the creation of conditions in or paralleling the St. Lawrence River from its head to tidewater, suitable in all respects for navigation by ocean-going ships, including such approximate estimate of cost of improvement as can be predicated on such available data, and an approximation of the amount of power, if any, that would be incident thereto.

Mr. MANN. Mr. Chairman, on that I reserve the point of order. I would like to know what we have to do with the St. Lawrence River over on the Canadian side?

Mr. SMALL. Mr. Chairman, this item was presented to the committee by a member of the committee, Mr. GALLAGHER, of Chicago, and behind him were certain gentlemen of the same city who were reputed to be men of intelligence and affairs there.

Mr. MANN. But that has nothing to do with the item. What does it mean?

Mr. SMALL. And we were told that the business interests of the country would be subserved by securing this information. It requires no surveys. It requires only an examination of available data, and while the gentleman's observation that we have nothing to do with the St. Lawrence River is correct, yet that data, as it was represented to us, would be valuable in determining certain improvements within our own country and in the section of the Great Lakes.

Mr. MANN. Mr. Chairman, this requires an examination.

Touching the creation of conditions in or paralleling the St. Lawrence River from its head to tide water, suitable in all respects for navigation by ocean-going ships.

In the first place, it is exceedingly poor language; it is not grammatical. What it means the gentleman from North Carolina may know, but I can not understand without an explanation.

Mr. SMALL. The item was submitted to the Chief of Engineers and the final draft of it had the approval of the Board of Engineers.

Mr. MANN. They are not supposed to be expert grammarians like the distinguished gentleman from North Carolina.

Mr. SMALL. Nor like the distinguished gentleman from Illinois.

Mr. MANN. What have we to do with it? What is the purpose of it? To provide for a report upon a canal from Lake Erie paralleling the St. Lawrence River, to be constructed by the Government of the United States through Canadian territory?

Mr. SMALL. It was assumed that this information would have to be obtained from official records of the Dominion of Canada, from such information as was available to every one, or from such information as would be furnished upon application by our Government. I will be candid and say that the exact relationship to the waterways of our own country was not made entirely clear to us, but representations were made that the information which would be developed by the study and the coordination of the same would be of value to the United States. That is as clear as I can put it at this time.

Mr. MANN. Mr. Chairman, I can understand the position of the gentleman from North Carolina [Mr. SMALL] and the gentleman from Pennsylvania [Mr. MOORE] who believe that we ought to have an intracoastal waterway running from Boston down the Atlantic coast, going across Florida and running across the Gulf coast to the farther end of the Texas coast line, but do I understand the gentleman to think that it is necessary to supplement that by a canal paralleling the St. Lawrence River?

Mr. SMALL. If I were to answer the query of the gentleman I would say that so far as I know it has no reference or connection, direct or indirect, to or with any intracoastal waterway in the United States.

Mr. MANN. Is it necessary to have a canal paralleling the St. Lawrence River?

Mr. SMALL. That necessity would probably appear from the information which will be obtained as the result of this item.

Mr. MANN. The gentleman may think so. I do not think it is the business of the United States to build a canal through Canadian territory paralleling the St. Lawrence River.

Mr. SMALL. I would remind the gentleman that this item had its inception in the city of Chicago, and, of course, he will not admit that anything wrong could proceed from that city.

Mr. MANN. That is the only argument the gentleman has yet offered in favor of it, and while a great many good things emanate from Chicago, some people think that everything there is not entirely pure. I make the point of order against the paragraph, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph. The Chair does not think——

Mr. SMALL. What is the point of order?

Mr. MANN. Oh, that it is not within the privilege of the Committee on Rivers and Harbors to report propositions of this kind in reference to constructing a canal nor in reference to improving the St. Lawrence River on Canadian soil.

Mr. SPARKMAN. Mr. Chairman, it is not clear to my mind that the paragraph is subject to a point of order. A part of that river is in the United States and it is a navigable stream and to that extent this committee has jurisdiction of it. I care, myself, very little about the possession. As has been stated by the gentleman from North Carolina [Mr. SMALL], it was inserted at the request of other parties, and it was not made very clear just why it was needed; but, as he also stated, the Chief of Engineers thought that the information called for and which is to be gathered from data already at hand without necessity for instrumental surveys, would be of use to the Congress and to the department; hence it was inserted.

The CHAIRMAN. The Chair thinks that the Committee on Rivers and Harbors does not have sufficient jurisdiction to authorize the investigation of conditions on the St. Lawrence River elsewhere than in the territory of the United States. This paragraph is not limited to data that may be in existence now in the office of the Chief of Engineers, but authorizes the

Secretary of War to compile available data without making any surveys, touching conditions in or parallel with the St. Lawrence River outside of the United States. The Chair thinks it is subject to the point of order. The point of order is sustained.

The Clerk read as follows:

The Secretary of War may, in his discretion, cause preliminary examinations and surveys to be made of any river or rivers situated within or along the boundaries of the States of Minnesota, North Dakota, and South Dakota, to be designated by the governors of each of said States, for the purpose of improving navigation or of preventing or controlling flood waters therein, and may accept contributions of local funds for use in making said investigations. If a favorable report shall be submitted with plans for such improvement and estimates of cost, the said States of Minnesota, North Dakota, and South Dakota are hereby authorized to enter into an agreement or compact with each other for the purpose of providing the necessary funds in such proportions as may be agreed upon between said States for the purpose of executing such works of improvement, and when the necessary funds therefor shall be paid into the Treasury of the United States, the Secretary of War is hereby directed, under the supervision of the Chief of Engineers, to construct and complete such works of improvement.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SMALL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Let the amendment be read for information.

The CHAIRMAN. Without objection, the amendment of the gentleman from North Carolina will be read for information.

The Clerk read as follows:

Strike out lines 12 to 25, both inclusive, on page 45, and lines 1 to 5, both inclusive, on page 46, and insert in lieu thereof the following, to wit:

"That the Congress consents that the States of Minnesota, North Dakota, and South Dakota, or any two of them, may enter into any agreement or agreements or compacts with each other to improve navigation and to lessen and prevent floods on boundary waters of said States and the waters tributary thereto, and said States, or any two of them, are authorized to and may, with the approval of the Secretary of War, make such improvements.

"The Secretary of War is authorized to make a survey of any project proposed by the governors of said States, or any two of them, to determine the feasibility thereof and the expenses of carrying the same into effect, and what share of such expenses should be borne by the different States, local interests, or by the National Government; and he may accept contributions of local funds for use in making such investigations. If the Secretary of War approves any such project, and said States, or any two of them, consent thereto, he is hereby authorized to make such improvements under the supervision of the Chief of Engineers, provided the necessary funds therefor are furnished by said States, or either of them, or from any other source."

Mr. SMALL. Mr. Chairman, the draft of the amendment proposed as a substitute was submitted by two gentlemen from Minnesota, Mr. VOLSTEAD and Mr. STEENERSON. Deeming the language in the substitute more appropriate than the language in the bill, and in deference to their judgment, the committee were entirely willing to adopt the substitute agreeable to the gentlemen from Minnesota, whom we understood also represent as to the approval of this substitute the gentlemen from North and South Dakota.

The committee has no objection to the substitute and I move that it be adopted.

Mr. STAFFORD. Mr. Chairman, the amendment has been read and I would like to have the gentleman from Minnesota make some explanation of the purpose of it.

Mr. STEENERSON. Mr. Chairman, in order to establish a reason for this legislation it will be necessary to call attention to the fact that for 280 miles the boundary between Minnesota and the two States of North and South Dakota consists of lakes and rivers. The State of Minnesota being the oldest State early undertook a general system of drainage and reclamation of overflowed land and thousands of miles of ditches were constructed, especially in the valley of the Red River and in the vicinity of Lakes Big Stone and Traverse. Those two lakes are boundary waters about 30 miles in length each. The States of South Dakota and North Dakota also a little later, as soon as their lands were settled and the Indian titles extinguished, drained into these boundary waters.

In the last two or three years, however, owing probably to the fact that the rains have been heavy, large tracts of land which formerly had been rich agricultural lands and been under cultivation were overflowed in the vicinity of Lake Traverse, on both sides of the lake, both on the Minnesota and on the South Dakota and North Dakota sides, and large tracts along the Red River of the North were also overflowed. These lands were cultivated and were rich farming lands. Last summer the States of North Dakota and South Dakota brought two original actions or suits in the Supreme Court of the United States against Minnesota in which it is claimed that the State of Minnesota through its municipalities and through its direct authority had diverted the surface waters from their natural channels into Lake Traverse, one of the boundary waters, to the detriment of the lands in South Dakota and North Dakota. The three States are now considering how these difficulties may be arranged by mutual agreements and improvements.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. HUMPHREY of Washington. I understand that what you want is for the Congress to consent that these States may make an agreement?

Mr. STEENERSON. Yes. And I want to explain the urgency for this authority.

Mr. STAFFORD. I think the gentleman has proceeded far enough.

Mr. STEENERSON. There is a great urgency. They want authority to agree upon plans for the improvement of these waters, so as to not only improve navigation thereon but facilitate drainage and prevent floods, and incidentally develop water power. I hope that the point of order will be withdrawn.

Mr. MILLER of Minnesota. The gentleman has so completely convinced the House in the very few moments that we are ready to accept the amendment.

Mr. STAFFORD. The gentleman has so thoroughly convinced the committee of the necessity for it that I withdraw the point of order.

Mr. STEENERSON. All right.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Chairman, I notice the amendment provides that the Secretary of War shall make survey to determine the amount to be contributed by the General Government, and the feasibility, and so forth. I think that ought not to read "determine." I do not think the Secretary of War can determine the amount the Federal Government may be called upon to contribute. It might be "to report upon." The word "determine" ought to be changed. That is in the second paragraph.

Mr. STEENERSON. I will say to the gentleman that the expenses of this survey are to be borne by the local interests under the provision of the amendment.

Mr. MANN. That is not the point. The amendment reads:

The Secretary of War is authorized to make a survey of any project proposed by the governors of said States, or any two of them, to determine the feasibility thereof, and the expenses of carrying the same into effect, and what share of such expenses shall be borne by the different States, local interests, or by the National Government.

The Secretary of War can not "determine" the amount.

Mr. SMALL. What language would the gentleman suggest?

Mr. MANN. "Report upon."

Mr. SMALL. I suggest you accept that.

Mr. STEENERSON. I would like to have the gentleman from Minnesota [Mr. VOLSTEAD] heard.

Mr. SMALL. The gentleman from Minnesota [Mr. VOLSTEAD] wants to be heard.

Mr. VOLSTEAD. The amendment suggested by the gentleman from Illinois [Mr. MANN] is satisfactory.

Mr. MANN. I move to amend the amendment by striking out, in the third line of the second paragraph, the word "determine" and insert in lieu thereof "report upon."

Mr. SMALL. I hope the amendment will be adopted, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment, in the third line of the second paragraph, by striking out the word "determine" and inserting the words "report upon."

Mr. SMALL. Mr. Chairman, may I have the attention of the gentleman from Illinois? Did he intend that the word "determine" was to be displaced where it is and the words "report upon" put in its place?

Mr. MANN. Strike out "determine" and insert "report upon."

Mr. SMALL. In substitution for "determine"?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the amendment of the gentleman from Illinois [Mr. MANN].

The amendment as amended was agreed to.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this item.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on this item. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Controller Bay, Alaska.

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. BURGESS: Page 44, after line 4, insert: "Galveston Bay, at Smiths Point, Tex."

Mr. BURGESS. Mr. Chairman, I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the Atchison, Topeka & Santa Fe Railway Co., of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and it is hereby, granted authority to maintain its wharf, known as "long wharf," in the harbor of San Diego, Cal., where the same extends across certain submerged lands of the United States, ceded to the United States by act of the Legislature of the State of California, approved March 9, 1897, which said submerged lands lie in front of certain upland property of the United States described as lots 1 to 19 of block 18 of the city of San Diego, upon the following conditions and limitations: That the United States shall have free use of the so-called "west wharf" of the said railway company, adjoining and connected with the said "long wharf" in the harbor of San Diego, under such rules and regulations as may from time to time be agreed upon between the local representatives of the railway company, and the commanding officer of Fort Rosecrans, Cal.: *Provided*, That if, at any time, the said parties shall fail to agree as to said rules and regulations, the then existing status of the occupancy and use of said wharf shall not be disturbed until the controversy shall be referred to the general manager of the railway company and the department commander, Western Department, United States Army, for decision, and an agreement shall have been reached by them in the matter: *Provided further*, That the United States shall have the right to make such improvements to the said "west wharf" at its own expense as may be necessary to give the United States adequate and reasonable accommodations, provided such improvements shall be made without unnecessary interference with the operation of the railway company in its relations to the public as a common carrier and in its use of the said wharf as such common carrier: *And provided further*, That the railway company shall not be required to add to or alter the said "west wharf" or to add to or alter the warehouse and storeroom accommodations connected therewith. The right to alter, amend, or repeal this section is hereby expressly reserved.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the section just read. I would like to engage the attention of the chairman of the committee. I wish the chairman would direct my attention to the page in the report where this proposal is referred to. I have endeavored to locate it in this voluminous report of over 500 pages and have not been able to find any provision in reference to it whatever on any of the substantive provisions carried in the later sections of the bill.

Mr. SPARKMAN. It does not seem to be in the report.

Mr. STAFFORD. I will ask the chairman further if there is anything contained in this voluminous report relating to these substantive items in these later sections of the bill?

Mr. SPARKMAN. Probably not. I am not sure about that. But I hold in my hand here, Mr. Chairman, a letter from the Secretary of War regarding this matter and approving the provision in the bill. I will ask that it be read from the Clerk's desk.

Mr. STAFFORD. I think we ought to have some information as to the need of this, because nothing is stated in the report.

Mr. SPARKMAN. The Clerk read it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, May 23, 1916.

The CHAIRMAN COMMITTEE ON RIVERS AND HARBORS,
House of Representatives.

DEAR SIR: Referring to your letter of the 26th ultimo, with which you forwarded to this department a copy of H. R. 14790, Sixty-fourth Congress, first session, providing for "granting to the Atchison, Topeka & Santa Fe Railway Co. the right to maintain a wharf across certain submerged lands of the United States in the harbor of San Diego, Cal.," and requested to be furnished with the opinion of the War Department on the measure, I have the honor to inform you as follows:

The accompanying bill (H. R. 14790) proposes to grant, under certain conditions contained therein, permission to the Atchison, Topeka & Santa Fe Railway Co. to maintain its existing "Long Wharf" in San Diego Bay, a portion of which, in its present location, occupies certain land under water belonging to the United States and forming a part of the San Diego Barracks Reservation.

The matter of securing permission to continue the occupancy of this land was presented in a letter of the railway company dated October 7, 1915, and forwarded to this department by the district Engineer officer at Los Angeles on October 13, 1915. In pursuance of this, and in accordance with recommendations of the department commander, a license was granted by the War Department, subject to the action which might be taken by Congress.

The bill to which you refer is drafted substantially in accordance with the conditions heretofore approved by the War Department, but it is understood that the word "eight," in line 1, page 2, should be changed to "eighteen," and that the word "manner," in line 16 of the same page, should read "matter."

It does not appear that the interests of navigation will be materially affected by the enactment of the proposed legislation, and no objection to its enactment is apparent to this department.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. SPARKMAN. Now, Mr. Chairman, I will say that the provision in the bill is an exact copy, as I understand it, of the bill to which reference is made and which was introduced, I think, by Mr. KETTNER, of California, together with the amendments suggested in the letter of the Secretary of War.

Mr. STAFFORD. By this provision we are not merely confirming a license or permit that may be issued by the Secretary of War, but we are conferring upon the Atchison, Topeka & Santa Fe Railway Co. a permanent right to use the wharves in front of Government-owned lands and over other Government lands. I can not see any exigency that could require the insertion in this bill of an item of this importance, even though the Secretary of War says there is no objection to it. Unless the gentleman can advance some reason why there is a special exigency for it I shall press the point of order.

Mr. SPARKMAN. My understanding, Mr. Chairman, is, and I think that letter so states, that the railroad has been going over that land for quite a time under a license which will soon expire, and it is necessary if it is to be renewed that Congress should take this action.

Mr. STAFFORD. This paragraph does not delegate to the Secretary of War the authorization of a license. It is a permanent grant. I think the matter is altogether too important to be annexed as a rider to an appropriation bill, especially as the report gives no information, and none as to where Members can obtain knowledge as to its merits. Therefore, I feel justified in pressing the point of order.

Mr. SPARKMAN. Mr. Chairman, I do not think the paragraph is subject to a point of order. The wharf is on navigable waters, and we are dealing with navigable waters and the facilities at times for reaching navigable waters. For instance, we have undoubted jurisdiction of terminal facilities under certain circumstances. We have the right to impose as a condition precedent to an improvement the leasing of terminals. Why have we not equal jurisdiction to make the requirement on a railroad company after an improvement is made that we have before the improvement is undertaken?

The CHAIRMAN. Is this a proposition to authorize the Santa Fe Railroad to establish a terminal on public land?

Mr. SPARKMAN. It is a provision authorizing the railroad to cross Government land to reach a wharf already in existence.

Mr. SMALL. Mr. Chairman, will the gentleman pardon an interruption?

The CHAIRMAN. Yes.

Mr. SMALL. Mr Chairman, this proposed authorization is not only to cross Government-owned lands but those lands that are submerged and under water. It is now occupied by this same railway company, and this legislation is in response to a letter from the Secretary of War to the railway company, as is stated in the letter just read at the Clerk's desk, suggesting to them that they should get a conditional grant or authorization of the privilege respecting the use of the terminal. I submit it is not subject to a point of order.

It refers to lands owned by the Government, lands which are submerged, lands which are under the control of the War Department, lands which were acquired by the United States in connection with the improvements in the harbor at San Diego, and it is entirely within the jurisdiction of this committee. It is not only without injury to the United States but it is in pursuance of a recommendation made by the Secretary of War that the railway company obtain a conditional permission to occupy the property.

The CHAIRMAN. The Chair would inquire does this provision add to the terminal facilities of the railroad company, or does it give them permission to use this water front?

Mr. SMALL. It grants permission to use certain lands under water as part of its terminal.

Mr. STAFFORD. The gentleman is in error. It simply authorizes the permanent use of the wharf by a railroad company.

Mr. SMALL. It is not a permanent occupation.

Mr. STAFFORD. It says so here.

Mr. SMALL. It is under certain conditions, under such rules and regulations as may be agreed upon.

Mr. Chairman, the gentleman from California [Mr. KETTNER] introduced this provision and is greatly interested in its adoption. San Diego is his home city and it has a great harbor. Unfortunately Mr. KETTNER is not in the Chamber at this moment, having been called to the Navy Department on an important mission.

The CHAIRMAN. The Chair understands that the jurisdiction of this committee is over rivers and harbors. This proposition is to grant the use of this wharf as a railroad terminal. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 5. That Bayou Meto in the State of Arkansas be, and the same is hereby declared to be, a nonnavigable stream, within the meaning of the Constitution and laws of the United States. The right of the Congress to alter, amend, or repeal this section is hereby expressly reserved.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. I would like to inquire what is the necessity of declaring Bayou Meto nonnavigable? If it is a minor matter, I will withdraw the point of order.

Mr. TAYLOR of Arkansas. Mr. Chairman, I desire to address myself to the point of order. There is a precedent for this legislation in this bill.

Mr. STAFFORD. I am merely seeking to get information.

Mr. TAYLOR of Arkansas. The information is this, Mr. Chairman: The object of this legislation is to reclaim for farming purposes about 80,000 or 100,000 acres of very rich land.

Mr. STAFFORD. The title of which is in the State of Arkansas?

Mr. TAYLOR of Arkansas. No, sir; in individuals.

Mr. STAFFORD. The United States has no claim whatever on it?

Mr. TAYLOR of Arkansas. No, sir.

Mr. STAFFORD. I withdraw the reservation of the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the public-buildings bill.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks on the public-buildings bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That section 4 of the river and harbor act of August 18, 1894, as amended by section 11 of the river and harbor act of June 13, 1902, be, and is hereby, amended so as to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on this section also for the purpose of obtaining information as to the extent to which this changes existing law.

Mr. SMALL. Mr. Chairman, the section of which this is amendatory is section 11 of the river and harbor act of 1902, which reads as follows:

SEC. 11. That section 4 of the river and harbor act of August 18, 1894, be, and is hereby, amended so as to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of War to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are or that hereafter may be owned, operated, or maintained by the United States as in his judgment the public necessity may require; and he is also authorized to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which has been improved under authority of Congress whenever in his judgment such regulations are necessary to protect such improved channels from injury or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that may be employed in such operations. Such rules and regulations shall be posted in conspicuous and appropriate places for the information of the public; and every person and every corporation which shall violate such rules and regulations shall be deemed guilty of a misdemeanor, and on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed shall be punished by a fine not exceeding $500 or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

The purpose of this is simply to enlarge the authority of the War Department to make regulations for its channels under improvement and for the movements of steamboats in such channels, either while under improvement or when improved. In other words, it has been found that while the Bureau of Commerce has large powers as to the control and operation of the steamboats themselves, yet frequently they are not applicable to regulations which are necessary in order to maintain the safety of channels and the safety of the work while the channels are under improvement. This is simply for the purpose of enlarging that authority so that the War Department may have more control over its channels, either in process of improvement or after they are improved.

Mr. HULBERT. Will the gentleman yield for a very brief question?

Mr. SMALL. Yes.

Mr. HULBERT. Is not the purpose and effect of this amendment to meet the conditions of congestion, especially with regard to the manner in which the work of improvement is now going on in New York Harbor?

Mr. SMALL. As a matter of fact, its necessity is more acute in the large harbors, particularly in New York.

Mr. STAFFORD. There is some pressing need for it at the present time to meet the exigency?

Mr. SMALL. Yes.

Mr. STAFFORD. If the War Department is pressing it, I do not wish to insist on the point of order. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 7. That section 9 of the river and harbor act approved July 25, 1912, be, and is hereby, amended so as to read as follows:

"SEC. 9. That in the execution and inspection of river and harbor works, engineer officers are authorized to hire and use such transportation as may be necessary for the most economical and advantageous prosecution of the work."

Mr. MANN. Mr. Chairman, I make a point of order against that paragraph.

Mr. SMALL. Mr. Chairman, will the gentleman permit an explanation of its necessity?

Mr. MANN. I will reserve the point of order.

Mr. SMALL. In connection with this paragraph I will have read from the Clerk's desk a memorandum from the War Department relating to the necessity for this provision.

The Clerk read as follows:

[Memorandum.]

TRANSPORTATION ON RIVER AND HARBOR WORKS.

The river and harbor act approved July 25, 1912, contains the following provision:

"SEC. 9. In their execution and inspection of river and harbor work at points beyond easy reach of ordinary regular transportation lines engineer officers are authorized to hire and use such transportation as they may consider desirable and advantageous to the progress of the work."

The usefulness of this provision has in a large measure been defeated by the action of the accounting officers of the Treasury, as shown in the following instances:

In the Kansas City district, in order to expedite the business of the Government in connection with the inspection and supervision of river and harbor works in the charge of Lieut. Col. Henry Deakyne, Corps of Engineers, and in connection with examinations and investigations which he was required to make by direction and authority of Congress, it became necessary to furnish transportation to Capt. Robert S. Thomas, Corps of Engineers, and certain civilian employees.

The journeys were made by automobile upon two occasions between two points on a railway paralleling the the Missouri River above Kansas City, about 46 miles apart. To have used the railway would have involved a wait on each occasion of about 25 hours, until the next day, while each journey was made by automobile in the early evening in about 4 hours. Thus by the use of the automobile practically two entire days were saved to the Government, while the cost to the Government of one day's services, with railway travel allowances, of the persons who used the automobile would have amounted to more than was paid for the use of the automobile.

The account was disallowed by the auditor on the ground that—

"The laws relating to transportation contemplate that reimbursement or mileage shall be paid only where the travel incurred is over the shortest usually traveled route, by the mode usually adopted, and by conveyances usually employed. The places between which this expense was incurred are directly connected by railroad and the usual mode of travel is by train. The hire of an automobile is an extraordinary means of transportation, which does not appear to be authorized by section 9 of the river and harbor act of July 25, 1912, which only authorizes the hire of private conveyance at points beyond easy reach of ordinary regular transportation lines."

On appeal to the Comptroller of the Treasury the following decision was rendered by him:

"In their execution and inspection of river and harbor improvement work at points beyond easy reach of ordinary regular transportation lines engineer officers are authorized to hire and use such transportation as they may consider desirable and advantageous to the progress of the work.

"Under the language of this law it would appear to be the intention of Congress to leave the question of the class or kind of special transportation to be hired to the discretion of the administrative officers. The fact that an automobile was hired is immaterial. The question for my determination is whether two places connected by one train a day are 'beyond easy reach of ordinary regular transportation lines' within the meaning of the above act.

"The fact that a train is not ready when an engineer officer is does not create such a situation as this law contemplates. A direct line of railroad between two points, on which passenger trains are operated as often as business justifies, or as required by public authority, is an 'ordinary regular transportation line' within the meaning of the above

law, and the two points are not beyond but are within easy reach within the meaning of the law.

"'Beyond easy reach,' as used in this law, probably refers to such points as are outside of a reasonable walking distance from regular transportation lines, such as railways, steamboat lines, stage coaches, street cars, etc. It certainly does not refer to the time in which the places can be reached by regular transportation lines.

"The action of the auditor in this case is affirmed, and a certificate of no difference will issue."

Similar cases have arisen in the Wilmington, N. C., district. It became necessary for an assistant engineer to make inspections at widely separated points on several occasions. By the use of an automobile he was able to complete his inspections and return to his station in one day's time on each occasion. Had he not used the automobile two days' time would have been necessary for the work, necessitating additional expenditures for transfers, railway fares, lodgings, etc., for each occasion. These accounts have been disallowed by the auditor.

In order to obviate the objections of the accounting officers it is suggested that the legislation provided in section 9 of the river and harbor act approved July 25, 1912, quoted above, be amended so as to read as follows:

"SEC. 9. That in the execution and inspection of river and harbor works, engineer officers are authorized to hire and use such transportation as may be necessary for the most economical and advantageous prosecution of the work."

Mr. SMALL. Mr. Chairman, the gentleman from Illinois [Mr. MANN] will observe that the necessity for this amendment arose out of the construction of existing law by the accounting officers of the Government——

Mr. MANN. The reason for it, not the necessity.

Mr. SMALL. In the opinion of the War Department the amendment will be in the interest of expedition and economy in the administration of the duties of the engineer.

Mr. MANN. Doubtless it would be in the interest of expedition, just for illustration if an engineer officer from the War Department Building, going over to the Anacostia Flats, could hire an automobile to take him over in 10 minutes' less time, or maybe 15 minutes' less time, than it would take him to go in a street car for 5 cents, and it would soon become the custom for them to do it. When it becomes the custom, no particular officer can be criticized. The first illustration offered in the memorandum of the War Department was that a man would have been delayed a day to take the train. Now, when the train is going, it will go just as fast as the automobile. If he had nothing else to do, the delay made no difference. If he had other things to do and did not know enough to accommodate himself to the time when the trains ran, he was not a proper man to be in the Government service. We all have to do that. The gentleman's proposition is that any engineer officer, at any time he chooses, may hire either an automobile or a steam launch to go wherever he pleases at Government expense, without any check upon him at all except his sweet will. I do not think that power ought to be given to these officers.

Mr. SMALL. Does not the gentleman think he is indulging in a rather violent assumption?

Mr. MANN. No; I know enough about it to know that it is not a violent assumption. I have been with some of these gentlemen. I will say to the gentleman from North Carolina that they are not all Army officers. Most of the men who do the real work connected with river and harbor improvement are civilian employees, who would be very glad to ride in automobiles and steam launches all the time if they could.

Mr. SMALL. But this is under the supervision of the engineer officers. The language of the section says that—

Engineer officers are authorized——

Mr. MANN. They are authorized—

to hire and use such transportation——

Mr. SMALL. Such transportation—

as may be necessary for the most economical and advantageous prosecution of the work.

Mr. MANN. Yes.

Mr. SMALL. So that unless it is both economical and advantageous, it would not be authorized. It seems to me it is in the interest of economy.

Mr. MANN. The gentleman knows very well that wherever the power exists to expend money for personal comfort people expend it, until soon it becomes a custom. I would not blame an engineer officer or his civilian subordinate who is also an engineer officer for riding in an automobile to and from his work if the Government paid the expense and there was no personal criticism upon him. There could not be any personal criticism if it was the custom. I do not see any occasion for letting the bars absolutely down.

Mr. SMALL. Mr. Chairman, the necessity for this amendment arises out of this condition, that in the construction of the present law if there is railroad connection between the points to which the engineer officer travels, he must use the railroad, no matter how poor the connection and no matter how much longer time may be required, when if he were permitted to use other means of travel he could perform his work in less time, save time to the Government, and save the expenses of subsistence during his prolonged absence. Mr. Chairman, in this day when automobiles have come into such common use some of the most economical of men use the automobile instead of railroad transportation where the railroad schedules do not conserve the most economical performance of their duties. Why should not engineers of the Army be given some discretion, to be exercised, in the words of the statute, when "necessary for the most economical and advantageous prosecution of the work"?

Why should they not be allowed to exercise that discretion and to choose the best means of transportation? If the gentleman intends to press his point of order, I do not think this is subject to a point of order. The original law was brought in by the Rivers and Harbors Committee and passed. It involves a matter concerning the engineers of the Army in the discharge of their duty in the prosecution of river and harbor improvements, and comes under the jurisdiction of the committee. Certainly, if the subject matter comes under the jurisdiction of the committee, then its instrumentalities for carrying out the law which it recommends also come within its jurisdiction. Upon the merits of it, the committee thinks it ought to be adopted.

Mr. MANN. I make the point of order.

The CHAIRMAN (Mr. RAINEY). The Chair does not think it is subject to a point of order. The point of order is overruled.

Mr. MANN. Then I move to strike out the section.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the section.

Mr. MANN. Mr. Chairman, we are constantly asked to restrict the activities of the Government in the employment of automobiles. Congress gets a spasm once in awhile on the subject of cutting off automobiles. I never have sympathized with that. I believe there are many cases where automobiles ought to be permitted. The existing law permits engineer officers to employ means of transportation at points beyond the easy reach of transportation lines. This amendment proposes to strike that out and leave no control of the subject whatever. The inevitable result will be that the officers in charge of river and harbor work—and it is not merely Army officers, because the larger share of the men are civilian employees—will have permission to employ automobiles or launches on the water, although it may be a place just as easy to reach in the ordinary transportation by street cars and other lines. Where that power exists it never has been known not to be exercised after a while, little after little.

We have to-day in the Army, under the Engineer Corps, a larger number of vessels than there are in the Navy. They have gotten the idea that they are entitled to own and ride in a Government launch everywhere they go, when many times they could as easily ride in a street car, when the improvements are near a city, as they are in most cases. I do not think it is wise to give the Army or any branch of the Government authority, not to spend fixed appropriations for the purpose, but authority to expend all or any part of the money appropriated for improvements. We maintain the offices of the engineers out of these appropriations, although the appropriations may be made and never a dollar of it used in river and harbor improvement; yet they take off a fixed percentage for the maintenance of the offices up here, and nobody knows anything about how much it costs. There is no estimate and no report. I am not in favor of giving to the Army engineers power to spend all they want, without any restriction whatever, for the purpose of pleasure or business rides, for that matter.

Mr. SMALL. Mr. Chairman, I want to make a brief reference to this. When this section which it is proposed to amend was adopted in the river and harbor act of 1912, it is my recollection, and I am sure the RECORD will disclose that the purpose of it was to permit the engineer officers, in the interest of expedition and economy in the discharge of their duties, to hire any method of transportation which, in their judgment, would be most economical and advantageous. It was never conceived when this committee had this under discussion that the accounting officer of the Government would hold that because there was a connecting line of railroad the engineers must use it, regardless of the time consumed by the railroad line, or regardless of the time consumed by the engineer in making his trips. The purpose in mind at that time did not materialize because of the construction of the act by the auditor and comptroller. Now, the only purpose of this is to make clear that which was intended to be done by the original provisions in the act of 1912.

I do not understand that the gentleman from Illinois denies the proposition that frequently it is advisable in the interest of economy to use an automobile even where there is a connecting line of railroad, and the only objection he urges is that it is not wise to vest the engineer officers with this discretion. While

his opinion is always entitled to deference, I respectfully disagree with him, and I believe that the engineer officers would use discretion in the interest of economy and advantage to the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. SPARKMAN) there were—ayes 47, noes 31.

Mr. SPARKMAN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point that no quorum is present. The Chair will count.

Mr. SPARKMAN. A parliamentary inquiry. If the call of the House shows that a quorum is present, will anyone have the opportunity to ask for tellers? I do not want to lose any rights.

Mr. MANN. I submit, Mr. Chairman, that pending a point of no quorum the gentleman can not make a parliamentary inquiry.

The CHAIRMAN. The Chair thinks that nothing is in order now but the ascertainment of a quorum.

Mr. SPARKMAN. Mr. Chairman, I withdraw the point of no quorum and ask for tellers.

The CHAIRMAN. The question is on ordering tellers.

The question was taken, and tellers were ordered.

The CHAIRMAN appointed as tellers the gentleman from Florida [Mr. SPARKMAN] and the gentleman from Illinois [Mr. MANN].

The committee again divided; and the tellers reported that there were 52 ayes and 32 noes.

So the amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twelve Members present, a quorum.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment as a new section to follow section 7.

The Clerk read as follows:

Committee amendment: Insert, after line 11, page 49, the following as a new section:

"That an act entitled 'An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations,' approved May 16, 1906, be amended so as to read as follows:

"'That whenever any person, company, or corporation, municipal or private, or any State, or any reclamation, flood-control, or drainage district, or other public agency created by any State, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by such person, company, or corporation, or State, or reclamation, flood-control, or drainage district, or other public agency, as aforesaid, to secure which payment the Secretary of War may require such person, company, or corporation, or State, or reclamation, flood-control, or drainage district, or other public agency, as aforesaid, to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced.'"

Mr. HUMPHREY of Washington. Mr. Chairman, on that I reserve a point of order.

Mr. SMALL. Mr. Chairman, I am satisfied that with the explanation I shall make any apparent objection to this item will be removed. This amends the act approved May 16, 1906, in this respect: The original act had application to public improvements where there was local cooperation. The language of the original act of 1906 was:

Whenever any person, company, or corporation, municipal or private, shall undertake to secure—

And so forth.

An engineer officer has construed that as not permitting a State to cooperate, and in the State of California the State reclamation board is not permitted to cooperate. The same construction will arise as to local cooperation in other States. The purpose of this amendment is to enlarge the original act of 1906 in public improvements, where there is local cooperation, so as to permit States to cooperate or to permit any public agency created by the States to cooperate with the United States in any work of public improvement. The attention of the committee was called to this particularly by the gentleman from California [Mr. CURRY], in whose district is situated, in part at least, the reclamation district of the San Juan and Sacramento Valleys, where there is large local cooperation by the State of California. As I say, the engineer officer has so interpreted the act as to prevent the State from cooperating. The only purpose of this is to enlarge it, and with that explanation we hope that any objection will be removed.

Mr. HUMPHREY of Washington. I understand the only addition to the present law are the words "or any State, or any reclamation, flood control or drainage district, or other public agency created by any State"?

Mr. SMALL. The words added are:

Or any State, or any reclamation, flood control or drainage district, or other public agency created by any State.

Mr. CURRY. Mr. Chairman, this is a very short amendment to the law which is now on the statute books and it is intended to permit a State to cooperate with the United States Government in river and harbor work, and to use the act of eminent domain. Under the present statute the words "or any State, or any reclamation, flood control or drainage district, or other public agency created by any State," are not present. The amendment adds those three propositions. This was brought about in this way. At the present time the State government and the Federal Government are in cooperation on work at the mouth of the Sacramento River, which is for the purpose of navigation. It is widening and deepening and straightening the mouth of the Sacramento. The district officer raised the point that the United States Attorney General under the present law could not bring condemnation proceedings in the name of the State as the word "State" does not appear in the law. It is to correct that defect which not only affects California but every other State in the Union where the Federal Government and the State are in cooperation. The State government pays for all of the proceedings.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. CURRY. Yes.

Mr. KENT. I would like to ask the gentleman if under existing conditions the total cost of the land taken is not imposed upon the State of California?

Mr. CURRY. It is all imposed upon the State of California. California pays for all of it and deeds it to the United States Government.

Mr. BUTLER. I understand that means this: That where the State and Federal Government are cooperating on the river and harbor improvements, it is necessary to resort to these proceedings of condemnation in order that the Attorney General may have the authority to invoke the proceedings, and it is now held that when they are cooperating he does not have the authority, so it is merely to extend it?

Mr. CURRY. That is all.

Mr. BUTLER. It does not seem to me that it is a very dangerous amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, since reading the amendment and hearing the explanation I think that this amendment ought to be adopted. I therefore withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That a commission is hereby created consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the chairman of the Commerce Committee of the Senate, and two other members of said committee to be appointed by the President of the Senate, not more than two of whom shall be of the same political party, also three members of the present Committee on Rivers and Harbors of the House of Representatives who have been reelected to the Sixty-fifth Congress, not more than two of whom shall be of the same political party, whose duty it shall be, and the same is authorized and directed, under such rules and regulations as it may adopt, to investigate the feasibility and advisability of a more comprehensive system of river and harbor improvements in the interest of navigation, and in connection therewith the development and regulation of interstate and foreign commerce, the promotion of terminal and transfer facilities and sites, the drainage and reclamation of lands, the irrigation of arid lands, the protection against floods, the development and utilization of water power, the clarification of streams, and the regulation of the flow thereof, the prevention of soil erosion and waste, the storage and conservation of water for agricultural, industrial, municipal, and domestic uses, and also the subject of cooperation between the United States and the several States, municipalities, or other political subdivisions of the States, including levee and drainage districts, corporations, and individuals, respectively. The heads of the several departments of the Government may, in their discretion, upon the request of the commission, through the Secretary of War, detail representatives from their respective departments to assist the commission in any feature of the several investigations herein authorized. The Secretary of War is hereby authorized to provide the commission with such clerical or other assistants as may be deemed necessary. The said commission shall report to Congress on or before the 1st day of December, 1917, plans for the development of waterways and water resources of the United States for the uses and purposes above mentioned.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order against the paragraph.

Mr. SMALL. Will the gentleman reserve the point of order until we can make some corrections in the text?

Mr. HUMPHREY of Washington. I reserve the point of order.

Mr. SMALL. Mr. Chairman, I desire to offer the following amendment.

Mr. STAFFORD. An amendment can only be read for information.

Mr. SMALL. I ask unanimous consent that the amendments which I send to the desk be read for information pending the decision of the point of order.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

After the word "Congress," in line 23, on page 50, insert the words "to be appointed by the Speaker of the present House."

In line 23, on page 51, after the word "Congress," strike out the words "on or before the first day of December, nineteen hundred and seventeen."

After the period at the end of line 26, page 51, insert the following:

"And in order to defray the expenses made necessary by the provisions of this section the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be paid out upon warrants drawn upon the Secretary of the Treasury by the chairman of said commission."

Mr. HUMPHREY of Washington. Mr. Chairman, Rule XI, making the Rivers and Harbors Committee a privileged committee, reads as follows:

The committees having jurisdiction of appropriations, the general appropriations bills; the Committee on Rivers and Harbors, bills for the improvements of rivers and harbors.

There has been a great many rulings upon that provision, and they have all held that it must be more or less strictly construed. Now, I call the attention of the Chair to the language of this section. Commencing, page 51, at the top of the page:

of a more comprehensive system of river and harbor improvements in the interest of navigation, and in connection therewith the development and regulation of interstate and foreign commerce, the promotion of terminal and transfer facilities and sites, the drainage and reclamation of lands, the irrigation of arid lands, the protection against floods, the development and utilization of water power, the clarification of streams, and the regulation of the flow thereof, the prevention of soil erosion and waste, the storage and conservation of water for agricultural, industrial, municipal, and domestic uses, and also the subject of cooperation between the United States and the several States, municipalities, or other political subdivisions of the States, including levee and drainage districts, corporations, and individuals, respectively.

Why, I submit to the Chair, that covers practically all the planet. As I read that through I could not help but think of a remark I heard one time made by a lawyer when he was arguing a proposition before the court he exclaimed, "If your honor please, this contract is unparalleled in the history of courts for being void" [laughter], and this provision is unparalleled in the history of this House for being subject to the point of order. I do not think it worth while to take up the time of the Chair any further than to call his attention to the provision of the section. I will call his attention to one decision in Hinds's Precedents, volume 4, section 4165, that is directly in point.

A provision relating to a commission to investigate the conditions and uses of water adjacent to an international boundary line was ruled out of the rivers and harbors bill as not being within the jurisdiction of the Committee on Rivers and Harbors.

I will read a portion of that section to the Chair:

That those members of the International Waterways Commission, created in accordance with section 4 of the rivers and harbors act of June 15, 1902, who represent the United States, shall have power, and it shall be their duty, to investigate and report upon the conditions and uses of the waters adjacent to the boundary line between the United States and Canada, and the waters flowing from the United States into Canada or from Canada into the United States, and the tributaries of such waters; also upon the maintenance and regulation of suitable levels; and also upon the effect on the shores of those waters and structures thereon and upon the interests of navigation by reason of the diversion of these waters from or change in their natural flow.

Now, that provision is not nearly as broad as the provisions in this bill, yet that was held subject to the point of order. Certainly it can not be contended that the Rivers and Harbors Committee have jurisdiction over all these subjects that are enumerated in this section, and in my judgment it does not need further argument.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. HULBERT. Does the gentleman know whether it is the intent and purpose under this provision that the Members from the Senate and House would be appointed in order of seniority?

Mr. HUMPHREY of Washington. I do not know anything about the purposes of it.

The CHAIRMAN. The Chair will state to the gentleman from Washington that the Chair there held that the proposition was not in order because it referred to a boundary line commission that gave power to the boundary line commission in reference to international watercourses, and the Chair held that a proposition to give power to a boundary line commission on an international watercourse is not within the jurisdiction of the committee. Mr. JAMES R. MANN, of Illinois, made a point of order against the section.

Mr. HUMPHREY of Washington. It was also out of order on the proposition not only that it was beyond their jurisdiction, such is not a privileged matter. Creating a commission for this purpose is not a privileged proposition.

The CHAIRMAN. The authorities are divided upon the gentleman's position.

Mr. STAFFORD. Mr. Chairman, I desire to be heard when the gentleman concludes.

Mr. HUMPHREY of Washington. I also desire to call the attention of the Chair to section 4219, where it says:

The Committee on Rivers and Harbors does not have jurisdiction of the subject of canals, and may not include provisions therefor in the rivers and harbors appropriation bill.

That has been decided a good many times. Here we not only take jurisdiction over, or attempt to take jurisdiction over rivers and harbors, but over flood control, over irrigation, and over practically everything else.

Mr. MANN. Mr. Chairman, just a word about the decision cited a moment ago. I understood the Chair to say to the gentleman from Washington the point of order was not to an item offered to a privileged bill which did not come within the privileges granted to the committee. Certainly that was the point of order which I made. The Committee on Rivers and Harbors, under the rules of the House, are granted jurisdiction over improvements of rivers and harbors, and they would acquire jurisdiction over any public bill referred to them and might report it to the House and no one could make a point of order that it was not an improvement to a river or harbor, but there is a difference entirely between the jurisdiction of a committee over a bill and the jurisdiction of a committee to report a bill as a privileged matter. This bill comes before the House as a privileged matter. It was reported as a privileged matter by the gentleman from Florida [Mr. SPARKMAN] from the floor of the House. He moved that the House resolve itself into the Committee of the Whole House on the state of the Union as a privileged motion.

The bill is before the House as a privileged bill. Now, the privilege only extends to the improvement of rivers and harbors. Any item in the bill or any amendment offered to the bill which does not come within the privilege of the committee is subject to a point of order. That was the point of order which I made on the International Boundary Commission. There might have been a bill introduced on that subject, and it might have been referred to the Committee on Rivers and Harbors, and they might have reported it, but when they call it up as a privileged bill they must confine their operations to the subject of improvement of rivers and harbors.

Mr. STAFFORD. Mr. Chairman, just a word in amplification of the argument made by the gentleman from Illinois [Mr. MANN]. The Chair will notice that this bill was not introduced in the ordinary way in the House and referred to the Committee on Rivers and Harbors and then reported in the usual way to the House, but it was reported on January 13 from the Committee on Rivers and Harbors as an original bill. The gentleman from Illinois [Mr. MANN] reserved all points of order. Now, the only question for the Chair to consider is to determine whether this provision under consideration is privileged within the meaning of section 56 of Rule XI. The only jurisdiction of the Committee on Rivers and Harbors to report a privileged bill is to report a bill that is restricted to matters pertaining to river and harbor improvements. It is not a general appropriation bill, and the authority for the holding of the Speaker in times past that the river and harbor appropriation bill is a privileged bill is in those lines found in clause 56, Rule XI, which read as follows:

The Committee on Rivers and Harbors, bills for the improvement of rivers and harbors.

The Committee on Rivers and Harbors may at any time in a general omnibus bill or in any single bill bring into the House as privileged matters pertaining to the improvement of rivers and harbors. They may have jurisdiction over the general subject of matters pertaining to the improvement of rivers and harbors, but there is that nice distinction running through all the precedents that in order for the river and harbor bill to be privileged it must contain only those matters that relate to the improvement of rivers and harbors.

Therefore, is the section under consideration one that the Rivers and Harbors Committee, if it reported it, even though it

had jurisdiction, could introduce as a privileged bill? The Chair can not under the broadest scope of construction of parliamentary law hold that. If the River and Harbor Committee had presented this section 9 as an original proposition and the chairman had come into the House and said, "Mr. Speaker, I introduce a privileged bill from the Committee on Rivers and Harbors," and the gentleman from Illinois or somebody else would make the point of order, the Speaker would necessarily have held that, while perhaps the Committee on Rivers and Harbors might have had jurisdiction of that proposition if the bill had originally been introduced in its usual way, and no objection had been made to the reference of the bill as provided under the rule for a committee claiming jurisdiction on a motion by the committee for rereference to call the attention of it to the House, there is no question whatsoever that any chairman would hold that that bill was privileged.

The Chair can not disassociate in consideration of this fact that this section 9 must be considered as a separate bill presented for the first time in the House as a privileged bill. Is it privileged under the rules of the House? Why, it does not pertain to the improvement of rivers and harbors. And there has been no construction in all the precedents that will justify it.

The Chair must also separate the river and harbor bill from all the appropriation bills, and the reason why this distinction has been made is that the river and harbor bill is not considered a general appropriation bill. It can embody any legislation, but the legislation must be that which relates to the improvement of rivers and harbors. This does not. This relates primarily to the establishment of a commission, and I ask the attention of the Chair to the fact that he is in error in holding that the ruling of the Hon. Frank Currier—and the chairman now presiding over the committee remembers the superior qualities of Mr. Currier as a parliamentarian——

The CHAIRMAN. The Chair has not as yet made a ruling.

Mr. STAFFORD. I should have said the suggestion of the Chair. The ruling of Mr. Currier was that an amendment providing for the establishment of a commission was not in order because it was not privileged. That amendment was:

SEC. 6. That those members of the International Waterways Commission, created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power, and it shall be their duty, to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, and of waters flowing from the United States into Canada or from Canada into the United States, and of the tributaries of such waters; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon and upon the interests of navigation by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvement and regulations as shall best subserve the interests of the two Governments in said waters.

That provision was one exclusively for the appointment of a commission to investigate certain matters over which the commission had authority to investigate. There may be in this section some authority which would warrant the Committee on Rivers and Harbors, if it had been introduced in the basket in the usual way, and being referred to the Committee on Rivers and Harbors and then reported back in the usual way, but not as a privileged bill, to hold jurisdiction when it came up for consideration. But, Mr. Chairman, when you differentiate between the fact that this is not a general appropriation bill but a bill that receives its privilege based upon the precedents and those upon clause 56 of Rule XI, which states that only those matters that relate to the improvement of rivers and harbors are privileged, the Chair, I respectfully contend, must sustain the point of order of the gentleman from Washington [Mr. HUMPHREY].

Mr. SPARKMAN. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Florida.

Mr. SPARKMAN. Mr. Chairman, this provision, in my opinion, is not subject to the point of order raised by the gentleman from Washington [Mr. HUMPHREY] which, as I understand the point, is that the provision, while containing matter over which the Committee on Rivers and Harbors does have jurisdiction, includes other matter over which that committee does not entertain jurisdiction. But my position is that, containing matters as it does within the jurisdiction of the Committee on Rivers and Harbors and that committee having reported the bill to this House, which now has the whole matter before it, this body can go ahead and consider the whole provision although it embodies other matters which, separately, would not come within the jurisdiction of the Committee on Rivers and Harbors, and would not be properly in a measure like this.

The Committee on Rivers has, in a sense, broader powers than any other committee of the House, and a river and harbor bill has a legislative status not possessed by an ordinary appropriation bill, and is not subject to the same legislative restrictions. It has been held, for instance, that the river and harbor bill, not being one of the general appropriation bills, the rule relating to legislation on such bills does not apply, and that rule has been followed by the House and presiding officials ever since it was first enunciated.

Now, with reference to the contention that the bill contains matters over which the Committee on Rivers and Harbors does not have jurisdiction, I wish to cite the Chair to a decision which, it seems to me, controls the matter, as it is on all fours, as I view it, with the point raised and with the discussion here. I refer to Hinds' Precedents, volume 4, page 857, section 4372, in which the Chair, among other things, said:

A bill may not be divided among two or more committees, although it may contain matters properly within the jurisdiction of several committees.

The statement of the point raised is as follows:

On March 8, 1890, the House was in Committee of the Whole House on the state of the Union, considering the bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N. J. The bill, after authorizing the purchase of land and construction of the building at an increased limit of cost, provided:

"And that the sum of $300,000, in addition to the sum of $350,000 appropriated by act of Congress approved March 1, 1888, be, and the same is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated."

Mr. William S. Holman, of Indiana, made a point of order that the bill made an appropriation of money.

It will be observed that the point raised by Mr. Holman was that the bill made an appropriation of money, which was beyond the jurisdiction of the Public Buildings and Grounds Committee, which could only authorize the construction of buildings without making appropriations therefor. After discussing the matter at some length the Chair continued as follows:

It must be remembered that the fact is, as the Chair thinks, that the reference of this bill on the 18th day of December last was the act of the House of Representatives, and was not the individual act of the Speaker, nor the act of the Speaker in his position as Speaker alone. The bill, in legal contemplation, was read a first and second time, and then referred, as was assumed, under the rule. The question has been presented in the arguments whether or no that was the proper reference. Now, it is conceded by gentlemen who are in favor of sustaining the point of order that the subject matter of the bill, which is the erection of a public building, was properly referred to the Committee on Public Buildings and Grounds, and could have been properly referred to no other committee.

It is suggested in argument that as the bill embraced two propositions, one of which might properly go to the Committee on Public Buildings and Grounds and the other involving an appropriation, which, as suggested by the gentleman from Kentucky [Mr. Breckenridge], ought properly to go to the Committee on Appropriations—in this view it has been suggested that some action should be had by which that kind of division should be made. But it has been repeatedly held that a bill can not be so divided. The Chair reads from the Manual and Digest:

"It has been uniformly held that a bill can not be divided among two or more committees, although it contains subject matter which legitimately belongs under Rule XI (the rule under consideration) to several committees; but must be referred to one committee as an entirety."

* * * * * * *

Because this bill was referred by the House to this committee—and not improperly, as the Chair thinks, for the reasons which have been stated—and because it is under consideration in Committee of the Whole, the Chair thinks this point of order must be overruled.

So it will be seen that although the bill to which reference is made had matter not cognizable before the Committee on Public Buildings and Grounds, it was nevertheless held that a bill could not be divided among two or more committees, and that the public-buildings bill, in which the item was incorporated, had jurisdiction of it notwithstanding its multifarious nature. That would seem to settle the point of order in favor of the retention of the provision under discussion.

I therefore insist that the provision is properly in the pending bill, and should be retained there.

Furthermore, Mr. Chairman, the provision is a very important one. Indeed, there is none more important in the measure. The time, in my opinion, has arrived when most, if not all, the things which are the subject matter of investigation under that provision should be undertaken in connection with the development of our rivers and harbors for navigation purposes. Besides, I think the passage of the bill with this provision in it would go far toward silencing at least a part of the criticism that has been made against river and harbor legislation during the past few years.

Mr. STAFFORD. Mr. Chairman, the gentleman from Florida [Mr. SPARKMAN] fails to make a distinction between a privileged bill coming from the Committee on Rivers and Harbors and a general bill which has been introduced through the basket in the ordinary course.

As I said in my argument, if the gentleman from Florida had introduced section 9 through the basket in the ordinary way and it had been reported to the committee in the ordinary way and reported to the House in the ordinary way and referred

to the Committee of the Whole House, then it would be too late for any person to make a point of order because it contained other matters which were within the scope of the jurisdiction of other committees. But if the gentleman from Florida had introduced section 9 in the House originally, as this bill was introduced originally, it never having been heretofore introduced as a bill in the regular course, then a point of order would have been raised to it because it contained matters which were not privileged. There can be no question about that.

The citation read by the gentleman from Florida has no application whatsoever to this case, because it fails to make the distinction between a bill referred to the committee in the ordinary course and a bill introduced into the House as a matter of privilege.

Mr. SMALL. Mr. Chairman, the views presented by the gentleman from Wisconsin [Mr. STAFFORD] are rather subtle and technical. I claim no particular knowledge concerning parliamentary law, but I do wish to submit one thought in connection with this point of order. This section provides for the appointment of a commission. For what purpose? To investigate the feasibility and advisability of a more comprehensive system of river and harbor improvements in the interest of navigation.

Now, it may be assumed that the gentleman from Wisconsin would not claim that so far it would be subject to a point of order. Therefore, if it is subject to a point of order at all, it is as to the remainder of the section.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. STAFFORD. Does the gentleman contend, if the chairman of the Committee on Rivers and Harbors had, without the bill having been introduced in the regular way and referred to the Committee on Rivers and Harbors, risen at any time in his seat in the House and had said, "Mr. Speaker, I offer a privileged bill reported from the Committee on Rivers and Harbors," the bill embodied in section 9, that because it contained one item referring to matters within the jurisdiction of the Committee on Rivers and Harbors that would warrant this House in considering it as a privileged bill?

That is an outrageous proposal. Under that construction, Mr. Chairman, they could take under consideration the entire scope of legislation, because one little item included in the bill would relate to rivers and harbors.

Mr. SMALL. Mr. Chairman, I would submit that per contra; simply because there was one item in the bill which did not appear to be within the jurisdiction of the committee, therefore the whole section would not be vitiated.

Mr. Chairman, I want to be brief, and here is the point I want to submit: Here is a section which creates a commission for the purpose of investigating the feasibility and advisability of a more comprehensive system of river and harbor improvements in the interest of navigation; that the committee has jurisdiction of the provision to that extent; and that its jurisdiction is not divested because of the remainder of the section.

Now, the remainder is what? It says, "In connection with an investigation of rivers and harbors in the interest of navigation, to consider the development and the regulation of interstate and foreign commerce, the promotion of terminal and transfer facilities, and sites, drainage, and reclamation, irrigation, protection against floods, water power," and so forth.

No, Mr. Chairman; if the proposition can be maintained that this section creating a commission to investigate rivers and harbors, a better system for their improvement in the sole interest of navigation, is made subject to a point of order, and the jurisdiction of the committee divested by reason of the inclusion of these other items, that it would do violence to the rules and impair the usefulness of the committee.

The CHAIRMAN. The Chair is ready to rule. Under section 56 of Rule XI jurisdiction of this committee is limited to bills for the improvement of rivers and harbors.

All points of order were reserved on this bill, and the point of order is now made to section 9 of the bill. Section 9 provides for the appointment of a commission to investigate and report on a more comprehensive system of river and harbor improvements in the interest of navigation. This is, of course, clearly within the province of this committee to report. The section under consideration however, continues and provides that the commission in connection with this investigation may report upon matters pertaining to—

> The promotion of terminal and transfer facilities and sites, the drainage and reclamation of lands, the irrigation of arid lands, the protection against floods, the development and utilization of water power, the clarification of streams, and the regulation of the flow thereof, the prevention of soil erosion and waste, the storage and conservation of water for agricultural, industrial, municipal, and domestic uses, and also the subject of cooperation between the United States and the several States, municipalities, or other political subdivisions of the States, including levee and drainage districts, corporations, and individuals, respectively.

The question does not arise here as to the committee to which a bill conferring all these powers upon a commission should be referred. This bill did not go through the basket. This provision is being presented now for the first time. If the bill had gone through the basket in the ordinary way, and had been referred by the Speaker to the Committee on Rivers and Harbors, and if the Committee on Rivers and Harbors had considered the matter and reported it back, the Chair does not think the point of order would lie at all. In that case the House would have had the opportunity presented to it to change the reference of this bill and to refer it to any other committee that the House might select for its consideration.

The Chair does not think the decision to which the gentleman from Florida [Mr. SPARKMAN] calls attention is applicable to the present case. The bill there referred to went through the basket and to the committee. The question arose as to whether the bill had been properly referred to the Committee, and in passing upon the question the Chairman ruled in the following language, discussing the committee to which this bill should have gone:

> Clearly it could not go to the Committee on Appropriations, because in general appropriation bills nothing is allowable except appropriations for expenses incurred in pursuance of existing law. As the bill had to go somewhere; as it did go to the Committee on Public Buildings and Grounds; as that committee has reported the bill, and it has been committeed by the House to the Committee of the Whole on the state of the Union, and is now under consideration in Committee of the Whole, the Chair is of opinion that it is properly cognizable here and that the point of order should be overruled.
>
> In connection with this question the Chair desires to say that a matter of the correction of a reference or taking any advantage of any improper reference is purely a matter for the House itself. Under the existing rules, if this bill had been referred by the Speaker without the knowledge of the House—furtively, as suggested—perhaps by the influence of some Member who desired the bill to go to a committee that had not jurisdiction—if a bill under those circumstances should be referred to a committee not having jurisdiction, it would be because the rules gave the Speaker that power. But the rules also provide that any improper reference of a bill may be corrected in any one of three ways—

And then the ruling indicates the ways in which improper references may be corrected.

It is insisted also by members of the committee that the bill contains a provision within the jurisdiction of the committee and within its privilege to report, conferring upon this proposed commission the power to report on more comprehensive system of river and harbor improvements in the interest of navigation; and it is insisted that because in connection with navigation and with such a report these other reports are required, therefore the entire section is in order.

The Chair desires to suggest that in connection with a report as to the interests of navigation on our rivers, this proposed commission might well consider the possibility of navigating our rivers with battleships drawing 21 feet of water; and because in connection with any report they might make they would have the right to consider the navigation of a river by battleships drawing that depth, therefore in connection therewith the committee might authorize the commission to report on the building of battleships, and what kind of battleships ought to be built. The same method of reasoning we are considering, it seems to the Chair, might just as logically lead to the conclusion just indicated.

The Chair thinks the point of order should be sustained to the section, and therefore sustains the point of order.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to return to page 35.

Mr. BORLAND. I want to offer an amendment to the last section.

Mr. HULBERT. I also want to offer an amendment.

Mr. MANN. The gentleman will not lose any rights by yielding to the chairman of the committee.

Mr. HULBERT. Mr. Chairman, I yield to the chairman of the committee.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to recur to page 35, line 19, for the purpose of offering an amendment to that paragraph.

The CHAIRMAN. The chairman of the committee asks unanimous consent to recur to page 35 for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Reserving the right to object, let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Committee amendment: Page 35, line 19, after the word "maintenance," in line 19, insert "including, above Sacramento, the Red Bluffs."

Mr. STAFFORD. I withdraw the reservation.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. SPARKMAN. Now, Mr. Chairman, there is another matter that was passed over yesterday at the time it was read to be returned to later. That was, on page 11, Norfolk Harbor. I wish to offer an amendment to that, and after it is read I will explain it.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 19, after the word "session," strike out the figures "$270,000" and insert in lieu thereof "$360,000."

Mr. SPARKMAN. Mr. Chairman, as will be observed, this amendment increases the amount of the appropriation $90,000. That appears to become necessary for this reason: When we adopted this project we thought there was a much larger sum on hand left over from a former appropriation than the amount actually there. It will be be observed that the paragraph embraces this provision:

The unexpended balance of appropriations heretofore made for improvement of channel to Norfolk, Va., is hereby made available for continuing improvement of said channel in accordance with the report submitted in said document.

It was the impression of the committee at the time it inserted the provision that there was on hand for work the sum of $130,000, but under a provision contained in the bill of 1915, $90,000 of this sum was transferred and expended upon some other project. That we did not know, and believing that the larger sum was on hand, we fixed the amount at $270,000 instead of $360,000, as we would have done if we had known the exact condition with reference to the available funds. Hence I hope the amendment will be adopted.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the last section of the bill.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to return to page 45, the paragraph at the top of the page, which was stricken out on a point of order, for the purpose of offering an amendment in a changed form.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 45 for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Reserving the right to object, let the amendment be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the top of page 45 the following:

"The Secretary of War is authorized to make such preliminary examinations as can be made from available data without making field surveys, touching the creation of conditions in or paralleling the St. Lawrence River from Lake Ontario to the Canadian border suitable in all respects for navigation by ocean-going ships, including such approximate estimate of cost of improvement as can be predicated on such available data, and an approximation of the amount of power, if any, that would be incident thereto."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. HULBERT. Mr. Chairman, I offer an amendment as a new section, page 50.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 50, line 13, after the word "purpose," insert a new paragraph, as follows:

"SEC. 9. That the following amendment to section 7, Article I, of the Constitution is hereby proposed and submitted to the several States, as follows."

Mr. MANN. Mr. Chairman, I make a point of order that the amendment is not in order.

The CHAIRMAN. The Clerk has not finished reading the amendment.

Mr. MANN. Enough has been read to show that the amendment is a proposed amendment to the Constitution of the United States. I make the point of order so as to prevent showing what it is.

Mr. HULBERT. Will the gentleman yield?

Mr. MANN. No; I think it is highly improper to bring such a matter into the House in the Committee of the Whole.

The CHAIRMAN. The Chair thinks that it is clearly out of order, and sustains the point of order.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SEARS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. On page 18 there is appropriated $330,000 for maintenance of the St. Johns River from Jacksonville to the ocean. The engineer's report shows that this is not only for maintenance but for improvement of the jetties. What I want to ask the gentleman is whether this appropriation provided in the bill covers the extension and repairs of the jetties?

Mr. SPARKMAN. I will say that that was called to my attention the other day; and, having investigated the matter by reading the report, I see that it is for the repair of the jetties and maintenance. Of course, that would be covered by the language of the bill.

Mr. SEARS. I wanted to ask the question because I had this up with the gentleman at the time of the investigation, and I wanted it stated in the RECORD.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BORLAND. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

SEC. 9. That a commission is hereby created, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the chairman of the Commerce Committee of the Senate, and two other members of said committee to be appointed by the President of the Senate, not more than two of whom shall be of the same political party, also three member of the present Committee on Rivers and Harbors of the House of Representatives who have been reelected to the Sixty-fifth Congress, not more than two of whom shall be of the same political party, whose duty it shall be, and the same is authorized and directed, under such rules and regulations as it may adopt, to investigate the feasibility and advisability of a more comprehensive system of river and harbor improvements in the interest of navigation, and all uses of water relating thereto, and also the subject of cooperation between the United States and the several States, municipalities, or other political subdivisions of the States, including levee and drainage districts, corporations, and individuals, respectively. The heads of the several departments of the Government may, in their discretion, upon the request of the commission, through the Secretary of War, detail representatives from their respective departments to assist the commission in any feature of the several investigations herein authorized. The Secretary of War is hereby authorized to provide the commission with such clerical or other assistants as may be deemed necessary. The said commission shall report to Congress on or before the 1st day of December, 1917, plans for the development of waterways and water resources of the United States for the uses and purposes above mentioned.

Mr. MANN. Mr. Chairman, I make a point of order against that portion of the amendment which relates to levees and drainage districts that it is not in order; also to that part authorizing the Secretary of War to provide clerks and other assistants as he may deem necessary. The Committee on Rivers and Harbors does not have jurisdiction to provide clerical assistance in the War Department. That is a matter within the control of the Committee on Appropriations, of which the distinguished gentleman from Kansas City is a member, and ought to be endeavoring to protect the rights of his committee. He knows that this committee has not jurisdiction over clerical assistance for anybody. There are several other things in the amendment that are subject to a point of order.

Mr. STAFFORD. Mr. Chairman, I make a further point of order that it is not privileged, because the Committee on Rivers and Harbors have not made the report, but it has been made by an individual Member. Under clause 56, Rule XI, it is only the committee that is authorized to make the report to make it privileged.

Mr. BORLAND. Mr. Chairman, this amendment is the same amendment that was considered by the Chair a few minutes ago, the substantial change being in eliminating the enumeration of the purposes for which the commission shall be created and confining it to the investigation, feasibility, and advisability of a comprehensive river and harbor improvement in the interest of navigation and the uses of water related thereto. There is no question but that the main purpose is entirely within the jurisdiction of this committee, and germane and relevant to this bill. All of the other matters contained in the amendment are simply a part of the machinery. They are simply an incident to the creation of that commission.

As to the point of order made by the gentleman from Illinois, that the cooperation of the United States and States in levee

and drainage districts renders it subject to a point of order, it is untenable. There is hardly a proposition in the bill that does not involve in some degree cooperation with local authorities and with drainage and levee districts.

If the Federal Government has the right to do a thing alone, it has the right under the decisions of the United States Supreme Court to do it either singly or jointly with other agencies, and the very fact that we have the right to improve a river for navigation gives us the right to cooperate with municipalities, drainage and levee districts for the same purpose. All of that language must be read in connection with the main purpose, which is the improvement of rivers and harbors for the purpose of navigation, and the incidents which follow there are clearly within the power of the committee and not subject to the point of order. I think, if I am not mistaken, I have heard the gentleman from Illinois [Mr. MANN] make that argument.

The other point of order is that the Secretary of War is not authorized to provide the commission with clerical or other assistance. The fact of the matter is that the improvement of rivers and harbors under our system is under the jurisdiction of the Secretary of War. It is a part of the duty of the Army engineers, and at the head of that is the Chief of Engineers. All of the clerical assistance now engaged, directly or indirectly, in this kind of work is at the instance of the Secretary of War. This does not provide any additional clerical assistance in any way, at least upon its face. It simply provides that the clerical assistance in the War Department shall be available for this particular purpose as it is available for the other portions of the same bill, and so the point of order must be overruled.

Mr. STAFFORD. Mr. Chairman, the gentleman's position would present a very dangerous precedent in legislative procedure in the House. The chairman must consider this bill now as if section 9 had never been a part of the bill and some Member on his own initiative had risen and presented the amendment, as does the gentleman from Missouri, to the attention of the committee. As I attempted to point out in my argument on the question whether section 9 was in order, I wish to again direct the attention of the Chair to the fact that only the committee, not any individual Member, has the right to make a report covering matters relating to the improvement of rivers and harbors. This item must now be considered just as if the gentleman from Missouri [Mr. BORLAND] rose in his place on the floor and presented the matter as a privileged bill.

The Committee on Rivers and Harbors has not taken any action on the proposal offered by the gentleman from Missouri. That is out of the bill entirely. The Chair must consider this now as an original proposition. Can the Chair hold that any individual Member may rise upon the floor of the House at any time and present the proposal offered by the gentleman from Missouri and claim that it is privileged? The rules of the House have safeguarded the interests of legislation by providing that in order to have matters privileged, even though they relate to rivers and harbors, they must first be reported by the Committee on Rivers and Harbors. That distinction is carried also in the Holman rule. Certain Members may have the privilege of offering certain amendments where they reduce appropriations, but in matters of substantive legislation they must first be reported and considered by the committee having jurisdiction of the subject matter. It would be a very dangerous precedent indeed to permit any individual Member to be recognized and hold that this was a privileged matter which the individual Member, without the report of the Committee on Rivers and Harbors, could present at any time. The Committee on Rivers and Harbors has not taken jurisdiction. Clause 56 of Rule XI reads:

> The following-named committees shall have leave to report at any time on the matters herein stated, viz: * * * the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors.

It is that clause that gives the committee the right to make its matter privileged, not the individual Member. Therefore, following the ruling of the Chair as to section 9, this, too, must be ruled out of order.

The CHAIRMAN. The Chair would suggest to the gentleman that this committee has assumed jurisdiction and the House has acquiesced in that jurisdiction over drainage districts and levees on the Mississippi River, as well as on other rivers, and under authority conferred by other river and harbor bills, there is cooperation at the present time between individuals and corporations, municipalities and levee districts in the matter of drainage and reclamation of lands along rivers. That part of it might be in order. What the Chair is in doubt about is the authority of this committee to command the services of clerks in the departments.

Mr. STAFFORD. Mr. Chairman, as to that there can be no question as to the right of the Committee on Appropriations, under the authority granted to that committee, to provide for such clerical assistance. Clause 3 of Rule XI provides:

> To appropriation of the revenue for the support of the Government as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies—to the Committee on Appropriations.

That shows that the matter, if it was a distinct bill relating to that proposal, would have to be referred to the Committee on Appropriations, because the Committee on Appropriations, as carried in the legislative, executive, and judicial appropriation bill, has full authority to provide appropriations for the clerical work of the Government.

I wish again to call the attention of the Chair to this phase of the matter, which was fundamental in the consideration of the other section, that in order for any matter reported from the Committee on Rivers and Harbors to be privileged it must relate to the improvement of rivers and harbors. It is true this relates to the improvement of rivers and harbors, but the House has never had the opportunity, because it embraces matters that pertain to other committees, for that committee or for some member of the other committee to test the judgment of the House as to whether the committee to which the bill has been referred is the committee which rightfully is entitled to its consideration. An individual Member here has no right to rise in his place and present as privileged something over which the Committee on Rivers and Harbors has jurisdiction. The rule provides what the committee shall report. If the committee had made the report as embodied in the amendment offered by the gentleman from Missouri, why that shows that the Committee on Rivers and Harbors has given it consideration. The gentleman from Missouri can not contend that the committee has made this report. It is the gentleman from Missouri himself.

The CHAIRMAN. The Chair would like to hear from the gentleman from Missouri on the question whether or not this committee has jurisdiction to authorize the commission to command the services of clerks in the War Department.

Mr. BORLAND. Mr. Chairman, my view of that subject is simply this: This bill commands the services of the War Department. All of this work that is authorized in this bill is imposed on the War Department. It is done through a department of the War Department, the Chief of Engineers. Every item in here that requires anything done is a direction to the War Department. The last section of the bill preceding this, or one section preceding this, relates to certain surveys. Each one of those surveys is a direction to the War Department. Whether the direction to the War Department be that certain surveys shall be made or that certain classes of work shall be done, it is on the same footing, is on all fours as far as the bill is concerned. One relates to clerical services and the other relates to engineering services. But there is absolutely no difference on the question of jurisdiction. As to the question of policy there might be a good deal of difference, but when it comes to the jurisdiction of the committee there is absolutely no difference between requiring the engineering services of the War Department and the clerical services of that department.

Mr. FITZGERALD. Mr. Chairman, I believe the gentleman is in error. Clerical services for the War Department are specifically appropriated for as services in the War Department. Under the proposed provision this independent commission could require the Secretary of War to detail to them employees specifically appropriated for for certain duties in the Department of War. The services of those employees and the authority to make provision for them is in the Committee on Appropriations. Such an amendment is not germane to the bill. The rivers and harbors bill is a privileged bill and is subject to the limitations that amendments to be in order must be germane to the bill, must be amendments the subject matter over which the Committee on Rivers and Harbors would have jurisdiction. It has no jurisdiction over the clerical services for which provision has been made in the legislative bill for the War Department. The amendment of the gentleman is based on the assumption that the War Department would control and dictate how those services shall be utilized by some independent commission in no way connected with the department except the incidental fact that the Secretary of War is a member of the commission.

The CHAIRMAN. The Chair thinks that the clerks in the War Department are being paid for the services they render there under the direction of the Secretary of War, and, while

the War Department has jurisdiction over rivers and this committee has the right at any time—perhaps this commission would also have the right, if conferred upon it by the committee—to call on the War Department for information, yet the Chair does not think that this committee has jurisdiction to report a bill giving to any commission the right to command the services of clerks from the War Department, take them out of the control of the Secretary of War, and subject them to their own control. Therefore, the Chair sustains the point of order.

Mr. SABATH. Mr. Chairman, I desire to offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill insert as a new section the following:

"The Secretary of War is hereby directed to report without delay to this House the survey provided for in the river and harbor act of 1913 relative to the encroachments and obstructions in the Chicago River and all its branches, together with such encroachments as have been made in and along the lake front between Lincoln Park and the Indiana State line."

Mr. SABATH. Mr. Chairman, in the act of 1913 it was provided that the Board of Engineers of the War Department should make a survey of the Chicago River and all encroachments, as well as of the encroachments made upon the lake front between Lincoln Park and the Indiana State line. Now, that was in 1913. Up to this time, Mr. Chairman, we have been waiting for a report. I feel certain that that survey could have been completed within a few months. It is nearly four years, and the report has not been made as yet. The House is entitled to that report from the Board of Engineers or from the Secretary of War, and for that reason I have offered this amendment, hoping and trusting that the report will be forthcoming, as I can not see any reason why the report was not made to or three years ago. If there are any reasons why this report has not been made, if there are any people who are interested in seeing that this report is not made, the House is entitled to that information. For that reason I hope and trust that the amendment will prevail, feeling also that neither the chairman of the committee nor any member of the committee will have any objection to it.

Mr. SMALL. Mr. Chairman, this amendment seeks to compel the Secretary of War to make a report forthwith upon a survey and examination ordered in the river and harbor act of 1913. Assuming that the report has not been made, because the gentleman seems to be well informed in that respect, it is equally fair to assume that some good reason exists why the report has not yet been made and not yet been submitted by the Secretary of War. Personally I have no knowledge of the subject and the chairman has not, and if any member of the committee has any familiarity with it he can speak for himself; but it is apparent that in a rivers and harbors bill we do not in mandatory terms direct the Secretary of War to make a report upon any examination heretofore authorized.

Mr. SABATH. Will the gentleman yield?

Mr. SMALL. In just a moment. There would be no end to these matters if we were to do that. Besides, if we take this course, it is simply a repetition, because in the original provision the Secretary of War was directed to make the examination, and it directed him to report; and presumably he will comply with that direction as soon as he can do so consistently in the performance of his duty. I yield to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. I would like to ask the gentleman if he has any knowledge as to the number of reports not yet filed by the Secretary of War that have been authorized by Congress?

Mr. SMALL. There are quite a number, but I can not speak accurately.

Mr. TREADWAY. Would it not be just as proper that we should legislate on every one of them as on this particular one as to compelling a report? How is it within our jurisdiction to know when the circumstances of the survey have been sufficiently examined so that the department is prepared to report?

Mr. SMALL. The gentleman is entirely right. It would be just as appropriate to do so.

Mr. SABATH. Will the gentleman from North Carolina yield for a question?

Mr. SMALL. Certainly.

Mr. SABATH. I would like to ask the gentleman if he does not believe four years is time enough for the department to make a report ordered by this House?

Mr. SMALL. In answer to that, Mr. Chairman, it would appear prima facie that sufficient time had elapsed to enable the department to report; but in the absence of any knowledge as to the reason for the War Department in delaying their report, I do not think this House ought to adopt this amendment as a part of the bill.

Mr. SABATH. What would the gentleman say if I would inform him of the fact that I have made repeated requests on the department for this report, and it has been promised month in and month out during the last two years?

Mr. SMALL. If the gentleman will pardon me, that may be all true, that he has made repeated requests, and at the same time it may be entirely true that the department has good reasons for delaying their report.

Mr. SABATH. Then, I would like to know the reasons why they do not report. I would like to know who is interested and who is holding the report back.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GALLAGHER. Mr. Chairman, the gentleman from North Carolina [Mr. SMALL] says if there is any member of the committee that knew about this, to let him say so. I want to say to this House that I know considerable about it. The river and harbor bill in 1913, passed by this House, provided for an investigation of encroachments in the waters in and about Chicago, and anyone who has any knowledge of the geography of Chicago knows that there have been encroachments in all of the waters in and about Chicago. And the Members from Chicago tried to get a report upon them, and for four years this matter has been before the engineers and has been a joke in the engineers' office in Chicago. And men connected with the engineers' office in Chicago treated it as a joke; and there must be some influence at work to prevent the engineers from reporting to this House those encroachments in the waters in and about Chicago. I know now that they endeavored to substitute a report that was made to the Illinois Legislature by a committee, the chairman of which committee is now a Member of this House, Mr. CHIPERFIELD. His committee made an investigation of these encroachments, but we wanted this investigation made by this Government, because the property that has been encroached upon belongs to the people of this country.

Now, what was the result? From the information I have, this report is in the office of the Chief of Engineers now and has been there for seven or eight months, and if you inquire for this report by telephone to that office they will tell you that they do not know where it is. But the district engineer's office at Chicago has made a report, and yet we can not get the information contained in it.

Mr. BENNET. Will the gentleman yield?

Mr. GALLAGHER. Yes, sir.

Mr. BENNET. Is the amendment as offered by the gentleman from Illinois [Mr. SABATH] satisfactory to the gentleman now speaking?

Mr. GALLAGHER. Yes. The amendment that has been offered by the gentleman from Illinois [Mr. SABATH] simply provides that the engineer's office or the Secretary of War give that information to Congress. I think we are entitled to it. I think the amendment ought to be passed. It can not hurt anybody to know what persons, firms, or corporations are encroaching upon the public waters in and about Chicago.

Mr. BUTLER. Is the gentleman satisfied this material is in the office of the Secretary of War?

Mr. GALLAGHER. Yes; I am quite satisfied that the report is here in the War Department, and I hope the amendment offered by my colleague will pass. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. SABATH].

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent that I may proceed for four minutes out of order.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for four minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, at the close of this session the distinguished chairman of the Committee on Rivers and Harbors will leave Congress. We all hope that his absence is only temporary. [Applause.] But as one who has been intimately associated with him for many years, I desire to take up a few minutes to pay to him a few words of deserved praise.

He has by his industry, ability, and faithfulness won a high place in the confidence and regard of this House. He would not have won it did he not deserve it. This is the most cold-blooded and calculating body in the world. Previous reputation or popular fame has little weight or influence in this House. This House mercilessly measures the merit of each Member by what he does here. A man that achieves a place here can achieve a place among men anwyhere on this earth. [Applause.] No demagogue can long mislead this House. No

faker can long deceive it. They may fool the public, but not the House of Representatives.

The value of the training received in Congress in fitting a man for public service can not be overestimated. If the All-Wise in his inscrutable wisdom should ever again think it necessary to chasten this Nation by the election of a Democratic President, then I know that I express the wish of millions of the American people when I say I hope that that President may be CHAMP CLARK, of Missouri. [Applause.]

If the Republicans of the country knew him as we know him, they would nominate for President the most valuable legislator and most remarkable intellect that ever sat in the Halls of the American Congress—JAMES R. MANN, of Illinois. [Applause.] These two splendid Americans typify all that is highest and best in the Nation's life. By ability and training they are especially fitted for high public position.

How many grievous errors in the past would have been avoided and how many in the future will be avoided if the people could have but realized what this training here in Congress means. This experience here teaches a man so that he can never disregard it; the duties of each coordinate branch of the Government teaches him the respect due for each branch, and especially teaches him the vital danger to our institutions of one department encroaching upon the other.

After all has been said and done, gentlemen, in patriotism and ability this is the greatest body of men in the world.

One of the demonstrations of its greatness is the fact that while this aisle divides the parties it does not divide patriotism, ability, or friendships. [Applause.]

When the gentleman from Florida leaves this body he will take with him the regard, the confidence, and good wishes of every Member of the House. [Applause.] He belongs to that honored class whose names may not be written large in the pages of history, but whose work is indelibly stamped upon the legislation of the Nation and permanently interwoven with the best traditions of the country.

Mr. SPARKMAN has been faithful, industrious, and efficient. I never knew a kindlier, more courteous, more considerate gentleman. [Applause.] In all my life I never had the honor of calling my friend a more lovable character than STEPHEN M. SPARKMAN. [Applause.]

And best of all and above all and more valuable than all, when he goes from this House, after 22 years of work well done, he will leave to his family, to those he loves, and to his country he has served so well the priceless heritage of an honest name. [Prolonged applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman and gentlemen, I agree fully to all the good things that the gentleman from Washington [Mr. HUMPHREY] has just said about the gentleman from Florida [Mr. SPARKMAN]. It has been my good fortune to serve on the Committee on Rivers and Harbors with both of these distinguished gentlemen for a great many years, and when the gentleman from Washington was paying his tribute of respect to the gentleman from Florida just now, and expressing the universal regret that as the result of the recent election Mr. SPARKMAN goes out from among us, I could not repress the thought that disasters come not singly. [Applause.] I know that I express the unanimous sentiment of this House when I say that it is with the keenest regret that we contemplate the departure from among us of our distinguished colleague, the gentleman from Washington [Mr. HUMPHREY]. [Applause.]

Fourteen years ago he and I came to Congress together. Our association here in the legislation of the country has been more intimate than that of the average Members. We were assigned to the same committees. We have been detailed frequently upon the same subcommittees. The purposes of our legislative efforts were identical along many lines, and I had the opportunity to observe him at close range. I have had the opportunity to serve with him in the committee room, when the doors were locked, and after 14 years of that character of association I take great pleasure, I take pride in saying that during my term of service there has appeared here no man who has more honestly, more earnestly, more faithfully, or more courageously filled up the full measure of the duties of an American Representative than has Mr. HUMPHREY of Washington. [Applause.]

As a Republican he was as partisan as the worst of you. [Laughter on the Republican side.] I was almost tempted to say "Amen" when he said a few moments ago that this was the most merciless body in the world. [Laughter.] I have felt that frequently when he was on the floor of the House, backed by the partisanship of his own party here in his vigorous assaults against the Democrats, certainly no advocate upon this floor ever appeared more merciless than he.

But, after all, it is the judgment of those against whom he made his assaults that while he was a foeman worthy of their steel, he never hit below the belt. [Applause.] And as he goes out now, I know that he carries with him the best wishes, the heartiest hopes for his success in all things, from the membership of this side as well as of that side of the House. [Applause.]

Mr. SMALL. Mr. Chairman, now that the Committee of the Whole has completed the consideration of this important bill, it will, I am sure, be regarded as entirely appropriate to make a brief expression regarding the retiring members of the committee, which include the distinguished chairman, Hon. STEPHEN M. SPARKMAN, of Florida. I indorse the complimentary references by Mr. HUMPHREYS, of Mississippi, to the services of our colleague, Hon. WILLIAM E. HUMPHREY, of Washington. He is closing a service in this House of 14 years, which have been filled with industry and zeal for his State and the country. [Applause.]

Our beloved colleague, Hon. GEORGE F. BURGESS, of Texas, is nearing the end of 16 years' continuous service, during which time he has served continuously on this committee with distinction to himself, and his record is most clearly written in the many works of public improvement which he espoused and which were adopted by Congress. [Applause.]

Another colleague, Hon. CHARLES G. EDWARDS, of Georgia, will soon retire with the plaudits of his constituents and the regret of us all. [Applause.]

Our good friend at my right, Hon. CHARLES LIEB, of Indiana, with characteristic zeal, has been diligent in service upon the committee and has established a reputation which will be difficult to surpass. [Applause.]

The genial and able gentleman from Pennsylvania, Hon. ANDREW J. BARCHFELD, has not only advocated with loyalty the improvement of the Ohio River but has lent his aid to every other worthy project. [Applause.]

The city of Buffalo, upon one of the Great Lakes, will also lose the services of its distinguished Representative, in the person of Hon. DANIEL A. DRISCOLL, of New York. [Applause.]

May I, Mr. Chairman, refer a little more at length to the distinguished chairman of the Committee on Rivers and Harbors, Mr. SPARKMAN? On March 4 he will have served continuously as a Representative in this House for 22 years, and for 20 years of this time he has been a member of this committee. When elected he was a lawyer with a large practice and highly esteemed by his clients and professional brethren for his mental strength and legal knowledge. While exercising diligence in the discharge of all local obligations to his immediate constituency and always alert to general legislation in this body, it is perhaps fair to say that he has devoted a larger proportion of his time to the study of our harbors and waterways. His trained mind and studious habits enabled him to master the varied data and facts necessary to an intelligent understanding of the merits and demerits of every proposition. He is recognized to-day as a distinguished expert in Congress and in the country upon the subject of waterways, and it is not surprising that as chairman during the past six years he has outlined and presented a constructive program of waterway improvements. Service counts so largely in this legislative body and specialization is so important that the loss of his services will be distinctly marked and will be difficult to replace.

I can not refrain from adverting to one conspicuous phase of his service at this session. Although he is to retire and, so far as his friends know, has discarded further political ambition for the future, yet in the preliminary study and in the formulation of this bill he has, if possible, exhibited even greater zeal and loyalty in service than in past sessions. This is only an example of the unselfish labor and of the consecration to duty which has characterized all the years of the past.

We shall miss his genial smile, his words of cheer, and his attractive personality. Wherever his future paths may lie, I am sure I bespeak the cordial good wishes of all his colleagues in this body, regardless of their political affiliations, that health, peace, contentment, and prosperity may abide with our good friend to the end. [Applause.]

I beg the liberty of appending a paragraph from a recent discriminating editorial on river and harbor legislation from the Dallas (Tex.) Morning News:

It is indeed unfortunate for the country that at the time when rivers and harbors improvement is being successfully urged to a stable business basis it should lose the service of men who have acquired that expertness in the work which Congress is called upon to do, that is indispensable to its best performance. With the expiration of this Congress, for example, Mr. SPARKMAN, the chairman of the Rivers and Harbors Committee of the House, will retire, and Congress will lose, in the consideration of waterway measures, the advantage which his valuable knowledge of waterway questions now provides. Painstaking

application to the responsibilities of his office of chairman of the committee should have made him familiar with virtually every project that has been before Congress for consideration. Obviously this knowledge should make his service invaluable to the country in this important department of its business. His retirement just at the time he is best fitted to serve well in an important station emphasizes a rather glaring imperfection in the political system under which the public seems to be willing for the business of the Government to proceed. The surest and undoubtedly the best means of eliminating all taint of pork from rivers and harbors bills is to give the men who draw them time and opportunity to become expert in the science itself, as well as in the national need of waterway development, and then to keep them on the job.

Mr. SPARKMAN. Mr. Chairman, before making the motion that the committee finally rise and report this bill to the House, I wish to ask its indulgence for a few minutes while I thank, as I do most sincerely, my good friends the gentleman from Massachusetts [Mr. TREADWAY], the gentleman from North Carolina [Mr. SMALL], the gentleman from Washington [Mr. HUMPHREY], the gentleman from Indiana [Mr. LIEB], the gentleman from Wisconsin [Mr. FREAR], the gentleman from Ohio [Mr. SWITZER], the gentleman from Mississippi [Mr. HUMPHREYS], and others for the very gracious words they have uttered regarding myself on this floor to-day and at various times since the consideration of this measure was begun. Those were indeed kind words, and I prize them beyond measure, as I do the generous consideration shown me a few days ago in relation to the project for the improvement of the harbor at my home city. This act is the more appreciated, as it came voluntarily and was unsought and unexpected by me, and, besides, brought with it such manifestations of good will and esteem.

The recollection of those kind words and acts will never be forgotten, but will ever be cherished by me as one of the most pleasant memories of the many that have been kindled during my long term of service here.

I wish also to express my appreciation of the kind and courteous treatment of and able assistance rendered me by the members of the Rivers and Harbors Committee during the time I have had the honor of presiding over the deliberations of that body. This is one of the most important committees of the House and performs a great work for the country. I believe I risk nothing in saying, Mr. Chairman, that there is no committee of the House whose work is of greater importance to the people, nor one which during the 33 or 34 years of its existence has accomplished more for the country than has the legislation emanating from that committee. I may also add that there is no other committee which entails harder work upon its members and its chairman than does that committee. But though the duties of its chairman are never light, but always exacting and engrossing, they have in my case been rendered much less burdensome by the kind and generous assistance rendered me in their performance by the membership of that body, and to them again, one and all, I wish to express my sincere thanks and the deep appreciation I shall ever feel for the kind aid rendered me by them during the past six years. [Applause.]

Nor can I close, Mr. Chairman, without referring to four or five other members of the committee who will retire from the House at the end of this session and, of course, from membership on that committee. These are my good friends Mr. BURGESS of Texas, Mr. HUMPHREY of Washington, Mr. EDWARDS of Georgia, Mr. DRISCOLL of New York, and last but not least, by any means, my good friend Mr. LIEB of Indiana.

Mr. Chairman, the country can ill afford to lose the services of such men as these. Especially is their retirement a severe loss to their constituencies and to the people of the States they have so ably and worthily represented in this body. I do not know the gentlemen who succeed the retiring Members just mentioned, but no matter how able and efficient they may be, the States they represent will miss their services here. The progressive State of Washington will not find one who will serve her better than has Mr. HUMPHREY, who has represented her so ably and faithfully for the past 14 years. Nor will the Lone Star State find one who will serve her more loyally and more ably, or who will represent her in her efforts to develop her wonderful resources more efficiently than has GEORGE BURGESS. Neither will the great State of Georgia nor the enterprising and growing city of Savannah ever have a better Representative or one who will serve her with greater fidelity and efficiency than has CHARLES EDWARDS, who also retires on the 4th of next March. Equally impossible will it be for the State of Indiana or the district represented by my good friend Mr. LIEB to find a better or a more efficient Representative of her interests, which, of course, includes that great river, the Ohio, to the improvement of which he has given so much of his time and attention during his membership on this floor. My good friend Mr. DRISCOLL, of New York, will also be missed from this body and from the committee, of which he was such a conspicuous member, and in the duties of which he has taken such an active and intelligent part. The State of New York and the district which he represents are the losers by his retirement. It has, indeed, been a pleasure, as it has been a distinguished honor, to serve with such men in this body and on the Committee on Rivers and Harbors, and I voice, I know, the sentiment of each Member here when I wish them every success in whatever field of endeavor they may enter after laying down their duties here.

Concluding, Mr. Chairman, I wish to express my thanks not alone to those to whom reference has been especially made by me but also to the entire membership of this body for the kind and courteous treatment I have ever received at their hands. [Applause.]

Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SPARKMAN. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. STAFFORD. Mr. Speaker, on the question of the passage of the bill I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-one Members present, a quorum.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays on the passage of the bill.

Mr. NORTON. I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from North Dakota [Mr. NORTON] demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 132, answered "present" 3, not voting 77, as follows:

YEAS—221.

Abercrombie	Danforth	Harrison, Va.	McGillicuddy
Adamson	Darrow	Hastings	McKellar
Alexander	Davis, Minn.	Hawley	McLaughlin
Allen	Davis, Tex.	Hayden	McLemore
Almon	Decker	Heaton	Magee
Aswell	Dempsey	Heflin	Martin
Austin	Denison	Hensley	Matthews
Bacharach	Dent	Hernandez	Meeker
Barkley	Dewalt	Hicks	Miller, Minn.
Bell	Dickinson	Hinds	Montague
Benedict	Dies	Holland	Moon
Bennet	Dixon	Hood	Moore, Pa.
Blackmon	Dooling	Houston	Morgan, La.
Booher	Doremus	Hughes	Morin
Borland	Drukker	Hulbert	Mott
Bowers	Dupré	Hull, Tenn.	Mudd
Browning	Dyer	Humphrey, Wash.	Murray
Bruckner	Eagan	Humphreys, Miss.	Neely
Buchanan, Ill.	Eagle	Hutchinson	North
Buchanan, Tex.	Edmonds	Igoe	Oldfield
Burgess	Edwards	Jacoway	Oliver
Burke	Elston	Johnson, Wash.	Olney
Byrns, Tenn.	Fairchild	Kearns	O'Shaunessy
Caldwell	Farley	Kelley	Overmyer
Candler, Miss.	Fields	Kennedy, R. I.	Padgett
Capstick	Flood	Kent	Park
Caraway	Freeman	Kettner	Parker, N. Y.
Carlin	Gallivan	Kincheloe	Phelan
Carter, Okla.	Garland	Kitchin	Platt
Chandler, N. Y.	Garner	Konop	Porter
Charles	Garrett	Lafean	Powers
Clark, Fla.	Godwin, N. C.	Langley	Price
Coady	Goodwin, Ark.	Lazaro	Quin
Collier	Gray, Ala.	Lee	Ragsdale
Cooper, W. Va.	Gray, N. J.	Lever	Rainey
Cooper, Wis.	Greene, Mass.	Lieb	Raker
Copley	Greene, Vt.	Linthicum	Randall
Costello	Gregg	Lloyd	Rayburn
Crago	Hadley	Lobeck	Riordan
Crisp	Hamlin	Longworth	Rodenberg
Curry	Hardy	McArthur	Rouse
Dale, Vt.	Harrison, Miss.	McCracken	Rowe

Rubey	Smith, Tex.	Taggart	Watson, Pa.
Rucker, Ga.	Snell	Tague	Watson, Va.
Rucker, Mo.	Snyder	Taylor, Ark.	Whaley
Russell, Mo.	Sparkman	Thomas	Williams, W. E.
Saunders	Steagall	Tillman	Williams, Ohio
Scott, Pa.	Stedman	Treadway	Wilson, La.
Sears	Steele, Iowa	Van Dyke	Wingo
Shackleford	Steenerson	Vare	Wise
Siegel	Stephens, Nebr.	Venable	Wood, Ind.
Sims	Stiness	Vinson	Woodyard
Sinnott	Sumners	Volstead	Young, Tex.
Slemp	Sutherland	Walker	
Small	Swift	Ward	
Smith, Idaho	Switzer	Watkins	

NAYS—132.

Aiken	Foster	Lindbergh	Sabath
Anderson	Frear	Loud	Schall
Anthony	Fuller	McAndrews	Scott, Mich.
Ashbrook	Gallagher	McClintic	Scully
Ayres	Gandy	McCulloch	Shallenberger
Barnhart	Gillett	McDermott	Sherley
Britt	Glynn	McFadden	Sherwood
Britten	Good	McKenzie	Shouse
Browne	Gordon	McKinley	Sloan
Brumbaugh	Green, Iowa	Madden	Smith, Mich.
Byrnes, S. C.	Guernsey	Mapes	Smith, Minn.
Callaway	Hamilton, Mich.	Mays	Smith, N. Y.
Carter, Mass.	Haugen	Miller, Pa.	Stafford
Cary	Helgesen	Moores, Ind.	Stephens, Tex.
Chiperfield	Helm	Morgan, Okla.	Sterling
Cline	Helvering	Morrison	Stone
Connelly	Hilliard	Nelson	Sullaway
Cramton	Hollingsworth	Nicholls, S. C.	Sweet
Crosser	Howard	Nichols, Mich.	Tavenner
Dallinger	Howell	Nolan	Taylor, Colo.
Dill	Huddleston	Norton	Temple
Dillon	Hull, Iowa	Oakey	Thompson
Doolittle	James	Page, N. C.	Tilson
Doughton	Johnson, S. Dak.	Paige, Mass.	Timberlake
Dowell	Keating	Parker, N. J.	Tinkham
Dunn	Keister	Ramseyer	Towner
Ellsworth	Kiess, Pa.	Rauch	Walsh
Emerson	King	Reavis	Wason
Evans	Kinkaid	Reilly	Wheeler
Ferris	Kreider	Ricketts	Williams, T. S.
Fess	La Follette	Roberts, Nev.	Wilson, Ill.
Focht	Lenroot	Rogers	Woods, Iowa
Foss	Lesher	Russell, Ohio	Young, N. Dak.

ANSWERED "PRESENT"—3.

Butler	Cox	Miller, Del.

NOT VOTING—77.

Adair	Esch	Hill	Patten
Bailey	Estopinal	Hopwood	Peters
Barchfeld	Farr	Husted	Pou
Beakes	Fitzgerald	Johnson, Ky.	Pratt
Beales	Flynn	Jones	Roberts, Mass.
Black	Fordney	Kahn	Rowland
Burnett	Gard	Kennedy, Iowa	Sanford
Campbell	Gardner	Key, Ohio	Sells
Cannon	Glass	Lehlbach	Sisson
Cantrill	Gould	Lewis	Slayden
Carew	Graham	Liebel	Steele, Pa.
Casey	Gray, Ind.	Littlepage	Stephens, Miss.
Church	Griest	Loft	Stout
Coleman	Griffin	London	Talbott
Conry	Hamill	Maher	Webb
Cooper, Ohio	Hamilton, N. Y.	Mann	Wilson, Fla.
Cullop	Hart	Mondell	Winslow
Dale, N. Y.	Haskell	Mooney	
Davenport	Hayes	Moss	
Driscoll	Henry	Oglesby	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. CANNON with Mr. MILLER of Delaware.

Mr. ADAMSON with Mr. ESCH, commencing January 24, 1917, ending January 31, 1917.

On this vote:

Mr. FARR (for) with Mr. GARDNER (against).

Mr. GOULD (for) with Mr. PRATT (against).

Mr. BARCHFELD (for) with Mr. SELLS (against).

Mr. HILL (for) with Mr. GRAY of Indiana (against).

Mr. WINSLOW (for) with Mr. STOUT (against).

Mr. CONRY (for) with Mr. HAMILTON of New York (against).

Until further notice:

Mr. BEAKES with Mr. CAMPBELL.

Mr. BURNETT with Mr. COLEMAN.

Mr. DALE of New York with Mr. FORDNEY.

Mr. ESTOPINAL with Mr. GRAHAM.

Mr. GARD with Mr. GRIEST.

Mr. WEBB with Mr. SANFORD.

Mr. STEPHENS of Mississippi with Mr. ROWLAND.

Mr. SLAYDEN with Mr. PETERS.

Mr. PATTEN with Mr. MOONEY.

Mr. MAHER with Mr. HUSTED.

Mr. GLASS with Mr. KENNEDY of Iowa.

Mr. KEY of Ohio with Mr. BEALE.

Mr. GRIFFIN with Mr. LEHLBACH.

Mr. SISSON with Mr. HOPWOOD.

Mr. LITTLEPAGE with Mr. HAYES.

Mr. FITZGERALD with Mr. MONDELL.

Mr. JONES with Mr. HASKELL.

Mr. TALBOTT with Mr. BUTLER, ending Monday.

Mr. BLACK with Mr. COOPER of Ohio.

The result of the vote was then announced as above recorded.

On motion of Mr. SPARKMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSIONS (H. R. 20451).

Mr. ASHBROOK. Mr. Speaker, I call up the bill H. R. 20451, a pension bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Patrick O'Donohue, late landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hundley, late of Company K, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. Stephens, late of Company H, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hugh Kerr, late of Company L, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Baker, widow of John T. Baker, late of Company H, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James E. Washington, late of Company H, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Woolf, late of Company K, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clarinda Mahoney, widow of Patrick H. Mahoney, late of Company E, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles W. Mahoney, helpless and dependent child of said Patrick H. Mahoney, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Clarinda Mahoney, the name of said Charles W. Mahoney shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Clarinda Mahoney.

The name of Jackson S. Fugate, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Spurgeon, late of Company A, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac H. Orndorff, late of Company F, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James M. Lynch, late of Companies C and I, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Trovillo May, late of Company A, Thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The name of Julius Stemple, late of Company K, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis L. Stafford, late of Company M, Eighth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Delia M. Yocum, widow of Benjamin F. Yocum, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Fannie J. B. Kelley, widow of Edward B. P. Kelley, late surgeon Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Newton Nelson, late of Company B, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martin Waymire, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael T. Dwyer, late of Company I, Ninety-third Regiment New York National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie L. Tate, helpless and dependent child of Frederick Tate, late of Company I, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edwin W. Rose, late of Company H, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adam Rader, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert Hird, late of Company E, Second Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Carver, late of Company H, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Bothwell, late of Company A, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Stitsworth, late of Company B, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William T. Lambert, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Mills, late of Company B, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Blue, late of the Sixteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Bosler, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph R. N. Monroe, late of Company F, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Warfield, late of Company G, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Heber Stoddard, late of Company C, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Torpy, late of Company C, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abraham Gibbs, late of Company G, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Sebastian, late of Company D, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marinda Forest, widow of Samuel J. Forest, late of Company F, Phelps's Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Benjamin N. Trout, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Maggie A. Hutchings, widow of Moses C. Hutchings, late of Company D, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of N. Benton Yackey, late of Company A, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amasa Johnston, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John G. Thompson, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Walter McDaniel, late of Company L, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sidney M. Smith, late of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Peterson, late of Company A, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Dow, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Brice Vance, late of Company K, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Nethercutt, widow of George W. Nethercutt, late of Company H, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Orrin P. Gay, late of Company I, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Frantz, late of Weaver's Independent Company, Pennsylvania Mounted Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Maris, late of Company L, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Morgan, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert Field, late of Third Battery, First Battalion, Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Banks, late of Company G, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lewis Cole, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac R. Nichols, late of Company F, Ninth Regiment West Virginia Volunteer Infantry, and Company F, First Regiment West Virginia Veteran Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Minerva Lavine, widow of Moses Lavine, late of Company C, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amanda M. Eaton, widow of Crittenden B. Eaton, late of Company I, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles B. Black, late of Company C, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry B. Pitner, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oakaley Randall, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Fife, late of Company K, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hampton B. Farmer, late of Company H, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jackson Allen, late of Company A, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Porcupile, late of Company I, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William F. Nickols, helpless and dependent child of John Nickols, late of Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Aaron Britton, late of Company G, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John P. Penry, late of Company D, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cornelius O'Shea, late of Company C, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James H. E. Guest, late of Capt. Gilbreath's Company, Alabama Volunteer Scouts and Guides, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aletha J. Honeycutt, widow of John M. Honeycutt, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma Koontz, widow of Phillip Koontz, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leela Koontz, helpless and dependent child of said Phillip Koontz, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Koontz, the name of said Leela Koontz shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emma Koontz.

The name of Andrew J. Florey, late of Company A, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis E. Salsbury, late of Company D, Thirty-second Regiment, and Company D, Thirty-first Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas W. Patterson, late of Company H, First Regiment Ohio Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Morris, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Ball, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newton E. Eldred, late of Company K, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas H. Glenn, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Zachariah D. Barnhart, late of Company A, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Kelley, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Oyster, late of Company C, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horace A. Brockway, late of Company K, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Madison T. Trent, late of Company C, Tenth Regiment, and Company E, Eighth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Boyd, late of Company C, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Cornell, late of Company E, Sixteenth Regiment, and Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melissa L. Yates, widow of Daniel Yates, late of Company G, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emil Yates, helpless and dependent child of said Daniel Yates, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Melissa L. Yates, the name of said Emil Yates shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Melissa L. Yates.

The name of Alexander Little, late of Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Milton B. Smith, late of United States Signal Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amaziah Shaeffer, late of Company K, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harris Cole, alias Henry Little, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Van Gorder, late of Company K, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Caroline A. Jones, widow of Edward F. Jones, late of Company E, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Skelton, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James A. Wise, late of Company H, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James W. McCullah, late of Company B, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Catharine Lovell, dependent mother of John N. Lovell, late of Company I, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Clark, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emergene J. Mitchell, widow of William H. Mitchell, late of Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John Connor, late of Company B, First Regiment Maryland Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth Voneky, widow of Louis Voneky, late major Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of George C. Jackman, late of Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adam K. Bayler, late acting master's mate, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Uriah E. Jones, late of Company I, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Cranmer, late of Companies A and F, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucy Tarsney, widow of Thomas Tarsney, late of Company C, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Clarinda Brauch, widow of Levi Brauch, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Plummer, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan G. Martin, late of Company K, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Joseph A. Wisner, late of Company H, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert P. Jackson, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Haar, late of Company I, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edgar G. Spaid, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey Enyart, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Swain, late of Company D, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Cole, late of Company D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of De Witt C. Carpenter, late of Company I, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sanford L. Holstine, late of Company G, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Theodore Kiefer, late of Company I, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George N. Stevens, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Taylor, late of Company F, Twelfth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Echols, late of Company F, Fifth Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The name of Lodoiska W. Gibson, widow of Fenton W. Gibson, late of Company C, Second Regiment Louisiana Volunteer Infantry, and Company A, First Regiment New Orleans, La., Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of George W. Neely, late of Company C, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Lauver, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ogden C. Lowell, late first-class boy, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Johnson, late of Company G, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Blauser, late of band Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Coble, late of Company B, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucius Keplar, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The names of Minnie E. Pinkerton, helpless and dependent, and Eugene P. Pinkerton, children of James P. Pinkerton, late of Company A, Thirty-ninth Regiment Missouri Infantry, and pay them a pension at the rate of $24 per month until the said Eugene P. Pinkerton attains the age of 16 years, in lieu of that they are now receiving: *Provided*, That in the event of the death of Minnie E. Pinkerton the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eugene P. Pinkerton, or upon his attaining the age of 16 years, the name of Minnie E. Pinkerton shall be continued on the pension roll during the period of her helplessness and dependence, subject to the provisions and limitations of the pension laws, at the rate of $14 per month from and after the date of death of Eugene P. Pinkerton, or from and after the date he attains the age of 16 years.

The name of Margaret I. Reider, widow of Emanuel Reider, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Harry W. Reider, helpless and dependent child of said Emanuel Reider, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret I. Reider the name of said Harry W. Reider shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Margaret I. Reider.

The name of George M. Fell, late of Company D, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Summers, late of Company K, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Miller, late of Company I, Fourth Regiment West Virginia Cavalry, and Company F, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Bush, helpless and dependent child of William A. Bush, late of Company C, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ferdinand Effinger, late of Companies I and K, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James M. Smith, late of Company F, Fourth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Aretas J. Porter, late of Company D, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles D. Ashton, late of Company H, First Regiment Connecticut Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lycurgus W. Severns, late of Company E, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Allen, widow of Francis Allen, late of Company G, Third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George C. Wachob, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Walker, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Himmelheber, late of Company H, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Ellis, late of Company I, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charlotte M. Eckstine, widow of Robert O. P. Eckstine, late of Company A, Ninth Legion Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James A. Wildman, helpless and dependent child of James Wildman, late of Company H, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Edward Barr, late of Company F, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Howland, widow of John C. Howland, late of Company A, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Webster, late of Company H, Forty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Shirkey, late of Company A, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Caleb A. Hesser, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Walls, late of Company C, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rebecca Zellers, helpless and dependent child of Isaac Zellers, late of Company D, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Frederick Hartman, late of Company A, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lott Todd, late of Company B, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wellington Hay, late of Company K, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edwin H. Miner, late of Company F, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura C. Whittier, widow of George A. Whittier, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Michel, late of Company G, Second Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Goodin, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Morton, late of Company C, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rosannah Heidler, widow of John F. Heidler, late of Company B, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and Troops E and I, First Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Orin Holmes, late of Company A, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Leander McCants, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Brittain, late of Company K, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel M. Carson, late of Company G, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Alexander, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Frohs, widow of Michael Frohs, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lottie E. Newell, widow of George Newell, late of Company C, Fifteenth Regiment New York Volunteer Cavalry, and Company C, Second Regiment New York Provisional Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jonathan Carr, late of Company I, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abraham Cooper, late of Company B, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Abraham Rhodes, late of Company I, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Barr, late of Company A, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James T. Rolff, late of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Florence S. L'Hommedieu, widow of Stephen S. L'Hommedieu, late major, Eighty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Charlotte A. Lansing, widow of George J. Lansing, late of Company C, Tenth Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month.

The name of James Chadwick, late of Company K, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy J. Hurlbut, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvin Green, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Rickman, late of Company L, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Scott Farmer, helpless and dependent child of Eli Farmer, late of Company K, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Sarah Robinson, widow of Charles A. Robinson, alias Charles Robbins, late of Company G, Second Regiment New York Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Francis E. Lamb, late of Company C, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Adler, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Tilson M. Sutherland, late of Companies F and M, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thompson P. Burtch, late of Company F, Sixth Regiment, and Company C, Sixty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Loretta S. Ducolon, widow of Levi Ducolon, late of Company C, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert E. Worsham, late master at arms, United States Revenue Cutter Service, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Hamm, widow of Benjamin N. Hamm, late of Company F, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Brown, late of Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James J. Hollywood, late of Company A, Seventh Regiment Kentucky Veteran Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram Corbin, late unassigned, First Regiment Michigan Engineers and Mechanics, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John D. Wheeler, late of Company F, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John West, late first-class fireman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Hibbard, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lorenzo D. Wentworth, late of Company A, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Christopher D. Veal, late of Company I, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas D. Tweedy, late of Company I, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah E. Freed, widow of Henry H. Freed, late of Company D, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Anna Sophia Moldenhauer, former widow of Gottlieb Breitag, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Silas Crisler, late of Company I, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. McAninch, late of Company C, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Effie H. Woodruff, widow of Carle A. Woodruff, late of Light Battery F, Second Regiment United States Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of George W. Sherrard, late of United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison McOwen, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Daniels, late of Compayn A, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Libby, late of Companies H and G, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret Dickson, widow of Ezra Dickson, late of Company I, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James M. Irvine, late of Company M, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William M. Fultz, late of Company G, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Cooper, late of Company D, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan C. Rucker, late of Company K, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew Terhune, late of Company K, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George F. Hood, late of Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Eppens, widow of Henry Eppens, late of Company D, Battalion, One hundred and sixty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emma Eppens, helpless and dependent child of said Henry Eppens, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Eppens, the name of said Emma Eppens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaret Eppens.

The name of Silas D. A. Allen, late of Company E, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Pratt, late of Company G, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David H. Keeler, jr., late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a

pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alice J. Stoddard, widow of Nelson Stoddard, late of Company H, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Watson F. Bisbee, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah Ellen Everich, widow of James S. Everich, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Sicher, helpless and dependent child of William Sicher, late of Company K, One hundred and seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Spelman, late of United States Marine Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elijah Hodges, late of Company A, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac Pelkey, late of Company M, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calloway Roddy, late of Company D, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles Price, late of Company G, Second Regiment Pennsylvania Volunteer Heavy Artillery, and United States Signal Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas A. Weisner, late of Company F, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eunice E. Dodge, widow of Rodolph L. Dodge, late of Company C, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James F. Doyle, late of Company A, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rosa L. Wells, former widow of George R. Russell, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Susannah Ditterline, widow of Smith F. Ditterline, late of Company P, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William J. Winters, late of Company A, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jonathan Wells, late of Company G, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Ray, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fannie Brosius, widow of Joseph Brosius, late of Company K, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy Hulett, dependent mother of Benjamin Hulett, late of Company K, Twenty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis Spriggs, helpless and dependent child of Lewis Spriggs, late of Company A, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James H. Wood, late of Company G, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louisa M. Tobey, widow of Elisha H. Tobey, late of Company G, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mabel Nolin, helpless and dependent child of John Nolin, late of Company D, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles Henry, late of Company I, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David H. Tullis, late of Company I, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Stuchall, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles W. Everson, late of Company B, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Krause, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob F. Minch, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anna Smith, widow of Oscar Smith, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Edward C. Roll, late of Company H, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Pence, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Wharton, late of Company G, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Heis, late of Company L, Tenth Regiment Ohio Volunteer Infantry, and Company H, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lizzie S. Hight, widow of John J. Hight, late of Companies D and B, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Easton, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Jerome, late regimental quartermaster, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Silo P. Warriner, late of Companies G and K, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Watson Goodrich, late of Company G, Eighth Regiment Illinois Volunteer Infantry; Company K, Second Regiment Illinois Volunteer Cavalry; Company K, Fourth United States Colored Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Herman G. Weller, late of Company A, Tenth Regiment Pennsylvania Reserve Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Harman, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Vanatta, late of Company C, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alden Youngman, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac O'Neal, late of Company G, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred P. Haskill, late of Company B, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank R. Barfoot, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis M. Barker, late of Company B, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Boyce, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Davy, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frances Getchell, widow of Eugene B. Getchell, late of Company G, Maine Coast Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 1542. Patrick O'Donohue.
H. R. 1799. John Hundley.
H. R. 1833. William L. Stephens.
H. R. 1896. Hugh Kerr.
H. R. 1912. Mary E. Baker.
H. R. 2011. James E. Washington.
H. R. 2026. William Woolf.
H. R. 2280. Clarinda Mahoney.
H. R. 3455. Jackson S. Fugate.
H. R. 3757. Alonzo Spurgeon.
H. R. 3886. Isaac H. Orndorff.
H. R. 3995. James M. Lynch.
H. R. 4001. Trovillo May.
H. R. 4080. Julius Stemple.
H. R. 4219. Louis L. Stafford.
H. R. 4557. Delia M. Yocum.
H. R. 4565. Fannie J. B. Kelley.
H. R. 4630. Newton Nelson.
H. R. 4845. Martin Waymire.
H. R. 5054. Michael T. Dwyer.
H. R. 5255. Jennie L. Tate.
H. R. 5316. Edwin W. Rose.
H. R. 5334. Adam Rader.
H. R. 5665. Robert Hird.
H. R. 5697. Charles Carver.
H. R. 5863. Charles H. Bothwell.
H. R. 6105. James A. Stitsworth.
H. R. 6200. William T. Lambert.
H. R. 6246. James R. Mills.
H. R. 6398. James Blue.
H. R. 6500. John W. Bosler.
H. R. 6654. Joseph R. N. Monroe.
H. R. 6659. James W. Warfield.
H. R. 6741. Heber Stoddard.
H. R. 7026. Daniel Torpy.
H. R. 7204. Abraham Gibbs.
H. R. 7208. John F. Sebastian.
H. R. 7385. Marinda Forest.
H. R. 7412. Benjamin N. Trout.
H. R. 7662. Maggie A. Hutchings.
H. R. 7878. N. Benton Yackey.
H. R. 7910. Amasa Johnston.
H. R. 7949. John G. Thompson.
H. R. 7965. Walter McDaniel.
H. R. 8400. Sidney M. Smith.
H. R. 8723. John A. Peterson.
H. R. 8789. George W. Dow.
H. R. 8870. Brice Vance.
H. R. 8969. Sarah E. Nethercutt.
H. R. 9002. Orrin P. Gay.
H. R. 9179. Jacob Frantz.
H. R. 9292. Charles E. Maris.
H. R. 9380. David C. Morgan.
H. R. 9488. Robert Field.
H. R. 9566. Peter Banks.
H. R. 9766. Lewis Cole.
H. R. 10278. Isaac R. Nichols.
H. R. 10295. Minerva Lavine.
H. R. 10472. Amanda M. Eaton.
H. R. 10520. Charles B. Black.
H. R. 10527. Henry B. Pitner.
H. R. 10633. Oakaley Randall.
H. R. 10870. Albert Fife.
H. R. 11282. Hampton B. Farmer.
H. R. 11295. Jackson Allen.
H. R. 11398. James H. Porcupile.
H. R. 11484. William F. Nickols.
H. R. 11684. Aaron Britton.
H. R. 11834. John P. Penry.
H. R. 11925. Cornelius O'Shea
H. R. 12055. James H. E. Guest.
H. R. 12371. Aletha J. Honeycutt.
H. R. 12535. Emma Koontz.
H. R. 12560. Andrew J. Florey.
H. R. 12568. Francis E. Salsbury.
H. R. 12635. Thomas W. Patterson.
H. R. 12720. William H. Morris.
H. R. 12733. John C. Ball.
H. R. 13101. Newton E. Eldred.
H. R. 13268. Thomas H. Glenn.
H. R. 13310. Zachariah D. Barnhart.
H. R. 13409. Thomas Kelley.
H. R. 13502. Daniel Oyster.
H. R. 13651. Horace A. Brockway.
H. R. 13961. Madison T. Trent.
H. R. 13971. James L. Cornell.
H. R. 14062. Thomas H. Boyd.
H. R. 14097. Melissa L. Yates.
H. R. 14102. Alexander Little.
H. R. 14165. Milton B. Smith.
H. R. 14185. Amaziah Shaeffer.
H. R. 14198. Harris Cole, alias Henry Little.
H. R. 14201. John W. Van Gorder.
H. R. 14211. Caroline A. Jones.
H. R. 14259 William Skelton.
H. R. 14280. James A. Wise.
H. R. 14374. James W. McCullah.
H. R. 14385. Catharine Lovell.
H. R. 14442. William W. Clark.
H. R. 14545. Emergene J Mitchell.
H. R. 14743. John Connor.
H. R. 14789. Elizabeth Voneky.
H. R. 14813. George C. Jackman.
H. R. 14882. Adam K Bayler.
H. R. 15035. Uriah E. Jones.
H. R. 15090. James Cranmer.
H. R. 15025. Lucy Tarsney.
H. R. 15327. Clarinda Brauch.
H. R. 15501. George W. Plummer.

H. R. 15516. Nathan G. Martin.
H. R. 15541. Joseph A. Wisner.
H. R. 15547. Albert P. Jackson.
H. R. 15567. Jacob Haar.
H. R. 15655. Edgar G. Spaid.
H. R. 15906. Harvey Enyart.
H. R. 15970. John L. Swain.
H. R. 16011. Frank Cole.
H. R. 16020. De Witt C. Carpenter.
H. R. 16039. Sanford L. Holstine.
H. R. 16311. Theodore Kiefer.
H. R. 16360. George N. Stevens.
H. R. 16389. John W. Taylor.
H. R. 16390. John W. Echols.
H. R. 16498. Ludoiska W. Gibson.
H. R. 16547. George W. Neely.
H. R. 16617. Daniel Lauver.
H. R. 16625. Ogden C. Lowell.
H. R. 16651. John W. Johnson.
H. R. 16726. Edward Blauser.
H. R. 16730. George W. Coble.
H. R. 17050. Lucius Keplar.
H. R. 17064. Minnie E. Pinkerton. Eugene P. Pinkerton.
H. R. 17145. Margaret I. Reider.
H. R. 17223. George M. Fell.
H. R. 17230. John C. Summers.
H. R. 17297. George W. Miller.
H. R. 17328. James M. Bush.
H. R. 17403. Ferdinand Effinger.
H. R. 17447. James M. Smith.
H. R. 17467. Aretas J. Porter.
H. R. 17483. Charles D. Ashton.
H. R. 17507. Lycurgus W. Severns.
H. R. 17693. Sarah E. Allen.
H. R. 17725. George C. Wachob.
H. R. 17737. Robert Walker.
H. R. 17868. Jacob Himmelheber.
H. R. 17869. Elias Ellis.
H. R. 17877. Charlotte M. Eckstine.
H. R. 17878. James A. Wildman.
H. R. 17890. Edward Barr
H. R. 17895. Catherine Howland.
H. R. 17896. George W. Webster.
H. R. 17898. Oliver Shirkey.
H. R. 17902. Caleb A. Hesser.
H. R. 17904. Charles Walls.
H. R. 17915. Rebecca Zellers.
H. R. 17922. Frederick Hartman.
H. R. 17961. Lott Todd.
H. R. 18042. Wellington Hay.
H. R. 18047. Edwin H. Miner.
H. R. 18053. Laura C. Whittier.
H. R. 18069. Charles Michel.
H. R. 18121. William Goodin.
H. R. 18122. John W. Morton.
H. R. 18128. Rosannah Heidler.
H. R. 18138. Orin Holmes.
H. R. 18153. Leander McCants.
H. R. 18156. William P. Brittain.
H. R. 18211. Samuel M. Carson.
H. R. 18233. Joseph M. Alexander.
H. R. 18245. Anna Frohs.
H. R. 18261. Lottie E. Newell.
H. R. 18262. Jonathan Carr.
H. R. 18266. Abraham Cooper.
H. R. 18280. Abraham Rhodes.
H. R. 18283. Henry Barr.
H. R. 18292. James T. Rolif.
H. R. 18313. Florence S. L'Hommedieu.
H. R. 18323. Charlotte A. Lansing.
H. R. 18327. James Chadwick.
H. R. 18335. Timothy J. Hurlbut.
H. R. 18361. Alvin Green.
H. R. 18362. William H. Rickman.
H. R. 18391. Scott Farmer.
H. R. 18400. Sarah Robinson.
H. R. 18412. Francis E. Lamb.
H. R. 18511. Henry Adler.
H. R. 18518. Tilson M. Sutherland.
H. R. 18524. Thompson P. Burtch.
H. R. 18562. Loretta S. Ducolon.
H. R. 18573. Albert E. Worsham.
H. R. 18582. Sarah E. Hamm.
H. R. 18622. John Brown.
H. R. 18623. James J. Hollywood.
H. R. 18646. Hiram Corbin.
H. R. 18659. John D. Wheeler.
H. R. 18698. John West.
H. R. 18713. James A. Hibbard.
H. R. 18763. Lorenzo D. Wentworth.
H. R. 18789. Christopher D. Veal.
H. R. 18799. Thomas D. Tweedy.
H. R. 18801. Sarah E. Freed.
H. R. 18840. Anna Sophia Moldenhauer.
H. R. 18848. Silas Crisler.
H. R. 18851. George W. McAninch.
H. R. 18866. Effie H. Woodruff.
H. R. 18925. George W. Sherrard.
H. R. 18951. Harrison McOwen.
H. R. 18962. George Daniels.
H. R. 18965. Daniel Libby.
H. R. 18972. Margaret Dickson.
H. R. 19003. James M. Irvine.
H. R. 19004. William M. Fultz.
H. R. 19006. Samuel Cooper.
H. R. 19012. Nathan C. Rucker.
H. R. 19022. Andrew Terhune.
H. R. 19047. George F. Hood.
H. R. 19085. Margaret Eppens.
H. R. 19089. Silas D. A. Allen.
H. R. 19099. Henry Pratt.
H. R. 19102. David H. Keller, jr.
H. R. 19135. Alice J. Stoddard.
H. R. 19151. Watson F. Bisbee.
H. R. 19169. Sarah Ellen Everich.
H. R. 19200. Ellen Sicher.
H. R. 19204. John Spelman.
H. R. 19221. Elijah Hodges.
H. R. 19227. Isaac Pelkey.
H. R. 19244. Calloway Roddy.
H. R. 19245. Charles Price.
H. R. 19277. Thomas A. Weisner.
H. R. 19325. Eunice E. Dodge.
H. R. 19386. James F. Doyle.
H. R. 19405. Rosa L. Wells.
H. R. 19437. Susannah Ditterline.
H. R. 19464. William J. Winters.
H. R. 19473. Jonathan Wells.
H. R. 19474. Joseph Ray.
H. R. 19479. Fannie Brosius.
H. R. 19480. Lucy Hulett.
H. R. 19481. Lewis Spriggs.
H. R. 19502. James H. Wood.
H. R. 19505. Louisa M. Tobey.
H. R. 19555. Mabel Nolin.
H. R. 19571. Charles Henry.
H. R. 19577. David H. Tullis.
H. R. 19612. William A. Stuchall.
H. R. 19624. Charles W. Everson.
H. R. 19626. August Krause.
H. R. 19627. Jacob F. Minch.
H. R. 19629. Anna Smith.
H. R. 19637. Edward C. Roll.
H. R. 19662. John W. Pence.
H. R. 19663. John Wharton.
H. R. 19664. Peter Heis.
H. R. 19735. Lizzie S. Hight.
H. R. 19739. George W. Easton.
H. R. 19741. Charles W. Jerome.
H. R. 19746. Silo P. Warriner.
H. R. 19774. Watson Goodrich.
H. R. 19806. Thomas Harman.
H. R. 19807. William Vanatta.
H. R. 19821. Alden Youngman.
H. R. 19992. Herman G. Weller.
H. R. 20005. Isaac O'Neal.
H. R. 20053. Alfred P. Haskill.
H. R. 20061. Frank R. Barfoot.
H. R. 20065. Francis M. Barker.
H. R. 20170. Charles Boyce.
H. R. 20282. William A. Davy.
H. R. 20316. Frances Getchell.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of William Woolf, late of Company K, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. HASTINGS. Mr. Speaker, I move to strike out the last word. I do that for the purpose of asking the genial gentleman in charge of this bill a few questions with reference to the procedure in the preparation of these pension bills. I know he will be glad to give us the information. I see that there have been introduced in the House more than 20,000 bills all told. Perhaps three-fourths of them, or 15,000, are pension bills. I would like to ask the gentleman in charge of the bill, in the first place, what clerical help the committee has.

Mr. ASHBROOK. The Committee on Invalid Pensions has a special examiner detailed from the Pension Office, a stenographer, and two clerks.

Mr. HASTINGS. Now as to the procedure in committee in the consideration of these bills. Suppose, for the sake of argument, a Member of the House introduces a bill in May or in December or any time in the past, this bill is referred to his committee. As a matter of course, it is not considered until the required affidavits are filed.

Mr. ASHBROOK. That is true.

Mr. HASTINGS. After the affidavits are filed, I would like to have some information from the committee about what their rule for consideration is. In other words, the point I am trying to get at is whether or not they are considered in the order that the affidavits are filed that accompany the several pension bills.

Mr. ASHBROOK. They are considered in the order that the Member requests to have them considered.

Mr. HASTINGS. I want to say now that during my membership of this House I have not been opposed to pension legislation. It is not my purpose now to oppose this legislation in asking these questions, but I want to register my protest against any favoritism whatever in favor of one old soldier as against another. I believe that the old soldiers of my State and of my district are entitled to the same consideration as are the old soldiers from any part of this Union.

Mr. Speaker, while I am upon my feet permit me to say that I have introduced some 6 or 8 or 10 pension bills at this session of Congress, and I have the record before me where these affidavits that are required by the committee were secured, where they have been filed with the committee, some two or three weeks or a month ago, and yet none of them has been considered. I want to invite the attention of the committee and the House to the fact that pension bills introduced less than a week before this bill was reported have been favorably considered and are included in this omnibus bill. I invite the attention of the House to the last item of this bill, H. R. 20316. That bill was introduced on January 19, and it was reported out in this bill on January 24. Of course it may be an accident, and of course it can be explained by members of the committee, but it so happens that the Member who introduced that particular bill is a member of the Committee on Invalid Pensions. I want to invite attention also to the next bill before that, H. R. 20282. That bill was introduced on January 18, and in six days thereafter it was favorably considered and the name added to this omnibus pension bill and brought in here to-day for action. I want to invite attention, Mr. Speaker, to H. R. 20171. That bill was introduced on January 16. Eight days thereafter the bill was favorably reported and is included as one of the items in this omnibus bill. It so happens that the Member who introduced that bill is the same Member who introduced the last item in this bill, so that he introduced two bills within eight days prior to the making of the report upon this bill, both of which were favorably acted upon. I have a number of other bills here that show they were introduced within 10 or 12 days prior to the report upon this bill that have been favorably considered and the names added to this omnibus bill, whereas I have a number of bills before me that I introduced, for which I secured the necessary affidavits, which I sent down to the committee with a letter, and I went down there myself and asked their consideration, and I have also sent my secretary a number of times and telephoned the committee a number of times and have asked for their consideration. I want to say now, Mr. Speaker, that I was reared out in the West where we are opposed to any kind of partiality whatsoever, and while I am not opposed to pension legislation——

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to proceed for three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Speaker, we are opposed to any kind of partiality even in the section of the country where I come from, and I believe these pension bills should be considered in the order in which these affidavits are filed. I do not believe that the examiner which is furnished by the Government and I do not believe the clerks that are paid by the Government ought to be allowed to take these bills up out of their order and consider them to the exclusion of the consideration of other meritorious claims. I appreciate that perhaps this committee has not sufficient clerical force, but they ought to be taken up in their order, and that is the complaint that I am now making to the House. I want to say again that while I am not seeking to exercise that right now, and I do not say that the committee shall favorably consider the bills which I have introduced, yet I insist and I have the right to demand that they be considered and reported either favorably or rejected. I want consideration of them and I am entitled to consideration of them. I have a number of letters here that are distressing in their tone, letters from old soldiers without any property at all who are writing to me week after week asking what has been done with the bills

that I months ago introduced. I have in mind one case where the claim was rejected by the committee because the old soldier had not served 90 days. I refer now to page 7 of the committee's report. I find the case of H. R. 3757, where the report shows that the soldier had served less than 90 days, and that he had property valued at $1,500, and yet his pension is increased to $30 a month, and the claim of the old soldier for whom I introduced a bill is rejected. I am protesting against this favoritism, and I want to say now that this House will have to have a quorum to consider the next invalid pension bills unless these cases I have introduced are considered.

Mr. ASHBROOK. Mr. Speaker, I want to say to my friend from Oklahoma that I am advised by the clerk of the committee that several of the bills introduced by the gentleman from Oklahoma were rejected. If our friend from Oklahoma will appear before the committee when it meets every Monday, we will be very glad to have him do so, and he can there state his case, and we will give him the best of consideration. I am certain that there is no desire to play favorites in this committee. We are anxious to pass bills for every Member of the House. I personally have solicited a number of Members to hand in their evidence and get their bills in shape to be considered, and we have gone out of our way to help the Members who were anxious to have special pension bills passed. The gentleman refers to some bills that were introduced just a few days ago, some time during this month. There is no denying that fact. I do not know the circumstances, but undoubtedly these bills were introduced by some Member who had not had very many bills passed, but they were meritorious bills, and he requested to have them written up in preference to other bills that he had introduced. The gentleman asks and insists that the committee shall take up and consider these bills in the order in which they are introduced——

Mr. HASTINGS. I did not say introduced; I said in the order that the testimony or affidavits were filed.

Mr. ASHBROOK. As I said to my friend a while ago, the examiner writes up these bills in the order they are requested to be written up by the Member, and when the Member indicates to the examiner the bills that he wants written up his wishes will be respected. I assure the gentleman that there is no desire to play favoritism in this committee.

Mr. McCLINTIC. Will the gentleman yield?

Mr. ASHBROOK. I will be glad to do so.

Mr. McCLINTIC. By the gentleman's statement a Member has to go and appear in person before the examiner and ask that some particular bill receive favorable consideration.

Mr. ASHBROOK. If the gentleman does not file the necessary evidence that is required to be filed accompanying his bill, his bill will not be considered, but I know that the clerk endeavors to see every Member who has a bill pending and see that some of his bills are passed.

Mr. McCLINTIC. If the evidence, sworn affidavits, were filed with the committee, then that bill will receive proper consideration?

Mr. ASHBROOK. It will in due time; but the examiner, I believe, waits some time until he hears from the Member to know what bills he wants written up. A great many Members file evidence for five or ten times as many bills as could possibly be passed in one session, and the examiner can not devote all his time to writing up bills for a single Member, but waits to learn from the Member the bills he wishes written up.

Mr. McCLINTIC. The point I was getting at is this: Many of us suppose after we introduce a bill and then file all the necessary evidence that that was all that was necessary for the bill to receive proper consideration. Now, if I understand the gentleman that it is necessary for us to go down before the examiner, then I want that fact to be stated.

Mr. ASHBROOK. I will say to my friend that he does not necessarily have to appear in person, but if he would write the clerk of the committee or the examiner and request certain bills to be written up I am sure he will have no cause for complaint.

Mr. HASTINGS. Mr. Speaker, if the gentleman will permit further, in reference to bill No. 3757, the report shows that he served less than 90 days—I think it was 2 months and 16 days. Now, in this case the party has $1,500 worth of property, and the committee gives him a pension of $30 a month, but in this case of mine here the man served 75 days, or one day less, and the claim was rejected because he served less than 90 days, and the proof was before the committee that he does not have a dollar's worth of property.

Mr. ASHBROOK. Oh, Mr. Speaker, I happen to know about the case to which the gentleman alludes. This soldier has an honorable discharge showing that he served four months and one day, but a part of that time he was home on a furlough, and for a number of years he received a pension of $12 a month. It was discovered a portion of the time that he served he was home on furlough, and for that reason he was dropped. I do not believe it is right to drop a soldier when his honorable discharge shows that he served four months and one day.

Mr. WINGO. Is the gentleman's committee now meeting that kind of a situation?

Mr. ASHBROOK. Not often.

Mr. WINGO. It has been the policy of the committee heretofore to refuse any relief to that kind of a case?

Mr. ASHBROOK. Oh, no; the committee has acted favorably on special bills where the soldier served less than 90 days. He may have been discharged for disability and served less than that time, and his case may be one of special distress; he may be helpless and without any income or property. In this case this soldier happens to have a home, and he is clearly entitled to a pension, because I have seen his discharge and it shows that he served four months and one day.

Mr. WINGO. Let me ask the gentleman if the committee has ever had occasion to pass upon this state of facts, where the soldier was in the Army only a short time, less than 90 days, and was detained at home on account of pneumonia and was not able to return until his regiment went into a territory where he could not possibly reach it on account of the hostile occupancy of the country intervening. Is that man to be blamed and dropped from the pension rolls?

Mr. ASHBROOK. If he was home on his furlough and had an honorable discharge, I believe he should receive a pension; but if he does not have an honorable discharge, then he is not entitled to a pension.

Mr. WINGO. Because he could not get to his command?

Mr. ASHBROOK. I appreciate there are many deserving cases of that kind where soldiers have been regarded as deserters when in fact they were not.

Mr. WINGO. Does the gentleman think that when satisfactory proof is offered that they are not in fact deserters, but owing to a condition over which they had no control, growing out of the war, they were prevented from reaching their commands—does not the gentleman think those men ought to be entitled to some consideration?

Mr. ASHBROOK. I do; but that is for the War Department to consider, and if the department rejects it——

Mr. WINGO. Well, what recourse would they have in order to get relief?

Mr. ASHBROOK. Well, the recourse would be in the Committee on Military Affairs.

Mr. FIELDS. That belongs to the Committee on Military Affairs.

Mr. WINGO. But the gentleman overlooks this. The Committee on Military Affairs is not going into a question like that, because it would bring in those who deserve pensions in a great many instances and those who do not, but in this instance where you have proof that the soldier has served more than 90 days, proof that he got an honorable discharge, but by reason of circumstances over which he had absolutely no control—that is, the occupation of the territory between his home and his command by the enemy—does the gentleman think that man should be absolutely denied justice by the committee?

Mr. ASHBROOK. The difference between the case complained of by my friend from Oklahoma [Mr. HASTINGS] and the one stated by my friend from Arkansas is that in the first case the soldier had an honorable discharge and showed that he served four months and one day. In the other case the soldier does not have an honorable discharge.

Mr. WINGO. And I agree with the gentleman, there is a difference there. I can see that.

The SPEAKER. The time of the gentleman has expired.

Mr. MAPES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. I ask that the time of the gentleman from Ohio be extended for two minutes for the purpose of asking him a question.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Ohio [Mr. ASHBROOK] may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. I would like to call the gentleman's attention to the report on H. R. 4001, on page 7 of the report. It appears that this soldier served only from April 17 to June 14, 1861, or a period of 58 days. I have been told that it was the policy of the committee not to grant a pension to any veteran who served less than 90 days unless he served within a very few days of the 90 days—from 85 to 90.

Mr. ASHBROOK. If the gentleman will read the first paragraph of the report on House bill 4001, he will see that this soldier was discharged on a surgeon's certificate of disability.

Mr. MAPES. I have read that, if the gentleman please; but he has been unable to get a pension under the general law from the Bureau of Pensions because of any disability. The statement in the report that he is now disabled because of old age and other infirmities makes no better showing why he should receive a pension than most any other Civil War veteran could make who has reached the age that most of the veterans of the Civil War have reached.

Mr. ASHBROOK. The discharge shows that this soldier was discharged on a surgeon's certificate of disability.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. POWERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. POWERS. To ask unanimous consent that the gentleman from Ohio have two minutes more.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] have two minutes more in order that he may be interrogated. Is there objection? [After a pause.] The Chair hears none.

Mr. POWERS. I just wanted to know from the gentleman about what time he expects to report out the next bill.

Mr. ASHBROOK. There will probably be one more bill two weeks from to-day, which will be the last bill.

Mr. JAMES. I want to ask the gentleman from Ohio a question regarding the case referred to by the gentleman from Oklahoma. You say you are familiar with the case personally?

Mr. ASHBROOK. I am.

Mr. JAMES. Was this gentleman home on furlough because of sickness, wounds, or business?

Mr. ASHBROOK. I really could not answer.

Mr. JAMES. I thought you were familiar with the case?

Mr. ASHBROOK. I am familiar with it to the extent I stated. He was home on a furlough.

Mr. JAMES. You do not know why?

Mr. ASHBROOK. I do not know why.

Mr. JAMES. The law requires he shall have 90 days actual service.

Mr. ASHBROOK. He was in the service, subject to the order of the United States.

Mr. JAMES. It is different than 90 days actual service. It is not 90 days from the time of enlistment to date of discharge. It is 90 days actual service.

Mr. ANTHONY and Mr. DAVIS of Texas rose.

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. ANTHONY. I ask for recognition. Am I entitled to it?

The SPEAKER. The rule is that where there is an amendment——

Mr. ANTHONY. Mr. Speaker, I move to strike out the last two words. Do I understand that the committee is beginning to recognize special bills for men who have not seen 90 days full service?

Mr. ASHBROOK. Oh, yes. I am serving my fifth term, and in my first term I had a bill passed for a soldier who served 89 days. It is not a recent innovation.

Mr. ANTHONY. I understand that heretofore your committee has considered that soldiers who are home on furloughs were not rendering service to the Government—that that was not counted.

Mr. ASHBROOK. I am not aware that that has been the position of the committee.

Mr. ANTHONY. I will say that I have had bills rejected by the committee because the claimant had not seen 90 days of service; because part of that 90 days was when the soldier was on furlough and at home, and I wanted to know if the committee has reversed itself on that point.

Mr. ASHBROOK. The case called to the attention of the House by the gentleman from Oklahoma [Mr. HASTINGS] answers your inquiry.

Mr. HASTINGS. They rejected this case of mine on that ground alone. Although this old soldier served 75 days, and does not have a dollar's worth of property, the committee rejected that claim upon the ground that he had not served the 90 days.

Mr. ASHBROOK. May I inquire of you whether or not the discharge certificate of this soldier shows that he served only 75 days?

Mr. HASTINGS. Seventy-five days, as I now recall.

Mr. ASHBROOK. I think I am stating the facts now, when I say the Committee has never ventured to act upon a case of a soldier who did not serve 80 days or more; I think 84 or 85 days is the limit.

Mr. ANTHONY. If I am correct, the War Department does not consider it service when a soldier is at home upon furlough.

Mr. ASHBROOK. I am aware of the fact. That is the fact, and that is the reason why this soldier was dropped from the rolls.

Mr. ANTHONY. The reason why I ask is that I can hardly understand why some cases are made fish of and others are made fowl.

Mr. GORDON. They are "fish" if they come from the committee and "fowl" if they do not. [Laughter.]

Mr. FERRIS. Mr. Speaker, I ask unanimous consent——

Mr. DAVIS of Texas rose.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] has the floor for five minutes in his own right.

Mr. FERRIS. Will the gentleman yield to me for a moment?

Mr. ANTHONY. I will yield to the gentleman from Texas [Mr. DAVIS] first.

Mr. DAVIS of Texas. I would like to have relief or information in a case like this: An old veteran, who had served perhaps a year and a half, happened to be on detail with a wagon with two other soldiers, and when the war closed the wagon ran over him. At any rate, he was left sick, and the other two, reporting for him, failed to report his situation. Hence, he is reported absent, or marked as a deserter. What is the relief in his case?

Mr. ASHBROOK. If he is on the rolls as a deserter, he has no right to a pension under the general law and has none in this committee.

Mr. DAVIS of Texas. Could he not prove his actual service and his innocence of the charge of desertion?

Mr. ASHBROOK. If those facts can be proven, he would be given an honorable discharge, and then would have a status on the rolls and would be pensionable.

Mr. DAVIS of Texas. Then, you would correct his record?

Mr. ASHBROOK. Yes; correct his record at the War Department.

Mr. TILSON. Mr. Speaker, will the gentleman from Kansas yield?

Mr. ANTHONY. I am bound to yield first to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I want to ask the gentleman from Ohio if it is not feasible and just to direct the clerk of the committee to go through that list and see that every Member who is not a member of the committee gets some part of the next bill?

Mr. ASHBROOK. I will say that since I have been on this committee I know that the present clerk is very diligent indeed in his efforts to get these bills distributed equably around among the Members. He calls them up on the telephone, and writes to them and speaks to them, and I do that myself; and we will be very glad to get every "finger in the pie" if the gentlemen will tell us what they want. [Laughter.]

Mr. FERRIS. I have no grievance to urge against the committee at all.

Mr. ASHBROOK. No; I do not believe the gentleman has any occasion to have any grievance against the committee.

Mr. FERRIS. The committee has been very kind to me, and I am grateful to them for what they have done for me. Some Members think they have not received consideration. Why not let the clerk give consideration and "check up noses," and see how many bills the Members have, and put some of them in the next bill?

Mr. ASHBROOK. I hope that any Member who feels that he has not been fairly treated will advise the committee.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] has the floor.

Mr. ASHBROOK. Mr. Speaker, I think he will yield to me the balance of the time.

The SPEAKER. You can not do that.

Mr. TILSON. Mr. Speaker, I rise in opposition to the amendment of the gentleman from Kansas.

The SPEAKER. The gentleman from Connecticut is recognized for five minutes.

Mr. TILSON. Mr. Speaker, I wish to ask the gentleman in charge of the bill whether his committee under any circumstances recommends pensions to soldiers who have not received an honorable discharge?

Mr. ASHBROOK. I believe that we in the past have reported out one bill that I recall where the soldier had two honorable discharges and one dishonorable discharge.

Mr. TILSON. Then, in other words, the gentleman's committee does sometimes give pensions where the Pension Office would hold that the service was not faithful; in other words, where the soldier has been separated from the service by means other than an honorable discharge?

Mr. ASHBROOK. In the case I refer to that undoubtedly is true. But the committee does not act favorably upon cases where the soldier is marked as a deserter on the roll. He must have an honorable discharge.

Mr. TILSON. As I understand it, it is within the jurisdiction of the Committee on Military Affairs——

Mr. ASHBROOK. No; the Committee on Invalid Pensions——

Mr. TILSON. No; the Committee on Military Affairs to pass upon the question as to whether he shall have an honorable discharge, to decide questions of this kind upon evidence submitted and upon the records of the War Department.

Mr. ASHBROOK. Of course, the gentleman understands that if a soldier secures an honorable discharge through the passage of a special bill reported by the Committee on Military Affairs the soldier has a status on the rolls and gets a pension in the regular way.

Mr. TILSON. That is what I wished to bring out, whether the Committee on Invalid Pensions also considers such questions as the Committee on Military Affairs usually passes upon; that is, whether a man has proved by proper testimony that in equity he is entitled to an honorable discharge. If the gentleman's committee accepts evidence of that kind, it seems to me the jurisdiction of the two committees overlaps.

Mr. ASHBROOK. The Committee on Invalid Pensions has plenty of duties of its own to perform without encroaching on the rights or prerogatives of the Committee on Military Affairs, and I am sure our committee does not so encroach.

Mr. TILSON. I have no disposition to guard the jurisdiction of the Committee on Military Affairs in this class of cases, but am making the inquiry because it occurred to me that it might be easier to get a bill of this character through the Committee on Invalid Pensions than it is to get it through the Committee on Military Affairs, for I, like other Members, have plenty of cases of this kind coming from my own constituents.

Mr. ASHBROOK. I hope I have made satisfactory answer to the gentleman's inquiry.

The SPEAKER. The pro forma amendments are withdrawn, and the Clerk will read.

The Clerk read as follows:

The name of Clarinda Mahoney, widow of Patrick H. Mahoney, late of Company E, Seventeenth Regiment United Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles W. Mahoney, helpless and dependent child of said Patrick H. Mahoney, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Clarinda Mahoney, the name of said Charles W. Mahoney shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Clarinda Mahoney.

The SPEAKER. The Clerk calls the attention of the Chair to the fact that in line 24, on page 2, after the word "United," the word "States" should be inserted.

Mr. ASHBROOK. That is correct, Mr. Speaker, and I offer that amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

The name of Clarinda Brauch, widow of Levi Brauch, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. ASHBROOK. Mr. Chairman, in the word "Brauch," which occurs twice in line 5, on page 20, I move to strike out the letter "u" and insert the letter "n," so as to make the word "Branch."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 5, strike out the letter "u" in the word "Brauch" and insert the letter "n."

The amendment was agreed to.

The Clerk read as follows:

The name of Theodore Kiefer, late of Company I, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

Mr. ASHBROOK. Mr. Speaker, I move to strike out lines 5 to 8, inclusive, on page 22.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, strike out lines 5 to 8, inclusive.

The amendment was agreed to.

Mr. RAGSDALE. Mr. Speaker, I move to strike out the last word. In the RECORD of to-day I find that the colloquy between Messrs. NORTON of North Dakota, FESS of Ohio, HEFLIN of Alabama, and RAGSDALE, as printed, does not show the colloquy as reported by the Official Reporters. I ask unanimous consent that the RECORD be amended by publishing in the RECORD the colloquy as reported by the Official Reporters, and by printing in parallel columns the colloquy as published, having been amended, and to show by whom amended.

Mr. KITCHIN. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from North Carolina objects.

Mr. RAGSDALE. Then, Mr. Speaker, I move——

Mr. GARRETT. I make the point of order that there is no quorum present.

Mr. HEFLIN. I would like to propound a question to the gentleman from South Carolina.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] makes the point of order that there is no quorum present.

Mr. GARRETT. I will withdraw that if the gentleman from South Carolina will yield the floor.

Mr. ASHBROOK. Mr. Speaker, the Committee on Invalid Pensions is entitled to the floor, and I ask that the Clerk proceed with the reading of the bill.

Mr. LANGLEY. It seems to me this is not the proper time to bring up a matter of this kind, a correction of the RECORD.

Mr. KITCHIN and others. Regular order!

The SPEAKER. The Chair can not listen to half a dozen at once. Did the gentleman from Tennessee [Mr. GARRETT] withdraw his point of no quorum?

Mr. GARRETT. I did. I withdraw the point.

The SPEAKER. The gentleman withdraws it. The gentleman from South Carolina [Mr. RAGSDALE] has not offered any resolution.

Mr. RAGSDALE. Yes; I move that the RECORD for January 25, 1917, be amended by printing the colloquy as reported between Messrs. NORTON of North Dakota, FESS of Ohio, HEFLIN of Alabama, and RAGSDALE in parallel columns, in one column printing the colloquies as reported by the Official Reporters of the House and in the parallel columns the colloquies as they appear in the RECORD, and that it show by whom corrected.

Mr. FERRIS. I make the point of order that that motion is not in order at this time, during the progress of the reading of a bill.

Mr. KITCHIN. This is not a question of personal privilege.

Mr. HEFLIN. I should like some time to be fixed when the gentleman from South Carolina and myself can be heard on this motion.

The SPEAKER. Both gentlemen now will keep still until the Chair can get this thing straightened out. The question is whether the matter that is offered by the gentleman from South Carolina is privileged. If the gentleman wants to be heard on that the Chair will hear him very briefly on the point of order.

Mr. RAGSDALE. Mr. Speaker, as I understand the colloquy yesterday, statements were made therein that the applause that I received came from the Republican side. It appears that the official report of the stenographer carries applause for Mr. HEFLIN on the Republican side. The RECORD as it appears shows that this has been stricken out by some one, and it appears in the RECORD as applause on the Democratic side.

Mr. HEFLIN. All of which is susceptible of proof by Members of the House.

The SPEAKER. The Chair thinks the gentleman from Ohio [Mr. ASHBROOK] has the right to the floor. After this bill is disposed of the gentleman can rise to a question of privilege, if any he have.

Mr. ASHBROOK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASHBROOK. The Committee on Pensions has a bill——

The SPEAKER. Does the gentleman from Ohio want the floor?

Mr. ASHBROOK. I do.

The SPEAKER. The Chair has just decided that the gentleman is entitled to it.

Mr. ASHBROOK. I ask that the clerk proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion by Mr. ASHBROOK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSIONS (H. R. 20496).

Mr. KEATING. Mr. Speaker, I call up the bill H. R. 20496.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William B. Yeater, late of Company C, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Silas H. Fish, late of Company D, Thirty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Howe, late of Company G, Thirtieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Susan Bertin, dependent mother of Frank B. Bertin, late of Casual Detachment, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William T. East, late of Company B, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Addison M. Zoll, late of Governor's Troop, Pennsylvania Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas M. Ranes, late of Company C, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Jess Musgrave, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas W. Maples, late of Company H, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Will M. Lillard, late of Company G, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary E. Constable, incompetent daughter of Jacob H. Constable, late of Company D, First Regiment North Carolina Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $12 per month, payments to be made to the duly appointed gaurdian.

The name of Charles D. Robertson, alias Charles D. Harris, late of Company H, Twenty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Black, late of Company D, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred Craig, late of Company E, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Martin J. Healey, late of Company M, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of William Matthews, late of Company C, Ninth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert T. Lucy, late of Company G, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Francis J. O'Hearn, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James J. Held, late of Company F, First Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Michael J. Walsh, late of Company C, Ninth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frederick G. Oldt, late of Battery E, First Regiment United States Light Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles F. Coss, late of Company M, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William Hall, late of Company E, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jerome Wilsey, late of Companies E and C, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of George J. Krebs, late of Company K, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of William S. Tomey, late of Troop G, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Russell B. Tripp, late of Company D, Sixteenth Regiment United States Infantry, War with Mexico, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oscar K. Stinson, late of Sixty-fifth Company, United States Coast Artillery Corps, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hamilton Masse, late of Company L, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of James Park Harris, late of Battery G, First Regiment Ohio Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edgar Abbott, late of Company L, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ella J. Hills, widow of Charles F. Hills, late of Company E, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the two minor children of the said Charles F. Hills until they reach the age of 16 years.

The name of John R. Bare, alias John R. Barrett, late of Company I, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George F. Randall, late of Company M, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Henry Fields, late of Company A, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George W. Fetterman, late of Company D, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Garrisson M. Wright, late of Company G, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of David W. Corson, late of Company G, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Homer E. Mills, late of Company C, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles B. Montgomery, late of Company C, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Claudia E. Geary, widow of Thomas W. Geary, late of United States Marine Corps, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Edward R. Turnbach, late of Governor's Troop, Pennsylvania Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The name of James L. McPherson, late of U. S. S. *Boston*, United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Michael Kilrow, late of Company G, Thirteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry Jordan, late of Troop D, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles A. Galley, late of Troop E, Sixth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Ulysses S. Hall, late of Company C, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth Boetticher, widow of Albert Boetticher, late of Company E, Eighteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William M. Noel, late of Company M, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Fred J. Wagner, late of Battery G, Fourth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of John A. Bockheim, late of Company K, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph F. Reilly, late of Company F, Fourteenth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lawrence Hubschman, late of Company A, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $6 per month.

The name of William Lendemann, late of Troop I, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Schallert, late of Company A, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Delos M. Dodge, late first lieutenant of Company G, Second Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of J. George Spettel, late of Company K, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles B. Boyd, late of Company D, Fiftieth Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Milo D. Heath, late of Company G, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charlie Forbes, late of Troop E, Eleventh United States Cavalry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Bruce Frantz, late of Company M, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jesse G. Lott, late of Company I, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John N. Jackson, late of Troop M, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Catharine Cocain, dependent mother of Charles E. Cocain, late of United States ship Constellation, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Amelia Pagan de Rolfes, widow of Henry H. Rolfes, late of Second Battalion, Porto Rico Provisional Regiment Infantry,

Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the four minor children of the said Henry H. Rolfes until they reach the age of 16 years.

The name of William T. Giles, late of Companies D and M, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harriet A. Pearman, widow of William E. Pearman, late hospital steward in the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Ed Hastings, late of Company I, Sixth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John N. Jennings, late of Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James C. Herrington, late of Company F, Fifty-first Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Berton E. Archer, late of Company E, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Edward J. McCauley, late of Company E, Fourteenth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of John F. Dodder, late of Company A, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James O'Heron, late of Company G, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John C. Gaskins, late of Company M, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles Dippre, late of Twenty-second Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Laura D. Bricker, dependent mother of William F. Bricker, late lieutenant commander United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Reuben D. Way, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James J. Scally, late of Company E, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allie M. Kirkwood, late of Company E, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Horace Kecter, late of Company B, Second Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph L. Rollins, late of Company G, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward H. Osmond, late of Company C, First Regiment Ohio Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lynn J. Heldreth, late of the Ninety-fifth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Catherine Burke, dependent mother of Michael J. Burke, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Asa C. Wood, late of Company H, Second Battalion Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Reuben R. Vail, late of Company D, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Daniel J. Keefe, late of Company A, Ninth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry Kraft, late of Troops B and F, Eleventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James E. Ratliff, late of Troop C, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Samuel A. Holt, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John P. Phillips, late of Capt. Isaac J. Carter's independent company, Florida Mounted Volunteers, Indian wars, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clark Brown, late of Company I, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Brother Buis, late of Company I, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry O. Weckle, late of Company C, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Gifford Ramey, late of Company E, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Thomas Hosking, late of Company E, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jacob Bruno, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Keels, late of Anderson's battery, South Carolina Volunteer Heavy Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Robert Wilks, late of Company E, Third Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Leo V. Burchett, late of Company D, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Victor Lewis, late of Company F, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Wiley Lawson, late of Company F, Ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John W. Paulus, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Fred W. Porter, late of Company H, First Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John A. Jaynes, late of Troop E, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Bowen, late of Troop E, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Fried, dependent mother of the late Louis O. Fried, late of the U. S. S. *Arkansas*, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Harry L. Relf, late of Company L, Second Regiment Louisiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of David O. Thomas, late of Company E, Fifteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles E. Derr, late of Company H, Eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas S. Martin, late chief yeoman, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Al. A. Reineck, late of Company K, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth Noland, widow of Thomas Noland, late of Company C, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month upon her furnishing the Bureau of Pensions with satisfactory evidence that she is the lawful widow of the said Thomas Noland.

The name of Eugene B. Richard, late of Troop E, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry E. Bryan, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Christian S. Lowe, late of Company L, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Marcel H. Poirier, late of Troop C, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John T. Lowrey, late of Company D, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edgar M. Curtis, late of Company A, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lee J. Cochran, late of Troop F, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William J. Abrams, late of Troop C, Second Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Florence E. Edinger, widow of Frederick Edinger, late of United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of the said Frederick Edinger, Anna N. Edinger, until she reaches the age of 16 years.

The name of Lyman Byers, late of Company L, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Laura E. Elliott, widow of Benjamin F. Elliott, late of Capt. M. M. Williams's Company D, Recruiting Battalion, Second Regiment Oregon Mounted Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marie Viglini, widow of Charles W. Viglini, late of Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the two minor children of the said Charles W. Viglini until they reach the age of 16 years.

The name of Jesse Walters, late of Company H, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis F. Moebus, late chief musician of Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank Clark, late of Company M, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George C. Sausser, late second lieutenant Company L, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Hansford Austin, late of Company M, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William L. Killoren, late of Company I, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Edward M. Walters, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Mary Suhr, widow of Jacob Suhr, late of Company C, First Regiment United States Infantry, Indian wars, and pay her a

pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Davison, widow of George Davison, late of Company I, United States Mounted Rifles, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Paralee Jackson, widow of William J. Jackson, recruit, unassigned, United States Army, War with Mexico, and pay her a pension at the rate of $20 per month upon her filing with the Pension Bureau satisfactory evidence to show she is the lawful widow of the said William J. Jackson.

The name of James M. Neighbors, late of Company H, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Polly Ann Bowman, widow of John Bowman, late of Capt. H. Garmeny's Company I, Georgia Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The names of George G. Hoffman, Werner L. Hoffman, and Josephine J. Hoffman, minor children of Werner L. Hoffman, late of United States Marine Corps, War with Spain, and pay them a pension at the rate of $12 per month, and $2 per month additional on account of each of the three minor children of the said Werner L. Hoffman until they reach the age of 16 years. Payment to be made to duly appointed guardian.

This bill is a substitute for the following House bills referred to said committee:

H. R. 1238. William B. Yeater.
H. R. 1398. Silas H. Fish.
H. R. 1476. Richard Howe.
H. R. 1699. Susan Bertin.
H. R. 1706. William T. East.
H. R. 1797. Addison M. Zoll.
H. R. 1829. Thomas M. Ranes.
H. R. 2063. Jess Musgrave.
H. R. 2355. Thomas W. Maples.
H. R. 2362. Will M. Lillard.
H. R. 2397. Mary E. Constable.
H. R. 2621. Charles D. Robertson, alias Charles D. Harris.
H. R. 2680. Charles Black.
H. R. 2759. Fred Craig.
H. R. 3163. Martin J. Healey.
H. R. 3954. William Matthews.
H. R. 4037. Robert T. Lucy.
H. R. 4522. Francis J. O'Hearn.
H. R. 4958. James J. Held.
H. R. 5045. Michael J. Walsh.
H. R. 5053. Frederick G. Oldt.
H. R. 5142. Charles F. Coss.
H. R. 5323. William Hall.
H. R. 5394. Jerome Wilsey.
H. R. 5954. George J. Krebs.
H. R. 5977. William S. Tomey.
H. R. 6202. Russell B. Tripp.
H. R. 6259. Oscar K. Stinson.
H. R. 6620. Hamilton Masse.
H. R. 6937. James Park Harris.
H. R. 7802. Edgar Abbott.
H. R. 7832. Ella J. Hills.
H. R. 7877. John R. Bare, alias John R. Barrett.
H. R. 7945. George F. Randall.
H. R. 8298. Henry Fields.
H. R. 8392. George W. Fetterman.
H. R. 8528. Garrison M. Wright.
H. R. 8972. David W. Corson.
H. R. 9203. Homer E. Mills.
H. R. 9245. Charles B. Montgomery.
H. R. 9448. Claudia E. Geary.
H. R. 9562. Edward R. Turnbach.
H. R. 9778. James L. McPherson.
H. R. 9860. Michael Kilrow.
H. R. 10074. Henry Jordan.
H. R. 10355. Charles A. Galley.
H. R. 10620. Ulysses S. Hall.
H. R. 10725. Elizabeth Boetticher.
H. R. 10748. William M. Noel.
H. R. 10891. Fred J. Wagner.
H. R. 10892. John A. Bockheim.
H. R. 11105. Joseph F. Reilly.
H. R. 11496. Lawrence Hubschman.
H. R. 11568. William Lendemann.
H. R. 11669. Frank Schallert.
H. R. 11769. Delos M. Dodge.
H. R. 11888. J. George Spettell.
H. R. 11903. Charles B. Boyd.
H. R. 12085. Milo D. Heath.
H. R. 12360. Charlie Forbes.
H. R. 12434. Bruce Frantz.
H. R. 12659. Jesse G. Lott.
H. R. 12834. John N. Jackson.
H. R. 2855. Catharine Cocain.
H. R. 12940. Amelia Pagan de Rolfes.
H. R. 13053. William T. Giles.
H. R. 13312. Harriet A. Pearman.
H. R. 13326. Ed Hastings.
H. R. 13433. John N. Jennings.
H. R. 13602. James C. Herrington.
H. R. 13633. Berton E. Archer.
H. R. 13741. Edward J. McCauley.
H. R. 13746. John F. Dodder.
H. R. 14164. James O'Heron.
H. R. 14205. John C. Gaskins.
H. R. 14312. Charles Dippre.
H. R. 14357. Laura D. Bricker.
H. R. 14379. Reuben D. Way.
H. R. 14574. James J. Scally.
H. R. 14605. Allie M. Kirkwood.
H. R. 14648. Horace Keeter.
H. R. 14652. Joseph L. Rollins.
H. R. 14799. Edward H. Osmond.
H. R. 14965. Lynn J. Heldreth.
H. R. 15011. Catherine Burke.
H. R. 15207. Asa C. Wood.
H. R. 15247. Reuben R. Vail.
H. R. 15267. Daniel J. Keefe.
H. R. 15292. Harry Kraft.
H. R. 15371. James E. Ratliff.
H. R. 15413. Samuel A. Holt.
H. R. 15448. John P. Phillips.
H. R. 15520. Clark Brown.
H. R. 15556. Brother Buis.
H. R. 15648. Henry O. Weckle.
H. R. 15654. Gifford Ramey.
H. R. 15751. Thomas Hosking.
H. R. 15784. Jacob Bruno.
H. R. 15849. William E. Keels.
H. R. 15850. Robert Wilks.
H. R. 15901. Leo V. Burchett.
H. R. 15911. Victor Lewis.
H. R. 15920. Wiley Lawson.
H. R. 16072. John W. Paulus.
H. R. 16106. Fred W. Porter.
H. R. 16200. John A. Jaynes.
H. R. 16292. William C. Bowen.
H. R. 16424. Mary Fried.
H. R. 16497. Harry L. Relf.
H. R. 16513. David O. Thomas.
H. R. 16716. Charles E. Derr.
H. R. 16804. Thomas S. Martin.
H. R. 17072. Al A. Reineck.
H. R. 17363. Elizabeth Noland.
H. R. 17564. Eugene B. Richard.
H. R. 17773. Harry E. Bryan.
H. R. 17775. Christian S. Lowe.
H. R. 17913. Marcel H. Poirier.
H. R. 17972. John T. Lowrey.
H. R. 18030. Edgar M. Curtis.
H. R. 18060. Lee J. Cochran.
H. R. 18109. William J. Abrams.
H. R. 18113. Florence E. Edinger.
H. R. 18244. Lyman Byers.
H. R. 18258. Laura E. Elliott.
H. R. 18357. Marie Viglini.
H. R. 18368. Jesse Walters.
H. R. 18416. Louis F. Moebus.
H. R. 18422. Frank Clark.
H. R. 18426. George C. Sausser.
H. R. 18572. Hansford Austin.
H. R. 18644. William L. Killoren.
H. R. 18764. Edward M. Walters.
H. R. 19130. Mary Suhr.
H. R. 19262. Elizabeth Davison.
H. R. 19301. Paralee Jackson.
H. R. 19608. James M. Neighbors.
H. R. 19737. Polly Ann Bowman.
H. R. 19975. George G. Hoffman, Werner L. Hoffman, and Josephine J. Hoffman, minors.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of William B. Yeater, late of Company C, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

Mr. SMITH of Minnesota. Mr. Speaker, I move to strike out the last word. I rise for the purpose of getting some information as to the basis on which this claim was allowed. I have some pension bills before this committee, and have had for the last two years. No one is more in favor of pensioning our soldiers and sailors who can show that they are entitled to a pension than I. But I do not think the committee ought to allow any claim unless there is some merit in it.

I have been examining the report of the committee and I find some that have less merit than those of my constituents. I would like to ask the gentleman in charge of the bill to state what are the grounds on which the claim is allowed for William B. Yeater.

Mr. KEATING. Mr. Speaker, the committee has submitted a report which contains all the evidence offered in this case. It would take some time to read that evidence, as it covers almost two pages of this printed report. I am not personally familiar with the record, but a cursory examination shows that the soldier served five years in the Regular Establishment. Affidavits have been submitted for the purpose of proving that the soldier's disabilities are attributable to service in the Army. At any rate, they were sufficient to convince the members of the subcommittee who considered the same, and the subcommittee made a report to the full committee, and the full committee accepted the report.

Mr. SMITH of Minnesota. The War Department records show that the ailments from which the man was suffering when discharged were not received in line of duty.

Mr. KEATING. It shows that some ailments he contracted in the line of duty and some he did not.

Mr. SMITH of Minnesota. But nothing upon which he bases his claim for pension was received in line of duty.

Mr. KEATING. I have not read the entire report, but I think the gentleman is mistaken on that point.

Mr. SMITH of Minnesota. Besides, this claimant owns a farm worth $5,000 at the present time, and still the committee recommends that he receive a pension.

Mr. KEATING. The farm is one of those Missouri farms, and, while it is worth $5,000, the income is only $300. It is not a Minnesota farm nor a Colorado farm.

Mr. SMITH of Minnesota. That depends on how you work it. The land is better in Missouri than it is in Minnesota.

Mr. BORLAND. There is no doubt about that.

Mr. SMITH of Minnesota. It all depends upon the amount of labor put on the farm. Mr. Speaker, I bring this to the attention of the Members to show the character of proof that is required by the Committee on Pensions before they will pass one of these bills. I believe the claim ought to be allowed, notwithstanding the War Department has found that on two occasions there was no evidence upon which to base a claim for a pension. Still this committee has taken other evidence that satisfies it that his case should receive some consideration. In the matter that I have in mind the facts will show this. The party enlisted in 1868 and served for three years in the Regular Establishment. During a part of that time, and especially the last winter, he was required to spend two or three months in the woods in northern Minnesota, where he had to sleep on the cold ground, from which exposure he contracted rheumatism, and his eyes became affected. He remained an invalid from the time he received his discharge to his death.

From the time he was discharged from the Army until the time he died, two or three years ago, he was always a sufferer from rheumatism and from an affliction of the eyes which the evidence shows was traceable to the exposure he underwent that winter. That is testified to by one of his comrades who was with him. That is testified to by a number of doctors, bringing it down to date. I say it occurs to me that that sort of a case is just as much, if not more, entitled to consideration than dozens of matters that are included in this bill.

Mr. SHERWOOD. Did the gentleman present that before the committee?

Mr. SMITH of Minnesota. I have had it before the committee. I am not complaining that the committee has treated me differently from anyone else, but I think it is time that the House should know how these matters are being handled.

Mr. McARTHUR. Mr. Speaker, I was a member of the subcommittee that reported this claim to the main committee. The subcommittee went into this case very carefully and made a favorable report to the main committee, and that report was sustained. This particular bill in question was introduced into the Congress by our honored Speaker, and I know that he would not introduce a bill asking for a pension unless it were meritorious. I do not think there is any ground for the criticism of the gentleman from Minnesota [Mr. SMITH] against this particular bill. It is hard for the subcommittees or the main committee of the Committee on Pensions to make any hard and fast rule for the consideration of all claims. If there were a hard and fast rule, all claims could be settled by the Bureau of Pen-

sions; but there must be a flexibility in these matters, and we must determine them upon their individual merits. The purpose of the Committee on Pensions is to do equity where equity exists, and it does in this case. This committee went into this case very carefully and made its report. That report was unanimously adopted by the main committee, and it is presented here for your consideration. I trust it will be allowed to remain as it stands.

Mr. CLARK of Missouri. Mr. Speaker, I would like to address the House for a few minutes upon this particular claim. If anyone ever deserved a pension, this man William B. Yeater, of Perry, Mo., does. I desire to refer now to what the committee found in respect to this bill (H. R. 1238):

H. R. 1238. William B. Yeater, Perry, Mo., served in the Regular Establishment in Company C, First United States Infantry, from June 6, 1891, to June 5, 1896, when honorably discharged.

Here is what that committee found was the matter with Mr. Yeater, and it is a wonder he did not die:

The records of the War Department show medical treatment in service for vaccinia, contusion of the right side of abdomen (strained and bruised while playing football), and tonsillitis, all in line of duty. Also, for acute inflammation of glands of left groin, nonvenereal, contracted in some way while absent on leave, and not held as due to line of duty.

Soldier filed a claim for pension in 1914, based upon rupture of right side and injury of left groin. The rupture was rejected on the ground of no record to show same incurred in service. The injury to left groin was rejected because the record of the War Department shows same was not due to line of duty.

Let us see what the witnesses say: Mr. C. G. Daniel, vice president of the Vandalia Banking Association, of Vandalia, Mo., one of the foremost citizens of the State, testifies that this man has a farm on which there is an incumbrance of $3,800, and that he owes a personal obligation of $300.

But they say that the income is $300. Well, now, right in that particular region there is some land worth $150 to $200 an acre, whereas in the belt of hills it is worth very little. Everybody in that western country knows about these brakes. So far as the property is concerned, the man has none. Now, here is what Dr. Parrish, the oldest physician in this town, states:

The undersigned, J. C. Parrish, of Vandalia, Audrain County, Mo., upon oath, states: I have to-day examined Mr. William B. Yeater, formerly of Company C, First United States Infantry, stationed at Angel Island, Cal., in 1894. Mr. Yeater is suffering from a direct inguinal hernia of the right side, and is compelled to wear a truss constantly. He reports that this hernia appeared in 1894 while in the service, he thinks, as a result of hurdle jumping and other exercises provided for the service. On the left side the inguinal glands were removed at about that time, according to his statement, and the scars indicate that an extensive operation for removal of the inguinal glands was performed. The left hip since that time has given him more or less discomfort, and now he has a halting stride in walking.

Now, if men are being pensioned who get hurt in the Army, he is entitled to his pension, because he has not got enough property to live on. [Applause.]

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

The name of Jess Musgrave, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

Mr. ASHBROOK. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, following line 2, add the name of Louisa Carey, widow of Joseph B. Crowley, late of Company B, Third Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month.

Mr. STAFFORD. Mr. Speaker, is this a committee amendment?

Mr. KEATING. No; it is not.

Mr. ASHBROOK. Mr. Speaker, if I may be recognized——

Mr. STAFFORD. Mr. Speaker, I yield the floor.

Mr. KEATING. Mr. Speaker, this is an amendment to grant a pension to a remarried widow of the Mexican War. Under the law she is not entitled to a pension. It was probably the intention of the author of the Ashbrook bill to include remarried Mexican War widows in the bill which we passed at the last session, but they were not included. The Committee on Pensions has adopted a rule by which all such pension bills are rejected. Mr. Ashbrook's bill was rejected, as we have rejected bills of other Members of the House. I do not think I am revealing any secret of the committee when I say that that determination was reached by a majority vote. Some members of the committee, the minority of the committee, including the chairman of the committee, took the position Mr. ASHBROOK takes. The chairman of the committee [Mr. KEY of Ohio] is unable to be here to-day, and he has asked me to read in my time the following statement, which he prepared in reference to the amendment just offered by Mr. ASHBROOK. I will ask the Clerk to read the statement.

The SPEAKER pro tempore. The Clerk will read Mr. KEY's statement in the time of the gentleman.

The Clerk read as follows:

"I am not surprised that the gentleman has brought before the House and suggests the addition to the pending bill a provision for pensioning this remarried widow. I wish to state very briefly the facts in connection with the case. The Committee on Pensions, under Rule X, has always disposed of remarried-widow cases along the lines provided for in the general pension law of March 3, 1901, which required, first, that she should have been the wife of her soldier husband during some part of his service in a war; second, that she should show her dependent condition; and, third, that her subsequent marriage or marriages should have been dissolved without fault upon her part. On September 8, 1916, Congress approved what is known as the Ashbrook law, which the gentleman himself introduced. Under the second section of this law the first and second requirements of the former act relating to remarried widows was abolished as far as Civil War widows are concerned. In order to obtain a pension under the Ashbrook law a widow of a Civil War soldier who remarried has now only to show the death of her second husband, or that she was divorced from him without fault upon her part. This law relates entirely to Civil War widows, however; it does not extend this liberal provision to remarried widows of the Mexican War, any of the Indian wars, or the War of 1812, although all of these wars occurred prior to the Civil War. At a recent meeting of the Committee on Pensions I brought to the attention of the committee the case of the remarried Mexican War widow the gentleman refers to, together with that of a remarried widow of the War of 1812, and invited a full discussion as to whether we should adhere to our former practice in this class of cases or regard Congress, in the passage of the act of September 8, 1916, as intending to mean that the liberal provisions as to remarried widows in that law should apply to the widows of all wars prior to the Civil War. After a full discussion of the matter, the committee, by a majority vote, tabled both of these claims and passed a resolution instructing the examiner to prepare no more claims of a similar character. In event this item should be added to the bill, as the gentleman requests, I think the Committee on Pensions would construe such action as meaning that Congress does intend the liberal remarried-widow section of the Ashbrook law to apply to all war widows prior to the Civil War.

"I think that the Committee on Pensions by a two-thirds vote has waived its rule in recent Congresses and allowed by special act two remarried Mexican War widows, whose sad physical, mental, and financial condition caused them to believe such action was proper."

Mr. ASHBROOK. Mr. Speaker, I will take up the time of the committee as briefly as possibly but I want to say that there is no doubt but what it was the intention, when the Ashbrook widows' pension law was passed, to put widows of the Mexican War upon the same status as widows of the Civil War. There is no doubt about that, and under section 1 of that law they are on the same basis or status as those of the Civil War, but in section 2, which relates to remarried widows, through an oversight in the Senate, where amendment was made, such Mexican War widows were not included. I want to say just one word about this case. By the way, this case is really one which belongs to the gentleman from Illinois [Mr. FOSTER] who is now occupying the Speaker's chair.

Mr. IGOE. Will the gentleman yield?

Mr. ASHBROOK. Allow me to make this statement and then I will be glad to yield. Joseph D. Crowley, whom I am informed was a relative of a former Member of this body, enlisted in the Mexican War on June 1, 1846, and served 13 months when he received an honorable discharge. He incurred disabilities in the service but was never pensioned. In 1852 he was married to Louisa Williams, with whom he lived until his death five years later. Seven years after that time this widow was remarried to a man by the name of William Carey, with whom she lived until his death in 1913.

Now, this woman is 83 years old. She has no relatives in the world except a granddaughter, who, by the way, is a widow, and with whom she lives and makes her home, and who is compelled to work out for a living to support herself and this old grandmother, who has no property and no income and is helpless and unable to help herself in any way. It is clearly an act of justice and humanity to treat these old Mexican War widows, as there are only just a handful of them left, the same as we

treat the Civil War widows. And I trust that this amendment will pass. [Applause.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. ASHBROOK].

Mr. KEATING. Mr. Speaker, I ask unanimous consent for five minutes. I will probably not take the time.

Mr. LEVER. Mr. Chairman, reserving the right to object, it is very necessary, I will say to the gentleman from Colorado [Mr. KEATING] that certain resolutions be passed by this House as quickly as possible in order that they may be messaged to the Senate, and I trust we will not have a discussion of this matter here, because I have been patiently waiting here, as the gentleman knows, for quite a while. The other body may adjourn at any moment, and I am very anxious to have this resolution sent there before adjournment.

Mr. KEATING. Mr. Speaker, I merely wish to state that I am personally opposed to this amendment, and I hope it will not carry.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. ASHBROOK].

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. KEATING. Division, Mr. Speaker.

The committee divided, and there were—ayes 51, noes 18.

So the amendment was agreed to.

The Clerk read as follows:

The name of David W. Corson, late of Company G, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The SPEAKER pro tempore. Without objection, the dollar sign will be placed before the figures "50," in line 15.

There was no objection.

Mr. BENNET. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee how it is that a man gets a bill reported out of this committee, anyway?

Mr. KEATING. It is a very simple process, Mr. Chairman.

Mr. BENNET. I have not found it so.

Mr. KEATING. In all seriousness, Mr. Chairman, this committee can not be charged with displaying favoritism toward any Member of the House or toward either side of the House. The bills are reported out without regard to the identity of the Members or their political affiliations.

Mr. BENNET. That casts rather a doubt on the fact of whether I have any political affiliations, I am afraid. I have five bills in the committee, all of which I regard as meritorious, some more so than others. Before I left at the close of the long session I went to the clerk of the committee and called his attention to the fact that names commencing with "B" seemed to be neglected so far as the twenty-third district of New York was concerned, and he said he would have one of my bills written up. I went to him when I came back at the beginning of this session, and he said it would be attended to. I went to him a little later on, and he said the matter would receive attention when the first omnibus bill came up. I have read the list of names very carefully, and I do not find any of the names of the people attached to the bills I have introduced, and the process, so far as I am concerned, does not seem to be so simple.

Mr. KEATING. Mr. Chairman, it is a physical impossibility for the examiner of the committee to report out every case submitted to him.

Mr. BENNET. Ought not each Member to get at least one bill if he has a meritorious bill?

Mr. KEATING. I do not know that that would be a good rule.

Mr. BENNET. I am not saying it would.

Mr. KEATING. And I will say, in so far as the committee is concerned, it endeavors to distribute the bills among the different Members. A very conscientious effort is made along those lines without determining definitely whether a Member is entitled to one bill or two bills. But we do endeavor to see to it that each Member has a square deal.

Mr. BENNET. I have the case of a man who suffers from causes clearly due to Army service. For certain reasons he can not get a pension in the regular way. In other cases in former years I have been able to get pension bills where the cases were not more meritorious than this one.

Mr. KEATING. I suggest to the gentleman that he consult with his colleague from Oregon [Mr. MCARTHUR], and he will find out the way to proceed.

Mr. BENNET. Then, I feel I have not wasted the five minutes that I have occupied.

The Clerk read as follows:

The name of Catharine Cocain, dependent mother of Charles E. Cocain, late of U. S. S. *Constellation*, United States Navy, Regular Establishment, and pay her a pension at the rate of 12 per month.

The SPEAKER pro tempore. Without objection, the dollar sign will be placed before the figures "12" in line 17.

There was no objection.

Mr. MAPES. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Michigan moves to strike out the last word.

Mr. MAPES. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman from Colorado [Mr. KEATING] a question in regard to the policy of the committee in granting, or rather not granting, pensions to widows of veterans of the Spanish War.

I understand that it is the policy of the committee not to pass any bills granting pensions to widows of veterans of the Spanish War, although I discover in looking over this bill and the report accompanying it that the committee has come dangerously near violating what I have been told was the policy of the committee, as will appear by reference to the report on H. R. 7822. The committee has perhaps saved itself from the charge of inconsistency in this respect in that case on account of the service of the soldier in the Regular Establishment for a few days.

I would like to ask if there is any prospect of the committee changing its policy so that the deserving widows of the veterans of the Spanish War will be able to get a pension before the passage of the Key bill, which is apparently tied up in the Senate?

Mr. KEATING. The committee takes the position that evidence must be submitted to show that the soldier died of disabilities incurred in the service. The widow must make a reasonable showing in that particular. Where the widow frankly admits that the soldier did not die of disabilities incurred in the service, then the committee will not recommend a pension; but where the widow makes a reasonable showing, a showing sufficient to convince the members of the committee, the committee will recommend the granting of a pension.

Mr. MAPES. Of course if the widow can make a showing that the soldier died because of disabilities incurred in the service, she is entitled to a pension through the Bureau of Pensions under the general law.

Mr. KEATING. In some cases it is much easier to convince a committee of Members of the House than it would be to convince the examiners of the Pension Bureau.

Mr. MAPES. I will say to the gentleman that I have had before the committee for two or three years bills to pension two widows, both of whom have children and no property whatever. One of them has three small children, and is trying the best she can to support herself and children by manual labor, working in a factory, the last I knew. The other is similarly situated. No more deserving cases could be imagined. I am told that the reason why the committee does not report these bills and others of a like nature is because it feels that by holding them up it can hasten the passage of the Key bill in the Senate.

Mr. KEATING. Exactly.

Mr. MAPES. I do not think that this policy of the House committee will affect the Senate a particle, and it seems to me that there are no more meritorious cases coming before the committee than the cases of these widows with minor children, who are obliged to support themselves and children. It seems to me that the policy of the committee is working a great hardship to those widows.

Mr. MCARTHUR. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MCARTHUR. Does not the gentleman think that every one of these cases that could be passed in the form of a special bill should await the passage of the Key bill through the Senate.

Mr. MAPES. I do not think so. I do not think we should await the passage of the Key bill any longer. I hope the committee will reconsider its action in this respect and report out these deserving bills.

The SPEAKER. The gentleman from Michigan withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

The name of Amelia Pagan de Rolfes, widow of Henry H. Rolfes, late of Second Battalion, Porto Rico Provisional Regiment Infantry, Regular Establishment, and pay her a pension at the rate of 12 per month, and $2 per month additional on account of each of the four minor children of the said Henry H. Rolfes until they reach the age of 16 years.

The SPEAKER. In line 21, page 11, before the figures "12" the dollar mark is left out. Without objection, it will be put in.

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The name of John W. Paulus, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

Mr. CLINE. Mr. Speaker, I move to amend by striking out, in line 14, page 17, the figures "$17" and inserting in lieu thereof "$24."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amend, page 17, line 14, by striking out the figures "$17" and inserting "$24."

Mr. CLINE. Mr. Speaker, I do not feel that I would be doing my duty to consent to this rate without some objection. It is too low. In the eight years that I have been a Member of this House I have never offered an amendment to a pension bill to increase the rate. This man Paulus spent two years in the Philippine Islands and contracted disease resulting in paralysis of the lower limbs. He received $10 a month because of his service, and the disease contracted in the Philippines.

He served two years, and within a year after he came out of the service he became totally helpless, paralyzed in his lower limbs and seriously diseased in the stomach and bowels. The doctors at the Pension Office did not take that into account—the paralysis of the lower limbs—because they said there was no pathological relationship between disease of the stomach and the paralysis of the lower limbs; but I take it that this committee wants to do justice to this man instead of adhering too closely to a rigid rule. I have no criticism to make of the committee, but this man came home from the Philippines after two years of service completely disabled. He has an old mother, broken in health, who goes out and does most menial service by the day to support this son in his present physical condition.

After I found that this committee had given this man $17 a month I could not imagine under what rule it had provided that amount. I want to ask this House whether it wants to say, by rejecting this amendment, that it wants to pay a man who is completely paralyzed and confined to his house only $17 a month for going 7,000 miles from home and defending his country's flag for two years in the Philippines. That is the question involved in the rejection of this amendment.

The evidence that was had before the committee came from the best men in Columbia City, Ind., his home. One of them is the postmaster at Columbia City. Another man who testified, Mr. McLallan, is a member of the Federal Reserve Board and a man of high character. I know this case personally.

Mr. SHERWOOD. How much did the gentleman ask for in the committee?

Mr. CLINE. I do not remember what I asked for in the bill. I know the case is one of the greatest merit, and this House, which expects to do justice by the defenders of its flag, is not in a position to say that a man who goes to the Philippines and spends two years in that country, defending the flag, and coming home becomes absolutely helpless, ought to be satisfied with $17 a month.

The SPEAKER. The question is on the amendment.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that we may be permitted to conclude the consideration of this bill after the reading of the Journal to-morrow morning; and I do that for the purpose of giving the gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture, an opportunity to present to the House an important resolution.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be pending to-morrow immediately after the reading of the Journal. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection.

There was no objection.

LEAVE OF ABSENCE.

Mr. FESS. Mr. Speaker, my colleague [Mr. COOPER of Ohio] was called home suddenly by the death of a member of the family, and I ask unanimous consent that leave of absence be granted to him for one week.

The SPEAKER. The gentleman from Ohio asks unanimous consent that leave of absence for one week be granted to his colleague [Mr. COOPER of Ohio] by reason of a death in the family. Is there objection?

There was no objection.

DEATH OF REPRESENTATIVE FINLEY.

Mr. LEVER. Mr. Speaker, it is my sad duty to announce to this House the death of Hon. DAVID EDWARD FINLEY, a Member of the House from South Carolina. Mr. FINLEY's death took place at 12.30 o'clock to-day in a sanitarium at Charlotte, N. C. I shall ask the House to set aside a date later when proper tribute may be paid to the character of the distinguished deceased. At this time I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 470.

Resolved, That the House has heard with profound sorrow of the death of Hon. DAVID EDWARD FINLEY, a Representative from the State of South Carolina.

Resolved, That a committee of 18 Members, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to; and the Speaker announced as the committee on the part of the House Messrs. LEVER, AIKEN, BYRNES of South Carolina, BAILEY, RAGSDALE, NICHOLLS of South Carolina, MOON, LLOYD, BELL, COX, BLACKMON, GOODWIN of Arkansas, MANN, STEENERSON, MADDEN, KAHN, BRITT, and WASON.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the Speaker of the House, Hon. CHAMP CLARK, may be added to this committee of Members delegated to attend the funeral.

The SPEAKER. The gentleman asks that the Speaker's name be added to this list. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Saturday, January 27, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting a list of 55 leases granted by the Secretary of War during the calendar year 1916 (H. Doc. No. 1989); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary channel leading into Carolina Beach Pier, Cape Fear River, in New Hanover County, N. C. (H. Doc. No. 1990); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Liberty, or Poulsbo, Bay, Wash. (H. Doc. No. 1991); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Ordnance Department for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 1992); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of appropriation in the sum of $25,000,000 to enable the President, in consideration of the cession of the Danish West Indian Islands to the United States, to pay the Government of Denmark on or before April 17, 1917 (H. Doc. No. 1993); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill (H. R. 20361) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 1357), which said bill and report were referred to the House Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 6704) to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9, of Sanders County, Mont., reported the same with amendment, accompanied by a report (No. 1358), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 6670) authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State, reported the same without amendment, accompanied by a report (No. 1359), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 19424) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., 52, 53), reported the same with amendment, accompanied by a report (No. 1360), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (H. R. 20228) to renew patent No. 25909, reported the same without amendment, accompanied by a report (No. 1361), which said bill and report were referred to the House Calendar.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations, reported the same with amendment, accompanied by a report (No. 1363), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII:

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, reported the same with amendment accompanied by a report (No. 1362), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 17122) granting an increase of pension to Barbara Johnson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 20534) granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: A bill (H. R. 20535) permitting the Conway County Bridge District to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: A bill (H. R. 20536) to increase the efficiency of the United States Military and the United States Naval Academies, and to increase the number of graduates therefrom by the immediate establishment of a one-year united service school near Fort Crook or Bellevue, Nebr.; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 20537) authorizing the construction of a military road from Washington City, D. C., to the Government reservation at Winthrop, Md., and making an appropriation therefor; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 20538) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; to the Committee on Banking and Currency.

Also, a bill (H. R. 20539) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; to the Committee on Banking and Currency.

Also, a bill (H. R. 20540) to authorize national banking associations to establish branches; to the Committee on Banking and Currency.

By Mr. RAINEY: Resolution (H. Res. 468) authorizing the Rivers and Harbors Committee to investigate impounding of water back of Keokuk Dam; to the Committee on Rivers and Harbors.

By Mr. HOUSTON: Resolution (H. Res. 469) for consideration of H. R. 20361 to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes; to the Committee on Rules.

By Mr. HAMLIN: Resolution (H. Res. 471) for the consideration of H. R. 20500; to the Committee on Rules.

By Mr. RANDALL: Resolution (H. Res. 472) for the consideration of H. R. 18986; to the Committee on Rules.

By Mr. SIMS: Joint resolution (H. J. Res. 360) appropriating $40,000 for the relief of flood sufferers in the State of Tennessee, and for other purposes; to the Committee on Appropriations.

By Mr. MORIN (by request): Joint resolution (H. J. Res. 361) to amend the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 20541) granting an increase of pension to Walter B. Kelley; to the Committee on Pensions.

Also, a bill (H. R. 20542) granting an increase of pension to Albert L. Needham; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20543) granting an increase of pension to Thomas Cothron; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 20544) granting an increase of pension to Charles H. Erdman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20545) granting a pension to Patrick F. Flannery; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 20546) granting an increase of pension to Andrew Robertson; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 20547) granting a pension to Mary H. Anthony; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 20548) granting an increase of pension to Mary S. Barkley; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 20549) authorizing the Secretary of the Interior to grant certain lands to the city of Butte, Mont., for public park purposes; to the Committee on the Public Lands.

By Mr. FESS: A bill (H. R. 20550) granting a pension to David H. Earl; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 20551) granting an increase of pension to William H. Adams; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 20552) granting an increase of pension to Cassius M. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20553) granting an increase of pension to Wellsley Crane; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20554) granting an increase of pension to Stephen Routh; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 20555) granting an increase of pension to George W. White; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20556) granting an increase of pension to Charles A. McLoskey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 20557) granting an increase of pension to Henry D. Jennings; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 20558) granting an increase of pension to Treflay Cayan; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 20559) granting a pension to Edwina B. Kemp; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 20560) granting an increase of pension to Isaac B. Robinson; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 20561) granting a pension to Sarah J. Casler; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 20562) for the relief of Albert C. Sappington; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 20563) granting an increase of pension to Lucius A. West; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 20564) to remove the charge of desertion from the record of James Flannigan; to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 20565) granting an increase of pension to Byron Truesdell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20566) granting an increase of pension to Mary E. Grove; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20567) granting an increase of pension to Samuel Burrows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20568) granting an increase of pension to Jacob Herpin; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 20569) granting an increase of pension to Thomas E. Stanley; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 20570) granting an increase of pension to James Mackall; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 20571) granting an increase of pension to Barbara Johnson; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 20572) granting an increase of pension to John H. Nutter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Protests of sundry individuals and firms of Cincinnati, Ohio, against excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, protests of sundry individuals and firms of Cincinnati, Ohio, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Ralph Curry O'Kane, of Cincinnati, Ohio, for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, protest of sundry residents of Cincinnati, Ohio, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of Socialist Party of Altoona, Pa., by P. M. Swanger, president, and Isaac Jones, secretary, mail-exclusion bills, House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, petition of Warren S. Blauvelt, Benjamin C. Comfort, T. C. Eayrs, M. Reed, George H. Bancroft, H. W. Stuffs, S. R. Tymstra, J. H. Figee, J. J. Krauss, J. H. Gilhooly, W. S. Cragg, G. D. Douglas, H. J. Zamit, and Charles W. Smith, all of Detroit, Mich., for the passage of House bill 13281, to promote better trade relations with Latin America; to the Committee on Ways and Means.

By Mr. CURRY: Petition of William F. Bornhorst, president, St. Helena Chamber of Commerce, and 38 other citizens of Napa County, Cal., protesting against the passage of prohibition legislation; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Henry P. Richardson, superintendent house of detention for children, Philadelphia, Pa., favoring probation officer in connection with Federal Courts; to the Committee on the Judiciary.

Also, petition of State Probation Commission of New York, Homer Folks, president, favoring probation officer for Federal district courts; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of National Model License League, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 5 citizens of Moorestown, N. J., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Mrs. Mary E. Izard, favoring national woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Harry A. Van Gilder, favoring legislation for protection for migratory game birds; to the Committee on Foreign Affairs.

Also, petition of R. Herbert Crowell, favoring national woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. EVANS: Petition of Methodist Episcopal Sunday School at Musselshell, Mont., representing 100 persons, and Methodist Episcopal Church of Valier, Mont., favoring prohibition amendment; to the Committee on the Judiciary.

By Mr. FARR: Memorial of the commander and other members of the United Spanish War Veterans, favoring an increase of pay to clerks in the Quartermaster Corps; to the Committee on Military Affairs.

Also, petition of H. A. Eldridge, W. E. Lord, and other members of Division 276, Brotherhood of Locomotive Engineers, Scranton, Pa., against the adoption of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Stewart Warring, president of the board of education of Evanston, Ill., favoring the Smith-Hughes vocational-education bill; to the Committee on Education.

Also, petition of Gustave K. Carns, of La Salle, Ill., for a resolution warning American citizens from taking passage on belligerent ships; to the Committee on Foreign Affairs.

Also, petition of National Model License League, against prohibition for the District of Columbia, except by vote of the people of the District; to the Committee on the District of Columbia.

Also, memorial of the Massachusetts Real Estate Exchange, favoring old-age pensions; to the Committee on Pensions.

By Mr. GALLIVAN: Protests against the passage of prohibition legislation; to the Committee on the Judiciary.

By Mr. GARDNER: Petition of M. J. Whittall, of Worcester, Mass., and various other manufacturers of Massachusetts, against the proposed increase in the tax on corporations; to the Committee on Ways and Means.

Also, petition of New Departure Manufacturing Co., of Bristol, Conn., and other manufacturing concerns, protesting against the proposed tax on corporations; to the Committee on Ways and Means.

By Mr. HART: Petition of Hackensack (N. J.) business and professional men, favoring an appropriation for field service for training alien population of the United States for citizenship; to the Committee on Appropriations.

Also, petition of Junior Order of American Mechanics, of Hackensack, N. J., favoring an appropriation for field service for training alien population of the United States for citizenship; to the Committee on Appropriations.

By Mr. KONOP: Petition of citizens of Kaukana, Wis., protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of the Townsend Grace Co., H. L. Gartner Marble Co., Brigham Hopkins Co., and Hilgartner Marble Co., of Baltimore, Md., opposing new revenue bill; to the Committee on Ways and Means.

Also, petition of Edwin Warfield, president of Fidelity & Deposit Co. of Baltimore, asking support of Hitchcock-Flood bill to give effect to treaty with Canada for protection of migratory birds; to the Committee on Foreign Affairs.

Also, petition of Alma Manufacturing Co., Maryland Casualty Co., and Swindell Bros., druggists, all of Baltimore, Md., opposing certain provisions of the proposed new revenue bill; to the Committee on Ways and Means.

Also, petition of District Lodge, No. 44, International Association of Machinists, Washington, D. C., favoring the retaining in the fortifications appropriation bill of the proviso against the Taylor system of so-called scientific management; to the Committee on Appropriations.

Also, petition of Local Union No. 11, of the National Brotherhood of Potters; Cook-Kries & Co.; and the John B. Adt Co., all of Baltimore, Md., opposing the Bankhead bill and the Randall bill, House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

Also, petition of William O'Neill, Baltimore, Md., opposing universal military training; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: Petition signed by 336 citizens of the city of Indianapolis, Ind., protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Oil Well Supply Co., Pittsburgh Valve Foundry & Construction Co., and Pittsburgh Dry Goods

Co., with reference to excise tax on net income; to the Committee on Ways and Means.

By Mr. NORTH: Petitions of Dayton Methodist Episcopal Church, representing 350 people; Milton Methodist Episcopal Church, representing 100 people; Smicksburg Methodist Episcopal Church, representing 250 people; Pine Flats Christian Church, representing 60 people; the United Presbyterian Church of Dayton; the United Evangelical Church of Coolspring; Dayton Woman's Christian Temperance Union, representing 58 people; Summerville Woman's Christian Temperance Union, representing 15 people; Dayton Methodist Episcopal Sunday School, representing 380 people; Dayton Epworth League, representing 50 people; Young People's Society of the United Presbyterian Church; and 128 voters of Dayton, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

By Mr. REILLY: Petition by the citizens of Berlin, opposing prohibition legislation; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petition of voters of Auglaize County, Ohio, protesting against the passage of the Sheppard bill and others; to the Committee on the District of Columbia.

By Mr. SCULLY: Petitions of Methodist Protestant Church, Shiloh Colored Baptist Church, Friends' Church, Sunday School Association, Baptist Ladies' Aid, Leonardo Baptist Church young people, all of Monmouth County, N. J., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition from residents of the fifth district of Wisconsin, protesting against the passage of the District of Columbia and national prohibition measures, as well as the mail-exclusion bill; to the Committee on the District of Columbia.

By Mr. STINESS: Petition of the Rhode Island Mothers' Congress, indorsing the bill to establish a woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of the Society of Colonial Dames in Rhode Island, regarding the deportation of Belgian workingmen; to the Committee on Foreign Affairs.

Also, petition of H. Augustus Kendall, of Providence, R. I., chairman of the executive committee Rhode Island Life Underwriters' Association, favoring the bill to incorporate the National Association of Life Underwriters; to the Committee on the Judiciary.

Also, petition of the extension industrial secretary, Young Women's Christian Association, of Rhode Island, favoring the Casey bill to establish a woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of David J. White, president of Rhode Island Underwriters' Association, favoring the bill to incorporate the National Association of Life Underwriters; to the Committee on the Judiciary.

Also, petition signed by Nelson Street in behalf of the town criers of Rhode Island, opposing the passage of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Petition of sundry citizens of Massachusetts, protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of Bristol Division, No. 107, Sons of Temperance, and Woman's Christian Temperance Union, Bristol, Pa., praying for national prohibition; to the Committee on the Judiciary.